

## **Conditional Use Permit CUP 04-17 for parcel 0140109 for Henry and Lois Stark.**

- 1. Town Board reserves the right to annually review Conditional Use Permit 04-17 to ensure that all conditions and restrictions that have been placed on the operation to protect and promote the general welfare of the citizens of the Town are being followed. Annually and a minimum of two months before the end date of the current CUP the owner of the permit may request a one year extension. The Conditional Use Permit may be renewed annually by the Town Board as long as all conditions of the permit are met unless the owner or Town Board seeks to re-negotiate and create a new conditional use permit. An approved conditional use permit shall transfer with the property if ownership of the property changes and all conditions of the permit shall apply to the new owners and applies to all entities operating as part of the clay mine.**
- 2. All travel by vehicles transporting extracted clay or traveling to the subject premises for the purposes of loading extracted clay shall be between the entrance to the subject premises of Wall Street, and directly to, by the shortest route, the nearest intersection of Wall Street with State Highway 91.**
- 3. Clay and other materials shall not be extracted, nor shall clay or any other materials be piled or stored within 50 feet of any road right-of-way. Dimension of extracted area shall not exceed total area of 25 acres and be consistent with the clay removal plan approved by East Central Wisconsin Plan commission. Current clay extraction plan shall be filed with the Town Board.**
- 4. Henry and Lois Stark, or any person operating a business under this conditional use permit on the subject premises by his permission consent, or with his contractual agreement shall be responsible, jointly or severally, for maintaining the conditions of any roads in the Town of Nepeuskun used in the operation of such business and shall indemnify and hold the Town of Nepeuskun harmless for any repairs done to said roads necessitated by the operation of said business. To this end, a contractor's bond shall be provided, payable to the Town of Nepeuskun in the sum of \$100,000 conditioned upon reimbursement of the Town for any damages caused to roads in the Town of Nepeuskun as a result of the operation of any business of extracting clay on the subject premises, or the operation of any business pursuant to this conditional use permit.**
- 5. At the expense of Henry and Lois Stark, or any person operating a business under this conditional use permit and prior to commencement of business under this permit, shall inspect Wall Street between the subject premises and Highway 91. A report on its condition shall be prepared and delivered to the Town of Nepeuskun indicating the condition of Wall Street and its projected life span and any necessary repairs.**
- 6. All trucks operated in the proposed business operation on the subject premises shall be limited to a maximum speed of 45 miles per on Wall Street in the Town of Nepeuskun.**
- 7. Trucks in the operation of the proposed business on the subject premises shall enter and leave the premises only between the hours of 6:00 A.M. and 7:00 P.M. The gross weight of any truck shall be limited to the permitted weight.**
- 8. All precautions shall be taken on the subject premises at the expense of Henry and Lois Stark in such a location as to provide for removal of substantially all mud from the wheels of trucks used in operations under this permit before such trucks exit onto Wall Street.**
- 9. If necessary, from time to time in order to eliminate dust and dirt on Wall Street in the Town of Nepeuskun used in the operation of the proposed business on the subject site shall be watered and/or**

swept at the expense of Henry and Lois Stark to the reasonable satisfaction of the Town of Nepeuskun Town Board.

- 10. Property owners will ensure compliance with all local, state, and federal requirements.
- 11. Upon completion of extraction on the subject premises the resulting pond shall not exceed the depth of the approved extraction plan with the depth of the pond gradually increasing from the edges. The remainder of the subject premises used in conjunction with this conditional use permit shall be graded to conform to the surrounding. A copy of the approved extraction plan shall be provided to the Town.
- 12. Property owner shall hold all contractors and sub-contractors to the conditions of CUP 04-17.

This permit is valid from September 1, 2017 through August 31, 2018 to annual renewal per #1.

**APPLICANT:**

**NEPEUSKUN TOWN BOARD:**

\_\_\_\_\_  
Henry and/or Lois Stark, Jr

\_\_\_\_\_  
Chairman

Phone: \_\_\_\_\_

\_\_\_\_\_  
Supervisor

ATTEST: \_\_\_\_\_

Clerk

\_\_\_\_\_  
Supervisor

DATE: \_\_\_\_\_