



Saint Paul's Liberty Lutheran Church

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April 1, 2019

Dear Zoning and Land Regulation Committee Members,

Thank you for taking the time to listen to our comments concerning the Oak Park Quarry CUP #02449 at your meeting on March 26, 2019. We appreciate your attention to this matter which is of utmost importance to us.

A few days prior to the Town Board meeting on March 11, 2019, we learned that the Board would most likely approve the CUP. Consequently, we compiled a list of conditions (directly related to blasting) that we asked the Board to consider in order to protect our historic church and cemetery. They did accept portions of two of our proposed conditions which they have assigned #6 and #7 on the CUP. We have included these in the attached documents.

We would ask that you also give consideration to the remainder of our proposed conditions as you work through the complexities of this situation (see Options A and B attached). Please note that the proposed conditions relate directly to meeting Standards 1, 2, and 3 that are required of all CUPs. In other words, the conditions that we are proposing are necessary to guarantee that the quarry operation will not be detrimental to the public health, safety and general welfare (Standard 1), that the uses, values and enjoyment of neighboring property will not be substantially diminished or impaired (Standard 2), and the normal and orderly development and improvement of the surrounding property will not be impeded (Standard 3).

Ideally, we encourage you to take the necessary time to fully address the issue of blasting in the proposed CUP.

Sincerely,
Pastor Holly Slater
Todd Birkrem (Council President)
Roxann Engelstad (Council Consultant)
Michelle Jensen (Council Member)

Option A (No Blasting Permit) — Conditions:

1.) Operations shall cease no later than 1 (one) year from the date of CUP approval.

- *Blasting records from 2015 show that Oak Park Quarry repeatedly violated the Town's ordinances.*
- *In 2014 and 2015, blasting records indicate that the quarry violated the State blasting code (SPS 307) at least three times. (The allowable airblast pressure was exceeded twice and there was a flyrock accident on Oak Park Road where a vehicle was hit by flying rock and debris.)*
- *The previous CUP was nearly revoked by a 3-2 vote in the County in 2016.*
- *The quarry needs to earn the trust of the community.*

2.) This is a no blasting CUP.

- *No "substantial evidence" given by Oak Park Quarry to show that they can blast within the Town's ordinances.*
 - There has been no blasting at the quarry since December 4, 2015.
 - In 2016, the quarry owner submitted letters from three blasting companies stating they couldn't blast within the ordinances.
 - For the CUP renewal application, the quarry owner has not presented valid evidence of a blasting company willing to blast within the ordinances at either the Township meetings or the ZLR public hearing.
- *Extensive "substantial evidence" provided by the church and residents of the Town, including:*
 - Examples of the decrease in home and property values (due to blasting at the quarry) have been substantiated.
 - Numerous examples of damage due to blasting have been cited, including four residential homes, Schuster's round barn, St. Paul's Liberty Lutheran Church, and tombstones in the church's adjacent cemetery.
 - Members of the congregation have observed physical evidence of the church cracking and mortar falling during blasting events. (No further damage has occurred since the blasting ceased in 2015.)
 - In 2016, the Cemetery Association of the church received maximum compensation on its insurance claim for tombstone damage, but was also required to sign a "Release Agreement" stating that they would never submit another claim "resulting from blasting operations at the Oak Park Quarry."
 - Future expansion of the cemetery (to the north) will be impaired with the proposed CUP, since the blasting hinders our ability to sell burial lots which are too close to the quarry.
 - As a result of the quarry's flyrock accident on September 8, 2015, the quarry is required to block off Oak Park Road during blasting, thus limiting access to, and impeding the use of, both the church and the cemetery.
 - Renovation plans for the church have been impaired due to the proposed blasting; restoration consultants and contractors are reluctant to begin a project at the church until blasting has ceased.
 - St. Paul's Liberty Lutheran Church is 168 years old, constructed of quarried limestone and mortar, and was built on the same bedrock as the quarry. It is extremely sensitive to ground-borne vibration. If blasting is allowed to continue, it will accelerate deterioration of the stone and mortar, which will compromise our ability to worship in the same location in the future.

Option B (Permit Includes Blasting) — Conditions:

1.) Operations shall cease no later than 1 (one) year from the date of CUP approval.

- *Blasting records show that Oak Park Quarry repeatedly violated the Town's ordinances.*
- *In 2014 and 2015, blasting records indicate that the quarry violated the State blasting code (SPS 307) at least three times. (The allowable airblast pressure was exceeded twice and there was a flyrock accident on Oak Park Road where a vehicle was hit by flying rock and debris.)*
- *The previous CUP was nearly revoked by a 3-2 vote in the County in 2016.*
- *The quarry needs to show they can blast in a responsible way to earn the trust of the community.*

2.) The following blasting limits will be in effect at all historical structures:

- a.) A maximum PPV of 0.20 in./sec.**
- b.) A maximum PPV of 0.15 in./sec. when the frequency is less than 14 Hz.**
- c.) A maximum airblast of 123 dB(L).**

- *The above vibration limits are identical to the Town's Ordinances 2016-03 and 2016-05.*
- *The restriction on the airblast does not allow for 1 out of 10 to be above 123 dB, unlike Ordinance 2015-02.*
- *Although a number of case studies recommended that the blasting level near a sensitive / historic structure should be restricted to a PPV of 0.12 in./sec. or less, the church accepted the Town Ordinances since a responsible blaster will use 0.12 in./sec. as a target and will use the 0.20 in./sec. as a maximum limit.*
- *It is imperative to have the Town's ordinances included in the conditions of the CUP, in case local control of the mineral extraction site is retracted by the State.*

3.) The operator shall monitor with suitable seismographic measuring and recording equipment all blasting at each historic site within 0.75 miles of the quarry to include (but not limited to):

- a.) St. Paul's Liberty Lutheran Church (SPLLC)**
- b.) St. Paul's Liberty Lutheran Cemetery (SPLLC Cemetery Assoc. determines site location)**
- c.) Schuster's round barn**
- d.) Deerfield Lutheran Church Cemetery (cemetery caretaker determines site location)**
- e.) The Sjur Reque farmhouse**

4.) Any missing seismograph data from an individual blast, that should have been recorded by the operator, will automatically count as an exceedance of the blasting limits.

- *In 2015, blasting data was reported for 31 blasts from July to Dec – data was missing on 7 of those blasts.*
- *Missing seismograph data needs to have a penalty associated with it.*

5.) The church shall receive all seismograph data from the Town Clerk within 5 business days of the blast.

6.) Any violation of the blasting limits will result in a revocation of the CUP.

- *There needs to be a definitive penalty for blasting violations, other than the Town's monetary fine.*

7.) The quarry will forfeit \$15,000 to an historic site if the blasting limits are exceeded in that location.

- *Fines imposed by the Town do not compensate for damage that may have occurred at an historic site.*

8.) Blasting will not be allowed from December 1 until March 31.

- *At the Town Board meeting on Feb 11, 2019, Jeff Furseth explained why they could not perform a test blast at the quarry during the winter months. He stated, "Because the readings from a seismograph when it is cold and frozen won't be accurate."*
- *If accurate seismograph readings can't be obtained in the winter months, then blasting should not be allowed during this time because the blasting levels cannot be monitored.*

We appreciate the Town Board for accepting the following conditions that we originally suggested:

Condition 6 (approved by Town Board on March 11, 2019):

The seismograph at St. Paul's Liberty Lutheran Church shall be placed by a third party agreed to by the church and the quarry, and will be paid for the quarry. A copy of the agreement will be forwarded to the Town Clerk. In the event that a third party cannot be agreed upon, then the blaster shall place two seismographs at the church. The seismograph data recorded by the operator will include Peak Particle Velocity (PPV) and the corresponding frequencies and the maximum airblast in decibel (dB).

Condition 7 (approved by Town Board on March 11, 2019):

The operator shall contact St. Paul's Liberty Lutheran Church and the Town Clerk and the cemetery association by email 2 days in advance of blasting to verify that the church and/or cemetery will not be in use for Church services, weddings, or funerals during the proposed blasting date and time. Blasting will not take place during the week-long summer school, and the church will notify the quarry and the Town Clerk when summer school will take place. There will be no blasting on election days.