

Exhibit A

Town of Deerfield Comprehensive Plan

Recommended by the Town Planning Commission: August 7, 2006

Adopted by the Town Board: April 9, 2007

CHAPTER TWO: AGRICULTURAL, NATURAL, AND CULTURAL RESOURCES

G. Cultural Resource Inventory

Preservation of historic and cultural resources fosters a sense of pride, improves quality of life, and provides an important feeling of social and cultural continuity between the past, present and future. According to the State Historical Society, “the history of the Town of Deerfield is rich, varied, and occurs in many forms such as archeological sites, buildings, and historic landscapes. Land use planning is a rare opportunity to identify, evaluate, and protect these priceless resources.” The following sections describe the Town’s significant historic and archeological resources.

1. Historic Resources

There are no buildings or properties in the Town listed in the State or National Register of Historic Places. However, this should not be interpreted to mean that the Town does not have a fine collection of historic or architecturally significant buildings and sites. The State Historical Society’s Architecture and History Inventory (AHI) contains data on a wide range of historic properties throughout the state—such as round barns, cast iron bridges, commercial buildings, schoolhouses, and turn-of-the-century homes—that create Wisconsin’s distinct cultural landscape. The AHI includes 52 documented properties in the Town. These properties include older homes and outbuildings, farmsteads, barns, and schoolhouses including the Liberty Schoolhouse built in 1889, and churches including the St Paul’s Liberty Lutheran Church constructed in 1851.

2. Archeological Resources

The Wisconsin State Historical Society maintains and constantly updates a list of archeological sites and cemeteries: the Archeological Site Inventory Database (ASI). According to the State Historical Society, there were 17 known archaeological sites and cemeteries identified in the Town as of July 2003. These sites include cemetery/burial grounds, mounds, cabin/homestead, and Native American campsite/villages. The sites identified to date are not fully representative, however, of the area’s rich history and the breadth of sites, as only a small portion of the Town has actually been surveyed—generally only required for certain projects.

Based on the information from available archeological surveys, the State Historical Society has identified certain characteristics of areas where additional sites would probably be found, such as along higher, dryer areas adjacent to current and former lakes, rivers, streams and wetlands, and areas adjacent to older historic features such as trails, early roads, rail corridors, homesteads, and communities. Map 3 shows the general location of known archeological sites, though it is not exhaustive.

Exhibit A, cont.

Town of Deerfield Comprehensive Plan

CHAPTER TWO: AGRICULTURAL, NATURAL, AND CULTURAL RESOURCES

H. Cultural Resource Goals, Objectives and Policies

1. **Goal:**
Enhance and maintain the Town's cultural resources and rural character.
2. **Objectives:**
 - a. Preserve the Town's agricultural, cultural, historic, and archeological resources that celebrate the community's pre-settlement and early settlement periods.
 - b. Identify and protect cultural, historic and archeological resources.
 - c. Prohibit incompatible land uses (e.g. high traffic generators, noisy uses, or unaesthetic uses) from locating within or next to residential areas.
 - d. Encourage the preservation of historically and architecturally significant structures.
 - e. Protect scenic roadways in the Town.
3. **Policies:**
 1. Cooperate with the State Historic Society, Dane County, and other surrounding communities on a comprehensive survey of historic and archeological resources in the Town.
 2. Encourage private landowners to protect and, if necessary, rehabilitate identified cultural, historic and archeological resources when specific sites are proposed for development.
 3. Support local festivals, fairs, farm tours, farm breakfasts, and markets that celebrate the Town's farming heritage and rural way of life.
 4. Support Dane County zoning and subdivision regulations that are intended to prohibit incompatible land uses.
 5. Work with Dane County to establish standards for siting and constructing telecommunication towers in the Town.
 6. Consider the designation of one or more "Rustic Roads" in the Town.

I. Cultural Resource Recommendations and Programs

This plan encourages the preservation of historic, archeological, and cultural resources in the Town. Map 3 depicts known archeological sites that are included in the Wisconsin Archeological Site Inventory (ASI) database. Mapped archeological sites are predominately burial sites. It is important to note that the ASI database contains only those sites that have been identified by or reported to the State Historical Society. They do not include all sites of historic or archeological significance in the Town. Under Wisconsin law, Native American burial mounds, unmarked burials, and all marked and unmarked cemeteries are protected from intentional disturbance. Dane County ordinances require a 25-foot setback from Native American burial mounds.

The Town intends to make a specific request to the State Historical Society for more detailed information when a specific development proposal is offered on land in an area where a known historic or archeological site has been mapped, if its location is not readily apparent. The Town should also work with the county and state in preserving the community's historic farmsteads and outbuildings that contribute to Deerfield's agricultural heritage and aesthetic beauty. These important Town landmarks should be included in any future cultural resource identification and protection programs.

Finally, the Town will continue to promote the community's farming heritage by supporting local festivals, fairs, markets, farm tours, or farm breakfasts.

Exhibit B

Release Agreement with Church Mutual

From: "Gerdes, Nikki L." <ngerdes@churchmutual.com>
Subject: RE: Claim #1278973 St. Pauls Liberty Lutheran church
Date: December 6, 2018 at 2:49:33 PM CST
To: 'Roxann Engelstad' <roxann.engelstad@wisc.edu>

Good Afternoon Roxann,

Per your request I have attached a copy of the time stamped signed agreement for this claim loss.

Thank you,

Nikki Gerdes
Property Claims Representative III
Church Mutual Insurance Company
800-554-2642 ext 4822
ngerdes@churchmutual.com

RELEASE AGREEMENT

OCT 05 2016
1278973

St. Paul's Liberty Lutheran Cemetery Association, for the sole consideration of Fifteen Thousand Dollars (\$15,000), the receipt of which is hereby acknowledged, does, for itself, its successors and assigns, its agents, its parent and affiliated organizations, and other all persons or organizations who now or in the future claim to be insureds under any insurance policy issued by Church Mutual Insurance Company to St. Paul's Liberty Lutheran Cemetery Association or St. Paul's Liberty Lutheran Church, release and forever discharge Church Mutual Insurance Company, and all of its agents, representatives, employees, directors, officers, predecessors, successors, and assigns, from any and all claims, demands, liabilities, or obligations, of whatever nature whatsoever, now existing or which may hereinafter arise, including claims for insurance coverage under insurance policy number 0016380-02-837872, and any policy previously issued or hereinafter issued by Church Mutual Insurance Company to St. Paul's Liberty Lutheran Cemetery Association and/or St. Paul's Liberty Lutheran Church, resulting from or arising out of loss, damages, or expenses that have been, or in the future may be, incurred arising out of past or future movement of or damage to any tombstones or other grave site structure caused by or resulting from blasting operations at the Oak Park Quarry. This release does not include any claims by St. Paul's Liberty Lutheran Church for claimed damage to its buildings.

St. Paul Cemetery Association

Dated: 10/3/16

By: Mark Hopfinger
Its: Treasurer

Exhibit C

Checking the Movement of the Tombstones

Sample Tombstone #1



Front and side views of Tombstone #1 taken in December of 2015 and then again in December of 2018.



Sample Tombstone #1, cont.



Comparing the photos from 2015 and 2018, the measurement shown here illustrates that Tombstone #1 has not moved since blasting ceased in 2015.



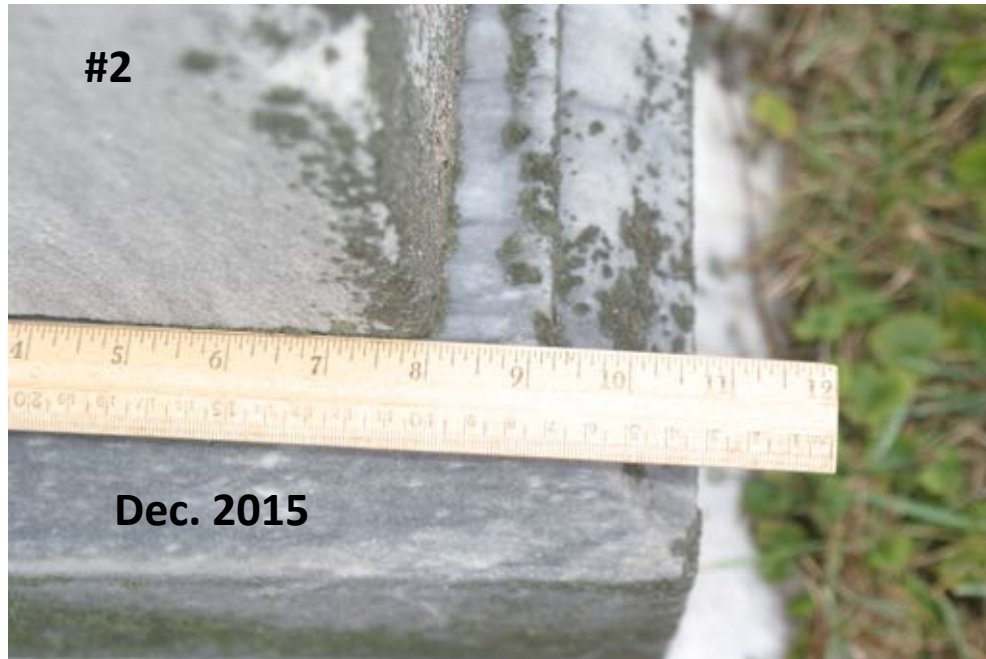
Sample Tombstone #2



Front and side views of Tombstone #2 taken in December of 2015 and then again in December of 2018.



Sample Tombstone #2, cont.



Comparing the photos from 2015 and 2018, the measurement shown here illustrates that Tombstone #2 has not moved since blasting ceased in 2015.



Sample Tombstone #3



Front views of Tombstone #3 taken in December of 2015 and then again in December of 2018.



The upper portion of the headstone weighs approximately 1000 lbs.

The photo taken in 2015 shows that the tombstone had shifted "uphill" from its original position.

Sample Tombstone #3, cont.



Comparing the photos from 2015 and 2018, the measurement shown here illustrates that Tombstone #3 has not moved since blasting ceased in 2015.



Note that the adhesive marks visible in 2015 have been diminishing over the last three years.

Sample Tombstone #4



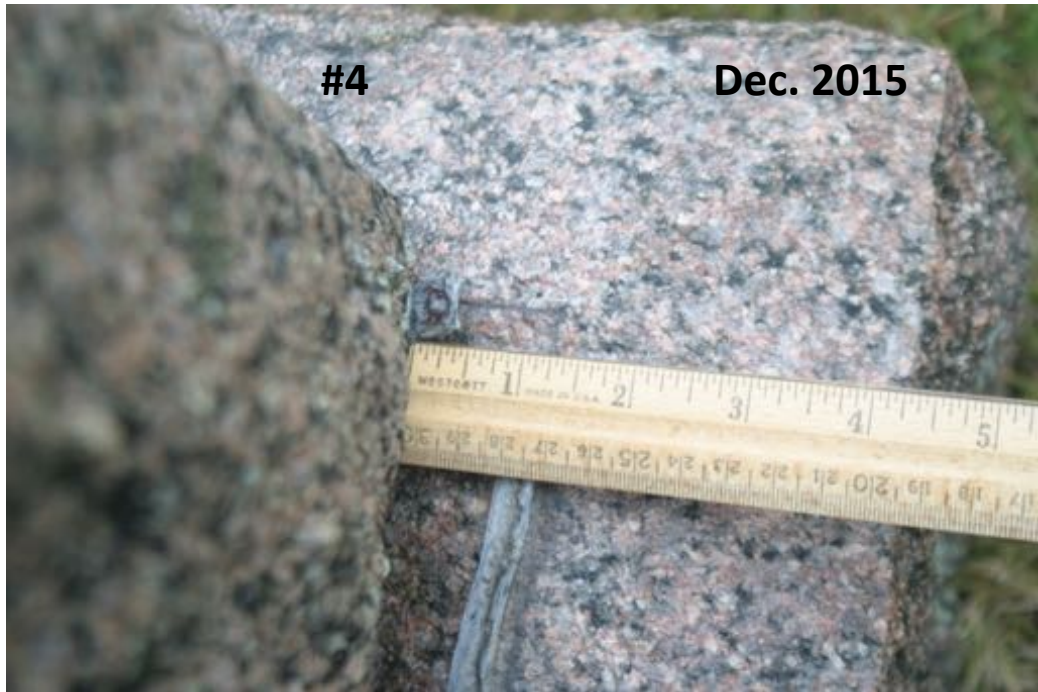
Front views of Tombstone #4
(The Gilderhus Stone)
taken in December of 2015 and
then again in December of 2018.



The upper portion of the
headstone weighs
approximately 650 lbs.

The photo taken in 2015
shows that the tombstone
had shifted "uphill" from its
original position.

Sample Tombstone #4, cont.



Comparing the photos from 2015 and 2018, the measurement shown here illustrates that Tombstone #4 has not moved since blasting ceased in 2015.



Sample Tombstone #4, cont.

The Gilderhus stone photos from “Find a Grave”
were added to the website on 8 May 2011



Noting the dates of the family members, the large Gilderhus family stone was probably put up between 1919 and 1927



The smaller stone next to the family stone was for Syvert Gilderhus (1850 – 1927), the father, and his son Elvin Gilderhus (1889 – 1919)

Sample Tombstone #4, cont.

**Close-Up View of the Gilderhus Stone
(photo from “Find a Grave” website)**



The 2011 photo shows that the upper portion of the Gilderhus stone is still in its original position after 80+ years.

Therefore, the “uphill” shifting of the upper portion took place between 2011 and 2015, when blasting was a regular event

County Zoning & Planning

I was asked if I could put down in writing, about what happened the day I was going by Liberty Church, north on Oak Park Rd.

I was stopped by the parking lot of the church, the man said they were about to blast rock in the pit.

Sitting on the road I looked up by the church. There were three or four people up there, so I pulled over into the parking lot and walked up to the church. While waiting I talked to the men that were there. They said the blasters never used to stop the traffic, but the last time a rock hit and damaged a car.

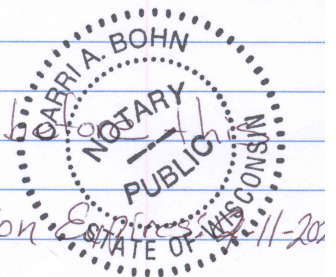
While standing there I asked how long before the blows, they said they thought it was overdue, anyway I leaned up against the windsill of the bell tower.

When the blast went off I couldn't believe how the church shook, next little pieces of mortar sizes of peas & sand fell down one piece almost the size of my thumb nail fell.

Art Mikkelsen
3428 Thorstad Ln
Deerfield, WI 53531

Art Mikkelsen personally appeared before me
2nd day of January 2019.

Cavli Bohn My Commission Expires 11-20
Notary Public
Dane Co, Wisconsin



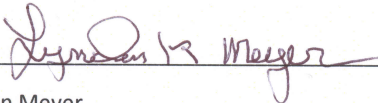


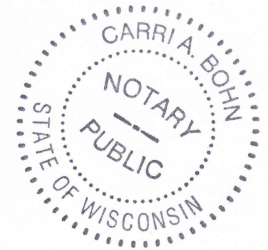
St. Paul's Liberty Lutheran Church
3494 Oak Park Road
Deerfield, WI 53531

January 7, 2019

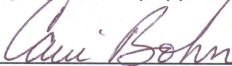
To Whom It May Concern:

From July 21 until December 4, 2015, I was present at the church for almost every blast occurring at the Oak Park Quarry. For each blasting event, I typically held on to the top of the well casing located in the front of the church on the northeast side, as shown in the photo below. I felt the vibrations in the casing during each blast, but there were a few that felt exceptionally strong. In particular, I remember when in addition to the tremendous shaking in the well casing, I visually observed the relatively severe vibrations of the stained glass window in the new narthex that was constructed in 2001. The intensity of the airblast was also extremely alarming.

Signed: 
Lyndon Meyer
President, St. Paul's Liberty Lutheran Cemetery Association



Lyndon Meyer personally appeared before me on this 7th day of January, 2019.

Signed: 
Carri Bohn, Notary Public, Dane County

Commission Expires: 9-11-2020



St. Paul's Liberty Lutheran Church
3494 Oak Park Road
Deerfield, WI 53531

January 7, 2019

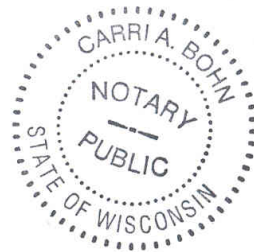
To Whom It May Concern:

From July 21 until December 4, 2015, I was present at the church for a number of blasts occurring at the Oak Park Quarry. There were two blasts during that time for which I specifically heard the "cracking" of the church.

The first time was in late Summer of 2015. I was inside the sanctuary of the church, touching the large stained glass window on the north side in order to sense the response of the window (see Photo 1 attached to this letter). During the blast, I could feel the vibrations of the window, but I also heard cracking of the plaster and/or windows on the south side of the sanctuary.

The second time was in the Fall of 2015. I stood outside of the basement door at the lower level of the new narthex (see Photo 2 attached to this letter). During the blast, I heard cracking of the stone and mortar, as well as the straining / creaking of the wood structure, near the top of the building. For safety reasons, I quickly ran away from the area because I was concerned that stone and mortar might be falling from above.

Signed: Roxann L. Engelstad
Roxann L. Engelstad
Secretary, St. Paul's Liberty Lutheran Cemetery Association



Roxann L. Engelstad personally appeared before me on this 7th day of January, 2019.

Signed: Carri Bohn Commission Expires: 9-11-2020
Carri Bohn, Notary Public, Dane County



Photo 1. Engelstad at the large stained glass window on the north side of the sanctuary.

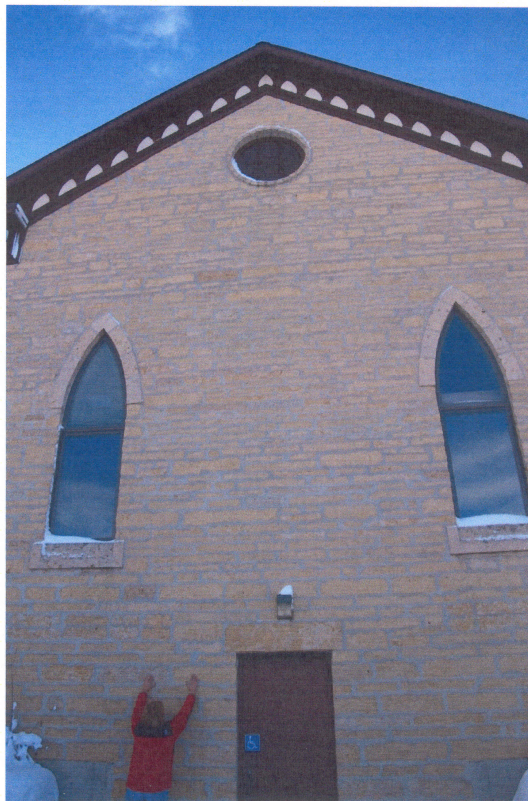
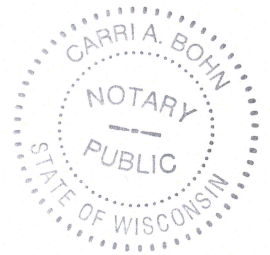


Photo 2. Engelstad outside the new narthex at the lower level of the north wall.





St. Paul's Liberty Lutheran Church
 3494 Oak Park Road
 Phone: (608) 764-5885
 Deerfield, WI 53531
 Email: stpllpastor@gmail.com

January 2, 2019

To Whom it may concern:

In August 2015, I stood inside the sanctuary touching the stained glass window on the northeast side during a blasting event. When I heard and felt the blast I felt movement in the stained glass and heard cracking in and around the stained glass. I was standing in the same place as the left picture.

Later that week in August 2015, I stood outside the church on the northeast side of the sanctuary. I was in the alcove. During the blasting event I heard and felt the blast and then I felt the overpressure shortly thereafter. I was standing in the same place as the right picture.



Sincerely,

Pastor Holly Slater

Pastor Holly Slater

Pastor Holly Slater personally appeared before this 2nd day of January 2019.

Carri A. Bohm
 NOTARY PUBLIC
 State of Wisconsin
 My Commission Expires 9-11-2020

Exhibit E

Stone and Mortar Pieces Falling from the Bell Tower

**Photos taken at the base of the Bell
Tower on the south side**



**Early in the Spring of 2015, fresh mulch was
put down around the shrubbery at the base
of the Bell Tower**



**By the end of July, pieces of
stone and mortar that had fallen
from the Bell Tower could be
seen on top of the new mulch**

**Blasting continued until December
of 2015, and a second photo was
taken in the early spring showing
that even more stone and mortar
had fallen since July**



Exhibit F

OAKBROOK ♦ ESSER STUDIOS

Dedicated to Excellence in Glass Art

January 14, 2019

Hello Roxanne,

It was nice meeting with you recently at St. Paul Liberty Lutheran church in Deerfield. The main purpose of our visit was to examine and review the stained glass windows.

The church was built in 1851 and the stained glass windows were installed in 1914. The original body of work consists of eight nave windows, one entry arch, two choir loft stairway windows and three tower windows. The windows were designed by the Carl A. Reimann Company of Milwaukee. In a 1915 advertisement it states that Carl was awarded his diploma in 1894 by the Royal Academy in Weimar Germany. Carl was highly regarded as an artist and was considered a master designer. He lived until 1937 and passed away in Milwaukee at the age of 64. He contributed greatly to the stained glass craft leaving historic examples of his work throughout the Midwest.

The history and importance of a stained glass window is first and foremost defined by the artist that initially designed it. It is a testament to the parishioners of St. Paul Liberty that sought out an artist of this caliber to create the stained glass windows that are seen today. The power of that action brought beautiful works of art into a small rural farming town.

The stained glass windows are currently in their original condition meaning that no restoration has been done to date. Some minor repairs were done in place in 1986. As all stained glass windows age they become more fragile as the elements of the window; lead came, glazing putty, copper wires and reinforcing bars start to break down and lose their integrity. This is not through lack of attention or maintenance it is just the passing of time. The windows at St. Paul Liberty are 105 years old. Even though they have served the church very well, deterioration will continue under normal circumstances. Other environmental conditions may accelerate deterioration.

I appreciate the call to visit St. Paul's and to have been given the opportunity to see your windows firsthand. The rural parishes are my favorite for they represent something very special to me. It defines a moment in time when the whole community, family, neighbors, and friends united in faith to build a house to worship God. I believe that this symbol is something to cherish and preserve forever.

Sincerely,



Paul Phelps

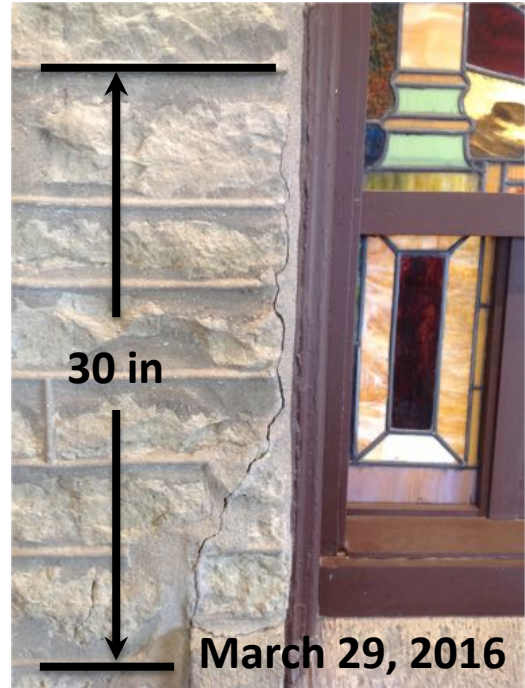
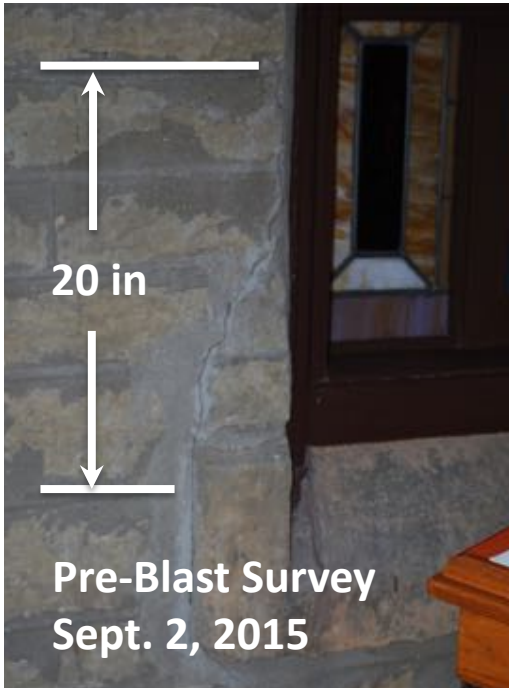
129 E. WISCONSIN AVENUE OCONOMOWOC, WI 53066

PH: 262.567.9310 ♦ FAX: 262.567.6487

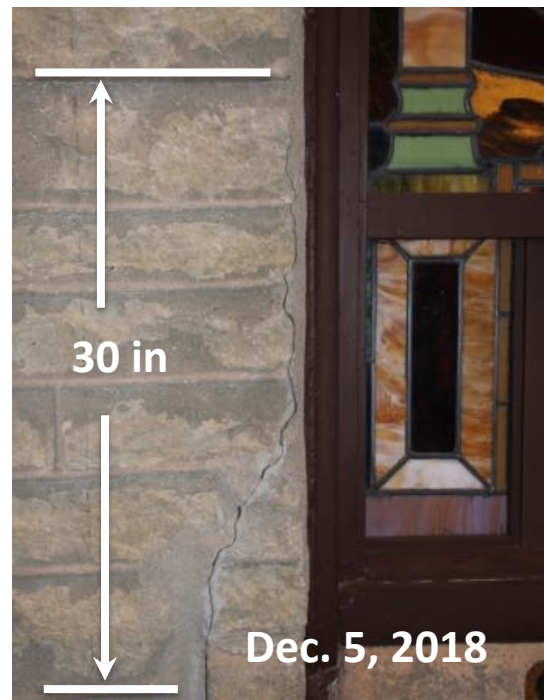
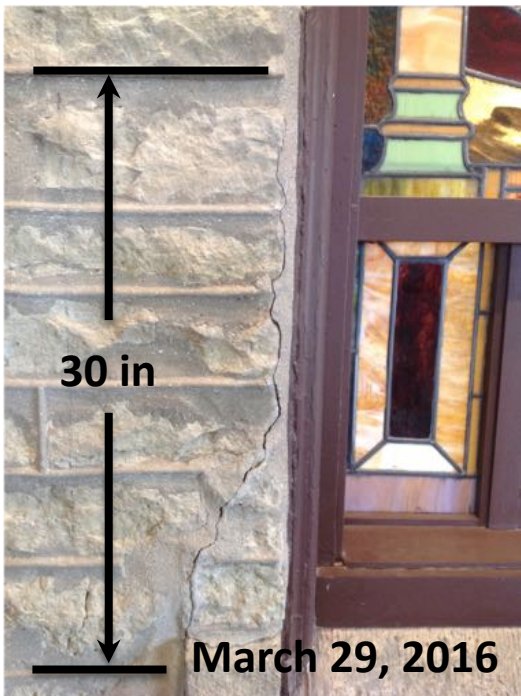


Exhibit G

Mortar Crack *Inside* the New Narthex



Mortar crack increased in length by 10 in. after Fall of 2015 blasting



No changes in the mortar crack for 3 years (no blasting during this time)

Valentine Schute [via riverarch.onmicrosoft.com](mailto:via_riverarch.onmicrosoft.com)

to me, Michael

Holly,

I have attached the correspondence from OTIE with their withdrawal to provide structural engineering services.

Val

Valentine J. Schute, Jr., AIA

Principal | v.schute@river-architects.com

740 7th Street North
La Crosse, WI 54601-3308
T (608) 785-2217
F (608) 785-2214
www.river-architects.com

From: James Hall <JHall@otie.com>
Sent: Friday, December 14, 2018 4:00 PM
To: Valentine Schute <V.Schute@river-architects.com>
Cc: Paul Karow <PKarow@otie.com>
Subject: St Paul's Liberty Lutheran Church

Val,

Thank you for considering OTIE for this project at St Paul's Church. After Paul's review of the existing building and learning more about nearby quarry, it was determined by our management that we will not be able to work on that based on risk. The reason for the high risk is the blasting in the quarry which is already causing issues now. We again thank you for the opportunity and hope that there will be other opportunities for us to work together in the future.

Take care,

James J. Hall, PE, SE

Structural Engineer

Oneida Total Integrated Enterprises (OTIE)

5100 Eastpark Blvd., Ste. 300
Madison, WI 53718
608.241.6717 office
608.215.4939 cell
608.241.3914 fax
jhall@otie.com
www.otie.com

Engineering, Science and Construction

EXHIBIT H Page 2

From: **jacob arndt** <jcb.arndt@gmail.com>
Date: Tue, Jan 8, 2019 at 2:22 PM
Subject: Re: Pre-blast survey
To: Holly Slater <stpllpastor@gmail.com>

Holly,

Some of the current damages on the church seem specific to shock waves and ground tremblers on masonry structures. Not the evidence of normal deterioration. The landmark church requires protection or damage will continue to deteriorate the structure and the historic stained glass works.

An Existing Conditions Report can be done by spring 2019 for the highest priority repairs. A full Historic Structures Report can be arranged perhaps by spring 2020. I highly recommend you establish a budget for the Existing Conditions Report nor for spring bid letting and perhaps summer and fall work schedule. I can assist you and your team if you like.

It is imperative that the landmark be protected from farther damages or heavy maintenance will just become an expensive annual routine. Either mitigate the blast episodes or budget an estimated \$15,000.00 annually for inspection, repointing, plasterwork, and stained glass repair. A stone structure that is only 150 years old should not have this kind of trembler damage as shown at window surrounds and at mortar joints and on interior plaster work.

Regards,

Jacob Arndt, President

Northwestern Masonry & Stone LLC
President