

**ORDER GRANTING A CONDITIONAL USE PERMIT FOR
MILESTONE MATERIALS TO ALLOW
NONMETALLIC MINERAL EXTRACTION
IN THE VILLAGE OF KRONENWETTER
MARATHON COUNTY, WISCONSIN**

WHEREAS, an application has been filed by Milestone Materials, a division of Mathy Construction Company, a Wisconsin corporation (hereinafter “Applicant”) for nonmetallic mineral extraction; and

WHEREAS, WES ANN Inc. is the current fee simple owner of that property which is the subject of this Permit and whose mailing address is 143750 Mount Vista Road, Mosinee, WI, 54455, has entered into a purchase agreement to sell to the Applicant the following property in the Village of Kronenwetter which is legally described as follows:

SEC 22-27-07 NE 1/4 NW 1/4 EX VOL 492D-640
VOL 500D-542 VOL 507D- 502

(“Subject Property”)

WHEREAS, the Subject Property is zoned AR-Agricultural and Residential District pursuant to § 520-11(A)(1) the Zoning Code of the Village; and

WHEREAS, pursuant to § 520-26(D) of the Zoning Code of the Village, nonmetallic mineral extraction is an authorized conditional use on the Subject Property; and

WHEREAS, the Applicant’s application and submitted documents consists of a cover letter a completed and signed Conditional Use Permit Application dated September 15, 2025, along with two (2) pages of informational/explanatory text and various site plan and other mapping for the proposed mining activity all entitled Nonmetallic Mining Conditional Use Permit Application; and

WHEREAS, Applicant represents and warrants that the application and materials submitted heretofore are true, accurate, and correct; are incorporated fully herein and were relied upon by the Village in its determination(s) herein; and

WHEREAS, upon receipt of the written application for a Conditional Use Permit filed by the Applicant, the Clerk properly referred such to the Plan Commission of the Village for its recommendation; and

WHEREAS, upon referral of the application by the Clerk, the Plan Commission for the Village scheduled a public hearing thereon as soon as practical; and

WHEREAS, upon publication of the required notices of public hearing to all parties in interest as required by § 520-121 of the Village Zoning Code, the Plan Commission held a public hearing on October 20, 2025; and

WHEREAS, the Plan Commission, following the public hearing and necessary study and investigation, having given the matter due consideration, and having based its recommendation on those factors set forth in § 520-121 of the Zoning Code of the Village, including the health, general welfare, safety and economic prosperity of the Village, denied the Conditional Use Permit; and

WHEREAS, on October 28, 2025, Applicant filed with the Village a notice appealing the Plan Commission’s decision denying the application; and

WHEREAS, after due and proper notice, on January 27, 2026, the Village Board held a special board meeting to consider the Applicant’s appeal; and

WHEREAS, the Village Board after receiving and reviewing the Plan Commission's findings and determination, having given the matter due consideration, and basing its recommendation on those standards as set forth in §520-121 of the Zoning Code of the Village, and as long as the conditional use operates in strict compliance with the following conditions resolves, orders and finds that:

THEREFORE, IT IS ORDERED AND RESOLVED AS FOLLOWS:

Commencing upon the date hereof, a Conditional Use Permit for the Subject Property is hereby granted to the Applicant upon the following terms and conditions.

The Conditional Use Permit granted herein shall apply only to the specific use of the Subject Property by Applicant for nonmetallic mineral extraction on the Subject Property and continue and exist only so long as this conditional use is operated in compliance with the terms of this Permit. This Conditional Use Permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations:

1. The Applicant shall submit all applicable County and State permits to the Village Zoning Administrator prior to the commencement of any mining operation on the Subject Property.
2. The Applicant shall submit a reclamation plan to the Village Zoning Administrator prior to the commencement of any mining operation on the Subject Property.
3. Mining operations will be between the hours of 7am – 6pm, Monday thru Friday. No operations on holidays. There shall be no mining operations in the months of July and August except for emergency situations approved by the Village Administrator. Maintenance on the Subject property may occur outside of these hours.
4. Mining operations will not exceed seven weeks in any calendar year.
5. Trucking operations will be between the hours of 8am – 5pm, Monday thru Friday. No trucking on holidays. There shall be no trucking operations in the months of July and August except for emergency situations approved by the Village Administrator.

6. The haul route for entry onto the Subject Property shall be Kronenwetter Drive to Beranek Road and exiting via Maple Ridge Drive.
7. Applicant shall rebuild Beranek Road from the exit of the Subject Property to Kronenwetter Drive. Such rebuild shall be to current Village standards and be maintained for the term of this Permit.
8. Applicant will install locking gates at the entrance and exits of the Subject Property and construct and maintain a cyclone fence six (6) feet in height around the mining area.
9. No lighting on the Subject Property except for safety lighting at gate entrances, as needed.
10. Applicant will meet with Village staff as needed to review the operation.
11. This Permit is for a term of five (5) years, with renewal to be granted in 5-year intervals, thereafter, provided all terms and conditions of this Permit are and have been complied with.
12. There shall be no explosive(s) blasting on the Subject Property.
13. There shall be no material processing (e.g. crushing) allowed on the Subject Property
14. Applicant will perform a Traffic Impact Analysis with a 3rd Party Consultant and provide the results to the Village. The Village may then modify certain conditions of this Permit to comply with the Traffic Impact Analysis recommendations.
15. Applicant, upon approval of the Village, will comply with the Traffic Impact Analysis on the proposed haul route and make necessary improvements as recommended.
16. Applicant will enter into a Road Agreement with the Village for Beranek Road and Maple Ridge Road, to cover repair costs for damages, if any, to the road attributed to Applicant's usage.
17. Applicant will place topsoil/dirt berms around the perimeter of the mine area to create a noise and visual barrier. Berms will use topsoil removed from the mine site. Berms will be higher in those areas where there is a lack of tree screening.
18. Applicant will preserve all stands of existing trees outside the mine site, including in the setback areas, for the life of the mine, except where access routes or safety require tree removal on a limited basis.
19. Only native material from the Subject Property will be extracted and removed/hailed off site.
20. This Conditional Use Permit is granted solely and exclusively to the Applicant for only so long as it continues to own in fee simple the Subject Property. This Conditional Use Permit is non-transferrable to any other person or entity without the prior approval of the Village.

21. This Conditional Use Permit is conditioned upon the Applicant and the Subject Property being and remaining compliant with all other village, county, state, and federal laws, rules, and regulations. The Applicant shall apply for, receive, and file proof of such permission with the Village Administrator of all other required local, state, and federal permits before activities commence.
22. The terms, conditions, and representations of the submittals by the Applicant for Conditional Use Permit are hereby incorporated herein and made a part of the conditions hereof to the extent not otherwise modified by the requirements herein and to the extent so modified, the conditions set forth herein shall control.
23. The Applicant shall promptly reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this Conditional Use Permit, including by way of enumeration without limitation, the cost of professional services incurred by the Village (including legal and other consulting fees) for review of and preparation of the Conditional Use Permit, attendance at meetings or other related professional services as well as for any actions the Village is required to take to enforce any of the conditions in this Conditional Use Permit due to a violation of these conditions by the Applicant.
24. Any use not specifically listed as permitted shall be considered to be prohibited except as maybe otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Village Board for determination.
25. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this Permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order, or rule by the Village, Marathon County, State of Wisconsin, United States, or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein.
26. Should this permitted Conditional Use be abandoned or discontinued in any manner for twelve (12) months or continued other than in strict conformity with the conditions of the original approval or should the Applicant be delinquent in payment of any monies due and owing to the Village, this Conditional Use may be terminated by action of the Village Board.
27. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to an addition, modification, alteration and/or amendment to the use, premises, structures, land or owners other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
28. Should any paragraphs or phrase of this Conditional Use Permit be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this Conditional Use and the remainder shall continue in full force and effect.

29. If any aspect of this Conditional Use Permit is in conflict with any other aspect of the Conditional Use Permit, the more restrictive provision shall be controlling as determined by the Village Board.

30. Copies of this Order shall be filed in the permanent records of the Village Board for the Village of Marathon City and copies sent to the proper authorities as well as the Applicant.

Approved this 27th day of January, 2026.

VILLAGE OF Kronenwetter

Dan Joling, Village President

ATTEST:

Jennifer Poyer, Village Clerk

Approval/Acceptance of Applicant dated this ___ day of _____, 2026.

Milestone Materials
APPLICANT

By: _____

Its: _____