

Date of Notice: September 15, 2009, 4:30 p.m.
POLK COUNTY LIME QUARRY COMMITTEE

Notice of Agenda

September 16, 2009, 5:30 p.m.

County Board Room, Polk County Government Center

There will be a Polk County Lime Quarry Committee meeting on Wednesday, September 16, at 5:30 p.m. in the County Board Room, Polk County Government Center, Balsam Lake, WI.

- Call to Order
- Approval of Agenda
- Public Comment
- Re-Opening of Operations
- Pricing of Lime and Other Materials
- Safety and Operational Concerns at Quarry

Closed Session for purposes of Establishing Compensation and Employment Terms for Interim Manager

Closed session under Wis. Stat. Sec. 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

The Committee may go back into open session following closed session to take or announce action, if any or appropriate.

- Adjourn

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

Polk County Lime Quarry Committee
Polk County Government Center, County Board Room
100 Polk County Plaza, Balsam Lake, Wisconsin 54810
Minutes of September 16, 2009 Meeting

Chairman Jepsen called the meeting to order at 5:35 p.m. Present were members Dean Johansen, Ted Johnson, Kathryn Kienholz, and Diane Stoneking. Also present were lime quarry temporary manager Moe Norby, quarry bookkeeper Judy Glenna, employee relations director Andrea Jerrick, assistant corporation counsel Malia Malone, members of the press, and members of the public.

Moved by Johansen / Stoneking to approve the agenda; carried.

There was public comment from Marv Casperson, chair of the highway committee; Steve Barstow, trucker and customer of the lime quarry; and Neil Johnson, county supervisor;

Malone distributed copies of a letter dated September 15, 2009, that she had received from Charlene A. Khazae, Fertilizer Program Specialist in the Agricultural Resource Management Division at the State of Wisconsin. In summary, the State:

- Did not view “the mislabeling of the liming material sold by Polk County as a *willful* violation of the liming law; therefore the process to revoke Polk County’s licenses to distribute liming material was not initiated.”
- Had informed the county’s finance director in an email on August 27, 2009 that “ ‘...a very brief summary of the course of action the department would like for you to take is to change all your labeling material to reflect the accurate neutralizing index zone of your lime and move forward with your liming operations...’ ”
- Did not deem it necessary to take enforcement action against Polk County.
- Did not deem it necessary to collect samples from the county quarry at this time; however, the County was free to collect samples but must have them analyzed by the methodology described in Wisconsin statute § 94.66 (6). Further, liming materials must be labeled accordingly.
- Noted that a violation of the labeling requirement can only be based on the results of an official sample, one collected and analyzed by the department; because the mislabeling of the County’s liming material was self-disclosed and not based on an official sample, the written authorization of the department to sell or distribute lime from the quarry is not required.

Johansen questioned the second point, above; Malone stated that is a matter to be addressed by the finance committee in closed session.

Norby stated that the quarry would be open again on Thursday and Friday, September 17 and 18, from 7:30 a.m. to 3:30 p.m., and Saturday, September 19, 6:30 a.m. to 1:00 p.m. The crusher is down, but an electrician is scheduled for Thursday morning; he expects to be crushing by 9:00 a.m. Malone reminded him that Minnesota requires the ENP (effective neutralize power) per ton be noted on the sales ticket for every Minnesota customer.

Johnson inquired about re-testing the lime; Norby stated that a representative from the state of Minnesota would take samples and submit them to a local lab in Wisconsin for testing according to Wisconsin's statutory methodology. *(Results of this testing subsequently confirmed that the quarry's lime falls into the 50-59 classification)*. Stoneking asked how the re-opening of the quarry would be publicized; Norby stated that the website and phone message at the quarry had been updated, plus Glenna would go through the customer list and call each one.

Johnson left the meeting at 6:00 p.m. while the committee discussed and set prices.

Motion by Stoneking / Kienholz to set price of 50-59 lime at \$9.00 / ton until the lime is retested; carried by unanimous voice vote. Further, the committee stated that no "pre-buys" would be allowed.

Johnson rejoined the meeting at 6:10 p.m.

Norby informed the committee of safety and security concerns he had at the quarry and described the actions he had taken to correct the deficiencies. The committee commended him on his actions.

Norby asked the committee for authorization to purchase a Loadrite scale to be installed on the new loader. This scale will produce load tickets that can be matched at the end of the day to the office sales tickets. Cost is approximately \$10,000; Norby stated that this brand is the most dependable and durable and also has the capability to interface directly with the office computer. **Motion by Stoneking / Kienholz to authorize the purchase; carried by unanimous voice vote.**

The committee outlined its expectations of Norby and the quarry: good relations with customers, re-establish contact with customers through phone calls, and that it be run safely as a profitable enterprise with good records.

Motion by Kienholz / Stoneking to go into closed session under Wisconsin statute 19.85(1)(c). Jepsen, Stoneking, Johnson, Kienholz, and Johansen all voted yes. Also present during closed session were Norby, Jerrick, and county supervisors Jay Luke, Neil Johnson, and Marv Casperson.

Motion by Stoneking / Johnson to go back into open session; carried by unanimous voice vote.

Committee reconvened in open session at 6:43 p.m. Chairman Jepsen announced that the committee had signed a contract with Mo Norby for him to be interim manager of the quarry for a period of up to one year.

Moved by Johnson / Stoneking to adjourn. Motion carried by unanimous voice vote.

Meeting adjourned at 6:47 p.m.