

Majerus Pit/Kartechner Brothers Special Use Permit Minutes

Date: September 4, 2025

Roll Call: The meeting was called to order at 7:00 P.M. by Chairman Randy Faber. Board of Appeals members present were Kathy Jo Schraufnagel, Tim Schaumberg, Tim Haack and John Kuechenberg. The Town also had the representation of Attorney Alex Ackerman present.

Open Meeting Notice: Chairman Faber read the notice out loud and then noted that the notice was posted in the Fond du Lac Reporter, the Town's website and the normal Town posting sites.

Overview of Hearing by Town Attorney: Attorney Ackerman noted several changes in Wisconsin law that might pertain to the meeting dealing with quarry issues. The two changes are the Substantial Evidence Standard passed in 2017 and Act 12. Substantial Evidence Standard requires enough relevant and credible evidence that a reasonable person could find sufficient to support a local zoning decision, even if opposing evidence exists. The Act 12 deals with limiting quarry blasting and says times of operation may be broken if the quarry is providing material for a public works project.

Presentation of Application by Applicant: Mike from Kartechner Brothers noted they plan on continuing the removal of sand and gravel as they have before, but they would like to expand quarry operations to also include taking out limestone. The new plan would include mining sand and gravel to the East and taking out limestone in the already cleared area to the South. Kartechner would start with a 25 foot deep excavation in the first phase. A second excavation of 25 feet is a possibility if they decide they need to or are able to.

Public Comments in Favor of Application: There were no comments during this time.

Public Comments in Opposition to Application: This is a brief summary of the comments brought up during the time.

- A number of people were upset that the quarry expansion would be infringing on and possibly ending the use of a motocross track currently on the property. Several issues have already arisen between the motocross operator and Kartechner Brothers.
- Multiple people noted berms that were unsightly.
- Ryan Rochwite (operator of motocross track) notified the Board that he believes Kartechner Brothers is operating outside of the current quarry permit borders and provided several pictures to Chairman Faber for review.
- Road deterioration from heavy truck traffic and jake braking noise was also noted by several attendees.
- Concerns over blasting for limestone so close to a landfill were brought up along with water contamination issues that may arise from that.
- Another issue brought up is that the landfill does not have a liner on it.
- The true size (acreage) of the quarry was questioned and how much active quarrying would be taking place at one time.
- Concerns over the contract that Kartechner Brothers has with Phil and Gail Majerus was also brought up multiple times.

Other Public Comments: Town of Byron Board Chairman Dustin Westphal offered several comments during this time. He noted that the Town and Kartechner Brothers have an agreement to fix road damage that has already occurred in the last two years from operations.

He also touched on how Kartechner Brothers will be seeding the berms when they are ready. He notified those in attendance that the existing quarry has been in operation since 1990 and also that the Kartechner Brothers are operating on a 30 year lease under the Majerus Permit.

Applicants Response to Public Comments: Here is a summary of the comments from Mike from Kartechner Brothers.

- Kartechner has spent the last two years cleaning up the site
- They will be using water from the existing pond to wash sand to meet DOT specifications.
- He also noted the agreement with the Town to fix the roads already damaged.
- They will post signs in the quarry area to try to inform truck drivers not to jake brake, but he also noted he has no control over them when they are on public roads and there is no law against it in that area.
- The Town Attorney asked about the current size of operations. Mike noted that around ten acres is currently being used for sand and gravel. He again discussed the plan to excavate sand and gravel to the East and move to expose and remove the limestone to the South.
- He touched on discussions with Wendy Giese (nonmetallic mining reclamation specialist for Fond du Lac County) and Roberta Walls (nonmetallic mining coordinator with the DNR) about the proposed quarry and the DNR inspection wells that are onsite for the continued observation of groundwater around the landfill.
- There will only be blasting during normal business hours.
- There will be temporary berms inside the active mining area.
- They are looking at around 20 acres actively quarried at a time.
- Town Attorney Ackerman noted that there is a 1200 foot setback around landfills unless the Board gives approval to break those minimum setback requirements.

Discussion and Deliberation by Board of Appeals: Kathy Jo Schraufnagel, Tim Schaumberg, Tim Haack and John Kuechenberg all noted the proximity to the landfill and the 1200 foot setback noted by the Town Attorney. John Kuechenberg also noted the possibility of road damage. Tim Schaumberg brought up that the landfill is not lined and that blasting that close could potentially create a contaminated water issue from the landfill and that the 1200 foot setback had to be developed for some reason. Kathy Jo Schraufnagel pointed out that Kartechner Brothers had included in their proposal that they would be willing to do a hydrogeologic study to study the groundwater around the site.

Action on Special Use Permit Application: A motion was made by Chairman Faber to table the application until a hydrogeologic study can be completed based on Town of Byron Zoning Ordinance 12.54 E(2) subsection IV. John Kuechenberg seconded the motion. The motion passed.

Adjourn: The meeting was adjourned at 8:37 P.M.