

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
JANUARY 16TH, 2014 -7:30 P.M.
TOWN HALL

The meeting was called to order by Chairman Jeff Gerike at 7:30 p.m.

Roll Call: Board members present: Supervisors: Steve Weiss, Dean Solie, Ricky Strauch & Lynn Norheim; Chairman, Jeff Gerike: Treasurer Tamy Moss; Clerk Patti Warner

Also Present: Vaughn Nagahashi, Attorney Rick Schaumberg, Terry & Mary Ann O'Donohue, Glory Adams, Tom Peterson, Fred Poss, Carol Peuse, Scott McCurdy, Christine Yellowthunder, Scott McCurdy, Ralph Yellowthunder, Attorney Rick Schaumberg

Pledge of Allegiance

Motion to approve the agenda was made by Supervisor Dean Solie. Seconded by Lynn Norheim. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Minutes were read and approved on a motion by Supervisor Steve Weiss. Seconded by Lynn Norheim. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Financial report was presented. Motion to approve was made by Supervisor Steve Weiss. Seconded by Supervisor Dean Solie. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Citizen Comment:

Glory Adams – re: County Planning & Development – Spoke in regards to a comprehensive plan – she stated that they respect the town's wishes and will modify the county plan to reflect wishes of a town. If anything is unclear or questionable the county will get legal opinion. As Bridge Creek moves forward – if we lose police powers to restrict sand mines she strongly recommends zoning with the county.

Supervisor Dean Solie asked Glory about her opinion on permit fees. Glory stated that you pay for permits but you're paying for their enforcement. Dean stated he realizes they issue culvert permits – erosion permits – but the fees of some of the other permits cause a concern.

Carol Peuse asked the board if they will be filing a citation ordinance with the county as one is not currently on file according to the Clerk of Courts. Attorney Schaumberg stated that once the ordinances that have a fee attached to them are compiled they have to be filed with the clerk of court along with the citation ordinance at which time they will take over jurisdiction of those ordinances.

Old Business:

Public Hearing for High Country is set for Wednesday – February 12th at the High School. Starting from 6-7 open house – 7:00 p.m. the hearing will start. Attorney Schaumberg stated that the ordinance states that we would send out notice – or delegate it to affected landowners – so he is having Attorney Radcliffe send out notices in regards to the public hearing.

Scott McCurdy stated we should clarify that we do a class 2 notice to publish. The clerk stated she will publish the notice in both newspapers and also post at the three public places.

New Business:

Tom Peterson from the mining committee spoke to the board. He stated they met to finalize 4 items. He passed out a news release/article to be placed in the paper – Item Two a letter to High Crush and Five Star that the board can send to set up a meeting to go over their application. They recommend instead of specifying amount of inspections to be done to leave it open so we could have as many inspections as they want. – 3rd Bridge Creek Industrial Sand Mine Inspection Form – and Bridge creek Sand Mine and/or Processing Incident Report. Fred Poss spoke to the board and stated that he understands that the township is looking in developing a website – if the citizen complaint form could be placed on the website for citizens to download.

Attorney Schaumberg asked about the letter to send to sand mines – can we change the wording to the board to say “may” contact them. As far as signing the letter he doesn't feel he needs to sign the letter – the Chairman could sign it.

Dean Solie made a motion that the board adopts the letter, citizen complaint form, checklist form and news release that was drafted by the mining committee with the correction by Attorney Schaumberg stated above. Seconded by Lynn Norheim with corrections. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Tom Peterson spoke to the board regarding their meeting with Planning & Development they had on Monday. They went there to talk about our requirements to become zoned. Fred, Tom and Vaughn met with Eau Claire County P&D – 1st question asked do we have to have a plan to become zoned. 2007 state statute requires a comprehensive plan be in place or Land Use Plan. Eau Claire County is willing to help us develop a plan – they feel there is no need to bring in a third party- would cost up to 3K tops. It's complaint driven. It can take 12-24 months to develop a plan. Lance Guerney stated we are already zoned in many areas of our township. Major factor is to get residents to understand zoning. Misunderstandings with zoning enforcement. They stated they won't pursue people unless there are complaints. Amish sawmills came up – they are not under county jurisdiction they fall under the state. State doesn't have time to enforce their regulations. There are two options either we do a complete comprehensive plan or they do have a plan that we could vote and accept theirs – county would need no approval. Other option is to write our own

zoning ordinance – would they would try and accommodate us. Their job is to try and match ours. If we write our own plan it has to be approved. They asked once zoned can you become unzoned. They were told it is difficult to – get out of it. It's rare. Tom stated they are willing to continue discussion if the town board wanted them too. Tom stated that the life of a comprehensive plan is 10 yrs. It's not a one time deal. Fred stated Dean has concerns about the Amish. In Wisconsin there are townships zoned that have Amish communities that are good with that. Fred stated one example of a positive was Hershberger's bent and dent – one example where they were able to work with them to get it done. Vaughn spoke to other Amish – they stated they don't know much about zoning but are willing to listen. Vaughn feels key component is education. Tom says it is a partnership a comprehensive plan. There is no approval of the comprehensive plan – only approval is if the town accepts. Supervisor Dean Solie stated that the experience with the Bent and Dent was not a good one with Eau Claire County. The clerk stated that she has concerns with the cost of the permits. It is not \$200 cap.

Attorney Rick Schaumberg stated that the emphasis for zoning again is because of sand mining. With police powers alone you have very little you can do to stop one from coming in. We have an almost impossible time to turn a sand mine down right now and to have it upheld. With all sand mining he asked Scott McCurdy how many were upheld only 1 – and it was a rezone issue. Attorney Schaumberg stated if you want to stop mining the only thing to do is go to county zoning. If this mining is that important this is the only option we have. We need a comprehensive plan – we can have a resolution that pass's it. If at annual meeting –the town board wishes to go under adopting county zoning if there was a no vote statutes allow so that the board can still go ahead with it.

Even if the bill get's turned down it doesn't solve our problem. Fred Poss stated.. Isn't it true that we have high country with serious questions with health welfare, isn't it also true that there's farmland that's west on AF that has been purchased and is considered to be an investment in another sand mine or wet/dry plant. History of this industry is to create hubs if that's true then isn't it wise to embrace the fact that we need to regulate it. Vaughn stated that he found out in the Town of Fairchild that Duane Merritt and Karen Ripen berg have excused themselves from making any vote or decisions on the proposed sand mine coming there. He has identified 5 residents that are neutral – they are going to make a committee to make final decision on US silica.

Tom Peterson stated that he doesn't want to move forward with a comprehensive plan unless the consensus of the board may go for it. After discussion Ricky Strauch made a motion to have the committee move forward with Planning and development. Seconded by Supervisor Steve Weiss. Motion carried. Attorney Schaumberg stated that a comprehensive plan is our biggest deficiency - Comprehensive plans are also labor intensive.

Supervisor Steve Weiss also stated that several Amish are having issues with their sanitary permits some are having to put in holding tanks at a cost of \$2500.00.

Discussion was held who will receive the MSHA training - Scott McCurdy stated if your attempt is to do inspections. IF you want to do it unescorted – take the Basic MSHA training – Ted Beyer is a local trainer - Just understanding what is going on. If were going to leave inspections up to the county – and you just want to go onsite and be escorted – Scott McCurdy is MSHA trained. Most understand safety issues – what's security level – who's coming in and out. Questions on how they are doing things and usually operators want you to know. Steve Weiss asked if we get escorted do we need the training – Scott stated (no) - Ted would have standard basic MSHA class. He could do like a 6 hr. Will wait to hear back from Scott on class, costs etc.

Discussion was held regarding the Fire Dept. Cost Sharing. Supervisor Dean Solie spoke met with city counsel – they listened – two would not accept anything – Delton Thorson says it takes 4 votes to change the bi-laws and no way is he going to vote for it. He did get them to form a 6 position committee to discuss it further. The city appointed Tom Crowe, Lynette Richards and Delton. Dean had the 2013 report that Ken Zich compiled – 267 calls last year – we had 54 calls 1186 – 190 224/call. 5x as much for a call. Costs in 2012 were 791. Theirs was 227 - went down. They tried to justify it by saying Bridge Creek uses their water and community service center. The biggest portion of calls are EMT calls – fire calls are fairly equal. If helicopter lands it's charged as a fire call - plus EMT. We have an excellent Fire Dept. basically our hands are tied. Committee – Dean, Lynn & Jeff will be on the committee. Attorney Schaumberg stated that if they won't negotiate the only other recourse is to dissolve the joint fire department. The board doesn't want to see that happen.

Supervisor Steve Weiss asked about Hi Crush to possibly due a survey. He stated people are having issues with dust as far away as HWY 10. Could we have a committee do a survey? Attorney Schaumberg stated it may be hard to prove dust 5 miles away is being caused by the sand mine. Could request more monitors. We would have to prove it's unhealthy – need scientist to do a study – they can file a nuisance. You could get a lot of date violation of mining agreement or a new hazard. Really wouldn't strengthen the need for more air monitoring. Scott stated this is happening in Winona – there have been dust and fuel meters into Winona where they have barges and loading. Would expect we would actually have data where dust is coming from.

Attorney Schaumberg stated Hi-Crush has been accommodating – he believes we can inquire about them at their annual meeting. They may just do it out of good will. Steve wondered if it would be feasible – Scott stated we have through our annual report feels we can request it if we want. Scott stated if there are more complaints etc. just present them to Deb Dicks from DNR. That's the only way they find out.

Chairman Gerike brought up discussion about fixing the crack in the wall that was caused by the ice last year and painting. Also asked about purchasing a new vacuum cleaner for the town hall. Supervisor Steve Weiss made a motion to get a new vacuum and fix crack and re-paint in hall area. Seconded by Supervisor Lynn Norheim. Motion carried.

All bills were audited and paid.

Motion to adjourn meeting was made by Supervisor Steve Weiss. Seconded by Supervisor Dean Solie. Motion carried. Meeting adjourned 10:50 p.m.