

**TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
FEBRUARY 26th, 2014**

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

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

Also present: Attorney Rick Schaumberg, Scott McCurdy Lance Guerney (Eau Claire County Planning & Development) Vaughn Nagahashi, Tom Peterson, Chad McEver, Glory Adams, Christine Yellowthunder, Ralph Yellowthunder, Jason Rouleau, Dick Rees men, Fred Poss, Vicki Larson, Bernice Strauch, Mary Ann O'Donahue, Terry O'Donahue, Carol Peuse, Debra Dickinson, Brent Dickinsen

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

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

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

Public Comment: Terry O'Donohue passed out handouts of questions to High Country (Attachment 1). He also passed out a letter to the Board (Attachment 1) He stated that the engineer at the public hearing stated that silica dust was harmless. He stated the concerned citizens have handed to the board lots of information to prove that silica isn't just dust – that it's a considerable danger to the community. He wants steps taken to reduce dust if approved – he doesn't want the plant close to the school.

Vaughn Nagahashi – question came up about citation ordinance. He spoke about all the ordinances and would like to see suggest that all board members receive a binder copy of them when organized.

Attorney Schaumberg stated that it is not required to file an ordinance book with the county. Many townships he has worked with do not have theirs in a binder filed if any with the courts. The clerk stated that she will work on getting the ordinances organized into a book.

Patti Warner spoke to the board on behalf of one of the Amish. She was approached after the public hearing with concerns in regards to the holding ponds at Hi-Crush. There were some kids skating on the pond and when they were told to leave by a High Crush employee he stated that if they fell through they would not send any divers down due to all the chemicals. The Amish did state that he realized and they did too that they did not belong there. Dick Reesman from High Crush spoke to the board and stated that he was the one that caught the kids ice skating on the pond. They had to climb 3 fences to get to it – he stated he did not tell them no one would dive for them due to chemicals. He stated he would be the first one to go in the water if someone fell in the pond.

Old Business:

Tom Peterson introduced Lance Guerney and spoke re: strategy to approach drafting a comprehensive plan. The committee met with the county – he shared that they previously stated that in order for the town to proceed to be in compliance and zoned the township would have to have their own comprehensive plan. At last meeting they learned it wasn't the case – there are two options. 1. Complete plan 1st then Petition County to be zoned. 2. Can petition to come under county zoning and then after that the town can proceed with drafting a comprehensive plan – but we would be under county zoning ordinance.

To complete a comprehensive plan could take 12-24 months - with alternative – you could be zoned within 2-3 months. Would have to do a little work up front – land use and economic issues - Tom assed out previous land plan. (Attachment 2) He felt the old plan was a good start – could improve it – if petition is accepted by the county we would still have to do a comprehensive plan.

Since last meeting – the committee hasn't done anything - they needed to come back to see how we wanted to proceed. The town needs to decide if they want to petition the county to become full blown. Fred Poss stated it's a simple matter - committee not wanting to get ahead of the board – looking for direction from the board - Lance Guerney spoke to the board. When Eau Claire County adopted the comprehensive plans they added addendums – Bridge Creek pages were left empty – we did not develop a policy specific to land use. Discussed possibility of alternatives. Ideally we'd develop our plan first – but we are not required too. Lance passed out statute 66.1001 comprehensive planning - Adoption of county zoning – must reflect what our plan is. They could look at using the previous plan which is a statement of policy – because of age of document he would suggest we update and seek additional input. Look at future land use map. The map is just a draft – they would also revisit the map. (Attachment 3) 2nd part of process would be adoption process itself. Attorney Rick Schaumberg stated there are two routes – spend lots of time and eventually adopt zoning – or we adopt zoning and revisit the map. Lance stated they would request that the town revisit the policy statement. Make an amendment of any changes prior to county zoning. Should town decide to proceed, Attorney Schaumberg stated we want something now -so we pass a resolution to adopt county wide zoning – certify that resolution – it goes to county board – does county board ask where our comprehensive plan is?? Lance stated there is no requirement that a town has it – he's just asking for a policy.

Attorney Schaumberg stated so at our annual meeting we are going to adopt zoning – we've just adopted it with or without a comprehensive plan. Lance stated only concern would be to have application – future land use map – along with ordinance from town. Lance stated if there was a petition brought to the county we would run dual to county board – 1 incorporate policies as part of addendums already appendix F – also we would want to look at future land use map just to ensure that there isn't changes to be made - make an amendment to comprehensive plan – revisit the map – look at policy statements – and proceed to put in County zoning. 2nd piece would be board. There is a 30 day public notice – they cannot hold a public hearing until 30 days after they receive notice. Vaughn voiced concerns that we don't have that much time – we are already into the 3rd month of the moratorium. Attorney Schaumberg stated that there is an urgency to get this done especially if the act goes through at the legislative level.

The other thing Tom Peterson asked of the board is that we put the committee on for every month. If they have nothing to bring before the board they will decline to speak.

Discussion was held in regards to costs of permits. Currently costs can range from 40-215 for the initial permit - there will still be other costs. UDW – sanitary – address – new or additions would be land use permit. Driveway permits would stay the same – town has the authority for town roads. To continue to require smoke detectors & CO2 detectors –a resolution was passed that they are not in agreement with changes that are being proposed to the UDC. The bill goes beyond and gets into septic systems – this would allow straight pipes for gray water. Also they feel they are looking out for the safety of all.

Chairman Jeff Gerike – discuss action to put it on a referendum. If towns considering zoning do we adopt our own or ask for county zoning. Attorney Schaumberg stated that there is only one option worth looking at. Passed out statute 59.69. Do we have to vote? (Attachment 4) We don't need a referendum to pass it – it can be brought up for a vote at annual meeting and be declined but it is not binding – it would basically be a poll. Process is simple – doesn't matter the town board can adopt county zoning without approval from the township. Also – once you zone it is unlikely that you can ever get out of it.

Lance stated the last map is the zoning map that was adopted as the base map with shore land zoning- it appears that all property are zoned it's only floodplain within 300 feet of stream 1K feet of lake – if not under any of those distances the map is non applicable. That map would have to be adopted too so they would know what the parcels would be zoned. Most restricted is A1 zoning 35 in acre – typically what is darker green on map. Simple question is what the town wants – or do we want to adopt something different. Lance stated when you adopt the resolution you would have a new map attached. Might have parcels that are commercial and show them as commercial on zoning map – if they have that zoning designation – saw mills are ag related – saw mill itself above certain size it would be commercial – would need to classify them appropriately. What are the uses that we need to be aware of that they don't restrict? Supervisor Dean Solie asked if A1 Ag land would need 35 acres to build a house. Lance said that is correct. Under working new land initiative they use and AR – they can rezone from A1 to AR - Attorney Schaumberg stated the town could ask for a rezone – if town approves request we can approve it. Town still can veto it at the end. Lance stated it's a partnership. Attorney Schaumberg stated the 35 acre one is a big problem. Even if town votes yes – doesn't mean county is going to agree. It has a lot of advantages and also disadvantages --- Steve Weiss asked how many requests do they get in a year ---- Lance stated about 5-10 yr. Under new law it's now incorporated to state law. You can create smaller lots.

Steve asked Scott McCurdy's opinion?? Town's where he has worked the biggest concerns are non-metallic mining. The town is going to have to go to zoning in essence of protection but we also then lose our independence. He sympathizes with the Town Board with the decision they have to make – but he also recognizes the potential of these

legislative bills and feels at some time we would have to zone – and now would be a good time with a moratorium currently in place.

Supervisor Lynn Norheim asked with all discussion could we decide tonight to make a decision. Attorney Schaumberg stated that the way things are listed on the agenda we can't vote tonight but he would suggest we have a special public informational meeting to inform the landowners of zoning. Lance stated if there was a public meeting they could make a formal presentation. Attorney Schaumberg stated that we currently have a moratorium and he does not like extending them. Now would be a good time. Scott McCurdy stated that one of how co-workers would work with the committee. Clerk will put notice in paper of meeting and also post around town – she will also as a courtesy post a notice out at the Bent & Dent. Rick says a vote is taken and yes we want zoning.

Tom Peterson stated there are two things he sees – Cedarcorp help prepare for informational hearing – depending on outcome would ask for their expertise. Supervisor Lynn Norheim made a motion to hold a public informational meeting tentatively on Thursday – March 27th at 7:00 p.m. at the High School – provided Scott McCurdy & Attorney Schaumberg has that date open. Seconded by Supervisor Dean Solie. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Chairman Jeff Gerike (aye).

Attorney Schaumberg stated that it will be an informational meeting – there will be a presentation and the public will have input to ask questions. The committee will work on putting together an agenda with Scott & Lance and present it at the meeting in March.

High Crush spoke to the board. They passed out a map (Attachment 5) and explained what their plans on for the spring blasting. The Green dots represent seismograph what we have – yellow flags 4 extra for notice of blasting – informational – would like to start blasting beginning of April – Ricky asked if they are going to blast once or twice – High Crust stated more material blasting will be done around noon – with the Amish being in the fields they will try to keep it around noon. The only time that may not be possible is due to weather and if there is a delay. Steve as long as it stays under volume – High Crush stated one of the larger blasts can keep them going 8 to 10 days or almost 2 weeks. If they do more frequent blasts – they will be working at night. Chad stated that they are going to 2x a week hope this makes the difference and that we won't even be able to tell they are blasting. Last time the blast in question – was using the least amount of charge. Scott McCurdy asked are we always drilling to the same depth.. (Ray) stated they will put additional seismographs around - Ricky Strauch asked - do you intend to check with people prior to blasting or after. Ray stated that he has been talking to them all the time and will continue too. Scott stated the biggest problem with town level in regards to the Amish – they are very wary of what's going on – not normally out going people – they didn't understand they had a right to come and complain. It's going to take a special effort to reach out to that community - Steve asked about air quality and dust control?? Ricky asked if there are any piles at wet plant of sand or just at dry plant. Ricky stated quite a few acres are exposed to the elements. Ray stated they will take just the top soil off that they need and try not to disturb anymore than they have too. Ricky asked how many acres are exposed – Ray stated approximately 37-40 acres – they also just finished filling up one that was around 20. Ricky asked if it's common to have 30-40 acres exposed. Ray stated yes – Question was asked what they re-seed with. Ray stated a good rye grass or alfalfa. Ricky asked if they tested any of the reclaimed soil. Ray stated that they had soybeans growing by the dry plant and they did well. Ricky stated he would like to see more air monitors. Chad stated yes they could provide more but they require electricity and some areas don't have that and the monitors are quite expensive as well. He stated that the DNR monitors the air and they are not required to have them but they have put them up voluntarily. Ricky Strauch stated they had a report this winter that people living 3 ½ miles away had sand on their cars. Chad stated that in the DNR's eyes everything is good – and that he felt that 4 miles was quite a ways for the sand to blow. Chad stated the air and dust is regulated by the DNR – he would like to get the boards permission for temporary signs in the right of ways around Brunzil and M – Permanent fixture would be a flagpole – would be a 3 ft circle of concrete. The board would like to see them flush mounted with the surface. Ray stated they would be removable signs. After discussion supervisor Dean Solie made a motion to allow High Crush to place additional signs as close to the fence line as possible and have Dale Kirchoff go with. Seconded by Supervisor Ricky Strauch. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Chairman Jeff Gerike (aye).

Chairman Jeff Gerike addressed the board re: high country application. – Attorney Rick Schaumberg read a letter from High Country LLC Attorney Mark Radcliffe. They asked to have a vote tabled at this time. (Attachment 6) Attorney Schaumberg passed out a summary that he collected during the public hearing – (Attachment 7) - 28 members spoke at public hearing 27 were against – 1 wasn't for or against – but more against at end. 4 indicated what they wanted to say was already said. 20 signed up that they were against but did not wish to speak. Big thing is school and kids. Attorney Schaumberg stated we can table a decision, we can act on the application tonight, we could deny it and set forth reasons for denial or we can do nothing at all. Or can set another date to hear this. If asked what to do – if he looks at letter is it being mindful of pending legislation or is it because they are sensitive of the concerns – get something more prepared? Board has every right to deny, to grant, to table - Jason Rouleau stated all they are doing is asking for more time. He stated that he has been a lifelong resident of Bridge Creek and they want to be sure to address as many concerns as they can that were brought up at the public hearing. Supervisor Steve Weiss asked about tabling it

– Attorney Schaumberg stated we want to put a date on it. You have an obligation to act on it - Supervisor Ricky Strauch – stated that there were questions from the committee prior that he felt didn't get answered. Attorney Schaumberg stated that if we are going to table it when would we pick it up again – Jason's requesting time to address concerns brought up at the public hearing. Put a 60=90 day on it during the 90 day could be some correspondence between board and – may have to take it back to a 2nd public hearing. It's not so much its High country it's just the location so close to the school. Supervisor Ricky Strauch asked if we table it do we have to have a 2nd public hearing. Committee can advise as to whether there needs a public hearing. Info could go to committee.

Attorney Schaumberg asked Scott McCurdy if you were the engineer – how long would it take the engineer to come back with alternatives – Scott stated when there is an alternative you also have cost – he personally would like 60 days Attorney Schaumberg stated we don't lose any authority by waiting. Scott McCurdy stated if you're concerned with pending legislation you should take a vote. Attorney Schaumberg stated if we grant their application tonight with conditions - now do we have a contractual agreement – or are we now were more contractual than ordinance. If we denied it tonight and they didn't appeal it and this legislation goes through – then they could reapply. Supervisor Steve Weiss stated he would entertain a motion to table the discussion of High Country Application until our board meeting in May. Supervisor Ricky Strauch asked why so long – Steve Weiss stated the main issue is school – they are either going to come in with some pretty different proposals on their facility – Rick stated also could come in before too. Motion denied.

Supervisor Ricky Strauch felt March meeting would be 5 weeks. Jason asked for a date for a deadline to set the schedule. Supervisor Dean Solie made a motion to give Jason Rouleau time to have information to committee by April 3rd. Seconded by Supervisor Lynn Norheim. Motion carried

The clerk passed out a letter to the board from Angie Frank (Attachment 8). She is heading up the Beaver Bolt 5K and wanted the board to be aware of the date and time of the run. They are not asking for Bartig road to be closed down - but possibly next year.

The clerk passed out a letter from John Gingerich re: asking the board to allow him to have loads taken out from his sawmill during road ban if he was to get a 4,000.00 bond. After discussion the board denied his request. The board felt if they allowed him to do this it would open up for several others requesting the same.

All bills were audited and paid.

Supervisor Steve Weiss made a motion to adjourn meeting. Seconded by Supervisor Lynn Norheim. Motion carried – meeting adjourned 11:00 p.m.

Patti Warner, Clerk