

TOWN OF BRIDGE CREEK  
REGULAR MONTHLY MEETING  
THURSDAY – JULY 17<sup>TH</sup>, 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: Chairman, Jeff Gerike; Supervisors: Steve Weiss, Ricky Strauch, Dean Solie & Lynn Norheim; Treasurer, Tamy Moss; Clerk, Patti Warner

Also Present: Attorney Rick Schaumberg, Scott McCurdy (Cedarcorp) Tom Peterson, Vaughn Nagahashi, Fred Poss, Carol Peuse, Barb Stark, Rod Eslinger (Eau Claire County)

Pledge of Allegiance

Motion to approve the minutes 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) Jeff Gerike (aye)

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

Old Business:

Attorney Schaumberg spoke regarding sending a letter to 5-star. He sent a notice of default sec3.14 where they were suppose to give us a plan for an ambient air monitoring plan 90 days after the agreement was signed. 6/22 sent letter – He received a call from Mitchell their attorney who thought 5 star was going to try to get it to us before the notice of hearing. Thursday prior to July 14<sup>th</sup>. Attorney Schaumberg and the clerk received the plan from Buck Sweeney – so the meeting was taken off the calendar. We now have their plan ball is in our court – the board is suppose to give their approval of the plan. It's not like we will cite them or revoke their permit – the board can approve it or we have to meet with them to resolve it. This is the 2<sup>nd</sup> time they have been served a letter of default and both times they have resolved it prior to the hearing date. So the board needs to look at the plan. Ricky Strauch asked - does this have to be for an active mine?? Attorney Schaumberg stated – as soon as agreement was executed they had 90 days to get plan to us – even if they did nothing they still had to get the plan. Steve asked about monitoring stations?? The meeting set up was for the default of not supplying a plan – now it's for us to look at their plan – do we approve it or disapprove and/or does it need to be modified. Scott McCurdy stated – they would work out a plan but not necessarily monitoring stations. There is still an ambient air situation that needs to be addressed. Ricky asked if they are held legally accountable. Scott stated there's no legal requirements or citations that the town can offer or anything. The individual to be held accountable would be Troy Morey. Steve asked what steps do we have to take. Scott – stated you could send them a letter to see if they would set up a system. Attorney Schaumberg stated this is a proposal – they won't even implement it unless it's ok with us. They won't do it until we tell them its fine. Scott's recommendation is to take care of this first. There has been no correspondence from 5-star. Ricky talked to Tanner Connor he heard rumors that they were going to truck the sand out to the High Crush facility. Ricky talked to Skyler also Marcus Evans that there is a contract that 5-star wouldn't go south through the city. But there is no agreement. Tom Peterson stated the committee would be willing to work with Scott to see if what they submitted was adequate or not. Rick asked Scott what

he thought – he said it looks like what the DNR standard would be – he hasn't looked it over in great length. Scott stated their proposal was to get a well in there so they could water it down. Dean felt it would be proper for the mining committee to look at it. Ricky Strauch agreed with Dean - Supervisor Dean Solie seconded by Lynn Norheim to have the committee take a look at the fugitive dust control plan. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Scott McCurdy spoke re: blasting – He's looked through all of the blast reports looked through minutes here to answer questions on it. Set up spread sheet to keep track of what we see at each of the monitoring points. Each blast is designed to move certain amount of tons of rock. Ricky asked if they use chart for more desolate vs. highly populated area. Scott stated – yes. Ricky stated he spoke to Dick Reesman and asked him about putting a seismograph in someone's home. They have several seismographs they could bring one out to try it out. Scott stated it's your prerogative. He feels Hi-Crush wants to be proactive – they are definitely within the specifications. The blasts are smaller after the May 9th blast.

Other item Hi-Crush: He received the Hi-Crush annual residential well report. There were some high nitrates – iron and manganese which is what we expect to see due to farming practices and quality of wells. They have 3 rounds now – so more data to look at – no significant variations were noted. Ricky asked what are they testing for?? Scott McCurdy stated metals, nitrates; if there's a change in the aquifer it could show metals. This was a stipulation in the developer's agreement. Feels that they may come back at some time and request a variation.

Ricky Strauch asked about the complaints – with what will be done with them. Steve Weiss stated we need to build a data base. Scott McCurdy stated if you have an issue with a particular – you can't do it on one blast and one case. The more information the town can provide back to hi-crush in a proactive manner will help them understand that there's a problem with the blasting. That's the only way he can see to develop an argument to take to them to say hey you have to alter them. Ricky Strauch asked what will we do with them. Ricky Strauch asked if it would be possible to sit down with High Crush quarterly.

Fred Poss stated that collecting these forms would establish credibility – need central location where people know they can get complaint forms – also feels once complaints come in we have to deal with them and acknowledge that they've been received – correspond back to the complainers. Letting them know we are in possession of their complaint forms. Maybe set up a schedule – pick up. Vaughn Nagahashi – feels if there are violations that they feel should be forwarded to other government agencies. Then the committee may recommend to the board to forward them on. Not just to High Crush but to other's as well. Tom Peterson asked – what is the data that we're looking to capture?? From consistency standpoint what is it that is going to have credibility and meaning that could be presented to Hi-Crush. Scott McCurdy stated everyone will have a different perception. Only way Hi-Crush can respond to it – is put it in a spread sheet and that day is a bad day - Get reactions from individuals right off the cuff. He'd propose to get the data already – try to chat with people in 2-3 months – end of blasting season would be October or November. Complaints were presented but by having locational data – dates times and what they observed that's basically all we can use. If we were to get an additional seismograph – of course that's additional data for that particular day. Scott when you put in a geoform they have to be mounted and he's not sure if everyone would want that placed in their. Dick reads the blasting reports who Scott believes it's his seismograph. Tom stated they will sit down and draft a way to capture data along with thoughts of data – collection points etc.

Ricky received more complaints on blocking tracks – he called Hi-Crush and they said it was Union Pacific. They are going to work on it.

Dean asked about engineer looking at Karow road. Clerk has not heard anything back from Marcus but will check with him.

Ricky asked about ordinances being filed at courthouse – Attorney Schaumberg stated they are filed.

Steve asked if they were crushing at the pit. Jeff stated no not yet.

New Business:

Rod Eslinger from Eau Claire County spoke to the board regarding questions they were asked to reply to... He separated them into different topics – fees new homes – UWC – code enforcement. Has fee schedules – complaint forms most are available on county website.

There are quite a few ordinances in place in Bridge Creek already in place – Town Board is wondering what happens when zoning is in effect. (See attached) If town adopts zoning we would work together we would look at the different zoning districts. If the township is working on their comprehensive plan we would still have the ability to work on it. When we come up to planning areas – county zoning has these choices to try and achieve these goals. Where zoning districts a use non-conforming – can inventory all those sites – location, size status intensity of use (by state statute) – point going forward that use can stay there.

Dean Solie asked If someone wanted to put up a sawmill and needed to rezone what could the cost be – Rod stated there would be a fee of 540 for rezoning petition... Attorney Schaumberg stated that existing uses would be grandfathered in – this would be on all new requests. If we adopt zoning they would want need to contact Eau Claire County – if someone is running an auto body shop – having more than 5 unlicensed cars. Dean asked if zoned would there be more strict instructions. Rod stated that it falls under the state as they aren't staffed enough – would be the state inspector unfortunately they don't have a lot of staff. Ricky Strauch asked about wind farms what would they fall under. Rod stated there is no protection in unzoned areas – he feels that Eau Claire County is not targeted for any major wind farm right now.

Discussion was held regarding public comment. It was placed at the end of the meeting tonight as comments have turned into long comments going over the 3 minute limit and have opened up into discussions. Discussed also about not allowing public comments on any agenda item. Lynn Norheim asked if we had to allow comments from non-residents. Attorney Schaumberg stated we could make an ordinance but then we are bound by it. Currently it is up to the discretion of the Chairman to allow it. Most public comment is to assist the board – most will just contact a board member for concerns they have.

Clerk received a request from Bob & Sue Steidtmann who own the bar on HWY 27 last known as Mulligan's North. It is up for sale and they think they will have it sold by fall. They asked if the Town Board would hold the liquor license for that location. After discussion the board cannot hold it for them – it is out there if someone wants it.

Discussion was held regarding having Cedarcorp do a geological study. Scott McCurdy stated he received a call from Steve Weiss who asked him couple weeks ago – he mentioned it would be on the

agenda. He researched to see how much information is available in Eau Claire County. Purpose to study is to try and come up with a water table map last one was 1992 – depth rock map 1993 – it was an arrow magnetic map done in 1986 – 1988 regional bedrock – if we want a formation study done we have to start from scratch – based on drive by surveys – if we want to look at formations at Hi-Crush mine and to south – we will have to drill – 5-10,000 a drill hole and he would need at least 6 holes. We'd have to pay for drilling and a geologist to sit on the hole – take core samples – the process would be very expensive. When he looks at the old maps he could spend a lot of time on this – but doesn't feel we will come up with the answers desired. What are we going to do if we have that and at what expense. Attorney Schaumberg stated so best case scenario you might find out why you feel the vibrations more than one should. He feels best approach is to have mining committee involved and bring it back. We are not suppose to feel it machines says we shouldn't but we are. Dean Solie made a motion to table doing a geological study. Seconded by Steve Weiss. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Last meeting Steve asked to have discussion on getting Paul Kent back for discussion – Steve asked are we reaching out with all our resources? But what we're looking at here now is focusing and getting out data. Scott McCurdy stated there could be discussion with Hi-Crush to see if they may have studies on the borings – they might be able to share it in closed session. But he's pretty sure they would not openly share it. Some place in their mining plan they have a layout based on their exploratory drilling if there's some way to glean information out of that without additional expense. Ricky Strauch asked how deep do their bore samples go – Scott McCurdy stated he has no idea – shot holes generally are 97-100 ft. No action taken to have Paul Kent back for discussion.

Discussion on flooring = any update and/or quote. Need to table – Steve stated he hasn't had the time to put information together.

Dean Solie stated he received a couple complaints from Dan Marcheske about barking dogs at Dick Prices. Chairman Gerike stated he has been over there and the times he was there did not hear any barking. He stated someone from the school goes everyday for lunch to the park and doesn't hear any dogs barking. Dean stated the complaint stated the dogs wake up his kids. Rick went through different ordinances for barking dogs or crying cats. IF we want a barking dog ordinance there could be one – but how do you monitor it. Chairman Gerike stated that our current ordinance does not have anything in it except dogs running at large. This topic was brought up years ago and the board felt this would be something hard to monitor and/or control. Chairman Gerike stated that Prices feel the guineas that Marcheske's have make as much or more noise then their dogs. Dean Solie stated that he told Marcheske's they could come to the meeting and that he'd bring it up to the board. No action taken.

Tom Peterson from Mining Committee: Spoke on request to follow-up with homes on HWY 27. Tom & Vaughn went out and stopped at 6 homes. They caught 4 at home and left information at LeRoy & Jacobs's home. Mostly people on east side of highway say Jacob gets it the worst and that he gets buried with the sand. He said there was a time he couldn't see through the intersection. They told them if they have smart phones and cameras – get out and take pictures. Risberg's stated they have their grandson at times he had breathing problems and this spring they couldn't let him out to play. Korger's stated their children never had respiratory issues before. There's contact numbers on the form as well as DNR. Ricky Strauch talked to Tanner Conner – he says he needs to get there to see it when it is happening.

Tom spoke about the committee – handed out first page of charter – alternative we can decide to stick with original charter – or they can amend the charter and the term is 3 yrs (currently Fred Poss's term would expire in August) for everybody –they could appoint same people or different wouldn't include the 11 month discussion. Attorney Schaumberg stated we could act on this even though it's not an agenda item. Steve Weiss made a motion to amend the charter to 3 year terms beginning August and to have Fred Poss remain on the committee. Seconded by Ricky Strauch. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Tom – quick question – re: follow-ups Vaughn asked what level of involvement did we want the committee to be involved with blasting. Steve stated we felt we need a focal point of collecting that data. The committee would be the gatherer and corresponding – and work with Scott McCurdy. Both times they were down they were in effective blasts.

One other follow-up about non-metallic ordinance wondered if we needed to change it – Attorney; Schaumberg – stated we could act on it if we wanted to act on it. Do we want the mining committee to go out and look at other ordinances? Vaughn stated in lieu of something that could be snuck through he felt it was very important to look at it again – Vaughn's concern is you can't say no to the mines – he did say you can get creative enough with developers agreements. Maybe the mines cannot accept it and may walk away. If a mine comes in what are the things we can take a stand on? Issues that we can take a stand on such as no you can't operate 24/7 – Vaughn stated if somebody were to buy out 5-star would they have to get a new agreement with the board? Attorney Schaumberg stated the agreement would transfer to them – we have no vote.

Tom stated the committee will review 5-star plan – capture data from blasts from the complaint form – review of the ordinance and provide with any new updated information.

Public Comment: Carol Peuse would like to know about citations. She felt having public comment at the beginning of the meeting was good as there was a lot of discussion that went on and she felt it was good. Discussion was talked about RR blocking – they were at HWY meeting Her and Glory Adams discussed putting up signs with the phone number. IF blocked for more than 10 minutes to call. Can call union pacific also looking at considering putting ads in the paper and ad-delite – a did you know ad. As a citizen and member of concerned citizens she greatly appreciates the ability to comment. As representatives allow people to speak at the meetings, she understands there should be time limits. She felt the June meeting brought up a lot of good conversation back and forth and action was taken because of the comments. She would like to request that from now on that the public comment is placed at the beginning of the meeting.

A hand out was passed out from Christine Yellowthunder where she asked to pass out weekly reports on everything - hand out report on blasting. She wants to have a geological study done.

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 11:05 p.m.

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Patti Warner, Clerk

