

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
THURSDAY – DECEMBER 19TH, 2013
7:30 P.M. – TOWN HALL

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

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

Pledge of Allegiance

Also present: Attorney Rick Schaumberg, Tom Peterson, Vaughn Nagahashi, Ralph Yellowthunder, Eli D Gingerich, William E. Bontrager, Jonas A. Borntreger, John D. Borntreger, John D. Borntreger, and Felty F. Borntreger, Joe E. Borntreger, Joe E. Bontrager, Rudy E. Gingerich, Vernon E. Bontrager, Scott McCurdy, Glory Adams, Jason Rouleau, Scott Bolstad, Terence O'Donahue, Felty C. Borntreger, Melvin Bontrager, Lavern Bontrager, Jake Gingerich, Ray Hargrove (Hi-Crush) John Arby, Dick Reese

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

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

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

Citizen Comment – Terry O'Donohue asked a question directed towards Attorney Rich Schaumberg. As the towns' attorney - does he represent the town board or the people of the township. Attorney Schaumberg explained his role as the towns' attorney and how he represents them and the township as a whole.

Old Business:

Supervisor Steve Weiss asked about the grader – Chairman Jeff Gerike stated it should be delivered this week.

New Business:

Hi-Crush – re: Nov 8th blast. Chad (Hi-Crush) spoke to the board. Supervisor Steve Weiss stated it personally involved him as he was home when the blast went off and he felt it in his house. Chad stated that according to reports it was the least packed of the 21 blasts that they set off. They did a bigger one on the 18th. Steve's questions. If it's the smallest blast why is it shaking houses on Brunzil and up on G. Dick (Hi-Crush Engineer) stated that the blasts will be felt up to a mile from the blast. The human will feel it but it will be non damaging to the homes. It was a low level vibration amount so it wouldn't crack house or make any cracks bigger. Steve said it's caused concern with the strength of the blasts what it was doing to households and animals. Both the Amish and English felt it and had concerns. Dick (Hi-Crush Engineer) Stated they set up 4 seismic graphs to get a set up at closest neighbor's structures. They have one setting up now on cook pipeline – also setting up at 3 closest houses surrounding the blasts. State has a safe vibration chart they must follow so that they do not damage houses. Have had 22 blasts – all readings were in compliance for ground vibration. Also monitor noise. Noise will create vibration which could rattle windows which they also monitor. Steve asked do these levels vary with population density. Engineer the level is appropriate for 1 house to 500 in the areas. The blasts have been significantly under the safe vibration charts from the state.

Ground vibration dissipates with distance – Chad stated the last blast on 25th they did set seismic graph on Brunzil road. Steve stated he felt these charges are too severe in our area. Ricky stated the guys that are going to get hit harder are towards the east. Steve stated it is causing damage – we weren't prepared or expecting this kind of impact. Scott stated they are feeling something they don't think they should be. Even though Hi-Crush is following state we're having problems how can we fix it. Scott stated he received a call from Steve stating it almost knocked him off his chair. For some reason physical or engineering – it is pushing that blast toward the ridge – they need to figure out how to conduct business without disturbing the neighbors. Chad stated they could do inspections of the homes get pictures and recordings. Video and still – Steve stated we weren't expecting 20+ blasts this year – we were told there wasn't going to be blasting. It is not for our lifestyle – he looked out the window and his neighbors animals were visibly shook.

Animals were running around for no apparent reason. It has been an ongoing issue all summer. Feels Hi-Crush needs to become more transparent to know when blasting is going to happen. Chad stated prior to the November 8th blast – he was unaware of any concerns with citizens. He also stated with a reduced charge in blasts it will increase the frequency that they need of the blasts. Question was raised as to the people that need to know about the blasts. Also is there a particular place where somebody would like to have a seismograph. They have them set up at 1300 ft ¼ mile – they inspected 3 homes – but there is none within a quarter mile of the blasts. They don't expect any damage. Scott suggested that they do a follow-up visit to the homes and reinspect to see if there is any visible damage to the homes. May not find any but doesn't alleviate the issues. Obviously there are safety concerns if a horse and buggy is traveling down the road and the horse spooks due to a blast. Hopefully next season we won't have any issues. Ricky stated that if windows rattle etc. we don't need a seismic graph because it's obvious – what would a graph do?

Steve stated another concern is we have had a lot of wind – there also has been a lot of dust – is Hi Crush looking at covering piles or wetting them down – these are major issues and concerns. Air monitoring is another concern - the DNR will place the monitor between plant and city – that doesn't help as the wind is blowing dust to the East where there is no monitor. Chad stated that they have not had to water the piles – DNR checked up on it. Steve asked if they have been stockpiling top soil?? On everything?? And is there nothing out there that is below grade or pit?? Chad stated they are at grade or above for mining – not mining below grade 10/30. Chad stated they did build a pond with some material to hold water in pit. Steve asked when has Eau Claire County been out to do an inspection. Chad stated they are going to be coming mid January to do annual inspection and review. Rod Eslinger and Skyler and Kelly Jacobs have been out. Steve asked if the town board can be notified so someone can be there as well. The Clerk spoke about her concern regarding train cars blocking access on Cty M. She's concerned for the Amish that may get stuck waiting for the access to open up – upwards to an hour or more – in the bitter winter cold this could be devastating for the humans as well as their horses. For autos – it is an inconvenience but they can turn around and take another road – for the Amish – to take another route would add extended amounts of time for them to get home – and could endanger families in buggies. Chad stated that he can't control what the railroad does – but this happens when they are dropping off or picking up cars. He was not aware of the delays – he thought it was no more than 20 minutes at the most. He will definitely check with railroad to see what can be done.

Attorney Rick Schaumberg stated that assuming graphs show compliance and inspections look great more notifications need to be given to the community. You can be in compliance but still have an issue. We don't have a normal township. Our community using animals for farming. What can we do to protect this sensitive part of our township. But when a blast causes an incident such as runaway horses – our board can't do civil liability. You can still be in compliance but fees other considerations have to be done. What are other alternatives? He feels he didn't address. May take unique answers from Hi-Crush – he feels we may still have issues. Engineer – stated they could notify house to house. Dean stated it won't help with the animals at least from township side of view. Attorney Schaumberg stated maybe they could think outside the box. Steve said would like to know what they have for answers. Chad stated again they were not aware of any problems until after Nov blast. They won't resume blasting until April and they will try to work with something. Steve stated the common response from people was - why complain they felt nothing could be done anyway. Amish raised some concerns: Is there anything that can be done about the bright lights - they are really annoying. Felt blasts pretty bad at times. One stated this morning he was in his basement 1 post fell on the floor doesn't know when it happened or what was the cause. Felt a movement in his chair – seemed to get worse as summer went on – really rattled windows – concerns whether it would do damage. Does have a crack in house – doesn't know if it was from blasts or not. Concern about the train across the road – his son and family waited an hour with small children – the train was already blocking the crossing prior to them getting their – when they got home the kids were pretty cold.

Tom Peterson from mining committee spoke to the board. The committee met on the 9th – reviewed all questions – prepared 2 page paper (he passed out). Committee came away with no additional questions but there are issues that need to be addressed. Confident that answers received are adequate – and mainly focus is to ensure that there are 9 areas that need to be addressed before an agreement should be entered into. Scott McCurdy is in agreement with their questions and recommendations – most really relate to concerns that we think high country can provide additional information at public hearing or negotiation. Steve stated he'd like to thank the committee for the job they have done. Tom stated that Scott McCurdy's knowledge and help was very much appreciated by the committee.

Tom asked how does a citizen voice their concern or issue. Committee discussed coming up with 3 parts - each town board members are able to receive information or concerns or complaints 2) during discussion of information you would try to decide if you want to turn it over to the mining committee. Have committee contact person or board member. Tom passed out a form that the committee would work from for developing a form for Bridge Creek. It is a DNR form. Committee is requesting the board to give them the go ahead to develop newspaper article – if we agree would have it back by end of January with their recommendation. Vaughn feels it's important to have contact information out – he has heard comments that they hadn't heard any complaints. He feels the complaints should come to the board. Tom stated if we get information out there he feels that the citizens will think the town board is doing

something. Vaughn says he is stopping by farms and thinks the Town Board members could do the same. Stop by and ask if they have any concerns or issues like he has done. Tom asked if the board is in agreement the committee will come in January. Supervisor Steve Weiss made a motion to have the committee come up with the form and a publication to go in the papers. Seconded by Ricky Strauch. Motion carried: Supervisor's Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman, Jeff Gerike Attorney Schaumberg stated that tracking these complaints could be very beneficial come spring and it would be a good form to send to the DNR. It would give us proof and adds a lot of credibility.

Tom Peterson – asked about inspections that 4 occur per year that's under agreement or license. Committee feels that they could come up with a checklist passed out a rough draft. Would the board like a sheet to fill out? They would draft a letter that would require – non-metallic mining ordinance allows us to make inspections. And invite DNR representative to accompany us. Address training – is mining operation going to require training – if so will you train board and others? The committee is willing to take this on and cover it more in January. Lynn stated that we need to get EMTA training. Dean stated he wouldn't want to go on the site without it. Scott stated the training is 4 hrs. some out of CVTC and one out of Hudson. Develop inspection form and draft letter in terms of notification to the companies.

Supervisors - Steve & Lynn attended a meeting at Eau Claire County regarding the Amish that were being brought before a judge for eviction notices for not getting building permits. They basically had a teleconference had 4 Amish appear – trial set in April. Predominantly dealing with building permits – dealing with smoke detectors. Mr. Bolstad – he met with different government entities regarding this issue – (regarding getting evicted for no smoke or carbon monoxide detectors). He met with both sides and determined it was a state issue. What has EB499 proposal to amend to the UDC. If you live in a residence without electricity or plumbing you would be exempt. It's with the real estate and housing committee now. Could be voted on before May.

Discuss public hearing for high country. Attorney Schaumberg stated that we have to give notice at least 15 days prior to the day scheduled. Eliminates any public hearing in early January and also to give notice to anyone involved within ½ mile of the site notice by mail. After discussion with High Country date has been set for the public hearing to be held on February 12th, 2014 – Open house from 6-7pm Meeting will start at 7:00 p.m. Jason Rouleau will contact landowners within ½ mile of proposed site by letter and will give the township a copy of names that have been notified.

Attorney Schaumberg spoke to the board regarding the bill and possible zoning. He spoke with Gary Gibson and was pretty much told that he doesn't think Eau Claire County will make special accommodations for zoning for our township. He knows that the board doesn't want to hear about zoning – but he feels there's concern regarding the upcoming legislation – he thinks the board needs to adopt zoning – and have an overlay where non metallic mining is not allowed. If not we take chances with what we have and hope bill isn't going to go through or we need to opt into county zoning. He feels in order for the bill to get votes to pass they are going to have to try for big city votes. As the towns' attorney you have to think about it. Attorney Schaumberg's suggestion – is the board consider a moratorium to stop whatever might be coming. Feels we need to pass the moratorium on non-metallic mining because we don't have zoning and because of the legislative bill pending. Feels it should be placed tonight for 6 mos. Moratorium will also suspend the expansion of any current operations. Motion by Supervisor Steve Weiss Second by Lynn Norheim. Roll Call Vote: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Jeff Gerike (aye). Motion carries. The moratorium will end on 06/19/2014.

Attorney Rick Schaumberg will also check with Rod Eslinger to see what the procedure would be to enter into County Zoning. What requirements if any the county has.

Supervisor Dean Spoke regarding the Fire Department and the current funding. The way the current ordinance reads there is nothing Jeff or Dean can do about it. Currently the township pays 60% of their budget while the City of Augusta pays 40%. He feels basing the payments on the equalized value of the township is unfair. He feels it would be fairer to base it on EMS & Fire Department calls. Dean passed out a report showing EMS & Fire calls to the city versus township. The fire calls are relatively even but there are far more EMS calls to the city than Town of Bridge Creek. Bridge Creek has an equal amount of volunteers. We're paying 4x as much for calls. Attorney Schaumberg stated that the contract that is currently intact you've already lost any negotiating powers. The only solution with the current contract is to dissolve the fire department or stay in it. Dean does not want to see the Fire Department dissolved but wants the costs to be distributed more fairly. After discussion Supervisor Steve Weiss made a motion to send our two town board members to the city counsel to present to them a more equitable way of distributing the costs of the calls. Seconded by Ricky Strauch Motion carried: Supervisor's Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman, Jeff Gerike

Discussion was held regarding the resolution for Bill SB-349. After discussion Supervisor Lynn Norheim made a motion to pass a resolution for bill SB-349. Resolution to state: *Whereas, The Town of Bridge Creek opposes the*

provision in SB 349 that preempts local government from using licensing ordinances to regulate nonmetallic mining operations. Whereas, the township also opposes the passage of SB 349 as drafted.

Seconded by Supervisor Dean Solie. . Motion carried: Supervisor's Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman, Jeff Gerike

Set date for caucus. Saturday January 11th, 2014 at 9:00 a.m. – motion by Steve Weiss Seconded Ricky Strauch
Motion carried: Supervisor's Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman,
Jeff Gerike

Chairman Gerike appointed the following election clerks. Sandy Marifke, Marge Eklund, Beatrice Nehring, Diane Gerike, and Tamy Moss.

Motion by Steve Weiss Seconded by Dean Solie to go into closed Session. Motion by Jeff Gerike. Seconded by Ricky Strauch to come out of closed session and return to normal meeting 11:05 p.m.

All bills were audited and paid.

Motion to adjourn meeting was made by Supervisor Steve Weiss. Seconded by Supervisor Dean Solie. Meeting adjourned 11:35 p.m.

Patti Warner, Clerk