

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
THURSDAY – APRIL 17TH, 2014
7:30 P.M. – TOWN HALL

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

Pledge of Allegiance.

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

Also Present: Attorney Rick Schaumberg, Scott McCurdy (Cedar Corp), Vaughn Nagahashi, Ralph Yellowthunder, Christine Yellowthunder, Glory Adams, Jacob Gingerich, Carol Peuse, Gerry Martinson, Dan Carlson, Chris Martinson, Jason Rouleau (High Country), Dale Kirchoff

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

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

Public Comment: Jacob Gingerich – re Road Bans. He talked about his concerns on county road bans – he has no problem with bans on town roads – the county will put their road bans on before necessary and leave on long after frost. Last year the county left them on for 8 weeks straight. He tried working with the County – they would issue him a permit which cost \$20.00 for every load of wood and they had to haul out from midnight until 4:00 a.m. - Chairman Jeff Gerike stated there isn't much the township can do about the bans. Attorney Rick Schaumberg suggested we talk to County Board Supervisor Gary Gibson and have him look into it.

Citizen Comment: Terry O'Donohue – stated he heard a rumor that High Country wants a vote tonight on their sand mine plant – he wanted to tell board that this is our town we should dictate what gets done and never allow us to be pushed. He encouraged the board to listen to the people that have spoken at meetings. Putting this plant at a school is an indicator that they don't care.

Christine Yellowthunder – spoke to the board about her concerns regarding a vote. She passed out a copy of her public comment (Attached) – also gave the board a copy of an article that came out in the Houston newspaper. (Attached)

Vaughn Nagahashi – spoke to the board and stated he stands in support of what Terry & Christine said. His concern if board votes – and if we decide to say no – he wants to know what happens – doesn't want a discrepancy between what the board says and the attorney drafts.

Old Business:

Supervisor Ricky Strauch asked Scott McCurdy about the blasting that Hi-Crush is doing. Scott stated their schedule to blast is every Thursday around noon. Scott McCurdy stated that the state is under control of the blasting and if Ricky or anyone feels they are in violation they should report it to the DNR. Supervisor Steve Weiss voiced concern that he feels their contention is that their blasts are below levels. Scott McCurdy stated that you can always request the records in regards to the blasting. He also stated that they have added 2 additional graphs. Ricky stated that he had received complaints that they may have not been

removing the topsoil – but that the county was out there and did an inspection today and they were removing topsoil.

Supervisor Steve Weiss said he has been talking with Amish neighbors with issues – Hi Crush suggested they could be in the homes during blasting times. The Amish would rather not have members of the sand mining there – would rather have town board or member of committee be there. Most effects have been in the houses. Those in the house repeatedly have been suffering. Dishes rattle, kids being woke up. Scott stated if there are concerns the state should be contacted. Attorney Rick Schaumberg stated that Hi-Crush is under state and federal regulations for the blasting and it is outside of our enforcement. If the mine is causing damage there needs to be private causes of action by the owner. If all records show they are in compliance there is not much we can do. The landowners would have to pursue it.

Supervisor Ricky Strauch stated he had received complaints on 5-star this week – stated Eau Claire County was called because of the dust violation. Eau Claire County stated they knew of the stockpile so they are going to contact Morey's. The DNR also has contacted Eau Claire County. Supervisor Steve Weiss asked about Eau Claire County doing anything with Hi-Crush – answer is no. Supervisor Steve Weiss said maybe through the committee those that have pictures and documentation should forward it on to Kelly Jacobs. Scott McCurdy stated that when the DNR does an inspection there is a broad communication issued – he would of thought the county was notified – stated it doesn't hurt to make a phone call. Supervisor Ricky Strauch stated that we could call Tanner Conner – that is who Vaughn was told to contract that's in charge of it.

Supervisor Ricky Strauch asked if we want the committee to dig a little deeper into costs. Chairman Jeff Gerike stated that we could get the county to come down to a meeting to speak about costs. Attorney Rick Schaumberg stated that adopting zoning does not affect current zoning permits along lakeshores and water ways. It will not impact their building costs– zoned or unzoned. Supervisor Dean Solie stated that for any housing things are still the same – people need to get permits. Supervisor Steve Weiss suggested that we have someone from the county come to our next meeting. Vaughn stated the committee would be willing to meet with the county if the board wanted them too. He felt there was confusion at the public informational meeting as to how we are already under zoning versus how it will affect us if we do adopt zoning. If we could get answers in layman's terms it would be better. Chairman Jeff Gerike stated that we will try and have them attend next months meeting.

In regards to blasting Scott McCurdy stated there are private organizations that can also be hired to come down and do a vibration analysis. If the town board chooses to go that way they would have to determine if the township would cover the costs or the homeowners.

New business:

Supervisor Steve Weiss passed out information on armor tuff coating. He stated since at our annual meeting there was discussion for some improvements he felt getting better flooring would make the hall more presentable. He spoke with John Miksis who is the representative for the company. He is willing to come down and give an estimate and would do a presentation at our next meeting. It's a lot like we see at the school. He passed out a handout. Can be 3-7 layers 1/8 to 1/4" thick. The application is a spray on process.

CLOSED SESSION

WIS. STATS. 19.85(G): CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED

Motion to go into closed session was made by Supervisor Lynn Norheim. Seconded by Supervisor Dean Solie (8:30 p.m.) Motion to resume open session meeting was made by Supervisor Steve Weiss at 9:39 p.m. Seconded by Supervisor Lynn Norheim. Motion carried.

Chairman Gerike brought up the donation to the Lake. At the annual meeting a resolution was passed to pay Eau Claire Lake Association a \$1500.00 donation. He asked for a motion at the regular meeting for approval. Motion to approve the 1500.00 for Eau Claire Lake Association motion was made by Supervisor Steve Weiss. Seconded by Supervisor Lynn Norheim. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Chairman Gerike asked the board to take a vote on the High Country Sand Application. He asked Ricky Strauch to acknowledge if he is related to Jason Rouleau – and Ricky Strauch was also asked if he could make an impartial vote based on their relationship. Ricky Strauch stated that he was related to Jason Rouleau and that he could make an impartial vote. Attorney Rick Schaumberg reviewed with the board the duties they have in making their vote. First they had to have a public hearing which was held. Then the ordinance reads they shall consider experts report, and public comments. Based on that they shall grant the application if they feel all questions and concerns were answered. If the operation of the mine is denied then the mine shall be notified with reasons for denial and shall be in writing – applicant then can request a hearing. That section provides within 30 days of denial of the application they have to file a petition with the town board for reconsideration - at that time applicant will present further information whatever reasons for denial that the town board requested - after that hearing – the board will take a vote again to accept or deny or grant conditions on entering a mining agreement. If the board decides they can grant as is – conditional upon coming to mining agreement or deny and set forth reasons for denial – 4th the board doesn't have to do anything tonight it doesn't say when the board has to take a vote. However as the town's attorney he would encourage the board to vote to move it forward. Supervisor Ricky Strauch stated we granted public hearing and felt some questions were not answered – can we choose not to vote – have no motion made because we are lacking sufficient information. Attorney Rick Schaumberg stated again he would encourage a vote unless you know offhand what is deficient. He stated Scott McCurdy deemed the application was complete – engineer stated it was complete had to be made prior to public hearing. Supervisor Steve Weiss made a motion to deny application. Attorney Schaumberg stated that there were reasons that are relevant reasons. Board does not believe air emission questions that were raised were adequately addressed also believes health, and safety issues were not totally addressed. Mine comes in we're moving out thus causing loss of aid to school – surrounded by mines that enough is enough. Seconded by Lynn Norheim Voice vote: Steve Weiss (nay) Dean Solie (nay) Ricky Strauch (nay) Lynn Norheim (nay) Jeff Gerike (nay). Attorney Schaumberg will draft a letter and send to Patti – she will get it to Chairman Jeff Gerike for signature and it will be submitted to High Country

Chairman Jeff Gerike brought up item discussion of the ATV Ordinance. Attorney Rick Schaumberg discussed the changes that were made with current statutes. It will be ATV/UTV Ordinance. After discussion Supervisor Dean Solie made a motion to approve the ordinance. Seconded by Supervisor Steve Weiss. Motion carried. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Chairman Gerike announced that the Road Tour date will be held on – May 3rd leave the Town Hall at 7:00 a.m.

All bills were audited and paid.

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

Patti Warner, Clerk

