

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
OCTOBER 16TH, 2014
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: Steve Weiss, Dean Solie, Ricky Strauch and Lynn Norheim; Tamy Moss, Treasurer; Patti Warner, Clerk

Pledge of Allegiance

Also Present: Attorney Rick Schaumberg, Tom Peterson, Vaughn Nagahashi, Dale Kirchoff, Troy Morey (5-star), Jeff Stensen, Ashley Bixby, Pete Stensen, Christine Yellowthunder, Bernice Strauch, Jane Justesen, Vicki Larson, David Safford, Barb Stark, and Carol Peuse

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

Public Comment:

Christine Yellowthunder: Minutes last month she asked for the topic of hiring an enforcement agent to be discussed it's not on agenda she would like to request again that it be on next months agenda. 2nd. Professor Tom Kersten from U WEC has had students contact the board and not one has called the board back. All board members stated they never received a call. She stated currently a professor there is having their class do a survey on how communities are being affected by sand mining. Separate focus is an interview how board feels the challenges are.

Carol Peuse: Vaughn Nagahashi couldn't be here tonight so he asked her to pass a hand out to the board about communities at risk – she handed it out and encouraged the board to read it. Apologized for not showing up last month didn't realize she was on agenda but she would like to be placed on the agenda in November for public comment. She spoke about Scott McCurdy engineer from Cedarcorp and passed out a letter – she stated the concerned citizens believe his recommendations have been slanted towards the mines and asked the board to re-think hiring another engineer.

David Safford: Spoke in regards to his concern over the board member last month giving his definition of freedom – he didn't like that no one spoke up about the soldier and felt the dictionary he used had a totally different meaning than the one he has. He also feels that comprehensive planning is zoning and feels for those that don't want it he wishes they would quit playing a game with it'

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

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

Old Business:

Update on Olson Pit. Attorney Schaumberg – reviewed we energies proposed lease – sent his recommended. He stated the lease had both towns signing it but didn't state why – and the lease did not acknowledge our town and Town of Fairchild's current lease with Willy Olson. He suggested they needed to acknowledge that so they couldn't interfere or obstruct our aggregates – they could have come and stored everything in our way and we couldn't have done anything. Under rent there were blank spaces – he indicated in his suggestion he would never advise us to sign something that had blanks in pages. The current draft protects the town's interest. We don't have to sign it we still have a lease – if we don't sign it - doesn't change anything. Duane Merritt stated that the reason for lease is we energies will bring a gasoline to Willy's house. After discussion Supervisor Dean Solie made a motion to sign the lease as Attorney Schaumberg drafted. Seconded by Supervisor Steve Weiss. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye)

Duane Merritt – asked the board if it was true that we were considering closing the pit. He had heard we were. Chairman Gerike stated that there has been no discussion of it and we have no intentions on closing the Olson Pit.

Steve Weiss stated floor looks great! Diane did a great job painting the clerk asked the board if they would consider putting a chair rail up around the hall room to protect the wall where chairs or tables would hit the wall. Supervisor Dean Solie made a motion to get a chair rail 2nd Lynn Norheim. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye)

Dean Solie asked about Karow Road if we heard anything yet. Clerk stated she hasn't heard anymore other than they were sending on approval to the state. He stated he is going to stop up at Eau Claire County and talk to them again.

New Business:

Troy Morey from 5-star thanked the board for getting them on the agenda. He stated it was their intent to get approval from City of Augusta before they approached the town board. In our agreement the stipulation states they would not haul south on HWY 27. Verbage in there he thought was more for protection for City of Augusta. Mining agreement states they can deviate for smaller contract loads. Never put a definitive number in there. He asked for permission for 850 loads – 4-5 trucks day – 20 loads/day go through town. They are also checking with Eau Claire County to see if R would be an option to run. Otherwise they will be heading south to Black River Falls through the city. The city put together a letter stating that the public safety committee stated that they be allowed to travel through 4/1 vote. If true intent was to protect City of Augusta – he is asking for a variance or provision in agreement for this one contract since it's been approved by the city. Supervisor Steve Weiss asked if it

would be the whole pile. Troy said it will be approximately 20K tons out of 200 tons they have there - but they are working on selling the rest. Ricky Strauch asked why it isn't all going north. Troy stated they have a different buyer that needs 20K ton for his project. Lynn Norheim asked trucking hours.

Attorney Schaumberg stated we can give them a temporary waiver to go south. Ricky Strauch stated so if they went south wouldn't that be a violation of our contract? Attorney Schaumberg stated only if the board didn't approve it. You can give a temporary waiver. Ricky Strauch asked if there's anything in it for us. Troy said its one step towards moving the big pile. Ricky Strauch stated it would be nice to get something in writing that they don't pile that high again – can we negotiate something in return. Could we put that in our agreement to limit the size of their piles?

Steve Weiss asked about time frame. Troy stated they are hoping for 45-60 working days – obviously they want to move it as quickly as possible. They want to keep continuous without making an impact in town. They are working on trying to get the rest to go north. Attorney Schaumberg asked if there was a waiver agreement that both parties are to sign. Troy said no that they spoke with Delton Thorson it went to their public safety committee who approved it and then went to City Council where it was approved 4/1. He stated they are not probably going to be hauling if it is raining or snowing. Want to be gone with first loads by 6am - Attorney Schaumberg stated our offsite hours are 7am-7pm and 7:30 – 3 on Saturday. Troy stated they are looking at only hauling 5 days/week.

Dean Solie asked about going north and Troy stated there are a lot of trucks available in the winter months. Steve Weiss asked if they would come to next meeting and give an update. Attorney Schaumberg stated he would prefer to see a temporary agreement and would draft it if the board wanted him too. Troy stated that they are looking for most 60 working days but would like to see a deadline of February 1st. They could get started as early as the next week or two. Steve Weiss asked what is going to happen with the rest of the pile. Troy stated that he'd like it gone as soon as possible as it was never their intention to have it there that long – they thought it was sold – but someone took off with the money they were suppose to get paid for it so that deal never went through. It has cost him plenty being there. Attorney Schaumberg stated he will draw something up but the board could give Jeff Gerike authority to sign it once it is done. Lynn Norheim made a motion to allow 5-start a temporary agreement to haul 20K ton of sand south either through the City of Augusta – which would be approximately 850 loads of 4-5 trucks/day – completion date of February 1st 2015 – if not 5-star has to come back to the board and request an extension. This would involve no traveling on town roads and also to authorize Jeff Gerike to sign the temporary agreement once Attorney Schaumberg has drafted it up. Seconded by Dean Solie. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (nay) Lynn Norheim (aye)

Tom Peterson: Mining Committee – revised non-metallic mining draft – committee finished it earlier this week. Reviewed at least 6 that they were able to get copies of from western Wisconsin - new ordinances to revised ordinances. They prepared a summary of some significant changes that were made – 27 pages versus 15 of current version. Findings language has been changed – expanded definition of land owner – license transfer – conditions temp license operator to be in compliance with current ordinance - added fees application fee and administrative fee – operator should send application of all – 5 out of 6

had application as part of ordinance rather than an appendix. Minimum standards no more than two mines be allowed in the township at the same time – no mining within 5 miles of school – no blasting allowed - 7-5 no weekend – air monitoring systems – ground water – application fee & administrative fee for a license renewal – mining committee inserted an abandonment clause – damage to water supply goes 2 mi – separate section on mining agreement – neglected to put on sheet inserted a protecting property value's clause.

Lynn Norheim stated that the committee did an excellent job. Steve Weiss asked if there is a fee schedule – Tom said it varies. Ranged from 250-500 approximately 1500-2000 for administrative fee. Attorney Schaumberg stated you can only set a fee proportionate to what you think you cost will be. Steve Weiss asked couldn't we ask for 50-75,000 to kind of set aside as a buffer? Attorney Schaumberg stated you have to substantiate the fee. It's not a profit thing it's to cover costs.

Steve Weiss spoke about hiring someone to enforce our ordinance and would like to see it on next month's agenda. Tom said none of the ordinances talked about hiring an outside source to enforce the ordinance unless Attorney Schaumberg feels it is something to add. Attorney Schaumberg stated it is just speculative in nature. Steve Weiss stated that us being unzoned he feels we have no defense and we really need to think about protecting our citizens. Ricky Starch asked if the township couldn't get or do something to cover people. Attorney Schaumberg stated that individuals have the right to go for a personal liability action suit – would never recommend the town consider it as how would you get it to stop and how would you pick and choose who to help.

Ricky Strauch brought up comprehensive planning – feels it is very important to our township – he spoke with Rod Eslinger and he said he told him we could enforce it. Attorney Schaumberg stated if we were going to adopt zoning it would be better to have a plan before we adopted it. But a comprehensive plan without zoning is just a plan – serves no purpose. You can spend a lot of time on a comprehensive plan but zoning is what matures from it. They go hand in hand. The only way to enforce a plan is through county zoning or you adopt your own. And in order to have your own zoning Eau Claire County would have to approve it and he doesn't feel they would ever approve. Ricky Strauch stated that Rod Eslinger told him you can protect your parks, safety of tourists, Ag land. Attorney Schaumberg stated there is no hard in doing one but unless you're zoned or are planning too he doesn't see a benefit to it.

Chairman Jeff Gerike asked Dale Kirchoff on the crushing of gravel. He stated he thought they were going to do it in a week or too. He stated they will be working on salt sand.

All bills were audited and paid.

Motion to adjourn was made by Supervisor Steve Weiss. Seconded by Supervisor Lynn Norheim. Motion carried. Meeting adjourned 9:30 p.m.

Patti Warner, Clerk

