

Town of Bridge Creek  
Regular Monthly Meeting  
7:30 p.m. – Town Hall  
November 21<sup>st</sup>, 2013

The regular monthly meeting was called to order by Chairman Jeff Gerike at 7:33 p.m.

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

Pledge of Allegiance:

Also Present: Attorney Rick Schaumberg, Vaughn Nagahashi, Glory Adams, Tom Peterson, Dale Kirchoff, Representative from

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

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

Citizen Comments: Tom Peterson spoke to the board Re; Five Star on HWY 27 – one of the things they heard from residents is their concern about stock piling and the fact they have been digging for two weeks – there is a considerable stockpile. Now with moisture there isn't much of an issue but he wondered how much dust has come off of those piles previous to the moisture. Tom also wondered if they came to the board to ask for permission to stockpile. Supervisor Ricky Strauch asked if it is topsoil but Tom stated sand. Scott McCurdy (Cedarcorp) spoke and stated that most of the top soil has been put on the berms. Scott stated the reason for the stockpiling was because they had to wait for

Approval from Eau Claire County prior to hauling. Scott stated there was a meeting on Tuesday where they met with the county. The County gave them permission to start excavating prior to their meeting. 5-Star wanted to get a stockpile ahead of winter to start hauling once the County gave their ok. On Tuesday they were granted permission to start hauling as of Tuesday. Scott stated that the amount of sand that is currently there he estimated would be gone in three weeks or less. Scott stated that the County had to do a final inspection before they could haul. Tom's question is: "Is that the County's role?" Scott stated that the County would not allow them to haul but allowed them to stockpile. And as far as Scott knew per contract it hadn't been finalized yet and 5-Star was still organizing trucks.

Vaughn Nagahashi spoke to the board and wanted to share comments about Nov 8<sup>th</sup> – It was Hi-Crush's last time for blasting. He stated that the last blast caused quite a stir. Vaughn checked with 4 farms and the brunt of the shock was felt up on Brunzil road. Neighbor said the whole house was shaking. He spoke to Sam Yoder – said it was the worst they felt – comments came from different Amish that they didn't feel the explosion outside our out in the field – but it definitely shook things up in their homes. The Amish children at the school house watched the sand settle. They don't understand why they had to keep blasting. Also there is a light coming from Hi-Crush that is lighting an Amish family's yard. All four families said they could feel the blasts all summer long. It was suggested that the Amish go and walk through their homes and make note of any cracks – if cracks get worse it needs to be reported. Vaughn feels that the mining commission may have something to say about it. Question was raised if they could be asked if they would write letters of their concerns. Vaughn stated that there is some discouragement in the Amish community right now and they wondered if they complained would it do any good. Attorney Schaumberg stated that the letters could be presented to Hi-Crush when we do a review of their permit.

Ricky Strauch asked if anyone received reports on the blast. Scott McCurdy received a response from Dick Riesman who is Hi-Crush's new environmental engineer. Dick sent a report and the last blast was smaller than previous blasts. Scott stated that just because the size of the blast is different it doesn't determine how big your seismic wave could be. His guess is they are getting closer to the harder sandstone which can have more of an effect. That was their last blast for the year. What he's been told is they are in tolerance.

Scott McCurdy stated in reference to concerns on foundations and cracks he stated that you can have structural inspections. Feels if there is this level of concern for the community – maybe the town can ask Hi-Crush to have it done. They will have to get homeowners permission for it. Attorney Rick Schaumberg stated that we need to set up a date for a review with Hi-Crush and at that time can bring up these concerns. Supervisor Steve Weiss stated he has damage – has a 2 ft overhang that is damaged – and cracks in his drywall. Scott McCurdy stated that it sounded like there weren't enough delays in between blasts. Supervisor Steve Weiss stated that he has received complaints on rail cars hooking up and beepers. Scott McCurdy stated that they had an inspection by air management and storm water by DNR – there was a citizens complaint and it went right to Madison – he has not seen any copies of this but has requested copies be sent to the township. Scott McCurdy said to take the complaints to the DNR who is suppose to regulate it. Then question was raised will they change anything. Scott told the board that he told Hi-Crush they need to improve on their communications – need to develop personal relations – start sharing with the town board. Ricky Strauch stated that he spoke to someone in regards to their wash plant and it is full of mud – Scott stated they have to use a holding pond but not necessarily that one so yes it could be full of mud also Scott doesn't know if the life of the pond is near it's life or not. Dean Solie asked if they had to reclaim it?? Scott McCurdy stated it's a maintenance issue they will get to it when they have time – they have enough land they don't have to reuse it.

Old business:

Discuss skidster – sold dozer – Dale said the skidster is a really good machine. Tracks are nice and really in good shape. Motion to approve purchase of skidster was made by Lynn Norheim. Seconded by Steve Weiss. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye); Chairman, Jeff Gerike (aye)

#### New Business:

Tom Peterson spoke from the Mining Committee in regards to the High Country Application. They had a meeting on November 12<sup>th</sup>. They had responses from Scott McCurdy – and also email responses to committee. Committee felt few questions were answered fully – for most part or not answered. Committee felt application was not satisfactory and did not feel it was complete – Asked about traffic impact analysis – there are some things that committee feels are not accurate. They know there are Amish children and buggy traffic. Felt it was majorly focused on the mine operation in Otter Creek versus leaving the plant. Committee decided they would look into it further – and give us an adequate analysis or if it needs to be done further. 2<sup>nd</sup> area citizens concerns how do residents notify and who if they have concerns – the committee is suggesting that each board member be a point of contact but that we have some type of form – to ask specific questions – they have a form that is patterned to the DNR form. That way the board can decide if they are going to follow it up or pass it on to the committee. The important thing has to be some kind of way to notify residents of how to let people know – put an article in the Augusta Area Times – or Ad-Delite....get word out about complaint system – purpose of committee – committee is willing to draft and write the article – present at next town meeting. 3<sup>rd</sup> item mine inspections – realizing they are not experts they would recommend 4 inspections of each mine year. By members of board - committee – Scott and DNR. They have been getting a list of things compiled that would be inspected. Committee is saying you would notify mines that starting in 2014 there would be these inspections. They also would look at license and see what modifications would need changing. Vaughn stated if you're getting contact out – would also consider addresses. Vaughn questioned re: inspections is there some EMSHA training going on – stated there is going to be one and the cost is 125.00 – would the board want to send them for training or would you just want Scott McCurdy there.

Scott McCurdy stated that anyone wanting to go on a mine site should have EMSHA training he highly recommends this. Without it they may not let you on the site if not EMSHA trained. He feels the town board has the right to go on site – they would have to be escorted – may not get you to all the places you want to go – but it is all about safety. He would recommend more than one individual be trained. If you're outside the vehicle EMSHA is a must.

Suggestion by Steve Weiss was to possibly have someone come and train the board and committee. Dean Solie stated we could also have someone drive us around if we have specific questions. Also look at their records for water tests and seismic studies of blasts.

Scott McCurdy spoke to the board regarding his recommendations on the High Country Application He stated that he feels that the majority of the questions were answered. They want the process to proceed – he has had a discussion with their engineer Steve. He doesn't feel he's going to get any better answers – he's not going to say all the answers are there – but they have attempted to answer all of them. He didn't hear about some questions until tonight. He feels the application is complete. Scott presented his summary to the board. Supervisor Steve Weiss asked that he read his submission. Submittal has been reviewed by committee and himself. Again not all answers are as positive as they hoped. 82.37 acres -- 33 acres will be within a lease for 10 yrs with option for 10 yr extension. 33.3 acres. Located on southern most 23 acres. No mining will occur. Reject material will be removed and returned to Martinson mine site. Land use is all Ag. 14 water supply wells within ½ mile of site. 2 hi cap wells can't exceed 160 gpm average. Anticipated start date within 6-8 months anticipated life 20 yrs. It will be a wet plant with sedimentation ponds. There is not going to be a dryer. 300,000 tons annually. Use 400 gal/min additives polycrylimydes in pond – his recommendation would be they need another well to the NW – 85 trips per day from mine – Ricky Strauch asked if they will be extracting through the winter at the Martinson place – Scott McCurdy stated he felt no – they'll haul through the winter. Proposed speed on Hwy O is 35 mph (1.6 miles) – traffic impact was provided it is standard – he recognized the concerns that the committee has and it should be addressed to high country. Feels the traffic impact studies don't always address – pedestrians, bicycles etc. – but definitely feels it should be addressed. Glory Adams – asked is discussion done with Eau Claire County yet? Scott doesn't know but he knows that they will have to do things to modify that intersection. Proposed hrs is 6am-8pm 6-6 CST Monday through Friday then 8 hrs on Saturdays. Reason for hours is marketing – maintenance. They do have a contract with the property owner that buildings would be removed after the wet plant is no longer needed. There is no detection of lead or arsenic. 3 settling ponds – if they run into problems they may need more settling ponds and they may have something in their lease with Carlson's This is a redesign of a plan of 2012 – the whole plan was taken back and redone. There is a concern that site is designated as a floodplain – but the location of where the plant will be will not be located there.

If the board wants more questions answered either by the board attorney or committee he would like a list otherwise he asks that this move forward to a public hearing where a lot of these questions could be brought up then.

Tom Peterson stated that there are two businesses' that weren't mentioned the wood facility and the cheese factory. Scott McCurdy stated that he feels High Country has been forthright and all he can do at this point is take it back to them. Obviously there are some unanswered questions. If the board isn't satisfied we can put questions back to them.

Attorney Rick Schaumberg asked if their traffic person will be at the hearing. Scott McCurdy stated that we can request that he be at public hearing. Attorney Rick Schaumberg spoke to the board and asked - do we have enough information – one more step – have to consider public input and expert – if we don't feel they answered the questions – we don't have to act on application until we have all answers. The application is only complete for review we aren't saying it's acceptable. He agrees with Scott McCurdy – go to public hearing. Scott said other action could reject it as they haven't answered questions.

Supervisor Steve Weiss made a motion to the following – that the board has considered the report of the engineer and that the application is complete enough to move on to the next step which would be a public hearing - but the board reserves the right for additional questions

after the hearing and the board requires all billings are paid current prior to scheduling a public hearing. This would also include securing a court reporter at their cost to attend and take notes. Seconded by Lynn Norheim. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye); Chairman, Jeff Gerike (aye)

Vaughn Nagahashi spoke to the board and asked if the committee would like to meet again to compile questions they still have and would like to have Scott McCurdy there.

Attorney Rick Schaumberg asked the board if they would like him to draft a letter to High Country for request for reimbursement of all fees for attorney, copies, engineer to be paid prior to scheduling a date for public hearing. After discussion a motion was made by Steve Weiss 2<sup>nd</sup> by Ricky Strauch to have Attorney Schaumberg send a letter - Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye); Chairman, Jeff Gerike (aye)

Discussion was raised regarding placing another moratorium. Also discussion was held regarding the township goes to Zoning. The reason is if the township was zoned with the county that may be the only way to stop sand mines from coming into the township. Concern was also raised as there are so many Amish families that would be greatly affected if the township was zoned. Ideally the township would like to be able to have their own zoning ordinances. Attorney Schaumberg stated that the township would have to get permission from the County in order to have their own zoning ordinances. He stated that he could contact them and see what their thoughts are – if they would in fact allow the township to be zoned individually. While it is unlikely the county would agree to it – the question can always be asked.

Discussion was held regard purchasing a - Motor grader it is a 2013 new john deere – all wheel drive – rated 235 horse – for steering has a steering wheel and mini level. Also has a crosout system gives them accurate reading of what the slope is – would fit our current front attachments. 7 yr 7000 hr comprehensive warranty – after 1 yr there are a few minor items that aren't covered. They usually update their models every 7-8 yrs – but sometimes they don't upgrade due to emissions. He's anticipating Deere will hold off at this point.

Serviceability; is easier – 9L engine with higher torque – vs. cat 6. – wet sleeve engine – all wheel drive true 6 wheel drive - After discussion:

Supervisor Lynn Norheim made a motion to purchase the grader with a trade in price of \$70,000.00 on our old CAT – use the money from the account that was created after the sale of tax deed land to go towards purchase. Seconded by Ricky Strauch. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye); Chairman, Jeff Gerike (aye)

The clerk spoke to the board regarding the bond for the 2013-2014 tax season. By ordinance the bond would be with Eau Claire County for \$580,451.81 After discussion motion was made by Supervisor Steve Weiss to bond with Eau Claire County. Seconded by Supervisor Ricky Strauch. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye); Chairman, Jeff Gerike (aye)

*As per Wisconsin State Stats. S. 70.67 (2) the Town of Bridge Creek obligates itself to pay to the County Treasurer the amount of the State and County taxes apportioned to it for the amount of \$580,451.81 s/Patti Warner, Clerk*

Discussion was held regarding Seal coat rock – Dale reported that there is 500 ton to get rid of by end of year by Dennis Ovyn – Motion by Steve 2<sup>nd</sup> Dean Solie to purchase the 500 ton of seal coat rock. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye); Chairman, Jeff Gerike (aye)

Discussion was held to purchase any gravel – table until December.

Chairman Gerike was asked by the Eau Claire County Economic Committee to have a town board member be on the committee. After discussion Dean Solie was nominated to serve on the committee.

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 11:39 p.m.

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s/Patti Warner, Clerk