

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
JANUARY 16TH, 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: Supervisors: Steve Weiss, Dean Solie, Ricky Strauch & Lynn Norheim; Chairman, Jeff Gerike: Treasurer Tamy Moss; Clerk Patti Warner

Also Present: Vaughn Nagahashi, Attorney Rick Schaumberg, Terry & Mary Ann O'Donohue, Glory Adams, Tom Peterson, Fred Poss, Carol Peuse, Scott McCurdy, Christine Yellowthunder, Scott McCurdy, Ralph Yellowthunder, Attorney Rick Schaumberg

Pledge of Allegiance

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

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

Citizen Comment:

Glory Adams – re: County Planning & Development – Spoke in regards to a comprehensive plan – she stated that they respect the town's wishes and will modify the county plan to reflect wishes of a town. If anything is unclear or questionable the county will get legal opinion. As Bridge Creek moves forward – if we lose police powers to restrict sand mines she strongly recommends zoning with the county.

Supervisor Dean Solie asked Glory about her opinion on permit fees. Glory stated that you pay for permits but you're paying for their enforcement. Dean stated he realizes they issue culvert permits – erosion permits – but the fees of some of the other permits cause a concern.

Carol Peuse asked the board if they will be filing a citation ordinance with the county as one is not currently on file according to the Clerk of Courts. Attorney Schaumberg stated that once the ordinances that have a fee attached to them are compiled they have to be filed with the clerk of court along with the citation ordinance at which time they will take over jurisdiction of those ordinances.

Old Business:

Public Hearing for High Country is set for Wednesday – February 12th at the High School. Starting from 6-7 open house – 7:00 p.m. the hearing will start. Attorney Schaumberg stated that the ordinance states that we would send out notice – or delegate it to affected landowners – so he is having Attorney Radcliffe send out notices in regards to the public hearing.

Scott McCurdy stated we should clarify that we do a class 2 notice to publish. The clerk stated she will publish the notice in both newspapers and also post at the three public places.

New Business:

Tom Peterson from the mining committee spoke to the board. He stated they met to finalize 4 items. He passed out a news release/article to be placed in the paper – Item Two a letter to High Crush and Five Star that the board can send to set up a meeting to go over their application. They recommend instead of specifying amount of inspections to be done to leave it open so we could have as many inspections as they want. – 3rd Bridge Creek Industrial Sand Mine Inspection Form – and Bridge creek Sand Mine and/or Processing Incident Report. Fred Poss spoke to the board and stated that he understands that the township is looking in developing a website – if the citizen complaint form could be placed on the website for citizens to download.

Attorney Schaumberg asked about the letter to send to sand mines – can we change the wording to the board to say “may” contact them. As far as signing the letter he doesn't feel he needs to sign the letter – the Chairman could sign it.

Dean Solie made a motion that the board adopts the letter, citizen complaint form, checklist form and news release that was drafted by the mining committee with the correction by Attorney Schaumberg stated above. Seconded by Lynn Norheim with corrections. Motion carried: Supervisor: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Tom Peterson spoke to the board regarding their meeting with Planning & Development they had on Monday. They went there to talk about our requirements to become zoned. Fred, Tom and Vaughn met with Eau Claire County P&D – 1st question asked do we have to have a plan to become zoned. 2007 state statute requires a comprehensive plan be in place or Land Use Plan. Eau Claire County is willing to help us develop a plan – they feel there is no need to bring in a third party- would cost up to 3K tops. It's complaint driven. It can take 12-24 months to develop a plan. Lance Guerny stated we are already zoned in many areas of our township. Major factor is to get residents to understand zoning. Misunderstandings with zoning enforcement. They stated they won't pursue people unless there are complaints. Amish sawmills came up – they are not under county jurisdiction they fall under the state. State doesn't have time to enforce their regulations. There are two options either we do a complete comprehensive plan or they do have a plan that we could vote and accept theirs – county would need no approval. Other option is to write our own

zoning ordinance – would they would try and accommodate us. Their job is to try and match ours. If we write our own plan it has to be approved. They asked once zoned can you become unzoned. They were told it is difficult to – get out of it. It's rare. Tom stated they are willing to continue discussion if the town board wanted them too. Tom stated that the life of a comprehensive plan is 10 yrs. It's not a one time deal. Fred stated Dean has concerns about the Amish. In Wisconsin there are townships zoned that have Amish communities that are good with that. Fred stated one example of a positive was Hershberger's bent and dent – one example where they were able to work with them to get it done. Vaughn spoke to other Amish – they stated they don't know much about zoning but are willing to listen. Vaughn feels key component is education. Tom says it is a partnership a comprehensive plan. There is no approval of the comprehensive plan – only approval is if the town accepts. Supervisor Dean Solie stated that the experience with the Bent and Dent was not a good one with Eau Claire County. The clerk stated that she has concerns with the cost of the permits. It is not \$200 cap.

Attorney Rick Schaumberg stated that the emphasis for zoning again is because of sand mining. With police powers alone you have very little you can do to stop one from coming in. We have an almost impossible time to turn a sand mine down right now and to have it upheld. With all sand mining he asked Scott McCurdy how many were upheld only 1 – and it was a rezoning issue. Attorney Schaumberg stated if you want to stop mining the only thing to do is go to county zoning. If this mining is that important this is the only option we have. We need a comprehensive plan – we can have a resolution that pass's it. If at annual meeting –the town board wishes to go under adopting county zoning if there was a no vote statutes allow so that the board can still go ahead with it.

Even if the bill get's turned down it doesn't solve our problem. Fred Poss stated.. Isn't it true that we have high country with serious questions with health welfare, isn't it also true that there's farmland that's west on AF that has been purchased and is considered to be an investment in another sand mine or wet/dry plant. History of this industry is to create hubs if that's true then isn't it wise to embrace the fact that we need to regulate it. Vaughn stated that he found out in the Town of Fairchild that Duane Merritt and Karen Ripen berg have excused themselves from making any vote or decisions on the proposed sand mine coming there. He has identified 5 residents that are neutral – they are going to make a committee to make final decision on US silica.

Tom Peterson stated that he doesn't want to move forward with a comprehensive plan unless the consensus of the board may go for it. After discussion Ricky Strauch made a motion to have the committee move forward with Planning and development. Seconded by Supervisor Steve Weiss. Motion carried. Attorney Schaumberg stated that a comprehensive plan is our biggest deficiency - Comprehensive plans are also labor intensive.

Supervisor Steve Weiss also stated that several Amish are having issues with their sanitary permits some are having to put in holding tanks at a cost of \$2500.00.

Discussion was held who will receive the MSHA training - Scott McCurdy stated if your attempt is to do inspections. IF you want to do it unescorted – take the Basic MSHA training – Ted Beyer is a local trainer - Just understanding what is going on. If were going to leave inspections up to the county – and you just want to go onsite and be escorted – Scott McCurdy is MSHA trained. Most understand safety issues – what's security level – who's coming in and out. Questions on how they are doing things and usually operators want you to know. Steve Weiss asked if we get escorted do we need the training – Scott stated (no) - Ted would have standard basic MSHA class. He could do like a 6 hr. Will wait to hear back from Scott on class, costs etc.

Discussion was held regarding the Fire Dept. Cost Sharing. Supervisor Dean Solie spoke met with city counsel – they listened – two would not accept anything – Delton Thorson says it takes 4 votes to change the bi-laws and no way is he going to vote for it. He did get them to form a 6 position committee to discuss it further. The city appointed Tom Crowe, Lynette Richards and Delton. Dean had the 2013 report that Ken Zich compiled – 267 calls last year – we had 54 calls 1186 – 190 224/call. 5x as much for a call. Costs in 2012 were 791. Theirs was 227 - went down. They tried to justify it by saying Bridge Creek uses their water and community service center. The biggest portion of calls are EMT calls – fire calls are fairly equal. If helicopter lands it's charged as a fire call - plus EMT. We have an excellent Fire Dept. basically our hands are tied. Committee – Dean, Lynn & Jeff will be on the committee. Attorney Schaumberg stated that if they won't negotiate the only other recourse is to dissolve the joint fire department. The board doesn't want to see that happen.

Supervisor Steve Weiss asked about Hi Crush to possibly due a survey. He stated people are having issues with dust as far away as HWY 10. Could we have a committee do a survey? Attorney Schaumberg stated it may be hard to prove dust 5 miles away is being caused by the sand mine. Could request more monitors. We would have to prove it's unhealthy – need scientist to do a study – they can file a nuisance. You could get a lot of date violation of mining agreement or a new hazard. Really wouldn't strengthen the need for more air monitoring. Scott stated this is happening in Winona – there have been dust and fuel meters into Winona where they have barges and loading. Would expect we would actually have data where dust is coming from.

Attorney Schaumberg stated Hi-Crush has been accommodating – he believes we can inquire about them at their annual meeting. They may just do it out of good will. Steve wondered if it would be feasible – Scott stated we have through our annual report feels we can request it if we want. Scott stated if there are more complaints etc. just present them to Deb Dicks from DNR. That's the only way they find out.

Chairman Gerike brought up discussion about fixing the crack in the wall that was caused by the ice last year and painting. Also asked about purchasing a new vacuum cleaner for the town hall. Supervisor Steve Weiss made a motion to get a new vacuum and fix crack and re-paint in hall area. Seconded by Supervisor Lynn Norheim. Motion carried.

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 10:50 p.m.

**TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
FEBRUARY 26th, 2014**

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

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

Also present: Attorney Rick Schaumberg, Scott McCurdy Lance Guerny (Eau Claire County Planning & Development) Vaughn Nagahashi, Tom Peterson, Chad McEver, Glory Adams, Christine Yellowthunder, Ralph Yellowthunder, Jason Rouleau, Dick Rees men, Fred Poss, Vicki Larson, Bernice Strauch, Mary Ann O'Donahue, Terry O'Donahue, Carol Peuse, Debra Dickinson, Brent Dickinsen

Motion to approve the agenda 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) Chairman Jeff Gerike (aye).

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

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

Public Comment: Terry O'Donohue passed out handouts of questions to High Country (Attachment 1). He also passed out a letter to the Board (Attachment 1) He stated that the engineer at the public hearing stated that silica dust was harmless. He stated the concerned citizens have handed to the board lots of information to prove that silica isn't just dust – that it's a considerable danger to the community. He wants steps taken to reduce dust if approved – he doesn't want the plant close to the school.

Vaughn Nagahashi – question came up about citation ordinance. He spoke about all the ordinances and would like to see suggest that all board members receive a binder copy of them when organized.

Attorney Schaumberg stated that it is not required to file an ordinance book with the county. Many townships he has worked with do not have theirs in a binder filed if any with the courts. The clerk stated that she will work on getting the ordinances organized into a book.

Patti Warner spoke to the board on behalf of one of the Amish. She was approached after the public hearing with concerns in regards to the holding ponds at Hi-Crush. There were some kids skating on the pond and when they were told to leave by a High Crush employee he stated that if they fell through they would not send any divers down due to all the chemicals. The Amish did state that he realized and they did too that they did not belong there. Dick Reesman from High Crush spoke to the board and stated that he was the one that caught the kids ice skating on the pond. They had to climb 3 fences to get to it – he stated he did not tell them no one would dive for them due to chemicals. He stated he would be the first one to go in the water if someone fell in the pond.

Old Business:

Tom Peterson introduced Lance Guerny and spoke re: strategy to approach drafting a comprehensive plan. The committee met with the county – he shared that they previously stated that in order for the town to proceed to be in compliance and zoned the township would have to have their own comprehensive plan. At last meeting they learned it wasn't the case – there are two options. 1. Complete plan 1st then Petition County to be zoned. 2. Can petition to come under county zoning and then after that the town can proceed with drafting a comprehensive plan – but we would be under county zoning ordinance.

To complete a comprehensive plan could take 12-24 months - with alternative – you could be zoned within 2-3 months. Would have to do a little work up front – land use and economic issues - Tom assed out previous land plan. (Attachment 2) He felt the old plan was a good start – could improve it – if petition is accepted by the county we would still have to do a comprehensive plan.

Since last meeting – the committee hasn't done anything - they needed to come back to see how we wanted to proceed. The town needs to decide if they want to petition the county to become full blown. Fred Poss stated it's a simple matter - committee not wanting to get ahead of the board – looking for direction from the board - Lance Guernsey spoke to the board. When Eau Claire County adopted the comprehensive plans they added addendums – Bridge Creek pages were left empty – we did not develop a policy specific to land use. Discussed possibility of alternatives. Ideally we'd develop our plan first – but we are not required too. Lance passed out statute 66.1001 comprehensive planning - Adoption of county zoning – must reflect what our plan is. They could look at using the previous plan which is a statement of policy – because of age of document he would suggest we update and seek additional input. Look at future land use map. The map is just a draft – they would also revisit the map. (Attachment 3) 2nd part of process would be adoption process itself. Attorney Rick Schaumberg stated there are two routes – spend lots of time and eventually adopt zoning – or we adopt zoning and revisit the map. Lance stated they would request that the town revisit the policy statement. Make an amendment of any changes prior to county zoning. Should town decide to proceed, Attorney Schaumberg stated we want something now -so we pass a resolution to adopt county wide zoning – certify that resolution – it goes to county board – does county board ask where our comprehensive plan is?? Lance stated there is no requirement that a town has it – he's just asking for a policy.

Attorney Schaumberg stated so at our annual meeting we are going to adopt zoning – we've just adopted it with or without a comprehensive plan. Lance stated only concern would be to have application – future land use map – along with ordinance from town. Lance stated if there was a petition brought to the county we would run dual to county board – 1 incorporate policies as part of addendums already appendix F – also we would want to look at future land use map just to ensure that there isn't changes to be made - make an amendment to comprehensive plan – revisit the map – look at policy statements – and proceed to put in County zoning. 2nd piece would be board. There is a 30 day public notice – they cannot hold a public hearing until 30 days after they receive notice. Vaughn voiced concerns that we don't have that much time – we are already into the 3rd month of the moratorium. Attorney Schaumberg stated that there is an urgency to get this done especially if the act goes through at the legislative level.

The other thing Tom Peterson asked of the board is that we put the committee on for every month. If they have nothing to bring before the board they will decline to speak.

Discussion was held in regards to costs of permits. Currently costs can range from 40-215 for the initial permit - there will still be other costs. UDW – sanitary – address – new or additions would be land use permit. Driveway permits would stay the same – town has the authority for town roads. To continue to require smoke detectors & CO2 detectors – a resolution was passed that they are not in agreement with changes that are being proposed to the UDC. The bill goes beyond and gets into septic systems – this would allow straight pipes for gray water. Also they feel they are looking out for the safety of all.

Chairman Jeff Gerike – discuss action to put it on a referendum. If towns considering zoning do we adopt our own or ask for county zoning. Attorney Schaumberg stated that there is only one option worth looking at. Passed out statute 59.69. Do we have to vote? (Attachment 4) We don't need a referendum to pass it – it can be brought up for a vote at annual meeting and be declined but it is not binding – it would basically be a poll. Process is simple – doesn't matter the town board can adopt county zoning without approval from the township. Also – once you zone it is unlikely that you can ever get out of it.

Lance stated the last map is the zoning map that was adopted as the base map with shore land zoning- it appears that all property are zoned it's only floodplain within 300 feet of stream 1K feet of lake – if not under any of those distances the map is non applicable. That map would have to be adopted too so they would know what the parcels would be zoned. Most restricted is A1 zoning 35 in acre – typically what is darker green on map. Simple question is what the town wants – or do we want to adopt something different. Lance stated when you adopt the resolution you would have a new map attached. Might have parcels that are commercial and show them as commercial on zoning map – if they have that zoning designation – saw mills are ag related – saw mill itself above certain size it would be commercial – would need to classify them appropriately. What are the uses that we need to be aware of that they don't restrict? Supervisor Dean Solie asked if A1 Ag land would need 35 acres to build a house. Lance said that is correct. Under working new land initiative they use and AR – they can rezone from A1 to AR - Attorney Schaumberg stated the town could ask for a rezone – if town approves request we can approve it. Town still can veto it at the end. Lance stated it's a partnership. Attorney Schaumberg stated the 35 acre one is a big problem. Even if town votes yes – doesn't mean county is going to agree. It has a lot of advantages and also disadvantages --- Steve Weiss asked how many requests do they get in a year ---- Lance stated about 5-10 yr. Under new law it's now incorporated to state law. You can create smaller lots.

Steve asked Scott McCurdy's opinion?? Town's where he has worked the biggest concerns are non-metallic mining. The town is going to have to go to zoning in essence of protection but we also then lose our independence. He sympathizes with the Town Board with the decision they have to make – but he also recognizes the potential of these

legislative bills and feels at some time we would have to zone – and now would be a good time with a moratorium currently in place.

Supervisor Lynn Norheim asked with all discussion could we decide tonight to make a decision. Attorney Schaumberg stated that the way things are listed on the agenda we can't vote tonight but he would suggest we have a special public informational meeting to inform the landowners of zoning. Lance stated if there was a public meeting they could make a formal presentation. Attorney Schaumberg stated that we currently have a moratorium and he does not like extending them. Now would be a good time. Scott McCurdy stated that one of how co-workers would work with the committee. Clerk will put notice in paper of meeting and also post around town – she will also as a courtesy post a notice out at the Bent & Dent. Rick says a vote is taken and yes we want zoning.

Tom Peterson stated there are two things he sees – Cedarcorp help prepare for informational hearing – depending on outcome would ask for their expertise. Supervisor Lynn Norheim made a motion to hold a public informational meeting tentatively on Thursday – March 27th at 7:00 p.m. at the High School – provided Scott McCurdy & Attorney Schaumberg has that date open. Seconded by Supervisor Dean Solie. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Chairman Jeff Gerike (aye).

Attorney Schaumberg stated that it will be an informational meeting – there will be a presentation and the public will have input to ask questions. The committee will work on putting together an agenda with Scott & Lance and present it at the meeting in March.

High Crush spoke to the board. They passed out a map (Attachment 5) and explained what their plans on for the spring blasting. The Green dots represent seismograph what we have – yellow flags 4 extra for notice of blasting – informational – would like to start blasting beginning of April – Ricky asked if they are going to blast once or twice – High Crush stated more material blasting will be done around noon – with the Amish being in the fields they will try to keep it around noon. The only time that may not be possible is due to weather and if there is a delay. Steve as long as it stays under volume – High Crush stated one of the larger blasts can keep them going 8 to 10 days or almost 2 weeks. If they do more frequent blasts – they will be working at night. Chad stated that they are going to 2x a week hope this makes the difference and that we won't even be able to tell they are blasting. Last time the blast in question – was using the least amount of charge. Scott McCurdy asked are we always drilling to the same depth.. (Ray) stated they will put additional seismographs around - Ricky Strauch asked - do you intend to check with people prior to blasting or after. Ray stated that he has been talking to them all the time and will continue too. Scott stated the biggest problem with town level in regards to the Amish – they are very wary of what's going on – not normally out going people – they didn't understand they had a right to come and complain. It's going to take a special effort to reach out to that community - Steve asked about air quality and dust control?? Ricky asked if there are any piles at wet plant of sand or just at dry plant. Ricky stated quite a few acres are exposed to the elements. Ray stated they will take just the top soil off that they need and try not to disturb anymore than they have too. Ricky asked how many acres are exposed – Ray stated approximately 37-40 acres – they also just finished filling up one that was around 20. Ricky asked if it's common to have 30-40 acres exposed. Ray stated yes – Question was asked what they re-seed with. Ray stated a good rye grass or alfalfa. Ricky asked if they tested any of the reclaimed soil. Ray stated that they had soybeans growing by the dry plant and they did well. Ricky stated he would like to see more air monitors. Chad stated yes they could provide more but they require electricity and some areas don't have that and the monitors are quite expensive as well. He stated that the DNR monitors the air and they are not required to have them but they have put them up voluntarily. Ricky Strauch stated they had a report this winter that people living 3 ½ miles away had sand on their cars. Chad stated that in the DNR's eyes everything is good – and that he felt that 4 miles was quite a ways for the sand to blow. Chad stated the air and dust is regulated by the DNR – he would like to get the boards permission for temporary signs in the right of ways around Brunzil and M – Permanent fixture would be a flagpole – would be a 3 ft circle of concrete. The board would like to see them flush mounted with the surface. Ray stated they would be removable signs. After discussion supervisor Dean Solie made a motion to allow High Crush to place additional signs as close to the fence line as possible and have Dale Kirchoff go with. Seconded by Supervisor Ricky Strauch. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Chairman Jeff Gerike (aye).

Chairman Jeff Gerike addressed the board re: high country application. – Attorney Rick Schaumberg read a letter from High Country LLC Attorney Mark Radcliffe. They asked to have a vote tabled at this time. (Attachment 6) Attorney Schaumberg passed out a summary that he collected during the public hearing – (Attachment 7) - 28 members spoke at public hearing 27 were against – 1 wasn't for or against – but more against at end. 4 indicated what they wanted to say was already said. 20 signed up that they were against but did not wish to speak. Big thing is school and kids. Attorney Schaumberg stated we can table a decision, we can act on the application tonight, we could deny it and set forth reasons for denial or we can do nothing at all. Or can set another date to hear this. If asked what to do – if he looks at letter is it being mindful of pending legislation or is it because they are sensitive of the concerns – get something more prepared? Board has every right to deny, to grant, to table - Jason Rouleau stated all they are doing is asking for more time. He stated that he has been a lifelong resident of Bridge Creek and they want to be sure to address as many concerns as they can that were brought up at the public hearing. Supervisor Steve Weiss asked about tabling it

– Attorney Schaumberg stated we want to put a date on it. You have an obligation to act on it - Supervisor Ricky Strauch – stated that there were questions from the committee prior that he felt didn't get answered. Attorney Schaumberg stated that if we are going to table it when would we pick it up again – Jason's requesting time to address concerns brought up at the public hearing. Put a 60=90 day on it during the 90 day could be some correspondence between board and – may have to take it back to a 2nd public hearing. It's not so much its High country it's just the location so close to the school. Supervisor Ricky Strauch asked if we table it do we have to have a 2nd public hearing. Committee can advise as to whether there needs a public hearing. Info could go to committee.

Attorney Schaumberg asked Scott McCurdy if you were the engineer – how long would it take the engineer to come back with alternatives – Scott stated when there is an alternative you also have cost – he personally would like 60 days Attorney Schaumberg stated we don't lose any authority by waiting. Scott McCurdy stated if you're concerned with pending legislation you should take a vote. Attorney Schaumberg stated if we grant their application tonight with conditions - now do we have a contractual agreement – or are we now were more contractual than ordinance. If we denied it tonight and they didn't appeal it and this legislation goes through – then they could reapply. Supervisor Steve Weiss stated he would entertain a motion to table the discussion of High Country Application until our board meeting in May. Supervisor Ricky Strauch asked why so long – Steve Weiss stated the main issue is school – they are either going to come in with some pretty different proposals on their facility – Rick stated also could come in before too. Motion denied.

Supervisor Ricky Strauch felt March meeting would be 5 weeks. Jason asked for a date for a deadline to set the schedule. Supervisor Dean Solie made a motion to give Jason Rouleau time to have information to committee by April 3rd. Seconded by Supervisor Lynn Norheim. Motion carried

The clerk passed out a letter to the board from Angie Frank (Attachment 8). She is heading up the Beaver Bolt 5K and wanted the board to be aware of the date and time of the run. They are not asking for Bartig road to be closed down - but possibly next year.

The clerk passed out a letter from John Gingerich re: asking the board to allow him to have loads taken out from his sawmill during road ban if he was to get a 4,000.00 bond. After discussion the board denied his request. The board felt if they allowed him to do this it would open up for several others requesting the same.

All bills were audited and paid.

Supervisor Steve Weiss made a motion to adjourn meeting. Seconded by Supervisor Lynn Norheim. Motion carried – meeting adjourned 11:00 p.m.

Patti Warner, Clerk

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
THURSDAY – MARCH 20TH, 2014
7:30 P.M. – TOWN HALL

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

Pledge of Allegiance

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

Also Present: Tom Peterson, Vaughn Nagahashi, Scott McCurdy, Fred Poss, Terry O'Donohue, Glory Adams, Bernice Strauch, Dan Carlson, Attorney Rick Schaumberg, Albert Yellowthunder, Dale Kirchoff

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

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

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

Old Business:
No discussion

New Business:

Patrick Bethke spoke re: land that he and Gordy O'Brien purchased. – They are coming to the board to ask for approval for splitting the parcel into (2) 20 acre parcels. Because of a creek on the property they fall under County Zoning. In order for them to divide it they have to have a variance. They are asking for the boards support – if the split is allowed they both want to build a house on their parcel. They had to deal with Kramer land design to get the property surveyed at County Request. Because of Brown's Creek running through it they now have to get a flood plain survey. That's just for them to get permission to break it up. They can't exceed a 4:1 ration this is a 7:1 ratio. Zoned as F2. After discussion Supervisor Lynn Norheim made a motion that the Town Board supports the variance. Seconded by Dean Solie. Motion carried: Supervisors Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Chairman, Jeff Gerike (aye) Lynn also indicated that a couple of tem would attend the county meeting regarding the variance.

Tom Peterson – Mining Committee – Spoke about the agenda for the upcoming Public Informational Meeting. The committee met a couple times – Passed out handouts. Scott McCurdy will be the moderator. Start out with welcome by Jeff. – Tom will speak on why zoning – Attorney Schaumberg will speak on legal requirements – they will have Cedar Corp – talk about land use mapping. Rod Eslinger will discuss any changes if we adopt zoning – they have a list of questions they will answer – then Scott would moderate and take questions from the audience. After discussion it was decided to not have open dialog but instead handout index cards that would be turned in with questions and thoughts on zoning which at the end Scott McCurdy will read the cards – and seek answers from appropriate people. Then Tom will give a final summary.

Scott McCurdy – spoke stating since last opportunity to meet with us –he has had a chance to review the current bill regarding mining that has been presented – discussion is still going on in house – he has problems with the bill – he has consulted with 2 attorney's – WTA Tom Harnisch – neither one can tell him that this bill will not have the same effect on the County. The County will still be able to control reclamation plans. Based on what he read he feels at this time zoning

may not be in our best interest. If you are going to adopt zoning to control a particular activity it may not necessarily get you what you want. He feels when they make their decision he wants them to recognize as we go down this pathway some will want it and some will not – he feels it's extremely important that we look at the one bill. If property has been a pre-registered mine it is good for 20 years. In Pepin County they were going through their zoning process – there was someone that was registered with 360 acres around an existing quarry – nothing they could do. At last meeting he stood up and said zoning would help us he now feels it won't.

Tom Peterson – stated he is only here to get the agenda approved or do we want to see some changes. Attorney Schaumburg stated that at our last meeting – the bill that's pending we didn't have – if zoning is on the table for the only reason to prohibit mining. Then the only way to prohibit it would have been zoning. Zoning on table to prohibit non metallic mining. Now the new bill came down and Scott McCurdy sent questions to him and Rick said now if he was asked "is zoning is our best option" – he isn't even sure how to answer it. All we have left is our ordinance now – if the bill goes through – he believes it's written to where can't prevent a mine - but can regulate it. Not sure what we are going to gain – can't positively tell us – biggest question to ask of the county is what do they think this legislation does to the overlay district.

Tom Peterson stated we need to consider how many people that have registered their mineral rights?? Other thing to keep in mind our WTA voted not to support this bill. That has put quite a damper on how fast it will move through. Tom – feels it's not just about mining – why zoning – Ricky Strauch stated we do need to hear from the public maybe not all are against sand mining – Vaughn Nagahashi stated how much would we have to lose if we just look at zoning as an option – If the bill does go through and we're not zoned yet – the bill is going to have a lot to do with us.

Tom Peterson wanted to share if we go zoning we're in it for the long haul – if the county ever does a comprehensive plan. Fred Poss stated it seems that success or failure on the upcoming meeting hinges on the way it is presented to the public. If people perceive it as a quick maneuver – there are a lot of good reasons to present at the meeting – if it's presented under the umbrella – it's all information – it's not a decision making meeting. Scott McCurdy stated trying to get out of this is to explain – ultimately to get questions and answers from town people. We may get positive or negative feedback. He wants to make sure that interpretation of the bill is not the way it was interpreted.

After discussion Supervisor Lynn Norheim made a motion to approve the agenda and also approve the reasons that Tom will state as to why we would benefit from zoning. Seconded by Ricky Strauch. Motion carried: Supervisors Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Chairman, Jeff Gerike (aye)

Vaughn heard there are concerns about people not being from Bridge Creek there and are they also going to ask questions. The board replied only questions from Bridge Creek residents will be taken.

Discussion was held regarding paying mileage for the committee members. Dean felt we should as they are putting in a lot of time. After discussion - Supervisor Dean Solie made a motion that the committee keep track of their mileage and they will get reimbursed at the end of the year... Seconded by Supervisor Lynn Norheim. Motion carried: Supervisors Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Chairman, Jeff Gerike (aye)

Chairman Gerike reported that the road bans are going in effect on the 24th.

All bills were audited are paid.

Motion to adjourn meeting was made by Supervisor Lynn Norheim Seconded by Supervisor Ricky Strauch. Motion carried. Meeting adjourned 9:17 p.m.

Patti Warner, Clerk

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

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
MAY 15TH, 2014 – 7:30 P.M.
TOWN HALL

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

Pledge of Allegiance

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

Also present: Tom Peterson, Josef Eklund, Christine Yellowthunder, Ralph Yellowthunder, Dan Carlson, Jane Justesen, Dale Kirchoff and Attorney Rick Schaumberg

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

Citizen Comment

Christine Yellowthunder – first wanted the board to know that the Bridge Creek guys did an excellent job fixing the culvert and its working great. She asked if the board received High Crush 1st earnings quarter. 1st 3 mos. they made 14.3 million – she's concerned because they plan to expand. They have revised their report 3x – increasing their tonnage – blasting weekly – she passed out an article on their earnings – she also has an article addressing the WTA about the benefits of zoning. She stated she was asked to speak at Town of Cleveland at their rezoning committee but it was canceled – but because they are zoned – the town has thwarted multiple sand mines from coming in. His view on zoning.
How zoning does provide a level of protection because they have a level of protection in zoning.

The minutes were read Supervisor Lynn Norheim made a motion to approve. Seconded by Steve Weiss. Motion carried: Supervisor Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman Jeff Gerike (aye)

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

Old Business:

Ricky Strauch asked about the ordinances. Attorney Schaumberg has all information just need to get a certification by paper. Ricky Strauch asked about the moratorium. He's assuming we are wanting to extend – due to it ending in June. Wonders how the board feels about extending it. Attorney Rick Schaumberg stated we can extend it for the reason of extending due to checking into county zoning. It can either expire or lift it. It is a restriction on people's rights – if we want to extend it next decision is how long. Supervisor Lynn Norheim made a motion to extend it 6 mos. Tom Peterson spoke to the board – stating that if we are actually looking into a zoned township – if that were the case we could go up to a year. Attorney Rick Schaumberg stated you can but he recommended no. To suspend it is to take away a constitutional right – if we start extending it too long. As he re-read the moratorium it looks like the primary reason was for zoning. Tom Peterson stated that the moratorium can last up to 1 ½ yrs. - Attorney Schaumberg stated we need to name a date and notice - Ricky asked what we would be discussing once Lance Guernsey came down. Attorney Schaumberg stated we don't need anymore public hearings if the board chooses to adopt it. As long as it's an agenda item – any board member can move to adopt it. No requirement for public input. It only takes a resolution to do it. Once adopted current mining ordinance would have to be amended. Dean Solie stated we could adopt without a comprehensive plan – can always work on it later. Supervisor Lynn Norheim stated his motion was still on the floor to extend the moratorium 6 months to check further into zoning. Seconded by Supervisor Dean Solie - ending December 19th, 2014 Motion carried: Supervisor Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman Jeff Gerike (aye)

Ricky Strauch spoke regarding 5-star re: blowing sand – the sand cannot leave the property (i.e. blowing) that is what Kelly told him. She stated the DNR is handling it – Ricky stated that the county will wait until Monday.

The clerk spoke regarding the road bans – she spoke with a county board supervisor and also Marcus from the Highway Department. She stated the county would prefer that the road bans that we placed would be put on the same time and run concurrently with the county. That way they would all go on and off at the same time. While it is not a practice they did state that since the ban was off of a town road and the county ban still on they did offer an Amish to get some loads in and out between midnight and 4am at 20.00/load. But this is not something they normally do. They also feel that they do not place their bans on any longer than they need to be and that they do not put them on early.

Tom Peterson from the committee spoke regarding two things – did the board want the committee to submit questions – they are willing to do that. Questions would be based on what they heard at the public hearing. Also if hi-crush wanted to expand and we were under zoning can they. Attorney Schaumberg stated if they are expanding because they are going to produce more – (excavate their 20 year supply sooner) – or are they just getting up to what they are trying to do. Their permit is limited to what they originally provided. Christine Yellowthunder – stated they state they are going to double their size – they speak of acquisitions – stated they will double in the Augusta plant. If they purchase more does the plan come before board? Attorney Schaumberg stated that with the new legislation that was proposed it would come under the new permit. But right now if they go beyond what they originally stated they would have to come back before the board. Ricky Strauch – is the blasting permit just for that site or if they buy more property would it also include that. Attorney Schaumberg stated the permit was granted as part of their licensing agreement. Pertains to land that was in the agreement. It's incorporated into their mining permit.

Discussion was held regarding 5-star and hi-crush failure to timely file annual operation reports. Notice of violation failed to comply with filing of annual report. After discussion the board asked Attorney Schaumberg to send out a notice of violation. Forfeiture – suspension or revocation is to come before the board.

Attorney Schaumberg stated then the board could Issue a stop work order that specifies order to be taken refer matter to legal counsel – enforcement – suspend or revoke operators license. They have to give notice and a hearing date and then you can revoke or suspend.

Ricky Strauch asked about 5-star sand that is blowing around – could it violate standard?? Attorney Schaumberg stated – if there's a county or state violation – we can suspend based on that. Supervisor Dean Solie asked if we can request their annual report – do they have to tell us what they are going to do with the pile.

Steve Weiss asked if we can get Hi-crush since they already had violations with wells that they didn't get permits for. Steve stated they extended the opportunity for us to come out – when they blast Steve wants to go in there after the blast – he wants to see it before and after. Feels as a board should be sitting there watching. Amish were not there today. They had a wedding going on in the community.

Attorney Schaumberg stated there could be more diligence on the board but everyone has a job and when you only meet 1x month. It's hard for town to keep on their butts – we're a part-time town. Somehow all will be putting in more time and doesn't know if we can.

In regards to DNR they have already sighted 5-star.

New business:

Supervisor Lynn Norheim suggested that the committee go out and watch them blast. Steve Weiss stated that Felty & Sam Borntrager had concerns about the blast on Friday – Steve Weiss said those being effected we need to know. Scott McCurdy sent Steve an email and had contacted hi-crush – he had contacted a firm in the cities Ricky asked to have Scott McCurdy to attend a meeting and give handouts to educate on blasting. Hi-Crush came to Steve Weiss's Tuesday and took a water sample.

Attorney Schaumberg stated when talking about the blasting – blast to a horse is different than a blast to a vehicle. When talking about reviewing blasting permit. It has to be something that violates or conflicts state violation. Current blasting indicates – all tests are within regulations so we don't have a violation there. If it's under violations but ticking everyone off – there really isn't much we can do as a town board. Our ordinance talks about ground vibration – air blast sound so many decibels – it's still being disruptive to people even though – as far as town regulation can't change it They could litigate – we can't always address all citizens concerns. Ricky Strauch asked if they took a graph in the house would that get a reading. Attorney Schaumberg stated Scott McCurdy would be the one to answer that. Steve Weiss stated it's causing structural damage. Attorney Schaumberg stated that's a lawsuit – but they would have to prove it – that means they have to get their own

experts etc. He feels that Hi-Crush wants to keep their community relations – they have attended meetings while it is not required of them. This all falls under private rights of enforcement. We can't regulate stricter than state or federal.

Ricky Strauch asked how can we document that?? Attorney Schaumberg stated that the individual would have to hire their own engineers. And a town as a whole... They could still be in regulation. Josef Eklund asked if anyone wants to go down to Boon and checkout their blasting. He was sitting a 1,000 feet from the site and he came out of the seat when they blasted.

Steve Weiss stated if we can get the committee to go out and listen to the blast. Steve asked if Jeff could contact Hi-Crush to get an invitation to see blast before and after.

Dean Solie – stated there will be a public hearing on the Johnson dam on the 20th at the county. County wants to remove it - they have done flow studies and it doesn't do a whole lot of good according to them. The City of Augusta has requested a hearing – he feels we need to decide what our policy is on that. There is a liability to it. Culverts all rusted out – and Chet explained from city it wasn't worth it either. But Thorson and Anton want a hearing. Is there any liability – versus a culvert? County wants to take it out. Joe Eklund said Carl Anton stated the survey only went 3 miles down and didn't go any further. County hired a firm – he's on land conservation committee – Dean wants to know whether we should support it or leave it up to city and county. County originally put them in and didn't maintain them. After discussion Dean stated he will let them know that we will bow out of it – too much liability possible.

Steve Weiss stated the floor guy couldn't make it tonight so will come next month.

Road work – discussed Krueger road – if we put a culvert in why don't we knock part of the concrete off of them and set guard rail right outside of it – would widen the bridge a couple feet.

Dale Kirchoff stated the guard rail on Bartig – it's a cattle pass made out of mortar – bottom is cement – thinking they could slide a culvert right through and get it packed – around other corner the county wanted it blocked off it currently is blocked off. County didn't want water getting out of the holding ponds and going down ravine.

Discussion was held regarding bid requests for the following roads for seal coating:

Seal coat – Chip Seal 7/16" – single coat Zank (between Haycreek to Gerth 1 ½ miles) 3/16" - Haskin 1 mi. – Von Haden .75 mile

Gerth – Dale thought to patch all uneven spots and do a double chip seal next year. Thinking 6 loads of blacktop – (same price as last year – granite has went up).

With what they hauled out of the Village of Fairchild Dale found somebody to crush it would have to mix 3-1 with pit run – minimum of 30K yds - 4/ton – if we wanted to go to 40K then we'd go to 3.50/ton. He spoke with Duane Merritt with Town of Fairchild - he wants to do it. Instead of paying towards reclamation fund we could put it towards Willy's house and reclaim what we can right away. Town of Hendren would also like to buy some. Would take us around 15K yds he figured to do Channey, Horse creek and Krueger. After discussion it was decided to go ahead with the 40K ton.

Dale asked about looking into getting a replacement truck. The board suggested looking into this.

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 9:50 p.m.

Patti Warner, Clerk

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
THURSDAY- JUNE 19TH, 2014
7:30 P.M. – TOWN HALL

The meeting was called to order by Acting Chair - Supervisor Steve Weiss at 7:35 p.m.

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

Also Present: Attorney Rick Schaumberg, LeRoy Rindahl, Carol Peuse, Vaughn Nagahashi, Christine Yellowthunder, Terry O'Donohue, Mary O'Donohue, Jane Justesen, Glory Adams

Pledge of Allegiance:

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

Citizen Comment

Christine Yellowthunder – concerns with blasting – passed report on what happened at her home. Lives 1 ¼ mi. from blast site – windows were open and entire house shook. Asked who is in charge of our blasting ordinance is it the state or township. June 5th there were several reports. Attorney Schaumberg stated we have adopted state ordinance. He suggested we contact the state safety and professional services department for concerns. Christine wants to propose and request that the board have Scott McCurdy conduct a geological formation study... 2nd comment given increased knowledge over last 18 months and what has been learned that we require any future mine to do a geological formation study – feels it's a safety issue. She also would like to see the ordinance be reviewed to tight it up and add an abandonment clause and also review of Attorney Kent's recommendations for the Ordinance revision due to recent events. Acting Chair Steve Weiss stated blasting will be discussed farther down on the agenda.

Mary Ann O'Donohue: Spoke about concerns with the blasting - stated she spoke with Barb Gingerich who filed an incident report – June 5th they were in their buggy coming back from Augusta by the gate where it said blasting – it went off their horse and they were very scared. Ricky Strauch asked if someone got hurt would we have more leverage with the blasting – Attorney Schaumberg stated it would be a personal liability suit. An activity on their property they could have a private cause of action. Supervisor Steve Weiss stated we know for a fact the Amish won't pursue that.

Glory Adams – spoke to the board he tropic “confusion” – she stated an issue will come there will be a vote – and then she finds out nothing is ever followed up – then 2 months down the road it's still not - how can suggestions be made and voted on and – how can they be followed as being taken care of. She also would like to know what order of rule for speaking do we follow. It seems that at meetings there is no rule. People will openly comment ongoing throughout our meetings.

Carol Peuse: Asked about the citation ordinances and when they will be filled. Attorney Schaumberg stated that all certification is done and the only thing left is to be filed at the courthouse. She spoke about 5-star and how they are currently involved in a lawsuit. While they are involved in this lawsuit her concerns are the stockpile of sand. When they stated they wouldn't stockpile. She stated the mounds are mounded meaning they are blowing away. She has spoken to the Korger's and their children have asthma and their asthma is getting worse. This is all really concerning to her – we know sand is in air and going to

other side. She handed out the annual report from Hi-Crush and stated she has concerns as they are speaking of expansion. She read a paragraph re: expansion in Augusta plant in 2015. What are we going to be left with – what can we do??

Terry O'Donohue – spoke that the institution belongs to the people. Hearing more and more about community based rule, law, ordinances, local people are running affairs and are not being dictated to by state or federal. Believes everything starts and ends at the local level. As an elected board they should reflect the will of the people. And he read out of a book advice from Abraham Lincoln.

John Miskis from Armor Tuff spoke to the board regarding the flooring they do – use epoxy for base coat. Granite chip floor - 1/8th inch size. Feels it's more attractive – floors are prepped put epoxy down a lot will sink in will displace and build up the floor then put application of clear finishes on top of that – clear urethane UV stable. 3 coat finish - high grade urethane – cures faster– low maintenance – you can polish and wax it yourself. Ricky Strauch asked if there is a PSI rating?? Are some stronger?? Doesn't have information with. Ricky Strauch asked where's the strength come from? Chips immersed into epoxy – key in the floor is floor preparation. Require shop blasting - ultimately – Ricky Strauch asked if there are cleaners not to use?? Rated for jet fuel so rated for a lot of strong chemicals. Dean Solie how about scratch's?? John stated he has the floors down where cars are driven on daily – over a period of years it could – especially interior – would suggest have a wax coat on top of it. It would protect against scratches. Clerk asked about slipping on the floor – he stated that it is pretty slip resistant - they can maintain more profile in actual chip finish – tend to use aluminum oxide for grit. Feels their product is higher quality – preparation is key part. 6 days at max to do the hall – he asked if could be done towards end of year as he is quite busy with outside jobs through the summer. Not prepared to give a quote tonight – but took measurements and will get back to us.

Minutes from previous meeting were read Ricky Strauch stated there was a comment on the minutes that said 5-star had been sighted – they had not been. Correction noted. Motion to approve following correction was made by Supervisor Dean Solie. Seconded by Lynn Norheim. Motion carried: Supervisor; 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 Lynn Norheim. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye)

Old Business:

Mining Committee: Vaughn Nagahashi– spoke to the board and stated they had met and sent a list of questions to Lance Guernsey in regards to zoning. Christine Yellowthunder brought up revisiting ordinance –she know that it's in the charter – would feel they could look at it. Vaughn stated they would like to see more detail in the ordinance – not sure what town board wants the committee to do. Every blast is different and felt differently. Did the board expect the committee to get out on every blast or put out blasting monitor reports? Acting Chair Steve Weiss stated that the Amish would welcome anyone to stand and visit their premise during a blast – they did not however want hi-crush people there. Blast is tomorrow at noon. Terry O'Donohue spoke on community rights. Vaughn stated the WTA is putting on a special workshop - Worship on June 23rd - asked to be reimbursed the 40 for it. The board voted to reimburse Vaughn to attend.

Steve Stated guys have been getting all the stumps hauled off of Livermore.

Ricky Strauch – what's going on by Al Sonnentag's?? Steve stated they are putting down fill.

Supervisor Dean Solie gave an update on the Dam. He attended at meeting with the committee regarding the dam - and the committee stated the rights and liability of the Johnson Dam have been turned over to the City of Augusta. The county stated there is 40,000 matching funds through the county that the city could apply for. He stated that Bridge Creek has nothing to do with it anymore. The city asked if they decide to do it would we donate a truck to haul stuff. He told them that would have to taken up to the board. He didn't see any advantage to Bridge Creek staying involved. Now it will come before the County Board and if they agree City of Augusta will have full liability and maintenance of it. He stated that Hi-Crush would do around 40,000 worth of work out there for the city. Glory Adams stated if the City of Augusta chooses not to go ahead with repairs the county will step in and remove the dam.

Supervisor Ricky Strauch stated he received a complaint on the train crossing from his employee. At the long wait. Steve Weiss stated when it comes to RR issues we are suppose to call Union Pacific. 10 min is max per Jane - Jane Justesen stated to call local law enforcement if the wait is more than 10 min. Depending on where they are they may do nothing or they might send somebody. 10 min is max per Jane. Vaughn Nagahashi asked if it could be published in the Augusta paper – The CES could put an ad together. No decision was made.

RE: 5-star – Ricky Strauch stated he has only received one complaint. He contacted the County & DNR – basically dropped it. He called neighbors 2 or 3 – LeRoy Rindahl stated that supposedly there had been pictures taken – Ricky said he had pictures LeRoy said he thought there was a fire that day. Steve Weiss asked Vaughn to get the committee to get all the neighbors names etc and give them numbers to call. Kelly Jacobs, Tannor Connor.

New Business:

The clerk prior passed out to the board an email from Scott McCurdy from Cedarcorp along with comparison study re: High Crush blasting his comment was: “ *Blasting: I have received, forwarded to the Town, and am compiling and reviewing the blast reports and to date have all blast reports through June 12 this year (2014). None of the blasts have violated the requirements of State Administrative Code SPS 307 which quotes NFPA 495 and the Bureau of Mines Blasting requirements. The blasts this year vary in size from week to week as they did last year, there are shallow blasts when forming the 50 foot bench as well as deeper blasts for the 95 foot floor of the mine. A brief memo is attached for the record*”

Acting Chair Steve Weiss stated they are getting ready to start crushing down at Willy's pit we are going to be doing 40K ton.

Blasting – Acting Chair Steve Weiss asked if our only recourse is personal type injury – Atty Schaumberg stated in his opinion compared blast records that are in ordinance they are all within out code. Are they violating code no – ordinance no – what can you do..... We can't site them because they aren't violating - they are within their rights – as a town we are regulatory entity we are confined with how broad we can do this. We still have very broad encompassing powers protecting health safety welfare – there's a jeopardy if we try to impose a public nuisance restriction - it has to rise to an ascertainable harm - we have to have expert reports from an engineer or a doctor or a vet – we have to have provable type stuff then maybe we have a chance prevailing public nuisance. Even with high crush if we wanted to amend our ordinance they are signed on to our old one we have an agreement with them. If we amend to have more geological test – we can regulate and be more restrictive than administrative code – we can't pick numbers it has to be rationally based. It's not distances of a blast that's regulated. Their activity is offensive –if there is property damage people can sue them. Not that he thinks it will stop blasting. Perhaps we need to have high crush come back in – might be same as RR problem – might make smaller blasts but more often. Steve if went in and did a geological survey and find that plates are causing this shaking?? Attorney Schaumberg stated that would give us legitimate data to put in our blasting ordinance. Also if you get

more specific in your ordinance your pigeon holing yourself. You want to be able to set your numbers specific – if we can get something provable out there. What's the cost?? Sounds and could be very expensive.

Steve Weiss stated he has spoken with Scott McCurdy and he has been exploring this – he said Scott said there's definitely a tie. The costs are minimal - As a town attorney give him the evidence By using committee, concerned citizens, collecting data – how do we have to do it how can it be presented to court. Steve stated road workers heard and felt the vibration over on Krueger road. Attorney Schaumberg stated that you can reach out more as a group but you must document not manufacture. Anyone can report be it your property or not. You can go on Amish property and experience it. The forms are instructive in that they create a record. If in court only time form would be used - makes a record but not an admissible record.

Steve Weiss stated individually they don't want to come together – but would collectively as a group - Steve stated talking with Scott it doesn't seem like it will take much to be presentable He would need board approval for Cedar Corp to do a geological study – but wouldn't have much of a cost as data is already out there. Attorney Schaumberg stated that their engineering conclusion are all data based . Steve Weiss stated to also include the 3rd party. Christine Yellowthunder stated a lot have common logic when they are pumping water the plates can collapse – WI has many kind of shale plates. That if nothing else for in the future we need to do this geological study for any other mine.

Steve Weiss asked if the board decides to do a geological study of the plates can the board recoup costs from Hi-Crush – Attorney Schaumberg stated no. Steve asked about incorporating passing along costs – Attorney Schaumberg stated you can require tests in your agreements. Steve stated we need to take measures and get out to different locations. Attorney Schaumberg stated we have to show harm.....be it a video reaction or pictures.

Terry O'Donohue spoke up stating we are either in charge of the future of our children or the corporations.

Steve Weiss stated we need to include Cedarcorp in our next meeting to find out costs for doing the geological study.

5-star update – Attorney Schaumberg reported he looked at agreement with 5-star and the violation was with the annual report he sent them a notice of default. We had to give notice of default – we did. We set a date for a meeting for June 11th at 4:00 p.m. He spoke with their attorney and they stated they filed their annual report with Eau Claire County and thought they would provide us with a copy. The meeting was canceled because they provided the chairman as well as attorney and clerk with a copy of their annual report. They resolved the default so the meeting was canceled. Attorney Schaumberg stated that the sand pile is not a violation of their agreement.

Steve Weiss asked about the pile and what we could do about it. Attorney Schaumberg stated there is nothing we can do – there is nothing in the agreement that states they cannot stockpile and it is his understanding that the stockpile currently is in litigation. Christine Yellowthunder spoke up and asked if anyone read the report.

LeRoy Rindahl stated there hasn't been any watering going on. Steve Weiss stated we need to work with our engineering firm to pursue this. Attorney Schaumberg again stated we can't do anything with the stockpile. Vaughn Nagahashi asked if the sand is blowing on to their property couldn't they file a suit against 5-star. Ricky Strauch asked would we want the attorney or Scott McCurdy to read through their annual report? Ricky Strauch stated he is going to call the DNR re: removal and air monitoring. Attorney Schaumberg stated they are in violation of ambient air monitoring. Attorney Schaumberg will send a letter

to 5-star stating they are not in compliance with ambient air monitoring and if they do not respond with their plan a meeting will be held regarding the violation on July 14th at 4:30 p.m.

Discussion was held regarding sand mine bonding plans and suggestion was made to have Mark Wiese attend a meeting and discuss this. Steve stated he would try to contact him.

In regards to an annual report from Hi-Crush Attorney Schaumberg they are not required to provide the township with an annual report – however they are required to send one to Eau Claire County and it is on their website.

Steve Weiss stated that Hi-Crush verbally stated they were going to put out more air quality stations – doesn't think there have been more put up. Attorney Schaumberg stated that Hi-Crush when they have come in they have never exercised their true rights. They don't have to come to a meeting but they have. Maybe talk to them again about the blasting and air quality. Scott McCurdy may be one to contact them about this. Attorney Schaumberg stated he is not an expert on air monitoring.

Jane Justesen spoke and stated she sent a out complaint with photos of sand blowing.... to the DNR and to date s he has not heard anything back from them.

Vaughn Nagahashi spoke and stated he would like to have the board vote on whether or not the committee should go over the existing ordinance. No action taken – will be on next month's agenda.

Sealed Bids – we only received one bid for chip sealing and that was from Scott Construction. Total cost for roads \$52,447.00. After discussion Supervisor Dean Solie made a motion to approve bid. Seconded by Supervisor Lynn Norheim. Motion carried: Supervisor; Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye)

Liquor License applications. Acting Chair Steve Weiss read off the applications received for Liquor License approval: Class A: Carol's DJ Mart - Class B Combination: Top Flight; Riverside Junction, and Trail's Edge Saloon, LLC; Class B beer only: Augusta Area Sportsman's. After discussion motion to approve was made by Supervisor Dean Solie. Seconded by Supervisor Lynn Norheim. Motion carried: Supervisor; Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye)

All bills were audited and paid.

Motion to adjourn was made by Supervisor Ricky Strauch. Seconded by Supervisor Dean Solie. Meeting adjourned 11:25 p.m.

Patti Warner, Clerk

Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye)

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
THURSDAY – JULY 17TH, 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 14th. 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 2nd 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 someway to gleam 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 t hat 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.

Patti Warner, Clerk

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
AUGUST 21ST, 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: Supervisors: Ricky Strauch, Steve Weiss, Dean Solie & Lynn Norheim; Chairman, Jeff Gerike; Treasurer, Tamy Moss; Clerk, Patti Warner, Absent: Treasurer, Tamy Moss;

Also Present: Attorney Rick Schaumberg, Tom Peterson, Bruce Logterman, Menno Borntrager, Daniel Gingerich, Eli Gingerich, Victor Werlein, Fred Poss, Dan Mast, Carol Peuse, Christine Yellowthunder, Janice Brakken, and Dale Kirchoff

Pledge of Allegiance

Motion to approve agenda was made by Supervisor 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:

Chairman Gerike reminded everyone that public comment is to be kept to no more than three minutes – is limited to public comment only from residents of the township - also their comment is not up for discussion.

Christine Yellow Thunder: She passed out 4 blasting incident reports to the board. (3) From Christine & Ralph Yellowthunder (different dates) and (1) from Mary Yoder. Also stated Anna & Vernon Bontrager on Brunzil road witnessed problems as well. If the blasting is going to continue her neighbors have had conversations in regards to buildings being shaken and rattled – heavy cook stoves – whether on cement or wood floor – all questioning how long before a well or foundation collapses – Her concern regarding the blasting - can't it be more controlled and they should more respect for people who live ½ mile and 1 1/34 miles away.

Victor Werlein – spoke against zoning with Eau Claire County. He stated the only chance we have to put our thumb on any mining on the companies is keeping it local ourselves and not adopt county zoning. In regards to recycling – he stated we have enough ordinances already and enough to worry about besides an ordinance for it.

Janice Brakken – Stated she feels as a taxpayer she should be able to speak and thanked the board for allowing her to speak even though she isn't a resident. She stated that she has not followed our issues for about a year but is surprised that we are having a conversation in regards to recycling tonight. She stated recycling is a state law.

Bruce Logterman – He stated that he thought zoning had been kicked around already and voted out at the public meeting. He stated he hoped the board would take into consideration how many at the meeting turned in a card that stated no they did not want county zoning. He stated we would be able as a township to have our own zoning and control our town on our own. We can do our own zoning & ordinances if we're worried about sand mines. In regards to blasting – they have blasted in Verona – he has never heard anything - with zoning we don't gain anything – he seen it recently with Johnson Dam – He feels Eau Claire County is just worried about themselves – please consider all the Amish neighbors as well - he has no use for it.

David Safford – Spoke to the board and stated he is totally against zoning with Eau Claire – he wants to restore freedom and liberty to the people not take more away.

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

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

Old Business:

Clerk – received a call and so did Steve Weiss from the Marcheske's regarding the barking dogs. The clerk stated she told them there was not an ordinance for barking dogs just running at large. Supervisor Steve Weiss stated he told them to get written statements from neighbors to back them up and bring to the board. Attorney Schaumberg stated that a barking dog can be a nuisance ordinance if the board chose – there has to be a written complaint – and then passed on to constable. Stated if you do it for one it can snowball. When is the howling and barking a violation? Ricky Strauch asked if they could tape record it. Dean Solie stated that the barking in question are coon hounds and they are probably barking at night which is when they would be getting taken out to go hunting.

New Business:

Tom Peterson – stated that the mining committee has met twice since the last meeting and addressed issues. He handed out an amended charter to have members be on for three years and be allowed to be reappointed if the town and resident are in agreement. Attorney Schaumberg suggested Town residence change to say to serve at will. Attorney Schaumberg stated it could still be passed tonight with the change approved if the board wanted too.

He stated they began to look into mine incident reporting – they amended the form and passed out a copy for it to be approved by the board. Bold print shows the changes that were made.

After their last meeting a committee member passed out a form that was more simplified – handing out only as informational – their intention is to use the first one. The committee is asking the board to approve the first form.

They have made contacts with residents in the area as to persons willing to have blank forms on hand and be collection points – have several on M, R, Brunzil, off GG as well. Once board gives ok they will distribute blank forms and those people will be identified as a form to drop off.

He passed out a Mining Incident Spreadsheet: take info off forms – categorize it – severity – also look at incident date and time (form attached). Steve handed out a form from Vaughn and stated it's been easier to have them monitor it weekly.

They reviewed 5-Star's fugitive dust plan – looked at Wisconsin admin code – had copy of best management practices for fugitive test plan – they had a lot of questions. Easiest to contact Tanner Conner to get his response – he shared this plan that 5-star submitted was actually an amended or revised plan they submitted to the DNR. The DNR says it meets minimum standards. It stated that if the town board feels there are questions and clarification needed yet – it's ok for the board to contact 5-star and ask for clarification and ask questions. Committee drafted a letter to 5-star and asked them to respond in a timely fashion. It is their recommendation to the board – if it's appropriate to send - that they approve it for Attorney Schaumberg to send.

Final item: review of town non-metallic mining ordinance – they did get some ordinances from other townships that may be more recent – just secured some other copies of them – made copies between now and September 3rd they are to meet and have a discussion or dialog on them at September meeting as far as recommendations if any.

Asked Attorney Schaumberg about the letter – he stated that the board can approve that it be sent out right away – he'd like to look at it first and compare it to the plan. When committee sent questions to high country and we got answers back they weren't really answers – might be helpful take points brought up in letter – vs. plan and try and narrow down how they can answer. If we can avoid evasive answers it would just be possible tweaking words on his part and bring it back for board approval.

Steve Weiss asked about the air monitors. Attorney Schaumberg stated that no where does it state where air quality monitors have be put up. That's the ambient air thing. We have to address them separately – Tom Peterson – felt it wasn't appropriate but didn't want to mix the two. They like the idea that Attorney Schaumberg would take the letter and write it better if possible. Attorney Schaumberg stated this group tends to skirt things – when we get a report – like Connor said meets minimum standards – He'd like to look at it or tweak it or send it out as is.

Supervisor Lynn Norheim made a motion to have Attorney Schaumberg review and edit the letter and send it out after approval from Chairman Gerike. Attorney Schaumberg stated that it will not guarantee we'll not get evasive answers. When he receives a

consensus of ok he'll send it out. Seconded by Supervisor Steve Weiss. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Tom Peterson stated he would like to remove the committee request in regards to approving the incident report and spreadsheet. The committee will come back in September with their final recommendation.

Ricky Strauch stated the blast that took place two weeks ago shook his place which is 2 miles away.

Agenda Item Adoption of County Zoning was discussed. Chairman Jeff Gerike asked if there was any more discussion or questions in regards to it. Ricky Strauch asked if anyone else called Eau Claire County with more questions since last meeting. Attorney Schaumberg stated to clarify in regards to the agenda item we had a public informational meeting – and Eau Claire County here for further discussion and information after the public meeting. The only thing is to adopt if that's what the board chooses to do and it would be done as a resolution. He stated we don't have to have a motion to not do anything only if they want to adopt. If there is a motion to adopt there doesn't have to be a roll call vote if no other affirmative action is taken. If there is no affirmative motion than you move on.

Supervisor Ricky Strauch made a motion to adopt county zoning. Chairman Gerike asked for a second to adopt it. He called out (3) times for a second. On basis of no second the motion failed.

Agenda item garbage & recycling: Supervisor Ricky Strauch stated it was brought to his attention about garbage being dumped on various properties and not being brought to recycling center. He sees no reason to dumping stuff out back on properties. He didn't know if we should have an ordinance to enforce it or not. Dean Solie stated there have been tires and scrap iron that he's had to pick up out of the ditches by him. Dale Kirchoff stated there still are on occasion things dumped in ditches along town roads. Attorney Schaumberg stated as far as people dumping in their woods and/or property he would call the DNR and file a complaint Ricky asked the attorney what his thought was on it. Attorney Schaumberg stated you could have an ordinance but it doesn't stop it. Ricky asked what DNR's stance on it. Attorney Schaumberg stated that from his own personal experience there was a family farm where the farm family had their own private dump – husband/wife were getting divorced – they got turned in for the dump and was fined by the DNR as being illegal. You cannot maintain your own private dump or how it's maintained. He suggested contacting the DNR in regards to this if he has concerns on people dumping garbage as they take a serious stance on it.

Supervisor Steve Weiss asked about addressing blasting. In regards to the last blast is where Dick Reesman responded. Steve asked if there is anything we can do to address it. Attorney Schaumberg stated there isn't – as they are falling into the federal and state guidelines. He felt it to be a genuine response from them.

Discussion held regarding flooring – Chairman Jeff Gerike had the company that did the school floors come out and do a test patch this week – they weren't able to get a quote back as of tonight's meeting. He wasn't sure what they charge. Dale Kirchoff stated he thought it looked like pretty good stuff. Put down a test strip on Tuesday – they stated floor is shiny and it may have to be re-stripped. Steve did receive a quote back – but this agenda item will be tabled until September meeting.

Chairman Jeff Gerike stated that he and the clerk met with the insurance agent on Monday 8/11 regarding our equipment and replacement cost versus agreed value coverage. He wondered if we wanted to go with agreed value versus replacement costs. Dale stated the sterling no longer makes trucks so it would be hard to get a cost there. The only difference on what they have listed is our grader needed to be changed to say it was a John Deere and they are going to put the paver/roller on the list for \$6,000 and the screener we will be charged for ½ of the 8,000 value – Town of Fairchild will go pay the other ½ coverage. Stacy to talk to Town of Fairchild in regards to this.

Meeting resumed at 9:33 p.m. Dale Kirchoff told the board that he can no longer get blades for the brush cutter.

All bills were audited and paid.

Motion to adjourn was made by Supervisor Steve Weiss. Seconded by Supervisor Lynn Norheim. Meeting adjourned 10:20 p.m.

Patti Warner, Clerk

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
THURSDAY – SEPTEMBER 18TH, 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: Board members present: Supervisors: Ricky Strauch, Steve Weiss, Dean Solie & Lynn Norheim; Chairman, Jeff Gerike; Treasurer, Tamy Moss; Clerk, Patti Warner.

Also Present: Attorney Rick Schaumberg, Tom Peterson, Vaughn Nagahashi, Raymond Miller, Bernice Strauch, William J Yoder, Jonas A Borntrager, Rudy E Gingerich, Daniel C. Borntreger, Eli D. Gingerich, Ezra H Miller, Abraham, Borntreger, Wilfred Olson, Harvey E. Borntreger, Christine Yellowthunder, Joe W Yoder, Victor Werlein, Dave, Saffron, Janice Brakken

Willy Olson – Presented a lease agreement he would like signed. WE energy is coming through with pipeline and they need 4 acres to park trucks and pipes for staging area. Town of Fairchild Okayed already and signed their lease. He stated it shouldn't interfere with crushing or anything. Attorney Schaumberg spoke to the board and stated he doesn't feel he can do the board justice by recommending they sign it without first looking the original lease over that we currently have with Willy Olson and the proposed lease with WE Energy. After discussion Motion was made by Supervisor Steve Weiss to have Attorney Schaumberg to look over both leases. Willy will drop off a copy of current lease to Attorney Schaumberg's office. Seconded by Supervisor Lynn Norheim. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Public Comment

Christine Yellowthunder – turn in blasting ordinance complaint form – the blast had badly shaken her house - & Vernon & Anna Borntreger. 2nd Item was in regards to a Public hearing at Eau Claire County held on September 23rd and residents received a letter after the fact. It was in regards to wetlands and she feels the homeowners should be talking to the board instead. 3rd issue – A suggestion she would like to mention is townships that hire on an individual to monitor their ordinances and feels this would be beneficial to our township. She would like to ask that it be an agenda item for next month's agenda.

Victor Werlein – Wanted to mention that he wanted to know where the board stood on zoning – when there are board members going around and telling people it's going to be a good thing. He just wanted to make a statement that he is not interested in zoning and feels that the Amish aren't either. Feels if it comes up to vote again it should be the people vote and not the board.

Dave Saffron – He only came tonight as he heard the board was going to speak about zoning – he is concerned that a vote could be held in secret and he would like to see that something is passed where there cannot be another vote regarding zoning for at least a year. That way people don't have to wonder and worry about possibly missing a meeting where it could be brought up. If so they would like to see a lot more notice about it.

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

Financial report was presented. Motion to approve 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)

Old Business:

Ricky Strauch asked what has been done about the ordinances and if they had been filed yet. Attorney Schaumberg stated that they had been filed in Eau Claire County a few months ago.

Ricky stated he called the county and got a number to call to complain – re: High crush blasting – he was told there was nothing they can do if levels are below the state & federal standards which they have been. He also stated that High Crush is not responsible for damage to homes – and asked if they exceed the level of the blast guidelines would they be responsible then?? Attorney Schaumberg stated that a landowner can file a civil suit on their own. It is not something that the township would do on their behalf. Ricky Strauch stated he is concerned as the sand mines will be moving over by him. Is it too late for us to take any action? Attorney Schaumberg stated that the agreement did for a foundation inspection within so many feet of the mine – he would have to see what the agreement says first. He stated a landowner can always have their own inspection done. All costs they would incur themselves. Supervisor Steve Weiss asked if there could be a class action suit filed on the landowner's behalf. Attorney Schaumberg stated it depends on the facts and damages. The burden of proof is on the landowner. Attorney Schaumberg stated that he can tell the board what the agreement says – but he can't offer advice to property owners as to what to do.

Supervisor Lynn Norheim asked if the dog issue had been taken care of. Chairman Gerike stated he hasn't heard anymore from Marcheske's or Price's. There was a complaint called in by Jo Francel – she stated there is an Amish dog that comes into her yard and comes up on her deck and does it's jobs and she is getting tired of having to clean it up. The only problem is she is not sure who owns the dog – it was suggested she try to talk to her neighbor first which she hasn't done – if she can't get it resolved she'll call back.

Elisse from Eau Claire County Humane Association would like to know how the board handles cat complaints. Will discuss at next meeting what we may want to do as there is nothing currently in effect for them.

Steve Weiss stated there has been issues going on out at the dump with people leaving off garbage and he was going to ask Dale to view the tape to see who left it. There had been a refrigerator and tires and garbage. He thought the tape held video for up to 30 days. The clerk thought it was only 7. He will check with Dale on this.

New Business:

Tom Peterson: Mining committee presented final blasting complaint form for approval. Also a separate sheet that lists contacts to call. They are still reviewing ordinances from other towns. They hope to meet before next month and come back with recommendations to the board regarding the non-metallic mining ordinance. Tom stated that Attorney Schaumberg looked over their letter to 5-star tweaked it and it had been sent. Supervisor Dean Solie stated that with all the copying he would like to see the committee have a key to the room where the copy machine is in to make copies prior to meetings. The clerk stated that they had just replaced locks on the two doors as keys were handed out and it got to where no one knew who had what. The clerk stated she would be more than willing to

come out and meet members to make copies as needed but would prefer if possible to keep keys down to minimum. There were issues with door being left open – and not to say anyone on committee would do it but felt this would be easiest way to ensure doors are locked. Tom stated he had no problem with that and would contact clerk when he needed copies made. After discussion Supervisor Steve Weiss made a motion to adopt the blasting complaint form and get it distributed. Seconded by Supervisor Lynn Norheim. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Chairman Jeff Gerike read a letter we received from Scott McCurdy, Cedar Corporation stating their company was now branching into engineering for sand mines. Scott in his letter stated he felt he could remain unbiased and could still serve the township without any issues but wanted the board to know in case they wanted to look elsewhere. Supervisor Steve Weiss asked Attorney Schaumberg if he felt this could be an issue for the township. Attorney Schaumberg stated he doesn't feel it's any different than the oath he takes to serve his clients. He sees no conflict and as an engineer Scott is a professional representative that represents our township. Attorney Schaumberg stated he feels it's part of the business and it goes hand in hand with outsourcing. He also stated that we don't have to do anything unless we want to say no to their services. After discussion it was decided we would still continue on with Cedar Corporation.

Carol Peuse agenda item re: public comment (not here tonight)

Ricky Strauch spoke to the board regarding Comprehensive Planning. He stated he spoke to a few Amish after the last meeting and they thought that Comprehensive Planning was zoning – he stated he told them that we could write our plan and have total control over it – and after hearing that they didn't think Comprehensive Planning would be a problem with the Amish if the township remained in control of it. He told them he felt we'd be in control. Rod Eslinger said by law the plan has to be reviewed every 10 years and we would be able to make changes in our plan if we needed to at that time. He was told we could make it as complex as we want we would be in control of it. If there are changes to be made if citizens needed more growth we could do an amendment through the comprehensive plan or another way would be a variance. He stated back in the 90's there was a group working on a plan and nothing has been done with it since. He feels we have done nothing to preserve our land. He stated that people have said once we adopt zoning there is no way out but he stated at a WTA meeting there is on the next session a bill proposed to allow people to opt out of zoning. Ricky stated that people brought up freedom he read definition of freedom. He feels we it would still be our plan and we would have control of it. He got a copy of the Town of Lincoln's Comprehensive plan and feels they hit it on the head. Lynn Norheim stated he has a copy of Town of Ludington's.

Attorney Schaumberg stated a comprehensive plan is just a plan. There is no violating or penalties and no having to comply – it's the foundation for if you were to adopt zoning. Having a plan is just that a plan.

Ricky Strauch stated that he feels we have a township with no structure – with what were dealing with blasting and possible damages. He stated Sunday he came home from church on M – there was a little Amish cart going around the corner with Shetland pony and kids in cart then here comes 4 service trucks from high crush – he feels it's a safety issue. Feels there's not a county road as bad as M. Chairman Gerike stated the Amish also have to deal with all of the logging trucks. Supervisor Dean Solie stated zoning would not change the safety of M – it is a county road.

Attorney Schaumberg stated we have to stay off zoning it's a sensitive issue and also was not an agenda item for discussion. Ricky Strauch stated that if Bridge Creek were to ever fully complete their

comprehensive plan there is a place for it to be inserted in the Eau Claire County Plan. He still feels it is our plan. Tom Peterson stated that the committee previously looked at the old plan and it would take extensive work to get it up to date.

Chairman Gerike asked for quotes for flooring. The first one from Armor Tuff is for \$8,400.00. 2nd quote on floor is from Hillyard for \$1,192.78. That did not include the one office. But would only be a couple hundred more – as far as maintenance you just mop it – it is what the school has for flooring. After discussion Supervisor Steve Weiss made a motion to approve Hilliard's quote. Seconded by Supervisor Dean Solie. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Chairman Jeff Gerike asked for the board to pass a resolution for the recycling charge for 2014-2015 tax season for \$12.00. Supervisor Lynn Norheim made a motion to pass the resolution. Seconded by Supervisor Steve Weiss. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Chairman Jeff Gerike – stated Joe Eklund is going on vacation and wanted to get paid for the two Saturday's that he will be gone. He has never had any paid vacation days. After discussion. Supervisor Steve Weiss made a motion to approve paying Joe for his vacation. Seconded by Ricky Strauch. Motion carried: Steve Weiss (aye) Dean Solie (aye) Ricky Strauch (aye) Lynn Norheim (aye) Jeff Gerike (aye)

Chairman Jeff Gerike received the 6 year improvement plan in our township to 2020. They are going to fix county road M. Fix AF from V to HWY 12. That is all the proposed roadwork the county plans to do in our township.

All bills were audited and paid.

Motion to adjourn meeting was made by Supervisor Dean Solie. Seconded by Supervisor Lynn Norheim. Motion carried –meeting adjourned 9:15 p.m.

Patti Warner, Clerk

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 harm 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

REGULAR MONTHLY MEETING
TOWN OF BRIDGE CREEK
NOVEMBER 20TH, 2014
7:30 P.M.

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, Lynn Norheim; Treasurer, Tamy Moss, Clerk; Patti Warner

Also Present: Fred Poss, Tom Peterson, Carol Peuse, Terry O'Donohue, Dale Kirchoff, Christine Yellowthunder, Dan Marcheske, Vaughn Nagahashi, Vic Werlein, Jane Justesen

Pledge of Allegiance

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

Public Comment:

Christine Yellowthunder – spoke in regards to the last blast – the side effects we don't see but people are Cty Rd H feel – Also spoke about the pipeline that had to go through to increase power lines – Zank rd and see what they did to her property – they are taking 40 ft through her tree farm – increasing power poles – increasing high capacity. Taking down trees on her land – stated these are unseen things that sand mining brings into the community. They said it's for the sand mines and anticipation of more. She stated if she had the power to protect other citizens she would. She spoke about how upset she was that they went through her property and she had to hire a forester – the trees were cut down she was reimbursed but that wasn't the point.

Fred Poss – spoke about the good news that the Eau Claire County Board approved for an extra 65,000 to Eau Claire Lake which will double the amount of money to handle extra costs. He stated they will be able to clean out a lot of sand traps. Trying to create a river district – received 52,000 for initial funding. Will be able have the River as a separate system and not a lake. Now they can also apply for national and international money.

Victor Werlein -He spoke in regards to comprehensive planning and feels it is one sweet way of bringing our township into zoning. Feels (2) board members have issues with sand mines. Don't drag everyone else in it. Advisory panel where does it end. Once their here their here. Only hears of their personal issues. Also did not appreciate receiving a survey about sand mining – would like to know who gave out his address for this.

Carol Peuse – re: citizen's comments She spoke on opening up public comment to people other than residents of Bridge Creek – she feels they have a lot of input to give. Things that she's seeing in talking to people dealing with sand mines – people are concerned that it's only Town of Bridge Creek people – but people that are on the fringe that might be affected feel it's important for them to be able to comment. Please consider in the future with people on borderlines to be able to speak – Hope in the future that the board will look at other people and see what they have to say that aren't living here.

The minutes were approved on a motion by Supervisor Dean Solie except to change the word gasoline to gas line. Supervisor Dean Solie made a motion to approve the minutes. Seconded by Supervisor Lynn Norheim. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman, Jeff Gerike (aye)
The financial report was presented. Motion to approve was made by Supervisor Steve Weiss. Seconded by Lynn Norheim. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman, Jeff Gerike (aye)

Old Business:

Ricky Strauch brought up comprehensive plan – sees it as a management tool – feels Bridge Creek has a lot of growth. Feels it's a good way to avoid conflicts between neighbors. He feels we can avoid putting a sand mine across from homes. Feels it's not binding – borderline zoning – doesn't see in future – doesn't know if zoning will go away. Younger generations seem to be more accepting. Spoke to Lance Guerny on land preservation. If your not zoned you can't get it. Called West Regional Planning would be public meetings citizen input. Would be nice to spend money on growth area.

Chairman Jeff Gerike stated that a couple months ago the zoning and comprehensive plan was voted down and he doesn't see the need to discuss it any further.

Supervisor Dean Solie stated that in regards to sand mining it is considered another use of agricultural land.

New Business:

Dan Marcheske – sent a letter regarding some nuisance barking dogs. Made calls to everyone with 0 changes. Last Friday 1 ½ hrs of constant barking. Understands their right to own dogs. His kids can't sleep at night. Talked to other neighbors Mike & Julie Bethkes. He got rid of his guinea heads – he got rid of his sheep. Feels everyone is unwilling to work with them. Board asked when the barking occurs the most. Dan stated there is no certain time of day – lately it was about 3:30 pm until 6:00 pm. Thinks it depends on if they are feeding.

Jeff said he would talk to Corey Bauch tomorrow and see what can be done.

Angie Frank letter – Request by Angie Frank that Bartig road be closed down on April 25th from 9-9:30 for the Beaver Bolt as they are adding a bike race during that time. After discussion Supervisor Dean Solie made a motion to approve closing Bartig Road on April 25th. Seconded by Ricky Strauch. Motion carried: Supervisors: Steve Weiss (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman, Jeff Gerike (aye)

Discuss mining committee usage – Chairman Jeff Gerike stated we're putting things over on to the committee that the board should be doing. Ricky stated we can call upon them in the future if need be. Dean feels haven't done anything wrong. Worked on zoning - did moratorium doesn't feel they have done anything proper. Ricky said if inactive right now what's the difference.

Supervisor Steve Weiss said we don't have any applications at this – doesn't want to disband it they've done a good job with what we needed to have. Lynn said leave it as is if we need them. Chairman Gerike stated at this time we don't need their services unless we receive a new application.

Steve Weiss – stated he hasn't had a chance for looking into an outside source. Spoke with Scott McCurdy and he's looking at an engineer.

Steve Weiss re: engineer – feels it would be a source to utilize working with our township. How it's effecting so that one township isn't bearing all the cost. Blasting standards were set up for wide open ranges up north or Montana. Was never meant to be used where you had properties. So levels were acceptable. But when your talking population feels it's excessive. He stated Politicians; US Senators, US Assembly are willing to take a look at it. Not trying to stop it – was going to be there 30 years now down to 9. Outdated and the body that can do that is our congressman. Community members can take an active roll and call your congressman. Last blast school house shook so bad the kids were crying. Although his neighbors didn't feel anything.

Discussed caucus after discussion - Caucus will be January 10th at 10:00 am

Closed session from 8:44 to 9:10 to discuss road worker wages

Discussed Humane Association Contract – try and have them come next month.

All bills were audited and paid

Motion to adjourn meeting was made by Supervisor Steve Weiss. Seconded by Supervisor Dean Solie 9:36 p.m.

Patti Warner, Clerk

TOWN OF BRIDGE CREEK
REGULAR MONTHLY MEETING
DECEMBER 18TH, 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: Dean Solie, Steve Weiss, Ricky Strauch and Lynn Norheim

Also present: Victor Werlein Sr., Joe Eklund, Ezra Miller, Felty Borntreger, Abraham Borntreger, Bernie Strauch, Vaughn Nagahashi, James Drost, Tom Peterson, Dale Kirchoff, Toby Borntreger, Fred Poss, Dan Marcheske, Jane Justesen, Troy Morey, Cathy Lea, Carol Peuse & Christine Yellowthunder

Pledge of Allegiance:

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

Public Comment:

Felty Borntreger: He spoke regarding Zoning and he does not want it – if township were to zone he would have to move. Amish concerns are what planning & development is trying to do with them if zoned there would be more laws, more requirements – they have their own way of living and now they are being asked or told that they have to have electronic devices which is against their belief – before they could build how they want – cut lumber – either they got to move forward or move out. Stepping forward and having township zoned wouldn't he wouldn't recommend it. He's not in favor of sand mines and doesn't think we can stop them because they are so powerful – if they do get fined they keep going. How is zoning actually going to help us? He has lived here almost 40 years – has had good neighbors – still likes it here but their concern is if zoning going to happen. He does have concerns about the blasting but doesn't know how you could stop it.

Abraham Borntreger spoke and he agrees with what Felty said – we have sand mines and it isn't that he likes it but he doesn't feel zoning is the answer. He is against it and if the township gets zoned he will have to move so please consider not zoning.

Ezra Miller Stated he is concerned about zoning - we have sand mines – he's not for it but we got it – with zoning we would have more problems - might have to move out as well – not for zoning at all – doesn't understand everything about it but he is against zoning.

Fred Poss: DNR permit for Lake District has there is now a temporary person filling in at the DNR– the previous person for lots of reasons banned us to dredge creeks for past two

years. He's pleased to report two days ago he had a successful meeting with the DNR and so Monday he will be turning in an application to resume and renew our permit to dredge on the north side.

The minutes were read and approved on a motion by Steve Weiss 2nd by Ricky Strauch. Motion carried: Supervisor Steve Weiss, (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman Jeff Gerike (aye)

Financial report was presented. Motion by Steve Weiss to approve 2nd by Lynn Norheim. Motion carried: Supervisor Steve Weiss, (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman Jeff Gerike (aye)

James Drost - Spoke to the board he is a mining engineer and he is against irresponsible mining. He reviewed our mining agreement with Hi-Crush – since it grants permission to inspect – the town should look to see if there is something being overlooked. You have to exercise that right to some expense. What are they doing to control dust, wastewater, and depth of mining, check roads for condition, check dryers, make sure they have MSDS sheets, check high capacity wells – check blasting operations and log books. He feels the proposed ordinance – has good points but is far from adequate – it is the most comprehensive he's seen but he's not a lawyer – but he thinks it will serve citizens well. He also feels there needs to be a bond for property values - Steve Weiss asked about his availability. He said he is available but he should have a day or so notice. Ricky Strauch asked about the cost - what would it be by the hour. James Drost stated 15.00 an hour. Ricky Strauch asked how his inspection is compared to county. James stated he doesn't know how they do their inspections. The Clean Air Water Act is federal that is what the Wisconsin Act is suppose to parallel – they say it doesn't fit well – but he feels it's that they don't want to do it. He stated we need to get all fines registered with the County. He suggests not doing an inspection until April and then every 2 months thereafter. He stated that their settling pond is too small – he stated we have police powers and can do something about it. Steve Weiss asked if he'd be willing to help with our ordinances - He stated that he's not against mining but what we don't want is wholesale slaughter.

Troy Morey – spoke to the board and stated there is not a lot of change they are still negotiating with several companies to moving the sand. He appreciates the ability to move south. As things progress he can come to meetings and give updates – he wants to update the board in between meetings. So he will either email the clerk or speak to the Chairman. He stated it's going to move just timing of when they are going to start is moving out. Ricky asked about trucking it south – is that still on the table? Troy stated they are still negotiating with that company.

Old Business:

Ricky Strauch spoke about the barking dog issues. He picked up an ordinance with dogs at large – they have had good success with requiring bark collars. Feels it's back in our lap and we need to do an ordinance for barking. Ricky stated we could look through the

City of Augusta's ordinance as well. Ricky & Lynn are going to work together on gathering new information for a dog ordinance and present it to the attorney.

Ricky stated he had heard rumors about Hi-Crush and what they were hauling through town. He did some checking and they will be done in 3-4 days – it is lime rock, clear stone rock that they are hauling and it is coming from the Gerike pit. He stated they are putting in more rails – another crew will come in and lay down rail and they do have permits through the DNR and have been working with Skyler.

New Business:

The Chairman was asked if he spoke with Ryan Nelson. Kathy Michelson stated that the school board adopted a 6 ½ million referendum for some updates at the school but one of the barriers that has been created – is that local tax payers will bear a larger burden of the actual cost because of having something to do with our tax base changing. Hi-Crush is causing a big issue. The surrounding home values are quite low – because Hi-Crush does not pay a portion of the school funding for our township we will be paying a higher burden than projected. Chairman Jeff Gerike stated that said Ryan Nelson said they got the last payment of 680,000 to keep the taxes down next year and that they are going to just pay interest 6 ½% on rest. Ricky Strauch stated that he felt if we had a comprehensive plan he feels it could be used in negotiating with Hi-Crush. Steve Weiss stated that maybe we could go after Hi-Crush to pay the difference.

Ricky Strauch stated that he has another concern and that is that on our board we don't have anyone that has experience in an advanced background like a CEO or general manager. He feels this is something to really consider getting on the board – as no one has this type of experience. Carol Peuse stated they did extensive research and how it affects our school district with the increase in value that Hi-Crush has here. City of Augusta – value of buildings has gone off – one of lowest state aid districts =- no state aid – because of increase in high crush so state aid has taken a huge drop. Statement was made that because of the increase in value of Hi-Crush that our state aid has taken a huge drop – and that it can have further impact because it is expanding and could have more of an impact. Statement was made that we are one of the highest valued townships in the state. Chairman Jeff Gerike stated that Ryan Nelson would like to come out once a year to talk to the town board about the school. Question was asked if zoning was still under consideration – Supervisor Steve Weiss stated no. Tom Peterson stated that maybe we could envision a comprehensive plan as more of a strategic plan. Steve Weiss stated that maybe we could go after Hi-Crush to pay the difference. Joe Eklund stated that maybe we should ask if we could place a fee on every ton that went out.

Chairman Jeff Gerike brought up a resolution to go with the County for Tax Bond for tax collections. Supervisor Lynn Norheim made a motion to go with County Bond for Tax Collection. Seconded by Ricky Strauch. Motion carried: Supervisor Steve Weiss, (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman Jeff Gerike (aye)

Chairman Jeff Gerike brought up discussion about placing extending our moratorium for another six months to have time to discuss and or make changes to our mining ordinance. Attorney Rick Schaumberg drafted an extension for approval if the board approved it at tonight's meeting. After discussion Supervisor Steve Weiss made a motion to extend the moratorium. Seconded by Supervisor Lynn Norheim. Motion carried: Supervisor Steve Weiss, (aye) Dean Solie (aye) Lynn Norheim (aye) Ricky Strauch (aye) Chairman Jeff Gerike (aye).

Motion was made by Supervisor Steve Weiss to adjourn. Seconded by Supervisor Dean Solie. Motion carried. Meeting adjourned 9:21 p.m.

Patti Warner, Clerk