

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 Borntreger, 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

