

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 Borntreger, 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