

# TOWN OF ARCADIA

Trempealeau County



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Ronald Tuschner, Chairman (608) 323-3035

Ivan Pronschinske, Supervisor No. 2 (608) 323-7675

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Nancy Rohn, Town Treasurer (608) 323-7063

## Town of Arcadia Minutes of Regular Board Meeting Thursday, May 23, 2013 at 7 p.m.

The board meeting was called to order by Chairman Ronald Tuschner at 7:00 p.m. Open meeting certifications were met. Roll call was taken. Board members were present: Chairman Ronald Tuschner, Supervisor Michael Wineski, and Supervisor Ivan Pronschinske. Also present were the attached list of residents.

R. Tuschner stated that item 8. B was cancelled. A motion was made by M. Wineski and seconded I. Pronschinske by to adopt the agenda with the cancellation. The motion was carried with a voice vote.

A motion was made by I. Pronschinske and seconded by M. Wineski to approve the meeting minutes of the May 6, 2013. The motion was carried with a voice vote. A motion was made by M. Wineski and seconded by I. Pronschinske to approve the Board of Review minutes of May 21, 2013. The motion was carried with a voice vote.

A motion was made by M. Wineski and seconded by I. Pronschinske to approve disbursements of May 23, 2013. The motion was carried with a voice vote.

At 7:05 pm, R. Tuschner opened the floor to public comments for other topics that were not listed on the May 23, 2013 agenda. Jeff Bawek asked to speak later. Jake Wadewitz asked about getting salt and sand from Trempealeau County. He will be billed from the Town of Arcadia. Emery Palmer asked about the timeline to notify the Board about future non-metallic mines. R. Tuschner stated it would be at least a week and between meetings (a minimum of 2 weeks). Agreement was made by M. Wineski and I. Pronschinske. Ed Maliszewski asked about additional sand pit road bonds. R. Tuschner explained that this depends on the road length and number of trucks. Each road is handled on an individual basis. Paul Winey presented a copy of the WI REC News article on noise levels of 45 db for the nighttime limits for wind farms and that the ordinance committee set this 45 db as reasonable noise limits for sand mines also. He also discussed the Economic Benefits and Costs of Frac-Sand Mining in West Central Wisconsin Executive summary report completed in conjunction with the Towns Association, WI Farmers Union, and additional organizations. A copy is attached and can also be found online. Mr. Winey asked where we are with the 6 month reviews. R. Tuschner stated that the County says the Town has no power. M. Wineski stated that the Town has no power to compel the mining companies to meet with the Board. There were no other public comments. R. Tuschner closed the floor to public comments at 7:10 pm.

## **Second Formal Presentation of the Guza Non-Metallic Sand Mine---Palmer Soil & Testing Consulting, LLC**

Correction was made that this is the Third Formal Presentation. R. Tuschner stated that the presentation at the last meeting was sufficient. No additional input was given by Emery Palmer. I. Pronschinske has concerns about the bridge and that an inspection be done at the mine's expense. E. Palmer stated they were expecting a condition to be put in the road use agreement. Upgrades would also be addressed. Discussion followed about the last inspection and who will inspect. R. Tuschner stated that when road use agreements are done the Town of Arcadia chooses the engineer but the expenses belong to the mine. Everyone works together. I. Pronschinske asked if the water was navigable. E. Palmer said yes. Mark Palmer said it was reasonable to expect the mine to bear the cost of the inspection. There were no other questions. A copy of the standard conditional use was given to each Board member. R. Tuschner read aloud each condition and each condition was discussed as it would apply to the Cameron Rail, LLC-Guza South Site. R. Tuschner opened the floor to public comments and concerns after each condition. R. Tuschner made a first call for requests for any further comments or concerns. R. Tuschner made a second call for requests for any other further comments or concerns. R. Tuschner made a third call for requests for any other further comments or concerns. No public further comments were made. R. Tuschner closed the floor to public comments.

A motion was made by M. Wineski and seconded by I. Pronschinske to approve the conditions as discussed with copies sent to Department of Environment and Land Use and Palmer Soil Testing & Consulting, LLC. Motion passed with a voice vote.

## **Approval of the Town of Arcadia Comprehensive Plan**

Ed Maliszewski and Jeff Bawek attended as committee members. J. Bawek asked to delay approval of the new comprehensive plan until the creation of a mining overlay district could be investigated. Points brought up by J. Bawek: to pose the concept to the residents, more local control, more long term housing development and future business location, confine annexation issues to a certain area, township able to say no yet allow mining permits, to protect individual rights, create less political pressure, have more original identity in the township, neighbor input, what the Town of Arcadia's future should look like, and the ability to pursue. According to Peter Fletcher, who worked with the committee, we have the ability to do this. Ed Maliszewski brought up the following issues: individual businesses and neighbors, who dictates, and Town of Arcadia local control. Discussion was held on the above points. M. Wineski stated that sand mining is unknown to us, but not a new idea. The approval of the plan didn't need to be decided at this meeting. It should be presented to the committee for discussion. P. Winey explained the Cooks Valley plan and the Town's power. J. Bawek asked if we create the district, could we get a variance on zoning from the County to allow mining as in the areas annexed. We could keep what we have and not worry about annexation plus enhance the Town with the planning. M. Wineski asked that the committee sit down and look at this. R. Tuschner discussed the 590 Plan and the loss of local power and local control, that you cannot stop annexation, the political arena and changing state statutes for annexation, taking over licensing, and that he has extended the olive branch to the city, but still has heard nothing from them on the boundary agreement. He agreed that the meeting should be opened again to discuss the mining overlay district, will it do something, what will change if anything, property rights, the County Ordinance Committee, health, and working with the City of Arcadia, the County, and the Town of Arcadia. B. Killian stated that the number one goal was to keep the Town of Arcadia a rural lifestyle. No action was taken.

B. Killian asked about Jake Wadewitz and the commercial zoning passed at the last meeting. A motion was made by M. Wineski and seconded by R. Tuschner to approve the commercial section of Map 5: Land Use Map from the Town of Arcadia Comprehensive Plan. Motion was carried with a voice vote.

## **Approval of Operator's License for Valerie Grulkowski**

A motion to approve the application for an operator's license for Valerie Grulkowski was made by M. Wineski and seconded by I. Pronschinske. Motion passed with a voice vote.

## **Revision of Town of Arcadia Hall Rental**

Discussion was held concerning the rental charge, complaints of noise/music, and problems outside. I. Pronschinske stated that the last time this was addressed was on June 15, 2009. P. Winey suggested setting a time limit for music. M. Wineski suggested that music end at 10:00 p.m. I. Pronschinske suggested that if there were rocks on the roof or in the flag box that no refund be made. R. Tuschner agreed and added that if there was any damage inside or outside no deposit refund would be given. P. Winey asked about damages that exceeded the deposit. The clerk was instructed to calculate the receipts taken in, the expenses paid, and rental fees at other establishments. This will be discussed at the next meeting.

## **City of Arcadia and Town of Arcadia Boundaries**

R. Tuschner touched on this earlier in the meeting and it goes back to J. Bawek's previous discussion. We have stopped anything and everything with Arcadia Sands, LLC due to funding only. The Town gave an olive branch to the City of Arcadia to meet to discuss Arcadia Sands, LLC Road Use Agreement and boundary agreements. No response has been received from the City of Arcadia.

## **Annexation**

This was discussed previously. A letter was received from the City of Arcadia on May 10, 2013 for the rest of the Sokup property for Arcadia Sand, LLC property. A copy of the state registration was also received.

## **Update by Town of Arcadia Foreman on Town of Arcadia projects, maintenance, and equipment.**

Discussion was held about the culvert on Gaveny Road. I. Pronschinske stated that the Mayor of the City of Arcadia said the city will blacktop. Discussion was held about cemetery mowing, work along the roadside due to the washing from Sunday night's rain, and ditching. R. Tuschner stated that whoever works on the projects needs to call the digger hotline. J. Bawek asked about the length of time the bridge on Soppa Road would be closed. The engineer will make this determination. Discussion was held about shouldering, Boberg Lane water issue, and Tiger Mower Company looking for a training site in our area. Town Hall rental would be the \$200/\$600 non-resident fee.

## **Correspondence**

No notice of the Independence Fire Board meeting was given. Notice of Zoning Board of Appeals Hearings from the City of Arcadia scheduled for 5:15 PM Thursday, June 6, 2013 for Ashley Furniture Industries, Inc. and Mr. Jeff Reglin and David Hesch to continue operating their sand pits. Fire Inspection was done on May 14, 2013; no violations were observed. 2013 Bill from Trempealeau County Town Road miles was received (we do not participate in this), current culvert prices and information from the Highway Committee, rock and maintainer on Gilbertson Lane request, and culvert request from Jim Lisowski.

Agenda items were discussed.

A motion was made by M. Wineski and seconded by I. Pronschinske to set the next regular Town of Arcadia meeting to Thursday, June 6, 2013 at 7:00 p.m. The motion carried by a voice vote. A WI Towns Association Training meeting for the board members and clerk will be held on May 30, 2013, with members leaving at 7:15 AM.

At 9:10 p.m. a motion was made by M. Wineski and seconded by I. Pronschinske to convene into closed session in the office for: Specific matters for discussion and possible action by town board in closed session per Wisconsin State Statute 19.85(1) (c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." Roll Call vote: R. Tuschner, yes; I. Pronschinske, yes; and M. Wineski, yes.

A motion was made by M. Wineski and seconded by I. Pronschinske to leave closed session of Specific matters for discussion and possible action by town board in closed session per Wisconsin State Statute 19.85(1) (c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." and adjourn the meeting. Roll call vote: R. Tuschner, yes; I. Pronschinske, yes; and M. Wineski, yes.  
The meeting adjourned at 9:26 p.m.

Respectfully submitted by,

Beth Killian  
Town of Arcadia Clerk