

TOWN OF ARCADIA

Trempealeau County



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Town of Arcadia Minutes of Regular Board Meeting Monday, July 22, 2013 at 7 p.m.

The board meeting was called to order by Chairman Ronald Tuschner at 7:01 p.m. Open meeting certifications were met. Roll call was taken. All Board members were present: Chairman Ronald Tuschner and Supervisors Michael Wineski and Ivan Pronschinske. Also present were the attached list of residents.

R. Tuschner stated that item 8B Final Formal Presentation for Cameron Rail, LLC---Bagniewski and Myers Site by Palmer Soil Testing & Consulting, LLC and possible approval of conditional use has been taken off the agenda at their request. A motion was made by I. Pronschinske and seconded by M. Wineski to adopt the agenda with the deletion of 8B. The motion was carried unanimously with a voice vote.

A motion was made by M. Wineski and seconded by I. Pronschinske to approve the meeting minutes of July 1, 2013. The motion was carried unanimously with a voice vote.

A motion was made by I. Pronschinske and seconded by M. Wineski to approve disbursements of July 22, 2013. The motion was carried unanimously with a voice vote.

At 7:06 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the July 22, 2013 agenda. Debra Koch requested a change in posting of meeting sites and to have a letter sent to neighbors when there is a sand mine on the agenda. Henry Schultz asked what the sand permit process is and what criteria the Board uses. R. Tuschner responded that any questions asked tonight will receive an answer in the future. H. Schultz expressed concerns about property value, how serious companies are on liability on reclamation, and who is liable for the reclamation. Francis Sonsalla stated that not every sand mine that requests a permit should be given one; the Board should consider what they can do to protect the people in the township; and where would someone build in the Town of Arcadia. Robert Kupietz asked about road repair. Donna Brogan asked for the ratio of number of mine proposals to number of permits given. Michael Backes questioned water table issues, water baseline testing, regulations in place, who absorbs costs if there is a problem, and road bonding. Duane Miller asked about permits being granted without people's questions being answered and what the process would be for a referendum to slow the process down. R. Tuschner responded that a referendum is a grassroots approach that starts with the people. H. Schultz asked about Town of Arcadia by-laws and the annual meeting. D. Koch asked about property re-assessment, mine property assessment, conditional use questions, setting up a task force to look into these concerns, and slowing the

process down. Rebecca Larsen has a concern for neighbors, health issues, slowing down, and gathering facts. There are lots of proposals coming in really fast. Bill Lockington spoke of a moratorium, discussed price variation, and layers of mine process. Bobbi Suchla presented a map of Trempealeau County and stated that the Town of Arcadia has the most mines. Jon Schultz asked about putting a price on the landscape, every day there are more people, but not more land, where can you build a home, and what's the rush. Matt Schultz spoke about clean air and water, high capacity wells and hydrology, Minnesota is slowing down, fracking is not going away, and to be smart about the future. Paul Winey appreciated everyone attending the meeting, explained that the Town of Arcadia Board submits a letter to the County, but it is the County that actually grants the permit and issues the conditional uses; watch the Environment & Land Use Committee meetings; high capacity wells are regulated by the DNR; there is a group called Preserve Trempealeau County; the County Board of Health is going to be requesting a moratorium in August to the full County Board that would begin September 1, 2013; and a concern with the procedure of the agenda at a previous meeting. M. Wineski explained that there was a typographical error on the agenda. R. Tuschner stated that the agenda is posted as far in advance as possible to notify people. P. Winey asked about changes made to the agenda on the website and how constituents are notified of a special meeting. R. Tuschner stated that anyone at anytime may request a special meeting to any Board member with proper posting given. That concern pays for all costs related to that meeting. We notify people on the original meeting. After that it is up to the people to watch the agendas. M. Wineski stated a solution might be to contact one person who would then relay the meeting agenda to others involved. H. Schultz stated that some landowners were not notified of the original Myers Valley Mine Site meeting according to Town of Arcadia protocol, is this violation of due process, and is the remedy to start the permitting process over again. R. Tuschner and M. Wineski stated that was the reason for taking that item off the agenda at the last meeting. R. Kupietz asked if all mines follow the same rules. M. Backes asked at which meetings should the neighbors be notified, what is the criteria, and is there a checklist. Additional discussion was held about neighbor notification. D. Koch stated that sand mines or industrial development is not necessarily a bad thing, but to form a group for protection in the long term, consider neighbors, for communication, checks and balances, and what happens when the mine is sold. B. Lockington asked if the Board has the authority to approve or disapprove at this level. R. Tuschner stated that legally the Board does not have final authority, the Board offers suggestions, some of which are accepted and some are taken out. The Board does not have the final say, and they also have no enforcement. P. Winey stated that the Town of Arcadia Board gives a letter of support or no support. The County Committee has ignored the Town of Arcadia's conditions and includes its own. H. Schultz discussed the future of the landscape. Chuck Johnson asked about limits to the number of mines in the township and how many are permitted in the township. Have any mines been disapproved? Sam Schultz stated that the mines will also affect nearby areas, damage will also expand, and groundwater will be affected. R. Larsen requested announcements be published in the local paper. P. Winey thanked the Board for allowing comments. Roger Haines thanked the Board for the ditching on Trout Run Road. Travis Mossman talked about the bicycle loops and tourism and requested protection for those loops. Nancy Bergman stated that people should look at the Guza Sand Mine or Taylor Frac to see what they look like, to educate yourselves, and to let the Town of Arcadia Board members and County Board members know how you feel. Margaret Backes discussed the expansion of the Guza Sand Mine and asked for the Town of Arcadia's website address. Beth Killian responded with townofarcadia.net all lower case and the email is in the headline of the agenda. R. Kupietz commented that the people should not complain to their neighbors, but send a written comment to the Board. Brian Suchla stated that sand mines are making promises to add to taxes and adding jobs, but Arcadia Sand, LLC has only created 3 jobs. He discussed blasting. At 8:00 p.m. R. Tuschner closed the floor to public comments. He will answer the question about posting of agenda. There is a 24 hour mandatory limit. If an agenda changes, yes, we will try to make changes, but once it is

posted it is posted. As soon as the agenda is completed it is posted. If it is changed, it is amended and reposted, and possibly amended again and reposted at our 3 locations and on the website. Noreen Haines is our webmaster. She usually posts the meeting on the website as soon as she gets the notification. R. Tuschner answered the question about item 8B being removed from the agenda. It was removed at the sand mine's request and will be put on the agenda when the sand mine notifies a Board member or the Clerk. At 8:03 p.m. R. Tuschner continued the agenda with item 8A.

Formal Presentation for Non-Metallic Mining and Rail Spur for G. Haines, Cortland Farms LLC and F. Pronschinske Properties by AllEnergy Silica---Arcadia

The presentation was given by Mike Riley, with additional comments made by Matt Hieb; Dean Sukowatey, and Tim Auth were also present. The proposal will have no trucking. An all contained conveyor system will be used. The Town of Arcadia's Tax Assessor has been contacted to get facts about the tax base. At the third meeting the facts will be presented. This company is self-policing and wants to be good community members. They will be forming a community focus group to decide how to support the community financially. Discussion included: 3 phase power, propane gas to run dryer, conveyor will go under County Road J, 1.2 million tons/year, employ 30 people including office staff, watering of roads, enclosure of wet plant, no settling pond, containment of water in storage tanks, blasting, two 20 acre plots open at a time, high capacity well, water testing of adjoining landowners with a baseline set-up, air permit and storm water permit, reclaim water, reclamation to farming and a 3-1 slope, wash and dry plant on County J 300 feet away from the Trempealeau River, the trans-load facility and rail spur, wet and dry plant will be visible, but try to keep it as unnoticeable as possible, and 800 acres in 11 phases with about 20 acres in each phase. M. Hieb presented the maps and locations in the mine site.

R. Tuschner asked about the conveyor under County Road J. M. Riley met with Jim Johnson. It will be enclosed under the road. R. Tuschner asked about blasting, depth, and overburden. M. Riley stated the overburden is averaged 12-15 feet; 60 feet total depth plus overburden; and stay at least 10 feet above ground water table. I. Pronschinske asked about the slurry. M. Riley is in process of getting bids for that equipment and talking about another conveyor taking sand back up the hill instead of a slurry, so the waste will go back on top of the hill. Out of the 800 acres only about 250 acres will be mined because of the wetlands, etc. Storm water ponds will be internally drained and supplemental ponds for each area and phase will be designed for multiple flood years up to 100 years. Longevity of mine will be 30 years. Discussion was held about the office and maintenance buildings to eliminate swale, dip, and culvert from Pronschinske Lane; distance from Waniorek---1/2 mile with a 65 foot drop; and loading of rail cars---no open cars, use a chute to the inside of the car. S. Schultz had a question of future trucking. This is not in the model. S. Schultz is also concerned about blasting and its effect on the buildings and conveyor, water spraying, contained crushing facility, fugitive dust from crushing, and reclamation is not restoration. D. Koch wanted clarification of the wash facility and the above ground steel tanks. B. Suchla had questions about the conveyor not working and rail spur. If trucking was needed they would come back for a change in conditional use. There may be a future use for property, but that is not part of the project plan. She also asked about selling to another company. M. Wineski explained that the Town of Arcadia's Conditional Use Plan stays the same no matter who the new owner is. Vicki Schultz made a comment about the beauty of the valley. B. Suchla wanted clarification of the hours of operation. M. Riley responded that they will be following the County's Ordinance for mining, but the rail spur is not restricted. This current plan does not have any other trucks coming into this mine. M. Wineski stated that this is a Town of Arcadia condition not to bring in sand from another mine. B. Lockington is concerned with the mining company's terms such as: today, at this time, we hope, and the cheapest way; good neighbors; mine shutting down on its own for problems; how far to convey; and other chemicals. M. Riley responded that Barron

County's conveyor is 4 ½ miles and chemicals are called flocculants. They will have more information about flocculants at the next meeting. P. Winey asked about who has reviewed the plan for its true environmental impact for this area. M. Riley responded that through this process the DNR, Corp. of Engineers, various regulatory bodies of the County, and the Third Party Review. This will not be done until later. Discussion about doing an Environment Assessment or Environmental Impact Study was held. There was discussion of County Ordinance, DNR hearings and permits, storm water hearings, dry plant air quality testing, and well water testing. P. Winey stated that the public needs to be mindful of high capacity wells, wetlands, or air quality and hearing requests. He is also concerned about the special meeting in only one week to have a letter of support and conditional use. John Glenzinski questioned the reclamation time frame. M. Hieb explained the use of overburden for reclamation. I. Pronschinske also explained the appraisal and taxes on open land. M. Hieb also spoke about the County fee. R. Tuschner explained that financially money paid does return, in the form of taxes, to our school district, vocational institutions, fire, and police departments. He also explained the road use agreements procedure. Ken Myers questioned the amount of taxes that will be paid. M. Riley stated that the Town of Arcadia's tax assessor has been contacted to get more information. P. Winey questioned the sale of sand on the open market and the rail load out facility being under federal domain and the tax impact. M. Schultz asked about the length of the lease, sale of lease, and company's track record. M. Riley answered the length of the lease is for the duration of the mineral reserve, landowners must approve the sale of the lease, and this is the first project here and in the frac sand industry. He then gave a brief company history. H. Schultz asked who owns the rail spur, about the reclamation plan, and water use. Answers were given: All Energy owns the rail spur, the reclamation plan would go through the County and any changes would come back to the Town Board, the bonding is through the County. H. Schultz requested that the Town of Arcadia Board take more than a week, because there are questions that still need answers. M. Backes asked about bonding. M. Hieb responded that bonding covers reclamation of the facility and its removal. M. Backes also requested to take more than one week to make the decision. J. Schultz asked if the special meeting was related to the moratorium. R. Tuschner stated that the special meeting request was made on July 12, 2013. This was before the County's meeting. S. Schultz asked for enlightenment on the questions asked. R. Tuschner clarified that some of these questions have been answered previously. R. Tuschner clarified to B. Kupietz that each sand mine is treated separately. She then asked about the business plan for the railroad if the sand isn't needed. M. Riley responded that the current plan has no other use for the rail road and is not going to truck in sand from other mines. P. Winey stated that at the initial meeting discussion was held about bringing in other commodities for the rail facility. M. Riley stated that a new conditional use permit would be needed at that time. It is out of the plan at this time. Casey Radatz asked how the sand will get from the top to the bottom, the effect on the hunting season, and filling up the rail cars. M. Riley stated that an easement would be obtained and explained how the rail spur operates. D. Koch appreciated the frustration of the many meetings and again notification is important. "Once we knew, we are here." P. Winey asked when the Board will entertain the questions that were covered in the Executive Summary that he handed out several meetings ago. R. Tuschner stated that some of the questions have been answered by the two existing, operating sand mines and that they have gone beyond what the Board asked in road use agreements. P. Winey spoke about Alpine Sand and the issues they have had. Again he referenced the Executive Summary and expressed his concern about the special meeting being held in one week and the mines becoming larger and their cumulative effect. Lorraine Kupietz stated that she has been to several meetings, some of these questions have been asked previously, and we still don't have answers. M. Schultz appreciated the gentlemen giving the presentation being sincere. He discussed silica dust, water quality, and wondered if they would be willing to wait for the moratorium to study these things. M. Riley said they were moving forward, but the County has the option to stop taking applications. B. Kupietz questioned the process for notifying the community if there is a leak into the

Trempealeau River. M. Riley stated they will notify the appropriate parties and they will answer this at the next meeting. Pat Slaby questioned acreage and job creation. M. Riley stated the total acreage is 132.2 acres, there will be no dikes or filling in low-lying areas, wetland banks, and the majority of jobs will be hired locally. D. Miller questioned the trout in Trout Run, if they were planted or natural. M. Hieb didn't have the answer to that question, but discussion was held about mining activity near waterways. Jim Kiekhoefer had a question about phase 6 and stream crossing. M. Riley stated that the DNR would be consulted. B. Lockington thanked the sincere people with their comments and the Board and to please consider the impact on our township. R. Kupietz asked why the approval couldn't wait until the questions were answered. C. Radatz questioned the conveyor system. M. Riley stated there will be 2 conveyors, a 36 inch conveyor going down and a 24 inch conveyor going up. M. Backes wondered about manufactured proppants. P. Winey questioned air quality, exceeding the DNR limits, and testing. B. Kupietz asked about the Town of Arcadia setting a percentage for the number of mines in our township. R. Tuschner stated that at a meeting in Eau Claire a person from the Dept. of Revenue stated that in most cases property sold more for more than appraised value. The property was purchased by the mine company. The Board has been told by attorneys that they cannot legally get involved with property issues. I. Pronschinske responded that all acreage that is permitted is not currently being mined. J. Schultz discussed the water table contamination issue and the water use in the city. R. Tuschner explained that discussions have taken place with the city about extra territorial zoning. P. Winey had a question about property value; if employees are hired locally, they wouldn't be looking for housing. Craig Bawek questioned which aquifer would be used and discussion followed about high capacity wells, testing of neighbors' wells, and aquifers. D. Miller commented about the number of permits and future employment. D. Koch stated to take into consideration the data you know now to make the best decision. B. Lockington again expressed his concern about trucking, the number of mines, and to exercise patience. I. Pronschinske discussed the existing rock quarries and their impact. R. Kupietz stated the need for a railroad spur to decrease the number of trucks. M. Schultz discussed rock quarries, silica dust, and farming and industry, and not needing sand mining. H. Schultz discussed the size of a quarry, the amount removed, traffic, and hours of operation. S. Schultz wanted to know when enough is enough, that we are at the forefront, and have no models to follow. Dave Skroch suggested a citizen's advisory committee. M. Backes commended the Board and stated that the majority of the public doesn't know what is going on. R. Tuschner made a comment about the total population of the U. S. and that approximately 10-12% is interested and knows what is going on politically. Another approximately 20% have some idea. The rest of the people don't care. F. Sonsalla disagreed and stated that he believes 10% care, 20% care a little, and the rest of the population are fed up because they can't do anything about situations. M. Wineski stated that no one cares until it is in their back door. Discussion followed on this comment and to slow down. P. Winey stated that the Board gave themselves the latitude of 60 days, the quality of questions asked, unasked questions, the moratorium at the County, and the rush job. Margaret Backes asked if we will know if this will be slowed down. R. Tuschner said to stay to the end of the meeting. S. Schultz stated the interest of the people at the meeting, that they want to learn more, and the opportunity to act with knowledge. R. Tuschner closed this portion of the meeting at 11:07 p.m. The people clapped for the Board as requested by B. Lockington.

Approval of Sand Mine Requirement Form and Approval of Sand Mine Requirement Office Form

M. Wineski requested to move this to the next agenda. R. Tuschner and I. Pronschinske agreed.

Korpall Valley Road Redo

Discussion was held about Korpall Lane, not Korpall Valley, concerning widening, ditching, and raising the road. R. Tuschner read a letter from Melissa Puchalla. See attached. M. Wineski will take care of this.

Rudy Lane Culvert Replacement

This is completed.

Ditching Required by County

Discussion was held about ditches and culverts. Completed are: Grulkowski Lane, Soppa Road, Pellowski Road, Glodowski Road, Trout Run, Plum Creek, Jackson Road, and Korpall Lane. Second round of mowing is being done to help widen the corners. Discussion was held about Haines Lane bridge, the bridge by Bagniewski's, and Holcombe Coulee culvert.

Discussion was held about the special meeting request by Mark Riley. The Arcadia-Glencoe Fire Board meeting is on August 6, 2013 at 7:00 p.m. A motion was made by M. Wineski and seconded by I. Pronschinske to set the next meeting date for August 5, 2013 at 7:30 p.m. Discussion continued on the special meeting request. I. Pronschinske stated the next meeting is only 6 days from the requested date, so this will be put on the agenda for the August 5th meeting. M. Wineski stated that the request has been denied. R. Tuschner restated that the people should take note that this request will be on the August 5, 2013 meeting and no further notification will be given.

Clerk Attendance at The 33rd Annual WMCA Conference in Milwaukee on August 20-23, 2013

B. Killian stated that Angela Berg, City of Arcadia Clerk/Treasurer, suggest she attend this conference. She then discussed conference details. A motion was made by M. Wineski and seconded by I. Pronschinske to allow B. Killian to attend the WMCA Conference. Motion passed unanimously with a voice vote.

Set Fall Clean Up Date

A motion was made by I. Pronschinske and seconded by M. Wineski to hold the Fall Clean Up on Saturday, September 28, 2013 from 8:00 a.m. to noon. Motion passed unanimously with a voice vote.

Set WISLR Meeting Date

A motion was made by R. Tuschner and seconded by M. Wineski to have a special meeting for 1 ½ to 2 hours for WISLR on August 12, 2013 at 8:00 a.m. Motion passed unanimously with a voice vote.

Set Comprehensive Plan Committee Date with Peter Fletcher (August 5, 12, or 19)

A motion was made by R. Tuschner and seconded by I. Pronschinske to set the meeting date for the Comprehensive Plan Committee on August 12, 2013 at 7:00 p.m. Motion passed unanimously with a voice vote.

Update on Clerk Hours

B. Killian gave a summary of hours since April. Invoices will be completed tomorrow and Income will be worked on. R. Tuschner questioned payment from Guza Sand Mine, LLC. Clerk will follow-up with Treasurer Nancy Rohn.

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

This was discussed previously.

Correspondence: Letter from the Kraemer Company price increase

The Kraemer Company letter was read. Other correspondence: Bid Sheet for plastic and steel culverts from Trempealeau County. M. Wineski stated to keep this on file. B. Killian posted the notice for the Independence Fire District meeting. M. Wineski will be attending. Midwest Natural Gas sent a letter about the budget plan. We will continue to "pay as you go".

A motion was made by M. Wineski and seconded by I. Pronschinske to adjourn the meeting. Motion passed unanimously with a voice vote. The meeting adjourned at 11:38 p.m.

Respectfully submitted by,

Beth Killian
Town of Arcadia Clerk