

TOWN OF ARCADIA

Trempealeau County



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Ronald Tuschner, Chairman (608) 323-3035

Michael Wineski, Supervisor No. 1 (608) 323-2333

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

Nancy Rohn, Town Treasurer (608) 323-7063

Town of Arcadia Minutes of Regular Board Meeting Monday, August 19, 2013 at 5:00 p.m.

The board meeting was called to order by Chairman Ronald Tuschner at 5:01 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.

A motion was made by I. Pronschinske and seconded by M. Wineski to adopt the agenda. The motion was carried unanimously with a voice vote.

A request was made by R. Tuschner not to approve the meeting minutes of August 5, 2013, because he has not had the appropriate time to read through the minutes to make sure they were correct. M. Wineski and I. Pronschinske agreed. Also in the packets were notes from the Comprehensive Plan meeting and the Special Board meeting for WISLR Pavement Ratings. These will be approved at the next meeting.

A motion was made by M. Wineski and seconded by I. Pronschinske to approve disbursements of August 19, 2013. The motion was carried unanimously with a voice vote.

At 5:04 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the August 19, 2013 agenda. Linda Mossman amended/corrected her statement at the August 5, 2013 meeting. Bob Tenneson, Chairman, Town of Preston corrected the amount to be in excess of \$69,000 to the Town of Preston by Preferred Sands. She thanked B. Tenneson for the correction and apologized for her error. Second call was made. Paul Winey stated that the Town Clerk received a hand delivered letter on August 16, 2013 for each Board member. The letter raised concerns regarding the due process at the August 5, 2013 meeting. The letter outlines improper notification of the neighbors of the June 6, 2013 meeting and the All Energy Corporation Plan. He is concerned about the August 5, 2013 meeting: if that is a new precedent that is being set for mine reviews. If it is, it was not outlined in policy that was adopted by the Board at that meeting. He discussed the policy. He had a grave concern that the letter of support from the Town was dated August 6, 2013 and delivered to the County on August 7, 2013. The agenda just prior to the AllEnergy Silica mine adopted the policy in which the third meeting the conditions would be set, then the letter of support would be sent to the County, and the letter was sent prematurely, dated August 6. He asked for that letter to be rescinded, because if something changes tonight there is a letter on file saying the Town supports and the support might not be there. He feels the Board hadn't had enough time to review the plan. He has concerns

about the due process and that the plan was not available for review from Monday night to the morning of August 6. That was not adequate time to review the plan before sending the letter of support. Third call was made. Kathy Lockington asked the Board to consider giving written responses to citizen's questions as the City of Arcadia does as provided in an example letter that was given to the Board. Mike Backes requested that the record show that the plan was approved without looking at the plan, since it was just handed to the Board 3 minutes prior to approval. The Board should consider the health and welfare of the people. Jon Schultz noted the letterhead referred to AllEnergy Corp. out of Iowa and questioned the e-filing of AllEnergy Silica on August 5, the legal filed: to operate the legal entity in WI. He addressed their website and address. He questioned who we were talking to. Donna Brogan had an objection to the approval procedure process, being irregular, and requested that it not be a precedent for the future. Francis Sonsalla still wants answers to what happens to the chemicals after washing, stockpiling, and holding ponds; contamination of materials; concentration in 1 area; and shallow groundwater. Henry Schultz referenced the processing of 1.2 million tons of sand and the utilization of the rail spur. After the third and final call R. Tuschner closed the public comment item of the agenda at 5:16 pm.

Non-Metallic Mining and Rail Spur for G. Haines, Cortland Farms LLC and F. Pronschinske Properties by AllEnergy Silica---approval of conditions for Conditional Use Permit.

M. Wineski asked if questions asked could be answered at this time. R. Tuschner stated that he had some questions also. I. Pronschinske agreed. R. Tuschner asked about the borings and the depth above the water level. Don Vry stated that the water table information came from the WI DNR, the map slopes down toward the River, 718 feet, but varies; at 733 feet they are 15-20 feet above it; and the distance will be maintained. R. Tuschner questioned dust control and monitoring. The response stated that the WI DNR will monitor; 10% of visible emissions have an action item permit to do stack, dryer, and bag house testing with initial testing and observations during operation; if something is seen action is taken. R. Tuschner asked about other dust controls and other standards. D. Vry responded that on unpaved surfaces sometimes calcium chloride or mag. chloride will be used to be more water efficient. They try to find the balance between using chemicals and water, so neither is used too much. I. Pronschinske asked about the silo and railroad load out and the height. D. Vry stated that the highest structure would be the dry screen building. I. Pronschinske stated that a variance would be needed from the County. R. Tuschner asked about the waste sand for reclamation and intentions of bringing in other material by truck. Response: No and discussion was held on further clarification. I. Pronschinske asked about common water treatment and flocculants. D. Vry responded that the chemicals used are typical farm chemicals and described the flocculants used for the purpose of sticking the particles together. There will be some flocculants as a residual, but it is the same as soil additives as used in agriculture for moisture retention and other uses. According to the MSDS they are very safe. He described a monomer, the minute piece that should not be in the drinking supply, but research shows it biodegrades in 7-10 days and will biodegrade before it gets to a well that is 50-100 feet away. R. Tuschner asked about the 2 types of chemicals used: ionic polymer and cationic polymer and their classification. D. Vry responded that the chemicals used would be polyacrylamide and a coagulant to make the material not to be able to stick together on the belts. He discussed the groundwater flow, other sand mine testing, and examples of other uses. I. Pronschinske asked about the coagulants. D. Vry explained that it is like a wetting agent to make the soil retain moisture. R. Tuschner explained more about agricultural uses. He then asked about operation on Sundays or holidays without Tremp. County Zoning Administrator approval and additional hours of operation with waivers from adjoining land owners. Response was yes, additional hours of operation are a possibility depending on neighbors' approval. R. Tuschner clarified those additional hours would be with neighbor approval. He then asked about cost to reclaim entire site and if this is a fixed amount. Response was that every 3 years the

Conditional Use will be reviewed with the Dept. of Land Management, and yes, this will be reviewed. R. Tuschner questioned the subsoil retention for reclamation. Dean Sukowatey responded with a yes. I. Pronschinske requested a road agreement on Pronschinske Lane. Discussion followed. R. Tuschner wanted explanation of the 2 conveyors. D. Vry explained the preferred design of 1 conveyor coming to the mine site and the other going back under the road. The mud out of the clarifier belt press pond system would be trucked back. This would be minimized to less than 10 truckloads. I. Pronschinske asked for clarification of the route. R. Tuschner questioned the rail set back. Response was 75 feet from the center line of Trout Run. The bridge is over that and the same elevation as CN Rail. I. Pronschinske asked about the number of cars on the track. D. Sukowatey said the whole track could be 500 cars. R. Tuschner asked about reclamation and the elevation above water. Response was 80-100 feet. R. Tuschner asked about the archeology studies. D. Sukowatey stated that the property has been cleared. There are sites, but not on this property. Also the endangered species are not found on this property. I. Pronschinske asked about the 8-12 foot overburden. D. Vry stated that 5-15 feet is normal. R. Tuschner asked about the wetland delineation. D. Sukowatey stated they will be using the wetland bank, not this area. M. Wineski asked about the rail capacity. D. Sukowatey stated that it will not be up to capacity. D. Vry explained the rail spur set up. R. Tuschner asked about high capacity wells. D. Vry stated that approximately 97% water is recycled. The goal is to recycle above 90%. He discussed the initial surge, ongoing process, drain tile, and loss to the atmosphere and ground. M. Wineski questioned the number of trucks in the plan. He will be putting this in the conditions. I. Pronschinske discussed the capacity; reclamation; meeting with the County every 3 years; variances; and water usage at other local sand mines, industry, and irrigation. R. Tuschner knew he would have questions and the caveat in the minutes stated that if he had questions he would ask the questions, get answers, and if the answers weren't acceptable, one answer changed concerning the conveyor system, but business owners change to keep the operations safe, sound, and going. He sees no reason to change and to move into the Conditions. P. Winey brought up a point of order on the item of the agenda listing the discussion of the conditions of use; the time spent talking about the plan, the specifics of the plan, and now going into the conditions of use. There was not an item on the agenda for discussion about the plan, the plan was submitted 2 weeks ago, approved, and a letter sent. This is a violation of Open Meeting Laws to be discussing, bringing forth new items, and a change in plan. He wants this stated in the record. Discussion followed for each Condition. In discussion of Condition Number 14 it is noted, in this set of minutes, that Wayne Haines has agreed to this condition at this time. See attached completed Conditions. A motion was made by I. Pronschinske and seconded by M. Wineski for approval of the 23 Conditions previously discussed with AllEnergy Silica---Arcadia. The motion was carried unanimously with a voice vote. A letter will be sent to the County within 7 working days.

Short term loan for operating expenses from the State Bank of Arcadia

We borrowed \$25,000.00. Loan with interest is due on August 31, 2013 in the amount of \$25,075.83. Nancy Rohn stated we should be receiving the second portion of tax settlement soon. She will take care of paying the loan out of the general fund.

Town of Arcadia Cemetery Fund: Legal Opinion and Cost of a Lot

R. Tuschner explained that cemetery expenses have been taken out of the general fund. He read a letter from the Town of Arcadia's attorney concerning the cemetery care fund and its transfer to the general fund. A copy of this letter is on file in the Clerk's office. If the fund is discontinued, a line item will be added to the budget. Taking the expenses out of the general fund has been past practice. B. Killian presented labor and mower costs for April-August, 2013 and last year, 2012. Discussion took place: including approximately 75% of the mower being used for cemeteries and the rest of the time is mowing the building facilities. This item will be

on the next agenda: closing of the cemetery account. Discussion continued with the cost of a single lot. B. Killian presented information from other local cemeteries. Ray Kamrowski questioned perpetual care. He stated that he thought Calvary and St. Stans charged \$400.00 and each year there was a \$20.00 increase. Discussion continued about Williamsburg. The cost of a lot will be on the next agenda. A copy of the information of costs for cemetery care and lots will be given to each Board member for that agenda.

Policy for Reimbursement for Trempealeau County Humane Society

B. Killian talked about animals that were taken to the Trempealeau County Humane Society and that an owner picked up his dog. We pay \$60.00 according to the contract for each animal. The question is: if someone picks up their animal should they reimburse the Town of Arcadia for the Town's expense. R. Tuschner stated that this would be a Town's policy. Discussion followed about past experiences. This will be discussed in the future.

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

R. Conrad stated 50% of the second mowing is completed, next week Korpall Lane project, patching 6-7 culverts, number 8 truck plow needs work, plows are being repainted, and the wing on the red truck is rotted through and will be repaired. R. Tuschner questioned the Town being able to haul sand out of the mines for Town roads. Jake Buddish stated that municipalities are exempt, but can't haul on Sundays. Discussion continued about blacktop. Things are going well. Speed limit on Cross Road was passed, but needs to be added to the ordinance. This will be on the next agenda.

Correspondence:

P. Winey stopped in to view the AllEnergy Silica---Arcadia plan on Aug. 6 and Aug. 8. It was not available. He referenced his letter that is in the packet. K. Lockington's letter; DOA Local Government Report, discussion followed about that letter; certified letter from Jon and Kara Wozney; DOR report with equalized value; 2013 Town and Village Workshops in September, discussion followed with all Board members attending the meeting in Tomah on September 25; vacuum cleaner discussion; discussion of P. Winey's letter will be on the next agenda.

Agenda items were discussed. A list is in the office.

A motion was made by M. Wineski and seconded by I. Pronschinske to set the next regular Town of Arcadia meeting for Thursday, September 12, 2013 at 7 p.m. The motion was carried unanimously with a voice vote. R. Tuschner stated that budget discussions should start in September. Discussion followed about some budget items and process. Road use agreement and expenses was discussed.

A motion was made by I. Pronschinske and seconded by M. Wineski to adjourn the meeting. Motion passed unanimously with a voice vote. The meeting adjourned at 7:24 pm.

Respectfully submitted by,

Beth Killian
Town of Arcadia Clerk