

TOWN OF ARCADIA

Trempealeau County



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Ronald Tuschner, Chairman (608) 323-3035

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Town of Arcadia Minutes of Regular Board Meeting Monday, August 5, 2013 at 7:30 p.m.

The board meeting was called to order by Chairman Ronald Tuschner at 7:31 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 motion was made by M. Wineski and seconded by I. Pronschinske to approve the meeting minutes of July 22, 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 August 5, 2013. The motion was carried unanimously with a voice vote.

At 7:33 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the August 5, 2013 agenda. Henry Schultz asked about the status of the resolution at the County Health Committee about the moratorium. R. Tuschner stated that he has received no information. Francis Sonsalla requested the August 19, 2013 Board meeting be moved so people could attend the County meeting. Robert Kupietz asked when the questions from the last meeting would be answered. Paul Winey spoke about the special meeting notification. He suggested that people that would be interested in the special meeting leave their name and contact number. At 7:36 p.m. R. Tuschner closed this agenda item. He stated that Attorney Bruce Brovold would be handling agenda item 8D and other items related to it.

Request by Dawn Woychik for speed signs on Cross Road

Dawn Woychik stated that due to the increase of traffic she would like the speed reduced to 45 mph. People walk and bike on the road and drivers pick up speed creating a dangerous situation. I. Pronschinske asked if there were any existing signs. R. Tuschner responded that there were no signs; therefore, this would be a 55 mph zone. A motion was made by M. Wineski and seconded by I. Pronschinske to reduce the speed on Cross Road to 45 mph. Discussion followed about co-aid roads and that seal coating had just been completed. The motion was carried unanimously with a voice vote.

Approval of Sand Mine Requirement Form

I. Pronschinske stated there was no reason to read through the form. He then made a motion which was seconded by M. Wineski to approve said form. The motion was carried unanimously with a voice vote.

Approval of Sand Mine Requirement Office Form

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

Formal Presentation for Non-Metallic Mining and Rail Spur for G. Haines, Cortland Farms LLC and F. Pronschinske Properties by AllEnergy Silica---Arcadia with discussion and possible approval of conditional use

R. Tuschner explained the procedure for using the Public Hearing Registration Form. Attorney Brovold took over at 7:41 pm. Attorney Brovold explained that the Board doesn't respond to questions made earlier during the public comment section. These questions get written down and are possibly put on a future agenda. Open Meeting Law was explained. This part of the meeting is straying from the usual Town Board meeting. It will be a participation session for the public on this particular topic. This will be in 4 parts with the last part going back to the Town Board meeting where the public won't be able to participate. The public will be able to stay as an audience and observe what the Board does under the Open Meeting Law. This is the time for the public to participate. First, the applicants, AllEnergy Silica will give a presentation and part of the presentation will be to answer questions asked at an earlier meeting. The second part will be for the public to speak. He then explained that the Public Hearing Registration Form should be filled out if you want to speak, so we get the names of the people that want to participate. Filling out a form for or against does not oblige you to talk. Those forms will be considered by the Board when they go back to their meeting. In the interest of time each person will have one opportunity to speak, but there will be no time limit. During this time AllEnergy will be writing the questions down. When the public is finished, AllEnergy will respond to the questions. Then the meeting will go back to the Board and you will return to being an audience. Mike Backes questioned the reason for only having one opportunity to speak as there may be more questions that arise during the response and that the response might not answer the question asked. B. Brovold responded with the procedure being classic debate. The Board is seeking information to make a decision. If the Board has additional questions, they may ask them at their meeting. M. Backes stated that there was no informational meeting to ask questions. B. Brovold stated that this is the procedure that will be used. M. Backes asked if there was a procedure or policy to ask questions before these major decisions are made, which will affect us for 30-60 years. B. Brovold stated that based upon the agenda posted under the Open Meeting Law, that if the Board has enough information they will vote, but if the Board doesn't have enough information they will adjourn. Donna Brogan questioned why this procedure was changed for this one meeting as it has never been done this way before. B. Brovold responded that this is being done in the interest of time. Everyone will still have the opportunity to speak, but to ask everything during the one time opportunity. R. Kupietz wanted clarification about when questions would be answered that keep getting asked over and over again. B. Brovold responded that the item on the agenda is the AllEnergy application and that would be the issue discussed. At 7:49 pm. AllEnergy began their presentation. P. Winey brought up a point of order about the June 6, 2013 meeting, an irregularity at the initial presentation, and previous procedures that were followed. He stated that on the initial presentation on June 6, that the letters mailed to residents were mailed on that same day that the meeting was going to be held. There was an irregularity in the process. B. Brovold suggested that P. Winey bring this up during his presentation during the public section. B. Brovold then noted that there were numerous petitions and letters presented. They

will be part of the record. There will be no need to read all of this in. It is part of the record and will be with the Clerk.

Mark Riley referenced an informational fact sheet that was made available to everyone. It should answer some of the questions asked at the last meeting. He introduced the team members and discussed the team members' experience. He also introduced additional consultants and explained their role. The plan includes a rail spur, and he discussed this part of the plan. He addressed the concerns that people have with the problems with sand mines, referencing the EOG Plant and Rail Spur in Chippewa Falls, WI. This plan will have minimal trucking. There were additional existing sand mines referenced. M. Riley explained that this plan will be mine to rail and showed the property involved. There would be 4-5 truckloads per day to remove waste sand. The 1/2 mile of road used would be improved. A box culvert would be used under County Road J. M. Riley went into detail with the AllEnergy Fact Sheet. A copy is attached. The Fact Sheet does not include Tax Implications due to printing timelines, but if anyone wants this information, they should give their email address to M. Riley and he will get the information to them. There will be some trucks and some diesel exhaust; no settling ponds or tailing ponds; approximately \$2.1 million dollars for reclamation; assessed value goes up during mining, but after reclamation the value returns to agriculture or agricultural forest land after one harvested crop. He also spoke about Respirable Crystalline Silica, referenced online sources, and blasting.

B. Brovold opened the second part of the meeting to the public for comments. M. Backes asked for an informational meeting; questioned the reclamation process; trucks and revenue; open-endedness and trust (approval before details are completed, example trucking across the road and culvert; trucking); regulations; and the growth of mines. D. Brogan questioned the trucking, conflict of interest, requested that I. Pronschinske not vote, and Indian burial sites. Ray Kamrowski asked about community input. Sam Schultz discussed a research project being conducted concerning water table and ground water, high capacity wells, and recharging of streams. He asked for a moratorium, next discussed soil strata (horizons), and referenced lack of health information. Charlotte Everson discussed the layers of sand and the differences between them, Badger Mining, Taylor Frac, Preferred Sands, truckloads of sand, 53 Project, water usage, high impact wells, 4 washouts in Trempealeau County this past spring, keep rail spur closed to that property, and reclamation. Jayne Benedict discussed wells, the amount of water usage, and depletion; farming community; tourism; OSHA regulations for worker protection; asbestos; health; acreage permitted; and rights. Warren Barth spoke to dispel myths and correct the misinformation; gave his personal background including his mining experience; the industry is heavily regulated and concerned about health and safety; no unknown hazards; silica exposure—test data doesn't show presence of respirable crystalline silica with a moisture content of 1-4% and the particle size, possibly seen in a dry plant, but most likely it will be found during blasting and grinding sand; water usage will be no more than a large dairy; location and layout of this mine site; concerns of 2.5 and 2.10—this meets the levels that are acceptable and not an issue; and political issues. Francis Sonsalla asked for the chemicals used in the water. W. Barth explained that regulatory agencies are familiar with what goes on, hazardous materials, and hazardous wastes. These agencies use the MSDS sheets. Jeff Falk referenced Barth Trucking and its involvement with trucking sand; the use of DNR tables and models; air quality monitoring and equipment; good neighbors; and the amount of money invested yearly. Bobbi Suchla clarified 26 mines in Trempealeau County and 12 of those are in the Town of Arcadia; thanked the Board for the opportunity to speak; slow down the process; economics; high quality of life; history making; showed a map of mines in Trempealeau County; referenced the study from WI Farmers Union, WI Towns Association, and Institute for Agriculture and Trade Policy; unemployment rates; consolidation of mines; population trends; questioned what kind of chemicals will be used; what will the rail spur be used for after mine closes; trucks; blasting; noise; and annexation. Noah Slaby referenced a document from the Bureau of Mines; Platt Valley Mine; trucking; personal experience from working at Winona Harbor and the changes; sand dust; landscape;

water; adverse effects on the communities that receive our frac sand; and land values. Dr. Bert Hodous urged the Board to listen to the community and people that live here and stay here, and asked why the question about chemicals hasn't been answered. Abby Johnson discussed the difficulty of young farmers to begin operations; quoted Abraham Lincoln and asked the Board to vote no; wait to see how the existing permits work; soil structure and water flow; loss of farmland in the U. S.; soil erosion; water; and groundwater use. Brian Suchla commented on blasting. Linda Mossman questioned financial figures; jobs; tourism; a closed spur; and trucking. Travis Mossman spoke about the bicycle system and tourism. La Rayne Kupietz gave her personal history of living near a mine. Paul Winey appreciated the opportunity to speak. He made a point of order to take exception of the process of tonight's meeting. It does set a precedent that has never been held at any other mine applications. He referenced the brief introductory meeting on June 6 and the limited process of notification of the surrounding people that is on file in the Town Office; the second meeting was the general presentation held on July 22; this meeting, the third meeting, has the potential of discussing the conditions of use; the point of order is: this is a precedent that was not taken with other mines; and he wants this on the record. He appreciated comments from both sides, but has not seen the completeness of this plan. He discussed the plan of 13 pages and asked if the Board was ready to use this plan to base its decisions. The Board has done their job well with bonding of roads, reclamation plans, and other key points brought forward, but this plan is incomplete. He discussed trucking changes; scope of the project; conveyors; rail load out; wash and dry facilities; raised concerns about the economic/financial ability of AllEnergy Corporation; bonding on roads; mining experience of AllEnergy; more time and information; rejection of a mine in the Township of Dover; questions of Dr. Thomas Powell; conflict of interest; there is no moratorium, no rush; business plan and engineering data request with respect to operational hours; trucking concerns; explanation of notification of neighbors; appreciate the expanded and better notification; concerns of special meeting for notification; questions from July 22: stockpiles, water containment, and chemicals; silica and all particulate matter; industry into rural areas; requested no action to be taken tonight due to lack of complete plan; and referenced a letter he sent to Mark Riley with copies to the Board. Karla Johnson spoke about the peaceful farm environment and to stop and not vote tonight. Henry Schultz asked what assurances AllEnergy has to pay its way; the agreements; licensing ordinances; impact on physical and human environment; town's valuation; local government's responsibility is to protect health and welfare; rail spur; scaling up phase; and property rights. Mel Bollom corrected misinformation: acres involved; Badger Mining; sand is sand; reclamation; history of sand mining for glass and other uses; crystalline silica emissions; silica uses; no cases of silicosis; water usage and recycling of the water; tax revenues for the city and jobs in Chippewa County; complaints about train noise; asbestos versus silicosis; study of particulates; showed pictures of sand uses; good neighbors; and referenced mink and fox farms, sand uses, and boycotting. Copies of Mr. Bollom's references are on file with these minutes. Lydia Backes pointed out that we have personal experiences with sand mines; naturally occurring silica versus blasted silica; health problems; only a fraction of mines permitted are operating, what will the future look like when they are all in operation; moratorium for 1 year; trucking; expansion; rail spur hours of operation and regulations; questions and concerns; and hope the Board takes time to get more information on the effects of sand mines. Jon Schultz stated that his mother, Vicki Schultz, apologized for her abrupt exit at the last meeting. He talked about his family's notice. He is concerned about the landscape; wants answers to the questions asked at the last meeting; what is the rush; and where is the plan. Sarah Slaby explained the difference between lungs and GI tract with regard to ingesting silica; respect for farmers; beauty of the land; and who will buy my house. Nancy Bergman discussed the difference between sand and farm land; farming being sustainable; food; soil structure; and problems with the plan. Sally Miller from the County Board spoke about the Board of Health asking for a moratorium; heard the concerns of the townships; annexations; authority of the Board of Health and its jurisdiction; encourage the Board to hold off from voting and to find out

how the moratorium might affect the annexation; rules and the enforcement of them; Towns recourse to annexations; delinquency in taxes---reclamation funding; in favor of responsible decision making; might be information in the moratorium that could help the towns; with questions call or email sallymiller2012@yahoo.com. We are all in this together. Kathy Lockington stated that informational meetings should be held with experts to discuss chemicals; what the plan is if water is compromised; citizens' committee; asbestos; slow down and look at the health risks. Noreen Haines gave information about deaths from silicosis from 1995-2004---Trempealeau & Jackson Counties were not listed (listed 5 people or less in each of the counties); Badger Mining; particulate matter; noise from tractors; Clarence Becker, Town of Arcadia Assessor, gave this information: ag. forestland assessed value is \$32/acre and tillable land without woods is \$4/acre, an acre open for mining is \$15,000/acre, current tax rate is \$21.43/thousand of the land value, values change in January after the mine is open and shows assessed in May, but taxes aren't paid until the following December or January. There are currently 2 active pits and 1 wash plant. These 2 added \$2.5 million to the value of properties in the Town of Arcadia, which is a 1.8% increase in value to the Arcadia Township. (Alpine Sand and Guza Mine) The wash and dry plant on Alpine Sand adds \$1.4 million in personal property tax value. When ag. land is mined and seeded back the crop needs to be harvested before it is considered to be reclaimed. The Dept. of Revenue Manufacturing classifies mining properties and sets the valuation for wash and dry plants. Blair Frac Sand Plant of 188 acres, valuation for real estate is \$18.8 million plus personal property of \$10 million. There are variables, but this is some idea of what this plant would be assessed. She referenced the state legislative budget and the positive or negative impact of what we do on our lives. Roger Haines commented about the 15% of particulate matter that comes from farming; less than 5 deaths from silicosis; permitting of high capacity wells: since March 23 to July 22, 2013 there have been 67 permitted in Wisconsin and 2 of those in Trempealeau County; and go to websites of government agencies and get the facts. Gary Bixby discussed ground water. Tony Myers, an organic farmer, discussed what farmers put on their lands; dusty roads; beautification; reclamation; DNR and County regulations; create jobs for regulations; dust in chicken coops; and let authorities do their work. Marlys Kolstad questioned the wetlands and their replacement. At 11:05 B. Brovold ended the public comment section.

Part 3: AllEnergy Silica's Response began at 11:16 pm. Mark Riley thanked the people for their comments and the discussion. \$45 million has been raised for this project. The \$35 million will be spent in the first year. They have hard proposals. No outside sand will be trucked into the facility. The only trucking will be trucking waste sand for reclamation. The Conditional Use Permit Application packet was finished on August 2, 2013. A copy of this was given to the Board at this time at the meeting. Warren Barth does not work for AllEnergy Silica. Don Vry appreciated the comments. He gave his background. The chemicals used consist of dust suppressant, calcium chloride or mag. chloride; the water recirculating system, a clarifier/a press, uses a flocculent. The flocculent of choice is polyacralamides. This exists in many other items and is everywhere. It is also used in drinking water and it biodegrades. Air quality was measured at the Great Plains Site; check the MPCA website; monitoring was completed on employees with safe levels. You will hear and feel blasting; it will be under 6 seconds; the U.S. Bureau of Mines has a standard to meet: keep it under 130 decibels. Every 8 decibels is a doubling of noise; this mine will typically be between 115 and 120 decibels; this changes daily depending on cloud cover; it will be in a safe zone. There is a call list for notification of blasting. Back up alarms are white noise alarms with frequency that is designed to dissipate with distance. Jeff Kraemer is working on the threatened and endangered species, cultural and archaeological resources, and wetlands and floodplains. Wetland delineations are mapped out. The wetland impact consists of 1.5 acres. Permits are required from the U. S. Army Corps. of Engineers and the DNR. Mitigation will be completed. There is a historic cemetery in the area, but not in the proposed mine site. Fish species were identified in the Trempealeau River but not in Trout Run. DNR has no follow-up actions required. M. Riley closed with: no

trucking in of sand, going over Trout Run which will not affect it and will allow for farm machinery to go under it, use of conveyors, no other activities for the rail load out, 4-10 trucks in the sand mine, money has been raised and committed upon permit, start construction and spend within 1 year \$35 million, and under County Road J. He appreciated the open forum. There are no agreements with the Town of Arcadia at this time. At 11:42 B. Brovold closed this part of the meeting and turned it over to the regular Board meeting.

Discussion took place. M. Wineski asked if the booklet just given was the final plan. M. Riley stated yes, it was. The other copies will be given tomorrow. I. Pronschinske questioned about the conflict of interest. Since there is no trucked in sand, he will be able to participate according to the WI State Law. B. Brovold agreed. R. Tuschner thanked the gentlemen for being there and answering the questions asked at the last meeting. The Board did not respond last time, because they were listening and thinking about it. He has not gone through the plan, since it was just handed to them. He looks for commerce coming in to help the community. He listened to the concerns, questions, and the answers. This is an emotional issue, but emotions need to be set aside. Answers are based on the data presented and be unbiased. He spoke about the history of another industry. He is in support. M. Wineski stated that he was not prepared to support it without going through the book, since they just got it tonight. I. Pronschinske spoke to the history of the previously mentioned industry and the new feed plant and has heard no complaints about it. We will have sand mines in the area; we need the product; and he is for it. A motion was made by I. Pronschinske to approve the mine application, put our CUP's together, and go forward with it. R. Tuschner asked about getting the document tonight; the moratorium and its effective date; ELCU not taking any applications in August; if the conditional use is approved tonight it is irrelevant until September; willing to approve pending he reads the document, but if there is something he doesn't like he will be at whatever meeting it takes to have something added as a CUP, as a condition; the Board makes the conditions, this gives time to change the Board's request to the ELCU. R. Tuschner asked for a second to the motion. He asked the seconded time and then made the second. Open discussion: I. Pronschinske stated that one of the CUP's will be that there will be no outside sand. R. Tuschner asked if a Town can use the sand for its use and exemptions. D. Vry answered that an MSDS sheet would be given. This would state that you should not grind, saw, cut, or breathe the dust. This would be for private individuals or government agencies. He would not take the risk in changing the conditional use permit, because he would adhere to the conditional use permit. R. Tuschner stated that legal officials said the Town of Arcadia would be exempt, and that's what he need clarification on. D. Vry stated that anyone can use it, issue is you have to be told the risks, but it is not a hazardous product. W. Barth spoke to the exempt question. B. Brovold asked if the conditions were going to be completed tonight. General consensus was no, due to the time, and no one has had a chance to read the document. R. Tuschner stated that the Board establishes the CUP's. B. Brovold stated that if the motion is passed the way it is, a letter would be sent to the County that a vote was taken for recommendation of the application, but the Board wants to submit the CUP's before the County acts. M. Wineski has a concern that we are acting before we see the book, the final plan. R. Tuschner asked B. Brovold if the conditional use approval is subject to the approval of the CUP's. B. Brovold stated that that would need to be included in the letter to the County. Since there is nothing on the County's agenda, there is time. I. Pronschinske stated that this could be discussed at the August 19, 2013 meeting. R. Tuschner stated that the motion could always be amended. Roll call vote: R. Tuschner, yes; M. Wineski, no; and I. Pronschinske, yes. Motion passed 2-1.

Haines Lane Bridge Repair

At 12:11 am. the meeting continued. R. Conrad presented a quote from Centerville Steel Works LLC and Trempealeau County. I. Pronschinske stated that this is a temporary fix and we can't afford a culvert at this time. Discussion continued with Kerry Suchla giving input about his equipment using this bridge. A motion was

made by M. Wineski and seconded by I. Pronschinske to accept the bid from Centerville Steel Works LLC for the Haines Lane Bridge repair of \$1245. The motion was carried unanimously with a voice vote.

2013 Bridge Petitions

KGB Lane, Korpall Valley, and Amundson Lane were worked on last year. R. Conrad will be in the office on Tuesday to work on this. Due date is August 15, 2013. An email and hard copy will be sent. Jeff Bawek asked about the agreement with Alpine and the use of the roads. Do they need to notify the Town of Arcadia about hauling out loads? Discussion was held about the extension of time, Thompson Valley Road, and black topping of Soppa Road. I. Pronschinske is working on that. There is hauling intermittently. An inspection must be done. Discussion continued about the centerline and the 6 foot shoulder. R. Tuschner clarified: the center line will be the center of the black top when it gets done and then go out 4 rods.

TAG Trailer

Wilber Trucking has a trailer. Discussion was held about the conditions of the trailer, sale price, and the need for it. R. Tuschner will see if arrangements could be worked out. This could be a budgeted item for next year.

Correspondence:

In packets: Treasurer information on Deposits made from Sand Mines on Road Use Agreements, AllEnergy letter referred to earlier in the meeting, information from Nicole and Tony Myers and Doris and Dennis Bagniewski, letter from Paul Winey to Mark Riley, and packet from Mel Bollom. I. Pronschinske will contact Bob Hempker to get a detailed list what has been hauled out, days hauled, and tonnage. (Guza Mine) M. Wineski is meeting with Andy Puchalla in the morning and Fire Board is at 7:00 pm on Aug. 6.

Agenda items were discussed. A list is in the office. Added will be CUP for Haines & Pronschinske.

A motion was made by M. Wineski and seconded by R. Tuschner to set the next regular Town of Arcadia meeting for Monday, August 19, 2013 at 5 p.m. The motion was carried unanimously with a voice vote.

A motion was made by M. Wineski and seconded by R. Tuschner to adjourn the meeting. Motion passed unanimously with a voice vote. The meeting adjourned at 12:36 am.

Respectfully submitted by,

Beth Killian
Town of Arcadia Clerk