

# TOWN OF ARCADIA

Trempealeau County



W26051 State Road 95, Arcadia Wisconsin 54612 • Phone and Fax (608) 323-3470  
• Email: [townofarcadia@triwest.net](mailto:townofarcadia@triwest.net)

Ronald Tuschner, Chairman (608) 323-3035

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

Mike Chitko, Supervisor No. 1 (608) 323-2414

Nancy Rohn, Town Treasurer (608) 323-7063

## Town of Arcadia Minutes of Regular Board Meeting Tuesday, October 7, 2014 at 7:00 p.m.

The board meeting was called to order by Chairman Ronald Tuschner at 7:00 p.m. Open meeting certifications were met. Also posted on October 7, 2014 is the upcoming Budget Meeting on October 9, 2014. Roll call was taken. Board members present: Chairman Ronald Tuschner and Supervisors Michael Chitko and Ivan Pronschinske. Also present were the attached list of residents.

Mike Chitko led the Pledge of Allegiance.

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

A motion was made by I. Pronschinske and seconded by M. Chitko to approve the minutes of September 22, 2014. The motion was carried unanimously with a voice vote. The minutes of the Arcadia-Glencoe Fire Board meeting on September 29, 2014 will be approved at the next meeting. Discussion was held on the previous minutes and the clarifications.

A motion was made by I. Pronschinske and seconded by M. Chitko to approve the disbursements of October 7, 2014. The motion was carried unanimously with a voice vote.

The third quarter quarterly reports are in the binder in the office for further inspection. These are all the expenses from January 1 to September 30, 2014.

At 7:07 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the October 7, 2014 agenda. Bob Kupietz had a question on Thompson Valley Road: he said it can't only be the sand mine. He asked to fill in the rut/dip, talked about the corn height, and traffic going towards Blair, passing, and potential accidents. Discussion continued about the turn into Thompson Valley, people passing even though there is a double yellow line, trucks with their flashers on, no complaints on the sand mine, contacting the DOT (Department of Transportation) since this is a State Road, and the dip which should be taken care of with the project. Donna Brogan asked about the letter received from the Department of Administration and if the Town of Arcadia Board was going to challenge the annexation. R. Tuschner stated, no, this Board is not going to challenge it. D. Brogan asked why the Town of Arcadia wrote a letter saying they thought this was a good annexation. R. Tuschner stated that they thought it was a good annexation, because the County was giving a lot of people the go around and they wanted to move. We don't want to lose land, but if the County doesn't get their ducks in order, there is more land that is coming up that I know of right now. It's not hurting anyone but the Towns. D. Brogan asked again if they wanted to challenge. R. Tuschner stated again, no. A second and third call was made for comments. There were no further comments. R. Tuschner closed the public comments at 7:14 p.m.

Comments from the Board: There were no comments from the Board.

### **Contingency Plan for Elections/Riverland Energy**

The Clerk stated that an email was received giving permission to use Riverland Energy Cooperative as the alternate location for elections if needed. Jerry Sorenson would like to know what future steps will be needed. The plan will be completed for the next meeting.

### **Update on Town of Arcadia Roads: Mahutga Lane, Thompson Valley Road, River Valley Road, Cross Road, and Korpall Valley Road**

Mahutga Lane is completed. References were made to Dunn Blacktop disbursement. I. Pronschinske stated that we will receive reimbursement of approximately \$15,000 for this LRIP project. The Clerk will contact Dave Lyga to complete the paperwork for reimbursement. Thompson Valley Road is being worked on by Hegg Construction; the creek will be moved first, then the road will be worked on, hopefully completion will be November 1, 2014 including blacktopping. (from sand mine driveway to the bridge) Discussion continued on the project culverts and width. River Valley Road: bridge by Walske's is waiting for the DOT to get back to us and the County, doesn't appear to be as bad as Burlington Road was, bridge inspections were discussed including 4 bridges, ton ratings, and previous ratings and procedures. Korpall Valley Road/Korpall Lane has been widened with rock added. Now it will remain until spring. Cross Road is part of the River Valley Road project. Everything is on hold; there is no resolution at this time.

### **Update on Wilber Road**

The Clerk read the 2 emails received concerning Wilber Road: Kramer Construction's plan change, rescinding Resolution 2014.1, requirements not being met, process and plans by Kramer Construction is still continuing, and Kramer's request to not rescind the Resolution 2014.1. These are in the Wilber Road folder. Follow-up email from The WisDOT-DTIM: the January 1, 2015 certification packet has been received, but they requested a copy of the final vacation/abandonment resolution for Wilber Road. The Clerk has been in contact with them about this issue and that it is still being pursued and not abandoned yet. I. Pronschinske stated that in completing the road certification he did not withdraw Wilber Road because it is still in the hands of the DOT and Kramer Construction and not abandoned. We are waiting to see what happens. It is in the DOT file that it is being abandoned and that is the reason for the email/letter. M. Chitko asked about who requested the vacation of Wilber Road. R. Tuschner gave the history about the road giving away, the agreements, previous discussions and meetings, and the remainder of the Town Road. R. Tuschner found the information on Rainey Valley Road (10 ton and 1 way), Middle Road (40 ton), Cyril Sobotta Lane (40 ton), and Pyka Road (40 ton with a question mark) bridge ratings. If one is downgraded it will take 2-5 years to get it replaced.

### **Road Use Agreement for Paul Sonsalla Lane**

Tim Marko gave a presentation for the 10 acre site and the request for a road maintenance agreement to meet the last condition for the permit to be issued for North Creek Sand. The maps presented are in the sand mine file. Wetland impact was discussed along with boring samples, who is at fault if there is an accident, current road width and traffic, condition 19 from June 26, 2012, culverts, pull off areas, satisfying the DNR and Corps of Engineers, working with property owners, affect on commercial property and personal property owners, visibility/vision triangle, retaining wall, project to be put out on bids, relocating a power pole, impacts on 2 property owners (commercial and residential), moving the intersection, negotiations with property owners, blacktop design, geo-grid, and the need for a road use agreement. I. Pronschinske asked who was North Creek Sand LLC. Kyle Slaby confirmed that it was he, the sole owner. Christy Wozney asked how they can go to the DOT without any property easements. T. Marko explained that it is a process. Discussion continued about being a "done deal"; making contacts; not being a "done deal", but a proposal to satisfy the permit conditions; step by step approval; retaining wall; design standards; vision triangle; the hill; and the state right of way. Vince Wozney stated that about 2 years ago when going through the list of things that needed to be met on the road use agreement that there are some violations; no staging; not following the agreements; tonight is not the night to approve the road use agreement; and hostile negotiations with threatening eminent domain. T. Marko did not know about staging on Christine Lane; explained the pull off areas, and the intent of safety and meet the requirements of the DOT and Corps. of Engineers. M. Chitko asked about the number of people living beyond Christine Lane. Answer: Gerard Sonsalla. V. Wozney asked about the culverts and field roads with access. T. Marko stated that access will be maintained and explained the culverts to handle surface water. V. Wozney was concerned about erosion. Explanation was given about prevention of erosion. G. Sonsalla directed his question to the Chairman. Why was he not contacted about easements and property on this project. R. Tuschner stated that he met with T. Marko and questioned the contacts. He referenced the threatening with eminent domain and the correct terminology is adverse possession. He continued to explain his easement, property taxes, Town of Arcadia receiving State Aid for his property and taking care of the road, double dipping with property taxes and money from the State, future roads, and agricultural purposes/trail. R. Tuschner explained his personal situation of property without getting reimbursement for it. G. Sonsalla again mentioned this not being a plotted road and that he needs to be treated fairly. Discussion was held about how meetings and duties are done by the Board. R. Tuschner explained public use on roads. T. Marko apologized for the term eminent domain being used and talked about the process and research on the road. It is a 3 rod road. Paul Winey asked about the width of the right of way. T. Marko estimated greater than 20 feet. They continued discussing the dimensions; the movement of the road; right of

way; ditch area; retaining wall; CenturyTel and utilities; Mahutga Lane road width with its traffic patterns and property owners' usage (4-6 vehicles in and out); the new Amber Lane specifications; truck traffic of 10 trucks per hour which is 160 trucks; possible increase in trucks; comparison of Amber Lane and Mahutga Lane with their traffic patterns and this road use agreement; disregarding standards and State recommendations to custom build (design) a public road for a private company; not setting a precedent; and concerns of runoff, dust control, curb and gutter, and washing. T. Marko discussed the client's intent, drainage, and surface water. P. Winey asked about an alternate route. T. Marko stated that they have looked at several different routes and this has the least impact. P. Winey requested the Town Board look at the other routes. R. Tuschner clarified that other sand companies have custom designed roads for that private enterprise. P. Winey also stated that the Board also required them to meet the Town of Arcadia's guidelines. R. Tuschner agreed. We have not gotten into the road use agreement yet. Discussion continued on altering the road. Darrel Sonsalla asked about property bought/taken and who gets it. R. Tuschner stated that it would be deeded to the Town of Arcadia, and it becomes Town property. V. Wozney asked about footage to the commercial establishment. T. Marko stated that it is 27 feet on the west end and 23 feet on the east end. V. Wozney talked about the traffic pattern and safety concern. R. Tuschner wanted clarification about the lanes of traffic. I. Pronschinske referenced the distance from the business and that he is against it, a plan B is needed, and the Town building needed a variance from the State of Wisconsin. M. Chitko asked if the State gave an alternate plan. T. Marko looked at this design. Moving the road would have had more of an impact than this plan has. This is the first time the plan is being shown to the public. R. Tuschner asked about the mitigation procedure. T. Marko stated that there are no wetland banks available to purchase; the State of Wisconsin is initiating a fee in lieu of mitigation, but that is not in place yet; and this design stays within the general permit requirements since it is less than 10,000 square feet. R. Tuschner asked about the sale or negotiation of property, and that he wants to see an honest effort made to negotiate with the property owners. T. Marko stated that the intent was to build the 24 foot road with 2 foot gutters and 2 foot shoulders if they were able to buy the property. Discussions continued about final designs; 24 feet with 2 foot, 2 foot; acquiring necessary land; negotiations; DNR approval; setting a precedent; honest effort; to come back; proximity to commercial business; equality; and blacktopping the road to prevent sand or dirt from leaving the property. M. Chitko stated that he felt the highway was too close; wondered if the State would allow it; not having an alternate plan; 1/2 of the property owners were not contacted; taking up time at this meeting; and that we are not here to decide that or arbitrate that. T. Marko stated that they have tried to contact the property owners, contacted some of the property owners, and it hasn't been through lack of effort, but this is the process they have to go through. M. Chitko stated that he was sure that they tried to contact the landowners; he would appreciate next time, on record, that they be more prepared; nice visuals, but a lot of these things taken up with landowners should have been done first; so the people don't come up and use this forum as an arbitration forum. He wants this on the record. V. Wozney stated that he is not against sand mining, bought his property for the quiet area, increase in traffic, safety, treated fairly and not being bullied, Christine Lane merging, and culverts. I. Pronschinske spoke about the sloping to the bridge. G. Sonsalla asked for alternative plans. R. Tuschner suggested the people meet with T. Marko and SEH to discuss this. Tom Steinmetz stated that this will be happening tomorrow. T. Marko stated that they have looked at several routes, but this route was selected by the Town and the County, so it is the one that has been focused on.

#### **Road Use Agreement for Holcomb Coulee Road/Ray Weltzien and Bob Hemker**

Road use agreement samples were given to Kimarie. This was put on the agenda, but there must have been some miscommunication. This will be put on the next agenda.

#### **Transportation Engineering Fees**

The Clerk read the email from the Department of Land Management about the Transportation Facility Engineering for individual Towns in Trempealeau County which has been in effect since 2005. Towns that have not been involved may opt in if they commit to 5 years. A copy of this email is in the office. The Town of Arcadia has not been involved previously. R. Tuschner gave an update on what the Town of Arcadia has been doing, the County charged a fee on a per capita basis and the Town of Arcadia would have paid the County more than what is paid to use Ayres Associates. We use Ayres for engineering on our roads. Most of this is reimbursed by the people utilizing the roads. We had some done on Mahutga Lane that was not reimbursed. Thompson Valley Road, River Valley Road, and Soppa Road have all been reimbursed. M. Chitko mentioned that he and Beth were at the meeting when Kevin Lien brought this up. This was before he attended the Eau Claire meeting. The engineering fees are built into the projects and most of the projects are paid through State funds or reimbursed. It doesn't pay for us to pay twice. R. Tuschner stated that it hasn't been, but it could change in the future. Jon Schultz said he would bring it up at the Land Use meeting tomorrow. B. Killian didn't remember any time frame to become involved. If there is a window, it will be put on an agenda.

#### **Shop Phone/Maintenance Agreement with Provider**

The internet has been installed by CenturyLink. The Clerk will follow up with Lisa on the second line. The second invoice was discussed about the second phone replacement. The Clerk will ask for the rationale on the second phone. This will be on the next agenda.

**Set Date for Insurance Renewal Meeting**

Discussion was held on the meeting procedure; comparing comps. for comps.; the representatives should be available by phone; and asking for someone to be available for the representative from Westland Insurance. A motion was made by I. Pronschinske and seconded by M. Chitko to set the date for the insurance renewal meeting for October 13, 2014 at 7:00 p.m. The motion was carried unanimously with a voice vote. The Clerk will notify both representatives of the meeting date and time.

**Set Date to Review Chapters of Policies and Benefit Handbook**

Discussion was held about combining this with the insurance meeting. A motion was made by M. Chitko and seconded by R. Tuschner to set the date for reviewing chapters of policies and benefit handbook on October 13, 2014 at 7:00 p.m. The motion was carried unanimously with a voice vote.

**Set Meeting Date(s) for Referendum Question Discussion**

Discussion was held about notice deadlines in the Trempealeau County Times and to put this on the October 13, 2014 agenda. A motion was made by R. Tuschner and seconded by M. Chitko to set the date for the referendum question discussion on October 22, 2014 at 7:30 p.m. The motion was carried unanimously with a voice vote.

**Proposed CUP for Superior Silica Sands LLC**

Sharon Masek gave an update. There will be a meeting with the City of Independence on Thursday, October 9 at 7:30 p.m. The draft was prepared by the attorney; the public will have the opportunity to give comments; and basically it is the same as Hi Crush.

**Fire Board Meeting on October 8, 2014**

This meeting is at 7:30 p.m. Bring documents to the meeting. A brief discussion was held about the budget; the meeting that was held at the Arcadia Town Hall last week; and the bylaws. A motion was made by R. Tuschner and seconded by M. Chitko to approve the 2015 Fire Board Budget of \$180,300 with the Town of Arcadia's portion of \$80,143.35. The motion was carried unanimously with a voice vote.

**Correspondence:** The Clerk received the notice of the Independence Fire District meeting on October 15, 2014 which will be mailed to Mike Wineski, our representative; a resolution was received from Paul Syverson from Trempealeau County on the Adoption of the Revised Uniform Numbering System and Rural Road Naming Ordinance; the report from the Fire Inspection Services Inc. was received: 6 occupancies have violations which have been referred to Chief Halverson; Johns, Flaherty, and Collins, SC sent the original Petitions for Direct Annexation by Unanimous Approval for Judith M. Barth & Daniel Klink, James & Delores Kreibich, C.J. & Janet Smith, and Gary & Sharon Waldera; email from Jake Buddish for Notice Cease All Work for Guza mine, R. Tuschner clarified that this is for an administrative issue from the County to the City of Independence; letter from the Wisconsin Department of Administration on the City of Independence Annexation Ordinance; gas line map for Marabou project; GAB absentee ballots being sent out with the wrong address and previous Clerk receiving these and other mailings; Rod Saxe notifying work to commence and be completed by November 1 through Ayres; and letter from Canadian Silica stating they will take care of any damages on Joe Rossa Lane.

Discussion was held about the next meeting date and time. A motion was made by R. Tuschner and seconded by I. Pronschinske to set the next regular Town of Arcadia Board meeting for Monday, October 20, 2014 at 7:00 p.m. Motion was carried unanimously with a voice vote. Agenda items are on a list in the office.

R. Tuschner adjourned the meeting at 9:43 p.m.

Respectfully submitted by,

Beth Killian  
Town of Arcadia Clerk