

TOWN OF ARCADIA
Trempealeau County



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
Monday, December 1, 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 was the spring election notice. 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.

M. Chitko led the Pledge of Allegiance.

A motion was made by I. Pronschinske and seconded by M. Chitko to adopt the agenda with the addition of Verizon Wireless Cell Tower moved under item 10 a. Shop Phone. 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 the regular board meeting on November 17, 2014. 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 the closed session board meeting on November 18, 2014. 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 the Public Budget Hearing meeting on November 18, 2014. The motion was carried unanimously with a voice vote. A motion was made by M. Chitko and seconded by I. Pronschinske to approve the minutes of the Special Town on the Proposed 2015 Budget meeting on November 18, 2014. I. Pronschinske asked for clarification that the pension for the Clerk/Treasurer will take effect after the first full year. This amount is 10% of the salary. Discussion was held that it is included and is part of the budget. This pension will take effect in April, 2016. 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 the Special Board meeting to Adopt the 2015 Final Budget on November 18, 2014. 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 the Special Board meeting with the City of Arcadia on November 24, 2014. I. Pronschinske asked if R. Tuschner had contacted Dan on the wishes of the Town Board on the contract. R. Tuschner clarified that he talked to him the following morning. R. Tuschner had a question about the vote on the amendment. He thought that he had voted no on the amendment. The Clerk will check the tape of the minutes and make the correction if necessary. I. Pronschinske stated that the rationale for R. Tuschner voting no was on the deletion of Greenfield Alliance Holdings being removed from the indemnification. The motion was carried unanimously with a voice vote.

A motion was made by I. Pronschinske and seconded by M. Chitko to approve the disbursements of December 1, 2014. I. Pronschinske had a question on the Ayres invoice for Thompson Valley Road. Beth Killian stated that this will be reimbursed by Arcadia Sand LLC. All invoices for Thompson Valley Road have been invoiced to Arcadia Sand LLC. The motion was carried unanimously with a voice vote. B. Killian also confirmed that during seal coating a piece of equipment was rented from La Crosse County and the rental amount was reimbursed to Trempealeau County to reimburse La Crosse County. This was due to the fact that Trempealeau County's truck was in an accident last summer, so they were short one truck. (This was a question that M. Chitko had from the last meeting.)

At 7:14 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the December 1, 2014 agenda. Kerry Suchla stated that his sand pit was in the process of reclamation and explained the progress. M. Chitko asked if there was a time

limit for reclamation. Discussion was held on inactivity and reclamation. K. Suchla asked about the procedure for bringing forward another sand mine with another company. He stated that he wants the neighbors to be informed and do things correctly. The procedure was discussed. Ron Grulkowski talked about truck #8 and the problem with the radiator. Since it has less than 50,000 miles maybe it should be traded in for a different kind of truck. Discussion was held on the history of the truck and the new County truck. R. Tuschner will follow-up with DeBauche on the radiator and its design. Jon Olson talked about it dog tracking. I. Pronschinske suggested that R. Tuschner get a second opinion from Murphy. A second and third call was made for comments. R. Tuschner closed the public comments at 7:25 p.m.

Comments from the Board: M. Chitko received a phone call from Bridget Breska on snow plowing/time of plowing. He suggested that J. Olson contact her. R. Tuschner had 2 comments. The first comment was about snow plowing and the routes; people that are always on the end; changing routes around; and the inability to get part-time help. His second comment was to make it very clear that at the special meeting with the City of Arcadia that the reason he voted no was because he didn't agree with taking Green Alliance out of the indemnification process. He made the motion which was seconded by I. Pronschinske, to help the City of Arcadia out to get the Brownfield designation. He wants it clarified in the minutes that the main motion which was amended to take Green Alliance out of the indemnification process; that is what he voted against, the amendment to his main motion. It has to be done. He felt that the indemnification by Green Alliance was another party that will indemnify the Town of Arcadia, other than the City of Arcadia. The more we get on our side for indemnification, the better. I. Pronschinske stated that this will be just to explore what the costs will be to clean up the site. R. Tuschner mentioned that if a lawsuit should occur, he wants the Town to be indemnified. The attorneys are working on it. Even if he voted no against it, made the motion, it has to be done, if there is a final vote and he votes no again, once the board votes yes on it; he is on board 100%. He wants us to be indemnified. M. Chitko stated that when the attorneys work on it, if they decide Green Alliance should be included; we will be going that route. K. Suchla made an additional comment on snow plowing and the history of the routes. R. Grulkowski stated that we only have 3 guys, and they can't do it all and be everywhere at the same time.

Shop Phone

B. Killian stated that Mr. Koop was contacted last week. She felt that Josh should talk to Jon since she didn't know what the issues were. M. Chitko stated that Jon should sign off on it; when Jon said it is working we go with his recommendation. R. Tuschner stated that we need a phone that works. Jon should contact Mr. Koop or CenturyLink.

Verizon Wireless Cell Tower

Bob Wolf handed out packets and explained the background and reasons for the additional tower which will be located on Carston Road; structural analysis; 260 foot self-supporting tower; maps; location; self-supporting guidelines, base, and depth of the lines; the value of approximately \$150,000; and contained within the fence line. A motion was made by I. Pronschinske and seconded by M. Chitko to approve the construction of the Verizon tower on Carston Road which is leased by TCC. The motion was carried unanimously with a voice vote. A copy of the packet is on file in the office. B. Wolf presented a letter from the engineer stating that if it would fall it would be within 145 feet of the base and not leave the property. It will be lighted as required by the FAA. The longevity is approximately 100 years. Most current towers are approximately 50 years old, since most towers began in the 1980's. Roll call vote: R. Tuschner, yes; M. Chitko, yes; and I. Pronschinske, yes. Motion passed. The Clerk was instructed to send a letter to Trempealeau County with a copy to B. Wolf with the Town of Arcadia's approval. R. Tuschner signed the building permit. A completed signed copy will be emailed to the office.

Insurance Renewal

R. Tuschner read the letter that was received from Westland Insurance. Discussion was held on page 3: the premium summary; the reduction values and the savings generated; and the additional umbrella coverage. There is only a savings of \$279.00 by cutting the values of the vehicles and values of the equipment. Comparisons were made between Rural Mutual Insurance and Westland Insurance. Workman's Comp. will be the same regardless of the company. At this time R. Tuschner called Gretchen Erickson from Rural Mutual Insurance for clarification. She confirmed the total annual premium of \$16,701.00 with the same current coverage. The Westland Insurance total annual premium is \$17,588.00. Discussion continued on the liability; umbrella liability; discounts on vehicles/equipment; and different values available with the current being the agreed value, which could be changed. A motion was made by R. Tuschner and seconded by I. Pronschinske to take the lowest cost with the highest insurability of this Town Board and its equipment and/or buildings, and that is Rural Mutual Insurance at this time. The plan chosen will be the one with the highest coverage, the \$15 million, and the lowest cost to the township, which is Rural Mutual Insurance. The plan will be effective at 12:01 a.m. December 2, 2014. Payments will be made quarterly. I. Pronschinske asked about coverage on something that has happened in the past/damaged in the past. G. Erickson stated that the previous insurance would cover it. Roll call: R. Tuschner, yes; M. Chitko, yes; and I. Pronschinske, yes. Motion carried. B. Killian will contact G. Erickson after the meeting to make arrangements to complete the paperwork and payment. R. Tuschner stated that we hate to go out of town, but saving \$800 and higher liability coverage, what could

we do. We have to bid these things just like a piece of equipment. It should be stated in the minutes: Westland Insurance has provided good coverage and we cannot fault them on their coverage. There was a brief discussion on the present actual cash value vs. replacement value.

Full-Time/Part-Time Patrolman for Winter Season

We have 4 trucks and 6 part-time employees. Only 2 have been able to fill in. Most part-time employees are only available on weekends. Discussion continued on the availability of part-time help; this same discussion has been held previously; the need during the week; part-time becoming full-time; current routes; over-time pay versus an additional person at regular pay; and advertising for additional help. The Clerk will place an ad in the paper for part-time/full-time, seasonal, from December through April, CDL required, for 2 weeks. Discussion continued on there always being work to be done, i.e., cutting trees and stumps in the road right of way.

Qualification List for Clerk/Treasurer Position

R. Tuschner stated that everyone was to bring in a list for this meeting. B. Killian gave copies of information that she gathered: 3 lists from the Clerklist, an advertisement for a part-time clerk from the Clerklist, and a copy of the State Statutes. The State Statutes, which are available to anyone, gives the duties of the Town Clerk (60.33); Deputy Town Clerk (60.331); Town Treasurer (60.34); and Deputy Town Treasurer (60.341). I. Pronschinske mentioned all other duties as designated by the Town Board. B. Killian clarified the last statute as: number 11, In General. Perform all other duties required by law, ordinance or lawful direction of the town meeting or town board. This does not say anything about the office hours. R. Tuschner found several examples: Town of Trempealeau, a one page description and Town of Wascott, in the form of a resolution. I. Pronschinske interjected that the point is the individual can set his/her own hours. He spoke more in depth on the number of hours. R. Tuschner explained that if the clerk/treasurer does not perform his/her duties that there are two things that can be done. The Town Board can hire someone to fulfill the duties at an additional cost or go through a long drawn out court process to have that person removed for malfeasance of office, as has been done previously. He referenced the attorney's statement on the last statute and its interpretation. R. Tuschner feels that if it is an elected or an appointed position, it is crucial to have the job duties down that he/she will be obligated to fill by direction of the Board. Then it will be under the lawful duties. Examples were given. He gave the duties from the Town of Barnes, which included the minimum and preferred qualifications, compensation and employment review process; even though it is an elected position, the Board wants to have input as to the type of job we are doing; communication; compensation and review process and office hours. M. Chitko asked if this was an appointed position or elected position. R. Tuschner stated that it states he/she is expected, not he/she will. Shall means something different in legal terms. It gives the salary for full-time position and is anticipated to attract qualified applications. This would be an appointed position. M. Chitko stated that as an elected position, you don't have a lot of leeway other than the State Statutes. He talked about the election process. Discussion continued on the elected position hiring someone, a deputy out of his/her salary, to help. If that doesn't work out the Board would hire someone to help, which would be an additional cost. This would be decided by a court of law. R. Tuschner gave another example from the Town of St. Joseph. Discussion continued on minimum qualifications so the person who applies at the caucus knows what kind of work they will have to do and what is anticipated. B. Killian stated that this should also be done for Board members. If someone wants to run for the Board, they should know what the qualifications are to be a Board member. R. Tuschner agreed with that. Discussion continued on elected qualifications of living in the area. M. Chitko stated that he didn't know how much further than the State Statutes the Board could go. I. Pronschinske stated that a person should know what is expected of him/her if they are going to run for the job. Discussion continued on the caucus procedure; qualified to do the job with the way it is currently being done; law changes; bookwork; the Board make the minimum qualifications and what you have to do: computer literate, self-thinker, learn where to go to get information, balance books, deposit money, pay taxes, monthly summaries, quarterly report, semi-annual report, and the budget process. B. Killian asked about the number of people willing to do the job. Karen Geske's name was mentioned in the discussion. If no one is nominated at the caucus, the Board will hire someone. They can make the qualifications. Discussion continued on caucus procedure. The nominees must accept the position. The next procedure to set the qualifications was discussed. R. Tuschner stated that the Board needed to go through what was presented and make up a list of minimum qualifications. This should be advertised, so people know what the duties are; plus the qualification that the person must live in the Town of Arcadia. I. Pronschinske stated that Nancy, Beth, and Elva need to make a list of what needs to be done throughout the year. B. Killian stated that this is already completed in binders in the office. I. Pronschinske referenced the Brownfield project as an additional duty that will need to be administered. M. Chitko suggested that a meeting be held a week before the caucus to explain the new position for anyone who might be interested in accepting the position. Discussion continued on this suggestion/special meeting. R. Grulkowski asked about the caucus procedure: if no one was nominated, could someone make a motion for the Board to elect someone at the meeting. No, this was decided by referendum that is binding. This can be changed in 2017. If there are zero candidates, there may be a write in, so the Board would not appoint anyone until after the election. There are existing Clerk/Treasurers in positions. This would require a decent salary and 4-5 days per week. The Clerk does more work than the Treasurer; more daily, monthly, quarterly, weekly duties. The Treasurer takes care of the funds, but the work is more intermittent. I. Pronschinske talked about the possibility of a new Clerk/Treasurer every 2 years. R. Tuschner stated that if a person is appointed by the Board they have a little more security than if you

are elected. B. Killian mentioned that this is also a possibility for Board members. Everyone could be replaced every election; and we should have a 5 member board with staggered elections. I. Pronschinske suggested a 3 year term. At this time there was a deviation from the agenda to set the caucus date to know how to proceed with the special meeting to be held before the caucus.

Set Caucus Date

Possible dates were discussed. Usually the caucus is on a Saturday at noon. A motion was made by I. Pronschinske and seconded by M. Chitko to set the caucus date for Saturday, January 24, 2015 at 1:00 p.m. The motion was carried unanimously with a voice vote.

Return to Qualification List for Clerk/Treasurer Position

It was decided that the Board should have a special meeting this month to set the qualifications; the first regular board meeting in January, January 5, the Board will have an agenda item with 10-15 minutes of discussion; and then a special meeting between the regular board meeting and the caucus will be held. This way the public will have enough time to mull it over before the caucus and everyone will be aware of the qualifications. Beth, Elva, and Nancy are required to attend the special board meeting. Discussion was held on when to hold this meeting. A motion was made by I. Pronschinske and seconded by M. Chitko to hold a special board meeting to discuss the Clerk/Treasurer minimum qualifications on December 8, 2014 at 5:30 p.m. pending Nancy and Elva being able to attend at that time. The motion was carried unanimously with a voice vote. Discussion continued on the January agenda, publication in the newspaper for 2 weeks, and the special meeting before the caucus. R. Tuschner stated that B. Killian takes good notes.

Purchase of Additional Edge Voting Machine

B. Killian reviewed the offer from Command Central. The special offer is available for a refurbished machine through December 19, 2014. The regular price is \$2,250. The special price is \$1,950. This includes a full one-year warranty and maintenance agreement. She has checked with Paul Syverson and Sue Ann Heck from Command Central about grants. There are none available at this time. A motion was made by R. Tuschner and seconded by I. Pronschinske to purchase a refurbished voting machine at the cost of \$1,950. The motion was carried unanimously with a voice vote.

Draft of the PNC Letter of Credit

This draft letter is from Arcadia Sand LLC. There is a change of bank and the beneficiary is the Town of Arcadia. The beneficiary address should be changed to the office address. This should be reviewed annually. It is part of the duties of the Board to review this and part of the Clerk's job to inform the Board. Discussion continued on the review and amendments. A motion was made by R. Tuschner and seconded by M. Chitko to accept the change of irrevocable standby letter of credit drawn under the PNC Bank, National Association letter of credit number 18122860-00-000. The motion was carried unanimously with a voice vote.

Independence Fire District Budget

According to Mike Wineski, the Town of Arcadia, with the re-districting due to annexation, does not have to pay anything on this budget. This is for this year only. Discussion was held on payment for 2014. This budget is for 2015 of which we are exempt. The Clerk will contact the Independence Clerk to have a written statement reflecting the exemption for 2015 for the file.

Policies and Benefit Handbook

The Board received templates from Rural Mutual Insurance Company. M. Chitko has paged through it, but would like more time to go through it. Mike Wineski was working with templates that Westland Insurance provided which is in the office. B. Killian will email the templates to M. Chitko to work on. This will be on the next agenda with the rough draft being presented at the January 5, 2015 meeting.

Correspondence

A letter was received from Trempealeau County Department of Land Management concerning return of funds to North Creek Sand. A copy is in the office. A notice of blasting was received from Quick Supply for the Rossa Sand Mine. The Clerk was instructed to print these out so the Board knows that the contact is being made and to put them in the sand mine file. Neighbors are notified. A brief discussion was held about previous blasting and the letter from Mr. LaPrairie about Joe Rossa Lane.

Discussion was held about the next regular board meeting date and time. A motion was made by I. Pronschinske and seconded by R. Tuschner to set the next regular Town of Arcadia Board meeting for Monday, December 15, 2014 at 7:00 p.m. Motion was carried

unanimously with a voice vote. Agenda items are on a list in the office. The Clerk stated that the first meeting in January is already set for January 5, 2015 at 7:00 p.m. because information was mailed from the School District of Arcadia stating that there would be an update by Mr. Ferguson at the Town of Arcadia meeting which would be held on that date. We try to hold our regular meetings on the first and third Mondays of the month.

R. Tuschner adjourned the meeting at 9:49 p.m.

Respectfully submitted by,

Beth Killian
Town of Arcadia Clerk