

# 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 15, 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. 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.

R. Tuschner 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 the regular board meeting on December 1, 2014. Beth Killian realized that the minutes should say Monday, not Wednesday. B. Killian will make the necessary correction. 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 on December 8, 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 disbursements of December 15, 2014. Discussion was held on the disbursement to Koop because there are still problems with the shop phone; this should be held until the problems are remedied. Jon Olson and Josh Koop will meet on the phone repair. B. Killian also noted that the check to Rural Mutual Insurance did not appear on tonight's disbursements list, because it was written after the meeting on December 1. The disbursement list tonight is for December 2 through December 15, 2014. That was the first quarterly installment plus the fee for the membership dues. The motion was carried unanimously with a voice vote.

At 7:07 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the December 15, 2014 agenda. Karen Geske asked who the Town's attorney was. R. Tuschner stated that it was a representative from Kostner, Koslo, and Brovold. The attorney for the Brownfield project was from Weld, Riley, Prens & Ricci, S.C. They were chosen for their background and potential conflict of interest since the City of Arcadia also uses Kostner, Koslo, and Brovold. K. Geske asked about a prior meeting and a contract with Superior Silica Sand. I. Pronschinske stated that we have a road use agreement with Superior Silica Sand and a road use agreement with the City of Independence. In addition to the road use agreement they pay so much per ton of sand; 10 cents per ton. Discussion continued on the contract being available to review; the contents of the contract; rebuilding of the road to the Town's specifications; and the hills reduced and knolls being filled in. K. Geske would like to speak during the protocol on snow plowing agenda item. A second and third call was made for comments. R. Tuschner closed the public comments at 7:12 p.m.

Comments from the Board: M. Chitko asked if R. Tuschner contacted the WTA (Wisconsin Towns Association) lawyer on the caucus question that was in the monthly magazine, for the January 5, 2015 meeting. R. Tuschner stated yes, and that B. Killian also heard the conversation, because it was on speaker phone. This will be discussed at the next meeting.

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

Jon Olson stated that there are no projects at this time. Vehicle #8 is back from repair on the ongoing issue with the radiator; brushing is continuing, there is an MSHA training meeting on Wednesday that they road crew is attending; having a computer would be nice; and he referenced reasons for using the computer: liability of objects in the road right of way, updates from Tiger mowers, road sign placement, and stop signs/stop ahead signs. Discussion was held on stop signs, checking Vehicle #8 for straightness and the County having the same problems with their Sterling truck, and reinforcing the corners of the radiator by a private contractor.

### **Renewal of Recycling Contract with Arcadia/Alma Recycling**

B. Killian stated that Bob Sonsalla could not be at the meeting, but the contract needs to be renewed by January 1, 2015. It is the same as the existing contract. The cost to the Town of Arcadia is \$200.00 per month. R. Tuschner stated that if it is the same, he will come in to sign it. A motion was made by I. Pronschinske and seconded by M. Chitko to approve the contract assuming that it is the same language as last year. Discussion was held about the relationship with Bob and the Arcadia/Alma Recycling and what the contract covers; Bob is the labor force to make sure the Town of Arcadia residents and not City of Arcadia residents use the dumpsters and takes in the recyclables; concerns about throwing recyclables in the dumpsters; information sent with tax statements; information is on the website; people using Galesville; procedures for recyclables; Tri-R project at the Trempealeau County Healthcare Center; bag charges; increasing the amount of recyclables by Town residents; yearly grant and annual report of tonnage for garbage and specific recyclables; cost of garbage removal/tonnage from Tri-City Sanitation; clean-up days tonnage; perk for Town residents not using bags; garbage in ditches; carts at the end of the road for pick up; on-site facility; Tri-R and Galesville programs; and partnering with other townships or Arcadia/Alma Recycling. The motion carried unanimously with a voice vote.

### **Policies and Benefit handbook**

M. Chitko is working on it and will have a rough draft at the January 5, 2015 meeting. This will bring us into compliance, be onboard with insurance and liability issues, and the State of Wisconsin.

### **Protocol on Snow Plowing on Lanes**

K. Geske asked for this item to be on the agenda. She talked about the last snowfall and the procedure used compared to the last 25 years. She talked about the dangerous situation of the bridge and backing up. J. Olson explained why it was done the way it was; sanding and salting; and low trees hitting the truck. I. Pronschinske suggested that to solve the problem she could hire the Town road crew or another individual to brush/clear the brush to prevent damage to the trucks. Discussion continued on getting rid of the low hanging trees; the driver decides if it is safe for the driver and to prevent damage from the truck(s); safety of the truck going over the bridge; not easy to back-up or back-in; board policy; previous years; and the brush cutter trimming the trees.

### **Repair of Men's Restroom**

B. Killian contacted Jim Kampa and shared his suggestions. I. Pronschinske talked about the positioning of the door stopper. The cost of this repair will be covered by the hall renter. A motion was made by R. Tuschner and seconded by I. Pronschinske to have M. Chitko contact J. Kampa to do the repair properly, the bill sent to the Town of Arcadia, and M. Chitko has the permission to give the contractor the go ahead. I. Pronschinske stated that the stopper should be placed on a hard surface. The motion was carried unanimously with a voice vote.

### **Update on EPA Brownfields Hazardous Substances Grant Application**

B. Killian referenced the emails from Daniel Gustafson, attorney, and letters on the proposal for the grant that were in the packets. M. Chitko stated that it won't be until February when the final list of applicants will be gone through and hopefully we will be accepted. Ed Patzner asked for clarification on what this grant was about. R. Tuschner explained that the Town of Arcadia is requesting a grant on behalf of the City of Arcadia for the clean-up of the old city landfill and to put it in a brownfield designation and apply for a grant to the EPA to designate the size of the plume of contamination. I. Pronschinske stated that this is a study. M. Chitko explained the process further: clean-up without penalties and fines, taking the chemicals and junk out and turning it into a product to resell, and a grant for \$350,000. The paperwork for the grant will be completed by the City of Arcadia and Green Alliance. All costs will be covered by the City of Arcadia. This is a contractual agreement that is being discussed. R. Tuschner stated that he still feels that Green Alliance should be included in the indemnification. The board decided that this would be determined by the two attorneys. He referenced the December 15 email from D. Gustafson stating that Green Alliance is not willing to provide the requested indemnification. The second comment is on article 2.3 of the redline draft concerning the audit and the City having access to the Town's books. On December 10, R. Tuschner commented to D. Gustafson that he felt that the audit should be specific to the file for the administration of the application costs for the grant and follow up requests mandated until its completion. He talked to Beth and Elva on setting up specific files and checking accounts so all expenses are kept separate. Access would be for that file only. If they want to check all the books, they would file an open records request just like anyone else. Grant money will come to the Town, and the Town will be disbursing the monies;

administrative costs; letters; everything kept separate so the Town gets its due diligence back. Discussion continued on the wording of this request with the dates to be included, spelling out brownfield grant account agreement, keeping a separate account, and having D. Gustafson work on the wording, only for the City of Arcadia. R. Tuschner gave his reasons for voting no the last two times which was for indemnification. Discussion continued on the Green Alliance company; Town of Arcadia not being involved in the contamination; City being in control to administer the landfill; 40 acres; the plume of the landfill; holding out for Green Alliance's indemnification; more information on the transfer of land; more time for research; possibility of contamination of wells and responsibility; sue one, sue all by neighboring property owners/class action suit; rumors of contamination and aquifers; importance of the project; City indemnifying the Town; Town's responsibility to go to completion or bow out at any time; reasons for Green Alliance not wanting to indemnify and does it make a difference if they are included; Town only administering the paperwork; law change; asking the Town first because we are neighbors versus asking the County or DNR; and time to study this project. R. Tuschner stated that he is not trying to stall, but is not comfortable with the audit language. This could be changed. If he is out voted, he will back it 250%, because it needs to be done. All board members were in agreement that this needs to be done. M. Chitko suggested contacting D. Gustafson to see if it makes a difference. M. Chitko asked what the role of Green Alliance would be and what they would indemnify the Town from. The major party would be the City of Arcadia, because they are the project managers. Green Alliance owns the property. R. Tuschner explained the term innocent purchaser. Green Alliance knew that there was contamination, so they are not an innocent purchaser. Discussion was held on how to state the two motions. A motion was made by R. Tuschner and seconded by I. Pronschinske that on page 2 article 2, 2.3 audit reads as follows: the Town shall during normal business hours and upon reasonable notice provide to the City, and its authorized representatives to view the specific file for the administration of the application costs for the brownfield grants request and follow-up request mandated until its completion for the period covered from November 6, 2014 until the total completion. Roll call vote: R. Tuschner, yes; M. Chitko, yes; I. Pronschinske, yes. Motion carried. M. Chitko stated that concerning the matter of indemnification from Green Alliance, D. Gustafson should be contacted. At 8:32 p.m. a motion was started by M. Chitko, but a short recess was taken to allow him to compose the wording. At 8:37 p.m. the meeting reconvened. A motion was made by M. Chitko and seconded by I. Pronschinske that on the issue of Green Alliance not wanting to provide our request for indemnification that we ask our legal counsel, Dan Gustafson, to advise us as to what will our risk be if they are not going to indemnify us. I. Pronschinske asked if Mike was saying that if they don't want to be indemnified what the recourse would be and will it make a difference. M. Chitko stated that his motion was to get the attorney opinion before this would be voted on. We must find out what our risk will be if Green Alliance is not involved. Once we know our risk, we will be able to make the final decision. At this point we can only surmise what our risk will be. R. Tuschner stated that we should know the answer tomorrow morning. If it is a negative effect, it will be a negative vote to participate. If it is a positive, it will be a positive vote to participate, and we should know this sometime tomorrow morning. B. Killian will email the two motions to D. Gustafson and request an answer by 10:00 a.m. tomorrow morning, Tuesday, December 16. This will be done so we don't goof up the December 19 timeline. If a special meeting is called for the vote, so be it. I. Pronschinske stated that he felt that there would be no difference. Roll call vote: R. Tuschner, yes; M. Chitko, yes; I. Pronschinske, yes. Motion carried.

#### **Update on Thompson Valley Road and Payment**

B. Killian referenced the email from Lisa Fleming from Ayres Associates concerning the pay application request for Hegg Contractors. This payment should be sent directly to Hegg Contractors. She was in contact with Tom Greco from Mississippi Sand LLC for reimbursement to the Town of Arcadia. When the check is received from Mississippi Sand LLC, Hegg Contractors will be paid. I. Pronschinske stated that this was a good improvement to the Thompson Valley area with no cost to the Town of Arcadia. The creek was moved which was a win, win situation. R. Tuschner referenced another area in Bills Valley with the same situation. B. Killian asked if this was where the Town bought land from Jim Sobotta, because we received a tax statement on it. We will pay this for the current year, but then it will become tax exempt. The tax bill is \$11.11 and the Town gets to keep \$1.69 of that amount.

#### **Correspondence**

B. Killian received a call from the Girl Scouts requesting hall rental for the monthly leaders' meetings. Discussion was held on the \$15.00 yearly charge for non-profit organizations; consistency with other non-profits; and following the rules. A motion was made by R. Tuschner and seconded by I. Pronschinske to allow the Girl Scouts to rent the hall for the annual cost of \$15.00 per year and must maintain the hall after each use as any renter. This is consistent with the Legion. The motion was carried unanimously with a voice vote. An email from Kris VanAcker from Westland Insurance was received stating that they were sorry to lose the account, but understood the financial and coverage difference. She addressed the liability limits and directors' and officers' prior acts coverage. She will watch markets for other options for the Town next year. A letter was received from the Trempealeau County Department of Land Management on the building permit for Joe Slaby. This has been taken care of by Kyle Slaby. A flyer was received from CapX2020 about the power line construction in Buffalo, Trempealeau, and La Crosse Counties. A holiday note from Trempealeau County Highway Department was received.

Discussion was held about the next regular board meeting date and time. A motion was made by I. Pronschinske and seconded by M. Chitko to set the next regular Town of Arcadia Board meeting for Monday, January 5, 2015 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 9:01 p.m.

Respectfully submitted by,

Beth Killian  
Town of Arcadia Clerk