

TOWN OF ARCADIA

Trempealeau County



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Town of Arcadia Minutes of Regular Board Meeting Monday, May 5, 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 open meeting certifications were met for Board of Review; and the AllEnergy Resolution was published in the Trempealeau County Times and posted on the bulletin boards. Roll call was taken. Board members present: Chairman Ronald Tuschner and Supervisors Mike Wineski and Ivan Pronschinske. Also present were the attached list of residents.

M. Wineski led the Pledge of Allegiance.

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 minutes of April 21, 2014. 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 May 5, 2014. The motion was carried unanimously with a voice vote.

At 7:04 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the May 5, 2014 agenda. Kathy Lockington stated that she was at the Board meeting two months ago and requested a written response, did not receive anything, and is here again to ask: what the Town of Arcadia's responsibility is to the taxpayers concerning sand in her water and water testing. She discussed the expenses to her. She requested an answer in writing. Ray Kamrowski asked about the pay increase for election workers. He will speak to this later. Marlys Kolstad made a comment about the AllEnergy resolution. She quoted the minutes of the March 3, 2014 meeting: the motion made concerning the resolution; that R. Tuschner told Dean Sukowatey that the Board would get back to him after our attorney has reviewed it and will let you know the final yes or no, and that will be in open session; the March 3 minutes were approved at the March 27 meeting; the Town website did not list that item on any agenda, yet the resolution was published in the Trempealeau County Times and had been signed on April 15, 2014. She requested a comment. M. Wineski stated that this was not a question and answer period, but a comment and suggestion period for the public. M. Kolstad requested that this item be put on the agenda at a regular Town of Arcadia Board meeting. R. Tuschner made the second call for public comments and then a third call. He then closed the public comments at 7:08 p.m.

Procedure on Bids for Thompson Valley Road Project

Information was received from TSR; payouts were made previously; and now the project is ready to advertise for bids. A motion was made by M. Wineski and seconded by I. Pronschinske to have Ayres Associates do the bidding as they have done in the past. Discussion was held about time limits and amounts; DNR involvement; and to complete as in the past. The motion was carried unanimously with a voice vote. The Clerk was instructed to contact Dave Pantzlauff.

Pay Increase for Election Workers

R. Kamrowski spoke about the \$8.00 pay, and proposed that the election chief inspector receive \$10.00. He questioned the increase given previously. Discussion was held about the last increase in wages and that it had been over 10 years; the increased responsibilities; the Clerk gave a brief overview of the duties and responsibilities of the chief inspector and the regular election workers; if an inspection would be done by the GAB (Government Accountability Board), they would speak to the chief inspector; observers; I. Pronschinske quoted the minutes of the last meeting and that the raise for the chief inspector was approved and now the discussion was on the other election workers and the increase suggested from the annual meeting last year. A motion was made by M. Wineski and seconded by I. Pronschinske to give the election workers an increase to \$10.00 per hour. Discussion continued about other Townships; the large increase; the suggestion of the annual meeting; and training. The motion was carried unanimously with a voice vote.

FOTH Engineering Update to Canadian Silica Industries ("CSI")

William Vachon represented Canadian Silica Industries and gave information about the possible annexation to the City of Arcadia. He presented the map of the acres for annexation. A copy may be found in the office file. This will include the operation of the Rossa property which was approved in August of 2012. He talked about the original transportation route. This property has been acquired and will have a processing facility with a rail load out to the City of Arcadia. He felt that it was important to come to the Town of Arcadia and talk about the annexation and answer any questions. R. Tuschner asked to meet the owners of CSI to talk to them and get their perspective on their plan. W. Vachon gave background information about the company, the area of annexation, access road, and the request as a result from the moratorium. R. Tuschner stated that the introduction and information should be done at a regular board meeting. I. Pronschinske asked for clarification on the map and number of cars for the railroad. W. Vachon answered that theoretically it could hold 400 cars, because it is a manifest track. This location would have the dry processing plant with the wet processing plant at the Rossa site which had been approved previously. Discussion continued about the road and the entrance across from GNP. The time table is June 4, 2014 when the annexation and development information will be presented to the City of Arcadia. Revisions would be made after that meeting. A request with the Department of Administration about annexation was made. Discussion continued about the future meeting with CSI.

Resolution of Town of Arcadia for Superior Silica Annexation to the City of Independence

Sharon Masek stated that they had been here previously with a presentation of take over the Guza Sand Mine with an expansion. They went to the county, have met resistance, and referenced the moratorium. They started looking at annexation to the City of Independence. They are putting in a conveyor system to take trucks off of the road. The route has not been chosen at this time. They will be presenting the request for annexation at the City of Independence meeting on May 19, 2014. The two other townships affected by annexation are Burnside and Lincoln. I. Pronschinske asked about the original plan and asked about the resistance. The Town of Arcadia Board has sent its recommendation. S. Masek stated that is not impossible to go through the County, but felt that this would be a better route for us. The County is not supportive. I. Pronschinske referenced the loss to the taxpayers in the township. S. Masek referenced another project in another county. I. Pronschinske reference the letter from Randy Spangler that was presented at the last meeting. M. Wineski asked if the plans for the dry plant had been finalized. S. Masek described the dry plant. I. Pronschinske asked about the previous road use agreement. S. Masek stated that that still stands. R. Tuschner read the attached proposed resolution. R. Tuschner requested to substitute the word "approve" with the words "not opposed to the" and to add the sentence "the said road use agreement has been pre-approved and it will stand in perpetuity". M. Wineski asked if that was a motion. He agreed that he would make that a motion. It was seconded by I. Pronschinske. I. Pronschinske referenced his previous experience on the City Council and the Ashley project and its impact today. S. Masek asked

about adding the sentence with the original conditions. R. Tuschner stated that the original Town of Arcadia conditions should be included. The Clerk will provide the original Town of Arcadia conditions. K. Lockington asked what the responsibility of the company would be to the neighbors for testing for acrylamides and sand in the water. Randy Spangler stated they already have done water testing. S. Masek talked about the existing conditions; 2500 feet; acrylamides and their breakdown by the sun; and so far none being found in the groundwater, but in the sludge in the bottom of the pond. K. Lockington talked about her personal situation of having no sand in her water the previous 13 years before the sand mine began blasting. Now she has had to install filters. Discussion continued about the inspections that were done previously and the distance from the Arcadia Sand Mine. S. Masek stated that they will do well inspections and water samples before, so they know pre-existing conditions. NR 135 does not require this, but each township has its own requirements. They will follow the conditions of the townships. R. Tuschner stated that in the Town of Arcadia's conditions the wells within 2500 feet must be inspected unless the neighbor did not want the inspection; they would have to sign a waiver that they did not want an inspection. This will be included in this resolution. I. Pronschinske stated that this also includes structure inspections. R. Spangler talked about the inspections previously completed on various structures and wells at a cost of over \$100,000. S. Masek talked about the blasting and calculations. R. Tuschner told K. Lockington to contact the municipality with her concerns. K. Lockington stated that a meeting has been set for June 3, 2014. I. Pronschinske stated that a council member is present tonight. R. Tuschner stated that if people that came to the Town of Arcadia Board did not follow protocol, they were nixed at the meeting. M. Kolstad asked for clarification on what was nixed. R. Tuschner explained that a sand company came before the board for board approval, didn't follow protocol, and were taken off the table. R. Kamrowski talked about the Town of Arcadia meetings and approval of the plan, but the City of Arcadia annexed the mine in and didn't have the same proposal. The City doesn't have to do anything for us. R. Tuschner stated that the board doesn't disagree with him. I. Pronschinske talked about annexation. R. Tuschner stated that no one needs permission for annexation if State Statutes are followed. R. Spangler spoke about the County being unwilling to work with companies that legitimately can set up sand mines. The County has the capability to set up strict, fair standards that should be followed, but are not willing to do that. This is forcing companies to do these things, cities get involved without the people and expertise, without the manpower to manage this. They want the tax revenue, input, jobs, all of the good things, but don't know how to handle it. It is the County and the State that know how to manage mines and set proper standards. S. Masek stated that in the discussions with the City of Independence, they will be building on to the existing conditions and not replacing any. The Clerk asked about the next resolution number. The Clerk re-read the motion: A motion was made by R. Tuschner and seconded by I. Pronschinske to remove the word approves and state that it is not opposed to and to add that the said road use agreement as preapproved will stand as approved in perpetuity; the existing wording plus those changes. R. Tuschner added to the motion: All original Town of Arcadia conditions be in the resolution. The motion was carried unanimously with a voice vote.

Possible Development of Property in the Town of Arcadia---John Wegman

John Wegman presented a preliminary sketch of approximately 78 acres that he would like to develop. A copy is in the office. He has had interested callers. The plan is to develop a subdivision and is requesting financial assistance from the Town of Arcadia. Property for building is scarce unless you are connected as a family member. He discussed American Heights, Eden Heights, Locomotive Lane, North Creek, and Orion Lane. His sketch contains larger lots; 15 sites or 25-30 sites; will benefit local contractors and businesses; and will allow for growth. He would put in the town road first. Are any grants available? R. Tuschner stated that the housing committee, of which he is a member, has been discussing this. Where the money will come from, TIF districts, water/sewer district, funds from the TIF district, current building additions in the City, size of houses, and the need for affordable housing. If a water/sewer district was set up there would be no need for annexation. An engineer would need to be involved to study the options. M. Wineski stated that a TIF district might be possible. Discussion was held about putting in a crushed rock road and then using the TIF money to upgrade it. More research is needed. R. Tuschner stated that there are grants available through the electric cooperative. He listed some of the committee members. This committee is a subsidiary of Arcadia Projects. A second meeting is being scheduled with the City Council. He asked M. Kolstad to take that message back to the City Council. M. Wineski stated that the Board will continue to look into this item to try to help projects like this happen. I. Pronschinske discussed the CAP X 2020 project money. M. Wineski asked if lots were for sale presently and the cost. J. Wegman gave preliminary answers.

Reduction of Speed Limit for Jackson Road and Plum Creek Road---New Discussion

R. Tuschner stated that the previous request has been reduced to two roads. A gentleman from the Trempealeau County Highway Department suggested a possible solution to place a sign at the beginning and a sign at the end of the road. There would be 4 signs per road. The signs would be approximately 500 to 750 feet apart. The first sign would be a warning sign and the second sign would be the enforcement sign. Discussion continued about the different prices and types of the signs, the time factor involved for an ordinance to be posted, and the concern for safety. The approximate cost would be \$750.00. M. Wineski asked about the number of people that live in the area. R. Kamrowski asked what would happen to the signs if they were removed. R. Tuschner stated that they could be used in other areas. He didn't know the number of people that would be affected, but if one accident/injury was prevented that would be a cheap amount of money spent. Discussion continued about putting up the signs, the resolution or ordinance process, precautionary signs to slow traffic down, 55 mph speed limit on roads, and to keep the signs up. A motion was made by R. Tuschner and seconded by I. Pronschinske to have our road crew, one man, use 4 steel posts, cautionary signs at 45 mph at each end of each road, and that they can be retracted when the road project is completed. The motion was carried unanimously with a voice vote.

Update on Purchase for Lawn Mower

R. Tuschner contacted Value Implement and D & D Farm Supply. D & D Farm Supply did not have a diesel. Discussion continued on fuel consumption of gas vs. diesel, cost savings, and life of the mower. The cost at Value Implement for the diesel Kubota ZD326P60 mower is \$9,982.00 after the trade in; and a mower would be provided as a substitute if needed. The signed contract is on file in the office. The other information will be saved for 30 days.

Deconstruction of Mill Road Bridge Resolution

R. Tuschner received State approval for financial funding to remove the bridge. He read the attached resolution. Discussion was held about the project. R. Tuschner read the Project Funding Conditions. A copy is on file in the office. A motion was made by M. Wineski and seconded by I. Pronschinske to adopt the resolution. Discussion continued about the billing process and to make a request that the County Administrative Fee be waived. R. Kamrowski asked about the plan. R. Tuschner stated that the Town of Arcadia uses State specifications, there will be barricades in place, and the road will be closed. The motion was carried unanimously with a voice vote.

Update on Hall Rental Agreements

Discussion was held on problems that have occurred in the past, unsupervised children, liability, return of security deposit, future rental opportunity, procedures on completing contracts, English and Spanish versions, and to bold and print in capital letters Town Hall Rental Rule #26.

Pension Policy

M. Wineski requested to table this item until we have a policy in hand to approve. R. Tuschner delegated the task of writing this policy to M. Wineski.

Correspondence: A letter was received from AECOM stating that they would be in the area completing a preliminary engineering survey for future improvement of WIS 93 between Dettloff Court and E Main Street (WIS 95). Emails were received concerning Stevens Lane and Halverson Lane. R. Tuschner delegated the task of these two projects to I. Pronschinske; to contact Contech about culverts; to contact residents for right-of-way permission; and to contact Ayres Associates and/or Trempealeau County about bidding. A memo was received on April 30th from Karina Kuhrt from Kostner, Koslo, & Brovold, LLC on the proposed resolution re: AllEnergy Sand. R. Tuschner talked to K. Kuhrt. He read the Issues, Brief Answers, Analysis, and Conclusion sections of the memo. A copy of the memo is in the office. He met with Bruce Kostner on 3/5/14 and had a phone conversation shortly thereafter. This memo was sent on April 28, 2014 and received in the office on April 30, 2014. The letter was first sent after the Clerk requested one. They were told to give the Town of Arcadia an opinion; this is a memo; an ordinance is an enforceable agreement, but a resolution is a policy statement or opinion. He is bothered by the part that calls for a cooperative agreement. This is an agreement by a

resolution. It is treated as a contract. M. Kolstad questioned who "they" was. R. Tuschner stated that this information came from the Town's attorney from the Wisconsin Towns Association. You may call this a political statement, but it is not a binding agreement. In the verbal conversations with the Town's attorney, he stated very clearly that what should be done if the royalty agreement, if the land is annexed to the city, then the Town should be part of the signing of that agreement, the contract. M. Kolstad asked if it would be part of the contract or resolution. R. Tuschner clarified that in order to make it binding the Town should be one of the signers along with the Arcadia High School District and the Arcadia Catholic School, if the City annexes the land. This would be part of the contract that they are willing to donate. It is stated: a cooperative agreement; which is basically the same as a resolution, not binding, it's an agreement, but not binding as an ordinance or a contract. R. Tuschner is waiting for a return call to answer his questions which concern the timeline and the opinion vs. a memo, so he will not comment further at this time. M. Kolstad made the following statement: she read this in the paper, has been watching for it to come up at a Town of Arcadia meeting, it never did, it was signed, tonight you said you got this on the 28th from the attorney's office, it was in the minutes on March 3 that this would be brought back in open session (she quoted from the minutes of the meeting), she had been watching for that, saw it in the Trempealeau County Times, and that was her question. R. Tuschner stated that she had a honest question; he stated that he has had private opinions and that those never took that long; if you ask for an opinion it is usually a written opinion and not a memo; the timeline is there, but when they say some of these things it means the same as was said before but only in different terms. He clarified that he is not a legal mind. I. Pronschinske talked about the resolution and the cooperative agreement and questioned the difference. M. Kolstad questioned the process. R. Tuschner is bothered by the timeline and still has questions. He asked if the Town should postpone everybody and push people off when they ask for it and asked for it. If something happens, come back to talk to him at another meeting. He is not pushing it off on another Board member or anyone else. M. Kolstad still has questions and asked if she should speak to R. Tuschner privately or put it on the agenda. R. Tuschner responded that it could be either way. The City of Arcadia is thinking of purchasing a Board of Review Training video and is wondering if the Town of Arcadia would like to cost share in the purchase. A brief discussion was held. An explanation was given on the Tamarack Bar LLC request to change the agent and the possible process of doing such. Ayres Associates culvert was previously discussed. An estimate of prices from Nelson Materials LLC was received.

Discussion was held about the next meeting date and time. A motion was made by M. Wineski and seconded by I. Pronschinske to set the next regular Town of Arcadia Board meeting for Monday, May 19, 2014 at 7:00 p.m. Motion was carried unanimously with a voice vote. A brief discussion was held about the Halverson Lane and Stevens Lane projects. R. Tuschner presented information received on average earnings per worker by industry in 2013 in the counties in Wisconsin. J. Wegman requested the Clerk forward the email with this information to him. Agenda items were discussed previously. A list is in the office.

R. Tuschner adjourned the meeting at 9:25 p.m.

Respectfully submitted by,

Beth Killian
Town of Arcadia Clerk