

# TOWN OF ARCADIA

Trempealeau County



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Ronald Tuschner, Chairman (608) 323-3035

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, Supervisor No. 1

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## Town of Arcadia Minutes of Regular Board Meeting Monday, August 4, 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. The additional item with board approval was posted on the Town Hall bulletin board on Thursday, July 31, and the additional item with board approval was posted at Value Implement and Larson Agri Service, Inc. on Friday morning, August 1. The additional item with board approval was also posted on our website. Roll call was taken. Board members present: Chairman Ronald Tuschner and Supervisor Ivan Pronschinske. Also present were the attached list of residents.

Roger Haines led the Pledge of Allegiance.

A motion was made by R. Tuschner and seconded by I. Pronschinske to adopt the agenda with the additional item which is highlighted at the bottom of the sheet to be added as item 10 f. The motion was carried unanimously with a voice vote.

A motion was made by I. Pronschinske and seconded by R. Tuschner to approve the minutes of the closed session board meeting on July 28, 2014. The motion was carried unanimously with a voice vote. A motion was made by I. Pronschinske and seconded by R. Tuschner to approve the minutes of July 24, 2014. R. Tuschner had a correction on page 3 under the Updates on LRIP/Mahutga Lane. The bridge is 22 feet to the inside of the abutment and outside 22 feet; the correct verbiage would be: the bridge is 22 feet at the outside of both abutments. I. Pronschinske had a correction to the Report on Community Hot Topics Meeting. The statement where he spoke of the July 14 feasibility study of the full-time EMT, should be the study of the full-time paramedic. It was misspoken at the meeting. A motion was made by R. Tuschner and seconded by I. Pronschinske for the amendment of those two items to the minutes. There was no further discussion on the amendment. The amendment to the motion was carried unanimously with a voice vote. R. Tuschner asked for approval of the minutes as amended. The motion was carried unanimously with a voice vote.

A motion was made by R. Tuschner and seconded by I. Pronschinske to approve the disbursements of August 4, 2014. R. Tuschner had a question on Check #18769 to Tri-City Sanitation. He wanted validation of the misc. trash and its meaning. The Clerk explained that one charge was for the dumpster/trash; one is for the amount of tonnage; and the other for the pull charges. Discussion continued on the 5 pull charges meaning the 5 dumpsters. The Clerk will follow-up for clarification for the next meeting. The invoice should be paid. Discussion continued on the tonnage/usage/dumpster charge. There were no further comments or questions. The motion was carried unanimously with a voice vote.

At 7:22 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the August 4, 2014 agenda. Robert Kupietz asked what was going to happen on Thompson Valley Road this year. I. Pronschinske stated that bids would be going out. The creek would be moved over about 750 feet, re-do the road from the sand mine driveway to the bridge, and widen the road. R. Kupietz stated that whoever does it should take pride in their work. Noreen Haines presented a prepared statement about the Town Board meeting on July 24 and what she witnessed. The statement is attached. R. Tuschner gave the second and third call for comments. R. Kupietz asked about the other side of the road in Thompson Valley and the dip/rut that needs repair. He asked for it to be filled in with some tar. Since there were no further comments from the public, R. Tuschner closed the public comments at 7:28 p.m.

R. Tuschner requested the item Comments from the Board be put on the agenda. He stated, "I didn't know what happened at the last meeting until after the meeting, but it made me spend one or two nights of a little bit of sleeplessness. First comment is on public access to information. Three individuals and there are pictures of them; two people wrote me a note back both said that it is not, that it is not, it's legal what they did, that it's not illegal; so I took it upon myself to call a few other people that are in the knowledge of what laws are and it is prosecutorial. It is prosecutorial. It can be handled by our district attorney if this board so desires. I have not talked to Ivan on it, who is the only board member left here now, but I can tell you from my stance, and he can do whatever he wants. I am going to wait until the next meeting, and I am going to put it on the agenda whether we are going to prosecute for that offense or not, so would you include that on the agenda, please, Beth? That is, it bothered me. I called one person up when I got home that night, would not let the individual speak back to me, because I was in no mood to be spoken to after seeing the pictures and somewhat being ticked off on the way going home. Public information: what's sensitive and what is not sensitive, very important. There will be from this point forward, if Ivan at this time agrees with me, and I did not ask him on this. There will be no people in our office except the clerk and the deputy clerk, unless a person from the public comes in and stands behind that counter. There will be no person, and I mean no person at anytime. The procedure to be taken, I told the gentleman that I talked to on that evening all you had to do was ask. Plain and simple, not hard to do, ask, call. Public information, if it's not sensitive, that's all you've got to do, just ask. He started to apologize for it, like I said don't talk because I'm going to hang up on you. I didn't want to have any discourse with him. The information released from the public. This started a long time ago and the board and I'm a member of it and maybe I did it too long there is a trust factor that I give in all people. All people. And it started, I don't know if it was back in June or July or August or whatever it was. And that was on a resolution. And I know after that evening us board members spoke. We could not figure out what the heck was going on. The resolution came to me and no other board member had it. But that evening at the meeting I don't know how many copies was out in the audience. I'm not saying it wasn't public information, because it is public information, but to have it out before the board members, board members in entirety get a chance to see it, read it, discuss it, or at least digest what's in it, highly unethical, highly improper, very highly. It's not going to happen again, because if it happens again, I personally will call the sheriff's department and have that individual arrested and taken to wherever. This is a public office with sensitive material that nobody, nobody's got a right to. I don't care who you are. If it's one sitting in this room or not sitting in this room. It will be adhered to and if you don't like it, take me out of office. I mean that sincerely. I do not operate by that code. Another time, this happened recently, employment, held an executive committee meeting, with people that applied. I get a call that most people in the public knew who applied for that meeting, to me that's sensitive. Those persons applying are either applying because they're bettering themselves or whatever reason and don't want their employer to know who they are. Now that can hurt somebody, get a family member fired, not going to happen again. Not going to happen again. Two of the people that sent me letters, the thing that they said they were told that that was open information. My deciding factor to prosecute is I want the name of that person who told these people, and I don't care if you tell that to the public or not. That's going to be one of my deciding factors, if I as one member of this 2 member board now vote to have it prosecuted. You've got enough gall to come up here and do things you are not supposed to, you should have enough gall to come up and talk to us. The third member left the message on, and I still have it on my voicemail, you want me to come to the meeting and apologize publically or in writing. I never answered him back. All three members have a conscience, they will use that conscience, and that conscience will dictate to them what they should do. At a WTA meeting in Galesville, Ivan was there, and I made a comment at that meeting that we as a community need to talk face to face across the table from each other. We have a County executive that was there that wouldn't come up to me because I made that statement. He went up to everybody else in the crowd and said what does Ron, not everybody, but other people in the crowd and Ivan heard it too. What does Ron mean. When my children were growing up and I told to sit at the table because we wanted to talk and discuss something, they damn well knew what I meant. Here we have a County executive, kind of strange, if you ask me, and yet quite the thing. There was a County board member there, very interesting, I agree with you, Ron, that's what we need to do. Quite interesting. At a council meeting in Whitehall last week, in Wausau, Wisconsin, there was some discussion up there, and there were questions asked about our sand mine. It's known throughout the state. And you know what 2 of the experts came up with; what they call the 4 C's. And I really found it interesting, very interesting. One is communication. You can't settle nothing, if you don't sit down and talk to each other. Number 2, collaborative discussion. Quite interesting. Number 3, cooperation. And number 3, compromise. Compromise people, it's in the Webster's dictionary. Look it up. Look it up. Not really hard. We sit across the table from each other, as we are doing here, and you have open conversation, not hollering, not swearing, but open conversation and whenever your mouth opens be able to back up what you say. If you can't back up what you say, that's telling me it's hearsay. It's quite interesting that those 3 people are not here tonight. Very interesting. And I'm not pulling any cords. I'm sick and tired of what's been going on in this town and holding my, my words. Just plain sick and tired. The majority of the people out there, when asked what's going on and what brought it on, and I made the comment about our ELCU Committee, and it's online; it's public information; in the sand mine that's in question, and it is down by Roger and Noreen, I don't care whose it is, it's irrelevant. All conditions by the Town were met, agreed to, all conditions from the County were agreed to, I believe, and I stand to be corrected except one. And it was voted on and defeated on a 5 to 3. They looked at me and the first question was how can they do it. These are people from the University of Wisconsin, professionals, that are not either sand mine proponents or opponents. We had meetings in this town hall, where I made the mistake to put them on first to discuss items, my fault. When the other side got up, guess who got up and walked out that door. I never said nothing, but I'm assuming other people seen it.

This is what you call bias, closed mindedness, and arrogance, arrogance, plain and simple, like the word or not, I don't care. Went to a meeting on IOH's, and here you farmers should be interested in this, implements of husbandry, up in Whitehall, just last week. And I would bet you there was 30% of the members up there, discussed this, and were talking; I wasn't even there, but I could hear it, so I got in the discussion, which I maybe shouldn't, but I did. And they said and they are blaming the ELCU Committee up there for not stopping this a long time ago, and sitting across, they came out at the meeting, at that meeting and said what's wrong with sitting across from the table from each other and getting this worked on. They said it, nobody from this Town said it. And the biggest thing there is they said where has the common sense gone. I think we all understand that, common sense. In the last meeting I also spoke about taking it out on business people in this community; that's a rotten shame. We have got so many good business people here that would make excellent board members, excellent board members, and they don't want to do it because they'll pull the purse strings. There are 2 quotes that one was from my father and the other one I really don't remember where I got it from, but I keep it there by the computer. The first one I got from my father was argue less and accomplish more. Simple, I think it is, argue less and accomplish more. The second one is don't let the perfect be the enemy of the good. That has a lot of meaning to it. And the last comment I have is, after the IOH meeting, I would like to have you people think about it, you farmers think about it, there's some interesting changes coming for your equipment, implements, etc., weight limits, where you are going to be able to travel, what you are going to be able to do, think about it, get back to, I'd like you to get back me. If I am not at home, just leave me a message and we'll see if we can set up another meeting with the University of Wisconsin, and get people from DOT, and those people that, I've been to 3 things now; I'm first starting to understand it. I'm first starting to understand, and they are all saying that it could take 4 to 5, 6 meetings to get to just get the general concept of it. So please get back to me if you think there is a need of it. Ivan, do you have anything to say."

I. Pronschinske said, "Well, Ron, just exactly what you had said, I guess from a stand point, I guess how I look at it, is that I've talked to a lot of people the last several months and as far as annexation and I mean there's been in print that the Town board can't even stop the acreage. Well we really don't have a hell of a lot to say about it. If everybody looks into it, and finds out what is going on, that's what everybody will tell you. I mean, if somebody joins the City of Arcadia or the City of Whitehall, or whatever, they don't have to, the only reason they ask the Town, any township is because it is just good faith. They can, Joe Blow can annex into the City of Arcadia and they can go and turn around and once it is annexed, then the Town can come around and sue them, yes, we can do that. We can take Town money and sue and sue them, but 9 times out of 10 we'll lose. We'll lose, I mean, I think that Ron had checked with the Towns Association attorneys which we have, I think, 3 on staff." Ron interjected, "Yes." Ivan continued, "And Carol is the one that told her that she only knows of two that were successful, in the state of Wisconsin, that they won, but if that's what you folks want us to do is hire lawyers and fight these annexations, we're sure the hell will do it. If that's what you guys want to spend your money on, I'll tell you it's not cheap. What people are blaming the Town that we are not doing anything to stop it, there is nothing that we physically can do, or legally we can do. Anybody'll tell you that. But when people are writing and says that we are not doing our job, because we are letting, the Town of Holland, but, check a little bit farther into the Town of Holland down there. Check a little bit farther into that down there. That's not what it is cooked up to be down there neither. That's not said and done neither yet. But basically I guess that's my big thing there."

R. Tuschner said, "That's my point when you come to the"

I. Pronschinske said, "We are not advocating annexation, but we don't have a hell of a lot of choice."

R. Tuschner said, "Ok, let's move on. I spent enough time. But I thought it was well worth it. If you don't think, then criticize or put a letter in the paper."

#### **Town Permit Application for CenturyLink of Wisconsin for Thomas Lane**

R. Tuschner read the permit application and explained that this was to replace existing defective cable. A motion was made by R. Tuschner and seconded by I. Pronschinske to sign the permits to give them the authority to work at it. The motion was carried unanimously with a voice vote.

#### **Zoning Ordinance for Gregory R. Armstrong**

R. Tuschner stated that the Trempealeau County Comprehensive Zoning Ordinance has been approved. He then read part of the letter that explained it and further clarified the request. A motion was made by I. Pronschinske and seconded by R. Tuschner to accept the letter. The motion was carried unanimously with a voice vote.

#### **Ordinance 300, An Ordinance Annexing Territory to the City of Arcadia, WI (Gerald Myers Property)**

R. Tuschner and I. Pronschinske explained the property location. This has been passed. The ordinance was read. I. Pronschinske stated that now if the Town of Arcadia wanted to try to stop it, we would have to go back and sue the City of Arcadia. That would be our alternative. It has been passed, action was taken by the city council, City of Arcadia, they annexed it in, now would be the time that the Town of Arcadia would take action against the City of Arcadia and sue the City of Arcadia. Would you want to waste taxpayer money? The point is that people say that we can stop it. Ron Grulkowski made the statement that the state will take it over anyway if they remodel the road. R. Tuschner said, "The point really that is to be made here with a lot of the discussions over

annexation, we've had people here at this meeting, not this meeting, but other meetings and said in public as far as annexing these properties that are annexing to the cities right now for sand mining, and stuff, for this here development, not to my dying breath, and those people are on now county committees. Talk about being biased and not open minded. And boy I don't care who is here, I will tell it." Paulette Rippley stated that there is no compromise when you are biased.

**Under Rating by State for Bridges: Norway Valley Road, Burlington Road, and River Valley Road**

R. Tuschner explained that these bridges will be restricted to less weight. The Town of Arcadia will have new postings in the future when more information is known. He also informed the public about Creek Valley Road, ½ Town of Arcadia and ½ Town of Lincoln, and its 10 ton posting and a possible less posting in the future.

**Discussion Only: Replacement of Board Supervisor**

R. Tuschner stated that State Statute 17.25 states that Mr. Wineski should be replaced. It is a board decision. There are 2 times when the Town Board and the Clerk votes. This is at the Board of Review and this issue. We are thinking of people that would be good board members. These people need to be open minded, willing to leave their emotions and opinions outside. This person would act as if they were on a jury trial. This is a judicious thing when you sit here. You act on what is presented. He asked that if the people knew of any good person out there that would want to fill the vacancy for the rest of Mr. Wineski's term (April, 2015) to let them know. I. Pronschinske talked about being able to limp along with only 2 board members, but when he or Ron is gone on vacation or if one of them got sick that would only leave 1 board member. It is legal to have phone meetings, but it is not fair to the people. If it were just for a couple of months that would be ok, but this is for 8 months which is a long time. It is in the best interest to find someone to fill out Mike's term, and hopefully that individual would want to be at the caucus for the spring election. This will be on the next agenda.

**Correspondence:** A thank you was received from Mary Jane and Dave Wolfe for the road crew and the great job and good work that they do. I. Pronschinske explained how the road crew has been working with 2 men and part-time people. Hopefully we will have another full-time person hired by the end of the month. R. Tuschner asked for another meeting in executive session for final reviews of road crew people that had been narrowed down.

Discussion was held about the next 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, August 18, 2014 at 7:00 p.m. Motion was carried unanimously with a voice vote. Discussion was held on possible dates for the executive session meeting. R. Tuschner will confirm either August 11 or August 13 at 6:00 p.m. The sessions will be 45 minutes in length for 3 individuals. Agenda items are on a list in the office.

**Item 10F: Equipo Vision**

The Clerk explained that this group has met weekly in the past and is requesting to meet again on Sunday evenings for a couple of hours. They only have a meeting; no food is involved. This is a business meeting. B. Killian explained the procedure that was used previously. R. Tuschner asked for the length of the request. B. Killian stated that they usually meet 3 weeks per month, but did not know how long the request was for. She thought that the last time Elva Helwig had set up a 5 month contract. I. Pronschinske asked if this was a charitable group. The Clerk did not think it was. I. Pronschinske stated that they would not be using the kitchen, only lights, and that Sunday night is usually an off night; and that if it didn't interfere with something else it would be all right. Hopefully there would not be any problem in the future. He suggested a 5 month period, and if there were any problems they would be cancelled. R. Tuschner asked if they would provide \$10,000 liability insurance and the Town of Arcadia official business would take precedence. Discussion continued about past situations and the hall rental agreements. A motion was made by I. Pronschinske and seconded by R. Tuschner to have a 5 month written contract, with a \$200.00 deposit which would stay in house, that would be returned when they quit if there were no problems, \$65.00 per week, any resident would have priority, and furnish proof of \$10,000 liability insurance. Motion was carried unanimously with a voice vote.

R. Tuschner adjourned the meeting at 8:09 p.m.

Respectfully submitted by,

Beth Killian  
Town of Arcadia Clerk

At the Town Board Meeting on July 24<sup>th</sup>, I witnessed some things that I found a bit disturbing.

First of all, some background. The All Energy resolution was brought up that evening. It was early on the agenda and many other items followed that agenda item.

Almost at the end of the meeting, the Board motioned to go into closed session. While in closed session, I couldn't believe what I was seeing.

Our town clerk – sitting up at the front table – moved away from the table. It wasn't long after that when I witnessed two ladies go up behind that table and stand and read something that was on a pile of papers where our town clerk had been sitting. I was so appalled that I brought it to the attention of those sitting around me, namely, Renee Suchla, Paula Haines, Shirley Weisenberger and Darlene Rossa. I asked them what was going on. My instinct told me that since I had my Ipad in my hand, I needed a picture of this.

It wasn't long after the two ladies sat down, when another fellow went up to the table and began reading something that was on the clerk's pile of papers. I also thought that was worth a picture as I again couldn't believe it. The group sitting there with me once again talked about it.

The following morning, I called one of the ladies at her home and asked her what she was reading while standing by that table. She told me that she was reading an email from Attorney Bruce Brovold. She stated that there were two opinions but she didn't read the one on the bottom. She then told me that it was a mute point because there were two opinions. I documented that call shortly after making it plus I had it on speaker phone when I made it – so thereby Roger also heard the whole conversation. She also thanked me for coming directly to the source for my information.

I have some real concerns about all of this and I know that I won't receive answers to my questions tonight but I'm trying to figure this out in my mind.

1. Was this email Attorney/Client privileged information?
2. How did this email find its way to the top of the pile after being discussed early in the meeting?
3. How did the two people know to go up by the clerks table to read this email?
4. How did the one other person know this was laying on the top of the pile so that he could also stand up there and read it?
5. What else is going on in our township – behind our backs if this is what we are witnessing right at a meeting?

I stated at our last meeting that we all need to work together in this Township. I firmly believe that if we can't work together, we will all pay – and we will pay dearly.

Received from Noreen Haines from the August 4, 2014 Board Meeting