

TOWN OF ARCADIA

Trempealeau County



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Town of Arcadia Minutes of Regular Board Meeting Monday, January 19, 2015 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 January 20, 2015 Trempealeau County Unit meeting of the Wisconsin Towns Association. 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.

Ivan Pronschinske 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 January 5, 2015. The motion was carried unanimously with a voice vote.

A motion was made by M. Chitko and seconded by I. Pronschinske to approve the disbursements of January 19, 2015. M. Chitko asked about the total amount for the restroom construction by Kampa Construction. This will be reimbursed by the renters that created the damage. It will come out of their security deposit. The motion was carried unanimously with a voice vote.

At 7:06 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the January 19, 2015 agenda. Karen Geske asked for Ed Patzner's two minutes. This request was granted. She stated that on August 18, 2014 she attended a meeting asking about who negotiated her property value guarantees; she read a letter that night dated August 14, 2014 to the Mayor of Independence from the Town of Lincoln and Town of Burnside; she submitted a copy which is on file at the Town of Arcadia office; she asked if the Town of Arcadia would be included in the lawsuit with the Towns of Lincoln and Burnside; R. Tuschner told her no and that it was not on the agenda and would not be discussed that night; on August 19 the City of Independence had 3 annexations which included 1,490 acres of land that is in the Town of Arcadia; on September 16 the Wisconsin Department of Administration received a request from the Towns of Lincoln and Burnside to review this annexation; and on September 23 R. Tuschner wrote a letter to the WDOA. She proceeded to read the letter. (A copy of this letter is on file with the minutes of this meeting.) She asked the Board members if they had seen the letter. M. Chitko stated no. On October 6 the WDOA found that the Independence annexation was not contiguous; November 5 she came to the meeting and asked if the Arcadia Town's attorney had reviewed the 1,490.572 acres of land that is part of the Town of Arcadia that is annexed to the City of Independence; R. Tuschner stated no, the township had not; and with that being said, she took it upon herself to write a petition and with the help of your constituents acquired signatures. She then read the Petition to the Town of Arcadia. (A copy of the petition is on file in the office.) In the last election there were 716 people that voted in the Town of Arcadia; to ensure this, they needed to get 107.4 signatures or 15%; she presented a copy; she has the originals, if the Clerk needs a copy, she surely can; there are over 140 signatures from your constituents that want this letter of support sent; and asked if there were any questions. M. Chitko asked about letter of support, to support, and going to. K. Geske stated that first you have to pass a resolution in support of the reversal of the annexation which the WDOA found inappropriate and furthermore authorize the Town Clerk

to send a letter of support, of the plaintiffs in Trempealeau Circuit Court case No. 14 CV 237 to the Towns of Lincoln and Burnside and the Trempealeau County Clerk of Court by January 31, 2015. There were no questions at this time. K. Geske stated that if a special meeting was needed prior to the next meeting, she moved that we do so. If our Town Board again declines to serve the people in their district, this petition will ensure that a referendum will take place and the township residents can decide. She thanked the Board for their time. M. Chitko had an additional question about the January 31 deadline. K. Geske stated that they just want this in by then. She stated that she has asked, gave numerous dates, went through many minutes, has come here and asked and feels that not all the constituents in the Town are being heard. M. Chitko asked for a copy of the petition. K. Geske gave a blank copy and will give a copy of the signed petition pages, but the originals will be submitted to the Trempealeau County Circuit Court for Case Number 14 CV 237. Discussion continued on the copies.

Noah Slaby asked for Sara Slaby's two minutes. This request was granted. He spoke of a royalty agreement that was circulated around. He explained that eleven other Town of Arcadia landowners and he have been subjected to this in the past two months. He presented a memorandum of royalty agreement signed by Dean Sukowatey of AllEnergy, Beth Ketchum, an Iowa notary republic, and Mark Sylla of Hour Glass Sand dated September 29th. This was recorded at the Office of the Register of Deeds in Whitehall with Rose Ottum on October 23rd. On this document are the names of 15 landowners and property descriptions. He highlighted names of landowners that AllEnergy has claimed to enter into a royalty agreement. This document is a flat out lie. Twelve of the landowners listed did not enter into any sort of agreement. This fraudulent document was discovered by these landowners because someone working at the County brought it to the attention of his mother, Marlys, stating that she was very surprised to see Noah's name and that he entered into an agreement with AllEnergy. Our properties have since been placed with a cloud over the title. He couldn't sell his house, even if he wanted to until this cloud is somehow legally removed; since then 5 of the landowners have had to hire a lawyer to get this fixed at the County. AllEnergy's lawyer re-submitted the royalty agreement removing our 12 names, but it is still not fixed correctly. J & D Abstract did a title search on our farm and it reads: the title report shows there is still an encumbrance remaining on the property arising out of the memorandum of royalty agreements between AllEnergy and Hour Glass Sand. The NW quarter of the SE quarter of Section 10-20-10 W, which is substantially owned by Marlys Kolstad and Noah Slaby, 36.13 acres is listed as owned completely by Francis Pronschinske. F. Pronschinske only owns 2.17 acres of that land. When this was re-submitted, it wasn't even done correctly to fix this agreement; did they do this on purpose or did they want someone to think that F. Pronschinske owned the whole 40 acres when he only owned 2; why would they create this agreement with 12 landowners that are misrepresented, and have an encumbrance created on our property; to make the turned down mining application look more lucrative to outside investors, to mislead County officials, I don't know. One thing I know is that it wasn't an honest mistake; you don't file a document with 12 landowners and their property descriptions on it by accident. We spent time, energy, and money on resolving an issue AllEnergy created; who should have to pay for these attorney's fees; should we have to pay for them, because our names are on the property thing at the County and I/we didn't know anything about it. AllEnergy's lawyer wouldn't even get back to our attorney when he requested reimbursement of our attorney fees. He asked how the Board members would feel if this happened to them and who should pay for it. R. Tuschner stated what he would do, personally, talk to AllEnergy. N. Slaby stated that the Board publically supported this company, approved the mining application before they read it so it could be snuck under the County moratorium deadline, go to meetings with their stickers on your shirts, and his suggestion to the Board would be to stop supporting companies like this, that would do this sort of thing. Now I and eleven other individuals have to deal with this. Please, going forward, look at the individuals on a case by case basis and do your homework so other taxpaying Town of Arcadia residents don't have to go through the nightmare we currently are. He then thanked the Board.

Ray Kamrowski talked to Ron and Jon and wanted to compliment them on the job that they did on the roads. He stated that he is probably one of the few who tell the road crew that they are doing a decent job.

Janette Bagniewski presented the Board members with 3 documents. These are the Wisconsin Government Accountability Board financial disclosure report. She stated that we are confident that they have nothing to hide, so we expect each of them to provide town residents with a copy of the report prior to Saturday's caucus to ensure that there are no conflicts of interest with any of the parties seeking sand mining permits with the Town of Arcadia. Town officials are not required to complete the report, but in the spirit of open government and transparency, and because we are all confident that they should have no problem completing the report in order to ensure their constituents that no conflicts of interest exist between their governmental positions and personally and financial interests. She has additional copies for anyone else to see. She then thanked the Board.

Darlene Rossa stated that she just stood here and listened to a lady accused me basically of having bribing you guys. Our sand companies represent the people that we work with. This really pisses me off. How dare they come in here and say our sand companies bribed you guys to do what you wanted to do. I just can't even believe that this is happening here. I pay my taxes; I pay my dues; that is my land to do with what I want; how dare they come in and say, "Oh, we're bribing you guys". That is just unthinkable.

R. Tuschner made the second and third call for comments. David Bagniewski gave a rebuttal of what Mrs. Rossa just said. There is no one accusing anyone of bribery or a payout. They would just like accountability from the Town Board to their constituents, who we are, who are voting, for all taxpayers in this room. He felt that the Town Board owes that to the constituents to listen to all voices, not just one, two, or three, but all voices, and preferably to the majority of the taxpayers in the Town of Arcadia. He thanked the

Board. Again R. Tuschner made the second and third call for comments. There were none. He then closed the public comment and suggestions portion of the meeting at 7:28 p.m.

Comments from the Board: R. Tuschner responded to N. Slaby. We did not sneak it in under the moratorium. We did it without even reading it, that is not it either. It was read; there were several meetings held on that. He clarified that. He also clarified that he received a letter in the mail this week, signed by a concerned citizenry, no name on it, with 2 of the board members names in the return address section of the envelope. He looked into the 2 accusations in the letter. He took a little trip on Sunday to see how many fences are out of the Town right of way, Town road: electric fences, barb wire, or any kind of fence. In 15 minutes, he was beyond 5 fences; yes, there are fences that are closer to the Town and County right of way in our Township; it is somewhat of a norm, not that it is right, but it was picked on because it was one of our Board members. He read a statement from the letter, referring to how some people are above the law. He stated that maybe we should give letters to 50% of the farmers within our community that have fences too close to the road. He looked into it, but would not mention any names. He stated that the letter requested that this be brought up at the next meeting, but was sure that it wouldn't be. The transparency on this Board has been second to none. If anyone wants information, they come into the office and it's available, through proper channels. A question was raised to the Town Board on nepotism. He read page 11 of the Policy Handbook for all employees that must read and sign off on. (a copy of the Handbook is in the office) He personally takes offense when he is told that it was under collusion that this was done. It's been in there for a long time and is still in there.

Karen Geske stated that she was here the night the policy was being worked on. They discussed nepotism. She stated that she might not be hearing it correctly, is, nepotism comes when the Town of Arcadia employs someone. She was wondering if nepotism doesn't happen when we elect an official; is that not correct. She spoke of her request to fill the County position left open with the death of Wayne Skroch. She could not fill that position, because she works for the health care center and her paycheck is cut through the County. She can't be on the Board, because she works for Trempealeau County. She questioned if someone wants to step forward and run as an elected official in the Township; they would have to be the person who is working for the Township. R. Tuschner stated, no, if he were to run for a position on the Town Board and his son or daughter or any other listed immediate family members, I could still run for the Town Board, there is no reason he could not, but if he gets on that nepotism policy that is on this Town Board would now say his relation that is working here is not supposed to be working here. It does not imply that he could not run for Town Board. It is if they are on the Board, an immediate family member working here is nepotism. K. Geske stated that she believes that from her understanding of nepotism, as an elected official if you personally are not working on the board, that you have a family member that may be working on the road crew, for 15 years, and someone wants to step forward to fill a position on the board, they could step aside and not vote on anything. City councils and Trempealeau County Board does that. R. Tuschner stated that that is not nepotism. That is when you have an interest or you may be biased in your decision; we are not talking about the same thing here. K. Geske stated that she would have to re-read the definition. Discussion continued as to how long this has been policy. No one could remember because it was before any of them were on the Board.

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

Jon Olson reported that the tractor would need new tires in the summer; the pick-up lost the front tire due to the lock nut not being replaced previously, and the Sterling has another leak. R. Tuschner would like to see the bill before it gets paid. The old pressure washer/steamer will be gone through with a representative from the company. The part-time/full-time employee has been here a week and is working out well. Brushing is continuing. A culvert in North Creek was frozen. Trees will be cut down along the road; if people want the wood they should let the road crew know. He asked for clarification on the policy for mailboxes. He spoke about examples. A mailbox costs \$60.00 plus the time to put them on. R. Tuschner stated that in the past that if we have hit them with the plow or wing we replace them, mailbox, labor, whatever it takes. If it is from snow when we are plowing the roads, going at normal speed with the plow, if there is heavy snow and you don't have to be going that fast, some mailboxes will be gone. It is a fact of life. He spoke about his personal replacements. If we hit it, knock it off, damaged it, we replaced it. M. Chitko stated that we should let the new people know that are coming on, if they hit it, that is the policy, and that if they hit it, we will take care of it. J. Olson also spoke of the cul de sacs on Reit Lane and on County J. He talked about the design being too small for our trucks and the property owners not wanting the snow in their yard; where do you go with the snow. R. Tuschner stated that the new turn around/cul de sacs are designed differently. The discussion continued on the problems with snow and sand. M. Chitko asked about the problem on Rainey Valley Road. J. Olson stated that they are still working on it.

Suchla/Bagniewski Sand Mine (first meeting)

John Dustman from Summit Envirosolutions out of St. Paul presented the following 15 minute information. He gave his personal background and has been working on developing this project for the past 6-8 months. The next meeting will be a longer presentation, and they will be able to answer questions at that time, because this is a brief introduction. They will commit to have a completed Trempealeau County Non-Metallic Conditional Use Permit Application and Reclamation Plan for you for review for the next time. You will have that with plenty of notice. For the residents that have questions, we have already spoken with Township residents;

he has a stack of business cards; they can talk to Kerry and he will come to your house to explain the project. He explained his software and its capabilities. The presentation included: location; 202 acres; 50 foot buffer; 13-15 years; 13 million tons of Wonewoc sandstone; elevations of 860 and 800; reclamation options; drainage patterns to keep water on the property longer; possible future industrial or business park; continue farming; no dry processing; a concept of working with the waste water treatment plant to re-use the water; hydrosizer; ponds; stockpiles; 7 acre wetland; proximity to the Trempealeau River; 5.7-12.2 acres/phase and reclaim as we go; each cell for one season; research on groundwater in sand mining; minimize traffic; Middle Road and the one lane bridge; County Road J; 150 (300) trucks per day; and route would be Highway 93 to Winona. Discussion continued on the amount of water discharged by the City of Arcadia per day and amount used by the mine operation and the options in the processing of sand; DNR approval; new innovative plan; monitoring wells with sensors and existing wells; groundwater flow and direction; current discharge in the Trempealeau River; high capacity well as a back-up; application will meet every condition required by the Town of Arcadia and Trempealeau County; using the new ordinances; geographical challenges; don't anticipate blasting until 10 or 12 years from now; keep water on site; concerns from the City of Arcadia water engineers and additional meetings with them; logistics of traffic on Main Street and the option of returning on County J through Dodge; and other projects proposed in the area. R. Tuschner stated that the Board should get the material and get a chance to read it, go over it, and then asked if they wanted to be scheduled for the next meeting coming up. J. Dustman responded, absolutely. M. Chitko asked if any additional meetings were being held with adjacent landowners or interested parties. J. Dustman lost track, but have had 13 individuals in the last week, and would open back up. There is no problem with meeting with people. We have answers for every question. We are open to anything and want word to get out properly, because this project is different from what you have seen before. R. Tuschner interjected at this point: before the next meeting you will have information for this board, 4 copies, for the board members in sufficient time prior to the meeting, number one; number two you will have material that will validate that you have touched every adjoining landowner; the way you did it, how you did it, whether it's by email, snail mail, face to face, whatever; we need that before we continue with validation that all contiguous landowners. I. Pronschinske interjected with the copy that you got. J. Dustman affirmed and that Kerry contacted them. He met with a significant number of them. R. Tuschner stated that we need this information for our records and that is a prerequisite. J. Dustman has information for the gotomeeting, on computer, to be able to communicate.

Letter of Support to Operate Maliszewski Farms

Trempealeau County needs this letter of support for the operation of Maliszewski Dairies. They have a permit. A motion was made by I. Pronschinske and seconded by M. Chitko that we send a letter of approval that we support the operation of Maliszewski Farms. The motion was carried unanimously with a voice vote. A copy will be sent to Darin or Ed Maliszewski.

Policies and Benefit Handbook

M. Chitko stated that there is a different format from the previous format. He looked at several examples and found a template he liked to work with. He recommended that the other board members take the copy home to read through. Then they can go through it and make suggestions for change. He grabbed information from the existing policy and included it. He suggested questioning existing policies and possible changes. R. Tuschner suggested looking at this in 4 stages roughly 12-15 pages per stage. M. Chitko stated that 6 chapters could be done per meeting; some parts may not apply to us. Discussion continued on the procedure to be used. It was decided to go through pages 5-19 for the next meeting. John Jasin commented that they should get help from someone with a human resource background. That person might have knowledge and be helpful to assist in relevance or with legal consequences. R. Tuschner stated that when we started this, we have gotten information from our insurance carrier on the legal aspects of it. They are the ones that said what things we need. You are correct and that is why we asked for assistance.

Update on Manure Spill on Jaszewki Lane

R. Tuschner contacted the Trempealeau County Treasurer on the process. He gave history on the previous incident and the financial assistance. Now there is no assistance from the DNR. Our option is to go to circuit court and file a suit. If we win the suit and it isn't paid it is assessable to put on the taxes as a special assessment. B. Killian retrieved the cost information. The estimated amount is roughly between: \$2,800 to \$3,000. J. Jasin stated that this amount does not meet the amount for small claims court. R. Tuschner suggested that we take necessary action to reclaim our losses. M. Chitko stated that we tried to talk to the landowner, without the Sheriff. R. Tuschner will try to contact the property owner with another board member as a witness within the next 5-10 days. If this does not happen, we contact our attorney to complete the necessary paperwork to file a claim against him. Discussion continued on who and when this contact would be made. The call will be made to set up the appointment, possibly January 22, 2015. Depending upon the response, the Sheriff may be contacted to assist.

Update on Letter to City of Arcadia on Intergovernmental Agreement

M. Chitko composed a letter that addressed the Mayor and each Council Member that in the future, going forward, there would be more cooperation between their body of government and ours. This letter was personally delivered to the Mayor Thursday morning

last week. He told him that he shouldn't be surprised if they see our faces at council meetings. The Brownfield account has been set up and the Clerk and Deputy Clerk are working on setting up the new company in the SAGE program. The account is inactive until it has money in it. We need to invoice the City of Arcadia to receive money to pay the attorney in Eau Claire. Discussion continued on the attorney bill and the process of invoicing the City of Arcadia.

Set Date for Road Crew Evaluation from Jon Olson

This will be done in executive session. Discussion was held on how to complete this/these meetings/evaluations. We have 3 full-time employees and one part-time/full-time employee. The part-time/full-time employee should be done later (after 2-3 weeks) since this position just started. Discussion continued on possible dates and topics. A motion was made by I. Pronschinske and seconded by R. Tuschner to set January 28, 2015 from 8:00 a.m. to 9:00 a.m. for the employee evaluations in executive session and from 9:00 a.m. to 10:00 a.m. for discussion of K. Geske's petition in open session. The motion was carried unanimously with a voice vote.

Set Date for Road Crew Foreman Evaluation

This date was included in the previous motion.

Update on Thermostats

B. Killian presented the information received from Slaby Electric. The Shop already has programmable thermostats. They just need to be programmed. Slaby Electric will program it for us. J. Olson spoke about them and the process of programming. J. Olson will take care of the Shop thermostats. I. Pronschinske stated that it should be left as it is. There are 2 options for the community room: to put a guard over the existing thermostat would be \$36.00 plus installation fee (less than \$100.00) or to install a programmable thermostat for \$97.30 plus installation fee. In discussion with Lori from Slaby Electric, there are problems with whom and when the thermostats will be programmed or set. Is it worth the time/money to have someone to come in or the extra time the heat/cooling will be on. There have been a few cases where the heat was left on over the weekend, but is it cost effective to make changes. I. Pronschinske suggested to leave the thermostat as it is and to put a sign in English and Spanish to put the temperature down to whatever it should be. B. Killian talks to the renters and explains how to set the thermostat.

Set Date for Annual Employee Gathering

Possible dates of January 31 or February 14 were discussed. R. Tuschner will make the necessary arrangements and contact the employees.

Reminder: WTA Unit Meeting at Lincoln Town Hall on January 20, 2015

This is a reminder and the meeting has been posted.

Correspondence: Wisconsin Towns Association sent a flyer on upcoming seminars. No one is planning to attend. The Rural Mutual Insurance information was received and is in the office. An email came about industrial wind turbines. Anyone interested may read it in the office. K. Geske asked about the IOH law. The Town of Arcadia went with the County, option F, so we are all uniform. This has been discussed at previous Unit meetings. There is a link on our website for information. The State will begin enforcement on January 15, 2015. This is a permit for each piece of equipment, no fee, annually, issued from the Town of Arcadia, and to protect local roads.

Discussion was held about the next meeting date and time and the conflicts for the regular Monday meeting night with the Catholic Order of Foresters and the following Tuesday with the Ambulance training group. A motion was made by I. Pronschinske and seconded by M. Chitko to set the next regular Town of Arcadia Board meeting for Wednesday, February 4, 2015 at 7:00 p.m. Motion was carried unanimously with a voice vote. Agenda items are on a list in the office.

Ivan Pronschinske brought up registration for the WTA spring district meetings. R. Tuschner and M. Chitko will attend in Eau Claire and I. Pronschinske will inform the Clerk of his location.

R. Tuschner adjourned the meeting at 9:02 p.m.

Respectfully submitted by,

Beth Killian
Town of Arcadia Clerk