

# TOWN OF ARCADIA

Trempealeau County



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## Town of Arcadia Minutes of Closed Session and Open Session Special Board Meeting Wednesday, January 28, 2015 at 8:00 a.m.

The board meeting was called to order by Chairman Ronald Tuschner at 8:00 a.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.

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.

At 8:04 a.m. a motion was made by I. Pronschinske and seconded by M. Chitko to go into closed session per Wisconsin State Statute 19.85 (1) (c). "Considering employment, promotion compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." Roll call vote: R. Tuschner, yes; M. Chitko, yes; I. Pronschinske, yes. Motion carried unanimously. R. Tuschner stated that Jon Olson, Foreman, would also be present because of the evaluation of his road crew.

At 9:00 a.m. a motion was made by M. Chitko and seconded by I. Pronschinske to reconvene to open session per Wisconsin State Statute 19.85. Roll call vote: R. Tuschner, yes; M. Chitko, yes; I. Pronschinske, yes. Motion carried unanimously.

### Discussion of Petition to the Town of Arcadia

R. Tuschner took the petition to the Town's attorney to find out the legality of it; to attest the annexation. No answer has been received yet. We are waiting for his opinion on it. He contacted other attorneys at WTA (Wisconsin Towns Association). Karen Geske asked if the Town's attorney was Bruce Brovold. R. Tuschner confirmed that it was. He continued explaining that the attorneys at the WTA stated that a petition for referendum to force a board to put it on a referendum is not legal. There are administrative duties. The WTA gives advice, but not legal opinions, therefore; he took the referendum to the Town's corp. counsel. The State Statute 19.34 was referred to. Other questions R. Tuschner had were: what financial things are involved other than the rationale of the request for the petition; the financial part of it; signatures; reason for the request is for adjoining property values; not seen documentation that substantiates that it has relinquished adjoining property values below market values, not seen statistical evidence; where does this put us as a township, legally, as to previous things that have been done for this annexation, and if we join in on this annexation with the Towns of Lincoln and Burnside, the finances, are we then part and parcel of the finances that have been spent already; from this point forward are we part and parcel to any and all legal expenses; fiduciary responsibilities of this Town; legal liability put on this Town; if we lose, are we responsible for the cost of the opposing side; these questions have not been answered yet by our attorney. M. Chitko stated that these are the concerns of the Board. I. Pronschinske stated that we have signed a contract with Superior Silica and the City of Independence and the ramifications of opting out now. We can't go from here to there. He spoke of the approximate 1,400 acres and losing approximately \$29-30,000 assessed value, taxes there, because \$2-3 million assessed value there. The tax will probably be around \$29-30,000. The Town will get about \$3,000 and if the City of Independence is paying \$34,000, that is 10 times the amount. We will lose everything they build out there in expansion. M. Chitko didn't know what Burnside and Lincoln are up to. We are operating without their full disclosure, and why they either want us in or don't want us in that lawsuit. We need to do our due diligence after we

find out from them. We just can't be pushed into doing at the Township. It might have other implications. We need to protect all of our residents in the Township from future litigation as well as present litigation. R. Tuschner added that there was a meeting that he was invited to by another Chairman, from one of the two towns. The other Town Chairmen were at meeting and wanted to know if the Town of Arcadia Chairman, myself, wanted to come to a meeting to speak to this issue of annexation, contesting the annexation, and the lawsuit. He responded yes, but tell me why you want this meeting. They stated they just wanted to discuss it. R. Tuschner asked what they wanted to accomplish. He stated that we are willing to do that, but he is not willing to meet himself; he will contact Mike and Ivan; not just the 3 board chairmanships. He asked for a time, place, and it would be posted and the board will be there. They never returned the call. This was prior to our last meeting. We go as a board, not individuals, public, transparency, and we will meet with you. We took this to our attorney and asked for a written opinion. K. Geske brought her attorney, Sean O'Flaherty. She went through the history of the minutes of when this started, and how it moved along from Guza to Cameron Rail to 1500 acres and Superior Silica. I. Pronschinske asked K. Geske if she asked herself why they moved to the City of Independence. K. Geske stated that she read the reasons that Sharon gave you; that the County was not willing to work with them. She was impressed on Monday night with the other mining company that wants to set up business in the township. R. Tuschner asked about the notification of the neighbors. This is what kept going through her head, the notification. At the August 18 meeting she asked about who negotiated on her behalf and why she wasn't notified. She was impressed with the fact that you told this other company to contact the neighbors; she thought about contacts and researched people that were notified; the people notified were not people around the 1400 or 1500 acre mine; she went through the 175 acres with a wash plant in April, 2013; April 15, 2013 the Palmers did not show up at the meeting; May 6, 2013 a presentation was given and stated there will be an additional 80-120 acres; May 23, 2013 second formal presentation: now we have Cameron Rail-Guza South Site; June 17, 2013 initial presentation from Cameron Rail LLC; July 1, 2013 formal presentation by Cameron Rail LLC and nothing changed since the last presentation with 100 trucks per day; July 27, 2013 Nancy Rohn followed up with asking if any payments were received from the Guza Sand Mine LLC; Sept. 5, 2013 there were 12 permits in the Town of Arcadia with 1831 acres; Dec. 5, 2013 R. Tuschner was informed of new owners that wanted to introduce themselves to the Board; Jan. 6, 2014 James Walker and Sharon Masek and Randy Spangler of Guza Sand Mine stated they had 14 farmers, this was in the public comments section of that meeting, that they wanted to introduce themselves, Ron spoke with an attorney, you were going to make up a comprehensive mining ordinance as part of the Town's CUP; she passed out copies to the Board; the people that were notified about this happening to begin with were the original people for the smaller mine and not the 1500 acres, now this made sense to her after she read through this when she was at the August 19 meeting in Independence when Mayor Baecker opened it up, because so many people had questions for public comment; K. Geske asked Sharon who negotiated anything for me and Sharon said where do you guys come from, you all have been notified. K. Geske stated that nobody was notified, as far as she was concerned about a 1500 acre mine versus a 5 or 600 acre mine. I. Pronschinske asked if at that point they were going into the City of Independence, correct. K. Geske stated that they hadn't been prior to that, so they already had a motive going on. The only mention of 14 farmers was in the open comments. R. Tuschner asked when that meeting was. K. Geske stated it was on Jan. 6, 2014 in the public comment section where she stated we have about 14 farmers. On Feb. 12 there was a closed session meeting to amend the road use agreement with Cameron Rail on the Guza Mine. On Feb. 17 the Cameron Rail road use agreement was amended. On Mar. 3 there was an amendment to the Guza Sand Mine by Superior Silica Sands, Jim Walker and Sharon Masek, and Mike Wineski made the motion to approve and Ron seconded it. You approved it. Mike Wineski was still on the board at this time. On Mar. 17 under the public comments Jim Walker stated that the movement on the Guza Mine was moving along quickly. There were calls about road concerns. She asked if there was any indication, prior to April 8, at this point to the board that they were considering annexation to the City of Independence. R. Tuschner stated that at a part of a meeting that Jim Walker, Randy Spangler, and Sharon Masek stated that we have validation and proof that they went to the County, and that they stated that we need no more mining, and we need no more employment in this area. They said we have witnesses that heard it, and they don't want to work with us. I assume that this is when they contacted the City of Independence. He did remember the comment being made. K. Geske stated that it was in the minutes. On April 18 a Cameron Rail letter of support for the S.S. Guza Mine annexation letter to the Town Board; on April 21 Randy Spangler read the letter of intent; Ivan said we will lose 489 acres; May 5, 2014 a resolution of the Town of Arcadia for S.S. annexation to the City of Independence and in the discussion they will be building onto the existing conditions and all original Town of Arcadia conditions will be in the resolution. On June 2 the Clerk read the copy of the annexation petition received on May 29. On June 16 a letter was received from Attorney O'Flaherty which may have been on a different thing. Peter Jonas and Paul Winey spoke on property values and road use agreements. Sharon spoke about the \$34,071 road use agreement and talked about a draft of property value at the County, but it was not added to the township agreement to compile one agreement upon another. With the \$34,000, it bothers her, because she has the agreement with the City of Independence and they were to pay the Town of Arcadia \$34,071 in November of 2014. She asked if a check had been received. Discussion continued on the receipt of the check. K. Geske read part of the agreement and stated that if payment was not received, they've defaulted, technically. No check has been received and the board has not been informed. At that meeting, also, Sharon stated that the payment would probably be made in January. At that meeting Paul Winey asked if the counsel advised the board to get an opinion from the Department of Administration. R. Tuschner stated that the counsel advised not to respond to that DOA to review. People wanted it reviewed by the DOA. Brovold would not be able to respond before July 7; he would not be able to get it in by a certain time frame, this

was her understanding; even though it was requested by your constituents to have it reviewed. On July 24 S. S. road use agreement, Sharon Masek, revised the agreement. On Aug. 4 there was a long letter about there is nothing we can legally do. K. Geske believes, as one of your constituents, that the Guza Mine turned into the Cameron Mine, then Superior was going to take over the 500 some acre mine, they notified by mail the original owners of the 589 acre mine. Prior to them being annexed out of here, part of the agreement that you made was to make sure all the neighbors were notified. Superior spoke to other farmers, 14 of them that Sharon brought up in open session public comments, about joining the 1500 acre mine; nowhere in that transfer did anyone notify all the surrounding neighbors of this new 1500 mine. This took place prior to the meeting to annex into the City of Independence. I believe that they are in violation of the agreements that you have asked for them to do. I believe that your constituents at certain times and points in time have asked about this to be reviewed. I do not think this is a waste of our township money to be spent on something like this. We have more than enough signatures to ask for this letter of support. If this creates conflict, then we should sit down and talk about this again. So much has been done behind the scenes, because none of the neighbors have been notified. I. Pronschinske had a question. He referred to the Trempealeau County Times of last week and property owners, including the County Board Chairman, who sold properties. He sold \$9.2 million for acres of land to Hi Crush. Do you believe that all these people ask all of their neighbors and Dick Miller asked his neighbors? K. Geske stated that she cannot attest to what Dick Miller had done. I. Pronschinske asked do you think all of them ran around and asked their neighbors what they thought about selling to Hi Crush? K. Geske stated that she stopped Jim Guza as he was on the mail route to ask him what was going on. Jim told her that he can handle this; he is in control of the mine. That is how I learned a lot about what was going on. I was not notified by Jim calling me, but this is not about Jim; it's about the annexation. The part she doesn't understand is with the township; you have set guidelines which you have established on what the mining companies need to do; I heard you ask at last week's meeting that all these neighbors need to be notified; Superior Silica never notified the larger group of people; they had that 500 acre which none of us contested anything about it. I. Pronschinske interjected that this is when they were going into the City of Independence. K. Geske stated that they had motive prior, and they were not annexed; so they never notified; they were already planning to annex, but at that point in between time when they didn't know what's going on, and Sharon stated that they already talked to 14 farmers, they already had a plan going on that they never notified the people that live on the exterior of 1400; this is in violation of that agreement, and she stated that she will follow all of these. Superior said that; I have read it. R. Tuschner stated that K. Geske is right in what she is saying, but did they come to the Board; in your minutes, and that's when I went back into the 2014 minutes; did they come and formally ask the Board to have that agreement amended. To expand said mine, did they formally ask the Board to be put on the agenda to have that agreement amended. Is it in your agendas, is it in your minutes where they officially asked the Board to turn around and have the. R. Tuschner did not finish his question as K. Geske stated she did not know. She gave the date of March 3<sup>rd</sup> and stated that the minutes are right there; she was not certain, but there was an amendment to the Guza Sand Mine by Superior Silica Sand on March 13, 2014. R. Tuschner's question was, without having the minutes or agendas; he did not recall seeing in the agendas a request for an amendment to the Guza Sand Mine to include these people. Either the July 7 or August 7 minutes there was some sort of discussion on them moving for annexation. K. Geske stated that on March 3, 2014 there was an amendment to the Guza Sand Mine by Superior Silica Sands. What it is she didn't know. R. Tuschner thought the amendment that she was talking about was the expansion further south on the Guza property. The original one from Hemker to Cameron Rail to Superior Silica, in that sequence, started out with the original one on the north side of Mr. Guza's driveway going in on the left; the next one on Cameron Rail came in extended beyond that point with an amendment to it; he was not sure if that included everything going on Guza's farm going south around Mike Wineski's coop. He needs it clarified. On Aug. 7 there is something paramount to this decision, of what he heard, what was on, and he stopped due to the lack of having the materials in front of him. K. Geske stated that on Aug. 4<sup>th</sup>, she read that one, and on Aug. 18<sup>th</sup> she was there asking questions. She went all the way back to April, 2013.

Attorney O'Flaherty asked for the size of the mine when you entered into the road use agreement; what was the size of the mine you thought when the road use agreement was entered in. R. Tuschner responded with 3 road use agreements: first with Bob Hemker, when Randy Spangler joined they went beyond the road to the south side of the road, the agreement was stated and is still in effect; then when Superior Silica came in, they sat down with us and did a road use agreement; then after the annexation talk was in, there was an intergovernmental agreement between; he back stated the agreement was between Superior Silica and the Town of Arcadia which included redoing, because the road use agreement changed to redoing the entire road from point A to point B. That was total reconstruction. The previous agreements were so much per ton and they would have to also pay for maintenance. This is not all of the specifics. But at that point, then when it got into the City of Independence then the City of Independence issued us the same agreement that coincided with the previous agreement with Superior Silica which is the reimbursement of \$34,071 annual that was arrived at their statistics which proved to be much greater, double or triple the amount of what we get from State aids for maintenance of our roads. That was for us to turn around for maintenance, snow plowing, sanding, etc. If work was to be done, major work to be done, then that reverts back to the City or Superior Silica. They must do that on their own as they have to do River Valley and Cross Road to go to 93, which was not at our expense. O'Flaherty asked what was the size of the proposed mine when that agreement with Superior Silica, the second agreement, that you mentioned, what was the size of the mine at that time. I. Pronschinske stated that offhand he didn't know. R. Tuschner didn't remember, with Guza's property south of the ingress road to his house, he would have to look up the date. K. Geske stated that it would probably be the Cameron Rail and the Guza South Site; probably the 489 acres. It was

decided to progress. K. Geske stated that Randy Spangler was here at the letter of intent, the 489 acres, which at that time was Cameron Rail asking for a letter of support for the Superior Silica and Guza. She thought that it was 489 acres. R. Tuschner stated that he assumed that would include all of Guza's land and didn't know if Smith was included or not.

K. Geske asked where we are standing with her letter of support. R. Tuschner stated that until we get a letter back from our attorney. Discussion was held about contacting Attorney Bruce Brovold. M. Chitko stated that R. Tuschner had received a verbal opinion, but we are waiting for a written opinion, so it becomes public. Sean O'Flaherty asked if the legal opinion that had been asked for is what the petition can compel the Town Board to do or is it the consideration of what the Town Board will do with respect for it, or is it what will be the effect if the Town gave the letter of support. R. Tuschner stated that the first question asked was of a legal opinion pertaining to this petition. The second one that I want to know, and Mike is in agreement with it, I am assuming Ivan is, but I didn't hear him say he was, where do we stand if we join in this request to have this annexation overturned or contested. Where do we stand financially on what has taken place to this point and where do we stand financially if the individuals requesting this petition, win or lose, if we go to court, because no one can say definitively, either way. Who pays for the bills? If we join in on the lawsuit are we then responsible for funds spent from the point of inception to this point; are we responsible for funds from this point to the conclusion of the litigation or contesting of this; are we going to be responsible if we lose, only if, a big question mark; are we going to be responsible if the opposing side requests the losers pay the other side's fees, attorney's fees, etc., expenses. Those are my 3 questions. It isn't only doing yes or no to the request for the petition, what are the other ramifications, possible financial ramifications, things of that nature, that has to be in my mind part of the equation. We are doing something.

S. O'Flaherty asked if the Town to date given a letter of support to either side. R. Tuschner stated that the only letter that he remembers and that was sent, and basically is being accused of doing it, at least to his interpretation of it, was that we did not oppose the annexation; and the reason the annexation was not opposed again, when I talked to Wisconsin Towns Association people, they had 3 attorneys at that time, two now, all 3 said to a degree of certain specificity, to their knowledge there has only been 2 contested annexations that went through. Several have been made, but only 2 went through and won. One left a definitive island, I believe it was Waseca, and this is from memory again; they went in what is called a balloon on a string, and they went around low property of low value and took all of the high value. This left an island, and that was contested. It was overturned. From my understanding when speaking to other people, the rationale for contesting this annexation, and I'm back into the Independence annexation is because of the definition of the word contiguous. It's not a total circle. That is the underlying rationale, at this point, of this contesting by DOA. They want a definition of the word contiguous. K. Geske asked who stated this, that they wanted this. R. Tuschner stated that it was Mike Koles. He has talked to him personally on it and has talked with Lee Turonie, who is one of the attorneys at Shawano. That is one of the basic concepts of this contesting; to have a legal opinion; what does this word contiguous mean; define it for us by law. S. O'Flaherty interjected that the DOA found that this is not contiguous. R. Tuschner stated that they felt and did not say it was against the law; that is why they are going to define the word contiguous. They went as far as to say here is how we would define it. By State Statute, the State legislators will have to do their due diligence to define that. They went so far to say what they would recommend. The City of Arcadia going whatever direction you want, let's take each 40 and a certain percentage of each 40 would have to be annexed or in the request for annexation to the city or village to make this not a balloon on a string and make it contiguous. That's where they are at right now. He has talked to some legislators on it. K. Geske stated that nothing has been stated on that yet, and we are working on what we have contiguously right now. When you look at this annexation, this annexation was done specifically to exclude homes, think about this, let's do this as general talk, if I really want to get annexed into the Town of Arcadia and I live in Independence, let's do this backwards, I decide that I just want to get all of my land into the Town of Arcadia, and leave my house out because my taxes are cheaper there; all of these annexations have their homes removed; this, this this, this, are all homes in there that didn't get put into the annexation and if this was such a wonderful deal that these people wanted to do, then why are their homes not in it. Did anyone question that? R. Tuschner stated that it depended upon the route. I. Pronschinske stated how do we know. K. Geske asked if they gave a presentation here. I. Pronschinske stated not if they were going to the City of Independence. R. Tuschner stated that they don't have to come to us. K. Geske stated that this is part of the reason why it isn't either, because there are no squared out boundaries like you would see. R. Tuschner stated that that was his point. K. Geske stated that this is the proof that it isn't. R. Tuschner stated that this is the point that they want to have explained in definitive terms what contiguous means. It is not there now. K. Geske suggested to look it up in the dictionary. R. Tuschner stated that he is going by State law. K. Geske stated to look it up in the State law. Both M. Chitko and R. Tuschner stated that it is not there, because it says contiguous, and that is the rationale behind this push to get it defined so it will be there. K. Geske stated that it is not in the legal law terms, contiguous. I. Pronschinske referenced another one, balloon on a string, the City of Arcadia owns 40 acres that they jumped over, an island, and now we have a contaminated dump and now they want to eminent domain another 40 acres. What's next? K. Geske asked when the township is going to take a stand and say enough is enough. At 9:59 a.m. R. Tuschner asked for a 2 minute break to make a phone call.

At 10:03 the meeting reconvened. I. Pronschinske stated that the Town wants to find out in writing where we stand as far as backlash from the City of Independence or backlash from Superior Silica Sand, also backlash from Karen's attorneys. We want to know where we are at. We don't want to make any resolutions without having an opinion. K. Geske asked if we could contact Mr. Brovold by phone and have a conference call. Discussion continued on getting a written opinion, the attorney thoughts, putting an attorney on the

spot, having notice, and being fair. She stated that in her thought process we should have had this looked into prior to the annexation going forward. Mark Geske stated that January 31<sup>st</sup> is Friday. Discussion was held about what will happen by January 31.

S. O'Flaherty had a second question to ask: is the Board still open to meet with the Towns of Burnside and Lincoln. R. Tuschner stated that he asked the individual Town Chairman to get back to us and tell us date, time, and place, and we will be happy to meet with you. For me, I will. He asked Mike. M. Chitko stated he would be willing to at a public meeting. Discussion continued on how to set up this meeting. R. Tuschner stated that they will not meet on an individual basis on a non-posted meeting. Sara Slaby asked if they said they did not want to meet publically. R. Tuschner stated no, he asked them and they said they wanted to meet with him, the chairperson: the 3 chairpersons. K. Geske asked the date of this phone call. S. Slaby stated that just because they did not call him back to set a time, does not mean they do not want to meet publically. R. Tuschner stated that they were told to get back to him when they set the time up; he left that up to them, to set the time and place, so we can turn around, post it and meet with them as a full board; they asked him specifically, 3 chairpersons; they wanted him there; he stated that he would not meet with them unless he had the full board. K Geske asked if we could extend a hand to ask the Towns of Lincoln and Burnside at an open meeting; to take the first step. R. Tuschner had no problem with that. Discussion continued on how to set up this meeting on annexation and the agenda for the meeting. I. Pronschinske wants the written opinion before this meeting is set. M. Chitko asked for an extension of the January 31 deadline. Discussion continued about the extension, a step in the right direction, and the January 31 deadline. R. Tuschner asked if this invitation could be extended to all of the County Board members and all the ELUC (Environmental Land Use Committee) members. If we want to talk about the contesting of this issue, we have to also involve into that, so that we as a Board, we represent not only the people on the petition; we represent the entire of Arcadia. It's not only the people of Independence, the City of Independence, the Town of Burnside and the Town of Lincoln that are opposed to it, but the others who maybe opposed to it or may not be opposed to it. The point is the subject matter is annexation, the word contiguous, but the gut of the subject is annexation. We need to sit down and talk to these various people, what is it you want, why do you want it, is there a give and take, or is there not a give and take, if so, why so, and if not, why not. He gave the example of the IOH (implements of husbandry) and the way it was arrived at was sitting down and talking about it and coming up with a compromise. S. O'Flaherty agreed that the County Board should be included; that you could invite the entire ELUC, but it wouldn't be mandatory. It was agreed that nothing would be mandatory. I. Pronschinske made the point that the Town CUP gets forwarded to the ELUC and this is what the Town would like to see; that we send to the County for their approval of whatever we send there. He spoke of the dairy barn just sent this last week where they ask for our blessings. Why did we get to this point; why do we have all these annexations going on; the County has got a policy for sand mines in Trempealeau County; it isn't that the township that has it; all the permitting is done through the ELU committee; it isn't done here; why are we at this point. S. O'Flaherty stated that this is a fair question to ask. The reason they are going to the City is to avoid the County guidelines. M. Geske was involved when those rules were made during days of the Badger Mine when he was their neighbor. He continued giving his personal experiences of being a neighbor of a mine. R. Tuschner stated that we need to sit at a table and talk to each other, non-evasive manner, no holds barred, but respectfully. We need to come to some sort of conclusion. S. O'Flaherty stated that the request is for the Town to reach out to make that invitation to set up that type of meeting. M. Chitko asked if the January 31 deadline could be extended. S. O'Flaherty stated that if the Town would commit to make the invitation to have this meeting with the other townships. Discussion continued on the extension, the letter sent, and date. S. O'Flaherty agreed to extend the date with the condition on sending the letter out. That was the only thing he would agree on. R. Tuschner has stated numerous times to initiate a joint meeting. Discussion continued on that meeting; the only subject matter of annexation; why, how did it come about, why are we doing it, why are these companies going to the cities versus staying in the townships, because of the ramifications of what is happening. We will spend our dime and our Clerk's time to do this; done properly, openly, with transparency. If people come, that is fine, but it will not be discussion from the people, but discussion from the people that are invited. This will not be turned into a fiasco; it will be structured; both sides of the issue. K. Geske stated that we clearly know how this happens and the majority of the township has been very well educated on why these annexations occur. It is because these mines do not want to operate under the County regulations. What she is looking for from your attorney is that letter. She needs something written from the Town; just having this meeting is not going to dismiss what I am requesting. I truly believe that the people that live in this township totally understand why there is a mine over here and a mine over there and all about what is going on with annexations. Some are clueless, because they live on a cell phone: young people. The majority of the people that pay the taxes get this. I am here to state that it is time we stop this, and we can do this as a township. I. Pronschinske asked, stop what? K. Geske answered, annexations. This can't continue, we have to have this conversation; we are losing valuable land to our township and to our neighbors that was never meant to be industrial in the first place; it was all agricultural; I understand that things change; we can change our comprehensive plan; I get all of this; but I still would like that letter. R. Tuschner stated that we can't give you that letter. K. Geske stated that she understands that she could not get it today, but would like it also, because to just have the meeting would not suffice without having the letter. R. Tuschner stated that the underlying reasons for this letter that you are requesting and that this County is embroiled in, is why didn't we sit and talk about this before, and if we can from this point forward come to some sort of conclusion and that is the underlying thing. This is not speaking to your letter specifically, although, your letter is a part of why this letter is being requested. K. Geske stated, correct. The 2 larger mines on our side, between Independence, Whitehall, and here is Hi-Crush that came through and purchased property at a high dollar amount and then asked to become part of the community. Then we had this turn over

from a smaller operation to a larger operation to an even bigger operation, and no one that lives around the mine was or is notified. Part of this also is the City of Independence's fault. Somewhere this needs to stop. If these mines are going to be here, if you are for or against the mines, the first and utmost is your property rights, you do that, but if your neighbor has property rights they should be able to negotiate for themselves. This is what I want or they follow County regulations, because they wouldn't be here if they couldn't operate 24 hours a day 7 days a week. R. Tuschner disagreed. Discussion continued on mines that agreed to not operate 24/7 and their size. K. Geske asked why Superior Silica couldn't work with the County. M. Geske stated that they can't economically come out positively with County rules. S. Slaby agreed stating that the one out her way could stay economical would be to annex, because of less fees, less rules they have to abide by, and they don't have to go 24 hours, but they can. She referenced the health committee and the contacts made; they want to be annexed because it made things easier for them for many reasons. M. Chitko commented that in the State of Wisconsin, a city can override the county rules and regulations. He gave an example of speed limit. This was written back in the State's charter. The County is a form of government too; they have to look at requests individually and see a trend; deal with the trend, make amendments; what the County didn't know that these sand mine companies would take that route; shame on them, because they are forcing the sand mines to go and talk to the cities and dangle money in front of the cities. He could see where this worked in the town of Blair and the town of Independence. Now we are dealing with the aftermath of that. S. Slaby agreed; because these mines came in before we had proper ordinances and regulations. M. Chitko stated that the ordinances and regulations are at the County level; the Town of Arcadia and every town in Trempealeau County, in 1995, turned over all the zoning rights to the County (1980 some); we abide and let Trempealeau County government do our zoning for us; we can make recommendations; they have zoning laws; like if we want a foot wider or taller, they approve those things; like Ivan said, they control the zoning. R. Tuschner stated that what comes to him from a lot of people, both in and out of the Town of Arcadia, is that did you go to those property owners that signed documentation from the city from their property to the City of Blair, from their property to the City of Independence, from their property to the City of Arcadia, did you go and coerce them to turn around and say I want to annex. Again, if I am in the line of where Warners are, did these sand companies come to Mr. Warner and say this is our plan, we need to go through your land to get to this point, point B, and do you have any objections. K. Geske interjected that they have gag orders on them. R. Tuschner continued, and if they willfully on their own said yes, what is in it for me; if they willfully accepted whatever the proposal is, in different property, monetarily, I don't care what; we as a Town have been asked previously to oppose property values, minimum property values; 4 attorneys and the opposing attorney for one of the landowners in letter form came back to the Town of Arcadia and requested very eloquently, very nicely, we don't belong in private property negotiations. He asked the same questions at WTA seminars, and they said no, stay out of it. You will get your nose burned. Stay out of it. K. Geske stated that she understood what he was saying, but we still have to be able to protect those who are next to these type of entities, so if Superior Silica, as an example, they come to you, and I have heard you ask, have you talked to the neighbors, they said they did; if they do not go and follow through with their responsibilities and talk to all of the neighbors, I don't care if they are going to annex, because this was months prior to the annexation, someone had to be going around over there talking to their neighbors whether it be Cameron Rail, Guza GG or whatever, any one of those, and the individuals that represent them, to make this co-op of land; there was this movement going on un-benounced in the perimeter there is this movement, on the exterior there is no knowledge of this, until it is bam right in our face; and that's the part where I believe Superior Silica did not follow through with our recommendations that they need to do, because they were doing this during the same time frame they were in the Town of Arcadia. R. Tuschner stated that he understood where she was coming from. An example, that is an amendment requesting an amendment to the current CUP, point being, this came from Kevin Lien 2-3 years ago when Mike Wineski was on the Board; we got a little bit upset when owners of sand mines were changed, here they are in the Town of Arcadia; Town of Arcadia constituents come to the Town Board, not to the County, not to County Zoning, not to the County Board; they come to the Town of Arcadia because we were the closest to them politically; our answer was that all that was needed was a name change on a form and that is the way this Board, at least I acted; an amendment is an amendment to the original plan; there is another amendment that's coming up to this Town Board also, it's not on the original CUP that was requested or wanted; it's an amendment to it; an amendment is an amendment, so if you have different meanings for amendment; I'm trying to turn around and say let's treat everyone fairly. K. Geske understands, but an amendment to their CUP would not have to read adding an additional 1,000 acres to this CUP; that would not have to be posted in that, name change and not additional acres. R. Tuschner stated that that is what was told us. It is an amendment. It just has to be a name change or whatever; to me an amendment is an amendment. K. Geske asked, regardless of what they are amending? R. Tuschner stated that an amendment to the name of the owners is just as important to me. K. Geske stated that when we post that for an open meeting, or when it is going to be discussed, or are amendments mostly discussed, pretty much in closed session. Is that for our township, does that amendment specifically state that if Karen Geske's mine is going to add another 1,000 acres to her original 500 acre mine (end of tape). M. Chitko said that if they were to add in the middle of the annexation negotiations with the City of Independence, then they wouldn't be negotiating with us. They wouldn't be asking us to make an amendment to the agreement. That agreement wouldn't take place until they became in the City of Independence. K. Geske asked if asked if that wasn't kind of backhandish. R. Tuschner stated no; annexations take place all the time; for whatever reason, and by State law we cannot contest Burnside, Lincoln, Town of Arcadia...M. Chitko interjected, Jerry Myers or anybody...R. Tuschner repeated Jerry Myers, Alpine Sands; we cannot contest that until the annexation has gone through. In other words, Independence filed or they had the annexation. We as a

Town or any other individual cannot contest that until that annexation has gone through. S. O'Flaherty stated that that was why they were here; that is the process. R. Tuschner asked did we look into it, did we call all of the surrounding neighbors for an amendment to the CUP, no, we did not; I would be lying to you if you said we did. That did not take place in the City of Arcadia. It took place at Trempealeau County. The CUP is not issued by City, Town of Arcadia; it's issued by Trempealeau County. As so many annexations that take place, we don't even know about them until our tax individual comes, C. J. Becker, comes in; hay, that that no longer belongs to you. We have not even been notified on some annexations that took place. We are out of the loop. I am not making excuses for the Town of Arcadia; I am telling you that that's the way the process or the protocol is. Will it fall back on the Town of Arcadia, yes; it does, because we are the first ones to be talked to. And we look at people and say what are you talking about.

Your husband came up with the royalty agreements and asked the question; did you know about this. (He was talking to S. Slaby.) No, how would I know about it? I'm not being negative here; how do I know about it. He asked for my opinion; and I have him a personal opinion, not a Town opinion; I gave him my opinion. I'm telling you the way the processes are set up; we have to follow sequential, and if we don't this Board is in a problem, is going to have a problem. If people say we have not followed the proper process, and I am not saying we are God, because we are not. We make more mistakes than anybody.

K. Geske stated that what we are going to move forward here is: the Town is going to send a letter...R. Tuschner interjected we will initiate the letter...K. Geske continued, inviting the Town of Lincoln and the Town of Burnside to come together as full boards to meet at a specific location to discuss...R. Tuschner interjected, annexation...K. Geske asked are we going to discuss this specific annexation or are we going to discuss annexation in general. R. Tuschner stated that he thought annexation in general is going to include yours and everybody else's because, I've said this before too, every action has a reaction, I don't care what it is, whatever action we as a Board, 3 boards will take, to invite ELCU and the County Board members; I think they should be invited to it; whatever action that's going to do we have to anticipate reactions to that; what do we want to accomplish by this, why do we want to accomplish this; we have to have rationale behind it as to why, but then you look at the consequences beyond that. Example: your request for petition, the reason that we are talking, judiciary rationale, what are the consequences to going in with this letter. K. Geske stated that we will find that out from Mr. Brovold. R. Tuschner stated that this was his point; we have to look at both sides and put ourselves in the shoes of both sides. We will turn around and take the initiative, this Town will. He gave his personal opinion, he said this before: if we would have had this discussion between these entities previously, we would not be in this position that we are in today. K. Geske stated that we didn't have any standing prior to the annexation. R. Tuschner stated that you had standing; he is not talking about annexation; he's talking about what we're talking about what is causing annexation. He is a firm believer in that. He gave an example about sitting across the table and talking to each other to solve the problem and to try to compromise. Jeff Bawek asked what he thought caused annexation. R. Tuschner gave his personal opinion. He thought there were 2 things involved that were paramount: one being property rights on all sides, not a one sided issue and two, communications. Those two issues, in his mind, are paramount as to why we are in the situation we are in at this time. Again every action has a reaction. He referenced a WTA Unit meeting on conflict management. Sit down and talk to each other without being mad at each other. Talk about the issues and try to come up with a compromise. He referenced the implements of husbandry and that neither side got what they wanted, but they came to a conclusion which became law. He also referenced the Democrats and Republicans and that they need to sit down and talk to each other and stop butting heads. He referenced fence viewing and having the neighbors to work it out. I. Pronschinske stated that he thought the State would step in and regulate it.

K. Geske wanted a clear understanding of what was going to be done. She stated that we are going to send out a letter to Town of Lincoln and Town of Burnside chairs, the Zoning Department, and the County Board members and have a meeting within a time frame. R. Tuschner stated that we wouldn't know until we found out if they were in agreement with it. K. Geske was summarizing, we are going to send the letter out and do an invite; after that you would still be talking to Brovold about the petition, and she asked when she would hear back from that. I. Pronschinske spoke for himself, suggesting that Ron call Jack and Fred to see if they are in agreement, if they are not in agreement then we are wasting our time sending out a letter. R. Tuschner stated the invite is sent out to all mentioned, if any entity does not want to participate, they come off the mailing list; that doesn't mean we stop with it; it just means they have told us publically we don't want to talk about it. If you are a public official and you can't come together at a point in time at a meeting; then you don't belong being a public official; it's that simple. This was his opinion. K. Geske asked that the Town's attorney look at her letter and the petition; get his legal advice; get a copy of what that would be. R. Tuschner stated that a legal opinion is open to the public unless there are some personality things in it. K. Geske asked if she could get a copy of his response. R. Tuschner stated only after we get a chance to see it. K. Geske understood that. Discussion continued on the time frame for Attorney Brovold's response and the previous situation where we waited 4 weeks, did not receive a letter, but received a memo. S. O'Flaherty stated that there were two different issues; we're jumping issues; first issue is sending out the invitations with a meeting date in a reasonable time, in the next week or two. R. Tuschner asked the clerk about contacting the recipients of the letter. Discussion was held about the contents of the letter and the procedure for disseminating it. K. Geske stated that she would extend the January 31<sup>st</sup> deadline two weeks. It was decided that February 15 would be the NLT date. Discussion continued on the location, time, and specifics for and of the meeting. B. Killian stated that she could get the letter out tomorrow, Thursday.

Sara Slaby mentioned that it was stated earlier that the Board didn't even know of some of the annexations until you get a letter or someone calls to talk to you. She was wondering if she was wrong in saying you supported the annexation of Superior Silica to be annexed into the City of Independence. R. Tuschner stated that the way it was stated in our official letter was that we were not opposed to it. M. Geske stated that if you are not opposed to it, then you support it. R. Tuschner stated, no, we are neutral. K. Geske stated that the word was changed from in support to what you just said. S. Slaby asked what would be wrong with you, as the chairman of this great township, to not support these annexations and want to hold on to as much of this precious land in the Township as you can. R. Tuschner asked from a personal standpoint or a board standpoint. S. Slaby and K. Geske both said from a board. R. Tuschner stated that we look at the entire issue; what is it going to do for the community; number one, pro/con, what's it going to do for the community; dollar value wise, there is no negativity to it, but there is a probability and possibility of positives to it; the stand point of health, water, air, and sound; he has asked for validation of statements made at meetings, not hearsay, but validation; up to this point other than his own research on the computer, state statutes or whatever, there are a lot of theories out there, but nothing that can be quantitative to a point where scientifically proven or statistically proven.; From a personal point, he spoke of Highway Q and his experience of stopping at a couple of places by Hi-Crush, the road going into the plant and by the conveyor used to transfer the product and listened to the noise factor during the day, audible noise was very minimum, could hear the conveyor going, but it was small, he thought (without a decibel meter) about 10 decibels; looked for particles falling, and didn't see anything. Farther down the road there was an individual in the field working; dust, noise 15, 20 times greater, and at times he couldn't even see the individual on the tractor. This is not being negative to what you are talking to. He was just looking at this. I myself am a farmer and have probably eaten a lot of dust. He spoke of his personal experiences. His point was that he tries to do his own self-evaluation. He knows what the people are talking about, but to his knowledge it is not scientifically or statistically proven.

S. Slaby had 2 points: she asked about the annexation and health aspects. Why wouldn't you, if I was on this board, I would want to keep as much land into the township as possible and not give it away or let it go away. On the second point, I was on the health committee board and spent thousands of hours on research. The health information you find on the computer is not what scientists and researchers find. You have to be members to go onto scientific sites, have passwords, and pay memberships. If anyone here is going on the computer and looking to see if silica sand causes problems or light shining in your window causes cancer, you won't find that. You have to be a researcher and be members of scientific sites to find that information. These are two completely different topics. One, is why would you want to give your land away, and you don't have to answer that question; and number two, if you want to know the scientific research behind the negative sides of sand mining, you have to go on scientific sites. To start the research, read the report that is on the County website. R. Tuschner stated that the health analysis has been done for about 5 months and he has gone through it. He does not understand everything. He has gone on some of the sites and she is 100% correct; he can't get on them. In response to why he wants to give away this land; one response is that he has checked with attorneys and the Department of Revenue; we've been to seminars with the Department of Revenue and Department of Administration; we've asked some of these specific questions at those seminars we've been to, as an example, the Department of Revenue also, statistically can you tell us that property values have declined; he referenced the meeting in Eau Claire that M. Chitko and he attended. His point was: a professor gave his viewpoint that the value depreciates, didn't give statistics, but gave reasons for why it would or should. The Department of Revenue individual came up with statistics and it goes 180 degrees on the other side. K. Geske interjected that the buyer is probably the sand mines. R. Tuschner stated, not necessarily. K. and M. Geske stated that they had tried to sell land 3 different times. They spoke of their personal experiences with Badger Mining next door and trying to sell their property. M. Geske stated that if you stood there and listened, you wouldn't notice the noise, but if you slept there you would have had a different opinion. He personally knows of a lot of people that sold their land, because they didn't want to be there anymore. He continued talking about his experiences and the diversity on the borders and no compromise as stated previously. R. Tuschner stated that he feels empathy for him saying that. M. Geske stated that he knows some neighbors next to Hi-Crush that cannot sleep at night because of the hum. Discussion continued on different noise situations. M. Geske stated that as you get older, it bothers you more. Property values are not an issue if you don't want to be there anymore. He continued explaining his personal situation of putting the farm together and doesn't want to sell and wants to stay there. They have had that experience already. R. Tuschner stated that he has empathy for them. M. Geske stated that in the end your life becomes too undesirable to continue living there. K. Geske stated that this was 30 years by Badger and now it is over here. The Geskes continued talking about their personal history with the Badger Mine and that they feel their whole lives are at jeopardy. K. Geske stated that this is not anti-sand, but the teetering and the unknowing; the stress. They spoke of properties that they own and their feelings. This is how other people feel also; because they have done something their whole life one way and not that they don't accept change or want change, but the feeling of getting socked in the stomach and thinking of this.

S. Slaby stated that a proud chairman would think, I love this township; I love the people I represent in this township; I don't owe anything to a company coming in from Timbuktu; I want to keep my constituents healthy, happy, and a nice community that we've had. If you would as a township say we don't agree, we do not support this annexation, what you do, you go ahead and do; you're telling your constituents that I'm not just thinking about dollars, I'm thinking about her health, her ulcer, and someone else's cancer, and keeping their grandkids here, because they leave, their kids leave, their grandkids leave; it's a ripple effect. In our study, people don't stay around sand mines. R. Tuschner stated that on the flip side a lot of people don't come forward; they say just leave it to the elected

officials, but when you talk to them on a one to one basis at church, in town, or at an event and you ask them how they feel on this; the majority of people say hey, it's my land, that's all they'll say; it's my land, and you can take that for whatever you want. But then I get people that come to me and say, why are they depriving me when I read on the Town Board minutes, that were published, a month later, why are you depriving me of trying to get better work, better jobs for my family. Is that not health, safety if I can provide more things for my family. I'm just telling you this. S. Slaby stated that we have very little unemployment. R. Tuschner stated that that is not the point. An individual stood up at a meeting. M. Geske interjected that things have changed in the last few years here, and they are going to change a lot more. S. Slaby stated that the hard working people you will lose and the 2 or 3 people that want a better job instead of taking an \$11.00 pay job, because they didn't get an education, then they are going to get a big raise; yes, very few people, I think only 44 people in the whole County are employed by sand mines. Look at the report. R. Tuschner agreed. M. Geske stated that on the computer Hi-Crush has 67 employees for the 3 mines. R. Tuschner stated that he is telling you that it is out there. Discussion continued on the number of jobs, the number, and statistics should go out there. K. Geske thought that these are just excuses not to address the underlying problem which is if you continue to do this; you won't have a township; people that want to live here, own the property, and pay the taxes; period, because no one will want to be here anymore. That is the reality. You know I say this all the time, and that is it. S. Slaby stated that from our report you have the poor people that can't afford to leave, and that is who stays. People like me, people like educated people; we leave, because we can afford to leave. M. Geske stated that he has been here half of his life and has never been without a job. Discussion continued about people and jobs; people leaving if mines go in around them; people that have supported the communities for years leaving; and having whomever remaining. K. Geske spoke about her family and the possibility of intolerable conditions for them; living next to mines and the intolerable experiences they have had; little mines and having no complaints about them and the original agreements; feeling deceived by superseding the agreement with the original agreement and not being notified even during the process of changing; the neighbor's cow, trap club shooting, or racetrack that goes away, but this will affect all of us. M. Geske stated that the previous examples were entertainment, but this is not entertainment.

Jon Olson asked about the signatures on the petition. He objected to one of them; his wife's, she was deceived on what she was signing. She thought she was signing a petition against a sand mine next to her mother's. K. Geske stated that she didn't know who took his wife's signature. J. Olson stated that his wife stated that she wasn't 100% sure of what she was signing. K. Geske asked who presented it to them, referring to his mother-in-law and wife. Discussion was held on not revealing the presenter, the procedure that was to be used, and not signing something without reading it. J. Olson got a copy that Karen had left here and showed it to his wife; he asked her if that is what she signed; she stated, no because the paper was folded over because Ron's, Mike's, and Ivan's names were not visible to her. K. Geske said she could not answer to that, because she did not get those signatures. J. Olson asked if the people were deceived to sign something. K. Geske stated, no, and that it was not meant to be that way. M. Chitko stated that if someone did that, they have to answer for that and should go back to the group and ask. K. Geske stated that people are still asking to sign it, but she is not taking any more signatures. Discussion continued about the procedures used and the understanding of what was being signed. M. Chitko stated that as a board, or as a chairman, do we want to see land leave the Town of Arcadia, I've been going to meetings prior to being on the board, and I asked the same question, nobody on the Board wants to see land leave the Town of Arcadia because we know some of the implications of that. It happened, and the Board has very little control. We understand now that there are legal steps that can be taken towards annexation. I go back to the reason how did that happen; why would a mine want to go into the City of Independence; why would people want to sign up and become members of the City of Independence when they are already living in the Town of Arcadia; why would people want to become citizens of the City of Blair if they are already a member of the Town of Preston; those are questions, why they do that. K. Geske stated that in this specific annexation their homes are left out of the City of Independence; they are in the Town of Arcadia; and their land that they only want to use for the specific purpose is what got annexed. So that is also troublesome to me and that is the question I ask, so we should not allow this to go on; we should not allow this to go on. M. Chitko stated the annexation petition which was signed by all the landowners; they are involved in going into the City of Independence; they agreed that they want to become citizens of Independence. S. Slaby, B. Killian, and K. Geske all stated, no, it's just their land. B. Killian stated that they giving their land; they are in the Town of Arcadia; they are voting in the Town of Arcadia. K. Geske stated that they vote in the Town of Arcadia, but the entity that they annexed in belongs to the City of Independence. M. Chitko stated that they still have property in the City of Independence; they are property owners, so they are citizens of Independence. B. Killian and K. Geske both stated no, they are not citizens of Independence. M. Geske stated that they vote in the Town of Arcadia. K. Geske talked about land that she owns in the City of Independence and when she goes to their meeting she doesn't get to vote, but she stands up at the meeting and states that she is Karen Geske, taxpayer in the City of Independence, and that's how she has some standing; does it hold any weight, none. Darrell Przybylla stated that the residences were left out of the annexation. M. Chitko stated that maybe he should have used the word taxpayers before instead of citizens; I want to pay taxes to the City of Independence; I want to be a taxpayer; I want to become a property owner in the City of Independence; what's the big deal. What would the City of Independence give these people? I. Pronschinske stated that by doing that and leaving your house out, who would want to buy your house then if they want to sell their house. Why would you want to buy the house that they left out? K. Geske asked why they wouldn't have put their house in; the property taxes from Independence to Whitehall are like \$600 difference higher than in Independence. M. Geske interjected \$400 and spoke about their duplexes in Whitehall and Independence, and the taxes in Independence being \$400 to \$450

more than in Whitehall. J. Bawek stated that it might have something to do with supplying sewer and water. M. Chitko stated that he didn't think Independence wanted to supply sewer and water far out as they can reach. S. O'Flaherty asked then what's the purpose of being part of the municipality; being part of a municipality has to do with the definition and that is part of contiguity. I. Pronschinske stated that they want to operate 24 hours a day versus the County's policy. M. Geske stated that this is the only reason they annexed. R. Tuschner stated that, no, it isn't; there are height adjustments that they know will never go through. M. Geske stated, it's regulations. R. Tuschner stated the point it did not go through yet, is if you go around the county for the height that they wanted to put up wash towers and stuff like that; it is no higher than some of the silos that some farmers put up in this community, and they allow that. That is the perception of what they feel; the biasness is there; not from your committee, but the variance committee. K. Geske stated that they supersede the County and go into the City, annex into the city like Hi-Crush did. She was at the city meeting before she came here and asked about Hi-Crush being in violation of their building permit; 20,000 feet, Chad tested to it; when she asked the questions she got the skip around, Ayres isn't here, they are in violation and there is no ramification. The City of Independence is incapable of monitoring Hi-Crush. That is another concern. M. Chitko stated that the City of Arcadia learned that early on, earlier than Blair and Independence did. K. Geske stated that they aren't following even the regulations for the cities they are in. I. Pronschinske stated that we are getting off the subject.

J. Bawek commented on the annexations issues and what this township will come up against; there was a NR135 meeting that all town representatives were invited, but there was no representation from the Town of Arcadia. A consultant from the City of Blair stated that undeveloped land is just land waiting to be developed. That's what the township will be coming up against when we have this; they want this land; its money and revenue for the city. As a township, you/we have to have something in the back of our minds as to how do we combat that. How do we keep our land in the township, because they want it? There are reasons why annexation goes on: it's personal property rights and also the want on the side of the cities to acquire this land. For the constituents in the township, to protect our tax base, which it sounds like that thought process had taken place. It needs to be spoken about in much more detail, so that we as a township make a definite stance as to no annexation; to retain our township's identity. We need to formulate a plan to come forth with at this meeting to combat that type of thought process. K. Geske stated that we would like to keep our land and not have it annexed into the cities. We, the constituents, would like that our representatives entertain that thought and work within that framework. J. Bawek agreed that that is what this is all about. R. Tuschner stated that what you just said is not very far from what I said previously; he said several times before; this should have been looked at a long time ago, and spoken to; you said there is no compromise, but if we like it or not there may be no compromise, there may be some compromise, I don't know what that is; if these talks would have taken place before there is a very good chance, not 100% chance, that these problems could have been resolved; you have a company that wanted to come in, not under the 24/7 guise, that was denied; it's black and white. I'm not against anybody here; I'm just stating what is a simple fact. The point I am making is there are things that I, you, or whoever is sitting here may like or dislike, that's our choice. When I represent the constituency, I represent all, and I look at it from that vantage point, is there a number here that likes, is there a number here that dislikes. Now, then you go to the statistics, and Sara said you can't get onto those certain sites to find this information, and she is correct; I have tried; I don't have the passwords to get on them. You cannot tell me, and that's where I disagree with the gentleman, there is always room for compromise, if given a chance. You don't have to give away the farm, but you can talk about it. It can be a 60/40, a 70/30, an 80/20, but when those talks take place, whatever side you are on, then we have an analysis of what, why, when, and where; but until that happens we are shooting bullets or bb's in the sky, not knowing where they will land. You have got to get the people who are in charge together to talk about these things. He stated that we have school districts, ambulance services, and fire departments that have been totally ignored because of annexation. Why did annexation happen? Let's get back to the root problem where we should have talked about this before. I'm not blaming it on to anybody. Any individual, you're on boards, I'm on boards, should have thought about the ramifications to anything that is being passed. I don't care if it is a flu shot, and he spoke about that situation. As far as statistics that are out there, they are ongoing; it's a continual, medicine, light, water, whatever have you, it's a continual change, so talk. I'm not delaying this process; we have never done this on this subject, and it is so long overdue it's pathetic; we haven't even given it a chance to see if there is a compromise; that is the public officials' elected problem with this; this is a personal opinion. We should have sat across just like we are talking now, and talked about it as units of government that are supposedly in control of making these decisions. We have not done it. There has finally been a resolution passed at the last board meeting as I understand for discussions, thank God; it took 2 years of me saying this, 2 years, publically and privately, at our meetings, ELUC committee meetings, at public County Board meetings. Why is it so hard to get people together when you don't even know if there is a compromise? If I come into this place as a board member, and if I don't leave my feelings and opinions outside the door, I will make the decisions on what is presented and what can be proven. That's the way I do business, and I'll tell you that is hard for me to do, because I've been on my own for how many years, farming. That's hard to do, and it's hard to learn the other concept, and this is just my feelings. I say, let's go ahead with these talks. How do you know what's going to turn out until they are held. S. Slaby stated that the ordinance that he referred to that got passed last night was based on the report that was done due to the one year moratorium. She talked about the survey sent out to over 800 people in the county and asked for their opinions on many different things. One of them was elected officials. The elected officials got the poorest review, because they said if you are elected to represent me; you should have before you let any of this come into the County, whether through the County or being annexed have a meeting; you didn't know or

any of you didn't know about annexation, if you would have called before AllEnergy or before any of these companies annexed if you would have said let's have a public meeting and everybody come and let's talk about annexation; what do you think; you would have educated yourself as well as given everybody a chance to talk; that would have pushed it along faster instead of now we are clean up. R. Tuschner stated that he asked for this before AllEnergy started. He made those requests before them. S. Slaby and K. Geske stated, let's call a meeting and talk about annexation. R. Tuschner stated that we have, as a township, sat and listened to people's concerns; we have put them down as conditions in the CUP's; we were told this is out; you have no authority, by corp. counsel; I was there, and I stood up and asked why even send it to the Town of Arcadia if you don't let us keep our conditions that we stated on there; they stated that we have no authority, so if we have no authority, why are we spinning our wheels. This was just on 2 or 3 issues. I. Pronschinske asked why we were sitting here for 3 hours. R. Tuschner stated, because we are talking to our constituents; my point being if you want it local, let's have it local. S. O'Flaherty stated that we have a plan. D. Przybylla asked about the \$34,000 to be collected by the end of January from Independence. I. Pronschinske and R. Tuschner stated that we would look into that. R. Tuschner stated that it is not our job to ask for money. Discussion continued on this subject, responsibilities, and procedures. R. Tuschner stated that it is a legal document now, but this is being contested; that is him saying this. Discussion continued on waiting until the results of the contesting, snow plowing, and a topic for the future. M. Chitko finalized and summarized that the deadline of January 1<sup>st</sup> will be extended for 2 weeks; a letter will be put together inviting townships, County Board members, and ELUC members to a meeting, the date to be determined, but to get a response back of their interest by February 9<sup>th</sup>; that letter and/or email will be taken care of this week before the end of the business day Friday; and this will satisfy the extension of the January 31<sup>st</sup> deadline.

R. Tuschner adjourned the meeting at 11:45 a.m.

Respectfully submitted by,

Beth Killian  
Town of Arcadia Clerk