

# TOWN OF ARCADIA

Trempealeau County



Ronald Tuschner, Chairman (608) 323-3035

Ivan Pronschinske, Supervisor No. 2 (608) 323-7675

Mike Chitko, Supervisor No. 1 (608) 323-2414

Nancy Rohn, Town Treasurer (608) 323-7063

## Town of Arcadia Minutes of Regular Board Meeting Monday, February 23, 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. Roll call was taken. Board members present: Chairman Ronald Tuschner and Supervisors Michael Chitko and Ivan Pronschinske. A list of residents that attended the meeting is available at the town hall.

Ron Tuschner led the Pledge of Allegiance.

A motion was made by M. Chitko and seconded by I. Pronschinske to adopt the amended agenda. The motion was carried unanimously with a voice vote.

A motion was made by I. Pronschinske and seconded by M. Chitko to approve the minutes of the Special Board meeting held on January 28, 2015 as well as the minutes for the regular board meeting on February 4, 2015. The motion was carried unanimously with a voice vote.

The minutes from the February 4, 2015 were not completed yet. Beth Killian, Clerk, commented that due to the very lengthy meeting she has approximately an hour's worth of tape to review. She asked if this meeting could stay on task.

A motion was made by I. Pronschinske and seconded by M. Chitko to approve the disbursements of February 23, 2015. M. Chitko had a question regarding disbursement for Kostner, Koslo and Brovold. B. Killian commented that the details are available on the report. The motion was carried unanimously with a voice vote.

### **PUBLIC COMMENTS:**

At 7:06 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the February 23, 2015 agenda. Patrick Rohn, Mark Backer and Linda Backer voiced their concern about the proposed Suchla/Bagniewski sand mine (attached). Nancy Rohn commented that she heard that she "stirred up the neighborhood" by contacting neighbors regarding the proposed sand mine. If she bothered anyone she apologized, but felt she did the right thing by letting people know. Attorney Scott Curtis, representing O'Flaherty legal firm, mentioned that they feel that the road use agreement with the City of Independence is overdue with their payment. City responded that it is not due until Nov. 2015. Clients are outraged as they feel that the Township is entitled to this payment now. There is no reason to amend the agreement. He also stated that the Town of Arcadia not back down. Karen Geske then took the podium, inviting the Town Board for the 3<sup>rd</sup> time to join the annexation lawsuit. Per Judge Damon this lawsuit is not dismissible, so we can now get other recruits to join in. The next court date will be either April 13 or 15. She also commented on the special meeting bill

she received, offering the Town an option of paying the special meeting fee for part of attorney's fees if the Town would decide to join to lawsuit. Geske also commented on the fact that there was already a meeting that day with the Road Crew, so she was questioning the special meeting fee. Regarding the upcoming meeting on Feb. 25 she volunteered to represent the Township. R. Tuschner commented that this is not a question period, only comment. Geske also commented about how Whitehall handles annexation motions. If there is no 2<sup>nd</sup> to a motion on the subject, it can no longer be entertained. Why can't the Town of Arcadia use the same tactics? Please consider at future meetings. Ray Kamrowski spoke next regarding the Feb 4<sup>th</sup> meeting where he thought that another constituent, Kay Pronschinske, was disrespected by the Board during the time she had the floor. Next, Scott Leonard arrived and asked if there were any rules that needed to be followed during the public comment section. Tuschner instructed that only comments are allowed, not statements or questions. Leonard then read the County's Health committee's report regarding sand mines. He is very concerned about the number of private wells that could possibly be affected by the proposed Suchla/Bagniewski sand mine; 60 wells within one mile of proposed mine. He is also concerned about High Country regarding their net worth and small amount of employees. There is also a lawsuit that was filed by High County against Eau Claire County for not honoring permit. One of the Supervisors of Eau Claire mentioned that High Country wants to be good neighbors, but then sued. Leonard believes it is time to stop permitting so many mines; too many mines already. Kay Pronschinske then took the floor, commenting on the Feb. 4<sup>th</sup> meeting. She indicated that the Board is there to support her as well as other constituents. She felt that she was disrespected as two of the Board members were talking to each other, in disregard of what she was saying, and wasn't represented like she should have been.

**BOARD COMMENTS:** Mike Chitko apologized to K. Pronschinske. He continued by saying that he was speaking to the chairman regarding having High Country Sand "start over" with their initial presentation. Chitko also questioned Scott Curtis as to who he was representing during the meeting. Curtis answered that he was representing concerned citizens from Arcadia. Chitko wanted more details, but a Point of Order was called by K. Geske. Chairman was already moving on, so he said it was a mute statement.

**UPDATE BY TOWN FOREMAN:** Jon Olson, Foreman, updated the Board regarding various equipment: power washer is in good condition; cutting edges wearing quickly will need to replace soon; heater in garage needs repair. Olson may have to look for another heater as parts are no longer available for the old one. Olson also commented on concern of plowing regarding bus routes. He believes that bus routes have first priority during weekdays, and weekend priorities will be up to the snowplow driver's discretion. He asked the Board for their approval. I. Pronschinske commented that after the bus routes he feels that the drivers should possibly rotate routes...i.e. start from the opposite direction. A few of the drivers may be able to do that. Olson also asked that the Road Crew go to four 10 hour days as the County is changing their schedule as of April 1. Regarding culverts, Olson stated that there is ditch work in Holcomb Coulee that needs to be completed by Ray Weltzien. R. Tuschner will contact Weltzien.

#### **AGENDA ITEMS:**

- Response to Noah Slaby (Royalty Agreement): Chairman Tuschner indicated that he called the attorney regarding N. Slaby's mineral rights. Tuschner stated that the phone call was only a few minutes long, and in that timeframe he was able to come to the conclusion that this issue was already being addressed. Received info on Feb 10<sup>th</sup> that the mineral rights problem had started in October and ended February 6<sup>th</sup>. Attorneys were working on it, and admitted they were at fault. They will be paying "a significant amount of money" for Slaby's lawyer's fees. Tuschner also stated that he didn't understand why this was brought before the board since it was almost resolved, and the Board had nothing to do with this issue. "Cart was ahead of the horse" per Tuschner. Sarah Slaby commented that she felt the only reason the issue was being looked into was that it appeared in the paper. There was no communication before this. Tuschner once again stated that this should have been between the client and attorney, and not the Town Board. He commented that he is now done with this.
- Tire replacement for IHC Tractor Mower: R. Tuschner commented that replacement tires will be a significant expense. Discussion between Board members and crew indicated that foreign made tires last as long as

Firestone brand; but will give better traction. After reviewing wear issues, etc., Ron Grulkowski recommended the BKT 855 tires as they are less expensive and last just as long. Motion made by I. Pronschinske and seconded by M. Chitko to purchase the BKT's as well as liquid tube. Motion passed with a unanimous vote.

- Policies and Benefits Handbook: This was tabled for this meeting; agenda was amended earlier.
- Well Head Protection Ordinance: This agenda item is a continuation from a previous board meeting. Discussion revolved around City of Arcadia ordinance to grant prior approval for any structures within the perimeters of the City well head. Using Davy Engineering the City decided that no other structures can be within either a 886' or 1386' of the well head, depending on the structure. The Township has larger parameters of 2500 ft. M. Chitko asked what the County rules were for distance. Tuschner wanted the Board's opinion as to how comfortable they were with the distance. Only farms that would be somewhat close to city wells would be Russ Kujak's and Bill Schlessler's. City is asking Township to accept the Well Head Protection Agreement. Chitko mentioned that there are no developments close to the well heads at this time. Richard Schank questioned whether he was in the area to be concerned with the well head protection issue. He approached the table to review the map. Tuschner advised Schank to talk to the City regarding Well #4 especially. More discussion will be at the next Town meeting.
- High Country Sands Initial Presentation: John Dustman, representing Environmental Solutions from St. Paul presented the Suchla/Bagniewski sand mine proposal. He stated that their company is in the 25<sup>th</sup> year of business. They are pioneers in technology regarding air, water samples. They review data, maps and graphs; studying environmental impacts for the mining industry. He feels that there is a valuable resource in WI—sand. They appreciated the opportunity to meet with 30+ individuals, allowing them to explain their process/proposal. The presentation consisted of many maps including the location, phases of production. Also, due to neighbor's concerns the original draft has changed. High County has now decided to move the processing area back approximately 2500 ft., and the main access road will be off of County J; not on Middle Road. There are 13 million tons of sand to be excavated. The reclamation options will be using a 3 to 1 slope and will either be agricultural use or prairie vegetation. There is also an opportunity for an industrial park. Water was then discussed regarding an opportunity to utilize water from the City waste water treatment plant although this is still in the infancy stages. I. Pronschinske wanted to understand how high the hills are at this point, thinking that the processing would be in a "small valley". Dustman then showed the map once again, stating that there is little overburden. At this point they will mine down 800 feet. Al Woychik was then allowed to ask one question, he wanted to know the route that will be taken when hauling the sand. Dustman responded by saying that up to 150 trucks will drive onto County J through Arcadia to Hwy. 93 where they will continue to travel to Winona, MN. More details would be available during High Country's formal presentation at the next Town meeting.
- Policies and Procedures for Non-Metallic Sand Mines (Amendment): A letter written by Patrick Rohn regarding a proposal for amending Rule 2 was received by the Board (attachment). He indicated that the word "surrounding" by clarified. Verification that residents have been contacted no less than 2 weeks prior to the initial sand mine presentation. Tuschner went on to say that the County rules indicate that it's only "adjacent" landowners only. Tuschner spoke to quite a few people about what surrounding means. Chitko mentioned that surrounding can be varied depending on how many people are affected. I. Pronschinske said that rules have changed over the course of time. He indicated that the Town shouldn't have stricter guidelines than the County does. Chitko said informing people about the sand mine is a courtesy. They should find out about the sand mine before the first meeting. Can't paint it with a broad brush to say exactly how many feet as it depends on the how many people it affects. Pronschinske said that we are already out farther than the County and City by 1000 feet in some cases. Chitko feels that there is more to a project than just adjoining landowners. Pronschinske said that everyone would have a different opinion about what the word surrounding meant. Tuschner asked for public opinion, but only one person (Rohn) sent a response. So it is the Board's decision how to proceed with the policies. B. Killian spoke about the perimeters of the Rossa mine being 2500 ft. from the boundary line. Tuschner said we need specificity and Chitko agreed we need a measurement as well. Discussion was also brought up about what happens when we cross into another township, county, etc., where the Town of Arcadia does not have jurisdiction. If we cross over into another jurisdiction they would follow County specifications. Pronschinske said

we should stay with the County rules. At this point the Town Board is not aware of another sand mine being proposed, so a decision was made to table until the next meeting.

- Road Use Agreement with the City of Independence: Tuschner was in contact with Independence Mayor. Per City there is nothing on contract stating that they have to pay now. Their contention with the contract is they feel that have until Oct. 31, 2015 to pay for the Road Use agreement; the contract's language is vague. If payment is not made by due date, still have options to pay. It appears they are waiting until the judgment on annexation lawsuit. Tuschner feels that until this matter is resolved the Township will not see payment. Either way the Township has to maintain the roads. B. Killian stated that both the City of Independence and Township of Arcadia's levy limit worksheet will have to be adjusted for both parties if payment is not received this year.
- The Kraemer Company Price List for March 1, 2015 to February 29, 2016: The Town received new prices as of Feb. 14; affective March 1<sup>st</sup>. Prices are subject to change upon 10 days notice. The board needs to sign contract soon. If they close Wilbur Road (with approval of DOT) the Township is supposed to receive a lesser price for rock. Tuschner stated he wanted the Kraemer Company contacted to see if they are still willing to agree to the prior price. Tuschner and Killian to write letter to Kraemer; tabling until next meeting
- Appoint the Panel Member for the February 25, 2015 meeting: Board discussed that they feel that all representatives for this meeting will be mayors or chairmen. Board agreed to select Tuschner to represent. I. Pronschinske made motion, and M. Chitko seconded. Motion carried by unanimous vote.
- Designate the IOH Permit Signer: B. Killian attended a webinar regarding this topic: farm machinery traveling over roadways. Ivan Pronschinske said that this is another job for the Clerk. B. Killian indicated that there is no way for a clerk to know what the roads are made of. Farm Machinery is based on axles, etc., which helps determine how long the roads last depending on amount of travel, etc. All roads are rated for certain usage. Killian feels that the Road crew foreman knows much more about the condition of the roads. Permits are confidential information; application can only be viewed by the permit signer. Limited time line of 10 days to return the permit to owner. Permits are needed for each Township; each piece of equipment. Tuschner feels that these permits put too much stress on clerk. I. Pronschinske feels that the Clerk can accept a permit in a sealed envelope and then speak to Road crew foreman on how it's going to be handled. Ted Helgeson spoke up to see if this could be included in another meeting - possible intergovernmental agreement? The Board asked if Tuschner should be the first one to fill out his permits so they can be used as "a test". Tuschner agreed. Board decided to table until the next meeting.

**CORRESPONDENCE:** Referred to Pat Rohn's letter, spoke about earlier in the meeting. Received correspondence from Alpine Sands, LLC. They have indicated that this letter is fulfilling their requirement of a 60 day notice that they are not going to provide a letter of credit any longer. B. Killian mentioned the emails received from O'Flaherty, Egan and Birnbaum law firm; Community development grant – application training coming up. Received email from Foth regarding the Rossa sand mine - spoke about earlier in meeting. The agenda for Wednesday's meeting is in each Board member's folder. Received information from Mississippi Sand regarding road use agreement. Email about passing of Gerald McCutchen. Department of administration government report hearing for March 11 meeting at the county regarding Bagniewski Greenhouse as well as a flyer from local government center regarding upcoming classes was also mentioned. Tuschner spoke with Lyga on removal of Mill Road Bridge; will happen in 2016 or 2017. Request from Trempealeau County Agriculture Society wondering if the township would like to donate to the Trempealeau County Fair. At this time the Board decided to decline. Tuschner received letter from City regarding non-metallic meeting on Feb. 24<sup>th</sup>. M. Chitko and I. Pronschinske plan to attend. City council meeting on March 2<sup>nd</sup> and 12<sup>th</sup>. Tuschner asked if Board members want to attend. Trempealeau County highway department, the road petitions need to be filled out by March 25<sup>th</sup>. Need to add to next agenda regarding hiring auditor; Pronschinske and Chitko to contact auditors. Request for special meetings Feb 25<sup>th</sup> at High school; Thursday Feb 26<sup>th</sup> at Town Hall. An additional request was made by Suchla/Bagniewski sand mine to have a special meeting on Friday, the 27<sup>th</sup>. B. Killian commented "why so many meetings in one week?" Discussion ensued; Tom Woychik indicated that he wants to see a copy of the proposal and have time to read it beforehand. The Board commented that others have requested special meetings and they were granted as long as the Board was available. K. Geske stated that there should be some time in between meetings...i.e.

have presentations as regularly scheduled Board meetings (every 2 weeks). She asked Board to consider this. Comment was also made that since the proposal changed the copy that is available is not correct. The Board commented that it was only a change in location, nothing else. T. Woychik then stated that the neighbors would not see the correct proposal until night of the next meeting. Kerry Suchla indicated that he would have a new copy sent tomorrow. The Board indicated that the new proposal would be available to have copies made at that point. Suchla also stated that the meeting could be moved to the regular Board meeting on March 2<sup>nd</sup>. Tuschner indicated that everyone would have a chance to speak at the next meeting regarding the mine, limiting the timeframe to 2 to 3 minutes. Chitko asked if the meeting could start at 6:30; everyone agreed. Suchla asked if the topic could be earlier in the agenda since he didn't want to make his neighbors wait.

A motion was made by I. Pronschinske and seconded by M. Chitko to set the next regular Town of Arcadia Board meeting for Monday, March 2nd, 2015 at 6:30 p.m. Motion was carried unanimously with a voice vote. Agenda items are on a list in the office.

R. Tuschner adjourned the meeting at 9:53 p.m.

Respectfully submitted by,

Nancy Rohn  
Town of Arcadia Treasurer