

TOWN OF ARCADIA

Trempealeau County



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Town of Arcadia Minutes of Regular Board Meeting Wednesday, February 4, 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 31, 2015 Town of Arcadia Christmas party. Roll call was taken. Board members present: Chairman Ronald Tuschner and Supervisors Michael Chitko and Ivan Pronschinske. The list of residents in attendance is included with the hard copy of the minutes in the office file.

Ivan Pronschinske led the Pledge of Allegiance.

A motion was made by I. Pronschinske and seconded by M. Chitko 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 January 19, 2015. 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 24, 2015. The motion was carried unanimously with a voice vote. The minutes of January 28, 2015 have not been completed yet, so they will go to the next board meeting.

A motion was made by M. Chitko and seconded by I. Pronschinske to approve the disbursements of February 4, 2015. The motion was carried unanimously with a voice vote.

A question for the Board: Item 10C was requested to be discussed before item 8, 9, and 10 A and B due to the speaker having to be at another meeting tonight. A motion was made by I. Pronschinske and seconded by M. Chitko to amend the agenda to move to 10C before proceeding to item 8. The motion was carried unanimously with a voice vote.

Trempealeau Trails Bicycle Association: Bicycle Trails Signage in the Town of Arcadia

Travis Mossman presented bicycle maps of the trail system. He stated that they received \$30,000 from the Cap X 20-20 funding for bicycle signs for Trempealeau County bicycle loops. He continued explaining the history, location of the trails, usage, issues of people getting lost, working on the types of signs and where they would be placed, working with Trempealeau County Highway Department, asking of the Town of Arcadia to use existing sign posts to put the signs up, deadline date for signage by the Ashley for the Arts event, and completing this project correctly. Discussion was held on: guidance from County and State on signs, website, maps and their branding for the Trempealeau County trails, placement of signs, time frame, and routes. I. Pronschinske stated that he had no problem with putting them on our signs. M. Chitko asked Ron Grulkowski if Jon Olson attended a session on signs. R. Grulkowski agreed that Jon attended training on signs, but did not know the content. He had a question about signs stolen. T. Mossman stated that there would be a surplus ordered for replacement, and the trail steward would replace them and check on the trails. Discussion continued on vandalism. I. Pronschinske suggested that Jon and Travis tour the routes. A motion was made by I. Pronschinske and seconded by M. Chitko to allow the bicycle association to put the signs up on our posts, and if they are stolen the bicycle association will replace them. R. Tuschner asked about the length of a post from an intersection. He would like that verified. T. Mossman stated that

he would be working closely with Dave Lyga. He also spoke about the sign alerting of the approach to a bicycle path. He is working with the County on that. M. Chitko stated that there should be coordination with J. Olson. The motion was carried unanimously with a voice vote.

At 7:24 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the February 4, 2015 agenda. Patrick Rohn asked if he would be able to comment after items J and K. R. Tuschner agreed that if he was speaking to those two issues yes, the floor would be open at that time.

Karen Geske congratulated the 3 board members on being nominated at the last caucus. She felt it was very well organized; wanted to thank the ladies and gentlemen that helped put it together; and thought it was the best turnout that the Township has had in a long time. The reason she was here was because of the special meeting held on January 28. She is requesting a copy of the letter from Attorney Brovold with his recommendations. She also wondered about the 3 letters that she appreciated getting from each one of the board members. There were a couple things she wanted to point out; on each one it states that we are a debt free township; which is wonderful. She spoke about the budget meeting in November of 2013; we raised the taxes for everyone here \$150,000 annually with no sundown. She stated that she went back and looked at the minutes and that there was no mention of her asking for the sundown; she would like have those minutes amended; she believed they were December 19th; when she read through these, referencing the letters; she stated that in Mike's letter it was not just one issue; we all truly understand that it is not just one issue, but as you can see tonight and at our caucus there is one issue that brings everybody to the table. She would appreciate that we could have discussions amongst ourselves with the neighbors, who are going to be affected by the decision the board makes, to get together and talk. R. Tuschner stated that the letter would be given to her after tonight's meeting.

Marlys Kolstad was given 2 minutes from Pat Slaby in case she went over her time limit. She had 2 items to address the actions by the Town Board and/or Chairman Tuschner: First she commented on the AllEnergy resolution that was presented at the Town of Arcadia's regular board meeting on March 3, 2014; she read from the minutes: a motion was made by Wineski and seconded by Tuschner to accept the resolution from AllEnergy Sand contingent on the approval of the Town's attorney. Ron Tuschner told Dean Sukowatey that the board would get back to him after our attorney has reviewed it, and let you know the final yes or no, and that will be in open session. The Town of Arcadia website does not show that this item was ever on the agenda again after the March 3rd meeting; however, Chairman Tuschner signed resolution on April 15, 2014. This was 13 days before receiving a memo from Attorney Karina Kuhrt from the law firm of Kostner, Koslo, and Brovold; the memo being dated 4-28-2014. She had the memo in hand, and the conclusion states: we recommend that the proposed resolution regarding AllEnergy not be signed. The Town should avoid agreeing to approving to AllEnergy's plan without more details. This does not seem consistent with the minutes from that meeting. The second thing she wanted to comment on was the August 5, 2013 regular board meeting: the Clerk's minutes refer to a booklet with a plan for a non-metallic sand mine application. There were no page numbers, but the booklet was over an inch in thickness. Reading from the minutes of that meeting: Mike Wineski asked if the booklet just given was the final plan. Mark Riley stated, yes, it was. The other copies will be given tomorrow. A motion was made by I. Pronschinske to approve the mine application, put our CUP's together, and go forward with it. R. Tuschner was willing to approve pending he reads the document. Bruce Brovold asked if the conditions were going to be completed tonight. The general consensus was no, due to the time and no one had a chance to read the document. However, in a roll call vote Tuschner and Pronschinske voted yes to approve the mine application. The board meeting ended at 12:36 a.m. on the 6th. Also on August 6th a letter of support was signed and dated by Mr. Tuschner. Did this time frame allow Mr. Tuschner and board members adequate time to read an inch thick document and write a letter of support to the Trempealeau County Department of Land Management? Thank you.

Donna Brogan attended the Independence city council meeting the other day, and somebody brought up the fact that we, the Town of Arcadia, is owed \$34,000 by the City of Independence because of the annexation we approved for the Superior Silica Sand Mine. We have a road agreement with them, and they owe us \$34,000. Somebody asked the City of Independence had they been paid by Superior Silica yet. They said, no; had they paid the Town of Arcadia yet. They said, no; did they intend to pay the Town of Arcadia, no. I would urge this town to go after that \$34,000. We don't have a lot of money to spare. It was owed us as of November 1, 2014 according to the contract that was signed by you, Ron. Let's go get that money. 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 7:32 p.m.

Comments from the Board: I. Pronschinske spoke about the meeting on January 28. His comment was on losing people in the Town of Arcadia because of sand mines. He did some research for new housing: 2010 there were 7 new houses, 2011--5 new houses, 2012--4 new houses, 2013--8 new houses and 2014--7 new houses. He also looked at employment: 3.8 in the County. He was surprised at the revenue side, in the County, which was supposed to sunset 10 years ago and is supposed to sunset again, which will be renewed again; the 1/2% sales tax; he explained that when you buy something in Trempealeau County you pay 1/2% sales tax. This past November they collected \$208,000; a total of \$41.6 million this past November. In 2013, they collected \$141,365 for total sales of \$28 million; so we have an increase in 2014 of \$13 million for an extra \$66,000 in sales. To bring us up to date for December we've collected in Trempealeau County in 2013 \$113,957 and this past December we collected \$160,754. Are they going to let this sunset?

No. In 2 months' time the extra revenue was \$46,000 + \$66,000; \$110,000 in 2 months' time. That tells me one thing, either the people that are here are buying more, because there are not people leaving because of sand mines. It is all taxable. If you can generate x number of dollars over the year before, that is a good thing for Trempealeau County and the community. The sand mines all contribute to extra taxes in the County, if you realize that or not.

M. Chitko spoke on the January 19 meeting when Janette Bagniewski gave each of the board members documents from the Government Accountability Board ,a financial disclosure report. It was stated in the minutes that we are confident that you have nothing to hide, so we expect each of the board members to provide a financial disclosure. Basically what she wanted to find out, I think, she wanted to bring to light if anybody was making money off sand; sitting on this board over here. I think she did her homework also. I called the GAB (Government Accountability Board) and the financial disclosure statements are required of the State public officials and candidates. Getting down to the County, City, and Town level only if there is an ordinance in that municipality or that body of government to require a financial disclosure do they have to fill one out, so the board isn't required to fill out something like that. I think she was aware of that also. That is something you can ask each board member. Each board member will tell you if they are on a sand "payroll" or not. I can tell you from my chair over here, no, I don't have a penny of sand in any of my bank accounts. To answer a second person who wrote in, a concerned citizen, and we don't know who that concerned citizen is, living in the Town of Arcadia or a property owner, but they sent a letter and accused, again, the board members of having sand in their bank accounts . It's a little tongue in cheek, of course, but no, I can tell you, no sand over here in this chair. But if you want to find out where sand money is, start asking your County Board of Supervisors. Just recently somebody just sold a few acres of land for a lot of money over in the Town of Preston. See if there is any sand up over there on the County Board first. R. Tuschner interjected, 2 million or better. M. Chitko stated that this was his comment.

R. Tuschner stated that he wished he did have some (referring to the money from the sand mines). An individual that came before the board, last meeting, that had problems with a royalty agreement with descriptions of land being on that royalty agreement. He asked my opinion, and I gave him my opinion. I gave my own opinion, not the board's; that was basically cross your i's, dot your t's, and go see the gentleman. The thing that bothered me the most was that he made accusatory statements about individuals, in public. To me this is a learning exercise, for me or anybody else in this audience, please be careful at what you say in public, it could come back to haunt you, in more ways than one. It's not from me, I'm just putting it out there, please be careful what you say in public. Think your thoughts through before you say it. I'll be the first to admit that sometimes I don't. But it could be a costly mistake. This is an educational thing that I want to give. The last thing is the petition we received from the people on board, the constituents in the Town of Arcadia. We don't, Attorney Brovold's letter will be available if anybody wants it as stated before; we do not have to put that on a referendum vote. It says it very clearly in State Statutes 19.59, that people can petition, but cannot petition the board to take legislative action. They cannot demand that the board take legislative action by petition. The board can hear it; the board can decide yea or nay, but they can't demand. That petition very clearly states we demand. The other statutes 19.43 and 19.44 that Mr. Chitko has already alluded to; I want to make public at this board as I did at the January 28 meeting; it seems that we get the word transparency in this township; that we are not transparent; I simply beg to differ with anybody that says that, very, very much; that is one thing that of anything else probably irks me the most, but that is my personal problem and not yours. If you want to talk about transparency, there was a meeting not too long ago with two other participants and probably more. I alluded to this on the 28th meeting. They wanted to meet with me and those two people to discuss this annexation. Great, we are willing to meet with you, not a problem, but we want to meet with just the three of you. My comment to them was no way. You want to meet with us, you name the time, you name the place, and it will be our board in an open, publicly posted meeting. That conversation took 15-20 minutes after a meeting that they got out of, and I was told it was pertaining to this same meeting. The transparency is open. He continued talking about the board being transparent. The Board issued a letter, written January 28, which he read: to the County Board Chairman, Dick Miller; Town of Burnside Chairman, Fred Boe; Town of Lincoln Chairman, Jack Speerstra; and Director of Trempealeau County Department of Land Management, Kevin Lien to have a joint meeting to discuss annexation. The County Board did some of the same thing by resolution. He has asked for this for the last 2 years at several meetings. (A copy of this letter is in the office.) There has been one response. This board has been active in trying to get together with municipalities, County Board members, and ELCU committee members. He talked about a WTA conference meeting held previously.

I. Pronschinske commented about transparency. He read about the condemnation of the Wiersgalla farm in the paper. The city didn't tell us that they were doing eminent domain on that.

Approve Operators' Licenses for Casey Olson, Seth Dale, and Kayla Lynn Marsolek

B. Killian stated that all three have met the qualifications for approval. A motion was made by I. Pronschinske and seconded by M. Chitko to approve the operators' licenses for Casey Olson, Seth Dale, and Kayla Lynn Marsolek. The motion was carried unanimously with a voice vote.

Approve Temporary Class "B"/"Class B" Retailer's License for Arcadia Sportsmen's Club, Inc.

B. Killian stated that this application was for the annual Sportsman's Club Show and Antler Expo., which will be held on March 14. This request usually comes in February. Discussion was held on the time and place of the event. A motion was made by I. Pronschinske and seconded by M. Chitko to approve the Temporary Class "B"/"Class B" Retailer's License for Arcadia Sportsmen's Club, Inc. R. Tuschner asked about the time limit that this can be gotten prior to the event or is it good until the event takes place and then it sunsets after. Pat Rohn clarified that this application is for the specific dates. R. Tuschner stated that what he is getting at is this is approved on 2-4-19 but will be held on 3-14-15; is there is a sunset date from the date the application is approved to when the event is held. P. Rohn stated that this is traditionally the meeting that it is approved at. It has been precedent for several years. R. Tuschner stated that he remembered reading something about sunset dates on the permitting process. I. Pronschinske stated that we do approve the liquor license for them. B. Killian clarified that that license expires on June 30, 2015. I. Pronschinske stated that this application was for that specific place, for that specific date. P. Rohn clarified that they ask for the 3 days, because the beer wagon is on premise for set up, the actual event, and clean up. R. Tuschner stated that he just doesn't have a problem with it, but doesn't want it to lapse and someone does the wrong thing and something happens. He requested that the Clerk check into this. The motion was carried unanimously with a voice vote.

Bagniewski Rezone for Greenhouse from Trans-Ag to Commercial

The plan for a greenhouse had been submitted with the legal description; approximately 3000 square feet; parking for 16 vehicles; off of Myers Valley Road; and pictures included. A motion was made by I. Pronschinske and seconded by M. Chitko to accept the Bagniewski rezone for the greenhouse from trans-ag to commercial. M. Chitko asked if this only covered the 3000 square feet or if it goes beyond. R. Tuschner stated that from his understanding this covers the area they are on, the entire building and the lot. I. Pronschinske clarified it is just the area and explained the procedure that will be followed. B. Killian will send the letter to the ELU Committee with the stamp of approval from the Town Board that they have no objections. The motion was carried unanimously with a voice vote. I. Pronschinske stated that this is a welcome addition to the Town.

Policies and Benefit Handbook pages 5-19

R. Tuschner stated that they were extending the discussion to page 20. A lengthy discussion followed. Items discussed included: this is an employee handbook; maintaining leadership positions; physical examinations; anti-substance abuse/public functions/off the clock; State law and number of hours for full time; permanent part-time; temporary part-time; nepotism; complaints/timeline; smoking/no smoking (input was given from Jerry Sorenson and K. Geske); security (input was given from P. Rohn); violence prevention; education/training; incident management; holiday over-time; and next meeting discussion will be on pages 21-40. At 8:24 p.m. a 5 minute break was taken. Meeting reconvened at 8:29 p.m.

Well Head Protection Ordinance

R. Tuschner stated that this is to confirm the plat, our statement of no objection to, and needs County approval. Mayor Kimmel stated that there was no need for County endorsement; basically it states that a municipal well has been sited; the land use is consistent; this is basically an agreement with the Township on who was there first; any use that is inconsistent with a well would not have a well sited there; he gave examples; the City is looking for the Town to pass and adopt this ordinance to agree that the Town would not endorse any land use activity that would hurt the water, and that the City would not put a well where there is an existing land use. Discussion was held on the map; exceptions; explanations of prohibitions; locations of existing City of Arcadia wells, the map, and future locations; areas being talked about are not going to have these things going there; this is a who is there first courtesy; impact on constituency; contacting neighbors of the ordinance and building permits; the City sending out the notification to the affected landowners and adjacent landowners; who the landowners are; timeframe; and not preventing growth in the Town. This will be on the next agenda.

Eminent Domain of Wiersgalla Property

R. Tuschner checked with an attorney; this is an annexation; from annexation it may go to eminent domain depending upon the financial agreement made of selling the property; question is where is the Town of Arcadia, we cannot do anything about it until it is annexed, we can then contest it if we desire; and the attorney stated this would be a lot of dollars with an attorney when you contest it and doesn't think we would win. I. Pronschinske stated again that he found out about this when he read it in the paper which is the wrong way to find out about things and referenced transparency. John Kimmel stated that the City never said anything about annexing this; we talked about buying this property; we never said our intention was to bring it into the City limits; for the record you guys said that first, so I don't want to mischaracterize this as an annexation or a land grab; this is a purchase; he appreciated that the Town pointed out that the City was working with the Wiersgalla family to come to a reasonable deal with them; it has been transparent; we never said we wanted to annex it; we want to buy the property. I. Pronschinske wanted J. Kimmel to answer this question. R. Tuschner

interjected that what he read in the paper was annexation. J. Kimmel stated that he didn't want to comment on whoever wrote the article, but they were talking about eminent domain. R. Tuschner stated that he was glad that J. Kimmel was here to clarify that as step one. I. Pronschinske's question was about the purchase of land; which would be more land coming out of the Township; we have no string here as we have been hearing about in the past several months; now what happens if there is another piece of property, will there be more purchasing and more area picked up by the City, there is no string involved; that is my concern, the domino effect. He stated that he can understand the contamination and the Green Alliance project, but there is always the possibility of more. What is the City prepared to do to protect, not to protect, but more purchases if there are more well contaminations; this could be a problem. J. Kimmel stated that the process with Green Alliance Holdings, the best timeline would be 10-15 years to mitigate the landfill contamination; and he promised that he would not be the mayor in 10 or 15 years, and whoever is the mayor in 10 or 15 years will make that decision. The City's intention for the mitigation on this property is to purchase the property; to stage the mitigation and clean-up on this property; and then whoever comes after me makes that decision. There is no land grab here. On the last point on where does it end and what is the City willing to do: when it comes to the protection of the water supply for the City, if that's what it took; I'm not going to lie to you; that water is our most treasured resource in this community, if there was something that needed to be done, the City is going to look at doing it, because if you talk to anybody, the cost of cleaning up something like that, it's nothing any one of us wants to approach. I. Pronschinske referenced paint thinner that was dumped out there on the 40 acres. J. Kimmel referenced the work done between 1990 and 1994 and the millions of dollars spent to clean up and remove the paint thinners and different things out there. The responsible party for that went through the legal process, worked with the DNR and EPA to clean it up and mitigate their responsibilities for that. R. Tuschner thanked J. Kimmel for correcting it, because he read the word annexation before, so everyone knows it's purchase or buy. He asked if the Wiersgallas don't want to sell property to the City is there a way that that property can stay in the Township, be under this Brownfield Grant that we signed onto, applied for, for the City of Arcadia, and/or when this property is cleaned up, the Wiersgalla property, if it has to go into the City to get it cleaned up because of the grant, can it be reverted back to the Town. J. Kimmel asked if the Town had ever been deposed. R. Tuschner stated that he knew we could be deposed. Discussion was held about deposition and the City being in the middle of the beginning of a litigation process that started with a resolution for giving authority to the City to its right to exercise eminent domain. He will not comment more. R. Tuschner asked if it would be proper to have that done in the council's mind without getting into litigation; we are obviously on board with the City to partake and participate in the very beginning of this process, because it will affect everybody if not taken care of down gradient; the longer it stays the further the potential is; as I see it. The greatest concern he has is that the land come back into the Town of Arcadia. He understands the expense to the City of Arcadia. I. Pronschinske asked if there could be a 10 year lease. J. Kimmel stated that in the agreement with Green Alliance the City does have the first option to get that property back. M. Chitko asked the landfill site. J. Kimmel stated, yes. There is no lost tax base on the property now. I. Pronschinske stated that he meant the Wiersgalla property; getting a lease from them to use the property while it is being cleaned up, gets cleaned up, and then the property reverts back to them; nobody is hurt. J. Kimmel stated that someone would be hurt. I. Pronschinske asked why it should be them. J. Kimmel stated that if they are properly compensated, then he wouldn't characterize that as being hurt. He continued talking about the company/business coming in with the technology, provide business and jobs, and to mitigate the landfill; build a facility for 10 years and when the landfill is mitigated close up shop and move to the next thing. Your business plan is to continue to make money long after the building is paid off. He used farmers as an example. R. Tuschner stated that this Town/Board, by law, does not belong in private negotiations. M. Chitko stated that these questions were asked to stop the spread of rumors, since anyone can look up the minutes of this meeting. J. Kimmel stated that his response would be what is being cleaned up is a whole lot worse than the loss of 40 acres in the Township. God Bless the effort for doing it, because we don't want to face what we're facing. I. Pronschinske stated that we are on board, and we understand that, otherwise we wouldn't have signed on as the administrator for the grant. R. Tuschner had one last request about the letter that the Town sent to the City: when things like this come up in the City, no matter how large or small, a letter letting us know or give us a heads up, so we can attend a meeting so that we know what is going on, and vice versa, such as you came tonight and cleared up the word annexation that is out there; both are working for the betterment of all. We would appreciate that and will be discussing later one of us attending some of your meetings and hope to have you send someone to our meetings to have everyone know what is going on. J. Kimmel congratulated Ms. Kolstad, a City council member, so we do have representation tonight. He thanked the Board for their time. R. Tuschner stated that some things are cleared up in his mind that he either read or heard that were erroneous. Barring this, I would make a motion that we sign this specific wellhead protection, but not until we hear from Mr. Schlessler, and I know this is the policy from the previous item on the agenda, but now some things have been cleared up, other things that were in my mind more into perspective; what it was the Wiersgalla property was to me was an FYI, nothing more, nothing less, but now that brings into mind what we said before; it will be on the next agenda.

Money Transfer to Special Funds

Nancy Rohn stated that we had 4 CD's that were set aside from the cemetery which are being moved into the general fund: the machinery and road construction funds. We previously took money out of these funds when money was tight, and now we are replacing these funds with any extra funds that we have; 80% will go back into the machinery fund and 20% into the road construction

fund. Three CD's have been cashed in; total amount is \$33,697.62; 80% of that will go into the road construction fund (\$31,643.62) and 20% (\$2,054.00 was deposited in November into the machinery fund; and the balance of \$4,685.52 will be transferred tomorrow). There is one CD to be cashed in in March, 2015. That will also be split 80/20. The Brownfield account is set up. We are the administrators of that account and opened a separate checking account to keep it straight. We received a payment from the City to pay some of the lawyer's fees. We need a little bit of money for administration fees for checks. She recommended \$200.00 be put into that account and as we get monies into that account, we can pay it back. Discussion was held on the amount of money needed. The checks were \$12.50. A motion was made by R. Tuschner and seconded by I. Pronschinske to transfer \$200.00 from the Town of Arcadia account into the Brownfield account for administrative costs. M. Chitko asked what institution we were keeping the account in. N. Rohn stated that it is a whole separate checking account at the State Bank of Arcadia. All funds will be kept separate as funds are coming in and going out. I. Pronschinske asked if everything was up-to-date with meetings with the City and attorneys. B. Killian stated she knows the attorney fees and has invoiced part of them, but is having difficulty with the SAGE program. She is working on it. Nothing is coming out of the general fund; everything is coming out of the Brownfield account. M. Chitko asked on a side note if we had invoiced the City of Independence for the road use agreement. Discussion continued on invoicing the City of Independence. B. Killian stated that this is the road use agreement, and we have not invoiced other road use agreements. M. Chitko asked if it is true that we do not invoice road use agreements or CUP's. R. Tuschner stated that if payments are not coming he has asked Beth to call and find out why the payments are not here. B. Killian stated that she has no idea on what amount should be invoiced, because she doesn't know what the tonnage is. R. Tuschner talked to Mayor Baecker and asked him about that; we have a legal annexation and this is the road use agreement, but the annexation is being contested, and until that contesting is settled we are waiting; number two, Lenice read it and the payment is not due until the fall; she gave it to the attorney, Michalak (who is on vacation) for his opinion. This will be on the next agenda. The motion was carried unanimously with a voice vote.

Hiring of Auditor

B. Killian felt this should be discussed, because when the new clerk/treasurer takes over the Town will need an auditor to audit the books. She presented some information of auditors that she had received. Discussion was held: new person coming on board and to have the auditor come at the start of the new position; a clean slate; independent individual; get bids in to see the cost.

Clarification of Town of Arcadia Procedures for a Non-Metallic Sand Mine

R. Tuschner stated that we got a letter stating that we are in violation of our own procedure with rules 1, 2, and 3. A copy of this letter is on file in the office as is the procedure form. He read through the letter and procedures for rules 1 and 2. He checked the contact list and read through the dates. The two weeks notification was handed in, not the first one, but the amended one, and this is where in my mind the problem comes in. The first one was handed in on the 19th; that was the date of the last notification; the item here says 2 weeks, rule number 2 says to the Town Clerk 2 weeks prior to the meeting; January 29th, as I understand it, the first one was handed in on the 19th, there was a mistake as to 3 names that were not on that list; I did not contact Kerry, but I am assuming that is the names that were contacted on the 19th; he can answer which ones were on that list. The amended list was given to us on the 29th. The notifications were on the 19th. This meeting is on the 4th of February. This is 16, 17, or 18 days. Yes, it was handed in on the 29th and that was an error on the Suchlas. The intent is that people should know. He stated that there aren't as many people here that we had at the previous meeting, he didn't check the sign in sheet, but it is still 17 days that the people, adjoining property owners, have been notified. He continued reading the letter on the rule number 3 violation. R. Tuschner stated very true and he is not renegeing on that at all. That is why they are put on the agenda as a brief overview and not a first meeting. He continued reading the letter. He stated that the Board has not violated every single rule up to this point; it has violated rule 2 of them. He read rule numbers 4, 5, 6, and referred to number 7.

P. Rohn read rule number 2. He pointed out the two words: surrounding and adjoining. He had the contact list; 22 people; referenced the distance to Doris Misch; but not a group of people living on Parkview Lane that were not represented at all; they are 400-500 yards away from the location of the sand mine; he had a list of people, and read through the list. R. Tuschner asked if these people were adjoining property owners. He is not trying to be technical, but just asking. We turned around and basically took this ordinance to a point off of what Trempealeau County would do for identification as far as adjoining. I'm not saying they don't have a say in this that is not my intent. P. Rohn stated that the word says surrounding also. He continued by saying that 400 yards, 500 yards would be considered surrounding, and they will be more affected than some of the others that live farther away; he gave examples; he felt they needed to be informed too; as far as presentation; we had a presentation on January 19th from the people from the Twin Cities representing the sand mine; those people that I am talking about should have been involved in that. R. Tuschner concurred with that. The only thing is, this language, some of it is basically very, very similar, if not exactly the same as far as notification from the County; we have abided by this before this was ever enacted, this non-metallic sand mining ordinance, we have abided by that prior to its actual enactment and us making one up. Are we doing this correctly or incorrectly? We did 2 things that were not correct here. I thought that our policy and our rules were handed out. It's not the Board's policy to talk to you if you want a sand mine; it's your responsibility, whoever it is, to find out what is required; did I take it for granted; yes, I did; at the last meeting I asked, make sure those things were

handed in, meaning the contact list, are they handed in, and I believe, that it is in the minutes. It was there; were they not followed, yes; was there a mistake made with Suchlas coming in for missing 3 names; they amended that portion of it, yes, there was; that's why I went back to the 19th. I am looking at both sides. This 2 week thing is a very specific thing. OK, if they are 2 weeks or 2 weeks plus, great. I am assuming that these people that are in the surrounding area, just like they were for other sand mines, the assumption on my part, the initial review will be tonight, number one, just like it was 2 weeks ago. They will have an opportunity, if they are here tonight; they will have the best opportunity to be here when the next one is to ask specific questions; and then if they want a copy of what the sand mine is, they will then have that in hand or can get copies from our Clerk to turn around and read and digest and ask questions. Information is what we are all looking for; what's happening, where is it happening, why is it happening, how will it be done. That is what everyone is looking for, the main focus. That opportunity will still be provided to them. If I'm getting nitpicky on this resolution, the main emphasis, you've picked up the two words: surrounding and adjoining. Before, in the past, all we ever did, past precedence, shows it was adjoining. If the people that were adjoining were not notified, they were cut off from the agenda and would not let them proceed. Have we followed it to the T, I'll be the first one to say we didn't, because, I think, the people should be on their own, what we just talked about a little while ago, they should have come in and got that, when they were notified by Beth, it is my understanding on the 19th when they handed the first one in; they got, because we are postponed 2 days now, for the meeting, they had 15, 16, 17 days more than 2 weeks. P. Rohn asked who he was referring to as they; the people on this list. R. Tuschner stated the people on the amended list that was handed in on the 19th, but were notified prior to that, which takes them to the 2 weeks notification. P. Rohn stated that what he was getting at is, the people that were not on this list. R. Tuschner stated that's surrounding, and that's what he was speaking to before. If they were not and if this Board feels that we have to verify surrounding people on a document such as this, we can easily amend this document and that is not a problem. That's not a bad suggestion; it can put it in; that we demand surrounding people be put on this thing; we have not in theory and in actuality done it to any of the pre-existing ones that came to us. Even if it was for other things; where notification was required; we just notified surrounding areas. He talked to ELCU and that is what they demand also; adjacent property owners. That's what is on there; it's the premise and that's why they are still on the agenda. P. Rohn stated that in theory, the Parkview Lane people, that he and Nancy called yesterday, they wouldn't even be here tonight, so they haven't had their 2 week notice. R. Tuschner stated that even though it is in there, we have not mandated in the past, we have never mandated, and neither has Trempealeau County. We haven't done it. Are we to treat this sand mine differently? In the future what we need to do is make sure the word surrounding; you give me a definition of what surrounding is. The discussion continued on the terms surrounding and adjoining and refining them.

Mitch Thomas stated that as neighbors they don't like to hear about this the day before; talking about surrounding or connecting, 400 yards; 8 houses on that lane; that will impact on us; let's be realistic about this; this is all we ask. R. Tuschner stated that he is not saying that it doesn't impact them. You have heard about it, and I heard it through the grapevine that you would be here. M. Thomas stated that Parkview Lane is in the Arcadia Township. R. Tuschner agreed and stated that that is why we post in 3 places and on the internet. Realistically we have not done it; and if the people want a change to that, come and let us know. M. Thomas continued talking about the contact list and the distance of some of the contacts. We will be there and experience this and be a part of it. He doesn't understand why they wouldn't be a part of the list. R. Tuschner stated yes, in your opinion, you should be informed, I don't disagree with you. M. Thomas stated that it shouldn't matter if it is surrounding or adjacent, because both words are in there, so they should both matter; and we shouldn't be fighting over adjacent or surrounding. R. Tuschner stated that this is why he asked the question of Mr. Rohn, and he talked about the word surrounding and what the definition would be. M. Thomas suggested that it go as far as, beyond what you think you might impact; maybe 3-4 miles; get everybody in and don't cut people out. I. Pronschinske stated that wells are inspected at 2,500 feet. M. Chitko stated it is not the intention to cut people out. M. Thomas stated that we are across the road and you don't miss that. He felt that if he were doing this he would contact at least the people you could see from where this is going on. R. Tuschner referenced another problem and that not everyone was notified about that problem. The rationale was still there and we use past rationale. If this non-metallic sand mining ordinance needs amendment, that is not a problem, but we go by it. The word surrounding, I hear you, have we ever done it before on anything other than sand mines do, we have not and neither has the County mandated it. It's not being negative; if you have ideas, I would like input. If changes need to be made it should come from you people, if we don't see it, and we will consider it, but please get back to us. Thank you for coming to the Board; we appreciate that.

Kerry Suchla wanted to explain how he got to this point, and the process he has gone through for over a year. 90% of the neighbors that are here knew he was working on this project. He knew he had to address the Town Board and all the adjoining landowners were in it; he was at the January 5th Town Board meeting and addressed the Board and told them he was bringing a project forward by mid to late January. On January 5th, he asked what he needed to do and what he needed to have, and all the Town Board and Town Clerk told him, go back to the meeting minutes, land and adjoining neighbors; so that's what he did. He asked if he can or should go further. They said use your discrepancy. All he wants to do is bring the right project and the right way as possible. He continued talking about the procedure he used; personal contacts; meeting with people at his house with the geologist; does care about each and everyone's opinion; didn't mean or purposely leave anyone out of this project intentionally; on January 5th he did not know that there was any criteria, rules or regulations that he had to follow until the day of that meeting when I turned in the list, that they said I had to have the list in to notify the landowners that he had to notify; turned the list in and Beth handed me the piece of paper; we were

already on the agenda for that night's meeting, that's when she handed me the rules and regulations; why didn't he get that on January 5th from the Town Clerk; she sat that night on January 5th and heard me when I told the entire crowd that I was bringing the project forward; I get the rules and regulations the day of; please don't hold that against me; maybe she forgot, and it is what it is. The meeting continued that night and that's how it happened. He apologized. When Ron contacted me about the rules, what do we do; we have a good solid project; we don't want to wreck land values; the meeting happened; we are willing to have as many meetings with neighbors and surrounding neighbors as you want. He talked about the current pit on County Road J and the history of that. He apologized for the sore eye; started on reclamation, but that got delayed; and moving forward we signed up a small portion of the property with High Country Sands. He talked about his family's situation and the reason for this project. He has educated himself, done research, and wants to keep his hands on everything. He continued talking about the project, doing it right, keeping it small, protection, responsible, prove himself; using as little road as possible, number of trucks, talking to the Mayor, traffic, and possibility of postponing the meeting. He apologized to the Parkview people.

Karen Geske stated that what she hears and sees at numerous meetings, not just here, is plays on words, twists when twists need to be made for a reason why something isn't done; an example: surrounding or adjoining and the distance from point A to point B; also, the road use agreement with Independence, commencing, what does the word commencing. R. Tuschner stated that we are going to abide by the open meeting laws and to speak to this specific project and none other. K. Geske stated that she was here at the last meeting when Suchla/Bagniewski gave their brief overview. She comes tonight and it's a brief overview and doesn't understand why this has been amended. K. Suchla stated that he is going to start over. I. Pronschinske stated that for the record, this is meeting number one. Discussion continued on the meeting being a repeat, because some people just found out about it yesterday, so this is meeting number one.

Kay Pronschinske asked where her two week notice was. You have these laws/bylaws or guidelines/rules; Kerry you said they told you that you had the option of just doing the adjoining land owners, or you can go as far as you want. You drive past our houses every day. K. Suchla apologized and took full credit and responsibility. If you want to postpone this for 2 weeks, we can do that. He will have more meetings if they want it. He is not trying to force the project. K. Pronschinske asked for the 2 week notice. I. Pronschinske asked if this could wait until the 16th. Discussion continued on the next meeting. John Dustman stated that he has a lot of information. He put a 1500 foot buffer around it. K. Pronschinske stated that he should do a 360 and whose property he sees, those are the people to contact. She talked about issues that she might have; health, air, water, cancer. R. Tuschner stated that he has no problem with them coming back in 2 weeks; the problem he and others on the board have had are: when things are said and cannot be substantiated meaning air, water, noise, light, all the things you are referring to, if they can't be substantiated statistically or scientifically; and by the nearest or most recent, as an example air emissions and noise emissions, where it has been done and they can say that these things have been done and this is the db level of noise emissions from the border of the sand mine and that is not in the law; once that is established and statistically proven then we will implement it. Until then it is theory. He referenced the de-valuing of property and seminars on property values, air, light, water, and the professor stood up and said yes, it does devalue the property this far around the sand mine; the next person that got up the property values did not decline, they escalated in value; part of the reason they escalated in value, not housing or condensed housing like you are, was because the sand mine company purchased the property for their employees or whatever it was; the Department of Revenue gentleman clearly had statistical data that it did not devalue, it went up; when we ask for statistical value for what you say is in the air, not theory at all, and we asked for the report; and I've been through the report a couple of times, through Trempealeau County, the health risk report that the committee was set up on; I tried to get in a fair amount of those websites and was not able to do it; I learned at the January 28th meeting that you need a password; if we are sitting here and we cannot get that or somebody can't give us that statistical data, whoever will sit here will hold his hand out and pledge that you go by the constitution of the State and the laws of the State; that's what we have to go to and by for a good portion, at least that's what I go by; Mike and Ivan can speak for themselves; I'm not trying to be against you people at all; I'm just sitting here; I may not like things that have happened at some sand mines; I didn't like your mine, this mine out there, being an eyesore. Someone interjected: are they going to guarantee the same thing? R. Tuschner stated that we tried to get it changed, and it was everybody's excuse that you couldn't do it. I'm just telling you where we are coming from.

Donna Brogan suggested that this nice gentleman delay your presentation, because apparently there are still some people on your lane who weren't notified, and they deserve 2 weeks' notice. Ivan, you mentioned the meeting on the 16th. I. Pronschinske stated that this will not count. D. Brogan didn't see any reason to sit here past 10:00 at night to listen to something that they will just have to repeat in 2 weeks or at least 2 weeks out. I. Pronschinske asked the people on Parkview if they wanted to see this for 15 minutes. The response was no. D. Brogan stated the 16th would only be 12 days; to wait until everyone has been notified and then 2 weeks after everyone has been notified. Discussion continued on the procedure to use and who should be notified. R. Tuschner stated that number 1 was fulfilled, but number 2 and 3 were not. He agreed, as a board member, to have you come back at the regularly scheduled meeting, if you are willing to do that. Discussion continued on contacts. This will be on the next agenda as the initial presentation. R. Tuschner stated that he thought we are splitting hairs here; surrounding (loud no's from the constituents), because of what we have done in the past and what is being requested in the future; you just happen to be in the area where we are meeting this resistance, and that is fine. The resistance has been stated; they have not come out yet, and we as a board cannot come out with henceforth as to how

we should amend this policy. J. Dustman stated that if you do it more than 1500 feet, which is over ¼ mile, they would be out of that. That is the 1500 foot buffer around the property. M. Chitko wanted it clarified that they would be beyond the 1500 feet. J. Dustman stated yes.

Becky Thomas stated that it is your policy that says all surrounding and adjoining residents, and you are asking Mitch what is surrounding; that is not up to anyone here to decide that; that is up to you to decide what surrounding was. R. Tuschner agreed. She thanked the board, and that it was just a little distance, and that they didn't mean to leave us out. She felt they would be very affected and none of the houses there were notified. It's your policy on who should be contacted. She thought the meeting should be re-scheduled; thanked them for agreeing to do that; you agreed that you violated the policy. R. Tuschner stated that he did not disagree with her, because of the 2 week notification; the 2 week notification was because of the amended contact list that was handed in on January 29th, because 3 people were not contacted that were adjoining property owners. B. Thomas stated that it also says surrounding; it's not up to anybody here to decide what surrounding meant; it's up to the board. R. Tuschner stated to go back to the question that he asked her husband, please define surrounding because our idea might be different than your idea of surrounding. B. Thomas stated that you know how close we are. R. Tuschner asked how far they want us to go. He continued with the different example of the City and the wells; is it our fault that we don't have specifics, yes; I will take that full blame and not renege on it. Tell me what surrounding is, and asked for examples. He continued on possibilities for the definition for the word surrounding. Please get back to us on what you think is surrounding. I. Pronschinske talked about in the country and how close you can build a hog house and the State stepped in and now you can be 100 feet from the property owner. What we say here won't mean a lot, because of what is going on, the State will step in. R. Tuschner asked again that they come in with an idea of a number as far as footage; we can come up with a number, but will you be in agreement with it; he didn't know, because they didn't have input on it. We are asking for public input; give it to us.

John Jasin stated that the board is asking for input; that's something we don't know; we don't even have a rough draft. His question of the board: do you have a draft of a conditional use permit or a set of guidelines that we could provide input. R. Tuschner stated that there is a list of things. It is here already. When someone comes in and asks to build a chicken coop or a sand mine, this is what we need. It is in place, but it needs to be asked for. He doesn't know everybody that wants to do something until there is a request to be put on the agenda.

N. Rohn stated that J. Dustman said it is 1500 feet from the diameter of the sand mine; possibly 2500 feet for wells; she wanted to be shown if that would include these folks or not. She talked about the diameter, the space, and number of feet, and how those people will be involved in this adversely and thought that a minimum should be given. J. Dustman was confused that it was noticed that they were on the agenda on the 19th, and you're telling me nobody knew that we were here that night. Word didn't spread. N. Rohn stated that this is such a big issue and it affects many people; that we felt that these people walk down Middle Road; there's a one lane bridge there; so many issues that everybody needs to know what is going on; 2,500 feet is not far; she is not speaking for herself, because she is far enough away, but is speaking for these other folks. K. Suchla stated that he is concerned too and is aware of the controversy. He talked about trucks and traffic and who to contact. P. Rohn's concern is rule number 2 and it was violated; transparency and here is a prime example of no transparency, because the presentation done on the 19th was meant to be the first presentation; tonight you talked about doing the first presentation and we are splitting hairs on 14 days and he referenced the next meeting date and the number of days; transparency and follow the rule; people aren't here that need the 14 days. R. Tuschner stated that he was going to remain neutral and continued talking about the number of days and the next regular meeting being delayed. Discussion continued. P. Rohn stated that the wording should be considered due to the topography of the land; using terminology of people potentially being adversely affected, light pollution, noise pollution, debris in the air, potential water, vibration, and truck traffic. He gave examples of people living in the area that might be affected and things that can be seen and heard at the present time. Instead of giving a distance, look at potentially adversely affected people. J. Dustman showed the 2,500 foot radius and properties. He is frustrated because he drove 10 hours and is not able to tell the people how hard they worked to try to minimize the impacts that you are talking about; how we used the topography; how to not use the groundwater; to make this project palatable for the community; Kerry has been clear on that, and my clients, who are paying the bill, have tried to design something that might fit into the community. Discussion continued on who to contact and the timeline.

Jim May from Winona, who has a partnership with the Konkel Turkey Farm, stated that he had not been contacted. He felt that both people in a partnership should be contacted. He requested to be put on the contact list.

Bobbie Suchla stated that if they are worried about the sand mine and want to be educated, they should let him present. J. Dustman put out an invitation to anyone that would like information to contact Kerry, and they will give a presentation to them.

Marlys Kolstad made the comment that she felt that Kerry was not to blame for presenting last time; she is looking at the Board; it was their procedure; they knew the verification that the residents were contacted must be provided to the Town Clerk two weeks prior to the meeting; you knew that wasn't done; but you allowed them to present; it wasn't Kerry's fault. R. Tuschner stated that he did not know that it was done at the last meeting; he turned around, he believed it was in the minutes that he said, make sure that those names are in; that was his comment. He didn't ask if they were or if they were not in. Maybe it was the Board's fault that they assumed that he knew what the procedure was. It was not. It is not taking the blame and putting on anybody; he did not ask the

question, did you turn them in, did you pick up the stuff from Beth. Neither did either one of us Board members do that; it was an assumption on our part, because that's the policy. He stated that he doesn't sit here all the time and ask people do you have this; when the meeting has been conducted once before and the policy was not followed; when we as a Board found out about it, we nixed it; that's not taking anybody's side. M. Kolstad asked if that wasn't your responsibility as Town Chairman and as Board members to know if papers are in place before you allow him; why shouldn't he; you didn't try to stop him. R. Tuschner stated, no, because we didn't know about it. M. Kolstad stated that her point was that you should know. Thank you.

B. Killian stated that she probably should take a little bit of blame for the conundrum that we are in here this evening. Mr. Tuschner told me that the Suchla/Bagniewski mine was to be on the agenda, so I put it on the agenda. No one came into the office to pick up any information. I guess it totally escaped me that I need to call people to tell them to come and get the procedure/policy and the certain conditions that you have to follow. This is my first experience with a sand mine in my term. I've always said and I'll say it again over and over, I'm not, and I told Kerry, "I'm not trying to stop you; I'm not trying to postpone this." It sounds like a good plan to me from what I heard at the last meeting. But, immaterial to that, when, somehow in between there, and Kerry will have to help me jog my memory, he found out or I mentioned that he came in with the names, I think, and I asked him if he got a copy of the procedures. He said no, and I stressed to him a couple of the things on the procedures and gave him a copy of it. I said, "I need the plan." I read that we needed the plan and needed 4 copies. Then he called me and said he had 3 more names to add to the list. I told him not to reprint the whole list, just to give me the 3 names. He came in the office, and we had some exciting moments. I asked if he had his plan; he right away called someone; it didn't take much more than an hour, and I got an email of the plan. Kerry asked if I would print out the plan for the board members; which I did, and put it in their mailboxes. I instructed one of them on Monday and two on the previous Saturday night to please check their mailboxes for some important information. The plan did come in. Yes, it wasn't in step one; I will take some of the blame for that. But somebody has to come to me and see me. I don't know who I'm supposed to chase after. Thank you.

Kerry talked about the contact list and that they weren't talked to after that. The people were contacted, but they were just left off of the list that was turned in. B. Killian agreed that they weren't after; they were in the time.

I. Pronschinske stated that he hoped at the next meeting there shouldn't be any deletions. We don't want to go through this whole process again because someone wasn't contacted. This will be on the next agenda. At 10:28 p.m. a short break was taken. The meeting reconvened at 10:34 p.m.

Rossa Sand Mine Expansion Presentation by FOTH

Bill Vachon introduced himself, Paul Egelhuf, and Carl LaPrairie. This is a CUP amendment for the Rossa property; adding property to the west, south, and north; gave project history back to May of 2012 and the existing permit; proposed amendment of additional acreage of 440 for a total of 690 acres; operate under the revised County ordinance; increase haul trucks; increase permit for 20 years; 660 acres; land use is agricultural and increase tillable land; phasing; completed fair market value and spring agreements, structural inspections, and well inspections; transfer from Rossa to Canadian Silica Industries; road use agreement and bonding with Trempealeau County; permits for driveway; high capacity well permits; DNR more concerned about Turton Creek than the private water supply wells; pumping rate was reduced; site access; traffic impact analysis for Highway 95 intersection; phases 1 and 2 noise studies; and wet processing. He showed the existing layout; location of temporary wet facility; wet and dry plant location in the future; complaint about the light at night and working to enclose it with a light proof covering; water processing and ponds; flood lands; waterways; shore land and floodplain zoning; phasing; reclamation; and current operation and phasing. He talked about the reason for the initial phasing of the 21 acres, to get the project started with wet processing only, because of a portion of the County ordinance stating that if you didn't do something with the existing permit for 2 years you would lose it; because of this constraint this is what we have now. He talked about the reclamation back to agricultural land with 4 to 1 slopes where they can. They are looking for additional property and redoing the reclamation plan, storm water plan, revising air plan; we have a fugitive dust plan, blasting plan, and all have been submitted to the County. R. Tuschner asked about going ahead with the temporary siting because of having to get started. Discussion continued on the 23-30 acres, the pond, location, erosion, self-contained, rules of the DNR, storm water basin, 100 year flood and current rainfall amounts, updates, dust, light, noise and 45 decibels that have been met with the present operation (processing), strobes on the loaders, minimal light emissions, 75 foot buffer, temporary wash plant and future location, elevation (860 going 50-60 feet lower), overburden went to the Soppa pit for reclamation, best management practices are in place, permanent locations and buildings which will be enclosed structures, meeting the 45 decibels, additional noise studies, 24 hour operation, blacktop processing plant in Trempealeau County, sand processing, time from temporary to permanent (8-12 months), only wet processing with dry in the new plan, current Rossa property, continuous reclamation process and the progression, not mining all of the acres permitted (big hills, Darlene's house, Chad's house, chicken coop, Rossa homestead, floodplain areas), % mineable—690 acres---roughly half, and not going to annex into the City. Jeff Bawek asked to have Joe Rossa Lane pointed out; consider the intersection to be raised to improve the line of sight. Discussion continued on the speed limit and the curve by Pientok's, height of the road coming out on County Road T, talking with the County, and previous discussion with the Town Board on Joe Rossa Lane. Mary Slaby asked about land across the road and trucking to the sand mine. C. LaPrairie stated slurry. B. Vachon stated that at that point they would be applying for a permit to go through it; wetlands; bridge on Soppa Road; and 20 years away. Pam Fernholz wanted clarification on the 24 hour operation. B.

Vachon clarified the 24 hour operation would be processing only, washing and drying, and explained it; lights on all night, but with better wrap, lower in the valley, shields. Discussion continued about the operation of trucking and the County ordinance. Mary Frisch asked about the sound difference during the day and night. B. Vachon clarified that there are no restrictions during the day and explained the night noise monitors and their results. Dennis Hesch asked about the decibel rating during the day and the level. B. Vachon stated that the decibel ratings during the day will not change much more than they are at night; they would only be running 40 trucks, 3 or 4 rock trucks hauling, a couple of dozers, and a backhoe running which will be similar to a construction site; and the actual processing will be the same noise. D. Hesch asked for the number. B. Vachon could not give the actual number, but did say the background level of operations would be the same as the activities in that area; it wouldn't be noticeable with whatever else is going on. R. Tuschner asked if he meant farming. B. Vachon stated yes, and he continued talking about the noise monitoring the first night and combining corn that was going on at the northern portion of the property; there was some noise from that farming operation and the broiler coop back there; the monitors are very sensitive; so farming operations, cars driving by, and dogs barking all add background noise. D. Hesch asked: so they hear what is up now that you call your graph; is that going to work to where your projects are eventually. B. Vachon stated yes; when that gets done there will be another monitor device set up for after hours to document that issue. Discussion continued about the conditions set by the Town and the County and wanting to be pro-active letting the Town and property owners know what is going on; contact list on the signboard outside the facility; questions from the residents, they should please call; dropping off the recyclables left in garbage bags are being disposed of; 3 phase and power lines; coming to the Board; presenting documentation; next meeting as the initial meeting/first meeting; contacting people whose wells will be inspected (2500 foot) of the amendment; 12 additional wells; doing the homework on the contact list; being accused of rushing something; and getting the information to the Clerk.

Correspondence: an email was requested for a letter for Mr. Herzog; Farmland Preservation will be worked on (B. Killian asked if we needed to notify people affected, J. Bawek stated that that the County is beginning to work on it, B. Killian stated that she didn't want to drop the ball if someone needed contacting); a resolution was passed at the County on annexation; a letter to the City of Arcadia and the alderpersons was sent (question to M. Slaby if she received hers, she had not check her mailbox yet), the letter was read by R. Tuschner (copy is in the office) and a brief discussion was held on the letter delivery, and checking with Mayor Kimmel; attorneys have been hired by the Wiersgallas; a letter from the Department of Land Management stating that the Schneider Sand Mine Conditional Use Permit has been pulled; send someone to a development grant/application training; local design selection for Mill Road Bridge removal—engineers selected are Ayres Associates to be removed in 2016; public hearing for Maliszewski Dairy at Whitehall on February 11; request for J. Olson to attend a training in Wausau (it was agreed he should attend); email from Mel Bollom on AllEnergy erroneous document correction; 2 resolutions were received from Trempealeau County (these are in the resolution binder); open records request for temporary and permanent limited easements and B. Killian needing assistance with this (we took temporary easements to put in culverts, signed by landowners, returned to landowners; Thompson Valley landowner purchases; no way to predict the future; does not apply to us); letter from Pat Rohn; letter welcoming us to the Farm Bureau Family (Rural Insurance); letter from Attorney Brovold on the petition to the Town of Arcadia (copies given to K. Geske and Debra Foss); Sara Slaby sent an article to forward this to the Board on crystalline silica (Ivan got the hard copy & the email will be forwarded to Ron and Mike).

Discussion was held about the next meeting date and time; possibly having a separate meeting for just K. Suchla and his mine; a date to accommodate K. Suchla to contact the people he needs to contact; after the first initial meeting having to wait a full 2 weeks for the next meeting, no, it will be at the next regularly scheduled meeting, and the third at the next regularly scheduled meeting; a special meeting and the cost of \$200 paid in advance of the meeting; first meeting will be set and the second and third meeting could be a special meeting; to be in compliance, \$200, give proper notification, and nothing else on there for a special meeting, just the \$200 to cover the expenses of the board and clerk per diems and mileage. M. Chitko summarized that the next meeting, whether it is special or regular, is the first meeting with the Town Board, 15 minutes brief overview, 2 weeks after everyone has been notified, could be the 23rd, a special meeting. R. Tuschner wanted to set the regular meeting first. I. Pronschinske brought the suggestion of a special meeting. Otherwise we go with our regular board meeting. Discussion continued on Monday the 16th or Wednesday, which is Ash Wednesday, and only 13 days; and the next regular meeting on the 23rd with the next regular meeting the following week, 2 weeks in a row. The meeting on March 2 would be open to the public; maybe the second meeting could be a special meeting. A motion was made by R. Tuschner and seconded by I. Pronschinske to set the next regular Town of Arcadia Board meeting for Monday, February 23, 2015 at 7:00 p.m. Discussion continued on the contacts and special meeting. Motion was carried unanimously with a voice vote. Agenda items are on a list in the office.

R. Tuschner adjourned the meeting at 11:48 p.m.

Respectfully submitted by,

Beth Killian, Town of Arcadia Clerk