

# 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, March 16, 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 Supervisor Michael Chitko. Supervisor Ivan Pronschinske was absent. The list of residents in attendance is included with the hard copy of the minutes in the office file.

R. Tuschner led the Pledge of Allegiance.

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

Beth Killian clarified the minutes of February 25, 2015 and February 23, 2015. Nancy Rohn, Elva Helwig, and she all listened to the respective tapes again. The minutes at the previous meeting were written correctly. R. Tuschner stated that the minutes of February 25, 2015 and February 23, 2015 stand as presented and printed.

A motion was made by M. Chitko and seconded by R. Tuschner to approve the minutes of March 10, 2015. The motion was carried unanimously with a voice vote. A motion was made by R. Tuschner and seconded by M. Chitko to approve the minutes of February 23, 2015 as printed. The motion was carried unanimously with a voice vote. The minutes from March 2, 2015 are near completion and will be ready for the March 18 or 19, 2015 meeting.

A motion was made by M. Chitko and seconded by R. Tuschner to approve the disbursements of March 16, 2015. The motion was carried unanimously with a voice vote.

At 7:06 p.m. R. Tuschner opened the floor to public comments for other topics that were not listed on the March 16, 2015 agenda. David Kiekhoefer asked if something could be done on Trout Run Road. It was brought up last year and there is still water and crushed rock on the road; is there a culvert. Jon Olson stated he didn't think there was a culvert and something needed to be ditched and then a culvert put in. Discussion continued on the hazard: ice, debris, full ditch, and water pooling.

Karen Geske asked about the irrevocable letter of credit of \$250,000 for the Guza non-metallic sand mine. R. Tuschner thought it was yes. She then spoke of a flood on the bridge by the mine. It looked like work was needed. She spoke about the 2 upcoming meetings this week for the Rossa Sand Mine; did research on the beginnings in May, 2012 with the original site of 41 acres, then an addition to 150 acres; her thought is that the mines always want to expand and how does it affect the surrounding homes and neighbors, the quality of life, fugitive sand, trucking issues/roads, and would hope her board would consider not expanding this mine at this time. There was no reason given for the expansion and why it was need right now. She questioned the number of years forecast in the original 41 and 150 acres, and to wait until that timeframe was nearing and then consider the expansion.

Darlene Rossa gave the reason for the mine expansion. The first permit was for 41 acres, and then increased to the existing 146 acres. The expansion will be 680, but only 200 acres will actually be mined. The group is self-financed, La Prairie, and will need a bank loan. She stated that \$929,000 has already been spent in Arcadia itself, just in the City of Arcadia and the Town of Arcadia. In a

radius of 50 miles they have spent \$2.1 million, and they need the reserve of sand for the financing; this is the reason for the expansion. They will have \$65 million in the whole project; it will take 40-50 years to do that/complete all that, but you need the financing. They permit the whole thing for the simple fact of having to drive from one site to another. They will not be taking the big hills; it will be the fields; when it is done it will give us 46 additional total acres for farming; it will heal the ditches and gullies. Her daughter said nature will heal itself, when you put down bricks and mortar like housing developments, that never goes away, this will go away; time will take care of it; they will re-claim it and it will go back to hills, trees, and grass. Houses being built out there will never go back; it will never go back to agriculture. R. Tuschner made the second and third call for comments. He then closed the public comment and suggestions portion of the meeting at 7:15 p.m.

Comments from the Board: R. Tuschner stated that it was suggested at the Open Meetings Law presentation at the City of Independence that board comments should be removed from the agenda. This will be discussed by R. Tuschner and M. Chitko if this will be a continued item.

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

Jon Olson addressed the River Valley Road bridge: it was not the sand mine's fault; it was caused by a cattle gate; thanked Bob Hemker for help in removal; the landowner needs to do some ditching. Also the Trout Run landowner needs to do ditching. Road bans are on and the road crew has closed 7 roads; been working on thawing culverts, replacing culvert on Irvin's Coulee Road; done brushing; the bids for tires came from Jeff's and the Co-op; would like the Board to look at a mini-excavator, skid steer, and trailer; and continuing to remove trees along the roadway, cut 50 trees along the highline. He viewed a video online on how to sell obsolete equipment and talked about some possible contacts for the Mill Road Bridge. Discussion continued on the bridge. The Clerk was instructed to contact Gretchen Erickson on insurance cards for the vehicles. J. Olson talked about making weight limit signs out of the old stop signs for \$17.00 each and replacing the chain saw that had been stolen for \$179.96.

#### **High Country Sands LLC Mine Conditional Use**

R. Tuschner explained the procedure; these are the Town of Arcadia conditions that will be taken to Trempealeau County's Environment and Land Use Committee; they will decide which ones to include. Bruce Brovold added that the County has the ultimate decision. Discussion was held on the template list of conditions: **roads**---since the route will be County J, the mining company will not be allowed to use town roads; **structure and well inspections**---inspection data be given to property owners/60 days, initial inspection, year following, and second year following, include all residents in the housing addition(s) unless opting out, procedure for well inspections, violations/problems are reported to the County, damages, what is included in the test, monitoring wells and direction of water flow, sand in water, blasting effects/misfortune/problems/protection, third party inspector, judgement call to pull the well would be done by the well inspector, clarification by B. Brovold of additions (initial inspection, 1 year, and 2 year; 2500 feet from the site boundary, in addition homes on Woychik Lane and Parkview Lane; additional inspections at staff request; first inspection includes minimum of water level and well level/third party inspector will decide if pump will be pulled and/or video; results provided to County and landowner in 60 days; landowner may opt out/if person opts out the County will judge if the problem was a result of the mine and opting out would be one of the facts included in the decision making process); transferability of land ownership/County permit and would follow the zone and the zone rights, and the seller is obliged to let the buyer know about the property/proof, Middle Road and Locomotive Lane; **reclamation**---continuous reclamation/rolling, phases and sequencing, no more than 12 acres open excluding haul roads and processing area, enforcement, cease-and-desist or warning, inactivity, County has its own template, Town of Arcadia suggests conditions, enforcement, be consistent, clarification by B. Brovold of additions (follow County rule of 1 year of inactivity and closure, except of wash and production area and haul roads no more than 12 acres open at any time without reclamation ongoing in all previously open areas), before any mining activity takes place the previous mine must be reclaimed, and bonding; **existing perimeter tree canopy; air quality standards; notification of blasting**---2500 feet of the mine perimeter 24 hours prior to blasting and to include the same landowners as in number 2; **blasting plan; financial assurance; meeting a minimum of every 6 months for the first 2 years and annually after the second full year**---the sand mine should let us know when to be put on the agenda for an update; **review conditions, compliance, and complaints on an annual basis**---combine with the previous condition; **setbacks**---trees are outside of the 50 foot buffer, no dwelling; **berms**---none needed, County Road J hill is the berm until the last year or two of the mine, then the mine will be done; **responsibility of picking up rocks and/or debris; back up alarms**---MSHA will dictate; **trucks will be tarpped; lighting will be shielded; initial training shall be provided to emergency responders; testing for acrylamides**---the same water test, but by a special lab which is costly, it is part of the County condition on the monitoring wells; **property guarantees**---R. Tuschner stated the Town of Arcadia does not belong in private contractual agreements, but we can request that property values be guaranteed near a mine, and he read an email from C. J. Becker that there have not been enough arm's length sales close to frac sand operations to determine that values of houses are lower, in his opinion houses close to frac sand pits (within 300-400 feet) are worth less on open market (not sold to frac sand companies), he does not have any arm's length sales, enclosed were sales in the Town of Arcadia in the last 12 months near existing frac sand operations---one to Hi-Crush LLC to Robert Gabriel for \$1,500,000, sold for future

frac sand use has been higher, B. Brovold stated that the point is that there are no arm's length sales and those are sales to mining companies, properties sold to sand mine companies were almost double, R. Tuschner proposed a committee be formed of 3---one sand mine representative, one housing representative, and one moderator to choose 3 different appraisals to get an appraisal, B. Brovold stated that the County must make that a condition and mining companies have made guarantees, R. Spangler stated that they have no problem with this request and are willing to do that, B. Brovold asked how they would accomplish this condition, a High Country Sands LLC representative stated that they can ask the County to put this in as a condition for the permit (Eau Claire County has it), protection for this group of landowners, use appraisers, at the time of sale, and offer to the same group of people that are having wells tested; **final two paragraphs---possibility of additional conditions and conditions to be in perpetuity to any future owners/operators.**

A motion was made by R. Tuschner and seconded by M. Chitko to forward these conditions to the Trempealeau County ELUC committee, Kerry Suchla, and High Country Sands LLC as soon as they can be typed up and presented with the help of Bruce Brovold and Beth Killian. Roll call vote: R. Tuschner, yes and M. Chitko, yes. Motion carried.

At 9:47 p.m. a 5 minute break was taken.

The meeting reconvened at 9:59 p.m.

### **Well Head Protection Ordinance**

A discussion was held on the footage, the well at the park, another well being shut down at some point, and to put this on the annual meeting agenda. This ordinance must be voted on by the population, either at the annual meeting or on a referendum. Since there are no other elections to be held in 2015, it was decided to vote at the annual meeting. We have agreed on everything except Dick Schank's farm; Bill Schlessler and Walske's has been discussed and taken care of. There is a meeting on April 8 and possibly a meeting on April 20. B. Killian will check with D. Schank and Mayor Kimmel on the status of their discussion.

### **Policies and Benefit Handbook pages 41-60**

Topics discussed: health benefits, life benefits, accident and death benefits, retirement, short term disability, workers comp. insurance, FMLA, employee leave and vacation policy, funeral leave, jury duty, maternity leave, military leave, personal leave, sick leave, time off to vote, holidays, and no strike agreement. M. Chitko will finalize the handbook; give it to the Clerk to make copies, and to be approved at a future meeting.

### **Update on Hiring of an Auditor**

Discussion was held on the duties we are requesting of the auditor and the status thus far. A representative from Hawkins Ash CPAs left a message. B. Killian will follow up with his request. Wipfli LLP and another company from Eau Claire were also contacted. We are looking for a quote by April 15, 2015.

### **Roads for the Co-Aid Road Petitions**

It was decided to petition for River Valley Road and Lewis Valley Road both to be seal coated, including blade patching. River Valley Road would be the entire length at a cost of approximately \$50,000-\$56,000. Lewis Valley Road would begin at Highway 93 and go to the extent of the remaining amount of money to be spent, \$40,592. Roads and distances can always be changed since this is for the budget. B. Killian will submit this to the Trempealeau County Highway Department.

### **Designate the IOH Permit Signer**

A motion was made by R. Tuschner and seconded by M. Chitko to designate Jon Olson as the IOH permit signer. The motion was carried unanimously with a voice vote.

**Correspondence:** The Tri-County Communications Cooperative, Inc. has their annual meeting on March 26, 2015---M. Chitko will be the Town of Arcadia's representative; received the plan review for the Edwin and Debra Maliszewski Farm; received a letter from the United States Environmental Protection Agency regarding the Assessment Grant Proposal/Application #R05-A-064 (Brownfield site) --- the letter is on file with the Brownfield information/folder---a request was made from the newspaper for a copy, M. Chitko will contact the Mayor and speak to the newspaper representative; several letters/open records requests from Attorney William C. Gamoke, representing the Wiersgalla family---these requests are in the open records folder; a letter from Gray's Inc. informing us of the passing of John Buechner, the customer sales representative (this could be for the City of Arcadia, and will be passed on to the City Clerk); and the Fire Inspection Services Inc. report, which is done twice a year, reported 5 violations---the letter is in the office file.

Discussion was held about the next meeting date and time and agenda items. B. Killian will contact C. J. Becker to set the dates for Open Book and Board of Review. Mr. Wegman will be on the next agenda for extension of Cyril Sobotta Lane. Well Head Protection Ordinance and Dick Schank should be put on the Thursday, March 19 agenda. The Fire Board meeting scheduled for April 21 will need to be changed. A motion was made by R. Tuschner and seconded by M. Chitko to set the next regular Town of Arcadia Board meeting for Wednesday, April 8, 2015 at 7:00 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 10:50 p.m.

Respectfully submitted by,

Beth Killian, Town of Arcadia Clerk