



## Village of Maine Minutes

**Monday, March 14, 2016**

**Village Board Meeting**

**Maine Municipal Center**

**6111 N. 44<sup>th</sup> Avenue**

**Wausau, WI 54401**

**The Board of Trustees of the Village of Maine held a regular monthly meeting at the Maine Municipal Center on Monday, March 14, 2016 at 5:30 p.m. Accounts Payable were reviewed at 6:00 p.m. with General Business at 7:30 p.m.**

### Agenda

1. Call meeting to order at 5:30 p.m. – Betty Hoenisch, Village President
2. 5:30 p.m. – Meeting with Hettinga’s regarding Willow Springs round barn functions
3. 6:00 p.m. – Review Accounts Payable
4. 6:30 p.m. – Meeting with Mr. Buch regarding payment for wood in road right of way
5. 7:30 p.m. – General Business
6. Pledge of Allegiance to the Flag
7. Motion to approve bills payable
8. Clerk’s Report
  - A. Motion to dispense of the reading of the minutes from the February 8, 2016 Board Meeting, the February 10, 2016 Cooperative Boundary Agreement Public Hearing, the February 11, 2016 Special Board Meeting, the February 24, 2016 Special Board Meeting / Closed Session, the February 25, 2016 Special Board Meeting, and the March 7, 2016 Special Board Meeting, Cooperative Boundary Plan Workshop and Closed Session and approval of those minutes.
9. President’s Report
10. Trustee’s Report
11. Treasurer’s Report
12. Zoning Administrator’s Report
13. Fire Department Report
14. Comments from the audience on Other Business items below
15. Other Business:
  - A. Discussion & possible action on compensation to Mr. Buch for road right of way wood
  - B. Discussion & possible action to approve salt order with Marathon County Highway Department
16. Workshop and discussion on transition of the Town of Maine becoming a Village in relation to Marathon County Conservation, Planning and Zoning Services
  - A. Discussion and possible action to authorize Village of Maine officials and Village Attorney to enter into intergovernmental agreement with Marathon County for administrative assistance for addressing, mapping, shoreline zoning, farm zoning and metallic mine permitting
17. President updates Board members on complaints, road projects, and other village issues
16. The next Village Board Meeting will be April 11, 2016.
17. Adjournment

Notice & agenda of this meeting was posted at the Red Granite Bar & Grill, Richard’s Restaurant & Bar, Schmidt’s Bar & the Maine Municipal Center, 6111 N. 44<sup>th</sup> Avenue, Wausau, WI on March 13, 2016.

*Betty J. Hoenisch*, Village of Maine Clerk

## **Monday, March 14, 2016 Village Board Meeting**

The Board of Trustees of the Village of Maine held a regular monthly meeting at the Maine Municipal Center on Monday, March 14, 2016 at 5:30 p.m.

### **President Hoenisch called the meeting to order at 5:30 p.m.**

Present were President Betty Hoenisch, Trustee Keith Rusch, Trustee Tad Schult, Clerk Tina Meverden, Treasurer Cindy Bailey, Zoning Administrator / Building Inspector Rich Grefe, Village Attorney Randy Frokjer, and community members.

### **Meeting with Hettinga's regarding Willow Springs round barn functions**

Present for this meeting were President Betty Hoenisch, Trustee Keith Rusch, Zoning Administrator Rich Grefe and Jeff and Jody Hettinga.

Mr. Hettinga had a handout that listed their concerns.

Comments and concerns by the Hettinga's included:

- Who holds the liability insurance for dangerous functions like the tractor pulls – is Maine liable?
- Is the round barn addressed under Griffin's original Conditional Use Permit?
- Functions go on every weekend all summer long. Can they be restricted to a limited number of weekends per year?
- Their surroundings used to be quiet, now all they hear every weekend is BOOM, BOOM, BOOM from the loud music, the DJ talking, people shouting in the parking lot, loud talking from people on the west deck and are experiencing increased traffic.
- Noise carries in the country and the loudness varies depending on the landscape and terrain
- Fireworks noise and potential for a fire due to surrounding crop fields
- The round barn functions have changed Hettinga's way of life and possibly the ability to sell a portion of their property should they wish to sub divide and sell a couple of lots.
- Other neighbors are upset about the noise and traffic issues

Mr. Grefe explained that he and President Hoenisch met with Mr. Griffin, an alarm specialist and building engineer. During that meeting we discussed noise buffers, possible changes to parking area and location for bands to setup their equipment in the barn. Mr. Griffin is willing to work with the Village on these issues, Mr. Grefe stated. I have been working with the State of Wisconsin on what is needed for the round barn. The Village of Maine is also addressing the round barn functions through their Conditional Use Permit which needs to be amended.

Trustee Rusch showed the Hettinga's a copy of State of Wisconsin's DSPS emailed responses to Mr. Grefe's questions. Trustee Rusch also explained a public hearing would be held when the Griffin's petitioned to amend their Conditional Use Permit.

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President Hoenisch reported that originally she and other officials thought Griffin's CUP covered the entire property. When we received the complaint on the excessive fireworks display at a fall wedding, I asked Mr. Grefe to research Griffin's file. It was at that time that we discovered the CUP needed to be amended. Mr. Grefe immediately contacted Mr. Griffin who was brought in to a meeting with the Fire Department Inspector, Mr. Grefe and President Hoenisch.

President Hoenisch went on to explain that the Griffin's and the Town of Maine's original vision for the property when the Historical Overlay was approved has morphed into something quite different. The change has been driven by public demand to have unique venues for weddings or other functions.

President Hoenisch also talked about all the other family friendly functions that are held at Willow Springs Gardens and the value it brings to this community. We want to work with everyone in the area and Griffin's so all concerns are addressed.

### **Review Accounts Payable**

The Maine Village Board of Trustees was unable to review accounts payable as scheduled due to time constraints early in the meeting. The accounts payable were reviewed later in the meeting.

### **Meeting with Mr. Buch regarding payment for wood in road right of way**

Present for this meeting were President Betty Hoenisch, Trustee Tad Schult, Trustee Keith Rusch, Attorney Randy Frokjer and property owner John Buch.

President Hoenisch explained that the meeting was to attempt to resolve the Keller Drive road right of way issue with Mr. Buch.

Attorney Frokjer explained that Keller Drive is only a three rod road and the trees that were cut were in the area that REI surveyed for the town as road right of way area.

Attorney Frokjer reported that with the sorting of old records, former Chairman Schult had found the old Highway Order document showing the road right of way area belonged to the town.

Trustee Schult explained that most roads are four rods wide, therefore with a three rod right of way the town needs to keep the area clear. The Department of Transportation periodically surveys the roads and notifies the municipality if they feel the road right of way needs to be cleared for safety reasons.

Mr. Buch explained he lives in the Town of Berlin and they notify the landowners before cutting the trees along the road. Attorney Frokjer replied that each municipality does it differently. When the trees are on town property it is not necessary to contact the adjoining landowner.

Mr. Buch said he had talked to Ms. Hoenisch one day in the office and asked to be notified when his trees were going to be cut. President Hoenisch explained that once REI reviewed road documents and the town learned the right of way was town property there was no need to contact Mr. Buch.

Mr. Buch went on to explain that when he learned that the trees were cut along his Keller Drive property he contacted Attorney Drach for advice because he believed he owned the land and trees.

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President Hoenisch reported that when cutting was being done along N. 12<sup>th</sup> Avenue, N. 28<sup>th</sup> Avenue and Keller Drive, a group of residents came to the Town Board because they were unhappy that the Board allow the public works employees and Supervisor Schult to take the wood home.

Trustee Rusch explained that the Board and Attorney Frokjer spent a lot of time researching the wood /road right of way issue and adopted a wood policy to appease the residents, satisfy liability issues and complete the tree removal task in the most cost efficient manner.

John Buch explained his legal bills and Flannery's bill to estimate the amount of wood that was cut based on the stumpage.

Attorney Frokjer stated that when Mr. Buch, his legal counsel, former Chairman Schult and he had met, all parties believed the wood and road right of way belonged to Mr. Buch. Now with the road documents that former Chairman Schult found it would be a waste of time and money to go to court. Any judge that reviews the information presented today would agree that the road right of way belongs to the town.

Discussion followed on Mr. Woller's wood records verses Flannery's estimate of wood. The group also discussed possible solutions and possible compensation for the wood.

President Hoenisch explained that Mr. Buch's wood item was item A under the General Business items for tonight's agenda.

Attorney Frokjer stated that if the Village Board decides to reimburse Mr. Buch for a portion of his costs, then Mr. Buch should stop at the office to sign a Release of Claims.

Mr. Buch will stop next week to see what the Village Board decides regarding the wood issue.

### **Pledge of Allegiance to the Flag**

### **Motion to Approve Accounts Payable Bills**

President Hoenisch noted that the Village Board was unable to review accounts payable due to meetings earlier in the evening with the Hettinga's and Mr. Buch. As a result, bills payable cannot be approved. She added that the Board will take the time needed later in the meeting to review and approve the accounts payable bills.

### **Minutes Approval**

President Hoenisch stated that the April 27, 2015 Special Board Meeting / Intergovernmental Meeting will not be approved this evening. She explained that she brought the incorrect set of minutes on her flash drive to the Village Hall in error.

President Hoenisch called for a motion to dispense of the reading of the minutes from the February 8, 2016 Board Meeting, the February 10, 2016 Cooperative Boundary Agreement Public Hearing, the February 11, 2016 Special Board Meeting, the February 24, 2016 Special Board Meeting / Closed Session,

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the February 25, 2016 Special Board Meeting, and the March 7, 2016 Special Board Meeting, Cooperative Boundary Plan Workshop and Closed Session and approval of those minutes.

President Hoenisch provided a lengthy explanation as to why the April 27, 2015 Special Board Meeting / Intergovernmental Meeting has yet to be approved.

President Hoenisch called for a motion to approve the minutes as listed. Motion by Supervisor Schult to dispense of the reading and approve the meeting minutes from the February 8, 2016 Board Meeting, the February 10, 2016 Cooperative Boundary Agreement Public Hearing, the February 11, 2016 Special Board Meeting, the February 24, 2016 Special Board Meeting / Closed Session, the February 25, 2016 Special Board Meeting, and the March 7, 2016 Special Board Meeting, Cooperative Boundary Plan Workshop and Closed Session. Supervisor Rusch seconded the motion pending one correction to the February 11, 2016 Special Board Meeting as follows – on page 1 under *Adjournment* Trustee Rusch should be listed as the individual who made the motion to adjourn rather than Trustee Schult. Motion carried.

### **Clerk's Report**

Clerk Meverden reported that Maine had a great turnout for the election held on February 16<sup>th</sup>. She noted that an astounding 245 voters came out for one race on the ballot, a primary for the Justice of the Supreme Court position.

Clerk Meverden stated that both she and several of her Election Chief Inspectors attended two election seminars in the past month – one concerning election observers and another addressing legislation AB-389 / SB-295. She explained that this legislation is set to be passed in a few days, and thus clerks across the state will have to implement some of the legislative changes for the upcoming April 5<sup>th</sup> election.

### **President's Report:**

President Hoenisch reported that the previous month has been filled with numerous meetings regarding the Cooperative Boundary Plan and the City of Wausau lawsuit. She added that the Village Board will not be going into any detail regarding the lawsuit as advised by legal counsel.

President Hoenisch stated that the Cooperative Boundary Plan and Public Hearing was held on February 10, 2016. She added that a Cooperative Boundary Plan Workshop was later held on March 7, 2016 between Texas, Maine, and Brokaw. President Hoenisch ended by noting that Gary Becker of Vierbicher Consultants has taken the information from the workshop and is currently finalizing the Cooperative Plan.

President Hoenisch commented that she has been kept busy answering emails and completing records research for Attorney Lori Lubinsky, legal counsel hired on February 24, 2016 to handle the City of Wausau lawsuit. Attorney Frokjer added that Attorney Lubinsky has provided an answer to Wausau's complaint as well as a counter claim. He noted that the Village of Maine will have a tentative press conference on the matter on Wednesday.

President Hoenisch stated that the Town of Texas has agreed to pay half of Attorney Lubinsky's legal fees. She explained that the City of Wausau's lawsuit is known as an injunctive relief lawsuit, and as such, insurance only covers \$10,000 in legal fees.



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Deposits	-	\$1,544,846.31
Disbursements	-	\$1,556,822.26
Balance on 2/29/2016	-	\$ 712.10
<b>Garbage/Recycling CD.....</b> Balance on 2/29/2016	-	\$ 2,500.00
<b>Money Market Account...</b> Beginning Balance on 1/31/2016	-	\$ 518,505.02
Deposits	-	\$ 2,660,718.05
Interest	-	\$ 278.43
Disbursements	-	\$ 1,543,024.52
Balance on 2/29/2016	-	\$ 705,636.05
<b>Village of Maine Fire Department Accounts:</b>		
<b>Checking Account.....</b> Balance on 2/29/2016	-	\$ 791.08
<b>Memorial &amp; Donations Money Market Account...</b> Balance on 2/29/2016	-	\$ 26,367.62
<b>Equipment Outlay Account...</b> Balance on 2/29/2016	-	\$ 59,039.31

Treasurer Bailey reported that Maine had a successful property tax season. She noted that she settled with Marathon County on February 18, 2016.

Chair Hoenisch called for a motion to approve the Treasurer’s report. Trustee Schult made a motion to approve Treasurer’s report, seconded by Trustee Rusch. Motion carried.

**Zoning Administrator’s Report – February 2016**

Zoning Administrator / Building Inspector Rich Grefe reported that his computer software indicated that no permits were issued for the month of February. He questioned that fact and stated he would research the matter further, as he believes he may have issued one permit. He added that he completed one on-site zoning inspection and two on-site building inspections for the month – one inspection for insulation and the other for under floor.

Mr. Grefe reported that he has been kept busy with the following: 1) several on-site meetings with property owners, and 2) numerous phone calls and emails to and from the State of Wisconsin regarding the Willow Springs project.

Mr. Grefe stated that he received a complaint on a structure that is approximately 10 years old. He stated that he will have to do some research on the matter to discover if enforcement is needed on any violations.

Mr. Grefe explained that he has been working with Marathon County, the State of Wisconsin, and FEMA to put together sample ordinances now that Maine has transitioned from a Town to a Village. He noted

that the Village of Maine has approximately one year to comply with FEMA requirements so that its residents can acquire flood insurance for their protection.

### **Fire Department Report:**

Clerk Meverden read a report submitted by Chief Joe Bozinski concerning the status of Maine Fire Department for February 2016. To view the report as read by Clerk Meverden, see the concluding pages of these minutes.

### **Comments from audience on Other Business Items**

President Hoenisch asked community members if they had any comments on *Other Business* items 15A and 15B. No comments or questions were offered.

### **Other Business:**

#### **A. Discussion and possible action on compensation to MR. Buch for road right of way wood**

President Hoenisch explained that the Village Board met with Mr. Buch this evening from approximately 6:30 p.m. until 7:15 p.m. Trustee Rusch added that the Town of Maine had removed timber from a stretch of land along Mr. Buch's property while maintaining the road. The dispute between the Town and Mr. Buch at the time was over who owned the property in which the timber was removed. It was discovered that the Town did indeed own the road area in which the wood was taken, however because of the confusion over who owned the property, a lack of clarity on the matter, and time that has lapsed since the occurrence, an agreement was reached between the parties. The Village of Maine has agreed to pay Mr. Buch's legal fees in return for a release of all damages.

President Hoenisch and Attorney Frokjer noted that the Town did do its due diligence at the time and then provided additional history on the matter.

Attorney Frokjer stated that the amount of the resolution with Mr. Buch is for \$2,738.54. He added that he will draft up a release of claims as part of the payment to Mr. Buch.

Trustee Rusch made a motion to authorize Attorney Frokjer to create a release of damages document on the Buch matter as well as approve reimbursement of \$2,738.54 to Mr. Buch upon him signing the release of damages. The motion was seconded by Supervisor Schult. Motion carried.

#### **B. Discussion and possible action to approve salt order with Marathon County Highway Department**

President Hoenisch reported that Marathon County sent its annual letter to the Village of Maine asking for an indication of the amount of salt it would like to order if the Village desires to receive its salt supply from the County. She added that historically the Village has ordered 150 tons per year. To date this winter, President Hoenisch stated that the Village has used only 66.65 tons.

President Hoenisch explained that the Village Board has decided to use more salt in its road mixture because freezing rain has been the norm for the last several years. Public Works has been very happy with the results this winter created by changing the road mixture to include more salt.

President Hoenisch noted that the County has not penalized Maine for going under what was ordered for salt (as they store the excess and can charge a fee for that service).

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Trustee Schult stated that Public Works suggested Maine order 300 tons of salt. Discussion ensued on ordering various amounts of salt and which amount would be optimal.

Trustee Rusch made the motion to approve 150 tons of salt from Marathon County, seconded by Trustee Schult. Motion carried.

### **Workshop and discussion on transition of the Town of Maine becoming a Village in relation to Marathon County Conservation, Planning and Zoning Services**

President Hoenisch informed community members that the Board will next conduct a workshop to complete a form provided by Marathon County as well as discuss items presented in a meeting on February 8<sup>th</sup> between herself, Mr. Grefe, and the County.

The group reviewed and discussed each of the items on the handout provided by Paul Daigle, Director of Land and Water Program at Marathon County Conservation, Planning and Zoning Department. The group noted which items they felt it was best to contract with Marathon County to provide services for.

Per Mr. Daigle the following items are Urgent and Important as the Town of Maine transitions into the Village of Maine.

- Shoreland and Floodplain Zoning
- Animal Waste and Nutrient Management Ordinance
- Land Division/Certified Survey Map review

Per Mr. Daigle the following items are important but not urgent as the Town of Maine transitions into the Village of Maine.

- Livestock Licensing Ordinance
- Farmland Preservation Zoning District
- Land and Water Conservation Programs
- County/Uniform Addressing
- Geographic Information Services
- Nonmetallic mining
- Comprehensive planning
- Land Record changes
- Private On-site Wastewater Treatment System (POWTS)

**Discussion and possible action to authorize Village of Maine officials and Village Attorney to enter into intergovernmental agreement with Marathon County for administrative assistance for addressing, mapping, shoreline zoning, farm zoning and metallic mine permitting**

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President Hoenisch explained that Marathon County offers the services of addressing, mapping, shoreline zoning, farm zoning, and metallic mine permitting free of charge to towns as it is part of the taxes the towns pay to the County. Marathon County, however, does not provide the same services for Villages.

President Hoenisch reported that Marathon County is willing to enter into an intergovernmental agreement with the Village of Maine to provide some of the listed administrative tasks to help Maine with its transition into Village responsibilities.

Trustee Rusch made the motion to authorize Attorney Frokjer to meet with Paul Daigle, Director of Land and Water Program and County legal counsel to draft an Intergovernmental Agreement for Marathon County to provide administrative assistance and services to the Village of Maine, seconded by Trustee Schult. Motion carried.

### **President updates Board members on complaints, road projects, and other town issues**

President Hoenisch had no updates to provide to Village Trustees.

### **Motion to Approve Accounts Payable Bills**

President Hoenisch called for a motion to approve accounts payable bills. Trustee Rusch made a motion to approve accounts payable bills, seconded by Trustee Schult. Motion carried.

**Schedule next monthly Board of Supervisor Meeting for Monday, April 11, 2016 with bill approval at 6:30 p.m. and general business at 7:30 p.m.**

### **Adjournment.**

President Hoenisch called for a motion to adjourn. Trustee Schult made a motion to adjourn at 9:50 p.m., seconded by Trustee Rusch. Motion carried.

Respectfully submitted and approved April 11, 2016

*Tina M. Meverden*

Village of Maine Clerk