



Village of Maine Minutes

**Monday, September 10, 2018
Village of Maine Board Meeting**

**Maine Municipal Center
6111 N. 44th Avenue
Wausau, WI 54401**

OFFICIAL NOTICE AND AGENDA

The Board of Trustees of the Village of Maine will hold a regular monthly meeting at the Maine Municipal Center on Monday, September 10, 2018 at 6:00 p.m. A Closed Session will commence followed by Accounts Payable and General Business.

AGENDA

1. Call meeting to order at 6:00 p.m. – Betty Hoenisch, Village President
2. President will entertain a motion to convene into Closed Session
 - A. Closed Session pursuant to Section 19.85(1)(e) of the Wisconsin Statutes for the purpose of deliberating or negotiating the possible lease or purchase of land for future municipal buildings and projects and investing public funds for the proposed purchase or projects.
 - B. Closed Session pursuant to Section 19.85 (1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to possible litigation which it is or is likely to become involved with regards to the Village of Maine zoning ordinance.
3. Adjourn the Closed Session and reconvene the Special Board Meeting
4. Discussion and possible action on matters discussed in item two of this agenda
5. Review bills and motion to approve the payment of timeslips, invoices and statements
6. Pledge of Allegiance to the Flag
7. Motion to dispense of the reading and approval of minutes from the August 13, 2018 Meeting
8. President's Report
9. Administrator's Report
10. Treasurer's Report
11. Comments from the audience on Other Business items A - F below

Agenda (continued)

12. Other Business:
 - A. Discussion and possible action on Mark McDonald's petition for a Conditional Use Permit for 7020 County Road K that would allow him to operate an Adult Family Home and Dog Kennel and Training Facility at that location
 - B. Discussion and possible action on Shoreland and Wetland Ordinance
 - C. Discussion and possible action on Floodplain Ordinance
 - D. Discussion and possible action on Resolution of Intent to Participate in the National Flood Insurance Program
 - E. Discussion and possible action on an Ordinance for the Attachment of All Lands of the Village of Brokaw to the Village of Maine, pursuant to the Village of Brokaw, Town of Texas and Village of Maine Cooperative Plan and Permanent Boundary Agreement
 - F. Discussion and possible action on 2018 State Funding distribution
13. Report from audience on culverts, road issues and/or requests to have an item placed on the next Village Board Meeting agenda
14. The next Board of Trustees Meeting will be Monday, October 8, 2018
15. Adjournment

I certify that this notice and agenda was posted at the Red Granite Bar & Grill, Richard's Restaurant & Bar, Schmidt's Bar and the Maine Municipal Center, 6111 N. 44th Avenue, Wausau, WI on September 8, 2018.

Betty Hoenisch, Village of Maine President

Village of Maine Board of Trustees Meeting Minutes - Monday, September 10, 2018

The Board of Trustees of the Village of Maine held a regular monthly meeting at the Maine Municipal Center on Monday, September 10, 2018 at 6:00 p.m. A Closed Session was held at 6:00 p.m. followed by Accounts Payable and General Business.

Call meeting to order

President Hoenisch called the meeting to order at 6:00 p.m.

Present at the meeting:

President Betty Hoenisch, Clerk Cindy Bailey, Treasurer Patti Behrendt, Trustee Tad Schult, Trustee Wes Schoepke, Trustee Tom Mullaley, Trustee Jon Graveen, Attorney Randy Frokjer and Administrator Keith Rusch.

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B. Closed Session pursuant to Section 19.85 (1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to possible litigation which it is or is likely to become involved with regards to the Village of Maine zoning ordinance.

Trustee Mullaley made a motion to go into Closed Session Pursuant to 2A and 2B of the agenda and invite Administrator Rusch, Clerk Bailey and Treasurer Behrendt into the Closed Session. Motion carried by a unanimous roll call vote.

Adjourn the Closed Session and reconvene the Special Board Meeting

Trustee Mullaley made a motion to adjourn the Closed Session and reconvene the Special Board Meeting at 6:42 p.m. Trustee Graveen seconded the motion. Motion carried.

Discussion and possible action on matters discussed in item two of this agenda

President Hoenisch called for a motion for 2A of the agenda.

Trustee Mullaley made a motion to authorize Administrator Rusch to research State grants and loans for proposed Village of Maine projects. Trustee Graveen seconded the motion. Motion carried.

President Hoenisch called for a motion for 2B of the agenda.

Trustee Mullaley made a motion to authorize President Hoenisch to schedule a special meeting with the N. 60th Avenue area residents regarding camels. Trustee Schult seconded the motion. Motion carried.

President Hoenisch asked the Trustees when they would be able to attend a Special Meeting. Trustee Schoepke stated that the camel meeting should be held in conjunction with another meeting. The other Trustees agreed.

Review bills payable

Clerk Bailey distributed the bills and timesheets to the Trustees and asked that they review and approve them.

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President Hoenisch asked if there were anything to be noted regarding the bill approval otherwise a motion was in order.

Trustee Mullaley made a motion to approve the invoices and time sheets as submitted. Trustee Graveen seconded that motion. Motion carried.

President Hoenisch welcomed the community members attending the meeting. She explained that the Board of Trustees Meeting had been called to order at 6:00 p.m. for a Closed Session followed by the Board of Trustees reviewing and approving the accounts payable bills.

Pledge of Allegiance to the Flag

President Hoenisch asked everyone present to stand for the Pledge of Allegiance to the Flag

Discussion and possible action to dispense of the reading and approval of minutes from the August 13, 2018 Meeting

President Hoenisch explained that the August 13, 2018 Board Meeting minutes are not complete and will be tabled until the October Board meeting. She then explained the office electrical problems and the Clerk's computer crash. The clerk had spent a significant amount of time purchasing a new computer, installing the software and transferring the documents to the new computer.

President's Report

President Hoenisch updated the Board on the N. 20th Avenue culvert project. She went on to explain that an Army Corp representative finally emailed her today regarding an on-site meeting.

President Hoenisch gave a report on public works tasks due to the recent storms. She explained that every granite road in Maine had severe damage due to the amount of rain in a short period of time.

President Hoenisch then showed the Board and audience the approximately 30inch diameter flower container that had come off Mr. Ohrmundt's property in the storm, gone down the ditch and gotten lodged in John Ohrmundt's middle driveway. This caused the water to back up, wash over the road, take out Mr. Ohrmundt's driveways and take out the Village's road shoulder. President Hoenisch stated that matter has been a problem area for over three years. She stated that the Village Board has been waiting for Mr. Ohrmundt's cooperation. On July 26, 2018 Mr. Ohrmundt submitted a culvert application and applicable fee. Mr. Ohrmundt also told Administrator Rusch that he is willing to install culverts with the correct diameter. The Village Board is eager to move forward and get this situation corrected.

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Administrator's Report

Items of note:

- The replacement for the sewer commuter required additional work to fit into the area created for the original unit. The unit modifications are complete at United Machine and we hope to have it installed next week.
- A preliminary draft of the test well report came in Tuesday. It still requires in house review for release and sieve testing needs to be completed prior to sizing recommendations needing to be included in the report. Independent lab testing confirmed very good quality water. The Hydrologist shared that water volume test results were better than expected. PSC has confirmed that they will assess the Preliminary Engineering Report and Construction Authorization Application concurrently, this will save significant time. These reports and applications will be submitted to the DNR, PSC and to USDA for review. The report's conclusion states *"Based on the aquifer properties measured by the constant rate test, the aquifer appears to be capable of supporting a well pumping at a rate of 125 to 130 gpm for several hours per day as needed. For planning purposes, the Village should assume that a properly constructed well on this site will yield at least 125 gpm. Assuming the production wells will be pumped at 125 gpm, one well pumping for 80 minutes will supply the system with the daily requirement. Subsequent testing on a larger production well may prove that the aquifer could support an even higher producing well at the Site. The water quality data indicates that the water quality at the Site is generally very good. Iron, manganese, arsenic, TDS chloride, sulfate and nitrate concentrations are low. To date, none of the constituents tested for were detected at a concentration greater than or equal to any Federal or State Primary or Secondary Drinking Water Standards. It is also important to note that review of the 72-hour constant rate pumping test data did not indicate the presence of any boundary condition that may limit the available capacity of the wells."*
- The Brokaw Attachment timeline of October 1st, 2018 is on track with the Attachment Ordinance approval occurring this past Monday at the Maine Board meeting. I have had multiple questions come my way as to what happens upon attachment. While we have been working towards this end since Brokaw, Texas and Maine became partners over 2 years ago I feel I need to clarify some things in case some of you are getting asked as well. When attachment occurs all Brokaw residents will become residents of the Village of Maine and all properties will transfer as well. The current Brokaw residents' voices are not silenced they just shift to the Village of Maine. Former Brokaw residents will have the same rights (voting, running for office, etc.) and responsibilities as all other Maine residents, it's just that their representative government now resides at the Maine hall. The CBA anticipated attachment and when attachment is finalized the Village of Brokaw as a governmental entity will no longer exist. That includes all Brokaw boards or commissions as well as any elected or appointed positions. The only position that transitions to Maine is the Public Works Employee and whomever Clayton has on his list as support for weekend/emergency relief. There will be no longer be any Brokaw Board, Plan Commission, Water Commission or Community Development Authority meetings. Addresses will not change as part of attachment, nor will the post office. The current plan is to continue posting Maine meetings and information at the Brokaw Hall and Post Office boards. All current Brokaw residents are welcome and encouraged to attend Maine meetings.

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- The CBA established the Oversight Commission (OSC) to oversee Brokaw operations until attachment, when Brokaw no longer exists as an entity the OSC ends as well so these meetings will no longer be held. Communication with Texas will be key as we move forward implementing the remaining components of the CBA so that relationship remains in effect. We will have to establish the preferred way to keep information flowing between Maine and Texas but that is a must as we move along the process laid out by the CBA. Given that tonight marks the last of the Brokaw meetings I would like to say thank you to the Board and Plan Commission members that I have had the privilege to work with during this process. While attachment will benefit us all by simplifying operations, reducing costs and the reduction of the current Brokaw tax rate, it is a sad day that the Government of Brokaw will no longer exist after October 1st.

Treasurer's Report

President Hoenisch asked Treasurer Behrendt to present the Treasurer's Report.

Village of Maine Checking Account

Beginning balance - 7/31/2018 - \$31,180.67
Deposits and Interest - \$132,096.87
Disbursements - \$136,809.56
Balance as of 8/31/2018 - \$26,467.98

Maine Municipal Savings Account

Beginning balance on 7/31/2018 - \$507,964.68
Deposits and Interest - \$228,545.19
Disbursements - \$132,071.14
Balance as of 8/31/2018 - \$604,438.73

Maine Municipal Savings Account (Shared Revenue)

Beginning balance on 7/31/2018 - \$583,021.56
Deposits and Interest - \$668.85
Disbursements - \$0.00
Balance as of 8/31/2018 - \$583,690.41

Village of Maine Fire Department Accounts:

Checking Account

Beginning balance on 7/31/2018 - \$65.75
Deposits and Interest - \$2,000.62
Disbursements - \$1,327.026
Balance as of 8/31/2018 - \$739.11

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Memorials & Special Donations Account

Beginning balance on 7/31/2018 - \$26,095.93

Deposits and Interest - \$12,979.27

Disbursements - \$0.00

Balance as of 8/31/2018 - \$39,075.20

Equipment Outlay Account

Beginning balance on 7/31/2018 - \$55,555.46

Deposits and Interest - \$42.48

Disbursements - \$0.00

Balance as of 8/31/2018 - \$55,597.94

President Hoenisch asked for a motion to approve the Treasurer's report as submitted.

Trustee Mullaley made a motion to approve the Treasurer's report as submitted. Trustee Schoepke seconded that motion. Motion carried.

Comments from the audience on Other Business Items A - F below

There were no comments from the audience.

General Business

A. Discussion and possible action on Mark McDonald's petition for a Conditional Use Permit for 7020 County Road K that would allow him to operate an Adult Family Home and Dog Kennel and Training Facility at that location

President Hoenisch explained that Mr. McDonald was present for tonight's meeting. She also stated that at a meeting on August 27, 2018 the Plan Commission recommended that the Board of Trustees approve Mr. McDonald's Conditional Use permit.

Plan Commission recommendation for Conditional Use Permit:

- Mr. McDonald must maintain proper control of all animals on his property
- Mr. McDonald may board twenty dogs overnight and that number includes the dogs he owns
- Mr. McDonald's signage is limited to a name plate
- Mr. McDonald agrees to install a barking device if the Village of Maine requires that unit due to barking complaints
- Mr. McDonald must maintain a forty-acre parcel during the time the Conditional Use Permit is in effect.
- Mr. McDonald must maintain a forested and/or vegetative buffer on his property

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Discussion followed on the conditions that President Hoenisch read. Mr. McDonald was present and explained that he wanted to be sure that the neighbors are aware that at times ten dogs could be leaving a training session as another ten are arriving. Mr. McDonald was concerned that the neighbors may equate that to be a violation of his Conditional Use Permit. Attorney Frokjer explained to Mr. McDonald's that he can only house twenty dogs overnight. The dogs on his property during training sessions do not factor into the overnight count. Mr. McDonald stated the Plan Commission did not make a recommendation on the number of dogs at the training sessions, so he found this information helpful.

Trustee Schoepke made a motion to approve Mr. McDonald's Conditional Use Permits with the conditions as read by President Hoenisch. Trustee Mullaley seconded that motion. Motion carried.

President Hoenisch explained to Mr. McDonald that he could stop at the office and pick up his Conditional Use Permit certificate or Mr. Grefe will mail it to him.

B. Discussion and possible action on Shoreland and Wetland Ordinance

President Hoenisch asked Administrator Rusch to present this item.

Administrator Rusch explained that he would explain items 12B, 12C and 12D together since they are all related.

Mr. Rusch explained that when Maine became a Village they were aware that Marathon County would no longer be responsible for administering Shoreland, Wetland and Floodplain ordinances for Maine.

Mr. Rusch further explained that he contacted the DNR and they sent a sample ordinance which is the minimum that Maine can adopt to remain covered by the FEMA National Flood Insurance Program. Maine could adopt Brokaw's Ordinances; however, they are outdated.

Mr. Rusch explained that he used the DNR sample ordinances and amended it to reflect Maine.

President reported that the Plan Commission recommended that the Village Board approve Chapter 20 titled Maine's Shoreland and Wetland Ordinance.

Trustee Mullaley made a motion to approve the Chapter 20 of Maine's Municipal Code titled Shoreland and Wetland Ordinance. Trustee Graveen seconded that motion. Motion carried.

C. Discussion and possible action on Floodplain Ordinance

President reported that the Plan Commission recommended that the Village Board approve Chapter 21 titled Maine's Floodplain Ordinance.

Trustee Schoepke made a motion to approve the Chapter 21 of Maine's Municipal Code titled Floodplain Ordinance. Trustee Graveen seconded that motion. Motion carried.

D. Discussion and possible action on Resolution of Intent to Participate in the National Flood Insurance Program

Administrator Rusch explained that by approving the Floodplain Ordinance and this Resolution Maine's residents will now qualify for FEMA assistance should there be a disaster.

President Hoenisch asked for a motion on Resolution No. 2108 - 06 Intent to Participate in the National Flood Insurance Program

Trustee Graveen made a motion to approve Resolution 2018-06 Intent to Participate in the National Flood Insurance Program. Trustee Mullaley seconded that motion. Motion carried.

E. Discussion and possible action an Ordinance for The Attachment of All Lands of the Village of Brokaw to the Village of Maine, pursuant to the Village of Brokaw, Town of Texas and Village of Maine Cooperative Plan and Permanent Boundary Agreement

President Hoenisch explained that Attorney VanderWaal, Attorney Frokjer and Administrator Rusch worked very hard to create this document. We are making history again, because this is the first time that three communities entered into a Cooperative Boundary agreement. The Attachment document is an organized dissolution, which again, is the first time that something like this happened in the State of Wisconsin.

Trustee Mullaley made a motion to approve Ordinance OR-2018-01 The Attachment of All Lands of the Village of Brokaw to the Village of Maine, pursuant to the Village of Brokaw, Town of Texas and Village of Maine Cooperative Plan and Permanent Boundary Agreement. Trustee Graveen seconded that motion. Motion carried.

F. Discussion and possible action on 2018 State Funding distribution

Administrator Rusch explained that the USDA Rural Development grant and loan and how those funds will be used. He also explained the USDA Rural Development funding requirements and how those funds are spent.

President Hoenisch and Administrator Rusch explained that the distribution chart follows Vierbicher's funding request chart that was given to Senator Petrowski in order to obtain State Funding through the Expenditure Restraint Shared Revenue program. Paying off Brokaw's debt has been discussed at Board Meetings and Oversight Commission meetings and repaying Maine for paying off Brokaw's general obligation loan in early 2018.

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Administrator Rusch also explains the CMAR requirement and the needs in Brokaw's waste water treatment plant and how the State Funding can be used to upgrade the facility and sewer infrastructure.

Clerk Bailey explained the segregated account she opened specifically for the State Expenditure Funds and how all withdrawals will be recorded to make it easier for the Village's accountant when performing the 2018 Audit.

Trustee Mullaley made a motion to approve Distribution of the 2018 State Funding as listed on the chart approved by the OSC. Trustee Graveen seconded that motion. Motion carried.

Report from audience on culverts, road issues and/or requests to have an item placed on the next Village Board Meeting agenda

Gary Bootz asked about centerline striping for commuter roads like Falcon Drive. President Hoenisch asked Trustee Schult to answer Mr. Bootz's question since he was Chairman at the time the Town decided to discontinue line striping roads after they are chip sealed. Trustee Schult stated that the striping does not last more than a couple of years. He also explained the cost to taxpayers to maintain the striping.

Rick Rubow was present and asked what the plan was for the Falcon Drive ditch issues and the twenty plus yards of granite that has washed into his pond.

Trustee Schoepke suggested that Mr. Rubow give the granite back to Mr. Ohrmundt since it is granite from his driveway approach that is not paved.

Mr. Rubow stated that the ditch line is Maine's responsibility.

President Hoenisch explained that Maine's Board would love to find a solution for the problem, however that requires cooperation from Mr. Ohrmundt. She stated that she would rather fix the problem than go out and check on the situation during each rainstorm.

She listed the issues that she and the Board have been trying to work through:

- Mr. Ohrmundt did not complete a culvert permit application and have the Public Works size the culvert needed until recently.
- Mr. Ohrmundt contacted Marathon County Highway Department; they viewed the site, sized the ditch for 30" culverts and then he refused to put the proper sized culverts in his residential driveways.
- Mr. Ohrmundt's entire property is sheeting down his driveway.
- Mr. Ohrmundt requested that Maine's Public Works Employees clean out the stream, however, that cannot be done without the permission from the DNR.

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- Mr. Ohrmundt does not have the correct size retention pond on his commercial property therefore, runoff is going into Maine's ditches.
- Mr. Ohrmundt spoke to Administrator Rusch on Wednesday, September 5, 2018 and agreed to install the 30" culvert.
- A plan and signed agreement with Mr. Ohrmundt are needed before the work can commence on the culverts, ditch shaping and driveway approach paving.

The next Board of Trustees Meeting will be Monday, October 8, 2018

Adjournment

President Hoenisch asked for a motion to adjourn.

Trustee Schoepke made a motion to adjourn at 7:58 p.m., seconded by Trustee Graveen. Motion carried.

Respectfully submitted and approved October 8, 2018

Cindy Bailey

Village of Maine Clerk