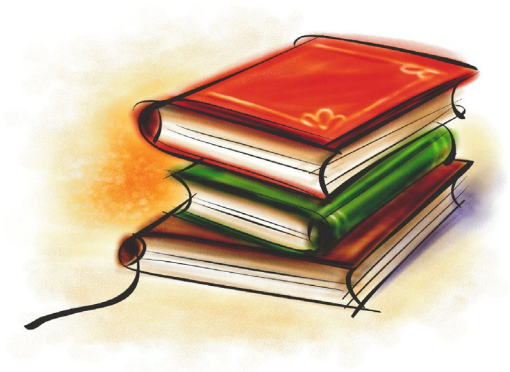


Village of Maine Minutes

Monday, July 12, 2021
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 held a regular monthly meeting and Closed Session at the Maine Municipal Center on Monday, July 12, 2021, at 11:30 a.m. General Business commenced at 11:30 a.m. followed by a Closed Session. Accounts Payable were reviewed immediately following the Closed Session. *** **NOTE - we are continuing to take COVID-19 precautionary measures.**

AGENDA

1. Call the meeting to order at 11:30 a.m. – Betty Hoenisch, Village President
2. Pledge of Allegiance to the Flag
3. Other Business:
   A. Discussion and possible action on Black Bear Way bridge maintenance
   B. Discussion and possible action on Nathanael Denton and Nicholas Wysong for employment on Maine Fire Department
4. President will entertain a motion to convene into 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 litigation in which it is or is likely to be involved regarding public works building fire and settlement with MPIC Insurance.
5. Adjourn the Closed Session and reconvene the Board Meeting
6. Discussion and possible action on matters discussed in item 4A
7. Review bills - motion to approve payment of time slips, invoices, and statements
8. Motion to dispense of the reading and approval of the minutes from the June 14, 2021, Board Meeting and the June 28, 2021, Special Board Meeting
9. President's Report
10. Administrator's Report
11. Clerk's Report

12. Treasurer's Report
13. Fire Department Report
14. Marathon County Supervisors Report by Jonathan Fisher
15. Report from audience on culverts, road issues and/or requests to have an item placed on the next Village Board Meeting agenda
16. The next Board of Trustees Meeting will be Monday, August 9, 2021
17. Adjournment

I certify that this agenda was posted at the Brokaw Post Office, Brokaw Village Hall, Red Granite Bar & Grill, Richard's Restaurant & Bar, Schmidt's Bar, and the Maine Municipal Center, 6111 N. 44th Avenue, Wausau, WI July 9, 2021. (Please note - the Bars and Restaurants that are posting locations may not hold regular hours due to COVID-19.) Agenda was also posted on Maine's website.
Betty Hoenisch, Village President

Minutes

1. Call the meeting to order at 11:30 a.m. – Betty Hoenisch, Village President

President Betty Hoenisch called the meeting to order at 11:30 a.m.

Present at the meeting were: President Betty Hoenisch, Trustee Tom Mullaley. Trustee Jon Graveen, Clerk Cindy Bailey, Attorney Randy Frokjer, Administrator Keith Rusch, Office Assistant Merriebeth Russ.

2. Pledge of Allegiance to the Flag

3. Other Business:

A. Discussion and possible action on Black Bear Way bridge maintenance.

Village of Maine residents Patrick and Sheila Jordstad and Lucas Kall were present at the meeting to discuss the issue of the deteriorating deck boards on the bridge on Black Bear Way. Mr. Kall explained that he and his wife have been residents for the past two years, having purchased their home from Zunkers. He said that Eileen Zunker was the sister of the previous Town of Maine Attorney Hess. He also indicated that when he purchased the house, USAA insurance required that he get verification from all the residents that the road was taken care of for snow removal and maintenance. In discussion of the ownership of the property, Mr. and Mrs. Jorstad said that the house had originally been built by Grohman and that he subdivided the land along what is a private road named Black Bear Way. He had built a bridge without a permit and when it washed away, he got an emergency permit from the DNR, had some engineering done and brought it up to those specs. Mr. Jorstad said that the bridge has been there before any of the residents purchased the parcels and built homes.

President Hoenisch further explained the history of the land division that led to the private way off Rainbow Drive. The various parcels were created before Maine's existing Land Division ordinances were in place. As part of the division, easements were granted to the parcel owners allowing them to access their property from the private road that has an easement through the Partridge's 1080 Rainbow Drive parcel. These divisions and concurrent easements resulted, to date, in a total of 6 homeowners who access their homes via the drive known as Black Bear Way and the granted easements. The landowners affected in this issue are: Mark and Elizabeth Partridge, Lindsey and Brandon Steinagel, Joel and Deborah Sommerfeldt, Christopher and Kathi Krueger, Lucas and Lacey Kall, Patrick and Sheila Jorstad, and Arlen and Sandra Baldwin. President Hoenisch presented the Board with copies of maps of the area and bridge, and minutes from previous Town of Maine meetings addressing the issue.

(Excerpts from the January 8, 2001, March 12, 2001, and May 14, 2001, Town of Maine Board of Supervisors Meetings are as follows.)

January 8, 2001:

"Atty. Hess reported that REI retained Larson Engineering to provide a report on the structural analysis of the private bridge over County Line Creek on a private road north of Rainbow Drive. The report indicates that the timber deck single lane bridge that consists of 4 steel beams with 3 timber beams spanning 33.5 feet is inadequate for the Town's fire trucks to cross the bridge to provide fire protection to residents. REI has provided sketches for replacing the decking on the bridge with concrete, steel or timber grid and installing steel supports in order to hold the 6 to 25-ton fire trucks. The Town has several options which include putting in full culverts, making a Town road back to the homes, land could be condemned to provide access from a different area or the Town could provide the materials and have the residents do an agreement to bring the bridge up to standards. Bob Pound asked if REI would need to re-inspect the bridge after work is completed and Mr. Pound also questioned the Towns liability when the bridge needs repair in 10 years to which Atty. Hess stated that the Town is liable to provide fire protection to all Town residents. Atty. Hess also stated that even under the old zoning ordinance the building permits should never have been issued for those homes. Mr. Pound asked if irrigation tubes could be laid to provide water for the Fire Department and if an ambulance was able to cross the bridge. Atty. Hess asked Mr. Pound to get the weight of an area ambulance so he could check with REI on the bridge being structurally adequate for an ambulance."

Minutes from March 12, 2001

"Atty. Hess received a report from REI Engineers that the decking on a private bridge on Rainbow Drive will not support the Fire Department's trucks. The report stated that the Town could replace the decking with white oak instead of red oak. The support posts will cost $1,100.00, the decking will be $3,500.00 and the hardware will cost between $400.00 and $500.00. The metal fabricating for the bridge will be done in the Town. Atty. Hess stated he would probably have a written proposal by the April Board meeting. REI will inspect the work as the residents construct the bridge. Mr. Zuellsdorf asked why the Town is liable for building the bridge. Atty. Hess stated that the Town must provide fire protection to the residents, however building permits for those houses should never have been issued even under the old zoning ordinance."

Minutes from May 14, 2001

> "Atty. Hess had an up-date on the County Line Creek Bridge. Atty. Hess stated that the Town has been invoiced for the lumber for the County Line Creek Bridge and the steel is being fabricated at present time. The work on the bridge will begin next week and the engineer will be checking on the progress of the bridge."

(END of excerpts from the January 8, 2001, March 12, 2001, and May 14, 2001, Town of Maine Board of Supervisors Meetings.)

In addition to the minutes of the previous meetings, President Hoenisch also provided reports showing Town of Maine payments for the costs of the related studies and parts.

A lengthy discussion took place between the attending residents from the area (Jorstads and Mr. Kall), Trustees, and Attorney Frokjer. Jorstads were residents at the time the 2001 repairs were made and expressed their belief that in 2001 the Town of Maine indicated future responsibility for the maintenance of the bridge by their participation in its repair. The Town of Maine purchased the supplies, and the residents made the repairs. They stated that Attorney Hess said the municipality was responsible for fire and emergency services and therefore was responsible for the maintenance of the bridge.

Attorney Frokjer stated that the municipality is not responsible for maintaining a private way and that public funds should not, then or now, be used to repair or maintain a private way. The Village does not receive benefits of road tax for the private way and, as a matter of precedent, the Village (at that time Town) should not have been repairing this bridge any more than any other private way.

Mr. Jorstad asked if they were the only private way in this situation. President Hoenisch clarified that the Village of Maine has other private ways, but no other private way has a bridge. Attorney Frokjer said that there are similar instances in Lincoln County, and those municipalities are not touching them because it opens issues of liability.

Mr. Kall questioned if there was something going on that the issue in 2001 involved the sister of the Town's Attorney Hess and the Town Board agreeing to help with the bridge project. Attorney Frokjer stated that it is possible that was the case, but it should not have happened as it was an absolute conflict of interest.

Mrs. Jorstad said they were told that the Town was responsible. She said they are not asking that the Village maintain the road, but since the Town agreed that it was their responsibility in 2001, they should stay with that, with the understanding that from this time forward it would not be maintained. Attorney Frokjer stated that in 2001 Attorney Hess tried to justify the action by saying that the town was liable to provide fire protection to all town residents. However, the statute that addresses this obligation (60.55) does not obligate the Town to upgrade, develop, or maintain any private access to Town residents for fire protection. The obligation to upgrade, develop, or maintain

would be that of the property owners since it is a private way. Attorney Frokjer also noted that the statute for laying out a highway (82.10) was not complied with in any way. Furthermore, the agreement regarding the repair of the bridge was among the residents only. The Town of Maine did not enter into any legal agreement at that time. The public purpose doctrine indicates that public funds should be spent for a public purpose, not to benefit private property owners or developers. In addition, to participate in the maintenance of the bridge again would extend the liability, set a precedent, and should not be done.

The residents asked what would happen if the road was not maintained. Attorney Frokjer said that they would not officially be covered for fire protection services. The Fire Department determines if the bridge is safe for fire equipment to cross. The Fire Department would do their best to help in case of an emergency, perhaps by dragging hoses across the bridge and/or other options, but the main problem would arise for residents in getting insurance coverage without having fire protection.

Attorney Frokjer said that there are two options for residents. They can maintain the bridge and road themselves, or they can enter into a road development agreement with the Village, which would require them to bring the road and bridge up to specifications first, then the Village of Maine could take it over and maintain it. He reiterated that the Village is not responsible for maintaining private ways. It has a responsibility to provide fire services, but it does not have an obligation for providing access or driveways going in. In the case of the 2001 repairs, even if the residents supplied the labor, the Town of Maine should not have been using public funds for private use materials.

Mr. Kall said that he would investigate further and contact the other homeowners involved to discuss the situation further. The Board will add the item to the agenda for the September 13, 2021.

B. Discussion and possible action on Nathanael Denton and Nicholas Wysong for employment on Maine Fire Department.

President Hoenisch explained that the Fire Department officers had interview and approved Mr. Denton and Mr. Wysong.

Trustee Mullaley made a motion to approve Nathanael Denton and Nicholas Wysong for employment on the Maine Fire Department. Trustee Graveen seconded the motion. Motion carried.

4. President will entertain a motion to convene into 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 litigation in which it is or is likely to be involved regarding public works building fire and settlement with MPIC Insurance.

Trustee Jon Graveen made a motion to convene into Closed Session at 12:57 p.m. and invite Clerk Bailey, Administrator Keith Rusch and Office Assistant Merriebeth Russ. Trustee Mullaley seconded the motion. Motion carried by a roll call vote.

5. Adjourn the Closed Session.

Trustee Tom Mullaley made a motion to adjourn the Closed Session and reconvene the July 12th Board Meeting at 1:20 p.m. Trustee Jon Graveen seconded the motion. Motion carried.

6. Discussion and possible action on matters discussed in Item 4.

No action was taken.

7. Review bills - motion to approve payment of time slips, invoices, and statements.

Trustee Mullaley made a motion to approve the payment of time slips, invoices, and statements. Trustee Graveen seconded the motion. Motion carried.

8. Motion to dispense of the reading and approval of the minutes from the June 14, 2021, Board Meeting and the June 28, 2021, Special Board Meeting.

Trustee Mullaley made a motion to dispense of the minutes from the June 14, 2021, Board Meeting and the June 28. 2021, Special Board Meeting. Trustee Graveen seconded the motion. Motion carried.

9. President's Report

President Hoenisch read Chief Bozinski's email regarding the Taste N Glow event and asked Office Assistant Russ to put the details on the website along with pictures if they are available. Hopefully, the Clerk, a Trustee, or Fire Department members have pictures. The Fire Department had a very positive and active presence at the Taste N Glow over the weekend of July 9-11, 2021. Details are included in these minutes as part of the Fire Department report.

John Marquardt's Celebration of Life Invitation was distributed. The event will be held on Sunday, July 18. 2001.

President Hoenisch said that Clerk Bailey received the Private On-site Waste Treatment Systems (POWTS) brochure from Marathon County Conservation, Planning, and Zoning. President Hoenisch asked that the Trustees read the information. This information means that Building Inspector Grefe will no longer be able to issue building permits for storage buildings that have plumbing without everything being hooked up to the sewer system, whether it be a conventional system, mound system, or holding tank. She forwarded the email to Administrator Grefe to review.

President Hoenisch said that the Board of Trustees needs to revisit the Village of Maine adopting an ordinance that states that if a parcel will perk for mound, a mound must be installed. Property owners should not be allowed to install a holding tank and then pump it out onto their property to save money both on the system and the pumping fees.

The dog issues on Naugart Drive and N. 60th Avenue continues. Clerk Bailey responded to an email from Kristine Kuklinski and President Hoenisch responded to a call from Ben Kuklinski.

Friday Mr. Feck reported that one of Landrath's dogs was barking. She then received a text message from him that the dogs were whining. About an hour later, President Hoenisch received another text that all the dogs were barking non-stop. President Hoenisch contacted Mr. Woods and asked him to pay Landraths a visit. Mr. Wood replied that he was at the walk-in clinic with a sinus infection, so President Hoenisch emailed Mrs. Landrath and asked her to check the barking devices.

Saturday Mr. Feck sent several video texts to President Hoenisch, so she decided to call Mitch Landrath and talk to him about the barking issue. He said the dogs were barking so he fed them and after that they were quiet except for an occasional bark or two. He said the dogs had their collars on. President Hoenisch asked if he had checked the batteries on the bark unit and he said that he had not. She asked him to please check the batteries right away. Mr. Landrath asked President Hoenisch if Mr. Feck notified her every time the dogs bark. President responded that seems to be the way it goes. He then said he would go and check the batteries right away. President Hoenisch thanked him, and he said, "Thank you for letting us know."

10. Administrator's Report

July 12th, 2021

- Clayton continues to work with the new water utility to fine tune operations. We have scheduled an equipment review with the chemical feed pump supplier for Wednesday, which is anticipated to help with equipment operation consistency.
- I have been in contact with PSC staff regarding Annual reporting guidelines. The 2020 report is due by the end of August and is contingent on cleaning up information submitted from the 2019 report. The 2018 report had issues primarily due to information supplied prior to Maine attaching Brokaw (October 1st, 2018). It is a domino effect with the information from the 2018 report impacting information on the 2019 report. Our auditing firm (Kerber Rose) has worked diligently to make sense of information previously submitted and I have tentatively scheduled a conference call with all parties (PSC, Kerber Rose and

Maine) for tomorrow to discuss our submittal status for both reports. The hope is that once we can finally clear up the 2019 report we will be on a more normal footing for future submittals.

- The boat landing road is intermittently seeing damage (burn outs rutting up the road) but the camera I had set-up has not caught anyone in the process. I moved the camera location to hopefully get a spot that can record the action.
- DNR permitting (storm water, wetlands, stream crossings, etc.) for the construction work last year can be closed out. I am starting to work on the documentation required to complete the permitting close out process.
- I am also working on responses to deficiencies noted from the Sanitary Survey that was recently completed on the new water utility. These are due by the end of July.

Respectfully submitted: Keith Rusch, Administrator

11. Clerk's Report

Clerk Bailey reported that she has had her last field workday with the auditors. They have everything they need from her, and she is just waiting to hear back from them. The next thing they'll be moving on to will be helping her to create a new chart of accounts to incorporate the former Village of Brokaw expenses. She has accounts set up but doesn't know if she has the numbering set up the way they would prefer for auditing purposes

12. Treasurer's Report

For the Month of June 2021
Village of Maine General Accounts

Checking Account

Beginning Balance as of:5/31/2021		$18,079.04
Deposits and Interest	$ 186,967.19	
Disbursements	$ (170,933.86)	
Balance as of: 6/30/2021		**$34,112.37**

Municipal Savings Account

Beginning Balance on: 5/31/2021		$437,065.62
Deposits and Interest:	$ 146,514.49	
Disbursements:	$ (186,965.69)	
Balance as of: 6/30/2021		**$396,614.42**

Municipal Savings Account (Shared

Revenue)

Beginning Balance on: 5/31/2021			$647,738.43
Deposits and Interest:	$	79.86	
Disbursements:	$	-	
Balance as of: 6/30/2021			**$647,818.29**

Village of Maine Fire Department Accounts

Checking Account

Balance as of: 5/31/2021			$227.85
Deposits and Interest	$	0.01	
Disbursements	$	-	
Balance as of 6/30/2021	**.**		**$227.86**

Memorial & Donations Money Market Account

Balance as of: 5/31/2021			$36,904.42
Deposits and Interest	$	1.52	
Disbursements	$	-	
Balance as of : 6/30/2021			**$36,905.94**

Equipment Outlay Account

Balance as of: 5/31/2021			$5,709.10
Deposits and Interest	$	-	
Disbursements	$	-	
Balance as of: 6/30/2021			**$5,709.10**

Respectfully Submitted *Patricia Neumann*

Trustee Mullaley made a motion to approve the July 2021 Treasurer's Report. Trustee Graveen seconded the motion. Motion carried.

13. Fire Department Report

President Hoenisch received an e-mail from Fire Chief Joe Bozinski reporting that the fire department had a strong representation at the Taste N' Glow Balloon Fest July 9 – 11, 2021. Both EMRs and Firefighters attended the event, providing medical coverage and other services. With their location on the grounds, they were also the information station. They were presented with three youngsters that had been separated from parents or grandparents and reunited them. They received two lost wallets and reunited them with their owners. They also

provided giveaways for youngsters and adults and provided a chance for youngsters to go inside a real fire engine. As busy as they were, they held an impromptu "Fill the Boot" fundraiser and raised almost $3,000 in donations for their donation fund. Kudos to the Maine Fire Department & EMR for representing the Village of Maine in such a positive way.

President Hoenisch said that Scott Prochnow from Stainless Specialists had asked her to come over one day because he had some questions about the location of the LD lights in relation to the heat tubes. He then proceeded to tell her how many calls the fire department has had this year. He attributes it to people being out and about after COVID quieted down. He feels that this is going to be the new norm, due to the new homes and businesses that are being built in Maine. She stated that there will be future discussions regarding equipment and remodeling the department to provide a better area for training.

14. Marathon County Supervisors Report by Jonathan Fisher.

County Supervisor Jonathan Fisher was not present at the meeting due to the time of the meeting and his work schedule.

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

Mike Russ, Village resident, has been assisting with the stray/feral cat situation at 580 Rainbow Drive. Countryside Veterinary Clinic and Laser Surgery Center has agreed to neuter up to 10 cats for the Village of Maine on Tuesday, July 13. Three cats were trapped and picked up on Monday. The traps were reset, and he is hoping to have more for neutering on Tuesday. Trustee Mullaley expressed his thanks to Mr. Russ for his assistance.

16. The next Board of Trustees Meeting will be Monday, August 9, 2021

17. Adjournment

Trustee Mullaley made a motion to adjourn the meeting at 2:22 p.m. Trustee Graveen seconded the motion. Motion carried.

Respectfully submitted by

Merriebeth Russ, Office Assistant

Approved September 13, 2021