



Town of Maine Minutes

**Monday, September 14, 2015
Board of Supervisor Meeting**

**Town of Maine Town Hall
6111 N. 44th Avenue
Wausau, WI 54401**

The Board of Supervisors of the Town of Maine held a regular monthly meeting at the Town of Maine Town Hall on Monday, September 14, 2015. Accounts Payable were reviewed at 6:30 p.m. with General Business at 7:30 p.m.

Agenda

1. Call meeting to order at 5:00 p.m. – Betty Hoenisch, Town Chairperson
2. Town Board will travel town roads to review culvert and drainage issues
3. Review Bills Payable
4. General Business will follow adjournment of Special Plan Commission Meeting
5. Pledge of Allegiance to the Flag
6. Motion to Approve Bills Payable
7. Clerk's Report

Minutes –

- A. Motion to dispense of the reading of the minutes from the August 10, 2015 Board Meeting and the August 21, 2015 Special Board Meeting / Closed Session and approval of those minutes
8. Chairman's Report
9. Supervisor's Report
10. Treasurer's Report
11. Zoning Administrator's Report
12. Fire Department Report
13. Comments from the audience on Other Business items below
14. Other Business:
 - A. Presentation by Maine Elementary Principal, Marie Northup, on replacing and upgrading playground equipment at Maine Elementary School.
 - B. Discussion and possible action on County Road K and Falcon Drive storm water management as it relates to the culverts located at 3700 and 3800 Falcon Drive.
15. Report from audience on culverts, road issues, or requests to have an item placed on the next Town Board Meeting agenda
16. The next Board of Supervisor Meeting will be October 12, 2015.
17. Adjournment

Notice & agenda of this meeting was posted at the Red Granite Bar & Grill, Richard's Restaurant & Bar, Schmidt's Bar & the Town of Maine Town Hall, 6111 N. 44th Avenue, Wausau, WI on August 7, 2015.

Tina M. Meverden, Town of Maine Clerk

Monday, September 14, 2015 Board of Supervisor Meeting

The Board of Supervisors of the Town of Maine held a regular monthly meeting at the Town of Maine Town Hall on Monday, September 14, 2015 at 5:00 p.m.

Chair Hoenisch called the meeting to order at 5:00 p.m.

Town Board travelled town roads to review culvert and drainage issues

Chair Hoenisch and Supervisor Rusch travelled to Elk and Falcon Drive to view the ditch near Linda Krueger's property.

Chair Hoenisch, Supervisor Schult, Supervisor Rusch, and Attorney Frokjer travelled to John Ohrmundt's properties located at 3700 and 3800 Falcon Drive to view the following – culverts, stone wall/berms on west and south sides of warehouse parking lot, catch basin by loading dock, gutters, retention pond, berm, water from warehouse/storage buildings, and parking lot area.

Review Accounts Payable

Town Board members were unable to review accounts payable after touring town roads and drainage issues, as a Special Plan Commission meeting scheduled for 6:30 p.m. was beginning. It was decided that the Accounts Payable would be reviewed sometime later in the evening before adjournment.

General Business followed adjournment of Special Plan Commission Meeting

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

Pledge of Allegiance to the Flag

Motion to approve accounts payable bills

Chair Hoenisch explained that the Town Board was unable to review the Accounts Payable Bills. She noted that the Accounts Payable Bills will be reviewed and a motion to approve them will be made after the meeting has concluded.

Minutes Approval

Chair Hoenisch called for a motion to dispense of the reading of the minutes from the August 10, 2015 Board Meeting and the August 21, 2015 Special Board Meeting / Closed Session and approval of those minutes.

Motion by Supervisor Schult to dispense of the reading and approve the August 10, 2015 Board Meeting minutes and the August 21, 2015 Special Board Meeting / Closed Session minutes as submitted, seconded by Supervisor Rusch. Motion carried.

Clerk's Report

Clerk Meverden reported that all municipalities in Marathon County will be receiving new election equipment. She explained that the County is in the process of accepting proposals from election vendors. Clerk Meverden stated that she plans on attending training sessions to learn how to operate the equipment sometime in October or November.

Monday, September 14, 2015 Board of Supervisor Meeting

Clerk Meverden informed all in attendance that early in 2016 the state will launch its new system called WisVote (formerly the Statewide Voter Registration System). She then gave the following information relating to it:

*SVRS was first established in 2005 in response to Federal requirements in the Help America Vote Act of 2002, but it was plagued with serious flaws and software bugs.

*WisVote is a new and improved system that will replace SVRS.

*The Government Accountability Board will provide clerks with training on the new system beginning late this year and early into next year.

Lastly, Clerk Meverden explained that all electors who wish to vote in the next election must provide photo identification (driver's license, a state issued ID card, military ID, U.S. Passport, etc.).

Chairman's Report:

Chair Hoenisch reported that the Town Board continues to work on the Brokaw matter. She explained that meetings have been ongoing between legal counsel for the three municipalities (Brokaw, Maine & Texas). In addition, she noted other meetings - one with People's State Bank and another (phone conference) between herself, Attorney Frokjer, and Vierbicher – the firm the Town plans to hire to assist with incorporation. Chair Hoenisch added that a meeting with Brad Karger, Marathon County Administrator, will take place this Wednesday to discuss the intricacies of Brokaw.

Chair Hoenisch stated that the September 17th and/or the September 21st Public Informational Meetings have been postponed until more information can be gleaned from Marathon County and the incorporation planner. She explained that the Town Board is entertaining the idea of publishing an informational newsletter to send to all town residents relating to developments with the Brokaw matter. She added that question and answer sessions / meetings will then follow so that residents who have further inquiries on the issue can talk with the Town Board.

Chair Hoenisch made reference to a Daily Herald newspaper article informing about a deal being made between the City of Wausau and CBL & Associates, Inc. concerning assistance with the renovation of the former JC Penney's store as well as reductions in mall rent and parking fees. Apparently, the City Council is unhappy with the Mayor because he went to the media with details from closed session meetings about the deal. The Council feels this act may hamper the council's ability to further negotiate with CBL & Associates. The City Council stated in the article that "It is very difficult to do negotiations in a public arena."

Chair Hoenisch stated that the Town of Maine has been criticized for having too many closed session meetings on the Brokaw issue. She explained that it is not only the Town who feels negotiations should be held under closed session, but the City also feels that negotiations are not hampered when they are free of public scrutiny.

Chair Hoenisch reported on the latest road projects and public works matters, as follows –

*Burek Avenue from E. Cassidy north almost to Decator Drive was repaved and recycled blacktop was placed on the granite portion of the road.

*W. Cassidy Drive from N. 60th Avenue west to its termination and N. 36th Avenue were paved the week before Labor Day.

Monday, September 14, 2015 Board of Supervisor Meeting

*Public Works has been shouldering some of the short dead end roads. Anderson Bros. & Johnson has shouldered N. 28th Avenue from Keller Drive to Silver Creek Bridge in the Billy Goat hills.

*Public Works has begun to mow some of the Town ditches.

Chair Hoenisch reported that she, Supervisor Schult, and Constable Behrendt have been continuing to deal with feral cat issues this past month. In total, 17 or 18 cats have been spayed or neutered at a cost of \$40 or \$50 per cat/kitten (done by The Fix Is In clinic). Constable Behrendt, his daughter Patti, and his granddaughter Lauren have fostered the cats/kittens until homes could be found for all. To date, all the animals have been adopted out. Chair Hoenisch noted that the Town has saved over \$3,000 by using The Fix Is In as opposed to taking them to the Lincoln County Humane Society.

Chair Hoenisch informed the audience that she went out during the September 6th rainstorm and viewed Town roads, as over 5 inches of rain fell that evening. She stated that most area roads held up well, but that some damage was noted both on Decator Drive and at 3700 and 3800 Falcon Drive.

Chair Hoenisch explained that Supervisor Rusch met her at 3700 and 3800 Falcon Drive during the September 6th storm to view the water shed in that area. She noted that the Town Board held an on-site meeting at 5:30 p.m. this evening to talk about the water issue on Falcon Drive. She added that it will be discussed further this evening during the General Business portion of the meeting.

Supervisor Schult inquired about the subject matter regarding the meeting with Marathon County Administrator Brad Karger. Discussion then ensued on Village of Brokaw land being sold to Marathon County. Supervisor Schult questioned why the Village would sell two separate and sizable portions of land to the County, resulting in future taxable property being removed from the tax roll.

Chair Hoenisch reported that she met Senator Petrowski at 3M during a tour of the facility on August 17th. She shared that Mr. Petrowski felt the County should donate the land they purchased from the Village of Brokaw back to the Town of Maine should the Town become a Village and take over Brokaw. He explained that the County should become a working partner with the Town to help with the situation.

Supervisors Report:

Supervisor Schult's Report

Supervisor Schult stated that he did not have much to report that Chair Hoenisch had not already mentioned. He noted that he was out-of-town during the September 6, 2015 rainstorm.

Supervisor Rusch's Report

Supervisor Rusch reported that Chair Hoenisch covered most of the updates. The only item he wanted to add was that he received a call regarding a washout on Merrill Avenue north of Overlook Drive. Supervisor Rusch noted that Supervisor Schult has been working on this particular problem.

Supervisor Schult explained that he has discussed with Northern States Utility Company their negligence in properly shaping a ditch on Merrill Avenue. Because of their negligence, a resident's driveway continues to wash out during heavy rains. Supervisor Schult stated that the Utility Company told him they would rectify the problem several weeks ago, but a month has passed and nothing to date has been fixed.

Monday, September 14, 2015 Board of Supervisor Meeting

Treasurer’s Report – August 2015

Treasurer Bailey noted an error she made on the July 2015 Treasurer’s Report that needed correction. She stated that the amount for the Town’s Money Market Deposits and Interest was stated to be \$86,491.97 but should be corrected to read \$86,568.26, as she neglected to add the interest earned for the month of July.

Town of Maine General Accounts:

Checking Account.....	Beginning Balance on 7/31/2015	- \$ 9,928.89
	Deposits	- \$ 82,731.51
	Disbursements	- \$ 85,994.96
	Balance on 8/31/2015	- \$ 6,665.44
Garbage/Recycling CD.....	Balance on 8/31/2015	- \$ 56,930.85
Money Market Account...	Beginning Balance on 7/31/2015	- \$362,817.00
	Deposits and Interest	- \$237,346.06
	Disbursements	- \$ 82,731.51
	Balance on 8/31/2015	- \$517,431.55

Town of Maine Fire Department Accounts:

Checking Account.....	Balance on 8/31/2015	- \$ 806.08
Memorial & Donations Money Market Account...	Balance on 8/31/2015	- \$ 26,095.54
Equipment Outlay Account...	Balance on 8/31/2015	- \$ 58,980.47

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

Zoning Administrator’s Report – August 2015

Zoning Administrator / Building Inspector Rich Greffe reported that the Town issued four permits for the month of August as follows – (2) permits for signs, (1) permit for a deck, and (1) permit for a storage building. Mr. Greffe added that eight on-site inspections were completed for the month of August – four building inspections and four zoning inspections.

Fire Department Report:

Clerk Meverden read a report submitted by Interim Chief Joe Bozinski concerning the status of Maine Fire Department for August 2015. To view the report as read by Clerk Meverden, see the concluding pages of these minutes.

Comments from audience on Other Business Items

Rick Rubow, 3901 Falcon Drive, commented regarding the Falcon Drive storm water management agenda item. He stated that the problem with the storm water runoff that has existed for the past two years on Falcon Drive is starting to become a problem for him, as the pond on his property has been filling up with granite and road base. Mr. Rubow questioned whose responsibility it is to rectify the problem – his or a joint effort between him and the Town?

Attorney Frokjer asked for the location of Mr. Rubow's pond. Mr. Rubow stated that his pond is south of Falcon Drive. Attorney Frokjer inquired on the size of the pond and the distance of the pond to the stream. Mr. Rubow stated that the stream flows in and out of his pond, which he estimates to be about 30 feet by 40 feet. Andrea Rubow, Rick's wife, continued to explain the layout of the property.

Mr. Rubow explained that he has lived at his property for ten years and that he has not had a problem until the last two years. He stated that he has an island in his pond that is continuing to get larger. Mrs. Rubow noted that the island is at least four feet tall if not more.

Mr. Rubow offered to share pictures of the problem. Chair Hoenisch stated that the Board would like to view the pictures. Supervisor Rusch suggested the Town Board review them when the Falcon Drive storm water management agenda item is addressed. Supervisor Schult asked the Rubows to stay for that portion of the meeting to find out what the Town Board discovered regarding it during their 5:30 p.m. on-site meeting.

Other Business:

A. Presentation by Maine Elementary Principal Marie Northup on replacing and upgrading playground equipment at Maine Elementary School

Marie Northup introduced herself as the Maine Elementary principal. She explained that the school is looking to do some upgrades on its playground equipment because some of the structures do not meet safety guidelines.

Ms. Northup shared that the PTO started this past spring to research new equipment and has since begun working with a company called Landscape Structures to come up with an option for the playground. The cost for the playground equipment is approximately \$27,500. She noted that if the goal of \$27,500 is not met, smaller pieces of playground equipment could be purchased at a lesser price.

Ms. Northup shared pictures of the large playground structure, as well as the smaller pieces of equipment. She explained that the structure desired is more of an obstacle course and differs from the current equipment, as there are no platforms for the children to be sedentary.

Ms. Northup explained that the school has decided to reach out to its neighbors at the Town Hall and ask for help, as the playground equipment is used by families who reside in the community during the evenings and weekends. She noted that the PTO is conducting fundraisers to help with the expenses. Maine students will be selling chocolates, wrapping papers, and magazines this month. In November, the PTO will conduct a Chili supper, and in the spring there will be a meat sale.

Monday, September 14, 2015 Board of Supervisor Meeting

Ms. Northup introduced Rex Zemke, part of the building and grounds crew for the Wausau School District, as he was in attendance at the meeting with her.

Supervisor Rusch asked when the school would like to reach its goal so that it may purchase the equipment. Ms. Northup responded by stating that of half the \$27,500 would be needed by December 31, 2015 to place the order and secure the equipment for the quoted price. The representative informed the school that after December 31st, there may be a price increase for the playground structure.

Chair Hoenisch suggested the school write up an informational sheet to be included in the newsletter the Town will be sending to residents on the Brokaw matter. She added that the school may be able to collect donations from community members if information on the school's need is known. Ms. Northup thanked Chair Hoenisch and stated that any assistance the Town could provide would be helpful.

Supervisor Schult informed Ms. Northup that the Town cannot commit to any monetary donation this evening, but would discuss the matter further. Chair Hoenisch added that the informational sheet on the need for playground equipment should also include information on the school's fundraisers.

Chair Hoenisch stated that the Town is willing to offer its Town Hall for use if the school would need it for a fundraiser. She also noted that if the school needs workers for a fundraising event, the Town Board and even fire department members may be available to help.

Vicki Bartelt asked if the Wausau School District provides any funding for playground equipment. Ms. Northup explained that because of budget constraints, PTOs are relied upon for playground equipment. She explained that the focus of the school's budget goes toward curriculum and instruction. Rex Zemke explained that with the small budget given for the building and grounds, the school needs to prioritize what is most important. Therefore, the school system would choose to invest \$27,000 toward a failing heating system or a leaky roof rather than a playground structure.

Rex Zemke explained that the building and grounds crew went to many of the schools in the district to evaluate the condition of playground structures and then met with the various PTOs to devise a plan for upgrading. He stated that Maine Elementary PTO devised a three phase plan – 1) Replace a broken swing set; 2) Raise money for the structure presented this evening; and 3) Obtaining additional playground equipment.

Rex Zemke reported that the Wausau School District will provide labor to install the equipment, as well as wood chips to place around the structure.

Marie Northrup stated that the school is applying for grants, as well as approaching the Maine Lions Club for assistance. She also added that the school plans to enlist the help of volunteers to install the equipment as a cost savings measure.

B. Discussion and possible action on County Road K and Falcon Drive storm water management as it relates to the culverts at 3700 and 3800 Falcon Drive

Chair Hoenisch reported that she received an email on August 28th from Kevin Lang at Marathon County Highway Department. His email was in response to Chair Hoenisch's August 21st request for an on-site meeting with Marathon County, Mr. Ohrmundt, and the Town of Maine Town Board. (The email from Mr. Lang stated that "...these issues appear to be related to private driveways on a Town Road and the Town ditch. As such, this isn't an area that County staff and resources should pull away from work that is part of our Department's Mission to focus on...")

Monday, September 14, 2015 Board of Supervisor Meeting

Chair Hoenisch explained that both she and Supervisor Rusch met at Mr. Ohrmundt's property during the September 6, 2015 rainstorm to view water flow and damage created by the five plus inches of rain. She added that they took many pictures of the property both the evening of the storm and the next day.

Chair Hoenisch reported that an on-site meeting was held at 5:30 p.m. this evening so that the Town Board could view the situation with Mr. Ohrmundt's property as it relates to storm water management. She explained that Mr. Ohrmundt was informed of the meeting via phone but was not in attendance.

Chair Hoenisch stated that the water flowing under County Highway K through the culvert left a very small ponding area. She explained that the majority of the problem witnessed by herself and Supervisor Rusch the evening of the September 6th storm was the result of water coming through the rock berm (between Mr. Ohrmundt's warehouse and home). This water flowed down Mr. Ohrmundt's middle driveway, rutted it up, and carried granite down toward the ditch where it undermined a portion a Falcon Drive.

Chair Hoenisch explained that the drainage coming from Mr. Ohrmundt's parking lot and two buildings "are coming with such force they're hitting the south bank of the ditch and have undermined the road in two places." She noted that the water flowing through County Highway K was never an issue.

Supervisor Rusch stated that the water coming through the County Highway K culvert as witnessed during the September 6th storm was not flowing over the berm. He stated that the water was coming from 2 areas: 1) Off the surface of the road and down the east (warehouse) entrance of Mr. Ohrmundt's property; and 2) Off the surface of the warehouse parking lot and traveling to Mr. Ohrmundt's secondary and main driveways. Supervisor Rusch explained that these sources of water flow are washing out the granite on Mr. Ohrmundt's driveways and undercutting the road on Falcon Drive. He noted that damage caused by storm water is not originating from the water shed east of Highway K, but rather north of Falcon Drive.

Chair Hoenisch noted that John Marquardt of Public Works has been working for the Town 18 years and has only witnessed water erosion on Falcon Drive one other time (around 1999). She stated that the most recent problems the last few years with Falcon Drive can only be explained as an "Act of God".

Discussion circled around the inadequacies of having a warehouse culvert of 30 inches followed by culverts to the west that are 24 inches. Supervisor Rusch said that Mr. Ohrmundt never followed the culvert permit application process. If he had, recommendations would have been given for properly sized culverts – culverts sized to handle the water flow.

Supervisor Rusch stated that the Town needs to do some work in the ditches, but added that the main problem centers around the fact that the water is not being controlled on the warehouse parking lot area. He added that a swale was paved into the ditch between 2005 and 2010 causing the Town road to be undercut.

Rick Rubow stated that he drives past Mr. Ohrmundt's property frequently. He reported that Falcon Drive is being undermined at the very first culvert. Mr. Rubow then described preventative measures completed by Mr. Ohrmundt at the first culvert to help with erosion and water flow.

Chair Hoenisch explained that the County told her that whoever built the warehouse property damned up the natural flow of water – what used to be a natural watershed has now been damned causing large amounts of water to be forced into the ditch area on Falcon Drive. She noted that additional structures – another storage building, a paved parking area, a berm, and a home – were created that exacerbates the problem.

Monday, September 14, 2015 Board of Supervisor Meeting

Chair Hoenisch added that the County allowed Mr. Sturm to build the warehouse in the 1960s on the property; they also allowed him to create his parking lot and driveway partially in the State or County right-of-way. She expressed her disappointment that the County is now backing away from the problem and leaving it up to the Town to deal with the issue. Chair Hoenisch stated that the Town once had a ditch that was able to handle the water, but now that ditch is filling up with rock. It is unable to accommodate the water flow, and thus beginning to damage the Town road.

Rick Rubow stated that the area simply receives too much water. Several board members stated that the water is originating from Mr. Ohrmundt's property. Supervisor Schult added that 6 inches of rain alone on the surface of the warehouse roof is over 14,000 gallons of water.

Andrea Rubow explained that the watershed problem is not a debate or something where fingers of blame need to be pointed, rather it is a problem that needs to be solved. She stated that her home has been in her family for over 100 years, and the problems that have been occurring within the last two years have never been an issue before. She described the debris that has travelled downstream and ended up in her stream. Mrs. Rubow called the issue a "natural disaster that is creating bigger problems".

Mrs. Rubow stated that she has watched and videoed the storm water runoff – and she believes that the water is coming from County Highway K. She noted that the water is coming off County Highway K and through the culverts, but the culverts cannot handle the water flow and thus Mr. Ohrmundt's driveways are washing out.

The Town Board members collectively disagreed with Mrs. Rubow's statements.

Supervisor Schult explained that Mr. Ohrmundt needs an engineered plan to control the volume of water that is coming off his parking lot and buildings.

Supervisor Rusch clarified that the old metal culvert at the "top entrance" was defective and failed during a large rain event. As a result, "the top entrance" washed out taking debris further downstream. He noted that now there is a large plastic culvert that can handle the water flow.

Disagreement continued on where the water flow is originating. Discussion then transitioned to how the flow of water has been redirected as a result of the last several rain events.

Attorney Frokjer changed the course of discussion to the damage the water is doing to the integrity of the Town road. Mrs. Rubow responded by stating the Town is not fixing the problem by adding more rock and paving over it.

Chair Hoenisch stated that the Town completed a temporary fix on the road so that it does not "end up in a lawsuit because somebody went off the road or we lose \$10,000 worth of pavement." She added that the entire issue is not about pointing fingers but about finding the source of the issue so that the Town is not spending unnecessary taxpayer dollars.

Chair Hoenisch shared that she was on Mr. Ohrmundt's property from 10:30 p.m. until 1:30 a.m. during the September 6th rain storm. She stated that during that storm 90 percent of the water originated from Mr. Ohrmundt's property. Chair Hoenisch added that another individual checking on her welfare also witnessed the large volume of water coming from Mr. Ohrmundt's warehouse property.

Monday, September 14, 2015 Board of Supervisor Meeting

Supervisor Schult explained that he told Mr. Ohrmundt it would be ideal for him to have two 18 inch culverts for his driveway with a minimum of a foot of material over them before paving to protect from freezing and heaving. He added that 24 inch culverts will not handle the water volume coming from the warehouse property.

Supervisor Schult stated that he told Mr. Ohrmundt the problem can be fixed, but he must allow the Town to come onto his property and dig the ditch back to move the water away from the road. Supervisor Schult noted that "The ball was in his court. He did not turn any land over or work with us on that."

Andrea Rubow stated that the culvert and water flow from under County Highway K needs to be looked at.

Chair Hoenisch stated that the Town Board asked the County if a retention pond could be created. The County first stated that they would not allow it, but more recently they have softened to the idea. Chair Hoenisch also discussed moving the warehouse driveway further to the west to alleviate some of the problem. She noted that there are many components to the issue and that an engineer will be needed to help devise a plan.

Supervisor Rusch explained that the Town Board believes that if all the culverts are sized correctly, the ditch should be able to handle the water volume.

Supervisor Schult stated that he has learned from the classes he has attended at the UW that ditches with a seeded bottom will handle large volumes of water (because other material placed in the ditches can wash further downstream). He explained that if the ditch was shaped and seeded properly and if Mr. Ohrmundt had the right sized culverts, the ditch would carry water.

Chair Hoenisch reported that per County and DNR rules water generated on a resident's property must be controlled on site. She added that Mr. Ohrmundt has a makeshift retention pond with a white PVC pipe held down by rocks that directs water toward the Town's ditch.

Attorney Frokjer explained that there are two driveways coming from Mr. Ohrmundt's property that are heavily eroded from the September 6th storm. He added that the granite from those eroded driveways are currently in the ditch and in the Rubow's pond.

Rick Rubow reported an incident where Mr. Ohrmundt used the bucket of his backhoe near to his eastern culvert to slow the water coming off of County Highway K. He remembers the huge amount of water churning in the bucket as he drove by. Both Mr. and Mrs. Rubow confirmed that the water volume witnessed that day was water coming off of Highway K.

Discussion again centered on where the water is originating from with Mrs. Rubow insistent that much of it is coming from Highway K. Supervisor Rusch responded by stating what he witnessed on the night of the September 6th storm – the retention pond near Highway K was not even close to overflowing.

Mrs. Rubow explained that Supervisor Rusch has only witnessed the one storm, not the rain events before. Supervisor Rusch replied that the original storm had a culvert in place on Mr. Ohrmundt's property that was defective, and thus creating a situation where the water could not flow down the ditch causing it to churn.

Monday, September 14, 2015 Board of Supervisor Meeting

Discussion continued on –

- 1) The lack of erosion on the east side of County Highway K
- 2) The large amount of impervious surface on Mr. Ohrmundt's property (blacktop parking lot, huge warehouse building, and other buildings)
- 3) The water volume coming off the warehouse roof and parking lot
- 4) Smaller sized culverts downstream from the warehouse property and their inability to handle the water volume
- 5) The erosion witnessed west of the warehouse property in relation to further east upstream

Supervisor Rusch stated that the Town Board is aware of water coming from east of County Highway K, but noted that it can be handled by the ditch without much erosion. He reported an area of erosion witnessed parallel to Mr. Ohrmundt's second driveway – the east upper half of the driveway is intact, but downstream there is erosion indicating that the water is flowing off the parking lot and then down the driveway into the ditch. Supervisor Rusch ended by stating that Mr. Ohrmundt needs a plan to control the water on his property because that is where the gravel in the Rubow's pond is coming from.

Chair Hoenisch reiterated that if the ditch was meant to handle only water that comes off the road, there would not be a problem. She stated that the problem lies in the fact that the ditch must handle acres of land that has been filled with buildings and paved parking – an area which had previously been a natural watershed.

Supervisor Rusch commented that the Town can go ahead and do ditch work on Falcon Drive, but without an engineered storm water management plan done on Mr. Ohrmundt's property, the problem will not be solved.

Chair Hoenisch stated that the next step is to meet with Mr. Ohrmundt and find out what he is willing to do to manage the water on his site.

Bob Pound asked if someone were to build a new home or structure in a similar geographic area as the one discussed, does the Town have regulations or guidelines to control how much impervious surface is created on that property. He asked how a similar situation can be prevented in the future.

Attorney Frokjer responded by explaining that businesses are required to submit an on-site plan to the Town to be approved to prevent similar problems, but there is normally nothing for residential building. He added, however, that it is the landowner's responsibility to get a culvert permit, have it properly sized and located, and thereafter maintain it. Attorney Frokjer stated that in the case that is being discussed this evening the property owner failed to both get a culvert permit and properly size his culverts.

[Multiple parties were talking simultaneously. Clerk was unable to record minutes.]

Supervisor Schult stated that a new commercial structure similar Mr. Ohrmundt's warehouse would require an engineered storm management plan.

[Multiple parties were talking simultaneously. Clerk was unable to record minutes.]

Vicki Bartelt asked for clarification on the location of Mr. Ohrmundt's retention pond. Discussion ensued on the location, size, and functions of it.

Monday, September 14, 2015 Board of Supervisor Meeting

Attorney Frokjer stated that the Town needs to meet with the property owner and have a storm water management plan in place. Supervisor Rusch added the effort will most likely be combined with the Town doing ditch work along Falcon Drive with the property owner completing work on his site.

Chair Hoenisch stated that she would like to see the County step up to the plate and work with the property owner and the Town on the placement of Mr. Ohrmundt's east driveway and a future ponding area. She explained that if the east driveway could be moved to the west there would be enough room to place a retention pond in the area.

Andrea Rubow stated that in the 100 years her family has lived in her home the water and erosion has not been an issue until the last few years. She explained that if indeed the problems of the last few years have been created by an act of God, it is unfair to blame any one individual. Mrs. Rubow added that the issue should be a combined effort with everyone involved.

Chair Hoenisch disagreed – she stated that the taxpayers should not be saddled with the cost of a storm water management problem caused by a property owner who needs to manage his water on-site. Mrs. Rubow responded by saying that Chair Hoenisch is misinterpreting what she is saying.

Attorney Frokjer explained that it will take the cooperation of the property owner and a storm water management site plan with coordination from the Town to rectify the issue. Mrs. Rubow agreed.

Rick Rubow asked about the grade of Falcon Drive and how that relates to the matter. He explained that by the time the water flows off of Highway K and reaches his property, it is moving at a fast rate. Attorney Frokjer stated that the natural drainage in the area has been changed, as it never flowed along Falcon Drive as much. Supervisor Rusch stated that some work – maybe blacktopping – may have to be done near the top driveway to prevent erosion. Chair Hoenisch added that moving the east driveway would be extremely helpful as well.

Attorney Frokjer compared the impervious surface that comes unto the east driveway from the road to that of the commercial property; he stated that it is “probably 1/50th or 1/100th” of the amount – “a drop in the bucket”.

When asked what the next step should be, Attorney Frokjer stated that a meeting should be set up with the landowner and steps should be taken to have an on-site storm water management plan set up.

Supervisor Schult suggested R.E.I. be part of the meeting.

Attorney Frokjer noted that if Mr. Ohrmundt has a completed storm water management site plan, he would like to see it in advance of the meeting. Supervisor Rusch explained that Mr. Ohrmundt said he had such a plan at the last meeting.

Details were discussed as to how to contact the property owner.

Report from audience on public works issues or requests to have an item place on the next Town Board Meeting agenda.

Tim Bartelt commented that his newly paved road is nice now that he does not have to contend with the dust. Discussion continued on the volume and speed of the traffic on N. 28th Avenue.

Supervisor Schult mentioned that Anderson Bros. & Johnson will be shouldering N. 28th Avenue shortly.

Monday, September 14, 2015 Board of Supervisor Meeting

Schedule next monthly Board of Supervisor Meeting for Monday, October 12, 2015 with bill approval at 6:30 p.m. and general business at 7:30 p.m.

Review Accounts Payable

Motion to approve accounts payable bills

Chair Hoenisch called for a motion to approve the accounts payable bills. Supervisor Rusch made a motion to approve the accounts payable bills, seconded by Supervisor Schult. Motion carried.

Adjournment.

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

Respectfully submitted and approved on October 12, 2015.

Tina M. Meverden, Town of Maine Clerk