



Town of Maine Minutes

Monday, May 11, 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, May 11, 2015. Accounts Payable was reviewed at 6:00 p.m. with General Business at 7:30 p.m.

Agenda

1. Call meeting to order at 6:00 p.m. – Betty Hoenisch, Town Chair
2. Review Bills Payable
3. 6:30 p.m. – Meet with Mike Wanke regarding Fire Department Engineer's Position
4. 7:15 p.m. – Close Loan for Public Works Utility Truck and Sign Loan Documents
5. 7:30 p.m. – General Business
6. Pledge of Allegiance to the Flag
7. Motion to approve accounts payable
8. Minutes –
 - A. Motion to dispense of the reading of the minutes from the April 13, 2015 Board Meeting, the April 16, 2015 Special Board Meeting, the April 27, 2015 Special Board Meeting, and the May 4, 2015 Special Board Meeting and approval of those minutes.
9. Chairman's Report
10. Supervisor's Report
11. Clerk's Report
12. Treasurer's Report
13. Zoning Administrator's Report
14. Fire Department Report
15. Other Business:
 - A. Discussion and possible action to authorize Attorney Frokjer to send a letter to John Ohrmundt requesting the return of Town Fire Department records
 - B. Discussion and possible action to approve Board of Appeals members for term ending May 2018
 - C. Discussion and possible action to approve Plan Commission members for term ending May 2018
 - D. Discussion and possible action to approve Public Works lawnmower
 - E. Discussion and possible action to approve Fire Department employee for the Fire Department Engineer position
 - F. Discussion and possible action to allow public comment at monthly board meetings within specific parameters
16. The next Board of Supervisor Meeting will be June 8, 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 May 8, 2015.

Tina M. Meverden

Town of Maine Clerk

Monday, May 11, 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, May 11, 2015 at 6:00 p.m.

Chair Hoenisch called the meeting to order at 6:08 p.m.

Review Accounts Payable

Present were Chair Betty Hoenisch, Supervisor Tad Schult, Supervisor Keith Rusch, Clerk Tina Meverden, Treasurer Cindy Bailey, Zoning Administrator / Building Inspector Rich Grefe, Town Attorney Randy Frokjer, and community members. Interim Fire Chief Joe Bozinski, Fire Captain Jeremy Bozinski, and Mike Wanke were present for Item #3 – *Meet with Mike Wanke regarding Fire Department Engineer's position.*

Meet with Mike Wanke regarding Fire Department Engineer's position

Chair Hoenisch reported that Maine Fire Department officers made the recommendation that Mike Wanke be hired to fill the newly created position of Fire Department Engineer at the April 22, 2015 Maine Fire Department Officers Meeting.

Supervisor Schult stated that the Town Board wanted to first meet with Mr. Wanke before approving him to the Fire Engineer position so that assurance could be gained regarding Mr. Wanke's willingness to work with the Town Board.

Supervisor Rusch suggested there be a trial period where the Town Board place Mr. Wanke in the Fire Engineer position for a specified amount of time before reviewing the work arrangement.

Discussion centered on...1) Where the vehicles would be serviced; 2) The availability (or lack thereof) of tools to service the Fire Department equipment; 3) Liability and insurance concerns; 4) Yearly inspections; and 5) Fire Engineer wage.

Close Loan for Public Works Utility Truck and Sign Loan Documents

Chair Hoenisch explained that the Town Board will not close the loan for the Public Works Utility Truck this evening nor will the Board sign loan documents associated with it, as illness at Attorney Frokjer's law office prevented some of the paperwork from being finished. She noted that the matter will be tabled until the June 8, 2015 Board Meeting.

Pledge of Allegiance to the Flag

Motion to approve accounts payable bills

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

Minutes Approval

Chair Hoenisch called for a motion to dispense of the reading of the minutes from the April 13, 2015 Board Meeting, the April 16, 2015 Special Board Meeting, and the May 4, 2015 Special Board Meeting. She stated that the approval of the April 27, 2015 Special Board Meeting minutes will be tabled until the next regular monthly Board Meeting.

Clerk Meverden made note of two minor errors on page three of the April 16, 2015 Special Board Meeting minutes.

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Motion by Supervisor Rusch to dispense of the reading and approve the minutes from the April 13, 2015 Board Meeting, the April 16, 2015 Special Board Meeting, and the May 4, 2015 Special Board Meeting with the following changes to the April 16, 2015 Special Board Meeting minutes – 1) The first bullet point on page three should read, “2005 Bankruptcy Law that is not fair to the neighboring municipalities that are forced...” and 2) An apostrophe should be added to “Administrations” in the fifth bullet point on page three to show possession. The motion was seconded by Supervisor Schult. Motion carried.

Chairman’s Report:

Chair Hoenisch reported that the Maine Town Board, Attorney Frokjer, Texas Chairman Matt Bootz, and Attorney VanderWaal (Town of Texas Attorney) traveled to Madison on April 16, 2015 to meet with the Department of Administration regarding the Brokaw matter.

Chair Hoenisch stated that Wausau and Brokaw finally agreed to a meet with Maine and Texas. That meeting occurred on April 27, 2015 at the Maine Town Hall. She noted another meeting with the four entities is scheduled for Wednesday, May 13, 2015 at Wausau City Hall.

Chair Hoenisch reported that the Town held its Annual Meeting on April 21, 2015 and that many Town residents were in attendance.

Chair Hoenisch explained that Open Office Hours at the Town Hall have been filled with hall rental inquiries, building and zoning work, concerned citizens asking about the Brokaw matter, and road contractors interested in bidding on road projects.

As a final note, Chair Hoenisch stated that the Town Board held a meeting with Public Works on May 4, 2015 in which they toured and assessed the condition of Maine’s roads. She informed all present that another meeting will be scheduled to finalize road plans and create a schedule for Public Works.

Supervisor’s report:

Supervisor Schult reported that Public Works changed out a few bad culverts. He also mentioned that during the May 4, 2015 Road Meeting, Town Board members discovered a few major culverts needing replacement – especially one on Naugart and 60th Avenue.

Supervisor Schult explained that Public Works has been working to clean up north N. 28th Avenue. He also noted that in preparation for paving Public Works finished the cul de sac on Julip Drive.

Supervisor Rusch reported that he has received phone calls regarding road weight limits. He added that he had referred the callers to the Marathon County Highway Department website.

Supervisor Rusch explained that he received a phone call from the Marathon County Sherriff’s Department regarding garbage dumped on Decator Drive. When Supervisor Rusch traveled to where the garbage was dumped, he noticed that it consisted of opened containers of waste oil among other things. Because Supervisor Rusch had nothing to cap off the waste oil containers, he contacted Public Works who cleaned up the site the following morning.

Supervisor Rusch stated that he has received some concerns from residents regarding IROW’s garbage trucks leaking oil. He asked Chair Hoenisch for IROW’s contact number so that he could them call regarding the matter.

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Clerk's Report

Clerk Meverden reported that she has been working on post-election paperwork associated with the April 7th Spring Election. She stated that she is nearly complete – with only one form remaining before she can close out the election. The form Clerk Meverden referenced is the G.A.B. 191 – a form which asks for an itemized list of costs associated with the election.

Clerk Meverden stated that the April 7th Election saw a nearly 38% voter turnout. Out of 1,615 registered voters in the Town of Maine, 608 individuals came out to vote for Supreme Court Justice, Court of Appeals and Circuit Court Judges, Municipal and School Board races, plus the state and school district referendum.

Treasurer's Report – April 2015

Town Accounts:

Money Market Account Balance March 31, 2015 - \$704,453.40

Money Market Account Deposits April 2015 - \$75,568.69

Money Market Account Interest April 2015 - \$112.31

Money Market Account Disbursements April 2015 - \$133,120.89

Money Market Balance April 30, 2015 - \$647,013.51

Town of Maine Checking Account April 30, 2015 - \$8,073.87

Garbage and Recycling Special Assessment Certificate of Deposit Account – \$91,773.51

Maine Fire Department Accounts:

FD Petty Cash Checking Account April 30, 2015 - \$806.08

FD Money Market for Memorials and Special Donations April 30, 2015 - \$25,036.63

FD Equipment Outlay Account April 30, 2015 - \$58,952.73

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 – April 2015

Zoning Administrator / Building Inspector Rich Grefe reported that the Town issued one permit for the month of April – that permit being for the construction of a deck. Mr. Grefe added that five on-site inspections were completed for the month of April – four building inspections and one zoning inspection.

Mr. Grefe shared that he has had a few complaints the last several weeks concerning a property on N. 28th Avenue that is littered with debris and junk. He commented that he has made contact with the property owner and requested the yard be cleaned up. The resident has agreed to comply. Mr. Grefe stated that he will follow up by sending the property owner a formal letter.

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Mr. Grefe reported that a complaint came in last week about a property in the Merrill Avenue area – more specifically, a fill site that had an expired permit that is currently still being used by Musson Brothers. Mr. Grefe visited the expired fill site, took photos, spoke with neighbors, and contacted Musson Brothers to notify them that they had two weeks to complete operations, level out the site, and seed down the area as required by permit.

Mr. Grefe stated that the Town Board may need to decide how to proceed if Musson Brothers does not comply with the two week order.

Fire Department Report:

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

Other Business:

A. Discussion and possible action to authorize Attorney Frokjer to send letter to John Ohrmundt requesting return of Town Fire Department records

Chair Hoenisch reported that at the March 9, 2015 Board Meeting during a discussion to approve a Fire Department Inspector Mr. Ohrmundt commented that he has Fire Department records at his home. The records Mr. Ohrmundt referenced during the meeting were from a period of time in which the Town employed Don Kozlowski as its Fire Department Inspector.

Chair Hoenisch explained that the Town was trying to retrieve said records from Mr. Ohrmundt when the Town hired McGrath consultants to complete an audit of the Fire Department. At the time of the audit, Mr. Ohrmundt had agreed to hand over said records to aid in the matter.

Attorney Frokjer stated that he emailed Attorney Brantmeier (the attorney handling the John Ohrmundt claim on behalf of the Town) to ask his advice concerning the request. Attorney Brantmeier stated that he is okay with the request and suggested it be directed to Mr. Ohrmundt's attorney (Attorney Higgins). Attorney Frokjer added that he will send the March 9, 2015 Board Meeting minutes with the request.

Supervisor Schult made a motion to authorize Attorney Frokjer to send a letter to John Ohrmundt requesting the return of Fire Department records from the time period in which the Town employed Don Kozlowski as Fire Inspector and/or any other Fire Department records the Town does not have in its possession, seconded by Supervisor Rusch. Motion carried.

B. Discussion and possible action to approve Board of Appeals members for another term ending May 2018

Chair Hoenisch reported that Board of Appeals member Greg Janicek agreed to another term on the Board of Appeals. Likewise, John Graveen – 2nd alternate to the Board of Appeals – agreed to remain on for an additional term. Mr. Graveen joined the Board of Appeals late last year as he finished out Dan Frei's term.

Supervisor Schult made a motion to approve Mr. Janicek and Mr. Graveen to another term on the Board of Appeals ending May of 2018, seconded by Supervisor Rusch. Motion carried.

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C. Discussion and possible action to approve Plan Commission members for term ending May 2018

Chair Hoenisch reported that Scott Breneman is the only Plan Commission member whose term has expired. She noted that she has contacted Mr. Breneman, and he has agreed to serve on the Plan Commission for an additional term.

Chair Hoenisch called for a motion to approve Scott Breneman to the Plan Commission. Supervisor Rusch made a motion to approve Scott Breneman to the Plan Commission for a term ending May 2018, seconded by Supervisor Schult. Motion carried.

D. Discussion and possible action to approve Public Works lawnmower

Supervisor Schult reported that he worked with Dick Schultz (employed by the Town to do lawn care) to find a reasonably price riding lawnmower. They found a zero-turn lawnmower at Grebe's that was offered at a discounted price (\$2,100) because it was last year's model. Unfortunately, the mower did not come with a bagger – something Mr. Schultz requested – so it was decided to purchase the current model. Therefore, the 2015 zero-turn mower was purchased for \$2,499 with an additional \$400 added for a bagger.

Chair Hoenisch stated that \$3,000 was placed in the budget for a new riding lawnmower. The 2015 Town Budget was then approved at the Budget Public Hearing / Special Town Meeting in November of 2014. She noted the Toro zero turn mower with the purchase price of \$2,899 came in under budget.

Supervisor Rusch made a motion to approve the Toro Riding Mower with bagger from Grebe's, seconded by Supervisor Schult. Motion carried.

E. Discussion and possible action to approve fire department employee for the Fire Department Engineer position

Chair Hoenisch reported that at the April 22, 2015 Maine Fire Department Officer meeting three candidates were interviewed for the newly created Fire Department Engineer position. At that meeting, the Fire Department Officers made the recommendation to the Town Board that Michael Wanke be offered the position.

Chair Hoenisch explained that earlier this evening the Town Board, Interim Fire Chief Joe Bozinski, and Captain Jeremy Bozinski met with Mr. Wanke to discuss the engineer position.

Supervisor Schult made a motion to approve Michael Wanke to the position of Fire Department Engineer with a six month review, seconded by Supervisor Rusch. Motion carried.

F. Discussion and possible action to allow public comment at monthly board meetings within specific parameters

Chair Hoenisch reported that there has been ongoing discussion regarding public comment at Town Board meetings. She stated that at times public comment can be helpful, especially during times when residents bring a road or culvert issue to the Town Board's attention.

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Chair Hoenisch explained that she has researched the procedures on public comment both in the City of Wausau and in the Town of Stettin. They both allow residents to express their opinions on specific agenda items. In addition, the two municipalities place a time limit on public comment.

Attorney Frokjer stated that the Town of Stettin has been sued – in part because they put a time limit on public comment. He recommended that the Town of Maine be careful with setting time limits. He stated that there is not a problem with the Town NOT offering public comment, but when the Town begins to place limits on public comment, it invites litigation and/or risks of being sued.

Chair Hoenisch suggested the Town of Maine do something similar to what the City of Wausau and the Town of Stettin does. She stated that the two entities allow residents to express their opinions and make their comments before the agenda items are listed in “Other Business”.

Chair Hoenisch also suggested the Town offer another time of public comment after agenda items where a resident could express a road concern or culvert issue. She stated that comments such as these are helpful to the Town Board members, as they are not always aware road issues and the like. Chair Hoenisch added that requests by residents to be put on the following monthly board meeting agenda could also be included in this section of public comment.

Attorney Frokjer stated that he did not see a problem with limiting the second part of discussion to specifics. He added that if the Town Board wishes to pass such a motion, he will research it further.

Supervisor Rusch believes no time limit should be set on public comment. He also stated that he is in agreement with putting *Open Discussion without Action by the Town Board* at the end of the agenda.

Chair Hoenisch stated that she preferred that once discussion of agenda items under “Other Business” began, no public comment would be allowed. Supervisor Rusch disagreed. He was in favor of allowing the public to ask questions during the “Other Business” agenda items.

Supervisor Schult discussed having residents contact Town Supervisors prior to a meeting so that they can add to their list of things that need to be addressed at the meeting rather than waiting until agenda discussion and then be surprised by a question, statement or request.

Chair Hoenisch explained that her suggestions for public comment are a balance between allowing beneficial and constructive input from residents while also permitting the Town Board the opportunity to prepare and create an environment of order.

Supervisor Rusch stated that if a resident has had a question or comment during an agenda item in the past, the individual has always been allowed to speak. Attorney Frokjer added that the input from audience members may be different after they have heard Board discussion on the matter during “Other Business” as opposed to what they would have added before Board discussion on an agenda item.

Chair Hoenisch countered by saying that in most cases Town Residents have seen agenda items prior to the start of the meeting and usually come prepared with comments they would like to share. She added that she would like to see the two sections of public comment as she has described them if it is allowable. Attorney Frokjer replied that it is allowable as long as the Town Board feels it is effective way to receive feedback from the public.

Attorney Frokjer added that he does not see a problem with reconfiguring public comment as suggested. He noted that he will confer with others who have more experience on the matter.

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Discussion continued as to the pros and cons of various methods of doing public comment, the nature of public comment, and the benefits of community discussion.

Attorney Frokjer commented that he is hearing different opinions from Chair Hoenisch and Supervisor Rusch. Chair Hoenisch is advocating public comment before and after "Other Business" but none during the agenda items listed under "Other Business". Whereas Supervisor Rusch is advocating public discussion during "Other Business" agenda items in addition to the two other opportunities for resident input. Attorney Frokjer asked that the Board be consistent and clear in what they decide.

Discussion continued from both sides justifying their opinions on the matter. Talk amongst Board members and residents continued as to what manner the Town Board should use to reinstate public comment on the agenda.

Attorney Frokjer reiterated that public comment is not a requirement, as state statute does not say it is a requirement. He stated that the question at hand is the manner in which the Town Board wants to go about placing public comment back on the agenda.

Supervisor Rusch explained that he believes public comment needs to make its way back onto the agenda during meetings. He added that if structuring it as suggested will facilitate that goal, he is willing to support public comment as suggested hoping that it will eventually "migrate back to the official way it used to be".

Attorney Frokjer clarified that the reason Stettin and Wausau changed public comment to be allowed only before "Other Business" items was because comments made during Board discussion on agenda items during "Other Business" got unruly and too lengthy.

Discussion occurred as to the language/semantics of public comment on the agenda. Supervisor Schult suggested using the term "Public Works issues" when listing the opportunity for public comment after "Other Business". Chair Hoenisch stated that the "Public Works issues" would encompass trees, asphalt, culverts, ditching, and roads.

John Graveen commented that if he had a concern, he would not wait until a meeting to share it. Rather, he would rather contact a Town Supervisor and take care of the problem right away. He stated that if a concern was something needing further discussion, a Town Supervisor could then put it on the next month's agenda. He did not understand the reasoning behind surprising the Town Board with a concern during a Town Board meeting.

Chair Hoenisch explained that the Town Board instituted a policy where a resident could contact the Town Clerk to have an agenda item placed on a monthly board meeting if notification was made one week prior to the meeting. In this way, the Town Board had an opportunity to prepare for the issue of concern.

Supervisor Rusch made a motion to allow two opportunities for public comment on monthly board meeting agendas – 1) An opportunity for public input will be allowed near the beginning of the agenda regarding *Other Business* items listed on the agenda; and 2) Public comment will be welcomed near the end of the agenda for public works issues in addition to requests for agenda items to be placed on the next monthly board meeting agenda, seconded by Supervisor Schult. Motion carried.

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Schedule next monthly Board of Supervisor Meeting for Monday, June 8, 2015 with bill approval at 6:30 p.m. and general business at 7:30 p.m.

Chair Hoenisch informed community members of a joint meeting regarding the Brokaw matter between the Village of Brokaw, the Town of Maine, the Town of Texas, and the City of Wausau on Wednesday, May 13, 2015 at 6:00 p.m. She stated that the meeting will be held at Wausau City Hall.

Vickie Bartelt asked if the May 13th meeting will be posted, to which Chair Hoenisch responded in the affirmative. Ms. Bartelt asked if the agenda could be posted to the Town of Maine website in addition to having it posted at the area taverns. Discussion continued as to the pros and cons of placing special meetings on the Town website. It was decided that the matter of placing special meeting agendas on the Town website will be placed on a future meeting agenda for discussion.

Adjournment.

Chair Hoenisch called for a motion to adjourn. Supervisor Rusch made a motion to adjourn at 8:38 p.m., seconded by Supervisor Schult. Motion carried.

Respectfully submitted and approved on June 8, 2015.

Tina M. Meverden

Town of Maine Clerk