

VILLAGE BOARD MEETING – MAY 7, 2012

The monthly Village Board meeting was called to order at 7:00 p.m. in the Municipal Building. On roll call were President Sleeman, Trustees Berry, Chambers, Doyle, Parrott, Pierce and O'Brien. Attorney Dan Wood, Public Works Director Zant, Clerk Pierce, Reporter David Kennedy, Steve & Julie Olds of Coffee A Go-Go, VFW Commander Bill Sipla, Ed Carlson of Friendship Hotel, Toby Roseberry, Jake Roseberry, Joe Davis, Emergency Management Director Jane Gervais and ACFD Chief Mike Rusch were also present.

APPROVAL OF MINUTES

MOTION by Chambers, second by O'Brien to approve the April 10, 2012 minutes as printed, motion carried.

TREASURER REPORT

March 2012 Bal. Brt. Frwd.
April 2012 Receipts
April 2012 Disbursements
Bal. May 1, 2012

GENERAL

\$89,634.84
\$14,834.68
\$31,183.64
\$73,285.88

WATER

\$140,437.83
\$65,655.18
\$39,942.69
\$166,150.32

SEWER

\$50,657.62
\$27,657.95
\$29,324.03
\$48,991.54

LGPIF Tax \$-0- - Tax Checking \$294.25 - Capital Project Checking \$103,000.00 – Building Fund \$10,000.00 – Street Equipment Fund \$18,000.00 - LGPIF TIF \$361,192.60 - TIF Checking \$100.00 General Money Market \$33,211.70 – CD Former FFD Funds \$13,833.45 - Water LGPIF \$125,011.35 - Water Depreciation Account \$33,908.88 – Water Special Redemption Fund \$24,060.00 – Water Debt Service Reserve Fund \$5,873.99- LGIP Sewer \$45,281.31 – Sewer Depreciation Account \$20,780.66 – Sewer Special Redemption Fund \$219,559.34 – Sewer Debt Reserve Fund \$7,224.92

MOTION by Chambers, second by Parrott to approve the Treasurer Report as presented and read, motion carried.

Bills:

19687 Baker Tilly Virchow Krause	9,280.00
19688 Dalco	96.28
19689 Griffith Tree Service	30.00
19690 Lamperts	20.39
19691 Community Code Service	VOID
19692 Nadine Ashworth	68.00
19693 Eileen Gibbs	121.13
19694 Bonnie Kelly	136.00
19695 Fran O'Brien	89.25
19696 Geralyn Rutzen	104.13
19697 Village General Fund	1,665.00
19698 Adams County Fire District	4,872.23
19699 Adams County Highway Commission	1,091.64
19700 CarQuest	162.15
19701 Fenner Excavating	625.30
19702 News Publishing	41.99
19703 The O'Brien Agency	37.00
19704 United Laboratories	150.38
19705 WE-Energies	149.20
19706 Kathleen Pierce	1,419.85
19707 Michael Zant	1,561.72
19708 Ronald Beeman	1,231.54
19709 Michael Moran	232.42
19710 Linda Hogan	1,494.49
19711 Great West	61.00
19712 Kohn Law Firm	58.10
19713 EFTPS	2,199.70
19714 Bob Berry	179.26
19715 Roger Chambers	150.96
19716 Ron Doyle	165.11
19717 Fran O'Brien	141.52
19718 Steve Parrott	141.52
19719 Jason Pierce	165.11
19720 Tony Sleeman	150.96
19721 Alliant Energy	1,947.18
19722 Jamie Bula – Pro Motions Investment	226.36
19723 WI River Co-op	29.88
19724 Friendship Water Utility	819.90
19725 Frontier	199.98
19726 Kwik Trip Inc.	418.62
19727 Trish Torres	6.64
19728 City of Adams	46,103.59
19729 Mid State Truck	2,000.00
19730 AFLAC	121.84
19731 Ace of Adams	76.05
19732 Baker Tilly Virchow Krause	1,729.00
19733 Bellin Health	40.00
19734 Cartridge World	275.15
19735 CNA Surety	175.00
19736 E.O. Johnson Company	124.00
19737 Adams County Solid Waste	1,274.40
19738 Fenner's Garage	77.63
19739 Kathleen Pierce	1,194.01
19740 Michael Zant	1,212.77
19741 Ronald Beeman	1,048.19
19742 Michael Moran	232.42

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19743 Linda Hogan	1,039.69
19744 EFTPS	1,503.24
19745 Great West	61.00
19746 Kohn Law	58.10
19747 Kathleen Pierce	28.00
19748 CNA Surety	175.00
19749 WI DOR	841.39
19750 WI Retirement System	2,078.17
April Internal Transfer to Water Special Redemption Register	6,015.00
April Internal Transfer to Water Special Redemption Register	4,889.83
Grand Total	\$104,115.36

RURAL DEVELOPMENT VOUCHERS

RDS-64 MSA Professional Services	324.00
RDS-65 Earth Inc.	108,813.00
Total RD Invoices	\$109,137.00

PAYMENT OF BILLS

MOTION made by Chambers, second by Berry to approve payment of voucher #19687 through #19750 in the amount of \$104,115.36, motion carried. **MOTION** by Chambers, second by O'Brien to approve payment of Rural Development voucher #RDS 64-65 in the amount of \$109,137.00, motion carried.

MOTION by Sleeman, second by Berry to move agenda item #13 (Review & Possible Action on the Rental Lease Agreement with Adams County for the Mobile Command Center), up on the agenda, motion carried.

REVIEW & POSSIBLE ACTION ON THE LEASE AGREEMENT WITH ADAMS COUNTY

On May 1, 2012 a copy of the signed (signed December 16, 2011) commercial lease agreement between the Village and Adams County was placed in each Trustee's box. Jane Gervais, Emergency Management Director was present but was not called upon to speak. Brief discussion by Trustee Berry and **MOTION** by Berry, second by Parrott to lease storage space in the former fire department to Adams County to store the mobile command center for \$1.00 per day. Brief discussion followed; Trustee O'Brien stated that she felt it wasn't fair to the ACFD as they are being charged \$3.00 per day. Roll call vote 4 aye: Berry, Parrott, Chambers and Sleeman ~ 3 Nay: O'Brien, Doyle & J. Pierce

PRESIDENT SLEEMAN TO MAKE COMMITTEE APPOINTMENTS

An informational sheet listing all of the Village Board members, committees, banks etc. was presented to everyone in attendance. **MOTION** by Berry, second by O'Brien to approve President Sleeman's committee appointments as follows: **PUBLIC WORKS:** Bob Berry, Chairman, Jason Pierce and Ron Doyle; **FINANCE/PERSONNEL:** Roger Chambers, Chairman, Fran O'Brien and Steve Parrott, motion carried.

APPOINT CITIZEN MEMBER TO SERVE ON BOARD OF REVIEW

MOTION by Berry, second by Chambers to appoint David Steiner as the citizen member to serve on the 2012 Board of Review to be held on May 29, 2012 at 12:30 p.m., motion carried.

APPOINT PLAN COMMISSION MEMBERS

The informational sheet showed that Chuck Spargo, John Havel and Jason Pierce's terms would be expiring on the Plan Commission. **MOTION** by Berry, second by Parrott to appoint Chuck Spargo and John Havel to serve a three year term as citizen members on the Plan Commission and Jason Pierce to serve a two year term as the Village Trustee member, motion carried.

APPOINT TWO CITIZENS TO SERVE ON THE ZONING BOARD OF APPEALS

The informational sheet showed that Ray Churchill and Joe Davis terms on the Zoning Board of Appeals would be expiring. **MOTION** by Berry, second by Parrott to appoint Ray Churchill and Joe Davis to serve a three year term on the Zoning Board of Appeals, motion carried.

DESIGNATE OFFICIAL DEPOSITORIES, NEWSPAPER, POSTING & OFFICIAL RADIO

The informational sheet showed the Official Depositories as: Grand Marsh State Bank - M&I Bank – Royal Bank & Office of the State Treasurer; Official newspaper as the Times~Reporter Publication; Official Posting Locations as the Village Hall, Friendship Post Office & the Adams County Courthouse; Official Radio station as WDKM 106.1 **MOTION** by Berry, second by O'Brien to approve the above as presented on the informational sheet, motion carried.

CITIZEN INPUT

Bill Sipla Commander of VFW Post 6279 was in attendance to donate American flags to the Village to be displayed on Main Street. Mike Rusch, Fire Chief for the ACFD was in attendance to answer

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any questions the Village Board may have had in regards to joining the ACFD District. Trustee O'Brien asked several questions, one being if the Village joined the district would we actually own the equipment with everyone else? Rusch stated that it would be prorated because we would be joining later and wasn't sure exactly how it would work but noted that it would all be subject to the ACFD board as he is just the operations manager and not a voting member of the Board. O'Brien also asked if they were planning on building a new building. Chief Rusch said it could happen, they have been talking about it for years but nothing final yet. President Sleeman asked if they still had one township sitting out. Rusch stated that he wouldn't say that they are sitting out it's just that they have a problem with some language in the agreement. **Attorney Wood:** The agreement provides for the addition or subtraction of members and there's a formula in there and I can't quote it verbatim but I should let you know that I've done work for the fire district so I wouldn't be able to advocate for the village and I wouldn't participate on behalf of the fire district with regards to any negotiations as I would have a conflict so I would have to steer clear of it in its entirety. There is an agreement that has been drafted based on an existing agreement and it's my understanding that all participating municipalities have agreed to that agreement with the exception of Strongs Prairie which has some hang up with some issue or another. I have corresponded with their attorney on behalf of the fire district a few times and Mike knows better than I do what the current status is of that. I would certainly encourage the Village to give this serious attention but until there is an agreement that is finalized I don't know if you can really know what you're getting into. Trustee O'Brien asked if the Village were a member if there would be any increase in the costs to us than what we're paying now. "Your fee is based on a formula as if you were an actual member," stated Rusch. **MOTION** by Berry, second by Parrott to join the Adams County Fire District officially instead of contracting services out to them. Discussion. **Attorney Wood:** Again I have done work for the fire district ..I would encourage...I don't know if anybody has looked at the existing agreement to see what you're opting into, I would encourage you to do that and look at the draft of the new agreement. "Has anyone read the agreement? I think we should all read and check into it," stated Trustee Doyle. "How lengthy is this agreement," asked Trustee O'Brien. "Would it be appropriate to table," asked Trustee Chambers. Attorney Wood stated that the agreement was not a hard read and felt it was user friendly without a lot of technical terms... straight forward. Roll call vote: 5 aye, 2 nay (Sleeman & Doyle voted nay), motion carried.

Ed Carlson from the Friendship Hotel was present to update the Board on the street dance he would like to hold over the Fourth of July. Items mentioned were: Hard time finding picnic tables so may advertise to bring lawn chairs; Rather than using 2 flatbeds for the bands they will use one trailer; has talked to Bob Oliver & Laurie Golden but has not had time to talk to Jim Premo; 4 port a potties will be available; hope to have everything shut down before it gets dark; four bands are set to play one and a half hours each; plan on starting at noon and run through 7-8 p.m.; Carlson will provide all of the electricity and the advertising; Carlson will provide the cleanup but said that if the Village wants to put a few garbage cans out it would be appreciated too. Sleeman asked that Mr. Carlson keep the Board informed as he goes; Carlson said he would give an update at the June Village Board meeting.

Steve & Julie Olds from Coffee A Go-Go were in attendance and stated that him and his wife were opening a coffee shop at 601 Main Street in the former Citgo station. Olds presented everyone with a menu and stated they would be selling premium coffees, juices and a small assortment of premium baked goods. Olds said this would be a drive through only for now and if business goes well he may open up the inside with a sit down area. Olds said he has done work on the inside and the outside of the building and welcomed anyone to stop in to see it. Soft opening will start tomorrow and June 1st will be the hard opening; during the soft opening free coffee will be given and specials will be offered on face book. Olds said he retired in January after 20 years of law enforcement. The Board welcomed the Olds to the community and wished them the best of luck.

REVIEW, DISCUSSION & POSSIBLE ACTION DISCUSSION ON THE 2011 FINANCIAL STATEMENTS; 2011 INTERNAL CONTROL REPORT; 2011 TIF 1 & 2 FINANCIAL STATEMENTS

A copy of the final 2011 Financial Statements, 2011 Internal Control Report and 2011 TIF 1 & 2 Financial Statements as prepared by Baker Tilly Virchow Krause were put in all board members boxes prior to the meeting. **MOTION** by Berry, second by Doyle to table any action on this until next month when we all have a chance to review them, go over them and maybe have Attorney Wood get a chance to go through them before we take any action, motion carried.

FINANCE COMMITTEE REPORT & RECOMMENDATIONS

CHAMBERS: What we did, there was \$104,665.00 & for our codification we set aside \$8,000 and out of the remaining \$96,665.00 not knowing for sure at this point in time whether we're going to get that grant of \$30,000 towards the purchase of that new plow truck... we just put between that and the packer for the garbage truck, we put \$60,000 into that account for street equipment. (\$40,000 for used truck & \$20,000 to replace the packer on the garbage truck) Building Fund: Storage/additional office space \$20,000 - Update Comprehensive Plan by 2016: \$5,000 - Employee Compensation Fund (ie: vacation/sick time

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payout): \$5,000 - Contingency Fund: \$6,665.00 **MOTION** by Chambers, second by O'Brien to accept the recommendation of the Finance/Personnel Committee to designate the funds as noted above in the capital projects account, motion carried.

PUBLIC WORKS COMMITTEE REPORT

Chairman Berry gave an update of the following committee agenda items:

- Fireworks Permit Process – Berry stated that the committee decided to ask that Attorney Wood look into the Uniform Fire Code and the language and get back to them on how they should proceed with the fireworks permits. Attorney Wood will draft an ordinance for review and consideration to be considered at the June meeting.
- Electrical Upgrade in the Village Park – The committee discussed that they would get a couple of estimates to upgrade the electrical service in the park to a 200 amp service. Berry stated that the funds may come from the donation they should be receiving from the Henning Estate.
- Update on Purchase of Used Plow Truck & Status of Rural Development Grant - Zant stated that the truck will be here next week and it was noted that the Village is still not sure if they will be receiving any grant funds from Rural Development to help pay for the truck. Trustee O'Brien asked what was going to become of the old truck; Zant stated that the old truck could probably be put out for bids.
- Purchase & Installation of Concealed Carry Signs – Committee discussed that because an ordinance was adopted signs should be put up. Clerk noted that a sign was recently printed off line and placed in the front window of the hall. Attorney Wood thought they had to be at least 5 X 7 and one should be at each door.
- Crack Filling Projects – Zant said it had been a few years since any crack maintenance had been done and when it was done it was contracted out and that it can be expensive. Zant said alot of streets could use it and North Street is one of them as well as the village hall parking lot, beach parking lot and several others. This year it will be kept in house because they make products now that can be pulled right out of a 55 gallon barrel; for one barrel of oil it would be around \$499, a tar pot for \$470 and with shipping a total cost of around \$1,059.00. Zant said out of one barrel he should be able to do approximately 4,000' of crack filling.

DISCUSSION ON DNR & ATTORNEY WOOD CORRESPONDENCE IN REGARDS TO OWNERSHIP OF THE FRIENDSHIP DAM & SCHEDULED INSPECTIONS OF THE DAM

The following correspondence was put in all Board members boxes: A copy of Attorney Wood's correspondence dated April 13, 2012 sent to Joseph R. Behlen, P.E. of the DNR, A copy of the DNR letter received on April 23, 2012 from Joseph Behlen in regards to the schedule for required dam inspections and a copy of Attorney Wood's email dated May 7, 2012 that was sent to Joseph Behlen of the DNR in regards to the ownership of the dam. (See dam file) **WOOD**: I drafted a response to Mr. Behlen in Wisconsin Rapids. If the Village Board is comfortable with what I'm laying out, I will go ahead and send the letter tomorrow. Essentially what we have here is the Village transferred ownership of the dam to Charles Pheiffer in 1985; there is no question about that, the deed was recorded, there was a letter from the DNR from Dale Lang dated January 28, 1985 saying that the DNR approved the transfer and within a matter of weeks the deed transferring the dam and surrounding property was recorded. The issue that Mr. Behlen is raising is in regards to a permit and apparently Mr. Pheiffer has never obtained a permit from the DNR for the operation of the dam. I don't know why and I don't know why they let him go this long without applying for a permit. In any event, the Village is not the owner of the dam under the stats as referenced in my letter, the dam owner is responsible for dam inspections. **MOTION** by Berry, second by Chambers to approve sending Attorney Wood's letter dated May , 2012 to Joseph Behlen of the DNR, motion carried.

DISCUSSION ON COSTS & POSSIBLE ACTION TO UPGRADE ALL VILLAGE TWO WAY RADIOS

Joe Davis had presented information to the Public Works Committee that he had received from Air Communications and C&E Communications in regards to the costs to replace and upgrade the Village's mobile & portable radios to narrow band. A copy of this information was also given to all Village Board members. Trustee Berry said his committee had met and discussed the matter and made the following recommendations. **MOTION** by Berry, second by Parrott to authorize C&E Communications to complete the paperwork to update the Village's FCC license to operate the radios, motion carried. **MOTION** by Berry, second by O'Brien to purchase from C&E Communications four (4) Kenwood 5 watt portables at a cost of \$255.60 a piece for a total of \$1,022.40 and one (1) Kenwood 50 watt mobile unit to go in the new truck at a cost of \$315.00, motion carried. **MOTION** by Berry, second by J. Pierce to authorize Air Communication to upgrade the radio receiver in the siren at a cost of \$565.00, motion carried. Trustee O'Brien stated that in the past Trustee Berry had talked about going in jointly with the City of Adams on a new siren that could be centrally located and wondered if that was not an issue any longer. **BERRY**: I haven't got anything back from them & I was under the impression that it was going to cost a lot more money to upgrade our siren..that is why I started proposing that, for \$565.00 we will get our part of it taken care of. We will let the City deal with their own siren.

APPROVAL OF OPERATOR LICENSE

MOTION by Berry, second by Parrott to grant a two year operator license to Parrie Wagner for the licensing period ending June 30, 2014, motion carried.

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CORRESPONDENCE

A copy of the following correspondence was placed in all boxes for review and/or action by the Village Board:

*A copy of the summons and complaint (U.S. Bank National Association, as Trustee, Successor in interest to Bank of America, National Assoc. as Trustee as successor by merger to LaSalle Bank National Assoc., as trustee for Certificate holders of Bear Stearns Asset Backed Securities I LLC Asset Backed Certificates, Series 2004-HE8 vs. Judith L. Rhinehart a/k/a Judy Rhinehart, Gregory P. Rhinehart, United States of America c/o US Attorney, United State of America c/o US Attorney General, Mark S. Bula and Village of Friendship Defendants), that was served on the Village in April. Clerk passed a copy of the summons & complaint onto Attorney Wood; in return Attorney Wood replied to the Adams County Clerk of Circuit Court and a copy of Attorney Wood's reply dated May 2, 2012 was also placed in all trustee's boxes. **Attorney Wood:** Essentially a party against whom the Village has a small claims judgment has been named as a defendant in a real estate foreclosure action. Because the village has a lien we have an interest in that person's real property in Adams County including the property that is subject to the foreclosure. We have no defense in the foreclosure because obviously that mortgage was recorded long before our lien was docketed so the only thing I did was request any surplus. So, if it sells at a sheriff's sale for more than what is owed to the bank we are putting our hand out to get paid up to what is owed to us from the surplus. Ninety five (95) times out of one hundred (100) there is no surplus but you're protected in any event.

ESTABLISH NEXT MONTH AGENDA

President Sleeman asked if anyone had anything they wanted on the next agenda & there was none. **Attorney Wood:** This was added at my request because it's customary in other municipalities to have this. Issues arise sometimes as far as how do you get an issue on the agenda ...for instance if two board members are talking and they go to the Village Board President and request it, now you're at 3 people; three (3) of the seven (7) and you're getting close to a quorum and obviously you can't have a quorum to discuss anything. It could be that you have more than one person on a committee that discussed something and that could be problematic. So, this is an opportunity for anyone on the Board who wants to have something placed on the agenda to note it.

Being no further business to come before the Village Board, motion by Berry, second by Parrott to adjourn, all voted aye.

Kathleen M. Pierce,
Clerk/Treasurer

Mailed out May 22, 2012
Unapproved Minutes