

VILLAGE BOARD MEETING – October 7 , 2024, PAGE 1

The Friendship Village Board meeting was called to order followed by the Pledge of Allegiance by all present. President Tony Sindelar called the meeting to order and roll call was taken. Present were Trustees Ernie Klicko, Jerry Sonnenberg, Brad Oberbeck, Melvin Waller, Bob Berry and President Tony Sindelar. Also present were Public Works Director Brent Frank, Attorney Flanagan, Deputy Clerk/Treasurer Rebecca Reuter. Jason Pierce was absent.

APPROVAL OF September 9th , 2024, BOARD MEETING MINUTES

MOTION by Berry, second by Waller to approve the September 9, 2024, Village Board minutes, motion carried.

TREASURER REPORT

There was no treasurer report

PAYING OF BILLS

MOTION by Klicko, second by Sonnenberg to approve September vouchers 27334 – 27352 in the amount of \$59,519.96, motion carried.

CITIZEN INPUT

Easton Dreher – Easton introduced himself to the Village Board. He owns Vertical illusions on Friendship mound. He came to talk to the Board about the property the Villages has for sale on the mound. He wrote the Village Board a letter stating that he has no intention of developing the property that we have for sale. His intentions are to steward this land and maintain it for the benefit of the community. It needs a caretaker, and he would like to have that responsibility. This property should not be developed is his belief. The mound is the center of the community there. He would like to see it stay in a conservancy. And he would keep it in conservancy and would not develop it. He asked to please not sell this land to a developer or change it out of conservancy. It would be better for the community to keep the Friendship mound. He does have an offer in and asked the Board to please consider it.

Nadine Ashworth – Nadine stated that she knows the cleanup of the East Lake Street property was supposed to start on September 30th – October 4th. It was all going to be cleaned up. As a Village Board you all agreed on that at the last Board meeting. Everything was set in motion. She doesn't know what happened, but it's not cleaned up. Did a committee decide not to do it? Or did one person decide not to do it? She knows they're human, but she's human too. They are building demo cars in the yard, so it's not like they are sick, or something happened. They spent all week doing that stuff when they could've been cleaning. The junk and garbage are still sitting there when you walk by. You hear all the noisiness of all their stuff going on. She asked who makes the decision when it is already set in motion to not fallow through with the cleanup? Last year it didn't get finished, she would like to know if this year it's going to get finished? When she left here last month, everything was set in motion for it to be done. It's just frustrating that nothing has happened. She knows it's frustrating for the Board but it's also frustrating for the Village as a whole. It's not just her on her street. The whole Village wants to see this place cleaned up.

REPORT FROM COUNTY REPRESENTATIVE RICK PEASE

PUBLIC WORKS COMMITTEE REPORT

Was not in attendance

SETTING TRICK OR TREAT HOURS

Reuter let the Board know that the City of Adams trick or treat hours are set for October 31st from 4:00-7:00. **MOTION** by Berry, second by Sonnenberg to set the Village trick or treat hours for October 31st from 4:00-7:00, motion carried.

REVIEW UPDATED ORDINANCE 45 REGULATING OPEN BURNING

Attorney Flanagan stated that at our last meeting we reviewed Ordinance 45. That Ordinance relates to open burning. We went through the Ordinance in depth. It was then referred to this meeting with a couple different edits, Flanagan will point out where the edits are. He thinks this one is probably ready for approval unless you have any additional edits you have to make. The Ordinance sections that got updated – 1st was ordinance 45-2, as you may recall relates to the overall reference to open burning where a permit isn't required and then also regulations when open burning is prohibited. As we discussed last month the inclusion of number 5, burning of construction debris is now prohibited. Then on 45-4, last meeting we had some conversation on who issues burning permits. We talked about two different kinds

of permits. A burn barrel permit the Village clerk/treasurer office will issue. It is an annual permit out of their office. All other open burning permits would be obtained from the Wisconsin Department of Natural Resources. Then 45-5 section one is updated now to instead of referencing the clerk/treasurer as issuing the permits, it's now the person, agency or official designed by the Village Board of Trustees to issue such permits. **MOTION** by Berry, second by Waller to approve the updated Ordinance 45, motion carried.

REVIEW ORDINANCE PACKET FOR ORDINANCES 48, 52, 62, 63 AND 78 (AMENDING ORDINANCE 4 REGULATING TRAFFIC)

Attorney Flanagan stated that these are all of the remaining ordinances relating to ordinance 4 adjustments that were made. Ordinance 48 was an amendment to chapter 4. What it was doing was removing a reference to Adams Street for parking limitations. The Village Board has already had that removed, so no change would be needed. It isn't stricken in the ordinance you have before you, because it wasn't in the ordinance before you. There is no change needed in ordinance 48, and that is already reflected in our most recent ordinance 4 that we have.

Ordinance 52 is an ordinance that relates to snowmobile route perimeters. That was at one time a set of regulations that existed in chapter 4 . We also back in 2019 had reviewed ATV regulations. We went through that ordinance, also at the same time had talked about our snowmobile route regulations. It was decided to build both of those in together. We do have the ordinance that was adopted on July 1st, 2019, that now regulates both ATV and snowmobiles. That is not in ordinance 4, it is its own ordinance that relates to snowmobiles and ATV's. There is nothing needed here because this wouldn't be the ordinance that where the snowmobile or AVT regulations would fall.

Ordinances 62 and 63 do have provisions that are built in the draft that you have in front of you. Ordinance 62 is in reference to an addition to an intersection where there's a stop before entering into the intersection. Both in fact of these next two ordinances relate to that. If you look at the draft ordinance that you have page 2, under section 2 there's a table and you'll see the last two sections under that table you'll see first Lakeview Court is referenced there, that is ordinance 62. The adoption date section 4-3 that's now included in that table. Then ordinance 63 is South Godwin Circle. That is the last section there. Also, the date is included on the ordinance as date of amendment. So, both of these are included in there now.

Ordinance 78, back in 2018 the Village did review some parking regulations that came about from some concerns about parking in front of private driveways. Parking was disrupting the ability to have ingress and egress out of some of the properties on roads. We did put in place certain posting limitations we would have and adopted an ordinance. Some of the references in this ordinance completely overlap with chapter 4. It likely was what led to a more comprehensive review of all of our ordinances so we could clean them up and get ones that relate to the same thing all within the same ordinance. Ordinance 78 didn't have any different things; it did have additional things that fit right into ordinance 4. That's what I've included in the draft of ordinance 4. For example, 1st in section 4-4 parking limitations that entire section 1 is section 4 ordinance 78. It fits in there well; it just didn't need to exist as two separate ordinances to relate to parking. Then under 2 posted limitations that has an overlap B on ordinance 78 so that was folded in. Under that same section if you flip the page your see 4, 5, and 6 relate to certain limitations that are in the ordinance that were reflected in chapter 4 that have now been folded in on the back page. Parking in driveways, vehicles not to block private drives, and winter parking restrictions are all things that we adopted in ordinance 78 that fit in well with ordinance 4 that just need to be folded in. The other section that is in ordinance 78 is a section on penalties and enforcement. That now is updated as section 4-10. In 78 there is a section 6 - penalties and enforcement, that penalties and enforcement section reads better than ordinance 4 was. That now is reflected in 4 -10. Then since it's penalties and enforcement in the same sections he removed section 4 -11 that was its own enforcement section. It's all in the same section now. If you approve the amendments to ordinance 4, then next month he will bring a repeal for ordinance 78 for you to consider so we can get that off the books. Then all those regulations will exist in ordinance 4. **MOTION** by Berry, second by Waller to approve as presented, motion carried.

REVIEW ORDINANCE SECTION 13-6 REGULATING LENGTH OF LAWN AND GRASSES

Attorney Flanagan stated that this came from the last Village Board meeting. The Public Works Committee made a recommendation to adjust the maximum height of grass. That required an ordinance amendment to ordinance 13-6, that is where that's located. You'll see it's under section 1, and it's also referenced under section 2 where it's stating that certain height of grass if exceeded would be declared a nuisance. As it was recommended by the Public Work Committee that is being proposed as 6 inches, down from the current 12, but that would be up to the Village Board to decide what they would like to set it as. Flanagan would add that any time you change things like this, especially for long term residents that may understand certain heights, it would be a good idea to communicate to the residents however you chose to do that when next year rolls around. **MOTION** by Berry, second by Sonnenberg to approve as presented, motion carried. 5 – in favor, 1 – opposed

UPDATE ON EAST LAKE STREET PROPERTY

Sindelar stated as was presented at the last meeting to go ahead and move forward with the cleanup. He did call the property owner to give them notice that they had so much time before we would come in and do it for them. At that time, they did remove the green pickup truck. They did remove the brown equinox car. They also picked up the stuff they had all over from the demo cars and stuffed it back into the gold car. When Sindelar did go meet with the property owner and her relative last week they said the gold car that is packed full of stuff, they are trying to make arrangements to remove it off the property. And the stuff that is on the trailer they want to go through and get that cleaned out so they can use the trailer. The yard still has the grass that is longer too. They are looking into getting a used mower so they can take care of it. At the present moment at that time since they did make an effort to remove and get stuff out of there Sindelar postponed the contractor coming in to remove everything that was talked about. With the understanding that they just have a short time to work out the arrangements to finish up the front. It worked out for the contractor because he had other projects on hand that he needed to have done. But he is there waiting for a phone call to come back and deal with it if need be. At the present moment Sindelar is trying to get the owners of the car and trailer to take care of it at their own expense.

Sonnenberg asked about all the stuff he's brought in since then. There's another trailer back there that they pushed to the back of the lot. It was a camper that they cut down to make a trailer. And now they have filled it up with trash, tires and all those kinds of things. Sonnenberg sees it every day when he goes by there. They are adding stuff as we speak. They have added a lot of stuff over the last week.

Sindelar stated that the landowner is waiting to get the money to take that trailer to the dump.

Sonnenberg stated that he wasn't at last month's meeting, but he read through the minutes and talked with people. He asked if the Board passes or says this is what we're going to do....I'll just use myself as an example, you have me on the Lake District Board. If you give me marching orders and the Board backs it up and says yes this is what we're going to do. And I deviate from that what happens to me? I disobeyed the Board and didn't follow through with what the Board told me to do. Nothing personal here, it's just that who has the right to do that? If the Board says this is what we want to do, Then that's what should happen. As I read through the last thing that was published in the paper and here as he read through the minutes, it didn't say anything about extending anything. It says this is the cutoff date. He's just saying that if that's the case that an individual can do that then why do we have the Board? He doesn't know all the rules. He just wants to make sure that the Board is a unified Board. It certainly seems like over this, the Board has been very patient with these individuals. Yes, they're human beings, but all these people here are human beings. And we have the right to have that cleaned up. He's not comfortable with what happened, bottom line. He really thinks that what would you do with me if I did that? Would you kick me off from of Board? Would you kick me off the Committee that you assigned me to?

Oberbeck stated it's the same thing as with other ordinances. It's the same with the grass, are you going to come over and tell me to cut my grass? I'm going to say as long as Lake Street looks the way it looks what incentive do I have to cut my grass? Put it on my taxes, I guess. Oberbeck agrees with him 100%.

Sindelar stated that he would respond this way, with our abatement agreement if it does go back to where we need to enforce it and go back to court and have them review it, in the back of his mind he keeps playing out each scenario. Right now, if they wouldn't have done anything we would have been farther ahead, he thinks to really enforce it. But since they made a little bit of an effort toward it, he thought it might be in a little bit of a gray area where it would go to their favor. He's trying to work with them to keep pushing them to get it done. But if you want as a Board to go ahead and go back to court.

Sonnenberg stated that he's not saying that we have to go back to court. What he's saying is that they signed an agreement. We signed an agreement. And that should stand up. If we keep just delaying it, we know that's not what the citizens want. They want us to take some action on an eyesore and a stink area on that side of town. He read in one of the ordinances he was just looking at here it mentions something in there about animal carcasses and other types of animals and things that can be deteriorating and smell. It says that they need to be cleaned up and disposed of properly. That's not being done either. That was in one of the ordinances we talked about today. He just thinks that if we as a Board agree to do things , then we do it. Because that's what people want, they want us to take action. They don't want us to keep putting it off, and off, and off. And apparently at the last meeting the Board was all in favor of that and getting that all cleaned up.

Berry stated that he tends to agree. We've given them too many chances already. Time after, time after, time we go in there and they say yes will to this, and yes will do that, but they never do. They never follow through with what they're supposed to be doing.

Flanagan stated that just so we're all aware there are technically 2 agreements that exist, consent decree, and limited right of access. We're not talking about the limited right of access that is done and over. Now we're back to the consent decree that has some provisions that we can get in there. But it's a little bit different than just going in there. You're going to get either their voluntary agreement or you're going to probably go through a 23. Not that we don't have a little bit of streamline, that was the whole reason that he put that in this step. Just be aware that technically we have 2 agreements.

Berry asked if they've defaulted on both of them?

Flanagan stated that the consent decree was the first step. That says that they are going to clean it up, and if they don't, we have the right to move forward. Then we came in with the limited right of access when we were going to clean up the property. So, they didn't default on the second one because we were in there. We cleaned it up. We chose what we were going to clean up. They are in violation of their consent decree. We say in there that they can't accumulate junk and debris. His recommendation would be to their voluntary compliance to go on the property and clean it up, if we can't then we go through court and likely streamline it there with that consent decree.

Sonnenberg stated that he thinks we missed a golden opportunity. Back to his original question, what would you do to me if I didn't adhere to what you asked me to do? It's a hard question. What does the law say about it, Nick?

Flanagan stated that perhaps it would result in charges, it could result in assenter, or it could result in nothing. Depends on the aggrieveds of it.

Berry stated that he thinks we need to look at the big picture. We need to look at what we want to do with the property, how do we move forward to get this solved and make everybody happy, or as happy as can be? And we need to stick to what we want and try to get it resolved. That's really what it comes down to he thinks.

Oberbeck stated that there's no doubt that we are all on the same page here. It's just a matter of how we go about the execution. He hasn't heard a single vote against anything moving forward. Looking back at the last 5 or 6 years, however long it's been. He doesn't recall any member of the board ever voting to not do anything about it. Everybody's been on the same page. It really has reached its head unfortunately for everyone involved, including the property owner, every board member, anybody who's had to deal with it. Frustrations are high. He's sure he's not the only one who's been approached outside of a board meeting. It's not something that is immediately going to go away.

Berry stated that we've seen it so many times where we go in there, they do a little bit, we talk to them they do a little bit more. But for everything 1 thing they take out, they bring 4 more things back in. It's back and forth, back and forth and it never stops. Somewhere along the line it has to stop.

Oberbeck stated that a few months back he doesn't know if it was March or April when we were having the same discussion, he brought up another avenue. The board has one way of

looking at this. He expressed his concern. Is there anything we can do with the health department, or the sheriff's department. He doesn't know if those avenues were ever explored. It was confirmed that those avenues were investigated, but they weren't an option.

Flanagan stated that in the past what's been successful with this resident has been the Village President making contact with them. That's honestly been the most success we've seen since this whole thing started. There's been more progress from that in these last couple of years than we've had in the previous 6 or 7 years. He stated that your biggest chance of success is having him make communication and try to set up a meeting.

Berry asked realistically what is a timeframe you think would be acceptable for us and for them? (question was directed at Flanagan and Sindelar) So we can get it set and make a motion, and hopefully get a second on it.

Flanagan stated that he's not the one making the decision. If he was to suggest something it would be through the end of the month because you're going to need some time.

Sonnenberg stated that you can put him on record that he's very disappointed. He doesn't feel like in this case we looked out for the betterment of all the citizens and not just one. He thinks the end of the month is too long.

MOTION by Sonnenberg, second by Oberbeck to have the landowner sign an agreement by Friday, October 18th, so that we can start cleaning up of the property, motion carried.

PUBLIC WORKS COMMITTEE

Berry stated the committee discussed the commercial lease with emergency management. Jane was there for that meeting. It would be the committee's recommendation that we renew their lease agreement. **MOTION** by Klicko, second by Berry to renew the lease agreement with emergency management, motion carried.

The committee also discussed leaf pickup. Frank has been in contact with the City of Adams for prices. The committee decided on leaf pickup for November 13th – 15th.

Frank updated on the HWY 13 road project and the light replacement. We still don't have a set date of when the lights will be in.

There is a storm sewer inlet that needs to be repaired. Frank is going to be working with Fenner's to get that taken care of.

ADAMS CO. FIRE DISTRICT REPORT

Klicko stated some of the fire gear that was ordered on the generator grant has arrived. The new breathing air compressor has arrived and should be installed by now. They're training with the new engine 302 at Mid-State. They are still working on erosion control and site leveling at the training center. They received \$127,000 in ARPA grant money from the county and that will go towards the extraction pad and the burn tower. They talked about starting the budget. They are hoping to get one with a 12% -15% increase. They have adopted some new bylaws and a constitution. The tender 311 is being sent for a state DOT inspection after some damage to the frame has been detected.

AMBULANCE COMMITTEE REPORT

Sindelar has nothing new to report.

Sonnenberg stated that he had to use that service in the last few weeks. He was impressed with the people in the ambulance, both the driver and tenant that was in the back with him. It was a good experience. He's glad they were there when he needed them.

Sindelar stated that was good to know, and he will pass that along.

FRIENDSHIP LAKE DISTRICT REPORT

Sonnenberg stated there hasn't been any meeting. They are hoping to have one in November sometime.

OPERATOR LICENSE

MOTION by Berry, second by Klicko to approve the Operator license for Kalven Hunt, motion carried.

SODA WATER BEVERAGE LICENSE

MOTION Berry, second by Klicko to approve the Soda Water Beverage license for Brothers Pizza Mexican Style and Rustic Road Coffee, LLC, motion carried.

CORRESPONDENCE

No correspondence

SET AGENDA ITEMS FOR THE NOVEMBER 11TH MEETING

MOTION by Klicko, second by Sonnenberg to move the board meeting to November 11th, motion carried.

The repeal of Ordinance 78

Presentation of the Budget and set the hearing

THE VILLAGE BOARD MAY GO INTO CLOSED SESSION PURSUANT TO WIS. STAT. SECTION 19.85 (1)(e) DELIBERATING OR NEGOTIATING THE PURCHASING OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION- REVIEW ANY OFFERS RECEIVED FOR VILLAGE-OWNED PARCEL 126-00023-0000

MOTION by Berry, second by Sonnenberg to enter into closed session, motion carried.

Roll call: Ernie Klicko, Melvin Waller, Brad Oberbeck, Bob Berry, Jerry Sonnenberg and President Tony Sindelar – 7:05pm

Back in session at 7:25 no action was taken on the topic

ADJOURNMENT

Being no further business to come before the board, **MOTION** by Berry, second by Waller to adjourn, motion carried.

Meeting ended at 7:28

Rebecca Reuter
Deputy Clerk/Treasurer