

VILLAGE OF LYNDON STATION
Special Board Meeting Minutes
October 3, 2013

The meeting was called to order by President David Klicko at 6:30 p.m. The roll call was taken by the Clerk. Present were President David Klicko, Trustee Rebecca Coley and Trustee William Blank. Also present was Clerk/Treasurer Lori J. Scully and Steve Klicko from Public Works. Citizens present as per the sign in sheet.

Trustee Coley made a motion to approve Resolution 2013-06 for the sale of Village Industrial Park Lands as described in Lot 2, Volume 19, Certified Survey Maps, Page 238 as Document #700466, seconded by Trustee Blank; three ayes carried.

A motion was made by Trustee Blank to approve the Release of Waiver (that was established July 10, 1967 to allow a Sanitary Treatment Facility on the lands being sold to Endeavor Hardwoods), seconded by Trustee Coley; three ayes carried.

Discussion took place regarding the 2013 Fire Department Contracts. Trustee Coley made a motion to approve the 2014 Fire Department Contract with the Town of Kildare in the amount of \$27,124.97 plus 2% dues, seconded by Trustee Blank; three ayes carried.

A motion was made by Trustee Blank to approve the 2014 Fire Department Contract with the Town of Lyndon in the amount of \$25,905.43 plus 2% dues, seconded by Trustee Coley; three ayes carried.

President Klicko read the previous motion from the Special Board Meeting on July 18, 2013 where Trustee Blank made a motion to approve the proposal by American Fence Company at the Village pump house with a stipulation the street is vacated and Stan Borowski deeds back his portion of the vacated street to the Village in the amount of \$7,145.00, seconded by President Klicko; two ayes carried, one nay by Trustee Coley. President Klicko gave a letter written by Attorney Steve Chiquoine which the two Trustees read. Trustee Coley said that the Village is going to erect a fence on property that they don't own. President Klicko said this is a formality because of the way the motion was made the last time.

After Trustee Blank read the letter from Attorney Steve Chiquoine, he asked if there was a concern that once (the pump house property) we fence it we will run into litigation? President Klicko said only from us, it is Village property. Trustee Blank said I am just saying. President Klicko said the only time if the Village decided down the road that they were going to tear down the pump house and sell it, then we would have to do a deed search further and vacate the street, there is no - in our lifetime it will always be a pump house, there is nothing - I don't know what litigation there would be. Trustee Blank said he would pose that question to John (Krus, in the audience). John Krus said that Dave just so you know and Becky and Bill, I have spoken with an attorney from Mauston, John Orton and obviously we can get into a battle over the issue that you are going to up a fence on a street. He continued to say "this will cost you (the Village) a lot of money and me a lot of money. Right now is it marked as a street, deeded as a street, you can't actually build or do anything to a street unless it is utilities only." President Klicko said that is not what our attorney said. John continued to say I am just telling you what this other attorney said too. So now we are going to get into a political battle, go back and forth over a fence. President Klicko said that's fine. He continued to say I am not going to sit here and debate - we've debated this fact when we did the fence. If you want to take legal action, you are more than welcome to do it. John Krus said is it alright for the citizens of Lyndon Station. President Klicko made a motion to accept American Fence's (Company) proposal to put the fence up at the parameters of \$7, 145.00 as stated before; President Klicko called for a second, (motion on floor). President Klicko continued to say

what the homeowner has for legality for bringing a suit against the Village when we are working on Village property. President Klicko said I will guarantee what is said that is what it is going to say. John Krus said it is different when it's property like the fire station here, it's a street. It's not a property, it's a street. President Klicko said well there again, I don't know what that has to do with the homeowner, its Village property. He continued we can decide to vacate it street or not vacate a street. John Krus said then it would revert back to the property owner. President Klicko said the pump house is on a street right now and there is no legal action for it so you can bluster and blow all you want or bring a suit against the Village as our attorney already stated that all we are is doing that the fence was approved back in May or July all it is just to amend it—Trustee Coley said July, not May –President Klicko continued to say just basically amend the motion to eliminate the stipulation that we are vacating the street. Trustee Coley said this is a totally different motion. President Klicko said it is not a totally different motion, nothing has changed. Trustee Coley said yes it is. President Klicko asked what has changed. Trustee Coley said you are changing from vacating the street so it is a different motion. President Klicko said what is the difference of a fence going on a street? Trustee Coley said I am not in favor of it either way. President Klicko said he is not going to argue it is no legal basis and the pump house is already on the vacated street a fence is not going to make that much difference. The Clerk said you have a motion on the floor and this is your option if no one wants to approve the motion it dies for lack of a second of being passed. Trustee Coley said she is not going to second it (the motion) I refuse to. Trustee Coley said she thinks it is a waste of money. She continued to say when we are as broke as we say we are, every time we talk about our budget, why are we spending \$7,000 on a fence that's not necessary if we are going to fence in the red shed and have storage area there. President Klicko said the debate is over, we are not going to debate as we know what your objections are to it. Trustee Coley said I have every right to speak, okay, and I will, and you don't need to shush me. She continued to say I am just as much of a part of this Village Board as you are. Trustee Blank said he is not comfortable with seconding it either. President Klicko asked what reason. Trustee Blank said he just would prefer to avoid any possible legal action that could cost the Village money that we don't have. President Klicko asked what legal action, just because the homeowner came in here and said he was going to take legal action, he has no basis for a legal action, there is no way that there is going to be a legal action this is all within the Village's property. He continued just because he comes in here and bolsters that he has talked to an attorney and that he is going to file a suit against the Village all it is a...he has no basis for any suit or anything he doesn't own the property, it doesn't affect his property. Trustee Coley said that theoretically anything that we do to any property in the Village is a concern of a homeowner. It doesn't matter if he owns the property or not. President Klicko said it may be his concern but he has no legal right to bring a suit and if he does he is throwing his money away cause it is going to be thrown right out. He continued to say what would be the basis that he is going to file a suit well I don't want them to put a fence up on Village property why, what's the reason. Trustee Coley said because it is unnecessary why are we spending \$7,000 of taxpayer's money when we don't need to. She continued they can drum up tons of reasons to try and prevent it. President Klicko said they bring a law suit they're spending their money and the Village isn't going to spend any...you know this is just the same kind of bullshit excuses that we had where well kids aren't going to be able to sled down the hill because we put a fence there they will have to walk across this or that...you know it's ridiculous it's Village property and the Village has every legal right to put a fence there and there is going to be no legal action that's going to come against it you know it is our property. Trustee Coley said at the same time you know every time it is someone else's idea it is a bullshit idea, when it is yours it's not. President Klicko said you are concerned that there is...there is not going to be a legal action for it's just not. John Krus said I think when you say our property you should refer to the Lyndon Station constituents the taxpayers property not yours as a board. You're here to make a decision but it also...President Klicko interrupted and said thank you for the civics it's not an open meeting if you want to talk I'll let you talk but it's not an open meeting to give us civics lesson here alright? President Klicko continued so what do I have to do to convince you like I said it's Village property it would be no different than if we went up there and we said we said we wanted to add onto the pump house we would add onto the pump house if we wanted to change the doors and stuff doors on the building because if we painted it pink the homeowner says he's

going to bring suit against you because it is an eyesore it's Village property we have a right to do it we went through these arguments before about the fence...it has nothing to do John's property it has not changed the use of the property from what it is now the only thing the fence is going to do is provide benefits to the Village and the detriment for John is that he's not going to have any place to park and that's the big scope of it the use of the Village driveway that we're allowing John or any homeowner that owns that house to use has not changed from day one. Trustee Blank said the part of this letter that concerns me the most is this sentence right here, while the title to the property may not be clear enough for the Village to be able to put a mortgage on it, that title is clear enough to justify the Village exercising dominion over the property by doing such things as fencing it in. Trustee Blank continued that's kind of an ambiguous statement by an attorney to make, if he's saying it's not clear enough to put a mortgage on it, how in the hell can he say it's clear enough to put a fence on it. President Klicko said because we already have the building on it. Trustee Blank said it doesn't say that Dave, it just says the title...President Klicko said because the title is so conflated going back through the years the way that they appropriated it that it's going to cost the Village more money to do that than it is to worry about a law suit. He continued what that's basically saying is that if the only thing is if the Village ever decided to sell the property, then we'd have a problem because we don't have we would have to do a title search which is going to cost us money and that's the whole point of this...when I went to the attorney to ask him to find out what it is going to be actually the first reason I wanted him to put something in writing for the use of the driveway to be carried over on the homeowner, from homeowner to homeowner, that's what started this and then he started looking back for a deed search and he says it's so conflated that you're going to be spending more money than what you have to spend because you don't have to have a deed to put the fence up and the only reason you would need the deed is if you were going to sell the property and the Village is no way they are going to sell their main water well, that's what that statement is saying. Trustee Coley said well our whole reason in wanting the deed is because we're putting the fence up theoretically on someone else's property. President Klicko said how are we putting it...it is Village property - who's property are you saying it is? Trustee Coley said because you said there is not a clear deed to put a mortgage on it so how is it our property? President Klicko said its Village property. The clerk said it has been used as Village property notoriously that is what he is trying to say. Trustee Coley said that happened with Philly and Mary over at their place too they used that property forever and they had to buy it from Adam, it happens. President Klicko said who is going to come, John doesn't own the property. Trustee Coley said how do you know, it goes to the heirs of the people who you don't even know who it goes to. President Klicko said because the Village has taken the property, the Village has used the property, even as a vacated street it is Village property. Trustee Coley asked Trustee Blank said doesn't it say about heirs in there? President Klicko said it is not anybody else's property, it is Village property and it clearly states that its Village's property that we have every right to do what we want. Trustee Coley said to President Klicko you are always right so it doesn't matter. President Klicko continued to say the only thing is that to search for a deed if we wanted to sell it, we are going to spend more money to research and do a deed than what it is worth than it is because it is already property and the street is not ever going to be a street. John Krus said so then vacate it, it's still a street. President Klicko said it doesn't have to be vacated. Trustee Blank said he would like to see something more clear from our attorney that says that he can give us a hundred percent guarantee that we can put a fence on it. The clerk asked if the July 18th motion still in effect then. President Klicko said yes. Trustee Coley asked are you going to call him at home (Village Attorney) and how much does that cost the Village. President Klicko said I don't care I am tired of this argument of these asinine arguments. Trustee Coley said I care and it is not only your decision to call him at home. President Klicko said he is the Village Attorney and I have every right to call him as the Village President. He continued to say you may make a motion to object to it if you want or ...the clerk said here is the number at his home and gave it to President Klicko. Trustee Coley said I guess this is really the Dave Klicko show isn't it? President Klicko said did you read the statutes on what a Village President can do I don't need a quorum to make a phone call the Village Attorney. Trustee Coley said that is pretty clear because you do it all the time. (President Klicko left a message for the Village Attorney on his answering machine.) Trustee Blank said I'm no legal expert, but I find it hard to believe that something like even whether its Village

property or private property, if it was my property and I didn't have a clear deed to the property where I couldn't get a mortgage on it I'd find it damn hard that I would be allowed to put a fence on it. President Klicko said you already have a building on it, and I guess I don't understand by adding a fence... Trustee Blank said I have buildings on my property too and if they said I didn't have a clear deed to the property where I couldn't get a mortgage on it, how can you continue to build on it in any form or fashion. President Klicko said I will let Steve explain it. Trustee Blank said I wish he would to tell you the truth. President Klicko said this is ridiculous. The clerk asked then the first motion dies for lack of a second. President Klicko said he will withdraw the motion. The clerk said the motion dies for lack of a second. (The village phone rang and was answered by the clerk and put on speaker phone.) Attorney Steve Chiquoine explained the letter that he drafted regarding the pump house property. (Inaudible) (The Village Board gathered around the clerk's phone.) Attorney Chiquoine made many comments about the letter he drafted. Trustee Blank asked Attorney Chiquoine is the statement while the title to the property may not be clear enough for the Village to be able to put a mortgage on it, that title is clear enough to justify the Village exercising dominion over the property by doing such things as fencing it in, that seems kind of ambiguous how can you... Attorney Chiquoine said (inaudible) the Village doesn't have clear title to sell it or mortgage it. Trustee Blank asked is it legal to build on it? Attorney Chiquoine said as long this is used as municipal property it is fine and (Attorney Chiquoine's comments inaudible) this is not land that you cannot sell. (The phone call ended and the Village Board returned to the table.) President Klicko made a motion to approve the American Transmission Fence for \$7,145.00 for the pump house, seconded by Trustee Blank; two ayes carried; one nay vote by Trustee Coley.

President Klicko discussed the 2014 Village Budget and the \$11,000 to be used for Economic Development. Discussion took place regarding main meters to be installed for each mobile home park. He would like to see blacktop for the back parking lot and the lights must be repaired around the fire hall. Prices were discussed for the lights. A 50/50 Grant with Juneau County and 2014 street projects were discussed. President Klicko said the clerks are in need of new desks as one is not in working order for the clerk/treasurer and that Trustee Blank has been looking for used desks. Repairs are needed on steel doors to be replaced at the red shed.

The clerk explained the dates required for a public hearing for the 2014 Budget. President Klicko explained the clerk's new accounting and how it would work for the Village Board. Obtaining extra revenues to offset the budget were discussed including the cell tower leases and how they are appropriated. Vehicle replacement was discussed. The Village Board then went through each line item for revenues and all expenditures and discussed each item. Insurance rates were discussed. A lengthy discussion took place regarding the Fire Department Income with the Town of Kildare and Lyndon and showing the appropriations. Trustee Coley asked about the health insurance for Steve Klicko and what will be paid to him for his insurance. Trustee Blank said he researched the Wisconsin Retirement System for different plans and he feels Steve's insurance that he has now and pays for him is cheaper. He continued to explain the Obama Care (Affordable Care Act) and that Steve may be eligible for that plan. President Klicko felt that the Village should pay for a portion of Steve's health insurance. Trustee Blank said that under Administrative Office Expense he has been looking for a newer desk for the clerk. The clerk said that a new printer is needed and also a new recorder. President Klicko said that \$15,000 is needed for Economic Development. The Village Board completed the proposed 2014 Budget.

Trustee Blank made a motion to adjourn, seconded by Trustee Coley, three ayes carried. Meeting adjourned at 9:38 p.m.

Respectfully submitted,

Lori J. Scully, Village Clerk