

# VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

## REGULAR MEETING MINUTES OF THE BOARD OF TRUSTEES

Weston Municipal Center Board Room  
5500 Schofield Avenue, Weston, WI 54476

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Monday, February 15, 2021, at 6:00 p.m.

1. **Board of Trustees Meeting called to order by President Maloney**  
Maloney called the meeting to order at 6:00 p.m.
2. **Pledge Allegiance to the Flag**
3. **Roll Call by Clerk for Board of Trustees**

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

### PUBLIC COMMENTS

No comments.

### MINUTES FROM PREVIOUS MEETINGS.

4. **1/18/2021 Board of Trustees**

*Motion by Fiene second by Xiong to approve meeting minutes from 1/18/2021.*

Yes Vote: 7    No Votes:0    Abstain:0    Not Voting:    Result: Pass

Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

5. **2/08/2021 Special Board of Trustees**

*Motion by Xiong second by Ziegler to approve meeting minutes from 2/8/21.*

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Yes Vote: 7    No Votes:0    Abstain:0    Not Voting:    Result: Pass

Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

**REPORTS/MINUTES FROM BOARDS, COMMITTEES, COMMISSIONS**

6. Building Committee
7. Community Development Authority
8. Everest Metro Police Commission
9. Extraterritorial Zoning
10. Finance
11. Human Resources
12. Joint Review Board
13. Parks & Recreation
14. Plan Commission and Joint Village & Town ETZ
15. Public Works
16. SAFER
17. Tourism
18. Zoning Board of Appeals

*Motion by Fiene second by Meinel to acknowledge item #14.*

Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass

Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

**REPORTS FROM DEPARTMENTS**

19. **Administrator**  
Donner said staff is working on articles for a small newsletter to be sent out in March.
20. **Clerks**  
Weinkauff said staff is all set for the election tomorrow.
21. **Finance**  
No comments.

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- 22. Fire/EMS**  
Savage said Station 2 looks fantastic and the remodel is close to being done.
- 23. Parks & Recreation**  
Osterbrink reported there was an accident on Schofield Avenue today and a planter was damaged.
- 24. Plan/Dev**  
No comments.
- 25. Police**  
Schulz reported the department had 1707 calls in January. Officer Sabel is retiring and his last day is March 15. The department has hired two new officers and their first day is March 1<sup>st</sup>.
- 26. Public Works**  
Wodalski reported that a Crestwood public information meeting was held last week. There was not much negative feedback.
- 27. Technology**  
No comments.

***Motion by White second by Fiene to acknowledge items #20, 22 – 24, and 26.***

**Yes Vote: 7      No Votes:0      Abstain:0      Not Voting: 0      Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>YES</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>YES</b>
<b>Meinel, Steve</b>	<b>YES</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>YES</b>

***Motion by Meinel second by Fiene to acknowledge the verbal report given by Chief Schulz.***

**Yes Vote: 7      No Votes:0      Abstain:0      Not Voting: 0      Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>YES</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>YES</b>
<b>Meinel, Steve</b>	<b>YES</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>YES</b>

**WORK PRODUCT TRANSMITTALS**

- 28. January Building Permits**

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*Motion by White second by Fiene to acknowledge the January Building Permits.*

**Yes Vote: 7      No Votes:0    Abstain:0      Not Voting: 0      Result: Pass**

<b>Trustee</b>	<b>Voting</b>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

**CONSENT AGENDA**

- 29. Requests to pull items out of consent consideration
- 30. Vouchers – 54018-54050, 54052-54185 and 90043-90044 and 54051 – payroll check.
- 31. Animal Fancier license renewal for JCDreamdachs, Jennifer and Craig Czerwinski, 8807 Scenic Dr.
- 32. Action on consent agenda items

*Motion by Ermeling second by Fiene to approve Consent items #30 and #31. Q/Ermeling referred to item #31 and asked if there were any complaints. Clerk Weinkauff said no.*

**Yes Vote: 7      No Votes:0    Abstain:0      Not Voting: 0      Result: Pass**

<b>Trustee</b>	<b>Voting</b>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

**ORDINANCES**

- 33. Ordinance No. 21-002: An ordinance to approve the rezoning of a 3.25-acre lot on Ross Ave from RR-2 Rural Residential 2 to RR-5 Rural Residential 5

*Motion by Ermeling second by Meinel to approve Ordinance No. 21-002.*

**Yes Vote: 7      No Votes:0    Abstain:0      Not Voting: 0      Result: Pass**

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Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

34. **Ordinance No. 21-003: An ordinance to approve the rezoning of a parcel on Willow St from 2F-Two Family Residential to B-2 Highway Business**

*Motion by White second Ziegler by to approve Ordinance No. 21-003.*

Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass

Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

35. **Ordinance No. 21-004: An ordinance adopting the 2021 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston**

*Motion by White second by Xiong to approve Ordinance No. 21-004, per the recommendation of the Plan Commission.*

Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass

Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

36. **Ordinance No. 21-005: An ordinance amending Division 2 Meetings, Section 2.206 Generally, related to President and Trustees salaries**

*Motion by White second by Fiene to table this item and discuss later on the agenda.*

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**Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>YES</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>YES</b>
<b>Meinel, Steve</b>	<b>YES</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>YES</b>

***Motion by White second by Fiene to take this item off the table.***

**Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>YES</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>YES</b>
<b>Meinel, Steve</b>	<b>YES</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>YES</b>

Xiong asked about the need for discussion. Attorney Yde said there were some concerns about the Board following state law related to increasing salaries for the Trustees. Yde explained that a  $\frac{3}{4}$  vote of board is needed to establish and then any subsequent changes require a simple majority vote. Meinel asked if other communities do this by ordinance. Yde said the League of Municipalities view is that there should be an ordinance. He is not aware of what others are doing. Maloney said this change in salary is for the new people that want to serve their community. The last increase was 26 years ago.

***Motion by Meinel second by Ziegler to approve Ordinance No. 21-005.***

**Yes Vote: 5    No Votes: 2    Abstain: 0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>NO</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>YES</b>
<b>Meinel, Steve</b>	<b>YES</b>
<b>White, Loren</b>	<b>NO</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>YES</b>

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**RESOLUTIONS**

**37. Resolution No. 2021-002 to support the Energy Innovation and carbon dividend legislation by congress**

Brian Bushnell, 3700 Mount View Avenue, was present along with Dan Barth, who attended via zoom. Dan Barth is with the Citizens' Climate Lobby. He voiced his concerns regarding the climate change. There are some things that can be done to mitigate the situation such as an electric car. We are not doing what we need to do for the changing climate. He would like to see both the democrats and republicans work together on the climate change issue.

Brian Bushnell explained the energy innovation legislation is built around a carbon fee and dividend. This is not a tax. If the legislation is enacted this policy will drive down greenhouse gas omissions. It will also stimulate research and development needed to combat global warming climate change. He explained the carbon fee and dividend, border adjustment and the modeling.

Meinel asked about the Village's role in this. White said this would come back to the general consumer. This will not cost the Village money. This resolution is just direction on the legislation. Maloney said he is not in favor. He has concerns with the federal government overseeing this. Ermeling has concerns with how the dividend will be distributed. She would like more information. Fiene said he supports this which will affect him in 60 years. There needs to be some solution to climate change.

***Motion by Fiene second by White to approve Resolution No. 2021-002.***

**Yes Vote: 3    No Votes: 4    Abstain:0    Not Voting: 0    Result: Fail**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>NO</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>NO</b>
<b>Meinel, Steve</b>	<b>NO</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>NO</b>

**UNFINISHED BUSINESS**

**38. Agreement for extension of East Nick Avenue to CTH J**

Donner said this is a proposal by Gary Guerndt for potentially developing a quarry in Kronenwetter and extending East Nick Avenue out to Highway J. A meeting was held last week that involved Ringle, Reed, Kronenwetter and

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Weston to discuss this. The towns are skeptical of doing anything but will continue discussions.

**NEW BUSINESS**

**39. Weston Aquatic Center 2021 Season**

Osterbrink would like a decision early for planning purposes. There have been no new changes on Covid guidelines for reopening facilities. The Village is under contract with the YMCA for two more years and the Concession Operator for one more year. There was a short discussion on staffing. Ermeling said the Village can't go through another loss. She feels we need to open but open with safety precautions in place. She does not feel we need to do the contact tracing. Maloney is comfortable opening if some of the restrictions are loosened. Fiene suggested the Village require everyone to wear masks until everyone has had access to the vaccine. There was a short discussion on budget and staffing.

***Motion by Fiene second by White to approve opening the Aquatic Center at 50 percent capacity including all the safety precautions as recommended by Director Osterbrink. Q/ Maloney suggested the Board allow Osterbrink to decide on the capacity.***

***Motion by Meinel second by Ziegler to amend the original motion and leave capacity limits to the discretion of the Park Director.***

**Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

***All in favor of the original motion as amended.***

**Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES





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about restrictions. Yde said this is a temporary easement and the agreement would terminate if the Village commences improvements for the purpose of creating a road.

**Yes Vote: 7      No Votes:0    Abstain:0      Not Voting: 0      Result: Pass**

<b>Trustee</b>	<b>Voting</b>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

43. **Agreement in principle to allow Joe Buska to use land dedicated for future ROW of Connie Lane to access SE 1/4, NE 1/4, Sec 21, subject to execution of a written agreement.**

*Motion by Meinel second by Ermeling to approve the agreement in principle to allow Joe Buska to use land dedicated for future ROW of Connie Lane to access SE 1/4, NE 1/4, Sec 21, subject to execution of a written agreement.*

**Yes Vote: 7      No Votes:0    Abstain:0      Not Voting: 0      Result: Pass**

<b>Trustee</b>	<b>Voting</b>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

44. **Purchase of replacement sign truck**

*Motion by White second by Xiong to approve the purchase of a GMC Chassis from Fred Mueller for \$35,329, and have Scott's Heavy Truck build the utility box for \$32,495.85 for a total truck cost of \$67,824.85.*

**Yes Vote: 7      No Votes:0    Abstain:0      Not Voting: 0      Result: Pass**

<b>Trustee</b>	<b>Voting</b>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES

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Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	YES

**45. Political sign policy**

Donner said this item went before the Plan Commission. Attorney Yde has provided his opinion. Donner said the Village needs to enforce any type of sign uniformly. The Village must be careful not to regulate content of the signs. The Village can regulate placement, size and length of time in place. Yde said the supreme court really takes a strong position to protect free speech. Donner also said the sign and election ordinances will need to be amended.

**46. Contract amendment for Kueny Architects, LLC, for Municipal Facility Design**

Donner stated this is a contract amendment related to the design of a second HVAC system. Based on the review by Wisconsin Focus on Energy the two systems would have equal energy savings.

***Motion by Ermeling second by White to approve the contract amendment.***

**Yes Vote: 5      No Votes: 2    Abstain:0      Not Voting: 0      Result: Pass**

<b>Trustee</b>	<b>Voting</b>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	NO
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Ziegler, Jon	NO

**ATTORNEY REFERRALS**

No comments.

**MOVE TO CLOSED SESSION PER 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.

- Proposed land swap with Gold Key Investments for properties in Wandering Springs and Wandering Springs West Plats.
- Amendments to Real Property Purchase Option and Land Sale and Development Agreement w/ From the Forest

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- Terms of Tax Increment District PAYGO Agreement with Tommy Docks for purchase and development of land in Village Business Park
- Proposed purchase of property for commercial/industrial development bordering Village Business Park.

***Motion by Fiene second by Ermeling to move to Closed Session at 7:59 p.m.***

**Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>YES</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>YES</b>
<b>Meinel, Steve</b>	<b>YES</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>YES</b>

**RECONVENE TO OPEN SESSION**

***Motion by Fiene second by Xiong to reconvene to Open Session.***

**Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>YES</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>YES</b>
<b>Meinel, Steve</b>	<b>YES</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>YES</b>

**POSSIBLE ACTION ON CLOSED SESSION ITEMS**

- **Proposed land swap with Gold Key Investments for properties in Wandering Springs and Wandering Springs West Plats.**  
No action taken.
- **Amendments to Real Property Purchase Option and Land Sale and Development Agreement w/ From the Forest**  
Action taken in closed session.
- **Terms of Tax Increment District PAYGO Agreement with Tommy Docks for purchase and development of land in Village Business Park.**

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- **Proposed Resolution No. 2021-003 to provide Tax Increment Finance Assistance to Tommy Dock Products, LLC, for building and site improvements at 8608 Progress Way.**

***Motion by Ermeling second by Xiong to offer \$150,000 for the Tax Increment District PAYGO agreement with Tommy Docks.***

**Yes Vote: 4    No Votes: 3    Abstain:0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>YES</b>
<b>Fiene, Nate</b>	<b>NO</b>
<b>Maloney, Mark</b>	<b>YES</b>
<b>Meinel, Steve</b>	<b>NO</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler</b>	<b>NO</b>

- **Proposed purchase of property for commercial/industrial development bordering Village Business Park.**

No action taken.

**REMARKS FROM TRUSTEES**

Meinel said he would like staff to investigate to see if there are other outlot issues like the Wandering Springs issue.

**REMARKS FROM THE PRESIDENT**

Maloney will be absent from the next regular meeting and Ermeling will chair the meeting in his absence.

**FUTURE ITEMS**

Next meeting date(s):

- February 17, 2021, Board of Trustees Special Meeting at 5:00 p.m. working session to discuss Village Board priorities for projects and policies to facilitate development
- March 15, 2021, Board of Trustees Regular Meeting at 6:00 p.m.

**ADJOURN**

***Motion by Fiene second by Xiong to adjourn the meeting at 9:44 p.m.***

**Yes Vote: 7    No Votes:0    Abstain:0    Not Voting: 0    Result: Pass**

<b>Trustee</b>	<b>Voting</b>
<b>Ermeling, Barb</b>	<b>YES</b>
<b>Fiene, Nate</b>	<b>YES</b>
<b>Maloney, Mark</b>	<b>YES</b>

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<b>Meinel, Steve</b>	<b>YES</b>
<b>White, Loren</b>	<b>YES</b>
<b>Xiong, Yee</b>	<b>YES</b>
<b>Ziegler, Jon</b>	<b>YES</b>