

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
REGULAR MEETING MINUTES OF THE BOARD OF TRUSTEES

Monday, October 18, 2021, at 6:00 p.m.

AGENDA ITEMS

- 1. Board of Trustees Meeting called to order by President Maloney**
Maloney called the meeting to order at 6:12 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
Zeyghami, Hooshang	YES

PUBLIC COMMENTS (0:58 on recording <https://youtu.be/eQFYjtuTlwY?t=58>)

Nick Ockwig, with Wausau/Central Wisconsin Conventions & Visitors Bureau (CVB), gave an update on CVB events. The CVB is moving to the old Shakey's building. Tim White, CVB Executive Director, said they are committed to reinventing the CVB. His goal is to market this area as a destination place for people to come to. He is also committed to transparency with area municipalities.

- 4. Jim Pinsonneault, Patriot Auto – Request for Occupancy Completion to be returned with interest** (4:30 on recording <https://youtu.be/eQFYjtuTlwY?t=270>)
Jim Pinsonneault, 5002 Arrow St., said he wanted to talk about some inconsistencies with the occupancy surcharge policy and form. He talked about the issues he had earlier in the year with the Mobile Food Vendor license. This is a similar situation. The form he signed authorizing the \$5,000 deposit clearly states that upon receiving occupancy from the municipality, and meeting certain criteria, the fee will be returned. He has met the criteria. All the inspectors have passed his building. He was granted occupancy. On the Village Fee Schedule, it does not list an option for commercial occupancy surcharge rather it states that there is a completion surcharge. This situation should be readdressed so that a new policy can be adopted that is clean and transparent. There were trees on his parcel that died during construction and there are still more than enough trees on the parcel to satisfy the landscaping calculator. He explained a second deviation to the landscape plan. His intent has always been to build a compliant site. He has one of the most attractive automotive facilities in the county and the best looking in Weston. He asked the Board to refund the \$5,000 occupancy surcharge as to the terms he agreed to in March of 2021. He is also asking for interest on the funds that

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have been withheld unlawfully. The document he signed makes no mention of the 100% site plan completion.

- Discussion and possible action by the Board

Ermeling said quite often staff has a hard time with changing plans and a hard time getting people to comply with what is required. White said the inconsistencies on the form and ordinance need to be corrected. There was a short discussion on the developers agreement and conditional use process. Meinel said minor changes should be allowed. Director Higgins said there is something in the code that allows for minor changes, but in this case the landscaping plan is totally different. She explained the process for conditional uses. Ermeling said we should not pay this out with interest. Zeyghami said the project is not complete. Meinel said we should consider the Covid situation, and the supply chain issues that are out there. Meinel said we should just give the money back. This all seems overly harsh to him. Xiong suggested giving him 50 percent now and then 50 percent after completion. He wants to be understanding of the circumstances. He is not comfortable with the interest. Higgins explained the differences in the landscaping plan from what was originally approved.

Motion by Fiene second by Xiong to adopt Trustee Xiong’s proposal to return \$2500 to Mr. Pinsonnault, without interest, and with the understanding that this is due to a global supply chain shortage, and the remaining \$2500 will be returned on the completion of the project.

Roll Call by Clerk Weinkauf:

**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
Zeyghami, Hooshang	YES

5. **Other comments**
No other public comments.

MINUTES FROM PREVIOUS MEETINGS (28:56 on recording <https://youtu.be/eQFYjtuTlwY?t=1734>)

6. **09/20/2021 Board of Trustees Meeting**

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Motion by White second by Ermeling to approve the meeting minutes.

7. **09/29/2021 Joint Board of Trustees and Plan Commission Meeting** (29:11 on recording <https://youtu.be/eQFYjtuTlwY?t=1751>)

Motion by Fiene second by Zeyghami to approve the meeting minutes.

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
Zeyghami, Hooshang	YES

REPORTS/MINUTES FROM BOARDS, COMMITTEES, COMMISSIONS (29:27 on recording <https://youtu.be/eQFYjtuTlwY?t=1767>)

- 8. **Building Committee**
- 9. **Community Development Authority**
- 10. **Everest Metro Police Commission**
- 11. **Extraterritorial Zoning**
- 12. **Finance**
- 13. **Human Resources**
- 14. **Joint Review Board**
- 15. **Parks & Recreation**
- 16. **Plan Commission**
- 17. **Public Works**
- 18. **SAFER**
- 19. **Tourism**
- 20. **Zoning Board of Appeals**

Motion by Fiene second by White to acknowledge items 12 and 16.

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
Zeyghami, Hooshang	YES

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REPORTS FROM DEPARTMENTS (29:46 on recording <https://youtu.be/eQFYjtuTlwY?t=1786>)

21. **Administrator**
Donner presented photos of the municipal center project. He reported on the status of TID #2. He will be going to Madison on Wednesday to provide testimony on an assembly bill hearing at the State Capitol.
22. **Clerk**
No comments.
23. **Finance**
No comments.
24. **Fire/EMS**
Deputy Chief Finke said next week the Wisconsin State EMS Association convention will be held. He gave an update on the new ambulances. He reported call volume is up and the Department has been busy.
25. **Parks & Recreation**
Osterbrink said he received a card in the mail from DC Everest Rolling Readers thanking the Village for allowing them to set up at the Aquatic Center.
26. **Plan/Dev**
No comments.
27. **Refuse/Recycling Update**
No comments.
28. **Police**
Chief Schulz gave a staffing update.
29. **Public Works**
Wodalski said he did send out an email regarding a presentation he gave to the Public Works and Utility Committee.
30. **Technology**
Crowe said there were 581 entries for the “Where is Weston” quiz and only 22 were correct.

Motion by White second by Fiene to acknowledge items 21 – 23 and 25 to 29.

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
Zeyghami, Hooshang	YES

WORK PRODUCT TRANSMITTALS (48:03 on recording <https://youtu.be/eQFYjtuTlwY?t=2883>)

31. **September Building Permits**

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Motion by Fiene second by Xiong to acknowledge item 31.

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
Zeyghami, Hooshang	YES

CONSENT AGENDA (48:15 on recording <https://youtu.be/eQFYjtuTlwY?t=2895>)

- 32. Requests to pull items out of consent consideration
- 33. Vouchers – 55517 – 55733 and 90057-90058
- 34. Appointment of Arlene Hartleben as the new agent for The Store #60, 4005 Westview Blvd, Weston
- 35. Action on consent agenda items

Motion by White second by Fiene to approve Consent items 33 and 34.

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
Zeyghami, Hooshang	YES

ORDINANCES (48:30 on recording <https://youtu.be/eQFYjtuTlwY?t=2910>)

- 36. Ordinance No. 21-032: An ordinance to amend Sections 2.214(4)(b) Standing Committees, Human Resources

Motion by Fiene second by Zeyghami to approve Ordinance No. 2021-032.

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

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White, Loren	YES
Xiong, Yee	YES
Zeyghami, Hooshang	YES

RESOLUTIONS (48:53 on recording <https://youtu.be/eQFYjtuTlwY?t=2933>)

37. **Resolution No. 2021-027: A Resolution to establish wards in accordance with Section 5.15 of the Wisconsin Statutes following the issuance of a federal decennial census**

Motion by Ermeling second by Fiene to approve Resolution No. 2021-027.

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
Zeyghami, Hooshang	YES

UNFINISHED BUSINESS

38. **Update on American Rescue Plan (ARPA) Funds** (51:37 on recording <https://youtu.be/eQFYjtuTlwY?t=3097>)

There were no updates.

39. **Exterior Upgrades and Possible Additional Upgrades to the Public Safety Building** (52:26 on recording <https://youtu.be/eQFYjtuTlwY?t=3146>)

Donner said he received estimates for some overlooked items. He reviewed a summary of the items. Staff will bring this item back to a future meeting.

NEW BUSINESS

40. **Class B Beer & Liquor license for JMJB, LLC, Razz's Breakfast Bar and Grill, 5307 Westfair St., Weston – Jason Maki, Agent** (1:08:16 on recording <https://youtu.be/eQFYjtuTlwY?t=4096>)

Motion by White second by Xiong to approve a new Class B Beer & Liquor license for Jason Maki, JMJB for Razz's Breakfast Bar & Grill, 5307 Westfair St, Weston, WI 54476 for the 2021/2022 licensing term, contingent on the current owner surrendering the Current Class B Beer and Liquor license back to the Village of Weston.

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

Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	YES

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Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Zeyghami, Hooshang	YES

41. **Change Order No. 1 for Municipal Facility Project – Electrical Service Entrance** (1:08:16 on recording <https://youtu.be/eQFYjtuTlwY?t=4159>)

Motion by Fiene second by White to acknowledge Change Order No. 1. for the Municipal Facility Project to construct the Electrical Service Entrance as required by Wisconsin Public Service. Work to be done on a Time and Material basis not to exceed \$26,762.34. Q/White asked if this was from the contingency. Donner said it would be a net against the original estimate. White also asked about security for the outside entrance. Inspector Tatro said there would be a padlock on it. It will be inside of a fenced in area. Maloney said the Village is having to do everything just like anyone else. Meinel asked about the need to update plans submitted by the architect. Donner said a plan change will get submitted to the Planning and Development Department.

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
Zeyghami, Hooshang	YES

42. **Environmental Insurance Cost Recovery Agreement with Eisenstein Malanchuk, LLP** (1:12:53 on recording <https://youtu.be/eQFYjtuTlwY?t=4373>)

Motion by Fiene second by Xiong to approve the fee agreement authorizing Eisenstein Malanchuk, LLP, to investigate and pursue recovery of Monies from Village or Town liability insurance policies. Q/ Ermeling is concerned with staff involvement. Richard, from Eisensten Malanchuk, LLP said they do not expect Village staff to do the heavy lifting. They just need to know what kind of records we have, where they are and make them accessible to them. They just need a place to work where the documents are available. White asked if the Town of Weston would be involved. It was indicated that the Town records are located here at the Municipal Center. Meinel said the Town would need to approve the release of information. Donner thinks there may be a clause in the incorporation agreement indicating those records were transferred to the Village.

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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
Zeyghami, Hooshang	YES

43. **Memorandum of Understanding with Weston Ridge Condominium Association for terms of an easement for the Eau Claire River Trail Parking Lot** (1:12:46 on recording <https://youtu.be/eQFYjtuTlwY?t=4906>)

Motion by Xiong second by Fiene to direct staff to begin looking towards purchasing an easement and direct staff to work out a MOU or temporary use with the current owner. Q/Zeyghami asked about room for construction. Donner is not sure how much the contractor plans to use.

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
Zeyghami, Hooshang	YES

44. **Convention & Visitors Bureau Contract**

Motion by Zeyghami second by Ermeling to approve the Convention & Visitors Bureau Contract Version 2. (1:35:19 on recording <https://youtu.be/eQFYjtuTlwY?t=5719>)

Yes Vote: 6 No Votes:0 Abstain: 1 Not Voting: 0 Result: Pass

Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	-
Zeyghami, Hooshang	YES

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45. **Water meter pit upgrade design contract** (1:35:55 on recording
<https://youtu.be/eQFYjtuTlwY?t=5755>)

Motion by White second by Fiene to defer this item to the next meeting.

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
Zeyghami, Hooshang	YES

46. **2020-2024 CIP amendment for Weston Ave (Alderson to Birch) and Ross Ave (River Bend to Pauls) for LRIP grant eligibility** (1:37:43 on recording
<https://youtu.be/eQFYjtuTlwY?t=5863>)

Motion by White second by Fiene to approve the 2020-2024 CIP amendment to include the reconstruction of Weston Ave from Alderson St to Birch St as a 2024 construction year project and recommend the cost revision of the 2023 Ross Ave (River Bend to Pauls) project.

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
Zeyghami, Hooshang	YES

47. **Crestwood Acres Change Order #3** (1:38:30 on recording
<https://youtu.be/eQFYjtuTlwY?t=5910>)

Fiene recused himself.

Motion by White second by Meinel to approve Change Order #3 as presented to extend the substantial completion date to November 12, 2021 and set the final completion date as June 17, 2022. Q/ Zeyghami asked if the amount of time they are asking is reasonable. Wodalski said they originally asked for 45 days, and the change order is for 20 days. This is a

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time only extension. There is no change in the contract price. Xiong was concerned that they may still ask for more than 20 days. Wodalski gave an update on the items that are already completed. They should not need all 20 days.

Yes Vote: 6 No Votes:0 Abstain: 1 Not Voting: 0 Result: Pass

Trustee	Voting
Ermeling, Barb	YES
Fiene, Nate	-
Maloney, Mark	YES
Meinel, Steve	YES
White, Loren	YES
Xiong, Yee	YES
Zeyghami, Hooshang	YES

48. **Request to authorize Planning & Development Staff to proceed with Nonsummary Abatement per Sec. 50.102.13.c against the property at 1706 Neupert Avenue** (1:42:06 on recording <https://youtu.be/eQFYituTlwY?t=6126>)

Motion by Zeyghami second by Fiene to authorize the Planning & Development Staff to proceed with Nonsummary Abatement per Sec. 50.102.13.c against the property at 1706 Neupert Avenue. Q/Xiong asked if the citation was paid. Kelly Amsrud, 5702 Pine Park Street, said she can see 1706 Neupert from the back of her house. She said this property is horrible to look at every day. She said the garage is full to the top. Inspector Tatro said this issue goes back many years. Last year they got it somewhat cleaned up. Each time a citation is issued it gets worse. The only thing the Village can do is take care of the property outside where it is a public nuisance. Higgins said the only way to get this cleaned up is to take it to circuit court. Ermeling said to be careful with items of value. Higgins said there is a whole process that needs to be followed. There was a short discussion on the process and fees. Meinel said according to Wisconsin Circuit Court access it appears the Village has not collected on any of the past expenses. He hopes that certain steps can be put in place so that the Village can get paid.

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
Zeyghami, Hooshang	YES

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49. **Concession Stand lease** (1:52:51 on recording <https://youtu.be/eQFYjtuTlwY?t=6771>)

Motion by Xiong second by Zeyghami to approve a 3-year lease with Steve and Janessa Cronin for the concession stand at the Aquatic Center. Q/Meinel asked about including the entity name. Osterbrink said the contract has both Steve and Janessa's names on it. Steve Cronin said in the past they did not have an LLC set up for this. This is something they plan to work on during the off season.

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
Zeyghami, Hooshang	YES

50. **Discussion on possible cost-sharing opportunities with neighboring municipalities** 1:54:57 on recording <https://youtu.be/eQFYjtuTlwY?t=6897>)

There was a short discussion on Cost sharing opportunities. No action was taken.

51. **Appointment of Ryan Simmons to the Everest Metro Police Commission** (1:52:51 on recording <https://youtu.be/eQFYjtuTlwY?t=7545>)

Motion by Ermeling second by Xiong to approve the Appointment of Ryan Simmons to the Everest Metro Police 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
Zeyghami, Hooshang	YES

ATTORNEY REFERRALS

No comments.

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REMARKS FROM TRUSTEES (2:09:16 on recording <https://youtu.be/eQFYjtuTIwY?t=7756>)

Meinel said it was brought up that there were some discrepancies with the form and Fee Schedule related to the Occupancy Surcharge and wants to make sure staff brings this to the next Plan Commission meeting.

REMARKS FROM THE PRESIDENT (2:11:05 on recording <https://youtu.be/eQFYjtuTIwY?t=7865>)

Maloney asked about the Kwik Trip going into the former Lebakken's property. Higgins said they plan to start building in two years.

FUTURE ITEMS

Next meeting date(s):

- October 25, 2021, Joint Finance and Board of Trustees Meeting at 4:30 p.m. (if needed)
- November 15, 2021, Board of Trustees Regular Meeting at 6:00 p.m.
- December 20, 2021, Board of Trustees Regular Meeting at 6:00 p.m.

ADJOURN

Motion by Fiene second by Meinel to adjourn the meeting at 8:26 p.m.

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
Zeyghami, Hooshang	YES