

**VILLAGE OF WESTON  
BOARD MINUTES**

**MONDAY, JUNE 1, 2009**

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

President Schuster called the Village Board meeting to order at 6:12 p.m. Trustees present were White, Schmutzler, Jaeger, Maloney, Ziegler and Ermeling. Administrator Zuleger, Public Works Director Donner, Project/SW Engineer Kangas, Director of Information Systems Crowe, Finance Director Jacobs, Police Chief Sparks, Fire Chief Meilahn and Captain Grod were also present. There were approximately 25 audience members present.

**II. VILLAGE BOARD MINUTES**

**A. 05/18/09**

**B. 05/21/09**

*\*M/S/P Jaeger/Ziegler: to approve the Village Board Minutes of 5/18/09 and 5/21/09 and place on file.*

**III. VISITORS**

**A. Members of the Weston Tavern Owners Community in re: Weston Smoking in Public Places Ordinance Implementation Date (Terry Woznicki, Dan Elliot et al)**

Terry Woznicki, with Down the Hill Bar, 1903 Cut-off Road, said he was here to talk about the implementation date of Weston's smoking ban. He asked that Weston have the same implementation date as the State's, which is July 5, 2010 instead of January 1, 2010 as stated in the Village's ordinance. He read Section (n) of the Village's ordinance which states: "provisions of this ordinance shall become effective on January 1, 2010 unless the Wisconsin State Legislature has made significant progress in the passage of statewide smoking ban legislation prior to November 1, 2009. Significant progress shall be defined as passage of legislation by both bodies of the legislature awaiting signature by the Governor". Mr. Woznicki also stated they want to be allowed to have their businesses on an equal playing field.

Jim Fust, with The Jim, 3012 Schofield Avenue said some of the bars in Weston already went to non-smoking. That was their choice. He asked the Board to give them another 6 months to put all the businesses on an even footing with everyone else.

Pat Paluch, with Wiggly Field, 2005 Schofield Avenue, said his establishment went smoke-free two weeks ago. He's hoping to get more business out of it. He has seen some new faces since going smoke-free. His business is devoted to his food. He said there are now some options for non-smokers, but feels it is a good idea to give the establishments another 6 months to make it a level playing field. It was also stated that Kluck's Bar recently went smoke-free.

Zuleger explained the January 1, 2010 provision in the Village's smoking ban ordinance. Ermeling said the Village's ordinance states that we will waive all building permit fees and plan review fees affiliated with the purpose of construction of an outdoor smoking area. She feels the businesses that take advantage of the waiver before January 1, 2010 should be offered that. If they don't before January she does not feel the Village should waive any of these fees. Zuleger reviewed Section (e), Smoking allowed outdoors, of the ordinance. He said the Village could amend the ordinance to expire on 6/30/2010. Ermeling said if the Village goes with the July 5, 2010 implementation date we should not extend the waiver of fees. Schuster has no objection to the Village changing the ordinance to match the State's effective date, which is July 5, 2010. He said the Village needs to consider the business people. He agrees with the idea of a level playing field. It was stated the Village's ordinance is still more restrictive. Schmutzler said when this ordinance was passed originally there was not a

**MONDAY, JUNE 1, 2009**

level playing field. She does not see this as big argument right now. The Committee thought it was the right thing to do by creating a non-smoking environment. *\*M/S/P Jaeger/Ermeling: to approve moving the implementation date in the Village's ordinance to July 5, 2010 and instruct staff to bring a clean copy of the ordinance back to the Board. Q/Ermeling would like to have the date changed for the waiver of fees to January 1, 2010. Maloney – yes, White – yes, Schmutzler – no, Jaeger – yes, Ermeling – yes and Ziegler - yes. Motion carried 5 to 1.* Q/Maloney asked if this issue could come back to the Board. Zuleger said in order for it to come back one of the Board members that voted yes would have to vote to reconsider. Zuleger said a clean draft will be presented at the next meeting. Schmutzler commented that the Ad Hoc Smoking Committee worked very hard to draft his ordinance and out of the respect to the businesses that went smoke-free on their own feels they deserve some recognition and feels that the Village disappointed them. This Board unanimously accepted this not worrying about the level playing field and she is disappointed.

**IV. UNFINISHED BUSINESS**

**A. Sidewalk Policy**

Zuleger said the Finance Committee reviewed the sidewalk policy at their last meeting. The motion by the Committee was read by Zuleger and is as follows: Based on market data provided by 3 independent appraisers that shows there is no appreciable increase in value to a property owner, the Finance Committee affirms the current sidewalk funding policy of 100% payment by the Village of Weston except in cases where a developer would like to install a sidewalk that falls outside the Village's "connectivity plan" and when a sidewalk falls within the "connectivity plan" the Village is responsible for 100% maintenance and replacement and the homeowners are responsible for snow removal. *\*M/S/P Ermeling/Maloney: to reaffirm the sidewalk policy as stated.*

**V. NEW BUSINESS**

**A. Bid Results and Contract Awards for 2009 Street Maintenance Work**

**1. Chip Seal Bids**

*\*M/S/P schmutzler/White: to award the 2009 Street Maintenance work for Chip Seal to Scott Construction in the amount of \$142,761.58.*

**2. Crack Seal Bids**

*\*M/S/P White/Ziegler: to award the 2009 street maintenance work for Crack seal to Fahrner in the amount of \$54,801, plus authorize staff to expend an additional not to exceed \$5,000 for polymer patching in the Everest Additions.*

**B. Annual Contract for Material Testing with AECOM**

*\*M/S/P Ziegler/Jaeger: to approve the annual contract for material testing with AECOM.*

**C. TIF District Audit Reports**

**1. TIF District #1**

**2. TIF District #2**

**3. Environmental TIF District**

Jacobs said the Wisconsin Department of Revenue requires three separate audits for the TIF Districts.

*\*M/S/P Ermeling/Maloney: to accept TIF District #1, TIF District #2 and Environmental TIF District audits and place on file.*

**D. Fund Balance Policy**

*\*M/S/P Jaeger/Schmutzler: to approve the Fund Balance Policy.*

**E. Bank Credit Card Policy**

*\*M/S/P White/Jaeger: to approve the Bank Credit Card Policy.* Zuleger said this policy allows staff to create another internal control procedure.

MONDAY, JUNE 1, 2009

**F. Store Card Policy**

*\*M/S/P Ermeling/Maloney: to approve the Store Card Policy.*

**G. Transaction Fee for Vendors Covered by the Pawnbrokers Ordinance**

Zuleger said this amends the ordinance to increase the fee to allow the Village to cover the bills sent to us by the Minneapolis Police Department. This is consistent with Schofield's fees.

*\*M/S/P Schmutzler/White: to approve a Billable Transaction Fee of \$1.50 per transaction for Weston vendors covered by the Pawn Ordinance.*

**H. Operator Licenses**

*\*M/S/P Jaeger/Maloney: to approve the Operator licenses as attached. Ziegler abstained from voting.*

**I. Vouchers**

*\*M/S/P Ermeling/Maloney: to approve vouchers 26157 to 26253.*

**VI. COMMITTEE MINUTES**

**A. Public Works and Utility Committee Minutes**

*\*M/S/P Jaeger/Maloney: to acknowledge the Public Works and Utility Committee Minutes of 5/18/2009 and place on file.*

**B. Park and Recreation Committee Minutes**

*\*M/S/P Jaeger/Maloney: to acknowledge the Park and Recreation Committee Minutes of 5/14/2009 and place on file.*

**C. Public Safety Committee Commission Minutes**

*\*M/S/P Jaeger/Maloney: to acknowledge the Public Safety Committee Minutes of 5/21/2009 and place on file.*

**D. Finance Committee Minutes**

*\*M/S/P Jaeger/Maloney: to acknowledge the Finance Committee Minutes of 4/30/2009 and place on file.*

**E. Board of Review Minutes**

*\*M/S/P Jaeger/Maloney: to acknowledge the Board of Review Minutes of 5/18/2009 and place on file.*

**VII. DEPARTMENT REPORTS**

**A. Parks & Recreation Superintendent**

Jaeger asked for questions. There were none.

**B. Police Chief**

Chief Sparks reported there were 1033 calls in May and 19 were accidents. There were 38 calls to Green Acres Mobile Home Park. He also reported there was a shooting in Weston last night and one person is in custody.

**C. Fire Chief**

**1. Significant fire and EMS incidents since last board meeting**

Chief Meilahn reported there were no major events since the last meeting. He said several members of the Fire Department did attend a disaster drill at NTC last Friday. There is a water issue at the Safety Building. They are not sure what is wrong but it is being worked on.

**D. Director of Public Works**

**1. Project Update**

Donner reported the intersection of Birch and Mount View will be closed next week for some extra stormwater work that needs to be done. There will be a meeting on the pedestrian bridge project with

**MONDAY, JUNE 1, 2009**

St. Clare's on June 11<sup>th</sup>. There was a short discussion on the location of the pedestrian bridge project. Donner also reported there would be a special assessment hearing for the Schmutzler, Bayington and Knaack reconstruction on Thursday.

**2. Sewer and Water Service to Yellow Banks Area**

A survey will be done in the Yellow Banks area asking whether or not they want to proceed with the project, asking about sampling of their wells and also asking them to submit copies of sample results they may have obtained in the last couple of years.

**3. Utility and Street Operations Report**

Donner reported there is a subcontractor here in the Village doing some adjustments of settled sidewalk that may cause a tripping hazard. They are working on Schofield Avenue and Camp Phillips. There was a main break on Business 51 last week. Last Saturday a "Build a Rain Barrel Workshop" was held. If any of the water utility customers build a rain barrel they are eligible to receive a credit from the stormwater utility. There were approximately 40 people in attendance.

**4. Project/SW Engineer Resignation**

Donner reported that Jon Kangas has submitted his resignation. Donner and the Board members expressed their appreciation to Jon Kangas for his services.

**E. Community Development Department Report / Zoning Administrator**

No comments.

**F. Finance Director**

**1. Village Financial Audit Update**

Jacobs reported the Finance Department is hoping to have the audit work done by next Friday. Clifton Gunderson will present the audit to the Board on Monday, June 15<sup>th</sup>.

**2. Budget Status Update**

Jacobs reported the Village is just a little under 40 percent for spending.

**G. Administrator's Report**

**1. Weston Fest Update**

**a. Citizen of the Year/ Volunteer of the Year Nominees**

Zuleger reviewed a list of nominees for Citizen of the Year and Volunteer of the Year.

**b. Event Update / Finances**

Zuleger reported staff has raised enough finances to cover basic costs. He reviewed the event schedule.

**2. Economic Development Update**

Zuleger reported Quality Surface Processing did sign a contract and will locate in Business Park South. He is also working with a local developer on another 50,000 sq. ft. facility to go in Business Park South. Staff is working on the identification signs. There are several other businesses already in the Business Park planning to do additions.

**3. Garbage / Recycling Update**

Zuleger reported the City of Wausau is requesting proposals for their garbage and recycling. Staff is exploring the idea of partnering with Rib Mountain. He is also talking with the Marathon County Solid Waste Director on what can be done to improve efficiencies at the landfill and keep the tipping fee low.

**4. Street Operations Equipment Needs & Maintenance**

Zuleger reported the Street Crew needs a new hot box for patching. They also need a couple of portable compactors. Staff will take off an old box from a truck and put a salt box on it rather than purchase a new truck.

**5. Video & Website Update**

Zuleger said staff is working with Flap Jack and Becker Communications on upgrading the website video and functions.

**MONDAY, JUNE 1, 2009**

**6. Quality of Life Committee: After Hours Session**

Zuleger reported the next Quality of Life Committee session is June 10<sup>th</sup>. They will discuss after hours opportunities.

**H. Clerk's Report**

**1. Licensing Update**

Weinkauf reported the license applications will come before the Board on June 15<sup>th</sup>. She also reminded the Board about Board of Review which is scheduled for June 9<sup>th</sup>.

**VIII. TRUSTEE BUSINESS**

**A. Maloney**

None

**B. White**

None

**C. Jaeger**

None

**D. Schmutzler**

None

**E. Ziegler**

Ziegler asked to be absent from the next meeting.

**F. Ermeling**

Ermeling asked to be absent from the next meeting.

**IX. PRESIDENT'S BUSINESS**

**A. Appointment of Daryl Pries to the Public Safety Committee**

*\*M/S/P Maloney/Jaeger: to approve the appointment of Daryl Pries to the Public Safety Committee.*

**X. ADJOURN**

*\*M/S/P Jaeger/Schmutzler: to adjourn the meeting at 7:14 p.m.*

Respectfully,

Sherry Weinkauf  
Village Clerk