



VILLAGE OF WESTON, WISCONSIN
OFFICIAL MEETING AGENDA OF THE BOARD OF TRUSTEES

This regular meeting of the Village of Weston Board of Trustees, in its 20th legislative session, is composed of seven (7) members, who will convene at the Weston Municipal Center’s Board Room, located at 5500 Schofield Ave., Weston, on **Monday, December 5, 2016, at 6:00 p.m.**, to consider the following matters:

OPENING OF SESSION & PLEDGE OF ALLEGIANCE – The meeting will be called to order by President Ermeling. Please silence all electronic devices.

ROLL CALL OF THE BOARD – Loren White, Jon Ziegler, Fred Schuster, Mark Porlier, Kevin Ostrowski, Scott Berger, and Barb Ermeling.

OPPORTUNITY FOR CITIZENS TO BE HEARD.

AWARDS, RECOGNITIONS, ANNOUNCEMENTS.

1. [Upcoming Public Hearing on Official Map Amendment: 12/19/2016.](#)
2. League Presentation – 12/7/2016

PRESENTATIONS.

REPORTS FROM STAFF – – All items listed under this section are considered routine by the Board of Trustees and will be acknowledged and placed on file via one consent motion. There will be no separate discussion of these items, **unless requested**. Reports which require subsequent actions and further discussion will be moved under “**Unfinished Business**” later this agenda.

- | | |
|---------------------------------------|------------------------|
| 3. Crowe, Nathan – | Technology |
| 4. Donner, Keith – | Public Services |
| 5. Higgins, Jennifer – | Planning & Development |
| 6. Hodell, Renee – | Taxpayer Engagement |
| 7. Jacobs, John – | Finance |
| 8. Osterbrink, Shawn | Parks |
| 9. Savage, Matt – | EMS & Fire |
| 10. Schmidt, Greg – | Assessment |
| 11. Sparks, Wally – | Police |
| 12. Tatro, Scott – | Facilities |
| 13. Weinkauff, Sherry – | Clerk |
| 14. Wodalski, Michael | Operations |
| 15. Yde, Matt – | Attorney |

I make a motion to acknowledge all reports from staff, listed under items 3 – 15, and place on file with the Village Clerk.



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REPORTS FROM COMMITTEES – – All items listed under this section are considered routine by the Board of Trustees and will be acknowledged and placed on file via one consent motion. There will be no separate discussion of these items, **unless requested**. Reports which require subsequent actions and further discussion will be moved under “**Unfinished Business**” later this agenda.

- 16. Community Development Authority
- 17. [Community Life, & Public Safety](#)
- 18. Community Marketing Task Force
- 19. EMPS – Joint Finance Committee
- 20. EMPS – Police Commission
- 21. Finance
- 22. SAFER – Board of Directors
- 23. SAFER – Fire Commission
- 24. Parks & Recreation
- 25. [Personnel](#)
- 26. Plan Commission
- 27. [Property & Infrastructure](#)
- 28. Zoning Board of Appeals

I make a motion to acknowledge all reports from staff, listed under items 16 – 28, and place on file with the Village Clerk.

CONSENT – – All items listed under this section are considered routine by the Board of Trustees and will be acknowledged and placed on file via one consent motion. There will be no separate discussion of these items, **unless requested**. Business items which require subsequent actions and further discussion will be moved under “**Unfinished Business**” on this agenda.

- 29. [Approve Ordinance #16-048 an ordinance relating to Disposition of public and personal property.](#)
- 30. [Approve November 21, 2016 Board of Trustees Minutes.](#)
- 31. [Acknowledge 2016 street maintenance activities.](#)

I make a motion to acknowledge all reports from staff, listed under items 29 – 31, and place on file with the Village Clerk.

UNFINISHED CONSENT ITEMS FOR CONSIDERATION.



VILLAGE OF WESTON, WISCONSIN
OFFICIAL MEETING AGENDA OF THE BOARD OF TRUSTEES

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NEW BUSINESS.

32. Discussion and possible action on an Opt-Out Ordinance, within Chapter 66, Solid Waste.
33. Discussion on 2017 Utility Fund Budgets.
34. Discussion on 2017 TIF1/2 Budgets.
35. Approve schedule of fees for 2017, including special charges for refuse & recycling, stormwater, vehicle registration fees, amongst others.
36. 2017 Meeting Calendar.

CONVENE INTO CLOSED SESSION UNDER WISCONSIN STATE STATUTES 19.85 (1)(c) for considering performance of any public employee over which the governmental body has jurisdiction or exercises responsibility.

RECONVENE INTO OPEN SESSION AND ACT ON CLOSED SESSION ITEMS, IF NECESSARY.

REPORT FROM ADMINISTRATOR.

REPORT FROM TRUSTEES.

REPORT FROM PRESIDENT.

ADJOURN.

WITNESS: My signature this 2nd day of December, 2016.
Sherry Weinkauf, Clerk

This agenda was posted at the Municipal Center, and on the Village's website at www.westonwi.gov, and was emailed to local media outlets (Print, TV, and Radio) on 12/2/2016 @ 4:30 p.m. A quorum of members from other Village governmental bodies (boards, commissions, and committees) may attend the above noticed meeting to gather information. Should a quorum be other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993). Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting. Any person who has a qualifying disability, as defined by the Americans with Disabilities Act, requiring that meeting or material to be in an accessible location or format, must contact the Weston Municipal Center at 715-359-6114 so any necessary arrangements can be made to accommodate each request.

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #1

NOTICE
Village of Weston
Public Hearing on Replacement Official Map

Pursuant to Section 62.23(6)(c) of the Wisconsin Statutes, notice is hereby given that the Board of Trustees of the Village of Weston will hold a public hearing on December 19, 2016, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI, for all persons wishing to be heard on an Ordinance to replace the Official Map of the Village of Weston.

The public hearing will be held to gather public input on the replacement Official Map. The purpose of the Official Map is to show, to the extent possible, future highways and bypasses, other future arterial and collector streets, and suggested wider rights-of-way for some existing major streets. The Official Map also shows other future public facilities where their location is known or critical, such as major components of the planned regional stormwater management system. No permit may be issued to construct or enlarge any building within the limits of any street, highway, waterway, railroad right-of-way, public transit facility or parkway, shown or laid out on the Map except as provided in Section 62.23(6) of the Wisconsin Statutes.

The proposed replacement Official Map is available online at <http://www.westonwi.gov/509/Proposed-Ordinances> or by contacting Jennifer Higgins, Director of Planning & Development, at 715-359-6114 or jhiggins@westonwi.gov. Written comments should be submitted to Ms. Higgins by noon on day of said hearing, who will forward them to the Board for their consideration. All interested persons will be given an opportunity to be heard. Any person planning to attend needing special accommodations in order to participate should call the Village at (715) 359-6114.

Dated this 1st day of December, 2016

Sherry Weinkauff, Village Clerk



5500 Schofield Avenue
Weston, WI 54476

715-359-6114
www.westonwi.gov

Published as a legal ad in the Wausau Daily Herald on Monday,
December 5 and December 12, 2016.

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #3

Village of Weston, Wisconsin
Report for the month of November 2016
MONTHLY DEPARTMENT REPORT FROM TECHNOLOGY SERVICES DEPARTMENT

Monthly Department Briefer #2016-11
Nathan Crowe, Technology Services Director
Monday, December 5, 2016

1. FOR YOUR IMMEDIATE ATTENTION -- TRUSTEES.

- Nothing at this time.

2. STRATEGIC PLAN PROJECT STATUS.

- **Implement Beehive Software to replace Energov, and provide new asset management functionality for Public Works. Beehive will be fully implemented and used by the beginning of 2016.**
 - For the fall pickup, the crew made 2,614 stops for brush pickup. This was kept track of in Beehive.
- **Develop a realtor portal to assessment records by 2016.**
 - As I mentioned before, the assessment records we get out of TCWin, the assessor software that we use, are being given the wrong parcel number by Marathon County. This is the biggest hurdle to overcome in this project. I will be working with Marathon County to be sure that this issue is fixed when we are given the new data in January of 2017. **UPDATE:** As it turns out, we may be able to deal with this issue in two ways. I still plan on working with Marathon County to get the numbering issue fixed, but after working with Greg Schmidt, and the assessor software company, we will be able kick out assessment records with another naming convention that will also alleviate this issue.
- **Develop and implement technology training program for employees by the end of 2015.**
 - Using Lynda.com for a full year now, my reporting shows that we had some great participation, but it was not used by the majority. As a reminder, Lynda.com is a web service of training videos that covers thousands of workplace topics. I have scaled back the number of subscriptions, and will focus on holding group lessons, rather than deploying lessons to each individual. Employee training will be an emphasis area for my department in 2017.
- **Create technology security policies as needed by 2018.**
 - Security is not an area that I am all that fluent in, so I have begun to use resources like Lynda.com to learn more about our needs and what steps my department should be taking to address security needs. I attended a day long webinar series hosted by Microsoft to discuss cloud security in local government.

3. BUDGET AND FINANCIAL PLAN STATUS.

- Nothing at this time

4. EMPLOYEE DEVELOPMENT & ENGAGEMENT.

- Nothing at this time.

5. PERFORMANCE AND METRICS.

- Nothing at this time.

6. COMMUNITY FEEDBACK

- Nothing at this time.

7. IDENTIFIED NEEDS.

- Nothing at this time.

8. NEW IDEAS & OPPORTUNITIES.

- Nothing at this time.

9. MISCELLANEOUS COMMENTS / ISSUES.

- Nothing at this time.

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #4

Village of Weston, Wisconsin
Report for the month of November 2016
MONTHLY DEPARTMENT REPORT FROM DIRECTOR OF PUBLIC WORKS & UTILITIES

Monthly Department Briefer #2016-10
Keith Donner, Director of Services
Monday, December 5th, 2016

1. FOR YOUR IMMEDIATE ATTENTION – TRUSTEES and PIC (for Monday’s meeting).

- My apologies to all for the correspondence regarding planning for a water and sewer crossing of the Eau Claire River from Ryan Street extended into the River Bend Subdivision area on Wednesday this past week. I had some telephone correspondence with a resident of the River Bend Subdivision area in late October and did not respond to an e-mail he sent to me after that. I was copied on a letter the resident distributed to an unknown number of people in the area earlier in the day and had not determined whether to react. However, upon receiving an e-mail from another resident in the area later that evening, I thought I should make people aware of the situation. Perhaps my response should have been tempered, but I do know there were inaccuracies in the resident’s statements based on our telephone conversation. I did explain the project to cross the river was proposed for 2019 in the Capital Improvements Plan which was still under development and not approved. I know I did not help matters with a slow response to the initial inquiry and then not following up after the e-mail – so that part is my responsibility. Upon reflection on the situation I have reviewed the Village website and will be updating the section under the Utilities area that contains information about the sewer and water surveys from 2005. The whole process extended from 2003 through about 2009 and there is some material that could be included in links on the website that can provide a more complete picture. Not sure if we want to spend time updating septic system permit data at this point, but Marathon County may have plans to more systematically evaluate private septic systems as opposed to awaiting property sales. Once we develop and approve a CIP we should also make that document available on our website. Discussed this with Administrator Guild on Friday.
- Verbally agreed with Joe Jordan (through D. Higginbotham of PGA) to grant them an easement to allow them to install a storm drain pipe from the area of the former storm water detention pond, northward and parallel to Camp Phillips through Weston’s property. Easement document to be written following the work and will allow the Village to tap into this storm sewer when/if needed for improvements on the park property. All work on the storm sewer pipe done at their cost. While PGA has their equipment on site, the sewer utility arranged for them to perform excavation and repairs on flushing stations for the pressure sewer.

2. STRATEGIC PLAN PROJECT STATUS.

- J. Higgins, M. Wodalski, S. Osterbrink, and K. Donner continue to collaborate as Services Division. Discussed combining elements of strategic plans into a comprehensive document
- Comprehensive Plan Update
 - Reviewed Chapters for TIF plan and Priorities for project implementation. Have updated TIF project plan, but still needs to be massaged.
 - Continuing to participate in periodic meetings with team from JSD Professional Services and J. Higgins, et. al. of Village re: SE Quadrant of STH 29/CTH X; a.k.a. “Camp Phillips at 29.”
 - Attended pre-application meeting for wetland permitting at DNR office on 11/15.

- Transport Way/Weston Avenue Connection
 - Had a conversation with Craig Novak of NOVA Truck Wash re: survey work and preliminary design.
 - Wodalski, Higgins, and I met with B. Marquardt of MiTech to discuss preliminary street layout possibilities. Wetlands in the headwaters of the Cedar Creek on the Gibbs property to the east will prevent a connection of Transport Way to Von Kanel.
- Water Rate Case
 - The 4 resolutions coming out of the Ehlers rate review were adopted by PIC on 11/07 and the BOT on 11/20. Application is on hold until AMR/AMI project is nailed down.
- Workload and Labor Needs Analysis in Services Division
 - Wodalski continues to work on developing spreadsheet for annual schedule. Deficiency of manpower is most critical in early mowing season before seasonal help arrives and during water utility spring distribution system flushing.
- Infrastructure Master Plans
 - Start-up of Ross Avenue and Mesker-Colleen lift station replacements took place on December 1. Work has pushed a month beyond the expected completion. There will be landscape and finish items to complete in 2017.
 - Proposals for sewer condition assessment were received from 3 companies on November 16. Total costs ranged from \$638,000 to \$855,000. Annual costs exceed what is going to be economically feasible. Proposing an alternate approach. Copy of letter to proposing companies is attached.
 - Received final reports of municipal facilities assessment from Kueny and aquatic center from Water Technologies. Information regarding the studies and presentation are accessible at this link: <https://1drv.ms/f/s!AuGB5mKIII-OiB11Z62C1054N8Oy>
 - Wodalski and I have a drafted a CIP plan that was on the 11/07 PIC agenda. Projects for sewer and water utilities have been included in rate evaluations. The TIF project plan list has also been drafted, but there is still some massaging to be done.
- Intergovernmental Cooperation
 - Attempting to implement Intergovernmental Agreements (IGA's) with Rothschild, Hatly and Schofield. Received feedback letter from Rothschild questioning need.
 - Discussed philosophy behind an IGA with T. Vergara on 12/2. Also discussed work Rothschild may be planning for 2018 affecting our utility system.
 - Have continued discussions about details of a formal IGA with the City of Schofield (M. Thuot) for the Ross Avenue sewer. In principle, we want to agree on a cost share for an initial cleaning and televising to know the baseline condition of the Ross sewer and the interceptor downstream. Schofield owns the sewers so that will be explicitly stated. Routine cleaning should then be the responsibility of the City of Schofield and we would want documentation of this to assure uninterrupted service for our customers. We will also do periodic assessments of the condition relative to industrial discharge and pass costs back to industries that cause issues. In this regard, I have been following up with DNR and others related to the Crystal Finishing extrusion area waste discharge. Wodalski and I met with Mike Schroedel and Jeff Guenther of Crystal Finishing early in November. They understand their responsibility not to cause problems in the sewer system. I am asking for a proposal to clean and assess condition of the Schofield interceptor as an alternate in our sewer condition assessment effort.
 - I am re-thinking the need for a special tariff for the Rothschild Water Utility when water is provided to Weston to serve Foremost. Looks like we will be better off to address things in an updated interconnection agreement with Rothschild.

- Policy and Ordinance Development/Revisions
 - Sewer Utility Ordinance update – Wodalski, Van Swol, and I met with MSA on 11/15 and provided feedback for their ordinance draft. MSA initial recommendation for rate increase is for 15% in 2017 and 3% annually thereafter. Revisions are still in process as of writing this memo. Will have discussion at PIC and BOT on 12/05.
- Wage & Compensation Plan Advancement Guidelines
 - Furnished information regarding pay plan used by Lenexa and Manhattan, Kansas, to Administrator Guild, for incorporation of principles in Village pay plan. Have been advised that Administrator Guild is preparing to present the plan in the near future.
- Technology Integration
 - K. Donner completing RFP for Automated Meter Reading and Advanced Metering Infrastructure (AMR/AMI). Updated estimate for full implementation with meter replacements is approx. \$1.8 M. Costs are included in projected utility expenses for rate case analysis. Anticipate having RFP out for potential providers in mid-December.
- Safety Manual Update and Training
 - CPR and First Aid training to be scheduled after January 1.

3. BUDGET AND FINANCIAL PLAN STATUS.

- Water rate case and draft CIP completed in October. See #2 above.
- Completed 2017 budget proposals for Sewer and Water utilities for Finance for 2017.
- Received initial draft of sewer rate analysis from MSA

4. EMPLOYEE DEVELOPMENT & ENGAGEMENT.

- Continue to emphasize need to collaborate on maintenance needs affecting park and R.O.W. aesthetics in weekly scheduling meetings with Operations Foremen (Behnke, Skrzypchak, Borth), S. Osterbrink and M. Wodalski.

5. PERFORMANCE AND METRICS.

- Meeting weekly with Administrator to discuss priorities.
- Working with Deputy Director Wodalski and staff on Wage and Compensation Plan training and competency matrix with goal of establishing advancement guidelines for Services Division Employees.

6. COMMUNITY FEEDBACK

- Sewer backup on Leyburn was revisited by customer through their insurance company.
- Received claim from motorist’s insurer for damage to vehicle at Alderson and Ross on 10/06.
- Responded further to citizen inquiry about sewer and water service on River Bend Road as discussed in #1 above.

7. IDENTIFIED NEEDS.

- Prepare letter affirming RCA/REU assessment for all properties in assessment district
- R.O.W. maintenance policy addressing limits of Village involvement and responsibilities of property owners.
- Job description and recruitment of utility technician.

8. NEW IDEAS & OPPORTUNITIES.

-

9. MISCELLANOUS COMMENTS / ISSUES.

- Received a nearly final set of plans for review for the Misty Pines Plat. Wodalski and I have reviewed over several rounds.
- DNR has asked all utilities to review their approved sites for lead and copper rule compliance sampling. This involves review of assessor's information re: single family home construction between 1/1/1983 and September 1984 to determine if Village has more sites of highest interest in monitoring for lead levels in water supply. Homes to be researched are those which were not on public water circa 1992/1993 and which have copper plumbing with lead based solder. Wehner asked to conduct data base research.

November 30, 2016

Diversified Infrastructure Services, Inc.
Green Bay Pipe & TV, LLC
Visu-Sewer, Inc.

Re: Request for Proposals for Sewer Condition Assessment
Weston Municipal Utilities

Thank you for submitting a proposal for our project. We have all invested time in this process and I certainly appreciate everyone's efforts.

The Utility has been concurrently evaluating its future rate needs. Realizing that performing condition assessments on the wastewater collection system will be followed up with rehabilitation work it is evident our assumptions on performing the assessments with outside contractors is more ambitious than is economically feasible. However, I am interested in obtaining a modified proposal as compared to the original.

As an alternate we are asking for your pricing to perform the same type of work with contingency items for the following areas:

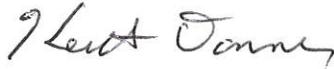
1. Cedar Creek Interceptor sewer
2. Hardee's/Jelinek Interceptor sewer
3. Schofield Interceptor sewer (new)

The Village will reserve the option to perform all the work in any combination of budget years starting in 2017, or a single year in 2017 if advantageous to the Village.

Assessment of other drainage basins in the collection system will be performed on a less ambitious timetable and the Utility will likely solicit proposals on an annual basis for condition assessment and for rehabilitation work.

Thank you for your continued interest in partnering with us to provide reliable sewer service to our customers.

Sincerely,



Keith Donner, P.E.
Director of Public Works



Keith Donner
Director of Public Works
Direct: 715-241-2610
kdonner@westonwi.gov

5500 Schofield Avenue
Weston, WI 54476
715-359-6114
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**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #6

Village of Weston, Wisconsin
Report for the month of November 2016
MONTHLY DEPARTMENT REPORT FROM TAXPAYER RELATIONS COORDINATOR

Monthly Department Briefer #2016-010
Taxpayer Relations Coordinator
Monday, December 5, 2016

1. FOR YOUR IMMEDIATE ATTENTION -- TRUSTEES.

-

2. STRATEGIC PLAN PROJECT STATUS.

- Continuing to reach out to residents encouraging them to sign up for This Week in Weston, Facebook, and NextDoor.

3. BUDGET AND FINANCIAL PLAN STATUS.

- Continuing to work with businesses to advertise in Weston Direct to offset the newsletter costs.

4. EMPLOYEE DEVELOPMENT & ENGAGEMENT.

- Working with the Everest Metro Police and the Planning and Development department on Code violations and compliance, including the Mobile Home parks, lawns, and vehicles and chickens. Some residents have been cited for not complying in a timely manner.
- Continuing to work with Heather on social media notifications.
- Worked with Sherry and staff during the elections being in the group "Central Count" where we counted/entered Absentee ballots
- Working with Michael to have something in place by next spring at the Farmer's Market to prevent the water from standing in certain parts of the market.

5. PERFORMANCE AND METRICS.

-

6. COMMUNITY FEEDBACK

7. IDENTIFIED NEEDS.

- None at this time.

8. NEW IDEAS & OPPORTUNITIES.

-

9. MISCELLANEOUS COMMENTS / ISSUES.

- Finished the Mobile Home inspections with Roman. Worked with Roman and the Mobile Home park managers in going through each park and inspecting each mobile home and the outside conditions, and then writing up a report. It took around 58 hours during 7 days (over 3,000 pictures were also taken). Colonial Garden's had the largest amount of homes at 266, Stillwater had 155, Weston Manor had 76, and Alpine had 37.
- Put together CLPS meeting packet, clerked the meeting and wrote up the minutes.
- Finished the Citizens Guide to Residential Ordinances, and staff is reviewing their sections. This is a document that has what the main ordinances are and how not to violate them.
- Created, put together, and distributed articles for "This Week in Weston".
- Continuing to work with Code Enforcement and Nuisance Issues and closing out violation properties that have come into compliance (particularly lawn mowing, lawn installation, vehicle parking/registration, and general property maintenance)
- Continuing to work with the Finance Department on what needs to go on the property tax role of those who didn't pay their lawn mowing or snow removal fees.
- Put together a list of fines/penalties that are given to residents that "cannot" be put on the tax role if they go unpaid
- Continuing to update and provide information, and feedback regarding Village activities, projects, events, activities/socials, etc. through our social media avenues including the Website, Facebook, and This Week in Weston, NextDoor, and Twitter.
- Working with Heather, staff and Crystal from Sun Printing on the Jan/Feb newsletter edition of The Weston Wire
- Continuing to be a part of and work with the Joint Employee Management Committee in putting together policy for borrowing and/or buying Village property. Also working on a uniform contract.
- Working on updating photos, emails, titles, and phone number on the pages of "Those Who Serve" for the Village's Annual report. Sent emails to committee members again who haven't had the pictures taken, all but one have made arrangement to have them taken or have had them taken.
- Continuing to work on entering nuisance complaints and concerns into EnerGov.
- Attend the C-Team's Bi-Weekly staff meetings.
- Attended the Budget Workshops
- Attended the Athena Awards luncheon where Barb Ermeling and Deb Pagel were finalists.

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #8

Village of Weston, Wisconsin
Report for the month of November 2016
MONTHLY DEPARTMENT REPORT FROM DIRECTOR OF PARKS, RECREATION & FORESTRY

Monthly Department Briefer #2016-11

Shawn Osterbrink, Director of Parks, Recreation & Forestry

Monday, December 5th, 2016

1. FOR YOUR IMMEDIATE ATTENTION - TRUSTEES.

2. STRATEGIC PLAN PROJECT STATUS.

Goal #1

• Develop/Expand Partnerships

- The Village continues to sell the joint season pass with the Rothschild/Schofield Aquatic Center. This was the third year of this partnership. It is hard to determine if this is a successful venture as we are selling quite a few of these passes (we typically sell more than R/S) but our total season passes sold during this time has not increased. Plus, we have experienced some struggles with the sharing of information between the two facilities and balancing the amount of revenue between the facilities has been difficult. Talked to Craig McEwen on 10/19. R/S would like to continue the joint season pass and he gave me the contact name for the individual handling the revenue from their pass sales. I forwarded the necessary information to John Jacobs and Donna Stroik on 10/19 so they can handle reconciling the joint revenue with R/S. Contacted by Sandra from Rothschild the week of 11/7 and 11/21. She would like to reconcile the amount of joint season passes sold between both facilities as they are required to share their revenue with Schofield and they need to complete their payment. Information from Sandra was sent to our finance department to complete this process. On another note we sold our first joint season pass for 2017 the week of 11/7.
- We are also working with Intrax in the hopes to bring in J1 students from overseas to help deal with some of the staffing issues at the Aquatic Center. Unfortunately, we have missed the deadline of August to turn in the paper work, need to complete the paperwork and are currently waiting for a response from Intrax. We heard back from Intrax in early October and they stated that we still had time to submit the paperwork. Brad Mroczenski completed the paperwork and submitted on 10/17. Brad continues to work with Intrax as they send additional information over that needs to be completed. The newsletter has now been out for almost three weeks and we have not heard from anyone that is interested in hosting a J1 student next year. We are hopeful that this will work out otherwise we need to try and find other accommodations or will have to cancel the partnership.

• Completion of Facilities Master Plan

- Progress on this project is moving forward. We recently received the facility assessment for the Aquatic Center and Keith and I had a conference call with Ryan from Aquatic Technology on 10/14. We reviewed some changes that we were requesting to the plan that Ryan will add. He also requested some pictures of the slide defects. We have included three items that we believe should be included in the Capital Improvement Plan for 2017. These are re-surfacing of the slide (\$28,000), replacement of the pool heater (\$24,000) and the replacement of the ice cream machine (\$16,000).

Staff received the updated draft of the facilities master plan for the aquatic center on 11/10. I have reviewed the changes and recommended that we move forward with the planning to repair some of these items. I was contacted by the slide contractor on 11/8. They would like to confirm that we are moving forward with the project next spring. They are getting booked up fast and want to make sure that they can fit us in their schedule. I informed them that we will let them know as soon as possible once funding is approved.

- We also recently met with a contractor to discuss the status of the skate park. After 9 years, the park is beyond completing just the annual maintenance. Some serious repairs will need to be completed. There is significant cracking, broken concrete/joints and other repairs that need to be completed. We will work with the contractor to put together a cost estimate that can be used in the Capital Improvement Plan. A cost estimate was completed to repair all the defects at just under \$13,000. We have included in the operations budget but should probably be placed in the Capital Improvement Budget. We also discussed the addition of more concrete to the park which is estimated at \$29,000 and was mentioned in both the budget document and memo.
- Park master plans for Kellyland and Yellowbanks and currently on hold with Mi-Tech. Daniel has been working with JSD to produce some conceptual designs that have been included in the Comprehensive Outdoor Recreation Plan. Once staff has the time we will proceed working on these plans to complete the master planning process that includes developing estimates for these improvements.

- Capital Improvement Plan

Goal #2

- Staff Training

- Keith and Brad are working on setting up CPR and AED training for the entire staff. It was originally planned for September but it continues to be difficult to schedule the time. The village also needs to purchase and/or borrow some equipment to complete the training. Training will be deferred till availability of staff has increased.
- Brad and I continue to plan for the upcoming season at the Aquatic Center. We have been establishing dates for training of staff.
- The Village is currently working with Bluestem Forestry to draft an Urban Forestry Grant for 2017 to deal with some of these issues along with additional planting to replace what was removed on Schofield Avenue in 2015. Staff submitted an Urban Forestry Grant application on 9/28. We don't expect to hear if we were funded until November or December of this year. The grant included planting of trees particularly Schofield Avenue, tree ordinance update, EAB plan update, public education and updated tree inventory. Staff received notification on 11/15 that the Village has been approved for a \$25,000 grant. Official notification will be sent in early December along with the grant agreement. The Village needs to match this grant with \$25,000 but needs to budget the full amount of \$50,000 as this is a reimbursement grant. They do not provide funds till after the project is complete.

Goal #3

- Develop replacement plan for plants in landscape

- Worked with Land Art landscaping this summer to develop an estimate and replacement plan for the tree and plants on Schofield Avenue. We also incorporated the removal of some planting beds and replacing with grass, adjusting the amount and placement of bollards and planters and various other items. Plans along with the estimate have been completed since July and is in currently being reviewed by staff. Michael included the cost to make the necessary changes to Schofield Avenue in the Capital Improvement Plan. A portion of the Urban Forestry Grant that was submitted will help offset some of the cost for replacement of the trees.

Goal #4

- Improve the application, registration, reservation and payment processes
 - Nate Crowe, Finance Department and Brad Mroczenski have been working on improving these processes. Nate Crowe is currently working on the ability to process credit cards at the Aquatic Center. Nate and Brad have also been investigating new point of sale applications. They have made some progress on improving the pass system. These systems need improvement and we are hoping to include the registration and reservation processes in these efforts. Nate continues to work on this project. He stated on 11/22 that he plans to be ready to move forward with this in 2017.

3. BUDGET AND FINANCIAL PLAN STATUS.

- Budget for Parks and the Aquatic Center along with a memorandum highlighting the major changes were sent to the Finance Department. We also sent the memorandum to Daniel for his review of the major changes in these two budgets. Budget review was completed by staff on 11/7.

4. EMPLOYEE DEVELOPMENT & ENGAGEMENT.

- Attended all bi-weekly c-team, weekly 1 on 1, scheduling, services division, social, board, budget workshops and various other meetings.
- Social Committee met on 11/10 and made plans for several events over the next two months along with beginning to plan for the January 13, 2017 New Year Party. Specific duties were given to several committee members to begin planning for the party.
- Employee Evaluations – Evaluations with Jess Falkowski and Brad Mroczenski were completed on 9/16 and 9/19. Information was sent to Daniel and Sherry on 9/19. Department Directors received their letters informing them of the evaluation process and pay increases were processed for the 10/14 payroll. Staff pay increases were processed with the 10/28 payroll. They have not received their letters as of 11/23.
- Administrator Guild instructed Department Directors on 5/17 to put together several pieces of information for the evaluation process. This includes updated job descriptions, resume, personal worksheet, strengths name and claim sheets, Q12 sheets and complete a personnel file audit before evaluations will be performed. Completed this project on 7/1. Had my evaluation with Administrator Guild and Jenna Bidwell on 7/25. Still need to meet again to discuss goals, expectations and go over the review document.

5. PERFORMANCE AND METRICS.

- Working within the Services Division to develop a competency matrix of the skills, equipment and procedures for the employees under my supervision. This project has been on hold since April due to other items taking priority.
- Services Division also discussed development of weekly work plans, a joint capital improvement plan and joint strategic plan.
- Service Division staff is working with Mark Roffers to include our Comprehensive Outdoor Recreation Plan and Lower Eau Claire River Water Trail Plan in the County CORP. Mark sent us some information on 3/18 which we have reviewed. We discussed at our 3/21 meeting and reviewed the documents. Jennifer Higgins will print and have Daniel sign these letters so they can be sent out with the necessary documents to the surrounding communities and county. Daniel and I have been to several meetings this past month including the City of Wausau, Marathon County, City of Schofield and Town of Weston to present the Lower Eau Claire River Plan. Distribution of these letters are currently on hold.

6. COMMUNITY FEEDBACK

- Request to place benches on the north and south sides of Kennedy Park. Request has been drafted and will be going to the 5/23 Park and Recreation Committee meeting. The board approved the purchase and installation at their 6/20 meeting. Trustee Berger followed up with me on this project the week of 8/15. The benches are currently on site but staff has not had the time to excavate the necessary areas and pour the concrete for the benches. Staff completed the excavation and pouring of the concrete on 10/3 and 10/4. We also completed the topsoil work and seeding around these pads. We are currently waiting for the concrete to cure at least 21 days before anchoring the benches in place. On 10/11 I corresponded with June Baur. She is the individual interested in funding one of the benches as a memorial bench in honor of her husband Leo Baur. He served on the Park and Recreation Committee for several years. I contacted Wausau Tile on 10/13 to secure a memorial plaque for placement on the bench. They provided me with a quote and I gave them the wording for the plaque. We are currently waiting for a proof of the plaque which I will show to June for approval before proceeding with manufacturing the plaque. Looks like the plaque could be a few weeks out once it is approved. Staff picked up the benches from Ryan Street and the plaque from Wausau Tile on 11/4. Staff installed the plaque and the benches on 11/7. The billing and thank you letter for the memorial plaque and bench was sent to June Baur on 11/10. I was contacted by June on 11/14 and she thanked us for the letter and stated that the bench and plaque was perfect. She said that she sent a copy of the letter and a picture of the bench to the entire family and everyone was very appreciative for the kind words in the letter and wonderful memorial to Leo. She also stated that due to dealing with Leo's life estate, payment for the bench and plaque will not be made till January.
- Staff was contacted by Mark Plunkett a resident that lives in Windemere Oaks off Birch Street regarding concerns he has with the number of coyotes in this area. He stated that he sees them almost daily during his morning walk and they don't seem to be affected by humans. He has had them approach within 30 feet of him and has yelled at them and thrown rocks but it does not scare them away. Since this was something that I had not heard of I sent out an e-mail to staff and the chief to see if there had been other calls. Staff stated that Jon Ziegler had raised a concern about it a few weeks ago. Chief Sparks shared some information regarding hunting coyotes and did some research but it does not sound like much can be done. Jennifer Higgins stated that maybe we should put information in the next newsletter. I contacted Mark on 11/23 letting him know the information that we collected and that we will be placing an article in the newsletter regarding coyotes.

7. IDENTIFIED NEEDS.

8. NEW IDEAS & OPPORTUNITIES.

- Working with Services Division and WDNR regarding the possibility of the conversion process on the Weston Warming House to another piece of property. The Weston Warming House has not been used the past three years. Due to federal funds being used to construct this facility the village is responsible to continue maintaining and utilizing this facility in perpetuity for recreation purposes. There are three options available to the village to relieve us of these responsibilities. We can change the use of the facility to something other than a warming house but still recreation based, give the facility to another entity such as the school district and they would take over the responsibilities to maintain and use in perpetuity or to complete the conversion process. The value of the building would be moved to another piece of recreational property (building or land) and would be tied to that facility. Then the new facility would be restricted to the federal requirements. Corresponded with Beth Norquist (WDNR) regarding the forms that need to be submitted for this project. Looks like the form we received back in March was wrong. Beth sent the correct form on 10/12. Staff began to work of the form on 10/27 but has not had the chance to complete the form as of 11/23.
- Received a letter from a resident requesting the installation of a dirt BMX track in the village.
- Request from a scout to perform an Eagle Scout project at the Disc Golf Course. He would like to construct and install a bike rack at this location. No further contact with this individual as of 10/20. Received notification on 11/11 that this scout chose to complete a different project and will not be pursuing anything through the village.
- Received a request on 11/14 from two Girl Scouts that would like to complete a project in the Village toward their Silver Award. They would like to construct a Park Pantry which is similar to a Little Free Library. Instead of taking or leaving books they would stock this pantry with non-perishable food items. You can take food if you need it or add to the container. They plan on working with local food pantries and churches to keep it stocked. Prior to bringing to the Park Committee or Board I have been trying to arrange a meeting with them to discuss. I received a response on 11/22. They would like to defer till late December or early January as they are not ready to move forward at this time.
- Request from Don Mezei to move forward with pursuing special regulations for fishing on the ponds that the village acquired earlier this year. He is requesting that we post suggested rules until we can work with the WDNR to determine if we can set special rules for these ponds. I corresponded with Thomas Meronek the WDNR Fisheries Biologist for Marathon County. He stated that we had three options available for regulations on these ponds. I forwarded this information to Don Mezei. He volunteered to proceed with the project and try to get special regulations on the ponds. I have not received any follow up information as of 11/23.
- Received a request from a resident to place signage at all river accesses to alert river users to respect adjoining properties and property owners along the river. They have experienced people yelling and using vulgar language and people stopping along the shore on their property.
- Received a request from a business owner in the community to expand the baseball diamond at Machmueller Park to include a 50-foot pitching mound and 70-foot base paths. All village fields are currently 46-foot mound and 60-foot base paths. Field would be able to be used at both dimensions to serve the recreation leagues and the travel baseball teams that frequently play on the larger dimension diamonds. Information was placed in the 10/24 Park and Recreation Committee packet and \$3,000.00 was placed in the draft budget.

9. MISCELLANEOUS COMMENTS / ISSUES.

- Tree installation on the Business Park berm resumed on 9/17 and 9/18. The planting of all 78 trees was finished on 10/8. All tree packing and watering has been completed. Greenlawn Irrigation completed the installation of the irrigation system on 10/21 and continued watering the trees through 11/8 when we winterized the tree system for the year. We also made some repairs to the system at that time and winterized the two other tree systems and the canoe/kayak launch. Staff would still like to complete the mulching of these 78 trees but as of 11/23 has not been able to complete.
- The remaining restrooms were winterized on 10/28 and the pool was filled for the season on 11/8.
- Received a call from Transcanada/ANR Pipeline wondering if we planned on moving forward with the removal of the debris/fill that is placed over the pipeline on the Prohaska property. This was discussed earlier in the year but to date have not had the time to proceed with the work. I discussed with Michael and Tony and they had planned to start work on the project after deer hunting this fall. I met with Tony to go over the work plan on site and forwarded our request to Duane at Transcanada. They need to be on site anytime that staff is working in the pipeline easement.

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #14

Village of Weston, Wisconsin
Report for the month of November 2016
MONTHLY DEPARTMENT REPORT FROM DEPUTY DIRECTOR OF PUBLIC WORKS

Monthly Department Briefer #2016-11
Michael Wodalski, Deputy Director of Public Works
Monday, December 5, 2016

1. FOR YOUR IMMEDIATE ATTENTION -- TRUSTEES.

2. STRATEGIC PLAN PROJECT STATUS.

- Strategies for Reduced Energy Consumption.
 - **Mobile Access/Maintenance Management Software:** One way this software was used recently was to keep track of where we picked up yard waste from during the fall. In total we picked up 2,614 piles at approximately 2,014 unique properties (once duplicates are subtracted out). In total there are 3,825 properties that are eligible for yard material pick up, so we had a usage rate of 52.6%. As some of the younger subdivisions continue to age, this number is likely to keep increasing. This data in conjunction with the revised maps helped to create a much more accurate and reliable service for our residents.
- Workload and Labor Needs Analysis in Services Division
 - As part of the yard waste pick up process we changed up several items to help expedite the pick up process and increase reliability. One of the biggest items that we changed is we had one employee (J Yonker) work four 10-hour days with the vacuum truck and then had another employee use the truck on the 5th day. This allowed us to get 48 hours of use out of the truck without having to utilize overtime for the service. In addition to getting more than 40 hours out of the truck, we utilized alternative dump sites to reduce the amount of time vehicles spend driving without actually picking up material.

The alternative spots used were the Aquatic Center Parking lot and the Municipal Center Parking Lot. These provided spots in the western and central parts of the Village. Since this is a combined service with yard materials (mainly leaves) and brush, there tends to be less brush than other material out at the curb side. As such, with the crew broken up by days, as soon as the brush was picked up, the crew picking up the brush would then begin hauling material away from the alternative dump sites so the crews picking up the leaves could keep moving along removing the piles from the curb side. This helped us to stay on schedule, for the most part (we lost a few days the second week and then stayed about 2 days behind until the very end). I commend the crew on being receptive to these adjustments and understanding that the reliable schedule and service makes all of our jobs easier.

- The weather this fall has helped us to continue projects and begin to make up some ground on items that have been deferred over the past few years. Fleet, Parks, Public Works, and Utilities Foremen and Directors continue to meet on a weekly basis to discuss and plan out work. I

wouldn't say we have a perfect system yet, but we're doing a much better job of collaborating and letting each other know what each areas needs are and then jointly figuring out how to best approach those. As I may have said in the past, the "big" projects we're getting good at identifying and planning for, it is now taking that one step further to look at the more routine day to day projects which you may not think of as a task to be shared.

- Infrastructure Master Plans
 - Still working with REI and G&S Investments along with K. Donner to get the finalized sewer and water plans approved for the Misty Pines Subdivision. The last iteration seemed to address our concerns and a final submittal should be coming soon.
 - We discussed the Capital Improvement Project list at the last PIC meeting, but no action was taken on it. In conjunction with that discussion, we are still working internally with the Finance Department to determine what is financially feasible moving forward as well. As it stands already, most if not all of the projects that were identified have been pushed back at least 1 year due to financial constraints in 2017.
- Street Maintenance Plan
 - In the packet for this month there is a review/summary of the 2016 surface maintenance activities. All in all, what was done versus what was planned to be done matches up fairly well. Some projects came in at a higher cost which caused other projects to be shortened up (a good example of this is the bridge deck work on Ross Ave came in over which reduced the amount of concrete repairs that we were able to make on Schofield Ave).
 - During the snowfall right before Thanksgiving it was noted that there were still many water valves and manholes that needed to be lowered or have protective rings put around them so the plows don't end up hitting them. As such, staff has been out taking care of protecting those structures.
- Vehicle and Equipment Fleet Replacement
 - There has not been any new development with the Fleet Plan since last month.
- Policy and Ordinance Development/Revisions
 - Snow and Ice Control: We have our 7th truck now included in the fleet. As such, we are reviewing and revising our plow routes to better serve our citizens. We've had one trial run so far with the 7th route and immediately made adjustments to increase the productivity of the plows on each route. We figure we'll still be making adjustments after the next several snow events until we feel we've reached a point where we're maximizing each routes productivity.
- Wage & Compensation Plan Advancement Guidelines – see item 5.
- Technology Integration
 - As mentioned above with the mobile technology, staff has mobile tablets and better access to maps as well as the ability to record real-time data for work completed. This data allows us to plan work better and create more reliable and accurate schedules.
- Implement/Improve Outreach/Public Education
 - As noted above, working on a street maintenance packet for the website as well as integration with a future newsletter.

3. BUDGET AND FINANCIAL PLAN STATUS.

- Still working through the Capital Improvement Plan with K Donner, J Jacobs and D Guild.

4. EMPLOYEE DEVELOPMENT & ENGAGEMENT.

- We are continuing to get employees opportunities to grow and learn new tasks.

5. PERFORMANCE AND METRICS.

- The month of December will be focused on getting our matrix completed for the wage and comp plan. We'll be breaking down the tasks, knowledge, skills, certifications, etc. that staff needs to perform their roles within the organization and have a clearer picture for them regarding how they can move through the matrix. The hope is to have this done by the end of the year so we can have the plan in place for 2017.

6. COMMUNITY FEEDBACK

- Fall yard material pick up this year seemed to go by fairly flawlessly. The new map seemed to significantly decrease the number of calls received regarding when leaves were going to be picked up. The only hiccup came when we got a little behind schedule, but even then there were very few residents calling in. Also, keeping the brush pick up consistent with leaf pick up seemed to reduce a lot of the confusion as well as there wasn't much of a gap between those two efforts as compared to the past.

7. IDENTIFIED NEEDS.

- In the packet is a report on street maintenance. That focuses mainly on the need to have more money allocated to street maintenance.

8. NEW IDEAS & OPPORTUNITIES.

- Cooperation amongst the traditional departments of Parks, Streets and Utilities continues to improve. We're working on ensuring we're utilizing our manpower in the best ways possible. We're still finding that we're coming up short though in some areas as priorities for one department means manpower isn't available in another area to complete a task that should be done as well.

9. MISCELLANEOUS COMMENTS / ISSUES.

- One somewhat new method we've implemented recently is the use of spraying salt brine before winter storms occur. By doing this, we're able to create a bond breaker with the pavement as well as effectively reduce the freezing point at the surface so when small precipitation events occur over night, we don't need to send staff in to take care of the roads, especially when the daytime temperatures get over freezing.

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #17

Village of Weston, Wisconsin
COMMUNITY LIFE & PUBLIC SAFETY MEETING MINUTES

held on Monday, November 28, 2016 at 6:00 p.m., in the Board Room, at the Municipal Center.
Trustee Schuster Presiding.

A. OPENING OF SESSION - - Meeting called to order by Trustee/Committee Chair Schuster at 6:00 p.m.

1. Request for silencing of cellphones and other electronic devices.
2. Acknowledgment of visitors, by the chair, if any are present. There were 11 visitors.

B. ROLL CALL - - Recording Secretary/Clerk will take attendance and roll call. Roll call indicated five CLPS members were present. Village Staff in attendance: Trustee Loren White, Administrator Daniel Guild, Chief Wally Sparks, Fire Chief Matt Savage, Deputy Fire Chief Josh Finke, Building Inspector Scott Tatro, Property Inspector Roman Maguire, and Bob Wesenick from the Town of Weston

<u>Member</u>	<u>Present</u>
Fiene, Brian	YES
Kienbaum, Robert	YES
Martin, Zach	YES
Schuster, Fred	YES
Zeigler, Jon	YES

C. OPPORTUNITY FOR CITIZENS TO BE HEARD ON MATTERS PERTAINING TO COMMITTEE BUSINESS AND TOPICS WHICH IT HAS OVERSIGHT – There were no comments from the public.

D. ANNOUNCEMENTS – There were no announcements

E. PRESENTATIONS - There were no presentations.

F. REPORTS FROM STAFF

3. **Fire/EMS.** Chief Savage stated they will be getting a new rescue truck and it should be here by this week, in which they will have the board and staff come and look at it.
4. **Police.** Chief Sparks talked about the hiring of three new officers. One to replace the resignation of an Officer and two as approved by the Village Board for 2017. Two of them will be hired as soon as the recruitment process is done and one in July 2017. He also stated they have been running short handed most of the year due to Family Medical leave and Workman’s Comp.
5. **Taxpayer Engagement.** Hodell talked about working with Everest Metro regarding nuisance complaints including vehicles, junk/debris, and noise.

G. NEW BUSINESS.

6. **Approve previous meeting minutes from September 26, 2016.** Motion by Ziegler, second by Kienbaum, to approve the Community Life & Public Safety, September 26, 2016 meeting minutes.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
Fiene, Brian,	YES
Kienbaum, Robert	YES
Martin, Zach	YES
Schuster, Fred	YES
Ziegler, Jon	YES

7. **Recommendation to Create an Opt-Out Ordinance, within Chapter 66, Solid Waste.** Parker explained that per State Statute the Village of Weston is considered a “Responsible Unit” and is required to carry out certain powers and duties including developing and implementing an effective recycling program and to manage solid waste. Incentives are given such as a Recycling Grant, for single family and 2 to 4 unit residences. The Village currently charges each residential unit \$155 which is placed on the property tax bill which includes a garbage cart and a recycling cart. However, in 2014 when the single stream recycling was set up it was found that many 3-4 unit apartments were using “dumpsters” rather than carts but were still getting accessed the special charge.

A resolution was then written to allow these apartment building to have “dumpsters” and be reimbursed 1/3 of the charge they pay to the hauler as long as they met certain criteria. It was also found out that two 4-unit apartment buildings are not only using a different hauler (IROW) rather than the Village’s hauler (Advanced Disposal) they are also “sharing” a dumpster

Village of Weston, Wisconsin
COMMUNITY LIFE & PUBLIC SAFETY MEETING MINUTES

held on Monday, November 28, 2016 at 6:00 p.m., in the Board Room, at the Municipal Center.

Trustee Schuster Presiding.

and they are not recycling properly. Parker had discussion with Attorney Yde who questioned the Village's authority to require all single-family up to four-unit residences to use the Village contracted service, and how it may be viewed as unconstitutional and the Village could be at risk for litigation. Attorney Yde then suggested an opt-out clause be provided in the Village's ordinance giving property owners the choice to utilize a different refuse/recycling hauler. He gave three options (with his recommendation and staff recommendation being #3).

- 1) Determine that mandatory refuse/recycling collections by the Village's contracted carrier for all single-family up to four-unit residences is necessary for the health, safety, welfare, and convenience of the public [keeping our solid waste ordinance as is].
- 2) Continue operating as-is without creating and op-out procedure in the ordinances, but informally allowing property owners to contract on their own.
- 3) Revise the solid waste ordinance to create an opt-out procedure.

Fiene questioned if the Village's recycling grant would be affected if our tonnage number went down due to residents having different haulers and not being able to get accurate numbers, and what are other communities doing? Parker stated that she would think the grant would be affected if tonnage went down but would look into it along with what other communities are doing. Schuster questioned how would the Village get numbers from the other haulers, in which Parker stated they would need to sign a contract stating the recycling/garbage numbers would have to be kept track of and reported.

Motion by Martin, second by Fiene to recommend to the Village Board option #3 to revise the solid waste ordinance to create an opt-out procedure with a review on what other Municipalities in our area are doing.

Yes Vote: 5

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASS

<u>Member</u>	<u>Voting</u>
Fiene, Brian,	YES
Kienbaum, Robert	YES
Martin, Zach	YES
Schuster, Fred	YES
Ziegler, Jon	YES

8. Discussion on Raze Order of residential home at 4803 Mesker Street.

A Raze Order was issued and signed by Building Inspector Scott Tatro and Village Attorney Matt Yde. Bids were sent out to Tito Excavating, River View Construction and Kevin Matzke. Kevin was the only one submitted a bid in which his bid was \$9,200. He will be taking the house down within two weeks. The gas and electrical are in the process of being disconnected along with the water and septic. The cost for everything will be assessed to the owner and put on the tax roll if not paid.

9. Discussion on Mobile Home Park inspections.

Maguire stated that all Mobile Home inspections have been completed. It took around 58 hours during 7 days (over 3,000 pictures were also taken). Colonial Garden's had the largest amount of homes at 266, Stillwater had 155, Weston Manor had 76, and Alpine had 37. The Marathon County Health Department also came through a couple of the parks with Village Staff as part of their Annual Inspections. Management (or owners) also walked along and were able to see first-hand what is needed to be done to be in compliance. Ziegler asked if there had been improvements at these parks (particularly Alpine) in which Maguire stated they have been working hard to get things cleaned up and there have been some big improvements. Fiene inquired about the fence along E. Jelinek at Stillwater and what the status is. Maguire stated that when they redid the roads they ended up going over budget and did not have enough money for the fence this fall, but would be installing it first thing in the spring. Fiene stated he's heard that before and wanted to know what the consequence would be if they didn't get the fence up. Maguire stated their license could be in jeopardy if it wasn't complete or at least a citation would be issued.

10. Social Host Ordinance likely unenforceable following court decision.

Sparks talked about the ruling that is going on in Fond du lac County regarding parents hosting parties and how the county ordinance goes above and beyond the state statutes. He also mentioned that Melissa Dotter from the Drug Free Communities Program in Marathon County is going to be working with Corp Counsel on a revision to the current ordinance to make it more closely conform to the state statutes.

Village of Weston, Wisconsin

COMMUNITY LIFE & PUBLIC SAFETY MEETING MINUTES

held on Monday, November 28, 2016 at 6:00 p.m., in the Board Room, at the Municipal Center.

Trustee Schuster Presiding.

H. REPORT FROM ADMIN ON MATTERS RELATED TO COMMUNITY LIFE, & PUBLIC SAFETY.

Guild stated that the Village Board passed 13 of the 18 funds last week, and the remaining funds will be passed over the next couple of weeks, and that staff is working on tying up projects by year end 2016.

I. COMMITTEE MEMBER REPORTS.

CLPS committee member Brian Fiene put together a document which included 8 questions/concerns he had for the SAFER staff. There was discussion between SAFER staff, Trustee White, and the CLPS Committee regarding committee member Fiene's document (and the eight questions) and what the best way is to address everything. Ziegler suggested Fiene and Chief Savage/Deputy Chief Finke meet separately to go over all the concerns and if they would like another person involved he would be willing to attend the meeting. Schuster asked the CLPS committee if they were in agreement of having Fiene and the Fire Chief and Deputy Fire Chief meet and then bring back to the CLPS Committee what the outcome is. All of the Committee members were in favor of this.

Bob Wesenick from the Town of Weston inquired about the property by County Road J and if there were still talks about this site coming another venue for a Canoe/Kayak launch. Guild stated there has just been conversations at this point nothing specific.

J. ANNOUNCEMENTS. There were no announcements

K. NEXT MEETING DATE: The next meeting is scheduled for Mon, 1/23, @ 6:00 P.M.

L. ADJOURN. Schuster adjourned Community Life and Public Safety Meeting at 7:348p.m.

Fred Schuster, Trustee

Renee Hodell, Recording Secretary

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #25

Village of Weston, Wisconsin
OFFICIAL MEETING MINUTES OF THE PERSONNEL COMMITTEE

Monday, November 21, 2016, at 4:30 p.m.

OPENING OF SESSION.

Meeting called to order by Committee Chair/Trustee Porlier at 4:30 p.m.

ROLL CALL.

Roll call indicated 5 members present.

Member	Present
Porlier, Mark	YES
Berger, Scott	YES
Penza, Don	YES
Hegg, Robin	YES
Pagel, Deb	YES

Village Staff in attendance: Weinkauf, Guild, Donner, Higgins, Hodell and Lenhard. Trustee White was also in attendance.

OPPORTUNITY FOR CITIZENS TO BE HEARD.

Porlier asked if anyone in the audience had any comments. There were none.

AWARDS, RECOGNITIONS, ANNOUNCEMENTS

1. Announcement – 11/21 Annual Budget Hearing for fy2017 budget.
2. Announcement – 12/05 Annual Budget Hearing on Utility budgets.

PRESENTATIONS - - No scheduled presentations.

NEW BUSINESS.

3. **August 15, 2016 Personnel Committee Minutes.**

Motion by Pagel, second by Hegg to approve the August 15, 2016 Personnel Committee Minutes.

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Trustee	Voting
Porlier, Mark	YES
Berger, Scott	YES
Penza, Don	YES
Hegg, Robin	YES
Pagel, Deb	YES

4. **October 17, 2016 Personnel Committee Minutes.**

Penza asked for a correction under roll call. 4 members were present and not 5.

Motion by Berger, second by Penza to approve the October 17, 2016 Personnel Committee Minutes as corrected.

Village of Weston, Wisconsin
OFFICIAL MEETING MINUTES OF THE PERSONNEL COMMITTEE

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Trustee	Voting
Porlier, Mark	YES
Berger, Scott	YES
Penza, Don	YES
Hegg, Robin	YES
Pagel, Deb	YES

5. Ordinance #16-048 relating to Disposition of Public and Personal Property.

Weinkauf explained the proposed ordinance. She indicated Administrator Guild brought this before the Committee at a prior meeting. The Joint Employee Management Committee discussed this item over several months. The Personnel Committee members had no concerns. Weinkauf will take this item to the Board of Trustees for discussion and possible action.

6. Discussion on personnel items in 2017 budget proposal.

Administrator Guild said he is proposing a 1% wage increase for all village employees in 2017. The Carlson Dettman contract has been closed. No additional money was put in the 2017 budget for Lumin Leadership training. Money was put in the budget to increase the wages for the Assistant Planner and the Assistant Building Inspector because of the DOL new overtime rule. It was also reported that 21 states and multiple business groups have filed suit in the Eastern District of Texas seeking a delay in the implementation of the proposed OT rule set for December 1. If the delay is approved the wages will not be changed on December 1. The judge will issue his ruling on November 22nd. Guild reviewed health and dental costs between 2012 and 2016. He also reviewed the proposed personnel expenses for 2017. He reported he is working on a 2017 pay for performance schedule. He also reviewed the current pay matrix. He explained the employee expectations for the pay for performance plan.

REPORTS.

5. Clerk

Weinkauf said she had 15 employees help with the election. All employees and election workers did a great job. The election ran very smooth.

6. Administrator

No additional comments.

REMARKS FROM COMMITTEE MEMBERS.

None.

DISCUSS ITEMS TO BE INCLUDED FOR NEXT AGENDA.

No comments.

ADJOURN UNTIL NEXT REGULAR MEETING DATE OF MON, DECEMBER 19, 2016.

Porlier adjourned the meeting at 4:57 p.m.

Sherry Weinkauf, Village Clerk

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #27

Village of Weston, Wisconsin
OFFICIAL MEETING AGENDA OF THE PROPERTY & INFRASTRUCTURE COMMITTEE
Monday, November 7, 2016, at 4:30 p.m.

A. Opening of Session.

1. Meeting called to order by Chairman Ziegler at 4:34 p.m.
2. Clerk will take attendance and roll call.

Roll call indicated 3 Property & Infrastructure Members present.

<u>Member</u>	<u>Present</u>
Ziegler, Jon	Yes
Hubbard, Tom	No
Jensen, John	Yes
Mumper, Roy	Yes
Ostrowski, Kevin	No

Village staff present were DPW Keith Donner, Michael Wodalski, and Donna Van Swol. Diane Thoun from Clark Dietz. Board member present was Loren White.

3. Request for silencing of cellphones and other electronic devices.
4. Acknowledgment of visitors if any.

B. Comments from the Public on Matters Pertaining to Committee Business. None.

C. Presentation. None

D. Consent Items for Discussion/Action.

5. Approval of previous meeting minutes from 10/03/2016.

****M/S/P Jensen/Mumper: to approve the minutes from the meeting of October 3, 2016 as presented.***

Yes Vote: 3 No Vote: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Member</u>	<u>Present</u>
Ziegler, Jon	Yes
Hubbard, Tom	-
Jensen, John	Yes
Mumper, Roy	Yes
Ostrowski, Kevin	-

6. Water/Sewer permits LCON-10-16-7074 & LCON-10-16-7122.

M/S/P Jensen/Mumper: to approve water/sewer permits LCON-10-16-7074 & LCON-10-16-7122.

Yes Vote: 3 No Vote: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Member</u>	<u>Present</u>
Ziegler, Jon	Yes
Hubbard, Tom	-
Jensen, John	Yes
Mumper, Roy	Yes
Ostrowski, Kevin	-

E. Business Items for consideration, discussion, and action.

- 7. Approve Resolution No. 2016-018 recommending to file for a water rate increase with the Public Service Commission of Wisconsin.** Donner reported on October 12, Jon Cameron, of Ehlers made a presentation to the Village Board members regarding the recommended rate increase for the Water Utility. A link was included with the meeting materials of the presentation made by Ehlers. It included the Water Utility's operating budgets over the last several years. We started out using 2016 as the test year but are now looking at using 2017 as our test year for our rate case evaluation. The PSC will factor in what capital improvements we have planned for the coming year (2017). Even though we have capital improvements planned beyond 2017 the PSC will only allow for projects that we have commitments to spend the money on or have already spent the money before we can earn rates for it. Going into 2017 the major expense we are planning on is to move forward with the automated meter reading project. Our best estimate is \$1.8M for this project to implement village wide. This would require a new meter and transmitter at each customer's location and a fixed based meter reading technology at one or multiple locations. We currently read meters on staggered billing quarters so one-third of the meters are read monthly. It typically takes two employees about one week to read meters each month. Ultimately we eventually plan to go to monthly billing as our utility bills become a little more costly. It will allow customers to budget better and we can provide other payment options.

In 2017 we plan to design well number 7 on Camp Phillips Road. It will also include a well site investigation and water supply need study to justify the construction of well 7. In 2018 and 2019 we are planning for an iron and manganese removal system for Bloedel well. We are projecting a $\pm 15\%$ rate increase for the Water Utility. We have not had a rate increase since 2009 for the Water Utility. In the future we plan to apply for a simplified rate case more frequently so we don't need such a large increase at one time. We are currently in the lower quartile of the PSC water rates in Marathon County. With the anticipated rate increase we will go up one level but we would still be in the lower 50% of water rates countywide.

Mumper questioned what would happen to the meter reading position. Donner explained eliminating the manual part of meter reading would allow us to allocate our labor to other areas.

****M/S/P Mumper/Ziegler: to recommend to the Board of Trustees to approve Resolution No. 2016-018 to file for a water rate increase with the Public Service Commission of Wisconsin.***

Yes Vote: 3 No Vote: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Member</u>	<u>Present</u>
Ziegler, Jon	Yes
Hubbard, Tom	-
Jensen, John	Yes
Mumper, Roy	Yes
Ostrowski, Kevin	-

- 8. Approve Resolution No. 2016-019 to consider refinancing 2006 water utility revenue bonds and issue a revenue bond for the 2017 Automated Meter Reading Project.**

****M/S/P Jensen/Mumper: to recommend to the Board of Trustees to approve Resolution No. 2016-019 to consider refinancing 2006 water utility revenue bonds and issue a revenue bond for the 2017 Automated Meter Reading Project.***

Yes Vote: 3 No Vote: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Member</u>	<u>Present</u>
Ziegler, Jon	Yes
Hubbard, Tom	-
Jensen, John	Yes
Mumper, Roy	Yes
Ostrowski, Kevin	-

9. Approve Resolution No. 2016-020 to proceed with planning for the Well #7 project and apply for a safe drinking water fund loan for the project in 2018.

****M/S/P Ziegler/Mumper: to recommend to the Board of Trustees to approve Resolution No. 2016-020 to proceed with planning for the Well #7 project and apply for a safe drinking water fund load for the project in 2018.***

Yes Vote: 3 No Vote: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Member</u>	<u>Present</u>
Ziegler, Jon	Yes
Hubbard, Tom	-
Jensen, John	Yes
Mumper, Roy	Yes
Ostrowski, Kevin	-

10. Approve Resolution No. 2016-021 to annually evaluate all the revenue requirements of the water utility to maintain minimum cash balances and apply for rate increases as necessary to maintain the benchmark rate of return as allowed by the Public Service Commission of Wisconsin.

****M/S/P Mumper/Jensen: to recommend to the Board of Trustees to approve Resolution No. 2016-021 to annually evaluate all the revenue requirements of the water utility to maintain minimum cash balances and apply for rate increases as necessary to maintain the benchmark rate of return as allowed by the Public Service Commission of Wisconsin.***

Yes Vote: 3 No Vote: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Member</u>	<u>Present</u>
Ziegler, Jon	Yes
Hubbard, Tom	-
Jensen, John	Yes
Mumper, Roy	Yes
Ostrowski, Kevin	-

11. Discussion on Capital Improvement Plan for 2017 thru 2021. Donner reported Wodalski had outlined on a map and listed, by year, areas we plan to have capital improvements over the next five year. We are mindful of getting a second river crossing to serve the area on the north side of the Eau Claire River. Donner pointed out there was a neighborhood (River Bend and Powers

Subdivisions) that we met with in 2003 - 2005 regarding potential future water and sewer service in areas that have private well and septic systems. Residents from this neighborhood perceive that they “voted out” extension of water and sewer at a future date. When these meetings were held with the residents they were told if a project (either a subdivision or a village project) were proposed in the future ultimately their neighborhoods could be impacted. Wodalski briefly summarized the proposed projects for years 2017 – 2021.

12. Discussion on the extension of utility service to currently unserved areas. Donner reviewed areas throughout the village that do not have public water and sewer. These locations are areas just outside the current served area. We routinely get questions asking when properties may get water and sewer service. Included with the meeting materials was a link with a report showing all the areas that were surveyed regarding water and sewer systems. In 2009 the State required all Counties to update all their information related to private septic systems. The process began by simply looking at systems when homes sold. All counties must evaluate all properties and make sure the private septic systems meet current engineering standards.

13. Discussion on facilities improvement plan and space needs analysis. Donner reported at the Village Board and Finance Committee meeting of October 26 he gave a summary of the facilities evaluation studies completed by Kueny Architects for the municipal buildings, safety building, parks buildings, and Water Technologies for the aquatic center. The municipal facility is outdated and needs to be replaced. The study includes relocating the park offices to the municipal center and relocating municipal court to the municipal center. Upgrade the safety building (larger and more secure evidence room, larger armory, shower/locker rooms, HVAC system upgrade, exhaust removal and floor drain in apparatus bay, and relocate the Town offices out of the building). We currently have inadequate shop facilities. The municipal office would be the approximate size of the current footprint of the entire building. The aquatic center evaluation had recommendations for about \pm \$1M in improvements (new filter system, replace gutter system around the pool, ultra violet light disinfection system, replace pool heaters).

F. Reports.

14. Deputy Director, Public Works.

- Currently doing leaf and brush pick up and are about 2 – 3 days behind. We hope to make up some time when going through the second time.
- Last month the East Everest Avenue connection to the Ridgeview Subdivision was completed.
- Draft capital improvement plan was completed.
- In the process of finalizing sewer and water plans for Misty Pines Subdivision.
- Budget process went through the street maintenance plan. We need to have additional revenue to create a sustainable maintenance plan. We need to get about 10 – 12 miles maintained each year.
- Create a skills matrix as we move forward in the pay for performance for objective evaluating.
- Attended APWA conference in Janesville last Thursday and Friday. Gave a presentation on improving communication in public works.

15. Director, Public Works and Utilities.

- Working on a preliminary design for connecting street from Transport Way up to Weston Avenue to control access on Weston Avenue in the future. MiTech completed some preliminary wetland work. Met with Brad Marquardt and Jay Knoke from MiTech to discuss the goals of the project.
- Working with MSA as they are finalizing our sewer ordinance update. We are looking at a rate increase similar in magnitude to the water utility for the sewer utility.
- We have an RFP distributed for a comprehensive assessment for our wastewater collection system over multiple years. This follows Capacity, Management, Operation, and Maintenance

(CMOM) best practice for a wastewater collection system to maintain the integrity of the system.

- We are looking at hiring a new position where someone can devote more time to administrative needs for both water and sewer utility. This person will have some GIS capabilities to work with our databases.
- We had some sewer backups during 2016 that were disallowed. In most occurrences utilities in general are not found to be negligent. We have a quote from Spectrum Insurance for about \$27,000 for no fault sewer backup insurance for these events. (The committee did not appear to be interested in adding this coverage.)
- Donner has been in contact with Rothschild and PSC for a special rate when we need to switch to Rothschild water when Foremost well is down for maintenance.
- Talking with Schofield about an agreement for Ross Avenue sewer and the interdependence we have with them for the northwestern part of our system and the impact Crystal Finishing has and how this all ties in with the ordinance update with MSA.

16. Report from Administrator. None.

G. Communications and Recommendations from Committee Members.

H. Set next meeting date and discuss items for next agenda - Monday, December 5, 2016 @ 4:30 p.m.

I. Adjourn.

Ziegler adjourned the meeting at 5:57 p.m.

Donna Van Swol, Utility Clerk

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #29

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **SHERRY WEINKAUF; VILLAGE CLERK**

ITEM DESCRIPTION: **ORDINANCE #16-048 RELATING TO DISPOSITION OF PUBLIC AND PERSONAL PROPERTY.**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, DECEMBER 5, 2016**

POLICY QUESTION: Should the Board of Trustees to approve Ordinance #16-048 an Ordinance creating Article VI., Sections 2.600 to 2.602 relating to Disposition of Public and Personal Property?

RECOMMENDATION TO: Staff recommendation is to approve Ordinance #16-048 an Ordinance creating Article VI., Sections 2.600 to 2.602 relating to Disposition of Public and Personal Property.

LEGISLATIVE ACTION:

- | | | |
|--|------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Expenditure | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution |

FISCAL IMPACT ANALYSIS:

- Budget Line Item: N/A
- Budget Line Item: _____
- Budgeted Expenditure: _____
- Budgeted Revenue: _____

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: _____
- WI Administrative Code: _____
- Case Law / Legal: _____
- Municipal Code: Chapter 2 - Administration
- Municipal Rules: _____

PRIOR REVIEW: N/A

BACKGROUND:

The Joint Employee Management Committee (JEMC) worked on a policy/ordinance to establish guidelines relating to disposition of Village-owned property. The ordinance addresses surplus property valued under \$100, surplus property valued in excess of \$100 and unsalable property. The JEMC recommendation is to approve the proposed Disposition of Public and Personal Property ordinance. The Personnel Committee also reviewed the ordinance and did not have any concerns.

- Supplemental Briefer for Agenda Items under Consideration?
- Attachments

ORDINANCE NO. 16-048

**AN ORDINANCE CREATING, ARTICLE VI., SECTIONS 2.600 TO 2.602
RELATING TO DISPOSITION OF PUBLIC AND PERSONAL PROEPRTY OF
THE MUNICIPAL CODE FOR THE VILLAGE OF WESTON, MARATHON
COUNTY, WISCONSIN**

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Article VI., Sections 2.600 TO 2.602 Disposition of Public and Personal Property, of the Village of Weston Municipal Code, is hereby created as follows:

Sec. 2.600 Purpose.

The purpose of this chapter is to establish standards and procedures governing the disposition of Village-owned property. This chapter shall be construed and administered in furtherance of the Village's best interests, and to ensure that Village-owned property is disposed of at or near its fair market value to the extent reasonably practicable.

Sec. 2.601 Surplus criteria.

The Joint Employee-Management Committee may make recommendations to the Property & Infrastructure Committee requesting them to declare personal property surplus if at least one of the following criteria is satisfied:

- (a) The Village has or likely soon will have no practical, efficient or appropriate use for the property;
- (b) The purpose originally served by the property or its use no longer exists;
- (c) The property is damaged, deteriorated or otherwise inoperable, and repairing the same would be unwise or impractical.

Sec. 2.602 Disposition of personal property.

Disposition of personal property shall proceed as provided under this section.

- (1) Surplus Property Valued Under one hundred dollars (\$100). The Joint Employee-Management Committee may obtain an appraisal of the property prior to disposition thereof. If any member of the Committee has interest in obtaining the item to be appraised they may not participate in determining the appraised value. With respect to any item of surplus personal property the estimated fair market value of which does not exceed one hundred dollars (\$100), if the Joint Employee-Management Committee finds employee interest in the property they may go through an employee name drawing process, or if there is no employee interest dispose of the item in any commercially reasonable manner.
- (2) Surplus Property Valued in Excess of one hundred dollars (\$100). The Joint Employee-Management Committee will obtain an appraisal of the property prior to disposition

thereof. If any member of the Committee has interest in obtaining the item to be appraised they may not participate in determining the appraised value. With respect to any item of surplus personal property the estimated fair market value of which exceeds one hundred dollars (\$100), the Joint-Employee Management Committee shall notify the Property & Infrastructure Committee of their intent to dispose of the property. The Joint Employee Management Committee will provide the Property & Infrastructure Committee with a description of the property, its estimated fair market value, and the reason for the surplus declaration. The Joint Employee-Management Committee will make a recommendation to send the item through a bidding process, notifying the public, or send the item to auction.

- (3) The Joint Employee-Management Committee will, through a consensus, deem an item unsalable because of obsolescence, wear and tear, or other reason and will make a determination to recycle, dismantle and sell as scrap, or discard.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3: SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated this 5th day of December, 2016

VILLAGE BOARD, VILLAGE OF WESTON

By: _____
Barbara Ermeling, President

ATTEST: _____
Sherry Weinkauff, Clerk

APPROVED:

ADOPTED:

PUBLISHED:

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #30

**VILLAGE OF WESTON, WISCONSIN
OFFICIAL MEETING MINUTES OF THE BOARD OF TRUSTEES**

Monday, November 21, 2016, at 6:00 p.m.

OPENING OF SESSION.

Ermeling called the meeting to order at 6:00 p.m.

ROLL CALL

Roll call indicated 7 Board of Trustee members present.

Trustee	Present
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Mark Porlier	YES (Porlier left the meeting at 7:01 p.m.)

Village Staff in attendance: Guild, Jacobs, Donner, Crowe, Hodell, Stroik, Lenhard, Osterbrink and Yonker. Deputy Chief Finke and Everest Metro Captain Hull were also in attendance. Finance Committee Bender and CDA member Jelmeland were also in attendance.

PLEDGE OF ALLEGIANCE

OPPORTUNITY FOR CITIZENS TO BE HEARD

No citizen comments.

AWARDS, RECOGNITIONS, ANNOUNCEMENTS

1. Announcements.

On Wednesday, December 7th the League of Municipalities will make a presentation on 2017 legislative priorities at the Rasmussen College in Wausau.

PRESENTATIONS - -

2. Open public hearing on the fy2017 budget, fy18 financial plan.

Ermeling opened the hearing at 6:02 pm.

3. Presentation on Administrator's fy2017 budget, fy2018 financial plan.

Administrator Guild reviewed equalized valuations for the Village of Weston. The Village has 18 different funds. The main fund is the General Fund. The Village 2016 net new construction percentage was +0.986%, and the 2017 budget for the General Fund is \$6,896,960. The village will collect 5.3 million in property taxes. Guild also reviewed the general fund expenditures and the computation of the annual Expenditure Restraint Program ("ERP") for 2015-2017 and a budget summary. He also reviewed the aquatic center, parkland dedication, refuse/recycling, room tax, debt service, and capital improvements funds. He talked about some of the financial challenges. There was a short discussion on transportation aids and storm water utility increase. There was also discussion regarding the Talked about Centennial Fund. Ermeling recommends this money get

VILLAGE OF WESTON, WISCONSIN
OFFICIAL MEETING MINUTES OF THE BOARD OF TRUSTEES

turned over to the Town of Weston. There was also discussion on implementing a room tax commission.

4. Close public hearing.

Ermeling closed the hearing at 7:49 p.m.

REPORTS FROM STAFF.

- | | |
|-------------------------|------------------------|
| 5. Crowe, Nathan – | Technology |
| 6. Donner, Keith – | Public Services |
| 7. Higgins, Jennifer – | Planning & Development |
| 8. Hodell, Renee – | Taxpayer Engagement |
| 9. Jacobs, John – | Finance |
| 10. Osterbrink, Shawn | Parks |
| 11. Savage, Matt – | EMS & Fire |
| 12. Schmidt, Greg – | Assessment |
| 13. Sparks, Wally – | Police |
| 14. Tatro, Scott – | Facilities |
| 15. Weinkauff, Sherry – | Clerk |
| 16. Wodalski, Michael | Operations |
| 17. Yde, Matt – | Attorney |

Motion by White, second Ziegler to acknowledge the reports and place on file.

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

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Mark Porlier	-

REPORTS FROM COMMITTEES.

18. Community Development Authority
19. Community Life, & Public Safety
20. Community Marketing Task Force
21. EMPS – Joint Finance Committee
22. EMPS – Police Commission
23. Finance
24. SAFER – Board of Directors
25. SAFER – Fire Commission
26. Parks & Recreation
27. Personnel
28. Plan Commission
29. Property & Infrastructure
30. Zoning Board of Appeals

**VILLAGE OF WESTON, WISCONSIN
OFFICIAL MEETING MINUTES OF THE BOARD OF TRUSTEES**

Motion by Schuster, second Berger to acknowledge all reports/minutes and place on file with Village Clerk.

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

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Mark Porlier	-

CONSENT.

- 31. Approve payment of expenditures – Voucher #44467 – 44729.**
- 32. Adopt Resolution 2016-022 Operating Budget and 2016 Tax Levy.**
- 33. Approve Ordinance No. 16-047: An Ordinance to approve the rezoning of land from SF-L to SF-S, to allow for the reconfiguration of two parcels, where portion of the parcel zoned SF-L is being combined with SF-S zoned 4502 Estate Drive. (REZN-10-16-1615).**
- 34. Approve Resolution #2016-018 to follow the recommendation of the Village’s financial consultant to file for a water rate increase with the public service commission of Wisconsin.**
- 35. Approve Resolution #2016-019 to consider refinancing 2006 water utility revenue bonds and issue a revenue bond for the 2017 automated meter reading project.**
- 36. Approve Resolution #2016-020 to proceed with planning for the well #7 project and apply for a Safe Drinking Water Fund Loan for the project in 2018.**
- 37. Approve Resolution #2016-021 to annually evaluate all the revenue requirements of the water utility to maintain minimum cash balances and apply for rate increases as necessary to maintain the benchmark rate of return allowed by the Public Service Commission of Wisconsin.**
- 38. Approve appointment of Jane Gotzman as new agent for Kwik Trip #140, 7605 Schofield Avenue., Weston.**
- 39. Approve Operator Licenses.**
- 40. Approve October 17, 2016 Board of Trustees Minutes.**
- 41. Approve October 26, 2016 Board of Trustees Minutes.**
- 42. Approve November 9, 2016 Board of Trustees Minutes.**

Motion by White, second Ostrowski to approve Consent items 31 to 42. Q/Jacobs reviewed the total property tax levies for all governmental units. The total combined tax rate increase will be .4904. Guild said this does not include any fee adjustments.

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

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES

**VILLAGE OF WESTON, WISCONSIN
OFFICIAL MEETING MINUTES OF THE BOARD OF TRUSTEES**

Ziegler, Jon	YES
White, Loren	YES
Mark Porlier	-

NEW BUSINESS

43. Deny the Operator License for Barry Pince.

Motion by Schuster, second White to deny the Operator License for Barry Pince.

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

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Mark Porlier	-

REPORT FROM TRUSTEES

No comments.

REPORT FROM PRESIDENT

No comments.

ADJOURN

Motion by Berger, second by Ostrowski to adjourn at 7:57 p.m.

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

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Mark Porlier	-

Sherry Weinkauff, Clerk

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #31

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **MICHAEL WODALSKI; DEPUTY DIRECTOR OF PUBLIC WORKS**

ITEM DESCRIPTION: **REVIEW OF 2016 STREET MAINTENANCE ACTIVITIES**

DATE/MTG: **PROPERTY & INFRASTRUCTURE COMMITTEE; MONDAY, DECEMBER 5, 2016
VILLAGE BOARD OF TRUSTEES; MONDAY, DECEMBER 5, 2016**

POLICY QUESTION: What work was completed in 2016 and how did it fit into the 2016 budget?

RECOMMENDATION TO: Acknowledge 2016 Street Maintenance Activities.

LEGISLATIVE ACTION:

- | | | |
|---|---------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Expenditure | <input type="checkbox"/> Procedure | |
| | <input type="checkbox"/> Proclamation | |
-
-

FISCAL IMPACT ANALYSIS:

- Budget Line Item: **Surface Maintenance Fund**
- Budget Line Item: _____
- Budgeted Expenditure: **\$450,000**
- Budgeted Revenue: _____
-
-

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: _____
- WI Administrative Code: _____
- Case Law / Legal: _____
- Municipal Code: _____
- Municipal Rules: _____
-
-

PRIOR REVIEW: The surface maintenance plan and subsequent projects were approved throughout the summer as projects were awarded.

BACKGROUND:

Every year there is a large lump sum amount in the Public Works Surface Maintenance Budget with a preliminary plan submitted as to how those funds will be spent. The following report is intended to highlight where the funds were spent, what projects were done, which ones were deferred, etc. and give the Committee and Board a year-end review of how that fund was utilized.

Supplemental Briefer for Agenda Items under Consideration?

Attachments

2016 Street Maintenance Summary Report
Map showing where projects are located

**VILLAGE OF WESTON
STAFF REPORT**

REPORT TOPIC:	2016 Street Maintenance Review
REPORT PREPARED BY:	Michael Wodalski, Deputy Director of Public Works
REPORT PREPARED FOR:	Property and Infrastructure Committee/Village Board
REPORT DATE:	Thursday December 1, 2016

Introduction

In the beginning of 2016 a plan was presented to the Property and Infrastructure Committee as well as the Village Board of Trustees at the May 2, 2016 meetings. At this time, the preliminary plan was approved (See attached) as well as several bids were awarded that night for Crack Sealing, Chip Sealing, Asphalt Overlays, and the Ross Ave Bridge Deck Repair. The budgeted line item is a lump sum of \$450,000, however a detailed plan is attached to that line item showing where the planned funds are meant to be spent.

Allocation of Funds and Projects Completed

The table below shows the projects that were completed by maintenance type (crack seal, chip seal, overlay, etc.) as well as the original estimate and the final costs. (The detailed breakdown for each project is attached for further information)

The actual expenses total more than the budgeted amount of \$450,000, however other funds within the Public Works Budget were identified to be lower than budgeted and used to make up the difference. The main source of “revenue” was from the budget for fuel. Fuel costs have fluctuated in recent past and we’ve had some years where costs neared \$90,000 and with that being the case we’ve been budgeting for the worst case scenario which would have been a rise in fuel costs. However, costs stayed fairly flat this year and as a result, we are projecting fuel costs to come in \$30,000 less than expected. Additionally, we received a partial grant for the concrete repairs on Schofield Ave through the Local Road Improvement Project Fund which came in just under \$28,000 and then funds from the centerline pavement marking fund were not fully used so \$9,000 from that line item is projected to be shifted over. All in all, we still exceeded budget by just over \$6,000, but overall, the Public Works Street Operations Budget (Account 53310) will come in right around budget.

Expenses

Project Type	Original Estimate	Actual Cost	(Actual – Original)	Miles Treated
Chip Seal	\$74,723.20	\$64,263.21	(\$10,459.99)	2.49
Micro-Surfacing	\$11,306.25	\$12,345.85	\$1,039.60	0.18
Overlays/Surface Patching	\$161,470.00	\$211,859.82	\$50,389.82	3.16
Crack Sealing	\$65,000.00	\$58,501.87	(\$6,498.13)	18.28
Concrete Repairs	\$125,000.00	\$176,325.85	\$51,325.85	0.24
Total Expenses	\$437,499.45	\$523,296.60	\$85,797.15	

Revenues

Revenue Source	Original Estimate	Actual Cost	(Actual – Original)
Local Road Improvement Grant	\$27,915.79	\$27,915.79	\$0.00
Pavement Marking Fund	\$0.00	\$9,000.00	\$9,000.00
Gasoline Fund	\$0.00	\$30,000.00	\$30,000.00
Total Revenues	\$27,915.79	\$66,915.79	\$39,000.00

At the end of the day, the Total Expenses was \$523,296.60 with extra revenues then of \$66,915.79 which brings us to the net expense of \$456,380.81 which is \$6,380.81 over budget or 1.4% over budget.

Miles Treated

The Village in total has 117.20 centerline miles of roads. In a true proactive maintenance approach, streets should receive a surface treatment approximately every 6 years on the aggressive end or at least every 10 years. If we use the 10-year treatment cycle, that equates to just a little under 12 miles of road needing treatment each year. One caveat is that surface maintenance excludes crack sealing as that is a treatment that should be done every 2-3 years on asphalt streets (asphalt streets account for 110 miles of road).

With that in mind, in 2016 we were able to treat 6.07 miles of street which is **just over half** of what we should be doing on an annual basis. In addition to that we should be crack sealing a little over 30 miles of road each year and we were just over **60%** of that goal with 18.28.

All in all, we're stretching our dollars the best we can, but are falling behind on maintenance activities. This inevitably leads us down the road of having to use more expensive treatments which allows us to treat fewer miles of road with the same amount of dollars.

Looking at the aggressive schedule of treatments every 6 years, we would be treating just over 19 miles of road a year, or roughly 3 times as many miles as we were able to treat this past year. Those miles would breakdown to be:

- 3.7 miles of Overlays
- 3.7 miles of Pulverizations and Repaving
- 0.1 miles of Concrete Repairs
- 4.4 miles of Microsurfacing
- 7.3 miles of Chipseal

Funding Gap

This schedule along with crack sealing roughly 36 miles of street each year would require an additional \$1,076,015 per year on top of the existing \$450,000 for a total of roughly \$1,500,000 each year for street maintenance. In addition to maintaining our roads, a sustainable replacement plan would require that about 2.2 miles of streets be reconstructed each year (the cost for the reconstructs is not included in the above cost projections). At that rate, each street would be replaced approximately once every 50 years, which if properly maintained is feasible.

However, we understand that those funding levels are not realistic at this time, but in that scenario we could develop a reliable pavement replacement and rehabilitation plan that would ensure quality pavement conditions throughout the Village.

The industry standards and the miles to be covered come from a presentation and tool that I picked up/learned about while attending the American Public Works Association Conference this past summer in

Minneapolis. This tool was put together by the Minnesota Local Road Research Board to help county and municipal agencies determine what their funding gaps are based on what the communities current practice is and what the industry standard should be. I've included the table which shows that with reconstructions and maintenance efforts, the Village of Weston is almost \$2.2 Million short each year for street funding. This is a typical finding for communities across the nation and is a big reason why transportation funding is starting to gain some momentum as our current efforts are not enough to keep up with the demand we have.

The Village is lucky to have fairly good roads, but our goal should be to ensure they stay that way. The 2017 plan has an estimated 8.2 miles being treated by focusing on more of the lower cost options and not having a costly bridge deck repair. However, this is still less than half of the miles we should be treating on a yearly basis in an ideal situation.

Table 1: Funding Gap Analysis utilizing the Minnesota Local Road Research Board tool. Note: Future Costs include a 5% inflation factor. The Current Practice Miles/Yr is based on the average miles treated in the Village of Weston between 2011 and 2015.

		Village of Weston								
		Industry	Current	Gap* (Industry vs Current)	Gap* (Industry vs Current)					
Maintenance Standards	Ave. Cost/Mile (per Village)	Miles/Yr	Miles/Yr	Miles/Yr	1 Years	5 Years	10 Years	15 Years	20 Years	
Asphalt	Reconstruct (rural)	\$800,000.00	1.3	0.5	0.9	\$686,080	\$3,791,025	\$8,629,441	\$14,804,621	\$22,685,890
	Reconstruct (urban)	\$1,400,000.00	0.9	0.6	0.3	\$425,320	\$2,350,161	\$5,349,629	\$9,177,795	\$14,063,612
	Combined Overlay Program				0.0	\$0	\$0	\$0	\$0	\$0
	Thin Overlay	\$71,750.00	3.7	0.6	3.0	\$216,900	\$1,198,511	\$2,728,148	\$4,680,396	\$7,172,014
	Mill and overlay	\$0.00		0.0	0.0	\$0	\$0	\$0	\$0	\$0
	Pulverize and overlay	\$163,775.00	3.7	0.2	3.5	\$571,411	\$3,157,406	\$7,187,146	\$12,330,228	\$18,894,249
	Concrete Pavement Repairs	\$280,000.00	0.1	0.1	0.0	\$6,811	\$37,634	\$85,666	\$146,968	\$225,206
	Microslurry/Slurry seal	\$45,760.00	4.4	0.4	4.0	\$183,077	\$1,011,614	\$2,302,718	\$3,950,530	\$6,053,603
	Seal coating	\$26,400.00	7.3	4.8	2.5	\$66,106	\$365,275	\$831,469	\$1,426,464	\$2,185,845
	Crack seal/crack filling	\$1,900.00	36.7	20.0	16.7	\$31,711	\$175,223	\$398,858	\$684,278	\$1,048,554
	Pothole repair	\$0.00	0.0	0.0	0.0	\$0	\$0	\$0	\$0	\$0
Other:	\$0.00	0.0	0.0	0.0	\$0	\$0	\$0	\$0	\$0	
Gravel	Regraveling	\$0.00	0.0	0.0	0.0	\$0	\$0	\$0	\$0	\$0
	Stabilization	\$0.00	0.0	0.0	0.0	\$0	\$0	\$0	\$0	\$0
	Blading	\$0.00	0.0	0.0	0.0	\$0	\$0	\$0	\$0	\$0
TOTAL CR =					\$ 2,187,415	\$ 12,086,850	\$ 27,513,074	\$ 47,201,279	\$ 72,328,972	

* - If the gap is calculated as a negative number, the funding gap defaults to \$0 rather than a negative dollar amount

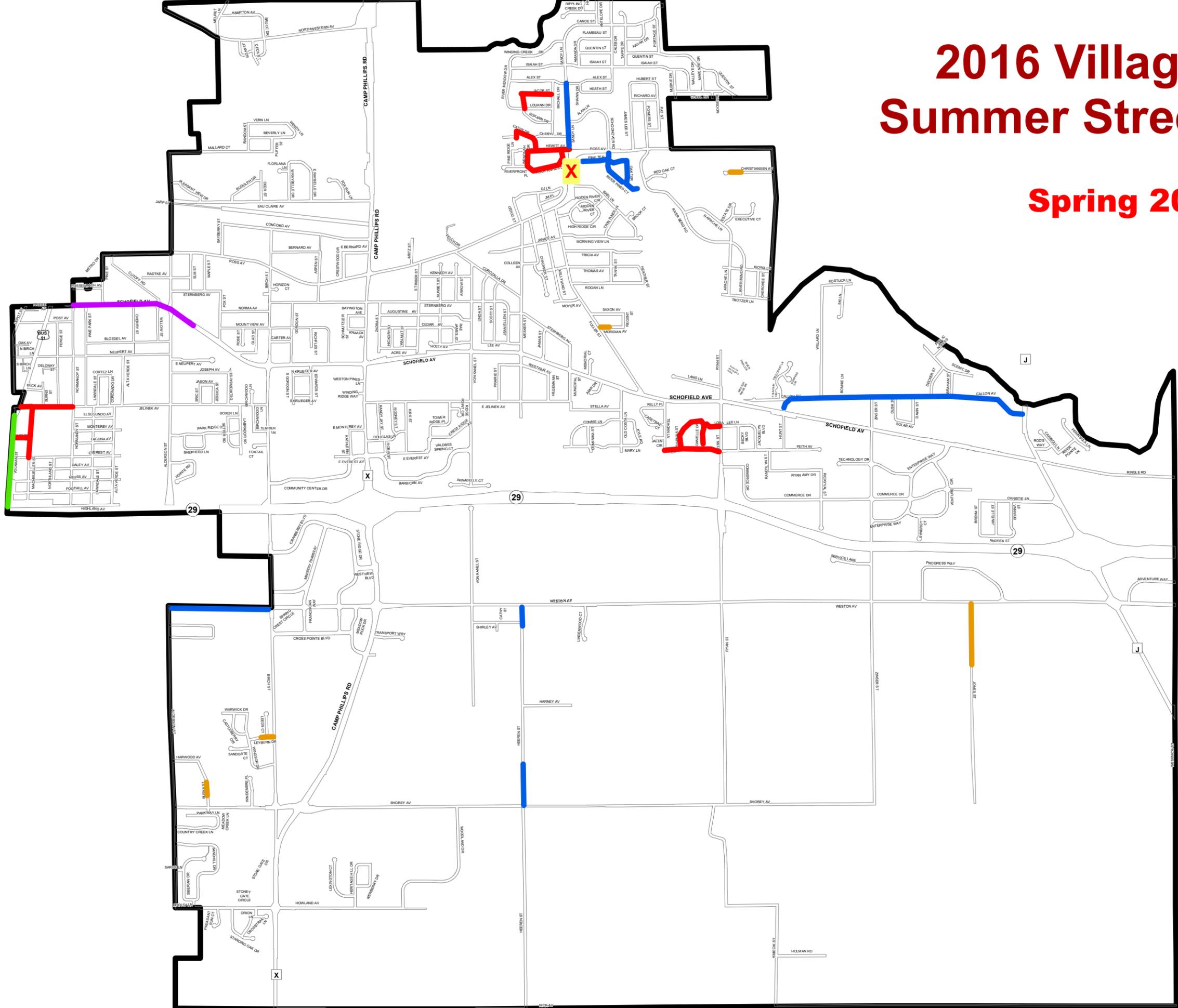
2016 ROAD MAINTENANCE BUDGET

12/2/16

Maintenance Treatment	Paser Rating	Length (miles)	Area (SY)	Estimated Cost	Comments	Actual Cost 11/30/2016
Chipseal (\$1.60/SY w/Polymers)						
Robinwood	7-8	0.72	12,740.00	\$20,384.00	Feith, Shawna, Danielle, Lora Lee Hewitt, Wenonah, Rock Rapids Roxann, Jacob, Cathy	
Rock Rapids	7-8	0.61	10,687.00	\$17,099.20		
Zirbel/Louart	7-8	0.45	7,856.67	\$12,570.67		
Machmueller (Heuss to Jelinek)		0.36	7,261.67	\$11,618.67		
McIntyre		0.09	2,287.78	\$3,660.44		
Jelinek (BUS 51 to Normandy)		0.26	5,868.89	\$9,390.22		
Progress Way/Service Ln/Zinser St.		1.09	20,875.56			
Double Chipseal						
Subtotal		3.58	45,147.78	\$74,723.20	Under Budget by \$11,011.48	\$64,263.21
Reclamite/GSB-88 (Rejuvenators)						
Mount View West Area Neupert Alderson St.					Should start exploring the use of rejuvenators as a way to keep our good roads good. Rejuvenators restore the asphaltic content into pavements to keep them flexible and thus reduces cracking and aging.	
Subtotal		0.00	-	\$0.00		\$0.00
Micro-Surfacing (\$2.70/SY)						
River Park		0.60	40,566.67		DJ Ln, Kellyland, JM Place, LeDuc (may need to be an overlay) Cost Split with Rothschild (\$22,612.50 is total cost)	
Volkman St		0.35	8,375.00	\$ 11,306.25		\$ 12,345.85
Crosse Pointe						Birch, Franciscan, Meadow Rock, Stone Ridge, Crosse Pointe
Subtotal		0.95		\$ 11,306.25		\$ 12,345.85
Overlays (\$60/ton & \$0.40/SY Pulv.) Thin Overlay (\$3.15/SY)						
River Pines		0.68	11,984.00	\$59,920.00	Ultra Thin with some Curb Repairs: Pine Ter, River Pines Ct, Oak Ter	\$40,316.19
Weston Ave (Alderson to Birch)		0.50	7,040.00	\$22,000.00		\$30,061.67
Heeren St				\$7,500.00	Value added warranty work from Shorey to Weston Ave	\$17,615.60
Sandy Ln (Hewitt to Alex)		0.33	5,717		This road has broken up over the last two springs/winters. ~1000 tons of asphalt	
Sandy Ln (Hewitt to Alan)			2,967			
Ultra Thin (Sandy Ln - Alan to Alex)			2,167			
Ultra Thin (Sandy Ln - Hewitt to Alex)			5,717	\$33,300.00		
Barbican Community Center Dr.						It would be an either or situation
Subtotal		1.51		\$122,720.00		\$110,511.33
Rebuilds (\$60/ton - Use force account labor)						
Jones St.		0.32			Gravel Rd - Significant frost heave in spring 2016 caused impassable conditions, need to remove clay material and place sand and new base. Possibly Breaker Run in worst spots. Material is already on hand at Ryan St. and is funded through the Ryan St. Budget	
Subtotal		0.00		\$0.00		
Cracksealing						
Major Streets				\$65,000.00	All streets to be chipsealed, micro surfaced and overlaid, check streets that have not yet received a treatment	\$58,501.87
Subtotal		0.00		\$65,000.00		\$ 58,501.87
Patching						
Propane				\$750.00	Cold patch material	\$ 153.70
Chipseal Prep & Pothole Patching				\$3,000.00		
Surface patching				\$35,000.00		Overlays and some full section repairs (Callon Ave, Everest Ave, etc.)
Subtotal				\$38,750.00		\$101,348.49
Concrete Repair						
Ross Ave Bridge @ EC River				\$35,000.00	Epoxy Deck and Fix Spalls	\$ 95,776.00
Full and Partial Depth				\$80,000.00	Schofield Ave, Westfield Blvd, Birch St	\$ 71,209.41
Sidewalk				\$5,000.00		\$ 9,340.44
Curb Repair				\$5,000.00	Schofield Ave, Birch St., Alderson St.	\$ -
Subtotal				\$125,000.00		\$ 176,325.85
Brush Chipping				\$0.00	Moved to Recycling Fund	
Material Processing (\$3.00/ton)				\$0.00	Hard Materials Handling Fund (53316) in 2016	
Granite (For Shouldering) (\$3.75/Ton)				\$0.00	Shouldering Fund (53310-237) in 2016	\$ -
Miscellaneous						
Seeding/restoration				\$0.00	Costs should come out of respective funds: Landscaping (365), Operations Supplies (390), Equipment Rental (299)	
Tools/Parts				\$0.00		
Equipment Rental				\$0.00		
Yard Waste Site Maintenance				\$0.00		
Subtotal				\$0.00		\$ -
TOTAL				\$437,499.45		\$523,296.60
Plus						
LRIP Funds				\$27,915.79		\$27,915.79
Pavement Marking Fund Transfer						\$9,000.00
Gasoline Fund Balance						\$30,000.00
NET TOTAL				\$409,583.66		\$456,380.81
Contingency				\$40,416.34	Leyburn: \$11,100, Buska \$6,750, Christiansen \$5,000, Meridian \$10,000	(\$6,380.81)

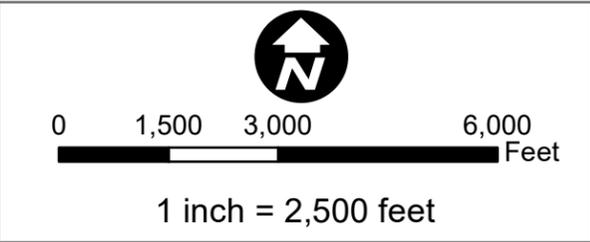
2016 Village of Weston Summer Street Maintenance

Spring 2016 Plan



Legend

- Chipseal
- Micro Surface
- Overlay
- Concrete Repairs (EB Lanes)
- Rebuilds
- Bridge Deck Repair



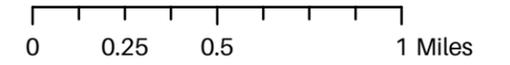


Actual 2016



Map Date: November 29, 2016

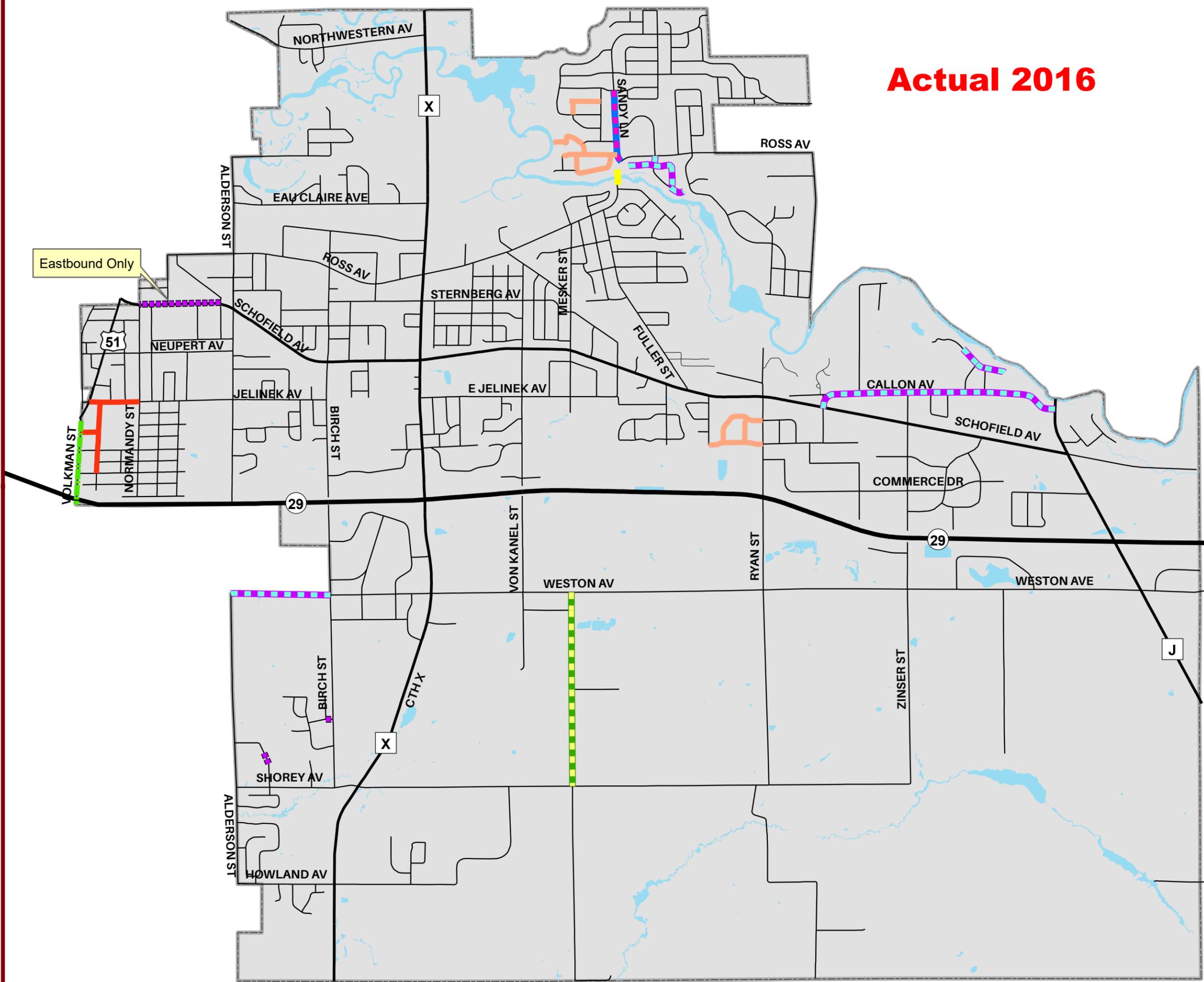
Map created by Technology Services Department



Legend

MaintenanceType

- 1/4" Chipseal
- 3/8" Chipseal
- Microsurface
- Overlay - Warranty Work (Northbound Only)
- Overlay WITH Fiber Reinforcement
- Overlay Without Fiber Reinforcement
- Bridge Deck Repair
- Street Repair



Eastbound Only

51

29

29

X

J

2016 Road Maintenance Crack Sealing

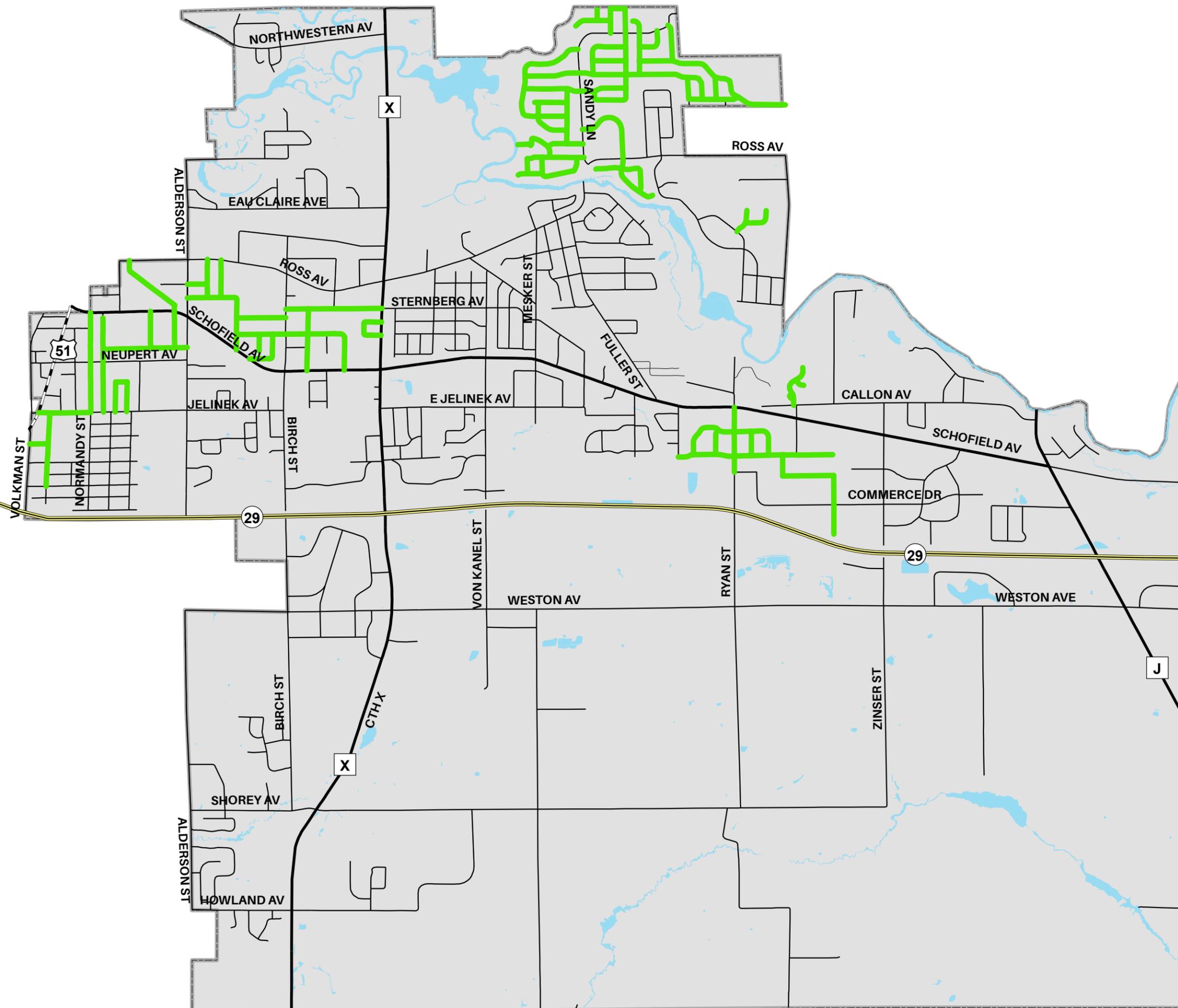


Map Date: November 29, 2016

Map created by Technology
Services Department



0 0.2 0.4 0.8 Miles



Legend

 Crack Seal

**Village of Weston
BOARD OF TRUSTEES
Monday, December 5**

Agenda Item #32

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **VALERIE PARKER, PLANNING TECHNICIAN**

ITEM DESCRIPTION: **POTENTIAL CREATION OF AN OPT-OUT ORDINANCE, WITHIN CHAPTER 66, SOLID WASTE**

DATE/MTG: **BOARD OF TRUSTEES; MONDAY, DECEMBER 5, 2016**

POLICY QUESTION: What should the policy be on collecting refuse and recycling for single-family up to four-unit residences in the Village of Weston?

RECOMMENDATION TO: (I make a motion to. . .) approve Option One to determine that mandatory refuse/recycling collection by the Village’s contracted carrier for all single and two-four unit residential properties is necessary for the health, safety, and convenience of the public.

LEGISLATIVE ACTION:

- | | | |
|--|------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Expenditure | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution |
-
-

FISCAL IMPACT ANALYSIS:

- Budget Line Item: _____
 - Budget Line Item: _____
 - Budgeted Expenditure: _____
 - Budgeted Revenue: _____
-
-

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: _____
 - WI Administrative Code: _____
 - Case Law / Legal: _____
 - Municipal Code: _____
 - Municipal Rules: _____
-
-

PRIOR REVIEW: **CLPS – November 28, 2016**

BACKGROUND:

As you may be aware, this topic was brought to the CLPS Meeting, where the outcome was their making a recommendation to the Board of Trustees to recommend staff work with Attorney Yde on the creation of an opt-out ordinance (procedure), within the Chapter 66 Solid Waste Ordinance. This would apply primarily to Section 66.111. “Responsibilities of Residential Unit Owners and Occupants” (which covers single-family residences up to four-unit residences, who are covered under our service contract).

A request that came up at the CLPS meeting was for me to contact our neighboring communities to find out how they charge their residents for services and if their residents are required to use the contracted service provided. I had sent an information request to Wausau, Kronenwetter, Rib Mountain, Rothschild, Schofield, and City of Mosinee. As of writing

this, I have received responses back from Schofield, Wausau, and Kronenwetter. Kronenwetter is similar to Weston, where they place a special charge on the tax roll, and currently require all single-family up to three-unit residences to use their provided services (they consider four units and over to be multi-family). Wausau and Schofield charge for refuse/recycling services through the general tax levy, and require all residents to use their services.

Again, this topic originally came up earlier this year with the dispute by Wally Legenza and Joan Eckes, who each own a 4-unit apartment, where the apartment share the parking lot and refuse/recycling services, about removing the special charge for refuse/recycling services on their tax bills. They are disputing that charge, as they are not using the Village's contracted hauler. Village staff then contacted Attorney Yde on how to react, as in our opinion, these two property owners should be using the Village's contracted service, and should be paying the special charge.

During a meeting with Attorney Yde, he questioned the Village's ability to force properties to use our service, and/or to force properties to pay the special service fee if they wish to hire a contractor of their own. Within this packet, Attorney Yde has provided some case law study along with his legal opinion.

To summarize, from his attached letters of opinion, Attorney Yde has provided the Village with three options to consider:

Option One: Village to determine that mandatory refuse/recycling collection by the Village's contracted carrier for all single and two-four unit residential properties is necessary for the health, safety, welfare and convenience of the public. If the Village Board exercises its police powers and makes refuse/recycling collection by the Village's contracted carrier mandatory, a resident may challenge the ordinance as an unreasonable use of the Village's police powers. The issue for the court to determine is whether the ordinance is rationally related to the protection of the public from disease. In addition, if our ordinance precludes a resident from opting out, a competitor of the Village's contracted carrier may challenge the ordinance as a violation of the Commerce Clause of the United States Constitution. Forcing private citizens to use government services is generally impermissible due to the discrimination against interstate commerce.

Option Two: Do nothing. Continue operating "as-is" without creating an opt-out system, but informally allowing residents who refuse to be a part of the services to contract on their own. It is doubtful that citizens will find a less expensive option. The Village can regulate those who refuse the service by enforcing the ordinance if the unit owner fails to comply with our ordinances that require the timely removal and proper disposal of solid waste and recyclable materials.

Option Three: Create an opt-out procedure as part of the Village's Solid Waste Ordinance. The opt-out procedure should ensure that refuse will be removed from the property at least once per week and recyclables every other week. The ordinance should require the unit owner to provide a signed contract with a licensed hauler to verify that all Village refuse and recycling ordinances are being followed. The opt-out option should not be available to any residential unit owner who has violated any refuse or recycling ordinance in the previous 12 months.

Attorney Yde's recommendation is to create an opt-out ordinance. Initially, I had suggested a similar recommendation; however, as I have had some time to contemplate the options, and more so since the November 28th CLPS meeting, **my recommendation would be to go with Option One.**

However, if you go with Attorney Yde's recommendation, I have come up with some conditions (and concerns) that need to be considered when making your final recommendation.

Conditions to consider if allowing the opt-out ordinance:

*Haulers would be required to supply carts for both refuse and recycling – if residents are given the ability (by their hauler) to set bags of trash out at the curb, and neighbors (who may not be aware of the opt-out ordinance) may think that is okay and start placing bags of their own trash out.

*Carts would have to be uniquely marked, or different collection day – Advanced Disposal's drivers simply travel down the residential roadway to empty the residential carts. It would be too much to put on Advanced Disposal to be aware of who is in our contract and who is out. Either the hauler would have to place some type of unique marking on the cart so Advanced Disposal's driver knows not to empty it, or we would have to require private haulers to collect on off pick-up days. Though, it may confuse neighbors who do use our service where they may think the date changed and start putting their cart out on the wrong collection day.

*The Village needs to be able to track the individual tonnages of all recyclables collected by our residents. This might require the homeowner to go back to source separating all of their recyclables, and weighing them prior to their private hauler collecting their recycling. This could cause residents to not recycle as much, as this could be looked at as a hassle to the homeowner.

*Homeowners would have to realize that they would still be paying a portion (1/3) of a special charge on their tax bill. What they would still be paying covers their share in utilizing the spring/fall yard waste pick-up, ability to use the yard waste drop-off site, and their ability to take advantage of the spring bulk-item drop-off.

*There would have to be an “enrollment” period, to allow our Finance Department to factor in the properties not included (if enough people opt out, a potential outcome would be the special charge on everyone else’s tax bill may go up).

*The property owner would have to furnish the Village a copy of their signed contract with their hauler, proving they will have both (weekly) refuse and (bi-weekly or weekly) recycling services provided by their hauler. This contract should also note what type and size of containers are being used, days collection would occur, and method of recycling (source separated, co-mingled, single-stream). This would have to include some agreement that either the property owner or contracted hauler would report to the Village bi-annually (March 1st and September 1st) their recycling tonnages, by material type. We also need reassurance from the private hauler any reported materials collected are only from Weston properties.

*If, once a property owner opts out of our service, it is found they are in violation of our Solid Waste Ordinance (example: storing trash, or not recycling), they lose their right to opt out.

*If the opt-out option is provided, many owners of 3-4 unit apartments may request reimbursement of past taxes paid, as they have potentially been paying for two services.

Also, if the Board of Trustees takes action to approve the creation of the opt-out ordinance, I do foresee significant additional daily staff time needed in:

*Enforcement and inspections of refuse/recycling containers for those who have opted out, to make sure they are following through.

*Administration and documentation of those who have opted out. For example, I would need to keep good records of individual properties who have opted out, and when they do, work with Advanced Disposal to have their carts removed from those properties, and then making sure the private hauler delivers their carts for the property owner to use.

*Taking in more phone calls from neighboring residents who are confused as to why their neighbors refuse/recycling are handled differently. Or calls from those on private contracts about their private hauler not collecting as they should.

Once again the request to the Trustees is for you to take action on one of the following options:

- 1) Determine that mandatory refuse/recycling collection by the Village’s contracted carrier for all single-family up to four-unit residences is necessary for the health, safety, welfare, and convenience of the public.
- 2) Continue operating as-is without creating an opt-out procedure in our ordinances, but informally allowing property owners to contract on their own.
- 3) Revise the solid waste ordinance to create an opt-out procedure.

Supplemental Briefer for Agenda Items under Consideration?

Attachments?

**Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review**

REQUEST FROM: **VALERIE PARKER, PLANNING TECHNICIAN**

ITEM DESCRIPTION: **CREATION OF AN OPT-OUT ORDINANCE, WITHIN CHAPTER 66, SOLID WASTE**

DATE/MTG: **COMMUNITY LIFE AND PUBLIC SAFETY; MONDAY, NOVEMBER 28, 2016**

POLICY QUESTION: Should the CLPS consider, and forward on to the Board of Trustees, the Planning Technician's recommendation to create an opt-out ordinance within Chapter 66, Solid Waste

RECOMMENDATION TO: (I make a motion to. . .) approve the recommendation from Planning Technician to create an opt-out ordinance, within Chapter 66, Solid Waste.

LEGISLATIVE ACTION:

- | | | |
|---|------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Acknowledge/Approve | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Expenditure | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution |
-
-

FISCAL IMPACT ANALYSIS:

- Budget Line Item: _____
- Budget Line Item: _____
- Budgeted Expenditure: _____
- Budgeted Revenue: _____
-
-

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: _____
- WI Administrative Code: _____
- Case Law / Legal: _____
- Municipal Code: _____
- Municipal Rules: _____
-
-

PRIOR REVIEW: N/A

BACKGROUND:

Under Wis. Stat. 287.09, Municipal County Duties and Powers, the Village of Weston, is considered a "Responsible Unit" or "RU". Under this designation, we are required to carry out certain powers and duties. One main duty is to develop and implement a recycling or other program to manage the solid waste generated within its region in compliance with s. 287.07 (1m) to (4) and the priorities under s. 287.05 (12). One of the main powers given is to adopt an ordinance to enforce the program established under sub. (2) (a).

An incentive for Responsible Units to carry out their duties and powers is the annual Recycling Grant. In order to be eligible for the recycling grant, the RU must meet criteria as specified in Chapter NR 544, which determines if an RU has an effective recycling program.

One of the required components of an effective recycling program (NR 544.04(4)) is to have *a system for single family and 2 to 4 unit residences which meets the provisions of s. NR 544.05 for processing and marketing of the recyclable materials specified in s. 287.07 (3) and (4), Stats., which have been separated for recycling or recovered from solid waste in as pure a form as is technically feasible.*

The way I have always interpreted the Statutes is that all single-family up to 4-unit residences had to accept our refuse and recycling services, and with our contracted hauler. Which we charge those property owners for refuse and recycling services on their property tax bill. The current rate is \$155.00 per residential unit. A three-unit apartment would be charged \$465.00, and a four-unit apartment would be charged \$620.00.

In 2014, with the set-up and delivery of the single stream recycling carts it was found that many 3-4 unit apartments were utilizing dumpsters, rather than the provided carts. These property owners were still paying the special charge on their tax bill for refuse/recycling services. Shortly after the single-stream recycling service began, I started taking in phone calls from these property owners requesting to receive some kind of reimbursement, as by their using dumpsters, they are also paying a fee to the hauler, Advanced Disposal. From discussions held back then, I was under the impression that the fee these apartment owners were paying, for their dumpster service, was not a full service fee (what 5+ apartment owners pay for dumpster service). With this knowledge a policy statement was written and approved, in the form of a Resolution (VW-14-01), on February 17, 2014, by the Board of Trustees which allows 3-4 unit apartments to utilize dumpsters versus carts and if these properties met certain criteria (a current contract, enclosure around dumpsters, etc.), they would be eligible for a partial reimbursement of the annual refuse/recycling special charge. This reimbursement would amount to 1/3 of the charge they pay, as part of what is charged on their property tax bill covers the costs for yard waste service, spring bulk-item drop-off service, and other administrative services provided.

There are two 4-unit apartment building owners who do not use Weston's services. These are W&D Enterprises, LLC (Wally Legenza), 6211 Labrador Road, and Strey's Sunnyhill Acres, Inc. (Joan Eckes), 6207 Labrador Road. These two properties have shared access from Labrador Road, and have shared refuse and recycling services. It has been documented that there is not enough recycling containers for their tenants to use, and on multiple occasions I have seen and taken photos of there being recycling material within the refuse dumpster. Eckes and Legenza have hired IROW to collect their refuse and recycling, as they said they were not happy with the services received by Advanced Disposal. They are disputing the requirement to pay for refuse/recycling services to the Village through their property tax bills. They are also disputing the requirement to utilize Advanced Disposal as their refuse/recycling hauler.

This then led me to a discussion with Attorney Yde, he questioned the Village's authority to require all single-family up to four-unit residences to use the Village's contracted service. He felt this requirement could be viewed as unconstitutional, and that we could face litigation by enforcing this. Again, I was under the impression, the way the State Statutes read, that the Village was under a State Law requirement to require these properties to use our services, and if we did not, that we would be jeopardizing our recycling grant.

After then consulting with Meleesa Johnson, Director of Marathon County Solid Waste, I had requested another meeting with Attorney Yde to further clarify his opinion. During this meeting with Attorney Yde, he explained to me again, that unless the Village can show proof that it is necessary for the health, safety, welfare, and convenience of the public, that our requiring properties to use our service could lead us into litigation.

SUMMARY:

The Village of Weston is required under the Wisconsin State Statutes 287, to have an ordinance in place to manage solid waste and recycling. However, per Attorney Yde's review, the Village does not have the authority to require single-family up to four-unit residences to use and pay for our services, if they elect to contract with a different provider. If the Village feels that it is necessary for the health, safety, welfare, and convenience of the public (related to the protection of the public from disease), the Village could make a formal motion to require single-family up to four-unit residences to use and pay for our services; however, would be at risk of litigation with property owners and/or other private haulers.

Per Attorney Yde's review, an opt-out clause should be provided within the solid waste ordinance, giving property owners the choice to utilize a different refuse/recycling hauler, as in most cases, it will be found that property owners will have a difficult time contracting with their own hauler at a less expensive option. For those who do decide to go on their own, we should revise our solid waste ordinance to include language that requires these property owners to provide a signed

contract with their licensed hauler, and requirements of the hauler to confirm Village refuse and recycling requirements are being followed. There would also be language added that any property owners who fail to comply with our solid waste ordinance are then not permitted to opt out.

In Attorney Yde's 09/01/16 letter, he offers three suggestions: 1) Determine that mandatory refuse/recycling collection by the Village's contracted carrier for all single-family up to four-unit residences is necessary for the health, safety, welfare, and convenience of the public [keeping our solid waste ordinance as is]. 2) Continue operating as-is without creating an opt-out procedure in our ordinances, but informally allowing property owners to contract on their own. 3) Revise the solid waste ordinance to create an opt-out procedure. His recommendation is to choose option 3.

POTENTIAL OUTCOMES

Revising the Solid Waste Ordinance to create an "opt-out" procedure could bring on some unintended repercussions.

During our budget planning season, primarily in October, the annual per unit refuse/recycling service fee is calculated for the upcoming personal property tax roll. This amount partially consists of number of residential units, compared to the actual costs the Village will pay to Advanced Disposal Services for the upcoming year. Other amounts are also factored in, which include administration costs to run the overall refuse/recycling program, estimates of what the spring bulk-item drop off costs may be, yard waste collection costs, etc. If enough property owners chose to opt-out during the year, it could have a negative effect on our budget, as I feel we would be required to reimburse those property owners the refuse/recycling services costs they had paid on their tax bill, and could cause a shortfall on we pay for those services. A possible solution for this would be to have an opt-out period of time, such as applying in early September or October, with a January 1st start date.

A requirement on our being eligible to receive the recycling grant is that we are required to report all recyclable tonnages collected from all single-family up to four-unit residences. I am concerned that if people opt-out, and have services from a different hauler, that our recycling tonnages being reported will be greatly understated. Somehow, a requirement would have to be placed that the property owner is responsible for reporting their recycling tonnages, or that their hauler needs to somehow be able to share those individual recyclable material weights for each Weston single-family up to four-unit residence that they serve.

If the Village does recommend the ordinance revision to allow properties to opt-out, we will need to work with Eckes and Legenza (previously mentioned), and submit a refund of special charges placed on their tax roll for the past few years, and possibly along with refunding the penalties they have incurred due to their property taxes being delinquent.

STAFF RECOMMENDATION

Though, as Attorney Yde has explained to me, Option 1 is doable. However, the Board would have to make a strong case on why requiring this is necessary to protect the public, and be prepared to handle litigation issues from some property owners who do not want to use our contracted service, but a service on their own.

I personally am not in favor of Option 2, as I feel to our residents, it could create a sense of dishonesty on the Village.

With this, I would recommend the Village pursue Option 3, and work with Attorney Yde to revise the solid waste ordinance to include language giving single-family up to four-unit residences the option to opt-out of our service, allowing them to sign a contract for service with their own licensed hauler. This option should also include a specific time period when properties can apply to opt-out. This option should also include requirements of a proof of contract with their hauler, and the hauler's agreement to submit recycling tonnages, broken down by material, and a statement that the tonnages are only from Weston properties, and include all Weston properties served.

Supplemental Briefer for Agenda Items under Consideration?

Attachments?

September 1, 2016

VIA E-MAIL ONLY

Daniel Guild, Jennifer Higgins, Valerie Parker
Village of Weston
5500 Schofield Ave.
Weston, WI 54476

Re: Refuse/recycling ordinance

Greetings:

This letter will confirm our discussions on August 24, 2016 regarding how to address the two property owners who refuse to use the Village's contracted carrier and have withheld from payment of their real estate taxes that amount that was placed on the tax roll as a special charge for refuse and recycling collection.

THE DISPUTE

The Village was contacted by Wally Lagenza and Joan Eckes about removing the refuse/recycling special charge on their tax bills because they do not use this service. They claim that they are not satisfied with the services provided by the Village's contracted carrier and have chosen to hire IROW to remove refuse/recyclables from their two, four-unit apartments. Per Village ordinance Sec. 66.111 (b), a "service fee shall be placed on the tax roll, as a special charge, per dwelling unit."

I previously provided a legal opinion letter dated May 25, 2016 addressing this issue. I have attached a copy of this May 25, 2016 letter. In the prior letter, I concluded the following:

1. The Village has the authority to require mandatory garbage collection service if the Village Board determines that it is necessary for the health, safety, welfare and convenience of the public.
2. If the Village Board determines that mandatory garbage collection service is necessary, the ordinance may be challenged as an unreasonable use of the Village's police powers.
3. The Village cannot use the special charge statute to collect a garbage collection fee if the taxpayer does not use the special service.
4. If the Village Board decides that residential units can opt out of refuse/recycling services provided by the Village's contracted collector, the Village should include in its ordinance requirements that will ensure compliance, such as a signed contract between the residential unit and a licensed hauler, a verification process

by the licensed hauler of compliance with Village ordinances, and forfeiture of this privilege to those who violate garbage removal or recycling ordinances.

DISCUSSION/RECOMMENDATIONS

The Village must provide a system for collection of recyclable materials for single family and two-four unit residences. The Wisconsin Administrative Code also grants the Village the authority to conduct inspections to ensure compliance. There is no statutory or Code requirement that Village citizens must use the Village's contracted carrier. However, the Village Board may exercise its police powers to force owners of residential units to accept its refuse/recycling services. The Village Board should not exercise its police powers without articulating why doing so is necessary to protect the public.

Option one is for the Village to determine that mandatory refuse/recycling collection by the Village's contracted carrier for all single and two-four unit residential properties is necessary for the health, safety, welfare and convenience of the public. If the Village Board exercises its police powers and makes refuse/recycling collection by the Village's contracted carrier mandatory, a resident may challenge the ordinance as an unreasonable use of the Village's police powers. The issue for the court to determine is whether the ordinance is rationally related to the protection of the public from disease. In addition, if our ordinance precludes a resident from opting out, a competitor of the Village's contracted carrier may challenge the ordinance as a violation of the Commerce Clause of the United States Constitution. Forcing private citizens to use government services is generally impermissible due to the discrimination against interstate commerce.

Option two is to do nothing. Continue operating "as-is" without creating an opt-out system, but informally allowing residents who refuse to be a part of the services to contract on their own. It is doubtful that citizens will find a less expensive option. The Village can regulate those who refuse the service by enforcing the ordinance if the unit owner fails to comply with our ordinances that require the timely removal and proper disposal of solid waste and recyclable materials.

Option three is to create an opt-out procedure as part of the Village's Solid Waste Ordinance. The opt-out procedure should ensure that refuse will be removed from the property at least once per week and recyclables every other week. The ordinance should require the unit owner to provide a signed contract with a licensed hauler. The ordinance should impose requirements on the licensed hauler to verify that all Village refuse and recycling ordinances are being followed. The opt-out option should not be available to any residential unit owner who has violated any refuse or recycling ordinance in the previous 12 months.

My recommendation is to create an opt-out ordinance. The vast majority of residents will use the Village contracted carrier because it is more convenient and cheaper. Unless the Village Board can articulate why the exercise of such power is necessary, I have concerns that forced refuse/recycling collection by the Village's contracted carrier will be viewed as an unreasonable use of the Village's police powers.

Refuse/Recycling
September 1, 2016
Page 3 of 3

Please call me if you have any questions, comments or concerns.

Very Truly,

Matthew E. Yde
Strasser & Yde, S.C.

MEY:mrr
Enclosures

May 25, 2016

VIA E-MAIL ONLY

Daniel Guild, Jennifer Higgins, John Jacobs, Valerie Parker

Re: Refuse/Recycling Issues for two 4-Unit Apartments owned by Wally Legenza and Joan Eckes

Dear Daniel, Jennifer, John, and Valerie:

It is my understanding that you have been contacted by Wally Legenza and Joan Eckes about removing the refuse/recycling special charges on their tax bills because they do not use this service. Instead they claim they have hired IROW to remove refuse/recyclables from their two 4-unit apartments. It is further my understanding that the Village places a refuse/recycling special charge on the tax bill of each residential unit within the Village, which includes each single family, two family, three family and four family residential dwelling.

You asked me to provide a legal opinion addressing the following issues:

1. Can the Village force owners of residential units to accept our refuse/recycling services?
2. Is the Village required to reimburse a special charge if the property does not receive the specific service?
3. If the Village decides to allow residential units to opt-out of the refuse/recycling services provided by the Village, what safeguards should be put into place to ensure that the Village's Ordinances with respect to garbage removal and recycling are satisfied?

VILLAGE'S GARBAGE PICKUP AUTHORITY

Wis. Stat. § 61.34(1) is the Village's general grant of power, which states in pertinent part as follows:

Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters, public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

In addition to the general grant of power pursuant to Wis. Stat. § 61.34, Wis. Stat. § 66.0405 addresses the Villages authority to remove garbage as follows:

Removal of rubbish. Cities, villages and towns may remove ashes, garbage, and rubbish from such classes of places in the city, village or town as the board or council directs. The removal may be from all of the places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

Finally, the Special Charge Statute, Wis. Stat. § 66.0627(2), permits the governing body of a village, to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. Wis. Stat. § 66.0627(1)(c) defines “service” to include “garbage and refuse disposal” and “recycling”.

In *Rubin v. City of Wauwatosa*, 112 Wis. 2d 305, 342 N.W. 2d 451 (1983), the plaintiffs brought an action challenging the validity of the City of Wauwatosa’s refuse collection ordinance. In preparing its 1982 budget, Wauwatosa decided to charge for the collection of refuse from properties defined as “commercial.” Wauwatosa intended to collect refuse from residential properties without charge, but in an effort to further reduce costs, the residential properties were required under the new ordinance to transport refuse containers to curbside for pickup.

Plaintiffs argued that Wauwatosa was not authorized to create a single city wide commercial collection district defined by the type of property. Moreover, plaintiffs argued that Wauwatosa does not have the power to charge some properties by one method of payment and others by a different method. The Wisconsin Court of Appeals disagreed.

The court of appeals determined that Wis. Stat. § 66.049(renumbered to 66.0405) authorizes a city to collect refuse from such classes of property that its legislative body decides. It also allows a city to create districts and to remove refuse from certain districts only. The court noted that the last sentence of the statute authorizes three methods of payment for the service: (1) a special assessment may be made against the property service; (2) a general tax may be levied against the property in any created district; or (3) a general tax may be levied on all of the property of the city. In addition, the court noted that Wis. Stat. § 66.60(16)(a)(renumbered 66.0627) provides a fourth method to defray the cost, which involves imposing a special charge for all or part of the service on the properties served.

In addressing the equal protection argument, the court noted that there was a strong presumption that a classificatory scheme established either by statute or by ordinance is valid. Although the

collection of refuse is one of numerous governmental functions, its existence does not give rise to a vested right to its continuation or the creation of a “fundamental right.” The appropriate standard for review of a classificatory scheme is whether there is a rational basis for the classification. The challenged classification must rationally relate to a legitimate state interest. The basic test is not whether some inequality results from the classification, but whether there exists any reasonable basis to justify the classification. After reviewing the information relied upon by the city council to create this distinction, the court concluded that there are valid distinctions in the methods, procedures and costs for refuse collection of property defined as commercial. The reasons for the two classifications were the distinctions made manifest by the surveys and reports submitted to the city council and the conclusions drawn from them by the city manager. As a result, the court found that Wauwatosa’s ordinance did not violate the equal protection provisions of the 14th Amendment and the Wisconsin Constitution.

The League of Wisconsin Municipalities issued a legal opinion on April 19, 1990 that addresses a municipality’s authority to charge for garbage collection. The City of Ladysmith requested the legal opinion. The first question was whether Wis. Stat. § 66.049(renumbered 66.0405) authorizes the city to recover the cost of collecting garbage by general tax upon all property in the city. This question was answered in the affirmative since Wis. Stat. § 66.049(renumbered 66.0405) specifically states that the cost of garbage removal may be funded “by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village, or town.”

The second issue addressed in the legal opinion is whether the Special Charge Statute, Wis. Stat. § 66.60(16)(renumbered 66.0627) authorizes (1) a basic garbage collection fee that is identical for all properties and is added to water and sanitary sewer service utility bills; (2) selling of three sizes of stickers which must be attached to various sized containers of trash for them to be collected; or (3) charging a surcharge based upon size of dumpster and frequency of collection for dumpster users unable to use the sticker system. The League attorney’s opinion was that the basic service fee for garbage collection and the surcharge on dumpsters were authorized by Wis. Stat. § 66.60(16)(renumbered 66.0627). However, the sale of stickers was not the type of charge for current services contemplated by Wis. Stat. § 66.60(16). It was the League attorney’s opinion that the sale of stickers to recover the costs of garbage collection may be authorized by the city’s general powers pursuant to Wis. Stat. § 62.11(5).

The League’s attorney raised concern over the city’s practice of charging all property owners the basic garbage collection fee. Wis. Stat. § 66.60(16)(renumbered 66.0627) does not authorize a city to charge a property owner for garbage collection services when his or her property is not provided such services. The Special Charges Statute only authorizes municipalities to levy special charges for garbage collection against property which has been provided the service. In the opinion of the League’s attorney, if the city does not collect waste from a particular property then that property owner cannot be charged for that service under Wis. Stat. § 66.60(16). When property is vacant and no waste is generated or collected, the owner should have an opportunity to challenge the validity of the special charges levied against his or her property.

The final question addressed by the legal opinion was whether the city’s ordinance, which

prohibits persons from hauling their own garbage outside the city for disposal and charges all property owners the basic garbage service fee no matter whether or not they place garbage for collection, is valid. In the League attorney's opinion, Wis. Stat. § 66.049(renumbered 66.0405) does not authorize a city to adopt an ordinance prohibiting persons from disposing their own garbage or requiring property owners to pay a garbage service fee if they do not use the service. The legal opinion notes that Wis. Stat. § 62.11(5) might authorize a city to adopt such an ordinance. However, the League's attorney questioned whether prohibiting persons from disposing their own garbage outside the city constitutes a reasonable police power regulation. He was also concerned that imposing a garbage collection fee upon property owners not accumulating garbage and not using the service may violate the owners' due process rights and may be arbitrary and unreasonable.

Wis. Stat. § 66.049(renumbered 66.0405) does not authorize a city to charge a basic garbage collection service fee as a method of recovering the cost of providing garbage collection services. Such a method of recovering garbage collection costs is authorized by Wis. Stat. § 66.60(16)(renumbered 66.0627). However, since Wis. Stat. § 66.60(16) authorizes a city to levy charges against property owners for garbage collection services only when those services have actually been provided, the Special Charge Statute cannot be used to authorize a basic garbage collection service fee for those properties that do not receive the service.

Authority for adopting an ordinance prohibiting persons from disposing their own garbage and requiring property owners to pay a garbage collection fee, even if they do not make use of the service, might be found in Wis. Stat. § 62.11(5). However, even if such an ordinance may be adopted pursuant to a city's general police powers, it must be reasonable in order to be valid. The test for reasonableness is whether the ordinance is rationally related to the public health, safety or general welfare. *See State ex rel. Grand Bazaar Liquors, Inc. v. City of Milwaukee*, 105 Wis. 2d 203, 313 N.W. 2d 805, 810 (1982).

The League attorney found no Wisconsin case law relevant to these issues. However, in *City of Portsmouth v. McGraw*, 21 Ohio St. 3d 117, 488 N.W. 2d 472 (Ohio 1986), the Supreme Court of Ohio upheld an ordinance which levied a garbage collection fee upon every family or individual maintaining living quarters in the city in which garbage was created and required such residents to use the city's garbage collection service. The court concluded that the statutory scheme was "really and substantially related to protection of the public from disease and, therefore, to the public health and welfare." 488 N.W. 2d at 475. In its reasoning, the court stated that "without the ability to require every resident of the city upon whose premises garbage or refuse accumulates to conform to a uniform regulation, the city would be unable to tackle all the health problems which would result from a helter-skelter approach of allowing each citizen to individually strew his garbage throughout the city as he sees fit." *id.*

The Ohio court was careful to distinguish Portsmouth's ordinance from a regulation which imposed a garbage collection fee upon those not accumulating garbage, and thus not requiring the service. The court noted that such an ordinance may violate the owners' due process rights and may be arbitrary and unreasonable.

CAN THE VILLAGE FORCE OWNERS OF RESIDENTIAL UNITS TO ACCEPT THE VILLAGE'S REFUSE/RECYCLING SERVICES?

Yes, if the Village determines that mandatory garbage collection service is “really and substantially related to protection of the public from disease and therefore, to the public health and welfare.” The ordinance should state that the garbage collection fee applies to every property that creates garbage. The Village’s authority to do so is based on the Village’s general grant of power pursuant to Wis. Stat. § 61.34(1). The ordinance might be challenged as an unreasonable use of the Village’s police powers. The issue for the court to determine is whether the ordinance is rationally related to the public health, safety or general welfare.

IF THE VILLAGE USES THE SPECIAL CHARGES STATUTE TO COLLECT A GARBAGE COLLECTION FEE, IS THE VILLAGE REQUIRED TO REIMBURSE THE FEE IF THE TAXPAYER DOES NOT RECEIVE THE SPECIAL SERVICE?

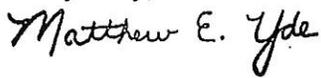
Yes, the Special Charge Statute, Wis. Stat. § 66.0627(2), permits the governing body of a village to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the properties served. Wis. Stat. § 66.0627(2) authorizes a village to levy charges against property owners for garbage collection services only when those services have actually been provided.

IF RESIDENTIAL UNITS CAN OPT-OUT, WHAT SAFEGUARDS SHOULD BE PUT IN PLACE TO ENSURE VILLAGE ORDINANCE COMPLIANCE?

If the Village exercises its police powers to force owners of residential units to accept its refuse/recycling services and then provides an opt-out provision, the Village would have more coverage to create safeguards to ensure ordinance compliance. If the Village continues to use the Special Charge Statute, the Village has no leverage because Wis. Stat. § 66.0627 authorizes a village to levy charges against property owners for garbage collection services only when those services have actually been provided.

A good first step for any opt-out program is to require a signed contract with a licensed hauler. The Village would need to develop a verification process for those properties as well. The option to opt-out should not be available to property owners who violate garbage removal or recycling ordinances.

Please call me if you have any questions, comments or concerns.

Very truly,

Matthew E. Yde
Strasser & Yde, S.C.

Village of Weston
BOARD OF TRUSTEES
Monday, December 5

Agenda Item #36

JANUARY

Mon, 01/02 Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 01/09 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 01/16 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 01/23 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

Mon, 01/30

FEBRUARY

Mon, 02/06 Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 02/13 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 02/20 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 02/27 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

MARCH

Mon, 03/06 Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 03/13 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 03/20 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 03/27 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

APRIL

Mon, 04/03 Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Tue, 04/04 Election Day

Mon, 04/10 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 04/17 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 04/24 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

MAY

Mon, 05/01 Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 05/08 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 05/15 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 05/22 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

MEMORIAL DAY

Mon, 05/29

JUNE

Mon, 06/05 Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 06/12 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 06/19 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 06/26 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

JULY

Mon, 07/03 Independence Day Holiday Weekend

Mon, 07/10 Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 07/17 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 07/24 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 07/31 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

AUGUST

Mon, 08/07 Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 08/14 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 08/21 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 08/28 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

SEPTEMBER

Mon, 09/04 Labor Day

Mon, 09/11 Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 09/18 Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 09/25 Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

OCTOBER

Mon, 10/02

Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 10/09

Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 10/16

Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 10/23

Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

Mon, 10/30

NOVEMBER

Mon, 11/06

Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 11/13

Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 11/20

Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 11/27

Parks and Rec @ 4:30 p.m.
Community Life Public Safety @ 6:00 p.m.

DECEMBER

Mon, 12/04

Personnel Committee @ 4:30 p.m.
Finance Committee @ 6:00 p.m.

Mon, 12/11

Property and Infrastructure Committee @ 4:30 p.m.
Plan Commission @ 6:00 p.m.

Mon, 12/18

Committee of the Whole @ 4:30 p.m.
Board of Trustees @ 6:00 p.m.

Mon, 12/25

Christmas