

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

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Monday, June 15, 2020, at 6:00 p.m.

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

Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Sparks, Wally	YES
Xiong, Yee	YES
White, Loren	YES
Ziegler, Jon	YES

**PUBLIC COMMENTS**

No comments.

**HEARING**

4. **Open hearing and hear comments**
  - **Request from Cody Jay to have exemption from residency restrictions under Sec. 54.115 - Regulation of Sexual Offenders**

Sparks opened the hearing at 6:01 p.m. Cody Jay, 4904 Schofield Ave., Weston, said he has been living at his current address since last August. He has no other criminal record. Xiong asked Mr. Jay if he was convicted before or after residing at the current location. Mr. Jay said he moved into the location after his conviction. Police Chief Schulz gave his report of the incident. He said it is a severe charge. The age gap between the victim and Mr. Jay is significant. His recommendation is to deny the exemption request being that it is too close to a park and it just happened last year. It's not worth the risk. Maloney asked Mr. Jay who he was living with. Mr. Jay said two male individuals. Sparks asked if he was on probation. Mr. Jay said yes. He said he is not a monster. He was going through a rough time with family and friends. It was the biggest mistake in his life. He accepts full responsibility for what happened. He is also going through counseling. He removed all the negative influences in his life. Xiong asked him if he had family members in the area. He said yes, Mosinee and Marshfield. Mr. Jay also said he no longer drinks alcohol. Fiene asked if he had a car. Mr. Jay said yes. Fiene also asked about employment. Mr. Jay said he works Monday to Friday during the day. Ermeling asked what he will do if this is not approved. Mr. Jay said he would have to find a different place to live.

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5. **Close Hearing**  
Sparks closed the hearing at 6:11 p.m.

6. **Action on request from Cody Jay**

*Motion by Maloney second by white to deny the exemption request from Cody Jay.*

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

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

**MINUTES FROM PREVIOUS MEETINGS.**

7. **6/1/2020 Board of Trustees**

*Motion by Fiene second by Xiong to approve the minutes.*

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

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

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

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

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- 18. Tourism
- 19. Zoning Board of Appeals

*Motion by White second by Xiong to acknowledge item #15 and 16.*

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

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

**REPORTS FROM DEPARTMENTS**

**20. Administrator**

Donner

- **Re-opening access to the Municipal Center**

Donner reported the ticket booth was installed in the vestibule. The intercom still needs to be installed. His desire is not to have any staff stationed by the ticket booth. The intercom will be used to contact staff. This will also improve security, as well as work efficiency.

- **Routes to Recovery/Cares Subgrant Program**

Donner said staff will attend a meeting this coming Wednesday. Hopefully, staff will have more clarification on these programs. He recently spoke with the D.C. Everest Superintendent on several things. Xiong asked Donner about communication with individuals who can't speak English. Donner said staff could use some assistance with that. Xiong will help with whatever he can.

**21. Clerks**

Weinkauff said both the August and November elections will be held at Dale's Weston Lanes.

**22. Finance**

No comments.

**23. Fire/EMS**

Deputy Chief Finke reported the 2019 audit has been completed.

**24. Parks & Recreation**

- **Aquatic Center Opening**

Osterbrink referred to a "What to expect when attending the Weston Aquatic Center document. Individuals making reservations will have to acknowledge the document. Staff is hoping to open June 29<sup>th</sup>. The YMCA is still in the process of securing staff. Staff training is scheduled for June 26<sup>th</sup> – 28<sup>th</sup>.

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- 25. **Plan/Dev**  
Higgins said there will be a public hearing held on July 20<sup>th</sup> for a comp plan amendment
- 26. **Police**  
No comments.
- 27. **Public Works**  
Wodalski said the tree cutting started today for the Weston School project. The Village received more money than what was expected for some surplus items. There was a short discussion on astro turf.
- 28. **Technology**  
No comments.

**WORK PRODUCT TRANSMITTALS**

- 29. **May Budget Status Report**

*Motion by Fiene second by Maloney to acknowledge the May Budget Status Report.*

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

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

**CONSENT AGENDA**

- 30. Requests to pull items out of consent consideration
- 31. Vouchers – 52578-52645
- 32. Class A Beer and Liquor, Class B Beer and Liquor, Class B Beer and Reserve Liquor, Class B Beer and Class C Wine Licenses for the 2020/2021 term (business listing attached).
- 33. Kennel License for Playful Paws for the 2020/2021 term
- 34. Hotel/Motel Licenses for the 2020/2021 term (listing attached).
- 35. Cigarette Licenses for the 2020/2021 term (listing attached).
- 36. Mobile Home licenses for the 2020/2021 term (listing attached).
- 37. Acknowledge Plan Commission Recommendation – Resolution 2020-PC-001: A Resolution Recommending Adoption of Components of The Comprehensive Plan of the Village of Weston, Marathon County, Wisconsin; Consisting of Amendments to Chapter 3: Land Use, Specifically Map 3-1 Future Land Use, of Volume 2: Vision and Directions.
- 38. Acknowledge Public Hearing for Comprehensive Plan Amendments to be scheduled on July 20, 2020 at 6pm.

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**39. Action on consent agenda items**

*Motion by White second by Fiene to approve consent items 31 to 36, contingent on receiving license fees before issuing licenses.*

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

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

*Motion by Fiene second by Ermeling to acknowledge items 37 and 38.*

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

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

**ORDINANCES**

No comments.

**RESOLUTIONS**

**40. Resolution No. 2020-008: A Resolution to Approve Final Plat for Markovich Properties Condominium Second Addendum.**

*Motion by Maloney second by Fiene to approve Resolution No. 2020-008.*

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

<b>Trustee</b>	<b>Voting</b>
Sparks, Wally	YES
White, Loren	YES
Ermeling, Barb	YES
Ziegler, Jon	YES

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Maloney, Mark	YES
Xiong, Yee	YES
Fiene, Nate	YES

**NEW BUSINESS**

**41. Change Order #2 for Harlyn Ave Lift Station**

Wodalski said this is for additional concrete around the lift station.

***Motion by Maloney second by Xiong to approve Change Order #2 for Harlyn Ave Lift Station.***

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

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

**42. Change Order #2 for Margaret St Utility Project**

Wodalski said the change order increase is for \$39,160. This is for an 8" watermain tie in and 10" watermain quantity discrepancy correction.

***Motion by White second by Maloney to approve Change Order #2 for the Margaret St Utility Project.***

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

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

**43. Kort St Easement Termination**

***Motion by Maloney second by Ziegler to approve terminating the easement through the former Volkman St. right-of-way between Kort St. and Business 51.***

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

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

**44. Ryan St Utility Extension Engineering Design Contract**

*Motion by White second by Maloney to award the Ryan St Utility River Crossing Engineering Design Contract to Clark Dietz in the amount of \$61,380.*

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

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

**45. Discussion and possible action designating village legal counsel or village attorney.**

Sparks said he requested this item to be put on the agenda. He would like the Board to consider using Dietrich Vanderwaal Law Group for attorney services. He said there are a number of reasons, and the first is the level of experience they have. There is increased efficiency by having a law firm that serves a number of municipalities. Dietrich Vanderwall also serves a number of fire departments. There are a lot of specific things related to the Fire Department that may come into play as we address how we are going to move forward with SAFER. Having an issue of that magnitude would be best served if the Village had a law firm with a lot of experience and background. There is a combined 65 years of municipal law experience at Dietrich Vanderwall. He would like to have a law firm that could help mend relationships with neighboring communities. We would be better served with this much experience versus having an attorney do a lot of research for the Village. He said Dietrich Vanderwall will usually have answers off the top of their head. He said the DOR lawsuit is a good example where they represented multiple municipalities. He said this is not to disparage the Village's current attorney and really feels the level of experience is what the Village needs at this time. White said the Village has always used the Request for Proposals (RFP)

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process in the past for attorney services. By not using that process it would be contrary to past practice Maloney agrees with Sparks that the Village should use Dietrich Vanderwall. They deal with municipal issues daily. They can be quick to respond and are very knowledgeable. Sparks said this will save the Village significant money in the long run.

***Motion by Maloney second by Ziegler to approve switching the Village's legal counsel to Dietrich Vanderwall Law Firm and allow the current attorney to finish the projects he is working on.*** Q/Xiong asked if there is a waiting period before the Village could switch services. Sparks said it is up to the Board. He said the Village could use multiple attorneys. There is nothing that says the Village has to use just one attorney to represent the Board. There is no contract in place for the Attorney. Q/Fiene would like to hear from both Attorney Yde and Attorney Turonie. Ermeling said we had issues, in the past, using Dietrich Vanderwall related to open record requests. She feels it was not handled well. Yde said he feels like he was ambushed. This is the first time he is hearing the issues. Apparently, there were discussions regarding this, but no one ever talked to him. This is the first time he is hearing any of this and he wasn't even invited to the meeting. He does take issue with what is being said because it is not true. Dietrich Vanderwall does more than just municipal law. If the Village is going to change, they should do it the right way. They should give everybody an opportunity to be heard. This is not a power opportunity for two or three people to do things the way they want to do them. This is becoming too much of a one man show or two man show. He would appreciate it if these two men would come face to face with him and talk. Turonie said he asked Dean Dietrich about the open records issue. The response was that he was holding back on those as much as he could to try and space out the Village being on the news. He also said his own experience includes real estate law because a lot of the time municipalities engage with real estate transactions. He also said the Village's current sex offender ordinance has a lot of problems. He has worked on those previously for more than one community. He also worked with the Towns Association for 8 years. He handles various municipal issues. He also said he has worked with many of the staff members to include SAFER, Village of Weston and Town of Weston. Fiene asked Yde how many municipalities he currently works with. Yde said just two. He also said the Administrator handles a lot of things that an attorney would handle. Weston is not like others. Very rarely does the Village ask him to attend a meeting. Fiene asked Yde how long he has worked for the Village. He said maybe 8 years. Xiong said he does not doubt any credibility of the attorneys. He is a big supporter of RFP's. If the Board is not happy with the service of Attorney Yde, then the Board should move forward with the RFP process and that gives Attorney Yde another chance to respond to any concerns. Fiene agrees with Xiong. Turonie said the Board just told a young man to move today. This has to be done right. You must be very careful with telling someone what they have to do to with themselves. Maloney asked if the sex offender agenda item caught his attention. He said no he is not normally at the meetings. Maloney asked if

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he reviewed the agendas. He said no and that he was not asked to. This meeting to him looks like a planned event without him knowing the Attorney issue was on the agenda. Maloney called for the question. White objects. White said if an RFP is sent out then all these attributes and abilities will show up in the RFP response. Maloney called for the question. Sparks said this is not a set up or a power play. He does not appreciate some of the comments made. Sparks feels changing is in the best interest of the Village. Maloney said this is not the first time Yde has attacked him and Sparks. Maloney said he got back on the Board to have the former administrator replaced because he was not good for the Village. He said he will not be yelled at like that ever again. He is not intimidated by Yde. Sparks agreed and said it was unprofessional. The Village attorney works for the Board not just the Administrator. Sparks also said he ran for the Board to fix things that were wrong. Donner said he did not know what to expect with the agenda item. As stated, the Attorney works for the Board. There were comments made about our ordinances. Yde was not asked to review our ordinances. If that is something the board wants us to do then we can do that. He also said attorneys do research that is their forte.

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

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

***Motion by Fiene second by White to put out an RFP for Attorney Services to be voted on and sent out at next meeting with clear definition of duties.***

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

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

**REMARKS FROM TRUSTEES**

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Fiene said the Board has a lot to think about. Both law firms do good things, it's just a question of what the Board expects from the attorney. If the Board wants a more traditional attorney then perhaps Dietrich Vanderwall, otherwise Attorney Yde has, to the best of his knowledge, done what the Board has asked him to do.

**REMARKS FROM THE PRESIDENT**

Sparks said since he has been on the Board, he has been doing what is right for the people. He also said he is moving to South Carolina and his last day as Village President will be July 16<sup>th</sup>. He has really enjoyed his time on the Board. He thanked the public for putting trust in him. At the July 6<sup>th</sup> meeting he would like the vacancy of the President put on the agenda. It is up to the Board on how they proceed whether they leave the seat vacant, have a special election or make an appointment amongst the Trustees. He will recuse himself from the selection of President.

**FUTURE ITEMS**

Next meeting date(s):

- June 16, 2020, Board of Review – 5:00 p.m. to 7:00 p.m.
- July 6, 2020, Board of Trustees Regular Meeting at 6:00 p.m.
- July 20, 2020, Board of Trustees Regular Meeting at 6:00 p.m.

**ADJOURN**

*Motion by Fiene, second by Xiong to adjourn the meeting at 7:13 p.m.*

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

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