

VILLAGE OF WESTON BOARD MINUTES

MONDAY, AUGUST 4, 2008

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

President Schuster called the Village Board meeting to order at 6:03 p.m. Trustees present were White, Maloney, Jaeger, Ermeling, Ziegler and Schmutzler. Administrator Zuleger, Public Works Director Donner, Community Development Director Higgins, Taxpayer Relations Coordinator Hodell, Chief Vergin and Fire Chief Pierce were also present. There were approximately 40 audience members present.

II. **CONSIDERATION OF VILLAGE BOARD MINUTES**

A. **M/S/P Jaeger/Ziegler: to approve the Village Board Minutes of 7/21/08 and place on file.*

III. **VISITORS**

A. **Julie Willems Van Dijk, PhD, Marathon County Health Department – “Health Ramifications of Smoking / Second Hand Smoke (Thirty Minutes / Followed by 15 Minutes of Q & A)**

Julie Willems Van Dijk presented subjective and objective information as it relates to second hand smoke. She commented on how this presentation is not about individual smokers but how we can protect other people who do not smoke. After the presentation she asked the Village Board to pass a 100 percent smoke free ordinance in Weston. Ermeling asked why the statewide smoking ban did not pass. Willems said the bill never got on the floor. Ermeling still feels we need this at the state level. Willems agrees that there needs to be a statewide approach that protects people’s health. She said the other thing that will compel the statewide approach is local communities standing up and saying they will protect their residents if the State is not going to.

B. **Joe Rohling (& Daughter) 4403 Brook Court, (5 Minute Comment as a Respiratory Specialist on Smoking Survey)**

Mr. Rohling, 4403 Brook Court, indicated there have been a lot of laws to curb the lack of responsibility around alcohol, also a lot of laws to protect our food supplies. He said Willems pointed out that 53,000 people die each year from secondhand smoke. Lung disease sneaks up on people. He said he has worked for 27 years as a respiratory therapist. He has seen a number of people die from diagnosis related to secondhand smoke. He pointed out that there is no safe filtration system that can eliminate the health risks to secondhand smoke. He would like to see a comprehensive smoke free ordinance. He would also like to spend his money in places where he does not go because of smoke. His daughter Patricia stated that smoking is horrible. She cannot breath in a place where this is smoke. She would like to see a smoke free Weston.

C. **Rebuttal Comments on Smoking in Public Places (Dale Elliott et al)**

Dale Elliott said this topic is very important to his business and livelihood. A smoking ban would affect his business plan to a tune of about 20 to 25 percent. He would need time to make his building smoke free. He said he no longer allows smoking in his banquet rooms. Smoke free dining and bowling are happening because customers are asking for it. He asked the Board to not send his customers to another town where there are not smoking bans. He said he is all about choice. He said Machmueller always told him that smoking issues would never come before the Board. He feels this is a business choice. He feels the Board should continue to support their position taken last year which was to support a statewide ban.

IV. **NEW/UNFINISHED BUSINESS**

A. **2008 Village of Weston Smoking in Public Places Survey – Village Administrator Dean Zuleger**
Zuleger presented chronological information as it relates to smoking in public places. He also reviewed the smoking survey results and other facts. He stated the survey was the largest response in the history of the taxpayer of the month question. On the Weston response to the smoking ban there were 243 emails, 271 surveys and 136 phone calls. It seemed that older taxpayers were against the ban. Younger taxpayers were for a comprehensive ban. He also reviewed the results from Aspirus, Ministry and Kelly Club.

**M/S/P Jaeger/Maloney: to reaffirm a previous resolution adopted by the Board in 2007 favoring a statewide ban.*

B. Ordinance Repealing Chapter 10 “Animals” of the Code of Ordinances and Amending, Renumbering & Recreating a New Chapter 10 “Animals

Zuleger said this ordinance was drafted by the Humane Society and Village staff. This is a baseline ordinance and is better than the current ordinance. The number of dogs will be increased to three and cats to four. There are provisions for animal rescue. There will be a grandfather clause of 60 days once the ordinance is passed. The Humane Society Contract allows for annual review. Staff wants to make sure that dogs are not a threat to the community. Zuleger stated the Village should be encouraging and rewarding responsible pet owners. Higgins said the number of cats moved up to 4 except in mobile home parks. In R3, R4 and R5 2 dogs are allowed, all other zoning districts would be allowed 3 dogs. A grandfather clause was added for anyone that owns more pets than what is allowed. She also stated that staff can track the licensing of these pets by parcel in the new software. She also said she removed the breeder’s license. The animal fancier license was expanded. The Humane Society will review the animal rescue applications. Definitions were also added. Ermeling would like to have something looked at regarding vaccinations that cannot be given to certain dogs or cats. Jacobs said in the past if we had a letter from the vet we could issue the license. Higgins said we could add this provision to the ordinance.

**M/S/P Ermeling/Schmutzler: to approve the ordinance with the provision that the Village require a letter from the vet when a dog or cat is not allowed to have rabies vaccination because it could be harmful to the dog.*

C. Amendments to Village Fee Schedule

1. **Cat Licenses (new)**
 - a. **Neutered/Spayed cat - \$5 per year**
 - b. **Unneutered/Unspayed cat - \$15 per year**
2. **Dog and Cat License Late Fee - (new)**
 - a. **Failure to obtain license by April 1st – late fee of double the regular license fee in addition to regular license fee**
 - b. **Failure to obtain license within 30 days of acquiring ownership of licensable dog or cat – late fee of double the regular license fee in addition to regular license fee**
 - c. **Failure to obtain license before the date dog or cat reaches licensable age - late fee of double the regular license fee in addition to regular license fee**
3. **Kennel License - \$150 per year (old fee \$60 + \$6 per extra tag)**
4. **Animal Fancier License (new)**
 - a. **Foster Animal Rescue – License required but exempt from license costs if rescuing for a validated Animal Rescue Program**
 - b. **All other uses- \$25 per year + each dog must be individually licensed**
5. **Commercial Animal Establishment License (new)**
 - a. **Non-municipal animal shelters/sanctuaries – \$0**
 - b. **Circus and transient animal exhibitions – \$500 per day**
 - c. **Pet shops – \$150 per year**
 - d. **Any other commercial animal establishment - \$100 per year**

**M/S/P Jaeger/Maloney: to approve the amendments to Village Fee Schedule - items C. 1-5.*

D. Animal Ordinance Fine Forfeitures

1. **Animals, Mistreatment (Sec. 10.104) – 1st offense \$220, 2nd offense \$500**
2. **Animals, Taking without owners consent (Sec. 10.106) - \$220**
3. **Animals, Leading from motor vehicle (Sec. 10.107) - \$220**
4. **Animals, Transportation of animals (Sec. 10.108) – 1st offense \$115, 2nd offense \$290, 3rd Offense \$500**
5. **Animals, Use of poisonous and controlled substances (Sec. 10.109) - \$290**
6. **Animals, Certain devices prohibited (Sec. 10.110) - \$220**
7. **Animals, Instigating Fights (Sec. 10.111) - \$290**
8. **Animals, Shooting at caged/staked animals (Sec. 10.112) - \$290**
9. **Animals, sale of baby rabbits/chicks/fowl (Sec. 10.113) - \$115**
10. **Animals, Artificially colored (Sec. 10.114) - \$115**
11. **Animals, exceeding number dogs/cats (Sec. 10.115) - \$115**

12. **Animals, restriction on animals other than dogs/cats - \$115**
13. **Animals, proper food and drink (Sec. 10.117) - \$290**
14. **Animals, proper shelter (Sec. 10.118) - \$290**
15. **Animals, abandonment (Sec. 10.119) - \$220**
16. **Animals, failure to vaccinate for rabies (Sec. 10.120) - \$290**
17. **Animals, Unlicensed Dog/Cat (Sec.10.121) - \$290**
18. **Animals, Kennels (Sec. 10.122) - \$115**
19. **Animals, Animal fanciers (Sec. 10.123) - \$115**
20. **Animals, Allow Dog(s)/Cat(s) to run at large (Sec. 10.126) – 1st offense \$115, 2nd offense \$290, 3rd Offense \$500**
21. **Animals, Commercial Animal Establishment (Sec. 10.123) - \$115**
22. **Animals, Restrictions on keeping of dogs and cats (Sec. 10.125) - \$115**
23. **Animals, Allow Dog(s)/Cat(s) to run at large (Sec. 10.126) – 1st offense \$115, 2nd offense \$290, 3rd Offense \$500**
24. **Animals, Howling/Barking/Crowing (Sec. 10.127) - \$115**
25. **Animals, On other property (Sec. 10.128) – 1st offense \$115, 2nd offense \$290, 3rd Offense \$500**
26. **Animals, Required removal of excreta (Sec. 10.129) - 1st offense \$115, 2nd offense \$290, 3rd Offense \$500**
27. **Animals, Failure to confine females in season (Sec. 10.133) - \$115**
28. **Animals, Requirements for horse-drawn vehicles (Sec. 10.134) - \$115**
29. **Animals, Injured, Failure to render aid (Sec. 10.135) - \$115**
30. **Animals, Habitual Animal Offender (Sec. 10.140) - \$500**
31. **Animals, Keeping vicious animal (Sec. 10.205(b)) - \$500**

**M/S/P Schmutzler/Maloney: to approve the Animal Ordinance Fine Forfeitures – Items D. 1-31.*

- E. **Stop Signs on Woodland Drive-to be placed at entrance to curves from Shorey and Howland**
This item was supposed to state speed limit signs not stop signs. This item will be put on next agenda.
- F. **Monitor/Defibrillator Upgrades for Fire Department**
**M/S/P White/Maloney: to approve the Monitor/Defibrillator Upgrades for the Fire Department.*
- G. **Safe Routes to School Project (DCE Junior High School) and Machmueller Street Reconstruction Project (Jelinek to Everest) Change Order No. 1 (Pember)**
**M/S/P Ziegler/Schmutzler: to approve the Safe Routes to School Project (DCE Junior High School) and Machmueller Street Reconstruction Project (Jelinek to Everest) Change Order No. 1, per the Public Works and Utility Committee in the amount of \$39,308.50.*
- H. **Machmueller Reconstruction (Everest to Heuss) Change Order No.1 (A-1 Excavating)**
**M/S/P White/Jaeger: to approve the Machmueller Reconstruction (Everest to Heuss) Change Order No.1, per the Public Works and Utility Committee in the amount of \$2,659.30.*
- I. **CTH X/Howland Traffic Signals Award of Construction Contract**
**M/S/P Ermeling/White: to approve the CTH/X Howland Traffic Signals Award of Construction Contract. Q/Schuster asked about the cost. It was indicated traffic signals are very expensive.*
- J. **Schofield Avenue Pedestrian Signals; Engineering Construction Services Contract (TADI)**
**M/S/P Schmutzler/White: to approve the Schofield Avenue pedestrian Signals; Engineering Construction Services Contract in the amount of \$1,764.06.*
- K. **Class B Beer and Class B Reserve Liquor License for Buffalo Wings & Rings, 4403 Schofield Avenue**
**M/S/P Jaeger/Maloney: to approve the Class B Beer and Class B Reserve Liquor License for Buffalo Wings & Rings, 4403 Schofield Avenue. Ermeling asked if the Village would be receiving the \$25,000 grant back from the previous business. Zuleger said yes.*
- L. **Economic Development Grant-\$9300 for Buffalo Wings & Rings, 4403 Schofield Avenue**
**M/S/P Jaeger/Maloney: to approve the Economic Development Grant in the amount of \$9300 for Buffalo Wings & Rings, 4403 Schofield Avenue.*
- M. **Coin License for Buffalo Wings & Rings, 4403 Schofield Avenue**
**M/S/P White/Schmutzler: to approve the coin license for Buffalo Wings & Rings, 4403 Schofield Avenue.*

- N. **Operator Licenses**
 - 1. **Darrell Schwartz, Elizabeth Thomas, Amy Wood**
*M/S/P Maloney/White: to approve the Operator Licenses listed above.
- O. **Vouchers**
*M/S/P Ziegler/Ermeling: to approve vouchers 23823 to 23981 and 1286 to 1292.

V. **COMMITTEE MINUTES**

- A. **Public Works and Utility Committee Minutes**
*M/S/P Jaeger/Ziegler: to acknowledge the Public Works and Utility Committee Minutes of 07/21/2008 and place on file.
- B. **Plan Commission**
*M/S/P Jaeger/Ziegler: to acknowledge the Plan Commission Minutes of 07/21/2008 and place on file.
- C. **Building and Grounds Minutes**
*M/S/P Jaeger/Ziegler: to acknowledge the Building and Grounds Committee Minutes of 07/23/2008 and place on file.
- D. **Public Safety**
*M/S/P Jaeger/Ziegler: to acknowledge the Public Safety Committee Minutes of 07/17/2008 and place on file.

VI. **DEPARTMENT REPORTS**

- A. **Parks & Recreation Superintendent**
Jaeger reported the Skate Park is doing well.
- B. **Police Chief**
Vergin reported there would be a Police Commission meeting early next month.
- C. **Fire Chief**
 - 1. **Significant Fire and EMS incidents since last Board Meeting**
Pierce reported there was no significant Fire or EMS events to report on. The July statistics will be available for the next board meeting.
- D. **Director of Public Works**
 - 1. **Status of Projects**
Donner reported the valves were replaced on Ross Avenue because they were leaking. Patching with asphalt should be done on Ross sometime this week. There will be a vacancy on the engineering staff.
 - 2. **Water Rate Review**
The water utility rate review has been forwarded to the Public Service Commission.
 - 3. **Utility and Street Operations Report**
No comments.
- E. **Zoning Administrator/Community Development Director**
Higgins asked for questions. There were none.
- F. **Taxpayer Relations Coordinator**
Hodell reported there would be a wrap up meeting for Weston Fest next week.
- G. **Finance Director**
 - 1. **Financial Software Conversion**
Jacobs reported the software conversion is two thirds complete. The Utility training will begin the week of August 11th.
- H. **Administrator's Report**
 - 1. **Board Retreat Agenda (Revised)**
Zuleger indicated the Board Retreat agenda has been revised.
 - 2. **Human Resources Report – Staff Vacancies**
 - a. **Fire Chief**
Zuleger indicated the last day for Chief Pierce is August 25th.
 - b. **SW Engineer Position**
Zuleger reported Tim Vergara will be leaving the Village of Weston and will work for the Village of Rothschild.

c. Taxpayer Relations Coordinator Upgrade

Zuleger would like to upgrade Renee Hodell to a Manager position and recommends a \$2400 annual pay increase.

**M/S/P Jaeger/Schmutler: to approve a \$2400 annual pay increase for Renee Hodell.*

d. Health Insurance

The health insurance renewal came in at a 5.1% increase. Staff will negotiate that rate. We have requested a quote from the Teamsters C-6 Central States Plan. Staff is also looking into the possibility of implementing a Health Reimbursement Account (HRA).

3. 2009 Budget Environment / Survey

The Board will receive a Survey by Wednesday. Staff has been receiving a lot of grief from the D.C. Everest tax rate increase of 69 cents.

4. 2008-2009 Winter Maintenance Strategy / Salt

Zuleger reported staff plans to revise the salt route. Salt was purchased through Marathon County.

5. Third Places Survey Update

Surveys have been done at Pick N' Save. Staff will also do surveys at the YMCA.

6. EMS Resolution

Zuleger reviewed the resolution which states the future direction of EMS in the Village of Weston.

I. Clerk's Report

No comments.

VII. TRUSTEE BUSINESS

A. Maloney

No comments.

D. Schmutzler

Schmutzler commended Higgins for all her work on the animal ordinance and Hodell for all her efforts on nuisance issues.

B. White

No comments.

E. Ziegler

No comments.

C. Jaeger

Jaeger asked to be excused from the next meeting.

F. Ermeling

No comments.

VIII. PRESIDENT'S BUSINESS

No comments.

IX. ADJOURN

**M/S/P Maloney/Ziegler: to adjourn the meeting at 7:43 p.m.*

Respectfully,

Sherry Weinkauff
Village Clerk