

Village Trustee M. Eternicka called the meeting to order at 6:45 p.m.

1.0 ROLL CALL –Trustees: M. Eternicka, M. Bennett, J. Chesney, T. Brinkmeier, K. Meleski and I. Thomson. Present: Pres. D. Besson absent. Staff: Administrator S. Kulik, Health Officer S. Gabriel and Village Attorney J. Wesolowski. Audience (5).

2.0 PUBLIC COMMENT – none.

3.0 CONSENT AGENDA

3.1 Minutes: January 27, 2025 – Motion (Brinkmeier, Chesney) to approve as presented; motion passes 6-0-1.

3.2 Approval of claims paid with the January 2025 Check Register: \$995,546.45 –**Motion** (Brinkmeier, Chesney) to approve; motion passes 6-0-1.

3.3 Approval of payrolls for the periods ending 01/03/2025 (\$157,339.21) and 01/17/2025 (\$147,850.60) – Motion (Brinkmeier, Chesney) to approve; motion passes 6-0-1.

3.4 Approval Purchase Order 20732 – Conway Shields, \$25,000 Turnout Gear – Motion (Brinkmeier, Chesney) to approve; motion passes 6-0-1.

3.5 Authorization to draft and release request for proposals for Library Renovation project for architectural and engineering firms – Motion (Brinkmeier, Chesney) to approve, motion passes 6-0-1.

Board moved to item 4.1.3.

4.0 STANDING COMMITTEE REPORTS

4.1 Committee of the Whole – T. Brinkmeier

[Public Hearing 6:50 p.m.] Chair M. Eternicka asked clerk to read the notice. S. Kulik read notice of Ordinance to amend the Municipal Code §445-2.2 Use Regulations, to create §445-2.2E. Uses Not Permitted, to not permit sale, gift, transfer or any other conveyance of cigarettes, electronic vaping devices, or nicotine or tobacco products uses, beyond those currently existing, and to create Article V. Sale, Gift, Transfer or Any Other Conveyance of Cigarettes, Electronic Vaping Devices, or Nicotine or Tobacco Product Licenses limited to those in effect upon *[effective date hereof following adoption]*, of Chapter 365 Smoking and Tobacco Products and commented it was posted twice as required.

M. Eternicka opened the Public Hearing at 6:50 p.m.

Public Comment: Luann Hill, 5563 Meadow Park Ct, Hales Corners addressed the Village Board requesting a stronger more restrictive Ordinance than was proposed. She stated concerns about existing businesses selling the products to minors and commented on ability to reduce the total number of licenses similar to Greendale’s ordinance which limits the licenses to 3 with the 5 currently issued that would reduce to three under surrender or when a license was revoked. Our ordinance proposal does not indicate revocation and does not include violation provision.

M. Eternicka closed the Public Hearing at 7:00 p.m. as there were no further comments.

K. Meleski inquired of J. Wesolowski if there was a shorter road to removing the synthetic THC products. J. Wesolowski reported he would need time to do additional research as this was not part of the original discussion on the matter.

M. Bennett commented that the Village has no way to regulate this now and until this is published, there is no avenue to deny anyone a license. Her comment was that this Ordinance, if approved can always be repealed and replaced for future developments.

M. Eternicka inquired if there has been challenges to the Greendale Ordinance.

S. Gabriel, Hales Corners Health Officer, commented that there have been several challenges since their Ordinance was adopted in August of 2023 and there has been push back from the businesses to the citations being issued to the owners and agents instead of just to the employee. The business argue that they only are obligated to what State law indicates regarding this matter.

I. Thomson inquired if our proposal is blazing a trail for legal challenges.

M. Bennett commented she wants this to pass so that no additional licenses can be issued and that it can be reviewed and enhanced as information is received and vetted.

J. Wesolowski commented that they could hold the proposal over to a later meeting due to the concerns he was hearing to allow for additional research. The ordinance as proposed theoretically over time would reduce the licenses to zero under the legal non-conforming use.

S. Kulik inquired whether this type of license had property rights such as alcohol licenses do. J. Wesolowski commented he would need to research that as well.

T. Brinkmeier commented he would like to leave open the option to refine or enhance the proposed ordinance. He would like to discuss if there is an overall target for the number of licenses issued, grandfathered licenses not being transferrable, punishment for abuse including losing the license for habitual offenses, nuisance provisions and adding changing ownership / agent clauses.

Motion (Thomson, Bennett) to approve Ordinance 25-01 to amend the Municipal Code §445-2.2 Use Regulations, to create §445-2.2E. Uses Not Permitted, to not permit sale, gift, transfer or any other conveyance of cigarettes, electronic vaping devices, or nicotine or tobacco products uses, beyond those currently existing, and to create Article V. Sale, Gift, Transfer or Any Other Conveyance of Cigarettes, Electronic Vaping Devices, or Nicotine or Tobacco Product Licenses limited to those in effect upon *[effective date hereof following adoption]*, of Chapter 365 Smoking and Tobacco Products; motion passes 6-0-1.

4.1.1 Motion (Thomson, Bennett) to approve Ordinance 25-02 to amend the Municipal Code to create Article IV. Sale, Gift, Transfer or any other conveyance of Cigarettes, Electronic Vaping Devices, or Nicotine or

Tobacco Products Regulated; Violation Liability, of Chapter 365 Smoking and Tobacco Products; motion passes 6-0-1. **Board moved to item 5.1.**

4.1.2 Board moved to this item after 3.5. **Motion** (Meleski, Chesney) to approved Resolution 25-07 Confirming member appointment to the July 4th Committee – O. Stern; motion passes 6-0-1.

4.1.3 **Motion** (Bennett, Thomson) to approve Resolution 25-08 adopting an employee computer on boarding and off boarding policy; motion passes 6-0-1. **Board moved to item 4.1.1.**

5.0 SPECIAL COMMITTEE REPORTS

5.1 Board of Health Meeting February 5, 2025 – K. Meleski reported he was unable to attend and referred members to minutes.

6.0 VILLAGE OFFICIALS REPORT

6.1 Village Administrator

6.1.1 Purchase Orders Issued – no action required.

6.1.2 Resolution declaring an official intent to reimburse expenditures with proceeds of a borrowing to be authorized pursuant to Treas. Reg. Section 1.150-2 – S. Kulik reported on the request.

Motion (Bennett, Meleski) to approve Resolution 25-09 a Resolution declaring an official intent to reimburse expenditures with proceeds of a borrowing to be authorized pursuant to Treas. Reg. Section 1.150-2; motion passes 6-0-1.

6.1.3 Resolution authorizing Bad Debts write-off for uncollectible personal property taxes and a transfer to Bad Debt Expense – S. Kulik reported on request.

Motion (Chesney, Meleski) to approve Resolution 25-10 authorizing Bad Debts write-off for uncollectible personal property taxes and a transfer to Bad Debt Expense; motion passes 6-0-1.

6.1.4 Notice of Chargeback of Uncollected Net Personal Property Taxes for 2023 Taxes – S. Kulik reported on the chargeback for uncollectible personal property taxes from Xperience Fitness. No action required.

6.1.5 Stipend for Deputy Clerk/Treasurer

S. Kulik read notice that the Village Board may enter closed session pursuant to Wis. Stat. §19.85(1)(c), for consideration of the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for a request a stipend for the Deputy Clerk/Treasurer over which the governmental body has jurisdiction or exercises responsibility, and to re-enter open session at the same place thereafter to act on such matters as discussed therein as it deems appropriate.

Motion (Thomson, Eternicka) to convene into closed session and include S. Kulik, J. Wesolowski and S. Reimer. Roll call: Ayes: Bennett, Brinkmeier, Chesney, Eternicka, Meleski, Thomson. Nays: none. Board convened into closed session at 7:30 p.m.

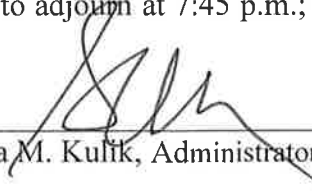
Motion (Bennett, Thomson) to reenter open session. Roll call: Ayes: Bennett, Brinkmeier, Chesney, Eternicka, Meleski, Thomson. Nays: none. Board reentered open session at 7:44 p.m.

Motion (Thomson, Chesney) to direct staff to proceed as directed in closed session; motion passes 6-0-1.

7.0 VILLAGE PRESIDENTS REPORT

7.1 MMSD/ICC Meeting February 10, 2025 – matter held over to next meeting due to D. Besson absence.

8.0 ADJOURNMENT – Motion (Chesney, Meleski) to adjourn at 7:45 p.m.; motion passes 6-0-1.



Sandra M. Kulik, Administrator/Clerk