



VILLAGE BOARD MEETING AGENDA

February 09, 2026 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. MOTION TO DEVIATE

3. CHAIRPERSON COMMENTS

4. PUBLIC COMMENT

Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this Village that Public Comment will take no longer than 15 minutes with a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion. Be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.

5. REPORTS FROM STAFF AND VENDORS

- C. Police Chief Report
- D. Fire Chief Report
- E. Administrator Report

6. CONSENT AGENDA - DISCUSSION AND POSSIBLE ACTION

- F. January 26, 2026 Village Board Meeting Minutes
- G. January 27, 2026 Special Village Board Meeting Minutes

7. NEW BUSINESS - DISCUSSION AND POSSIBLE ACTION

- H. Determination of the Basis for Board Member Votes Regarding Milestone CUP Appeal and Clarification of Other Procedural Errors and Issues
- I. Incorporating the Pledge of Allegiance into all Board and Committee Agendas
- J. Election Ordinance (CLIPP)

8. OLD BUSINESS - DISCUSSION AND POSSIBLE ACTION

- K. Ethics Code

9. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

10. ADJOURNMENT

NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request service, contact the clerk's office, 1582 Kronenwetter Drive, WI 54455 (715)-692-1728

Posted: 02/06/2026 Kronenwetter Municipal Center and www.kronenwetter.gov

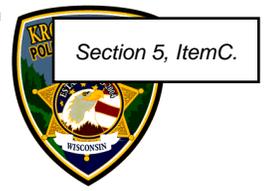
Faxed: WAOW, WSAU, City Pages, Mosinee Times | Emailed: Wausau Daily Herald, WSAW, WAOW, Mosinee Times, Wausau Pilot and Review, City Pages, The Wausonian



KRONENWETTER POLICE DEPARTMENT

Office of the Chief of Police

Executive Summary for February 2026 Village Board



TO: VILLAGE BOARD MEMBERS

DEPARTMENT ACTIVITY SUMMARY – In January, we handled 655 total calls for service. Some highlights included the following:

- One natural death investigation
- Two sexual assault investigations
 - One was forwarded to the DA for review of charges
 - A second was initially investigated by KPD, but we learned the incident(s) happened in another jurisdiction, so our report was forwarded to the correct agency
- A bullying investigation at a local school that is still actively being investigated
- An arrest of a subject, whom the officer observed in violation of a no contact provision.
- A break in at a local ATM that is still under investigation. Other agencies both in and outside of the State have similar incidents, so we are working with other agencies to pool information.
- Multiple fraud/ID theft complaints
 - One case of checks being stolen and then “washed” by the suspects. This is an ongoing investigation that involves agencies from multiple departments, including the federal level.
 - A bitcoin fraud in which our victim lost \$15,000. The victim received a message on their tablet for virus protection and called the number, only to be talked into withdrawing cash and depositing it into a bitcoin machine.
 - Another bitcoin scam in which the victim received a text message from “Apple support” and called a number listed in the message. The victim was then tricked into turning over personal identifying information, along with credit card information, which the suspects used to try and make purchases with. Fortunately, the victim’s credit card companies were suspicious and blocked the purchases.
 - An incident in which the citizen received a call from “Walgreens” and was told their prescriptions were expired. The caller wisely hung up and confirmed with the real Walgreens that this was a scam in which the suspects were trying to obtain personal and financial information.
- A theft investigation in which the victim reported several items totaling over \$700 stolen from outside their house.
- A referral for a subject who placed a GPS tracking device on the victim’s vehicle without her consent. The subject was also issued a Stalking Warning Letter, which we use to formally notify a subject that they’re on the verge of committing stalking and further advise them that any more action of this kind could result in a stalking charge.
- A mental health detention where we transported the subject to Tomah. Our officer was tied up on this call for 8.5 hours!

DEPARTMENT PERSONNEL ISSUES & STATUS – Lt Smart, Sgt Seehafer, and Ofc Dunst were at Northland Lutheran HS recently for an “all school” safety presentation. This is a presentation we typically put on annually with the school where we focus on bullying, responsible cell phone use, safe driving strategies, and school safety procedures in the event of an active shooter. We have always had a great working relationship with the school, and our day officers are very active in the school and stop out there frequently.

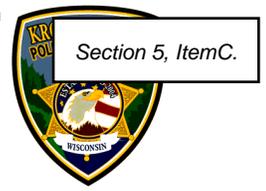
I will be at the WI Chief’s of Police Association winter conference from Feb 9th through the 12th. They have some excellent presentations scheduled for this conference that I’m really looking forward to hearing. One presentation of particular interest is a debrief of a sextortion case from another state. The circumstances are very similar to the tragic case we had last year.



KRONENWETTER POLICE DEPARTMENT

Office of the Chief of Police

Executive Summary for February 2026 Village Board



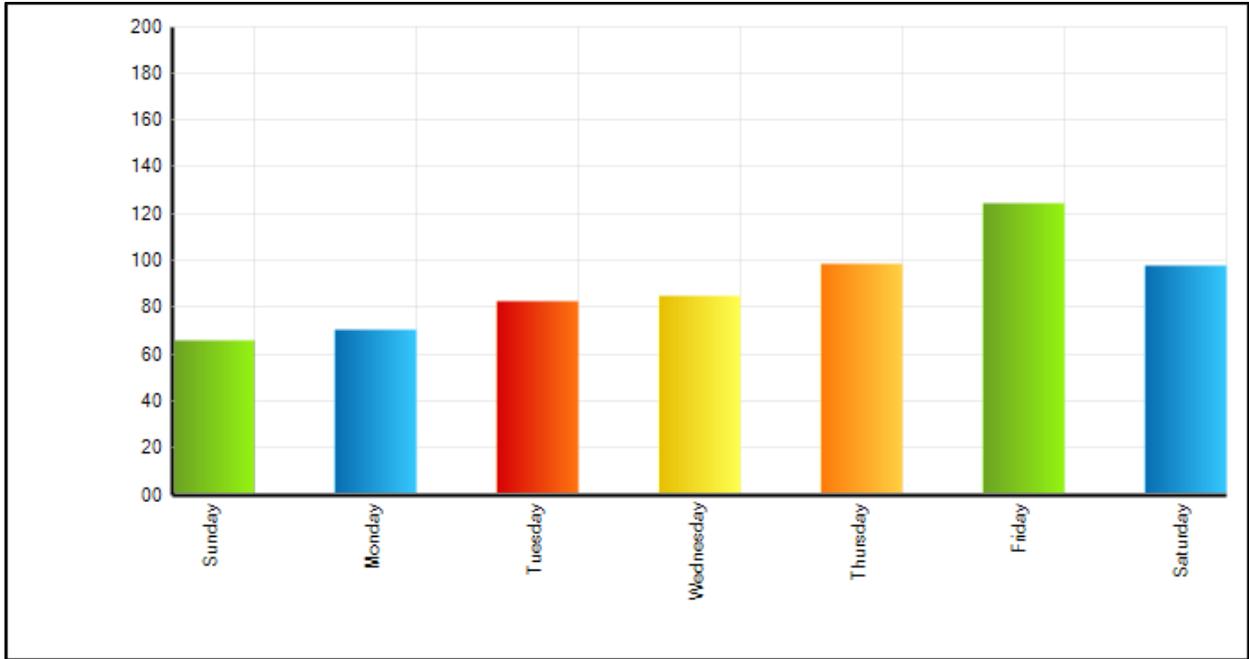
The Village once again made the top ten *Safewise* safest cities in WI for 2026, an amazing accomplishment and something we should all be proud of! This year, we are ranked #4, so we moved up four places in the ranking from last year. One thing I find most remarkable is that we have been consistently ranked in the top ten for several years in a row now, so this is no passing fad. The other aspect that continues to strike me is we are the only city north of the Green Bay area and we continue to be the only municipality in Marathon County making this list! I believe this is due to many factors, but it certainly reinforces the stability and safety our Village has enjoyed for many years.

CURRENT GRANTS AND EQUIPMENT — The new squad cars have arrived, and we will begin the process of getting those outfitted with equipment and supplies.

January 2026 Calls for Service Info

EVENTS BY NATURE CODE BY AGENCY		
KP	911 HANG UP	12
	ALARMS	3
	ANIMAL COMPLAINT	5
	BUSINESS SECURITY CHECK	69
	CIVIL COMPLAINT	2
	CRIMINAL MISCELLANEOUS	16
	CRIMINAL THEFT	1
	DISABLED VEHICLE	27
	EXTRA PATROL	81
	FAMILY DISTURBANCE	2
	FIELD INTERVIEW	2
	FINGERPRINTING	1
	FOLLOW-UP INVESTIGATION	55
	FRAUD COMPLAINT	1
	JUVENILE ATL	2
	JUVENILE DISTURBANCE	1
	LOST AND FOUND	3
	MENTAL SUBJECT	2
	NOISE COMPLAINT	1
	OPEN DOOR	1
	OVERNIGHT PARKING	5
	PROBATION/PAROLE	1
	SCHOOL WALK THROUGH	23
	SERVICE MISCELLANEOUS	42
	SEXUAL ASSAULT	1
	SUSPICIOUS ACTIVITY	6
	TRAFFIC HAZARD	5
	TRAFFIC MISCELLANEOUS	4
	TRAFFIC STOP	119
	VEHICLE LOCKOUT	2
	WELFARE CHECK	5
	CAR/DEER VOLUNTARY	1
	HIT & RUN CRASH	3
	TRAFFIC CRASH PDO	21
	CONTROLLED BURN	1
	FIRE ALARM	5
	FIRE ASSIST	1
	DEAD ANIMAL	1
	ATTEMPT TO LOCATE	1
	COMMUNITY RELATIONS ACT	1
FRAUD COMPLAINT	1	
TELEPHONE MESSAGE	12	
VACANT HOME CHECK	46	
VEHICLE ATL	6	
MEDICAL EMERGENCY	26	
MENTAL SUBJECT	1	

January 2026 Calls for Service Info



Calls by Day of the Week

Summons/Citations Charge Summary
Agency: KRONENWETTER PD, Date Range: 01/01/2026 00

Charges	Count
DISPLAY UNAUTH. VEH. REGISTRATION	1
EXCEEDING SPEED ZONES, ETC. (1-10 MPH)	1
EXCEEDING SPEED ZONES, ETC. (11-15 MPH)	3
EXCEEDING SPEED ZONES, ETC. (16-19 MPH)	1
FAILURE TO KEEP VEHICLE UNDER	1
IGNITION INTERLOCK DEVICE	1
IID TAMPERING / FAIL TO INSTALL / VIOLATE	1
JUVENILE CURFEW VIOLATION	1
NON-REGISTRATION OF AUTO, ETC	8
OPERATE MOTOR VEHICLE W/O INSURANCE	7
OPERATE MOTOR VEHICLE W/O PROOF OF	1
OPERATE W/O VALID LICENSE	1
OPERATING WHILE REVOKED (FORFEITURE)	1
OPERATING WHILE SUSPENDED	9
RESTRICTED OVERNIGHT PARKING	3
VIOLATE GDL RESTRICTIONS - PASSENGER	1
Total:	41

Kronenwetter Fire Department

2025 Year-End Report



Fire Chief Theresa O'Brien

Executive Summary

The Kronenwetter Fire Department, led by Fire Chief Theresa O’Brien, remained dedicated to providing professional emergency services to our community throughout 2025. This year, our department successfully responded to 465 total fire and emergency calls, which included 94 fire requests and 371 EMS/Ambulance requests. Beyond emergency response, we prioritized operational readiness through the completion of all annual fleet maintenance, DOT inspections, pump testing, hose testing and ladder testing. Our commitment to the community was further demonstrated by conducting 290 fire inspections across the Village of Kronenwetter and the Town of Guenther, alongside our continued focus on comprehensive personnel training and active community engagement.

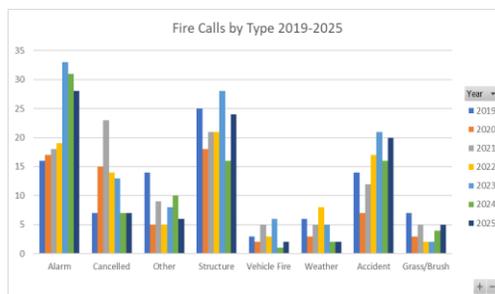
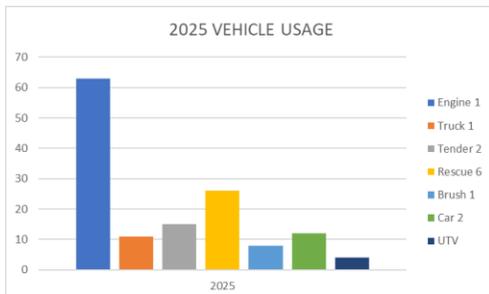
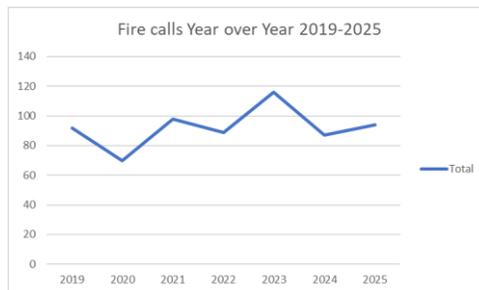
Call Volume & Operational Statistics **ems calls included on EMS year end report

Fire and Emergency Call Summary

- Total Fire Requests for 2025: 94
- Mutual Aid Received: 11
- Mutual Aid Given: 25

Fire Call Breakdown by Category:

- Alarms: 29
- Structure Fires: 21
- Vehicle Accidents: 20
- Cancelled Calls: 8
- Grass/Brush Fires: 6
- Weather Related: 4
- Vehicle Fires: 3
- Others: 3



Fleet & Equipment Status:

Annual Maintenance completed on all trucks including DOT Inspections, Hose Testing, Pump Testing, Ladder Testing

<p>Car 2 – 2024 Ford F250 Crew Cab</p>	<p>EMS 1 – 2022 Ram 1500</p>
	
<p>Tender 2 – 2015 Peterbilt</p>	<p>Brush 1 – 2019 Ford F550</p>
	

Engine 1 – 2019 Pierce



Rescue 6 – 2010 Kenworth



Truck 1 – 2023 Pierce Aerial



UTV – 2016 John Deer Model 825 E with Skid Unit



Personnel & Staffing

Total Firefighters: 28
Total EMS First Responders: 14

Department Members:

- Fire Chief Theresa O'Brien **
- Captain Matt Berndt
- Captain Tim O'Brien **
- Captain Kyle James
- Captain Chris Charneski
- Lieutenant Kurt Swenson
- Lieutenant Keign Charneski
- Lieutenant & EMS Coordinator Alexa Corazalla **
- Josh Wiese
- David Levorson
- Kevin Balk
- Cindy Smith **
- Ashton Hocking
- Travis Plisch
- Brice Maier
- Sean Andraschko
- Oliva Stone
- Connor Young **
- Matt Neyrinck **
- Jarret Imlach **
- Mason Hoffmann **
- Jordyn Wadle-Leff **
- Eric Podoski
- Samuel Wing
- Brennan Weitzel
- Jordan Wiskerchen **
- Kaye James **
- Esteban Carreon
- Evan Peak **
- Jamie Balk **
- Jocelyn Van Rixel **

** EMS

Training & Professional Development

- Annual CPR Refresher
- CN Railroad
- Communications
- DNR Wildland annual refresher
- Grass/Brush Fire Simulation
- Driving/Scavenger Hunt
- Ladders
- Search and Rescue
- Venting
- Self-Rescue

Salvage and Overhaul
Pumping – Relay Pumping
Emergency Vehicle Operations
Electric/Hybrid Vehicle Emergencies
Ropes/Knots
Vehicle Extrication
Hose Operations
Fire Ground Operations
Bleeding Control
Helicopter/Landing Zone
Chimney Fire
Marathon County/Kronenwetter Forest Units
**not an all-inclusive listing

Fire Prevention & Community Engagement

- **Fire Inspections completed in 2025**
Town of Guenther – 16
Village of Kronenwetter – 274
- **Business involved training in 2025**
Fire Extinguisher training
CPR Training
- **Community Events attended in 2025:**
Open House Event
Bike and Walk event
National Night Out
Trick or Treating in the Village
Fire Prevention – Daycare/Schools/Aurora Health
Lions Fall Fest
Mosinee 4th of July and Christmas Parades
Fire Alarm replacement program
**not an all-inclusive listing

Recognition & Acknowledgements

Years of Service Awards

Chris Charneski – 25
Theresa O’Brien – 20
Kyle James – 20

Top Responders: Tim O’Brien, Keign Charneski, Mason Hoffmann

Following awards are chosen by the department members:

Officer of the Year – Kyle James
Newbie of the Year – Jarret Imlach
Firefighter of the Year – Matt Neyrink
Most Improved Firefighter – Connor Young

Future Outlook and Planning:

- Continuing recruitment events
- Utilize training opportunities to grow staff knowledge
- Community engagement and public education programs- expand open house type events, including potential pancake breakfasts or spaghetti dinners to include “hands only CPR” and fire extinguisher trainings.
- Continue specialized training opportunities with local businesses
- Research grant opportunities – to assist with replacement of equipment that is otherwise not supported through general funds
- Mental Health Initiatives – implement behavioral health emergency training for members to better serve the community and support staff well-being

Kronenwetter Fire Department

EMS

Year-End Report 2025



Kronenwetter Fire Department
First Responders
Reporting Year: 2025
Prepared By: Alexa Corazalla, EMS Coordinator

Executive Summary

In 2025, the Kronenwetter Fire Department First Responder Group demonstrated exceptional operational reliability by responding to 371 out of 395 with 22 of the unanswered calls being to the Aspirus Kronenwetter Clinic. When adjusting for calls that fall outside of the facility, the KFD achieved an effective response rate of 371 out of 373 calls (or 99.46%) for all emergency dispatches. **Understanding the gap—22 calls occurred at the Aspirus Kronenwetter Clinic, to which KFD EMR’s do not respond during standard business hours (8am-4pm) as the facility is already staffed by medical professionals. These incidents typically involve patients already under clinical supervision seeking transportation to an Emergency Room for diagnostic testing or higher-level of care that is unavailable at the clinic. It should be noted there is flexibility for special circumstances for this location; historically KFD EMR’s have responded to this location in instances where a patient is not yet inside the facility (e.g. an emergency occurring in the parking lot) and requires immediate intervention.*

An average response time from time of dispatch notification to First Responder being en-route was 1.73 minutes. The department’s 14 active responders, ranging from EMRs to Registered Nurses, manage a diverse caseload that primarily served an aging population, with individuals aged 71–80 representing the highest volume of patients. Medical data shows that acute pain (61 calls) and falls (51 calls) were the leading reasons for dispatch, with notable seasonal spikes in pain-related emergencies during August and falls in December. To maintain this high standard of care, the team completed 19 specialized drills, covering advanced topics like OB/Childbirth and trauma assessment, while simultaneously fostering community safety through public education and youth outreach.

1. Mission & Program Overview

Mission Statement:

The mission of the Kronenwetter Fire Department is to minimize loss of life, property and the environment from fires, natural disasters, life threatening situations, and to assist other emergency agencies.

Role of the First Responder Group:

Under direction of the EMS Coordinator or Chief, respond to emergency medical calls when requested. First Responders respond to the call from their home directly to the patients location/home. First Responders render EMS services according to their State of Wisconsin license level protocols and operational plan. First responders receive training by the EMS Coordinator regarding first responder skills. They maintain all equipment that has been provided to them. They maintain their EMS licensure with the State of Wisconsin per state rules.

Beyond clinical interventions, our role often extends into providing essential psychological/emotional support and comfort to the patient’s loved ones. We recognize that an emergency affects the entire household, so we also prioritize caring for family members both during and after the medical crisis. This might mean staying behind to provide a calming presence until additional supports arrive or even stepping in to finish a task the patient was working on—like securing a home or tending to a chore—to lift a small burden off the family’s shoulders. We make it a point to demystify the chaos by clearly explaining the process, walking them through the next steps once the patient is loaded into the ambulance and before the ambulance departs, and ensuring they are emotionally supported and have a clear plan for what comes next.

2. Staffing & Personnel

Total Active First Responders: 12 Responders

Certifications Held:

- EMR: 6
- EMT: 4
- AEMT: 2
- Paramedic/RN: 2

Personnel Changes:

- New Members Added: 4
- Members Separated (resignation/retirement): 1

3. Equipment

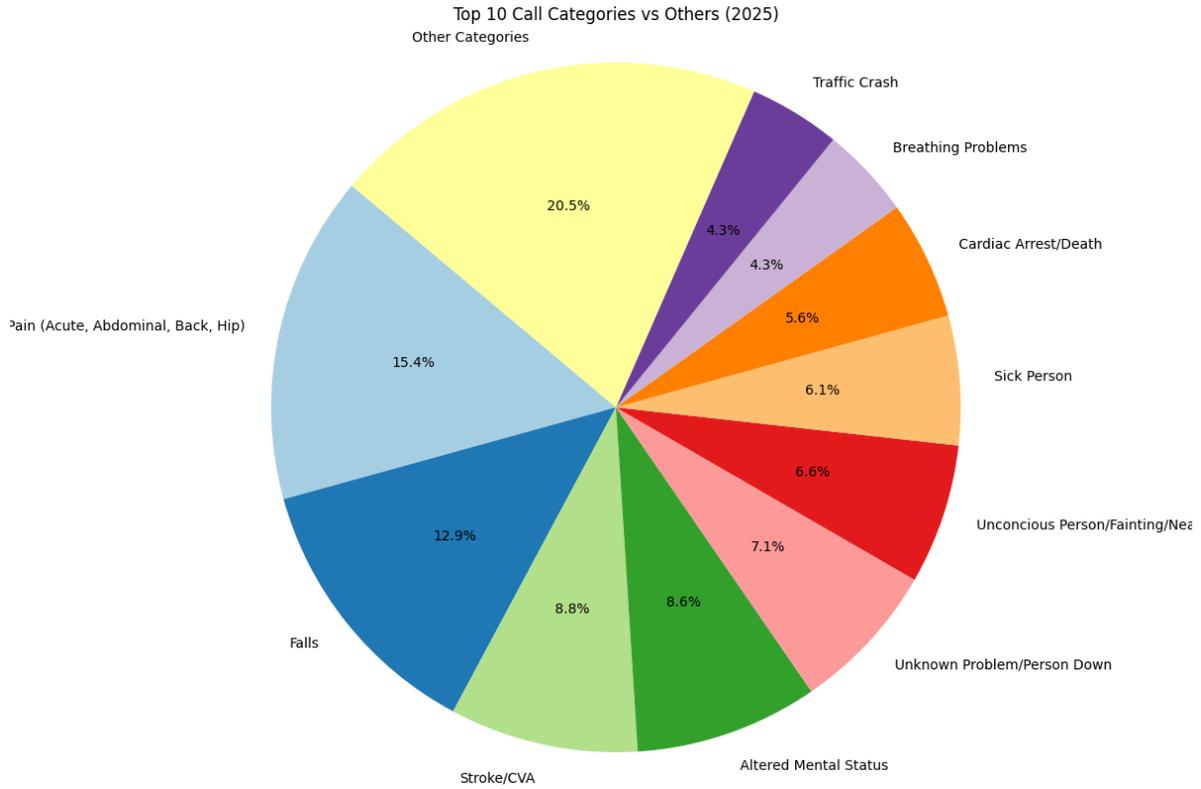
Each first responder is provided with a Medical Bag or ‘Jump Bag’

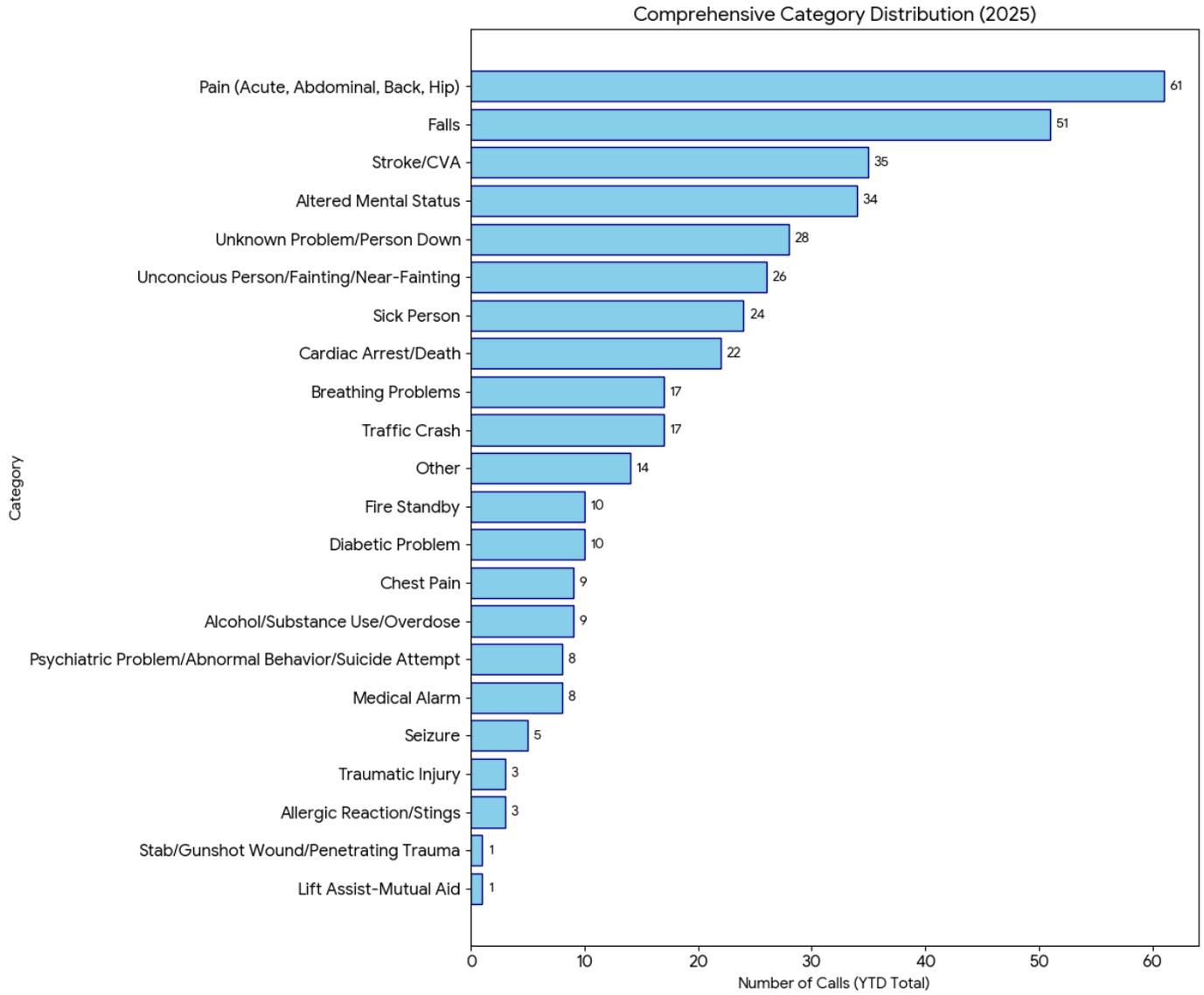
Our jump bags are meticulously organized to turn any location into a makeshift treatment room, starting with diagnostic tools to capture vital signs using a BP cuff, stethoscope, thermometer, glucometer, and SpO2 monitor. For physical injuries, we carry an array of trauma supplies—including gauze, wraps, bandages, chest seals, trauma shears, and specialized tools, splints for rapid immobilization of fractures/sprains and C-Collars for cervical spine immobilization. To manage critical life functions, the bag includes a portable oxygen tank and airway management tools, ranging from basic OPAs and NPAs to advanced supraglottic (iGel) devices. Finally, the bag is stocked with emergency medications designed for immediate intervention, such as Narcan for overdoses, Aspirin for cardiac events, Oral Glucose for diabetic crises, and Epi-Pens for life-threatening anaphylaxis.

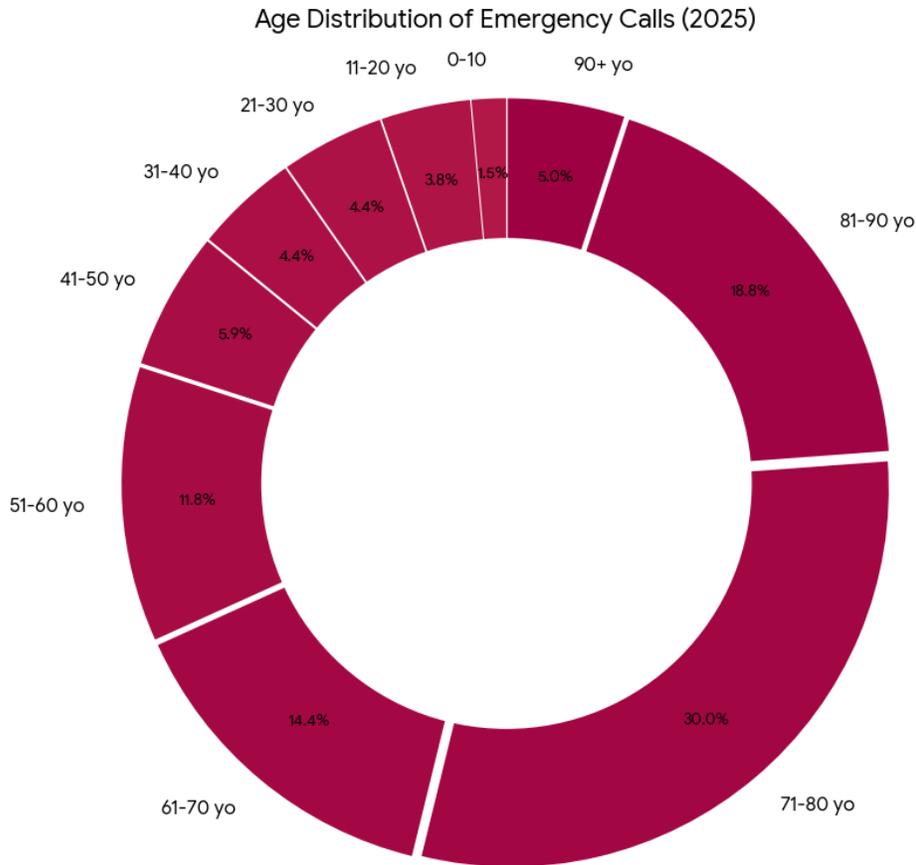
4. Response & Call Volume Statistics

Total Calls: 395 calls

Call Type Breakdown: **Please see graphs located below and on following pages**







2025 Call Data Overview:

- The data shows that the most affected age group was individuals ages 71-80 years old accounting for the highest volume of calls, a notable concentration of calls for patients over the age of 60. The youngest patient recorded was 3 mo. old and the eldest was 98 years old. The Primary call category for Pain (acute, abdominal, back, hip, etc). accounted for 61 calls, following this is the remainder of the top 5 categories including: Falls 51 calls, Stroke/CVA 35 calls, Altered Mental Status 34 calls, 28 calls for Unknown Problem/Person Down.
- Pain-related calls peaked in August with 10 calls specifically related to various pain types, while Falls saw a significant spike in December (12 calls).

5. Training & Continuing Education

- 19 total EMR Drills were conducted throughout the year on the 2nd and 4th Thursday evenings from 6-8, including 4 combined trainings with Riverside Fire District.
- Training topics included but not limited to:
 - HIPPA/EMS Documentation
 - CPR Renewal
 - Cold Weather Emergencies
 - Advanced Directives in EMS, CPR, Stroke Related Calls
 - Impalement Injury Stabilization
 - Training with Aspirus MedEvac OB/Childbirth
 - Airway/Advanced Airway/Oxygen Administration
 - Administrative/Compliance Review
 - Pool Rescue
 - Epinephrine Administration Training
 - Trauma Assessments
 - MCI (Mass Casualty Incident) and MCI Triage
 - Spinal Immobilization with Helmet Removal (ATV/UTV/Snowmobile)
 - Pediatric Seizures/Trauma
 - Scenario based training for assessment/treatment
 - Joint Training with RSFD included EKG review, lead placement, pediatric trauma, creative scenarios with downed firefighters, traumatic call reviews, and staff introductions.

6. Community Engagement & Public Outreach

- Public Education Events (CPR, First Aid, etc.): CPR-BLS Training requested through KFD for two local Assisted Living Facilities
- Community Events / Standbys: KFD Open House in Oct. 2025, Village of Kronenwetter Events (National Night Out, and the Bike and Walk Event)
- School or Organization Outreach: Station tours to Developmentally Disabled Adults, Learn at home students, public school students, and visits to local Daycare Center. First Responder First Aid Care with Local Girl Scout Troops

7. Recognition & Acknowledgments

In 2025—we recognized our Top 3 First Responders for making the most Medical Emergency Calls which included Timothy O’Brien, Alexa Corazalla, Matthew Neyrinck.

8. Grant Award & Financial Stewardship

To further support our operational capabilities, the department is pleased to announce that it has been awarded **\$33,939.78** through the **Wisconsin EMS Funding Assistance Program (FAP Grant)** for the state fiscal year 2026 (July 1, 2025-June 30,2026).

These funds provide critical financial support for the department’s infrastructure by helping cover costs associated with:

- **Training and Education:** Ensuring our responders maintain the highest level of life-saving certifications.
- **Medical Supplies and Equipment:** Upgrading the tools used daily in the field.
- **Medication Purchases:** Maintaining our inventory of necessary emergency pharmaceutical interventions.



MEMORANDUM

To: Village of Kronenwetter Board
From: James A. Davel
RE: Administrator’s Report 1/25/2026 – 2/6/2026

LIST OF ACTIVITES FOR WEEK OF 25-30 January, 2026

Staff meeting –

Village Board Meeting&Appeal Hearing Meeting

Zoom meeting with the water utility tax association - I discovered we are a member of this association and decided to attend the meeting. Focus of this meeting was on nuclear power near proposed data centers. Seems like some lobbying organizations are going to be working on bringing back nuclear power. Additional discussion centered on solar power and the loss of grants.

W2’s are completed and have gone.

Account Clerk – We welcomed Kathy Rutherford to the team as she will be replacing Sara.

Planning Tech – The board had approved a budget of 68K, we looked at surrounding positions and believe the salary range should be between \$56,065 to \$61,370. This is under what was budgeted, and we should have this posted shortly. For the benefit of the community, we need someone in this position as soon as possible.

AT&T lease – I believe we would be able to lease space on the tower as long as it didn’t interfere with the AT&T equipment. It’s all about how much space is available and that it didn’t affect our operations or AT&Ts. Can’t lose focus that this is a water tower.

LIST OF ACTIVITIES FOR WEEK OF 2-6 February 2026

We met with Marathon County on Monday to discuss the highway shop – Marathon County has some work to do regarding the Deed for Gates of Heaven. Additionally, we informed the county of the location of the village's utilities.

Meeting with PGA president and his staff on 9 Feb to discuss next steps for his efforts in TID 1 – Village President and Trustee Charneski will be attending.

Riverside Ambulance Contract signed.

As a reminder, I was out this week with a medical procedure.



VILLAGE BOARD MEETING MINUTES

January 26, 2026 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

1. CALL MEETING TO ORDER

President Dan Joling called the January 26, 2026 Village Board Meeting to order at 6 p.m.

A. Pledge of Allegiance

Those in attendance were invited to recite the Pledge of Allegiance.

B. Roll Call

PRESENT: *President Dan Joling, Trustee Ken Charneski, Trustee Aaron Myszka, Trustee Craig Mortensen, Trustee Sandi Sorensen, Trustee Jessica Stowell*

ABSENT: *Trustee Mary Jensen*

STAFF: *Administrator James Davel, Finance Director John Jacobs, Public Works Director Greg Ulman, Community Development Director Peter Wegner, Fire Chief Theresa O'Brien, Clerk Jennifer Poyer*

2. MOTION TO DEVIATE

No action taken.

3. CHAIRPERSON COMMENTS

Recognition of Clerk Poyer's work on communication efforts.

4. ANNOUNCEMENT OF CLOSED SESSION

President Joling announced there would be a closed session during the meeting.

5. PUBLIC COMMENT

Paul Jaeger - 1900 Seville Road, Kronenwetter, WI 54455 – *Public comment read by Clerk Poyer and attached to minutes.*

Alex Vedvik – 1955 Woodgate Lane, Kronenwetter, WI 54455 – *Vedvik commented on the water tower lease agreement. He said the Village must evaluate the lump sum vs. future cost and discounted cash flow when making the decision. He also said the Riverside Fire District Ambulance Service contract should stipulate whether residents are billed at the resident rate.*

6. REPORTS FROM STAFF AND VENDORS

C. Finance Director Report

Finance Director Jacobs presented his report and timeline for upcoming projects including assessment RFPs, TID #3 closure and capital borrowing. Jacobs said there are issues with the W2s due to a new law and the new cost centers have been entered with the software system. He answered questions regarding the W2s and borrowing for roads.

D. December 2025 Check Register

Finance Director Jacobs presented the check register for December 2025. He answered questions regarding the credit card payments being broken down and the supplemental payroll. Public Works Director Ulman answered a question regarding equipment for the trails and mileage.

E. Community Development Director Report

Community Development Director Wegner presented his report. He addressed the concerns presented by Paul Jaeger’s public comment given earlier in the meeting. He answered questions regarding as-built; fake invoices; and correspondence regarding fences and building.

F. Public Works Director Report

Public Works Director Ulman presented his report. He answered questions regarding meters being changed out and fiber optic projects.

G. Administrator Report

Administrator Davel presented his report. He answered questions regarding elected officials attending staff meetings; the addition of a cover letter in the packet for each agenda item; and an easement..

7. CONSENT AGENDA - DISCUSSION AND POSSIBLE ACTION

H. January 12, 2026 Village Board Meeting Minutes

Motion by Myszka/Mortensen to approve the consent agenda. Motion carried by voice vote. 6:0.

8. NEW BUSINESS - DISCUSSION AND POSSIBLE ACTION

I. Kronenwetter Water Tower Lease Proposals

Administrator Davel presented an overview of the issue. President Joling has received multiple offers from various companies to lease the space on the water tower. Discussion included the financial aspect; the current lease agreement; intentions of the companies; and possible opportunities for the Village.

9. OLD BUSINESS - DISCUSSION AND POSSIBLE ACTION

J. Ethics Code Re-evaluation

Administrator Davel presented this item to the board. He said the board needs to decide whether this code is necessary at the municipal level and whether there should be a separate committee enforcing the code. Staff were tasked with revising the code with the suggestions from Attorney Remzy Bitar and bringing it back to the Village Board.

K. Ambulance Service Agreement with Riverside Fire District

Motion by Charneski/Sorensen to approve this contract with Riverside for five years as presented. Motion carried by roll call vote. 5:1. Voting nay – Myszka. Discussed the contract’s length, cost and contents.

10. CLOSED SESSION

Motion by Sorensen/Mortensen for the consideration to convene into closed session pursuant to Wis. Stat. 19.85 (1)(c) for consideration of employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – to wit administrator evaluation and other personnel issues. Motion carried by roll call vote. 6:0.

PRESENT IN CLOSED SESSION: President Dan Joling, Trustee Ken Charneski, Trustee Aaron Myszka, Trustee Craig Mortensen, Trustee Sandi Sorensen, Trustee Jessica Stowell; Administrator James Davel joined closed session at 7:32 p.m.

Closed session convened at 7:21 p.m.

11. RECONVENE OPEN SESSION

Motion by Myszka/Mortensen to reconvene into open session. Motion carried by roll call vote. 6:0.

12. ACTION AFTER CLOSED SESSION

Motion by Sorensen/Myszka to offer full-time employment with the designated three percent pay increase. Motion carried by roll call vote. 6:0.

13. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

No items were considered.

14. ADJOURNMENT

Motion by Mortensen/Stowell to adjourn. Motion carried by voice vote. 6:0.

From: [L P Jaeger](#)
To: [Jennifer Poyer](#)
Subject: Fwd: [External] TID 1 AND CREEK ROAD AND HIGH DENSITY HOUSING
Date: Friday, January 23, 2026 6:47:06 PM

----- Forwarded message -----

From: L P Jaeger <19lpjaeger@gmail.com>
Date: Fri, Jan 23, 2026, 6:06 PM
Subject: TID 1 AND CREEK ROAD AND HIGH DENSITY HOUSING
To: Village Board <VillageBoard@kronenwetter.gov>, <villageclerk@kronenwetter.org>

I encourage the board to be diligent with traffic congestion when approving development. TID 1. There is already TRAFFIC congestion at Tower and XX. Trailwood has a TRAFFIC light. Please direct all traffic from TID 1 development to Trailwood.

CREEK ROAD development. Details were scarce in Pete's report. Again, TRAFFIC could be a concern. Creek Road dumps into Pine which already is congested. Furthermore, Pleasant from Pine to X is prone to flooding and closure.

AND, there is no municipal and water-sewer service.

HIGH DENSITY HOUSING. The village roads were NOT built for high traffic volumes. Every development must include a traffic IMPACT report.

Speaking of IMPACT. Florida has charged developers significant IMPACT FEES for impact on traffic and all municipal services.

THOSE ELECTED OFFICIALS CARE ABOUT THEIR CITIZENS.

I submit that Krony elected representatives heretofore cater to the paper contractors and grant lucrative favors to select land owners.

The time is ripe to close that book and open a new one that focuses on what is best for krony residents in toto.

Jennifer, please read this into the board minutes on Monday.

A thanks to Jim for a much, much (grammar by CH7 WX Reader Buddy Holly aka Hopity Holly) better administrator report. Still too much not reported nor disclosed.

Paul Jaeger
Seville Road



SPECIAL VILLAGE BOARD MEETING MINUTES

January 27, 2026 at 4:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

1. CALL MEETING TO ORDER

President Dan Joling called the January 27, 2026 Special Village Board Meeting to order at 4 p.m.

A. Pledge of Allegiance

Those in attendance were invited to recite the Pledge of Allegiance.

B. Roll Call

PRESENT: *President Dan Joling, Trustee Ken Charneski, Trustee Aaron Myszka, Trustee Craig Mortensen, Trustee Sandi Sorensen, Trustee Jessica Stowell, Trustee Mary Jensen (arrived at 4:16 p.m.)*

STAFF: *Administrator James Davel, Community Development Director Peter Wegner, Clerk Jennifer Poyer*

GUESTS: *Attorney Shane VanderWaal (Village of Kronenwetter), Attorney Mitchell R. Olson (Milestone Materials), Tony Tomashek (Milestone Materials)*

2. NEW BUSINESS - DISCUSSION AND POSSIBLE ACTION

C. Appeal Made to the Village Board Regarding the October 20, 2025 Plan Commission Denial of the Conditional Use Permit Request for a Non-metallic Mine on the Property Located at 1066 Maple Ridge Road

Motion by Stowell/Myszka to reverse the determination of the Plan Commission with all the conditions from Attorney Shane VanderWaal; Zoning Administrator Peter Wegner; and the January 23, 2026 Milestone Materials CUP APPEAL – Position Statement from Attorney Mitchell R. Olson.

Motion carried by roll call vote. 3:2:2. (Voting yay – President Joling, Trustee Myszka, Trustee Stowell; Voting nay – Trustee Charneski, Trustee Sorensen; Abstaining – Trustee Mortensen, Trustee Jensen)

President Dan Joling introduced guests in attendance. He read the appeal denial letter from Peter Wegner to Tom Burch of Milestone Materials and the letter to appeal to the Village Board written by Mitchell R. Olson representing Milestone Materials. President Joling reviewed Ordinance 520-121 regarding the process of appealing to the Village Board.

Village Attorney Shane VanderWaal recommended Trustee Charneski recuse himself due to his position on the Plan Commission and comments made and given to board members.

Discussion whether new material and information was presented took place.

Attorney Olson presented the case of Milestone Materials. He said Act 67 makes it more restrictive to deny conditional use permits. He said the offered conditions would alleviate any reasons to deny the appeal and would allow the permit to find compliance with the Village code and Act 67. Community Development Director Wegner said the board should consider the five criteria when considering the CUP. He said he would add four conditions to the permit including maintaining and fixing any damaged roads. Attorney VanderWaal said he had conditions to add, as well.

Attorney Olson, Tony Tomashek, Attorney VanderWaal, and Community Development Director Peter Wegner answered questions from the board members regarding hours and days of operation; operation details; machinery use; berms; vegetation; residents affected; conditions presented; land use;

potential noise; Village road usage; future reclamation; fencing; air safety; maintenance on site; Village litigation; Act 67; Village Comprehensive Plan; and the criteria to consider.

3. ADJOURNMENT

Motion by Mortensen/Myszka to adjourn. Motion carried by voice vote. 6:0.

Meeting adjourned at 5:31 p.m.

DRAFT



Village Board Meeting

Agenda Item:
Meeting Date: Feb 9, 2026
Referring Body:
Committee Contact: Trustee Sorensen and Charneski
Staff Contact: n/a
Report Prepared by: Ken Charneski

AGENDA ITEM: "Determination of the basis for Board Member votes regarding Milestone CUP appeal, and other procedural errors and issues"

OBJECTIVE(S): To establish for the record what the facts/reasoning was for Board member votes for or against, regarding sand mine CUP. Examine errors in procedure.

HISTORY/BACKGROUND On Tuesday Jan 27th the Village Board held a meeting to review an appeal by Milestone Materials of the Plan Commission denial of a Conditional Use Permit (CUP) to mine sand on AR zoned property located on Maple Ridge Road.

Aside from an over-all yes or no vote to overturn the Plan Commission decision, the meeting chairman did not conduct the required procedure needed to establish the Board members' vote and reasoning on each of the 5 criteria that needed to be met. Applying the facts to the law and the reasoning for such is important in any municipal quasi judicial functions where the decision affects specific individuals only, rather than the Village as a whole.

Zoning administrator Wegner needs this reasoning in order to write the letter of approval for the CUP to Milestone. The Plan Commission Chairman has requested a summary of the Boards findings, and of course the neighboring residents and village taxpayers are entitled to this information as a matter of due process rights.

This meeting is intended to clarify each Board member's reasoning and evidence for their conclusions and vote, whether for or against the motion, as well as to discuss any related conflicts or procedural issues raised during or after the meeting, and to the extent possible, correct the issues.

PROPOSAL: Correct the record and determine the basis of board member votes.

RECOMMENDED ACTION: As the Board decides.

FINANCIAL

Financial Consideration/Action:

FUNDING SOURCE: N/A
Account Number/Title: #

Current Adopted Budget: \$
Spent to Date: \$
Remaining Budget: \$
Requested Amount: \$
Remainder of Budgeted Amount, if approved:

Section 7, Item H.

ATTACHMENTS:

3 MILESTONE APPEAL HEARING

Affirmative Finding Support

Prepared by Dan Joling – Village President with input from Trustee Myszka and Trustee Stowell

Dated February 4th, 2026

I. BACKGROUND:

On January 27th, 2026 the Kronenwetter Village Board met to hear the appeal of Milestone Materials as to their Conditional Use Permit (CUP) denial. The Denial was given by the Planning Commission on October 20th, 2025. As a result, the Village Board reversed the denial and granted the CUP with conditions on a 3 to 2 vote with 2 abstentions.

As of February 3rd, 2026 it is being alleged by two Board members citing that the hearing was in error and that there was no justification given for the reversal decision. Hence this document will attempt to clarify the vote and give factors used to decide the reversal of the Planning Commission decision with regards to the proposed CUP.

II. THE 5 CRITERIA AS SET FORTH IN ORD. 520-121 (G) AND FINDINGS:

(1) Is the proposed conditional use in harmony with the comprehensive plan, this chapter, and any other plan, program, or ordinance adopted by the village?

YES - The proposed nonmetallic mining operation is located on property zoned AR – Agricultural Residential. The only zoning districts that allow Nonmetallic Mineral Extraction, with an approved Conditional Use Permit, are AR – Agricultural Residential and M2 – General Industrial. The parcel where they propose a nonmetallic mining operation is zoned Industrial/Commercial on the Future Land Use Map. The 2019 Comprehensive Plan encourages industrial use in the area. A large portion of this parcel is located in Zone AE Floodplain and Floodway.

In addition, the 2019 Comprehensive Plan Page 114 Economic Development the Goal stated is that; “The Village will embrace a diverse economy that is a place of opportunities where people and businesses can grow and be successful.” Keeping in mind that Milestone/American Asphalt is a long-standing business in the Village and therefore one would assume we would want to support their operations. It should also be noted that in Land Use, Page 127 Item g. it states, “Encourage industrial use in areas with convenient access to arterial roadways.” This too would be consistent with the issuance of the CUP. It should be noted the creation or maintenance of local jobs is also in keeping with the

Comp Plan page 96 and is noted that in this discipline of Mining and Quarrying workers for the Village was up 207% in seven years.

Then when we apply the 2015 Maple Ridge Development Plan Page 25 where it layouts the development of Site 4. The proposed CUP is envisioned to be an enhancement to future development as proposed in the plan. Further given the approved uses as specified in Ordinance 520-23 which enumerates such uses as; Bed & Breakfast, Boarding, Campgrounds, Commercial Indoor Lodging, Tourist Rooming House and Micro-Beverage Production would and could be further enhanced such a future body of water as will be developed. In particular the later value can be evidenced with the Knowlton House (a Micro-Brewery) to our south by Knowlton. Then there is the Crystal Pines just north of Dancy which is an outstanding rental venue (weddings and reunions) overlooking a pond which enhances its appeal. The realization of value to the Maple Ridge area is not immediate but given time it is envisioned will become a development enhancement and positively add to the marketability of the surrounding area.

- (2) The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted by the village?
YES- Nonmetallic Mineral Extraction is a Conditional Use within the AR – Agricultural Residential Zoning District. There are single family residential homes adjacent to the proposed mining area. In addition, there are single family homes across Maple Ridge to the south and across Beranek Road to the north. Berms will be constructed around the perimeter as mining progresses. In addition, a security fence will be installed around the outside of the berms. Traffic in this area will be increased for a few months each year. The trucks will primarily be hauling the sand and gravel directly to one customer, American Asphalt.

Wisconsin DNR General WPDES Storm Water Permit and Wisconsin DNR Air Emissions Permit are required. In addition, erosion, surface water runoff, dust and noise control measures will be put in place. Finally, the applicant must submit a reclamation plan prepared in accordance with the Wisconsin Administrative Code and the county nonmetallic mining reclamation ordinance. By meeting the requirements of the Zoning

Ordinance and complying with conditions of approval will eliminate any adverse effects on the public health, safety, or general welfare.

In keeping in this vane once the proposed mine site is vacated that soil used to create the berm can be relocated on the remaining property site to help bring more of that parcel out of the flood plain and usable for development. The fact that Milestone is willing to create the berm and maintain vegetation as much as possible to mitigate noise is also a factor in this decision.

- (3) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
YES- The parcel is zoned AR – Agricultural Residential and mostly surrounded by AR – Agricultural Residential with mixture of BP – Business Park, RR2 – Rural Residential 2 and SF – Single Family zoning districts to the West. By meeting the requirements of the Zoning Ordinance, the conditional use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in these zoning districts as they exist today and those shown on the Future Land Use Map.

- (4) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?
YES- No additional utilities or improvements would be needed to support the mineral extraction operation. Startup operations would consist of construction of the two proposed access points; one on Beranek Road and one on Maple Ridge Road. A hard-surfaced driveway will be constructed on Maple Ridge Road and extend a minimum of 50 feet into the property. A typical crushed rock driveway will be built to access Beranek Road. Both of these access points will be equipped with a locking gate.

- (5) Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?
YES- The proposed nonmetallic mine will provide a local and reliable source of aggregate necessary for future infrastructure and public and private community development. The products produced at this site would be used to make hot mix asphalt, concrete, landscaping materials, and other aggregate products important to the community and surrounding area.

This further supports the Comprehensive Plan SWOT Analysis Page 5 in that it addresses the “O” Opportunity of Business Growth along Highway 51 and Maple Ridge as well as the “W” Weaknesses regarding Water and Floodplain Issues.

III. APPLICATION OF WISCONSIN ACT 67:

- Requires that standards governing conditional uses be “reasonable and, to the extent practicable, measurable...

To this end it is believed that the Village has met this requirement and does NOT appear to be in question.

- Prohibits a community from basing a conditional use permit decision on “personal preferences or speculation.”

To this extent the only objections that have been heard have been those of personal preferences and speculation. Additional substantial evidence has NOT been offered or produced to date. It is noted in the Planning Commission Meeting audio record of 10/20/25 that there was impending development of residential property which at this time appears to be speculative and there is no proof as to the validity. There was a comment that truck traffic on Beranek Road would create a safety issue. This too would be questionable as to what this is based on and appears to be speculative and NOT supported by any evidence. This in light of the fact that truck traffic in and around this area and in particular the Village is an everyday occurrence and such movement by trucks is vital to the economy in Central Wisconsin. Also, a comment was made that denying any benefit to anyone other than the Company (assumed to be Milestone/American Asphalt) and yet no evidence, just speculation. Then there is the comment about no land being left upon which any building can occur. That too is speculative and in fact false as there will be land left in particular to the north east of the mine site and in fact with the reclamation of the berm may prove to be more than substantial to support further building site(s).

- Instructs that, where an applicant “meets or agrees to meet all of the requirements and conditions specified” in the ordinance or imposed by the decision-maker, the conditional use permit must be granted.

This area is key that to this point no requirements or conditions were even discussed with the CUP applicant in an attempt to ascertain what if any conditions might be rejected or denied by the applicant. To date any conditions mentioned or discussed with Milestone representatives have yet to be rejected or denied. In fact, the applicant has agreed to or offered a number of self-imposed conditions that will become part of the final document granting approval of the CUP. The bottom line here

is; that if the requirements or conditions imposed is agreed to, the permit “MUST” be granted.

- IV. **SOME OF THE CONDITIONS DISCUSSED AND/OR AGREED TO BY THE APPLICANT:**
 - a. **NO Blasting on site.**
 - b. **NO Crushing or screening operations onsite.**
 - c. **NO external night time illumination on site. (with the exception of gateways)**
 - d. **Willing to consider to redesignate the routes in and out. Primarily going by way of Kronewetter Dr. and then on Beranek into the site and coming out on Maple Ridge Road. This would thereby reduce weight on the newest road (Kronewetter Dr.) and eliminate one less left turn across oncoming traffic. This will be further determined after the Traffic Study is completed.**
 - e. **Additional conditions enumerated in the final Conditional Use Permit Approval and Resolution.**



Mitchell R. Olson
molson@axley.com
608.283.6724

MEMORANDUM

TO: Village Board of Kronenwetter
C/O Attorney Shane J. VanderWaal
VanderWaal Law SC

FROM: Attorney Mitchell Olson

RE: Milestone Materials - CUP
Our File No. 32575.105950

DATE: February 6, 2026

CC: Tony Tomashek, VP – Mathy Companies

This memo is submitted with respect to Milestone Material’s Application for Conditional Use Permit for a non-metallic mine in the Village of Kronenwetter. Milestone Materials filed an appeal of the decision of the Village Plan Commission, which appeal was heard by the Village Board on January 27, 2026. The Village Board voted 3-2 in favor the appeal, reversed the decision of the Planning Commission, and granted the Conditional Use Permit with conditions as specified on the record.

It is our understanding that the Village Board, or members thereof, may now seek to undermine that decision. We present this memo to make clear that there is no legal or procedural basis to change the Village Board’s decision.

- I. The Village’s own ordinances do not permit further proceedings. Village Ordinance Section 520-121 governs conditional use permits. Under Section 520-121F.(3) states that on an appeal, the “Village Board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit....” This section also says “The Village Board’s determination shall be final and subject to appeal to the circuit court under any procedure authorized by statute.”

The Village Board made a final decision in a quasi-judicial appeal hearing. The decision was to issue the conditional use permit. The Village Board’s decision is final. The Village Board does not have the jurisdiction to reconsider because the ordinance clearly states only the circuit court may address the matter after the final decision of the Village Board.

To re-open this appeal would be akin to having a jury trial, the jury pronounces its verdict, and then the jury asks to come back a week later and resume deliberations. There are clear Constitutional due process rights that will be infringed by obstructing the final decision of the Village Board.



Village Board of Kronenwetter
C/O Atty Shane J. VanderWaal
February 6, 2026
Page 2

II. The Village’s attorney made a clear record that Village Sup. Ken Charneski has an ongoing conflict of interest which prevents acting as a fair adjudicator in these proceedings. That conflict has become more apparent by the events during and after the January 27th meeting. Any vote on a CUP appeal is a quasi-judicial vote, for which Milestone Materials has a constitutional right to due process. In adjudicative actions, which includes review of CUP applications where a legal criteria is applied to an application, due process requires that the application be reviewed by “impartial decision-makers.” *Miller v. Zoning Bd. of Appeals of Village of Lyndon Station*, 2023 WI 46, ¶ 13, 407 Wis. 2d 678, 991 N.W.2d 380.

Sup. Charneski should not be participating in this matter. His ongoing efforts to challenge the subject CUP application are of great concern to principles of fundamental fairness.

III. Milestone Materials has consistently sought to present an application for CUP which can meet the Village Zoning Code with appropriate conditions to protect the community and its residents. The Process and Decision of the Board on January 27th, apart from the conflict of interest issue noted above, was fair and reasonable and supported by the application and presentation of Milestone Materials, Village Staff submissions and comment, public comment, and the statements of Village Board members. Milestone Materials wishes to move forward to create a professional and well-run operation consistent with the terms of the CUP as granted.

Accordingly, the Village Board should proceed to follow its existing decision and issue the CUP in accordance therewith. Village Staff is obliged to write the CUP with conditions and that CUP should be approved within 30 days per Village Code Section 520-121H.

Thank you for your attention to this matter.

Sincerely,

AXLEY LLP

Mitchell R. Olson
MRO:iae

Memo from Ken Charneski Jan 27, 2026

Given the activities that have taken place since the October 20 Plan Commission decision on the Milestone application, I have concerns about a fair and unbiased appeal taking place today.

The appeal proceeding requires several elements to be established before it can proceed in a fair manner

1. Objective, unbiased reviewers.
2. The information regarding the facts and evidence exactly as the Plan Commission had available at the time it made its determination.
3. An accurate representation of the ordinance and other law that the Board is required to apply the facts to.
4. The reasoning of the Plan Commission in coming to its decision and which the Board is reviewing.
5. A transcript of the Plan Commission meeting is a standard reasonable expectation in order to conduct a competent, intelligent review of the meeting.
6. Determination of ex-parte communication, which means no discussion about the issue outside of the meeting itself.
7. If one party is represented by legal counsel then all should have that opportunity, in order to be a fair proceeding.

We have **item 3**, which is the 5 criteria stated in ordinance 520-121 that we must apply the facts to.

We have in **item 4 the reasoning** of at least one Plan Commission member, and *Navis v Door County 2021* affirms "reasoning need not be embodied in a written decision as long as it is reflected in a transcript of the proceedings."

The court in *Stojan Coralic, DBA the BrewHouse v Milwaukee Common Council 2011* confirms that committee members are determined to be in agreement with the findings unless they indicate otherwise on the record. The denial letter sent to Milestone summarizes the findings.

In **item 2**, we **HAD** the untainted facts and information to review the decision, until Milestone sent their "position paper" with tons of **new information that the Plan Commission did not have**, and which flies in the face of standard ethical conduct in an appeal process. Even if we were later told to disregard it, effect of **skewing the objectivity of the Board. has already happened**. This should be **declared a mistrial** by the Board, and **deferred to County Circuit Court** to be determined under a certiorari action.

For **item 1**, We have a need to determine the **objectivity of the Board members**. There is generally a **presumption of objectivity**, unless shown otherwise. *Wisconsin v. Gudgeon 2006* explains that lack of objectivity in a decision maker is a "structural error" which is as bad as denying legal counsel, and fundamentally denies due process rights.

In this case, item 1 ties in with item 7 and item 6.

Item 7 relies on **legal representation for an even playing field**. Milestone of course has had a very vigorous, aggressive legal advocacy for their interests.

Plan Commission has been **offered no representation or advocacy** whatsoever by me Davel or Joling. If we had been, I would not need to be writing this now.

Attorney VanderWall agreed to be the **Village attorney** until we found a regular village attorney. They reminded the village **to find a new law firm ASAP** because VanderWaal was very busy and wanted to move on.

The Village **hired Municipal Law** firm in the last week of November.

On December 17 I inquired about the status of the Village/VanderWaal separation, and Mr Joling replied that he was sticking with Vanderwaal for this particular CUP item "to save on costs".

Over the months, VanderWaal has billed the Village about \$3000 for work dealing with the Milestone CUP. On Nov 3 he had a **1.5 hour meeting** with Mr. Joling, Davel, and Wegner regarding the Milestone CUP.

It is very concerning to me that the Village Board as VanderWaal's "client", has **never been informed of any of what was discussed** behind those closed doors.

Mr Valderwaal has sent his opinions of other issues (the speed limit issue is the only one that comes to mind), but for \$3000 spent through December, (not counting recent meetings) the Village Board has **not gotten one word** of legal advisement to support the Plan Commission decision, or to guide the Village Board.

Instead it appears that Mr. Vanderwaal is supplying material, as weak as it is, promote Milestone's position.

So, due to Mr. Joling's sole decision of keeping on a lawyer that he has a long association with, and denying a request for having our new, objective law firm take a look, I think it is reasonable to conclude that the Village and the Plan Commission are going into this appeal meeting without **any effective advocate or legal counsel**.

Item 6 Ex-parte Discussion and a Heavy Bias.

Two days after his meeting with Vanderwaal, on November 5 after a small meeting at the village hall and when everyone else had left, Mr. Joling handed me a blue folder with a circuit court case involving a CUP for a campground along with the other materials that were emailed to the Board on November 12th. He advocated for the Milestone CUP approval for the sand mine as being growth and development that we need. He said he had talked to the lawyer, and he urged me to review the material in the folder.

I said I would, and he called me a couple days later on Nov 7 for a 20 minute call in which he talked about how long the Asphalt plant had been here and **how we have to support long term businesses like this**, again referring to "**growth and development**" for the Maple Ridge area and how the **residents there "will have to go"** sooner or later if they don't like it. More or less the cost of progress.

I told him that the material in the packet was nothing at all of value, expressed dismay that this was **what "our" lawyer was providing**, and that I thought he was talking to the wrong lawyer. Since this one appeared to be an advocate to approve CUPs in other cases, and obviously biased to that point of view.

He asked for the case law that I mentioned at PC, and I said I would get it to him. **This is what I provided to the Board on Friday.**

Going back to me Dec 17 email about the new lawyer, Mr Joling followed up with an email on Dec 18 that said in part:

"Regarding Milestone I find interesting is that we don't seem to want to listen to attorneys until **we're up to our eyeballs in litigation** given the past history of this Village especially that since 2018. I would think maybe **we need to take a different approach on how we do things**. Also, given the fact that you apparently are privy to some laws or statutes with regards to conditional use permits that you cited during the planning commission meeting, I'm wondering what those are that further solidifies your stance. To date you have not provided me with that information.

Yes I too can read statutes."

So, according to that statement, **someone has convinced Mr Joling that somehow the village will**

be sued unless we approve the CUP, and that Mr VanderWaal has **not mentioned any of the information in my report that supports CUP denial.**

His email goes on:

"I also note your use and citing of the interest or concerns of the taxpayers. What so many times seems to be void around here is **what about the taxpayer who's property it is that they want to sell or develop?** And again I ask you what is your vision for the Village going forward? Where is it you envision **development and growth** in the village?"
"...maybe we need to at least take a look at our ordinances or zoning requirements and **make changes** to better **facilitate development and growth.** And that probably isn't going to happen in always being in a reactive state rather, **we need to be a little more proactive on these matters.**"

As I showed in my Friday report, **none of Mr Joling's talking points are based on fact, nor do they apply to the criteria in the ordinance.**

Threat of litigation, favors for big business, disregard for current residents, concern for the land-seller's profit, and the misconception that a sand mine in place of actual construction is "growth" or "development" all fit with a **preconception that is biased and not at all impartial** going into the meeting.

In *Marris v. City of Cedarburg 1993* the court ruled that the **chairman's comments showed that he pre-judged the case with an impermissably high risk of bias**, which denied the plaintiff of due process.

The *Marris* court also said:

"In this case no statute or ordinance governs disqualification of a board member."

"We need look only to the characteristics of the proceedings to determine whether the decision-maker must be impartial. In this case the Board must make **factual determinations** about an individual property owner and **then apply those facts to the ordinance.** We conclude that common law notions of fairness require an impartial decisionmaker under these circumstances."

"In this case, where established criteria direct the Board's fact- finding and decision- making, Marris should expect that a decision will be made on the basis of the facts and the law. **If a Board member prejudices the facts or the application of the law, then Marris's right to an impartial decision-maker is violated.**"

Mr. Joling has openly stated his **bias** against the current ordinance criteria, **sympathy** toward CUP applicants, and **prejudgement** going into the appeal, all being based on non-applicable information. This is abundant evidence that Mr Joling represents **an impermissably high risk of bias**, and that he **cannot apply the ordinance objectively to the facts.**

According to the *Marris* court, Mr Joling needs to recuse himself from this appeal.

On the other hand, Mr. Joling want's me to recuse myself because I have "already made up my mind". The Marris case says that familiarity alone with an issue is not a cause for recusal. I have consistently held to the facts and applied them to the criteria. This is not considered to be a "bias" by the Marris court, which instead was dealing with a non-factual, hostile bias by the chairman. Which is the defining characteristic of not being able to fairly determine the facts or to apply them to the law.

Item 5 A transcript. Mr. Joling also denied this request as "too expensive", even though it is generally a basic, necessary component of a competent appeal review.

Given the last minute nature of Milestone's "position paper", and even later notice of Mr. Joling's recusal email, I have no more time to finish this up.

A report by Ken Charneski Relating to Junior Ridge Conditional Use Application

Introduction

After a hearing and deliberation on Oct 20th, 2025, the Kronenwetter Plan Commission (KPC) unanimously voted to deny Milestone Materials' conditional use application. This decision was based on the failure of the application and other documents and evidence on the record to meet 4 out of the 5 criteria for approval. All 5 criteria must be met before approval is allowed,

Milestone Materials has appealed that decision to the Village Board as per 520-121 (j). The letter stated no specific claims or reason for the appeal.

Basic Rules of Appeal

Consideration of a conditional use application is a **quasi-judicial function** of the KPC, and thus also of the Village Board in considering this appeal.

"Quasi judicial" means that our obligation is every bit as solemn as it would be for **jury duty**. In some respects it is even more regulated because here, each member must be able to legally justify their vote with reasoning as to how they determined the facts, and how those facts applied to the law (the five criteria in Ordinance 520-121 (G)) which has resulted in their decision. This rule applies either way, **whether it is a vote to deny, or a vote to approve**, the member must have a rational reason based on facts and how they apply to the criteria.

The Village Board has not been briefed in their duties or procedure of an appeal process, and they may not be as familiar with the requirements as the KPC is.

In response to President Joling's concerns and request for what I consider to be a legal basis for the Commission's decision, I have prepared this document to the best of my knowledgs from a layman's point of view. This report is intended to be an informative overview as to how I as a Commission member viewed the facts, and how they applied to the criteria in Ordinance 520-121 (G) that resulted in the vote to deny the application.

I do not intend to speak for all of the KPC members, but I expect that based on the discussion at the meeting, their individual votes to deny the application follows very similar reasoning to what I will present here.

Plan Commission

The KPC is made up of people of diverse opinions, experience, and world views who are otherwise (to my knowledge) not associated with each other. They are experienced in performing KPC functions, including CUP requirements. I have no reason to believe that they do not understand their duties or that they take their responsibility lightly.

The Commission addressed the provisions of the village's ordinance and its decision was the result of deliberation and judgment exercised within the range of discretion accorded it in common law. The Commission's determination was reasonable, had a rational basis, and was supported by numerous points of substantial evidence.

Rules and Requirements for Appeal Approving or Denying the Application

The original KPC approval process involved gathering information, evidence, and other fact-finding. In a normal appeal process however, the Village Board is restricted **to considering only the information available to the KPC at the time of its decision**. No additional information should be or should have been introduced to the Board or considered other than that which was in the record on October 20th.

An appeal **is not a complete do-over**, or second swing at the ball for the applicant to present a new

case.

The job of the Village Board in an appeal is to step into the shoes of the KPC with the same information and conditions that it had back at that time, and to see whether or not the Board will reach the same conclusions by applying the same information to the same criteria in the ordinance.

Threats of Litigation

President Joling has expressed concern that a decision that is unfavorable to the applicant might result in litigation against the Village. I strongly disagreed and said I would provide the authorities (case law) that I was referring to in my comments at the KPC meeting about "court cases".

But first, I'll refer to the Planning Commission Handbook put out by the University of Wisconsin Center for Land Use Education. On page 12 of Chapter 1, which talks about decision-making and the role of the lawyer. It says:

"Above all, don't let yourself be bullied by threats of litigation, unconstitutional takings or other bluster that may come your way. Make your decision based upon the law as set forth in your plans and ordinances."

That chapter can be found here

https://www.uwsp.edu/wpcontent/uploads/2023/11/PC1_Introduction.pdf

Regarding the case law that I found as relates to the KPC decision to deny the application, here are the main points that I have found, regarding what the courts have used as a standard:

1. Because municipal jurisdictions have widely different ordinances. The CUP must comply with the requirements of **that particular ordinance criteria** (In our case items 1-5 of 520-121(g))
2. The **burden is on the applicant** to show in their application papers that the proposal is compliant with the local ordinance.
3. The deciding body has **no obligation** to attempt to adjust, or draw out concessions, or otherwise find ways on behalf of the applicant to make an application work. This is the applicant's responsibility.
4. The deciding body has **complete discretion in weighing evidence and determining the credibility** of such.
5. "Substantial evidence" is defined by law as 62.23(7)(de)1.b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and **that reasonable persons would accept in support of a conclusion.**"
6. "Substantial evidence" has been defined by the courts as **"less than a preponderance"** but **"more than 'a mere scintilla' of evidence and more than 'conjecture and speculation.'"**
7. Public input concerns may be considered **competent "substantial evidence"** even when contrary "expert testimony" exists.
8. Shared personal knowledge or common experience are valid elements of evidence in reaching a decision to approve or deny a CUP application.
9. The courts review local (KPC) decisions with **deference** and the **presumption** that the local body made a proper determination of the facts, and a correct conclusion. In the event of an appeal to the circuit court, it is the applicant's burden to prove otherwise.

If the applicant does not like the Village decision to deny the CUP application, the procedure is for them to then go to the Circuit Court with a petition of Certiorari, which asks for the court to review the Village decision-making process and confirm whether or not it was done correctly.

Certiorari

A circuit court reviewing a CUP denial on certiorari must as standard procedure, consider whether the

administrative body:

- (1) kept within its jurisdiction;
- (2) proceeded on a correct theory of law;
- (3) acted arbitrarily, oppressively, or unreasonably (exercising will instead of judgment); and
- (4) reached a conclusion that reasonably could be made on the evidence.

If any of these fail, the decision can be disturbed.

Quoted from *State v. Outagamie County Board of Adjustment, Jun 29, 2001*;

State Ex Rel. Ziervogel v. Bd. of Adjustment, Mar 19, 2004, and has been repeated in numerous decisions.

In reviewing and determining these four standards, the Circuit Court **must abide by the bullet points 1-9 listed above**, which were established and/or accepted as the standard by the Wisconsin Supreme Court.

What is a "Conditional Use"?

Any use that is listed as "conditional" is a privilege, not a right. Act 67 has made it a statutory right in cases **where it complies with local regulations**, as determined by a local decision-making body like the KPC.

Here are a couple of examples of how the courts have explained it. Emphasis has been added.

"In Wisconsin, and in many states, a conditional use is one that has been legislatively determined to be compatible in a particular area [such as AR zoning], not a use that is always compatible at a specific site within that area. In these states, the decision whether to grant a conditional use permit is **discretionary**. The relevant entity determines whether a particular site will accommodate a proposed particular use. In other states, decision makers have less discretion on requests for a conditional use permit." *Allenergy Corp. v. Trempealeau Cnty. Environment & Land Use Comm. Wisconsin Supreme Court, May 13 2017*

"Conditional uses or as they are sometimes referred to, special exceptions uses, enjoy acceptance as a valid and successful tool of municipal planning . . . [A]s flexibility devices, which are designed to cope with situations where a particular use, although not inherently inconsistent with the use classification of a particular zone, [conditional uses] **may well create special problems** and hazards if allowed to develop and locate as a matter of right in [a] particular zone."

". . . By this device, certain uses (e.g., gasoline service `stations, electric substations, hospitals, schools, churches, country clubs, and the like) which may be considered essentially desirable to the community, but **which should not be authorized generally in a particular zone** because of considerations such as current and anticipated traffic congestion, population density, noise, effect on adjoining land values, or other considerations involving public health, safety, or general welfare, may be permitted upon a proposed site **depending upon the facts and circumstances of the particular case.**" *STATE EX REL. SKELLY OIL v. COMMON COUNCIL Wisc Supreme Court 1973*

In other words, just because a conditional use such as a sand pit may be allowed in a certain zoning district like agricultural-residential, does not mean that it should create an expectation that it **must** be

allowed in any and all locations in that AR district. A use that is deemed "conditional" does not even necessarily make that use desirable or beneficial to the public interest.

"Conditional use" is a tool to be used at the municipality's discretion, but not unlimited discretion, to protect the public and for the benefit of the public as the case may be. Always based on the terms of the ordinance as applied to the circumstances of that particular location, along with that, the Plan Commission must determine if the **privilege** of granting the conditional use outweighs the **rights** of the neighboring property holders.

It is not intended for granting a private benefit as a favor to someone at the expense of someone else's private detriment or loss, or to grant or deny CUP applications based on the mood of the decision makers on that particular day.

ACT 67

Due to some municipalities' very vague and ambiguous standards, Act 67 was passed to impose the following to Wisconsin Statute 62.23 (7) (de):

1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "**Substantial evidence**" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and **that reasonable persons would accept in support of a conclusion.**

2.

a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on **substantial evidence.**

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to **approve or deny** the permit must be supported by **substantial evidence.**

Act 67 had little effect on Kronenwetter, because the the Kronenwetter **ordinance 520 -121 already complied with Act 67**, and the recent KPC process and decision-making effort complied with the ordinance.

I see that on November 12 Mr. Joling sent out information regarding another case (Ottman) dealing with a CUP. That case was a great example for municipalities on **what NOT to do.**

The circumstances in that case were **entirely different** in that situation, than what we are dealing with here with the Milestone application. That case apparently involved confused decision-makers, a more acceptable application, and a somewhat weak, undefined ordinance that did not provide a clearly defined basis for denial. **None of these factors are the case here** with the Milestone application.

One of the documents sent on the 12th quotes the dissent ("losing side" in a court split decision) on the AllEnergy case. There they say that the best way to do the thing that the municipality wants to accomplish, is to **put it in the writing of the ordinances** that the Plan Commission needs to follow.

Fortunately, **this had already been done in Kronenwetter** years ago. Our ordinance with the five criteria to be met, is well designed by being specific enough to protect the public and the village, while still providing plenty of leeway to approve reasonable conditional uses.

Act 67 limited the ability for arbitrary, moody, unfair, or inconsistent decision-making, **but it did not change any of the standards stated in items 1 through 9 above.** Those are still the rules that the KPC has met and acted within, and that the courts support.

Wisconsin Case Law

This is what Mr. Joling seemed to be concerned about - the authoritative basis for the Plan Committee's process, findings, and conclusion.

First, we have this case -

Allenergy Corp. v. Trempealeau Cnty. Environment & Land Use Comm.

Wisconsin Supreme Court, May 13 2017

This well known case was decided a few months before Act 67 was passed into law in 2017. The lead opinion in this case cites a large number of other cases that will support items 1-9 above. The main thing that was changed by the Act was that in the AllEnergy case the Court supported the right of local municipalities to deny CUPs based on vague, undefined reasons like we saw in the Ottman case mentioned above.

Act 67 brought in parameters of "substantial evidence" and caused the municipal ordinances and decision-making to be more defined so the applicant has a more clear definition of the standards that they must meet.

If the facts met the requirements, a CUP could not be denied for frivolous reasons.

Act 67 does not affect the validity and applicability of the first group of quotes below, which are all from the AllEnergy case. These statements express **principles**, so the references made regarding Trempealeau County could also apply to KPC for comparative purposes, if anything were to go to circuit court. The emphasis among all of these has been added:

- "A person aggrieved by the denial of a conditional use permit may commence an action seeking the remedy available by certiorari."
- "In the instant certiorari review, the decision of the Trempealeau County Environment & Land Use Committee is accorded a **presumption of correctness and validity.**"
- "A determination of a local governmental entity represents its will and not its judgment when its action is "arbitrary, oppressive, or unreasonable." An action is "arbitrary or capricious if it is **unreasonable or without a rational basis.**"; "Arbitrary or capricious action on the part of an administrative agency occurs when it can be said that such action is **unreasonable** or does not have a **rational** basis. . . . and [is] not the result of the 'winnowing and sifting' process." (citations omitted)
- "The Trempealeau County Environment & Land Use Committee **applied the factors and considerations set forth in the applicable ordinance** and thus kept within its jurisdiction in denying a conditional use permit to AllEnergy."
- "There is **substantial evidence** in the record to support the Trempealeau County Environment & Land Use Committee's decision denying AllEnergy's application for a conditional use

permit."

- "We disagree with the positions that AllEnergy urges. We conclude:
 - (A) **By adhering to the Trempealeau County ordinance**, the Trempealeau County Environment & Land Use Committee **kept within its jurisdiction** in denying AllEnergy's application for a conditional use permit in the instant case.

AllEnergy supports its challenge to the Committee's jurisdiction by three arguments. As to these three arguments, we conclude:

- (B) Designation of non-metallic mineral mining as a conditional use in the zoning code **does not conclusively establish that the use is in the public interest.**
 - (C) The proper inquiry is not whether the proposed conditional use carries impacts greater than the adverse impacts ordinarily associated with that use, and
 - (D) The guidelines in the Trempealeau County ordinance, including the requirement that the Committee consider "**public health, safety or general welfare,**" are constitutional."
- "Our case law has **not accepted...** that a legislative listing of a conditional use equates to a legislative determination that the **use is in the public interest.**"
- "[T]he **presumption** that the **conditional use serves the public interest does not exist in Wisconsin.** . . . The zoning ordinance allows certain uses, provided certain conditions are met. These conditions are not presumed to be met either by judicial fiat or by the terms of the ordinance . . ." (*quoting Delta Biological Resources, Inc. v. Board of Zoning Appeals of the City of Milwaukee*)
- "Thus, our precedent dictates that **no presumption exists that a conditional use is ipso facto consistent with the public interest** or that **a conditional use is a use as of right at a particular site within an area zoned to permit that conditional use.** No compelling reason has been given to justify deviating from Wisconsin precedent and eliminating site-specific flexibility in local zoning matters."
- "An ordinance is presumed valid. **It must be liberally construed in favor of the decision rendered by the local governmental entity.** A party challenging the constitutionality of an ordinance bears a heavy burden to show that the ordinance is unconstitutional beyond a reasonable doubt:"
- Substantial evidence is evidence of such convincing power that reasonable persons could reach the same decision as the local governmental entity, even if there is also substantial evidence to support the opposite decision. Reasonable inferences may be drawn from credible evidence. **If "credible, relevant and probative evidence upon which reasonable persons could rely to reach a decision" supports the decision** of the Trempealeau County Environment & Land Use Committee, **the court will uphold the decision.**
- "Quantitatively, substantial evidence is **less than a preponderance of the evidence, Smith v. City of Milwaukee,** but "**more than 'a mere scintilla'** of evidence and more than '**conjecture and speculation.**'" *Gehin v. Wis. Group Ins. Bd.*
- "Substantial evidence has been defined in the case law as 'that quantity and quality of evidence which a reasonable [person] could accept as adequate to support a conclusion.'" (quoting Gehin case)

- "[A]n agency or hearing examiner shall not be bound by common law or statutory rules of evidence. The agency or hearing examiner **shall admit all testimony having reasonable probative value**, but shall **exclude immaterial, irrelevant or unduly repetitious** testimony..."
- The substantial evidence test is a significant hurdle for AllEnergy to overcome because, in applying the test, **this court is deferential to the decision** of the Trempealeau County Environment & Land Use Committee. Certiorari review **accords the decision of the local governmental entity a presumption of "correctness and validity."**
- Finally, in applying the substantial evidence test on certiorari review, a court does not reweigh the evidence. Rather, **we consider only** whether the Trempealeau County Environment & Land Use **Committee made a reasonable decision based on the evidence before it.**" (citations omitted)
- AllEnergy has the **burden of proof** (persuasion) **to demonstrate satisfaction of the criteria** for a conditional use permit.
- If **substantial evidence** supports **any** of the Committee's reasons for denying AllEnergy's application pursuant to the criteria in the ordinance, the court **will affirm the Committee's decision.**
- [I]f we conclude that **any one** of the board's reasons for denying the variances at issue passes certiorari review, we affirm without commenting on the board's other reasons." (quoting *Clark v. Waupaca Cty. Bd. of Adjustment 1994.*)

Similarly, Kronenwetter has 5 criteria in the ordinance, and all of them must be met.

Other Cases for Reference

Here are some other quotes from higher court decisions. Emphasis has been added throughout all of these.

Payne Dolan, Inc. v. Dane County Wis.Ct.Appeals March 2, 2000)

"..we are satisfied that in Wisconsin it is proper for area residents to testify about the impact they believe a proposed use will have on their general welfare, and that the **weight to be given such testimony lies within the discretion of the zoning authorities.**"

"Unlike the more technical question whether the quarry would pose significant threats to the environment or public health, the adverse impact that unsightly mounds and increased traffic, dust and noise could have on the quality of area residents' lives is clearly a **matter of common experience.** We therefore **reject the contention that all of the neighbors' testimony in this case was incompetent.**

Ottman v Town of Primrose Supreme Court March 22, 2011

"In situations where the language of a municipality's ordinance appears to be unique and does not parrot a state statute but rather was drafted by the municipality in an effort to address a local concern, **we will defer to the municipality's interpretation if it is reasonable.**"

"A municipality's interpretation of its own ordinance is unreasonable, for example, if it is contrary to law, if it is clearly contrary to the intent, history, or purpose of the ordinance, or if it is without a rational basis. An interpretation that directly contravenes the words of the ordinance is also unreasonable."

"The court may also be asked to review a municipality's findings of fact and to determine whether the evidence was such that the municipality might reasonably have reached the decision it reached. A certiorari court **may not substitute its view of the evidence for that of the municipality**. On certiorari, **a court will sustain a municipality's findings of fact if any reasonable view of the evidence supports them.**" (quoted from *Kapischke v. Cnty. of Walworth*, 1999).

Navis v. Door County

Wisc Ct of Appeals March 23 2021

"An administrative body proceeds on a correct theory of law when it relies on the applicable ordinances and cases and applies them properly.

As to the demonstration of a rational, nonarbitrary basis for judgment, the administrative body's "reasoning need not be embodied in a written decision as long as it is reflected in a transcript of the proceedings."

As to whether the administrative decision was based upon evidence in the record, we must examine the record for **any** substantial evidence that supports the administrative body's determination.

The **substantial evidence test does not require a preponderance of the evidence**, merely that "reasonable minds could arrive at the same conclusion as the [administrative body]" based on the record before it.

We **may not substitute our judgment** for that of the administrative body **as to the weight or credibility of the evidence** on a finding of fact." (all citations omitted)

"Consistent with the Ordinance, however, **it was well within the Board's discretion to determine how wide a geographical area to consider in evaluating comparable uses.**"

Stop the Ongoing Mine Permit v. Town of Ashford Bd. of Appeals

Court of Appeals June 12, 2019

"Further, we disagree with STOMP that personal knowledge or opinion is an inappropriate consideration."

"The board's findings of fact will be upheld if substantial evidence supports its decision, even if substantial evidence also supports the opposite conclusion." (quoting *CBS, Inc. v. LIRC*).

Kraemer Sons v. Sauk County Adl. Bd. COUNTY ADJ. BD

Wisc Supreme Ct, May 4, 1994

"The Board **did not have the burden of formulating conditions to enable Kraemer to obtain a special exception permit**. A special exception use is only a permitted use when the standards prescribed in the ordinance are met. **The applicant, not the Board, has the burden of showing that the permit meets these standards.** Here, Kraemer did not meet its burden. Once the Board decides to approve an application, ordinance... enables the Board to fashion **additional conditions** to ensure compliance. This provision **does not shift the burden** to the Board to fashion conditions that would enable the applicant to obtain the permit.

State of Wisconsin v. Outagamie County Board of Adjustment

Wisc Supreme Court June 29, 2001

"In applying this standard, a reviewing court is required to defer to the decision of the board unless it is "unreasonable or without a rational basis. . . . Thus, the findings of the board may not be disturbed if **any reasonable view** of the evidence sustains them."

Summary of Case Law

So, that's a lot of information and there is much more out there that reiterates the same precedents. The relevance of it all is that local control of land use through municipal agencies like the **Plan Commission, is strongly supported by the statutes and the courts.**

To simplify, it all boils down to this:

- We have a very good ordinance with reasonable criteria, that meets statutory requirements.
- KPC had plenty of substantial evidence to apply to the criteria in the ordinance.
- The Plan Commission made an unbiased rational decision factually based, and determined that the application failed on 4 out of the 5 criteria.
- We met all of the standards for due process, and I am quite sure also those that would pass a certiorari review if it ever went to court.

Given the facts of the situation, I see **no reason for excessive concern** about being "up to our eyeballs in litigation" or any other inflammatory terms. The evidence that objectively supports denial is abundant, along with the well grounded presumption by the courts that the local Plan Commission is the best judge of evidence, and local matters and concerns.

Part II Review of the Evidence

The Plan Commission Hearing and Meeting

Public Input

The public provided numerous concerns from local residents about noise, dust, truck traffic, safety and property values. Concerns about "blasting" were dismissed by the Commission, as they were not based on fact.

Documented Evidence

The CUP application and lawyer's memorandum were submitted and considered by the Commission. The following are my observations. The other KPC members will have their own that may or may not coincide with these.

I found a number of conflicting statements in the application materials.

- Mining volume is stated at 25,000 yards in one place, then 1,000,000 yards total in another place.
- 10-15 year expected life of mine stated, then 15-20 years stated elsewhere. Based on the above numbers, the math could possibly bring it to 40 years.
- Operations was said to be conducted "a few months per year," but they could also be any months of the year. The application states "January-December", so possibly activity in all months.
- Hours are listed as 7 am to 6pm, and 7 - Noon on Saturday, but maintenance and hauling activity outside of these hours may be necessary. This indicates that there will be rush periods

of high volume, and heavy truck traffic.

- Application states equipment as "excavators, processing equipment & conveyors will be used, and elsewhere it adds front end loaders, rock crushers, and screening. When issues of noise were raised at the meeting, the applicant verbally stated "no rock crushers", and only a tractor with a backhoe will be used for loading. This did not sound realistic or credible, given the volume of digging, sorting, and stockpiling that they were planning.

Given the stated variables of volume of sand and life of the mine, the truck traffic could easily be 3000 loads per year, digging next to and hauling through a residential neighborhood.

The issue of back-up warning beepers was raised as a noise concern. Applicant stated that those would be turned off, but no evidence was provided that OSHA would allow this in an active work place.

So, from the standpoint of the application materials, the information was widely variable, contradictory, and gave the applicant the widest latitude possible. There was not much to speak of in the way of credible evidence to show that this mining operation would be compatible with being immediately next to a single family neighborhood.

Findings

This is the heart of the matter where we apply objective facts to the criteria of ordinance Kronenwetter Code 520-121.G.

The attorney for the applicant provided a memorandum containing their findings of fact. I have considered his findings and have provided my own here in response.

Criteria #1, Applicant's position

(1) Whether proposed conditional use is in harmony with the comprehensive plan, this chapter and other planning.

The proposed non-metallic mine (for sand extraction) is clearly compliant with Village regulations and planning.

First, the subject parcel is zoned agricultural (AR). A non-metallic mine is never a permitted use in any district and is only available as a conditional use in the AR district. This zoning inherently supports a non-metallic mine project on the subject property.

Second, multiple planning documents support a CUP for non-metallic mining.

The Village of Kronenwetter’s Maple Ridge Development Concept Plan (2015) was created to evaluate development potential near I-39 and Maple Ridge Road. The Future Land Use map therewith classifies the subject land as “Industrial / Commercial.”

The Village of Kronenwetter Comprehensive Plan (2019) offers the following insight into development potential for the subject land:

- The mining / quarrying employment sector has increased rapidly in both the Village and County since 2010. A 207 percent increase in the Village, accounting for 2% of employment. (97) It is a “driver industry” in the Village. (103) The Plan predicted a 27% increase in sector employment for 2017-2027 – among the largest growth rates of all sectors. (110)

- The land use section encourages industrial uses in areas with convenient access to arterial roadways. (127) The Future Land Use Map designates the subject property as Industrial / Commercial. (Map 8)

The Village of Kronenwetter Kowalski Road Interchange Feasibility Study (2023) specifically addressed the region described as Maple Ridge Road and I-39 Interchange Area, which includes the subject land.

The Study listed eight (8) land use assumptions for this Area, which included a **“Non-Metallic Mine – east on Maple Ridge Road.”** This proposed CUP exactly fits that well-defined criteria from 2 years ago. .

Thus, the three (3) plans covering this land area are consistent with, and in fact call for, an industrial land use, including a non-metallic mine, at the subject site.

Criteria #1,

My position in response

First off, the applicant has misquoted criteria #1 above. This omission might have the effect of making his argument seem more acceptable to those not paying attention. The complete, actual wording of the ordinance reads:

1. Is the proposed conditional use in harmony with the Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted by the Village?

This misquoting of the ordinance is a significant misrepresentation, since for example, the **Kowalski Road Interchange Study** referred to above by the applicant might very loosely be referred to as "planning", but in reality it was **never "adopted" as any kind of plan.** The observations in that study have not been accepted by the Village, and are not really relevant as positive evidence for a sand pit approval.

The applicant states - *"This zoning [currently AR] inherently supports a non-metallic mine project on the subject property."*

This is not true. As cited in case law above, The zoning allows for the **mere possibility** of a sand pit as a conditional use **IF and only IF** it conforms to the ordinance requirements. Sand mining is **NOT** "inherent" to any AR zoned property just because it is listed as a "conditional use".

The applicant is correct when he says *"A non-metallic mine is never a permitted use in any district"*. Mining is actually not "inherent" anywhere in the Village.

Regarding the applicant's reference to the **Maple Ridge Development Concept Plan** - The term "non-metallic" does not even come up in a search of that document.

The **main concept** of the plan says this:

"The Maple Ridge Area has the potential to become the **focal point or town center** for the Village of Kronenwetter. The overall concept is to **encourage the development of the area** to become a mixed use development. A mixed use development **featuring retail, commercial, food, and multifamily residential** will attract people to the development."

The idea of a **sand pit in the immediate vicinity of this kind of area runs completely contrary to that development concept and plan.**

Regarding the applicant's reference to the **Comprehensive Plan** and the future **Land Use Map** - Wisconsin Statute 66.1001 (2m) states:

EFFECT OF ENACTMENT OF A COMPREHENSIVE PLAN, CONSISTENCY REQUIREMENTS.

(a) The enactment of a comprehensive plan by ordinance does not make the comprehensive plan by itself a regulation.

(b) A conditional use permit that may be issued by a political subdivision does not need to be consistent with the political subdivision's comprehensive plan.

So in other words, a Comprehensive Plan just by its existence does not carry a lot of weight in CUP decisions for many municipalities.

However, since our our Ordinance 520-121 (G) specifically identifies the Comprehensive Plan as a criteria factor in CUP determinations, it does carry weight for making these decisions in Kronenwetter.

The applicant's point about locating next to arterial roads may be correct, but it is far outweighed by other Comprehensive Plan stipulations.

For example, the designation "Industrial/Commercial" on the Future Land Use Map, and which the applicant calls attention to, is defined in the Comprehensive Plan as:

"Area designated for concentrated development in an industrial park (heavy) or business park (light / office) setting."

It does not appear that by definition, a sand pit qualifies as a desired future land use at this location designated for "industrial/ commercial".

The applicant elaborates on discussion about employment at nonmetallic mines,

Employment is not relevant to this criteria #1. The fact is that there would be just as much employment at a sand mine located in a less intrusive location, near different arterial road, away from a residential neighborhood and from planned, potential future positive development.

The Comprehensive Plan, which the Plan Commission must consider according to the ordinance, has land use goals, and those goals include:

"The Village will make sound land use decisions which strive to coordinate future growth and land uses with infrastructure capabilities and availability."

Under that heading it includes:

- b. Encourage growth to occur within the Sewer Service Planning Area
- e. Strive to avoid allowing conflicting land uses to be located adjacent to one another
- j. Encourage development that preserves to the extent possible the quality of life that residents enjoy

A reasonable conclusion based on facts and substantial evidence would be that a sand mine is not compatible with those goals.

The Kronenwetter Kowalski Road Interchange Feasibility Study as mentioned above, was a study not a plan, and it was never adopted by the Village Board. There may have been one assumption about a sand pit somewhere east of I-39, but that just goes to show that there are 7 other assumptions more desirable that might locate there as well or instead.

The applicant states - "Thus, the three (3) plans covering this land area are consistent with, and in fact call for, an industrial land use, including a non-metallic mine, at the subject site."

I disagree completely, since objectively, out of the "three plans", one plan is in contradiction to a sand mine, one study is not a "plan" and has no bearing on a CUP decision, and the Comp Plan only states that industrial uses should be near main roads, which are in many the village locations.

The facts of the matter taken as a whole, cannot reasonably be construed to conclude that a vertical sand mine is "called for" or even acceptable in this area that seeks positive development.

Another point is that the proposed sand mine is **not** in harmony with **ordinance 382-1** Public Nuisances.

If this sand mine was to be allowed in this location, being as it is immediately next to single family residences, it is not speculation, but a reasonable expectation that mining operations and hauling would create an ongoing noise, exhaust, and dust nuisance that would "substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public" since those neighbors on small lots are right next to the mine.

Approval of the CUP application would in effect impose an unnecessary nuisance upon this neighborhood.

A few words regarding the term "development" and it's meaning.

Under Wisconsin Chapter 66 General Municipality Law, is sub-chapter XI "**Development**" At 66.1101 "Promotion of Industry; industrial sites" it states:

"(1) It is declared to be the policy of the state to **encourage and promote the development of industry** to provide greater employment opportunities and to **broaden the state's tax base to relieve the tax burden of residents and home owners**. It is recognized that the availability of suitable sites is a prime factor in influencing the location of industry but that existing available sites may be encroached upon by the development of other uses unless protected from encroachment by purchase and reservation. It is further recognized that cities, villages and towns have broad power to act for the commercial benefit and the health, safety and public welfare of the public."

This statute encourages municipalities to purchase property and reserve it for industrial or commercial projects that will increase the tax base.

Under 66.1103 (2) Definition, (K) defines "Project" and "industrial project". This defines what the state considers as "**development**" that supports the policy in (1) above.

Mining and logging are **not included** in the lengthy list. They are **not considered "development"** that will increase the tax base, which is the stated goal of this sub-chapter, and also one of the goals of this village.

Vertical mining (going down, rather than leveling hills) is not considered development, but instead actually **inhibits long-term positive development**. It is a practical matter of common knowledge and shared experience that future building cannot reasonably take place where there is 40 feet of water under it, as this CUP plan calls for.

Approval of this application would run contrary to State policy that encourages development at the municipal level.

Criteria #2, Applicant's position

The proposed conditional use does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights of way, or other matters affecting the public health, safety or general welfare.

Yes, within one mile radius existing business consists of 2 truck repair centers, one that is 24 hours, cold storage, I 39/Maple Ridge Rd Interchange, manufacturing companies along with numerous other commercial businesses

Will meet all Village Ordinances, DNR permits, and Marathon County permits

This use will not impact the use or enjoyment of other property in the area

This use has the ability of creating water storage and removing adjoining property from the FEMA Flood Map

Criteria #2

My position in response:

Once again the applicant has omitted key elements of the ordinance. The text of the ordinance actually reads like this:

"The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted by the village?"

The underlined parts, omitted by the applicant, include very relevant stipulations, and as we can see the omission of which has a significant effect on how his argument is viewed.

The character of a rural residential neighborhood is **nothing** like, nor is it compatible with the proposed mining operation.

Resident concerns about the noise, smoke, dust and traffic is credible and realistic. Shared human experience regarding the sound and effect of trucks, heavy equipment and the wind's effect on dry sand is substantial evidence that a sand mine will negatively impact the character of this residential neighborhood and the quality of life for those residents.

A large open hole in the ground and/or berms of dirt and security fencing bordering single family property can lead a reasonable person to conclude that the **character of the neighborhood** has changed in a very significant, adverse way.

Traffic will be negatively affected in this residential neighborhood. One million yards of sand mined and removed in 15 years is over **4000 large truckloads per year**. A reasonable person would conclude that this would be an "adverse traffic factor" in a residential neighborhood. Resident concerns about the noise, smoke, and traffic is credible and competent. This can be confirmed by simply asking yourself if **you** would be happy with an operation like this setting up next to **your** home.

A one mile radius selected by the applicant is hardly an objective or fair metric. As the caselaw states, it is **the Plan Commission that determines what "nearby property" means, not the applicant.** Since notices are sent to residences within 500 feet, this seems to be a more reasonable radius, since these are the people most negatively affected. Even more relevant are the residents that are **immediately next to the proposed mine.** Their right to the quality of life that their property has provided for them cannot fairly be sacrificed in favor of a newcomer's privilege of engaging in a noisy, disruptive conditional use.

The residents in these areas have provided credible input regarding "**a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, or other matters affecting the public health, safety or general welfare.**"

Common sense and shared experience tells us that the noise of heavy equipment and rock crushers, or the constant drone of dredge pumps are going to negatively impact the quality of life for those people in the neighborhood.

Property owners, especially home owners rely on the Plan Commission to act fairly in protecting their rights to enjoy their home and maintain a quality of life that is their reasonable expectation.

The applicant states - *"This use will not impact the use or enjoyment of other property in the area"*

This is a pure assumption and conjecture on his part, and without basis. It is patently false in light of neighboring residents' concerns based on common knowledge and experience. The **applicant is not competent** to know whether or not neighbors' enjoyment of life has diminished, and to what degree.

"This use has the ability of creating water storage and removing adjoining property from the FEMA Flood Map"

There has been no evidence provided to support this claim, and it appears to be speculation.

The part that was omitted by the applicant is very significant:

"The proposed conditional use does not, in its proposed location ... result in a substantial or undue adverse impact on nearby property... either as they now exist or as they may in the future be developed ...

It should be obvious to an objective, rational person that the removal of 11-12 acres of land to a depth of 45 feet, and which will fill up with water, will have a **significant adverse impact** on the future development of those 11 acres

This one fact alone, as applied to this criteria should cause it to fail.

The resulting body of water with its 45 degree side slope can be expected to create an attractive nuisance and drowning hazard.

Criteria #3

Applicant's position

(3) Whether proposed conditional use maintains the desired consistency of land uses, intensities and impacts for the environs of the subject property.

Yes, the current zoning is Agriculture (AR) with future zoning being industrial/commercial. This conditional use will not impede the development of surrounding properties. The existing development pattern, as described above, with heavy commercial and manufacturing land uses, is consistent with a sand quarry.

This development could ignite development. For example, in the Maple Ridge Rd development plan Site 4 was identified as potential multifamily homes. This potential development would be to overlook a beautiful body of water, upon site reclamation, created through the approval of this CUP.

Criteria #3

My position in response:

Caselaw states that the applicant must provide **substantial evidence** to show that their conditional use will meet the criteria, just as evidence is needed to deny it. **The Plan Commission has authority to determine which side is more credible.**

The factual reality here and now is that the "consistency of land uses" in **that immediate area is in fact residential**, and as for the future we have already looked at the development plans for that area which are **residential/commercial** and potentially a **light industrial/commercial business park**. The criteria in the ordinance is intended to protect residents who are living on their property as a matter of right, from losing the peace and repose that they have been accustomed to, due to the improper granting of a CUP privilege.

Here, the applicant merely makes baseless "blue sky" statements without facts to support their position.

The applicant claims *"This development could ignite development."*

Again, we have the use of the term "development" having two different meanings in the same sentence.

A rational conclusion is that if a sand mine is a "development" then the end goal of **what they are "developing" is an 11 acre pond**. They are **"developing" an irreversible loss of property value** year after year, until there is little to no value left, and remaining that way basically forever or until the next Ice Age reshapes the land. This point can hardly be argued against.

Aside from that issue, the applicant's premise seems to be **speculation upon speculation**. First, that there will be multifamily units rather than commercial development built to the west of this sand pit. Second, whether or not anyone in the area will find this pond "beautiful" is questionable, not to mention that *"upon site reclamation"* would be **15-20 years from now**.

In the mean time the mining operations would continue, and it is doubtful that any apartment builder or dweller would appreciate the noise and dust any more than the current local residents do.

Criteria #4

Applicant's Position

(4) Whether the proposed conditional use is located in an area that will be adequately served / not a burden on public agencies.

Yes, this development will not be a burden. This site will be accessed by Maple Ridge Rd, Kronenwetter Drive and Beranek Rd. The most recent PASER rating for Beranek Rd is a 4, Good and Maple Ridge is 5, fair surface aging, structural sound.

The proposed access is from the existing driveway on Maple Ridge Road. Applicant will provide a 50 foot minimum hard surface driveway at this location adjacent to the roadway. In the event that there would be access to Benarek Road on the north, and since Benarek Road is gravel surfaced, applicant would agree to maintain that section to Kronenwetter Drive (see below). Applicant would also agree to maintain an approximately 1,000 foot section of Maple Ridge from the driveway going west (see below).

**Criteria #5
Applicant's Position**

(5) Whether the potential public benefits of the proposed conditional use outweigh the potential adverse impacts, after taking into consideration any requirements to ameliorate such impacts.

Yes, having locally sourced sand of this quality for the production of hot mix asphalt helps the public and private sector with development costs. The neighboring properties will benefit from the end use of this project. The limited processing at the proposed site, and the reasonable conditions per the Application and the Zoning Code, will adequately ameliorate any perceived adverse impacts.

**Criteria #5
My Position**

For the third time, the applicant has omitted relevant text from the ordinance. The original actually read like this:

"Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?"

Again, the applicant provides conjecture and opinion that creates a picture that is **180 degrees opposite** of what an objective, reasonable person would conclude, given the reality of this proposal.

This is exactly what Act 64 was intended to prevent. Being a two-edged sword, the substantial evidence standard of Act 64 applies to both approval and denial of a CUP.

The applicant's claim that the neighboring properties will actually benefit by a sand mine next door is not credible when viewed in the face of numerous neighbors explaining how their quality of life will be negatively impacted.

The ordinance states: **"...the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts"** does not outweigh the adverse effects to the neighborhood that are inherent to a sand mine being located in a residential area.

If this CUP would have been approved, there is no doubt of the private benefits and that it would be a lucrative boon to the applicant. We like to see businesses thrive and prosper.

However, objectively, there seems to be no apparent public benefit to this proposal whatsoever, let alone any benefit that could outweigh the adverse impacts to the neighboring residents, the Village or the public in general.

Conclusion

Given the statutes, Act 64, the quality of our Ordinance 520-121 (G), and the multitude of common law examples of the higher courts' trust and support of local decision-making, I believe the Plan Commission's decision to this CUP application is decidedly correct and secure.

Ken Charneski Jan 21, 2026

**ORDER GRANTING A CONDITIONAL USE PERMIT FOR
MILESTONE MATERIALS TO ALLOW
NONMETALLIC MINERAL EXTRACTION
IN THE VILLAGE OF KRONENWETTER
MARATHON COUNTY, WISCONSIN**

WHEREAS, an application has been filed by Milestone Materials, a division of Mathy Construction Company, a Wisconsin corporation (hereinafter “Applicant”) for nonmetallic mineral extraction; and

WHEREAS, WES ANN Inc. is the current fee simple owner of that property which is the subject of this Permit and whose mailing address is 143750 Mount Vista Road, Mosinee, WI, 54455, has entered into a purchase agreement to sell to the Applicant the following property in the Village of Kronenwetter which is legally described as follows:

SEC 22-27-07 NE 1/4 NW 1/4 EX VOL 492D-640
VOL 500D-542 VOL 507D- 502

(“Subject Property”)

WHEREAS, the Subject Property is zoned AR-Agricultural and Residential District pursuant to § 520-11(A)(1) the Zoning Code of the Village; and

WHEREAS, pursuant to § 520-26(D) of the Zoning Code of the Village, nonmetallic mineral extraction is an authorized conditional use on the Subject Property; and

WHEREAS, the Applicant’s application and submitted documents consists of a cover letter a completed and signed Conditional Use Permit Application dated September 15, 2025, along with two (2) pages of informational/explanatory text and various site plan and other mapping for the proposed mining activity all entitled Nonmetallic Mining Conditional Use Permit Application; and

WHEREAS, Applicant represents and warrants that the application and materials submitted heretofore are true, accurate, and correct; are incorporated fully herein and were relied upon by the Village in its determination(s) herein; and

WHEREAS, upon receipt of the written application for a Conditional Use Permit filed by the Applicant, the Clerk properly referred such to the Plan Commission of the Village for its recommendation; and

WHEREAS, upon referral of the application by the Clerk, the Plan Commission for the Village scheduled a public hearing thereon as soon as practical; and

WHEREAS, upon publication of the required notices of public hearing to all parties in interest as required by § 520-121 of the Village Zoning Code, the Plan Commission held a public hearing on October 20, 2025; and

WHEREAS, the Plan Commission, following the public hearing and necessary study and investigation, having given the matter due consideration, and having based its recommendation on those factors set forth in § 520-121 of the Zoning Code of the Village, including the health, general welfare, safety and economic prosperity of the Village, denied the Conditional Use Permit; and

WHEREAS, on October 28, 2025, Applicant filed with the Village a notice appealing the Plan Commission’s decision denying the application; and

WHEREAS, after due and proper notice, on January 27, 2026, the Village Board held a special board meeting to consider the Applicant’s appeal; and

WHEREAS, the Village Board after receiving and reviewing the Plan Commission's findings and determination, having given the matter due consideration, and basing its recommendation on those standards as set forth in §520-121 of the Zoning Code of the Village, and as long as the conditional use operates in strict compliance with the following conditions resolves, orders and finds that:

THEREFORE, IT IS ORDERED AND RESOLVED AS FOLLOWS:

Commencing upon the date hereof, a Conditional Use Permit for the Subject Property is hereby granted to the Applicant upon the following terms and conditions.

The Conditional Use Permit granted herein shall apply only to the specific use of the Subject Property by Applicant for nonmetallic mineral extraction on the Subject Property and continue and exist only so long as this conditional use is operated in compliance with the terms of this Permit. This Conditional Use Permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations:

1. The Applicant shall submit all applicable County and State permits to the Village Zoning Administrator prior to the commencement of any mining operation on the Subject Property.
2. The Applicant shall submit a reclamation plan to the Village Zoning Administrator prior to the commencement of any mining operation on the Subject Property.
3. Mining operations will be between the hours of 7am – 6pm, Monday thru Friday. No operations on holidays. There shall be no mining operations in the months of July and August except for emergency situations approved by the Village Administrator. Maintenance on the Subject property may occur outside of these hours.
4. Mining operations will not exceed seven weeks in any calendar year.
5. Trucking operations will be between the hours of 8am – 5pm, Monday thru Friday. No trucking on holidays. There shall be no trucking operations in the months of July and August except for emergency situations approved by the Village Administrator.

- 6. The haul route for entry onto the Subject Property shall be Kronenwetter Drive to Beranek Road and exiting via Maple Ridge Drive.
- 7. Applicant shall rebuild Beranek Road from the exit of the Subject Property to Kronenwetter Drive. Such rebuild shall be to current Village standards and be maintained for the term of this Permit.
- 8. Applicant will install locking gates at the entrance and exits of the Subject Property and construct and maintain a cyclone fence six (6) feet in height around the mining area.
- 9. No lighting on the Subject Property except for safety lighting at gate entrances, as needed.
- 10. Applicant will meet with Village staff as needed to review the operation.
- 11. This Permit is for a term of five (5) years, with renewal to be granted in 5-year intervals, thereafter, provided all terms and conditions of this Permit are and have been complied with.
- 12. There shall be no explosive(s) blasting on the Subject Property.
- 13. There shall be no material processing (e.g. crushing) allowed on the Subject Property
- 14. Applicant will perform a Traffic Impact Analysis with a 3rd Party Consultant and provide the results to the Village. The Village may then modify certain conditions of this Permit to comply with the Traffic Impact Analysis recommendations.
- 15. Applicant, upon approval of the Village, will comply with the Traffic Impact Analysis on the proposed haul route and make necessary improvements as recommended.
- 16. Applicant will enter into a Road Agreement with the Village for Beranek Road and Maple Ridge Road, to cover repair costs for damages, if any, to the road attributed to Applicant's usage.
- 17. Applicant will place topsoil/dirt berms around the perimeter of the mine area to create a noise and visual barrier. Berms will use topsoil removed from the mine site. Berms will be higher in those areas where there is a lack of tree screening.
- 18. Applicant will preserve all stands of existing trees outside the mine site, including in the setback areas, for the life of the mine, except where access routes or safety require tree removal on a limited basis.
- 19. Only native material from the Subject Property will be extracted and removed/hailed off site.
- 20. This Conditional Use Permit is granted solely and exclusively to the Applicant for only so long as it continues to own in fee simple the Subject Property. This Conditional Use Permit is non-transferrable to any other person or entity without the prior approval of the Village.

21. This Conditional Use Permit is conditioned upon the Applicant and the Subject Property being and remaining compliant with all other village, county, state, and federal laws, rules, and regulations. The Applicant shall apply for, receive, and file proof of such permission with the Village Administrator of all other required local, state, and federal permits before activities commence.

22. The terms, conditions, and representations of the submittals by the Applicant for Conditional Use Permit are hereby incorporated herein and made a part of the conditions hereof to the extent not otherwise modified by the requirements herein and to the extent so modified, the conditions set forth herein shall control.

23. The Applicant shall promptly reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this Conditional Use Permit, including by way of enumeration without limitation, the cost of professional services incurred by the Village (including legal and other consulting fees) for review of and preparation of the Conditional Use Permit, attendance at meetings or other related professional services as well as for any actions the Village is required to take to enforce any of the conditions in this Conditional Use Permit due to a violation of these conditions by the Applicant.

24. Any use not specifically listed as permitted shall be considered to be prohibited except as maybe otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Village Board for determination.

25. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this Permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order, or rule by the Village, Marathon County, State of Wisconsin, United States, or other duly constituted authority, except only to the extent that it authorizes the use of the Subject Property in any specific respects described herein.

26. Should this permitted Conditional Use be abandoned or discontinued in any manner for twelve (12) months or continued other than in strict conformity with the conditions of the original approval or should the Applicant be delinquent in payment of any monies due and owing to the Village, this Conditional Use may be terminated by action of the Village Board.

27. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to an addition, modification, alteration and/or amendment to the use, premises, structures, land or owners other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

28. Should any paragraphs or phrase of this Conditional Use Permit be determined by a court of competent jurisdiction to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the remainder of this Conditional Use and the remainder shall continue in full force and effect.

29. If any aspect of this Conditional Use Permit is in conflict with any other aspect of the Conditional Use Permit, the more restrictive provision shall be controlling as determined by the Village Board.

30. Copies of this Order shall be filed in the permanent records of the Village Board for the Village of Marathon City and copies sent to the proper authorities as well as the Applicant.

Approved this 27th day of January, 2026.

VILLAGE OF Kronenwetter

Dan Joling, Village President

ATTEST:

Jennifer Poyer, Village Clerk

Approval/Acceptance of Applicant dated this ___ day of _____, 2026.

Milestone Materials
APPLICANT

By: _____

Its: _____



REPORT TO VILLAGE BOARD

ITEM NAME: Incorporating the Pledge of Allegiance into all Board and Committee Agendas
MEETING DATE: February 9th, 2026
PRESENTING COMMITTEE: Village Board
COMMITTEE CONTACT: Dan Joling-VP
STAFF CONTACT: James Davel-VA
PREPARED BY: Dan Joling-VP

ISSUE: Discussion and Action to establish additional language to Village Ordinance requiring the Pledge of Allegiance on all Public Meeting Agendas.

OBJECTIVES: To establish a requirement that the United States of America Pledge of Allegiance be a formal part of all Village Board, Commissions, Committees, Special Committees and Sub-Committees agenda.

ISSUE BACKGROUND/PREVIOUS ACTIONS: It has been noted by members of the community and other committee members that at times the Pledge of Allegiance is not placed on certain committee agenda. It is felt that if someone objects to reciting the Pledge of Allegiance that is their prerogative and they can stand mute but at least it should be brought on the floor for those wishing to acknowledge our history and tradition. And as directed by Ord. 14-8 that we follow Roberts Rules of Order and it is denoted in the examples of prescribed agenda.

PROPOSAL: To add the requirement for the Pledge of Allegiance be placed on all Board, Committees of sub-committees and any other entity drawn together or functioning on behalf of the Village.

ADVANTAGES: Reminds all person’s attending that we are still part of the Republic of the United States of America and goes a long way to instill pride and comradery as a body or elected or appointed individuals as well as the public and residents that may attend any of the meetings.

DISADVANTAGES: It will add approximately 15 seconds to the duration of any meeting.

ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.) None noted.

RECOMMENDED ACTION: Approve updating Ord. 14-10 with the wording as presented.

OTHER OPTIONS CONSIDERED: None.

TIMING REQUIREMENTS/CONSTRAINTS: Provided this item is passed by the Board - As soon as possible thereafter.

FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used CFY/\$

Remaining CFY
Account Number:
Description:

Budgeted Amount:
Spent to Date:
Percentage Used:
Remaining:

ATTACHMENTS (describe briefly):

****Proposed language change/addition in RED****

• **§ 14-10. - Chairperson and vice chairperson.**

A. Except as otherwise provided, at the initial meeting and at the first meeting on or after May 1 of each year thereafter, each commission, board, and committee shall elect a chairperson and vice chairperson. The chairperson of each committee shall be a village trustee. Any of the remaining members of the committee shall be eligible to serve as the vice chairperson of the committee. The same person on any committee shall not be allowed to serve as both the chairperson and the vice chairperson of the committee. When two or more individuals have been nominated for a position, voting shall be done by secret ballot.

B. The chairperson shall:

(1) Provide leadership to the commission or committee.

(2) Set meeting and hearing dates with the help of the commission, board, or committee.

(3) Provide notice of meetings and hearings and set the agendas, personally or by his or her designee, and present to the village clerk or designee such agenda in a timely manner. **All agenda for the Board and all commissions and committees at a minimum will contain the following items;**

(A) CALL TO ORDER

a. Pledge of Allegiance

b. Roll Call

(B) ANNOUNCEMENT OF CLOSED SESSION – If Required

(C) PUBLIC COMMENT

(D) REPORTS FROM STAFF AND VENDORS

(E) CONSENT AGENDA – If Required

(F) OLD BUSINESS

(G) NEW BUSINESS

(H) CLOSED SESSION – If Required

(I) RECONVENE TO OPEN SESSION – If Required

(J) AFTER ACTION AFTER CLOSED SESSION – If Required

(K) CONSIDERATION OF ITEMS FOR FUTURE AGENDA

(L) ADJOURNMENT

(4) Preside at meetings or hearings.

(5) Ensure that the laws are followed.

C. The vice chairperson will fill the role of the chairperson in his or her absence.

(Ord. No. 10-04, 4-12-2010; Ord. No. 19-02, 2-12-2019; Ord. No. 20-21, 8-25-2020)

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REPORT TO VILLAGE BOARD

ITEM NAME:	Election Ordinance (CLIPP)
MEETING DATE:	February 9, 2026
PRESENTING COMMITTEE:	CLIPP Committee
COMMITTEE CONTACT:	Trustee Ken Charneski
STAFF CONTACT:	Jennifer Poyer
PREPARED BY:	Jennifer Poyer

ISSUE: Multiple election complaints filed with the Wisconsin Election Commission regarding Kronenwetter’s local elections.

OBJECTIVES: Add clarification regarding election facilitation in the Village’s ordinances so as not to repeat past election missteps.

ISSUE BACKGROUND/PREVIOUS ACTIONS:

The Wisconsin Election Commission has received multiple election complaints regarding elections in the Village of Kronenwetter. The Village’s ordinances contain very little guidance and information related to the local election process. CLIPP committee members have reviewed each complaint during multiple committee meetings. Trustee Charneski has written ordinance language to be approved and added to our Village ordinances.

Attorney Remzy Bitar gave feedback (attached) but has not seen the added language for absentee voting.

PROPOSAL: Attached election language

ADVANTAGES:

DISADVANTAGES:

ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.)

RECOMMENDED ACTION: Send the complete ordinance language to the Village attorney for review, approve Chapter 41 as presented, or take another action as you see fit.

OTHER OPTIONS CONSIDERED:

TIMING REQUIREMENTS/CONSTRAINTS:

FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used CFY/\$

- Remaining CFY
- Account Number:
- Description:
- Budgeted Amount:
- Spent to Date:
- Percentage Used:
- Remaining:

ATTACHMENTS (describe briefly): Chapter 41 draft, attorney feedback document, 41.5 Voting Absentee

Current Ordinance:

§ 41-1. - Election officials.

Election officials shall be appointed as prescribed by Wis. Stats. § 7.30.

(Ord. of 4-12-2004)

- § 41-2. - Hours for voting.

The polls on each election day shall remain open for voting from 7:00 a.m. until 8:00 p.m.

(Ord. of 4-12-2004)

- § 41-3. - Alternates.

The village clerk may appoint alternate election inspectors, as needed, to work at elections held in the village. This includes wards one through eight.

(Ord. of 4-12-2004)

Proposed new ordinance draft.

Chapter 41

The Village Board of Kronenwetter do ordain as follows:

It is determined that a free and open representative form of government can only be valid if the representatives of the People are chosen in fair and honest elections. To that end, this Chapter has been adopted into the Kronenwetter Village Code of Ordinances and construed liberally to favor honesty, transparency, and the elimination of public doubt in the election process.

41.01 Definitions

Party imbalance - Inspectors affiliated with one of the 2 recognized political parties receiving the largest numbers of votes for president, or for governor in non-presidential general election years, in the municipality or polling place, as the case may be.

Inspectors shall to the extent possible, appointed or assigned in an equal number of each, except that the party whose candidate received the largest number of votes in the municipality or polling place is entitled to one more inspector than the party whose candidate received the next largest number of votes in the municipality.

Election Worker - Those individuals appointed by the Village Board to perform duties needed to carry out elections. They are also referred to interchangeably as election inspectors.

41.1 Election Worker Nomination and Approval

1. Election Workers

A. The Village Clerk has determined that a maximum of 35 election workers are needed to conduct efficient elections. Additionally, 3 standby alternates are needed to serve in accordance with §7.315 (1) (b) (2) as alternates in the event of vacancies.

This number includes an allowance for splitting some positions into two shifts and must in all cases maintain party imbalance, and are subject to §7.33 (2).

The number of election workers may be raised or lowered by Village Board resolution.

The requirements of §7.33 (2) may be waived for the upcoming term, by Village Board resolution.

B. Acquiring Nominees

(1) No later than July 1st in all odd numbered years, the Village Clerk shall begin posting notices to the public of the opportunity to serve as election workers in the upcoming two year term.

(2) An application shall be provided to those interested, which will require Name, address, phone, email, and political party affiliation or designation as unaffiliated. Additional information such as motivation and/or previous election experience, etc. may be requested, but not required.

(3) Notice shall be included on the application, that those with a party affiliation will be referred to the respective parties for nomination, and if nominated, will be among the first choices for the positions available. Unaffiliated applicants will be considered after all party-nominated persons have been selected.

(4) Notice will also include that of the obligation for approved election workers to be available for all election events during the two year term.

(5) The Village Clerk shall forward applications with a party affiliation to their respective parties as soon as practicable.

(6) No unaffiliated applications received after November 30 will be considered for the initial nomination process, but may be held for later consideration by the Village Board if any need for replacements was to arise later in the term.

(7) No later than July 1st in all odd numbered years, the Village Clerk shall determine the party imbalance number of nominees required from both the Republican and Democrat parties according to §8.17 and to notify each party as a reminder of their obligation according to §7.30 (4) (b) to provide lists of election worker nominees to the Village by November 30.

Approved application form , and public notice attached.

C. Appointment

(1) Party lists meeting the qualifications directed in § 7.30 (4) (b) and received by the Clerk by November 30th shall immediately be forwarded to the Village President, along with all individual applications of unaffiliated status.

(2) In compliance with §7.30 and no later than the last regular Village Board meeting of an odd numbered year, the Village President shall appoint all election workers and alternates, while maintaining the correct imbalance of political party affiliation, subject to the approval of the Village Board.

(a) For the purposes of this chapter, §7.30, and §5.02 (4e) the Village Board shall be considered to be "election officials" charged with the duty of properly appointing all election workers in compliance with party imbalance requirements.

(b) The Village President may appoint unaffiliated applicants only in the absence of a sufficient number of party-affiliated nominees to fill the positions.

D. Qualifications

The qualifications of applicants and nominees, along with the procedure, shall comply with §7.30 (2)

(a).

The following requirements shall apply:

(a) All election workers and chief inspectors shall be qualified electors of the Village of Kronenwetter, or of Marathon County if there are insufficient numbers of applicants from the Village.

(b) All election workers must be nominated by the two major political parties, or through individual application by the Village Board.

(c) All nominees and applicants must agree to be available for election service for a two year term.

- (d) All election workers must be approved by the Village Board.
- (e) All election workers must be capable of performing the job duties as enumerated in §7.37 (1-13), be able to read, write, and have a good comprehension of the English language.
- (f) All election workers must attend required training.
- (g) No election worker may be a candidate in the election in which they serve as an election worker.
- (h) Student election worker applicants must be separately qualified under the requirements of §7.30 (2) (am).
- (i) Greeters may be assigned without regard to party affiliation.

E. Tabulators

(1) Tabulators of absentee ballots shall be assigned by the Village Clerk from among the approved election workers, if the Village Board has by resolution provided authorization to do so not less than 30 days prior to the election.

(2) Alternately, the Village Board may approve tabulators other than current election workers, subject to statutory party imbalance.

In any case there shall be no less than three tabulators, each party-affiliated and assigned with the party imbalance directed in §7.52 (1) (b)

F. Split Shifts

The Village Clerk may schedule Election day split shifts for any positions, as necessary, while maintaining the statutory party imbalance at each polling place and to the extent possible for each assigned task.

2. Chief Election Inspectors

(a) In accordance with §7.30 (6) (b) the Village Clerk shall appoint 2 chief election inspectors from among the approved election workers. One chief inspector is required to be on duty at each polling place. Others trained for the position may be on duty as backup in the event that a vacancy occurs, subject to party imbalance.

(b) All Chief Inspectors shall attend training and be certified by the WEC according to §7.31 before serving in that position at any election.

3. Special Voting Deputies

In the event that special voting deputies are needed, the Village President shall appoint and the Village Board will approve, two qualified election workers for this purpose, one from each the Republican and Democrat parties, who shall only perform these duties while working together.

Appointment and duties shall be performed in accordance with Wisconsin §6.875.

4. Training

All approved election workers shall

- (a) submit an Oath of Office according to §7.30 (5),
- (b) attend training in accordance with §7.30 (6), and
- (c) serve for a period of 2 years.

5. Removal

The Village Clerk may not remove any election worker except as determined under the following conditions:

- (a) The worker is incapable of reliably performing the required duties.
- (b) The worker is not adequately proficient in reading, writing, or comprehending the English

language.

- (c) The worker refuses to attend required training.
- (d) Improper conduct in the performance of their duties, as defined in §7.37
- (e) For any other reason that WEC approves as good cause prior to removal.

6. Filling Vacancies

The Village Clerk shall have the authority to fill any vacancy in election worker positions by appointment from the approved alternate/reserve worker list.

The Village Clerk may, as needed, ask the Democrat or Republican parties to nominate more workers due to, or in anticipation of possible open positions.

Under no circumstances will it be construed that the Village Clerk has authority to hire anyone other than those approved by the Village Board to hold positions as election workers in the Village of Kronenwetter.

§ 41-2. - Hours for Voting.

The polls on each election day shall remain open for voting from 7:00 a.m. until 8:00 p.m.

(Ord. of 4-12-2004)

§ 41-3. - Alternates. Deleted

The village clerk may appoint alternate election inspectors, as needed, to work at elections held in the village. This includes wards one through eight.

(Ord. of 4-12-2004)

§ 41-4 Automatic Vote Tabulating Equipment Testing and Use

The proper use and security of voting equipment is integral to ensuring accuracy and maintaining voter confidence in the electoral process. Voting equipment accuracy and security has long been an issue of extreme importance for both election officials and voters. Elector confidence in the equipment used to count votes is an aspect of elections administration which continues to grow in significance. Careful execution and documentation of the procedures detailed in this section will alleviate many concerns, ensuring that the voting equipment used in our municipality is reliable and accurate.

1. Testing The ballot counting machines shall be tested in accordance with Wisconsin §5.84 no more than 10 days prior to the election day on which the equipment is to be utilized.

2. Open to the Public This testing shall be open to the public, allowing for effective public viewing and relevant questions. These testing events shall for all purposes be considered public events, with photography and video recording by the public allowed as a matter of right. As with any public meeting, disruptive behavior will not be allowed.

3. Public Notice The Village Clerk shall, no less than 72 hours prior to the testing, post a public notice of the date, time, and place of testing. Publication shall be as a class 1 notice under ch. 985 in one or more newspapers published of general circulation within the municipality, as well as on the Village website home page, Village bulletin boards, and on social media sites where the Village normally posts other notices.

4. Testing Procedure

(a) The test shall be conducted by processing a pre-audited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each referendum. Members of the observing public shall be informed of what those totals are expected to be, before the count, and shall be allowed to view the counts on the print-out.

(b) Upon a successful tabulation of the test ballots that matches the pre-audited totals, any member or members

of the observing public may randomly select a total of 3-5 ballots to be removed from the test group, and the remaining ballots shall be tabulated. The new total must reflect the original total, minus the amounts that are on the withheld ballots.

(c) The test shall include for each office one or more ballots which have votes in excess of the number allowed by law and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party, in order to test the ability of the automatic tabulating equipment to reject such votes.

(d) A sample ballot shall be tri-folded the way it would be mailed, with the folded creases inspected to ensure they do not run through any voter mark.

(e) If any errors are detected, the municipal clerk shall ascertain the cause and correct the error. The clerk shall make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.

5. Election Day Procedure - Before beginning the ballot count at each polling place or at the central counting location, the election officials shall witness a test of the automatic tabulating equipment by engaging the printing mechanism and securing a printed result showing a zero count for every candidate and referendum. After the completion of the count, the ballots and programs used shall be sealed and retained under the custody of the municipal clerk in a secure location.

Village of Kronenwetter Election Inspector Application

Section 7, Item J.

The Village of Kronenwetter encourages citizens to become involved in the election process by serving as an election inspector. Election inspectors organize the polling place before the polls open; execute election day voter registration; check in voters on the poll book; review voter photo IDs; assign each voter in the poll book a sequential election day voter number; issue ballots; assist voters by providing instruction as necessary; process absentee ballots; monitor the voting equipment; greet and direct voters; and assist with paperwork.

In order to be considered, you must meet all of the following qualifications:

- A United States citizen
- A qualified elector of Marathon County
- Currently, NOT serving a sentence including probation or parole for a felony conviction
- Able to speak, read, write and understand the English language

I certify that I meet all the required qualifications to serve as an election inspector.

Signature _____ Date _____

In order to be considered, you must acknowledge the following requirements:

- Attend training according to State of Wisconsin election laws
- Perform duties in a non-partisan manner
- Abide by state and federal election laws
- Never engage in electioneering nor discuss politics at the polling place
- Be capable of performing each task at the polling place and with great attention to detail
- Not serve at any election where I am a candidate for any office on the ballot

I acknowledge the requirements to serve as an election inspector.

Signature _____ Date _____

PERSONAL INFORMATION

FULL NAME: _____

STREET ADDRESS: _____ CITY / ZIP CODE: _____

PHONE NUMBER: _____ EMAIL ADDRESS: _____

MOST CORRESPONDENCE WITH ELECTION INSPECTORS IS DONE VIA EMAIL

EMERGENCY CONTACT & PHONE #: _____

Have you served as an election inspector in the past? Yes___ No___ If yes, when and where? _____

Are you over 18 years old? Yes___No___ (Are you a high school student residing in Kronenwetter? Yes___No___)

Are you currently a registered member of a political party? ___Democrat ___Republican ___Other ___Unaffiliated

***If you are affiliated with a party, your information will be referred to the respective party for nomination.**

Party-nominated applicants will be among the first choices for positions available. Unaffiliated applicants will be considered after all party-nominated persons have been considered.

Explain why you would like to serve as an election inspector: _____

Election inspectors are expected to work during the elections on the following dates:

___February 17, 2026 ___April 7, 2026 ___August 11, 2026 ___November 3, 2026

___February 16, 2027 ___April 6, 2027

From: [Remzy Bitar](#)
To: [Jennifer Poyer](#)
Cc: [James Davel](#); [Lucas Logic](#)
Subject: Re: [External] Election Ordinance Review
Date: Thursday, December 11, 2025 11:52:36 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Outlook-MLLG - Dar.png](#)

Jennifer,

We took a first pass on this. Here are some initial comments:

(1) the Village may be better served by simply incorporating certain provisions of Chapter 7 of the Wis. Stat. rather than including all of the text of the ordinance. In particular, to incorporate the statutory provisions regarding appointment of election inspectors/officials, which is governed by Wis. Stat. 7.30.

(2) For the draft ordinance you sent me, we are curious where this language came from? Another community?

(3) There appears to be some inconsistency with Wis. Stat. Chapter 7 regarding appointment of election officials and delegation of certain duties to the clerk/board. We can clean this up once we have your thoughts on questions 1 and 2 and any other concerns/goals you are trying to resolve/achieve.

My young associate, Luke Logic, cc'd here, dives into these election issues more than me. Your comments alone to the above may be sufficient for us to finalize this, but if you and Luke wish to talk about these issues, we can then finalize our review.

Remzy D. Bitar

Municipal Law & Litigation Group, S.C.
Arenz, Molter, Macy, Riffle, Larson & Bitar
730 N. Grand Avenue
Waukesha, WI 53186
Phone: (262) 548-1340
Cell: (414) 899-0448
Website: <http://municipallawsc.com>

41.5 Voting Absentee

1. Construction.

The Kronenwetter Village Board finds that voting is a constitutional right for legal citizens of Wisconsin, and that the vigorous exercise of which should be strongly encouraged.

In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The Village Board hereby incorporates into this ordinance the provisions and regulations of Wisconsin statutes 6.84 to 6.89, and finds that the privilege of voting by absentee ballot must be carefully regulated, and that such regulations must be meticulously observed by the Village Clerk and/or the Clerk's subordinates.

The matters relating to the absentee ballot process as described in the above statutes and in this Section shall be construed as mandatory. Ballots cast in contravention of the procedures specified in those provisions may not be counted. Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election.

2. Absent elector; definition.

- (a) An absent elector is any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward or election district.
- (b) Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 28 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving.
- (c) An elector qualifying under this section may vote by absentee ballot under ss. [6.86](#) to [6.89](#).

3. Absentee ballot site.

The Village Board designates the office of the Village Clerk as the location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election.

The location for returning absentee ballots shall include the front desk and/or lobby area of the Municipal Center.

In-person absentee ballots shall be filled out in the designated area of the Municipal Center. In-person absentee electors shall only place their ballots in a locked ballot box provided by the Village Clerk.

The locked ballot box may be opened only in the Clerk's office, whereupon ballots shall be recorded and processed in accordance with Wisconsin Statute 6.88, and secured in a way that they are not accessible to anyone not authorized by the Clerk.

Absentee ballots received by mail shall be brought to the Clerk's office, recorded, processed, and secured as soon as practicable.

In no case may completed ballots be allowed to remain in areas readily accessible to unauthorized persons.

4. Obtaining and returning an absentee ballot.

The method of obtaining and returning an absentee ballot shall be in accordance with Wisconsin statute 6.86, 6.865, 6.869 and 6.87.

5. Voting and recording the absentee ballot.

Voting and recording of absentee ballots shall be done in accordance with Wisconsin Statute 6.88

6. Absent electors list public. The Village Clerk shall keep a list of all electors who make application for an absent elector's ballot and who have voted under the absent elector provisions giving the name, address and date of application. The list shall be open to public inspection.



REPORT TO VILLAGE BOARD

ITEM NAME:	Ethics Code
MEETING DATE:	February 9, 2026
PRESENTING COMMITTEE:	
COMMITTEE CONTACT:	President Dan Joling
STAFF CONTACT:	Administrator James Davel
PREPARED BY:	Jennifer Poyer

ISSUE: Creation of an ethics code

OBJECTIVES: Determine the language in a Village ethics code and/or its necessity.

ISSUE BACKGROUND/PREVIOUS ACTIONS:

During the August 25, 2025 Village Board Meeting, the Code of Conduct was repealed. The Administrative Policy Committee was directed to draft a new code of conduct. APC brought their draft to the Village Board on October 13, 2025 where it was discussed and tabled. Trustee Sorensen was directed to apply the changes discussed. During the October 27, 2025 Village Board Meeting the draft was approved with the removal of “employees.” Since then, Village Attorney Remzy Bitar made recommendations to the document. Per the January 26, 2026 Village Board Meeting, the recommendations have been applied.

Attorney Bitar mentions the possibility of creating an ethics board. He recommends finding templates from other ethics ordinances. Attached to the draft are samples to view.

Administrator Davel asked board members to contemplate the necessity of an ethics board.

Also, revisit HR -002 to make sure it fits with the ethics code language and board expectations.

PROPOSAL:

ADVANTAGES:

DISADVANTAGES:

ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.)

RECOMMENDED ACTION: Advise staff how to proceed with this ordinance.

OTHER OPTIONS CONSIDERED:

TIMING REQUIREMENTS/CONSTRAINTS:

FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used CFY/\$

- Remaining CFY
- Account Number:
- Description:
- Budgeted Amount:
- Spent to Date:
- Percentage Used:
- Remaining:

ATTACHMENTS (describe briefly): Revised ethics code, Attorney Bitar’s recommendations, HR-002, HR-009

AN ORDINANCE ADOPTING A CODE OF ETHICS FOR VILLAGE OFFICIALS

WHEREAS,

Wis. Stat. § 19.59 authorizes municipalities to adopt a Code of Ethics governing local elected officials, appointed officials and candidates;

WHEREAS,
the Village of Kronenwetter desires to ensure public confidence, transparency, integrity, and compliance with state law and local ordinances;

NOW, THEREFORE, the Village Board of the Village of Kronenwetter, Marathon County, Wisconsin, does ordain as follows:

SECTION 1. Title

This Ordinance shall be known and cited as the “Village of Kronenwetter Code of Ethics.”

SECTION 2. Purpose

The purpose of this Code is to:

1. Promote public confidence in the integrity of Village government;
 2. Ensure compliance with state laws, including Wis. Stat. §§ 19.42–19.59, 946.13, and other applicable statutes;
 3. Establish standards of ethical conduct for Village officials, and candidates;
 4. Provide guidance on conflicts of interest, use of public resources, gifts, political activity, confidentiality, and disclosure.
-

SECTION 3. Applicability

This Code applies to:

- All elected officials (Village President, Trustees)
- Appointed officials and members of boards, commissions, and committees

SECTION 4. Standards of Conduct

1. **Compliance with Law**
 - o All officials shall comply with applicable state laws, ordinances and policies relating to ethics, conflicts of interests, gifts and gratuities and the like.
2. **Conflicts of Interest**
 - o Officials must avoid conflicts between private interests and public duties.
 - o No official may participate in decisions in which they, a family member, or business associates, have a (substantial) financial interest (Wis. Stat. § 946.13).
 - o Disclosure of potential conflicts must be made in writing to the Village Clerk and recusal from related decisions is required.
3. **Use of Public Resources**
 - o Village property, funds, or personnel shall be used solely for official purposes.
 - o No official may use public resources for personal gain, political campaigns, or private business activities.
4. **Gifts and Gratuities**
 - o Officials shall not accept gifts, favors, or services that could reasonably influence official duties.
 - o Exceptions as allowed under Wis. Stat. § 19.59(1)(b) are permitted (e.g., gifts of minimal value).
5. **Confidentiality**
 - o Officials shall maintain confidentiality of information not subject to disclosure under the Wisconsin Public Records Law (Wis. Stat. §§ 19.31–19.39).
6. **Political Activity**
 - o Officials may engage in political activity in a personal capacity but shall not use Village resources or time to influence elections.
7. **Financial Disclosure**
 - o Officials shall file financial disclosure statements as required by Wis. Stat. § 19.43, if applicable.

SECTION 5. Reporting and Enforcement

1. **Complaints**
 - o Alleged violations may be reported in accordance with current Village policies (SEE HR-002 -Problem Resolution and HR-009 Grievance Procedure Policy) ATTACHED TO PACKET AND LINKED
2. **Investigation**
 - o Complaints shall be reviewed promptly, fairly, and confidentially.

3. Enforcement

- Violations may result in disciplinary action, removal from office (if legally authorized), referral to the District Attorney, or other remedies consistent with state law.

SECTION 6. Severability

If any section of this ordinance is found invalid, the remainder shall remain in effect.

SECTION 7. Effective Date

This ordinance shall take effect upon passage and publication/posting as provided by law.

SECTION 8. Ethics Board

City of Brookfield -

ETHICS BOARD:

- The Ethics Board is responsible for the enforcement and oversight of requirements and activities set forth in this chapter.
- The Board may make recommendations with respect to amendments to this chapter, which the Chair shall forward to the Legislative and Licensing Committee for review and recommendation and then to the Common Council for consideration and adoption.
- The Ethics Board shall be composed of 3 citizens who are City residents. The Legislative and Licensing Committee shall appoint the members, subject to the Common Council’s confirmation. Terms shall be 3 years. No member shall be an elected official, City employee, or member of any other City board, committee, or commission.
- The Director of Human Resources shall provide necessary staff assistance to the Board, shall serve as its secretary, and shall receive any filings for the Board, but shall not vote. The City Attorney shall furnish the Board whatever legal assistance is necessary to carry out its functions.

- The Board shall elect its own chair and vice-chair and shall develop written meeting procedures.

City of Wisconsin Rapids -

26.07 ETHICS BOARD

(1) There is hereby created an ethics board to consist of seven members. The membership of the ethics board shall consist of five city residents, one city employee, and one alderperson, with one alternate alderperson to be appointed by the common council. The human resources director shall provide necessary staff assistance to the board. The city attorney shall furnish the board whatever legal assistance is necessary to carry out its function. (MC#920),(MC#1286)

(2) The members of the ethics board shall be appointed by the common council from a list of the names provided by the community. The board will be drawn from as broad a base as possible. Terms of office shall be three years except that when the initial appointments are made, two members shall be appointed for one year, two for two years, and three for three years.

(3) The ethics board shall elect its own chairman and vice-chairman and shall develop written rules of procedure which shall be submitted to the common council for approval.

(4) The ethics board may make recommendations with respect to amendments of this code of ethics ordinance.

(a) Duties of the board and power of subpoena. (MC#360)

(1) The board shall adopt guidelines and procedures necessary to carry out the provisions of this ordinance. The board shall give prompt notice of the contents of such guidelines and procedures to officers and employees of the City of Wisconsin Rapids affected thereby.

(2) The board shall accept from any person, or make upon its own motion, a verified complaint in writing which shall state the name of the officer or employee alleged to have committed a violation of this chapter and which shall set forth the particulars thereof. The board shall forward within 10 days a copy of the complaint to the officer or employee who is accused. If no action on the verified complaint is taken by the board within six months, the complaint shall be void.

(3) Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of the code of ethics has been committed or that an investigation of a possible violation is warranted, the board, may investigate the circumstances concerning the possible 3

violation. Such investigation shall be initiated by a resolution of the board and shall state the nature and purpose of the investigation and the actions or activities to be investigated. The board, during such investigation, is authorized to examine the income tax returns under the provisions of Section 71.11(44) of persons required to file economic interest statements under Section 9.03 of the ordinance. No preliminary investigation of the activities of any officer or employee may be initiated unless such officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation and a statement of such person's due process rights. After the preliminary investigation, the ethics board chairperson shall prepare a staff recommendation to the board for further action.

(4) If after such recommendation and investigation, the board finds that probable cause exists for believing the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than 30 days after such finding. The board shall give the accused at least 20 days' notice of the hearing date. Such hearings shall be at closed session unless the accused petitions for a hearing open to the public. The rules of criminal evidence shall apply to such hearings. All evidence, including certified copies of records and documents which the board considers, shall be fully offered and made part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

(5) During all stages of any investigation or proceeding conducted under this section, the accused or any person whose activities are under investigation shall be entitled to be represented by counsel of his own choosing.

(6) The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing under Section 26.07(4)(a)(4) at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

(7) After an investigation has been completed, the board shall in written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists concerning any violation of the code of ethics. If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that there is probable cause, that there has been an intentional violation of the code of ethics, it shall proceed as provided in Section 26.07(4)(c) of this ordinance after giving written notice of its action to the accused.

(8) The board shall have the same power to compel the attendance of witnesses and to issue subpoenas and summary processes as is granted to boards and commissions under Section 885.01, Wisconsin Statutes.

(b) Date to Meet. No later than June 1 of each year the board shall report to the mayor and the common council concerning its actions in the preceding calendar year, including a summary of its determinations and the current and complete text of all guidelines issued by the board.

(c) Penalties.

(1) Employees. Where the board has determined that there is probable cause that the code of ethics has been violated by an employee the determination shall be referred to the officer by whom such employee was appointed, together with copies of any records, reports, and transcripts, in its possession or other relevant evidence, with a recommendation that such officer shall take such disciplinary action as in his judgement the facts may warrant, including: reprimand, suspension, or discharge. If the employee is in a certified bargaining unit, immediate disciplinary actions shall be made pursuant to the provisions of the labor agreement applicable to such employee or non-elected officer.

(2) Elected city officers. Where the board has determined that there is probable cause that the code of ethics has been violated by any elected city official, the determination shall be reported to the mayor and common council, together with copies of any records, reports, and transcripts in its possession or other relevant evidence, with a recommendation that the officer be reprimanded or that such elected officer be removed for cause by the common council, as provided for under Section 17.12, Wisconsin Statutes.

(3) Appointive Officers. Where the board has determined that there is probable cause that the code of ethics has been violated by any appointive officers, the determination shall be made to the mayor and common council, together with copies of any records, reports, and transcripts in its possession or other relevant evidence, with a recommendation that the appointive officers be reprimanded, or the board shall recommend that such appointive officer be suspended or removed for the cause (except officers appointed or elected by the common council who may be 4

removed by the body at pleasure). Removal of any appointive officer for cause by the common council may be made only by an affirmative vote of three-fourths of the members thereof.

(4) Police and Firemen. When the board has determined there is probable cause that the code of ethics has been violated by any policeman, or fireman, or the chief of either of the police or fire department, the determination shall be made to the Police and Fire Commission, with a request that proceedings be had in accordance with provisions of Section 62.13, Wisconsin Statutes.

(5) If charges are filed by the board with the common council, such charges shall be referred to the Finance and Property Committee for a report. If the Finance and Property Committee recommends a hearing be held on the charges, a summons shall be issued to the officer reciting the violation or violations and notifying him to appear before the common council upon a day and place to be fixed by the common council and set forth in a summons, and file his answer to the charges to stand and abide the order and judgement of the common council thereon. At least 10 days prior to the date set for the hearing, the summons shall be served by a process service officer on the accused, as provided in Chapter 801 of the Wisconsin Statutes, for the service of a summons. The officer may within 10 days from the service of the summons file with the common council his verified answer to the charges. At the hearing, evidence in support of the charges shall be presented on behalf of the board of ethics by the city attorney or a member of his staff. The accused may appear in person to answer the charges or he may appear by an attorney and shall be entitled to present such evidence in support of his position as may be relevant, competent, and material to the charges before the board. Upon completion of the hearing, judgement shall be entered finding the accused guilty or not guilty of the charges. If found guilty, he may be removed from office by a vote of three-fourths of the alderpersons entitled to seats on the common council.

(MC#920)

Lafayette County

9.13 Enforcement and Administrative Procedures

A. **Advisory Opinions:** Any person governed by this Code of Ethics may apply in writing to the County Corporation Counsel for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Corporation Counsel's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Chapter 19 of the Wisconsin Statutes as from time to time amended. The applicant may authorize in writing that such records be made public.

B. Ethics Inquiry Board: There is hereby created an Ethics Inquiry Board to consist of three members and one alternate, one of whom shall be an attorney licensed to practice law in the State of Wisconsin, appointed by the County Board Chairperson subject to confirmation by the County Board. The members of the Ethics Inquiry Board shall be residents of Lafayette County and shall not be County Public Officials during the time of appointment, and shall serve staggered three year terms expiring on the third Tuesday in April of the third year following their appointment except as otherwise provided in the implementation of this ordinance, The Corporation Counsel shall provide legal advice, administrative support and assistance to the Ethics Inquiry Board. The Ethics Inquiry Board shall be entitled to mileage and per diem payments for meetings and hearings of the Ethics Inquiry Board on the same basis as provided to members of other Lafayette County Boards, Committees or Commissions.

Village of Fox Point

Ethics Board

Roles and Responsibilities

The Ethics Board is responsible for investigating sworn complaints of any individual alleging facts that could be considered indicative of improper conduct and determining if improper conduct has occurred.

Membership/Terms

The membership of the Ethics Board shall consist of three citizens. The Village Manager shall provide necessary staff assistance to the Ethics Board and shall serve as its secretary, but shall not vote. The Village Attorney shall furnish the Ethics Board whatever legal assistance is necessary to carry out its functions.

The members of the Ethics Board shall be appointed by the Village President subject to confirmation by the Village Board. Terms of office of the members shall be three years, except that when the initial appointments are made, one member shall be appointed for one year, one member for two years, and one for three years. Members of the Ethics Board shall be limited to serving three full three-year terms. The members of the Ethics Board shall be residents of Fox Point and shall not be elected officials, appointed officials, Village employees, or concurrently serving on any other Village board, committee, or commission.

§ 55-9 Creation of Ethics Board.

A.

There is hereby created an Ethics Board to consist of three members. The membership of the Ethics Board shall consist of three citizens. The Village Manager shall provide necessary staff assistance to the Ethics Board and shall serve as its secretary, but shall not vote. The Village Attorney shall furnish the Ethics Board whatever legal assistance is necessary to carry out its functions.

B.

The members of the Ethics Board shall be appointed by the Village President subject to confirmation by the Village Board. Terms of office of the members shall be three years, except that when the initial appointments are made, one member shall be appointed for one year, one member for two years, and one for three years. Members of the Ethics Board shall be limited to serving three full three-year terms. The members of the Ethics Board shall be residents of Fox Point and shall not be elected officials, appointed officials, Village employees, or concurrently serving on any other Village board, committee, or commission.

C.

In the event a member of the Ethics Board is allegedly involved in an Ethics Code violation, the Village President, subject to confirmation by the Village Board, shall appoint another individual to replace temporarily the member of the Ethics Board who is under investigation.

§ 55-10Jurisdiction of Ethics Board.

[Amended 11-13-2012 by Ord. No. 2012-12]

A.

The Ethics Board shall administer and enforce the provisions of this Code of Ethics except as enforced by the District Attorney under Chapter **19** of the Wisconsin Statutes.

B.

The Ethics Board shall elect its own chairperson and vice-chairperson and shall develop written rules of procedure which shall be submitted to the Village Board for approval.

C.

The Ethics Board may make recommendations concerning amendments to this Code of Ethics which shall be submitted to the Village Board for approval.

D.

On sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this code, the Ethics Board shall conduct a preliminary hearing in closed session to determine the sufficiency of the complaint. If as a result of the preliminary hearing the Ethics Board determines that no probable cause exists to believe that a violation of this code has occurred, the complaint shall be dismissed and no further action taken. If the Ethics Board concludes that probable cause exists, it shall conduct a public hearing in accordance with the requirements of due process of law. The Ethics Board is empowered to issue subpoenas and administer oaths. The Ethics Board shall, in written findings of fact and conclusions, make a determination concerning the propriety of the conduct of the subject official or employee. If the Ethics Board determines that this code has been violated, it shall make a determination of sanctions to be imposed, if any.

E.

Records of the Ethics Board's opinions, opinion requests, and investigations of violation of the Code of Ethics of the Village of Fox Point may be closed to public inspection in whole or part, except that the Ethics Board shall permit inspection of records that are made public in the course of a hearing held to determine if a violation of the Code of Ethics has occurred.

Village of McFarland

DIVISION 2-IV-6 ETHICS BOARD

2-271 Composition

2-272 Powers And Duties

2-273 Advisory Opinions

2-271 Composition

1. There is hereby created an Ethics Board to consist of seven members; one Village trustee as appointed by the Village Board for a one year term as a nonvoting member; one Village public official or public employee who is not a Village trustee as a nonvoting member; and five voting citizen members, all appointed by the President and confirmed by the Village Board.
2. Terms of office for non-trustee members shall be three years commencing on the third Tuesday in April in the year of appointment and until their successors are

appointed and qualified. The term of the Village public official or public employee member shall terminate at the time of termination of his or her employment.

3. The Ethics Board shall elect its own chairperson and vice-chairperson, and the Village Attorney shall furnish the Ethics Board whatever legal assistance is necessary to carry out its functions.

HISTORY

Amended by Ord. [2022-02](#) § 17 on 2/28/2022

2-272 Powers And Duties

1. The Ethics Board advises the Village Board on maintaining an Ethics Code (Article VIII of this Chapter) which sets forth standards of conduct for Village officials and employees, interprets those ethics guidelines, and investigates any verified complaint alleging improper conduct under the Ethics Code.
2. The Ethics Board may make recommendations to the Village Board with respect to amendments of this Chapter.
3. The Ethics Board shall provide a standard form for persons to use when submitting a verified complaint alleging violations of the Ethics Code. "Verified" means that the complainant has made a declaration under oath or affirmation, before a notary public, that the complaint is true.
4. In the event any person submits a verified complaint alleging that any Village official or employee has violated the Ethics Code, the Village Clerk and the Chairperson of the Ethics Board shall conduct an initial review of the complaint to determine whether it is complete in form. If the Clerk and Chairperson determine that the verified complaint is incomplete, they shall notify the complainant and provide the complainant with an opportunity to submit the additional information needed to complete the verified complaint.
5. Following determination by the Village Clerk and the Chairperson of the Ethics Board that the complaint is complete, the Ethics Board shall review whether the facts alleged in the verified complaint, if true, would constitute improper conduct under Article VIII of this Chapter and warrant further investigation. The Ethics Board shall decide whether this review is conducted in an open meeting or may be closed under Wis. Stats. § 19.85(1)(b) or (1)(f). If the Ethics Board determines that the verified complaint does not allege facts sufficient to constitute a violation of Article VIII of this Chapter, it shall dismiss the complaint and notify the complainant. If the Ethics Board determines that the verified complaint was brought for harassment purposes, the Ethics Board shall so state.

6. If the Ethics Board determines that the facts alleged in the verified complaint if true, would constitute improper conduct under Article VIII of this Chapter, the Ethics Board shall conduct an investigation into the merits of the complaint. The Ethics Board may solicit the assistance of Village officers and employees to assist in the investigation, and may retain outside contractors if deemed necessary to perform the investigation.
7. The Ethics Board shall notify the person whose conduct is under investigation of any meetings where evidentiary hearings are held or where a decision is reached on whether to proceed further on the complaint. The Ethics Board shall decide whether these proceedings shall be conducted in open meetings or shall be closed under Wis. Stats. § 19.85(1)(b) or (1)(f). The Ethics Board may issue subpoenas and administer oaths.
8. Upon completion of the investigation, the Ethics Board shall conduct a public hearing in accordance with all constitutional requirements of due process and issue written findings of fact and conclusions of law determining the propriety of the conduct of the person whose conduct is under investigation.
9. If appropriate, the Ethics Board shall refer the matter to the Village Board, District Attorney or other proper authority.

From: [Remzy Bitar](#)
To: [Jennifer Poyer](#)
Cc: [James Davel](#)
Subject: Re: [External] Ordinance review
Date: Saturday, January 17, 2026 4:19:16 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Outlook-MLLG - Dar.png](#)

Hi Jennifer,

I would offer the following comments for consideration:

1. Remove the reference to "federal," since the state statutes that address ethics are not federal. Plus, the Village does not want to sweep broader than necessary the laws that may apply.
2. As to this sentence: "All officials and representatives of VOK shall comply with applicable federal and state law, Village ordinances, and policies." This statement is too broad, and creates liability risk beyond ethics. It should be narrowed. I think what is meant is this: all officials "shall comply with applicable state laws, ordinances and policies relating to ethics, conflicts of interests, gifts and gratuities and the like."
3. The inclusion of "representatives" or "contractors" also sweeps too broadly; accordingly, the insertion of "representatives" should be deleted, as well as delete "contractors or vendors while performing duties under Village authority.". The state ethics code applies to "local public officials" who hold "local public office." Sec. 19.42(7w) and (7x), Stats. "Local public office" includes elected municipal officers; city and village managers, appointed municipal officers and employees who serve for a specified term; and officers and employees appointed by the governing body or executive or administrative head who serve at the pleasure of the appointing authority. The term **does not include** independent contractors and persons who perform only ministerial (i.e., non-discretionary) tasks, such as clerical workers. In addition, the term omits officials and employees who are appointed for indefinite terms and are only removable for cause, such as police chiefs and fire chiefs.
4. Complaints, investigations and enforcement will all trigger due process considerations. There needs to be full and fair notice of complaints, investigations, hearings, and the like. Some municipalities create an ethics board to handle such things. The draft ordinance, for instance, does not identify "who" will review the complaint, how investigations will be conducted and by whom, nor rights to notice and a hearing. Those who are working on this Ordinance can find lots of template ethics ordinances, and I

trust they will find some terms that continue to keep this policy simple and straightforward, which segways to my next point.

5. I generally encourage these policies to be simple and straightforward, since they are not required to be adopted at all. The risk with codes/ordinances that are too broad is that they become fodder for political mud-slinging and things can become expensive and time-consuming. The policy you have sent seems to be straightforward, but please note my comments above as the Village continues to work on this and finalizes it.

I think the above is self-explanatory, but let me know if you have any questions.

Remzy D. Bitar

Municipal Law & Litigation Group, S.C.
Arenz, Molter, Macy, Riffle, Larson & Bitar
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Municipal LAW
& LITIGATION GROUP

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From: Jennifer Poyer <jpoyer@kronenwetter.gov>
Sent: Monday, January 12, 2026 2:27 PM
To: Remzy Bitar <rbitar@ammr.net>

Cc: James Davel <jdavel@kronenwetter.gov>

Subject: Ordinance review

Good afternoon.

Would you please review the attached ethics ordinance?

The Village Board removed the previous Code of Conduct during the August 25, 2025 Village Board Meeting.

(MINUTES FROM MEETING) Motion by Charneski/Sorensen to repeal the Code of Conduct Ordinance 115-13 and direct APC to review the complaint procedure and draft a new code of conduct. Motion carried by roll call vote. 5:2.

The Administrative Policy Committee had “Development of Code of Conduct” on their September 23, 2025 agenda. The UNAPPROVED minutes state the action on this item as:

Development of Code of Conduct Motion by Dumais/Sorensen to send the drafted ordinance to Village Board with the stated changes to section 5.1 for review with predigest that the committee does not recommend having a code of conduct. 4:0

During the October 13, 2025 Village Board Meeting, the board voted to bring this item back after further member review. During the October 27, 2025 meeting, the revised (as attached) ordinance was approved.

(MINUTES FROM MEETING) Motion by Stowell/Mortensen to approve the amended Code of Conduct presented by APC. Motion carried by voice vote. 6:0. Discussed that ‘employees’ was removed from the document.

Please provide your opinion on the strength, necessity, etc. of this ordinance.

I also, attached the previous Code of Conduct.

Thank you,



Jennifer Poyer
Village of Kronenwetter
Village Clerk

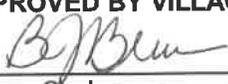
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POLICY ID: HR-002		TITLE: PROBLEM RESOLUTION	
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISION EFFECTIVE DATE: <i>Original Adopted 10/08/2007</i> <i>Revision 1 Adopted 02/13/2012</i> <i>Revision 2 Adopted 04/10/2023</i>		APPROVED BY VILLAGE BOARD:  Village Clerk	DATE: 4-10-2023
APPLIES TO:		<input checked="" type="checkbox"/> FLSA EXEMPT <input checked="" type="checkbox"/> FLSA NON-EXEMPT <input checked="" type="checkbox"/> REPRESENTED EMPLOYEES <input checked="" type="checkbox"/> Non-REPRESENTED EMPLOYEES	
<i>This policy applies to all Village of Kronenwetter employees in the categories checked in this section. Provisions within individual personal contracts or a collective bargaining agreement may supersede certain parts of this policy.</i>			

The Village of Kronenwetter encourages an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from Village of Kronenwetter supervisors and management. The Village desires to ensure fair and honest treatment of all employees. We expect all employees, Department Heads, the Administrator, Village President and Board members, and members of all Committees and Commissions to treat each other with mutual respect. We encourage employees as well as elected and appointed officials to communicate with each other in a positive and constructive manner.

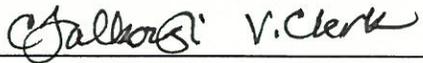
If your concerns involve a dispute concerning the interpretation, application or violation of a collective bargaining agreement, the grievance procedures described therein must be followed.

If a situation occurs when you believe that a condition of employment or a decision that affects you is not fair, you are required to follow the problem resolution steps listed below. You may stop the procedure at any step.

1. Present the issue to your supervisor as soon as possible after the incident occurs. If your supervisor is unavailable or if you believe it would be inappropriate or uncomfortable to discuss the situation with your supervisor, you may present the problem to the Administrator.
2. Your Department Head (or Administrator) will respond to the problem during discussion or after investigating the situation further or after consulting with others involved in the situation. He/she will document all discussions.
3. If your Department Head does not or cannot resolve the issue, he/she will address the issue with the Administrator who will make any decisions that are appropriate to resolve the problem.
4. If, after following the steps indicated above, the problem or situation is not resolved, you may initiate the process defined in HR-009 Grievance Procedure.

Consistent or repetitive failure to adhere to this policy may result in discipline up to and including termination of employment.

Not every problem can be resolved to everyone's total satisfaction. However, the Village believes that honest discussions with the most closely involved persons before involving others is the most effective way to resolve most conflicts.

POLICY ID: HR-009		TITLE: Grievance Procedure Policy	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISION EFFECTIVE DATE: <i>Immediate</i>		APPROVED BY VILLAGE BOARD: 	DATE: 8/22/2011
APPLIES TO:		<input checked="" type="checkbox"/> FLSA EXEMPT	<input checked="" type="checkbox"/> FLSA NON-EXEMPT
		<input checked="" type="checkbox"/> REPRESENTED EMPLOYEES	<input checked="" type="checkbox"/> Non-REPRESENTED EMPLOYEES
<i>This policy applies to all Village of Kronenwetter employees in the categories checked in this section. Provisions within individual personal contracts or a collective bargaining agreement may supersede certain parts of this policy.</i>			

I. Purpose.

The purpose of this Policy is to set forth the procedure to be followed with respect to grievances by employees, union, and non-union. The terms of this Policy shall control unless another valid and enforceable grievance procedure exists in a collective bargaining agreement that applies to the matter.

II. Definitions.

A grievance is defined as a dispute or misunderstanding regarding the actions of Village officials with regard to the following:

- Employee termination

“Termination” includes an involuntary end to employment but excludes a voluntary quit; a layoff or failure to be recalled from layoff at the expiration of any recall period; retirement; job abandonment such as “no-call, no-show,” or failure to report to work; any workforce reduction activities; job transfer; action taken for failure to meet the qualifications of a position; action taken pursuant to an ordinance other than an ordinance specifically addressing employee discharge; death; or the end of the employment of a temporary, contract or part-time employee.

- Employee discipline

“Discipline” includes verbal reprimands; written reprimands; and suspensions without pay. Discipline does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

- Workplace safety

“Workplace safety” includes conditions of employment affecting an employee's physical health and safety, the safe operation of workplace equipment and tools, environmental hazards, safety of physical work environment, personal protective equipment, and workplace violence.

III. Preliminary Procedures.

A. Preliminary Grievance Steps.

Step 1: Prior to filing a written grievance, employees should discuss any problem or complaint with his/her Immediate Supervisor to determine if the grievance can be resolved. Said discussion shall occur within five (5) business days (exclusive of Saturdays, Sundays, and holidays) of the happening or occurrence that gave rise to the grievance. The supervisor shall present his/her response within five (5) business days of the discussion. All time limits in this procedure may be extended by mutual agreement of the parties.

Step 2: If the grievance cannot be resolved at Step 1, the employee must file a written grievance with the Village Administrator no later than ten (10) business days after receipt of the Supervisor's response. The written grievance shall include: (1) a summary of the facts pertaining to the grievance; (2) a listing of all parties involved; (3) the remedy sought by the employee; and (4) the employee's signature. The Village Administrator shall meet with the grievant within ten (10) business days of receipt of the written grievance and then respond in writing within five (5) business days after the meeting.

IV. Hearing Officer Proceedings.

A. Appeal To Hearing Officer.

Step 3: If the grievance is not resolved at Step 2, the employee may appeal a denial by filing a written request for a hearing before a Hearing Officer. This request must be received by the Village Administrator no later than ten (10) business days after the employee receives the Administrator's written response.

On appeal, the Administrator shall transmit the grievance, all grievance responses, and this Grievance Procedure to the Hearing Officer. As soon as is practicable thereafter, the Hearing Officer shall schedule a date for a hearing, but no more than twenty (20) business days after receipt of the materials from the Administrator. The hearing shall be held at a mutually agreeable time in a public building and shall be open to the public unless the Hearing Officer otherwise directs.

B. Hearing Procedure.

The Hearing Officer shall have the authority to administer oaths and issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. Any party requesting a subpoena from the Hearing Officer is responsible for the fees associated with the subpoena. All testimony shall be taken under oath and shall be recorded by a court reporter under the supervision and control of the Hearing Officer, unless another method of recording is mutually agreed to by the parties and approved by the Hearing Officer. All costs associated with the court reporter and preparation of a transcript of the

hearing shall be evenly split between the parties. The Hearing Officer may only overrule disciplinary action if the action taken was arbitrary or capricious.

C. Hearing Officer Decision.

The Hearing Officer shall submit his or her decision affirming or reversing the action with the reasons therefore in writing to the Administrator and the employee within fifteen (15) business days of the close of the hearing, the submission of the parties' written briefs, or availability of the hearing transcripts; if any, whichever is later, or on a later date mutually agreed upon by the parties.

V. Village Board Review.

A. Appeal to Village Board.

Step 4: Within five (5) business days of the date that the Hearing Officer's decision is mailed, either party may file with the Village Board a written notice of appeal of the Hearing Officer's determination to the Village Board. Any such appeal shall be on the written record, the preparation of which shall be the responsibility and at the cost of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the Village Board within fifteen (15) business days of the notice of appeal. No formal hearing shall be held before the Village Board. The Board shall receive no further evidence on the matter but may request additional written submittals of the parties on matters which were raised before the Hearing Officer or, at its discretion, meet with the parties to review the matter. The Village Board may retain outside counsel if necessary during the process.

B. Village Board Decision.

Within twenty (20) business days of the receipt of the written record, the Village Board shall make and file its written decision with the Administrator's office. The Administrator or designee shall, within five (5) business days, mail a copy of the decision to the last known address of the employee or the employee's representative. The Hearing Officer's determination may be affirmed, modified, or reversed by a majority vote of the Village Board. The Village Board's decision shall be final and binding on the parties. There shall be no subsequent right of appeal.

VI. Hearing Officer Selection.

A. Qualifications/Selection.

The Village may contract with a Hearing Officer to hear and determine appeals at Step 3. Any Hearing Officer so engaged shall not be a Village employee or receiving any compensation or benefits from the Village other than those described below.

The Village Administrator or designee shall create a panel of at least Three (3) individuals when needed who have indicated a willingness to serve in the capacity of Hearing Officer and who are experienced in personnel matters and/or who are active or retired attorneys, retired members of the judiciary, retired administrative staff, or currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission, the Federal Mediation and Conciliation Service, or the American Arbitration Association. Each party shall have the right to strike one name from the list and the remaining named person shall serve as hearing officer.

B. Compensation.

The Hearing Officer shall be compensated at the the Hearing Officer's regular rate for the hearing, travel time, and time spent preparing a written decision. The compensation for the Hearing Officer will be split evenly between the parties.

VII. Settlement of Grievance.

A grievance shall be considered waived if not filed or appealed within the designated grievance timelines. Dissatisfaction is implied in recourse from one step to the next step. A grievance shall be deemed settled and dismissed at the completion of any step in the grievance procedure if all parties concerned are mutually satisfied or the grievance has not been timely processed to the next level. All settlements shall be in writing and signed by the employee in question and the appropriate Village official(s) involved at the step level that the grievance was settled.

VIII. Revisions/Updating.

This Policy may be revised, updated, or repealed by the Village Board at any time.

*This policy was approved as HR-008 due to clerical error. The correct number for this policy is HR-009.