

**Village of Iola Board of Trustees Meeting  
May 14<sup>th</sup>, 2024, held at 5:30 PM  
Iola Village Hall, Community Room**

Meeting called to order by President Pro-Tem David Harper. Opening statement read followed by Pledge of Allegiance and moment of silence.

Roll call. Members present: David Harper, Jim Rasmussen, Rick Meyers, Mark McCoy and Pamela Parks. Absent Jennifer Schustek and Alan Bauer.

Others present: Erik Fritz, Sherri Miller and Steve Steeber.

No public presentation.

R. Meyers made a motion to accept the minutes from April 9, 2024, Re-Organizational Meeting; April 9, 2024, Board of Trustees Regular Meeting; April 16, 2024, Ordinance Committee Meeting; April 16, 2024, Personnel Meeting; April 22, 2024 Public Works & Property Committee Meeting; April 25, 2024, Variance Committee Meeting; April 25, 2024, Planning & Zoning Committee Meeting; May 1, 2024, Ordinance Committee Meeting; May 1, 2024, Parks Committee Meeting; May 6, 2024, Public Works & Property Committee Meeting; May 7, 2024, Board of Review, and May 7, 2024 Personnel Committee Meeting. Motion seconded by P. Parks. Motion passed.

No old business

Motion made by R. Meyers to adopt Resolution 2024-02: *Be it resolved by the Iola Village Board of Trustees, that effective immediately the Village of Iola will accept the 2023 Compliance Maintenance Annual Report for the Village of Iola Treatment Plant and Sanitary System (CMAR).* Motion seconded by P. Parks. Roll call vote 5-yes, 0-no and 0-abstain. Motion adopted.

Motion made by J. Rasmussen to ratify a variance for parcel 26 35 73 34, 420 W. Iola St. for a 30' x 60' accessory building with 12' walls. Motion seconded by P. Parks. Motion passed.

J. Rasmussen made a motion to ratify zoning changes for parcels 26 35 71577 and 26 35 71578 from Conservancy to R-1. M. McCoy seconded the motion. Motion passed.

Motion made by J. Rasmussen to allocate the fees incurred, not to exceed \$840, in rezoning parcels 26 35 71577 and 26 35 71578 from the contingency fund. Motion seconded by R. Meyers. Motion passed. J. Rasmusen and P. Parks would like to refrain from being paid for their Zoning Committee work on April 25, 2024.

M. McCoy made a motion to adopt Resolution 2024-03 Chapter 223 Smoking to include Vaping. *Be it resolved by the Iola Village Board of Trustees, immediately change to Chapter 223 Smoking, by adopting,*

*“Article III Vaping Prohibited”*

*§223-11 Definitions.*

*As used in this section, the following terms shall have the meanings indicated:*

*CIGARETTE shall have same meaning as set forth in Wis. Stats. § 139.30(1m).*

*ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS) AND NON-NICOTINE VAPOR PRODUCTS means noncombustible products that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism regardless of shape or size, that can be used to produce a vapor in a solution or other form including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices. "ENDS and other non-nicotine vapor products" shall include any vapor cartridge, solution, or other container, that may or may not contain nicotine, that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices. "ENDS and other non-nicotine vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.*

*LAW ENFORCEMENT OFFICER shall have same meaning as set forth in Wis. Stats. § 30.50(4s).*

*TOBACCO PRODUCTS shall have same meaning as set forth in Wis. Stats. § 139.75(12).*

*§ 223-12 Restrictions.*

- (A) No person under 21 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, tobacco product, electronic nicotine delivery systems, or non-nicotine vapor products.*
- (B) No person under 21 years of age may purchase, attempt to purchase, or possess any cigarettes, nicotine product, tobacco or electronic nicotine delivery systems, or non-nicotine vapor product: except as follows:*
  - (1) A person under 21 years of age may purchase or possess any cigarettes, nicotine products, tobacco products, electronic nicotine delivery systems, or non-nicotine vapor products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.*
  - (2) A person under 21 years of age, but not under the age of 15 years, may purchase, attempt to purchase or possess cigarettes, nicotine products, tobacco products, electronic nicotine delivery systems and non-nicotine vapor products in the course of his or her participation in an investigation under Wis. Stats. § 254.916 that is conducted in accordance with Wis. Stats § 254.916(3).*
- (C) No person shall sell, give away, loan, borrow, or otherwise dispose of, by vending machine or otherwise, any cigarette, nicotine product, tobacco product, electronic nicotine delivery systems or non-nicotine vapor product to any person under the age of 21 years old.*
- (D) No person may purchase cigarettes, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 21 years of age. Any person who violates this subsection may be:*
  - (1) Required to forfeit not more than \$500.00 if the person has not committed a previous violation within 30 months of the violation.*
  - (2) Fined not more than \$1,000.00 if the person has committed two previous violations within 30 months of the violation.*

- (3) *Fined not more than \$10,000.00 if the person has committed three or more previous violations within 30 months of the violation.*

§ 223-13 Seizure.

*A law enforcement officer shall seize any cigarettes, nicotine product, tobacco product, electronic nicotine delivery systems or non-nicotine vapor product that has been sold to and is in the possession of a person under 21 years of age.*

§ 223-14 Penalties.

*Whoever violates §223-12 (A), §223-12 (B), and/or §223-13 (C) above shall forfeit not less than \$50.00 and not more than \$100.00.*

Motion seconded by P. Parks. Roll call vote 5-yes, 0-no, and 0-abstain. Motion adopted.

Motion made by P. Parks seconded by R. Meyers to adopt Resolution 2024-5 an Updated Resolution 2024-5, Ordinance 2019-1 to include Wis. Statute 23.33 and Wis Admin Code ch NR 64. Discussion was held. P. Parks withdrew her motion. M. McCoy made a motion to table the vote on Resolution 2024-5, second by P. Parks. Motion carried.

Motion made by M. McCoy, second by P. Parks to table Resolution 2024-6. Motion passed.

Motion made by R. Meyers to ratify Resolution 2024-7 to Chapter 77 Alcohol Beverage, Drinking in Parks. Motion seconded by P. Parks. Discussion was held regarding the allowance of alcoholic beverage in the Legion Park. Motion withdrawn by R. Meyers and P. Parks. Motion made by R. Meyers to ratify Resolution 2024-7 with amendment.

§ 77-1 Outside consumption

A. *Alcoholic beverages in public areas.*

- (1) *Regulations. It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the village or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his or her possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley, or public parking lot within the village except at licensed premises.*
- (2) ~~*Parks. Intoxicating liquor and fermented malt beverages may be possessed at Ingwal Olson Memorial Park and Taylor Field, except that it shall be unlawful for any person to drink or have in their possession any alcohol beverage in any village park between the hours of 10:30 p.m. and 6:00 a.m., except at licensed premises.*~~

*Parks. No Alcohol will be allowed at ~~The American Legion Sheveland Taylor Post 14 Veterans Memorial Park, Chester L. Krause Legacy Park, Rosie Paw Dog Park; Iola Lions Club Riverwalk.~~*

*Ingwal Olson Memorial Park and Taylor Field may possess alcohol, except that it shall be unlawful for any person to drink or have in their possession any alcohol beverage between the hours of 10:30 pm and 6 am. Provisions may be waived by the Village Board for duly authorized events.*

Seconded by M. McCoy. Roll Call vote: 5-yes, 0-no and 0-abstain. Motion adopted.

Motion made by M. McCoy to accept the purchase order from Arings Equipment for a Falls plow for the wheel loader for \$20,300.00. Motion seconded by P. Parks. Motion passed.

Motion made by J. Rasmussen to adopt the Family Medical Leave Act Employee Request Form. Motion second by P. Parks. Motion carried.

Motion made by J. Rasmussen to grant the request by A. Mata of up to 12 weeks from her FMLA request. Second by P. Parks. Motion carried.

## **COMMITTEE REPORTS**

### **Personnel:**

Nothing to report at this time. Their next meeting will be May 28<sup>th</sup>, 2024 at 8:00 AM.

### **Library:**

Circulation reports for April 2024 were shared with the village board: CIRCULATION: Circulation 1603, Renewals 552, Total Circulation 2,155; INTERLIBRARY LOAN: Total Loaned 1,132, Total Borrowed 1011, Net 121; WISCAT ILL – Requested 11, Sent 17; OVERDRIVE: E-Book 131, Audio Books 140, Magazines 25, Hoopla 131; MY PC: Total Minutes 10239, Total Sessions 137, Wireless Unique Devices 247, Avg Devices Connected Per Day 25; Items Checked in: 3,473; Monthly Patron Count: 1,848; PROGRAMMING: Total Programs 12 with a total attendance of 152, 1 Adult Program with Attendance of 12, 3 Children's Programs Story Hour with Attendance of 93, 2 Family Programs/STEAM with Attendance of 30; Passive/Drop In with attendance of 6; Make & Take Bags 72; Curbside/Living Oaks/Cap Services 3; New Patrons 3. Motion was made by R. Meyers to accept the April 2024 Library report as presented. Motion seconded by J. Rasmussen. Motion carried.

### **Protection of Persons and Property:**

Motion made by P. Parks to adopt expenses for the update to Spillman provided by the Waupaca County Sheriff's Department. Seconded by J. Rasmussen. Motion passed.

Motion made by P. Parks to accept the April 2024 Iola Police Department call for service summary submitted by Chief Zierler. There were 165 Total calls handled by the department: 4-911 Misdials; 2-Animal Problem; 3-Alarm, 9-Assist other Agency (8 EMS); 23-Building Checks; 6-Citizens/Motorist Assist; 63-Designated Patrol; 3-Disorderly Conduct; 2-Domestic Disturbance; 1-Family; 7-Follow-up; 1-Gas Leak; 1-Harrasment; 1-Juvenile Problem; 4-Lockouts; 1-Missing Person; 1-Neighbors Complaint; 1-Ordinance Violation; 1-Parking Complaint; 1-School Threat; 2-Suspicious Circumstances; 2-Thesft; 1-Threatening; 1-Traffic Control; 2-Traffice Hazard; 14-Traffic Enforcement; 1-Trespassing; 1-Truancy; 1-Warrant Pick up; 4-Welfare Check. Seconded by R. Meyers to accept the April 2024 Police Report. Motion passed.

### **Public Works (Public Property, Streets, Sewer, Water):**

Committee meet to discuss delinquent utility accounts. Fahrner will be seal coating with slag material. The rental agreement for the Town of Iola has been sent back signed as of May 1, 2024. Bidding for King Olav will be sent out again due to failure of the three bids not being accepted due to errors.

### **Ordinance:**

Next meeting will be May 16, 2024, at 4:00 PM.

**Park & Garden:**

All the adult garden spaces are sold. The roof for the Children’s Garden shed is being replaced. Thank you to Ace Hardware in Waupaca for donating the shingles.

**Finance:**

The members of the Finance Committee found the bills to be in order. Motion made by J. Rasmussen seconded by P. Parks, to approve the bills. No discussion. Motion passed.

Motion made by J. Rasmussen to accept the April 2024 financial statement. Seconded by P. Parks. Motion passed.

**Revitalization:**

Next meeting May 22, 2024, at 5:00 PM

**BOARD CORRESPONDENCE**

D. Harper read a thank you letter from the American Legion thanking the village for their donation. Motion by R. Meyers to approve application for an Outdoor Entertainment Permit for Thirsty Perch, LLC. Seconded by P. Parks. Motion passed.

Erik Fritz asked if the village would allow chickens in the village. He presented information to the board, that was passed on to the Ordinance Committee.

Motion by J. Rasmussen to adjourn. Second by P. Parks. Motion Carried. The meeting was adjourned by President Pro Tem D. Harper at 6:35 PM.

Laura J. Krogwold, Clerk/Treasurer, Village of Iola