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Office of the City Clerk

**BOARD OF APPEALS  
Regular Meeting  
Thursday, February 5, 2026 - 6:00 PM  
Christine Nuernberg Hall**

**Minutes**

**1) Call to Order and Roll Call**

The meeting was called to order by Chair Massey at 6:00 p.m.

**Present:**

Chair Massey, Vice Chair Wawrzyn, Board Member Helfer, Board Member Larson, Board Member Reigle

**Also present:** City Clerk Caroline Fochs, City Attorney Brian Sajdak, Assistant City Administrator Jessica Wolff, Building Inspections Supervisor Golden, City Forester Herlache, Ian Lane from Stafford Rosenbaum, LLP law firm, and interested public.

**2) Approval of Meeting Minutes**

<b>MOTION:</b>	Meeting Minutes of December 4, 2025
<b>MOVER:</b>	Vice Chair James Wawrzyn
<b>SECONDER:</b>	Board Member Ramona Larson
<b>AYES:</b>	Chair Kathleen Massey, Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Scott Reigle
<b>RESULT:</b>	Approved by Voice Acclamation

- a) Meeting minutes of December 4, 2025

**3) Hear Evidence Concerning: Debate, Deliberate and Decide the Request of:**

- a) Staff Response to Board of Appeals Variance Application for Variance Request: Sec. 84-8, Following Code Violation of Sec. 84-6c. Unauthorized Specimen Tree Removal

Chair Massey explained the guidelines for the Board of Appeals as well as the process for the

meeting. All parties planning to testify before the Board of Appeals were sworn in:

- William Hanney 5569 Jones Lane, Manitowish Waters
- Bruce Stern 2724 W. Highland Road, Mequon
- Nathan Herlache 10800 N Industrial Drive, Mequon

City Forester Herlache spoke on behalf of the City of Mequon. He explained that a Certified Survey Map (CSM) was used and applied to identify specimen trees in January 2025 at 3319 W. Mequon Road. Upon in-person inspection, he identified two specimen trees; one 19" White Pine and one 14" Sugar Maple. On October 29th, staff was notified by concerned neighbors that tree removal was occurring at the property. Mr. Herlache presented to property and made contact with William Hanney, and explained Section 84 of the Mequon code relating to specimen tree regulations. The next day, he received a call from a neighbor that the White Pine had been removed, which he confirmed when revisiting the site. The event resulted in a citation for a 19" specimen tree removal, totaling \$1900 (\$100/caliper inch as listed in the Mequon Tree Preservation Manual).

Member Wawrzyn inquired about the condition of the tree. Mr. Herlache explained that he was aware that WE Energies had pruned 30% of the tree to allow for power line boundaries, but it was an acceptable amount. Urban trees are pruned often, and this particular tree was not compromised by WE Energies. The definition of a specimen tree as described by Mequon code, is high aesthetic and environmentally valued trees. Member Helfer inquired on the purpose of the documentation and how one determines specimen tree status. Mr. Herlache explained that this is determined by factors listed in Section 84 of the manual, which is by species, valuable cultural additions to the area, and their rating of health and condition on a spectrum.

Chair Massey requested Mr. Herlache's credentials, to which he responded that he received his BA, BS Environmental Sciences from UW Oshkosh in 2020, interned with Urban Forestry at the City of Cedarburg, and has been employed by City of Mequon for 5 years, 1 of which he has been the City Forester. Mr. Herlache agreed with Chair Massey's review of events leading up to the hearing. Mr. Herlache was under the impression that upon meeting with Mr. Stern back in October, that he understood the reasoning behind the green-flagged trees. Mr. Herlache explained that after receiving the second call from the same alleged citizen, upon his return to the property, he found the White Pine felled and the green ribbon removed. Chair Massey analyzed the specifications for a specimen tree straight from the manual, to which Mr. Herlache again agreed that this tree met all qualifications and standards described within.

Member Larson inquired about whether aesthetic value was considered and how. Mr. Herlache explained that this can be subjective, but he defers to the standards described within the manual. City Attorney Sajdak wished to point out the photographs on page 13 showcasing the green-flagged trees, and asked how CTLA calculations are used. Mr. Herlache explained that this format is used as context and a comprehensive look into why a tree is valued, what work hours will be needed to replace a tree, the cost of a replacement tree with the same dimensions, etc.

Mr. Bruce Stern took the stand and provided his personal/professional background. He then

related his discussions at City Hall with the Assistant City Planner, Jac Zader, who admitted the trees in question were unsightly when shown photographs. Mr. Stern took this communication as permission to remove the tree, but acknowledged that Mr. Zader did not outwardly express this. He wanted it known that following this citation, he received approval from the City Forester to remove a different White Pine tree on the property.

Member Wawrzyn inquired about Mr. Hanney's experience with specimen trees, to which Mr. Hanney, stated that he's aware of what specimen trees are, and there were no misunderstandings between himself and the Forester regarding the marked trees. Member Wawrzyn asked if the goal of Mr. Stern's conversation with Mr. Zader was to nullify the Forester's decision and if whether a City Planner's perception should overrule the Forester's expertise. Mr. Hanney declared that the trees were not in the way of their project, reiterated that the Forester provided his card to him, and Bruce decided to visit Mequon City Hall for further staff opinions. Mr. Stern believed Mr. Zader could, and was, overturning the tree's designation, but conceded that his interpretation of his discussion with Mr. Zader was incorrect. Member Wawrzyn explained that the process of the board this day, is to determine if the fine was cited in error.

Chair Massey asked why they did not return to the Forester for further clarification, to which Mr. Stern stated he had not met him. He acknowledged it would have been the correct path, and they are now asking for forgiveness. He cited that his discussion with Mr. Zader was taken as an overruling of the Forester's determination and moved forward with removal. He does not have written confirmation of this conversation nor did he have Mr. Zader's express permission to proceed. Mr. Hanney confirmed that he accepted Mr. Stern's - his project manager - word as fact and, unfortunately, there was a misunderstanding.

Mr. Stern stated they do not have the credentials of a City Forester and admitted they were only given permission to cut down the additional tree. Mr. Hanney, a landscape contractor, does not have experience with determining tree life expectancy.

Chair Massey asked Mr. Stern if he mentioned the City Forester's determination, discussion, and tree ribbons to Mr. Zader when they met. Mr. Stern responded that he was unsure of the exact conversation, and clarified that Mr. Zader has no fault in this event. Mr. Zader did not give him permission to cut down the tree.

City Attorney Sadjak inquired if they have had other Mequon projects and if any involved specimen trees. Mr. Stern said he has been in the business for 47 years and this was his first experience.

Mr. Sadjak requested that Mr. Herlache clarify the difference between the White Pine he allowed to be cut down versus the White Pine of discussion. Mr. Herlache explained that the other white pine had pressure on branch unions, signs of trunk decay, yellowing of needles, and indicated stress. Chair Massey requested that Mr. Herlache further compare the two trees according to the four requirements as listed in the manual. 1. Did the tree have a life expectancy of 15 years or more? Mr. Herlache stated, no, there was extensive evidence of decay. 2. Did the tree have a sound trunk? Mr. Herlache stated, no, there were signs of decay. 3. Was there 1 or more large dead limb, or many small dead limbs? Mr. Herlache stated, yes, it was

actively dying. 4. Is there evidence of insect damage or negative pathology? Mr. Herlache stated, no, this was not noted upon inspection. Chair Massey concluded that the tree permissibly removed failed 3 out of the 4 markers.

<b>MOTION:</b>	Motion of close the public portion of hearing
<b>MOVER:</b>	Vice Chair James Wawrzyn
<b>SECONDER:</b>	Board Member Scott Reigle
<b>AYES:</b>	Chair Kathleen Massey, Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Scott Reigle
<b>RESULT:</b>	Approved by Voice Acclamation

With the public portion of the hearing closed, the Board began its discussion. Member Wawrzyn detailed that this was an unfortunate miscommunication, but ultimately, the specimen tree was removed. The condition of the tree is no longer relevant because it's gone, so he believes the fine is appropriate. Chair Massey believes Mr. Herlache to be an expert in his field. That the designation of a specimen tree is determined based on experience and education, and the owner and crew were clearly advised not to remove this tree. While there was an unfortunate misunderstanding, the tree was removed in violation of Mequon municipal code Chapter 84-8, and the City of Mequon did not give permission to remove it. She believes the penalty is appropriate.

Member Reigle agreed that the purpose of the Board is to judge if a mistake was made by the City, and he cannot identify any mistakes on Mr. Herlache's part. Member Helfer admitted he was not familiar with specimen trees, but because of this hearing and the education Mr. Herlache provided, he has a better understanding and concedes the Forester's opinions. Member Larson states she agrees with all her fellow Board members mentioned.

<b>MOTION:</b>	Motion to deny the appeal
<b>MOVER:</b>	Vice Chair James Wawrzyn
<b>SECONDER:</b>	Board Member Stephen Helfer
<b>AYES:</b>	Chair Kathleen Massey, Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Scott Reigle
<b>RESULT:</b>	Approved by Roll Call Vote

b) 616 E. Circle Road Appeal

Applicant requested to postpone the hearing until March 5, 2026 meeting.

**4) Adjourn**

<b>MOTION:</b>	Motion to adjourn at 7:20 p.m.
<b>MOVER:</b>	Board Member Stephen Helfer
<b>SECONDER:</b>	Vice Chair James Wawrzyn
<b>AYES:</b>	Chair Kathleen Massey, Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Scott Reigle
<b>RESULT:</b>	Approved by Voice Acclamation

Respectfully Submitted,  
Janet Meyer, Deputy CLerk