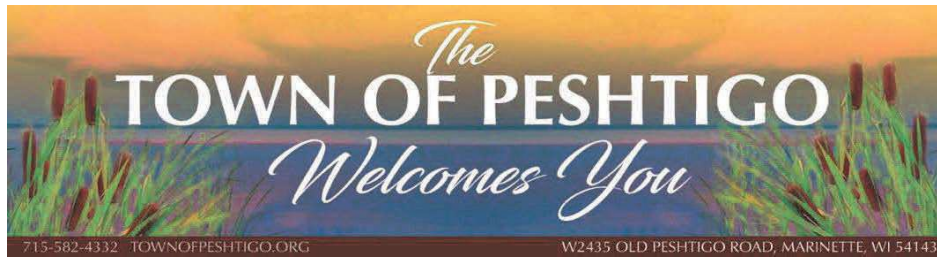


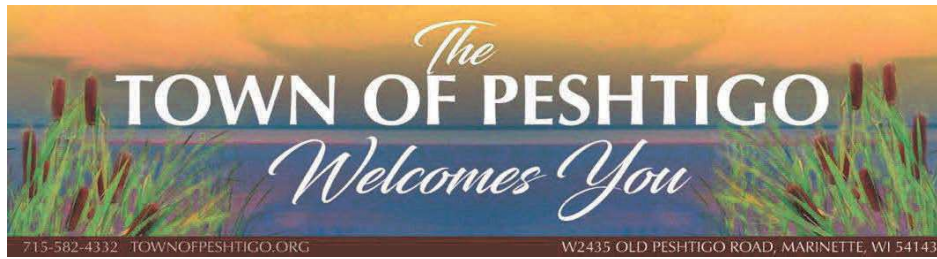
**10/15/2024 Monthly Board Meeting
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4	Agenda Item #9a: Fire Department Report
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6	Agenda Item #10: Treasurer Report
7	Agenda Item #12: Marinette County Elderly Services donation request
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13-17	Agenda Item #16: Public Participation Procedures ; Resolution ; Resident/Property Owner Flyer
18-59	Agenda Item #19c(i): Proposed ordinance changes



MEETING MINUTES
Town of Peshtigo Monthly Board Meeting
Tuesday, September 17, 2024 at 6 p.m.

- 1) Call to order: **Chairperson Friday called the meeting to order at 6:00pm**
- 2) Pledge of allegiance
- 3) Roll call:
Present: Chairperson Friday, Supervisor Coble, Supervisor Wortner, Supervisor Bergeson
Absent: Supervisor Joy
- 4) Verification of proper notice: **Chairperson Friday verified.**
- 5) Approve agenda: **Supervisor Wortner motion to approve/Second by Coble. Motion carried with 4 yes.**
- 6) Public comment, limited to 15 minutes (*in-person attendees only, limited to 3 minutes per person with no time donations from others, agenda items only*), please be prepared to come forward to the table, speak clearly into the microphone, start by stating name/address & agenda item(s) to be addressed: **None heard.**
- 7) Announcements:
 - a. **DAR Boys and Girls are accepting donations for a roof project. City Limits and Golden Sands gas stations are donating \$.01 per gallon to their project this month.**
 - b. **Chairperson Friday held Board of Appeals training for 5 of the 7 members. The final 2 will be trained next week.**
 - c. **Tyco/JCI update is on the Town website, under the water tab. Town is still in litigation.**
 - d. **No DNR update this month.**
- 8) Marinette County Judge Peggy Miller introduction: **MC Judge Peggy Miller gave introduction.**
- 9) Minute approval – 8/20/2024 Regular Board Meeting: **Approved via unanimous consent.**
- 10) Reports
 - a. Fire Department: **Chief Folgert gave report.**
 - b. Constable: **Chairperson Friday gave report.**
 - c. Building Inspector: **Chairperson Friday gave report, with 74 YTD permits issued.**
 - d. Marinette County Board: **No update.**
- 11) Treasurer Report/Investment Report/Budget YTD vs Actual/Budget Amendments: **Approved via unanimous consent.**
 - a. Approve vouchers & payment of bills: **Bergeson motion to approve/Second by Coble. Motion carried with 4 yes votes.**
- 12) Marinette County tax collection: **Coble motion to approve/Second by Wortner. Motion carried with 4 yes votes.**
- 13) Authorize Fire Department purchase of 3 air packs (SCBA) for \$30K if FEMA-AFG grant not awarded by October 1st: **Chairperson Friday motion to approve the purchase, if grant not awarded/Second by Wortner. Motion carried with 4 yes votes.**
- 14) Ordinance self-publishing software: **Chairperson Friday and Clerk Okins are researching this.**
- 15) Comprehensive Plan update: **Chairperson Friday commended Plan Commission and Bay Lakes for their 9/16/24 meeting, as it was very informational. Comprehensive Plan is expected to take 12-18 months to complete the updates.**
- 16) Proposed changes to Ordinance Section 48-7: **Chairperson Friday motion to approve/Second by Coble. Motion carried with 4 yes votes.**
- 17) Discuss 3 public posting locations for budget hearing notice: **Budget hearing notice will be posted at our previous locations, as usual- City Limits, Golden Sands, and Town Hall.**
- 18) Ad hoc committee updates:
 - a. Capital Improvement Plan – Chairperson Joy, Vice Chairperson Friday: **Chairperson Friday stated that her and Supervisor Joy will have an update for October's meeting.**



- b. CDBG-CV – Chairperson Friday, Treasurer Maney
 - i. HVAC update: **Supervisor Coble stated that the project is moving forward. TOP will be back in compliance at the start of construction, which will likely be concrete pads, coming soon. Equipment is expected to arrive near the end of November.**
- c. Ordinance/Policy Review – Chairperson Friday, Vice Chairperson Wortner
 - i. Proposed changes to Sections 2-134, 2-170, 2-175, 2-202, 2-256:
 - a. **Sec. 2-134: Coble motion to approve as presented/Second by Wortner. Motion carried with 4 yes votes.**
 - b. **Sec. 2-170: Chairperson Friday motion to approve as presented/Second by Wortner. Motion carried with 4 yes votes.**
 - c. **Sec. 2-175: Chairperson Friday motion to approve as presented/Second by Coble. Motion carried with 4 yes.**
 - d. **Sec. 2-202: Chairperson Friday motion to approve as presented/Second by Bergeson. Motion carried with 4 yes.**
 - e. **Sec. 2-256: Chairperson Friday motion to approve as presented/Second by Wortner. Motion carried with 4 yes.**

19) Standing Committee Updates:

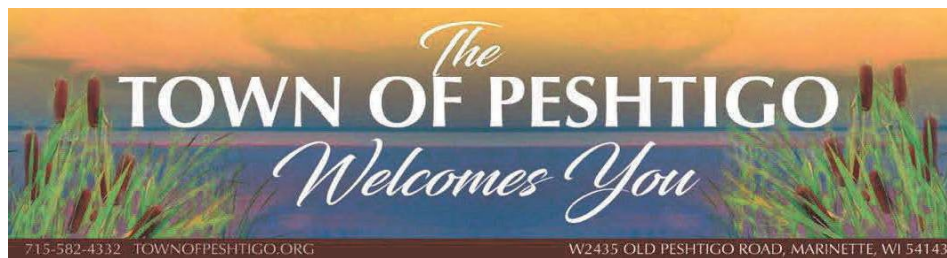
- a. Buildings & Grounds – Chairperson Coble, Vice Chairperson Bergeson: **Coble stated that the roof integrity will be checked by Oshkosh Industrial before winter. Town Hall is on the schedule for the women's bathroom toilet replacement.**
- b. Recycling Center – Chairperson Bergeson, Vice Chairperson Coble: **Supervisor Bergeson stated that the DNR E-Cycle audit went well, stating the site was very clean and sorted properly. Documents and labeling will be added to the batteries and bulbs sections soon.**
- c. Roads & Ditches – Chairperson Wortner, Vice Chairperson Joy: **Supervisor Wortner stated Green Gable Road work has started and is expected to be completed soon.**
 - i. Road work bid opening and award:
 - Project #1- Aubin Street: Wortner motion to accept Carlson bid of \$6950/Second by Chairperson Friday. Motion carried with 4 yes votes.**
 - Project #2- Boneham Addition: Wortner motion to accept Carlson bid of \$17,580 (Town to supply the culverts)/Second by Chairperson Friday. Motion carried with 4 yes votes**
 - Project #3- Old Peshtigo and Rader Roads: Wortner tabled Northeast Asphalt bid, as it was over budget.**

20) Upcoming Meetings

- a. Budget Workshop, Thursday, October 10, 2024 at 6 p.m.
- b. Regular Board Meeting, Tuesday, October 15, 2024 at 6 p.m.

21) Motion to Adjourn: **Chairperson Friday motion to adjourn at 6:42pm/Second by Bergeson. Motion carried with 4 yes.**

Kayla Okins, Clerk 09/24/2024



MEETING MINUTES

**Town of Peshtigo Special Board Meeting/Budget Workshop
Thursday, October 10, 2024 at 6 p.m.
or following Plan Commission meeting, whichever is later**

- 1) Call to order: **Chairperson Friday called the meeting to order at 6:01pm.**
- 2) Roll call:
Present: Chairperson Friday, Supervisor Wortner, Supervisor Bergeson, Supervisor Joy
Absent: Supervisor Coble (joined at 6:04pm)
- 3) Verification of proper notice: **Chairperson Friday verified.**
- 4) Approve agenda: **Wortner motion to approve/Second by Joy. Motion carried with 4 yes.**
- 5) Budget Workshop (the following may be discussed/acted upon in no particular order)
 - a. Self-Publishing Software Proposals: **Joy motion to approve enCodePlus software/Second by Friday. Motion carried with 5 yes votes.**
 - b. 2025 Fee Schedule: **Friday motion to approve with discussed changes/Second by Wortner. Motion carried with 5 yes votes.**
 - c. 2025 Employee Compensation: **All changes go into effect 1-1-25.**
Kathy Brandt: \$23/hour- TB/JW, 5
Keith Swallow: \$27/hour- TB/JW, 5
Jeff Maney: \$22/hour- JW/CC, 5
John Berg: \$19/hour- CC/JW, 5
Dennis Czapiewski: \$16/hour- CC/JW, 5
Wayne Kamka: \$16/hour- CC/JW, 5
Rebecca Archambault: \$19/hour- JF/TB, 5
 - d. Remaining ARPA Fund Balance Discussion: **Friday motion to allocate all remaining ARPA funds (\$63,543.06) toward fire truck replacement cost/Second by Coble. Motion carried with 5 yes votes.**
 - e. Proposed 2025 Town Budget Workshop: **Budget was discussed and edited, with changes presented at the October Regular Board Meeting.**
- 6) Motion to Adjourn: **Wortner motion to adjourn at 8:18pm/Second by Coble. Motion carried with 5 yes votes.**

**Town of Peshtigo Fire Department Report to the Town Board
September 17, 2024**

13 Calls since the September 17th, 2024 Monthly Town Board meeting:

9/22/24	W1229 West Cleveland, Kitchen Fire
9/26/24	Old Peshtigo Rd at Rader Rd, Vehicle Fuel Leak – Call Canceled Enroute
9/27/24	U.S. Hwy 41 at Schacht Rd, Vehicle Crash
10/3/24	U.S. Hwy 41 at County T, Vehicle Crash
10/5/24	W1968 U.S. Hwy 41 (Marinette Shooting Range), Grass Fire
10/5/24	W1785 Shore Dr., Tree Burning on Powerlines
10/5/24	N2335 Hale Rd., EMS Assist
10/6/24	N3407 Rehms Rd., EMS Assist
10/6/24	N2150 Keller Rd., Tree Down Across Road
10/8-9/24	N7490 Right of Way Rd. (Town of Lake), Missing Person Search
10/10/24	Hwy 64 at Pleasant View Rd., Vehicle Fluid Leak – Call Canceled Enroute
10/10/24	W2874 State Hwy 64 (MC Manufacturing), Structure Fire
10/12/24	W2573 Hale Rd., Unauthorized Controlled Burn

Apparatus and Equipment Status:

- All apparatus is in service and fully functional. Minor repair issues are being addressed.
- One old overhead garage door opener has malfunctioned and will be replaced.
- Our new washer/extractor malfunctioned and received warranty repairs.

Training:

- Lindsay Blok has completed her initial 60-hour Entry Level Firefighter training course through NWTC.
- Five firefighters joined with firefighters from City of Marinette and Grover-Porterfield last night to drill at an acquired structure in the town of Grover. More are scheduled to do the same over the next two weeks.

Fire Prevention, Education and Community Involvement:

- Participated in the Peshtigo Historical Days parade with three fire trucks.
- We kicked off National Fire Prevention Week by holding our annual Open House on Saturday, October 5th. Two Peshtigo Elementary students had their names drawn to receive a ride to school in a fire truck.

Fund Raising & Donations:

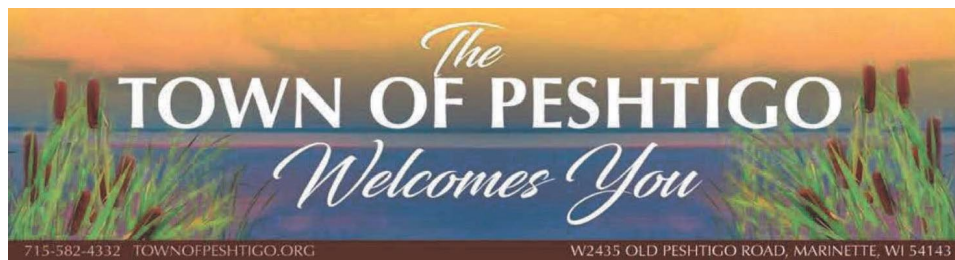
- We still have tickets available for our cash raffle to help fund the purchase of fire hose and equipment to be placed on our new engine. Tickets are being sold for \$20 each or six for \$100. Ten cash prizes will be awarded in a November 11th drawing. Top prize is \$1,500.

Personnel:

- Cienna Grawey has successfully completed her initial probationary period and has achieved active firefighter status as a state certified firefighter 2.
- Mike Dobson has been accepted as a new conditional firefighter.
- Our current roster stands at 24 volunteer firefighters. We are currently accepting applications.

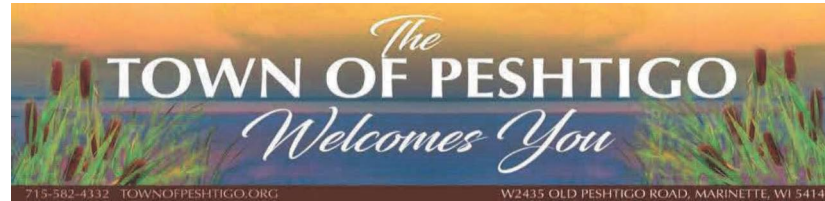
Mike Folgert

Fire Chief



September 2024 Constable Report

- 09/01 Follow up on rubbish
- 09/01 Follow up on dog vaccination and license
- 09/07 Dogs at large – issued citation
- 09/09 Dogs at large – animal shelter
- 09/18 Vandalism – unfounded
- 09/25 Dead deer – referred to Keith
- 09/25 Smoke from burning barrel – burning barrel in R-1 residential



TREASURER'S REPORT September 2024

		Begin	Deposits/Interest	Withdrawals	Ending	Outstanding Receipts	Outstanding Deposits	Register Balance
BMO Checking Account	7013	73,183.97	53,676.95	(61,114.49)	65,746.43	(1,688.00)		64,058.43
BMO Payroll Checking	7734	6,079.70	15,677.00	(15,081.97)	6,674.73	(4,033.99)		2,640.74
BMO Plantinum MM	6811	260,149.34	582.45	(49,341.74)	211,390.05			211,390.05
BANK TOTALS		339,413.01	69,936.40	(125,538.20)	283,811.21	(5,721.99)	-	278,089.22
PNB Checking - CDBG		8.71	-	-	8.71	-	-	-
Change Fund		215.00	-	-	215.00	-	-	-
Fire Dept Equipment		267.34	1.15	-	268.49			
Fire Truck		65,510.69	280.96		65,791.65			
Roads		97,695.10	419.00	-	98,114.10			
Capital Outlay - Mach & Equip		60,658.98	260.16		60,919.14			
Recycling		12,293.45	52.72	-	12,346.17			
ARPA		132,972.76	570.30	-	133,543.06			
LGIP TOTAL		369,398.32	1,584.29	-	370,982.61	-	-	-
BMO CD		277,002.05	-	-	277,002.05	-	-	-
BMO CD Fire Dept.		158,326.64	-	-	158,326.64	-	-	-
TOTAL CASH & INVESTMENTS		1,144,363.73	71,520.69	(125,538.20)	1,090,346.22	(5,721.99)	-	1,084,624.23

Jodi Maney
Treasurer
toptreasurer@townofpeshtigo.org



MARINETTE COUNTY ELDERLY SERVICES

516 North Hwy. 141 - P.O. Box 456
Crivitz, Wisconsin 54114-0456

Telephone 715-854-7453
800-990-4242
Fax 715-854-7472

October 3, 2024

Town of Peshtigo
W2435 Old Peshtigo Rd
Marinette, WI 54143

RECEIVED
OCT 03 2024
TOWN OF PESHTIGO

Dear Town of Peshtigo,

At Marinette County Elderly Services, we strive to help older persons maintain a longer, healthier, and more fulfilled life. Our non-profit organization provides essential services like Senior Dining Sites, Home-Delivered Meals, Transportation, Medical Escort, Benefits Specialist Counseling, Health Promotion Classes, Family Caregiver Support Programs, and more. Without the generous support from community partners like you, our mission would not be possible.

We need your support to make needed improvements to our central kitchen in Crivitz. We need to replace our three household stoves with two commercial stoves and install a new ventilation system. The current equipment is struggling to keep up with the 36,000 annual meals served from this kitchen. Meals from the Crivitz kitchen are provided to the communities of Crivitz, Coleman, Beaver, Pound, Athelstane, Silver Cliff, Porterfield, Wausaukee, Amberg, Peshtigo, and Marinette.

If you have any questions or are willing to contribute a monetary donation for this important project, please don't hesitate to contact me at 715-854-7453. I'd be more than happy to provide you with additional information about how you can help Elderly Services.

We greatly appreciate your support and look forward to continuing our relationship with you.

Sincerely,


Olivia Cherry
Executive Director

October 10, 2024

Ms. Kayla Okins, Clerk
TOWN OF PESHTIGO
W2435 Old Peshtigo Road
Marinette, WI 54143

RE: Proposal for Groundwater Sampling and Reporting Services in 2025 - Closed Peshtigo Landfills
WDNR License No. 0432 and 0433

Dear Ms. Okins:

Robert E. Lee & Associates, Inc. (REL) is pleased to provide this proposal to the Town of Peshtigo (the Town) to complete groundwater monitoring and reporting services at two closed Town of Peshtigo landfills (the Landfills). The landfills include the Heath Lane Site, License #432 and the Kozuzek Road Landfill, License #433.

This proposal covers sampling and WDNR reporting costs for the June 2025 and December 2025 sampling events.

BACKGROUND

REL's summary of the sampling parameters and activities required at each landfill to remain in compliance with the Wisconsin Administrative Code Chapter NR 507 and the Monitoring Plan requirements is as follows:

Town of Peshtigo - Heath Lane Landfill Site - License #432

Five monitoring points (4 water table wells and 1 piezometer). The wells are sampled semi-annually (June and December) for the following parameters:

- | | | | |
|----------------|---------------|------------|------------------------|
| - GW Elevation | - Temperature | - Hardness | - Odor |
| - Alkalinity | - Color | - Iron | - Turbidity |
| - Chloride | - pH | - COD | - Specific Conductance |

Town of Peshtigo - Kozuzek Road Landfill Site - License #433

Five monitoring points (four water table wells and one piezometer). The wells are sampled semi-annually (June and December) for the following parameters:

- | | | | |
|----------------|---------------|--------|------------------------|
| - GW Elevation | - Temperature | - Odor | - Specific Conductance |
| - Color | - Turbidity | - pH | |

SCOPE OF WORK

The scope of work includes typical tasks completed at the Landfill site related to required monitoring, data reporting, and inspections.

- Conduct two semi-annual monitoring events in June 2025 and December 2025 at each landfill and submit groundwater samples for lab analysis for required sampling per WDNR.
- Prepare and submit monitoring data to the WDNR to upload the data collected to the WDNR's Groundwater and Environmental Monitoring System (GEMS) following monitoring events.

PROJECT FEES

REL proposes to perform the June 2025 and December 2025 semi-annual sampling events at the Heath Lane Landfill and Kozuzek Road Landfill Sites, as we currently understand the requirements for a **lump sum of \$4,600** that includes sampling, lab fees, equipment and WDNR submittal. Any non-standard, or unanticipated analytical exceedance may result in additional sampling and/or data review to address WDNR comments or regulatory requirements, which will lead to additional costs. In the event that additional work is needed, REL will provide a cost estimate for the additional services. If the enclosed contract is acceptable, we ask that a copy be signed and returned to our office, as authorization to proceed with the services described.

Please feel free to contact us with any questions, (920) 662-9641.

Sincerely,

ROBERT E. LEE & ASSOCIATES, INC.



Cody M. Applekamp, P.G.
Geologist

CMA

ENC.

AGREEMENT FOR ENGINEERING SERVICES

DATE: October 10, 2024

CLIENTS: Ms. Kayla Okins, Clerk
TOWN OF PESHTIGO
W2435 Old Peshtigo Rd
Marinette, WI 54143

Robert E. Lee & Associates, Inc., is hereby authorized to proceed with the scope of services subject to the Standard Terms and Conditions, both of which are attached:

Proposal for Groundwater Sampling and Reporting Services at Two Closed Town of Peshtigo Landfills, License No. 0432 and 0433 –June 2025 and December 2025 sampling events.

Lump Sum Contract \$4,600.00

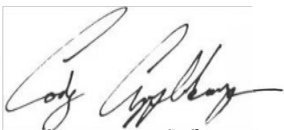
Compensation for the services described in the attached proposal will be on the basis of a lump sum contract to be billed after each semi-annual sampling event. Please note that we issue monthly progress billings for the work performed during that month. Payment is expected within 30 days after the invoice date.

If acceptable, please sign in the space provided and return one complete copy for our files.

If there are any questions, please call our office.

Sincerely,

ROBERT E. LEE & ASSOCIATES, INC.



Cody M. Applekamp, P.G.
Geologist

CMA

ACCEPTED FOR TOWN OF PESHTIGO

Signature

Date

Print Name

ROBERT E. LEE & ASSOCIATES, INC.

STANDARD TERMS AND CONDITIONS

I. SCOPE

Robert E. Lee & Associates, Inc. agrees to perform the engineering, surveying, and/or environmental services described in the proposal or agreement in which these standard terms and conditions are referenced and to which they are attached. Unless modified in writing by the parties thereto, duties of Robert E. Lee & Associates, Inc. shall not be construed to exceed those services specifically set forth in the proposal or agreement to which these standard terms and conditions are attached.

II. COMPENSATION

Client agrees to pay for the services provided in accordance with the compensation provisions described in the proposal or agreement to which these standard terms and conditions are attached. Payment to Robert E. Lee & Associates, Inc. will be made within 30 days after the date of billing. For all amounts unpaid after 30 days from the invoice date, client agrees to pay Robert E. Lee & Associates, Inc. a finance charge of 1-1/2% per month.

For time and expense compensation, charges will consist of salary-related costs and nonsalary costs. Salary-related charges include, but are not limited to, the following:

1. Salaries paid employees for time spent working directly on the subject project.
2. Costs of employee fringe benefits attributable to the employee time spent working directly on subject project.
3. General and administrative overhead charges distributed on basis of employee time spent working directly on subject project.

Nonsalary costs cover items directly related to the project, other than those covered by salary-related costs. Such nonsalary costs shall be computed on the basis of actual purchase price for items and services obtained from commercial sources and outside consultants. Cost of items and services provided directly by Robert E. Lee & Associates, Inc. shall be in accordance with rate schedules based on normal charges of commercial sources. Nonsalary items and services include, but are not limited to, the following:

1. Services directly applicable to the project such as special legal and accounting expenses, computer rental and programming costs, special consultants, borings, environmental analyses, commercial printing and binding, and similar services that are not applicable to general overhead.
2. Identifiable reproduction services applicable to the project such as printing of drawings, photostating, multilithing, printing, and similar services.
3. Identifiable communication services such as long-distance telephone, telegraph, cable, express services, and postage other than for general correspondence.
4. Living and traveling expenses of employees when away from home office on business connected with the project.

5. Subcontracted services.

III. RESPONSIBILITY

Robert E. Lee & Associates, Inc. is employed to render a professional service only, and any payments made by the client are compensation solely for such services rendered and recommendations made in carrying out the work. Robert E. Lee & Associates, Inc. shall follow the practice of the civil engineering, surveying, and/or environmental services professions to make findings, opinions, factual presentations, and professional advice and recommendations.

In performing construction management services, Robert E. Lee & Associates, Inc. review of work prepared or performed by other individuals or firms employed by the client shall not relieve those individuals or firms of complete responsibility for the adequacy of their work.

It is understood that any resident engineering or construction observation provided by Robert E. Lee & Associates, Inc. is for the purpose of determining compliance with the technical provisions of the project specifications and does not constitute any form of guarantee or insurance with respect to the performance of a contractor. Robert E. Lee & Associates, Inc. does not assume responsibility for methods or appliances used by a contractor, for safety of construction work, or for compliance by contractors with laws and regulations.

It is understood and agreed by both parties that Engineer, in performing professional services for Owner with respect to hazardous substances, will make recommendations to Owner with respect thereto, but does not have the authority or responsibility to decide where disposal or treatment takes place, nor to designate how or by whom the hazardous substances are to be transported for disposal or treatment.

IV. INSURANCE AND LIMITS OF LIABILITY

Robert E. Lee & Associates, Inc. shall maintain during the life of the Agreement, the following minimum public liability and property damage insurance to cover claims for injuries, including accidental death, as well as from claims for property damages which may arise from the performance of work under the Agreement. The client agrees to limit the liability of Robert E. Lee & Associates, Inc. to the extent of Robert E. Lee & Associates, Inc. insurance or as otherwise stated below:

1. Comprehensive general liability insurance, including personal injury liability, blanket contractual liability, and broad form property damage liability. The combined single limit of liability for bodily injury and property damage shall be \$1,000,000.
2. Automobile bodily injury and property damage liability insurance covering owned, nonowned, rented, and hired cars. The combined single limit of liability for bodily injury and property damage shall be \$600,000.

3. Statutory workers compensation and employers' liability insurance as required by the state having jurisdiction.
4. Professional liability insurance covering damages resulting from errors and omissions of Robert E. Lee & Associates, Inc. The limit of liability shall be \$50,000.

V. SUSPENSION OF WORK

The client may suspend, in writing, all or a portion of the work under the Agreement in the event unforeseen circumstances beyond the control of the client make normal progress in the performance of the work impossible. Robert E. Lee & Associates, Inc. may request that the work be suspended by notifying the client, in writing, of circumstances which are interfering with normal progress of the work. The time for completion of the work shall be extended by the number of days the work is suspended. In the event that the period of suspension exceeds 90 days, the terms of the Agreement are subject to renegotiation and both parties are granted the option to terminate work on the suspended portion of the project.

VI. TERMINATION OF WORK

Either party may terminate work in the event the other party fails to perform in accordance with the provisions of the Agreement. Termination of the Agreement is accomplished by 15 days prior written notice from the party initiating termination to the other. Notice of termination shall be delivered by certified mail with receipt for delivery returned to the sender.

In the event of termination, Robert E. Lee & Associates, Inc. shall perform such additional work as is necessary for the orderly filing of documents and closing of the project. The additional time for filing and closing shall not exceed 10 percent of the total time expended on the terminated portion of the project prior to the effective date of termination.

Robert E. Lee & Associates, Inc. shall be compensated for the terminated portion of the work on the basis of work actually performed prior to the effective date of termination plus the work required for filing and closing. Charges for the latter work are subject to the 10 percent limitation described in this Article.

VII. ASSIGNMENT

These terms and conditions and the Agreement to which they are attached are binding on the heirs, successors, and assigns of the parties hereto. The Agreement is not to be assigned by either the client or Robert E. Lee & Associates, Inc. without the prior written consent of the other.

VIII. INTEGRATION

These terms and conditions and the Agreement to which they are attached represent the entire understanding of the client and Robert E. Lee & Associates, Inc. as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. The Agreement may not be modified or altered except in writing signed by both parties.

IX. JURISDICTION

This Agreement shall be administered and interpreted under the laws of the state of Wisconsin. Jurisdiction of litigation arising from the Agreement shall be in the state of Wisconsin. If any part of the Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with said laws, but the remainder of the Agreement shall be in full force and effect.

X. DISPUTE RESOLUTION

In an effort to resolve any conflicts that arise during the design or construction of the project following the completion of the project, the Client and the Engineer agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

The Client shall make no claim for professional negligence, either directly or in a third party claim, against the Engineer unless the Client has first provided the Engineer with a written certification executed by an independent engineer currently practicing in the same discipline as the Engineer and licensed in the state of Wisconsin. This certification shall: a) specify each and every act or omission that the certifier contends is a violation of the standard of care expected of an Engineer performing professional services under similar circumstances; and b) state in complete detail the basis for the certifier's opinion that each such act or omission constitutes such a violation. This certificate shall be provided to the Engineer not less than thirty (30) calendar days prior to the presentation of any claim or the institution of any mediation or judicial proceeding.

In the event of any litigation arising from or related to the services provided under this Agreement, the prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorneys' fees and other related expenses.

All legal actions by either party against the other arising out of or in any way connected with the services to be performed hereunder shall be barred and under no circumstances shall any such claim be initiated by either party after two (2) years have passed from the date of completion of construction phase services, unless the Engineer's services shall be terminated earlier, in which case the date of termination of this Agreement shall be used.

June 2006

Town of Peshtigo Comprehensive Plan Public Participation Procedures

The Town of Peshtigo's Comprehensive Plan guides future planning and development in the Town and public involvement is the cornerstone of any good community plan. In accordance with [Wis. Stats. 661001\(4\)](#), which defines "*Procedures for Adopting Comprehensive Plans*", these adopted written procedures are designed to foster public participation, including open discussion, communication programs, information services and public meetings, and shall apply to the adoption and any amendments to the Town of Peshtigo's Comprehensive Plan.

A Comprehensive Plan, while rooted in technical analysis, is also extensively based on the community's local values. The plan should reflect 1) how the community envisions growing and 2) what they want their community to become. Accordingly, the Town of Peshtigo will solicit input from the public, from stakeholders and from other local officials to ensure the Town of Peshtigo's Comprehensive Plan is a statement of the community's desired vision and identity. The planning process will rely on a range of activities and efforts to access that input. Primary activities and efforts typically include:

- Plan commission meetings
- Community surveys/workshops
- Public meetings/open houses
- Public comment period and public hearing

The primary engagement activities, as well as other secondary activities that may be used, are discussed in more detail in the sections below.

Town Plan Commission Meetings

The Comprehensive Plan planning process will involve meetings with the Town Plan Commission. These meetings provide a forum where citizens can learn about the Comprehensive Plan, its components, and express their desires of what should be incorporated into the plan.

Commission members will have the opportunity to hear public feedback and make consensus decisions on the elements of the Comprehensive Plan.

Before or following many of the meetings, Commission members will receive draft elements or components of the Comprehensive Plan to review and comment on.

Community Survey and Nominal Group Exercise

An online survey may be created for property owners and stakeholders of the Town of Peshtigo to provide their insights on the future of the Town, what they wish to be incorporated in the plan, and identify points of interest and importance in the Town. This insight will help guide the creation of the Comprehensive Plan. Postcards, informational flyers or other correspondence may be used to promote the link to the survey and instructions for where the public can get a hard copy of the survey if necessary.

A nominal group exercise can also be utilized to gather public input for the plan. This will involve facilitation of several groups at an open meeting. Issues from each group will be collected and ranked to determine common themes to be addressed in the plan.

Project Webpage Updates

The Town of Peshtigo may host a project specific webpage on their website. The webpage would provide an opportunity for the community to learn about the project and planning process. It would also allow the Town of Peshtigo to provide regular updates on the progress of the Comprehensive Plan, share current drafts of the plan and distribute key information.

Informational Flyers

Flyers and pamphlets provide valuable information and describe how the public can participate during the planning process.

Email and Newsletters

Members of the public who are subscribed to receive regular email updates and newsletters from the Town could be sent updates on the plan progress and information on public participation opportunities.

School District

An opportunity for information sharing is possible between the Town of Peshtigo and the Peshtigo and Marinette School Districts. The schools may assist with the planning process by promoting the plan or serving as a secondary source for information distribution.

Public Access and Public Comment on Draft Document

In all cases, Wisconsin's open records law will be complied with. During the public review period for the Comprehensive Plan, a copy of the draft plan will be made available at the Peshtigo Town Hall for public inspection, or locations designated by the Town. The public is encouraged to submit written comments on the plan or any suggested amendments to the plan. Written comments should be addressed to the Town Clerk who will record the transmittal and forward copies of the comments to the Town Plan Commission for consideration. The Town Plan Commission shall respond to written comments either individually or collectively by type of comments. Town Plan Commission responses may be in the form of written or oral communication, or by a written summary of the Town's disposition of the comments in the Comprehensive Plan.

Open House

Open houses provide the opportunity for the public to view and provide comments on the progress and/or final product of the Comprehensive Plan planning process. One open house will be held prior to the required public hearing.

Public Hearing and Public Comment Period

The required public hearing will allow members of the public to make direct comments to the Town on the nature of the Comprehensive Plan. The public hearing will be preceded by a Class 1 notice under [ch. 985](#) that is published at least 30 days before the hearing is held. The Class 1 notice shall contain at least the following information:

1. The date, time and place of the hearing.
2. A summary, which may include a map, of the proposed Comprehensive Plan.
3. The name of an individual employed by the Town of Peshtigo who may provide additional information regarding the proposed ordinance.
4. Information relating to where and when the proposed Comprehensive Plan may be inspected before the hearing, and how a copy of the plan may be obtained.

Upon the day of publication of the public hearing notice, copies of the Comprehensive Plan will be made available for public review at desired locations in the community or at the Peshtigo Town Hall. An electronic version of the proposed plan will also be made available to the public via the Town's website. Written comments on the plan from members of the public will be accepted by the Town Plan Commission at any time prior to the public hearing and at the public hearing.

Town Plan Commission Adoption of Plan by Resolution

The Town Plan Commission will recommend the adoption or amendment of the Comprehensive Plan only by adoption of a resolution by a majority vote of the entire Plan Commission at a regularly scheduled and publicly noticed meeting of the Plan Commission in accordance with [Wis. Stats. 66.1001\(4\)\(b\)](#). The vote shall be recorded in the official minutes of the Town Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan.

Adoption of Comprehensive Plan by the Town Plan Commission

Following at least one public hearing and after adoption of a resolution by the Town Plan Commission, the Town Board will adopt the Comprehensive Plan by ordinance. A majority vote of the members-elect is necessary for adoption.

Distribution of the Adopted Plan

In accordance with [Wis. Stats. 66.1001\(4\)](#), *Procedures for Adopting Comprehensive Plans*, one copy of the adopted Comprehensive Plan or amendment shall be sent to the following:

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
2. Every local governmental unit that is adjacent to the local governmental unit which is subject of the plan.
3. The Wisconsin Department of Administration.
4. The Bay-Lake Regional Planning Commission.
5. The public library that serves the Town of Peshtigo.

Additional Steps for Public Participation

The Town reserves the right to execute additional steps, means or methods to gain additional public participation and/or additional understanding of the Comprehensive Plan and the process of its development and adoption.

State Statutes

Where there is a conflict with these written procedures and provisions of [Wis. Stats. 66.1001\(4\)](#), *Procedures for Adopting Comprehensive Plans*, the state statutes apply.

Amendments

The Town of Peshtigo Town Board may amend these procedures from time to time.

TOWN OF PESHTIGO, WISCONSIN

RESOLUTION NO. 202410-01

RESOLUTION ADOPTING PUBLIC PARTICIPATION PROCEDURES

WHEREAS, the Town of Peshtigo is preparing a Comprehensive Plan under [Wis. Stats. 66.1001](#); and,

WHEREAS, the Town of Peshtigo may amend the Comprehensive Plan from time to time; and,

WHEREAS, [Wis. Stats. 66.1001\(4\)](#) requires a governing body of a local unit of government adopt written procedures designed to foster public participation in the adoption or amendment of a comprehensive plan; and,

WHEREAS, the Town has prepared and publicly reviewed such written procedures entitled *Town of Peshtigo Comprehensive Plan: Public Participation Procedures*;

NOW THEREFORE BE IT RESOLVED, the Town of Peshtigo Town Board officially adopts *Town of Peshtigo Comprehensive Plan: Public Participation Procedures*.

Dated this 15th day of October, 2024.

Vote: Ayes _____

Nays _____

Abstain _____

Absent _____

Jennifer Friday, Chairperson

Attest :

Kayla Okins, Clerk

THE TOWN OF PESHTIGO IS UPDATING ITS COMPREHENSIVE PLAN... AND NEEDS YOUR HELP!

What is a Comprehensive Plan?

A comprehensive plan outlines the community's vision for the future and develops a long-range, 20-year plan to reach that vision. There are several elements covered in the plan including, but not limited to:

Community and Neighborhood Development
Public Health and Housing
Environmental Resources and Resilience
Cultural Resources
Economic Development
Parks & Recreation
Public Utilities and Facilities
Land Use
Transportation
Intergovernmental Cooperation



Why should you get involved?

The participation and engagement of community members provides a range of viewpoints, local expertise, and a sense of contribution within the planning process. By taking a brief survey (see link below), you provide input for decision-makers to establish strategies that can help shape Peshtigo's future. This collaboration results in a more sustainable, equitable, and vibrant community for all to enjoy!

Project Timeline



PLEASE COMPLETE BY NOVEMBER 12TH

The Comprehensive Plan will be developed by The Town of Peshtigo's Plan Commission in accordance with Wisconsin Stat. 66.1001 with assistance from:

BAY LAKE
Regional Planning Commission | Since 1972

Who is Bay-Lake Regional Planning Commission?

BLRPC is a multi-service agency within Wisconsin that provides a variety of local, state, and federal programs. BLRPC is a public agency established similar to a municipality and has provided services to member local governments in northeast Wisconsin since 1972.

TO TAKE THE SURVEY,
Scan the QR code, or visit the website at:
<https://arcg.is/1emynXO>

Town of Peshtigo
W I S C O N S I N



Sec. 2-399. Zoning administrator.

The office of zoning administrator is an appointed position that shall be filled pursuant to the zoning chapter.
(Code 2006, § 2-4-15)

State law reference(s) — Authority for appointment of plan commission in towns exercising village powers, Wis.
Stats. § 60.62.

Sec. 2-427. General provisions regarding meetings and public notice.

- (a) ~~Regular meetings; public notice.~~ *Public notice.* Every board, committee and commission created by or existing under the ordinances of the town shall provide proper notice of all meetings as referenced in Sec. 2-1, Code of Ordinances, Town of Peshtigo, Wisconsin, and pursuant to [Wis. Stats. § 19.84](#).

(1) ~~Every board, committee and commission created by or existing under the ordinances of the town shall:~~

a. ~~Schedule a date, time and place for its meetings;~~

b. ~~Post, or when necessary publish, notice in or notify the newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof, and/or~~

c. ~~Post and/or publish an agenda of the matters to be taken up at such meeting.~~

(2) ~~A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than 24 hours prior to the commencement of such meeting unless otherwise authorized by law.~~

(3) ~~Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:~~

NOTICE OF MEETING

TOWN OF PESHTIGO, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Town of Peshtigo will be held on (date), 20____, at (time) p.m., at the Peshtigo Town Office Building to consider the following:

1. ~~(Agenda items set forth).~~

2. ~~Such other matters as authorized by law.~~

Dated: _____

(Commission)

By _____

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in accessible location or format must contact the Town Office at phone, (address) by 2:00 p.m. the Friday prior to the meeting so any necessary arrangements can be made to accommodate each request.

- (b) *Notice to members.* Every member of any board, commission or committee of the town shall be notified by the town clerk ~~or board/commission/committee chair~~ that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (c) *Special meetings.* Nothing in subsection (a) of this section shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of [Wis. Stats. §§ 19.81 and 19.89](#).
- (d) *Minutes to be kept.* Every board, commission and committee shall keep a record of the minutes of its proceedings, pursuant to [Wis. Stats. § 19.88\(3\)](#), and shall cause a signed copy thereof to be filed ~~by its secretary~~ with the town clerk within one week of the meeting date.

Sec. 2-428. Appointments; residency required for service on boards, committees or commissions; minimum attendance standard.

- (a) *Appointments* ~~to boards/commissions/committees.~~ Appointments to town boards, commissions and committees will be through an application process. Applications are available through the office of town clerk and the town web site.
- (b) *Residency.* No person who is not a legal resident of the town shall be appointed in a voting capacity to any town board, committee or commission. Any voting board, commission or committee member who moves from the town shall immediately be removed from such board, **commission** or committee.
- (c) *Attendance standard.* Unless excused by the chairperson of that body, the unexcused absence of any member of a town commission, **or** committee **or board** for three consecutive meetings shall be considered just cause for removal and replacement by a majority vote of the town board, ~~following written notice of the infractions and hearing before the town board.~~ ~~Failure to comply with this subsection may result in the removal and replacement of the official found to be in noncompliance by majority vote of the town board.~~ ~~Multiple incidents of failure to follow established guidelines and procedures may also be considered just cause for removal by the town board without public hearing.~~

(Code 2006, § 2-5-6)

Sec. 2-455. Composition.

- (a) There is hereby established a board of fire commissioners, or a fire commission, which shall consist of five citizen members appointed by the town chairperson and subject to confirmation by the town board for terms of three years, ~~except that of those first appointed, one shall serve for one year, two for two years, and two for three years. Appointments shall be made in writing to the secretary of the fire commission annually between the last Monday of April and the first Monday of May. No appointment shall be made which will result in more than three members of the fire commission belonging to the same political party.~~ The fire chief is a nonvoting member of the fire commission.
- (b) Every effort shall be made to appoint a member from various geographical locations of the town.
- (c) Official oaths shall be taken by all members in accordance with Wis. Stats. § 19.01 within five days of receiving notice of their appointments.
- ~~(e)~~ d The town board may establish a per diem allowance per meeting for citizen and town board members of the fire commission, ~~as allowed under Wis. Stats. § 66.0501(2).~~ Town board members would be paid when attending meetings on which they are a member or for which their presence is required because of invitation from the chairperson of this commission. In addition, the town board may reimburse reasonable costs and expenses, as allowed under Wis. Stats. § 60.321.
- ~~(d)~~ e Any member of the board of fire commissioners in violation of section 2-428 shall be considered for removal by the town board without public hearing.

(Code 2006, § 2-5-4(a))

Sec. 2-495. Composition.

- (a) *Membership.* The board of review shall consist of the chairperson and town board supervisors. In addition, in the event that the appointed Town Clerk is a resident of the Town of Peshtigo, the Town Clerk will hereby be made a voting member of the Town of Peshtigo Board of Review.
- (b) *Alternate members.*
 - (1) Pursuant to [Wis. Stats. §§ 70.47\(6m\)\(c\)](#) and [70.46\(1\)](#), the town board hereby provides for the appointment of alternates to serve on the board of review in the event a standing board member of the board of review is removed pursuant to [Wis. Stats. § 70.47\(6m\)\(a\)](#), or recused pursuant to [Wis. Stats. § 70.47\(6m\)\(b\)](#).
 - (2) The town board shall establish and maintain a public list of names and persons eligible and appointed by the town board to serve as alternative members of the board of review. The list shall be arranged and maintained by the town clerk in a priority order of probable and likely service as an alternative.
 - (3) The town board may name as many alternates as they deem necessary to meet the statutory requirement that no less than three board of review members are needed to make a final determination of an objection to the property assessment.
 - (4) The clerk shall notify any named member who has been lawfully removed under [Wis. Stats. § 70.47\(6m\)\(a\)](#) or [\(b\)](#), and shall notify the alternate person of their appointment to replace a named member of the board of review. The alternate, once noticed, if they approve the appointment, and they would not violate [Wis. Stats. § 19.59](#), shall then take the oath of office and act as a member of the board of review under [Wis. Stats. § 70.47\(6m\)\(c\)](#).
- (c) *Training.* No board of review may be constituted unless it includes at least one voting member who, within two years of the board's first meeting, has attended completes a training session pursuant to [Wis. Stats. § 74.06\(4\)](#) under [Wis. Stats. § 73.03\(55\)](#), and unless that member is the municipality's chief executive officer or that officer's designee. The town clerk shall provide an affidavit to the State Department of Revenue stating whether the requirement under this section has been fulfilled.

(Code 2006, § 2-5-1(a); Ord. No. 503, § 4, 2-15-2005, updated 6/20/2023)

Sec. 2-497. Meetings.

The board of review shall meet annually pursuant to Wis. Stats. § 70.47(1) on the second Monday of May, or any day within the next 30 days, at the town hall, and with notice of such meeting shall be published pursuant to Wis. Stats. § 70.47(2) the state statutes. The board, through its clerk, shall establish its meeting hours pursuant to Wis. Stats. § 70.47(3)(b). The board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given pursuant to Wis. Stats. § 70.47(4).

(Code 2006, § 2-5-1(c))

Sec. 2-545. Membership.

- (a) *Composition.* The plan commission shall consist of seven members: the town chairperson, or their designee, one town board supervisor, and five citizen members who are not town officials. If possible, an effort should be made to select members from various areas of the town by geographic location. The town chairperson shall appoint two alternative members in addition to the seven regular members for staggered three-year terms. ~~The chairperson shall annually designate one of the alternates as the first alternate member and the other as the second alternate member.~~ The first alternate member shall act only when a regular member is absent or abstains. The second alternate member may act only when the first alternate is unable to act or is already sitting or acting. Compensation of members shall be as set by the town board.
- (b) *Appointment procedure.*
- (1) All plan commission members shall be appointed by the town chairperson, subject to confirmation by the town board.
 - (2) The supervisor member shall be annually appointed by the chairperson at the first regular meeting of the town board following the spring election.
 - (3) ~~With town board approval, the commission may hire a secretary whose compensation will be set by the town board. If the commission chooses not to hire a secretary, one shall be appointed by the chairperson of the plan commission from among its members.~~
- (c) *Official oaths.* Official oaths shall be taken by all members in accordance with [Wis. Stats. § 19.01](#) within ~~ten~~ **five** days of receiving notice of their appointments.
- (d) *Terms of citizen members.* Terms for the five citizen members shall commence ~~upon original creation of the plan commission for a period ending one, two and three years, respectively, from the succeeding May 1, and thereafter annually during April, one such member shall be appointed for a term of three years. Two citizen members shall be first appointed to hold office for a period ending two years from the succeeding May 1, and the remaining two citizen members shall hold office for a period ending one year from the succeeding May 1, and thereafter annually during the month of April. Terms for citizen members shall be for three years thereafter.~~
- (e) *Removal.* Any member of the plan commission in violation of section 2-428 shall be considered for removal by the town board without public hearing.
- (f) *Compensation; expenses.* The town board may establish a per diem allowance per meeting for citizen and town board members of the plan commission, as allowed under [Wis. Stats. § 66.0501\(2\)](#). Town board members would be paid when attending meetings on which they are a member or for which their presence is required because of invitation from the chairperson of this commission. In addition, the town board may reimburse reasonable costs and expenses, as allowed under [Wis. Stats. § 60.321](#).

(Code 2006, § 2-5-3(b))

Sec. 2-549. Referrals.

The town board or other public body or officer of the town having final authority thereon shall refer to the plan commission, for its consideration and report before final action is taken, ~~the following any matters pursuant to Wis. Stat. § 62.23(5).~~

- (1) ~~Location and architectural design of any public building. -~~
- (2) ~~Location of any public statue or other memorial.~~
- (3) ~~Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition or lease of land for any street, alley, or other public way, park, playground, airport, parking area, or other memorial or public grounds.~~
- (4) ~~Location, extension, abandonment, or authorization for any public utility whether publicly or privately owned.~~
- (5) ~~Location, character and extent, or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children.~~
- (6) ~~Proposed fire prevention regulations.~~
- (7) ~~All annexations, incorporations, or consolidations affecting the town.~~
- (8) ~~All proposed or requested changes and amendments to the master plan, official map, zoning or land division ordinances.~~

(Code 2006, § 2-5-3(f))

Sec. 2-612. Finance ~~book~~ records.

The town treasurer shall, in conjunction with the town clerk, maintain a finance ~~book~~ records under Wis. Stats. § 60.33(3).

(Code 2006, § 3-1-6)

State law reference(s)—Finance book, Wis. Stats. § 60.42.

Sec. 2-614. Disbursements from town treasury.

Disbursements from the town treasury shall be made under Wis. Stats. § 66.0607. No claim, account or demand for payment against the town shall be paid until a voucher has been filed with or prepared by the town treasurer, or the town treasurer's report provides an invoice list. Each check representing a disbursement or transfer of town funds must be signed by the town clerk, town treasurer and town chairperson or vice chairperson, or authorized deputies. However, the treasurer shall be authorized to pay invoices which could result in penalty or interest if payment is postponed until the next town board meeting.

(Code 2006, § 3-1-9)

Sec. 2-616. Facsimile signatures.

In lieu of the personal signatures of the town clerk, town treasurer or authorized deputies thereof and chairperson, or ~~chairperson pro tem~~, vice chairperson in the chairperson's absence, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the town board, but the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof.

(Code 2006, § 3-1-10)

Sec. 2-617. Public depository.

Per section 2-781 and Wis. Stats. § 60.46, the town board shall designate by resolution one or more public depositories for depositing funds of the town. ~~These public depositories shall be approved financial institutions as noted in Wis. Stats. § 66.0605.~~ The town treasurer and the town treasurer's surety are not liable for loss, as defined under Wis. Stats. § 34.01(2), or money deposited in the name of the town in a designated public depository. Interest accruing from town money in a public depository shall be created to the town.

(Code 2006, § 3-1-11)

Sec. 2-622. Delinquent personal property taxes.

(a) Pursuant to the authority of Wis. Stats. § 74.47, the town hereby imposes a penalty of one percent per month or fraction of a month, in addition to the interest prescribed by Wis. Stats. § 74.47, on all overdue or delinquent personal property taxes retained for collection by the town or eventually charged back to the town by the county for purposes of collection under Wis. Stats. § 74.31.

(b) This penalty of one percent per month or fraction of a month shall apply to any personal property taxes which are overdue or delinquent. In addition, if not paid by May 1, the town may pursue the matter in small claims court.

(Code 2006, § 3-1-21)

Sec. 2-648. Preparation and adoption of budget.

- (a) *Fiscal year; annual budget.* The town fiscal year is the calendar year. The town budget shall be adopted annually.
- (b) *Preparation.* The town board is responsible for preparation of the proposed budget required under [Wis. Stats. § 65.90](#). In preparing the budget, the town board may provide for assistance by any person.
- (c) ~~*Estimates of budget.* Each elected officer and each appointed officer responsible for a department, office, special office, committee, commission, agency, board or other special government unit of the town shall file with the town clerk, by a date established by the town clerk, the following for their department, office, special office, committee, commission, agency, board or other special government unit of the town:~~
 - ~~(1) Prior year's receipts, revenues, disbursements and expenditures.~~
 - ~~(2) Current year's receipts, revenues, disbursements and expenditures.~~
 - ~~(3) Estimated receipts, revenues, disbursements and expenditures for next year.~~
- ~~(d-c)~~ *Elements of budget.* Each budget prepared by and approved by the town board shall include ~~the following:~~ that which is pursuant to [Wis. Stats. § 65.90\(2\)\(a\)](#).
 - ~~(1) All existing indebtedness.~~
 - ~~(2) All anticipated revenue from all sources for ensuing year.~~
 - ~~(3) All proposed appropriations for departments, committees, commissions and boards, active or reserve accounts for next year.~~
 - ~~(4) All actual revenues and expenditures for preceding year.~~
 - ~~(5) All actual revenue and expenditures for not less than six months of current year.~~
 - ~~(6) All estimated revenues and expenditures for the balance of the year.~~
 - ~~(7) All anticipated unexpended or unappropriated balances and surpluses.~~
 - ~~(8) Such other information as may be required by the town board and state law.~~
- ~~(e-d)~~ *Elements in budget summary.* Each budget summary prepared by and approved by the town board shall include ~~the following:~~ that which is pursuant to [Wis. Stats. § 65.90\(3\)\(b\)](#).
 - ~~(1) All expenditures by major expenditure category for the proposed budget, the budget in effect and the budget of the preceding year.~~
 - ~~(2) All revenues by major revenue service for the proposed budget, the budget in effect and the budget of the preceding year.~~
 - ~~(3) Any financial source and use not identified in subsections (e)(1) and (2) of this section.~~
 - ~~(4) All beginning and year end balances for the proposed budget, the budget in effect and the budget of the preceding year.~~
- ~~(f e)~~ *Copies of budget.* The town shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- ~~(g-f)~~ *Hearing.* The town board shall conduct the budget hearing required under [Wis. Stats. § 65.90\(4\)](#).
- ~~(h g)~~ *Adoption.* The town board shall adopt the town budget. The town meeting may either retain authority to approve any tax levy needed to support spending approved by the town board or may delegate the authority to approve a tax levy to the board.
- ~~(i h)~~ *Amendment.* The town budget may be amended by the town board under [Wis. Stats. § 65.90\(5\)](#).

Sec. 2-701. Contracts with governmental entities.

This division does not apply to public contracts entered into by a town with a municipality, as defined under [Wis. Stats. § 66.0301](#). The term "municipality," for this section, is defined as the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, water utility district, mosquito control district, municipal electric company, county or city transit commission or regional planning commission.

(Code 2006, § 3-1-13(d))

Sec. 2-735. Town personnel definition; policies and rules.

- (a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: As used in this section, "town personnel" means town officials, town workers, fire department personnel and others assigned to conduct town business.
- (b) ~~It is the intent of the town to establish.~~ The town shall have established policies and rules for purchasing and reimbursement of expenses incurred by town personnel.

(Code 2006, § 3-1-19(a))

~~Sec. 2-736. Signed and dated receipt, definition of purchase required.~~

~~A legibly signed and dated receipt along with a clear definition of what was purchased shall be filed with the town clerk for all purchases made by town personnel.~~

~~(Code 2006, § 3-1-19(b))~~

~~Sec. 2-737. General office and maintenance items/supplies.~~

~~General office and maintenance items/supplies for operations and/or maintenance of town property up to \$1,000.00 may be purchased without town board approval, provided the items were budgeted.~~

~~(Code 2006, § 3-1-19(c))~~

~~Sec. 2-738. Budgeted items up to \$5,000.00.~~

~~Budgeted items up to \$5,000.00 in value may be purchased, provided the pertinent committee chairperson bringing forth the purchase request receives approval from the town chairperson and clerk prior to purchase.~~

~~(Code 2006, § 3-1-19(d))~~

~~Sec. 2-739. Items requiring town board approval.~~

~~Items not specifically included in the budget and budgeted items over \$5,000.00 in value shall be brought to the town board for approval prior to purchase.~~

~~(Code 2006, § 3-1-19(e))~~

Sec. 2-740. Emergency situations.

The town chairperson, or vice chairperson or other designee in the chairperson's absence, is authorized to expend town funds necessary to respond to emergency situations.

(Code 2006, § 3-1-19(f))

Sec. 2-741. Business-related long distance telephone calls reimbursed.

Long distance telephone calls made regarding town business will be reimbursed. A copy of the telephone bill with the numbers that were called must be highlighted and filed with the town clerk.

(Code 2006, § 3-1-19(g))

Sec. 2-742. Certain registration fees reimbursed.

Registration fees for attendance by town personnel at workshops, seminars, conferences, meetings and conventions are reimbursable expenses.

(Code 2006, § 3-1-19(h))

Sec. 2-743. Pre-authorized expenses.

Town workers shall be reimbursed for pre-authorized expenses only. Pre-authorization shall be obtained from the personnel committee chairperson when such expense items are budgeted. If such items are not specifically budgeted, approval must also be secured from the town chairperson.

(Code 2006, § 3-1-19(i))

Sec. 2-744. Reasonable and necessary travel expenses.

All reasonable and necessary travel expenses incurred in the performance of town duties may be reimbursed. When personal vehicles are used for town business, mileage will be compensated/reimbursed at the rate established by the federal government. Only the vehicle owner/operator of the vehicle will be reimbursed for vehicle travel expense. A \$250.00 limit is applicable for all in-state expenses. All out-of-state expenses and expenses over the \$250.00 limit require prior town board approval.

(Code 2006, § 3-1-19(j))

Sec. 2-745. Expenses incurred out of town.

When attending out of town seminars and meetings, the actual cost of meals, telephone calls made for town business, parking fees and lodging will be reimbursed. Hotel checkout times shall be observed to avoid late departure fees. The costs of personal telephone calls or in-room movies will not be reimbursed.

(Code 2006, § 3-1-19(k))

Sec. 2-746. Membership dues.

Membership dues in organizations pertaining to town business will be reimbursed if budgeted.
(Code 2006, § 3-1-19(l))

Sec. 2-747. Claims for reimbursement.

All claims for reimbursement, including for mileage and telephone calls, shall be submitted to the town clerk on an expense sheet, with receipts for paid expenditures/purchases attached.
(Code 2006, § 3-1-19(m))

Sec. 2-748. Purchases of \$10.00 or less.

Purchases of \$10.00 or less may be paid by cash and the receipt attached to the time sheet or expense sheet for reimbursement.
(Code 2006, § 3-1-19(n))

Sec. 2-801. Town board may levy special assessments.

- (a) The town by resolution of its town board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement.
- (b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the town board.
- (c) State statutes shall be followed for the purposes of:
 - (1) Resolution and reporting pursuant to Wis. Stats. § 66.0703(5).
 - (2) Determining costs that may be paid by special assessment pursuant to Wis. Stats. § 66.0703(2).
 - (3) Determining exemptions and deductions pursuant to Wis. Stats. § 66.0703(1)(c) and 66.0703(3).
 - (4) Notice of proposed or approved project with public hearing pursuant to Wis. Stats. § 66.0703(7)(a).
 - (5) Board actions after hearing pursuant to Wis. Stats. 66.0703(8).
 - (6) Combining assessments pursuant to Wis. Stats. § 66.0703(9).
 - (7) Determining board's power to amend, cancel or confirm special assessment pursuant to Wis. Stats. § 66.0703(10).
 - (8) Determining actions where cost of improvement is less than assessment pursuant to Wis. Stats. § 66.0703(11).
 - (9) Determining appeal process pursuant to Wis. Stats. § 66.0703(12).
- (d) Pursuant to Wis. Stats. § 66.0703(13), every special assessment levied under this section is a lien on the property against which it is levied on behalf of the town. The town board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The town board shall provide that all assessments or installments not paid by the date specified shall be extended upon the tax roll as a delinquent special assessment against the property and all proceedings in relation to the collection, return or sale of property for delinquent real estate taxes apply to the special assessment, except as otherwise provided by statute.

(Code 2006, § 3-2-1)

Sec. 2-802. Resolution and report required.

- (a) Prior to making any such special assessments, the town board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under section 2-805 and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.
- (b) The report required by subsection (a) of this section shall consist of:
 - (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.

(3) — An estimate as to each parcel of property affected of:

a. — The assessment of benefits to be levied.

b. — The damages to be awarded for property taken or damaged.

c. — The net amount of such benefits over damages or the net amount of such damages over benefits.

(4) — A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case, the estimate required under subsection (b)(3) of this section shall be replaced by a schedule of the proposed assessments.

(5) — A copy of the report when completed shall be filed with the town clerk for public inspection.

(Code 2006, § 3-2-2)

Sec. 2-803. Costs that may be paid by special assessment.

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the town and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the town board.

(Code 2006, § 3-2-3)

Sec. 2-804. Exemptions; deductions.

(a) — If any property deemed benefited shall, by reason of any provision of law, be exempt from assessment therefor, such assessment shall be computed and shall be paid by the town.

(b) — A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the town board determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance, the assessment will not be less than the long way of such lot. The town board may allow a similar deduction or exemption from special assessments levied for any other public improvement.

(Code 2006, § 3-2-4)

Sec. 2-805. Notice of proposed or approved project.

On the completion and filing of the report required in section 2-802(b)(5), the town clerk shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the town board or committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be posted in not less than three public places and a copy of said notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten days and not more than 40 days after the publication or posting of said notice.

(Code 2006, § 3-2-5)

Sec. 2-806. Board actions after hearing.

- (a) After the hearing, the town board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- (b) If an assessment is made against any property and an award of compensation or damage is made in favor of the property, the town board shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c) Work or improvement approved and not previously authorized.
 - (1) If the work or improvement has not been previously authorized or approved, the town board shall approve the work or improvement and, by resolution, direct that the same be done and paid for in accordance with the report finally approved.
 - (2) If the work or improvement has been approved by the town board or work commenced or completed prior to the filing of the report or prior to the hearing, then the town board shall, by resolution, confirm the report as made or modified and provide for payment in whole or in part by assessment.
- (d) The town clerk shall publish the final resolutions as required in section 2-805.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Wis. Stats. § 66.0701(12), or any other applicable provision of law.

(Code 2006, § 3-2-6)

Sec. 2-807. Combined assessments.

If more than a single improvement is undertaken, the town board may combine the assessments as a single assessment on each property affected except that the property owner may object to any one or more of said improvements.

(Code 2006, § 3-2-7)

Sec. 2-808. Board's power to amend, cancel or confirm special assessment.

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the town board determines to reconsider an assessment, it is empowered, after giving notice as required in section 2-805 to amend, cancel or confirm any prior assessment, and notice of this amending, canceling or confirming shall be given by the town clerk as provided in section 2-806.

(Code 2006, § 3-2-8)

Sec. 2-809. Where cost of improvement is less than assessment.

If the cost of the work or improvement is less than the assessment levied, the town board, without notice or hearing, shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the town shall refund the property owner such overpayment.

(Code 2006, § 3-2-9)

Sec. 2-810. Appealed assessments payable when due.

Pursuant to Wis. Stats. § 66.070, it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.

(Code 2006, § 3-2-10)

Sec. 2-811. Special assessment a lien on property.

Pursuant to Wis. Stats. § 66.0701, any special assessment levied under this chapter shall be a lien on the property against which it is levied on behalf of the town or appropriate utility district. The town board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The town board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

(Code 2006, § 3-2-11)

Sec. 2-812. Special charges permissible.

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by the town board by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the town board except that, in the case of street, sidewalk, curb or gutter repair, 20 days' notice by posting such notice in three places in the town, and a copy of such notice mailed to every interested person whose post office address is known, at least ten days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the town board as to whether the service in question shall be performed.
- (b) Such special charges shall not be payable in installments. If not paid within the period fixed by the town board, such delinquent charge shall become a lien as provided in section 2-811.
- (c) Section 2-802(a) shall not be applicable to proceedings under this section.

Pursuant to Wis. Stats. § 66.0627, the town may impose a special charge against real property for current services and certain loan repayments and state statutes shall govern the process.

(Code 2006, § 3-2-12)

Sec. 2-813. Reassessment of assessments or charges; waiver of notice and hearing by owner; time period for town to levy.

- (a) If any assessment or charge levied under this division is invalid because such statutes are found to be unconstitutional, the town board may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) The town board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.
- (c) Notwithstanding any other provision of law or this division or other ordinance or resolution, it is specifically intended and provided by this division that the town may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

(Code 2006, § 3-2-13)

Sec. 2-837. Legal custodian.

- (a) Each elected official is the legal custodian of their records and the records of their office, but the official may designate the town clerk to act as the legal custodian.
- (b) Unless provided in subsection (c) of this section, the town clerk or the town clerk's designee shall act as legal custodian for the town and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the town board. The following offices or authorities shall have as a legal custodian of records the individual so named.

Authority	Designated Legal Custodian
General town records (including board records)	Town clerk
Financial records	Town treasurer
Zoning/land use	Zoning administrator
Building code records	Building inspector

- (c) For every authority not specified in subsections (a) and (b) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of their staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in their absence or in the absence of their designee, and each legal custodian shall send notice of the designated deputy to the town clerk.
- (e) The town clerk shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

(Code 2006, § 3-3-3)

Sec. 2-838. Public access to records.

- (a) Except as provided in section 2-840 any person has a right to inspect a record and to make or receive a copy of any record of provided in [Wis. Stats. § 19.35\(1\)](#).
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to town employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requester shall be charged a fee as established by the board of supervisors and provided in the town fee schedule, available in the office of the town clerk, to defray the cost of copying records.
 - (1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio and video tapes, shall be charged.
 - (3) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (4) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - (5) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to ensure payment, if such estimate exceeds \$5.00.
 - (6) Elected and appointed officials of the town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (7) The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to [Wis. Stats. § 19.34](#) and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the town board.

Any person shall have the right to inspection with proper facilities and potential associated fees adhering to time for compliance and procedures pursuant to [Wis. Stats. § 19.35](#). Enforcement and penalties for withholding records shall be pursuant to [Wis. Stats. § 19.37](#). Limitations on right to access will be imposed pursuant to [Wis. Stats. § 19.36](#).

(Code 2006, § 3-3-4)

Sec. 2-839. Access procedures.

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request

for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under section 2-838(f)(5). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the town attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in section 2-840. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1) or upon application to the attorney general or a district attorney.

(Code 2006, § 3-3-5)

Sec. 2-840. Limitations on right to access.

- (a) As provided in Wis. Stats. § 19.36 the following records are exempt from inspection under this chapter:
 - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
 - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - (3) Computer programs and files, although the material used as input for a computer program/file or the material produced as a product of the computer program is subject to inspection; and
 - (4) Pursuant to Wis. Stats. § 905.08 a record or any portion of a record containing information qualifying as a common law trade secret. The term "trade secrets" is defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes which are used for making, preparing, compounding, treating or processing articles, materials or information which is obtained from a person and which is generally recognized as confidential.
- (b) As provided by Wis. Stats. § 43.30, public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the town attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

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- (1) — Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (2) — Pursuant to Wis. Stats. § 19.85(1)(a), records of current deliberations after a quasi-judicial hearing.
 - (3) — Pursuant to Wis. Stats. § 19.85(1)(b) and (c), records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any town officer or employee, or the investigation of charges against a town officer or employee, unless such officer or employee consents to such disclosure.
 - (4) — Pursuant to Wis. Stats. § 19.85(1)(d), records concerning current strategy for crime detection or prevention.
 - (5) — Pursuant to Wis. Stats. § 19.85(1)(e), records of current deliberations or negotiations on the purchase of town property, investing of town funds, or other town business whenever competitive or bargaining reasons require nondisclosure.
 - (6) — Pursuant to Wis. Stats. § 19.85(1)(f), financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (7) — Pursuant to Wis. Stats. § 19.85(1)(g), communications between legal counsel for the town and any officer, agent or employee of the town, when advice is being rendered concerning strategy with respect to current litigation in which the town or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Wis. Stats. § 905.03.
 - (8) — Pursuant to Wis. Stats. § 19.85(1)(h), requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
- (d) — If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the town attorney prior to releasing any such record and shall follow the guidance of the town attorney when separating out the exempt material. If, in the judgment of the custodian and the town attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.
- (Code 2006, § 3-3-6)

Sec. 2-841. Retention and destruction of records.

The town has adopted the Wisconsin Historical Society's (WHS) model schedule, the [Wisconsin Municipal Records Schedule](#) (WMRS) in whole. A policy identifying pertinent record retention schedules will be established. Pursuant to Wis. Stats. § 19.21(4)(a), the town must provide at least 60 days' written notice to the WHS before destroying any public records. The WHS has the option to waive this notice requirement for certain records.

- (a) *Historical records.* Under Wis. Stats. § 19.21(4)(a), municipalities must notify the State Historical Society of Wisconsin (SHSW) prior to destroying records. However, the SHSW has waived the required 60 days notice for any record marked "W" (waived notice). SHSW must be notified prior to destruction of a record marked "N" (nonwaived). Notice is also required for any record not listed in this section.
- (b) *Microfilming or optical imaging of records.* Local units of government may keep and preserve public records through the use of microfilm providing the microfilm or optical imaging meets the applicable standards in Wis. Stats. § 16.612. Retention periods and estimated costs and benefits of converting records between media should be considered. After verification, paper records converted to microfilm or optical imaging should be destroyed. The retention periods identified in this section apply to records in any media.
- (c) *Destruction after request for inspection.* No requested records may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Wis. Stats. § 19.37 the requested record may not be destroyed until after a court order is issued and all appeals have been completed.
- (d) *Destruction pending litigation.* No record subject to pending litigation shall be destroyed until the litigation is resolved.
- (e) *Review and approval by public records and forms board.* This chapter and the retention periods of less than seven years have been reviewed and approved by the public records and forms board.
- (f) *Legend.* The following terms shall be applicable in this section and section 2-842:
- (1) *Records description.* Provides a brief description of the records. Group specific items such as forms into logical groups that have the same function or purpose.
- (2) *Period of retention.* Refers to the time that the identified records must be kept until destruction.

CR	Stands for creation which usually refers to receipt or creation of the record.
FIS	Stands for current fiscal year and the additional amount of time as indicated.
EVT	Stands for event and refers to an occurrence that starts the retention clock ticking. Close of contract, termination of employees, and disposition of a case are common events.
P	Stands for permanent retention.

- (3) *Time.* Is expressed in years unless specifically identified as month or day.
- (4) *Authority.* Refers to any specific statutory, administrative rule, or specific regulation that determines retention of the record. In most cases this will be blank because units of government have discretion to establish a time period.
- (5) *SHSW notify.* Refers to whether or not the State Historical Society of Wisconsin has waived the required statutory notification prior to destruction of records.

W	Means records are not historical and the required notification is waived.
N	Means the records may have secondary historical value and therefore SHSW notification is required on a case by case basis prior to destruction.

N/A	Means not applicable and refers to those circumstances where a local unit of government is retaining a record permanently.
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(Code 2006, § 3-3-7)

Sec. 2-842. Specific records retention provisions.

(a) — *Accounting records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Accounts payable:		
— Purchase invoices	FIS + 7 years	W
— Vouchers	FIS + 7 years	W
Accounts receivable:		
— A/R invoices	FIS + 7 years	W
— Receipts	FIS + 7 years	W
— Collection blotters	EVT + 1 year (after audit)	W

(b) — *Board of review records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Form of objection to property assessment and supporting documentation	EVT + 7 years (after final action by board of review or completion of appeal)	W
Minute book of board of review	CR + 7 years	N
Proceedings of the board of review on audio tapes or as stenographic notes including any transcriptions thereof	EVT + 7 years (after final action by board of review or completion of appeal)	W
Notice of determinations of the board of review	EVT + 7 years (after final action by the board of review or completion of appeal)	W

(c) — *Budget and audit records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Budget worksheets	FIS + 3 years	W
Minutes of the board of estimates	Permanent	N/A
Final budget	Permanent	N/A
Audit reports	Permanent	N/A

(d) — *Building permits and inspection records.* The following records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Applications and permits	EVT (life of structure)	W
Code compliance inspection reports	EVT (life of structure)	W
Inspection address file	EVT (life of structure)	W
Certificates of occupancy	EVT (until superseded)	W
Energy calculation worksheets	CR + 3 years	
State approved commercial building plans	EVT + 4 years	W
Permit fee receipts	FIS + 7 years (provided record has been audited)	W
Permit ledger	CR + 7 years	W
Town attorney's case file, copy	EVT + 1 year (after case has been closed)	W
Quarter section maps, copies	EVT (until superseded)	W
Records of the zoning board of appeals (includes minutes of board and supporting documents submitted to board)	Permanent	N/A
Records of the plan commission (includes minutes of meetings of commission and supporting documents submitted to the commission)	Permanent	N/A

(e) — *Election records.* All materials and supplies associated with an election may be destroyed according to the following schedule unless there is a recount or litigation pending with respect to the election:

Records	Authority	
	Period of Retention	SHSW Notice
Voter serial number slips	EVT + (14 days after a primary) (21 days after an election)	W
Applications for absentee ballots	EVT + (90 days after the election) (22 months after the election for federal offices)	W
Forms associated with election such as tally sheets, inspector's statements and nomination papers	EVT + (90 days after the election) (22 months after the election for federal offices)	W
Official canvass statements	EVT + (10 years after the election)	W
Registration and poll lists nonpartisan primaries and elections	EVT + (2 years after the election for which they were created)	W
Registration and poll lists partisan primaries and general election	EVT + (4 years after the election for which they were created)	
Cancelled registration cards	EVT + (4 years after cancellation)	W
Election notices	EVT + (1 year after the election) (22 months for federal elections)	W
Proofs of publication and correspondence relative to publications	EVT + (1 year after the election) (22 months for federal elections)	W

Campaign registration statements	EVT + (6 years after termination by the registrant)	W
Campaign finance reports	EVT + (6 years after date of receipt)	W

(f) — *Engineering and public works records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Field notes	Permanent	N/A
Benchmark books	Permanent	N/A
Section corner monument logs	Permanent	N/A
Aerial photographs	EVT (until superseded)	W
Town maps	Permanent	N/A
Water, storm, and sanitary sewer main maps	Permanent	N/A
Profile and grade books	Permanent	N/A
Excavation plans of private utilities	Permanent	N/A
Index to maps	Permanent	N/A
Preliminary subdivision plats	EVT (until superseded by final plat)	W
Final subdivision plats	Permanent	N/A
Annexation plats	Permanent	N/A
Assessor's plats	Permanent	N/A
Structure plans for town buildings and bridges	EVT (life of the structure)	N
Annual reports	Permanent	N/A
Records of the plan commission (if created) (includes minutes of meetings of the commission and supporting documents submitted to the commission)	Permanent	N/A
Records of the zoning board of appeals (includes minutes of the meetings of the board and supporting documents submitted to the board)	Permanent	N/A
House number and address change file	Permanent	N/A
Street vacations and dedications, copies	EVT (retain for active reference life)	W
Permits (includes permits for the excavation of streets by private utility companies)	EVT + 3 years	W
Petitions for street and sewer systems	EVT + 2 years	W
Special assessment calculations	EVT + 2 years	W
TV sewer inspection records	EVT (until superseded)	W
State highway aide program records	FIS + 7 years	W

(g) — *Fidelity bond records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice

Oath of office	EVT + 5 years (after the term of service covered by the oath has ended)	W
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(h) — *Insurance records and policies.* The following public records may be destroyed after the expiration of the designated retention period:

	Authority	
Records	Period of Retention	SHSW Notice
Policy	FIS + years	W
Policy bids, unsuccessful	EVT + 1 year	W
Claims	EVT + 7 years	W

(i) — *Journals, registers and ledger.* The following public records may be destroyed after the expiration of the designated retention period:

	Authority	
Records	Period of Retention	SHSW Notice
Receipts journal	FIS + 15 years	W
Voucher/order register	FIS + 15 years	W
General journal	FIS + 15 years	W
Journal voucher	FIS + 15 years	W
Appropriation journal	FIS + 15 years	W
Appropriation journal voucher	FIS + 15 years	W
General ledger	FIS + 15 years	W
Trial balance	EVT (until audited)	W

(j) — *Legal opinions.* Legal opinions rendered shall not be destroyed and shall be retained permanently.

(k) — *Licenses and permits.* The following public records may be destroyed after the expiration of the designated retention period.

	Authority	
Records	Period of Retention	SHSW Notice
Liquor and beer related license applications	EVT + 4 years	W
Other license applications	EVT + 3 years	W
Receipts	CR + 4 years	W
License stubs:		
— All liquor and beer related	CR + 4 years	—
— Other	CR + 3 years	—
Dog licenses monthly reports to county clerk	CR + 3 years	—

(l) — *Municipal court records.* The legal custodian, as defined in Wis. Stats. § 19.33 of the following records concerning the town municipal court, if created, or his designee, may destroy the following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Audio tape recordings of trials or juvenile matters	EVT (until expiration of statute of limitations to appeal to circuit court)	W
Municipal court case files	EVT + 6 years (after entry of final judgment)	W
Municipal court case files, town attorney's copies	EVT + 6 years (after entry of final judgment)	W
Municipal court minutes record	EVT + 5 years (after entry of final judgment)	W
Municipal court record	EVT + 5 years (after entry of final judgment)	W
Municipal court judgment docket a record of all money judgment	EVT + 20 years (after final docket entry)	W

(m) *Payroll records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Payroll support record	FIS + 2 years	W
Employee's withholding allowance certificate	EVT + 5 years (after being superseded)	W
Employee's WI. withholding exemption certificate	EVT + 5 years (after being superseded)	W
Employee enrollment and waiver cards	EVT + 2 years (after being superseded or terminated)	W
Employee earning records	FIS + 5 years	W
Payroll check register	FIS + 5 years	W
Payroll distribution record	FIS + 5 years	W
Payroll voucher	FIS + 5 years	W
Cancelled payroll checks	FIS + 5 years	W
Wage and tax statement	FIS + 5 years	W
Report of WI income tax	FIS + 5 years	W
Employer's annual reconciliation of WI income tax withheld from wages	FIS + 5 years	W
Federal deposit tax stub	FIS + 5 years	W
Quarterly report of federal income tax withheld	FIS + 5 years	W
Annual report of federal income tax withheld	FIS + 5 years	W
State's quarterly report of wages paid	FIS + 5 years	W
Monthly memorandum report	FIS + 5 years	W
Quarterly report, payroll summary	FIS + 5 years	W
Premium due notices	FIS + 5 years	W

(n) *Public safety department records.* The following public records may be destroyed after the expiration of the designated retention period:

Authority	
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Records	Period of Retention	SHSW Notice
Traffic citations (and accompanying documentation) sent through town municipal court	EVT + 1 year (after closed)	W
Ordinance citations	EVT + 2 years (after closed)	W
All accounting records	CR + 7 years	W
Electronic recordings of court proceedings which were appealed	EVT + 7 years	W
Court statistical reports	CR + 7 years	N
Arraignment calendars	CR + 7 years	W
Warrant and commitment listings	CR + 7 years	W
Municipal court correspondence	CR + 7 years	W
Electronic recordings of court proceedings which were not appealed	EVT + 6 months	W
Personnel records	EVT + 8 years	W
Property inventory records	EVT + 8 years	W
Citizen complaints against police officers	EVT + 8 years	W
Investigation and citation records:		
— Arrest records	EVT + 8 years	W
— Incident records	EVT + 10 years	W
— Fingerprint cards	EVT + 8 years	W
— Evidence cards	EVT + 10 years	W
— Work schedules	CR + 7 years	W
— Accident reports	EVT + 4 years	W
— Investigation reports	EVT + 10 years (from date of closing investigation)	W
Audio and video tape recordings:		
— Police dispatch audio tapes	CR + 120 days	W
— Police video tapes	CR + 120 days	W
Information teletype messages	CR + 30 days	W
Medical records, re: occupational	EVT + 30 years	W
Training records for exposure control	CR + 3 years	W

(g) — *Public works projects and contracts.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Period of Retention	SHSW Notice
Notice to contractors	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W
Certified check	EVT (retain until contract has been signed and return to bidder)	W
Bid bond	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W
Bidder's proof of responsibility	EVT + 7 years (after completion of project)	—

	EVT + 2 years (for unsuccessful bidders)	W
Bids	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W
Affidavit of organization and authority	EVT + 7 years (after completion of project)	W
	EVT + 2 years (for unsuccessful bidders)	W
Bid tabulations	EVT + 2 years	W
Performance bond	EVT + 7 years (after completion of project)	W
Contract	EVT + 7 years (after completion of project)	W
Master project files	EVT + 20 years (after life of structure)	N
Blueprints	EVT (until superseded by the as-built tracings)	W
As-built tracings	EVT (life of the project)	N

(p) — *Purchasing records.* The following public records may be destroyed after the expiration of the designated retention period:

	Authority	
Records	Period of Retention	SHSW Notice
Purchase requisitions	EVT + 1 year (after PO issued)	W
Purchase orders	FIS + 7 years	W
Receiving report	FIS + 7 years	W
Bids, successful	EVT + 7 years (after contract has expired)	W
Bids, unsuccessful	EVT + 1 year (after after PO issued)	W
Inventory of property	EVT (retain until superseded)	W

(q) — *Real property records.* The following public records may be destroyed after the expiration of the designated retention period:

	Authority	
Records	Period of Retention	SHSW Notice
Deeds	Permanent	N/A
Opinions of title	Permanent	N/A
Abstracts and certificates of title	Permanent	N/A
Title insurance policies	Permanent	N/A
Plats	Permanent	N/A
Easements	Permanent	N/A
Leases	EVT + 7 years (after termination of lease)	W
Vacation or alteration of plat	Permanent	N/A

(r) — *Sewer and water utility records.* The following public records may be destroyed after the expiration of the designated retention period:

	Authority	
Records	Period of Retention	SHSW Notice
Water stubs	FIS + 2 years	W

Receipts of current billings	FIS + 2 years	W
Customer's ledgers of municipal utilities	FIS + 2 years	W
All other utility records	CR + 7 years	W
Water quality laboratory tests (deep well water analysis detail and summary reports; chemical and bacteriological analysis of municipal drinking water detail and summary reports; municipal drinking water fluoride analysis; and water quality control readings)	EVT + 5 years (if information has been transferred to a permanent test site file location) EVT + 1 year	W
Maps showing the location and physical characteristics of the utility plant	EVT (until map is superseded)	W
Engineering records in connection with construction projects	EVT (until record is superseded or 6 years after plant is retired provided mortality data are retained)	W
Operating records:		
— Station pumpage records	CR + 15 years or EVT + 3 years (after the source is abandoned)	W
— Interruption records	CR + 6 years	W
— Meter rest records	EVT (see PSC 185.46)	W
— Meter history records	EVT (life of meter)	W
— Annual meter accuracy summary	CR + 10 years	W
— Pressure records	CR + 6 years	W
Customer records:		
— Complaint records	CR + 3 years	W
— Customer deposit	EVT + 6 years (after refund)	W
— Meter reading sheets or cards	CR + 6 years	W
— Billing records	CR + 6 years	W
Filed rates and rules	Permanent	W
Analyses of any water samples taken from the water system	EVT + 10 years (pursuant to NR 109.12)	W

(s) — *Special assessment records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Preliminary resolution	CR + 2 years after created	W
Report on special assessment project	CR + 2 years after created	W
Waiver of special assessment notice and hearing	EVT + 1 year (after final resolution is approved)	W
Final resolution	Permanent	N/A
Certified special assessment roll	EVT (retain until all assessments are collected)	W
Statement of new special assessments	CR + 5 years	W
Special assessment payment register	EVT (retain until all assessments are collected)	W

(t) — *Street and highway records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Street operations file	CR + 2 years after created	W
Street and sidewalk maintenance and repair	CR + 25 years	W
Tree planting, inspection, trimming and removal	CR + 25 years	W
Stock control records	CR + 2 years	W
Fuel usage reports	CR + 2 years	W
Heavy equipment and vehicle	EVT (life of equipment and/or vehicle inventory ledger or until inventory ledger is superseded)	W
Vehicle maintenance histories	EVT (life of vehicle)	W
Vehicle expense reports	EVT (life of vehicle)	W
Vehicle usage reports	CR + 2 years	W
Payroll support records	CR + 2 years	W
Purchasing records	CR + 7 years	W
Complaint ledger	CR + 2 years	W
Monthly reports	CR + 3 years	W
Annual reports	Permanent	N/A

(u) — *Tax calculation records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Escrow account list	EVT (retain until superseded)	W
Receipts	FIS + 7 years	W
Receipt stub book	FIS + 7 years	W
Tax collection blotters	EVT (until audited)	W
Statement of taxes remaining unpaid	EVT (retain with tax roll)	W
Tax settlement receipt	FIS + 5 years	W
Municipal treasurer's settlement	FIS + 5 years	W
Personal property tax roll	FIS + 15 years	N

(v) — *Treasurer's records.* The following public records may be destroyed after the expiration of the designated retention period:

Records	Authority	
	Period of Retention	SHSW Notice
Minute books	Permanent	N/A
Audio tapes	CR + 1 year; 90 days if made solely for the purpose of drafting the minutes	W
Ordinances	Permanent	N/A
Resolutions	Permanent	N/A

Ordinance book	Permanent	N/A
Affidavits of publication	CR + 3 years	W

(Code 2006, § 3-3-8)

Sec. 2-843. Confidentiality of assessor information.

- (a) *Adoption.* This section adopts by reference, Wis. Stats. § 70.47(7)(af), income and expense information provided by the property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Wis. Stats. § 19.35(1).
- (b) *Exceptions.* An officer may make disclosure of such information under the following circumstances:
- (1) The assessor has access to such information in the performance of his duties;
 - (2) The board of review may review such information when needed, in its opinion, to decide upon a contested assessment;
 - (3) Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
 - (4) The officer is complying with a court order;
 - (5) The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under Wis. Stats. § 74.37 in which case the base records are open and public.

(Code 2006, § 3-3-9)

Sec. 2-867. Statutory standards of conduct.

There are certain provisions of the state statutes which should, while not set forth herein, be considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the state statutes, as from time to time amended, are made a part of this code of ethics and shall apply to public officials and employees whenever applicable, to wit:

Wis. Stats. § 946.10	Bribery of public officers and employees
Wis. Stats. § 946.11	Special privileges from public utilities
Wis. Stats. § 946.12	Misconduct in public office
Wis. Stats. § 946.13	Private interest in public contract prohibited
Wis. Stats. § 19.46	Conflict of interest
Wis. Stats. § 19.43	Financial disclosure
Wis. Stats. § 19.45	Standards of conduct

(Code 2006, § 2-6-3)

Sec. 2-869. Dedicated service.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the town staff are expected to follow their appropriate professional code of ethics. ~~Staff members shall file a copy of such professional ethics codes with the town clerk.~~ The town clerk may notify the appropriate professional ethics board of any ethics violations involving town employees covered by such professional standards.

(Code 2006, § 2-6-5)

Sec. 2-871. Conflict of interest.

(a) Financial and personal interest prohibited.

(1) No official or employee of the town, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this chapter or which would tend to impair independence of judgment or action in the performance of official duties.

(2) Any member of the town board who has a financial interest or personal interest in any proposed legislation before the town board shall disclose on the records of the town board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation.

(3) Any nonelected official, other than a town employee, who has a financial interest or personal interest in any proposed legislative action of the town board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the town board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.

(4) Any town employee who has a financial interest or personal interest in any proposed legislative action of the town board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the town board or the appropriate board, commission or committee the nature and extent of such interest.

(b) Disclosure of confidential information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the town, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

(c) Gifts and favors.

(1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.

(2) No official or employee personally, or through a member of his immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value.

(3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a town official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This subsection further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

(4) — Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the town board within ten days of receipt for recommended disposition. Any person subject to this chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this subsection, shall, within ten days, disclose the details surrounding said offer to the town board. Failure to comply with this reporting requirement shall constitute an offense under this chapter.

(d) — *Representing private interests before town agencies.*

(1) — Nonelected town officials and employees shall not appear on behalf of any private person (other than himself, his spouse or minor children) before any town agency, board, commission or the town board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.

(2) — Elected town officials may appear before town agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of subsection (a) of this section shall be applicable to such appearances.

(e) — *Ad hoc committee exceptions.* No violation of the conflict of interest restrictions of this section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the town board that such interest exists.

(f) — *Contracts with the town.* No town official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the town unless, within the confines of Wis. Stats. § 946.13:

(1) The contract is awarded through a process of public notice and competitive bidding or the town board waives the requirement of this section after determining that it is in the best interest of the town to do so.

(2) The provisions of this subsection shall not apply to the designation of a public depository of public funds.

(Code 2006, § 2-6-7)

State law reference(s) — Conflicts of interest prohibited, Wis. Stats. § 19.46; statements of economic interests, Wis. Stats. § 19.47.

Sec. 2-959. Review of administrative determinations.

A person aggrieved includes those listed in [Wis. Stats. § 68.06](#). Pursuant to [Wis. Stats. § 68.01](#), any person aggrieved by an administrative determination of the town board or a board, commission, committee, agency, officer or employee of the town or agent acting on its behalf may have such determination reviewed as provided in this division. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies. Reducing determination in writing shall be performed pursuant to [Wis. Stats. § 68.07](#). A request for review of determination may be made pursuant to [Wis. Stats. § 68.08](#). Review of determination shall be performed pursuant to [Wis. Stats. § 68.09](#). Administrative appeal may be done pursuant to [Wis. Stats. § 68.10](#) with hearing performed pursuant to [Wis. Stats. § 68.11](#) and final determination pursuant to [Wis. Stats. § 68.12](#). Judicial review may be requested pursuant to [Wis. Stats. § 68.13](#). Legislative review may be requested pursuant to [Wis. Stats. § 68.14](#).

(Code 2006, § 4-1-1)

Sec. 2-960. Determinations reviewable.

Determinations reviewable are those pursuant to [Wis. Stats. § 68.02](#).

The following determinations are reviewable under this division:

- (1) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- (2) The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in section 2-961(4).
- (3) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (5) The suspension or removal of a town officer or employee except as provided in section 2-961(2) and (7).

(Code 2006, § 4-1-2)

Sec. 2-961. Determinations not subject to review.

Determinations not subject to review are pursuant to [Wis. Stats. § 68.03](#).

The following determinations are not reviewable under this division:

- (1) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the town board.
- (2) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- (3) The denial of a tort or contract claim for money required to be filed with the town under [Wis. Stats. § 68.03\(3\)](#) 62.26.
- (4) The grant, denial, suspension or revocation of a fermented malt beverage license under [Wis. Stats. ch. 125](#).
- (5) Judgments and orders of a court.

(6) — Determinations made during municipal labor negotiations.

(7) — Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

(Code 2006, § 4-1-3)

Sec. 2-962. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the town, whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the town who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the town, but may respond or intervene in a review proceeding under this chapter initiated by another.

(Code 2006, § 4-1-5)

State law reference(s) — Similar provision, Wis. Stats. § 68.01; request for review of determination, Wis. Stats. § 68.08.

Sec. 2-963. Reducing determination to writing.

If a determination subject to this division is made orally, or if in writing, and does not state the reasons for the decision, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed, that such review may be obtained within 30 days, and the office or person to whom a request for review shall be addressed.

(Code 2006, § 4-1-6)

State law reference(s) — Similar provision, Wis. Stats. § 68.07.

Sec. 2-964. Request for review of determination.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

(Code 2006, § 4-1-7)

State law reference(s) — Similar provision, Wis. Stats. § 68.08.

Sec. 2-965. Review of determination.

(a) — *Initial determination.* If a request for review is made under section 2-964, the determination to be reviewed shall be termed an initial determination.

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- (b) *Who shall make review.* A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee, agency of the town or municipal authority appointed by the chairperson without confirmation, shall be provided if practicable.
- (c) *When to make review.* The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- (d) *Right to present evidence and argument.* The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- (e) *Decision on review.* The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.

(Code 2006, § 4-1-8)

State law reference(s)—Similar provision, Wis. Stats. § 68.09.

Sec. 2-966. Administrative appeal.

- (a) *From initial determination or decision on review.*
- (1) If the person aggrieved had a hearing substantially in compliance with section 2-967 when the initial determination was made, he may elect to follow sections 2-963 through 2-965, but is not entitled to a further hearing under section 2-967 unless granted by the municipal authority. He may, however, seek judicial review under section 2-969.
- (2) If the person aggrieved did not have a hearing substantially in compliance with section 2-967 when the initial determination was made, he shall follow sections 2-963 through 2-965 and may appeal under this section from the decision made under section 2-965.
- (b) *Time within which appeal may be taken under this section.* Appeal from a decision on review under section 2-965 may be taken within 30 days of notice of such decision.
- (c) *How appeal may be taken.* An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

(Code 2006, § 4-1-9)

State law reference(s)—Similar provision, Wis. Stats. § 68.10.

Sec. 2-967. Hearing on administrative appeal.

- (a) *Time of hearing.* The town shall provide the appellant a hearing on an appeal under section 2-966 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the town attorney, who shall forthwith advise the chairperson of such appeal.
- (b) *Conduct of hearing.* At the hearing, the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross examine witnesses of the other party.

Such witnesses shall be sworn by the person conducting the hearing. The chairperson shall appoint, without confirmation, an impartial decision maker who may be an officer, committee, board or commission of the town or the town board who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the chairperson to conduct the hearing and report to the decision maker.

- (c) *Record of hearing.* The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant, shall cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the town.
- (d) *Hearing on initial determination.* Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

(Code 2006, § 4-1-10)

State law reference(s)—Similar provision, Wis. Stats. § 68.11.

Sec. 2-968. Final determination.

- (a) Within 20 days of completion of the hearing conducted under section 2-967 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- (b) A determination following a hearing substantially meeting the requirements of section 2-967 or a decision on review under section 2-965 following such hearing shall be a final determination, judicial review of which may be obtained under section 2-969.

(Code 2006, § 4-1-11)

State law reference(s)—Similar provision, Wis. Stats. § 68.12.

Sec. 2-969. Judicial review.

- (a) Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- (b) The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the town and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

(Code 2006, § 4-1-12)

State law reference(s)—Similar provision, Wis. Stats. § 68.13.

Sec. 2-970. Legislative review.

- (a) Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the town board or any of its boards, commissions, committees or agencies which may have jurisdiction.

(b) — If, in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the town board, board, commission, committee or agency shall be made part of the record on review under section 2-969.

(c) — The town board, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under section 2-967.

{Code 2006, § 4-1-13}

State law reference(s) — Similar provision, Wis. Stats. § 68.14.