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On the Cover

Madison Public Library’s Central Library was originally constructed in 1965, and was remodeled in 2014 as a Certified LEED Gold building. Its iconic “Question Mark” sculpture, commissioned from Roberto Behar and Rosario Marquardt, has established it as a highly visible presence in Madison’s downtown. The library receives nearly half a million visits annually.
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There’s Something About Libraries
Jerry Deschane, Executive Director, League of Wisconsin Municipalities

What is it about libraries? Why do they conjure up positive images in just about everyone’s mind? Is it the presence of the latest books, news, and quality internet access? Or is it the librarian, who seems to know everything about everything? Or is it the atmosphere; quiet and thoughtful and at the same time crackling with ideas?

At one point in my career I was commissioned to write several special-purpose books. I was working as a consultant at the time, so I had an office in my home and could work wherever I wanted to. (My wife refers to that period in my life as the “Working in Your Pajamas Phase.”) I would travel the state (no, not in my pajamas), interviewing business professionals; and I spent a lot of time doing online research. But when it came time to put fingertips to keyboard, the library was my sanctuary. The ideas flowed more smoothly at the library.

Is that why we love our libraries so much? In this dizzy 21st century hyper-plugged-in world the library is one place where it’s quiet enough to think clearly. All the latest resources are there if you need them, along with recreational reading, listening, and viewing (and a librarian who knows everything about everything). But along with all that intellectual hardware is something harder to identify but even more important. Libraries are that spot in our communities where we have the space and the solitude to absorb, to contemplate, and to create.

Yes, I ❤ libraries. I suspect you do too.

Editor’s Note: Thanks to the many library staff and patrons from across the state who commented on Twitter and on our December 27 Facebook post asking “what do you ❤ about your library?” The comments populate this issue of The Municipality. Find the League on Facebook at LeagueofWisconsinMunicipalities.
Libraries Matter More Than Ever
Plumer Lovelace, Executive Director, Wisconsin Library Association

Each year, we battle the same misconception about libraries in the 21st century. “Why do we need libraries if everything is online?” “Are people still reading printed books?” After being immersed for three days in the Wisconsin Library Association Annual Conference in October, I can tell you that the old image of libraries is completely out-of-date and inaccurate. Libraries are doing so much more for communities than most people realize. In fact, I believe that libraries matter more today than ever before.

As we embrace the digital age, we still must rely on access to knowledge. And in a world where “fake” news is front and center, our need for factual information grows with each passing day. Additionally, throughout Wisconsin, our libraries are community hubs for many citizens. Libraries are often a place to gather for social functions and public meetings. It’s a place to access high speed internet, which for many in rural areas of our state is still a luxury. It’s also a place to access job opportunities and learn about new skills that are needed in our communities and new industries that are popping up.

We rely on our libraries more than ever to provide access to information in our communities. Last year, the public library in Eau Claire answered more than 76,000 questions, an increase of 4.5 percent from the previous year, according to library director and past WLA president Pamela Westby. Many of the questions are related to technology because so many people don’t understand computers. Access to electronics and access to information are two very different things.

But we also rely on libraries for a wider array of services than ever before. Books and other materials are now available in a wide range of formats for all to use, without needing to pay to access the information. Electronic. Large print. Audiobooks. You name it, you’ll find it at your local library. Some libraries have even become post offices in their rural communities.

I once heard that librarians are some of the best teachers in our country. They’re also generous with their time and knowledge. They are trained to discover and preserve information that is at the soul of a knowledge-based economy, like the one we’re so privileged to have in the United States. Despite some efforts to stifle science and information, libraries provide the essence of a democracy by presenting information about many sides of issues and allowing each individual to reach his or her own conclusions, without prejudice.

And when it comes to economic opportunity, libraries are often a critical resource for citizens. In January 2016, the Mount Horeb Public Library partnered with the Department of Workforce Development (DWD) to provide one-on-one assistance to local job seekers. On the first and third Friday of every month, an Employment and Training Specialist from DWD is available to Mt. Horeb residents, providing help with resumes, cover letters, job interviews, job searching, and other employment related questions. That program has expanded because some people weren’t able to make the weekly classes. So now they have one-on-one sessions with patrons.

Many other libraries are constantly looking for ways to become more valuable resources for their respective communities. Wisconsin is fortunate to have so many caring and giving people running our libraries.

As we begin 2018, let’s remember that communities with strong libraries are making a huge difference in people’s lives each and every day.

About Wisconsin Library Association:
The Wisconsin Library Association is a professional organization whose membership includes nearly 2,000 librarians, library workers, public library trustees, friends of libraries and business vendors supporting academic, public, school, and special libraries. Since the beginning, WLA’s mission has been to engage, inspire, and advocate for library workers and supporters to improve and promote library services for the people of Wisconsin. Through ongoing, collaborative efforts, members continue to meet the changing needs of their communities, provide resources for all, facilitate life-long learning, and assist entrepreneurs in job creation. Contact Plumer at lovelace@wisconsinlibraries.org
Libraries are Working

Ralph Illick, Library Director, Marathon County Public Library & Chair of the System and Resource Library Administrators Association of Wisconsin

If you live in Wisconsin, you likely have one of our 383 public libraries within a short distance of your home or workplace. At our public libraries, we Wisconsinites are able to access books, magazines, videos, audiobooks, and other forms of information and entertainment in order to improve our lives and continue the quest for lifelong learning. While the role of the community library has been changing over the years, libraries continue to offer a safe place to learn and to connect with ideas and one another in a dynamic environment.

Here in Marathon County, our consolidated county library (Wis. Stat. § 43.57), the Marathon County Public Library (MCPL), operates in the City of Wausau. MCPL has eight branch libraries serving our communities in Marathon County. By having one board and one administration, operational costs can be substantially reduced from the cost of having nine separate boards and administrative teams. Each of our nine libraries serves a unique community where we offer age-appropriate programming for children, as well as timely and topical programs for adults of all ages.

Our library has seen substantial changes during the past 20 years as the technology for storing and retrieving information has evolved. Marathon County is the largest county in Wisconsin, covering a little more than 1,500 square miles. We have about 134,000 residents (2010 U.S. Census) who enjoy local library services provided throughout the county. Wisconsin communities have a wide range of demographics and culture, and each library is sensitive to the unique needs of that community.

During an average weekday, MCPL will check out nearly 3,000 different items to the folks who visit our facilities. We will offer programs for early readers that are aligned with Wisconsin Department of Education standards for age-appropriate learning. We will deliver books and materials to dozens of homebound individuals who might otherwise not have access through our Homebound Program. We will provide meeting rooms to clubs and organizations that need a place to meet and connect. We also partner with local government agencies and nonprofit organizations to improve and strengthen our communities. In Marathon County, some of our community partners include The United Way, Raise Great Kids, the Marathon County Health Department and Social Services Department, local school districts, Boys and Girls Clubs, the YMCA, and many others. By building and maintaining these important community partner collaborations, we are able to better maximize the return on taxpayers’ investments in the services we provide.

Another way that libraries build their relevance within the communities they serve is by having active and engaged support organizations like the Friends of the MCPL, and the MCPL Foundation. These two volunteer organizations help MCPL by augmenting the county funding that we receive. Our Friends group uses items that we remove from the collection and books donated to the library to run a book sale several times per year. Funds raised from these sales are then used to pay for the programs that we offer to the public. The ever-popular Summer Library Program at MCPL, a primary target of the Friends of the Library fundraising, helps children and parents stay sharp academically over the summer months to better prepare them for the coming school year. Our foundation also helps to fill gaps in funding in ways that make us a better library, such as purchasing additional mobile
technology for use in our facilities and subsidizing significant renovations to our main meeting room and new Friends book sale room. The foundation will also be crucial this coming spring in helping us to replace all of the old public furnishings. Volunteer opportunities are a wonderful way to enhance and support your local library.

MCPL is a member of the Wisconsin Valley Library Service (WVLS), a federated public library system (Wis. Stat. § 43.19) that includes libraries in seven counties (Clark, Forest, Langlade, Lincoln, Marathon, Oneida, and Taylor). Our public library system serves member counties by pooling resources and services like the ILS (Integrated Library System, a shared database used to manage collections and library user data), delivery service, programming, continuing education, technology, and interlibrary loans. As the Resource Library (Wis. Stat. § 43.16) for this system, MCPL represents the largest financial contribution to the ILS at approximately 40% of any shared expenses. By combining and sharing resources, member libraries are able to afford the aforementioned resources and services at a scaled cost.

Wisconsin’s 16 library systems offer opportunities to improve services for their member libraries in several ways. Systems help to expand and improve the networks for managing loans among libraries. Continuing education is mandated for library directors, and generally those learning opportunities fall under the stewardship of library systems. Training for all staff in various operational aspects also falls under the supervision of systems. The system can tailor the training to fit the member libraries’ needs. For example, if the members of the community are showing an appetite for digital products like downloads of audiobooks and streaming video, the system can identify training topics to enhance the skills of the staff of those member libraries. The system would also have the means for hiring technically skilled staff to properly manage the electronic resources like computers, patron computer timing software, printers, and various technology used by the member libraries. Another example of system support would be the scholarships provided by WVLS that MCPL has used during the past three years for training. Three of our branch library supervisors have been able to attend the Annual Association for Rural and Small Libraries Conference, and they have returned with valuable tools and ideas for improving our rural services models.

The environment for learning and the technology used to store and retrieve information is changing rapidly. Libraries will continue to offer access to information and entertainment across the spectrum of available media. Rest assured we will be prepared to help our users meet their information needs regardless of their affinity for, or their aversion to, technology. Libraries can change lives – whether you are a single parent going to school at night, or have just had an abrupt career change that requires a new resume and help looking for work, we can help you. If you are not seeing the kind of services and resources in your local library that you want to see, I

Village of Egg Harbor Brings Community Together at New Pavilion

Megan Vandermause, Deputy Administrator/Deputy Clerk-Treasurer and Jess Reinke Kress Pavilion Event Director & Property Manager, Village of Egg Harbor

The Donald and Carol Kress Pavilion, a place to read, create, and celebrate, is located in the ❤️ of Egg Harbor and is home to the Village Library and Community Center. The building, approximately 80 percent privately funded by over 300 donors, is to be completed in early 2018. The second floor Great Hall event space features wrap-around porches that offer sweeping views of the bay and surrounding orchards. In addition to the modern, customizable Great Hall space, visitors have access to two meeting spaces, a lounge, and living room with a fireplace within the library. The Kress Pavilion features the latest audio-visual equipment, flat screen TVs, and teleconferencing capabilities throughout. On the first floor is a Makers Space, offering a room for tech and hands-on programming. Transparent roll-down screens house the library’s book collection so that the building can be enjoyed outside of library hours. Residents and tourists are welcome to host a small gathering, private meeting, or celebration, or simply enjoy the pavilion as a library patron. For hours or more information, visit Kresspavilion.org
respectfully encourage you to communicate your wishes to your local library director. Direct input from library patrons is always welcomed, and we want library services and collections to serve their communities uniquely.

We all recognize the challenges facing municipalities as departments and agencies vie for increasingly scarce funding. Libraries are using creative partnerships and collaborations and emerging technologies, to connect people with information and ideas, to serve as lifelong learning centers and to build strong communities. We remain committed to the ideal that a well-informed populace is a free populace, and that everyone should have equal access to information and ideas regardless of their ability to afford an Amazon Prime membership, a computer, or a cellphone. Let me now invite you to visit your local library soon. We have resources and programs here for the whole family to enjoy. We believe that there is no greater honor than to serve the public in Wisconsin communities. We look forward to seeing you soon!

About the author:

Ralph Illick has been working in libraries since 1988. He spent his first 14 years in the Orange County Library System in Orlando, Florida, where he served as a librarian. He and his wife Andrea relocated to Wisconsin in 2002, where he served as the Head of Adult Services at the Pauline Haas Public Library in Sussex until 2011. He has been the Director of the Marathon County Public Library since January 2011. Ralph currently serves as Chair of the System and Resource Library Administrators Association of Wisconsin.

He has a master's degree in information studies from Florida State University. His outside interests include playing guitar, reading, cooking, and spending time with his wife and two cats. Contact Ralph at Ralph.ILlick@co.marathon.wi.us

Engaging Minds. Connecting Community.

Todd Schmidt, Administrator/Economic Development Director and Erik Plumb, Library Director, Village of Waunakee

After many years of discussions and planning, the Village of Waunakee looks to break ground for its new community library in the spring of 2018. Like other Dane County communities, Waunakee has grown tremendously in recent years, growing by over 50% in population since 2000. The current library, constructed in 1985, is too small for a growing community, lacking amenities such as reading rooms, meeting and study spaces, programming rooms, spaces for teens and ‘tweens, and additional areas for technology use and collaboration. The current building does what it was built to do: namely, serve as a repository of books for the village and provide a small space for intimate library programs such as story times and book clubs. These needs have changed.

The role of a library in the 21st century is about much more than lending books. Today's library must be a more comprehensive resource, not only providing patrons a place to check out materials but also a place to comfortably and conveniently do things like access high-speed internet PCs and free Wi-Fi; attend events and programs that entertain, enlighten, and inspire; and, crucially, meet and connect with others in the community, whether for formal gatherings or through the magic of unplanned encounters and spontaneous conversations.

Libraries have always engaged minds, but more than ever, they now connect people within their communities.

With a planned opening in mid-2019, a new Waunakee Public Library will fill all of these needs, while providing room for future growth. The village has been working with the design firm OPN Architects, to create a flexible, expandable, and dynamic community space. The building will provide over a dozen meeting and programming spaces, social areas, quiet reading nooks, and large community event spaces both indoors and out. The site, adjacent to Six Mile Creek, is the former Waunakee Alloy manufacturing plant. Formerly a contaminated brownfield, the library site will provide a pedestrian-friendly library-in-a-park setting, with access to a recreational trail, a cleaned up creek with greater public access, and a rebuilt neighborhood playground. When completed, the library will serve as the cultural heart of Waunakee for decades to come.
Public libraries have changed. The library is no longer just a storehouse for books but has become the library as a community gathering place. The Alice Baker Memorial Public Library strives for the library to be Inclusive by opening doors for increasing engagement, Responsive by anticipating or meeting the needs of those served by the library, and Respectful by offering a welcoming environment. The Alice Baker Library in Eagle, one of 24 public libraries in the Bridges Library System, is a place where people can come to have face-to-face conversations and perhaps not always agree on issues. But everyone is welcome. Our library recognizes that there is value in meeting people, listening to other people, sharing stories with others, and having an experience with others.

The Alice Baker Library offers a variety of programs for all ages that encourage face-to-face conversation. Public libraries also provide free access to the internet and library materials on both sides of issues.

Libraries across the state of Wisconsin are providing programs that require engagement from the audience such as book clubs, “Doughnuts and Documentaries,” community reads, Friday Morning Coffee Hour, and other opportunities for civil discourse. Libraries also often host Town Hall meetings, candidate forums, and listening sessions. Libraries are changing. It’s a good thing.

Alli Chase - Library Director, M.L.S. ❤ Alice Baker Library, Eagle, WI
Public libraries were first established in Wisconsin under state law in 1872. The precursors to the first official public libraries were typically nonprofit subscription libraries that charged a membership fee. Later, in 1895, the legislature established the Wisconsin Free Library Commission, a state agency created, as part of its mission, to promote the development of public library services. Over the years, that agency has evolved into what is now the Division for Libraries and Technology in the Wisconsin Department of Public Instruction.

The 1872 law establishing public libraries has gone through many revisions in its history. It is now part of Chapter 43 of the Wisconsin Statutes. Chapter 43 also includes the statutes relating to the Division for Libraries and Technology and public library systems. Public libraries in Wisconsin are established by municipalities or counties and governed by library boards of trustees. It is in Chapter 43 that the relationship of the library to local or county government is defined, the powers of the library board are enunciated, and the statutory mission of the library is prescribed.

In 1971, Wisconsin passed legislation creating public library systems. The mission of public library systems is to enhance public library services among the member counties and throughout the state, to provide free access to public libraries, and to facilitate the sharing of library resources among public libraries in the system's service area. Each local public library, then, is a part of a statewide network designed to ensure the greatest possible access for all Wisconsin citizens to the extensive resources of the state.

The creation of public library systems fostered the establishment of a strong network of resource sharing and mutually beneficial interdependence. The actual creation and development of public library systems in Wisconsin was a voluntary and gradual process. No county or public library is required to be a member of a library system; yet, as of this writing, all of Wisconsin's 72 counties and over 380 public libraries are library system members. Wisconsin's 16 public library systems developed in distinct ways in response to the needs of their member libraries and area residents. The systems have continued to evolve as changes in society, resources, and technologies create new demands and opportunities.

Public Library System Services

Membership in the library system has considerable benefits to the public libraries and their communities. While system services are tailored to regional needs, they do have services and programs that are common among them, such as:

- Coordinating resource sharing (interlibrary loan, or ILL) among its libraries and the rest of the state, so that library users can easily borrow materials not owned by their local libraries

- Shared library automation systems (Integrated Library Systems, or ILS) that streamline and facilitate the management of library collections, such as:
  - lending and retrieving books, magazines, and other materials
  - online catalogs permitting library card holders to search millions of items, often among dozens of libraries and request them from their home or office
  - integration of electronic resources with the online catalog, such as e-books and downloadable audiobooks, as well as state and local library databases articles and research resources
  - integration with other materials handling systems such as theft detection, RFID inventory control, and automated check-in and sorting systems
  - public computer or laptop reservation and time management
  - print management and electronic commerce, permitting payment for printing, copying, or remote payment of fines or room rental fees

- Consulting for libraries on library administration, legal operation, collection development and management, youth and other programming, technology, and inclusive services to populations with unique needs. They also provide assistance to municipalities wishing to establish public libraries or branches

- Continuing education for public library staff and trustees
• Delivery among member libraries and with other regional systems
• Special collections or supplemental materials to meet both high-demand titles and occasional special needs

Requirements for Membership in Public Libraries Systems

The benefits to your local library and citizens within the system area are substantial; however, member libraries also have certain requirements and responsibilities. Your library must meet these six statutory requirements to be a member of a library system:

1. The library must be established and operated according to the requirements of Wisconsin Statutes Chapter 43. Among other things, Chapter 43 requires that a properly appointed library board control the library building, library expenditures, library policies, hiring and supervision of the library director, and determination of the duties and compensation of all library staff. The DPI provides information for library directors in Administrative Essentials with details on these requirements, including Administrative Essential #3: Who Runs the Library?; #11: The Library as Employer; #14: Managing the Library’s Money; #15: Policies and Procedures; as well as a chapter in Trustee Essentials, #18: Library Board Appointments and Composition.

2. The county must belong to the library system and must meet the system membership requirements for counties. The county must have and maintain a plan for library services that outlines how it will work with its libraries and the system.

3. The municipal governing body (or county board for a county library) must approve a resolution authorizing its library to participate in the library system.

4. The library board must approve an agreement with the library system to participate in the system and its activities, participate in interlibrary loan of materials with other system libraries, and provide to all residents of the system the same services, on the same terms, that the library provides to local residents.

5. The library board must employ a library director with the appropriate certification from the Wisconsin Department of Public Instruction (see Trustee Essential #7: Library Director Certification for details), who works in the library at least 10 hours per week during which the library is open to the public.

6. The library must be open to the public a minimum of 20 hours per week and must expend at least $2,500 per year for library materials.

The Portage County Public Library in Stevens Point is Amazing!

Lisa Pett, Youth Services Library Associate ❤ Portage County Public Library

The Portage County Library has an incredible children’s department with a large play space with toys, a webcam viewing station featuring animals from all over the world, family friendly board games and puzzles for checkout. They also provide Minecraft playing stations, toddler toys to check out, a well-stocked parent’s shelf, and a young adult department with a selection of graphic novels and manga.

• Programs include toddler, baby, and family story times, as well as teen and adult book clubs.
• There are adult board games for checkout, even art for your walls, as well as books, cds, DVDs, books on cd, and PlayAway Audio books.
• Patrons can download e-books and audio books online using the Libby app.
• They can learn a foreign language using Mango from a link on our website.
• Non-English speakers can learn English.
• Adults can search for a job online from home or using our computers.
• Our meeting rooms are free for public use and programs.
• Reference librarians are on staff to help answer questions.
• Home schoolers use our meeting rooms for lessons and programming.
• Teachers and daycare providers can check out themed story time lesson kits.
• Patrons, regardless of income, background, color, religion, ethnicity, or age are welcome.
• It is one of the last truly free public spaces where one can spend time without any expectation of spending money.
• There are warm, friendly, knowledgeable, and patient staff ready to answer your questions or help you find what you need.
• It is warm in the winter and cool in the summer!
Public Library Systems: Today and Into the Future

While changes in society, resources, and technologies have created new demands and opportunities for systems, the law and services required of them as well as many of their practices are still relatively unchanged from the original law. The library community – the systems, libraries, and the legislature – has recognized the need to update what is required of library systems as well as to redesign the services in a manner that is more efficient and effective.

In the development of the biennial budget for 2014-15, the legislature’s Committee on Joint Finance (JFC) proposed a study to be conducted by the Department of Administration in consultation with the Department of Public Instruction, using LEAN practices and looking for efficiencies and opportunities where technology might afford savings. That recommendation was vetoed by the governor, who stated that the DPI has the authority to conduct such a study. In 2013, the System and Resource Library Administrators’ Association of Wisconsin conducted a self-examination and report, and in 2014, the DPI’s Public Library Development Team, working with a LEAN consultant and a volunteer steering committee, carried out a LEAN study as recommended by the JFC. The governor-appointed Council on Libraries and Network Development reviewed that report and, working with members of the LEAN workgroup, developed a roadmap for recommended actions.

In the summer of 2015, State Superintendent Dr. Tony Evers appointed a 10-person steering committee to review the services and structure of public library systems and develop recommendations for change. That Public Library System Redesign project, facilitated by DPI and led by a steering committee representing the public library landscape, hopes to explore and determine the best ways to deliver the best services to Wisconsin public library patrons. The steering committee enlisted a project manager to work with them and the library community to review system services and develop models for future service structures. That process, conducted over the past two years, will next be finalized in March. Thereafter, the steering committee will work with a facilitator to compile recommendations to be presented to the state superintendent this summer.

You can review the Public Library System Redesign project here: http://www.plsr.info/ and watch for upcoming information sessions, both in-person and online. Wisconsin can be proud of its public libraries and the coordinated services they deliver in an affordable structure built on cooperation and sharing. By reviewing and, as appropriate, revising the services and structure of the state’s support provided through the regional Public Library Systems, Wisconsin’s libraries can provide their communities continued exceptional services in supporting their citizens, students, workforce, communities as comfortable and welcoming centers for discovery, education, work skills, entertainment, and convening on into the future.

About the author:

John DeBacher has worked as Wisconsin’s Director of Public Library Development since 2012. For eight years prior to that he was the Public Library Administration Consultant for the DPI. From 1994 through 2004 he was the director of the Monona Public Library. He has also worked at libraries in Michigan and Illinois after first working in book and software publishing. He has a degree in English from Grinnell College in Iowa, and earned his M.A. in library science from the University of Chicago. Contact John at John.DeBacher@dpi.wi.gov

“I love that the people who work at our library are welcoming and dedicated. They go out of their way to keep the library open even on days when other businesses are closed.” - Becky Zimdahl Tellier, Village of Campbellsport Clerk/Treasurer ❤ Campbellsport Public Library.

“The DeForest Area Public Library has a wonderful and very knowledgeable staff! We also have terrific children, teen, and adult programming. We are excited for our patrons to engage in our ever-growing Makerspace/STEAM area and our Studio Area, where we encourage patron creativity and involvement!” - Andrea Duwe Lerum, DeForest Area Public Library Technical Services Assistant ❤ DeForest Area Public Library.

“The Waukesha Public Library has fostered great growth in so many programs such as Waukesha Reads. There are opportunities to learn for people of all ages and needs. My kids love going. I’m literally there now.” - Aaron Perry, City of Waukesha Alderman ❤ Waukesha Public Library.

“What’s not to love about the River Falls Public Library? Library bingo, book clubs early morning, morning, evening, in a bar.... for all ages and interests. Peeps diorama and gingerbread house contest. Science lectures, foreign films, authors, just to name a few activities, not to mention the stuff for the kids. The gallery always has something good to see. A very knowledgeable staff who knows many of us by name and knows our interests. One could write a paper on what there is to love about our library.” - Trish Juers, Lifelong bookworm who got books instead of candy as treats as a kid and now as an adult can’t walk past a library or bookstore without stopping ❤ River Falls Public Library.
❤ the Park Falls Public Library

Established in 1906 • Resident Population 2,504 • Extended County Population 4,965
Reference Transactions 1,161 • Library Visits 34,372 • Use of Public Internet Computers 6,876
Total Program Attendance 5,663 • Total Staff 7 • Indianhead Federated Library System*

“Park Falls Public Library is my favorite place. We have an awesome cheerful team of people who take care of our interested, involved patrons. Because of excellent city support we are able to offer diverse programming...best of all in my opinion, is Sailor the therapy dog who visits once a week. Working or visiting here is a joy!”

- Deb Hyde, Park Falls Public Library Director ❤ Park Falls Public Library

“Park Falls Public Library is one of the best places in town that offers something for EVERYONE! No matter their age, background, or income. What a great place to have in our community along with a staff that is always willing to help!”

- Ann Carstensen Tully, Library Assistant ❤ Park Falls Public Library

“The Park Falls Public Library is more than a place to borrow books or use the internet. Many times a day I hear from visitors and regular patrons alike about how thankful they are for the quality of the programs we are able to offer and about how impressed they are by the professionalism, friendliness, and helpfulness of the library staff. The building itself which was built in 1923 is equally impressive. Once the home of the city offices and the volunteer fire department, it has a special place in the hearts of many of our residents. The third-floor auditorium is the perfect place to view a movie or to practice yoga and is used on a daily basis by our community members. The old ‘fire pole’ in the corner of the first floor just adds to the character of our beautiful building. All this, plus we get the privilege of serving a community that truly loves and supports this library every step of the way. Thank you for allowing me to ‘brag’ about our library in Park Falls. We are a small, small city so our library means everything to our community and we are so very proud of the services we provide. Please do stop in if you ever get ‘up North’ as you are always welcome.”

- Cindy Koller, Children’s Services Librarian ❤ Park Falls Public Library

“P.S. We have a tree in the middle of our young reader’s area – it’s fabulous!”

- Alyssa Woods, Adult Services Librarian ❤ Park Falls Public Library

The tree was the project of a very talented, committed library patron. She had a team of volunteers, including kids, who helped to build it. It took about a year to complete and is made from a very large paper roll tube from the local paper mill. The branches and covering are made from rolled up paper grocery bags. The tree is most often used for cozy reading and for crazy fun puppet shows. There is an opening on the other side of the tree that looks like a window and serves as a stage. There are holders for picture books all around the outside and there is “snow” on the branches in the winter as well as twinkle lights.

* Wisconsin Dept. of Instruction 2015 Wisconsin Public Library Service Data
We provide low, fixed interest rate mortgages to help more people become homeowners.

We offer favorable rates and terms to construct, rehabilitate and preserve affordable rental housing.

We support economic development with financing that puts more capital directly into businesses.

To learn how WHEDA can help your community grow, visit wheda.com.
This article revises and updates an article written and published in the February 2014 issue of *The Municipality*.

Wisconsin's libraries are a tremendous resource, important to the democratic process, and play a critical role in ensuring that all Wisconsin's residents have “free access to knowledge, information and diversity of ideas ....”

Data shows that Wisconsin residents value and use public libraries. Most of Wisconsin's 381 public libraries are municipal libraries. The establishment and operation of public libraries is governed by chapter 43 of the Wisconsin Statutes. Municipal libraries are administered by local library boards. The provisions most relevant to municipal libraries and municipal library boards are found in Wis. Stat. secs. 43.52 (municipal libraries), 43.54 (municipal library board composition), and 43.58 (powers and duties of library boards).

Chapter 43 gives library boards broad control over library property and the expenditure of library funds and the hiring and compensation of library employees. It also explains that while a governing body may be able to adopt a charter ordinance asserting greater control over a municipal library, the enactment of such a charter ordinance carries the risk that a library will face a reduction or withdrawal of state aid, or expulsion from a public library system.

I. Library Board Composition

Library boards vary in size and composition depending on a number of factors. The composition of library boards in first class cities (Milwaukee) is governed by Wis. Stat. § 43.54(1)(am). Library boards in cities of the second or third class consist of nine members, although the common council may, by a two-thirds vote, reduce the number of members to seven. Library boards in cities of the fourth class consist of seven members. Village library boards are composed of five members, although two additional members may be appointed so that the board has seven members. Joint library boards consist of seven to 11 members. Library board members must be municipal residents, except that not more than two members may be residents of other municipalities. One member of the library board must be a school district administrator or his or her representative, and no more than one member of the municipal governing body may serve on the library board at any one time. Joint library agreements must, among other things, contain a procedure for adjusting the membership of the joint library board to ensure that it remains representative of the populations of the participating municipalities as shown by the most recent federal census.

Under Wis. Stat. § 43.60(3), the county in which the library is located in whole or in part may appoint up to five additional members if the county's annual appropriation to the library represents a certain percentage of the annual sum appropriated to the municipal library.

Municipal library board members are appointed by the mayor or village president, with governing body approval. Terms are staggered when the board is initially created and board members are first appointed, but subsequent board members are appointed for three-year terms. In the absence of an ordinance...

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1. Wis. Stat. § 43.001(1).
2. 2012 data indicated that more than 6 in 10 state residents are registered library users and each week, an average number of 647,000 visits are made to Wisconsin public libraries. Fast Facts About Wisconsin Public Libraries, Department of Public Instruction, based on 2012 Wisconsin Public Library Annual Report Data available online at http://pld.dpi.wi.gov/pld_dm-lib-stat
3. Wis. Stat. § 43.54(l)(a) and (3).
4. Wis. Stat. § 43.54(l).
5. Joint libraries may be created by any two or more municipalities or by a county and one or more municipalities located in whole or in part in the county. Wis. Stat. § 43.52. A joint library may not be established unless it includes at least one municipality with a public library established before May 8, 1990. Wis. Stat. § 43.53(3).
6. Wis. Stat. §43.54(1)(b).
7. Wis. Stat. § 43.54(l)(a).
8. Wis. Stat. § 43.54(l)(c).
9. Wis. Stat § 43.60(3).
10. Wis. Stat. § 43.54(l)(b).
providing to the contrary, board members’ terms begin May 1.  

II. Compensation of Board Members

Library board members may not be compensated for their services, but members may be reimbursed for expenses incurred in performing duties outside the municipality if authorized by the library board. Members may receive per diem, mileage and other necessary expenses incurred in performing their duties if authorized by the library board and the municipal governing body.

III. Library Board Powers

A. Control Over Library Funds

The library board has exclusive control of the expenditure of all moneys appropriated by the governing body or donated to the library fund. This power of the library board to control funds has been interpreted by the attorney general to include the authority to contract for necessary goods and services for the public library.

Although the library board has exclusive control of the moneys appropriated for the library fund, the board does not make actual disbursements from the appropriation. Rather, the board audits and approves vouchers for expenditures and forwards these to the municipal clerk, who follows the ordinary procedure for disbursing municipal funds under § 66.0607 or, if adopted, § 66.0609.

Thus, under the statutory scheme, the library board has control over the use of the money appropriated to the fund, but it does not sign the checks or maintain physical control over the actual dollars and cents appropriated to the fund.

Library boards probably have disbursement authority, however, with respect to donated funds held in trust by the library board under § 43.58(7). The library board is authorized to receive, manage, and dispose of gifts and donations for library purposes. When a gift or donation is made to a public library, library board members are considered special trustees of such property. The library board may pay or transfer the gift to the treasurer of the municipality or county in which the public library is situated, may entrust any funds therefrom to a public depository under ch. 34 or may pay or transfer that gift to the library board’s financial secretary or, if certain conditions are met, to a charitable 501(c)(3) organization whose purpose is providing financial or material support to the public library.

The financial secretary may invest the funds as provided in Wis. Stat. § 66.0603.

The League has interpreted the above provisions to mean that if a library board

“The Hazel Brown Leicht Memorial Library is the nicest library in the La Crosse County Library System (obviously I am biased). The staff is friendly, helpful, and always happy to serve. The selections are numerous, and the building is just so welcoming. Free Wi-Fi, free computer use, and oodles of ‘real’ books and e-books to choose from.”

- Terese Schnitzler, Village of West Salem Administrator ❤ Hazel Brown Leicht Memorial Library

“Libraries are the great equalizer, books, computers, and more. The Johnson Creek Public Library offers programs for everyone, kids, older adults, and everyone in between.”

- Tim Semo, Village of Johnson Creek Trustee & Library Board Member ❤ Johnson Creek Public Library

“Orfordville Public Library is a wonderful asset to our village. The staff provide a variety of programming for all ages and works to ensure the community has access to books beyond the walls of the library.”

- Becky Strupp – Village of Orfordville Trustee & Library Board Member ❤ Orfordville Public Library

Artwork by Becky Strupp

11. See Wis. Stat. §§ 62.09(5)(a) and 61.23(2).
12. Wis. Stat. § 43.54(1)(d).
15. Wis. Stat. § 43.58(2).
16. See Libraries 44.
17. Wis. Stat. § 43.58(7).
deposits gifts it receives in a public depository, the board may write checks disbursing such funds on its own without involving the municipal clerk.29

In 1998, Wisconsin law governing libraries was revised to require certain counties to make payments to libraries within those counties. The law was revised again in 200620 to require those certain counties to also make payments to libraries in adjacent counties. Under the law, counties with a population of less than 500,000 that do not maintain a consolidated public library for the county and that have residents who are not residents of a municipality that maintains a public library must annually pay each public library in the county and adjacent counties a certain amount based on a statutory formula.21 County payments to libraries are controlled by the library rather than the municipality. The county payment must be made to the library, either directly or to the library system which then pays the library. The check must then be deposited with the municipality in a fund under library board control.22

In the past, the law required municipalities to maintain library funding at a level of at least the average of the previous three years as a statutory requirement of library system membership. The Maintenance of Effort requirement was repealed by 2011 Wis. Act 32, § 1173. A similar provision was created in the 2013–2015 State budget as a factor for joint libraries seeking exemption from the county tax levied for library purposes.23

B. Control Over Library Property

The library board has exclusive control and custody of all lands, buildings, and other property given or granted to, or otherwise acquired or leased by, the municipality for library purposes.24

The library board may, if authorized by the governing body, have exclusive control over the purchase of a site and the erection of a library building.25 Otherwise, the municipal governing body, in the absence of a specific grant of authority to the library board, has the sole right to purchase or acquire sites or erect buildings for library purposes.26 However, in the case of a gift for a library building, the library board has the exclusive right to select and contract for the purchase of a site.27

C. Control Over Library Employees

With respect to the library board’s authority in the area of library employees, § 43.58(4) provides in part as follows: [T]he library board shall supervise the administration of the public library and shall appoint a librarian, who shall appoint such other assistants and employees as the library board deems necessary, and prescribe their duties and compensation.

It is apparent from this that the library board has control over the hiring, firing, and fixing of wages of library employees. Thus, we have concluded in the past that it is the library board, not the municipality, which negotiates with a union representing library employees.28

The Wisconsin Employment Relations Commission has concluded similarly.

On the other hand, municipal governing bodies retain some control over the number of library employees and compensation paid to such employees by virtue of the fact that they control the purse strings. Chances are good that a municipality’s annual appropriation constitutes a substantial portion of the library fund, and probably is the main source for the payment of library salaries.

In years past, a municipality’s ability to control the number of library employees and their salary by a reduction in funding was limited by a requirement in § 43.15(4)(c)5 to fund libraries at a level not lower than the average of the previous three years in order to retain membership in a public library system and remain eligible for state funding. See § 43.24(3). The “maintenance of effort” requirement was repealed by 2011 Wis. Act 32, § 1173.

While it is clear that the library board has control over the hiring, firing, and compensation paid to library employees, we have concluded in the past that library employees are municipal employees and therefore subject to the same terms or conditions of employment that apply to other municipal employees.29

Support for this conclusion exists in a 1939 attorney general opinion which concludes that library employees are “municipal personnel” for purposes of the municipal civil service system statute (then 66.019 but since renumbered to

19. See Libraries 44.
22. Wis. Stat. § 43.12(2) and (3).
23. Wis. Stat. § 43.63(2)(c)2.
25. Wis. Stat. § 43.58(1).
26. Wis. Stat. § 43.52(3).
27. Wis. Stat. § 43.58(7)(e). For a discussion of the interplay between §§ 43.58(1), 43.54(3), and 43.58(7)(e) in the context of constructing an addition to a library, see Libraries 23.
28. See Libraries 43.
29. See Libraries 40.
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Most recently, we concluded that although a library board has the power to set compensation and duties for a library director, that authority does not include power to grant the library director a tenure right in her position with a five-year contract term or limit the library board’s power to remove the library director at pleasure through a lump sum payment requirement if discharge is not for cause. In informal correspondence, an assistant attorney general reached the opposite conclusion.

IV. Governing Body Control Over Public Libraries

Although the governing body controls the amount the municipality appropriates to the library, and the terms and conditions of employment for library employees, municipal library boards have nearly autonomous powers with respect to the operation and administration of municipal libraries.

Although prior League opinions conclude that a municipal governing body may take greater control of public library administration by adopting a charter ordinance, pursuant to its constitutional home rule powers, altering ch. 43 and limiting the powers of the library board, municipalities should be aware of the risk inherent in proceeding down such a path. First, there is no case law addressing the issue and the attorney general has concluded that the operation of municipal libraries is a matter of statewide concern and thus municipalities may not exercise their constitutional home rule powers to obtain greater control over municipal libraries by altering ch. 43.39

Second, an exercise of home rule powers to assert more control over municipal libraries might jeopardize a library’s ability to participate in a public library system. Wisconsin has 381 public libraries. All of Wisconsin’s public libraries have voluntarily chosen to participate in one of the state’s 16 regional public library systems. These systems maintain certain standards and provide efficiencies through sharing and consolidation of services. Each public library system receives state aid for the operation and maintenance of the system pursuant to a formula set forth in § 43.24. In order to qualify for and maintain its eligibility for state aid, a public library system must meet certain requirements set forth under Wis. Stat. § 43.15.

According to John DeBacher, Director of Public Library Development, Department of Public Instruction (DPI), the Division for Libraries and Technology within DPI has, since 1989, been actively monitoring whether public libraries comply with public library system membership requirements under § 43.15(4)(c). Under that section, a municipal public library may participate in a public library system only if, among other things, it is established under ch. 43.40 Public library systems may expel or reduce aids or services to a municipality which fails to meet this and other requirements listed in § 43.15(4)(c).41 Also, since September 1, 1991, the Division for Libraries and Technology...

31. See Libraries 30 and 40.
33. See Libraries 30.
34. See Libraries 40.
35. DPI opinion dated 12/6/1991 from DPI Assistant Superintendent, Division of Library Services to Menomonie City Attorney Kenneth Schofield.
36. Libraries 56.
38. See Libraries 45.
41. § 43.18(2m).
has been authorized to reduce aid to a public library system if the system or any participant of the system fails to meet the requirements of § 43.15(4).
§ 43.24(3).
DPI's position is that if a municipality enacts a charter ordinance taking greater control of its municipal library, the municipal library is no longer “established” under ch. 43 and it is therefore ineligible to participate in a public library system.

According to Mr. DeBacher, since all municipal libraries participate in a public library system, they are all at risk of having state aid reduced or being expelled from a public library system if they adopt a charter ordinance taking greater control of the local public library.42

Accordingly, municipalities should investigate and seriously consider the ramifications of adopting a charter ordinance asserting greater control over the municipal library before proceeding to enact such legislation.

Libraries # 47R-2

About the author:
Claire Silverman is Legal Counsel for the League. Claire's responsibilities include supervising the legal services provided by the League, answering questions of a general nature for officials and employees of member municipalities, writing legal articles for the League's magazine and amicus briefs in appellate cases involving issues of statewide concern to municipalities, organizing an annual institute for municipal attorneys, and educating local officials on a variety of topics pertaining to their duties. In addition, she coordinates legal material for the League’s web page. She joined the League staff in 1992. Contact Claire at cms@lwm-info.org

42. Libraries 46.

Important Changes for Board of Review and Assessors

2017 Wis. Act 68 made changes that will affect Board of Review and property assessment practices. The Wisconsin Department of Revenue (DOR) summarized these changes in a December 11, 2017 memo sent to, among others, assessors and municipal clerks and treasurers. The memo is available at the following link: https://www.revenue.wi.gov/Pages/SLF/assessor-messages-Dec-11-2017.aspx.

Please be sure to review it to ensure your municipality acts in accordance with the changes made. All the changes are important, but we want to emphasize the following change:

2017 Wis. Act 68 changed the time for the Board of Review’s initial meeting. Instead of meeting annually during the 30-day period starting the 2nd Monday of May, the Board of Review is now required to meet annually during the 45-day period starting the 4th Monday of April. Additionally, the meeting cannot be sooner than seven days after the last day which the assessment roll is open for examination. Thus, it is clear that Open Book and the first meeting of the Board of Review cannot take place on the same date.

In 2018, this means that instead of meeting between May 14 and June 12, the Board of Review will need to meet sometime between April 23 and June 6 at least seven days after the Open Book session.
Legislature Curtails Municipal Conditional Use Permit Authority

Daniel M. Olson, Assistant Legal Counsel, League of Wisconsin Municipalities

The Wisconsin legislature enacted major changes to local zoning authority laws in 2017 that were urged and promoted by developers but described by its legislative supporters as a “homeowners” bill of rights. Nonetheless, the laws passed and the governor signed them. Significantly, the most important change to municipal land use powers included in the legislation, 2017 Wisconsin Act 67, impacts the conditional use permit (“CUP”) authority of all local governments, including cities and villages.

Conditional Use Background

Zoning is a regulatory system designed to proactively improve the quality of land use patterns in communities and supplant the inefficient, expensive, and reactive nuisance litigation morass of the 19th century. These goals are typically accomplished by grouping compatible land use activities into zoning districts, which diminishes the negative impacts from incompatible uses.

Within the districts, certain land uses are deemed unlikely to adversely affect other uses in the district and are permitted without review. Other land use activities are only allowed as conditional uses in zoning districts even though they may be beneficial because they carry a high risk of negative external impacts on adjoining properties, neighborhoods or the whole community. These less compatible and less desirable land uses are commonly allowed only after individualized review by a zoning authority and subject to conditions designed to decrease the potential adverse impacts.

The traditional CUP system of the last 75-plus years provided cities and villages with critical flexibility to accommodate risky land uses but protect the property values and investments of adjoining property owners, neighborhoods, and the whole community. The legislative changes to city and village CUP authority attacks that balance of interests by making the CUP decision process rigid and less able to protect other property owners and communities from the negative impacts of land uses traditionally categorized as conditional uses. A CUP system is now a much less desirable land use planning and regulation tool that cities and villages might reasonably abandon altogether.

CUP Authority Changes

The Municipality published an article exploring the scope of CUP authority in 2008. See Zoning 495. Much of that article is still relevant and important to a full understanding of CUP authority in Wisconsin. However, the 2017 CUP law changes, a reaction to the Wisconsin Supreme Court’s 2017 decision in AllEnergy v. Trempealeau County, 2017 WI 52, 375 Wis. 2d 329, 895 N.W.2d 368, substantially altered CUP authority in several critical areas.

First, the law amends the zoning enabling statute to specify that any CUP “condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.” Wis. Stat. §62.23(7)(de)2.a. It also mandates that CUP requirements and conditions “must be reasonable and, to the extent practicable, measurable …. ” Wis. Stat. §62.23(7)(de)2.b. These new obligations are problematic.

Prior to the change, general non-specific CUP requirements in zoning ordinances were reasonable and, thus legally permissible. Now, they must be based on substantial evidence and, where practicable, they must be measurable to be reasonable.

One challenge will be creating reasonable CUP requirements that are meaningful. Drafting an ordinance with reasonable requirements to govern the likely as well as all possible contingencies relating to a conditional use will be a very difficult task. A meaningful requirement that is legally reasonable in one circumstance may likely be unreasonable in another. That is due to the nature of conditional uses; their impacts vary based on location, which is why they were not classified as permitted uses in the first instance.

And, what should zoning officials make of the “substantial evidence” and “measurable” requirements? Must adoption or amendment of CUP ordinances be accompanied by a record that satisfies the substantial evidence threshold? Assuming we can figure out what “to the extent practicable” also means, how measurable does a CUP requirement have to be to comply with the new law? There are no answers to these questions in the statute and, the courts, through costly litigation, will likely be the only authority that might satisfy a disgruntled developer.

Second, what qualifies as substantial evidence – the information an administrative body is allowed to rely on in reaching its decision – is now defined by statute instead of case law. “Substantial evidence means facts and information,
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other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” Wis. Stat. §62.23(7)(de)1.b.

While similar to what the substantial evidence test was, see AllEnergy, 2017 WI 52 at ¶ 76, it is clear that the change was enacted to try and limit the type of information a zoning authority can rely on in deciding whether to grant a CUP. It must not only be facts and information instead of personal preferences or speculation, but those facts and information must “directly pertain” to the requirements and conditions in the zoning ordinance or established by the zoning board.

It will be impossible to confine public hearing testimony from citizens to only facts and information that directly pertains to CUP requirements and conditions. Most people do not have the kind of legal training or experience to provide wholly objective testimony at an informal zoning hearing. When this happens, are members of the zoning board legally permitted to redirect the testimony of the citizen without being challenged by the applicant as impermissibly biased? That is just one impact of the substantial evidence requirement.

The language prohibiting reliance on speculation for substantial evidence is another problem area. CUPs are inherently uses with higher risks of negative impacts on other uses. But, the negative impact varies from location to location. Therefore, is evidence about decreased property values or other negative impacts associated with a similar use at a different location speculation or non-speculation about probable impacts at the proposed location?

Third, the city and village zoning enabling statute was amended to specify that “if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit.” Wis. Stat. §62.23(7)(de)2.(a). (emphasis added). This language embraces a minority zoning legal theory the Wisconsin Supreme Court rejected in AllEnergy that “where a [CUP] applicant has shown that all conditions and standards, both by ordinance and as devised by the zoning committee, have been or will be met, the applicant is entitled to the issuance of a permit.” AllEnergy, 2017 WI 52 at ¶119.

Adding this legal principle to Wisconsin zoning law shifts the legal burden from

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a CUP applicant to the municipal governmental body responsible for making the CUP decision. The municipality must establish a permit requirement or condition by ordinance or develop conditions that are based on substantial evidence provided at the hearing. The burden shifting limits the effectiveness of the entire CUP review process and moves CUPs much closer to permitted use status than might be desirable in most circumstances.

As already noted, the pre-hearing ordinance requirements are likely to be watered down and less meaningful in order to survive a reasonableness challenge since they will apply to all proposed CUPs that have highly variable impacts based on location. This will make CUP applications much harder to deny.

Public officials do not welcome zoning litigation. It is inefficient and costly. So, even assuming that they will have a solid understanding of substantial evidence, zoning board members will be very cautious with their authority to impose CUP conditions based on substantial evidence introduced at the zoning hearing. Again, the burden shifting will make CUP applications much more difficult to deny.

Could a CUP applicant preempt the entire CUP process by simply promising full compliance when he files the CUP application? Probably not because a public hearing is mandated and the zoning board is vested with some authority to impose conditions that are based on substantial evidence after the public hearing and before granting a permit. However, as long as the CUP applicant agrees to abide by all the requirements and conditions, zoning board discretion is nullified and it must grant the CUP.

Responding to the Changes
The legislative changes did not reduce the adverse impact risks associated with conditional uses for adjoining properties, neighborhoods, or communities. The risks are still present and, absent a municipal response, are now even greater given the reduced ability to address those negative externalities. So, cities and villages should consider their options given the new legislative restrictions on their CUP authority.
Cities and villages can start with the knowledge that they are not legally required to have conditional uses in their zoning codes. Moreover, in most cases, the legislative decision by a city council or village board to include or not include a particular land use in a zoning district is essentially immune from legal challenge. The legislature may have severely curtailed city and village authority to deny a CUP request but it did not have any impact on city council or village board legislative discretion to classify land uses as conditional or permitted or determine how many, if any, conditional uses a city or village should have in a particular zoning district.

So, one legally permissible response to the new laws might be elimination of all existing conditional uses in zoning districts or limiting them to a very select group of low-risk uses.

With the new laws, the legislature eliminated much of the prior legal authority cities and villages used to accommodate conditional uses while protecting property interests of adjoining landowners, the stability of neighborhoods, and the well-being of the whole community. Unless a city or village is willing to accept a conditional use in a zoning district – with much less ability to guide when and where it exists – then eliminating them altogether or greatly reducing their availability is a reasonable and legally permissible response.

In addition, cities and villages will need to closely examine their existing conditional use permit requirements set by ordinance. As noted above, they must be reasonable, related to the purpose of the ordinance and, to the extent practicable, measurable. Thus, general requirements for CUPs commonly found in existing zoning ordinances are now suspect and subject to legal challenge. Instead, revised requirements should be information-based. In addition, a city or village will need to show that revised requirements are measurable, unless impracticable. And, if impracticable, they will need to be able demonstrate why.

Conclusion

Conditional use zoning permits have been commonly used by cities and villages to allow riskier land use activities in zoning districts subject to review and conditions. 2017 Wisconsin Act 67 substantially altered the CUP review and condition authority cities and villages have used for the last 75 years. The status quo for conditional uses in Wisconsin has changed dramatically. Cities and villages must now decide how they will respond to these changes. Revisions to CUP requirements in zoning ordinances will be necessary. A thorough review of conditional use designation and inclusion in zoning districts is also warranted.

Zoning 523

About the author:

Daniel Olson is the Assistant Legal Counsel for the League. He provides legal assistance to municipal attorneys and officials through telephone inquiries, written opinions and briefs, workshop presentations, and published articles. He also assists in writing League handbooks and planning the Municipal Attorney’s Institute. Daniel joined the League staff in 2001. Contact Daniel at danolson@lwm-info.org
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The League Makes a Video

Lori Matthews, Executive Assistant, League of Wisconsin Municipalities

You Tube is 13 years old this month. Thirteen years ago, no one was watching cute guinea pig videos or playing film of “Ask the Plumber” while trying to unclog a bathroom sink.

In 2005, many municipalities in Wisconsin didn’t even have websites, and no municipality had videos uploaded for citizen or staff use. Currently, many Wisconsin municipalities still operate with minimal website components, and video continues to be an unusual option for a large number of cities and villages. As we all strive to best represent our home communities, and as more people become accustomed to receiving information and instructions from video sources, the League has decided to produce three short videos in collaboration with WisconsinEye, making them available for use by our members.

The topic of the first video is municipal services – the essential and quality-of-life elements funded by taxes that cities and villages supply to citizens.

We chose this topic for two reasons: first, all municipalities fund services, making the content of this video potentially useful to all our members. Secondly, when the subject of taxes arises, an explanation of what those tax dollars buy is necessary. Municipalities are What People Make Them is a 12-minute video, available to all League members, covering the municipal services offered by villages and cities. The video will be available February 1.

Municipalities are What People Make Them is framed with the concept of a little boy building a toy town. His play is interwoven with interviews from real municipal employees, each discussing his/her department’s role in making the municipality a good, safe place to live.

The video was filmed and edited by Tariq Almagri with assistance from John Schroeder, Sam Marz, and Claudia Looze – all of WisconsinEye. Calvin Deschane plays the little boy who is sometimes talking to his grandpa (voiced by his real-life grandpa, Jerry Deschane). League Assistant Legal Counsel Daniel Olson narrates.

The League is grateful to the following municipal representatives who agreed to be interviewed for the project:

- Public Works Director Davis Clark, Columbus
- Utility Director Kevin Westhuis, River Falls
- Fire Chief Charlie Myers, Brookfield
- Fire Chief Chris Dennis, McFarland
- Chief of Police Ben Bliven, Wausau
- Economic Development Administrator Mike Schatz, Eau Claire
- Director of Parks & Rec Dick Hebert, Chippewa Falls
- Parks & Rec Director Wendy Meyer, Elkhorn
- Library Director Svetla Hetzler, Sun Prairie

Additionally, the League would like to thank the clerks, administrators, and public relations staff who submitted still photos for the project. Subsequent videos will include people from a variety of municipalities throughout the state. More information will be released soon about the topic and production dates for the second video.

About the author:

Lori Matthews is currently the League’s Executive Assistant, and her pre-League background includes writing, acting, and a variety of supporting crew jobs in theater and film. Lori drafted the framework script for the League’s first video, and she served as the liaison between WisconsinEye and the municipal staff members featured in the film. Lori’s daughter, Sarah, built the toy set cardboard structures for the video, and her husband, Greg, supplied some of the still photography.

Contact Lori at lmatthews@lwm-info.org
The League’s New Podcast: 
#LocalGovMatters

Gail Sumi, Member Engagement and Communications Director, 
League of Wisconsin Municipalities

We’re collaborating with the Wheeler Report and the Wisconsin Counties Association (WCA) to bring you a new local government podcast: “#LocalGovMatters.” The podcast is another tool we’re adding to help us raise awareness of city, village, and county issues with the legislature, the media, and the general public. Each episode will be a half-hour, recorded and released every two weeks, and will focus on the issue of the day.

As we go to print, we have three episodes already “in the can.” The first is a general introduction of the podcast with a lot of banter between Jerry Deschane, the League’s Executive Director, Mark O’Connell, the WCA Executive Director, and our host, Gwyn Guenther, President of Wheeler Reports, Inc. Between the three of them, they have a collective 83 years of experience in government. The second #LocalGovMatters podcast is a discussion of the Dark Store and Walgreens reversal legislation, and in the third, they take on property taxes and general government funding.

While Jerry and Mark will likely be regular guests, Gwyn plans to have conversations with officials from every level of government and take on a variety of local government issues.

Look for new episodes to come out every two weeks. We’ll post a link to the episodes on our website and announce them on Twitter and Facebook using the hashtag #LocalGovMatters. Subscribe to #LocalGovMatters on your favorite platform and spread the word. Listen in here: http://bit.ly/LocalGovMatters

About the author:
Gail Sumi is the League’s Member Engagement and Communications Director. Her favorite new podcast is #LocalGovMatters of course, but she also likes GovLove, by the Engaging Local Government Leaders and Freakonomics. She has worked in government since 1986 and joined the League in 2011. Contact Gail at gsumi@lwm-info.org
nominated by a nonpartisan primary. Secs. 8.05(4)(a) and 8.11(1)(a), Stats. When the nonpartisan primary is provided, nomination papers are used. A village adopting the nonpartisan primary to nominate candidates may hold a primary only when the number of candidates for an elective village office exceeds twice the number to be elected to the office. Sec. 8.05(5), Stats. If the nomination paper-primary system is used, no additional candidates may be nominated by caucus. Sec. 8.05(4)(d), Stats.

A village board may permanently adopt the nomination paper-primary system of nominating candidates for village offices by enacting a charter ordinance which provides that whenever three or more candidates file nomination papers for a village office, a primary to nominate candidates for the office shall be held. Secs. 8.05(4)(a) and 8.11(1)(b), Stats. Bear in mind that any charter ordinance changing the method of nomination of candidates to village offices should be enacted well in advance of the anticipated implementation of the procedure in order to ensure that it may be used at the next succeeding election. Charter ordinances do not take effect for 60 days after adoption by the governing body during which time citizens may petition for a referendum on the charter ordinance. See Wis. Stat. sec. 66.0101.

Cities. A majority of all the members of a common council may, by ordinance, resolution or bylaw adopted no later than 3 days after the deadline for filing nomination papers, determine to hold a primary for the nomination of candidates for any city office. Sec. 8.11(1)(a), Stats.

In addition, electors may petition a city to hold a primary. Whenever electors, equal to at least 10% of the vote for governor in the city at the last general election, file a petition with the city clerk requesting a primary within 3 days after the deadline for filing nomination papers, there shall be a primary for any specific election. Sec. 8.11(1)(c).

A primary may be held under either paragraph 8.11(1)(a) or (c) only if the number of candidates for any city office exceeds twice the number to be elected to the office. Sec. 8.11(1)(d).

A common council may avoid the need to annually determine to hold a primary by enacting a charter ordinance providing for a primary whenever 3 or more candidates file nomination papers for a city office. Sec. 8.11(1)(b), Stats.

Elections FAQ 11
What procedures, if any, must write-in candidates follow?

There are virtually no procedures or rules which specifically relate to write-in candidates for local office. Although the lack of specific procedures and requirements relating to write-in candidates may seem puzzling at first glance, it makes sense when you consider that write-in candidates are considered candidates under state law and thus are subject to whatever requirements pertain to candidates in general.

Section 11.01(1) of the Wisconsin statutes defines “candidate” to mean “every person for whom it is contemplated or desired that votes be cast at any election held within this state whether or not the person is elected or nominated, and who either tacitly or expressly consents to be so considered.” Thus, write-in candidates, like other candidates, are required to comply with sections 11.05(2g) and (12) of the Wisconsin statutes which require that every candidate file a campaign registration statement (Form EB-1) no later than the time that he or she becomes a candidate as defined in sec. 11.01(2) of the Wisconsin statutes.
Legal Captions

Libraries # 47R-2

Updates Libraries 47R1. Reviews the powers and duties of municipal library boards in relation to the municipal governing body. 12/31/17.

Zoning 523

Article reviews changes to city and village conditional use permit authority established by 2017 Wisconsin Act 67 and codified in Wis. Stat. 62.23(7)(de).

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## 2018 League Workshops, Institutes, and Conferences

<table>
<thead>
<tr>
<th>EVENT</th>
<th>DATES</th>
<th>LOCATION</th>
<th>LODGING</th>
<th>REGISTRATION FEE</th>
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<tbody>
<tr>
<td>Building Inspectors Institute</td>
<td>April 18-20</td>
<td>Sheboygan</td>
<td>Blue Harbor Resort 866-701-2583 ID: 7AR1F3 $82 Single/$109 Double</td>
<td>$190 Member $215 Non-Member</td>
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<tr>
<td>Local Government 101</td>
<td>May 4</td>
<td>TBD</td>
<td>TBD</td>
<td>$85 Member</td>
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<tr>
<td>Local Government 101</td>
<td>May 11</td>
<td>Eau Claire</td>
<td>The Lismore Hotel</td>
<td>$85 Member</td>
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<tr>
<td>Local Government 101</td>
<td>June 1</td>
<td>Madison</td>
<td>Holiday Inn at American Parkway</td>
<td>$85 Member</td>
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<tr>
<td>Local Government 101</td>
<td>June 8</td>
<td>Appleton</td>
<td>TBD</td>
<td>$85 Member</td>
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<td>Clerks, Treasurers &amp; Finance Officers</td>
<td>June 13-15</td>
<td>Wisconsin Dells</td>
<td>Chula Vista 855-898-4895 Booking ID E67298 $82 Single/$109 Double</td>
<td>$120 Member $145 Non-Member</td>
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<td>Municipal Attorneys Institute</td>
<td>June 20-22</td>
<td>Wisconsin Dells</td>
<td>Chula Vista 855-421-1542 Booking ID E05896 $149 Single/$149 Double</td>
<td>$295 Member $320 Non-Member</td>
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<td>Chief Executives Workshop</td>
<td>August 16-17</td>
<td>Wisconsin Dells</td>
<td>Chula Vista 866-991-7986 Booking ID F74422 $82 Single/$149 Double</td>
<td>$185 Member $215 Non-Member</td>
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<tr>
<td>Municipal Assessors Institute</td>
<td>September 11-14</td>
<td>Green Bay</td>
<td>Tundra Lodge 877-886-3725 ID: League of WI Municipalities $82 Single/$Double</td>
<td>$185 Member $215 Non-Member</td>
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<tr>
<td>Plumbing Inspectors Institute</td>
<td>September 19-21</td>
<td>Stevens Point</td>
<td>Holiday Inn &amp; Convention Center (715) 344-0200 ID: WI Plumbing Inspectors Institute $82 Single/$109 Double</td>
<td>$150 Member $175 Non-Member</td>
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<td>Local Government 101</td>
<td>September 28</td>
<td>Stevens Point</td>
<td>Holiday Inn &amp; Convention Center</td>
<td>$85 Member</td>
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<tr>
<td>120th Annual Conference and Engineering &amp; Public Works Institute</td>
<td>October 24-26</td>
<td>Wisconsin Dells</td>
<td>Kalahari Resort 877-253-5466 ID: League of WI Municipalities 2018 $115 Single/$Double*</td>
<td>$250 Member $265 Non-Member</td>
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<td>Police &amp; Fire Commission Workshop</td>
<td>November (TBD)</td>
<td>Wisconsin Dells</td>
<td>TBD</td>
<td>$125 Member $150 Non-Member</td>
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Register online @ [www.lwm-info.org](http://www.lwm-info.org)

This form is intended for planning purposes. Information presented is accurate as of 12/07/2017.

*Room block available June 1, 2018.
Changes

Almond. Jaclyn Lemke, Village Clerk, stepped down in August 2017. She had served the village since April 2000.

Kiel. Dennis Dedering, City Administrator, is retiring at the end of February after serving the city for 18 years. He was also active as a member of the League’s Lobby Team, meeting with Kiel’s state legislators on issues important to the city.

Bayside. Scott McConnell, Village Police Chief, retired in early January after nearly 32 years of service. The village thanks Chief McConnell for his commitment to the village and wishes him the best in a well-deserved retirement!

RETIEMENTS

CONGRATULATIONS

Eau Claire. The International Municipal Lawyers Association (IMLA) named Eau Claire Assistant City Attorney Douglas Hoffer the 2017 Brad D. Bailey Assistant City/County Attorney of the Year. This award recognizes excellence in the practice of law, outstanding service to the public, an exemplary reputation in the legal community, and the highest ethical standards. IMLA also named Attorney Hoffer a 2017 Local Government Fellow, recognizing his competency and proficiency in the field of local government law.

New!

The League’s Local Government 101

This one-day workshop is for experienced as well as new local officials and staff.

• Powers of City Councils and Village Boards
• Recognizing and Avoiding Conflicts of Interest
• Budgeting & Financial Oversight
• Procedures for Local Government Meetings
• Managing Public Works Activities

More details on page 31. Save the Date and Join Us.

May 4, TBD • May 11, Eau Claire • June 1, Madison • June 8, Appleton • September 28, Stevens Point

Please send changes, corrections, or additions to Robin Powers at rpowers@lwm-info.org, fax (608) 267-0645 or mail to the League at 131 West Wilson Street, Suite 505, Madison, WI 53703
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