

The Municipality

Your Voice Your Wisconsin.

December | 2019
PARTNERSHIPS



Beloit Neighborhood
Revitalization
Strategy Area

4

Marshfield Forms
Partnerships Through
"Marshfield Media
Access"

7

Sheboygan Launches
the FreshTech
Innovation District

8

Partnerships:
Not Just Who,
But How

10

Communities Band
Together to Create
Regional Municipal
Associations

11

2020 Census - What's
Important to Wisconsin
Cities & Villages?

14

Intergovernmental
Cooperation
in Wisconsin

17

CYBER LIABILITY? DON'T WORRY, YOU'RE COVERED.



Insured by LWMMI? You are automatically covered to Policy Limits with no deductible - including the investigation on how the breach occurred, notification to people affected and defense of potential claims.

If your municipality is not insured by the LWMMI you may be “phishing” for trouble and left to “phlounder” on your own.

With LWMMI Insurance you have the peace of mind to run your City or Village the way you want to *and* **Don't Worry, You're Covered!**



Protecting The Communities We Live In.

608.833.9595 | www.LWMMI.org

A Mutual Company Owned by Member Cities and Villages.

Editorial Offices
131 W. Wilson St., Suite 505, Madison, WI 53703
Dial (608) 267-2380
In-State (800) 991-5502
Fax: (608) 267-0645
e-mail: league@lwm-info.org
Website: www.lwm-info.org

The Municipality serves as the medium of exchange of ideas and information on municipal affairs for the officials of Wisconsin cities and villages. Nothing included herein is to be construed as having the endorsement of the League unless so specifically stated. The Municipality (ISSN 0027-3597) is published monthly at \$25 per year (\$5.00 per copy, back issues \$5.00 each) by the League of Wisconsin Municipalities, 131 W. Wilson St. Suite 505, Madison, WI 53703. Periodical postage paid at Madison & additional offices, WI. POSTMASTER: Send address change to: The Municipality, 131 W. Wilson St. Suite 505, Madison, WI 53703

BOARD

Tammy Bockhorst, Village Trustee, Shorewood
Erik Brooks, Mayor, South Milwaukee
Kathy Ehley, Mayor, Wauwatosa
Mark Freitag, Manager, Janesville
Jim Healy, Administrator, Richfield
Cavalier "Chevy" Johnson, Alderman, Milwaukee
Justin Nickels, Mayor, Manitowoc
Maureen Murphy, Administrator, Mount Pleasant
Todd Schmidt, Administrator, Waunakee
Zach Vruwink, Mayor, Wisconsin Rapids
Tomika Vukovic, Alder, Glendale
Anissa Welch, Mayor, Milton

STAFF

Executive Director: Jerry Deschane
Deputy Director: Curt Witynski
Legal Counsel: Claire Silverman
Assistant Legal Counsel: Maria Davis
Member Engagement/Communications Director: Gail Sumi
Event Manager: Carrie Jensen
Director of Marketing & Administration: Robin Powers
Project Manager: Elizabeth Kazda
Administrative Assistant: Jill Bailey

December | 2019

Feature

| | | | |
|-------------------------------------|---|---|--|
| Partnerships Are Who We Are | Beloit Neighborhood Revitalization Strategy Area | Marshfield Forms Partnerships Through "Marshfield Media Access" | Sheboygan Launches the FreshTech Innovation District |
| 3 | 4 | 7 | 8 |
| Partnerships: Not Just Who, But How | Communities Band Together to Create Regional Municipal Associations | 2020 Census - What's Important to Wisconsin Cities & Villages? | |
| 10 | 11 | 14 | |

Legal

| | | | |
|--|---|--|----------------------------|
| Intergovernmental Cooperation in Wisconsin | DOL Raises Earnings Threshold for FLSA Exemptions | Court of Appeals Upholds Denial of Cell Tower Permit | HR Matters - Lawful Hiring |
| 17 | 22 | 23 | 24 |

News/Updates/Training

| | |
|--|-------------|
| 2020 League Workshops, Institutes, and Conferences | Transitions |
| 31 | 32 |

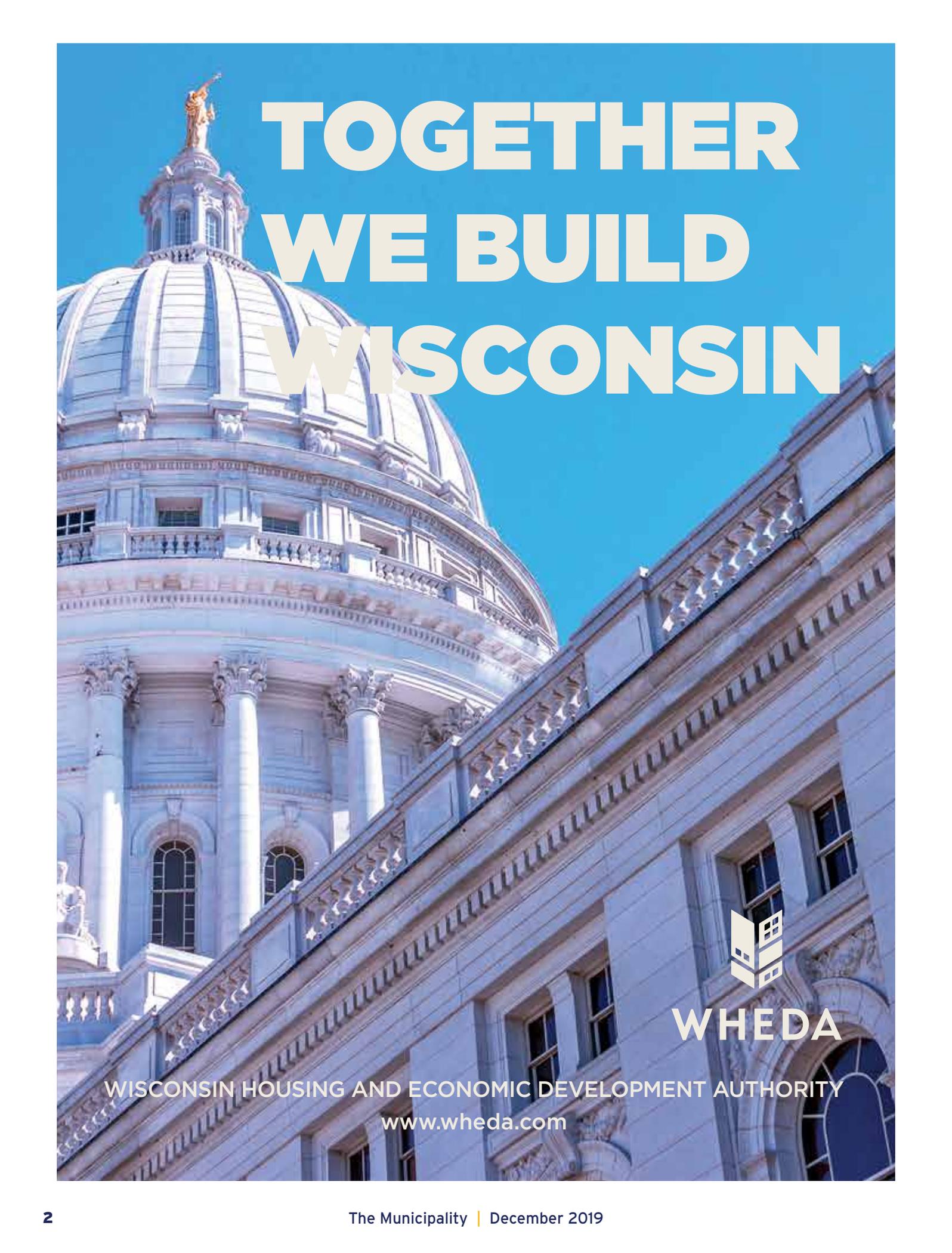
On the Cover

De Pere Fire Rescue, along with other regional responders, continue to hone their skills in response to a potential integrated threat in the community. The training session was held at St. Norbert College and was done in partnership with the Brown County Sheriff's Department in-service training for all deputies, as well as the De Pere Police Department. Multiple other training sessions were also planned, giving all regional responders a chance to train together.



Sourced from the city_of_depere Instagram page.



A low-angle photograph of the Wisconsin State Capitol building, showing the large dome and classical architectural details like columns and a balcony. The sky is a clear, bright blue.

TOGETHER WE BUILD WISCONSIN



WHEDA

WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY

www.wheda.com

Partnerships Are Who We Are

Jerry Deschane, Executive Director, League of Wisconsin Municipalities



The focus of *The Municipality* this month is on partnerships. We look at it from every angle we can think of, from economic development to intergovernmental cooperation. We give examples of cities partnering with cities and villages partnering with counties. Our cover photo shows a joint training exercise involving the De Pere Fire and Police Departments and the Brown County Sheriff's Department. Partnerships come in an unlimited variety of shapes and sizes. This month, we've highlighted just a few and talk about how we can do more of them.

Without drinking too deeply from the Mug of Metaphors, you could say that democracy itself is nothing more and nothing less than a partnership. Think about it. What is representative government? Isn't it simply a group of us who get together and agree to do something in partnership with one another because that makes more sense than each of us doing our own thing? Roads, sewers, schools, parks, public safety, community development, downtown rehabilitation; they all make more sense if done collectively. In most cases, they wouldn't work at all without that public partnership.

Wisconsin continues to evolve, and the most recent edition of that evolution suggests that it's time to broaden our partnership thinking once more. Fiscal policies from the 19th century (the property tax) tie the hands of 21st century communities as they struggle to accommodate the needs of their citizens and job creators. Municipal boundaries don't seem to matter at all as communities compete internationally for both jobs and the people to fill those jobs. In rural Wisconsin, ideas from the days of rural electrification will need to be dusted off and updated to see what they can teach us about getting broadband access to everyone. And then there's the life-threatening challenge of sustaining the volunteer-model for rural fire and EMS systems.

The strength of democracy is the strength of the people it comprises. We are always evolving; therefore our government will always be evolving. And that evolution is spelled p-a-r-t-n-e-r-s-h-i-p.

The League appreciates the support of the following Business Members:



- AARP Wisconsin
- American Fidelity
- American Transmission Co.
- Boardman & Clark LLP
- Ehlers Associates
- incrediblebank
- MSA Professional Services Inc.
- Municipal Property Insurance Company
- Stafford Rosenbaum LLP
- WEA Trust
- Weld, Riley, S.C
- Wisconsin Housing & Economic Development Authority (WHEDA)

For more information, contact Robin Powers: rpowers@lwm-info.org | (608) 267-2383



Beloit Neighborhood Revitalization Strategy Area

Teri Downing, Deputy Community Development Director and Sarah Millard, Director of Strategic Communications, City of Beloit



Addressing Resident Needs In Distressed Neighborhoods

The Beloit community was in the process of healing after years of violent crime, unemployment, and inadequate housing plagued the city. Following a particularly violent year in 2014, including eight homicides, new leadership was enacted in 2015 to move the city forward and to begin tackling significant challenges while rebuilding community trust from the ground up.

The new city manager, Lori Curtis Luther, and the new police chief, David B. Zibolski, began holding neighborhood meetings to gather information from residents so the city and the police department could build stronger relationships in the community. Meanwhile, Teri Downing, Director of Community and Housing Services, had a dream of implementing a Neighborhood Revitalization Strategy Area (NRSA) to more adequately invest federal funding into improving targeted neighborhoods. Working alongside Teri was Marc Perry, Planning and Development Director of Community Action, who shared the same passion and vision for the neighborhoods and who was already trusted by neighborhood residents. As the new leadership and city

staff engaged with the community, it became clear there was more that could be done to help residents in some of the more economically challenged neighborhoods.

As that trust was beginning to grow stronger, the city enacted a Neighborhood Revitalization Strategy Area in two of its neighborhoods to address significant needs and challenges and enact positive change for those residents. As a local government, the city couldn't necessarily address all challenges, but with the implementation of a Neighborhood Revitalization Strategy Area, the city was able to make significant progress in building a stronger community.

In 2017, the city of Beloit began a comprehensive review of its neighborhoods so it could use Community Development Block Grant funding more flexibly. With nearly 25 percent of its residents living in poverty, the city analyzed its census tracts to determine what neighborhoods needed extra attention. The review identified two neighborhoods, Hackett and Merrill, as having a wide gap in economic prosperity in comparison to the entire city. Numerous factors related to deteriorating housing stock, high crime, and lack of availability to job training and economic resources has negatively affected economic prospects of residents in both neighborhoods.

Many departments in the city of Beloit embraced this project to identify Beloit resident needs. The City of Beloit Police Department and the Community Development Department began mapping incidents of crimes against people, crimes against property, vacant and abandoned housing, code violations, income levels, residential property values, and other demographic information in order to identify possible patterns and concentrations. While many negative patterns existed across the city, some clustering was identified in the Hackett and Merrill neighborhoods.

Neighborhood meetings were held in 2017 to determine the exact needs of the neighborhoods. An analysis of these needs identified a three-prong approach to addressing challenges in these neighborhoods: resident empowerment, neighborhood revitalization, and public safety.

While a significant amount of research and staff work went into developing the plan in 2017, the real work began in late 2017 and beyond once the plan was approved by the City of Beloit City Council. It was time to make a difference.



When an eight-unit apartment fire displaced over 30 residents in July 2018, the resource navigator was ready to step in and assist many of the residents who needed immediate help with shelter, food, clothing, and even diapers.

Measurable Success In Addressing the Issue or Problem

The first prong of the NRSA plan is resident empowerment. With the implementation of the NRSA plan, the city was able to direct more resources to public service agencies designed to assist low-moderate income individuals to economically empower the overall community.

One of the challenges identified was connecting residents to resources they desperately needed, whether it was housing assistance, mental health care, or employment readiness skills. By directing funding to service agencies, such as Community Action and Family Services, two new positions were created to help residents in these neighborhoods – a resources navigator and a systems navigator.

In 2018, these navigators assisted 447 residents, with over 50 percent of the residents assisted being our most financially vulnerable.

Another area that was highlighted was the need for additional youth programming. Through partnership with Community Action, youth in these neighborhoods were offered more programming options, including summer camps, summer programming, a tour of Washington, D.C., and a tour of historically black colleges.

Transportation had been highlighted as a significant barrier for connecting youth with programming. Community Action stepped up to help with the transportation needs. Additionally, service and programming providers collaborated with one another to bring their services to the students after school in one location vs. making Beloit's kids have to go from one building to another.

The second prong of the NRSA plan is neighborhood revitalization. The goals were to improve housing stock, reduce vacant properties, and increase long-term residents.

The city uses federal grant funds to help improve the housing stock in these neighborhoods. In the Hackett neighborhood, the city and its nonprofit partners completed four purchase-rehab-resale projects and one new construction to build quality housing block by block with the expectation that this will spur additional improvements in the neighborhood. A new construction home build will be started by the Wisconsin Partnership for Housing Development this year in the Hackett Neighborhood, with completion anticipated in 2020. In the Merrill Neighborhood, the neighbors took advantage of the housing rehab loan program to improve housing stock with one owner-occupied home being improved. One purchase-rehab project is underway in



the Merrill Neighborhood, which is expected to be available for sale early next year. For 2020, the city anticipates funding two new construction home builds in the Merrill Neighborhood, one by Community Action and the other by the city of Beloit. We also anticipate moving forward with an additional housing project in the Hackett Neighborhood in 2020. The city is also addressing vacant and abandoned properties with monitoring and responding to deteriorated properties. In the two neighborhoods, one deteriorated house was demolished, with an additional pending.

The city has also entered into a new partnership with Acts Housing, where the city purchases tax-foreclosure houses and sells them to Acts, that in turn sells them to new homebuyers. This program has recently taken off, with one city-owned tax foreclosure already purchased by a new homebuyer to a mother who was homeless just a few years ago, and two additional homes anticipated to be sold later this month.

The NRSA meetings also identified dark streets as a concern for residents. The City of Beloit, Greater Beloit Area Crime Stoppers, Youth2Youth, and the City of Beloit Police Department's Explorers are working on identifying areas where street lighting can be improved and conducting resident outreach to educate them on lighting and safety improvements they can complete on their own properties. The project was completed in the Hackett neighborhood in 2018 and the city's forestry team immediately went to work to trim trees in order to raise the canopies for enhanced lighting.

The third prong of the NRSA plan is public safety. As the community at large has seen a reduction in violent crimes and an increase in crime clearance, the Hackett and Merrill neighborhoods have also seen that trend. From 2017 to 2018, the Hackett and Merrill neighborhoods saw a decrease of

serious crimes (homicides, aggravated assaults, shots fired, robberies, and burglaries) by 35 percent and 11 percent respectively. In the Merrill neighborhood, shots fired incidents decreased by almost 50 percent in that time period.

In addition to proactive enforcement, the City of Beloit Police Department has focused heavily on community relationship building activities. In 2018, a bicycle patrol was started to allow officers to get out of the squad cars and into the community. An overtime beat grant from the Wisconsin Department of Justice provided opportunities for our officers to spend time specifically creating positive interactions in the community, such as playing pickup basketball or swinging on neighborhood playgrounds, while still arresting violent criminals in these neighborhoods. The department held two pop-up community picnics last summer – one in the Merrill neighborhood and one in the Hackett neighborhood – and participated in Cone with a Cop events in the neighborhood parks.

Relevance to Other Local Governments

Local governments seeking to tackle violent crime and vacant and abandoned properties while looking to empower their residents to achieve a more stable environment can apply this three-prong approach. It's a marathon, not a sprint, so other local governments should also do a significant amount of research and community outreach prior to committing to a program like this. By taking the time to adequately identify challenges and needs and determining what agency or community partner is best suited to address those needs will help with the overall success of the plan. Local government can mean a lot of different things to a lot of different people, but inherently cannot solve all resident issues and concerns. By creating these neighborhoods, we were able to leverage federal funding and nonprofit partners to create a tangible impact. The city of Beloit has significant work to do in its NRSA neighborhoods moving forward, but the first leg of this journey has proven that it's possible to start to move the needle.

About the Authors:

Teri Downing, Deputy Community Development Director, city of Beloit, leads the city's Transit and Community and Housing Services Divisions. She is responsible for the city's Neighborhood Revitalization Strategy Areas. Contact Teri at downingt@beloitwi.gov

Sarah Millard, Director of Strategic Communications, city of Beloit, leads the city's communications and community engagement strategies. She is responsible for ensuring the city is providing a consistent and accurate message to all residents. Contact Sarah at millards@beloitwi.gov



Marshfield Forms Partnerships Through “Marshfield Media Access”

Tom Loucks, Communications Director, City of Marshfield

In 2018, the City of Marshfield Leadership Team, alderpersons, and mayor decided it was time to explore new opportunities to improve city communications. Mayor Bob McManus, in the first year of his two-year term, formed a communications group to look into a new process for the city.

At the time, the city used a local contractor to operate their Cable Access Television stations, which were the city’s primary method of communicating with the public. While the stations were a vital communication tool and popular with residents who are generally low-tech, they didn’t reach the larger audience and were expensive to outsource. So, the city stepped out of its comfort zone and decided to develop its own Communications Department, charged with both the city’s communications efforts and continuing the excellent Cable Access service.

One year later, the city has made substantial progress in developing additional communication tools, both internally and externally, along with forming new community partnerships and has saved money, too. In April 2019, the city’s newly formed Communications Department took over Marshfield Community Television (MCTV) and re-branded. Soon after, a Communications Advisory Committee was formed with local residents to help build community partnerships and provide ideas. Marshfield Media Access was chosen as the new name and incorporated as a division of the Communications Department.

“The name Marshfield Media Access was chosen because it’s about giving the public ‘access’ which in turn will strengthen partnerships out in the community,” said Tom Loucks Communications Director for the City of Marshfield.

“We’re very happy about the new communications process and having our local residents engage with us. It’s an exciting time and we’re a lot further along in getting information out



to the community on a more consistent basis and forming partnerships along the way than we were a year ago at this time,” said Mayor Bob McManus. The mayor even has his own program called “Experience Marshfield,” which highlights the accomplishments of local businesses in Marshfield.

“It’s very important for the city to hear and work with the people living and working in Marshfield, because working together and forming those partnerships are vital, if we want to move forward, so we all have a better place to live, work, and play,” said Loucks.

About the Author:

Tom Loucks is the Director of Communications for the city of Marshfield and its Community Media television stations. His responsibilities include managing the city’s website, social media sites, digital signage, editing and writing news releases, writing and layout of newsletters and blogs, filming meetings, video editing, producing and hosting television programs, along with supervising a full-time communication specialist. Tom also provides training in filming and editing for volunteers and community producers for Marshfield Media Access and is the station’s show host, engineer, producer, and coach. Contact Tom at tom.loucks@ci.marshfield.wi.us



Sheboygan Launches the FreshTech Innovation District

Chad Pelishek, Director of Planning and Development, City of Sheboygan

Sheboygan County is not alone. All areas of the state continue to struggle with attracting and retaining talent to fill positions. Within any given time period, over 3,200 jobs are open in many well-known, family owned, multi-generational companies like Johnsonville, Sargento Foods, Kohler Co., and Satori, to name a few, so recruiting talent to semi-rural counties has become an increasingly difficult task. Sheboygan County has the third highest concentration of manufacturing in the nation.

In 2017, the city of Sheboygan and Sheboygan County launched the FreshTech Innovation District. This district, located in Sheboygan's downtown, is a half-mile master-planned area designed to include collaboration and co-working, stimulating events, research labs, makerspace, and urban housing, originating on 1,600 feet of white sand beach along Lake Michigan. FreshTech's goal is to provide employees and entrepreneurs with a refreshing experience by encouraging collaboration with other thought leaders within a rich, innovative environment.



The development of this district could not be possible without key partnerships. The Wisconsin Internet of Things Council has established itself within FreshTech. The district also has a partnership with the Etude Group, an educational network that applies an experiential approach to empower people to think critically, to complete a makerspace study and business plan. The district also maintains partnerships with 30+ key local companies, committing staff and resources to develop the framework for programming focused around professional development, collaboration, and best practices management

► p.9

Public/Private Partnerships - Milton



In 2019, the city of Milton partnered with the Milton Area Chamber of Commerce (MACC) to contract with the Janesville Area Convention & Visitors Bureau (JACVB) to provide tourism services for

the Milton area. The city of Milton and MACC both contributed \$5,000 toward the endeavor for a total budget of \$10,000.

Previously, the city of Milton budgeted \$5,000 from the general fund for tourism projects. Milton doesn't currently have a hotel, so there is no option for room tax dollars to be used for tourism marketing efforts.

With the contract, a committee was established with representation from each organization to help guide the tourism efforts. The city of Milton representation includes an alderperson, a staff member, and the executive director for the Milton House Museum.

The change to a contracted service was mainly due to time constraints experienced by both the city and MACC to effectively carry out a tourism marketing plan for Milton.

In addition, the Milton area has Lake Koshkonong only a few miles away along with the Rock River. These are active tourist destinations that are located outside of the city limits. When only city of Milton funds were used for tourism marketing, there were questions about whether the funding should be used to market destinations outside of the city limits. With the new partnership with MACC and contract with JACVB, those conversations have been eliminated since many MACC members are located around the lake and river and other areas surrounding Milton. JACVB is able to use its knowledge and information to market the Milton area, while remaining free of boundary constraints.

Since the spring of 2019 when the contract was officially in place and JACVB started their work with Milton, the staff has created Visit Milton social media accounts and has grown their audiences, created a billboard campaign for winter, and recreated the Visit Milton pages on MACC's website (www.visitmilton.com). We are excited to see how this partnership will develop even more in 2020.

**Inga Cushman, Administrative Services Director,
City of Milton**



and entrepreneurship with the recent hiring of an events coordinator to overseeing all aspects of the programming. Also, through a partnership with Lakeland University, Lakeshore Technical College, and the Sheboygan Economic Development Corporation, a study was recently completed to analyze how a model could be developed around student-run businesses within the county.

The city of Sheboygan has also been busy with redeveloping a former manufacturing area into an innovation ecosystem through land acquisition. Under construction in the district is a \$30 million conversion of a former tannery in 118 affordable workforce housing units known as Badger State Lofts by KCG Companies. Recent construction began on a 21-unit condominium development along the Sheboygan River adjacent to the district valued at \$6 million. City staff is working with Union Pacific Railroad to purchase 21 acres of abandoned railroad right-of-way for a new multi-use recreational trail. In 2013, the Sheboygan River Area of Concern cleanup project funded in part with U.S. EPA and Wisconsin Department of Natural Resources funds, helped facilitate a renewed interest in the Sheboygan River in the heart of Sheboygan, and new development projects along the river equate to about \$50 million. The Sheboygan Redevelopment Authority (RDA) has recently negotiated a sole right to negotiate on a piece of property the RDA assembled for redevelopment during the past few years. The plan for this property is for a developer to construct up to a 64,000 square foot class A office and co-working space in the innovation district in 2020.

The Sheboygan Economic Development Corporation and the city of Sheboygan would not be able to accomplish this major task in developing the FreshTech Innovation District without partnerships and collaborations from local entities. As Henry Ford put it, “coming together is a beginning, staying together is progress and working together is success.” In Sheboygan, partnerships are the key to the successful completion of these major initiatives.

About the Author:

Chad Pelishek has served as the Director of Planning and Development for the city of Sheboygan since 2012. During this time, Mr. Pelishek has overseen over 500 new apartment units being constructed in Sheboygan’s downtown valued at over \$80 million. Mr. Pelishek oversees the Planning and Development division and the Building Inspection division for the city. Contact Chad at Chad.Pelishek@sheboyganwi.gov

Public/Private Partnerships - Ellsworth

At the Ellsworth Area Chamber of Commerce, we’ve always viewed our relationship with the village of Ellsworth as a critical partnership. We learned long ago that together we’re able to provide more for our community! One example of this is how we



collaborated to bring hanging baskets and flower planters to our downtown. Our organization pays for the flowers and recruits and manages the watering team, while our Public Works Department hangs and removes the flower baskets and provides and maintains the watering vehicle and equipment.

In addition, village board members serve on several chamber committees and a representative of the village is always represented on our organization’s board. This level of communication and dialog brings about an ongoing attitude of “collaboration” and an in-depth understanding of our mutual goals and challenges, leading to other opportunities to work together. In addition to downtown beautification efforts, the village of Ellsworth has been a valued partner on our downtown revitalization initiatives and the Ellsworth Cheese Curd Festival, our organization’s main fundraiser. Our partnership is a win-win-win, as our work together not only mutually benefits each entity, but our community members, too.

Kim Beebe, Executive Director Team Member, Ellsworth Area Chamber of Commerce

Nielsen Madsen + Barber
 CIVIL ENGINEERS AND LAND SURVEYORS
 Municipal / Transportation / Land Surveying
 Airports / Planning / Construction Management
 Racine, Wisconsin ■ (262) 634-5588 ■ www.nmbc.net



Partnerships: Not Just Who, But How

Mary Zimmermann, Communications Manager, River Falls

The City of River Falls recently updated its partner list so that we could include it in a new profile we are creating to share the “business” side of what we do. We had last reviewed the list several years ago, so it was time for a refresh.

As we compiled the list, it occurred to us that we should take a minute to consider how and why our partners are our partners. How do we work together and what do we each bring to the table?

For example, our Public Works Department works closely with our school district’s facilities team. Together, they participate in project development and planning; coordinate utility, streetscape, and infrastructure projects; swap processes, equipment, and best practices; and coordinate winter maintenance activities and materials.

An additional example would be how our police department partners with the Pierce County Sherriff’s office daily. They collaborate on law enforcement issues facing our community; assist with emergency calls-for-service in Pierce County and vice versa; collaborate on staff trainings and serve on the

county’s Emergency Response Unit and Criminal Justice Coordinating Council; jointly advocate for state funding and issue support; and coordinate 911 dispatch services.

Suddenly, the school district and Pierce County Sherriff’s Office are more than names on a list. There is real, intentional work going on there that strengthens the partnership and builds a lasting relationship.

So, next time you make a list, be sure and ask “how” and not just “how many.”

About the Author:

Mary Zimmermann has over 30 years of experience providing marketing, public relations, and fundraising services for nonprofit organizations in Washington, D.C., the Twin Cities, and Duluth, MN. She has been the City of River Falls’ communications manager since 2016, her first full-time position in local government. Contact Mary at mzimmermann@RFCITY.ORG

Community Partners (partial list)

| | | |
|--|---|--|
| AAUW-River Falls Chapter | League of Wisconsin Municipalities | St. Croix Correctional Center |
| American Legion Post 121 | Our Neighbor’s Place | St. Croix Valley Drug Task Force |
| Assistance & Resource Center | Pierce and St. Croix Counties | St. Croix Valley Habitat for Humanity |
| Chippewa Valley Technical College | Rain to Rivers of Western Wisconsin | St. Croix Valley Sexual Assault Response Team |
| City of Hudson | River Falls Area Chamber of Commerce & Tourism Bureau | State of Wisconsin |
| City of New Richmond | River Falls Area Hospital | Towns of River Falls, Kinnickinnic, Troy, Pleasant Valley, and Clifton |
| City of Prescott | River Falls Baseball Council | Turningpoint for Victims of Domestic and Sexual Violence, Inc. |
| Community Arts Base | River Falls Business Improvement District | University of Wisconsin-Madison |
| Goodhue County Animal Control | River Falls Housing Authority | University of Wisconsin-River Falls |
| Greenwood Cemetery | River Falls Library Foundation | Village of Ellsworth |
| Grow to Share | River Falls Rotary Club | West Central Regional Planning |
| International City/County Management Association | River Falls School District | West Central Wisconsin Biosolids |
| Kinni Corridor Collaborative | River Falls Senior Center | WPPI |
| Kinni Off-Road Cyclists | River Falls Taxi Service | |

Communities Band Together to Create Regional Municipal Associations

Curt Witynski, Deputy Executive Director, League of Wisconsin Municipalities



Did you know municipal officials in several counties around the state have formed regional municipal associations? Some of these mini Leagues have been around since the 1970s. Others have contracted with an association manager to plan and organize monthly meetings. Most are managed by a mayor or clerk who has volunteered to organize regular meetings. All of them were created to allow municipal officials to compare notes, share information, and join forces to present a united front against the county or the state on issues of common concern.

Perhaps the oldest regional municipal association in Wisconsin is the Mid-Moraine Municipal Association, which was created in the early 1970s by cities and villages in Washington and Ozaukee Counties. The association was created to exchange information, discuss problems and mutual concerns, review state legislation affecting municipalities, and influence state and county governments. Today, the group consists of 13 municipalities and is managed by a part-time executive director who organizes five annual dinner meetings with speakers who present on topics of interest to the membership. League staff provides legislative updates to the group annually. The Mid-Moraine association has a legislative committee that regularly meets with state legislators representing the area.

In 1995, the League helped create the Dane County Cities and Villages Association (DCCVA), another well-organized and active regional municipal group. The DCCVA is managed by a professional lobby firm. Its mission is to promote excellence in municipal government, provide opportunities to exchange ideas, advocate for cities and villages, and develop a cooperative approach to municipal problems of county-wide importance. The group meets six times a year and invites speakers to present on topics of interest to the membership. Recent topics have included workforce housing, managing stormwater and flooding, and sustainability.

Another well-organized and longstanding regional municipal group is the Intergovernmental Cooperation Council of Milwaukee County (ICC), consisting of the mayor, village president, or administrator from each of the 19 municipalities inside Milwaukee County. The ICC meets monthly to share best practices in delivery of public services, to discuss ways in which to save tax money and enhance services through cooperative efforts, and to discuss and advocate for change in state and federal laws that are of common interest to

ICC members. The president of the group, who is currently Glendale Mayor Bryan Kennedy, helps organize the meetings and serves as chairperson.

Regional municipal associations are an effective way for local officials to share information and learn about innovative strategies for more efficient delivery of municipal services. They also are a way for communities to advocate together when municipal interests are threatened by state or county actions. If your county or region lacks a regional municipal group, give the leaders in your neighboring community a call and consider creating one.

► p.12

Public/Private Partnerships - Ashland

The Ashland Area Chamber of Commerce is moving into our third year of partnering with our Northwest Workforce Investment Board (NWWIB). We have already begun to see the positive influence of this partnership, with a pergola that was built through an 12-Week Construction Foundations course. This course



was developed in partnership with Wisconsin Indianhead Technical College. It is a bit more entry-level than their existing construction essentials class, but the students who participate in the NWWIB program can then move ahead to the tech school for more training. The program is funded through the federal Workforce Innovation & Opportunity Act in partnership with a "re-entry" grant through the Bayfield County Jail. The Ashland Chamber paid for all of the materials and the City of Ashland Public Works department installed the pergola. The next project was an information kiosk that was finished last summer. This year we're hoping to create a small structure that serves as a Santa Claus house in the winter and an ice cream house in the summer that nonprofits can use at our downtown functions for fundraising. It's truly a partnership role model and it's very flexible. The Workforce Investment Board is a great tool because they have all sorts of arms and programs!!

Mary McPhetridge, Executive Director, Ashland Area Chamber of Commerce

The regional municipal associations listed below are happy to share their bylaws, meeting agendas, and other documents.

If you are part of a regional group not on this list, please contact the League office and let us know. We'll add you to our list.

Joint Meeting of Chippewa Valley Cities includes governing body members and staff from Altoona, Augusta, Bloomer, Chippewa Falls, Cadott, Cornell, Durand, Elk Mound, Fall Creek, Eau Claire, Menomonie, Mondovi, and Osseo. It meets once every two months. Responsibility for organizing the meeting rotates among the membership. Contact: Eau Claire City Clerk Carrie Riepl, email: carrie.riepl@eauclairewi.gov

Dane County Cities' and Villages' Association consists of 28 cities and villages within Dane County. Contact: Association Executive Director Forbes McIntosh, email: Forbes@wis-gps.com Webpage: <http://www.dccva.org/>

Intergovernmental Cooperation Council of Milwaukee County consists of the heads of 19 cities and villages in Milwaukee County. Contact: Glendale Mayor Bryan Kennedy, ICC chair and secretary, e-mail: bryan.kennedy@glendale-wi.gov Website: <https://county.milwaukee.gov/EN/ICC>

Mid-Moraine Municipal Association consists of 13 cities and villages in Washington and Ozaukee Counties. Contact: Association Executive Director Mike Miller, email: mid-moraine@att.net Website: <http://midmoraine.org/>

United Communities of Clark County consists of the chief executives of the cities and villages within Clark County. Contact Neillsville City Clerk-Treasurer Rex Rohl, e-mail: clerk@neillsville-wi.com

Brown County Municipal Group (HALO) Contact: Howard Village Administrator Paul Evert, email: pfevert@villageofhoward.com

Manitowoc County Villages Association. Contact: Cleveland Village Clerk Stacy Grunwald, e-mail: sgrunwald@clevelandwi.gov

Dodge County City Leaders Consortium is managed by Beaver Dam Mayor Rebecca Glewen. Contact: Mayor Glewen, email: rglewen@cityofbeaverdam.com

Calumet County Civic Association was established in the early 1960s by citizens who were municipal office holders and some who weren't, but they all were interested in having a unified group that could take stands on issues affecting cities, towns, and villages in Calumet County. Contact: Potter Village President Gary Lemke, email: lemke5@charter.net

About the Author:

Curt Witynski is the Deputy Executive Director for the League of Wisconsin Municipalities. Curt manages the League's lobbying program, representing the League before the Legislature, the governor's office, and state agencies. He writes the *Legislative Bulletin* and *Capitol Buzz* newsletters, organizes legislative material and the Budgeting Toolkit for the League's web page, and answers questions from the media and members about legislation that the League is following. He joined the League staff in 1987. Contact Curt at witynski@lwm-info.org

| | |
|---|--|
|  | Excellence in Engineering Since 1946. |
| | Madison 608.251.4843 Milwaukee 414.271.0771 www.strand.com |

Building Communities.

It's what we do.



- Debt Issuance & Management
- Financial Management Planning
- Economic Development & Redevelopment
- Investment & Treasury Management
- Arbitrage Consulting



EHLERS
LEADERS IN PUBLIC FINANCE

 info@ehlers-inc.com
 1 (800) 552-1171
  www.ehlers-inc.com

DID YOU KNOW?



Housing

The White House Roundtable on Housing Affordability with Housing and Urban Development Secretary Ben Carson and other key administration officials and policymakers was held on November 13, 2019.



Of the 30 Local Government Leaders from across the United States who participated, four were from Wisconsin. The League thanks Wisconsin Rapids Mayor (and League President) Zach Vruwink, Watertown Mayor Emily McFarland, Marinette Mayor Steve Genisot, and Stevens Point Mayor Mike Wiza for their leadership.

The **"Falling Behind"** report by the Wisconsin REALTORS® Association shows a severe workforce housing shortage in Wisconsin. Read the report <https://www.wra.org/PressRelease/FallingBehind/>

Innovative Housing Solutions Deep Dive Presentation by Kurt Paulsen, UW-Madison Department of Planning and Landscape Architecture at the League's 121st Annual Conference <https://www.lwm-info.org/1563/Oct-23---Agenda-Presentations>

Home Sales

- ★ As of the end of October 2019, 69,545 homes had sold in Wisconsin. Sales peaked in August with 9,228 homes sold
- ★ The median price of a home sold in the first 10 months of 2019 was \$198,000

Single Family Housing Permits in Wisconsin

- ★ Total housing permits authorized in 2017 - just under 12,500
- ★ Total housing permits authorized in 2004 (the highest ever) - more than 30,000

Data by the Wisconsin REALTORS® Association. For more information, go to https://www.wra.org/Resources/Property/Wisconsin_Housing_Statistics/



PUBLIC/PRIVATE PARTNERSHIPS (P3)

- An Innovative Tool for Your Community

MUNICIPAL ADMINISTRATOR SERVICES

- Interim Administrator Services
- Professional Staff Recruitment
- TIF District Implementation
- Additional Professional Services

PARKS AND RECREATION ADMINISTRATION AND FACILITIES:

- Grant Writing and Administration
- Open Space Plan Development
- Interim Services

**Together,
let's achieve the
GOALS of YOUR
COMMUNITY.**



920.751.4200

NEENAH WI MACHESNEY PARK IL VALPARAISO IN

IPR-P3.COM

A MCMAHON AFFILIATE COMPANY



2020 Census - What's Important to Wisconsin Cities & Villages (and everyone else too)?

Hannah Katz, Local Government Center Intern, University of Wisconsin-Madison, Division of Extension; Dan Veroff, Extension Demographic Specialist, Applied Population Laboratory, University of Wisconsin-Madison Division of Extension; and Daniel Foth, Local Government Specialist, Local Government Center, University of Wisconsin-Madison, Division of Extension

As the decade draws to a close, preparations for the 2020 Census are beginning to ramp up. The census is a critical effort for Wisconsin and its local governments and it is vital to ensure that Wisconsin's population count is complete and accurate. The Census Bureau's 2020 Census's primary goal is to ensure that every person in Wisconsin is counted.

Why Is the Census Important?

The results of the census are used in several significant ways. The first and perhaps the most immediately important to local government officials is redrawing of new election districts, forming the basis for representative government on a local, statewide, and national basis. At the local level, the 2020 census data will be used to draw new wards for cities, villages, and towns.

The new population counts will also be used for future state and federal funding and resource allocation. According to the Tax Policy Center, \$880 billion is allocated annually using census-generated data. Annually, Wisconsin Federal aid is about \$77.6 billion, \$61.6 billion of which came from direct payments to seniors, veterans, and other entities.

Census data also assists local governments in planning, helps to allocate resources for the provision of services, serves as a foundational basis for economic development, and helps guide emergency management efforts in times of crisis. Business and research use census data to develop their markets. A complete and accurate census count is critical to all Wisconsin communities and their local governments.

How Does the Census Work?

To try to get a complete and accurate enumeration of the population, the 2020 Census uses a three-step process.

1. Make an accurate list of every address in the U.S. and five U.S. territories – including houses, apartments, dormitories, military barracks, and more. Much of this work occurred in 2018 and some is still ongoing.

2. Get everyone to respond to the census online, by phone, or by mail in March and April of 2020.
3. Follow up in person with households that have not responded.

How to Get to a Complete Census Count

How can a local government assist with census outreach and promotion to encourage their community members to respond to the census? There are specific populations in Wisconsin who are often less likely to respond and are “hard to count.” These groups may include young adults, farmworkers, people with disabilities, people living in poverty, immigrants, renters, and senior citizens. Other “hard-to-count” groups include people in transitory living situations like RV parks, campgrounds, marinas, and hotels.

There are several other considerations when encouraging participation and complete counts in Wisconsin communities. For example, this is the first census that will allow people to respond online. It is an essential part of the Census Bureau's operational plan. The online goal is for 60 percent of the population to return the census form online. Lack of access to the internet and broadband may pose some challenges. To improve internet access, special efforts to provide internet “kiosks” at libraries or community centers or even at municipal government buildings might be a strategy to increase local response rates. It should be noted that everyone will always have the option of responding to the census using a paper form or over the telephone.

Some residents of Wisconsin communities may also have concerns about the confidentiality of their information. The government emphasizes privacy and security in data collection and ensures that all data gathered are kept confidential. According to Public Law 95-416, the government cannot release any detailed information for 72 years after a census is taken. Considering the new online method of Census data collection, community members may have heightened concerns about their data being secure. To combat this fear,

the Census Bureau is taking extensive cybersecurity measures to ensure that respondent data are being protected and kept confidential. The Census Bureau has a firm commitment to confidentiality. It will not release any identifiable information about individuals, households, or businesses to anyone, not even to law enforcement agencies.

Initially, encouraging community residents to participate may seem daunting. However, local governments, tribes, and other local entities can use several techniques to engage people to achieve a complete and accurate census count. One of the best is to create and organize a community Complete Count Committee (CCC).

How to Form a Complete Count Committee (CCC) and What It Should Do?

The Census Bureau suggests using a local CCC to bring together stakeholders, including representatives of local governments and other key constituencies (such as faith-based organizations, nonprofits, businesses, schools, etc.). A diverse CCC serves to amplify and extend the message about the census's importance to Wisconsin communities, especially those "hard-to-count" populations.

The trusted voices of a CCC can develop and implement a 2020 Census awareness campaign based upon their knowledge of the local community, helping to determine how to reach the "hard-to-count" populations. The CCC can help provide targeted outreach to people like seniors, Latinos, millennials, Amish or other faith groups, remote rural populations, and communities with limited or no internet access. Because this census is relying heavily on self-response via the internet, the CCC could identify those locations that have limited computer and internet access. We encourage cities and villages to work with their respective counties, adjacent towns, key stakeholders and constituencies when forming a Complete Count Committee.

Now Is the Time to Start a CCC

The time to start is now! Communities should begin forming CCCs and planning activities and strategies now. CCCs should start their outreach and promotion as soon as possible to encourage community members to be aware of the census. Emphasis should be on making sure that "hard-to-count" populations are identified and targeted for outreach so they are counted in the 2020 Census.

► p.16

**DISCOVER THE
COMMUNITY
ADVANTAGE**

LOCAL GOVERNMENTS ARE
THE **FOUNDATION** OF OUR
COMMUNITIES.

WE'LL HELP MAKE THEM **STRONGER.**

Community Insurance Corporation provides liability, workers' compensation and property insurance coverage for cities, towns, villages and school districts. We offer broad coverage, designed specifically to meet the needs of Wisconsin public entities under ONE single liability policy form.

COVERAGES

- » General Liability
- » Automobile Liability
- » Public Officials Errors & Omissions
- » Property
- » Workers' Compensation
- » Cyber Liability

VALUE-ADDED SERVICES

- » Broad-range risk management and loss control services, including on-site training
- » Online safety training
- » Community Insurance Care Line - 24/7 nurse triage service for work-related injuries

To learn more, please contact
Josh Dirkse, Aegis Corporation,
1.800.236.6885 or josh@aegis-wi.com



Wisconsin can accomplish the goal of making sure every citizen is counted and represented. Local governments play an essential role in shaping the 2020 Census into a smooth and engaging process; one that helps set the stage for complete and accurate information about Wisconsin communities going into the next decade.

Census Bureau Local Government Specialists In Wisconsin

Now is the time to get involved. There are lots of promotional resources and materials that are easy to access online that can help guide involvement. Also, census guides and resources will assist community members in engaging and encouraging participation through partnership programs and other ideas for encouraging everyone to respond to the 2020 Census.

As part of the ramp-up to the 2020 Census, the Census Bureau has hired partnership specialists to “blanket” the state to help local governments and tribal communities set up Complete Count Committees. There are currently 17 census partnership specialists working in Wisconsin. It is quite likely that your community has been contacted about forming a CCC. Please contact Daniel Foth (608-265-2852) at the UW Madison Extension Local Government Center or Dan Veroff (608-265-9545) at the UW-Madison Applied Population Laboratory to find your local partnership specialist. 2020 Census Resources are available at census.gov

About the Authors:

Hannah Katz is a student at the University of Wisconsin-Madison majoring in Journalism and Political Science and a student intern at UW-Extension’s Local Government Center.

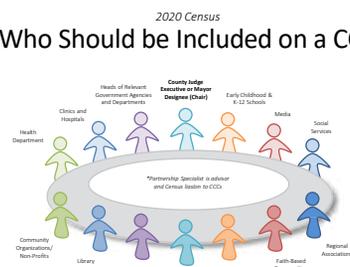
Dan Foth is a Local Government Specialist with the University of Wisconsin Madison Local Government Center. His focus areas include open meetings and records, effective meetings, boards of review, parliamentary procedure, transportation, and the next generation of local government elected officials.

Dan Veroff is a Demographic Specialist with the Applied Population Laboratory at the University of Wisconsin-Madison/Extension. Dan provides demographic data and analysis to Extension’s community development programs and does research on the demographics of diversity and the impact of immigration on rural Wisconsin communities.

Why is census data useful to communities?

- **Helps tailor/target effective programs, strategies, and resource provision**
 - Trends analysis and issue identification
 - Uncover hidden characteristics, assets, or deficits
- **Helps with evaluations or assessments that provide the basis for planning and decision making**
- **Grant writing and other “making the case” activities**
- **Helps contextualize people in places of any size (nation to neighborhood)**
- **Can provide a framework for community input and participation**

Who Should be Included on a CCC



Sample Topics for the CCCs

- How to reach **specific audiences**, such as Millennials, students, Seniors, businesses, and faith-based communities
- How to help **recruit** for Census Jobs
- How to use and engage with **Media & Social Media**
- How to **share, reinforce, and localize** the Census message



The Local Complete Count Committee (CCC)

- Organized at the county, municipal, or community level
- Formed by local, official proclamation or passage of ordinance <https://lwm-info.org/1566/10801/2020-Census>
- Members appointed by the highest elected official
- Committee organizes local outreach efforts
- Provides leadership/support for participation

Intergovernmental Cooperation in Wisconsin

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities



There is no shortage of local government in Wisconsin. With 1,924 general purpose local governments (72 counties, 190 cities, 412 villages, and 1,250 towns) and an additional 1,172 special purpose districts¹ (e.g., school and technical college districts, drainage districts, utility districts, etc.), it is no surprise that Wisconsin ranks 11th among states in terms of having the most units of local government.² But when local governments abound, so do opportunities for intergovernmental cooperation. Although cooperation isn't always easy, municipalities should investigate possible opportunities and decide whether they are worth pursuing. Revered former Packers general manager and coach Vince Lombardi once said, "People who work together will win, whether it be against complex football defenses, or the problems of modern society."³

This legal comment provides a brief overview of the legal authority for intergovernmental cooperation in Wisconsin and a quick overview of things that should be detailed in any intergovernmental cooperation agreement.

Why consider intergovernmental cooperation?

Sometimes thinking about cooperation is coerced. For example, the comprehensive planning process under Wis. Stat. § 66.1001(2)(g) requires municipalities to address intergovernmental cooperation as one of nine elements required in a municipality's comprehensive plan.

It requires municipalities to compile "objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, drainage districts, and adjacent local governmental units, for siting and building public facilities and sharing public services." A municipality must, among other things, analyze its relationship to "school districts, drainage districts, and adjacent local governmental units, and to the region, the state and other governmental units" and "incorporate any plans or agreements to which the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309." Finally, the municipality must "identify existing or potential conflicts" with other governmental units specified and "describe processes to resolve such conflicts."

Even where the law does not force municipalities to think about cooperation opportunities, there are many good reasons why municipalities should do so. Municipal services are increasingly expensive to provide while municipal sources of revenue are largely stagnant or shrinking. Some possible gains to be achieved when governments cooperate include increasing efficiencies; reducing costs; achieving economies of scale; taking advantage of special expertise; avoiding unnecessary duplication of services; and the ability, collectively, to gain access to newer technologies/equipment that could not be gained individually.

Additionally, some problems are just best tackled together. For example, it's widely known that stormwater does not respect municipal boundaries. And municipalities don't exist in isolation. What breathes life into one municipality or, conversely, sucks life out of it will often affect surrounding municipalities. When municipalities are able to work in tandem toward similar goals instead of competing against each other – for example, to increase economic development and tourism in the region – they all may realize benefits more broadly.

Some examples of areas where governments are successfully collaborating or cooperating include: providing fire protection; ambulance service; law enforcement services; recycling; recreation; wellhead protection; animal control; sanitary services; public transit; public library services; land use planning; stormwater management; municipal courts; and sharing of equipment and staff.⁴

Legal Authority and Limitations

Several sources of statutory authority support intergovernmental cooperation. The broadest grant of authority, and the one most commonly relied on, is Wis. Stat. § 66.0301⁵ which allows any municipality to contract with other municipalities and with federally recognized Indian tribes and bands in Wisconsin for the *receipt or furnishing of services* or the *joint exercise of any power or duty required or authorized by law*.

1. <https://wispolicyforum.org/research/an-abundance-of-government/>.

2. *Id.*

3. <http://www.vincelombardi.com/quotes.html>.

4. In 2012, Wisconsin's Local Government Institute (LGI) compiled case studies from municipalities collaborating and cooperating to provide, among others, the services listed. These case studies are available at LGI's website, <http://www.localgovinstitute.org/library/case-studies/articletype/categoryview/categoryid/3>.

5. Wisconsin Stat. § 66.0301 was formerly 66.30. It was renumbered when Chapter 66 of the Wisconsin Statutes was reorganized and modernized by 1999 Wis. Act 150, effective January 1, 2001.

“Municipality” is defined very broadly in § 66.0301(a) to include not only cities, villages, towns, and counties, but also the state and its agencies and departments, and special purpose government districts such as school districts, public library systems, public inland lake protection and rehabilitation districts, sanitary districts, farm drainage districts, metropolitan sewerage districts, sewer utility districts, solid waste management systems, local exposition districts, professional sport stadium districts, local cultural arts districts, long-term care districts, water utility districts, mosquito control districts, municipal electric companies, county or city transit commissions, commissions created by contract under §66.0301, taxation districts, regional planning commissions, housing authorities, redevelopment authorities, community development authorities, or city-county health departments. For purposes of cooperative boundary agreements under § 66.0301(6), “municipality” is defined more narrowly to include only cities, villages, and towns.⁶ Similarly, for purposes of establishing joint transit commissions, the definition of “municipality” includes only cities, villages, towns, and counties.⁷

Although Wis. Stat. § 66.0301 states that it shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in Wisconsin, there are some limitations. An important limitation is that if municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. “Thus, the extent to which any group of municipalities may join together in a given enterprise under § 66.30 [now § 66.0301] is limited to the powers possessed by the least of them.”⁸ Given this limitation, it is important for cities and villages to understand whether entities they are contracting with under § 66.0301 have the requisite authority to perform pursuant to the agreement.

In that regard, it’s helpful to understand that towns and counties are different than cities and villages. Unlike cities and villages which have broad home rule authority pursuant to statute and the Wisconsin constitution,⁹ towns lack home rule authority and require specific statutory authorization to exercise power. General and miscellaneous powers of towns are set forth in Wis. Stat. §§ 60.22 and 60.23 and include, among other powers, the authority to cooperate with the state, counties, and other units of government under §66.0301. Counties have “organizational and administrative” home rule authority as set forth in Wis. Stat. § 59.03, which vests counties with “all powers of a local,

6. Wis. Stat. § 66.0301(1)(c).

7. Wis. Stat. § 66.0301(1)(b).

8. 60 Op. Att’y Gen. 313 (1971).

9. See Wis. Stat. §§ 61.34(1) and 62.11(5) and Wis. Const. Art. XI, sec. 3(1).



Let’s show the world what we can do together.

Day by day. Project by project.
Together we’re bridging what’s possible
and moving the world forward.

Engineers | Architects | Planners | Scientists

Building a Better World for All of Us®
sehinc.com/subscribe • 800.325.2055

legislative and administrative character, including, without limitation because of enumeration, the subject matter of water, sewers, streets and highways, fire, police and health” Counties can pursue efforts to “consolidate municipal services and functions in the county.”¹⁰ County provision of law enforcement services to a city or village must comply with the provisions of Wis. Stat. § 62.13(2s).¹¹ Finally, Wis. Stat. § 59.794 contains some limitations specific to Milwaukee County.

A few additional limitations under § 66.0301 are that no commission created by contract under § 66.0301(2) may, directly or indirectly, do any of the following: (1) Acquire, construct or lease facilities used or useful in the business of a public utility engaged in production, transmission, delivery or furnishing of heat, light, power, natural gas, or communications service, by any method except those set forth under chapter 66 or chapters 196, 197, or 198; (2) Establish, lay out, construct, improve, discontinue, relocate, widen, or maintain any road or highway outside the corporate limits of a village or city or acquire lands for those purposes except upon approval of the department of

10. Wis. Stat. § 59.03(2)(b)

11. Wis. Stat. § 59.03(2)(c); Wis. Stat. § 62.13(2s). Villages with populations of 5,000 or more are constrained by Wis. Stat. § 61.65(1)(a)4.

► p.20

Bigger. Better. Stronger.

Our clients come first. That’s why we’ve expanded our footprint and only hire the best problem solvers. Consult with us today.



- Municipal Engineering
- Structural Engineering
- Transportation/Traffic
- Construction Services
- Stormwater Management
- Ecological Services
- Landscape Architecture
- Surveying
- Grant Assistance
- GIS

raSmith

CREATIVITY BEYOND ENGINEERING

Brookfield, Milwaukee, Appleton, Madison, Cedarburg, Mount Pleasant

raSmith.com | 262-781-1000

THE SMART CHOICE FOR LOCAL GOVERNMENTS

- Proven experience
- Competitive program
- Local, specialized expertise
- Loss control services

www.emcins.com
milwaukee@emcins.com

INDEPENDENT
INSURANCE AGENTS

www.emcins.com

©Copyright Employers Mutual Casualty Company 2019. All rights reserved.

transportation and the county board of the county and the town board of the town in which the road is to be located.

Municipal interstate cooperation

In addition to cooperating with Wisconsin municipalities, municipalities also have authority to cooperate with out-of-state municipalities¹² and federally recognized American Indian tribes or bands to receive or furnish services, or for the joint exercise of any power or duty required or authorized by statute.¹³ With the exception of agreements relating to the receipt, furnishing, or joint exercise of fire fighting or emergency medical services, such agreements do not take effect unless approved by Wisconsin's attorney general. The attorney general must send a copy of the agreement to the governor who must consult with the department or any agency affected by the agreement. The attorney general's failure to disapprove an agreement within 90 days of its submission constitutes approval.¹⁴

Other grants of authority for intergovernmental cooperation

In addition to the broad and general grants of authority for intergovernmental and interstate cooperation under Wis. Stat. §§ 66.0301 and 66.0303, there are some specific statutory grants of authority, some of which contain detailed procedures. Some cross reference § 66.0301. Others do not. Unless those statutes expressly provide otherwise, an intergovernmental cooperation agreement under § 66.0301 might still be a proper vehicle for addressing the subject matter. The following examples are not intended to be a comprehensive list:

- Cooperative boundary agreements (§ 66.0307)
- Revenue sharing (§ 66.0305)
- Mutual assistance
 - health departments § 66.0312
 - fire departments § 66.03125
 - law enforcement § 66.0313
 - state of emergency § 66.0314
- Joint local water authorities (§ 66.0823)
- Joint municipal courts (§ 755.01(4))
- Joint police and fire departments (§§ 60.55, 60.56, 61.65 and 62.13)
- Joint libraries (§ 43.53)
- Building and maintaining dock walls and shore protection walls (§ 30.31(5))
- Joint employment of appointive officers and employees (§ 61.34(2))
- Financing and undertaking housing projects (§ 66.0311)
- Tourism (§ 66.0615(1m)(b))

What to include in intergovernmental agreements¹⁵

Before a municipality enters into an intergovernmental cooperation agreement, the municipality should consult with its municipal attorney to ensure that the agreement is properly crafted to achieve its objectives, avoid ambiguity, and protect the municipality. At a minimum, it's suggested that intergovernmental cooperation agreements contain the following information or provisions:

- Preamble stating the purpose of the agreement, the parties to the agreement, naming and defining the body being created
- Governance and voting provisions
- Who are the members of the body? How are they selected? What happens in the event of vacancies?

- Holding of meetings; drafting of bylaws and amendments to bylaws
- Cost allocation and budget
- Powers of body
- Agreement terms and extension and termination
- Title to and ownership of property
- Indemnification
- Limitation/allocation of liability
- General terms and conditions (e.g., severability; handling of disputes and choice of law; no third party beneficiary, provisions, location of principal offices, etc. and service)

Conclusion

At a time when municipal services are becoming increasingly expensive to provide and municipal revenue sources are stagnant or shrinking, municipalities may want to investigate opportunities for cooperating with other municipalities to furnish or receive services or jointly provide services or exercise authority. Wisconsin law provides ample authority for intergovernmental cooperation and a properly drafted agreement can help ensure objectives are attained in an equitable manner with the rights and responsibilities of the parties spelled out.

Powers of Municipalities 937

About the Author:

Claire Silverman is Legal Counsel for the League of Wisconsin Municipalities. Claire joined the League staff in 1992. Contact Claire at cms@lwm-info.org

12. For purposes of municipal interstate cooperation, Wis. Stat. § 66.0303(1) defines "municipality."

13. Wis. Stat. § 66.0303.

14. Wis. Stat. § 66.0303(3), (4) and (5).

15. Outlines from a 2000 presentation by Stafford Rosenbaum attorney Matthew Dregne on *Joint Commissions Created by Sec. 66.30 Agreements* and a 2013 presentation by Boardman & Clark Attorney Richard Heinemann, *A Primer on Intergovernmental Cooperation*, were helpful in writing this article.

121st LEAGUE
ANNUAL CONFERENCE
KI CENTER/HYATT REGENCY | GREEN BAY
OCTOBER 23-25, 2019

2019 Sponsors

GOLD SPONSORS



SILVER SPONSORS



EVENT SPONSORS



The League Thanks You!



DOL Raises Earnings Threshold for FLSA Exemptions

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities

On January 1, 2020, the U.S. Department of Labor’s (DOL) final rule updating the earnings thresholds necessary to exempt executive, administrative, and professional employees from the Fair Labor Standards Act’s (FLSA) minimum wage and overtime pay requirements will take effect. These thresholds were last updated in 2004. Although DOL adopted a final rule updating the thresholds in 2016, courts halted implementation of the rule after it was challenged.

Background

The FLSA requires employers to pay covered employees (who are not otherwise exempt) minimum wage for hours worked as well as premium overtime (at least 1.5 times the employee’s regular rate) for hours worked over 40 in a 7-day week. Section 13(a)(1) of the FLSA, commonly referred to as the “white collar” or “EAP” exemption, exempts “any employee employed in a bona fide executive, administrative, or professional capacity” from these minimum wage and overtime pay requirements provided all of the following tests are met:

- (1) The employee is salaried, meaning that they are paid a predetermined and fixed salary that is not subject to reduction because of variations in the quality or quantity of work performed (the “salary basis test”);

- (2) the amount of salary paid meets a minimum specified amount (the “salary level test”); and
- (3) the employee’s job duties primarily involve executive, administrative, or professional duties as defined in FLSA regulations (the “duties test”).

Changes

The department’s final rule does the following:

- Raises the salary threshold from \$455 per week (equivalent to \$23,660 per year) to \$684 per week (equivalent to \$35,568 per year);
- Raises the total annual compensation requirement for “highly compensated employees” from \$100,000 per year to \$107,432 per year;
- Allows employers to use nondiscretionary bonuses and incentive payments (including commissions) paid at least annually to satisfy up to 10% of the standard salary level.

The final rule does not make any changes to the duties tests and does not provide for automatic increases of the thresholds. DOL has stated its commitment to updating the salary threshold regularly, subject to a notice-and-comment rulemaking process.

What action is required?

The raise in the earnings threshold necessary to qualify for the EAP exemption may expand the number of municipal employees eligible for overtime. Municipalities must ensure that employees are correctly classified as exempt/non-exempt under the FLSA. Municipalities that have not already done so must determine how the new rule will affect employee classifications, and evaluate the impact of those changes. With regard to those employees affected, the municipality should then take any steps necessary to either reclassify employees as non-exempt or lawfully bring them within exempt status.

It’s important to properly train management regarding the changes and ensure changes are communicated to employees. This will be especially important in situations where employees currently classified as exempt will be entitled to overtime. Since non-exempt employees must be paid for all time worked, it is important to train employees on proper timekeeping practices and ensure they understand policies regarding overtime. Finally, the municipality must ensure that timekeeping and payroll systems are updated to reflect any changes in employees’ exempt/non-exempt statuses.

Employees 355

tc TOWN & COUNTRY ENGINEERING, INC.
 CREATIVE SOLUTIONS FOR YOUR COMMUNITY SINCE 1981
 water/wastewater • stormwater • municipal • GIS/mapping

Madison (608) 273-3350
 Rhinelander (715) 420-0579
 Kenosha (262) 925-3210
 www.tcengineers.net

Cedar corporation
 Since 1975

Engineering • Architecture • Surveying
 Planning • Economic Development
 Landscape Architecture • Environmental

800-472-7372
 www.cedarcorp.com
 Dedication, Quality, Success

Court of Appeals Upholds Denial of Cell Tower Permit

Julia K. Potter, Attorney, Boardman & Clark LLP



In a recent case, *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, the Wisconsin Court of Appeals upheld a municipality's decision to deny a permit to Eco-Site, LLC, a wireless infrastructure provider seeking permission to construct a cell tower on private, rural land. In doing so, the court clarified the scope of the limits placed on municipal regulatory authority by Wis. Stat. § 66.0404, which prohibits a municipality from denying a cell tower permit "based solely on aesthetic concerns."

Eco-Site sought a permit from the Town of Cedarburg to construct a 120-foot metal monopole cell tower, along with a supporting 5,600 square foot structure, on a horse farm located in the Town's A-1 agricultural zoning district (but surrounded by residential uses). Under the Town's ordinances, the permit could not be granted unless certain conditions were met, including that the tower be "[c]ompatible with adjacent land" – i.e., that "[t]he uses, values and enjoyment of other Town property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation" of the cell tower. After much discussion, the Town Board denied Eco-Site's permit application on a number of grounds, including failure to meet the ordinance's compatibility requirement.

Eco-Site sued the Town, making two primary arguments: (1) that the Town's determination that the tower was incompatible with adjacent land was a misapplication of its own ordinances; and (2) that the Town's decision was based

solely on aesthetic concerns in violation of Wis. Stat. § 66.0404(4)(g). Both arguments failed.

The court held that the Town's conclusion that the proposed tower would be incompatible with neighboring land uses was reasonable, noting that the Town had placed the property and adjacent land in agricultural and residential districts in an effort to keep the area rustic, rural, and populated and that "[t]his intended use and lifestyle are clearly at odds with, and would be thwarted by, the introduction of a 120-foot tall telecommunications tower with its substantial related structure and fencing." In addition, the court concluded that the neighboring homeowners' concerns about the negative effect the cell tower would have on their property values fairly related to the residents' "uses, values and enjoyment" of their property and therefore to the compatibility factor set out in the ordinance.

Eco-Site also argued that that the Town's denial of its permit application on the basis of incompatibility, lost property values, and the effect on the public health, safety, and general welfare amounted to a denial based solely on aesthetics in contravention of Wis. Stat. § 66.0404. Eco-Site pointed to numerous comments during the discussion of each ordinance factor that related to the visual impact of the tower. The court acknowledged that the Town Board made comments regarding aesthetics, but concluded that Wis. Stat. § 66.0404(4)(g) only prohibits a denial of a cell tower siting permit if that denial is based "solely" on aesthetic concerns. Because the Board's decision that the tower did

not meet the ordinance's incompatibility standard was also based on the impact of the tower on the uses and lifestyle for which the neighborhood was zoned and the economic impact on neighboring property values, it was not a denial based "solely" on aesthetic concerns.

This decision is an important one for municipalities looking to exercise their right to regulate the siting of cell towers within municipal limits. Municipalities should carefully consider the standards set out in local ordinances for the granting of cell tower permits to ensure that they incorporate factors that are not purely aesthetic (e.g., effect on property values and impact on the uses and enjoyment of nearby property), and should be sure to carefully document that the basis for denial of a permit includes non-aesthetic factors.

Licensing and Regulation 402

About the Author:

Julia K. Potter is an attorney at Boardman & Clark LLP, where her practice focuses on land use, real estate, right-of-way regulation, and general municipal law. She received her law degree, *summa cum laude*, from the University of Michigan Law School and her B.A. from Brown University. Julia was named an "Up and Coming Lawyer" by the Wisconsin Law Journal in 2018.

Boardman & Clark LLP is a Madison law firm that provides a full range of legal services to Wisconsin municipalities. Contact Julia at JPotter@boardmanclark.com



Lawful Hiring

Lisa Bergersen, Principal Attorney at EngageHR Law, Of Counsel at Buelow Vetter, Former HR Director, City of Pewaukee

Your organization’s recruiting process should be designed to hire the best candidate for the job. It is equally important to ensure that your organization does not run afoul of the many Equal Employment Opportunity (EEO) laws that prohibit hiring decisions based on a candidate’s protected class status. These laws exist to keep employers from intentionally or unintentionally rejecting candidates because of their protected class.

The Wisconsin Fair Employment Act (WFEA)¹, to which all State employers are subject, prohibits employers from discriminating against employees and job applicants based on any of the following:

- Age
- Arrest and Conviction Record
- Ancestry, Color, National Origin or Race
- Disability
- Genetic Testing
- Honesty Testing
- Marital Status
- Military Service
- Pregnancy or Childbirth
- Religion
- Sex and Sexual Orientation
- Use or nonuse of lawful products off the employer’s premises during nonworking hours.

The WFEA prohibits employers from 1) advertising a vacancy, 2) using an application form, 3) or making an

inquiry, such as in an interview, that “implies or expresses any limitation or discrimination” based upon a protected class. It is important to know which inquiries are likely to run afoul of EEO laws, as these may not always be apparent. The following outlines the most common concerns:

1. Age.

Persons over the age of 40 are protected by the WFEA. Questions that solicit or refer to a candidate’s age should be avoided, including:

- What is your age or date of birth?
- How old are you?
- What year were you born?
- What year did you graduate from high school/college?
- At what age do you plan to retire?

Employers can ask whether someone is of an age needed to meet the requirements for the position, such as a bartender who needs to be at least age 18.

2. Arrest and Conviction records.

Employers are barred from asking about a candidate’s *past* arrest record. If a job applicant is facing a *pending* arrest that is substantially related to the job, the employer need not hire the candidate, or can suspend the application pending an outcome of the charges. Employers can ask candidates about conviction records, as long as they make clear that a conviction will not necessarily disqualify candidates,

but will be considered to the extent that the conviction substantially relates to the job.

The substantial relationship standard has been the subject of much litigation. It is important to know how courts and the Labor & Industry Review Commission have defined and applied this standard in prior cases before denying a candidate employment.²

3. Ancestry, Color, National Origin or Race.

Questions about a person’s race, citizenship, or country of birth are unlawful and irrelevant to a person’s ability to do the job. Employers can ask candidates if they are legally authorized to work in the United States, and should explain that if hired, federal law requires appropriate documentation to verify that authorization.³

4. Disability or Medical History.

Questions such as those below are unlawful when asked before a conditional job offer is extended:

- Do you have a disability?
- Have you ever been injured on the job?
- Have you ever filed a work comp claim?
- What is your or your family’s health history?

Prior to an offer of employment, employers can explain the duties of the

1. Sec. 111.31 et seq., Wis. Stats

2. The Labor & Industry Review Commission is the appellate body that reviews Administrative Law Judge decisions under the WFEA. A directory of LIRC and court decisions can be found in the Equal Rights Division Digest - http://lirc.wisconsin.gov/erdigest/erdg_smf.htm

3. See the September issue of HR Matters for a full explanation of the I-9 form.

position or provide candidates a copy of the job description and ask if they are able to perform the job duties, with or without reasonable accommodation. If this inquiry is made, it should be asked of all candidates for the job.⁴

5. Marital Status/Pregnancy/Childbirth.

A person's pregnancy, marital or parental status is irrelevant to an ability to do the job and should not be asked. These types of questions should be barred even in casual conversation, such as the small talk that takes place before the interview, because they could be used as evidence of unlawful discrimination.

6. Military Service.

Employers can ask about military service only for the purpose of exploring experience or training that candidates may have received in the service. It is unlawful to discriminate against candidates because of membership in the armed forces, national guard, state defense force or any reserve unit.⁵

7. Religion.

Employers are prohibited from asking candidates if they attend religious services. They are permitted to ask candidates if they are able to work on the weekends, if that is a requirement of the position; employers should explain their legal obligation to reasonably accommodate religious practices that do not create an undue burden. The use of rotating weekend

shifts, and allowing employees to trade or find another staff member to work a weekend shift, are examples of possible accommodations.

8. Financial Background Questions.

Questions about candidates' financial situations should be avoided, including questions such as:

- Do you have a garnishment record?
- Do you have credit problems?
- Describe your credit history?
- Have you ever declared bankruptcy?
- Are you a homeowner?

These questions often disproportionately exclude minorities from consideration and are largely irrelevant for the vast majority of positions. In addition, the federal Bankruptcy Act prohibits public sector employers from asking about or discriminating against a candidate due to the filing of a bankruptcy action.⁶

9. Lawful Products.

The WFEA prohibits employers from asking about use of lawful products off of the worksite and outside of work hours, subject to some limited exceptions. Therefore, asking an applicant if they smoke cigarettes or drink tobacco should be avoided.

Due to the many different inquiries that could lead to an accusation or finding of unlawful discrimination, an organization's entire recruitment process must be designed to focus on only job-related criteria. Employers should take steps to:

1. Train anyone involved in the hiring process, including boards and commissions such as Police and Fire Commissions or Library Boards.
2. Ensure that all inquiries made in the employment application conform to EEO guidelines.
3. Develop interview questions ahead of time that are carefully tailored to the requirements of and qualifications for the position.
4. Consult employment counsel when issues arise, especially those involving arrest or conviction records and disability/reasonable accommodation situations.

The following resources contain additional guidance:

WI Equal Rights Division, *Fair Hiring and Avoiding Discriminatory Interview Questions*:

https://dwd.wisconsin.gov/er/civil_rights/discrimination/avoiding_discriminatory_interview_questions.htm

Federal Equal Employment Opportunity Commission Hiring Guidance:

<https://www.eeoc.gov/laws/practices/>

United States Office of Personnel Management:

<https://www.opm.gov/policy-data-oversight/assessment-and-selection/structured-interviews/guide.pdf>

4. Employers also have an obligation to extend reasonable accommodations to job candidates with disabilities that permit them to participate in the recruitment process. These links provide additional information about accommodating job applicants: https://dwd.wisconsin.gov/er/civil_rights/discrimination/disabilities_on_the_job.htm; <https://www.eeoc.gov/facts/jobapplicant.html>
 5. In addition to the WFEA, the Uniformed Services Employment & Reemployment Rights Act (USERRA) 38 U.S.C. §§ 4301-4335 (2008) applies to all employers in the U.S.
 6. 11 U.S.C. § 525 (1978)

JEWELL engineers • architects • surveyors
 associates engineers, inc.
 560 Sunrise Drive | 310 E. Jackson Street
 Spring Green, WI 53588 | Wisconsin Rapids, WI 54494
 608-588-7484 | 715-424-2424
www.JewellAssoc.com

DELTA 3
 EVERY ANGLE COVERED
 Professional Civil, Municipal & Structural Engineering
 Architecture • Grant Writing • Land Development • Planning & CADD Services
 Phone: (608) 348-5355 ▲ Website: www.delta3eng.biz ▲ Platteville, WI



Getting to Good Meetings - Local Government Meeting Rules and the Chair's Role

Daniel Foth, JD, Local Government Specialist, Local Government Center, UW-Madison, Division of Extension

How do you define a good local government meeting (“good meeting”)? Informal surveys, conducted during my parliamentary procedure classes, indicate that a good meeting is one that allows the body to complete the business at hand effectively and efficiently. Attendees said a “good meeting” includes: staying on track with the agenda, allowing all body members the opportunity to participate, and members discussing matters civilly. In Wisconsin, council/board meetings involve the chair and the members of the body. The chair and body members each have their own set of responsibilities in enabling a “good meeting” to occur. This article will focus on council/board meeting rules and how these rules can help the chair get to a “good meeting.”

In cities, the mayor serves as chair for council meetings but votes only in the case of a tie; in villages, the president serves as the chair at village board meetings and has a vote as trustee. Wis. Stat. §§ 62.09(8)(b), 62.11(1), and 61.24. A “good meeting” requires that the chair understand her/his responsibilities and duties. The chair’s duties derive from Wisconsin law and the meeting rules (including parliamentary procedure) established by the city/village.

Both cities and villages may adopt their own parliamentary procedures or meeting rules. Wis. Stat. §§ 62.11(3)(e). What are these meeting rules? The simple answer is, whatever is agreed on by the alders/trustees. Some cities and villages develop their policies. Others use a standard source. There are three primary sources: *Roberts Rules of Order Newly Revised*, 11th Edition (RONR); *Sturgis Standard Code of Parliamentary Procedure* (a simplified version of RONR); and *Welty’s Book of Procedures for Meetings, Boards & Officers* (notes methods for managers to plan, organize, and conduct productive committee meetings). Finally, another source is *A Guide to Parliamentary Procedure for Local Governments in Wisconsin* by Larry Larmer (currently under revision) that merges Wisconsin law, RONR, and best practice procedures.

Recently the UW-Madison Extension Local Government Center (LGC) updated its survey of city/village meeting procedures. We surveyed the 150 most populated cities and villages to determine what they use for their meeting/parliamentary procedure rules. The survey indicated that 81 percent of those responding incorporate *Robert’s Rules of Order* (RONR) into their meeting procedures. Meeting rules frequently

address setting the agenda, meeting processes, conduct and etiquette. Rules also cover discussion, communication, motion clarity, and board or committee/ commission operation.

Under most parliamentary rules, including RONR (pp. 448-457), the chair has specific guidelines and meeting duties. These include: Calling the meeting to order, opening discussion, presiding, his/her right of participation (including making and seconding motions and voting, except for the mayor who only votes in case of a tie as noted above) and declaring the meeting adjourned (if the body completes the agenda or so votes).

The chair’s primary duty is to “preside over the meeting.” What does this mean? The meeting rules adopted by the council/board and RONR (pp. 448-457) guide the chair in administering the group’s deliberations. The chair announces issues, keeps members on track, recognizes members, restates motions for clarity, and seeks balance by alternately allowing both sides to speak to the subject. The chair should step down as chair if s/he desires to speak to the motion. The chair can resume her/his duties for the next agenda item.

The chair also seeks participation of all members who want to participate, closes debate (by vote or unanimous consent), puts motions and any amendments to a vote, asks for votes on each side, and announces the outcome. Also, the chair enforces the body's rules by reminding members to confine remarks to the merits (not the personalities), discussing the pending topic (not what happened at the last meeting), reminding members to direct comments to the chair (not to each

other), and responding to requests and ruling on points of order.

What are the practical methods a chair can use? What tools and tips are available to keep the meeting running effectively and efficiently? Next month this article will focus on some best practices and useful ways the chair can get to a "good meeting."

About the Author:

Daniel has worked with local, regional, state, and federal government and nonprofit entities for his entire 40+ year career in the areas of infrastructure, operation, and governance.

Share your meeting rule/parliamentary procedure suggestions or questions. Email Daniel at daniel.foth@wisc.edu

Legal Captions

Employees 355

Summarizes Department of Labor's Final Rule updating the earnings thresholds necessary to exempt executive, administrative, and professional employees from the Fair Labor Standards Act's (FLSA's) minimum wage and overtime pay requirements effective January 1, 2020.

Licensing and Regulation 402

Town's denial of permit sought by wireless infrastructure provider to construct a cell tower on private rural land based on Town's conclusion that proposed tower would be incompatible with neighboring land uses based on its impact on the uses and lifestyle for which the neighborhood was zoned and the economic impact on neighboring property values was reasonable and was not based solely on aesthetic concerns as prohibited by Wis. Stat. §66.0404. *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis.2d 375, 933 N.W.2d 179.

Powers of Municipalities 937

Legal comment briefly summarizes legal authority supporting and constraining municipal intergovernmental cooperation agreements for the receipt or furnishing of municipal services or the joint exercise of authority or provision of services, and recommends minimum provisions that should be addressed in such an agreement.



Solving Railroad Issues for Municipalities
Unmatched Experience, Uniquely Qualified
Former Legal Counsel, Office of the Commissioner of Railroads

Attorney Douglas S. Wood
608.228.9536
Email: wisrrconsulting@gmail.com
www.wisrailroadconsulting.com

5304 Schluter Road
Monona, WI 53716



Water Tower Painting & Repair - Inspections
Power Washing & Expansion Joints
Ladder Safety Devices

LANE TANK CO., INC.

PO Box 500
Menomonie, WI 54751

Office: (715) 235-3110
Cell: (715) 308-9665
Fax: (715) 235-5385

**Mead
& Hunt**

1-888-364-7272

DESIGNING UTILITIES

THAT FIT YOUR GROWING NEEDS

ARCHITECTURE • PLANNING • SURVEY •
ENVIRONMENTAL • ENGINEERING • GIS

meadhunt.com

Crack Filling Service Corp.

Pioneers in crack routing and rubberized sealants

1-800-732-4379

Jeff Herring Jim Herring Scott Herring Greg Herring
4033 Barlow Rd., Cross Plains, WI 53528



Did you know? The published Legal FAQs are taken directly from the extensive library of resources on the League's website. Have a question? Try the search function on the website and get an answer. <http://www.lwm-info.org>

Pecuniary Interest FAQ 3

Are there limitations on governing body members seeking a paid employment position with their municipality during their term of office?

Yes. Three key statutes either prohibit or restrict village trustee or city council member attempts to obtain a paid employment position with the municipality during their term of office.

First, to avoid violating the state ethics code for local government officials, a governing body member should resign prior to applying for any paid employment position with his or her municipality since application for paid employment may reasonably be found to be "using [their] public position or office to obtain financial gain or anything of substantial value for the private benefit of [the official] . . ." contrary to Wis. Stat. § 19.59(1)(a).

Second, Wis. Stat. § 66.0501(2) prohibits a governing body member from being appointed to a position that was created during the official's term of office regardless of whether they resign from the governing body first.

Third, to avoid committing a Class I felony, a governing body member should resign before applying (informally or formally) for a position with their municipality that pays more than \$15,000 in a calendar year since any pre-resignation discussion or submission of an application for such employment may constitute "negotiating" or "bidding" for a contract under circumstances proscribed by Wis. Stat. § 946.13(1)(a). See Pecuniary Interest 386, 383, and 363. (rev. 7/19)

Appointments & Vacancies FAQ 9

Can a person vote to fill his/her own vacancy on a municipal governmental body such as a village board or city council?

No. There are two basic scenarios presented by this question. The first is when the outgoing member seeks to vote before they have vacated their office. The second is where the member seeks to vote after they have vacated their office.

In the first scenario, the outgoing member cannot vote on the vacancy because there is no vacancy to fill. The outgoing member is still a member of the body at the time of the vote.

In the second scenario, the former member cannot vote on the vacancy because they are no longer a member

of the body. As a non-member, that person has no authority to cast a vote on any issue as part of the body they no longer belong to. An exception to this arises when a current village trustee is appointed to fill a vacant village president position pursuant to Wis. Stat. § 61.325. In that instance, the trustee appointed as president would still be a voting member of the governing body and able to participate in a vote to fill the now vacant trustee position. (rev. 10/19)

Open Meetings Law FAQ 10

Can a city council or village board discuss general personnel matters in closed session under Wis. Stat. § 19.85(1)(b) or (c)?

No. The open meetings law exemptions in §§ 19.85(1)(b) and (c) do not encompass general personnel or management issue discussions. Rather, they are designed for discussions pertaining to specific persons over whom the governmental body has jurisdiction. These sections do not authorize a closed session to discuss general matters such as desired qualifications of employment candidates or general salary schedules. They also do not authorize a closed session to discuss an employee assistance program, personnel policy manual changes, staffing reductions or increases, or other general personnel policy matters. (rev. 10/19)

Reedsburg
Madison
Milwaukee Metro
Prairie du Chien
800-261-6468
www.vierbicher.com

2857 Bartells Drive
Beloit, Wisconsin 53511
608.365.4464
www.rhbatterman.com

Order Your Local Government 101 Workshop on DVD Today

The four DVD set includes the entire one-day workshop for you to watch on your own schedule!

- Welcome - Basics of the League
- Organization & Powers of Cities and Villages
- Recognizing and Avoiding Conflicts of Interest
- Budgeting & Financial Oversight
- Procedures for Local Government Meetings
- Managing Public Works Activities

The League's Local Government 101 Workshop provides a basic framework for governing to both new city and village officials and those who want to brush up on their knowledge of local governance.

This League DVD provides information that you need to govern. You will learn about city and village powers including municipal home rule; learn about how to recognize and avoid conflicts of interest; review the basics of municipal budgeting as well as how to run a meeting; and finish with an overview on managing public works projects. In addition, you'll learn the answer to that age-old question, "What is a walking quorum anyway?"

The accompanying workbook, which is included with the DVD set, can be ordered on a flash drive or in print. It provides you with the presentations and supporting materials that are provided to all workshop participants.

You can order it here: <http://bit.ly/LeagueLocalGov101DVD>



WE HAVE YOUR BACK

To learn more about WEA Trust:

► weatrust.com/info

Choose WEA Trust for Your Health Insurance Needs

Just like The League of Wisconsin Municipalities was created to help Wisconsin cities and villages, WEA Trust was created to help the public sector with health insurance.

That means we know public employees better than anyone else in the industry. Put your Trust in us and choose WEA Trust for your health insurance needs.



ADV 0019-1218

PS Form 3526
Statement of Ownership, Management, and Circulation
(All Periodicals Publications Except Requester Publications)

1. Publication Title: LEAGUE OF WISCONSIN MUNICIPALITIES/MUNICIPALITY (THE)
 2. Publication Number: 98240
 3. ISSN: 273597
 4. Issue Frequency: MONTHLY
 5. Number of Issues Published Annually: 12
 6. Annual Subscription Price: \$ 25.00

7. Complete Mailing Address of Known Office of Publication:
 131 W WILSON ST STE 505
 MADISON, WI 53703-3233
 Contact Person: GAIL SUMI
 Telephone: (608) 267-2390

8. Complete Mailing Address of Headquarters or General Business Office of Publisher:
 131 W WILSON ST STE 505
 MADISON, WI 53703-3233

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor:
 Publisher Name and complete mailing address:
 Jerry Dieckman
 131 W WILSON ST STE 505
 MADISON, WI 53703-3233
 Editor Name and complete mailing address:
 Gail Sumi
 131 W WILSON ST STE 505
 MADISON, WI 53703-3233
 Managing Editor Name and complete mailing address:
 Jerry Dieckman
 131 W WILSON ST STE 505
 MADISON, WI 53703-3233

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as the names and addresses of each individual owner. If the publication is published by a proprietor, give the name and address.)
 Full Name: Complete Mailing Address:
 League of WI Municipalities
 131 W WILSON ST STE 505, MADISON, WI 53703-3233, 131 W WILSON ST, STE 505

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box None
 Full Name: Complete Mailing Address:

PS Form 3526, September 2007 (Page 1) **PRIVACY NOTICE:** See our privacy policy on www.usps.com

| 13. Publication Title LEAGUE OF WISCONSIN MUNICIPALITIES/MUNICIPALITY (THE) | | 14. Issue Date for Circulation Data Below 10/01/2019 | |
|--|--|--|---|
| 15. Extend and Nature of Circulation | | Average No. Copies Each Issue During Preceding 12 Months | No. Copies of Single Issue Published Nearest to Filing Date |
| A. Total Numbers of Copies (Net press run) | | 9727 | 9795 |
| 1. Mailed Outside County Paid Subscriptions Stated on PS Form 3541 (includes paid distribution above nominal rate, advertiser's proof copies, and exchange copies) | | | 9038 |
| 2. Mailed In County Paid Subscriptions Stated on PS Form 3541 (includes paid distribution above nominal rate, advertiser's proof copies, and exchange copies) | | 492 | 842 |
| 3. Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS | | 0 | 0 |
| 4. Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail) | | 0 | 0 |
| B. Total Paid Distribution (Sum of 15b (1), (2), (3), (4)) | | 9284 | 9660 |
| 1. Free or Nominal Rate Outside County Copies (included on PS Form 3541) | | 0 | 0 |
| 2. Free or Nominal Rate In-County Copies included on PS Form 3541 | | 0 | 0 |
| 3. Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail) | | 0 | 0 |
| 4. Free or Nominal Rate Distribution Outside the Mail (Carriers or other means) | | 199 | 245 |
| A. Total Free or Nominal Rate Distribution (Sum of 15b (1), (2), (3), (4)) | | 199 | 245 |
| f. Total Distribution (Sum of 15b and 15c) | | 9727 | 9795 |
| g. Copies not Distributed | | 0 | 0 |
| h. Total (Sum of 15f and 15g) | | 9727 | 9795 |
| i. Percent Paid (15c / 15g times 100) | | 97.98% | 97.90% |
| 16. If total circulation includes electronic copies, report that circulation on lines below: | | | |
| a. Paid Electronic Copies | | 0 | 0 |
| b. Total Paid Print Copies (Line 15c) + Paid Electronic Copies | | 0 | 0 |
| c. Total Print Distribution (Line 15f) + Paid Electronic Copies | | 0 | 0 |
| d. Percent Paid (Both Print and Electronic Copies) | | 0.00% | 0.00% |
| <input type="checkbox"/> I certify that 95% of all my distributed copies (Electronic and Print) are paid above a nominal price. | | | |
| 17. Publication of Statement of Ownership | | | |

If the publication is a general publication, publication of this statement is required. Will be printed in the 12/01/2019 issue of this publication. Publication not required.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner
 Gail Sumi
 Member Engagement & Comms Director
 Date: 10/19/2019 15:46:04 PM

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

PS Form 3526, September 2007 (Page 2) **PRIVACY NOTICE:** See our privacy policy on www.usps.com



1.800.332.3360
www.fahrnerasphalt.com
 Crack Seal ♦ Chip Seal
 Slurry Seal ♦ Road Striping
 Micro Surfacing ♦ Patching
 EOE/AA Employer



REGISTERED ENGINEERS AND LAND SURVEYORS
MUNICIPAL AND INDUSTRIAL CONSULTANTS
 La Crosse, WI 54601
 Phone (608) 782-3130
www.davyinc.com



110 YEARS OF SERVICE
1909 - 2019

McMAHON ENGINEERS ARCHITECTS

FULL-SERVICE IN-HOUSE SOLUTIONS THAT HELP SHAPE OUR COMMUNITIES

920 751 4200 | MCMGRP.COM

- Architecture
- Wastewater Systems
- Waste-to-Energy
- Water Systems
- Municipal Engineering
- Environment/Ecology
- Water Resources
- Transportation
- Parks & Recreation
- Land Surveying
- Site Development
- Geospatial Solutions
- GIS Development
- BIM
- Structural Engineering
- Industrial Engineering
- Electrical/Controls
- Mechanical HVAC/Plumbing
- Funding Strategies, Solutions and Grant Assistance
- Construction Services
- Design-Build Services
- Public/Private Partnerships
- Local Government, Parks & Recreation and K12 Administration Specialists
- Operations Services

2020 League Workshops, Institutes, and Conferences

| EVENT | DATES | LOCATION | LODGING | REGISTRATION FEE |
|---|-------------------------------------|---------------|--|----------------------------------|
| Building Inspectors Institute | April 15-17 | Delavan | Lake Lawn Resort 262-728-7950 \$82 Single/ double ID: WI Bldg Insp. Inst. | \$205 Member \$230 Non-Member |
| Local Government 101 | May 8 | Pewaukee | Holiday Inn Pewaukee - West 262-506-6300 Usually does not require overnight stay but small block is available | \$100 Member \$125 Non-Member |
| Local Government 101 | May 15 | Eau Claire | Lismore Hotel Eau Claire 715-835-8888 Usually does not require overnight stay but small block is available | \$100 Member \$125 Non-Member |
| Local Government 101 | May 29 | Oshkosh | Best Western Premier Waterfront 920-230-1900 Usually does not require overnight stay but small block is available | \$100 Member \$125 Non-Member |
| Local Government 101 | June 5 | Madison | Crowne Plaza Hotel Madison 608-244-4703 Usually does not require overnight stay but small block is available | \$100 Member \$125 Non-Member |
| Clerks, Treasurers & Finance Officers Institute | June 10-12 | Oshkosh | Best Western Premier Waterfront 920-230-1900 \$82/single double ID: Clerks, Treasurers, Finance Officers | \$135 Member \$160 Non-Member |
| Municipal Attorneys Institute | June 17-19 | Sturgeon Bay | Stone Harbor Resort 877-746-0700 \$135 single/double ID: League of WI Muni Attorneys Institute | \$295 Member \$320 Non-Member |
| Local Government 101 | June 26 | Oconto Falls | City of Oconto Falls Administration Building Usually does not require overnight stay | \$100 Member \$125 Non-Member |
| Chief Executives Workshop | August 19-21 | Wausau | City Grill at Jefferson St. Inn 866-855-6500 \$128 single/double ID-Chief Execs Workshop | \$200 Member \$225 Non-Member |
| Local Government 101 | September 11 | Waupaca | Par 4 Resort 715-256-9000 Usually does not require overnight stay but small block is available | \$100 Member \$125 Non-Member |
| Municipal Assessors Institute | September 15-17 | Stevens Point | Holiday Inn Hotel & Convention Center 715-344-0200 \$82 single/\$109 double ID: Municipal Assessors Institute | \$190 Member \$215 Non-Member |
| Plumbing Inspectors Institute | September 23-25 *Date may change | Eau Claire | Lismore 715-835-8888 \$82 single/double ID: League of WI Muni's - Plumbing Insp Institute | \$165 Member \$190 Non-Member |
| Annual Conference and Engineering & Public Works Institute* | October 7-9 | La Crosse | Radisson 608-784-6680 \$119 single/\$129 double ID: League of WI Municipalities Several overflow hotels. See website* | \$270 Member \$295 Non-Member |
| Police & Fire Commission Workshop | TBD | TBD | 1-day workshop Usually does not require overnight stay but small block is available | \$130 Member \$155 Non-Member |

*Room blocks open July 1, 2020

Transitions

Clerk-Treasurer: Minong - Janel Lee

City Administrator: Elkhorn - James Heilman

Community Development Director:
Stevens Point - Ryan Kernosky

Director of Public Works: Menasha - Adam Alix,
New Berlin - Josh Radomski

Police Chief: Viroqua - Rick Niedfeldt

Trustee: Rio - Bob Benisch

CONGRATULATIONS



Janesville. Ethan Lee, Parks Supervisor, has been selected as the 2019 Park Section Young Professional of the Year by the Wisconsin Parks and Recreation Association. The award is presented annually to a Parks professional with 10 years or less of service.



Waukesha. Nate Tillis was awarded the Regional Operator of the Year for SE District, Wisconsin Wastewater Operators Association.

RETIREMENTS

Adams. Mark Klaus has been employed by the city since 1992 and retired in November after 27 years of service as a police officer. His commitment and knowledge will be greatly missed. The city wishes to express our great appreciation to Mark for his excellent service, loyalty, and dedication to the city and our citizens and wishes him well in his retirement.

Amherst. Richard Stuczynski is retiring after 35+ years with the village. He started in 1984 as the Assistant Director of Public Works and took over as the Director in 2009. Rich was so instrumental in so many developments in the village from water, sewer, streets, parks, Village Halls, etc. He will be so missed and he so deserves the happiest of retirements.

Elkhorn. After 21 years of service to the city, Administrator Sam Tapson has retired. Upon his retirement, the city has combined the city administrator and finance director roles.

CONDOLENCES



Ridgeway. Douglas Foster, who served the village for 13 years in Public Works, recently passed away at the age of 48.

Have an update?

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



- Municipal Engineering
- Cross Connection Inspection
- Building Inspection
- Funding Procurement
- Project Management
- Planning & Design

920-356-9447
107 Parallel St.
Beaver Dam, WI 53916
www.kunkelengineering.com



- ◆ Executive Search/Selection
- ◆ Interim Management
- ◆ Compensation Plans
- ◆ Fire and Emergency Services Studies
- ◆ Strategic Planning/Organizational Audits

public-administration.com
paassoc@northnet.net
262-903-9509

PUBLIC ADMINISTRATION ASSOCIATES, LLC
Kevin Brunner David Bretl Dr. Stephen Hintz



MPIC is a leading provider of property insurance solutions for Wisconsin public entities. Organized and founded with the support of the Wisconsin Municipal Mutual Insurance Company (WMMIC), Cities and Villages Mutual Insurance Company (CVMIC) and the League of Wisconsin Municipal Mutual Insurance Company (LWMMI), we are specialists in towns, villages, cities, counties and special districts.

Contact your exclusive LWMMI agent today to receive a quote.

Protecting Your Property:
Our Promise... Our Priority.

MPIC | 9701 Brader Way | Ste 301 | Middleton WI 53562 | (715) 892-7277 | www.mpicwi.com
Blair Rogacki, CPCU: brogacki@mpicwi.com



Happy Holiday Wishes!

Baird's Public Finance team is thankful for our strong partnerships with our clients and wishes all of you the most joyous of holiday seasons.

Bradley D. Viegut
Kevin M. Mullen
Justin A. Fischer
Brian C. Ruechel
Rebekah L. Freitag
Emily A. Timmerman
Jordan T. Masnica

800-792-2473, ext. 3827
rwbaird.com/publicfinance



BAIRD

Private Wealth Management Capital Markets—Investment Banking Private Equity Asset Management **Public Finance**