



TOWN OF LODI

W10919 County Road V, Lodi, WI 53555
Phone: (608) 592-4868 Fax: (608) 592-2024
Email: townoflodi@townoflodi.com

TOWN BOARD

James Brooks, Chairman
Chad Wolter, Supervisor 1
Tom Marx, Supervisor 2
Marc Hamilton, Supervisor 3
Karla Faust, Supervisor 4

DRAFT

2021 ANNUAL TOWN MEETING MINUTES APRIL 20, 2021

1. **Call to order:** Meeting called to order @ 6:00 p.m. by Chairman Brooks at the Lodi Town Hall and via Zoom.
2. **Attendance: Residents present in-person:** James Brooks (Town Chairman), Tom Marx (Board Supervisor 2), Jim & Allison Seaton, Marc Hamilton (Board Supervisor 3), Chad Wolter (Board Supervisor 1), Karla Faust (Board Supervisor 4), Chris Goodwin **Residents present via Zoom:** Robert & Jennifer Zumm, 1), Shirley Schommer, Rich & Teri Jozwiak, Laura Kruck (town property owner but not qualified elector due to non-residency), Ashley Bestul (Deputy Clerk), Taylor McGee, Tim Escher (town property owner but not qualified elector), Tess Carr, Kathryn Hanley, **Non-Residents present in-person:** Brian Ecklor (Public Works Director), April Goeske (Clerk-Treasurer). **Undetermined via Zoom:** (no first name shown; did not speak or vote during the meeting) Marty (no last name shown; did not speak or vote during the meeting).
3. **Annual Town Meeting minutes of 07/28/2020:** *Jim Seaton/Marc Hamilton motion to approve minutes as presented; MC unanimously by voice vote.*
4. **Introduction of April 6, 2021 elected Town Board members (all sworn in by 04/12/21 as required by Wisconsin State Statute:**
 - (a) Town Chairman James Brooks - present
 - (b) Supervisor 1 Chad Wolter - present
 - (c) Supervisor 2 Tom Marx - present
5. **Discussion and any action regarding current combined Clerk-Treasurer position: Per Wisconsin State Statute 60.305 “Combined and part-time offices” (1) CLERK AND TREASURER. The town meeting may: (a) Combine the offices of town clerk and town treasurer. If the offices are combined, the town board shall provide for an annual audit under s. 60.43 (2). (b) Designate as part-time the office of town clerk, the office of town treasurer or the combined office of town clerk and town treasurer.**

April Goeske - The separate (elected at the time) Clerk and Treasurer positions were combined into one Clerk-Treasurer position at a Town Meeting back in the late 1980’s/early 1990’s. That worked out fine throughout the 1990’s. But with the huge growth in the Town of Lodi since then, and the enormous amount of Clerk duties and Treasurer duties that have been added by the Federal, State and County governments it’s become impossible for one person to do it all. Since 2000 there’s usually been at least 1-2 Deputy Clerk, Deputy Treasurer, or Deputy Clerk-Treasurer. And it is much easier to find someone qualified to be a Clerk or qualified to be a Treasurer if they’re not combined. In addition, with the Clerk-Treasurer position combined the town is required to do a complete and total audit every year, which is now costing nearly \$15,000 per year.

Therefore, I am proposing that the Clerk-Treasurer position be approved by the people to go back to being two separate positions. The plan currently is that will mean the current Deputy Treasurer (Renee Bock) will become the Treasurer, the current Clerk-Treasurer (myself) will become Clerk, and the current Deputy Clerk (Ashley Bestul) will remain that. I am hoping that before the end of this year Ashley Bestul will take over as full-time Clerk, and then I will become the part-time Deputy Clerk-Treasurer to help both the Clerk and Treasurer as needed.

Allison Seaton/Marc Hamilton motion to separate the Clerk and Treasurer position; Motion Carried unanimously by voice vote.

7. Board/Commission/Committee/Department Reports:

(a) Town Board – James Brooks: new employees are Deputy Treasurer Renee Bock, Public Works Director Brian Ecklor, Deputy Clerk Ashley Bestul,

COVID-19 has changed all our lives in many different ways. Last spring Wisconsin Governor, Tony Evers put a Stay-At-Home order in place which directly affected how Town Government and how it runs. The biggest change for us, we could not hold meetings at the Town Hall in person. Right away we were aggressive and moved meetings to ZOOM telecommunications. This allowed people to join via video chat, or by phone for conversation which allowed all citizens with computer or phone to participate.

We, like many other governmental bodies across Wisconsin and probably the world found they were not prepared for this far-reaching situation. The Town Board had already started preparation for a situation like this and were holding discussions about our computer systems. The board felt the need to move away from individual computers and go to a server style system so if one computer went down, we did not lose all Town of Lodi information. Due to an incident with the lighting in the Town Hall and it melting down, almost starting a fire, and this pandemic, we pushed forward away from a server and opted to go to a cloud-based system through Microsoft for Government.

Due to the pandemic, the board members suddenly had to start using their personally owned home computers for meetings. Because this is highly inappropriate since it is for government use, we started looking for options to address this.

• ROAD TO RECOVERY AND CARES ACT

The Town of Lodi was granted monies in the amount of \$54,000 for the reimbursement for Covid related expenses.

- A. All Microsoft Surface Pros were paid for by this grant totaling 8 computers.*
- B. Sprayer to sanitize park equipment was purchased.*
- C. New Town furniture.*
- D. Drop box at the front of the Town Hall.*
- E. Disinfectant/face masks .*
- F. Meeting Owl for telecommunication of Meetings*
- G. Reimbursement for overbudget election expenses.*
- H. A Handicap entrance system to the meeting room was installed.*
- I. All IT Support for the new computer systems was paid for.*
- J. Cones and Drums for safety at the transfer site were purchased.*

• TAXES

- A. Taxes went down 1.8 percent. Meaning, for everyone \$200,000 it dropped about \$70.00 dollars.*

- **CAPITOL BUDGET**

- A. *Trash Compactor*
- B. *Public Works Building Fund*

- **TRANSFER SITE**

- A. *We have new Stickers for the transfer site. There has been a printing error on the stickers, so we are trying to resolution.*
- B. *We are looking into a 3rd dumpster to help with capacity issues.*

- **LAND**

- A. *At a Special Meeting, the Town completed a vacate of 0.06-acre parcel at the intersection of Thistledown and Ryan Road.*

- **COMPUTERS**

- A. *Moved our computer system from each tower to Microsoft for Government.*
- B. *Purchased 3 Microsoft Surface Pros for office staff.*
- C. *We signed a new contract for a new copier/scanner/fax machine in the office which lowered our monthly payments by almost \$50.00 dollars a month.*

- **AUDITOR**

- A. *We had issues with our auditor over billing and the amount of data requested. The audit for the last six years produced the same findings and almost the exact book given to us. We were not happy; they were not happy, and we parted company. We will be moving forward with the selection of a new company at the next Town Board Meeting.*

- **SUBDIVISIONS**

- A. *We have a 22 Home subdivision in working process on Hwy. 113 between Okee and Lodi.*
- B. *We have an 8 Home Subdivision in the working process on Hwy. J outside of Lodi towards the airport.*

- **LODI FIRE DEPARTMENT**

- A. *The Town of Lodi, Town of West Point and City of Lodi authorized purchase of a new Fire Engine on a 5-year term loan.*

Site Selection Committee

Several years ago, a feasibility study of the Lodi Fire Department was completed. This study identified the need for a new Lodi Fire Station. From that, a decision was made to also to look for a new site.

A Site Selection Committee was made by the Town of Lodi, Town of West Point and City of Lodi. There was not much forward momentum but that has changed in the last 6 months.

The Town of Lodi voted, and I was placed on the Committee as the Town of Lodi Board Representative. Matt Davies from the Town of Lodi was voted on by the Fire Board as the fire board representative for that committee.

We have met several times, have identified several locations and those locations will be forward to the governmental bodies for action.

High Capacity Well

The Town Board discussed a High Capacity Well. I brought this up at a Parks Commission Meeting and placing the high capacity well in the Conservancy Park by the entrance was approved. The Town Board discussed the well and felt it was more important for a new fire truck since there is Lake Wisconsin and a

standpipe for water access in Okee. We also had the fire department tell us a high capacity well will probably not be the difference.

Personally, I feel this is a discussion item for this meeting to let citizens give their input and ultimate direction.

(b) Plan Commission: James Brooks - We have a 22-home subdivision (Ganser Lodi Development (43.5-acre Parcel 11022-447 owned by Lone Star Holdings LLC/John Ganser) on STH 113 between Okee and the City of Lodi; and an 8-home subdivision (Spring Ridge – Lodi LLC, 26.2-acre Parcel 11022-46.05, owned by Donald Anderson & Beth Kalscheur-Anderson) on CTH J just outside of the City of Lodi in the works.

(c) Parks Commission – James Brooks:

Byrns Shelter: was recently vandalized, but the security cameras made it so that the perpetrators were identified, and charges have been filed.

Bay Drive Park: The Parking Pad was installed; the Public Works Director and I completed the shoreline Project; I had dirt dropped at the sight and feathered it in. More dirt is needed to complete the pad area. There is still needed for work to be done inside the park. The Park Commission will work on this.

(d) Public Works & Transfer Site – Brian Ecklor: I started out the year with snowplowing and other weather-related issues. With Spring I've been working on patching roads. I continue to travel our roads to determine other patch areas. Will be installing Rustic Roads signs in Chrislaw Road. Doing an inventory of road signs needed and those needing replacement. With my position we're able to do work that we used to have to contract with to do at greater expense, and residents can come directly to me with issues. We're looking to improve our parks and showcase them better so people know where they are. Also doing upgrades at the Transfer Site. Put a heater on the compactor, installed a heater in 1 side of the concrete garage to create a workshop. There was an increase in cost of disposing of light bulbs, so I did research and found a much less expensive option. Now starting on lawn mowing and doing the leaf cleanup that wasn't done last Fall. I've trimmed 55 trees and taken down 4 plus, some bush removals and 2 tree stumps removed. There are a lot of 2021 road projects which will be discussed at our 4/27 Town Board meeting. I'm also working on a 5-year road plan. I am available 24/7 via cell phone or email.

- ***Town Hall***

- Cleaned and organized storage room for cleaning supplies*
 - Cleaning town hall and keeping supplies stocked*
 - Fixed and repaired damaged light for flagpole*
 - Will be maintaining and cleaning to save on costs of hiring cleaners.*

- ***Roads***

- Patched holes on Smith Road, North Lakepoint Drive, Lakepoint Drive, Trevor Ridge, West and East Harmony, County Line Road, Chrislaw Road, Summerville Park Road and 4 patches on River Road.*

- I have been working with road vendors and planning our 2021 road repairs. We are working on coming up with a 5-year plan to start solving the township road problems*

- ***Road Signs***

- Ordered and Waiting on 2 new 45MPH signs of Chrislaw road*
 - Working on locating and ordering missing road signs*
 - Will be relocating street signs for better visibility*

- **ERN Signs**
Installation of new signs and post
All repairs and maintenance
To date I have installed 8 new
Replaced 2 faded
Have 6 more on order to install and replace

Installing signs and replacing our own signs will allow the Township to locate and replace them in a timely fashion. I am also able be the direct contact for citizens

- **Parks**
Dog waste bins have been getting pulled since January. Citizens have been taking advantage of this
Installed garbage can at Okee schoolhouse
Removing overgrown bushes in our parks
Worked on making the Ball Diamond safer for our youth (Buried fence and filled in area by 3rd base dugout
Looking into 2 park projects with contractors
Will be installing all the new parks signs this spring
Mowing will start up and cleaning up of our parks will begin

We are developing a strategy for our parks to improve appearance and showcase all that is to offer in our parks system.

- **Transfer Site**
Working on updating the transfer site and use.
Turned the compost pile and pushed the leaves
Hired a contractor to move the leaves and allow for future composting to work
Installed heater and working on finishing up to make a workable shop all year long.
Received quotes and installed heaters on compactor to help with wear and tear on compactor
Researched and brought forward new light bulb recycling options will save town on average \$.25-\$67 a light bulb
- **Snow Plowing and Salting**
Transfer Site, Town Hall, Walking Path, Road Clean up

Having an employee to remove snow and salting is a benefit for our community. It allows for speedy removal and increased safety on our properties. We are also able to fix and clean up any issues on our town roads without having to wait.

- **Lawn Mowing**
Lawn mowing and leaf clean up in our parks/town properties

This allows us to be able to fix and maintain our parks and properties. We don't have to pay any companies to just mow our parks. Now someone who cares is taking care of our parks.

- **Equipment Maintenance**
Changed oil and fuel filter on Bobcat
Replaced studs on Bobcat wheel

- ***Trees Cut Down or Trimmed***

Arbor Valley - 1 Tree cut down

Cactus Acres - 9 Trees Trimmed

East Harmony - 10 Trees Trimmed

Lakepoint Road - 8 Trees Trimmed

Airport Road - 2 Trees Trimmed

Lake Park - 3 Trees Trimmed

Chrislaw Road - 11 trees Trimmed

Transfer Site - 3 Trees cut down; 2 Stumps Removed

Lewis Byrns Park - 12 Trees/Bushes Trimmed; Removed bush

Red Cedar Drive - Removed Down Tree and Brush Pile

Walking Path Okee - 5 Trees/Bushes Trimmed; 2 Downed trees removed from path

Park Street Boat Landing - 1 Tree Trimmed; 1 bush cut out

Park Street - Trimmed 8-10 Trees; 25 little saplings removed; 50 Small Trees cut down; 5 Trees cut down

Hillestad Road - 1 Tree cut down

Richards Road - 1 Tree cut Down

Town Hall - 7 Trees cut down and stumps removed

Wildenburg Park – 1 tree cut down

8. Any other matters at the discretion of those present: Teri Jozwiak – I would like to address for the umpteenth time the parking pad at Bay Drive Park. In December 2019 about 30 residents asked the town not to sell that park, and to keep it as natural as possible. No mention was made of a potential parking pad, until after those 30 people had left that meeting. That parking pad has been spoken against at several meetings since, in April 2020 the Park Commission voted to put in a 5' x 2-car length parking pad. Still the residents spoke against it. In July 2020 the Park Commission approved the gravel for a 16' x 21' parking pad! The permit from CCP&Z only called for a 25' x 30' parking area. In August 2020 I submitted a petition from 30 residents asking the town to remove that parking pad. This parking pad is a disfigurement to this park; it is a blot on the landscape of the park, it exceeds the size of any driveway in the area; this is a dead-end road, there is plenty of parking along the road right-of-way, no need for this parking pad. For Arbor Valley Park and Webster Bluff Park parking along the road right-of-way is enough, why a parking pad needed here? Since the parking pad was done without a budget and without a plan, it can be removed without a budget and plan. Now dirt has been added to 3 sides of the parking pad this encroaches even further into the small park area, and has expanded due to water runoff, expanding it up to 40' into the park. The width is now 51' along the road, the park is only 55' wide to start with. There's only 2-3 feet for someone to walk off Bay Drive Park into the park, and the dirt is continuing to encroach onto this little space. All this for an unnecessary parking pad. Grass growing in this area of the park is no longer growing, and the water runoff from the pad is now running all the way to the lake. There are large rocks on the parking pad that could damage car tires. And it's all against the wishes of the citizens. It's failed as a parking pad; it's failed to blend into the park. Adding more dirt is only going to make it worse and people will end up trespassing onto adjacent properties to gain access to the park.

Karla Faust – at the Town Board meeting following the July 2020 Annual Town Meeting the town attorney stated that this is something that should be brought before the Town Board, not at the Annual Town Meeting. I agree that things need to be done at this park, but removing the parking pad is not the answer, though it has grown and spread and is an issue. A plan needs to be made. It's a beautiful piece of property. **Allison Seaton** – the Annual Town Meeting is the only place that the people can do a directive (Brooks – a non-binding directive) to the Town to remove the parking pad. It doesn't meet any ADA requirements. The park has been destroyed due to this parking pad being dumped on it. **Jim Seaton** – I

think when people talk about a park, they mean a different type of land than this one that is lakefront property. Unfortunately, in trying to develop this park so it can be used (has been unused all the years prior to this) what has been done is overkill. It appears to me that we have developed this into an unusable piece of land, not a park. **Tom Marx** – the Annual Meeting is not the only place the people can bring this up, it should go before the Town Board. Before I could vote on the motion, I'd need more information. **Chris Goodwin** – it seems that every time the Bay Drive residents have presented anything to the people, the Park Commission or the Town Board they haven't been answered. The shoreline isn't going to hold as it is now. **Karla Faust** – this is something for the Town Board now, no longer the Park Commission. We need to find some common grounds and a way for all sides to come together and agree what is to be done with this park. **James Brooks** – the Park Commission asked for input as to whether this park land should be sold or improved as a park. The people wanted it kept and maintained as park. So, the town has invested time and money into the park since (and thus the property can no longer be sold, it must remain a town-owned park). After removing fallen trees and scrub brush we needed to fix up the shoreline. We received the required permits and did work trying to make it match the riprap done by the adjacent property owner. We had the work inspected by a professional, who said we did an excellent job with the riprap. As far as the parking pad, in the first 10 feet off the road there was a 2.5'+ drop off. So, the parking pad was put in to make parking there possible. We obtained the required permit for the parking pad and put a parking pad that is 200 sq.ft. under the maximum allowed by that permit. Columbia County ordered us to put the dirt that is there. Another load of dirt is needed in the center areas yet. And yes, the Park Commission has heard every word the people have said. The purpose of the Commission is to make that park safe first. We are now in the position to now start working on plans presented by the people. It's also been discussed to scrape 1" of gravel off the top of the pad, replace it with dirt and plant grass seed so that it blends in with the rest of the park better. This park is funded by the Town of Lodi and its taxpayers and thus is available completely to the public. **Marc Hamilton** – I feel like we have been spinning our wheels too long on this park, the work needs to be completed; hire it out if needed to get it done. It should be done in 3-4 months. **Allison Seaton** – all that park needed was a single parking pad that is ADA accessible. Anything else is destroying the park. **Laura Kruck** – this HAS gone on too long. The runoff from the parking pad has created holes, divets and potholes making it impossible to walk in the park. **Teri Jozwiak** – I worded my motion based on the Wisconsin Towns Association information that was included at the end of the notice/agenda for this meeting that states “(Wisconsin State Statute) 60.10 - *The terms "authorize" and "direct" in sub. (2) are not used interchangeably. A town meeting that "authorize(s)" an act gives the town board permission to do the act within its discretion, but if it "direct(s)" that an act be done, the action is mandatory.*”.

April Goeske – I believe directives are only binding to the Town Board if they fall under one of the following items listed in *Wisconsin State Statute 60.10(2) "Directives or grants of authority to town board."* (a) *Raise money;* (b) *Membership of town board in populous towns;* (c) *Exercise of village powers. Authorize the town board to exercise powers of a village board under s. 60.22 (3);* (d) *General obligation bonds;* (e) *Purchase of land.;* (f) *Town buildings;* (g) *Disposal of property;* (h) *Exercise of certain zoning authority. (authorize, under s. 60.62 (2), the town board to enact town zoning ordinances under s. 61.35);* (i) *Watershed protection and soil and water conservation;* (j) *Appointed assessors;* (k) *Compensation of elective town offices;* (l) *Hourly wage of certain employees.* These draft minutes will be forwarded to the Town Attorney by the end of this week, and he can determine whether any motions made this evening are binding.

Teri Jozwiak/Chris Goodwin motion for a vote directing the Town Board to have the parking pad removed; Motion Failed on a vote of 8 no – 7 yes – 3 abstained.

Roll Call Vote for above motion:

James Brooks – no
Tom Marx – no
Marc Hamilton – no
Robert Zumm – no
Jennifer Zumm – no
Chad Wolter – no
Karla Faust – no
Taylor McGee – no

Jim Seaton – yes
Allison Seaton – yes
Shirley Schommer – yes
Rich Jozwiak – yes
Teri Jozwiak – yes
Kathryn Hanley – yes
Chris Goodwin – yes

Ashley Bestul – abstained
Tess Carr – abstained
Christian Wood - abstained

Laura Kruck - my only other concern with Bay Drive Park the county directed the town it has to replace 5 trees, that has not been done to-date.

Allison Seaton – Paul Skidmore works with the City of Lodi Park Commission; I will send you his information for help with this park.

Note: The following 4 have left the meeting and did not vote on the motion below: Shirley Schommer, Rich Jozwiak, Taylor McGee, Kathryn Hanley.

Allison Seaton - the Border Agreement between the City of Lodi and the Town of Lodi **James Brooks** – there is no Border Agreement, it was never completed and adopted. Allison Seaton – I requested public information on that agreement and Atty. Bechler stated that negotiations are still open on that and thus it is not available for public information release.

Allison Seaton/Jim Seaton motion to direct the Town Board to put an end/nullify the current draft of the Border Agreement with the City of Lodi; Motion failed by a voice vote of 6 no - 4 yes - 4 abstained.

Roll Call Vote for above motion:

James Brooks – no
Tom Marx – no
Marc Hamilton – no
Robert Zumm – no
Jennifer Zumm – no
Chad Wolter – no

Terri Jozwiak – yes
Tess Carr - yes
Jim Seaton – yes
Allison Seaton – yes

Karla Faust - abstained
Ashley Bestul - abstained
Christian Wood - abstained
Chris Goodwin - abstained

Allison Seaton – there’s a new place to be built at the corner of Summerville Park Road/Bay Drive; concern regarding their driveway going in on Bay Drive. **James Brooks** – about 4 years ago the town put in plastic barricades to help with the parking issue in that area of Bay Drive. **Chris Goodwin** – people are mostly ignoring those signs. **James Brooks** – could you (Chris Goodwin) meet with Public Works Director Brian Ecklor to look at this issue? **Chris Goodwin** – it’s possible that when this new house is built the parking issues may ease with a driveway in the area where this parking is occurring. **Jim Seaton** – there’s a need for the town to buy a piece of that corner. **Chris Goodwin** – some of the people using that boat launch leave their boat lifts at the landing also.

Tess Carr - last year at the Annual Meeting it was discussed communication between the Board and the Town for issues of interest to the residents. Goeske – notices/agendas etc.... are on the town’s website, town posting board, town’s Facebook, my own personal Facebook page (with 500+ town residents on it). We are no longer able with any email system to send out emails to large groups. **Tom Marx** – on Facebook you can request to be notified that everything from a particular page comes to you ahead of others.

James Brooks – for the Town of Lodi we have 3 citizen vacancies on: Plan Commission, Park Commission, and LAEMS Commission. It is important that citizen voices are heard.

Allison Seaton (to Supervisor 1 Chad Wolter, also on the LAFD) – are you still getting water from boat launches for firefighting? **Chad Wolter** – yes, and we’ll be doing more training this year towards using boat launches for water.

Tom Marx – what ever happened with the possibility of a high-capacity well on the Tony Zeman property on CTH V outside of Okee? **Marc Hamilton** – it was discussed at Town Board meetings and it wasn’t a good choice for a location, the LAFD stated it wasn’t a good option, they could get water faster from the lake or the dry hydrant in Okee. The idea wasn’t totally cancelled, but nothing proceeding forward with it at this time. **James Brooks** – it was the consensus that the town not get into an agreement with a private property owner. **Tom Marx** – it was my understanding the LAFD would rather get water from a well than the lake due to sand. **Karla Faust** – as a member of the Fire Commission it was felt that making an agreement with a private property owner was not worth the \$50,000+ investment for as little as it would be used.

Allison Seaton - one of the locations mentioned for a high-capacity well was the Conservation Park, which is partially owned by the WI DNR, so they’d have to give us permission. **Chris Goodman** – my concern with any high-capacity well is what it does to the local aquifer; that’d have to be studied in depth.

Allison Seaton/Chris Goodman that no high-capacity well be put in for or in Okee; Motion carried by a vote of 8 yes – 1 no - 4 abstained.

Roll Call Vote for above motion:

<i>Tom Marx – yes</i>	<i>Tess Carr - no</i>	<i>James Brooks – abstained</i>
<i>Jim Seaton – yes</i>		<i>Marc Hamilton - abstained</i>
<i>Allison Seaton – yes</i>		<i>Chad Wolter - abstained</i>
<i>Robert Zumm - yes</i>		<i>Ashley Bestul - abstained</i>
<i>Jennifer Zumm – yes</i>		
<i>Teri Jozwiak – yes</i>		
<i>Karla Faust – yes</i>		
<i>Chris Goodwin – yes.</i>		

Allison Seaton – is there a possibility of putting a fire lane sign on Bay Drive? **April Goeske** – would have to research any laws relating to those signs.

9. Adjourn: *Karla Faust/Tom Marx motion to adjourn at 8:30 p.m.; MC unanimously via voice vote.*

April D. Goeske
Clerk-Treasurer

*WSS 60.14(1) “Qualified voters – any qualified elector of the town, as defined under Chapter 6***, may vote at a town meeting”.*

WSS 6.02(1) “Every U.S. Citizen age 18 or older who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector”.

ATTACHMENT A

**WISCONSIN STATE STATUTE
60.10 POWERS OF TOWN MEETING**

60.10(1) Direct powers.

The town meeting may:

- (a) Raise money. Raise money, including levying taxes, to pay for expenses of the town, unless the authority has been delegated to the town board under sub. (2) (a).
- (b) Town offices and officers.
 - 1. Fix the compensation of elective town offices under s. 60.32, unless the authority has been delegated to the town board under sub. (2) (k).
 - 2. Combine the offices of town clerk and town treasurer under s. 60.305 (1).
- 60.10(1)(b)2m.
 - 2m. In a town with a population of 2,500 or more, provide for the appointment by the town board of the town clerk, town treasurer, or both, or of the combined office of town clerk and town treasurer under s. 60.305 (1), at a level of compensation to be set by the board that may not be reduced during the term to which the person is appointed.
- 3. Combine the offices of town assessor and town clerk under s. 60.305 (2).
- 4. Establish or abolish the office of town constable and establish the number of constables. Abolition of the office is effective at the end of the term of the person serving in the office.
- 5. Designate the office of town clerk, town treasurer or the combined office of clerk and treasurer as part-time under s. 60.305 (1) (b).
- 6. Designate town board supervisors as full-time officers.
- (c) Election of town officers.
 - 1. Adopt a plan under s. 5.60 (6) to elect town board supervisors to numbered seats.
 - 2. Provide under s. 8.05 (3) (a) for the nomination of candidates for elective town offices at a nonpartisan primary election.
- (e) Cemeteries. Authorize the acquisition and conveyance of cemeteries under s. 157.50 (1) and (3).
- (f) Administrator agreements. Approve agreements to employ an administrator for more than 3 years under s. 60.37 (3) (d).
- (g) Hourly wage of certain employees. Establish the hourly wage to be paid under s. 60.37 (4) to a town employee who is also an elected town officer, unless the authority has been delegated to the town board under sub. (2) (L).

60.10(2) Directives or grants of authority to town board.

Except as provided under par. (c), directives or grants of authority to the town board under this subsection may be general and continuing or may be limited as to purpose, effect or duration. A resolution adopted under this subsection shall specify whether the directive or grant is general and continuing or whether it is limited as to purpose, effect or duration. A resolution that is continuing remains in effect until rescinded at

a subsequent town meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This subsection does not limit any authority otherwise conferred on the town board by law. By resolution, the town meeting may:

- (a) Raise money. Authorize the town board to raise money, including levying taxes, to pay for expenses of the town.
- (b) Membership of town board in populous towns. In a town with a population of 2,500 or more, direct the town board to increase the membership of the board under s. 60.21 (2).
- (c) Exercise of village powers. Authorize the town board to exercise powers of a village board under s. 60.22 (3). A resolution adopted under this paragraph is general and continuing.
- (d) General obligation bonds. Authorize the town board to issue general obligation bonds in the manner and for the purposes provided by law.
- (e) Purchase of land. Authorize the town board to purchase any land within the town for present or anticipated town purposes.
- (f) Town buildings. Authorize the town board to purchase, lease or construct buildings for the use of the town, to combine for this purpose the town's funds with those of a society or corporation doing business or located in the town and to accept contributions of money, labor or space for this purpose.
- (g) Disposal of property. Authorize the town board to dispose of town real property, other than property donated to and required to be held by the town for a special purpose.
- (h) Exercise of certain zoning authority. In a town located in a county which has enacted a zoning ordinance under s. 59.69, authorize, under s. 60.62 (2), the town board to enact town zoning ordinances under s. 61.35.
- (i) Watershed protection and soil and water conservation. Authorize the town board to engage in watershed protection, soil conservation or water conservation activities beneficial to the town.
- (j) Appointed assessors. Authorize the town board to select assessors by appointment under s. 60.307 (2).
- (k) Compensation of elective town offices. Authorize the town board to fix the compensation of elective town offices under s. 60.32 (1) (b).
- (l) Hourly wage of certain employees. Authorize the town board to establish the hourly wage to be paid under s. 60.37 (4) to a town employee who is also an elected town officer, other than a town board supervisor.

60.10(3) Authorization to town board to appropriate money.

The town meeting may authorize the town board to appropriate money in the next annual budget for:

- (a) Conservation of natural resources. The conservation of natural resources by the town or by a bona fide nonprofit organization under s. 60.23 (6).
- (b) Civic functions. Civic and other functions under s. 60.23 (3).
- (c) Insects, weeds and animal diseases. The control of insect pests, weeds or plant or animal diseases within the town.
- (d) Rural numbering systems. Posting signs and otherwise cooperating with the county in the establishment of a rural numbering system under s. 59.54 (4) and (4m).
- (e) Cemetery improvements. The improvement of the town cemetery under s. 157.50 (5).

60.10 - The terms "authorize" and "direct" in sub. (2) are not used interchangeably. A town meeting that "authorize(s)" an act gives the town board permission to do the act within its discretion, but if it "direct(s)" that an act be done, the action is mandatory. Graziano v. Town of Long Lake, 191 Wis. 2d 813, 530 N.W.2d 55 (Ct. App. 1995).

ATTACHMENT B

The Annual Town Meeting by Wisconsin Towns Association Attorney Lee Turonie

Every town is required to hold an annual town meeting. Wis. Stat. § 60.11(1). Below are some reminders on this upcoming event.

Preliminaries

By default, the annual town meeting is held on the third Tuesday in April. § 60.11(2)(a). If it will be on that day, and at the same place and time as the prior year, no notice is even required to be made. § 60.11(5). But it is good practice to provide notice regardless of that.

The annual town meeting can only be scheduled for a different date than the third Tuesday in April if that had been done by the prior annual town meeting. There is not another way to do that. If timely done the annual town meeting can be scheduled to be on any day within ten days after the third Tuesday in April but not before that date. § 60.11(2)(b). However, whenever the first meeting takes place if upon that day it seems not to be ideal, the electors can vote to adjourn it to a specific time and date within the next 30 days. § 60.11(4).

An annual town meeting that is not being held on the third Tuesday in April or with any change to the time and location from the previous year requires a Class 2 notice, published or posted, starting not more than 20 nor less than 15 days prior to the meeting. § 60.11(3)(b).

The annual town meeting may transact any business over which the town meeting has jurisdiction. § 60.11(6). No agenda is required to be noticed. The annual town meeting is an exception to the open meetings law in this regard. Again however, it is good practice to notice more information to citizens especially if anything unusual is anticipated.

A meeting of the electors

The annual town meeting is a meeting of the town's electors, with those present comprising the body that is meeting. § 60.14(1). A qualified elector is someone eligible to vote in the town per Ch. 6 of the state statutes but he or she does not have to be a registered voter. A qualified elector is a U.S. citizen at least 18 years old and a resident of the town for at least 28 consecutive days prior to the annual town meeting.

If asked by the electors, the clerk must keep a poll list. § 60.15. This can be useful to ensure that only electors vote, and it can be important to keep track of how many people voted for or against some matters. There are many actions that can be rescinded at a later electors' meeting by an equal or greater number of votes. § 60.10(2). Anyone suspected of not being a qualified elector should have that addressed with a point of order per parliamentary procedure.

Any qualified elector present may make or second motions, participate in discussion of a matter and vote. The annual town meeting is not a town board meeting; town officials are generally just electors like everyone else at the annual town meeting. (Just one exception: in traditional parliamentary procedure for assemblies, unlike a board meeting, the chair does not make or second motions although he or she can still discuss and vote on everything.)

All actions are decided by a majority of the electors present and voting. § 60.14(2). There is no absentee or proxy voting allowed. Voting can be done by show of hands, voice vote or paper ballot. The voting method is as stated by the chair unless the electors decide to vote on that too. The chair may recognize

people who are not qualified electors and let them speak to the assembly, but such people cannot make or second any motions or vote (most commonly such people are non-resident landowners).

Officer roles

The chair of the town board is also the chair of the annual meeting. In an election year, if there has been a change in the chair position, the person who was chair prior to that election still has the option of chairing the annual town meeting if he or she so wishes. If the chair is absent, another board member is to act as chair. If there are no board members present, the annual town meeting elects a chair to run the meeting. § 60.13.

The chair must conduct the meeting according to rules of parliamentary procedure and is responsible to maintain order and decorum for the meeting. § 60.13. A disorderly person who continues that behavior after being ordered not to may be ordered to leave. For someone who refuses to keep order and/or to leave resort should be made to law enforcement.

The town clerk is also the clerk of the annual town meeting. In the clerk's absence a deputy clerk may serve. If both are absent the chair is to appoint a clerk for the meeting. The clerk must take the minutes and sign and file those minutes in the office of the town clerk within five days after the meeting. § 60.15. Finally, the clerk must notice any motions or resolutions adopted at the electors' meeting to the public within 30 days after the meeting. § 60.80(1)(a). (The electors cannot pass ordinances.)

Finally, the town board shall prepare a statement of the financial condition of the town showing the previous year's revenues and expenditures and the current indebtedness of the town and present that to the annual town meeting. In preparing the statement, the board may provide for assistance by any person. § 60.41.

Getting to business

§ 60.10 lists the vast majority of annual town meeting powers that can be acted upon. A few others can be found elsewhere, such as in § 82.03(2)(a) to approve of highway expenditures in excess of \$5,000 per mile of town highways for the year. However, it is important to realize that the elector meeting is limited in authority. Actions on issues for which the electors have no legal authority to act are advisory only and without any legal effect.

Finally, note that in § 60.10 many of the possible elector actions function as authorizations, not mandates to the town board. For such matters the town board is not legally obligated to do anything and may still choose to do nothing in the end. Wisconsin has a limited type of elector meeting that has to work in conjunction with the town board. Thus, such instances do not present a problem of legal substance and are instead issues of a simply political nature.