The Municipality

December | 2021
COLLABORATION

Collaboration is Part of the Big Picture 4
UniverCity Program Has Real-Life Impact 7
Improving Governance in Wisconsin 11
Local Leaders Can Drive State Policy Discussions 14
The Importance of the “Thank You” Tour 17
Small Community Forums Connect Communities 20
Municipal Publication Requirements 26
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The Municipality

December | 2021

Feature

Time to say “Ahhh!”  Collaboration is Part of the Big Picture  UniverCity Program Has Real-Life Impact  Improving Governance in Wisconsin  Local Leaders Can Drive State Policy Discussions

3 4 7 11 14

The Importance of the “Thank You” Tour  Small Community Forums Connect Communities  Did You Know?/ WI Policy Forum  Doctor’s Notes Are Not Enough

17 20 22 24

Legal

Municipal Publication Requirements  Presiding Officers and Agendas  Legal FAQ  Legal Captions

26 30 31 35

News/Updates/Training

If a City 29th Annual Salute to Local Government Awards  Upcoming Events & Workshops  Transitions/ League Board President

32 34 35 36

On the Cover

Thanks to Brian Holzhausen, a resident of the Village of West Salem, for our cover photo. As he describes this wintry scene, “the photo was taken right below the dam on Lake Neshonoc in West Salem where people like to fish, kayak, water ski, and many other things. I take a lot of backroads with my wife Trish, and like to take photos of older barns and country churches.” You can find Brian on Instagram at @Racer787.
One of the hidden perks of my job is that I get to be the biggest procrastinator in this magazine. While Claire Silverman, Maria Davis, and Toni Herkert, along with our outside contributors, struggle to get their articles in by the one-month-before-publication deadline, I get to dilly-dally until the middle of the month. As long as I abide by Gail's strict word count for this space, she's willing to put up with my keyboard-avoidance syndrome…to a point.

Why is that a benefit? After all, whether it's the beginning of the month or the middle, it's still a deadline. Why do I care? One word: inspiration. This magazine is stuffed with it. And this is the perfect time of year for inspiration.

Take a look at Brian Holzhausen's cover photo and tell me that's not inspirational. Read through Toni's travelogue and absorb the trove of local wisdom she found all over the state. I defy you to read Mayor Nickels story about his connection with the next youngest local leader in Wisconsin without smiling. But my favorite is “If A City,” a poem on page 32 by Sheboygan Poet Laureate Lisa Vihos. It speaks for itself.

It’s been another busy, unpredictable, and in some ways exhausting year. The pandemic, workforce shortage, levy limits, and new federal resources have been “snowballing” downhill on you all year. A number of our friends who are local leaders are announcing their plans to retire from elective office. Welcome to the end of 2021.

Before you turn to a new calendar, please take a moment to sit back, enjoy the snowfall out your window, and just say, “Ahhh.” Before you break out the poll books for next year’s spring primary election, go down the hall and thank the clerks and deputy clerks who diligently protect that central act of democracy. Before you bemoan your dwindling overtime budget, step up on the running board of a plow truck (while it’s stopped!) and thank that man or woman who will be on the road at all hours this winter. And before you decide which way to vote on that workforce housing project, lean over and say “thank you” to your fellow alders or trustees for putting up with your questions and opinions.

We’re all in this together. Always have been, always will be. Let’s all take just a moment to remember that, and to reflect on the terrific things human beings can accomplish through local democracy.

Thank you.
The new Executive Director of the Local Government Institute has a goal: he wants to see all of the board members of the League of Wisconsin Municipalities, Wisconsin Counties Association, and Wisconsin Towns Association in the same room at the same time. While the organizations’ executive directors frequently meet to discuss issues, the volunteer leaders of those groups haven’t been together since the Turnout for Transportation mass event that took place in 2016. Executive Director Tim Hanna thinks it’s time to get the groups together.

The former longtime mayor of the City of Appleton has been LGI’s Executive Director for more than a year. While the pandemic made travel difficult during the first few months, this year he has been able to spend more time with town, city, village, and county leaders from around the state. His first observation: he has seen a lot of silos, and not the farming kind.

“I’ve been to the Wisconsin Towns Association Annual Convention, the Wisconsin Counties Association Annual Convention, and the Annual Conference of the League of Wisconsin Municipalities,” says Hanna, “but I have yet to be in a room where members from all three organizations were represented. If we’re ever going to develop a true spirit of collaboration, step one needs to be getting together.”

In his first year at LGI, Hanna was discouraged to find a lack of collaborative effort, even among people who have been elected to serve on both municipal and county boards. “I have met a lot of people who wear both hats; they are a county supervisor and a village board member; or a town board member and county board member. In the middle of a conversation about a community issue, they would say to me, ‘I’m speaking now with my county hat on,’ and I would just cringe.”

It’s not that community elected leaders don’t want to collaborate. The challenge is finding the time to do so. Wisconsin Towns Association Executive Director Mike Koles pointed out that LGI is in a unique position to allow busy local leaders to slow down and focus on the big picture. “LGI provides an opportunity for us to build relationships across local governments and collectively step back and consider, research, and develop strategies to address foundational mutual challenges that are frequently overlooked. It allows us to focus on the important instead of always being buried in the urgent.”

The Municipality  |  December 2021
Step One

“People are begging us for collaboration. We have to figure this out. We have to figure out how to work together.” Step one is communication. There’s a need to simply get together and talk.

Hanna served as the Mayor of Appleton for more than 20 years. He also was on a number of state commissions and task forces dedicated to government collaboration and reform. One of those task force recommendations led to the creation of LGI in 2007. The League, Counties and Towns Associations formed and continue to fund this nonprofit government cooperation think-tank. Since its creation, it has published a number of best-practice reports, research papers, and broad-based visioning exercises encouraging local governments to work together. But Hanna sees a need to start over from the beginning with the most basic element of collaboration: conversation.

“I teach a class for municipal clerks on the fundamentals of collaboration. What I tell them is that collaboration is a continuum; one thing builds upon another. Collaboration between anyone, including local government leaders, is built on trust; trust is built on relationships and relationships are built on communication. Communication needs to come first. We will never have the sort of community collaboration that we need in Wisconsin until we start talking to one another.”

There is a need for greater collaboration among local governments in many areas. The growing emergency medical service (EMS) crisis throughout Wisconsin is one of the most visible, and arguably the most urgent. According to Dan Williams, a professional consultant and advisor to EMS services in Wisconsin, the state has been losing on average five EMS services each year. An aging population that is not growing as quickly as it had in the past is to blame.

Demographics are squeezing emergency medical services out of existence in some pockets of the state, while it is pressuring local budgets everywhere. As the population ages, the number of calls for service goes up. That puts a strain on both paid and volunteer EMS services. The problem is compounded by that same aging population. Fewer people are available to work through the ever-growing training requirements, particularly if the reward at the completion of their training is long hours with little help and no pay, or token “on call” pay. At a recent League discussion on this topic, there was a consensus that the entire system is no longer on the verge of collapse; it is collapsing. The need for a new way of looking at EMS is life-threatening.

EMS is an important area in need of collaboration, but it is far from the only one. Disputed land use decisions can be the most expensive challenges local governments face; and often those challenges are complicated by disagreements among adjacent local governments that may have conflicting land use goals. Towns and cities often fight over annexation proposals, incorporation proposals, and anything else that would move precious taxable property from one jurisdiction into another.

At the state legislative level, the League works collaboratively with town and county lobbyists, but consensus on land use laws can be very difficult to find. The current legislative session may be the rare exception. The League and Wisconsin Towns Association are working together on a package of modest land use changes. (See below for more details on that package.) Reaching the point where the two groups could agree on changes to annexation and other land use policies took months of talks.

Incorporation & Annexation Compromise

The League of Wisconsin Municipalities and the Towns Association have set aside their differences and reached agreement on a compromise bill, currently called LRB 4995, addressing concerns each organization has about the municipal incorporation process, extraterritorial powers of municipalities, and municipal annexation powers. The bill’s primary focus is on closing a loophole in the incorporation process by placing limitations on a newly incorporated city or village from immediately adding any remaining town territory by annexation or a boundary agreement.

The bill also restores the ability of cities and villages to annex town territory across county lines; limits municipal extraterritorial zoning powers, including the duration of zoning freezes within the extraterritorial jurisdiction; and prohibits municipalities from using condemnation to acquire blighted properties located outside a community’s borders for the purpose of transferring the property to third-party developers.
Collaboration Pays Off

The payoff of collaboration at the state level can be huge. Several years ago, the League, Towns and Counties Association agreed to work collectively toward increasing the state transportation budget. While all three organizations maintained their primary allegiance to their specific local government members, they also agreed that the first priority would be to grow the overall transportation “pie” to make up for years of underfunded road maintenance. The result has been impressive, with successive years of increases in local general transportation aids, reversing what had been a long-term downward trend.

Why the success? “Because we stop traffic when we work together,” said League Director Jerry Deschane. “Legislators can dismiss the requests of any one of us; it’s much harder to dismiss the entirety of local government.”

The payoff for collaboration may not be in the millions of dollars at the local level as it was at this state-level example. But with more than 1,800 local governments, collaboration in almost any arena will benefit citizens through greater efficiency and better service. In its early years, LGI studied a number of examples of collaboration. Summaries of several of those case studies are available on the LGI website www.localgovinstitute.org/library

But it doesn’t come easily. “It’s hard work,” said Hanna of collaboration. “You have to be willing to invest the time, and you have to know what you want to accomplish.”

Wisconsin Counties Association Executive Director Mark O’Connell is relying on LGI to be the catalyst for a new generation of collaboration among local governments. “A vibrant and growing Wisconsin requires successful communities. Successful communities require vision, foresight, and addressing of the challenges of the day. The Local Government Institute is the best opportunity local government has to identify and propose solutions to the challenges which need to be met in order for us to move from the Wisconsin we have today to the Wisconsin we desire tomorrow.”

If Tim Hanna has his way, the first step toward tomorrow is a conversation.
Wisconsinites are generally familiar with the common tagline connected to the Wisconsin Idea: “The boundaries of the University (of Wisconsin) are the boundaries of the state.” People often associate this “Idea” with university faculty, staff, and students supplying practical expertise to communities and residents. While it may have started there, over time the Wisconsin Idea emerged as the cooperative relationship of education, government, and the public took hold.

That’s the spirit in which the UniverCity Alliance (UCA) at UW-Madison was created. We are seeking to get back to the practical roots of the Wisconsin Idea, while taking it to the next level. The alliance is a network of leaders from across campus who view shared prosperity, environmental sustainability, and adept democratic government as necessary complements— not tragic tradeoffs—in our lives together.

UCA serves as a front door for local governments interested in enhancing their work with that of the university. Nearly all UW schools and colleges are involved—from the Law School to the Business School to the College of Engineering to the School of Journalism & Mass Communication. Many centers and institutes, including the Nelson Institute for Environmental Studies, the Institute for Research on Poverty, the Data Science Institute, and COWS participate in the cross-campus initiative.

Leaders across campus (from the Dean of the Nelson Institute to the Director of the Institute for Research on Poverty) formed the UniverCity Alliance in 2015 because they realized that UW-Madison was not optimally organized to serve Wisconsin cities, villages, towns, and counties as they grapple with a variety of challenges—including sustainability, economic development, disaster preparedness, educational equity, housing, and transportation. Given that most of these challenges are addressed first and fundamentally by local government, the UCA focuses on local governments broadly in both urban and rural areas. UW-Madison has many scholars whose research agendas and teaching could be informed by and be better aligned with real-life challenges. We also have extensive national and international networks of colleagues who are experts in their field. They also have a desire to collaborate on projects related to local governance. UniverCity Alliance leverages the assets it enjoys as an institution of higher education in service to a growing community of practitioners and scholars who are looking for thought partners to pursue better places together. Using the Sustainable Development Goals1 as a guiding framework for that work, we aim to realize positive change for communities, professional opportunity for faculty, and learning and growth for students in collaboration with local government.

UCA manages the UniverCity Year (UCY) program, which has been the most well-known offering of the alliance. This program provides a platform for us to partner with local governments on projects that are in need of attention.

UniverCity Year offers local governments a partnership with UW-Madison that results in on-the-ground impact and momentum in the community. The community partners identify projects that would benefit from UW-Madison expertise. Faculty from across the university incorporate these projects into their courses with graduate students and upper-level undergraduate students. UCY staff members provide administrative support to help keep the collaboration running efficiently and effectively.

UCY has worked with communities across Wisconsin. We’ve worked with Monona, which is about a 15-minute drive from campus, and we’ve also worked with the Village of Egg Harbor, which is a 3.5 hour drive. Communities apply to us each year with new project ideas. We then spend the next 4–6 months getting to know those projects in more detail. Once we have a better understanding of the projects, we search for faculty, staff, and students whose interests align with the community’s requests. Once we find a match, we put the faculty and community partners in touch to ensure we have an appropriate match. If so, we iron out all the details, and then projects start. Students (supervised by a faculty member) work with you to create something that will help your community think more deeply about an issue and provide possible ideas for solving the issue.

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Following are some of the projects we have worked on with communities across Wisconsin.

**Downtown Designs to Prevent Flooding in the Village of Stockholm**

Stockholm is a small village of about 70 people with a thriving arts scene. Each year, they host an arts festival in their park, located right on the Mississippi River. Recently, the park has been flooding more often, prompting the village to cancel the event during some years. They looked to civil and environmental engineering students to offer three design recommendations for how to prevent flooding downtown. After completing a decision matrix and consulting with village board members, students recommended acquiring land to construct a retention pond directly upstream from the downtown channel to lessen the burden on the storm drains. This also offers an opportunity to create walking paths and install cultural markers – combining placemaking and stormwater management.

**Diversity, Equity, and Inclusion in the Village of Waunakee**

In an attempt to make Waunakee a more inclusive community, the village requested assistance on several projects: a human resources audit, a communications audit, strategies for how to improve their relationship with the Ho-Chunk Nation, a diversity, equity, and inclusion media campaign, an ordinance audit, and a campaign to destigmatize mental health issues. The village is now rethinking its recruitment process to hire a more diverse pool of candidates. It also has adopted a land acknowledgment statement, created a map of Ho-Chunk cultural assets in and around the village, worked with the school district to adopt curriculum related to learning about the Ho-Chunk, and developed a public art strategy to honor the tribe. A wide array of UW departments were involved in these projects including industrial systems engineering, environmental studies, management/human resources, public health, and journalism/communications.

**Affordable Housing Site Analysis in Door County Municipalities**

Real estate students worked with county and municipal leaders to identify properties that could be used for affordable housing developments. Students, under the direction of a lecturer who actually owns a development company in addition to teaching at the UW, examined the properties and offered innovative ideas for different kinds of developments that could be placed at the different sites. Students also provided draft financing plans and recommended how to make the development attractive for the low-income housing tax credit program reviewers.
Economic Development and the Arts in Wisconsin Rapids

Rapids has a thriving arts scene, but it has not been fully realized as a driver for economic development. With the recent closing of the paper company, which employed over 1,000 people locally, city officials are thinking about how to grow their economic development portfolio. Students in the Bolz Center for Arts Administration MBA program at the UW worked with local stakeholders to create plans to bring the city and arts organizations closer together. Based on best practices from across the country, they offered examples of policies and programs that bolster the relationships between the city and arts organizations.

Adams County Has a Strong Reputation for Summer Outdoor Tourism

The chamber and a local tourism organization worked with UW Journalism/Communications students to create materials that could be used for a comprehensive winter tourism campaign. This included creating magazine and radio ads, social media (Facebook, Instagram, Snapchat, and Pinterest) content, a pocket guide map, blog posts, and short videos to showcase the best of the county’s winter tourism. Students went further and created content for a regional tourism branding campaign for Wood, Juneau, and Adams County called “Wiscursions.”

Cost/Benefit Analysis for Consolidating Monroe, Brodhead, and Green County 911 Offices

Public affairs graduate students at the UW completed a cost/benefit analysis to study whether the county and two cities in Green County should consolidate their 911 centers. Probably one of the more controversial topics in local government, this issue proved to be a good exercise for students who were geographically removed from the community. Students ultimately recommended to keep the 911 centers separate based on the value-add the 911 operators provided the county when they help accomplish other tasks.

These examples showcase the variety of projects that UW-Madison students have worked on through UniverCity Year, and they only scratch the surface. We have worked on additional topics, and we have also partnered with other universities/colleges, including Marquette, Ripon, UW-Parkside, UW-Milwaukee, and UW-River Falls. Municipal leaders have received recommendations to implement, UW students’ educational experiences have been transformed, and our faculty have enhanced their community connections. We are grateful for this win-win-win. We sincerely become a better university when partnering with different local governments across the state, so we hope to continue these mutually beneficial projects.

Check out https://univercity.wisc.edu/ and please consider partnering with UniverCity Year.

About the Author:

As Managing Director of UniverCity Alliance, Dr. Gavin Luter brokers local government/university partnerships to advance sustainability, equity, and democracy in Wisconsin. He has 15 years of experience in community/university partnership building, with a special interest in bridging the K-12 school/municipal government divide. Contact Gavin at gavin@cows.org
REIMAGINING

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It is a tough time for local government in Wisconsin. Mayors, council members, municipal managers, and public employees are navigating the prolonged disruptions caused by the COVID-19 pandemic against a backdrop of increased incivility. Hyper-partisanship at the state and national levels is seeping into local government, making the already difficult task of governing harder. The challenges facing local governments in Wisconsin prompt the question: Can we still govern? The answer has to be yes, because no is simply unacceptable. But how do we move forward in this environment? Every semester we tell our new Masters of Public Administration (MPA) students that our job is not to tell you the appropriate size and scope of government. You are here because, whatever government does, it needs to do it well. While hot-button policy issues tend to get the most attention, it is the nuts and bolts of governing that actually get things done. Or, to put it another way, how we do things often matters more than what we do. It is with that spirit that the University of Wisconsin Oshkosh MPA program launched the Whitburn Center for Policy and Governance Research (Whitburn Center). Our goal is to match the power of the UWO MPA network with the needs of underserved local governments in Wisconsin.

Our efforts are inspired by the career of the center’s namesake and founding donor, Gerald Whitburn. Whitburn served in the Wisconsin cabinet, in the Massachusetts cabinet, on the University of Wisconsin System Board of Regents, on the staff of the Secretary of the Navy, and as the CEO of Church Mutual. His work showed that public service can take many forms, is needed in many sectors, and that the way we do things in government matters. We seek to translate Whitburn’s service ideals into practice.

### Defining the Problem

Historically Wisconsin has had a reputation as a leader in good government. Significant reforms in professional management, education governance, and social service policy all have Wisconsin roots. However, steady attacks on local control, a shared revenue formula frozen in time, and the erosion of administrative capacity have all chipped away at Wisconsin’s good government tradition. And the situation in Wisconsin is not unique. Local governments across the country are facing similar hurdles.

In a 2018 book, Don Kettl, who led the 2000 Kettl Commission on reforming Wisconsin government, documented declining trust in government. The reasons for declining trust are complex, but the results are simple to understand. Without trust, there is no legitimacy. Without legitimacy, democratic governance itself is in peril. The need for legitimacy is particularly strong for unelected officials who cannot simply point to an election result to justify their authority.

At the Whitburn Center we firmly believe the best way to restore trust and legitimacy is through competence. A government that is representative of the people it serves, and that is obtaining results on behalf of those people, is one that will be accepted. To put it another way, we need to demonstrate that democratic governance is still possible in Wisconsin.

### Our Vision for Good Government

The phrase “good government” is ambiguous enough that, absent a clear definition, it can be co-opted to mean just about anything to anyone. At the Whitburn Center we define good government through the lens of performance. The good government ideal begins with effectiveness. An effective government is one that meets the service needs of its constituents. In local government, needs will vary widely across contexts. For example, the needs of a rural northern Wisconsin community will be much different than the needs or a suburb in southeast Wisconsin. Such variation is not a problem as
long as the local government is accomplishing what it sets out to do.

Good government must also be efficient. Resources are finite in every community, meaning every dollar that is spent inefficiently comes with an opportunity cost. That opportunity cost may be less money for specific programming, staffing cuts, higher taxes, or deferred maintenance. The bottom line is government waste breeds long-term incapacity, which further erodes trust. Government must be efficient, and must also be able to demonstrate that efficiency to the public.

Lastly, good government must be equitable. The concept of social equity is often misunderstood, particularly when it is used as a political buzzword. But, equity simply refers to fairness in the delivery of public services. In a democratic society a government must serve all of its residents fairly if it is to be effective for the whole. The high-profile political debates spurring recalls and conflict in Wisconsin local government are directly related to perceptions of unfairness. When a population believes government is not working for them, they lose faith, and are less likely to work within existing democratic frameworks to achieve their policy goals.

There is often disagreement about what effectiveness, efficiency, and equity even mean in local government. How can government be expected to achieve goals that are not universally agreed upon? Well, good government will always be a work in progress. Our vision at the Whirburn Center is to give government leaders the tools they need to make progress. How? We will bring people together across ideological divides to discover nonpartisan solutions for the common good. We will share innovative, research-based knowledge, equipping our partners to address their most pressing needs in an effective, efficient, and equitable manner.

Our Work

We recognize there is no shortage of organizations working on governance and policy issues in Wisconsin. Our goal is to collaborate with those organizations while always adhering to the high standards of a nonpartisan academic research center. The heart and soul of the Whirburn Center is the diverse network of students, alumni, faculty and friends involved with the UWO MPA program.
The UWO MPA program has been educating public and nonprofit sector leaders for almost 50 years. We have almost 600 active alumni, about 500 of whom are based in Wisconsin. Our alumni network will be formalized through an alumni board, and will be called upon to share practitioner needs, and to serve as a vehicle for distributing our work. Similarly, our graduate MPA students, the majority of whom are already working in public service, provide a direct link to the communities we strive to serve.

We will offer a steady stream of annual work products. Year one reports include a dive into the state of local control in Wisconsin, a summary of lessons learned from professional managers’ responses to COVID-19, and a primer on effective local board governance. The goal of these reports is to share learned insights from prominent cases, identify research-based best practices, and to help both elected and appointed officials understand their role in the governing process. Broadly, we are working to put local governments in a position to succeed.

Our efforts are unique in that they all start with input from local government leaders. For example, Whitburn Center staff are currently conducting a needs assessment survey to determine exactly what local government leaders want, and how we can align our resources to meet those desires. On that front, one of our year-one initiatives is the Whitburn Fellows program. The competitive fellowship will provide a professional development stipend to two local Wisconsin government leaders annually.

Other ongoing initiatives include a steady stream of speakers, the development of free governing resources housed on our website, and fee-for-service work tailored toward local government needs. Our network has experience in board development, strategic planning, program evaluation, equity audits, financial health evaluations, policy analysis, and a variety of other areas. The goal of our fee-for-service work is to provide affordable, research-based solutions to the everyday tasks of governing.

**Next Steps**

The first year of the Whitburn Center is all about building our capacity to serve the needs of Wisconsin local governments. This includes engaging our advisory board of ideologically diverse leaders well-versed in the challenge of governing, strengthening relationships with other organizations like the League of Municipalities, and expanding our network so as to best articulate and meet the needs of those on the front lines doing the difficult work of governing. Accordingly, our vision is always forward-looking; we are concerned with what comes next, not what came before.

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For more information about the Whitburn Center and our staff and advisory board, please visit our website: https://uwosh.edu/whitburn-center/
On December 14, the League will celebrate its 123rd birthday. This means that for more than a century we have been committed to sharing our members’ stories and best practices, and advocating on behalf of Wisconsin's municipalities at the state Capitol. We remain dedicated to continuing this tradition. This is the reason I embarked on the #ToniTravelsWI series.

At the League, we want to use this initiative to propel the narrative of our members into helping shape the stories that come alive in the Capitol. As you know, state policy decisions have real implications at the local level. We want the League’s members to be part of our grassroots effort as we develop and implement our advocacy agenda. It is your stories that can drive legislators to action!

With 190 cities and 415 villages in Wisconsin, members of the League are strongest when they share their stories with their Legislators and with us so that we can work to collectively amplify the message. The League counts both the smallest municipality (the Village of Yuba, population 53) and the largest (the City of Milwaukee, population 577,222) among our members, with the median size municipality at a population of 1,450. Regardless of a municipality’s size, all of your success and challenges, your real-world community stories are important because you play a crucial role in your residents’ lives, whether problem solving or championing development projects.

Here is a brief summary to recap some of my recent #ToniTravelsWI visits:

**> City of Superior • Population 26,751**

My first visit in this series brought me to the City of Superior to meet with Mayor Jim Paine; Planning, Economic Development & Port Director, Jason Serck; and Public Works Director, Todd Janigo, about efforts to redevelop downtown Superior and attract visitors to the community. Together we took a tour of the waterfront where the lake has been filled over the years for various water dependent businesses and to create safe harbors.

In this year’s “State of the City” address, the mayor highlighted his hopes for the development of the city’s waterfront into an exposition and commercial district and he has called on the city’s development partners to aid in the city’s redevelopment efforts. The city is courting not only tourists, but they also are courting business travelers during the work week as they assess the possibility of building a convention center in order to bring more people to the community. It will be incredible to watch this city grow in its potential as a destination city!

**> City of Washburn • Population 2,051**

The City of Washburn is located on Lake Superior's Chequamegon Bay, nestled within the Chequamegon-Nicolet National Forest, with close proximity to other coveted tourist markets. Sounds like an incredible location to live or locate a business, doesn’t it? It is.

During my visit, I was able to meet with Mary Motiff, League board member and mayor of Washburn, as well as long-term City Administrator Scott Kluver, to discuss the very real challenges and potential solutions for a city experiencing little to no growth in development or population. This is occurring despite the fact that there are plenty of jobs due to the city serving as the county seat of Bayfield County, its location as the Washburn Ranger District for the U.S.D.A. Forest Service, and its prime Lake Superior location.

It was clear during my visit that the city is dedicated to figuring out how to provide requested services such as access to childcare, emergency services, and home healthcare that will help attract new permanent residents and grow the community. Even though these innovative leaders have learned how to do more with less, it remains important to support efforts that will help grow the City of Washburn.
During my visit to Eau Claire, I met with City Council Member and the League’s newly elected 2nd Vice President, Emily Berge, and Acting City Administrator and Finance Director, Jay Winzenz. I heard about the great development and remodeling projects that are attracting a wide range of residents due to riverfront revitalization efforts and development around the Pablo Center at the Confluence.

This includes a new transit center and Phoenix Park. The transit center was awarded the TIGER grant and this mixed-use development will improve the city’s transportation access by providing a transit hub, parking ramp, and workforce housing. Phoenix Park is the first of the downtown redevelopment areas that has become a thriving location filled with thousands of people in the summer for the farmers’ market and “Sounds Like Summer Concert Series.”

If you’re interested in these developments or adapting these projects on a smaller scale, we would be happy to connect you with members experienced in successfully pioneering projects that are of interest to you.

After leaving Eau Claire, I continued on to the Village of Ellsworth where I met with Village Administrator, Nicole Stewart, who brings a wealth of knowledge to her position.

The Village of Ellsworth is a municipality with an incredible school district of both public and private schools, an easy commute to Hudson, and lots of available jobs right in the village. The village is also looking to attract new development to the community, but how can you attract growth if you don’t know what you have to sell?

Nicole was able to answer this question by spearheading an innovative project which includes gathering all of the areas ripe for development, such as vacant lots and areas that could be redeveloped, and then developing a GIS map. From there, the village will be able to unveil these locations to interested developers. What an incredible idea!

I also couldn’t leave the “Cheese Curd Capital of Wisconsin” without purchasing some amazing cheese curds! A great end to the day!

During my visit, I met with Mayor Mitch Reynolds and a Captain within the City of La Crosse Police Department, Avrie Schott, to discuss their almost year-old Community Co-Responder Unit. This is an amazing program that not only brings an officer and mental health expert together on nonviolent calls to de-escalate and coordinate wraparound services for individuals, but also provides cross-training to members of this team so that the mental health professional has a better understanding of police training and vice versa. This program took a lot of commitment and passion on multiple levels, but also demonstrates an obligation to getting people the help they need and keeping the community safe.

As someone with a background in water regulation, I thought it was absolutely fascinating to learn more about the expansion efforts at La Crosse Isle La Plume Wastewater Treatment Facility when I met with the city’s Utility Manager, Bernie Lenz, during my visit. Bernie informed me of the facility’s efforts such as: restoring and expanding capacity to ensure reliability for the next generation, addressing algae blooms present on the Mississippi River, explaining the facility’s renewable energy production and how they are working to be net-zero for electricity, and the opportunity for reusing biosolids due to new technology and a biosolids dryer. The city is working on additional partnerships and it will be exciting to follow this project due to the facility’s biosolids processing and energy generation potential.

Keep an eye out for updates on these projects!
The City of Westby is known as a strong Norwegian community with a ski jump that has a history of hosting prestigious tournaments that bring together international and U.S. jumpers. During my visit, I met with Mayor Danny Helgerson to hear about a 74-acre industrial park that is breaking ground after being in development for several years, with several businesses already interested in moving into the park. I also learned of a matching grant program in Westby that is helping restore building facades and rejuvenate the community one business at a time.

Westby is a small community, but through the innovative and tenacious work of Mayor Helgerson there are some impressive developments in the city to follow and support!

#ToniTravelsWI to Continue in 2022

Thank you to everyone who took part in my travels so far! I will continue #ToniTravelsWI this month and throughout 2022. Please follow #ToniTravelsWI on social media or send me an email to request a visit during spring/summer 2022! I have a number of visits that are already in the hopper, but I will be looking to expand this list in the future.

Your engagement on legislative issues is critical to shape the narrative on issues that impact your ability to govern your local communities. Subscribe to our newsletters like the League’s Capitol Buzz, Legislative Bulletin, and E-newsletter that includes grant opportunities and events.

About the Author:

Toni Herkert, the Government Affairs Director at the League of Wisconsin Municipalities hit the ground running on her first day in January 2021. She is the former longtime policy advisor for Wisconsin State Senator Robert Cowles (R-Green Bay), and, as such most recently served as a Policy Analyst and Clerk of the Senate Committee on Natural Resources and Energy. She is an expert on issues related to water regulation, including permitting and zoning. Toni holds a B.S. in Environmental Science and Political Science from St. Norbert College and an M.S. in Environmental Science and Policy from the University of Wisconsin-Green Bay. She also previously worked at the Wisconsin Department of Natural Resources, Wisconsin Lakes and NEW Water (formally Green Bay Metropolitan Sewerage District). Contact Toni at therkert@lwm-info.org

* City and village population provided by the Demographic Services Center, Division of Intergovernmental Relations, WI Dept. of Administration. Spreadsheet will download to your computer: https://doa.wi.gov/DIR/Census_2020_Wisconsin_User_Lookup.xlsx

A big thank you to the Village of Vesper in Rep. Nancy VanderMeer’s district for bringing this to your Legislator’s attention. As Rep. VanderMeer said in her post on Facebook, “the legislation will assist similar communities throughout the state to more efficiently work with state government agencies and entities.”

The League had two water utility bills signed into law in November. AB 300 is Act 85 and AB 302 is now ACT 86. Thank you to all the authors of these bills, including Sen. Robert Cowles, Rep. Nancy VanderMeer, and Rep. Jeremy Thiesfeldt. Thanks also to Nancy Quirk, General Manager, Green Bay Water Utility; Joe Moore, City Manager, Fond du Lac; Lawrie Kobza, Legal Counsel for MEG Water; and Chris Groh, Executive Director for WI Rural Water Assn who all testified with the League at the Capitol in favor of both bills. In addition, thank you to Bernie Lenz, Utility Manager, La Crosse and James Rabe, Director of Public Works, Oshkosh who submitted written testimony. Whether you attend a hearing, call or email your Legislator, or submit written testimony, there are several ways to be instrumental in a policy idea becoming law.

Business Retention and Expansion Visitation programs (BREV) are (and should be) the cornerstone of local economic development. However, there can be two main shortcomings when implementing these programs.

First, new projects receive fanfare, but then quickly get pushed to the side by the crush of other shiny objects or the day-to-day demands of the job. We all have many things that force their attention on us that must be dealt with right now.

Second, the focus is often wrong. Too many economic developers see engaging with this program as a way to “get” something, such as a new project, a donor, or even just to show “I’m doing something.” No one wants to spend time with you if all you’re doing is asking for something.

Stop that. The single most important thing you can do with BREV is thank business owners for being in your community. To show your community’s appreciation for them. To give something to the business owner/manager. Not to ask for things.

Back to the Basics - What is BREV?

My definition of BREV is an organized activity by which a local community, through an individual or group, meets with local business owners or managers to show appreciation to the business, help the business solve problems, assist with information to address needs, help develop plans for growth, and even build the local community capacity (assuming you are involving others in your community in doing the BREV).

These are all good things that belong in a BREV. But the issue I see is that we push past the first item too fast - that it gets lip service, then we move on to what is in it for us. New Jobs! New Buildings! A Donation! Stop that. Step back and focus on the importance of this program.

The Tyranny of the Urgent

In 1967, Charles Hummel published a pamphlet called Tyranny of the Urgent, which outlines how by spending our time on the demands of life, we don’t get around to doing the important things.

“When I say, ‘I don’t have time for this project,’ I really mean, ‘I don’t consider it as important as something else I want or need to do.’ For whatever reason, I have decided to use the hours another way – on a task I am pressured to do or on one that I enjoy. It may be planned or impulsive. Either way, the issue is not simply lack of time but a choice I make. (Emphasis added)"

BREV is widely acknowledged as the most important thing for local economic developers to engage in. Don’t let the urgent push out the most important.

Keep Your Focus on the Most Important

When I became Administrator in the City of Lancaster (Wisconsin), my first step was to get to know the community. We (my wife and I) shopped in the local stores and I was sure to introduce myself to anyone that was there – from the checkout person to the store manager. We visited many local churches, ate at all the local restaurants, and participated in every fundraiser (still do).

At work, I made appointments and visited as many business owners and managers as would give me 15 minutes. I always started by thanking them. Thanking them for investing in our community. Thanking them for their personal contributions to organizations in the community. Thanking them for choosing Lancaster to run their business.

An almost universal thing happened. They were startled by my thanking them, and some even said that no one from the City of Lancaster had ever done that.

Step back for a minute. I was meeting with businesses that in some cases were on their third generation of ownership in the same family. Businesses that employed hundreds. Owners who had donated hundreds of thousands of dollars to city and community organizations.

Yet somehow, in a community where previous Administrators had run BREV programs, no one thanked them for running their business in my community. Sure, they were thanked when they wrote the check for the library addition or for serving on a committee, but not for doing the single biggest thing they do
employing the residents of our city. Every day risking their fortunes by growing their business, paying wages, paying taxes, and even paying my salary! How can you not thank them?

A good friend of mine, Brad Hentschel, director of Planning and Economic Development in the City of Chippewa Falls, shared a similar story with me.

“One of my first BREV meetings started by saying ‘thank you,’ then asked businesses about gaps or shortfalls/pain points - what's keeping businesses up at night - and what can 'we' as the city do better to help. That's it. When we were done, we were beginning the art of departing - and a manager stopped me before leaving the room and asked, 'Wait, what is it that you (i.e., the city) needed today?' (insert long, awkward but hugely excited pause here).

Nothing!!! I need nothing today. I want you to know your investments are appreciated, and that we as a community support your efforts and want to continue providing an environment that is sustainable for your business's needs.”

Need help with your BREV?

Contact your local Small Business Development Center (SBDC) to see how they may be able to assist you with capacity when business owners ask for assistance. From startup to financials to marketing and everything in-between, your local SBDC office offers no-cost consulting to the small businesses you serve thanks to federal grants from the Small Business Administration. Visit www.wisconsinsbdc.org/centers to see the center that serves your municipality or contact Colleen Merrill at colleen.merrill@business.wisconsin.edu to explore how the SBDC may be able to partner with you.

Stay up to date on all things Economic Development with the Institute of Business and Entrepreneurship by signing up for our newsletter: https://business.wisconsin.edu/business-impact/newsletter/
Simply acknowledging business contributions led to many friendships, projects, and expansions. But not from me looking to get what I wanted - from me focusing on thanking businesses.

**Conclusion**

Business Retention and Visitation Programs are the most important thing that we do as a local economic developer. Keep at it, and don’t let the urgent sink the important.

When you do that, remember the most important aspect of BREV is saying “Thank You!”

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**About the Author:**

David Carlson is the City Administrator for Lancaster, WI (population 3,907). Lancaster is located in southwest Wisconsin, in the center of Grant County. In addition to being the City Administrator, David is the Director of Economic Development and Zoning Administrator. He serves on the Board of Directors for the Wisconsin Economic Development Association (WEDA), the Legislative Advisory Committee for the League of Wisconsin Municipalities, is an active participant in the Wisconsin City/County Management Association (WCMA), and is a Certified Economic Development Professional through the National Development Council (NDC). Contact David at davidc@lancasterwisconsin.com
Small Community Forums Connect Communities

The 2021 Small Community Forums brought together community leaders, elected officials, business leaders, and civic-minded individuals to connect to resources, share best practices, and discuss strategies to address the opportunities and challenges facing Wisconsin’s small communities.

The forums are in their 10th year and are provided by local partners in partnership with the League of Wisconsin Municipalities, Wisconsin Rural Partners, Arts Wisconsin, USDA-Rural Development, University of Wisconsin-Madison - Division of Extension, Wisconsin Downtown Action Council, and the Wisconsin Economic Development Corporation. To learn more: https://www.artswisconsin.org/programsservices/smallcommforums2021/

HAYWARD - OCTOBER 26
Hosted by the Sawyer County/Lac Courte Oreilles Economic Development Corporation

FOUNTAIN CITY - OCTOBER 27
Hosted by the City of Fountain City
SPRING GREEN - NOVEMBER 2
Hosted by the Spring Green Chamber of Commerce and Arthur’s Supper Club

WEYAUWEGA - NOVEMBER 4
Hosted by the City of Weyauwega

All photos credited to Jessica Mancel, Public Information Officer, United States Dept. of Agriculture-Rural Development (USDA). Jessica began her USDA career in 2002 as a student temp while attending UW-Stevens Point. In 2004, she was hired full time in the Single-Family Housing Department as an assistant in the state office and worked her way up to Specialist in the Stevens Point Area Office. In 2015, Jessica moved on to the Business Programs section as a Servicing Specialist before accepting the Public Information Officer position in 2017. She is married with two children and enjoys spending time vacationing with family and friends especially in Disney World and at their lake house in central Wisconsin.

Follow USDA-Rural Development on Twitter @RD_Wisconsin

From left, Jerry Deschane, Executive Director, League of Wisconsin Municipalities; Jeremy Schroeder, Administrator, Weyauwega; Chris Gunderson, Alderperson, Weyauwega; Joan Ballweg, State Senator, 14th Senate District, and Bruce Goetsch, Alderperson, Weyauwega.
Wisconsin’s Car Deer Crashes: Always in Season

★ A vehicle collided with a deer somewhere in Wisconsin every day for the past five years – 1,825 days straight – according to a Milwaukee Journal Sentinel analysis published November 4, 2021. *

★ There were 16,547 deer crashes across the state in 2020, down from 18,414 in 2019. During previous years, the numbers had been hovering between 18,000 and 20,000.

★ During 2020, there were an average of 45.2 deer crashes per day in Wisconsin.

★ The peak day for crashes last year was November 3, 2020, when 201 crashes occurred. That was slightly more than eight crashes per hour or about one crash every seven minutes across the state that day. Peak crash days in prior years:

   2019: Nov. 8 | 2018: Nov. 11 | 2017: Nov. 8 | 2016: Nov. 10

★ Date of the least crashes last year was March 28 when there were eight crashes. This coincides with the first days of the COVID pandemic in Wisconsin, when many people were staying home.

★ In 2020, a total of 523 people were injured in crashes with deer, or about 3% of the deer crashes. A total of 13 people were killed in crashes with deer.


Alcohol Tax Revenues Surge During Pandemic

State excise tax revenues from the sale of alcoholic beverages rose nearly 17% in the 2021 fiscal year, an annual increase that tops any seen in nearly five decades in Wisconsin.

While the impact of the pandemic on alcohol use is difficult to evaluate, this trend may bear watching moving forward – in part because excessive alcohol use is among Wisconsin’s longstanding public health challenges.

Revenues from the state’s excise taxes on alcoholic beverages – not including general sales taxes – rose to $73.8 million in the 2021 fiscal year that ended June 30, a 16.6% increase over the $63.3 million collected in fiscal year 2020, according to data from the state Department of Revenue (DOR).

According to figures from the state’s Annual Fiscal Report and the DOR data, 2021 marked the largest percentage increase in alcohol tax revenues in Wisconsin since 1972. In more than six decades of data, the only two fiscal years with larger percentage jumps – 1972 and 1964 – had increases in alcohol tax rates, and in fiscal 1972 the legal drinking age was lowered.

Notably, WPF research has found increases in alcohol-related driving deaths in Wisconsin during the pandemic. Previously, we found total deaths related to alcohol in Wisconsin increased over the last two decades, as was the case nationally.

Moving forward, it will be important to monitor whether this increase in alcohol sales – and presumably consumption – was a one-time byproduct of the pandemic or the start of a longer-term trend.

This information is a service of the Wisconsin Policy Forum, the state’s leading resource for nonpartisan state and local government research and civic education. Learn more at wispolicyforum.org
Law Enforcement Employee Survey Reveals Silver Linings for Police Departments

Preliminary data shows law enforcement employees around the U.S. rate their workplaces higher in a few encouraging ways, despite recent challenges. National Research Center at Polco highlights positive trends between pre-COVID and COVID times.

- **52** to **67** (+15): Encourage Employees to Come up With Innovative Solutions to Problems
- **45** to **57** (+12): Recognizing High-Performing Employees
- **48** to **58** (+10): Coaching or Mentoring Employees

Other Areas Showing Significant Increases:

- Managing Low Performance Employees
- Communicating Information in a Timely Manner
- Applying Discipline Fairly & Consistently
- Applying Policies and Procedures Equally to All Employees
- Effectiveness of Meetings in My Work Group

Request More Info at [polco.us/request-information](http://polco.us/request-information)
What can we do about Jane whose doctor keeps providing notes that further extend her months of time off? How long do we need to allow Fred to stay on light duty due to his 40-pound lift restriction? How do we deal with Chris’s falling asleep on patrol duty?

If these questions sound familiar, you know that employee medical situations place employers in the difficult position of balancing the need for full staffing and safety with concerns about overreaching into an employee’s privacy. These situations are often further complicated when the employee presents a cursory doctor’s note implying that the employer is limited in what action they can take and that they simply need to wait until the doctor clears the employee to return to work.

Employers don’t need to be stuck. By creating and implementing legally sound policies and practices – a process that is demonstrably non-discriminatory and non-retaliatory – employers can better manage employee medical situations to diminish their negative effect on the workplace. The goal is to allow an employer to obtain enough medical information to devise solutions to problematic medical situations.

**Step 1 - Define Who Will Manage Medical Issues**

To successfully deal with employee medical issues, teamwork is required. A municipal employer must deal with employee medical issues consistently across its workforce to avoid liability. Best practices dictate that, to ensure consistency of treatment of employees and medical privacy under the federal and state discrimination laws, employee medical documents and communications should be handled in one place – human resources. While department heads often want to be involved for a number of reasons, effective management of employee medical absences requires an understanding of federal and state human resources laws. Because human resources has the best understanding of these laws and is charged with maintaining employee personnel records, it is in the best position to ensure pertinent medical documents are maintained separately and confidentially as required under federal and state law. Additionally, limiting communication about medical issues to one person or department ensures consistent treatment. Nonetheless, human resources and department heads need to collaborate, because cooperation and information sharing is the key to successfully addressing employee medical issues.

**Step 2 - Create Policy and Procedure to Obtain Information**

Policy and procedure go hand in hand. Creating a process around medical absences and restrictions is a win-win for all. Policies inform employees of employer expectations related to medical absences or restrictions, and in turn, allow employers to define that process. Moreover, implementing legally mandated policies and practices allows an employer to collect needed information to evaluate a continuing absence.

Local government employers are subject to the Family and Medical Leave Act (FMLA) and, if the employer is of sufficient size to have eligible employees, should have an FMLA policy. Combined with a disability accommodation policy, an employer can establish expectations and processes that should yield more helpful information than the initial doctor’s note. For medical absences that may qualify under FMLA, information gleaned from a complete medical certification can clarify the nature and extent of an employee’s need for leave. Additionally, under federal and state disability law, employers are required to enter into an interactive process when an employee seeks an accommodation (e.g., additional time off or alteration of job requirements). This process can provide needed in-depth information about the nature and extent of an employee’s medical condition, prognosis, and ability to return to full duty. The information that can be collected is often more comprehensive than the FMLA certification in defining whether and how an employee will be able to return to full duty.
Step 3 – Use the Information in Decision-Making

The significance of the information that can be collected through proper employer policies and procedures is perhaps best seen by looking back at what an employer may have learned about the employees in our starting scenarios. Maybe we learn Chris is falling asleep because of sleep apnea and needs to be taken off duty for two weeks for medication adjustment. He is expected to then be able to return without safety issues. Fred’s lifting restrictions are now permanent, so his light duty will need to end; consideration must be given to whether there is alternative employment for which he is qualified. After four month’s absence, Jane’s physician does not expect her to be able to return for at least six more months and the staffing shortage in the department is severe. With this information, employers can make decisions. Some decisions will be more positive; some, more difficult. But the adage “information is power” applies.

About the Author:

Jill Pedigo Hall is a Shareholder in the Madison, Wisconsin office of von Briesen & Roper, s.c. She has practiced employment law for more than two decades, partnering with organizations to develop and implement best practices, strategies, and solutions that ensure compliance with labor and employment laws while supporting organizational goals. She is widely regarded by her colleagues and clients as a perceptive and resourceful litigator. Contact Jill at jhall@vonbriesen.com
This article provides a basic overview of municipal publication requirements and addresses common questions that arise regarding those requirements.

**What Items Must a Municipality Publish?**

Municipalities must publish legal notices, certain ordinances, and official proceedings of village board and common council meetings. Chapter 985 of the Wisconsin Statutes governs publication of “legal notices.” Section 985.01(2) defines “legal notice” to mean “every notice required by law or by order of a court to be published in a newspaper or other publication ….” The term includes, among other things, publication of ordinances, resolutions, financial statements, budgets and proceedings of governmental bodies intended to give notice in an area, election notices, and notices of public hearings held by governmental bodies.1 Notices required to be published only by local law are not “legal notices” under chapter 985.2

Although the Open Meetings law does not require that notices of governmental body meetings be published, it does require that notice be given “as required by any other statutes.”3 Statutes governing particular subject matters often require publication of a legal notice.

**Where Must Items be Published?**

Publication must be in a “newspaper,” as defined in § 985.01(3r), that is “likely to give notice in the area or to the person affected” and that is eligible under criteria set forth in § 985.03 which include, among other things, a certain number of paid subscribers.4 The definition of “newspaper” and the qualifying criteria are evolving so it’s important to consult the statutes for the current definition. In second and third-class cities the clerk must advertise, on or before the second Tuesday in April, for bids from eligible newspapers to serve as the “official” newspaper. In fourth class cities, no bids are required but the council must designate an official newspaper at its first meeting or as soon as it can.5 Villages may designate an eligible newspaper as the official newspaper or designate an eligible newspaper to be used for specific notices but are not required to. In certain circumstances explained below, village boards may direct that posting be used in lieu of publication. Villages that designate an official newspaper must use that paper for any legal notices they publish.6

To qualify to publish legal notices, the paper must have been published regularly and continuously7 in the municipality for a certain period of time.8 Due to how “newspaper” is defined and the paid subscribers requirement, most publications known as shoppers cannot be used to publish legal notices.9 To be eligible to publish legal notices, a newspaper must file a certificate with the county clerk stating its place of publication and that it qualifies under § 985.03.10 The newspaper must be published in the municipality, although fourth class cities and villages in which no eligible paper is published may designate a newspaper published in the county and having a general circulation in the municipality.11 A newspaper is “published” at the place from which its mailing permit is issued. If the place where a newspaper has its concentration of circulation has no primary post office, then it is published at the place it designates as its place of publication.12

Municipal officials responsible for publishing legal notices must ensure that legal notices are published only in eligible newspapers. A person charged with the duty of publishing a legal notice who causes it to be published in an ineligible paper or fails to publish a legal notice in an eligible paper may be fined up to $100 for each offense. Each day in which a legal notice should have been but was not published as required by law constitutes a separate offense.13

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1. Wis. Stat. § 985.01(2)(b) and (c).
2. § 985.09(2).
3. Wis. Stat. § 19.84.
4. § 985.01(1b). The definition of “bona fide paid circulation” now includes digital and electronic subscribers as well as print subscribers. See 2021 Wis. Act 32.
5. §§ 985.06(1) and (2) and 985.05(2).
6. § 985.05(2).
7. § 985.03 provides that certain events do not interrupt continuity and addresses eligibility of successor publications and merged publications.
8. §§ 985.03 and 985.01(3r).
10. § 985.03(1)(cm).
11. § 985.06(2).
12. § 985.01(5).
13. § 985.03(2).
**Posting in Lieu of Publication**

Villages are not required to have an official newspaper and a village board may direct that other forms of publication, such as posting under § 985.02, be used. However, certain situations require actual newspaper publication. If an eligible newspaper is published in the village, village board proceedings and village ordinances imposing forfeitures or penalties must be published in that newspaper. Additionally, other publication or posting may not be substituted for newspaper publication in proceedings relating to the following: tax redemptions or sales of lands acquired for delinquent taxes, charges or assessments; civil annexations, detachments, consolidations or incorporations under chapters 59 to 66 of the Wisconsin statutes; or legal notices or incorporations under chapters 59 to 66 of the Wisconsin statutes; or legal notices directed to specific individuals.

A village that posts in lieu of publication must post the notice in at least three public places likely to give notice to persons affected or post in one public place likely to give notice to persons affected and place the notice electronically on an internet site maintained by the municipality. The option to post in one public place and on a municipal internet site is relatively recent.

**Publication Charges**

The maximum rate a newspaper may charge for publishing a legal notice is specified by statute and is adjusted by the Wisconsin Department of Administration annually.

A newspaper that publishes a legal notice must also place an electronic copy of the legal notice at no additional charge on the publishing newspaper’s internet site and on the Wisconsin newspapers’ legal notices internet site.

**Publication of Municipal Ordinances**

Ordinance publication requirements are different for cities and villages. Every city ordinance must be published as a class 1 notice under ch. 985 within 15 days of passage. Generally, resolutions need not be published in full, although specific statutes may require resolution publication.

In contrast, villages are not required to publish every ordinance. However, ordinances and bylaws that impose penalties or forfeitures must be published as class 1 notices. If the village has designated an official newspaper, such ordinances and bylaws must be published in the official newspaper. If the village does not have an official newspaper, such ordinances and bylaws must be published in an eligible newspaper published in the village, if there is one. If no eligible paper is published in the village, the board may direct other publication or posting. A village charter ordinance must be published as a class 1 notice. Village resolutions need not be published unless publication is required by a specific statute.

**Summary publication of ordinances:** Cities and villages can opt to publish a notice summarizing a newly enacted ordinance rather than the entire ordinance. The notice of a new ordinance must be published as a class 1 notice under chapter 985 and contain the number and title of the ordinance, the date of enactment, and a summary of the ordinance’s subject matter and main points. The notice must contain information regarding where the full text of the ordinance may be obtained, including the phone number of the municipal clerk and a street address where the full text of the ordinance may be viewed, and a website, if any, where the ordinance may be accessed.

**Publishing Ordinance Code or Portion Thereof**

Municipalities can save significant publication costs using Wis. Stat. § 66.0103 which allows a municipal governing body to enact a code of ordinances or portion thereof by publishing an ordinance that incorporates the code by reference. To use this method, a copy of the code must be available for public inspection for at least two weeks prior to adoption. The ordinance adopting a code or part of a code of ordinances should be published in accordance with §§ 61.50(1) and 62.11(4). Once adopted, the code or part of the code of ordinances must be maintained and available for public inspection in the clerk’s office.

Note that this provision does not relieve municipalities of the need to follow special requirements such as voting, notice or hearing requirements, for particular ordinances. Section 66.0103 merely provides an optional method to publication under §§ 61.50(1) and 62.11(4) when a code or portions of a code are being adopted.
Publication of Common Council or Village Board Proceedings

City and village clerks must keep a full record of common council or village board proceedings and the proceedings must be published in the official newspaper as a class 1 notice (one insertion). 29

For publication purposes, the proceedings must include the substance of every official action taken by the governing body at both open and closed sessions. 30 “Substance” is defined as “an intelligible abstract or synopsis of the essential elements of the action taken by a local governing body, including the subject matter of a motion, the persons making and seconding the motion and the roll call vote on the motion ....” 31 Ordinances and resolutions published as required by law need not be reproduced in the minutes, provided the minutes include a reference to their subject matter. 32

If the village has an official newspaper or there is a qualifying newspaper published in the village, then the proceedings must be published in that paper as a class 1 notice. 33 If no qualifying paper is published in the village, then the board must direct that the proceedings either be published in a newspaper having general circulation in the village, posted in several places “or publicized in some other fashion.” 34

Classes of Legal Notices and Rules Governing Timing of Legal Notices

Laws frequently require class 1, 2, and 3 notices. The class has to do with the frequency of the notice. The number following the word class refers to the number of “insertions” required in the paper. 35 A class 2 notice means that two “insertions” are required. “Insertion,” when used to mean the publication of a legal notice more than one time, means “once each week for consecutive weeks, the last of which shall be at least one week before the act or event, unless otherwise specified by law.” 36 Sunday publication is permitted. 37

Thus, if a hearing planned for December 21 requires a class 2 notice, the final insertion must be published no later than December 14, seven days before, since a “week” is defined as seven consecutive days. 38 The time for publication of legal notices is figured by excluding the first day of publication and including the day on which the noticed event will occur. 39

When the law requires a class 2 or class 3 notice the governing body may in most instances, publish a summary in lieu of the full text for the 2nd or 3rd insertions if the requirements of § 985.075(2) are met.

Timing for Posted Notices

Notice posted before an act or event requiring notice must be posted no later than the time specified for the first newspaper publication. Notice posted after an act or event requiring notice must be posted within one week after the act or event. Actions of governing bodies posted after the act or event are effective upon posting and the person posting the legal notice should complete an affidavit of posting containing the time, place, and manner of posting which is then presumptive evidence of the facts stated in the affidavit. 40

30. §§ 62.11(4)(a), 61.32 and 61.25(3).
31. § 985.01(6).
32. Id.
33. § 985.05(1) and (2).
34. §§ 61.32 and 985.05.
35. § 985.07.
36. § 985.01(1m).
37. § 985.10.
38. § 990.01(46).
39. § 985.09.
40. § 985.02(2).
Publication Errors
Publication errors happen. What should be done will depend on the nature of the mistake, and the ease of correction. If circumstances allow, the safest course is to republish and correct any errors. However, that’s not always feasible or necessary.

For example, § 65.90 requires that a municipality publish a budget summary and notice of a budget hearing at least 15 days before the hearing. Assume that the notice is published within the requisite time and contains all the information required by law. However, the notice contains a small mistake. Examples might be a mistake with regard to the specific time of the hearing (e.g., it says the meeting will start at 7:30 but the meeting is supposed to start at 7:00). Or there can be a partial mistake with regard to the date. (The notice says the meeting will be held on Tuesday, November 7, but November 7 is actually a Thursday.) In those situations, it’s probably easiest to change the starting time of the meeting to 7:30 or publish and post in several places a correction notice with regard to the date.

In some situations, the mistakes will not be so easily corrected. If the rights of the persons the notice was intended for will be prejudiced by the mistake, the best course is to republish. Consult with your municipal attorney regarding how to best handle specific situations that arise.

Proof of Publication/Posting
The affidavit of the newspaper publisher, or other specified person, attached to a clipping of the legal notice and specifying the required publication information, is presumptive evidence that the notice was published in the indicated paper at the indicated times. For posted items, the affidavit of the poster is presumptive evidence that the notice was posted in the indicated manner at the indicated time.

In the absence of specific proof of publication, Wis. Stat. § 889.04 might prove helpful. Section 889.04 is an evidentiary statute and provides that matter entered or recorded in any ordinance or record book under §§ 61.25(3) and 62.09(11)(c) or printed in any newspaper or other form purporting to be so published, entered or recorded by any city or village as a copy of its ordinance, bylaw, resolution or regulation, is prima facie evidence thereof; after three years from the date of such publication, entry or recording such book or pamphlet “shall be conclusive proof of the regularity of the adoption and publication of the ordinance, bylaw, resolution or regulation.” Although the statute conclusively presumes regularity of adoption and publication of ordinance, it does not conclusively establish an ordinance’s validity.

Publications 125R2
About the Author:
Claire Silverman is Legal Counsel for the League of Wisconsin Municipalities. Her responsibilities include supervising the legal services provided by the League, answering questions of a general nature for officials and employees of member municipalities, writing legal articles for the League’s magazine and amicus briefs in appellate cases involving issues of statewide concern to municipalities, organizing an annual institute for municipal attorneys, and educating local officials on a variety of topics pertaining to their duties. In addition, she coordinates legal material for the League’s web page. Claire joined the League staff in 1992. Contact Claire at cms@lwm-info.org

41. § 985.12.
42. § 985.02(2)(d).
43. Kenosha County v. Town of Paris, 148 Wis. 2d 175, 434 N.W.2d 801 (Ct. App. 1988).
Have you ever witnessed or participated in a group discussion where the conversation was disorganized, and no one seemed responsible for managing the discussion? Such meetings are usually inefficient and not much gets accomplished. For group discussion to be consistently effective and fair and democratic, someone must be responsible for administering it. That responsibility belongs to the presiding officer and begins with the agenda.

Although Wisconsin law does not require that governing bodies use an agenda, many governing bodies choose to use one. Agendas serve important practical purposes by providing a structure that facilitates efficient and effective meetings. While the presiding officer is responsible for administering the agenda, a common misperception is that the presiding officer has the authority to decide what matters are included on it. Although municipalities often delegate responsibility for preparing the agenda to the presiding officer, the presiding officer does not control the agenda and may not unilaterally decide which subjects the body should discuss. Such control would invalidly usurp the legislative power vested in a city council or village board as a whole. Similarly, the governing body cannot divest or surrender its legislative power to any single member, including a mayor, village president, or any other presiding officer.

Robert’s Rules of Order, which many municipalities have adopted as their parliamentary authority, also indicates that the presiding officer does not unilaterally control the agenda. Robert’s Rules of Order Newly Revised, 12th Edition (RONR) defines a procedure for members to introduce new items of business and states the presiding officer may not deprive members of the right to introduce legitimate business. RONR 41:27. Under RONR, body members may also use orders or orders of the day to add to an agenda. An order of the day “is a particular subject, question, or item of business that is set in advance to be taken up during a given session, day, or meeting, or at a given hour, provided that no business having precedence over it interferes.” RONR 41:40. Orders of the day can be introduced whenever business of its class or new business is in order and nothing is pending, and can be used to bring a question before the body during the current meeting or a future meeting. RONR 41:44-45.

There are some important factors to note about RONR’s rules on agendas. First, RONR was written with large bodies in mind. As a result, its rules can be cumbersome for governing bodies. Second, Wisconsin municipalities commonly use agendas to satisfy the public notice requirements of Wisconsin’s Open Meetings Law. However, RONR does not contemplate the Open Meetings Law. In other words, an action regarding the agenda may be permitted under RONR and simultaneously prohibited under the Open Meetings Law which requires advance notice of, among other things, subject matter. The procedures discussed above, while permitted under RONR, may violate Wisconsin’s Open Meetings Law’s notice requirements.

Nonetheless, RONR does provide helpful guidance for how the presiding officer, and the governing body, should use the agenda during a meeting. When an agenda is adopted, it is usually done at the outset of the meeting. RONR 41:61. Note, municipalities may choose to deviate from this and establish a different procedural rule. Additionally, to comply with the Open Meetings Law a body can only subtract from the agenda at the outset of the meeting and cannot add to it. Once the agenda has been set, the presiding officer must proceed through it in order unless the body votes to change the order of business by adopting a motion to suspend the rules by a two-thirds vote or by unanimous consent. RONR 41:37, 47:7.

Ultimately, a city council or village board presiding officer does exercise some control over the discussion of agenda items, so long as that control is democratic.

Governing Bodies 402R1
Powers of Municipalities FAQ 12

May a municipality plow snow from and spread salt on private roads, driveways, and parking lots?

Yes, subject to several important conditions.

A fairly substantial body of law exists addressing whether municipalities may plow snow from private property. Wisconsin Stat. § 86.105 expressly authorizes municipal governing bodies to enter into contracts to remove snow from private roads and driveways. However, there is also an attorney general opinion, 67 Op. Att’y Gen. 304 (1978), interpreting the extent of municipal authority under § 86.105, and a relevant Wisconsin Supreme Court decision invalidating a previously existing closely related statute, Heimerl v. Ozaukee County, 256 Wis. 151, 40 N.W.2d 564 (1949).

A review of this body of law strongly supports the conclusion that a municipality may, pursuant to § 86.105 and its statutory home rule powers, enter into a contract for plowing and salting private roads, driveways, and parking lots only if the following circumstances and conditions are in place:

• such work is necessary to provide ingress and egress to the public highway from the private property;
• the contract sets forth a fee schedule for the work to be performed and requires prepayment of the fee; and
• there are no private persons in the municipality willing and capable of performing such work. (rev. 10/21)

Traffic Regulation FAQ 1

What authority do municipalities have to regulate snowmobiles?

Snowmobiles are regulated by the state under Chapter 350 of the Wisconsin Statutes and municipal peace officers have authority to enforce those regulations. Wis. Stat. § 350.17(1). Local regulation of snowmobiles is limited by Wis. Stat. § 350.18. Municipalities may designate snowmobile routes and regulate snowmobile operations on routes designated or maintained by the municipality and may enact ordinances that are in strict conformity with certain state statutes. A municipality may also enact an ordinance allowing snowmobiles to operate on any portion of a roadway and shoulder of a highway that lies within the municipality's boundaries for the purpose of residential access, if the municipality has an ordinance for the purpose of residential access, for the purpose of access from lodging. § 350.18(3). The Wisconsin DOT and the snowmobile recreational council have prepared a joint model ordinance as an example. Following adoption of local ordinances regulating snowmobiles or designating snowmobile routes, the clerk must “immediately” send a copy of the ordinance to the DOT and to the municipality's law enforcement agency having jurisdiction over the highway. Wis. Stat. § 350.047. (rev. 11/21)

Traffic Regulation FAQ 2

Can a municipality block off a street to have a snowmobile race?

Yes. A municipality may block off streets under its jurisdiction to allow special snowmobile events but may not block off any state trunk highway or connecting highway or part thereof for any snowmobile race or derby. The municipality must notify the local police department and the county sheriff’s office at least one week in advance of the time and place of any snowmobile race or derby which may result in any street or portion thereof of the county or municipality being blocked off. Upon receiving such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of the race or derby. Wis. Stat. § 350.04(1). (rev. 11/21)

Intoxicating Liquors FAQ 13

How does annexation or detachment of territory containing “Class B” liquor licenses affect a municipality’s quota?

If territory containing premises covered by a non-reserve or reserve “Class B” liquor license is annexed to a municipality and if the municipality’s quota would not otherwise allow a non-reserve or reserve “Class B” liquor license for the premises, the municipality’s quota is increased to include the license of each premises in the annexed territory. Detachment of territory decreases a municipality’s quota of non-reserve or reserve “Class B” liquor licenses by the number of non-reserve or reserve “Class B” liquor licenses issued for premises in the detached territory, except that detachment does not decrease the quota of the remainder to less than one license per 500 persons or less than one license. See Wis. Stat. § 125.51(4)(c), (d). (rev. 09/21)
If a city was a story, it would begin long before streets and structures. It would begin with land and proximity to water, and people who lived there before it was a city.

If a city was a sentence, it would be declarative. It would have a noun, like neighbor or friend and many verbs igniting action: create, discover, help, flourish, dream, propose, remember.

If a city was a poem, it would be spoken in slow, meandering lines with a litany of occurrences, triumphs, missteps, and resolutions. There would be growth, and it would not always rhyme.

The adjectives in the city would write themselves and would be testimony to all the good works of the people who live there: thriving, generous, just, compassionate, and welcoming.

There would be no period at the end of the sentence, because like a poem, the city is always unfolding toward something better and everyone who lives in that city adds their voice to the story, has a hand in its making.

- Lisa Vihos, Poet Laureate City of Sheboygan

As part of the League’s collaboration with Arts Wisconsin to support the Creative Economy, the 2021 Creative Community Champion Awards honored Wisconsin’s many poets laureate and writers in residence. From Amery to Bayfield, Milwaukee to Stevens Point, the position is officially appointed by their municipalities as ambassadors of poetry, literature, and storytelling, and leading community-oriented projects for and with local residents.

Sheboygan’s Poet Laureate Lisa Vihos was honored along with her fellow Poets Laureate and Writers in Residence at the League’s 123rd Annual Conference in Green Bay on October 21. Lisa read “If a City” (in the village too!) for the audience assembled at the reception. The poem was also read as part of Sheboygan Mayor Ryan Sorenson’s swearing in in April 2021.

To see the full list of 2021 honorees, go to https://www.artswisconsin.org/programsservices/awards/
You can read The Municipality online: https://lwm-info.org/828/The-Municipality-Magazine
Innovative Approach to Problem Solving

Sustainability Committee and Initiatives
City of Middleton

The City of Middleton Sustainability Committee, established over a decade ago, is responsible for advancing sustainability opportunities for the city. In that time and over the past year, the committee has worked with the city and community to address and leverage support for sustainability initiatives in areas such as community gardens, waste and recycling, renewable and clean energy use, conservation and environmental stewardship, and water usage.

Effort to Advance Racial Equity

Milwaukee Water Equity Taskforce
Milwaukee Water Works and Milwaukee Metropolitan Sewerage District

In 2017, Milwaukee Water Works (MWW) and Milwaukee Metropolitan Sewerage District (MMSD) convened community groups, nonprofits, and educational institutions to form the Milwaukee Water Equity Taskforce, which created a roadmap toward workforce equity in this sector. It focused on recommendations for increasing collaboration, developing awareness, and reimagining work culture and procurement. Resulting efforts that were undertaken include holding jobs fairs and other career outreach, including to high school students and formerly incarcerated individuals; analyzing workforce demographics; revising rules and regulations to ensure cultural competence; and “banning the box” on job applications.

Intergovernmental Cooperation

Addressing Homelessness & Reimagining Area Under Marquette Interchange
City of Milwaukee, Milwaukee County, State of Wisconsin

In 2019, conditions became unsustainable at an encampment of people experiencing homelessness beneath the Marquette Interchange in downtown Milwaukee. Seeking creative solutions, Milwaukee city and county and state officials formed a work group comprised of urban planners, civil engineers, lawyers, police officers, homeless services experts, academics, nonprofit leaders, and more. Using a model that moves individuals to immediate shelter, then housing placement, and connects them to wraparound services, housing was obtained for all who were living there. By 2021, the site had been redeveloped into a stormwater management site with opportunities for future recreational uses.

Jean B. Tyler Leader of the Future Award

Jim Healy
Village of Richfield Administrator

After starting with the Village of Richfield in Washington County as an intern in 2010, Jim Healy has been Village Administrator and Planning & Zoning Administrator the last seven years. Under Healy’s leadership, Richfield was the first community in Wisconsin to offer drive-through absentee voting in 2020 during the COVID-19 pandemic. In 2018, Healy oversaw passage of a voter referendum that essentially doubled what Richfield will be able to levy for road construction and maintenance. Healy also helped forge a public-private partnership to build a new volunteer fire company headquarters. In each of the last six years, the village won the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award, the highest award in public budgeting.

James R. Ryan Lifetime Achievement Award

Maria Monteagudo
Former Director of the Department of Employee Relations, City of Milwaukee

Maria Monteagudo retired from her position as director of the city of Milwaukee’s Department of Employee Relations in 2020 after 16 years in the position. Among her many accomplishments was her leadership in developing a successful risk management program that resulted in significant reductions to workplace injuries, incidence rate, and overall claims. She helped facilitate the city’s transition after the passage of Act 10, and most recently, employee policies and protocols for COVID-19. She was a recipient of the 2015 Public Sector Leader of the Year Award from Hispanic Professionals of Greater Milwaukee, among other honors.

The Wisconsin Policy Forum’s 2021 Salute to Local Government awards were presented to the honorees at a luncheon on November 17. To see the full list of award winners, https://wispolicyforum.org/2021-salute-to-local-government-winners/
### Upcoming Events & Workshops

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<tr>
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<td>December 7-9</td>
<td>Municipal Water Issues Web Series</td>
<td>Web Event</td>
<td>12:00 PM each day</td>
<td>$50</td>
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Don’t forget our monthly Membership Roundtable. It’s free and open to all members. December 14 at 12:00 PM. You can find the Zoom link on our website and in newsletters.

More information on all of our events can be found on the League website! www.lwm-info.org

### Legal Captions

#### Publications 125R2

Discusses statutes (chapters 985, 61, and 62) governing publication of municipal legal notices, ordinances, and official proceedings of the village board or common council, and gives general overview of when municipalities must use an official newspaper meeting certain eligibility criteria, and when village boards can direct that posting be used in lieu of publication. Explains when and how municipalities can publish a code of general ordinances or a portion thereof under Wis. Stat. § 66.0103 by publishing an ordinance that incorporates the code or portion thereof by reference. 11/1/2021.

#### Governing Bodies 402R1

For the Good of the Order: Presiding Officers and Agendas R1. Discusses a presiding officer’s authority regarding setting the agenda and how Robert’s Rules of Order’s rules regarding agendas apply in the context of Wisconsin’s Open Meetings Law.

### Statement of Ownership 2021
**Transitions**

**Alderman:** Columbus - Michael Clark, Amy Roelke; Sheboygan - Andre Walton  
**City Administrator:** Mineral Point - Robert Buckingham  
**City Treasurer:** Oak Creek - Sara Kawczynski  
**Clerk/Treasurer:** Beloit - Marcy Granger  
**Finance Director:** Cottage Grove - Alicia Richmond  
**Trustee:** Cleveland - Jonathan Hoffman, Barry Nelson; Loganville, Brian Thieding; Whiting, John Kourte

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**RETIREMENTS**

**Oak Creek.** Barbara Guckenberger, City Treasurer, retired after 18 years of service and Ralph Knesel, Assistant Director of Public Works, retired after 29 years of service. We thank them both!

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**LEAGUE BOARD PRESIDENT**

Sometimes working in local government is stressful. We all have days where we make decisions that aren't the most popular, or sit through meeting after meeting just to see a project fail. Often the most rewarding part of working in local government is when we connect with our residents – young and old. I recently had just such an experience that I shared on social media.

A few weeks ago I received this awesome letter from Madysen who is a 3rd grader at Franklin Elementary School running for student council. She needed to get her nomination papers signed and asked if I would sign them. I remember thinking “Justin you are busy and you won’t find time to simply sign a piece of paper.” That was until my assistant rightfully reminded me that this young girl took the time to write me a personal letter and the least I could do is go sign her nomination papers.

I am so thankful I listened to her and took the time. Sometimes we forget that people look to us as leaders. They look up to us, too. Madysen is our future. And I am excited the next generation is taking the time to write to their mayor.

PS. This is by far the best part of my job. If you ever get a letter like this, make the time – you won’t regret it.

- Justin Nickels, League Board President and Mayor of Manitowoc
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.
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 Viegut  Justin Fischer
Kevin Mullen  Brian Ruechel
Rebekah Freitag  Emily Timmerman
Jordan Masnica  Mark Yatchak

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