



*"In the Spirit of Town Government"*

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
NOTICE OF THE REGULAR TOWN BOARD MEETING  
TUESDAY, JUNE 16, 2020 AT 7:00 PM  
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI**

**AGENDA**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL & VERIFY PUBLIC NOTICE**
- 4. PUBLIC HEARINGS: NONE**
- 5. PRESENTATIONS :NONE**
- 6. PUBLIC COMMENT FORUM** *Members of the public are welcome to address the Town Board. Individuals wishing to speak on an item (whether on the agenda or not) must sign in prior to the start of the meeting and may speak during the Public Comment Forum. The Public Comment Forum allows any member of the public to make their comments prior to Town Board discussion or action on an agenda related matter. Commentators must state name and address for the record. Individual comments are limited to no more than five minutes each. Once the public comment forum ends there will be no additional discussion from the audience. The Town Board may suspend this rule if deemed necessary. Note regarding non-agenda related matters: Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present matters; however, they cannot be discussed or acted upon until specific notice of the subject matter of the proposed action can be given.*
- 7. CONSENT AGENDA** *All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.*
  - 7.a Approval of the minutes of the May 19, 2020 Town Board Meeting.**  
[05.19.2020 Town Board Minutes with comments.pdf](#)
  - 7.b Approval of the Minutes of the May 26, 2020 Special Town Board Meeting.**  
[5.26.20 Town Board Special Meeting MINUTES.docx](#)
  - 7.c Approval of the Minutes of the June 1, 2020 Special Town Board Meeting.**  
[6.01.20 Town Board Special Meeting MINUTES.docx](#)
  - 7.d Approval of the Minutes of the June 8, 2020 Special Town Board Meeting.**  
[6.08.20 Town Board Special Meeting Minutes.docx](#)
  - 7.e Approval of May 2020 Treasurer Statement & Approve Bills.**  
[M-TB MonthlyTreasurers Report and Bills for May 2020.docx](#)  
[2020 May Monthly Report.pdf](#)  
[Bills.pdf](#)  
[2020 YTD Revenues.pdf](#)  
[2020 YTD Expenses.pdf](#)  
[May 2020 P-Card.pdf](#)

**7.f Operator's Licenses with No Applicable Violations per Town Policy.**

[June New Operators & Agents 2020.pdf](#)

[June Operator Renewals 2020.pdf](#)

**8. ORDINANCES FOR INTRODUCTION: NONE**

**9. PLAN COMMISSION ITEMS FOR DISCUSSION & POSSIBLE ACTION: NONE**

**10. ROUTINE REPORTS & ACTIVITIES**

**10.a Law Enforcement - Monthly/Quarterly Update on Town Law Enforcement Activities**

[M-TB Monthly Law Enforcement Report May 2020.docx](#)

**10.b Fire, EMS & Emergency Management - Report on Fire, EMS & Emergency Management Activities.**

**i. Monthly Report**

[M-TB Monthly BFR Report May 2020.docx](#)

[Fire Dept Monthly Report May.pdf](#)

**10.c**

**Town Engineer – Update on Town Engineer Activities.**

**i. A-20 Update**

**ii. Warranty Reviews 2017, 2018, 2019**

**iii. Special Assessment Update**

[M-TB Monthly Engineer's Report for June 2020.docx](#)

**10.d Clerk/Treasurer:**

**i. August Partisan Primary**

[M-TB Monthly Clerk-Treasurer Report June 2020.docx](#)

**10.e**

**Town Administrator Report on Administrative Activities**

**i. Major Project Update**

**ii. Darboy Sanitary District**

**iii. Legislative Update**

**iv. Training/Conference Opportunities**

[M-TB Monthly Administrator's Report for June 2020.docx](#)

[05-12-2020 DSD Approved Minutes.pdf](#)

[05-26-2020 DSD Approved Minutes.pdf](#)

**11. UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION**

**11.a Resolution Authorizing the Acceptance of Sales Tax Revenue from Outagamie County for Fiscal Year 2020- For Discussion and Possible Action.**

[M-Resolution 2020-03\\_2020-05-19.docx](#)

[2020-03 Resolution 2020-03 County Sales Tax\\_2020-05-19.docx](#)

[M-OC Sales Tax Revenue Sharing Program\\_2019-12-17.docx](#)

[Brown-Co-sales-tax-decision.pdf](#)

[COUNTY SALES TAX MUNICIPAL-SCHOOL 4.16.2020 INFORMATION UPDATE.pdf](#)

[2019 Sales Tax Revenue Sharing Correspondence.pdf](#)

**11.b Fireworks Sellers Permit, Applicant: G & M Fireworks, LLC; Location: Festival Foods Parking Lot; For June 19 to July 6, 2020 - For Approval /Denial.**

[M-TB Fireworks Sellers Permit Application G and M LLC 5.19.20.docx](#)

[G&M Fireworks Permit Application.pdf](#)

**12. NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION**

**12.a DOT State/Municipal Agreement for a State-Let Local Bridge Project. - Plum Creek Bridge on New Road. - For Approval/Denial.**

i. DOT Agreement

ii. County Bridge Aid Application

[Bridge Aid Petition Application County Line Road w Attachments.pdf](#)

**12.b DOT State/Municipal Agreement for a State-Let Local Bridge Project. - Plum Creek Bridge on County Line Road. - For Approval/Denial.**

i. DOT Agreement

ii. County Bridge Aid Application

[Bridge Aids Petition Application New Rd with Attachments.pdf](#)

**12.c Hickory Park Trail Drainage - For Discussion and Possible Action.**

[Hickory Park Trail pictures.pdf](#)

[Hickory Park Trail maps.pdf](#)

**12.d Treeline Ct - For Discussion and Possible Action.**

i. Driveway Replacement

ii. Downspout Concerns

iii. Ditch at corner of Red Tail & Tree Line

**12.e Investors Community Bank - Resolution Designating Public Depository and Authorizing Withdrawal of County, City, Village, Town or School District Moneys. - For Approval/Denial.**

[M-Investors Community Bank Signers.docx](#)

**12.f Enterprise Electric - Ceiling Fan Estimate - For Approval/Denial.**

[M-Enterprise Electric Ceiling Fans 06-16-20.docx](#)

[Enterprise Electric Quote.pdf](#)

**12.g Appointment of Adam Gitter to the Fox Cities Transit Commission - For Approval/Denial.**

**12.h Appointment by the Chairperson to various Boards & Commissions - For Approval/Denial.**

**Weed Commissioner**

**Adam Gitter, 704 S 7th Ave, West Bend, WI 53095**

**Term Expiring, July 1, 2021 or until a successor is qualified.**

**12.i Fireworks User Permit, Applicant: Spielbauer Fireworks Co, Location: WIR Racetrack; For July 4, 2020. - For Approval/Denial.**

[M-TB Fireworks User Permit Application WIR.docx](#)

[07.04.2020 Fireworks Permit Application.pdf](#)

**13. CLOSED SESSION: NONE**

**14. FUTURE AGENDA ITEMS: *The next regularly scheduled meeting is July 21, 2020. Meeting agenda/discussion items and possible action on future Town Board agenda, including specific items for inclusion on or exclusion from a future agenda.***

**Other Future Meetings:**

**July 9, 2020 Stormwater Utility District Meeting 7:00 p.m.**

**July 13, 2020 Plan Commission Meeting 7:00 p.m.**

**October 27, 2020 Annual Town Meeting 7:00 p.m.**

**15. ADJOURNMENT**

**Cynthia Sieracki, Clerk**

**Posted: June 12, 2020**

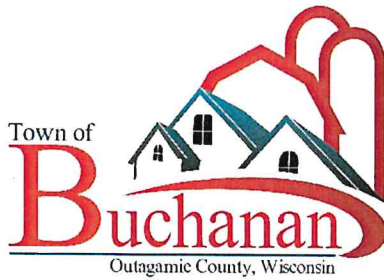
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**Public Notice:** Agendas are posted in the following locations: Town Hall bulletin board, Town website: [www.townofbuchanan.org](http://www.townofbuchanan.org), Buchanan Festival Foods and Darboy Joint Sanitary District.

**Special Accommodations:** Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at (920) 734-8599 with as much advance notice as possible.

**Notice of Possible Quorum:** A quorum of the Plan Commission, Board of Review, and/or Board of Appeals may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Plan Commission, Board of Review, and/or Board of Appeals will be taken at this meeting.

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*"In the Spirit of Town Government"*

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF THE TOWN BOARD MEETING  
TUESDAY, MAY 19, 2020 AT 7:00 P.M.  
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

**TOWN HALL WAS CLOSED TO THE PUBLIC DUE TO THE PUBLIC HEALTH CONCERN REGARDING COVID-19; THE PUBLIC HAD REMOTE ACCESS TO LISTEN TO THIS OPEN MEETING.**

**OPENING:**

1. **CALL MEETING TO ORDER:** Meeting called to order by Chairperson McAndrews at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Pledge recited.
3. **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present – McAndrews, Lawrence, Reinke, Sprangers and Kavanaugh. Town officials present – Clerk/Treasurer Sieracki, Fire Chief Mohr and Town Engineer Majkowski. Several members of the public were in attendance and several via telephone.

**PRESENTATIONS & PUBLIC FORUM:**

4. **PUBLIC HEARINGS: NONE**
5. **PRESENTATIONS: NONE**
6. **PUBLIC COMMENT FORUM:**  
*Public comment was submitted to the Clerk to be read into the record. Those in attendance were able to read their own public comments if they wanted to. Chairperson McAndrews read all the remaining public comments. All comments are included in the form in which they were submitted and can be found at the end of this document.*

**TOWN BOARD BUSINESS AGENDA:**

7. **CONSENT AGENDA:**
  - a). Approval of the Minutes of the April 28, 2020 Town Board Meeting.
  - b). Approval of the Minutes of the May 12, 2020 Special Town Board Meeting.
  - c). Approval of April 2020 Treasurer Statement & Approve Bills.
  - d). Operator's Licenses with No Applicable Violations per Town Policy.

*Motion by Lawrence/Reinke to approve all items as provided in the consent agenda as presented. Motion carried 4 to 1 by voice vote with Sprangers dissenting.*

8. **ORDINANCES FOR INTRODUCTION: NONE**
9. **PLAN COMMISSION ITEMS FOR DISCUSSION & POSSIBLE ACTION: NONE**
10. **ROUTINE REPORTS & ACTIVITIES:**
  - a). Law Enforcement – Monthly/Quarterly Update on Town Law Enforcement Activities
    - i. No update given.
  - b). Fire, EMS & Emergency Management - Report on Fire, EMS & Emergency Management Activities
    - i. Monthly Report was handed out at the meeting. The Board did not have any questions on the report.
    - ii. Chief Mohr also shared the COVID-19 Coronavirus Fire Service Mutual Aid Agreement that is with the following municipalities: Village of Combined Locks, Village of Kimberly, Village of Little Chute and the Town of Buchanan.
  - c). Town Engineer – Update on Town Engineer Activities

- i. A-20 Update
  - a). Preconstruction Meeting Schedule – Engineer Majkowski is talking with the contractor at the beginning of June to go through the contracts to get them executed. The preconstruction meeting will be scheduled shortly after that.
  - b). Darboy Sanitary District Cost Summary – Prior to doing any work, the Darboy Sanitary District requested the Town put into the contract some of the work they needed to be done. The cost summary shows in dollars and cents what they have accepted.
- ii. Rueden Ridge, First Addition – Construction Update – Most of the work was completed last year. Justin went out there during the winter to check on the erosion control. The developer was sent a list of items that need to be taken care of in the short term to get approval from the Town.
- iii. Storm Water Management – UNPS Grant Application Update – CTH N and Schmalz Property – Both grants were submitted in time to the DNR. The Town should hear something in the fall if either one will be funded.
- d). Clerk/Treasurer
  - i. Deputy Clerk/Deputy Treasurer Position Update – The position has been filled and Staff is pleased to announce that Nichole Nielsen has accepted the position of Deputy Clerk/Deputy Treasurer. Her start date will be June 1, 2020 and she prefers to work the 9:00 a.m. to 4:00 p.m. schedule Monday – Thursday and 8:00 a.m. to 12:00 p.m. on Fridays.
  - ii. Open Book/Board of Review - A lot has changed with the COVID-19 and the Safe at Home Order so some adjustments were needed.

Open book will be done via phone. It is just like in-person open books that have been done in the past, but just done over the phone. The open book schedule will still be on Accurate's website and the resident can schedule a time for an assessor to call them between the allotted time on the day of the open book. They have used this process for every job that they have done so far this year. They feel it works really well and the residents really appreciate it. They will also put the roll book on their website so our residents can view it from home instead of coming to the Town Hall. We will still make the roll book available at the Town Hall.

For fieldwork, the Safer at Home Order restricts Accurate from knocking on doors or entering any homes. The assessors could verify all the exterior data that they can from their vehicles. They realize this is not ideal. They will be postponing the 1/6 walk through this year, and next year they will do 1/3 of the parcels in Buchanan. They still do the revaluation in 2020 & 2021 but just delay requesting to do a walk through.

The Board of Review meeting will be as scheduled because there is enough room where everyone could be 6 ft apart if that is still the regulation.

- iii. Accounting Software Update - On Monday, May 18, 2020 Staff had a demo with a representative from Workhorse Accounting Software. Workhorse is highly recommended by other municipalities and the auditor for the Town.
- iv. Electronic Sign Update- The purchasing policy states that an item that is in the approved budget and exceeds \$15,000 will require competitive bids and the project is awarded to the lowest bid. With the electronic sign being a specific and unique item, it will be difficult to compare apples to apples. Staff is asking that the Board waive the current purchasing policy for this item.

*Motion by Lawrence/Kavanaugh to waive the current purchasing policy for the purchase of the Electronic Sign. The Board will make the final decision on which sign to purchase. Motion 5 to 0 by voice vote.*

- e). Town Administrator Report on Administrative Activities
  - i. Major Project Update – Report is included – The new computers have been installed. The Community Survey is complete and the full report will be presented at either the June or July meeting, but a few highlights of the survey were mentioned.
  - ii. Update on 2020 Debt Issuance - The Town went to the public market for the first time with an “AA-” rating by S&P and the results were financially beneficial.

#### **\$4,630,000 GO Promissory Notes**

- Final Combined Interest Rate: **1.930%**
    - Final Refinancing Interest Rate: 1.878%
    - Final CIP Interest Rate: 1.987%
  - Total Refinancing Savings (After Costs): **\$183,793!!!**
- iii. Darboy Sanitary District -Minutes from the last two meetings are attached
- iv. Legislative Update – Nothing at this time
- v. Training/ Conference Opportunities – Nothing at this time

#### **11. UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION:**

- a). Application Keller, Inc., Jesse Hall is requesting a Special Exception (#2019-02) to Sec. 525-27(D)(1) CL Local Commercial District, under Special Exceptions Uses and Structures, Automobile filling stations and car washes. Parcel number for the property is 030060400 (CSM 3268, LOT 2), located at the northwest corner of State Park Road and County Highway KK. – For Discussion and Possible Action.

Chairperson McAndrews stated that Kaukauna Utilities called him and stated that ATC has no problems with a gas station building on this site. McAndrews stated that he personally has an issue and feels it's a bad idea. The supervisors were asked to express their thoughts on this special exception. Sprangers stated he had no problem, Kavanaugh stated he was ok with this, McAndrews stated he was ok, Reinke stated that he had been in favor of this project from the start. He spoke with a few of the neighbors in that area, one of which is his brother, and no one had an issue. He stated this should have passed last month. Lawrence stated she has always been in favor of this special exception.

*Motion by Reinke/Sprangers to approve Special Exception 2019-02 with the following conditions:*

- i. *The Applicant shall follow the Ordinance requirements*
- ii. *The Applicant shall follow the conditions identified for the same Applicant in Site Plan 2019-02*

*Sprangers-Aye, Kavanaugh-aye, McAndrews-Aye, Reinke-Aye, Lawrence-Aye. Motion carried 5 to 0 by roll call vote.*

- b). Application for Site Plan (2019-02): Applicant Keller, Inc., Jesse Hall, Site Plan Application for Automobile Fueling Station and Convenience Store; Parcels 030060400 (CSM 3268, LOT 2), located at the northwest corner of State Park Road and County Highway KK. – For Discussion and Possible Action. McAndrews introduced the Site Plan.

*Motion by Reinke/Kavanaugh to approve Site Plan 2019-02 with the following conditions:*

- i. *The Developer/Owner shall execute an Agreement with the Town of Buchanan to establish a four-way stop-controlled intersection with traffic signals at the intersection of CTH KK/Calumet Street and State Park Road. In the Agreement it will identify the Developer/Owner's level of financial participation, the financial instrument to remit funds to the Town and the conditions wherein.*
- ii. *The Stormwater Management Facility Maintenance Agreement & Exhibit B: Stormwater BMP Maintenance Plan shall be recorded at the Outagamie County Register of Deeds by the applicant. Further, the Developer/Owner shall provide an annual report by December 31<sup>st</sup> of each year identifying the activities completed to maintain proper function of the wet detention pond, as identified in Exhibit B: Stormwater BMP Maintenance Plan.*
- iii. *Limit deliveries to after 7:00 a.m. and prior to closing time.*
- iv. *Contain all particulates and noise to the site as best as possible.*
- v. *Obtain all necessary licenses and permits from Town.*
- vi. *Dumpster enclosure to be the same materials as the building.*
- vii. *The Administrator to approve some type of landscaping density on the west side of the property.*

*Sprangers-Aye, Kavanaugh-aye, McAndrews-Aye, Reinke-Aye, Lawrence-Aye. Motion carried 5 to 0 by roll call vote.*

#### **12. NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION:**

- a). Intergovernmental Agreement with the Village of Kimberly for the Reconstruction of Creekview Lane – For Discussion and Possible Action.

The Village Board approved a State/Municipal Agreement for a MLS Project (SMA) for the reconstruction of Creekview Lane in 2021. While the Village is taking the lead on this project, the Town is a public partner as well. Within the project limits, Buchanan has jurisdiction over approximately 2,650 of centerline footage, or 26% of the project area.

The Board discussed and asked Engineer Majkowski several questions.

*Motion by Lawrence/Reinke to approve the Intergovernmental Agreement with the Village of Kimberly for the Creekview Lane Project for the 2021 Construction season. Lawrence-Aye, Reinke-Aye, McAndrews-Aye, Kavanaugh-Aye, Sprangers-Nay. Motion carried 4 to 1 by roll call vote.*

- b). Resolution Authorizing the Acceptance of Sales Tax Revenue from Outagamie County for Fiscal Year 2020. – For Discussion and Possible Action. Chairperson McAndrews shared his thoughts on how this could impact the Town.

The Board discussed and decided they needed more time to review the information.

*Motion by Lawrence/McAndrews to postpone Resolution 2020-03 Resolution Authorizing the Acceptance of Sales Tax Revenue from Outagamie County for Fiscal Year 2020 for one month. Sprangers-Aye, Kavanaugh-Aye, McAndrews-Aye, Reinke-Aye, Lawrence-Aye. Motion carried 5 to 0 by roll call vote.*

- c). Buchanan Central District Mixed-Use Development Report—For Discussion Only. Chairperson McAndrews stated that Jacob Maltbey created this report for the Town at no cost. Mr. Maltbey is a senior in college and this was a student project. He did an excellent job.

The Board discussed.

- d). Business Liquor License Renewals for July 1, 2020 – June 30, 2021 – For Approval/Denial. Clerk Sieracki stated this is the annual renewal for the businesses. Supervisor Reinke asked if any of the businesses have any issues. Sieracki stated not at this time. The one issue with not posting the liquor license has been resolved.

*Motion by Lawrence/Sprangers to approve the Business Liquor License Renewals for July 1, 2020 – June 30, 2021, as presented. Motion carried 5 to 0 by voice vote.*

- e). Fireworks Sellers Permit, Applicant: Matt Sokol; Location: Pick N Save Parking Lot; For June 20 to July 5, 2020 – For Approval/Denial. Clerk Sieracki stated that applicant Matt Sokol has submitted all the required documents and the Fire Chief has approved the permit.

*Motion by Reinke/Kavanaugh to approve the Fireworks Sellers Permit, Applicant: Matt Sokol: Location: Pick N Save Parking Lot; For June 20- July 5, 2020 as presented. Motion carried 5 to 0 by voice vote.*

- f). Fireworks Sellers Permit, Applicant: G & M Fireworks, LLC; Location: Festival Foods Parking Lot; For June 19 to July 6, 2020 – For Approval/Denial. Clerk Sieracki stated that the Certificate of Liability Insurance has not been submitted. The renewal date is June 1, 2020.

*Motion by Lawrence/Kavanaugh to postpone the Fireworks Sellers Permit, Applicant: G & M Fireworks, LLC: Location: Festival Foods Parking Lot; For June 19- July 6, 2020 for one month to allow G & M Fireworks, LLC to submit the Certificate of Liability Insurance. Motion carried 5 to 0 by voice vote.*

### 13. CLOSED SESSION: NONE

## CLOSING:

- 14. **FUTURE AGENDA ITEMS**—The next regularly scheduled meeting is June 16, 2020. Meeting agenda/discussion items and possible action on future Town Board agenda, including specific items for inclusion on or exclusion from a future

*agenda include Fireworks Sellers Permit, Applicant: G & M Fireworks, LLC; Location: Festival Foods Parking Lot, Resolution Authorizing the Acceptance of Sales Tax Revenue from Outagamie County for Fiscal Year 2020, and discuss improvements to the CIP.*

Other Future Meetings:

May 26, 2020 Closed Session Special Town Board Meeting 4:00 p.m.

June 4, 2020 Stormwater Utility District Meeting 7:00 p.m.

June 8, 2020 Plan Commission Meeting 7:00 p.m.

July 7, 2020 Annual Town Meeting 7:00 p.m. – will be rescheduled

**15. ADJOURNMENT:** *Motion made to adjourn at 8:12 p.m. by Lawrence/Reinke. Motion carried 5 to 0.*

Cynthia Sieracki, Clerk

Drafted: May 21, 2020

DRAFT

## Cynthia Sieracki

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**From:** Meisel, Colin <CMeisel@ruekert-mielke.com>  
**Sent:** Tuesday, May 19, 2020 2:59 PM  
**To:** Clerk  
**Cc:** Tony Brown  
**Subject:** Public Comment

This is on behalf of Fritz Schierl, Co-CEO of Team Schierl Companies, and property owner of the parcel on the northwest corner of State Park Road and CTH KK.

Team Schierl has been working to develop this property for several years and we are excited to serve the community here in the Town of Buchanan. While there is already commercial development on the three of the four corners of the intersection of State Park Road along with residential and multi-family housing nearby, Team Schierl has offered to participate in the improvement of the intersection. We realize our store will generate some additional turning movements at the intersection, but it will not be a significant increase in traffic generation. Meaning most of our customers will already be traveling CTH KK on their way to or from work. If the intersection improvements are completed, the result will be an intersection that functions much better than it does today. We are currently in the process of executing an agreement drafted by ATC for the minor improvements that will be located within their easement on the west side of property. We believe we have met the requirements of the Town's ordinances and the conditional use for an automobile fueling station and therefore ask that the project be approved.

Thank you – Fritz Schierl

**Colin L. Meisel P.E.** (IA, IL, IN, KY, MI, MN, TN, WI)  
*Team Leader*



920-393-6551  
 CMeisel@ruekert-mielke.com  
 ruekertmielke.com



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Greg Sprangers

W3045 Emons rd.

Appleton, WI.

SINCE I WILL BE IN ATTENDANCE, I WOULD LIKE TO ADDRESS THE BOARD WITH THIS DURING PUBLIC PARTICIPATION. Thank You

I was elected to this board because of my opposition to forced urbanization, and our 10 yr, 30 million dollar Capital improvement plan. I asked for a vote on forced urbanization at last years annual meeting, which had record attendance, in an attempt to persuade the Board this was not what the people wanted. But it had no effect on the Boards actions. I believe the people have a right to vote on a proposal that we cannot afford, requires millions in debt, and special assessments. So let the residents vote. We now have cost figures, so lets lay it out for a vote, and let the people know what it's going to cost for urbanization and fund it, but not with debt. We've already added to our new record debt. Debt is bad. We are spending tomorrows tax dollars today. So what happens if the plan is rejected by the people? Then we ask the people what they want and alter the plan accordingly. And maybe save a ton of money in the process. This plan is not cast in stone. We have roads that are falling apart, and we're tearing up a 3y r old road for storm sewers? What a waste. I cant help but wonder how this years victims of urbanization feel about their improvements and assessments. I think we should find out. Have we had the public hearings? Did we do informational meetings? My neighbors on Emons are talking about selling their home. I could not tell them how much their special assessments would be, because it hasn't been discussed. Well why not? It has been over a year since the board approved it.

We need to get this as an agenda item for discussion by the board before the annual meeting.

~~(I would like to add a few thoughts after)~~

~~LAST~~ WED MAY 13<sup>TH</sup> AT 2:42 PM

~~10:00 AM~~ SUPV 12  
GREG SPRANGERS

~~THE TOWN BOARD~~

~~YOU ASKED FOR~~  
~~TOLD CYNTHIA TO GET YOU ALL THE ROAD REPLACEMENT~~  
~~INFORMATION FOR THE PAST 19 YEARS.~~

YOU KNOW OUR TOWN ADMINISTRATOR <sup>TONY BROWN</sup> HAS GONE TO PORT WASHINGTON FOR  
ANOTHER JOB. YOU KNOW OUR DEPUTY CLERK <sup>HAS</sup> LEFT FOR ANOTHER JOB. YOU  
KNOW OUR CLERK/TREASURER CYNTHIA SIERACKI IS CONSIDERED PART TIME.  
YOU KNOW CYNTHIA <sup>ALONE AND</sup> IS TRYING TO RUN A TOWNSHIP OF 7000 PEOPLE WITH ALL  
ITS PROBLEMS AND BILLS TO PAY.

LAST WED MAY 13<sup>TH</sup> AT 2:42 PM YOU TOLD OUR CLERK/TREASURER  
CYNTHIA SIERACKI TO GET YOU ALL THE ROAD REPLACEMENT INFORMATION FOR  
THE PAST 19 YEARS. YOU <sup>MR SPRANGERS</sup> ARE A BULLY.

I SERVED 24 YEARS ON THE OUTAGAMIE COUNTY BOARD AND 13 YEARS WITH THE  
TOWN OF BUCHANAN BOARD AND NEVER HAD TO DEAL WITH A BULLY.  
NOW I DO. I'M TOLD THE ONLY WAY TO DEAL WITH A BULLY IS TO  
CONFRONT THEM. <sup>PROTOCOL - MR SPRANGERS - PROTOCOL</sup>

NO INDIVIDUAL TOWN <sup>SUPV</sup> HAS THE RIGHT OR AUTHORITY TO USE THE TOWN STAFF, TOWN ATTY,  
TOWN ENGINEER, FIREFIGHTERS, POLICE OFFICERS, ~~AND~~ AND CONTRACTED SERVICES ON THEIR OWN.  
<sup>ALL</sup> ~~PASS YOUR~~ REQUESTS <sup>TO</sup> GO <sup>TAKE</sup> CHAIRPERSON. IF THE REQUEST HAS MERIT, IT WILL  
BE SENT ALONG ~~TO~~ TO THE TOWN BOARD FOR THEIR DECISION. THE NEW  
ADMINISTRATOR WILL BE INFORMED OF THIS UPON HIS OR HER HIRING.

3 TIMES AT OUR MAY 12 MEETING YOU YELLED OUT "THE FIRE DEPT RUNS THIS TOWN". THATS FINE IF IT WAS AN AGENDA ITEM BUT IT WAS NOT.

HARRISON - BUCHANAN + COMBINED LOCKS ARE HAVING SOME TROUBLE GETTING ENOUGH FIRE FIGHTERS TO ANSWER CALLS AND THE 3 <sup>COMMUNITIES</sup> ~~ARE~~ ARE WORKING TOGETHER.

YOU ARE FREE TO DISLIKE THE FIRE DEPT WHEN THEY ARE AN AGENDA ITEM BUT NOT OTHERWISE AND I WILL CALL YOU OUT WHEN YOU DO IT.

SETTING OF  
~~THE~~ TOWN ~~AGENDA~~ BOARD & AGENDA ITEMS  
~~Planning Commission AGENDA~~

WE ARE THE SAME AS WASHINGTON D.C ACCORDING TO THE WE TOWNS ASSOCIATION. IN THE HOUSE OF REPRESENTATIVES SPEAKER NANCY PELOSI SETS THE AGENDA. <sup>+ CONTROLS</sup> IN THE SENATE MITCH MCCONNELL SETS THE AGENDA. <sup>+ CONTROLS</sup>

IN THE TOWN OF BUCHANAN THE CHAIRPERSON SETS THE AGENDA IN COOPERATION WITH THE <sup>+ CONTROLS</sup> TOWN ADMINISTRATOR.

THE LAST ITEM IS THE PUBLIC COMMENT FORUM. WE ARE INFORMED BY THE LEAGUE OF MUNICIPALITIES AND THE WE TOWNS ASSOCIATION THAT A TOWN OR VILLAGE OR CITY COUNCIL MEETING IS A BUSINESS MEETING OF THAT ORGANIZATION AND NOT MEANT TO BE A FREE FOR ALL WITH THE PUBLIC. IF THE PUBLIC HAS QUESTIONS THEY ARE TO CALL STAFF DURING BUSINESS HOURS. THERE ARE A NUMBER OF TOWNS, VILLAGES, CITIES, COUNTIES THAT DO NOT ALLOW PUBLIC COMMENT AT ALL. <sup>THE</sup> OUTAGAMIE COUNTY BOARD ALLOWS THE PUBLIC TO TALK FOR 2 MINUTES EACH. <sup>AS</sup> ~~WITH 15 MINUTE~~ <sup>TOTAL</sup> ~~TIME SET.~~ ~~FOR THE AGENDA ITEM.~~ THE COUNTY DOES NOT ALLOW A MOTION TO SUSPEND THE RULES.

DEPENDING ON WHAT HAPPENS IN BUCHANAN OVER THE NEXT COUPLE MONTHS, THE CHAIR MAY BE ASKING THE BOARD TO REDUCE PUBLIC SPEAKING FROM 5 MINUTES TO 2 MINUTES. THE SAME AS OUTAGAMIE COUNTY ~~OUTAGAMIE CITY PUBLIC COMMENT~~ PUBLIC HEARINGS + INFORMATIONAL MEETINGS. BRIENS

**Cynthia Sieracki**

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**From:** Matthew Bruckner <matthewjbruckner@hotmail.com>  
**Sent:** Monday, May 18, 2020 7:07 PM  
**To:** Clerk; Tony Brown  
**Subject:** May 19 Town Board Meeting

I have a public comment for the May 19 Town Board Meeting.

There are a lot of people watching the board and contending that drainage is not an issue that the town should fund; however, drainage is a community problem. Take my neighborhood for example. If the neighbors were good neighbors, it would be fine. Reality is, the neighbors will step on you to better their own lot.

In the first picture you will see that in my neighborhood, the neighbor up ditch, not very neighborly filled in his ditch. This causes the whole system to back up. Notice that the yard in the background of the picture is very dry. The yard in the foreground is very wet.

Look at the second and third picture and you will see how this has backed up the entire system. The further away you are the worse it is. But what can one neighbor do. I can't bring my own tractor in and rip it out, though I would like to.

Look at the fourth picture, and you will see the neighbors on the other end, also not very neighborly filled in their ditches with culverts and drain tile. (There is a Y so there is actually 2 other ends) This neighbor is actually violating 3 different town ordinances. First, his drain tile and sump pump discharge is 10 feet across the lot line on my property. Second, his downspouts drain into the ditch as well. This is not allowed. Third, his ditch is filled and the grade is not maintained. The neighbor one past him has a French drain and culver improvement. All this prevents any water from absorbing into their lawns and shifts it down towards the other neighbor who backed up the system. And what does the town do... Nothing.

I can't force my neighbors to unimproved their improvements, nor do I want to put myself in a legal bind adding my own improvement. We need the town to do the responsible thing and have a responsible drainage plan and enforce the rules for everyone.







Matthew Bruckner  
Town of Buchanan Resident  
W2487 Fieldside Court  
Appleton Wi, 54915

**Cynthia Sieracki**

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**From:** Kurt Swedberg <kswedberg1@gmail.com>  
**Sent:** Tuesday, May 19, 2020 2:56 PM  
**To:** Cynthia Sieracki  
**Subject:** Fwd: Emons Rd project

Please see forwarded email.

Thanks

----- Forwarded message -----

**From:** Kurt Swedberg <kswedberg1@gmail.com>  
**Date:** Tue, May 19, 2020, 2:54 PM  
**Subject:** Emons Rd project  
**To:** Kurt Swedberg <kswedberg1@gmail.com>

Cynthia,

Please forward the following per your instructions earlier to be part of the public comments of tonight's meeting. Starting here.

Good evening,

My name is Kurt Swedberg, I own a duplex on the corner of Emons Rd and Pinecrest Blvd, 305 & 307 Pinecrest Blvd in the Town of Buchanan.

I would prefer to have the allotted 5 minutes that is normally given for public comments, but unfortunately the Town Clerk advised me this morning that the board wasn't going to allow that at tonight's meeting. I would like to know who decided that? Was it voted on by the Town Board

Anyway, last week I received a letter in the mail about this project. Enclosed in the envelope with the letter was a contract for an easement that I was being asked to sign. I immediately thought that it is strange to ask for an easement to a property for a road construction project, so I started looking into it.

I started by calling the town hall. After a short time on the phone with the Town Clerk, I found out that the person I needed to talk to was the Town Administrator. Tony Brown is what I understand his name is. The clerk then advised that he no longer works for the town and that I should contact the project engineer Thad Majkowski from Cedar Engineering in Green Bay. He has all the information I was asking about. I thought that is odd because the engineering firm doesn't assess property for projects. This seems like a conflict of interest. I believe that having an engineer from the engineering firm that is doing the engineering of a project for the town shouldn't be who I talk to to get information about my property assessments for the very same project. That information should come from the town after all they are doing the assessing not the engineering firm.

So then on May 11th I sent an email to the Town Chairman, Mark McAndrews. I explained that I had questions about this project and asked him to give me a call. I sent an email because that is apparently the preferred means of contacting the board members per the town's website.

After waiting a day to hear back from Chairman McAndrews. I sent him another email, May 12th, asking him to contact me. In that email I explained that I had questions about assessments and that I was being told by the town clerk to contact the engineer.

On May 14th after still no contact from Chairman McAndrews I sent an email to the entire board. I was hoping that would get someone's attention and finally on May 17th I heard from my first board member Greg Sprangers. We talked about the project and the assessments, but I didn't get much information due to Supervisor Sprangers being newly elected.

As of today I have not heard from Chairman McAndrews. I am not sure what is going on with the Town Board but it makes me wonder what they are hiding.

Now, I had also placed calls to the engineer as well and I finally heard back from him on May 15.

As it turns out at last months meeting the Town Board vote to assess every property on Emons St \$3850 plus driveway replacement costs for the project. Everyone on a corner will be assessed \$3850 for one side and \$3850 for the second side. This morning I found out from the Town Clerk that the Town Chairman, Project Engineer, and the old Town Administrator had a meeting yesterday and decided property owners on corners will pay 75% per side. This project is supposedly going to start in a couple months and the board is just now figuring out how to pay for it.

Why is Tony Brown, the old Town Administrator in a meeting deciding how to implement the assessments? I was told he doesn't work for the town anymore.

The town on top of these assessments, in 2019 implemented a reoccurring Transportation Utility assessment last year, \$330.59, to every parcel. In 2014 it appears there was a reoccurring Stormwater Charge assessment of \$115.20 to every parcel. What was the intentions of these assessments and what has this money been used for?

Now I have been asked to sign a contract by the town that allows the town, engineers, and contractors to use my property during construction. Im being asked to pay an assessment of \$2887.5 for Emons Rd project. A \$2887.5 assessment for Pinecrest Blvd project next year. Pay to replace my driveway on on Pinecrest Blvd next year that is perfectly fine for an amount that no one knows. \$115.20 yearly assessment for Stormwater Charge. \$330.59 yearly assessment for Transportation Utility. And regular yearly taxes of \$3800 plus garbage of \$300. For 2020 and 2021, I will pay around \$14266 plus the garbage assessments, and now I have to shovel a sidewalk that I don't want. Who's paying for that?

Why would I cooperate with the town when I have received zero cooperation from the town board in return?

Is this project needed, to this extent?

Bike lanes?

Sidewalks?

Removal of trees?

Arent the Stormwater Charge and Transportation Utility assessments designed for these types of projects?

I believe the town may be double/triple dipping on all of these assessments.

In conclusion I will be meeting with Thad Majkowski from Cedar Engineering at my property before tonight's meeting. I will go over the planned work with him so I know what is going to happen.

Unfortunately without cooperation from the Town Board I will not be signing any easement contract. These assessments need to be gone over, explained by the Town Chairman and agreed upon before that happens.

Kurt Swedberg



*"In the Spirit of Town Government"*

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**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF SPECIAL TOWN BOARD MEETING  
(CLOSED SESSION)  
TUESDAY, MAY 26, 2020 AT 4:00 P.M.  
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) CALL MEETING TO ORDER:** Meeting called to order by Chairperson McAndrews at 4:00 p.m.
- 2) PLEDGE OF ALLEGIANCE:** Pledge recited.
- 3) ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present – McAndrews, Lawrence, Reinke, Sprangers and Kavanaugh. Town Clerk/Treasurer Sieracki and Kevin Brunner from Public Administration Associates LLC.
- 4) MOTION TO MOVE TO CLOSED SESSION:**

*Motion by Lawrence/Reinke at 4:01 p.m. to move into closed session pursuant to section 19.85(1)(c) of the Wisconsin State Statutes: Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The board will then reconvene into open session under Section 19.85(2) of the Wisconsin State Statutes and then adjourn. Administrator recruitment application reviews.*

*Roll call vote taken: Lawrence: Aye, Reinke: Aye, McAndrews: Aye, Kavanaugh: Aye, Sprangers: Aye. Carried 5 to 0 by roll call vote.*

*Motion by Lawrence/Reinke at 8:24 p.m. to return to open session. Roll call vote taken: Lawrence: Aye, Reinke: Aye, McAndrews: Aye, Kavanaugh: Aye, Sprangers: Aye. Carried 5 to 0 by roll call vote.*
- 5) RESCHEDULE ANNUAL MEETING:** *Motion by Reinke/Kavanaugh to reschedule the Annual Meeting to October 27, 2020 at 7:00 p.m. Lawrence: Aye, Reinke: Aye, McAndrews: Aye, Kavanaugh: Aye, Sprangers: Nay. Motion carried 4 to 1 by roll call vote.*
- 6) ADJOURNMENT:** *Motion made to adjourn at 8:27 p.m. by Lawrence/Reinke. Motion carried 5 to 0.*



*"In the Spirit of Town Government"*

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF SPECIAL TOWN BOARD MEETING  
(CLOSED SESSION)  
MONDAY, JUNE 1, 2020 AT 4:15 P.M.  
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) CALL MEETING TO ORDER:** Meeting called to order by Chairperson McAndrews at 4:15 p.m.
- 2) PLEDGE OF ALLEGIANCE:** Pledge recited and 30 seconds of silence to honor the memory of George Floyd.
- 3) ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present – McAndrews, Lawrence, Sprangers and Kavanaugh. Town Clerk/Treasurer Sieracki and Attorneys Ashley Lehocky and Rich Carlson. Supervisor Reinke via telephone.

**4) MOTION TO MOVE TO CLOSED SESSION:**

- a) *Motion by Lawrence/Kavanaugh at 4:17 p.m. to move into closed session pursuant to section 19.85(1)(c) of the Wisconsin State Statutes: Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The Board will then reconvene into open session under Section 19.85(2) of the Wisconsin State Statutes and then adjourn. Administrator Employment Agreement.*

*Roll call vote taken: Lawrence: Aye, Reinke: Aye, McAndrews: Aye, Kavanaugh: Aye, Sprangers: Aye. Carried 5 to 0 by roll call vote.*

*Motion by Kavanaugh/Reinke at 4:47 p.m. to return to open session. Roll call vote taken: Lawrence: Aye, Reinke: Aye, McAndrews: Aye, Kavanaugh: Aye, Sprangers: Aye. Carried 5 to 0 by roll call vote.*

*Motion by Lawrence/Sprangers to direct Staff to make proposed changes to Mr. Gitter's employment contract. Roll call vote taken: Lawrence: Aye, Reinke: Aye, McAndrews: Aye, Kavanaugh: Aye, Sprangers: Aye. Carried 5 to 0 by roll call vote.*

**5) UNFINISHED BUSINESS FOR DISCUSSION & POSSIBLE ACTION:**

- a) Intergovernmental Cooperation Agreement Between City of Appleton and Town of Buchanan. – For Discussion and Possible Action. Attorney Carlson explained the Intergovernmental Cooperation Agreement Between City of Appleton and Town of Buchanan. If the properties don't annex into the City of Appleton they will be special assessed for the improvements. Carlson recommended signing the forms. Supervisor Reinke left the meeting at 4:55 p.m.

*Motion by Sprangers/Lawrence to approve the Intergovernmental Cooperation Agreement Between City of Appleton and Town of Buchanan for Newberry Street. Roll call vote taken: Lawrence: Aye, McAndrews: Aye, Kavanaugh: Aye, Sprangers: Aye. Carried 4 to 0 by roll call vote.*

- 6) ADJOURNMENT:** *Motion made to adjourn at 4:58 p.m. by Lawrence/Sprangers. Motion carried 4 to 0.*

Cynthia Sieracki, Clerk  
Drafted: June 2, 2020

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*"In the Spirit of Town Government"*

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**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI  
MINUTES OF SPECIAL TOWN BOARD MEETING  
MONDAY, JUNE 8, 2020 AT 4:00 P.M.  
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) CALL MEETING TO ORDER:** Meeting called to order by Chairperson McAndrews at 4:00 p.m.
- 2) PLEDGE OF ALLEGIANCE:** Pledge recited.
- 3) ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Board members present – McAndrews, Reinke, Sprangers and Kavanaugh. Town Clerk/Treasurer Sieracki. Supervisor Lawrence was absentee.
- 4) NEW BUSINESS FOR DISCUSSION & POSSIBLE ACTION:**
  - a) 2020-04 Resolution Authorizing Month-To-Month Residential Lease Agreement.  
– For Approval or Denial.

The Board discussed Resolution 2020-04.

*Motion by Kavanaugh/Sprangers to approve the 2020-04 Resolution Authorizing Month-TO-Month Residential Lease Agreement. Roll call vote taken: Reinke: Nay, McAndrews: Aye, Kavanaugh: Aye, Sprangers: Aye. Carried 3 to 1 by roll call vote.*

- 5) ADJOURNMENT:** *Motion made to adjourn at 4:08 p.m. by Kavanaugh Reinke. Motion carried 4 to 0.*

Cynthia Sieracki, Clerk  
Drafted: June 9, 2020



"In the Spirit of Town Government"

## AGENDA MEMORANDUM

To: Honorable Town Chairperson and Town Supervisors  
From: Cynthia Sieracki, Treasurer  
Date: June 16, 2020  
RE: Treasurer's Report & Approval of Bills

RECOMMENDED ACTION: This is an administrative action<sup>1</sup> item for Town Board Approval/Denial.

SUMMARY: The attached Treasurer's Report is for the period ending May 31, 2020. Also attached is a list which includes all bills and deposits for the period May 10, 2020 through June 6, 2020. Included is the working budget summary for the period ending May 31, 2020 and all charges to the P-Card for May 2020.

If you have specific questions regarding the bills including payroll, please contact my office prior to the meeting to discuss. Questions for an individual employee's salary and wages should be discussed with me directly as these are wages for direct hours worked. Specific employee performance should not be discussed in open session. If you'd like to discuss performance of a specific employee, please contact my office to schedule a meeting or a 'closed session' agenda item.

### POLICY/PLAN REFERENCE(S):

1. Wis. Stats. §64.45 - Disbursements from town treasury.
2. Wis. Stats. §66.0607 - Withdrawal or disbursement from local treasury.
3. Town of Buchanan Budget & Financial Policy, adopted March 2010.

### FISCAL IMPACT:

1. As shown on list of bills and deposits for period.

CRS

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### Attachments:

1. May 2020 Treasurer's Report
2. May 10, 2020 through June 6, 2020 Bills & Deposits List
3. Town Budget Summary for period ending May 31, 2020
4. May 2020 Credit Card (P-Card) Charges

<sup>1</sup> Administrative actions involve the routine application of adopted rules, policies and standards. Examples include the approval of bills, the awarding of contracts/agreements and the issuance of permits and licenses for permitted uses. Discretion associated with these types of decisions is very limited and is based solely on state statutes, local ordinances and/or policy.

Operating Account Investors Community Bank	Previous Balance	\$ 2,202,068.31
	Deposits	\$ 48,334.21
	Checks	\$ 176,137.41
	Interest Credited on 05/31/2020	\$ 90.48
	Balance as of 05/31/2020	\$ 2,074,355.59
	(Interest Year to Date: \$2,726.96)	
	Segregated Funds (included in above total)	
	Intersection Improvement Fund	\$ -
	Fire Reserve Fund	\$ 90,744.00
	Building Improvement Fund	\$ 35,679.29
HOVPP Fund	1,700.56	
P-Card Rebate Funds	6,114.87	
Trail Development Fund	\$ 50,066.00	
Contingency Account Investors Community Bank	Previous Balance	\$ 178,655.49
	Deposits	\$ -
	Withdrawals	\$ -
	Interest Credited on 05/31/2020	\$ 75.87
	Balance as of 05/31/2020	\$ 178,731.36
	(Interest Year to Date: \$618.60)	
Park Impact Fees Investors Community Bank	Previous Balance	\$ 13,682.67
	Deposits	\$ -
	Withdrawals	\$ -
	Interest Credited on 05/31/2020	\$ 5.81
	Balance as of 05/31/2020	\$ 13,688.48
	(Interest Year to Date: \$94.47)	
Fire Department Fundraising Investors Community Bank	Previous Balance	\$ 22,277.94
	Deposit	
	Withdrawals	\$ -
	Interest Credited on 05/31/2020	\$ 9.46
	Balance as of 05/31/2020	\$ 22,287.40
	(Interest Year to Date: \$76.80)	
Road Improvements Investors Community Bank	Previous Balance	\$ 2,563.85
	Deposit	\$ -
	Withdrawals	\$ -
	Interest Credited on 05/31/2020	\$ 0.22
	Balance as of 05/31/2020	\$ 2,564.07
	(Interest Year to Date: \$2.15)	
Loan Balances		
State Trust Fund (Road Projects)	Balance as of 05/31/2020	\$ 1,199,464.11
(Original Loan Amount - \$2,000,000.00)	(Int. Paid Year to Date: 46,181.4)	
State Trust Fund (Town Hall & Infrastructure)	Balance as of 05/31/2020	\$ 442,262.57
(Original Loan Amount - \$565,000)	(Int. Paid Year to Date: 16,611.68)	
State Trust Fund (Fire Truck)	Balance as of 05/31/2020	\$ 347,596.06
(Original Loan Amount - \$485,000)	(Int. Paid Year to Date: 13,205.82)	
State Trust Fund (2017 Projects)	Balance as of 05/31/2020	\$ 411,168.46
(Original Loan Amount - \$500,000)	(Int. Paid Year to Date: 19328.54)	
State Trust Fund (Property Purchase)	Balance as of 05/31/2020	\$ 535,000.00
(Original Loan Amount - \$535,000)	(Int. Paid Year to Date: 0)	
Investment Ehlers	Previous Balance	\$ 1,123,723.25
	Investment Increase/Decrease	\$ 3,181.84
	Investment Withdrawal	\$ -
	Balance as of 05/31/2020	\$ 1,126,905.09
	(Interest Year to Date: \$9,612.64)	

06/09/20

**TOWN OF BUCHANAN**  
**Bills for 06/16/20 Meeting**  
**May 10 through June 6, 2020**

Type	Date	Num	Name	Memo	Paid Amount
<b>11000.0 · Investors Bank Account</b>					
<b>11010.0 · Investors Bank-General</b>					
Deposit	05/11/2020			Deposit	4,014.00
Deposit	05/28/2020			Deposit	27,974.45
Deposit	05/26/2020			Deposit	1,077.89
Deposit	06/03/2020			Deposit	9,360.18
Deposit	06/05/2020			Deposit	0.00
Liability ...	05/12/2020	ACH	Internal Revenue Service	39-1316254	-1,995.56
Paycheck	05/15/2020	ACH	SPRANGERS, GREGORY R		-300.17
Paycheck	05/15/2020	ACH	KAVANAUGH, CHARLES J		-175.19
Paycheck	05/15/2020	ACH	LAWRENCE, KAREN L		-350.19
Paycheck	05/15/2020	ACH	MC ANDREWS, MARK C		-559.19
Paycheck	05/15/2020	ACH	REINKE, DENNIS G		-388.19
Liability ...	05/19/2020	ACH	Internal Revenue Service	39-1316254	-797.12
Liability ...	05/29/2020	ACH	Wisconsin Dept. of Revenue	036-0000195431-02	-1,413.53
Liability ...	05/12/2020	ACH	Department of Employee Trust ...	69-036-0120-000	-2,764.64
Check	05/15/2020	ACH	Paul Hermes	Inspection fees	-1,490.00
Paycheck	05/20/2020	ACH	BROWN, ANTHONY W		-747.29
Paycheck	05/20/2020	ACH	BURKE, JAMES R		-500.46
Paycheck	05/20/2020	ACH	SIERACKI, ANNA V		-330.63
Paycheck	05/20/2020	ACH	SIERACKI, CYNTHIA R		-1,818.58
Paycheck	05/20/2020	ACH	BERG, DENNIS G		-417.36
Paycheck	05/20/2020	ACH	GRONES, MICHAEL K		-39.07
Paycheck	05/20/2020	ACH	HERTER, BILL J		-138.29
Paycheck	05/20/2020	ACH	HOOYMAN, JEFFREY J		-244.71
Paycheck	05/20/2020	ACH	JAHR, DANIEL W		-36.85
Paycheck	05/20/2020	ACH	JAHR, TIMOTHY A		-43.63
Paycheck	05/20/2020	ACH	KOX, JEREMY J		-57.63
Paycheck	05/20/2020	ACH	KOX, MEGAN M		-155.79
Paycheck	05/20/2020	ACH	KRUEGER, SAMUEL A		-85.06
Paycheck	05/20/2020	ACH	KUERSCHNER, GAVIN M		-93.54
Paycheck	05/20/2020	ACH	SCHULTZ, ALEXANDER R		-93.55
Paycheck	05/20/2020	ACH	WALSH, JOHN T		-136.50
Paycheck	05/20/2020	ACH	MOHR, RAY A		-767.66
Paycheck	05/20/2020	ACH	THYSSEN, BRADEN J		-9.69
Paycheck	05/20/2020	ACH	WIBERG, TYLER J		-54.75
Liability ...	05/26/2020	ACH	Internal Revenue Service	39-1316254	-1,609.72
Check	06/01/2020	ACH	Network Health Plan	Group 100400,	-2,520.71
Check	05/21/2020	ACH	USPS	Stamps.com postage purchase	-100.00
Paycheck	06/03/2020	ACH	BROWN, ANTHONY W		-544.75
Paycheck	06/03/2020	ACH	BURKE, JAMES R		-456.66
Paycheck	06/03/2020	ACH	SIERACKI, ANNA V		-444.86
Paycheck	06/03/2020	ACH	SIERACKI, CYNTHIA R		-1,905.35
Paycheck	06/03/2020	ACH	BERG, DENNIS G		-511.65
Paycheck	06/03/2020	ACH	CORNING, BRUCE D		-23.46
Paycheck	06/03/2020	ACH	EFFERTZ, SAWYER B		-9.12
Paycheck	06/03/2020	ACH	HERTER, BILL J		-11.07
Paycheck	06/03/2020	ACH	HOOYMAN, JEFFREY J		-56.73
Paycheck	06/03/2020	ACH	KOX, JEREMY J		-10.01
Paycheck	06/03/2020	ACH	KOX, MEGAN M		-48.66
Paycheck	06/03/2020	ACH	KRUEGER, SAMUEL A		-42.53
Paycheck	06/03/2020	ACH	KUERSCHNER, GAVIN M		-56.14
Paycheck	06/03/2020	ACH	MADER, MATTHEW J		-11.38
Paycheck	06/03/2020	ACH	NEWHOUSE, JAMIE J		-55.52
Paycheck	06/03/2020	ACH	SCHULTZ, ALEXANDER R		-46.78
Paycheck	06/03/2020	ACH	WALSH, JOHN T		-31.50
Paycheck	06/03/2020	ACH	HANSON, TIMOTHY J		-14.86
Paycheck	06/03/2020	ACH	MOHR, RAY A		-767.66
General ...	05/15/2020	590		Auto pay on Credit Card	-22,591.37
Bill Pmt ...	05/11/2020	37129	Card Service Center	Visa 1387,0538	-231.05
Bill Pmt ...	05/11/2020	37130	Carstens Ace Hardware Inc.	Cust. 1114	-432.90
Bill Pmt ...	05/11/2020	37131	Kaukauna Utilities		-105.73
Check	05/18/2020	37132	Jackie Sanderfoot	Refund Hall Rental	-75.00
Check	05/18/2020	37133	Tammy Manteufel	Refund Hall Rental	-75.00
Bill Pmt ...	05/18/2020	37134	Cedar Corporation		-72,783.44
Bill Pmt ...	05/18/2020	37135	Corporate Network Solutions, I...		-2,325.00
Bill Pmt ...	05/18/2020	37136	Darboy Joint Sanitary District N...		-200.82
Bill Pmt ...	05/18/2020	37137	Festival Foods	Drill Expense	-88.17

06/09/20

**TOWN OF BUCHANAN**  
**Bills for 06/16/20 Meeting**  
**May 10 through June 6, 2020**

Type	Date	Num	Name	Memo	Paid Amount
Bill Pmt ...	05/18/2020	37138	Lowes Home Centers, LLC		-34.15
Bill Pmt ...	05/18/2020	37139	News Publishing Company Inc.		-610.12
Bill Pmt ...	05/18/2020	37140	Oshkosh Fire & Police Equipm...		-14.40
Bill Pmt ...	05/18/2020	37141	Public Administration Associat...		-5,136.25
Bill Pmt ...	05/18/2020	37142	Wisconsin Dept. of Justice	G3203	-126.00
Bill Pmt ...	05/26/2020	37143	Batteries Plus #508		-36.30
Bill Pmt ...	05/26/2020	37144	Cummins NPower, LLC		-254.72
Bill Pmt ...	05/26/2020	37145	Darboy Corner Store		-230.06
Bill Pmt ...	05/26/2020	37146	District 2, Inc.		-69.51
Bill Pmt ...	05/26/2020	37147	Kaukauna City of		-293.20
Bill Pmt ...	05/26/2020	37148	Leighton Interactive		-495.00
Bill Pmt ...	05/26/2020	37149	Marco Technologies LLC		-154.04
Bill Pmt ...	05/26/2020	37150	Outagamie County Highway De...		-1,569.13
Bill Pmt ...	05/26/2020	37151	Outagamie County Sheriff		-28,057.61
Bill Pmt ...	05/26/2020	37152	TDS Metrocom		-502.32
Bill Pmt ...	05/26/2020	37153	Town Counsel Law & Litigation...		-2,610.00
Bill Pmt ...	05/26/2020	37154	UNUM Life Insurance Compan...	932511-001	-89.80
Bill Pmt ...	05/26/2020	37155	WE Energies		-46.76
Bill Pmt ...	06/01/2020	37156	Conway Shields, Inc		-775.50
Bill Pmt ...	06/01/2020	37157	District 2, Inc.		-322.57
Bill Pmt ...	06/01/2020	37159	Outagamie County Solid Waste		-8,869.52
Bill Pmt ...	06/01/2020	37160	Praetorian Digital		-1,301.00
Bill Pmt ...	06/01/2020	37161	Rennert's Fire Equipment Servi...		-980.00
Bill Pmt ...	06/01/2020	37162	WE Energies-Street Lights	Acct. 3841-040-796	-1,954.42
Total 11010.0 · Investors Bank-General					-136,298.28
<b>11000.0 · Investors Bank Account - Other</b>					
Deposit	05/31/2020		Interest		90.48
Total 11000.0 · Investors Bank Account - Other					90.48
Total 11000.0 · Investors Bank Account					-136,207.80
<b>11015.0 · Invest Bank-Contingency Svgs MM</b>					
Deposit	05/27/2020		Interest		75.87
Total 11015.0 · Invest Bank-Contingency Svgs MM					75.87
<b>11020.0 · Invest Bank-Park Impact Fees MM</b>					
Deposit	05/27/2020		Interest		5.81
Total 11020.0 · Invest Bank-Park Impact Fees MM					5.81
<b>11045.0 · Inv Bank-Fire Dept Fundraising</b>					
Deposit	05/31/2020		Interest		9.46
Total 11045.0 · Inv Bank-Fire Dept Fundraising					9.46
<b>11050.0 · Investors Bank-Road Improvement</b>					
Deposit	05/31/2020		Interest		0.22
Total 11050.0 · Investors Bank-Road Improvement					0.22
<b>11500.0 · Ehlers Investment</b>					
General ...	06/03/2020	591			3,181.84
Total 11500.0 · Ehlers Investment					3,181.84
<b>TOTAL</b>					<b>-132,934.60</b>

**Town of Buchanan**  
**Year-To-Date Budget Comparison (Revenues)**  
**Fiscal Year 2020**

*As of: 5/31/2020*

Department	2019 ACTUAL	2020 BUDGET	YEAR TO DATE 5/31/2020	(UNDER) OVER BUDGET 2020	PERCENT UNDER/ OVER
<b>Taxes - 41000</b>					
General Property Taxes	\$2,217,514	\$2,258,831	\$1,946,995	\$ (311,836)	86%
<b>Special Assessments - 42000</b>	\$10,000	\$385,000	\$0	\$ (385,000)	0%
<b>Intergovernmental Revenues - 43000</b>	\$368,000	\$399,095	\$149,636	\$ (249,459)	37%
<b>Licenses &amp; Permits - 44000</b>	\$95,201	\$96,131	\$38,875	\$ (57,256)	40%
<b>Fines, Forfeitures &amp; Penalties - 45000</b>	\$12,100	\$12,100	\$4,748	\$ (7,352)	39%
<b>Public Charges for Services - 46000</b>	\$360,515	\$413,067	\$8,375	\$ (404,692)	2%
<b>Intergovernmental Charges for Services - 47000</b>	\$1,900	\$1,900	\$0	\$ (1,900)	0%
<b>Miscellaneous Revenue - 48000</b>	\$64,350	\$169,787	\$34,692	\$ (135,095)	20%
<b>Proceeds Long Term Debt - 49000</b>	\$65,000	\$485,000	\$0	\$ (485,000)	0%
<b>TOTAL - Revenues</b>	<b>\$ 3,194,580</b>	<b>\$ 4,220,910</b>	<b>\$ 2,183,321</b>	<b>\$ (2,037,589)</b>	<b>51.73%</b>

**Town of Buchanan**  
**Year-To-Date Budget Comparison (Expenses)**  
**Fiscal Year 2020**

		<i>As of: 5/31/2020</i>				
Department		2019 ACTUAL	2020 BUDGET	YEAR TO DATE 5/31/2020	(UNDER) OVER BUDGET 2020	PERCENT OF BUDGET
<b>General Government - 51000</b>						
51100	Legislative (Town Board)	\$ 32,780	\$ 32,780	\$ 12,950	\$ (19,830)	40%
51300	Legal Service Fees	\$ 35,000	\$ 35,000	\$ 11,245	\$ (23,755)	32%
51400	General Administration	\$ 304,840	\$ 346,388	\$ 123,217	\$ (223,172)	36%
51500	Financial Administration	\$ 58,550	\$ 58,600	\$ 20,917	\$ (37,683)	36%
51600	General Building, Town Hall	\$ 55,197	\$ 55,949	\$ 22,250	\$ (33,699)	40%
51900	Other General Government	\$ 24,665	\$ 25,140	\$ 13,396	\$ (11,744)	53%
Subtotal - General Government		\$ 511,032	\$ 553,858	\$ 203,975	\$ (349,883)	37%
<b>Public Safety - 52000</b>						
52100	Law Enforcement	\$ 409,396	\$ 405,925	\$ 126,619	\$ (279,306)	31%
52200	Fire & Rescue	\$ 187,383	\$ 191,145	\$ 74,233	\$ (116,912)	39%
52300	Emergency Management/EMS	\$ 31,900	\$ 31,900	\$ 8,672	\$ (23,228)	27%
52400	Building Inspection	\$ 19,845	\$ 19,975	\$ 7,450	\$ (12,525)	37%
Subtotal - Public Safety		\$ 648,524	\$ 648,945	\$ 216,974	\$ (431,971)	33%
<b>Public Works - 53000</b>						
53300	Highway & Street Maintenance	\$ 258,500	\$ 226,500	\$ 78,685	\$ (147,815)	35%
53400	Road Related Facilities	\$ 41,376	\$ 40,127	\$ 10,960	\$ (29,167)	27%
53500	Mass Transit	\$ 69,120	\$ 72,639	\$ 18,159	\$ (54,480)	25%
53600	Sanitation	\$ 369,094	\$ 390,071	\$ 170,000	\$ (220,071)	44%
Subtotal - Public Works		\$ 738,090	\$ 729,337	\$ 277,804	\$ (451,533)	38%
<b>Culture, Recreation &amp; Education - 55000</b>						
55200	Parks	\$ 10,500	\$ 9,000	\$ 7,226	\$ (1,774)	80%
55300	Recreation Programs & Events	\$ 1,000	\$ 1,000	\$ -	\$ (1,000)	0%
Subtotal - Culture, Recreation & Ed.		\$ 11,500	\$ 10,000	\$ 7,226	\$ (2,774)	72%
<b>Conservation &amp; Development - 56000</b>						
56700	Economic Development	\$ 3,700	\$ 3,700	\$ (732)	\$ (4,432)	-20%
56900	Planning & Zoning/Erosion/Conservation	\$ 30,673	\$ 31,440	\$ 2,355	\$ (29,085)	7%
Subtotal - Conservation & Development		\$ 34,373	\$ 35,140	\$ 1,623	\$ (33,517)	5%
<b>Other Financing Uses</b>						
Contingency & Reserves		\$ 40,000	\$ 25,000	\$ -	\$ (25,000)	0%

Subtotal - Other Financing Uses		\$ 40,000	\$ 25,000	\$ -	\$ (25,000)	0%
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**Debt Service Fund - 58000**

58000	Debt Service	\$ 452,990	\$ 452,990	\$ 452,990	\$ 0	100%
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Subtotal - Debt Service Fund		\$ 452,990	\$ 452,990	\$ 452,990	\$ 0	100%
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**Capital Outlay - 57000**

57190	General Government	\$ 64,925	\$ 151,392	\$ 43,458	\$ (107,934)	29%
57620	Parks & Recreation	\$ 59,000	\$ 54,000	\$ 36,905	\$ (17,095)	68%
57220	Fire & Rescue	\$ 25,513	\$ 15,500	\$ -	\$ (15,500)	0%
57230	EMS - Emergency Management	\$ -	\$ -	\$ -	\$ -	#DIV/0!
57331	Roads & Public Works	\$ 612,333	\$ 1,525,000	\$ 210,754	\$ (1,314,246)	14%
57348	Stormwater & Drainage	\$ -	\$ -	\$ -	\$ -	#DIV/0!

Subtotal - Capital Outlay		\$ 761,771	\$ 1,745,892	\$ 291,117	\$ (1,454,775)	17%
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TOTAL - General Fund Operating, Debt & Capital		\$ 3,198,280	\$ 4,201,161	\$ 1,451,709	\$ (2,749,452)	34.55%
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9:34 AM

06/09/20

Accrual Basis

# TOWN OF BUCHANAN

## Account QuickReport

### As of May 31, 2020

Type	Date	Num	Name	Memo	Split	Amount	Balance
<b>20100.1 · US Bank - P-Card</b>							21,044.86
Bill Pmt -CCard	05/01/2020		Cintas Corporation #...		20000.1 · Acco...	145.92	21,190.78
Bill Pmt -CCard	05/01/2020		LogMeIn		20000.1 · Acco...	39.25	21,230.03
Bill Pmt -CCard	05/04/2020		Amazon		20000.1 · Acco...	10.95	21,240.98
Bill Pmt -CCard	05/04/2020		Amazon		20000.1 · Acco...	8.46	21,249.44
Bill Pmt -CCard	05/04/2020		Amazon		20000.1 · Acco...	16.02	21,265.46
Bill Pmt -CCard	05/04/2020		Amazon		20000.1 · Acco...	94.42	21,359.88
Bill Pmt -CCard	05/04/2020		Amazon		20000.1 · Acco...	12.24	21,372.12
Bill Pmt -CCard	05/07/2020		Creative Product So...		20000.1 · Acco...	312.00	21,684.12
Bill Pmt -CCard	05/07/2020		Creative Product So...		20000.1 · Acco...	520.00	22,204.12
Bill Pmt -CCard	05/07/2020		University of Wiscon...		20000.1 · Acco...	20.00	22,224.12
Bill Pmt -CCard	05/07/2020		University of Wiscon...		20000.1 · Acco...	20.00	22,244.12
Bill Pmt -CCard	05/08/2020		Zoom		20000.1 · Acco...	15.81	22,259.93
Bill Pmt -CCard	05/08/2020		Truegreen		20000.1 · Acco...	331.44	22,591.37
Bill Pmt -CCard	05/10/2020		Spectrum		20000.1 · Acco...	8.66	22,600.03
Bill Pmt -CCard	05/11/2020		Spectrum		20000.1 · Acco...	121.30	22,721.33
Bill Pmt -CCard	05/12/2020		Truegreen		20000.1 · Acco...	85.34	22,806.67
Bill Pmt -CCard	05/13/2020		WIL-KIL		20000.1 · Acco...	125.00	22,931.67
General Journal	05/15/2020	590		Auto pay ...	11010.0 · Inve...	-22,591.37	340.30
Bill Pmt -CCard	05/19/2020		Truegreen		20000.1 · Acco...	266.02	606.32
Bill Pmt -CCard	05/19/2020		Truegreen		20000.1 · Acco...	291.51	897.83
Bill Pmt -CCard	05/20/2020		Safe Ship		20000.1 · Acco...	49.28	947.11
Bill Pmt -CCard	05/26/2020		ETC Institute		20000.1 · Acco...	2,200.00	3,147.11
Bill Pmt -CCard	05/27/2020		INTUIT		20000.1 · Acco...	299.00	3,446.11
Bill Pmt -CCard	05/29/2020		Advance Disposal-G...		20000.1 · Acco...	25,392.74	28,838.85
Bill Pmt -CCard	05/29/2020		Accredited Drug Tes...		20000.1 · Acco...	95.99	28,934.84
Total 20100.1 · US Bank - P-Card						7,889.98	28,934.84
<b>TOTAL</b>						<b>7,889.98</b>	<b>28,934.84</b>

**June 2020 - Applicants for Bartender Operators License**

<u>NAME &amp; ADDRESS OF APPLICANT</u>	<u>BUSINESS NAME</u>	<u>VIOLATIONS PERTAINING TO LICENSE APPLICATION</u>	<u>NEW OR RENEWAL</u>
Taylor J. Schmidt, W879 Weiler Road Kaukauna, WI 54130	Country Side	none	New
Kaelyn J. Zachowski, N9118 Oak Lawn Drive Appleton, WI 54915	Country Side	none	New
Christopher K. Thompson, 317 E Ninth Street Appleton, WI 54911	Festival Foods	none	New

[illegible]

		<u>LICENSE #</u>				
<b>Ban Vinai</b>						
	Hang, Timothy	2020-01				
	Lee, Mysee	2020-02				
	Lo, Phanyia H.	2020-03				
	Vang, Richard	2020-04				
	Xiong, Koua	2020-05				
	Yang, Tiffany G.	2020-06				
<b>Big Pot &amp; Grill (Big Pot &amp; Grill, LLC)</b>						
	Moua, Vinai	2020-07				
	Vang, Yeh	2020-08				
	Vue, Pheng	2020-09				
<b>Buchanan Motomart</b>						
	Bonnin, William K.	2020-10				
	Figgins, Gilbert E.	2020-11				
	Gilles, Eric J.	2020-12				
	Manning-Steele, Samantha A.	2020-13				
	Mooney, Kyle J.	2020-14				
	Warner, Marcus A.	2020-15				
	Wendt, Mary J.	2020-16				
	Wilkinson, Tanner L.	2020-17				
	Wilson, Charlene D.	2020-18				
<b>Countryside Golf Club, Inc.</b>						
	Burow, Samantha E.	2020-19				
	DeBruin, Denise A.	2020-20				
	Gregory, Mia A	2020-21				
	Lamers, Mckeena C.	2020-22				
	Nettekoven, Alexa M.	2020-23				
	Vande Yacht, Jordan G.	2020-25				
	Zahringer, Jennifer L.	2020-26				
<b>El Azteca Restaurants, Inc.</b>						
	Ayala, Eduardo	2020-27				

	Garcia, Roman	2020-28				
	Montalvo, Michael M.	2020-29				
	Montello, Fe	2020-30				
	Ramirez Banales, Raul	2020-31				
	Rivas, Mary C.	2020-32				
<b>Festival Foods</b>						
	Aguilar-Thomas, Sean J.	2020-33				
	Darnick, Timothy J.	2020-34				
	Eisner, Lorna K.	2020-35				
	Frank, Peter G.	2020-36				
	Heins, Grace E.	2020-37				
	(Hill) Nirschl, Jennifer C.	2020-38				
	Nirschl, Taylor L.	2020-39				
	Paulson, Kimberly A.	2020-40				
	Perronne, Brittany L.	2020-41				
	Pingel, Debra A.	2020-42				
	Reimer, Andrew W.	2020-43				
	Remmenga, Emily R.	2020-44				
	Roe-Franzen, Nickolaus A.	2020-45				
	Sachs, Katherine A	2020-46				
	Schad, Avery	2020-47				
	Schnabl, Craig L.	2020-48				
	Selig, Megan L.	2020-49				
	Sobczak, Hana E.	2020-50				
	VanAsten Mari	2020-51				
	Vandenberg, Ann M.	2020-52				
	Wenzel, Brittini C.	2020-53				
	Winius, Kellen M.	2020-54				
	Zanzig, Jenna E.	2020-55				
	Zeller, Angela S.	2020-56				
<b>GameDay Sports Bar</b>						
	Clish, Kimberly M.	2020-57				
	Gerhartz, Casey J.	2020-58				
	Jonen, Jeremy A.	2020-59				
	Kast, Kristine A.	2020-60				
	Ross, Holly J.	2020-61				
	Rubbert, Amy R.	2020-62				
	Schuh, Conor J.	2020-63				

	Stephani, Vicki L.	2020-64				
	Wallis, Courtney L.	2020-65				
<b>Island Sushi Buffet</b>						
	Davis, Larissa S.	2020-66				
	Fellner, John	2020-67				
	Konetzke, Trevor J.	2020-68				
	Lehman, Jordan	2020-69				
	Porter, Rachel L.	2020-70				
<b>Lamers Dairy</b>						
	Biesterveld, Jamie K.	2020-71				
	Rogers, Haylee C.	2020-72				
	Rogers, Shari K.	2020-73				
<b>Pick 'N Save</b>						
	Gilbert, Donna	2020-74				
	Hopkins, Sara	2020-75				
	Pryor, Bethany L.	2020-76				
	Rieth, Matthew G.	2020-77				
	Witt, Jennifer	2020-78				
<b>Red Robin International, Inc.</b>						
	Thompson, Erica	2020-79				
	Nicholson, Sarah R.	2020-80				
<b>Road Trip Food &amp; Spirits</b>						
	Bond, Lauren M.	2020-81				
	Brittnacher, Darcy J.	2020-82				
	Catlin, Aimee M.	2020-83				
	Neubert, Katherine A.	2020-84				
<b>The StoneYard</b>						
	Ashauer, Adam P.	2020-85				

	Brunner, Alyssa M.	2020-86				
	Fritz, Adam J.	2020-87				
	Pritzl, Geoffrey P.	2020-88				
	Roskom, Melanie M.	2020-89				
	Shearier, Brittany A.	2020-90				
<b>Uno Chicago Grill</b>						
	Schuler, Kristina S.R.	2020-91				
	Whitehouse, Constance	2020-92				
<b>Valley Grand Cinema</b>						
	Olson, Steven K.	2020-93				
	Whalen, Keaton K.	2020-94				
<b>Wisconsin International Raceway</b>						
	Coffey, Timothy A.	2020-95				
	Hartjes, Michael R.	2020-96				
	Mc Daniel, Brendon M.	2020-97				

TOWN BOARD MEETING:

June 16, 2020

AGENDA ITEM #: 10a

ACTION TYPE:

Routine Report

(For Discussion Only)

"In the Spirit of Town Government"



## AGENDA MEMORANDUM

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---

To: Honorable Town Chairperson and Town Supervisors  
From: Staff  
Date: June 16, 2020  
RE: Routine Report on Town Law Enforcement Activities

---

RECOMMENDED ACTION: This item is for discussion only.

SUMMARY: Representatives from the Outagamie County Sheriff's Department will present the Town's law enforcement report.

POLICY/PLAN REFERENCE(S):

- Agreement for Enhanced County Law Enforcement Services in the Town of Buchanan and Village of Combined Locks, adopted December 2017.

FISCAL IMPACT: NONE

CRS

###

ATTACHMENTS: None

TOWN BOARD MEETING:

June 16, 2020

AGENDA ITEM #: 10b

ACTION TYPE:

Routine Report

(For Discussion Only)

"In the Spirit of Town Government"



## AGENDA MEMORANDUM

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---

To: Honorable Town Chairperson and Town Supervisors  
From: Ray Mohr, Fire & Rescue Chief  
Date: June 16, 2020  
RE: Report on Fire, EMS & Emergency Management Activities

---

RECOMMENDED ACTION: This item is for discussion only.

SUMMARY: Any questions should be directed to Chief Mohr.

###

ATTACHMENTS:

1. Monthly Report



**Buchanan Fire & Rescue Department**  
**Monthly Town Board Report**  
**May 2020**

**CALLS FOR SERVICE**

TYPE	MONTH	YTD	TYPE	MONTH	YTD
Fire - Structure/Vehicle	0	4	Service Call	1	6
Rupture/Explosion/Overheat	0	0	Good Intent	4	11
EMS / Rescue	23	78	False Alarm/Call	1	6
Hazardous Condition (No Fire)	3	8	Severe Weather/Ntrl Disaster		0
			<b>TOTALS:</b>	<b>32</b>	<b>113</b>

**ROUTINE DEPARTMENT ACTIVITIES:**

TYPE	DESCRIPTION/DETAIL
Training/Drill #1 -	05/04/2020- Non due to COVID 19
Training/Drill #2 -	05/11/2020- Non due to COVID 19
Training/Drill #3 -	05/18/2020- Non due to COVID 19
Training/Drill #4 -	05/25/2020- Non due to COVID 19

ATTENDANCE/PARTICIPATION						
Training Attendance	Officers	POCs	Training Attendance	Officers	POCs	
Training/Drill #1 -	0	0	Training/Drill #3 -	0	0	
Training/Drill #2 -	0	0	Training/Drill #4 -	0	0	
Public Educaiton -	Tours/Presentations	0	Pub Ed Contacts - Adults	0	Children	0
Fire Prevention -	Fire Inspections	0	Re-Inspections -	0	Burn Permits:	0
Equipment & Maintenance -						
Other -						
Other -						

**STAFFING REPORT**

Current Staffing

FT	PT	POCs

**FIRE & RESCUE HOURS**

	FT	PT*	POCs
Calls for Service	0		62.5
Drills/Meetings	0	20	27.5
Maintenance/Admin/Other	0	60	19.5
Inspections	0		3
<b>TOTALS:</b>	<b>0</b>	<b>80</b>	<b>112.5</b>

\*Drills/Meetings included with Admin time

**EMS HOURS**

	FT	PT	POCs
Calls for Service	0	0	29
Drills/Meetings	0	0	0
Maintenance/Admin/Other	0	0	0
<b>TOTALS:</b>	<b>0</b>	<b>0</b>	<b>29</b>

**STAFFING & RESPONSE**

	AVERAGE RESPONSE FROM DISPATCH	AVERAGE LENGTH OF CALL	AVERAGE PERSONNEL PER INCIDENT
Fire & Rescue	9min/06sec	23min 18sec	4
EMS	3min/22sec	20min	3

**SPECIAL PROJECTS & ACTIVITIES:**

TOWN MEETING:

June 16, 2020

AGENDA ITEM #: 10c

ACTION TYPE:

Routine Report

(For Discussion & Possible Action)

"In the Spirit of Town Government"



## AGENDA MEMORANDUM

---

To: Honorable Town Chairperson and Town Supervisors  
From: Staff  
Date: June 16, 2020  
RE: Engineer's Report

---

RECOMMENDED ACTION: This item is for discussion and possible action.

SUMMARY: Town Engineer representative, Thad Majkowski (Cedar Corp) will report on the following:

- I. A-20 Project Update
- II. Warranty Reviews 2017, 2018, 2019
- III. Special Assessment Update

POLICY/PLAN REFERENCE(S):

- 1. 2018 Agreement for Professional Services Cedar Corp. & Town of Buchanan
- 2. 2020 Town of Buchanan Fiscal Year Budget & Capital Improvement Plan

CRS

###

Attachments: NONE



"In the Spirit of Town Government"

## AGENDA MEMORANDUM

---

To: Honorable Town Chairperson and Town Supervisors  
From: Cynthia Sieracki, Clerk Treasurer  
Date: June 16, 2020  
RE: Routine Report on Clerk - Treasurer Activities

---

RECOMMENDED ACTION: This item is for discussion only.

SUMMARY: Clerk-Treasurer Cynthia Sieracki will provide a routine report of activities from the Clerk-Treasurer's office. Included in the report will be the following items:

1. August 11, 2020 Partisan Primary

Any absentee ballots that have been requested for the Partisan Primary will be mailed by June 25, 2020. Any that are received after June 25, 2020 will be mailed within 24 hours, unless it's the weekend.

In-person absentee voting will be July 27 at 7:00 and continue during normal business hours until noon on August 7, 2020.

POLICY/PLAN REFERENCE(S): NONE

FISCAL IMPACT: NONE

CRS

###

ATTACHMENTS: None



"In the Spirit of Town Government"

## AGENDA MEMORANDUM

---

To: Honorable Town Chairperson and Town Supervisors  
From: Adam Gitter, Town Administrator  
Date: June 16, 2020  
RE: Report on Town Administrator Activities

---

RECOMMENDED ACTION: This item is for discussion only.

SUMMARY: A report related to the activities of the Town Administrator's office will be provided to the Town Board.

The report will include the following items:

1. Major Project Update – Nothing new to report
2. Darboy Sanitary District – Minutes attached.
3. Legislative Update –
4. Training/ Conference Opportunities –

POLICY/PLAN REFERENCE(S):

1. Town of Buchanan Municipal Code: Chapter §102-9 B(4) – Office of the Town Administrator – Responsibilities to the Town Board.

FISCAL IMPACT: NONE

###

AJG

Attachments:

1. Darboy Sanitary District Minutes

May 12, 2020

President George Schmidt called the regular meeting to order at 8:00 A.M. at the office of the Darboy Sanitary District. Present from the District were George Schmidt, Randy Verhagen, Bruce Corning, Pat Hennessey, and Mike Kawula. Lee Reibold from McMahon & Associates joined in on speakerphone.

Bruce Corning made a motion to approve the Agenda, the April 28, 2020 Meeting Minutes, and to accept the HOVMSD May 12, 2020 Regular Meeting Agenda, the HOVMSD March 20, 2020 Meeting Minutes, and the HOVMSD March 23, 2020 Meeting Minutes. Randy Verhagen seconded the motion. Motion carried.

There were no questions from the public.

There was no correspondence.

Prior to contacting Lee Reibold (McMahon & Associates) on speakerphone, Pat Hennessey updated the Commissioners about ongoing and upcoming projects. A bid tabulation for the Town of Buchanan Road Reconstruction Projects was discussed, including the District's costs for moving and adjusting the District's facilities. The District's total cost is estimated at \$52,064.40. Pat asked the Commission if they would like to save costs by forgoing the valve repairs. It was determined that to avoid potential future problems that may require excavation in the new road, it was best to repair the valves as part of the road projects now.

Pat Hennessey also discussed the CTH N Pumphouse & Storage Tank Project. The preliminary costs for this project were higher than anticipated. Pat discussed possible tank material options that could possibly lower the overall costs. Pat will contact Gary Rosenbeck (McMahon & Associates) and Jay Vanden Heuvel (Lee's Contracting) to discuss tank materials. Pat also discussed options in sizing the diesel generator and concerns he had with the preliminary scheduling for this project. Pat will address these concerns during his discussion with Gary.

Pat Hennessey also updated the Commission about the progress of the Pinecrest Resin Replacement Project. The project took about a week to complete and included replacement of three quarters of the valves, testing, and cleaning of the facilities. Pat indicated that the new resin and raising the header have already shown benefits, including reduced backwash rates. Pat informed the Commission he would be replacing brine pumps that have bad bearings and/or showing mechanical failure.

Lee Reibold (McMahon & Associates) discussed the status of the Friendship Drive & Highline Road Project. Lee informed the Commission he and others in his office have not had any experience with the utility contractor hired by the developer. Because the District has not worked with this contractor in the past, Pat Hennessey discussed the need to supervise the contractor to ensure they were installing the water and sewer facilities to the District's satisfaction. Lee indicated he would reach out to the Village of Harrison to include inspection fees in a Developer Agreement. Lee also indicated that facilities in this project would be installed to allow for future expansions. Lee updated the Commission about the project schedule, including changes the developer needed to make to the plans to obtain the necessary permits. Parker will be talking with Nicolet Lumber about scheduling to coincide the developer's part of the project with the District's project.

Lee Reibold also discussed the CTH N Pumphouse & Storage Project. When asked about a Harvestore Tank or a cast-in-place tank, Lee thought costs would be similar to the proposed tank once you factored in engineering costs. Lee also indicated that the generator was sized based on existing facilities. It would be possible to reduce the size of the generator based on what would be needed once this project was completed. Because of the number of questions and the District's concerns, including the costs, Lee will be having discussions with Gary Rosenbeck. Lee indicated that the numbers provided were for budgeting purposes and are rough and somewhat inflated for unknown costs issues. If possible, Gary will be attending the next Commission Meeting scheduled for May 26, 2020.

Lee Reibold also discussed the Town of Buchanan's Road Reconstruction Projects. Lee indicated that he compared the numbers to the Village of Harrison, and he felt the numbers are solid and reasonable. Lee also thought that the District should repair any valves before the final road is constructed. Mike Kawula will send an email to the Town of Buchanan's engineer approving the project with the stipulation that PVC sleeves will be used instead of the proposed metal valve boxes.

Pat Hennessey and Mike Kawula discussed the COVID-19 Operations Plan including staffing. Staff has been working together to create a work schedule that ensures that the major tasks are being completed while still allowing them to maintain their social distancing. The building will remain locked to the public until the order is removed by Governor Evers.

Pat Hennessey briefly discussed Summer Help. There are three applications with two returning students. Pat indicated that there is enough work for all three applicants.

The April Pumpage Reports showed 24,865,000 gallons for an average of 828,833 gallons per day.

The HOVMSD April Sewerage Billing showed 27,872,000 gallons received at the treatment plant. A high flow of 1.050 MG occurred on April 3, 2020. The volume decreased in April, resulting in a lower than average monthly bill. The Commission reviewed the charts comparing the volume of sewerage to the volume of water pumped. Pat Hennessey indicated that the dry weather reduces I/I, therefore the District's pumpage is close to the volume sent to HOVMSD.

Stoeger & Associates' Cross Connection Control Report and the Grease Trap Inspection Report for April 2020 were presented and briefly discussed. John Stoeger could not attend the meeting.

Pat Hennessey informed the Commission that the tractors have been set up for the summer and that staff have started hydrant flushing. One Summer Help started and is assisting with the flushing. Pat also indicated that the sewer televising is going well, but some manholes will require chimney seals.

The April 2020 Treasurer's Report was presented and discussed. With the changes in the market, interest rates have dropped significantly. Mike Kawula indicated he has been talking with area financial institutions about banking services. Mike will present his findings at a future Commission Meeting. George Schmidt made a motion to approve the Treasurer's Reports as presented. Bruce Corning seconded the motion. Motion carried.

The bills were presented in the amount of \$596,112.13, which includes a transfer of money from two maturing CDs to the LGIP. After a review of the bills, Randy Verhagen made a motion to approve payment of the bills as presented. Bruce Corning seconded the motion. Motion carried.

Randy Verhagen made a motion to adjourn. George Schmidt seconded the motion. Motion carried.  
(11:15 A.M.)

Minutes taken by Mike Kawula

DARBOY JOINT SANITARY DISTRICT NO. 1

Approved: Bruce Corning  
Bruce Corning, Secretary

Date: 5-26-2020

May 26, 2020

President George Schmidt called the regular meeting to order at 8:00 A.M. at the office of the Darboy Sanitary District. Present from the District were George Schmidt, Randy Verhagen, Bruce Corning, Pat Hennessey, and Mike Kawula. Also appearing at the meeting was Gary Rosenbeck from McMahon & Associates. Lee Reibold from McMahon & Associates joined in on speakerphone.

Bruce Corning made a motion to approve the Agenda, the May 12, 2020 Meeting Minutes, and to accept the HOVMSD April 14, 2020 and April 23, 2020 Meeting Minutes. Randy Verhagen seconded the motion. Motion carried.

There were no questions from the public.

There was no correspondence.

Gary Rosenbeck (McMahon & Associates) presented the CTH N Building Extension and Storage Tank Study. Included in the study was a comparison of storage tank options and related costs. After an extensive, in-depth discussion, a motion was made by George Schmidt to proceed with the CTH N Building Expansion and Storage Tank Project to include a cast-in-place concrete storage tank. Randy Verhagen seconded the motion. Motion Carried. Gary will now have his design team begin designing the building. The Commission will be involved in the design options of the storage tank and will continue discussions about upgrading the pumps and the motors at Well #1 & Well #2. The estimated costs to upgrade Well #1 & Well #2 were included in the study.

Lee Reibold (McMahon & Associates) updated the Commission on the Friendship Drive project. Based on an email from Lee, the developer's part of the project will begin on July 15, 2020. The District's contractor (Parker) stated they would be completed with the District's portion of the project by this time. Pat Hennessey asked about inspections and overseeing the developer's contractor. Lee indicated he would discuss this with the Village of Harrison. Pat also discussed his conversations with Rucon who would like to see a plan of how the District will be supplying water and sewer to the Rucon property. Rucon has plans to construct buildings on their property and would like to have water and sewer service to these buildings.

Lee Reibold informed the Commission that the Golden Way Urbanization project has been stopped by the Village of Harrison Board. A decision has not been made for any alternative plans.

Pat Hennessey updated the Commission that R Industries has completed their water service tie in.

Mike Kawula updated the Commission about the Server and Office Computer Project. Migration of data from the old server to the new server will take place on June 11. New office computers will be installed at that time. Mike also discussed upgrading the internet service from TDS to Spectrum. Because of the location of the District's office, constructions costs to bore a Spectrum cable will be shared between the District and Spectrum. After discussion, Randy Verhagen made a motion to have Spectrum proceed with the construction. Bruce Corning seconded the motion. Motion carried.

Mike Kawula discussed ongoing issues with the banking industry due to the reduction of interest rates. Higher interest rates have historically offset some of the monthly bank fees. Mike presented a spreadsheet that compared bank fees at different financial institutions located near the District. After discussion, George Schmidt made a motion to add Community First Credit Union and Fox Communities

Credit Union as additional Bank Depositories in 2020. Randy Verhagen seconded the motion. Motion carried.

Pat Hennessey and Mike Kawula discussed the District's COVID-19 Operations Plan. In an effort to reduce staff exposures, Pat and Mike presented staff scheduling. The office is currently looking at staffing schedules to avoid having all staff in the office at the same time due to the closeness of their working areas. A revised office schedule will be implemented beginning June 1. Also, additional Summer Help (2) will begin on Tuesday, June 2, 2020.

Pat Hennessey updated the Commission about the Water System. Pinecrest is running smoothly, and Pat has seen a reduction of approximately 300 pounds of salt per regeneration. It is early, but indications are that the resin replacement project is performing better than originally anticipated. Pat also indicated that the spindle on the tractor mower deck would need to be repaired because the belt continues to come off.

Pat also stated that the sewer televising is ongoing with no major issues. Pat indicated that some manholes will require new seals, and John Stoeger has a flow meter installed on a 10-inch sewer line.

The bills were presented in the amount of \$133,408.82. After a review of the bills, Randy Verhagen made a motion to approve payment of the bills as presented. Bruce Corning seconded the motion. Motion carried.

Randy Verhagen made a motion to adjourn. Bruce Corning seconded the motion. Motion carried. (10:45 A.M.)

Minutes taken by Mike Kawula

DARBOY JOINT SANITARY DISTRICT NO. 1

Approved: Bruce Corning  
Bruce Corning, Secretary

Date: June 9, 2020



"In the Spirit of Town Government"

## AGENDA MEMORANDUM

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To: Honorable Town Chairperson and Town Supervisors  
From: Staff  
Date: June 16, 2020 Postponed from the May 19, 2020 meeting  
RE: Resolution Authorizing the Acceptance of Sales Tax Revenue from Outagamie County for Fiscal Year 2020

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SUMMARY: Please review the attached December 17, 2019 memo regarding the same item with the same topic name.

As stated in the memo, the outstanding question posed was, what does "for the purpose of directly reducing the property tax levy" mean? By accepting the funds does it mean a municipality/school district is agreeing to utilize the funds in accordance with Wis. Stat. 77.70.

Sec. 77.70, Wis. Stats., requires that county sales and use tax may be imposed only for the purpose of directly reducing the property tax levy (except under 66.0621(3m), Wis. Stats.). This is a county responsibility. DOR provides counties the option to report a "Sales and Use Tax Credit" on their County Apportionment Form (PC-400) directly reducing their property tax levy.

There is no requirement under sec. 66.0602, Wis. Stats., to adjust the county or municipal levy limit for county sales and use tax revenues. In result, there is no mechanism for adjustments on the DOR worksheet. Note: If a county or municipality reduced their property tax levy for any purpose, it would reduce their starting point in the following year for the levy limit calculations.

The last two AG opinions may apply. They do not bind courts, and may or may not be upheld in court. However, in the Brown County v. Brown County Taxpayers Association decision and order, see attached, the Court determined "direct" reduction of the property tax levy may necessarily come in more than one manner, and that that Brown County's method of using its sales tax revenue to finance new building projects was fine. The court held that sec. 77.70, Wis. Stats., delegates discretion to the counties to determine the way in which they will directly reduce their property tax levy with sales and use tax revenue, based on their respective needs.

77.70 Adoption by county ordinance. Any county desiring to impose county sales and use taxes under this subchapter may do so by the adoption of an ordinance, stating its purpose and referring to this subchapter. The rate of the tax imposed under this section is

0.5 percent of the sales price or purchase price. Except as provided in s. [66.0621 \(3m\)](#), the county sales and use taxes may be imposed only for the purpose of directly reducing the property tax levy and only in their entirety as provided in this subchapter. That ordinance shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal. Except as provided under s. [77.60 \(9\)](#), the department of revenue may not issue any assessment nor act on any claim for a refund or any claim for an adjustment under s. [77.585](#) after the end of the calendar year that is 4 years after the year in which the county has enacted a repeal ordinance under this section.

History: [1985 a. 41, 120](#); [1987 a. 27](#); [1991 a. 39](#); [2009 a. 2, 28](#); [2015 a. 197](#) s. [50](#); [2017 a. 17, 58](#).

- A county may not impose a tax upon admissions to amusements except as part of a general sales and use tax at the statutorily prescribed rate of one-half of 1 percent. 58 Atty. Gen. 212.
- A county board may not control municipal use of county sales tax revenue. 60 Atty. Gen. 387.
- Funds received from a county sales and use tax may be budgeted by the county board to reduce the amount of the county wide property tax levy or to defray the cost of any item that can be funded by a county-wide property tax. [OAG 1-98](#).

Based on the existing facts, it would appear to be an appropriate decision to accept these funds. The deadline to accept these funds is July 1, 2020.

POLICY/PLAN REFERENCE(S):

FISCAL IMPACT:

Is there a fiscal impact? Yes

Is it currently budgeted or planned? No

Amount: approximately \$90,000

RECOMMENDED ACTION: Staff recommends approval of Resolution 2020-03 Resolution Authorizing the Acceptance of Sales Tax Revenue from Outagamie County for Fiscal Year 2020.

“Motion to approve Resolution 2020-03 Resolution Authorizing the Acceptance of Sales Tax Revenue from Outagamie County for Fiscal Year 2020

OR

Motion to accept Staff’s recommendation.”

AWB

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Attachments:

- Resolution 2020-03 Resolution Authorizing the Acceptance of Sales Tax Revenue from Outagamie County for Fiscal Year 2020
- Outagamie County Sales Tax Revenue Sharing Program Memo, December 17, 2019
- Brown County v. Brown County Taxpayers Association Decision and Order
- County Sales Tax Updated Information, April 16, 2020
- 2019 Sales Tax Revenue Sharing Correspondence

**TOWN OF BUCHANAN  
RESOLUTION NO. 2020-03**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF SALES TAX REVENUE FROM  
OUTAGAMIE COUNTY FOR FISCAL YEAR 2020**

The Outagamie County Board of Supervisors has adopted Ordinance B—2019-20 enacting a county sales and use tax of one-half of one percent (0.5%) in Outagamie County effective January 1, 2020. Section 5 of Ordinance B—2019-20 authorizes sharing of the net proceeds of the sales and use tax up to a maximum of 15% of net proceeds with qualifying municipalities and school districts located in Outagamie County.

The method for determining the share local municipalities and school districts receive for the 2020 calendar year is as follows:

- 1) Municipalities (Cities, Towns and Villages) – 80% of the shared revenue
  - a. Equalized Value Including TIF (Per WISDOR 2018 Statement of Changes in Equalized Values) – 33.33%
  - b. Population (Per WISDOA 2018 final estimates) – 33.33%
  - c. Lane Miles (Per WISDOT 2019 final GTA report) – 33.34%
- 2) School Districts – 20% of the shared revenue
  - a. Equalized Value Including TIF (Per WISDOR 2018 Statement of Changes in Equalized Values) – 50%
  - b. Student Enrollment (Per WISDPI 2018) – 50%

For municipalities and school districts spanning multiple counties, only the Outagamie County portion will be used in the formulas.

NOW THEREFORE, the undersigned members of Buchanan Town Board recommend adoption of the following resolution.

BE IT RESOLVED, that the Town of Buchanan does hereby agree to accept and expend the shared county sales tax revenue from Outagamie County “for the purpose of directly reducing the property tax levy”, pursuant to Wis. Stat. § 77.70, and

BE IT FINALLY RESOLVED, that a copy of this Resolution be forwarded to the Outagamie County Executive, Outagamie County Clerk and Outagamie County Finance Director.  
Dated this day of \_\_\_\_\_.

Adopted, approved and recorded May 19, 2020.

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Mark McAndrews  
Chairperson

ATTEST:

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Cynthia Sieracki  
Town Clerk

Motion to Approve Resolution 2020-03 made by:

Votes:

Title	Name	Aye	Nay	Other
Supervisor I	Lawrence			
Supervisor II	Reinke			
Supervisor III	Kavanaugh			
Supervisor IV	Sprangers			
Chairperson	McAndrews			

Posted: May \_\_\_\_\_, 2020



"In the Spirit of Town Government"

## AGENDA MEMORANDUM

To: Honorable Town Chairperson and Town Supervisors  
 From: Tony Brown, Administrator  
 Date: December 17, 2019  
 RE: Outagamie County Sales Tax Revenue Sharing Program

**SUMMARY:** Outagamie County established a 0.5% county sales and use tax. As part of the resolution authorizing it a maximum of 15% of the net proceeds are allocated to be shared with qualifying municipalities and school districts within the County. The \$2,400,000 revenue sharing program is being proportionally allocated based on equalized value (33.33%), population (33.33%) and lane miles (33.34%). For example, the Town equalized value share of Outagamie County is 4.39%, 3.78% for the population share and 3.11% for the lane miles share. After splitting the \$2,400,000 into three pots of \$800,000, these percentages equate to a Town total revenue share amount of \$90,184.

In order to qualify for the program a municipality/school district must sign the attached correspondence accepting this source of revenue and pass the attached resolution as well. If accepted, the distribution of the Town's share would be semi-annually with payments occurring in mid-August and mid-February of the following year. The delay is due to collections, e.g., January through June collections cover the first payment in August.

Most would agree a revenue sharing concept is a fantastic idea. However, in practice, there is an open question that is rather significant. The question is, what does "for the purpose of directly reducing the property tax levy" mean? By accepting the funds a municipality/school district is agreeing to utilize the funds in accordance with Wis. Stat. 77.70, which includes the phrase above. The specific meaning of this phrase is not clear and has not been challenged in court.

One interpretation could be that it means you have to reduce the property tax levy. In other words, let's say in 2020 Community A has an approved property tax levy amount of \$10,000,000 and the revenue sharing amount is \$100,000. Under this school of thought they would have to reduce their levy by \$100,000 if the revenue sharing amount was accepted. As a result, Community A's base levy amount in 2021 would be \$9,900,000. If this ends up being the case it doesn't make sense to accept the funds because you would be agreeing to decrease your allowable levy. Furthermore, the County makes a point of noting "there is no guarantee this revenue will be available in 2021." Taking it a step further, let's say in 2021 the County discontinues the program, now Community A has to wait until net new construction, increased property values or one of the other provisions under levy limit laws allow their levy to increase back to \$10,000,000, i.e., it could be many year's before a community "made-up" what it lost.

There may be some accounting obstacles to overcome as well with regard to realizing a previous year's revenue in the current year.

Outagamie County has asked municipalities and school district's to sign and return the letter and resolution accepting the funds by no later than April 1, 2020. Since the deadline is three and half months from now there is time to see if some of these questions are answered.

POLICY/PLAN REFERENCE(S):

FISCAL IMPACT:

Is there a fiscal impact? No

Is it currently budgeted or planned? No

Amount: N/A

RECOMMENDED ACTION: For informational purposes only.

AWB

###

Attachments:

- 2019 Sales Tax Revenue Sharing Correspondence, November 12, 2019
- Outagamie County Sales Tax, Municipal and School District Revenue Sharing FAQs
- Sample Sales Tax Shared Revenue Resolution

**FILED**  
**03-24-2020**  
**Clerk of Circuit Court**  
**Brown County, WI**  
**2018CV000640**

**BY THE COURT:**

**DATE SIGNED: March 24, 2020**

Electronically signed by John P. Zakowski  
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH VI

BROWN COUNTY

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BROWN COUNTY,

Plaintiff,

v.

BROWN COUNTY TAXPAYERS ASSOCIATION  
and FRANK BENNETT,

Defendants/Third-Party Plaintiffs,

v.

Case No.: 18CV640

PETER BARCA, Secretary,  
Wisconsin Department of Revenue,

Third-Party Defendant.

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**DECISION AND ORDER**

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Before the Court are cross-motions for summary judgment from Plaintiff Brown County (“County”) and Defendants/Third-Party Plaintiffs Brown County Taxpayers Association (“BCTA”) and Frank Bennett (“Bennett”; collectively, “Taxpayers”). For the following reasons, the County’s motion will be **GRANTED** and the Taxpayers’ motion will be **DENIED**.

## PROCEDURAL POSTURE

On May 17, 2017, the Brown County Board of Supervisors, relying on Wisconsin Statutes section 77.70<sup>1</sup>, enacted a Sales and Use Tax Ordinance (“Ordinance”) creating a 0.5% sales and use tax on purchases made in Brown County. The Ordinance listed nine specific capital projects to be funded by the sales and use tax revenue. The County Clerk signed the Ordinance on May 19, 2017, the County Executive signed it on May 23, 2017, and the Board Chair signed it on May 24, 2017. Brown County published its proposed Notice of the 2018 Annual Budget to the public on October 13, 2017, and that budget provided that the revenue from the sales and use tax were to be used for the nine specific capital projects listed in the Ordinance. The Board of Supervisors made minor amendments to the proposed budget proposal and adopted it as the County’s 2018 budget on November 1, 2018. The County Executive signed the budget with no vetoes on November 7, 2018.

The Taxpayers filed Brown County case number 18CV13, seeking a declaratory judgment on the validity of the Ordinance on January 2, 2018. The Honorable William M. Atkinson, Brown County Circuit Court judge, dismissed the action, without prejudice, in his March 1, 2018, Decision and Order, on the grounds that the suit was improper due to the Taxpayers’ failure to provide notice under Wisconsin Statutes section 893.80. On March 1, 2018, the Taxpayers served a Notice of Claim on the County, seeking the same relief. The County disallowed that claim on or about May 22, 2018. The County, knowing an additional legal challenge to the Ordinance was likely on the way, preemptively filed this suit, seeking its own declaratory judgment that the Ordinance is valid in its current form. Conversely, the Taxpayers filed a counterclaim, asserting that the Ordinance is unlawful and void as a matter of law.

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<sup>1</sup> All subsequent references to the Wisconsin Statutes are to the 2017–18 version unless otherwise indicated.

## STANDARDS

### I. Summary Judgment

Summary judgment will be granted only “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” WIS. STAT. § 802.08(2). A material fact is one that would influence the outcome of the case. *Metro. Ventures, LLC v. GEA Associates*, 2006 WI 71, ¶ 21, 291 Wis. 2d 393, 717 N.W.2d 58. An issue is “genuine” if a jury could find for the non-moving party based upon evidence provided in the record. *Id.* When reflecting on summary judgment motions, courts view affidavits and other proof in the light most favorable to the party opposing the motion, but consider evidentiary facts in the record true if they are not contested by other proof. *L.L.N. v. Clauder*, 209 Wis. 2d 674, 684, 563 N.W.2d 434 (1997).

Essentially, summary judgment is only appropriate if evidentiary facts indicate that “the law resolving the issue is clear.” *Rady v. Lutz*, 150 Wis. 2d 643, 647, 444 N.W.2d 58 (Ct. App. 1989). Any reasonable doubt whether a genuine issue of material fact exists shall be resolved in favor of the non-moving party, and the moving party has the burden of proving there is no issue of material fact and they are entitled to judgment as a matter of law. *Burdick Hunter of WI, Inc. v. Hamilton*, 101 Wis. 2d 460, 470, 304 N.W.2d 752 (1981). When the moving party establishes a prima facie case for summary judgment, the non-moving party has the burden to establish that there is a genuine issue for trial. *Helland v. Kurtis A. Froedtert Mem’l Lutheran Hosp.*, 299 Wis. 2d 751, 764, 601 N.W.2d 619 (Ct. App. 1995).

## II. Statutory Interpretation

“When construing statutes, meaning should be given to every word, clause and sentence in the statute, and a construction which would make part of the statute superfluous should be avoided wherever possible.” *Hutson v. State Pers. Comm’n*, 2003 WI 97, ¶ 49, 263 Wis. 2d 612, 665 N.W.2d 212 (quoting *Kollasch v. Adamany*, 104 Wis. 2d 552, 563, 313 N.W.2d 47 (1981)). Additionally, courts “should not read into the statute language that the legislature did not put in.” *State v. Matasek*, 2014 WI 27, ¶ 20, 353 Wis. 2d 601, 846 N.W.2d 811 (quoted source omitted). “[S]tatutory language is interpreted in the context in which it is used; not in isolation but as part of a whole; in relation to the language of surrounding or closely-related statutes; and reasonably, to avoid absurd or unreasonable results.” *State ex rel. Kalal v. Circuit Court for Dane County*, 2004 WI 58, ¶ 46, 271 Wis. 2d 633, 681 N.W.2d 110. “Statutory language is given its common, ordinary, and accepted meaning, except that technical or specially-defined words or phrases are given their technical or special definitional meaning.” *Id.* ¶ 45. For additional guidance, dictionaries are an acceptable source to determine common, ordinary, and accepted meanings of statutory words. *Id.* ¶ 53–54 (*See also State v. McCoy*, 143 Wis. 2d 274, 287, 421 N.W.2d 107 (1988)).

If the meaning of the statute is clear, there is no ambiguity, and where statutory language is unambiguous, there is no need to consult extrinsic sources of interpretation such as legislative history. *Id.* ¶ 46 (citing *Bruno v. Milwaukee Cty.*, 2003 WI 28, ¶¶ 7, 20, 260 Wis. 2d 633, 660 N.W.2d 656). However, “a statute is ambiguous if it is capable of being understood by reasonably well-informed persons in two or more senses.” *Id.* ¶ 47 (citation omitted). “If a statute is ambiguous, the reviewing court turns to the scope, history, context, and purpose of the statute.” *Prison Litig. Reform Act in State ex rel. Cramer v. Schwarz*, 2000 WI 86, ¶ 18, 236 Wis.

2d 473, 613 N.W.2d 591. It is statutory interpretation which is central to the court's decision. The court sees the purpose of the sales tax was to fund projects that otherwise would have had to have been financed through borrowing, thereby driving up property taxes, a kind of third rail in today's political landscape. Is this permissible under the language of Wis. Stat. 77.70?

### ANALYSIS

The statutory provision at issue in this case reads as follows:

Any county desiring to impose county sales and use taxes under this subchapter may do so by the adoption of an ordinance, stating its purpose and referring to this subchapter. The rate of the tax imposed under this section is 0.5 percent of the sales price or purchase price. Except as provided in s. 66.0621 (3m), the county sales and use taxes may be imposed only for the purpose of directly reducing the property tax levy and only in their entirety as provided in this subchapter.

WIS. STAT. § 77.70.

The question the parties ask this Court to answer is what it means “only” to “directly reduc[e]” the property tax levy in Brown County, Wisconsin. In the preceding sentence, the Court identified the operative words whose meanings the parties have skillfully debated. While seemingly simple in isolation, those three words—only, direct, and reduce—when used in the single sentence quoted above create the heart of the dispute here. Indeed, the parties do not dispute the County's authority to impose the Ordinance. The dispute is whether, in application, the Ordinance is “only” “directly reducing” the property tax levy in Brown County in compliance with Wisconsin Statutes section 77.70. *Id.*

Here, the Court elects to define these three words to provide additional guidance for the task at hand. According to the dictionary, the word “only” means: “as a single fact or instance and nothing more or different.” MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 867 (11th ed. 2003). Next, the word “direct” means: “from point to point without deviation”; “from the source without

interruption or diversion”; and “without an intervening agency or step.” (*Id.* 353.) Lastly, the word “reduce” means: “to diminish in size, amount, extent, or number.” (*Id.* 1044.)

Indeed, the parties both insist that resolution of this matter involves nothing more than looking at the plain meaning of those three words. Therefore, in an effort to keep this decision simple for the parties, the Court will begin by analyzing the only interpretation of Wisconsin Statutes section 77.70—a Wisconsin Attorney General’s Opinion from 1998. Then the Court analyze the arguments of the parties in the context of both the language of Wisconsin Statutes section 77.70 and the Attorney General’s Opinion.

### **I. The Attorney General Opinion**

On May 5, 1998, then Attorney General, James E. Doyle, issued an opinion to Ozaukee County Corporate Counsel, Mr. Dennis E. Kenealy. In response to Mr. Kenealy’s inquiry, Attorney General Doyle offered his opinion as to “how funds received from a county sales and use tax imposed under section 77.70, Stats., may be budgeted by the county board.” (Wis. Op. Att’y Gen. OAG 1-98, 1 (1998), <https://www.doj.state.wi.us/sites/default/files/dls/ag-opinion-archive/1998/1998.pdf>.) In the opinion, the Attorney General cites Wisconsin Statutes section 77.70 and emphasizes the same language the parties here argue over: “The county sales and use taxes may be imposed only for the purpose of directly reducing the property tax levy...” (*Id.*) In interpreting that sentence, the Attorney General opined that “such funds may be budgeted to reduce the amount of the overall countywide property tax levy or to defray the cost of any item which can be funded by a countywide property tax.” (*Id.*) In arriving at that opinion, the Attorney General provided a brief history of Wisconsin Statutes section 77.70.

According to the Attorney General, prior to 1985 few, if any, Wisconsin counties imposed a sales and use tax, likely because the counties could not control how revenue from the sales and

use tax would be used by local units of government within the county—such as towns, cities, and villages. (*Id.*, 1–2.) It was in 1985 that the Wisconsin Legislature amended section 77.70 to allow county governments to retain the sales and use tax revenue, provided the sales and use tax revenue was used “only for the purpose of directly reducing the property tax levy.” (*Id.* 2.) Once a county enacted a sales and use tax, the Attorney General explained the various ways it could potentially put the sales and use tax into practice.

One method of accounting for sales and use tax revenue which demonstrated a direct reduction of the property tax levy, was to show the sales and use tax revenue as a single line revenue source in the budget. (*Id.*) The Attorney General stated: “The countywide property tax levy is clearly reduced to the extent that the net proceeds of the sales and use tax are shown as a budget item which is subtracted directly from the total property tax before determining the net property tax that must be levied.” (*Id.*)

A second method of accounting for sales and use tax revenue was explained as follows:

Some counties have also budgeted the net proceeds of the sales and use tax as a revenue source used to offset the cost of individual items contained in the county budget. The same amount of countywide property tax reduction occurs whether the county board chooses to budget revenues from net proceeds of the sales and use tax as a reduction in the overall countywide property tax levy or as an offset against a portion of the costs of specific items which can be funded by the countywide property tax. (*Id.*)

Focusing on the issue funding of “specific items” in a county’s budget with sales and use tax revenue, the Attorney General considered whether the “specific items” in a county’s budget had to be existing at the time of the sales and use tax enactment, or whether new budget items could be funded, too. (*Id.*)

Looking at the plain language of the statute, the Attorney General concluded it would be “unreasonable” to construe Wisconsin Statutes section 77.70 in a way such that counties which

had started certain projects could fund and finish them with sales and use tax revenue, whereas other counties that were not yet funding similar projects could not use sales and use tax revenue to fund prospective budget items. (*Id.*, 2–3 (citing *Estate of Evans*, 28 Wis. 2d 97, 101, 135 N.W.2d 832 (1965)).) Again, the Attorney General went back to language of the statute, and found that because there was no such limiting language in the statute, it was his opinion there was no county-by-county restriction on authority to use sales and use tax revenue to fund individual budget items. (*Id.*, 3.) Therefore, counties could “budget the net proceeds of the sales and use tax as an offset against the cost of any individual budgetary item which can be funded by the countywide property tax.” (*Id.*)

As additional guidance to the querist, the Attorney General particularly counseled that meaning should be given to the word “directly” in the statute. (*Id.*) Indeed, the Attorney General even provided a dictionary definition of “directly” as: “without an intermediate step”. (*Id.*) For sales and use tax revenue to “directly” reduce the property tax levy, the Attorney General opined that such revenue could be put only towards budget items that could be funded from the countywide property tax levy to begin with. (*Id.*) The Attorney General continued: “Although any revenue source frees up other funds to be used for other budgetary purposes, the budgeting of sales and use tax proceeds to defray the cost of items which cannot be funded by a countywide property tax constitutes indirect rather than direct property tax relief.” (*Id.*)

In concluding, the Attorney General found that “...funds received from a county sales and use tax under section 77.70 may be budgeted by the county board to reduce the amount of the countywide property tax levy or to defray the cost of any budget item which can be funded by a countywide property tax.” (*Id.*)

## II. The County's Argument

The County argues that the Ordinance is valid under the plain language of Wisconsin Statutes section 77.70, and that the County's interpretation of that Wisconsin Statute is supported by years of consistent application by the Wisconsin Attorney General, the Wisconsin Department of Revenue ("WIDOR"), and other Wisconsin counties. (Pl.'s Br. Supp. Mot. Summ. J. 2.) In putting Wisconsin Statutes section 77.70 into practice, the County argues it only had to comply with three statutory requirements. First, that the County had to adopt an ordinance authorizing the tax; second, that the tax must be imposed at the rate of 0.5 percent; and, three, that the tax may be imposed only for the purpose of directly reducing the property tax levy.<sup>2</sup> (*Id.* 2–3.)

The Ordinance mandates that the 0.5 percent sales and use tax "*shall be utilized*", for a temporary 72 month period, "*only* to reduce the property tax levy by funding [nine] specific capital projects." (Ordinance § 9.02 (emphasis in original).) Further, the Ordinance mandates that the sales and use tax "[s]hall not be utilized to fund any operating expenses other than lease payments associated with the [nine] specific capital projects". (*Id.*) The nine specific capital projects include:

- (1) Expo Hall Project – \$15,000,000.00;
- (2) Infrastructure, Roads and Facilities Projects – \$60,000,000.00;
- (3) Jail and Mental Health Projects - \$20,000,000.00;
- (4) Library Project – \$20,000,000.00;
- (5) Maintenance at Resch Expo Center Project – \$10,000,000.00;
- (6) Medical Examiner and Public Safety Projects – \$10,000,000.00;
- (7) Museum Project – \$1,000,000.00;
- (8) Parks and Fairgrounds Project – \$6,000,000.00; and
- (9) Stem Research Center Project – \$5,000,000.00.

(*Id.* (emphasis in original).) The County believes the quoted language above demonstrates the Ordinance's compliance with Wisconsin Statutes section 77.70. (Pl.'s Br. Supp. Mot. Summ. J. 7–8.)

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<sup>2</sup> The property tax levy is calculated by adding the operating levy—revenue necessary to fund county operations—to the debt levy—revenue necessary to pay the county's debts. (Compl. ¶ 23; Pl.'s Br. Supp. Summ. J. 6.)

The Ordinance also contains a mill rate<sup>3</sup> freeze which the County argues provides an additional safeguard against violating Wisconsin Statutes section 77.70. Specifically:

While this temporary sales and use tax Ordinance is in effect, the Brown County Mill Rate shall not exceed the 2018 Brown County Mill Rate. If the Brown County Mill Rate does exceed the 2018 Brown County Mill Rate during the 72 months that this temporary 0.5 percent Brown County sales and use tax is in effect, then this sales and use tax shall sunset on December 31 of the year the Brown County Mill Rate exceeds the 2018 Brown County Mill Rate.

(*Id.* at 8; Ordinance § 9.03.) The County argues this mill rate freeze “guarantees compliance” with Wisconsin Statutes section 77.70’s requirement that a sales and use tax be “imposed only for the purpose of directly reducing the property tax levy”, because the whole “purpose” of the sales and use tax is to prevent the operating levy from increasing. (Pl.’s Br. Opp’n to Def.’s Mot. Summ. J. 5.) Further, there is a sunset provision:

Subject to the following contingencies being met *on or before August 15, 2017*, this Ordinance shall take effect on January 1, 2018, and shall sunset 72 months thereafter, unless during said 72 month period any general obligation debt, excluding refunding bonds, is issued by Brown County in which case this Ordinance shall sunset on December 31 of the year any general obligation debt, excluding refunding bonds, is issued...

(Pl.’s Br. Supp. Mot. Summ. J. 8; Ordinance § 9.04 (emphasis in original).) In sum, the Ordinance would sunset before the 72-month term completes if the County’s mill rate increased—i.e. property taxes go up—and if the County ever issued new debt, other than a refinance of existing debt. (Pl.’s Br. Supp. Mot. Summ. J. 8.)

In continuing to develop its argument, the County suggests that Wisconsin Statutes section 77.70 is an enabling statute that “*allows* a county to impose a sales and use tax...”, but it contains no proscriptions on “*how* sales and use tax proceeds are to be used.” (*Id.* 14–15 (emphasis in

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<sup>3</sup> The mill rate is the amount, say for example \$1.00, per \$1,000.00 of the assessed value of real property, used to calculate the amount of property tax against the property. (Pl.’s Br. Supp. Summ. J. 8, n.10 (citation omitted); BLACK’S LAW DICTIONARY 1015 (8th ed. 2004).

original).) As touched on briefly in the prior paragraph of this decision, the County argues that the “purpose” of Wisconsin Statutes section 77.70 is what matters—and the purpose of the statute is to enable counties to directly reduce their property tax levy, not restrict how the counties spend the sales and use tax revenue. (*Id.* 15.) In furtherance of its argument that Wisconsin Statutes section 77.70 does not limit *how* sales and use tax revenue is to be spent, it points to the absence of any specific limiting language in the statute—such as “offset,” “deduct,” “subtract,” or “retire”—that would make clear to counties they were to only to subtract the sales and use tax revenue from the property tax levy. (*Id.* 16.)

As contrast, the County points out that the sales and use taxes created under Wisconsin Statutes sections 77.705 and 77.706—known as the Miller Park Stadium Tax and the Lambeau Field Tax respectively—both contain language mandating that proceeds from the tax “shall be used exclusively to retire” each stadium district’s debts. (*Id.*); WIS. STAT. §§ 77.705, 77.706. No such limiting language is found in Wisconsin Statutes section 77.70. Further, between these three separate statutes, the County emphasizes that the phrase “only in their entirety” simply refers to the amount of the sales and use taxes—it is not language that limits how the proceeds from the sales and use tax must be spent. (Pl.’s Br. Supp. Mot. Summ. J. 17.)

Continuing the theme of its argument, that Wisconsin Statutes section 77.70 is an enabling statute that allows counties to enact a sales and use tax, but is not a restraint on how counties spend the revenue from the tax, the County points to Wisconsin Statutes sections 66.0602(2)–(2m). There, the County points out a required a decrease in a county’s levy limit—a cap that limits increases in the operating levy to the percentage of the county’s new net construction<sup>4</sup>—should its

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<sup>4</sup> A similar definition is offered by the Taxpayers: a county’s levy is fixed at its current level, and can only be raised if the county experiences a net positive growth in property values due to new construction.” (Def.’s Br. Supp. Mot. Summ. J. 16.)

debt levy in the current year be less than its debt levy in the previous year in an amount equal to the difference between the two years. WIS. STAT. § 66.0602(2)–(2m); (Pl.’s Br. Supp. Mot. Summ. J. 6, 17–18.) Further, a county must reduce its levy limit in the current year if it receives fee revenue collected for a covered service—such a garbage collection, fire protection, or snow plowing. WIS. STAT. § 66.0602(2m)(b)1.–(b)2. The County notes that a negative adjustment for delineated revenue streams, as is found in Wisconsin Statutes section 66.0602(2m), is nowhere to be found in section 77.70. (Pl.’s Br. Supp. Mot. Summ. J. 18.) In other words, the County argues that if the Legislature intended section 77.70 to require a negative adjustment to a county’s property tax levy based on revenue from a sales and use tax, it would have added such language to section 77.70. (*Id.*) Indeed, the County points out that the levy limits in Wisconsin Statutes section 66.0602 were enacted in 2006, and section 77.70, in 1985—therefore, the Wisconsin Legislature has had ample opportunity to add either direct offset language as found in the Miller Park and Lambeau Field taxes, or a negative adjustment to account for revenue from a sales and use tax, but has declined to exercise either option.<sup>5</sup> (*Id.*)

The County does not dispute that some of the nine specific capital projects it is funding with revenue of the Ordinance, are new spending projects, or were projects that had not started as of the date of the Ordinance. (Compl. Ex. A.) Therefore, the County supports the Attorney General’s interpretation of Wisconsin Statute section 77.70 which concluded that revenue from a sales and use tax may be used “to reduce the amount of the countywide property tax levy or to defray the cost of any budget item which can be funded by a countywide property tax.” (Pl.’s Br. Supp. Summ. Mot. J. 19; Wis. Op. Att’y Gen. OAG 1-98, 3 (1998).) The County also points out

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<sup>5</sup> The County also notes that the WIDOR does not interpret Wisconsin Statutes section 77.70 as requiring an offset—dollar for dollar or otherwise—because there is nothing on Form SL-202c, Section D: Adjustments to Allowable Levy Limits, which addresses revenue from sales and use taxes. (Pl. Br. Supp. Mot. Summ. J. 21–22.; Klingsporn Aff. ¶ 20, Ex. B, at 2.)

that the Attorney General's opinion was issued eight years before the enactment of the levy limits statutes. (Pl.'s Br. Supp. Mot. Summ. J. 20.) Further, the County cites *Schill v. Wisconsin Rapids Sch. Dist.*, 2010 WI 86, 327 Wis. 2d 572, 786 N.W.2d 177:

A well-reasoned attorney general's opinion interpreting a statute is, according to the court's rules of statutory interpretation, of persuasive value. Furthermore, a statutory interpretation by the attorney general is accorded even greater weight, and is regarded as presumptively correct, when the legislature later amends the statute but makes no changes in response to the attorney general's opinion.

*Schill v. Wisconsin Rapids Sch. Dist.*, 327 Wis. 2d 572, ¶ 126 (citations omitted).

Lastly, the County argues that finding the Ordinance invalid would lead to “absurd results”. *Bank Mut. v. S.J. Boyer Constr. Inc.*, 2010 WI 74, ¶ 24, 326 Wis. 2d 521, 785 N.W.2d 462. Specifically, the absurd result would be that Brown County would have to borrow to meet its budget obligations. (Pl.'s Br. Supp. Mot. Summ. J. 23.) As of December 21, 2018, the date of its brief in support its motion for summary judgment, the County's 2019 budget and levy had already been set and approved. (Klingsporn Aff. ¶ 36.) For example, a repeal of the Ordinance on December 22, 2018, would have resulted in the County having to borrow to fund its existing obligations and/or decreasing its budget by approximately \$24,500,000.00 to account for the anticipated sales and use tax revenue. (*Id.* ¶¶ 35–37.) Borrowing, would obviously cost the taxpayers interest. (*Id.* ¶ 29.) Also, a potential financial shortfall may hurt the County's credit rating. (*Id.* ¶ 38.) The County also alleges that revenue from the sales and use tax will result in a \$140.20 decrease from 2018–2023 for a median value home—\$163,200.00—in Brown County. (*Id.* ¶ 32.) Without the sales and use tax, the County alleges that property taxes on that same home would increase by \$356.48 in that same time period. (*Id.* ¶ 33.)

### III. The Taxpayers' Argument

The Taxpayers frame their argument with a very interesting analogy. To avoid diluting the impact of the Taxpayers' hypothetical by attempting to rephrase it here, it is presented in its entirety.

If you give your daughter \$10,000 on the condition that she use it to reduce her burdensome credit card debt, can she use it for anything she wants? Can she use the money to finance a vacation to Europe on the theory that she could have charged the trip on her credit card and her balance is “reduced” because she didn’t have to borrow the money? What does it mean to “reduce” something? What does it mean to say that money has to be used for a specific purpose? These simple questions are at the heart of this case.

(Def.’s Br. Supp. Mot. Summ. J. 1.) The Taxpayers ask: “Did the [C]ounty’s property tax levy decrease by the amount of sales and use tax raised?” (*Id.*) They answer “no”—instead, the Ordinance resulted in additional spending and an increase in the County’s property tax levy. (*Id.* 2.) Therefore, the Ordinance is void. (*Id.*)

Similar to the Court, the Taxpayers begin by defining the operative words in Wisconsin Statutes section 77.70. The Taxpayers define the word “reduce” in the exact same way as the Court—“to diminish in size, amount, extent, or number.” (*Id.* 6.) The word “direct” they define as “stemming immediately from a source”, “marked by the absence of an intervening agency, instrumentality, or influence.” (*Id.*) The Taxpayers argue that “directly reducing the property tax levy” can only mean, to “diminish the amount of the levy in a manner stemming immediately from the source—the sales tax revenue—without any intervening steps.” (*Id.*) The Taxpayers bolster this argument by defining the word “only” as “a single fact or instance and nothing more or different.” (*Id.*) In essence, the single use of county sales and use tax proceeds is paying down, dollar for dollar, the property tax levy. (*Id.* 1.) Implicit in this argument, is the position that funding projects not in existence at the time of the sales and use tax is impermissible. (*Id.* 6–7.)

The Taxpayers support their plain language interpretation and resulting dollar-for-dollar offset function of Wisconsin Statutes section 77.70 with legislative history and the practices of other counties implementing a sales and use tax. The Taxpayers point out that during the 1980's property tax relief was a widespread topic of discussion in Wisconsin. (*Id.* 8.) While the state legislature was working on a bill that would refine the operation of sales and uses taxes by Wisconsin counties, then-Senator Russ Feingold suggested much of the language at issue here—that sales and use tax proceeds be used “only” for “property tax relief.” (*Id.* 8–9; Kamenick Aff. Ex. I, R. 69 at 177.) Senator Feingold's proposed language eventually became the statute we are analyzing today. (*Id.* 9; *Id.* Ex. L & M, R. 69 at 180–181.) It is the earliest counties to adopt sales and use taxes, which the Taxpayers argue did it right—that those counties' sales and use tax ordinances embody the intent of the statute, which is to provide property tax relief, not create new spending. (Def.'s Br. Supp. Mot. Summ. J. 9.)

There are 66 counties in Wisconsin with sales and use taxes, and the various sales and use tax ordinances fall into four separate categories according to the Taxpayers. (*Id.* 10.) The first is the counties whose ordinances simply quote the language in Wisconsin Statutes section 77.70. (*Id.*) Examples of this first category included Ashland, Columbia, and Florence Counties—their ordinances from 1987, 1989, and 2016, respectively. (2nd Kamenick Aff., R. 51 at 26, 40, & 49.) The second category includes counties that included additional language restricting the use of the sales and use tax revenue. (Def.'s Br. Supp. Mot. Summ. J. 10–11.) This second category includes Grant County's ordinance adopted in 2002, which spells out the dollar-for-dollar reduction in the property tax levy by the amount of the sales and use tax revenue. (2nd Kamenick Aff., R. 51 at 54.) The third category includes counties that have, according to the Taxpayers “ignored” the statutory restriction of Wisconsin Statutes section 77.70 and have dedicated sales and use tax

revenue to broad categories of new spending, including capital projects. (Def.'s Br. Supp. Mot. Summ. J. 11). Washington County is an example of this third category, where it proposes to spend its sales and use tax revenue on items including an "approved Capital Improvement Program", an "approved private economic development projects and debt retirement from capital projects, and by applying sales tax revenue as a direct offset to the county property tax levy in the annual operating budget." (2nd Kamenick Aff., R. 52 at 55.) The last category, includes Brown County and its Ordinance, as well as Waupaca County<sup>6</sup>, which dedicate sales and use tax revenue to specific new projects. (Def.'s Br. Supp. Mot. Summ. J. 11.)

The Taxpayers argue that the Attorney General Opinion improperly encouraged counties to stray from what it contends is the purpose of Wisconsin Statute section 77.70—a dollar-for-dollar offset of the property tax base. (*Id.* 13.) At the time of the Opinion, some counties were using sales and use tax revenue to pay for new projects (*Id.*; *See* Wis. Op. Att'y Gen. OAG 1-98, 2 (1998).) The Attorney General therefore incorrectly interpreted Wisconsin Statutes section 77.70 and concluded "that there was no meaningful distinction between using sales and use taxes to pay for existing expenses (lowering the actual property tax levy) and using such taxes to pay for new expenses (preventing the property tax levy from rising)". (Def.'s Br. Supp. Mot. Summ. J. 13–14.) This conclusion, the Taxpayers argue, shifted the focus from the intent of Wisconsin Statute section 77.70—using sales and use tax revenue "only" for property tax reduction—and instead to what types of projects said revenue could be used for. (*Id.* 14.) Such an analysis, when put into practice by counties allows for at best, indirect, and not direct, reduction of the property tax levy. (*Id.*)

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<sup>6</sup> Waupaca County's ordinance proposed to construct a new and necessary Courthouse with its sales and use tax proceeds. (2nd Kamenick Aff., R. 52 at 57.)

Even if the Court were to conclude that the Attorney General Opinion is correct, the Taxpayers argue the Ordinance should still be declared void. This result is required because the Attorney General Opinion was issued prior to the Wisconsin Legislature enacting the levy limits found in section 66.0602. (*Id.* 15.) The Taxpayers argue that because the County could not have raised its property tax levy by enough to fund the nine specific projects delineated in the Ordinance, the Ordinance fails even under the Attorney General’s interpretation. (*Id.*) The Taxpayers argument is that in that age before levy limits, the Attorney General must have based his opinion on the assumption that any county budget item paid for by sales and use tax revenue, would also have been fundable by a property tax increase. (*Id.* 15–16.) Post-2006, counties can no longer raise property taxes to any rate they desire absent a voter referendum. WIS. STAT. § 66.0602(4).

Because the County was limited, by statute, to a levy increase of \$4,453,035.00 in 2018, it could not have raised the property tax levy to cover the \$18,000,000.00 in spending the budget proposed. (Def.’s Br. Supp. Mot. Summ. J. 17.) This illustration is the crux of the Defendant’s argument—that the County did not use its sales and use tax revenue generated under the Ordinance “only” to “directly” reduce the property tax. To further its point, the Taxpayers argue that the County could not have borrowed to fund the budget, either. Borrowing was not possible, according to the Taxpayers, because the County did not complete any of the prerequisites for borrowing, chiefly via a referendum or a vote of three-fourths the majority of the county board. (*Id.* 18.); *See* WIS. STAT. § 67.045.

The Taxpayers provide a closing to their argument that is as interesting as its opening, and to avoid any dilution of its message, they close as follows:

Using sales tax revenue to avoid a hypothetical property tax hike that might have occurred (had Brown County attempted to borrow money and had it been able to successfully navigate the process for doing so) is hardly a direct property tax reduction. It is, instead, a Rube Goldberg interpretation of the law. First, assume

that the County would have borrowed to pay for these projects had it not passed a sales tax. Second, assume that the County could and would have met the prerequisites to borrow for the projects. Third, assume that paying for debt service on *borrowing* is just as good as paying for the projects *directly*. Finally, assume that avoiding an increase actually counts as a reduction. This circuitous and uncertain route is not “reducing” anything, much less “directly reducing the property tax levy.”

(Def.’s Br. Supp. Mot. Summ. J. 19 (emphasis in the original).)

#### **IV. The Court’s Decision**

The court has spent considerable time evaluating and digesting the briefs, affidavits, and arguments of counsel. There have been some hyperbolic arguments of chaos ensuing if the court decides one way or another. The court has endeavored to find the correct legal, not political, decision. As the Court stated at the beginning of this decision, the task at hand is to determine what it means to “only” to “directly reduc[e]” the property tax levy in Brown County, Wisconsin, under Wisconsin Statute section 77.70.

Both the County and the Taxpayers argued that the answer to that query involved merely reading the statute, and naturally their respective argument was correct. However, after dozens of filings and oral argument, the Court was still tasked with answering a question that proved more difficult than at first blush. The Court thanks both the County and the Taxpayers for their thorough and sincere efforts at articulating and presenting their positions with the utmost quality and fervent zeal.

Ultimately, the Court concludes that the Taxpayer’s position—that Wisconsin Statutes section 77.70 requires a dollar-for-dollar reduction of the property tax levy with sales and use tax revenue generated by the Ordinance—is not the solely lawful operation required by the plain language of the statute. The Taxpayer’s interpretation of Wisconsin Statute section 77.70 and the implications of putting that interpretation into practice reads mechanisms into the statute that

simply are not present because the Wisconsin Legislature did not put them there. It is not the Court's duty to read new words and mechanisms into a statute when those words and mechanisms were not put there by the Wisconsin Legislature. *See Matasek*, 353 Wis. 2d 601, ¶ 20. If Wisconsin Statute section 77.70 were to require a dollar-for-dollar reduction of a county's property tax levy, then the Wisconsin Legislature would have said so in the body of the statute, and it would have spelled out the process for Wisconsin counties to follow. For example, whether a county must draft its budget based on estimated sales and use tax revenue, or, whether it must bank that revenue for a year and then proceed using a liquidated figure. While a dollar-for-dollar offset of the property tax base is certainly one example of a direct reduction, the Court concludes it is not the exclusive mandate based off the plain language of the statute, as the Taxpayers suggest.

The Court believes this conclusion is supported by applying the rules of statutory interpretation to the plain language of Wisconsin Statute section 77.70. Indeed, "statutory language is interpreted in the context in which it is used; not in isolation but as part of a whole; in relation to the language of surrounding or closely-related statutes; and reasonably, to avoid absurd or unreasonable results." *State ex rel. Kalal*, 271 Wis. 2d 633, ¶ 46. The Court's reasoning under this framework follows. Also, the Attorney General Opinion which also supports the Court's conclusion that the Ordinance is not void as a matter of law, as argued by the Taxpayers, will be discussed in turn, as well.

**a. The Context of WIS. STAT. § 77.70**

Wisconsin Statutes section 77.70 is found in Subchapter V of Chapter 77 of the Wisconsin Statutes. Subchapter V is entitled "County and Special District Sales and Use Taxes". The first sentence of Wisconsin Statute section 77.70 states: "Any county desiring to impose county sales and use taxes under this subchapter *may* do so..." WIS. STAT. § 77.70 (emphasis added). When the

word “may” is used in a statute, discretionary authority is implied. *Liberty Grove Town Bd. v. Door Cnty. Bd. of Supervisors*, 2005 WI App 166, ¶ 10, 284 Wis. 2d 814, 702 N.W.2d 33 (citation omitted). Therefore, Wisconsin Statute section 77.70 gives Wisconsin counties the “discretion” to enact a sales and use tax. *See id.* However, the Wisconsin Legislature limited a county’s discretion by requiring that “the county sales and use taxes may be imposed *only for the purpose of directly reducing the property tax levy...*” at the rate of 0.5 percent. WIS. STAT. § 77.70 (emphasis added). This statute, in the Court’s opinion, is an enabling statute, with minor qualifiers, that when read in a vacuum leaves its actual operation far from as cut and dry as the Taxpayers insist.

The statute sections that follow, however, begin to add context and clarity to the scope of the discretion that the Wisconsin Legislature delegated to the counties under the statute section at issue. They do so through the revenue spending limitation the Wisconsin Legislature placed on two tax districts which it did not place on counties. Wisconsin Statutes sections 77.705 and 77.706—the Miller Park Stadium Tax and the Lambeau Field Tax respectively—both start with the same permissive language that both taxing districts “*may* impose a sales tax and a use tax under this subchapter...” WIS. STAT. §§ 77.705–77.706 (emphasis added). However, the stadium tax sections include a mandatory restriction on exactly how the sales and use tax revenue must be spent. Each section states that sales and use tax revenues “*shall* be used *exclusively to retire the district’s debt.*” *Id.* (emphasis added). Indeed, the use of “[t]he word “shall” is presumed to be mandatory when it appears in a statute.” *Liberty Grove Town Bd.*, 284 Wis. 2d 814, ¶ 9. Therefore, in the stadium tax section, there is but one use for the revenue, specifically to pay the districts’ debts dollar-for-dollar, as opposed to some other project associated with the stadium district. As a result, the districts have no discretion in how they spend their sales and use tax revenue.

The Taxpayers suggest this Court should *interpret* Wisconsin Statute section 77.70 in such a way that it operates in the same way the stadium tax sections were *actually written* by the Wisconsin Legislature. Unfortunately, the specificity of the stadium tax sections is not present in Wisconsin Statutes section 77.70 since paying a county's debts is but one avenue to directly reduce the property tax levy. To further the point with an example—the Wisconsin legislature could have refined its intentions when drafting Wisconsin Statutes section 77.70. It could have concluded it is best for Wisconsin counties not pay the interest costs associated with borrowing, and therefore, provided that counties “may” enact a sales and use tax “exclusively to retire the county's debt,” and once a county's debt has been retired, the sales and use tax “shall sunset on the last day of the quarter in which certification that the county's debt is retired has been provided to the Department of Revenue.” Unfortunately, such specificity is not found in Wisconsin Statute section 77.70, and therefore, the Court cannot conclude that as a matter of law the Taxpayers are correct in asserting that the only interpretation of the statute's language is that it requires the dollar-for-dollar offset as they advocate.

The Wisconsin Legislature was certainly capable of placing such restrictions on the counties, but it did not do so. Indeed, Wisconsin Statute section 66.0602 is an excellent example of the Wisconsin Legislature's capabilities of controlling the operational aspects of a county's budget. There, as has been discussed in this decision, a dollar-for-dollar negative adjustment to a county's levy limit is required when a county's debt levy in the current year is less than its debt levy in the previous year. WIS. STAT. § 66.0602(2m)(a). The following paragraphs provide further evidence of legislative design—a county “shall reduce its levy limit... by an amount equal to the estimated amount...” of certain types of revenue. WIS. STAT. § 66.0602(2m)(b)2.–3. Most pertinent to this decision, Wisconsin Statute section 66.0602 was enacted in 2006, whereas section

77.70 was enacted in 1985—therefore, the Wisconsin Legislature had ample opportunity to amend section 77.70 to provide a dollar-for-dollar offset or other specific restriction on a county’s use of its sales and use tax revenue, but it has not done so. (Pl.’s Br. Supp. Mot. Summ. J. 18; Def.’s Br. Supp. Mot. Summ. J. 16.) Therefore, the unreasonable and absurd result the Court will avoid here is reading mechanisms into Wisconsin Statute section 77.70 that the Wisconsin Legislature did not place there, though it had the opportunity and the know-how to do it. *State ex rel. Kalal*, 271 Wis. 2d 633, ¶ 46; *See also Matasek*, 353 Wis. 2d 601, ¶ 20.

A second unreasonable result would be for this Court to usurp the decisions of the County’s elected officials. The Court firmly believes the directive that a sales and use tax “may be imposed” and the revenue used “only for the purpose of directly reducing the property tax levy...” left ample discretion to Wisconsin counties’ elected officials as to how they would directly reduce their respective property tax levies. WIS. STAT. § 77.70. The statute, which is an enabling statute, permits that counties “desiring to impose” a sales and use tax “may do so by the adoption of an ordinance.” *Id.* The wording of “desiring to impose” implies a legislative process that is to occur at the county level. *Id.* Whether a county “desires”, or does not “desire” to “impose” a sales and use tax, is a matter for the voters to decide through their elected representatives. *Id.* And if a county “desires” to impose a sales and use tax, it may do so by “[adopting] an ordinance”—another legislative process to be carried out by voters and their elected representatives. *Id.*

Brown County’s Ordinance was no exception to the legislative process. On May 8, 2017, the Brown County Executive Committee conducted a regular meeting which was open to the public. (Chintamaneni Aff. Ex. A, R. 77 at 1.) At that meeting, County Executive Troy Streckenbach discussed the proposed Debt Reduction, Infrastructure & Property Tax Cut Plan—i.e. the Ordinance—which included the sales and use tax at issue here. (Chintamaneni Aff. Ex. B,

R. 78 at 2–5, 11.) The meeting minutes record that various county supervisors debated and questioned aspects of the Ordinance. (*Id.* at 2–5.) Nowhere does a county supervisor articulate their understanding of Wisconsin Statute section 77.70 to require the dollar-for-dollar offset as the Taxpayers argue. (*Id.*) Even though the meeting was open to the public and the Taxpayers were free to comment and provide input, only three taxpayers attended the meeting—but not *the* Taxpayers in this case. (*Id.* at 1–2, 5.) The May 8, 2017, meeting minutes record that two of the three members of the public who spoke at the meeting were supportive of the sales and use tax, and the third did not directly address it. (*Id.*) Further, the County Executive hosted nine public events at which the Plan and sales and use tax was to be discussed. (Chintamaneni Aff. Ex. C, R. 79.)

Public notice was also given of the May 17, 2017, regular meeting of the Brown County Board of Supervisors, at which the Board would discuss the Ordinance. (Chintamaneni Aff. Ex. D, R. 80 at 1.) A copy of the Ordinance, which at that time was just a proposal, was attached to the public notice. (*Id.* at 10.) At the May 17, 2017, meeting, only two members of the public spoke against the Ordinance. (Chintamaneni Aff. Ex. E, R. 81 at 2.) It was at this meeting, that the Brown County Board of Supervisors adopted the Ordinance by a vote of 23 to 3. (*Id.* at 6.)

The point the Court makes here is to demonstrate the legislative process Wisconsin Statute section 77.70 requires of Wisconsin counties should they wish to impose a sales and use tax. The Court will say it again, the parties have done an excellent job of researching, articulating, and presenting their arguments in favor of their respective positions. However, this Court is not the proper venue for the Taxpayers to have started their campaign. The Taxpayers had ample opportunity to present their interpretation of Wisconsin Statute section 77.70 to any one of the 26 county supervisors or to the County Executive. Indeed, the Taxpayers could have held their own

town hall meetings. The fact that none of the county supervisors or corporate counsel discussed an interpretation of Wisconsin Statute section 77.70 that aligns with the Taxpayer's position at the May 8, 2017, County Executive's presentation, leads the Court to believe that it is the first audience to hear the Taxpayer's full argument. This is not meant as a criticism but simply an observation of fact. As a result, it would be an unacceptable usurpation of the legislative process for this Court to undue the County's thoughtful and intensive legislative process—especially in light of the substantial effort the Taxpayers have gone in this case to persuade this Court, when it could have put the same effort towards persuading voting taxpayers, county supervisors, or the County Executive.

The plain language of Wisconsin Statute section 77.70, as analyzed herein under the *Kalal* framework, does not support the Taxpayer's interpretation that a dollar-for-dollar offset—of sales and use tax revenues towards the property tax levy—is the singular method for Wisconsin counties to directly reduce their property tax levies. WIS. STAT. § 77.70. To the contrary, the 1998 Attorney General Opinion supports this conclusion, and it will be discussed next.

**b. The Attorney General Opinion Supports the Ordinance's Validity**

As the Attorney General discusses in his opinion, prior to 1985, few if any counties had imposed sales and use taxes. (Wis. Op. Att'y Gen. OAG 1-98, 1 (1998).) The Attorney General presumed few counties had imposed sales and use taxes because the imposing county had no control over how the revenue would be spent—instead the imposing county had to distribute the revenue to political subdivisions within the county “with no conditions attached.” (*Id.*, 1–2.) Once Wisconsin Statute section 77.70 was amended, it allowed county governments to keep sales and use tax revenue, but only at the rate of 0.5 percent and “only for the purpose of directly reducing the property tax levy...” (*Id.*, 2.); WIS. STAT. § 77.70. The Court finds that amendment to be very

significant for purposes of this decision. The Wisconsin Legislature revisited a statute that allowed counties to impose a sales and use tax—but gave them no control over how the revenue should be spent—and amended it so that the only restriction on how the imposing county spent the revenue was to directly reduce the property tax levy.

The Attorney General noted that at the time of his opinion, there had been no litigation regarding what it means “only” to “directly reduc[e]” the property tax levy, despite many counties enacting sales and use taxes pursuant to Wisconsin Statute section 77.70. (*Id.*, 2.) Indeed, in the parties’ pleadings, they have not cited any cases, either. The Attorney General, again presuming, stated the lack of litigation was due to the fact that the property tax is “almost the only source available to counties to raise revenues of their own accord.” (*Id.*) The drastic statutory amendment, coupled with the lack of litigation, makes the Court conclude that Wisconsin Statutes section 77.70 is as the County suggests—an enabling statute whose *purpose* is to directly reduce the property tax levy, not a restriction on *how* sales and use tax revenue is to be spent. Implicit in the amendment is a wide latitude of discretion given to counties on how they can directly reduce their property tax levy. The Wisconsin Legislature has reinforced its delegation of that discretion by remaining silent while 66 of Wisconsin’s 72 counties have enacted sales and uses taxes, of which there is great diversity in their chosen method on how to directly reduce their respective property tax levy. (Pl.’s Br. Supp. Mot. Summ. J. 5; Def.’s Br. Supp. Mot. Summ. J. 10; *See also* 2nd Kamenick Aff. Ex. C., R. 51 at 25–60, R. 52.)

The Attorney General opined that by including sales and use tax revenue as a revenue source on its budget, and by subtracting the sales and use tax revenue from the total property tax, and then determining the net the property tax that must be levied, a county has directly reduced its property tax levy. (Wis. Op. Att’y Gen. OAG 1-98, 1 (1998).) This method is what the Taxpayers

argue is essentially the only acceptable operation of Wisconsin Statute section 77.70. However, the Attorney General continued, that the same amount of property tax reduction occurs whether the county board—through its own legislative process—decides to budget the sales and use tax revenue as a reduction of the overall county property tax levy, or apply it towards individual budget items that are funded by a countywide property tax. (*Id.*) The Attorney General also addressed the situation here, where a county might commit sales and use tax revenue towards new projects, as opposed to existing projects.

The Attorney General concluded it would be absurd and unreasonable result to construe Wisconsin Statute section 77.70 such that counties which had started projects could commit sales and use tax revenue to those existing projects, but counties that were still contemplating starting a project could not commit that revenue towards it simply because it was new. (*Id.*, 2–3.) Referring to the statute, the Attorney General noted the absence of any language suggesting a limitation on the kinds of budget items counties could fund with sales and use tax revenue. (*Id.*, 3.) Thereafter, he concluded counties could budget sales and use tax revenue to offset the cost of any budgetary item which could be funded by a countywide property tax. (*Id.*) Just as the Attorney General found the lack of limiting language significant, so does the Court here. If there was to be a distinction between the kinds of budget items counties could fund with sales and use tax revenue—such as between existing projects and prospective projects—the Wisconsin Legislature would have said so in the statute, such as it did in the two stadium district taxes. *See* WIS. STAT. §§ 77.705–77.706.

The Court acknowledges that, as the Attorney General opined, the Taxpayers’ position of the dollar-for-dollar offset is an acceptable interpretation of Wisconsin Statute section 77.70—but *it is not the only lawful interpretation*—and the plain language of the statute simply does not mandate it to be so. The Court is not unsympathetic to the Taxpayers’ line of reasoning. However,

this Court's conclusion is provided additional support by the Attorney General Opinion. In his opinion the Attorney General advised that counties do not have the "statutory to implement a direct system of tax credits to individual property owners through distribution of property tax bills, the contents of which are specified by the Department of Revenue." (Wis. Op. Att'y Gen. OAG 1-98, 2 (1998).) If the Wisconsin Legislature intended that Wisconsin counties should issue property tax credits resulting from sales and use tax revenue directly to property owners-truly without any intermediate step as the Taxpayers suggest – it would have delegated them the authority to do so. But, because the Wisconsin Legislature did not delegate that authority, then Wisconsin Statute section 77.70 is not limited to operate in the sole fashion the Taxpayers argue, and "direct" reduction of the property tax levy may necessarily come in more than one manner.

To hold otherwise would force a county looking to fund both new and existing projects, even those with sales and use taxes in place at the time of the budget, to: 1) drain its fund balance; 2) go into debt through one of the options provided in Wisconsin Statute section 67.045(1); 3) reallocate funds within its operating budget; or 4) raise property taxes, either within the applicable limit or in excess of the levy limit through a referendum under Wisconsin Statute section 66.0602(4). (*See Klingsporn Aff.* ¶ 6.) It is these limited funding options that punch a hole in the Taxpayers' scenario of the wayfaring daughter. The wayfaring daughter can get a job, counties on the other hand, do not have as many options. Their funding sources are limited and Wisconsin Statutes section 77.70 enables counties to reduce their property tax levies through several different avenues as their elected officials or their voters decide.

The Court agrees with the "presumptively correct" opinion of the Attorney General. *See Schill v. Wisconsin Rapids Sch. Dist.*, 327 Wis. 2d 572, ¶ 126 (citations omitted). By including, as sources of revenue, both estimated sales and use tax revenue in its 2018 adopted budget, and actual

sales and use tax revenue in its 2019 proposed budget the County has thereby fulfilled the “purpose” of Wisconsin Statute section 77.70, which is to directly reduce its property tax levy. (Klingsporn Aff. Ex. D, R. 61 at 29; Klingsporn Aff. Ex. E, R. 64 at 63.) The County has directly reduced its property tax levy by paying for projects which were fundable by its property tax levy. The Taxpayers’ argument that funding new projects is not a direct reduction of the property tax levy is not persuasive in light of the Attorney General’s presumptively correct opinion. *Schill v. Wisconsin Rapids Sch. Dist.*, 327 Wis. 2d 572, ¶ 126.

The Taxpayers’ argue that even in light of the Attorney General Opinion, the Ordinance still violates Wisconsin Statute section 77.70 for this reason—the County did not have room in its 2018 levy limit to pay for the new spending projects, and therefore the new budget is an evasion of the levy limits to increase spending. (Def.’s Br. Supp. Mot. Summ. J. 17.) To bolster that point, the Taxpayers interpret the Attorney General’s words that sales and use tax revenue “may not” be put towards any item “which cannot be funded” by the countywide property tax to mean that because there was not enough room in the levy limit for the nine specific capital projects, the sales and use tax revenue could not be budgeted towards them. (*Id.* at 15–17.) Necessarily then, the County could only have committed sales and use tax revenue towards new projects to the extent it had room within the levy limit, or if it borrowed.

The Court, throughout the process of rendering a decision on this case, has found this Taxpayer argument the most compelling. How can the County claim “only” to be “directly reducing” its property tax levy with sales and use tax revenue, when it is increasing spending beyond what it could without the sales and use tax revenue? Phrased another way, if the County is generating \$145,000,000.00-plus in sales and use tax revenue over 72 months, then why are property taxes not being reduced by \$145,000,000.00-plus over those 72 months?

The answer is that the Wisconsin Legislature, through Wisconsin Statute section 77.70, delegated the discretion to Wisconsin Counties to determine the way in which they would directly reduce their property tax levy with sales and use tax revenue based on their respective needs. To that end, the reality is that the Wisconsin Legislature did not put a dollar-for-dollar offset mechanism in the statute, though it has had many opportunities to do so. Picture an economically depressed county that has very little new construction or incoming investment while it also faces an aging and deteriorating infrastructure. The Taxpayers' interpretation of Wisconsin Statute section 77.70 would result in a dollar-for-dollar reduction of the property tax levy in that county, yet it would leave the county faced with borrowing as the most likely "solution" to its economic problems since it has no other option to pay for necessary capital projects. If the depressed county borrowed, then its property tax levy would go up due to an increased debt levy. That result is unreasonable and reinforces in the Court's mind its conclusion that the Wisconsin Legislature purposefully drafted Wisconsin Statute section 77.70 to enable counties, through their elective bodies, to decide how they would directly reduce their property tax levy. Indeed, the Attorney General further articulated the counties' options under the statute, and as a matter of law, the Court finds Brown County has complied with Wisconsin Statute section 77.70.

Here, the County Board drafted, proposed, and passed the Ordinance which included the nine new specific capital projects to be funded by sales and use tax revenue, but that also ensured that the property tax levy was reduced over the course of the life of the Ordinance. To that effort, the County Board added to the Ordinance the mill rate freeze and the sunset provision should the County borrow during the 72-month plan. Those budget decisions were made by a group of elected officials and the intelligent and talented people on whose work they rely. As the affidavits and exhibits in the record demonstrate, the elected officials and County employees alike did ample

research and put considerable thought and effort into determining how the sales and use tax revenue would reduce the property tax levy over 72 months while also funding the new projects outlined in the budget. (*See generally* Klingsporn Aff. Ex.s A–E; Chintamaneni Aff. Ex. B, R. 78 at 2–5.)

Wisconsin Statute section 77.70 says that its purpose is to reduce the property tax levy through sales and use tax revenue. The County has put forth credible, admissible evidence to prove that the result of the Ordinance is a reduction in the property tax levy. The meeting minutes from the May 8, 2017, executive committee meeting demonstrate that the County Executive and the various County supervisors all understood the Ordinance would reduce the property tax levy. (Chintamaneni Aff. Ex. B, R. 78 at 2–5.) The Taxpayers’ argument of the dollar-for-dollar offset inserts restrictions on the counties that the Attorney General acknowledged as a lawful interpretation of Wisconsin Statute section 77.70, but he did not limit the statute to that singular operation—and the County supervisors did not articulate that as their understanding of the statute, either. (*Id.*) The Taxpayers’ interpretation ignores the discretion counties need when tailoring their budgets and spending projects—especially given the wide variety of economic realities Wisconsin counties face.

Brown County is fortunate to be the destination county that it is. Apparent to the naked eye, Brown County has the Green Bay Packers, the University of Wisconsin-Green Bay, St. Norbert College, Northwest Technical College, Georgia Pacific, Schreiber Foods, Schneider Trucking, the Botanical Garden, a curling club, golf courses, an arena and other concert venues, several first-rate hospitals, numerous breweries, and a variety of shopping and dining options. To the untrained eye, Brown County is one of the only counties that has a consolidated 911 center; it is one of the few counties that does county-wide voting machines; and one of the few counties that

has a library system and a museum. (*Id.* at 3.) The County also pays for the drug task force unit. (*Id.*) Geographically, Brown County is on the edge of some of the best things Wisconsin has to offer. The Fox River and Bay of Green Bay offer outdoor recreation year-round. To the west, the Wisconsin Northwoods and Upper Peninsula of Michigan are easily accessible—and to the east, Door County and the Lake Michigan shoreline are a very short drive.

Indeed, hundreds of thousands of people a year visit Brown County. Overwhelmingly, these guests add millions of dollars to the local economy by availing themselves of everything Brown County has to offer. Necessarily, this added traffic causes intensified depreciation of the infrastructure. Further, and most unfortunately, not all visitors to Brown County are here for lawful and productive purposes—and as a result, additional stress is placed upon government services and law enforcement resources. The sales and use tax rightly places a portion of these costs on all visitors as opposed to property owners only. (*Id.* at 4.) By increasing the pool of taxpayers, Brown County property owners receive additional tax relief. (Amicus Br. WI Cnty.s Assoc., 6.)

The plain language of Wisconsin Statute section 77.70 coupled with the Attorney General Opinion require that the County's motion for summary judgment be granted, while the Taxpayers' motion for summary judgment be denied. The statute simply cannot be read in a way such that a dollar-for-dollar offset is the only lawful operation. If that were the case, the Wisconsin Legislature would have spelled out that specific operation within section 77.70. The Wisconsin Legislature, presumably aware of section 77.70, and aware of the various uses Wisconsin counties have put it to, has not amended the language despite having had ample opportunity to do so—especially in light of the Attorney General Opinion from 1998. Further, to usurp the legislative decision-making process from the Brown County Board is not this Court's role. The Taxpayers, as far as the Court can surmise based on the record before it, did not avail themselves of the opportunities to dialog

with their elected officials and present their argument to them. The County, for its part, has satisfied this Court that as a matter of law, the Ordinance complies with the only “purpose” of Wisconsin Statutes section 77.70, because it directly reduces the property tax levy with sales and use tax revenue generated by the Ordinance.

### **CONCLUSION AND ORDER**

Based upon the foregoing, it is hereby **ORDERED** that Plaintiff Brown County’s Motion for Summary Judgment is **GRANTED**.

It is hereby further **ORDERED** that Defendants/Third-Party Plaintiffs Brown County Taxpayers Association’s Motion for Summary Judgment is **DENIED**.

**OUTAGAMIE COUNTY SALES TAX  
MUNICIPAL & SCHOOL DISTRICT REVENUE SHARING  
UPDATED INFORMATION (4/16/2020)**

**Q: What new information is available at this time?**

A: When Outagamie County provided information to municipalities and school districts in November of 2019 regarding the county ordinance which called for sharing a portion of county sales tax revenue with municipalities and school districts, there was a pending lawsuit in Brown County challenging the use of county sales tax revenue for new capital (construction) projects. Brown County Circuit Court Judge John P. Zakowski issued a decision in that case on March 24th. Attached is a copy of that decision for reference. It is unknown at this point if an appeal will be filed.

**Q: What did the Judge decide?**

A: In short, this decision found that Brown County's use of county sales tax revenue for future capital (construction) projects is consistent with the statutory language ***"...the county sales and use taxes may be imposed only for the purpose of directly reducing the property tax levy and only in their entirety..."***. Key excerpts from the decision include the following:

"While a dollar-for-dollar offset of the property tax base is certainly one example of a direct reduction, the Court concludes it is not the exclusive mandate based off the plain language of the statute, as the Taxpayers suggest."

"...the Court cannot conclude that as a matter of law the Taxpayers are correct in asserting that the only interpretation of the statute's language is that it requires the dollar-for-dollar offset as they advocate."

"...the Wisconsin Legislature had ample opportunity to amend section 77.70 to provide a dollar-for-dollar offset or other specific restrictions on a county's use of its sales and use tax revenue, but it has not done so."

"The Court firmly believes the directive that a sales and use tax "may be imposed" and the revenue used "only for the purpose of directly reducing the property tax levy..." left ample discretion to Wisconsin counties' elected officials as to how they would directly reduce their respective property tax levies."

**Q: Does this decision apply beyond Brown County?**

A: While the decision was well crafted, it should be noted that it only directly applies within Brown County. Because this decision was at the Circuit Court level, it does not have state-wide precedential effect. However, it does provide good *guidance* as to how other courts may view the issue.

**Q: Does this decision change the county's documentation requirements for a municipality or school district to receive a share of the county sales tax revenue?**

A: No, the original guidance regarding required documentation is still in effect. Municipalities and school districts will be required to adopt a resolution and sign a form agreeing to utilize the revenue consistent with state statute. Please note, however, that due to disruption of many municipal and school district business meetings during the COVID-19 Public Health Emergency, the **deadline for submission has been extended to July 1, 2020.**

**Q: Will the Outagamie County Corporation Counsel advise municipalities and school districts on how they can legally use the county sales tax revenue?**

A: No. Outagamie County Corporation Counsel Joe Guidote represents only Outagamie County and, as such, provides legal guidance to the county. The legal opinion he rendered on behalf of the county is attached for reference. Municipalities and school districts are encouraged to consult with their own legal counsel if there are concerns about how they plan to utilize county sales tax revenue.

**Q: Has the county revised the county sales tax revenue projections due to the economic impacts of the COVID-19 Public Health Emergency?**

A: Due to COVID-19, it is anticipated that actual 2020 revenues will most likely fall short of projections. The extent to which that occurs will depend on the duration of the emergency and how quickly the economy rebounds afterward. Outagamie County Finance is in the process of evaluating data as it becomes available to analyze this issue moving forward. One piece of information that will be utilized in that analysis is the State of Wisconsin's projection of the COVID-19 impact on sales tax revenue statewide. Municipalities and school districts would be prudent to assume a reduction in the projected county sales tax revenues in 2020.

**Q: How has Outagamie County budgeted their portion of the county sales tax revenue?**

A: The 2020 Outagamie County budget allocates the projected sales tax revenue as follows:

• Operating expenses*	\$6.6M
• Debt service**	\$5.4M
• Capital projects (i.e. road, construction projects)	\$5M
• <u>Share with municipalities and school districts</u>	<u>\$3M</u>
<b>ORIGINAL 2020 ESTIMATED SALES TAX REVENUE</b>	<b>\$20M</b>

*\*Note the county property tax levy was reduced by the equivalent amount of the sales tax applied towards operations, thereby permanently "resetting" the county's levy capacity under the state levy limit formula \$6.6M less than it otherwise would have been.*

*\*\*Note the county property tax levy was reduced by the equivalent amount of the sales tax applied towards debt service. However, since debt service is exempt from the state levy limit formula, the county property tax levy could be increased in subsequent budgets for debt service if sales tax revenues are re-appropriated elsewhere.*

Outagamie County Corporation Counsel has reviewed and approved the 2020 county budget as consistent with state statutes.

**Q: When can municipalities and school districts expect to receive sales tax revenue payments from the county?**

A: The county will determine the payment method and schedule. It is currently anticipated that payments will be made on a semi-annual basis (approximately August 10, 2020 for January – June collections and February 10, 2021 for July – December collections) and will be based on 15% of actual 2020 revenues received by the county from the WI Department of Revenue. The county's fiscal year is the calendar year. Entities with differing fiscal years will need to choose which fiscal year to apply the revenues based on their financial reporting guidelines.

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November 12, 2019

Dear Outagamie County Municipal/School District Official:

Outagamie County enacted Ordinance B—2019-20 establishing a one-half percent (0.5%) county sales and use tax, which authorized sharing up to a maximum of 15% of the net proceeds with qualifying municipalities and school districts located within Outagamie County. The Outagamie County Board adopted the 2020 budget on November 4<sup>th</sup>, which included revenue sharing with county municipalities and school districts. This correspondence outlines the parameters of the revenue sharing between the county and municipalities/school districts.

The county sales and use tax and revenue sharing will be implemented on January 1, 2020. The revenue sharing is effective for calendar year 2020 and is subject to change, per the annual county budget process. Therefore, there is no guarantee this revenue will be available in 2021.

The county will make distributions to municipalities and school districts that choose to accept the funds based on the methodology outlined in the attached FAQ document. The payment schedule determined by the county is anticipated to be on a semi-annual basis with payments occurring approximately August 10, 2020 (January – June collections) and February 10, 2021 (July – December collections). Payments will be allocated based on actual 2020 revenues received by the county from the WI Department of Revenue. A spreadsheet containing the total *estimated 2020 revenues* for municipalities/school districts is attached to the enclosed FAQ document for your reference.

By signing below and returning this form to Outagamie County **no later than April 1, 2020**, your municipality/school district agrees to accept this source of revenue and to utilize it “*for the purpose of directly reducing the property tax levy*”, pursuant to Wis. Stat. § 77.70. You are encouraged to consult with your legal counsel for guidance as necessary. Please include a copy of your governing body’s resolution to accept the sales tax allocation and agreement to follow the referenced requirements under Section 77.70 (template resolution attached).

Please refer to the attached FAQ document for further information.

Municipality/School District\_\_\_\_\_

Chief Elected Official/Administrator\_\_\_\_\_

Date\_\_\_\_\_

"In the Spirit of Town Government"



## AGENDA MEMORANDUM

To: Honorable Town Chairperson and Town Supervisors  
 From: Cynthia Sieracki, Town Clerk  
 Date: June 16, 2020 Postponed from the May 19, 2020 meeting  
 RE: Fireworks Sales Permit – Festival Foods Parking Lot

RECOMMENDED ACTION: This is an administrative action<sup>1</sup> item for Town Board Approval/Denial.

SUMMARY: Under Municipal Code Section §294-2, The Town Board may grant fireworks sale permits for special community events and other public occasions.

G & M Fireworks, LLC is seeking a fireworks sales permit at Festival Foods Parking Lot for June 19 to July 6, 2020.

The permit has been filed but as of May 15, 2020 the proof of \$1,000,000 insurance policy has been provided.

Staff recommends approval of this permit.

### POLICY/PLAN REFERENCE(S):

1. Town of Buchanan Municipal Code: Chapter §294-2 – Fireworks Sale and Discharge.

FISCAL IMPACT: NONE

CRS

###

### Attachments:

1. Fireworks User Permit Application – G & M Fireworks, LLC

<sup>1</sup> Administrative actions involve the routine application of adopted rules, policies and standards. Discretion associated with these types of decisions is very limited and is based solely on state statutes, local ordinances and/or policy.



# Town of Buchanan Fireworks User Permit

N178 County Road N • Appleton, WI 54915 • Phone (920) 734-8599 • Fax (920) 734-9733 •  
www.townofbuchanan.org

All fireworks user permits are regulated per Wis. Stat. Chapter 167 and the Town of Buchanan Municipal Code, Chapter 294. This application must be received by the Town not less than 30 days prior to the requested date of use of fireworks.

Permit Applicant: Tammy Mastey/G&M Fireworks, LLC Phone Number: 608-290-3424

Applicant Address: 225 S Parkway Dr, Brillion, WI 54110

Time of day at which display is to be held: 9am-9pm (No later than Midnight)

The exact address/ location planned for display: Festival Foods, W3196 Van Roy Rd, Appleton, WI 54915

Date fireworks may be purchased: 6/19/20-7/6/20 Date of actual display: N/A

Describe applicant experience and precautions to be exercised for protection of lives and property :  
Family owned consumer retail firework business with 13 years of selling experience.  
Same business insurance as last year. Fire extinguishers on site. "No Smoking" signs  
posted, employees trained in handling fireworks.

Address and location fireworks will be stored at: Festival Foods, W3195 Van Roy Rd, Appleton, WI

I HERBY AGREE AND CERTIFY the above information is correct. I am 18 years of age or older. I understand this permit is valid only for the date(s) of issue and the requirement to comply with all Wisconsin Statutes and the Town of Buchanan Municipal Code now in effect. A violation of any of the above shall be cause for permit to be immediately revoked by the Town of Buchanan Fire Department or the Outagamie County Sheriff.

Tammy Mastey  
Signature of Permit Applicant

5/15/20  
Date Signed

[Signature]  
Witness

5-15-20  
Date Signed

The permit applicant agrees to indemnify and hold the Town of Buchanan harmless for any lawsuit or liability which may result in the applicant's use or possession of fireworks. Town is not liable for damage caused by fireworks for the sole reason of issuing a fireworks permit.

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**FOR OFFICE USE ONLY**

- ☒ Applicant qualifies for receiving permit, must not be a minor.
- ☒ License Fee paid.
- ☒ Approved insurance policy of \$1,000,000 posted with Town Administrator/Clerk. Attach copy.
- ☒ Fire Chief has reviewed and approved the application.
- ☐ Town Board, from report of the Fire Chief, has determined that the applicant will use the fireworks per Town code. Meeting Date: \_\_\_\_\_

This permit is valid for the following dates: \_\_\_\_\_

Approved by Fire Chief or Designee:

Ray Quinn  
Signature

6-4-2020  
Date Signed

FIRE CHIEF  
Title

A copy of this permit shall be given to Buchanan Fire & Rescue and the Outagamie County Sheriff's Department/Buchanan Deputies at least 2 days before the date of authorized use.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/26/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Ryder Rosacker McCue & Huston (MGD by Hull & Company) 509 W Koenig St Grand Island NE 68801	<b>CONTACT NAME:</b> Kristy Wolfe	
	<b>PHONE (A/C, No, Ext):</b> 308-382-2330	<b>FAX (A/C, No):</b>
	<b>E-MAIL ADDRESS:</b> kwolfe@ryderinsurance.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> SCOTTSDALE INS CO	
	<b>NAIC #</b> 41297	
<b>INSURED</b> G&M Fireworks LLC Lamb Enterprises 225 S Parkway Dr Brillion WI 45110	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES** **CERTIFICATE NUMBER:** 1407673481 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPS3952786	6/1/2020	6/1/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <b>DED</b> <input type="checkbox"/> <b>RETENTION \$</b>						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.  
 Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.

**CERTIFICATE HOLDER**

**CANCELLATION**

Town of Buchanan N178 County Rd N Appleton WI 54915	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

Application  
Deadline:  
June 30

**Bridge Petition Application for County Aid**

Application  
Deadline:  
June 30

The petition of the Township of Buchanan, of Outagamie County, respectfully represents,

There has been a bridge in the above mentioned township/village, in and a part of the public highway and known as the following:

Bridge Name:	County Line Road
Roadway Name:	County Line Road
Nearest Road Name/Location:	New Road
Name of Waterway:	Branch of Plum Creek
Section Number:	Sect 9, T21N, R19E
Additional Location Info:	Bridge ID P-44-0935

Public interest demands that the bridge be repaired or replaced for the following reason(s):

Severe deterioration of the abutment, concrete deterioration on deck, 15 Ton limit.

The estimated cost of this work is as follows:

	Existing Bridge	Proposed Bridge
Type: (ie metal pipe, concrete, etc)	Concrete	Concrete
Size: (diameter, length, width)	23.1' W x 26.5' L	24.0' W x 45.0' L
Estimated Cost:	\$440,800 - WisDOT Funded Const \$400,800	
Additional Info:	Town share \$84,288 Engineer Est \$40,000 = \$124,288. 50% \$62,144	

The above said township/village will provide or at this time holds available for its share of the expense of this work to be \$62,144 one-half (1/2) of the cost of this work or such sum in excess thereof as the case may be necessary to bear the expense of this work and the town/village share of the estimated cost of the work will not be more than the amount produced by a tax of two mills on the dollar.

The County of Outagamie plans to appropriate a sum sufficient to pay for one-half (1/2) of the cost of this work, which in this case is estimated to be \$62,144 as the County's share.

The said township/village and the Outagamie County Highway Committee shall have full charge of this bridgework, including inspection and acceptance.

	Town/Village Authorization	Outagamie County Authorization
Signature:		
Title:		
Signature:		
Title:		
Date:		

## Bridge Petition Submittal Checklist

	Question	Municipal Response
1	<b>Is the bridge or culvert 36" or greater span, or of equivalent capacity to carry water?</b> <i>If Yes - Submit application to Highway Dept. prior to June 1 Deadline</i> <i>If No - Not eligible for reimbursement</i>	Yes
2	<b>Is your municipality part of the county's bridge program?</b> <i>If Yes - Submit application to Highway Dept. prior to June 1 Deadline</i> <i>If No - Not eligible for reimbursement</i>	Yes
3	<b>Will bridge petition be submitted to the Highway Dept. prior to the June 30 deadline?</b> <i>If Yes - Submit petition to Highway Dept. prior to June 30 Deadline</i> <i>If No - Call Field Operations Manager at 832-5673</i>	Yes
4	<b>Will the work be performed by the Outagamie County Highway Department?</b> <i>If No - please explain who will perform the work and reason</i>	No, WisDOT Funded Low Risk Program
5	<b>Are there engineer's estimate and/or plans? If Yes - submit a copy along with petition</b>	WisDOT SMA
6	<b>Who will obtain necessary permits from the DNR, Corps of Engineers, County, etc.? (ex: Highway Dept., engineering firm, municipality etc.?)</b>	Town Engineer - Cedar Corp
7	<b>When is bridge work expected to be started? (ex: month &amp; year)</b>	June 2023

Please direct questions to Outagamie County Highway Department Field Operations Manager at 832-5673.



**STATE/MUNICIPAL AGREEMENT  
FOR A STATE- LET LOCAL  
BRIDGE PROJECT**

**Program Name: Local Bridge**

**Sub-program #: 205**

**Cycle: 2020-2025**

**Date: MAY 19, 2020**

**I.D.: 4656-07-00/71**

**Road Name: COUNTY LINE ROAD**

**Bridge ID: P-44-0935**

**Location: BRANCH OF PLUM CREEK BRIDGE  
AND APPROACHES**

**Limits: NEW ROAD – CLANCY LAMERS ROAD**

**County: OUTAGAMIE**

**Project Length: 145 FT**

**Facility Owner: TOWN OF BUCHANAN**

**Project Sponsor: TOWN OF BUCHANAN**

**Construction scheduled for State Fiscal Year: 2023**

The signatory, Town of Buchanan, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway, street or local bridge improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Funding is limited to the minimum eligible project scope necessary for a safe and effective facility per WisDOT Performance-Based Practical Design policy. The funding for the project for both structure and approach is limited to:

- replacement or rehabilitation of the existing facility,
- or, meeting minimum bridge standards as outlined in the WisDOT Facilities Development Manual (FDM) or applicable TRANS code,
- or, an approved justification based on engineering principles that exceed either Performance-Based Practical Design or the FDM.

The Municipality may elect to construct alternative designs but approved Local Bridge Improvement Assistance Program (s84.18(2)(e)) funding will be limited to a maximum of 80 percent of the cost of the minimum eligible scope of the project.

**TABLE A**

	<b>Existing Facility – Current structure and condition</b>	<b>Proposed Improvement – Approved scope</b>	<b>Notes:</b>
Type of facility	<b>Bridge</b>		
Bridge ID	<b>P-44-0935</b>		
Structure passes over	<b>Branch of Plum Creek</b>		
Clear bridge width	<b>23.1 FT</b>	<b>24 FT</b>	
Bridge length	<b>26.5 FT</b>	<b>45 FT</b>	
Total length of approach work		<b>100 FT</b>	
Number of spans	<b>1</b>	<b>1</b>	
Special safety issues	<b>No</b>		
Sidewalk	<b>No</b>	<b>No</b>	
Sidewalk along approach	<b>No</b>	<b>No</b>	
Bicycle / pedestrian improvements required		<b>No</b>	
Improvement type as indicated on project application		<b>Replacement – existing alignment</b>	
Acquisition of right-of-way		<b>Yes</b>	Minimal anticipated, less than 0.5 acre of fee and temporary limited easements.
Approach width and type	<b>18 FT</b>	<b>18 FT wide, Asphalt</b>	
Approach shoulder width and type		<b>2 FT wide, Gravel</b>	
Bridge rail		<b>Yes</b>	
Beam guard		<b>No</b>	

**Non-participating work, additional notes:**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements:

A municipality may elect to design a bridge or elements that exceed the current Performance-Based Practical Design policy, or that exceed minimum bridge standards as outlined in the WisDOT Facilities Development Manual (FDM) or applicable TRANS code, or are not justified as necessary based on current engineering principles. All costs for these features will be paid for 100% by the Municipality.

***None identified at this time.***

The Municipality agrees to the following 2020-2025 Local Bridge Program project funding conditions:

**Any project design, real estate, railroad, or utility costs are 100% locally funded.**

**Project Construction costs** are funded with up to **80%** state/federal funding up to a funding limit of \$316, 512. The Municipality agrees to provide the remaining **20%** and any funds in excess of the \$316,512 state/federal funding limit. **Any real estate, railroad, or utility costs are 100% locally funded.**

Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year **2023**. **In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2020-2025 Local Bridge Program improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2021, or by June 30, 2026.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to State per WisDOT Change Management policy. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal/state participation, and actual costs will be used in the final division of cost for billing and reimbursement.

**In no event shall federal or State funding exceed the estimate in the Summary of Costs table, unless such increase is approved in writing by the State through the State's Change Management policy prior to the Municipality incurring the increased costs.**

Additional funds will not be approved for projects where increased costs are due to changes outside of the project scope that were identified in the original application or the most recent State Municipal Agreement (SMA) (whichever is most current). Exceptions to this policy will be allowed when the change is necessary based on safety, conformance with applicable minimum federal and state standards, projected traffic needs, or other factors as determined by WisDOT.

**TABLE B  
SUMMARY OF COSTS**

PHASE	Total Est. Project Cost	Federal / State Funds	%	Municipal Funds	%
<b>ID 4656-07-00</b>					
State Review	<b>\$ 5,160</b>	<b>\$ 0</b>	0%	<b>\$ 5,160</b>	100%
<i>Project total</i>	<i>\$ 5,160</i>	<i>\$ 0</i>		<i>\$ 5,160</i>	
<b>ID 4656-07-71</b>					
Participating Construction	<b>\$ 330,000</b>	<b>\$ 264,000</b>	80%	<b>\$ 66,000</b>	20% + BAL
Construction Engineering	<b>\$ 50,400</b>	<b>\$ 40,320</b>	80%	<b>\$ 10,080</b>	20% + BAL
Non-Participating Construction	<b>\$ 0</b>	<b>\$ 0</b>	0%	<b>\$ 0</b>	100%
State Review	<b>\$ 9,240</b>	<b>\$ 7,392</b>	80%	<b>\$ 1,848</b>	20% + BAL
<i>Project total</i>	<i>\$ 395,640</i>	<i>\$ 316,512</i>		<i>\$ 79,128</i>	
<b>Total Est. Cost Distribution</b>	<b>\$ 400,800</b>	<b>\$ 316,512</b>		<b>\$ 84,288</b>	
*Design ID <b>4656-07-00</b> federal/state funding is limited to <b>\$ 0</b> .					
*Construction ID <b>4656-07-71</b> federal/state funding is limited to <b>\$ 316,512</b> .					

This request is subject to the terms and conditions that follow (pages 4 – 9) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of: <b>Town of Buchanan</b> (please sign in blue ink.)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the <b>State</b> (please sign in blue ink.)	
Name (print)	Title
Signature	Date

### GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal or state funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
  - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
  - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable federal and state laws, executive orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition, the Municipality agrees not to engage in any illegal discrimination in violation of applicable federal or state laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
  - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
  - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
  - e. Competitive bidding and confidentiality requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06. This includes the sharing of financial data prior to the conclusion of the competitive bid period.
  - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
  - g. Federal statutes that govern the Highway Bridge Replacement and Rehabilitation Program, including but not limited to 23 U.S.C. 144.

- h. State statutes that govern the Local Bridge Program, including but not limited to Wis. Stat. 84.18.
- i. Bridge approaches funding policy. The Federal Highway Administration (FHWA) and Wis. Stat. 84.18(2)(e) limit bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
- j. State administrative rule that implements Local Bridge Program: Ch. Trans 213.

#### **STATE RESPONSIBILITIES AND REQUIREMENTS:**

4. Funding of each project phase is subject to inclusion in Wisconsin's approved 2018-2022 Local Bridge Program. Federal/state financing will be limited to participation in the costs of the following items, as applicable to the project:
  - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
  - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
  - c. Storm sewer mains necessary for the surface water drainage.
  - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
  - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
  - f. Signing and pavement marking.
  - g. New installations or alteration of street lighting and traffic signals or devices.
  - h. Landscaping.
  - i. State review services for construction.
5. State is authorized by Wis. Stat. 84.18(6) to exercise whole supervision and control over the construction of the project. The work will be administered by the State and may include items not eligible for federal/state participation.
6. As the work progresses, the State will bill the Municipality for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs subject to project funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal/state funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

#### **MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:**

7. Work necessary to complete the 2020-2025 Local Bridge Program improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
  - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.

- b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
  - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
  - d. Conditioning, if required and maintenance of detour routes.
  - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
  - f. All work related to underground storage tanks and contaminated soils.
  - g. Street and bridge width in excess of standards.
  - h. Real estate for the improvement.
  - i. Preliminary engineering and design.
  - j. State review services for design.
  - k. Other 100% Municipality funded items: None identified at this time
8. This line intentionally left blank.
9. FHWA limits bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the Municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
10. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
11. Work to be performed by the Municipality without federal/state funding participation, necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
12. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
13. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. 51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.
14. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal/state financing limits or are ineligible for federal/state financing. To guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
- 15. In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2020-2025 Local Bridge Program improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2021, or by June 30, 2026** Extensions may be available upon

approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

16. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.

17. The Municipality will at its own cost and expense:

- a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance in a manner consistent with reasonable industry standards, and will make ample provision for such maintenance each year.
- b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
- c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
- d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the projects.
- e. Provide complete plans, specifications, and estimates to State upon request.
- f. Provide relocation orders and real estate plats to State upon request.
- g. Use the *WisDOT Utility Accommodation Policy*, unless it adopts a policy that has equal or more restrictive controls.
- h. Provide maintenance and energy for lighting.
- i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.

18. It is further agreed by the Municipality that:

- a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred with by the FHWA.

- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal highway regulations, posters, billboards, roadside stands, or other private installations prohibited by federal or State highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the FHWA, and that now such installations will be permitted to be erected or maintained in the future.
- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted Oversize and Overweight loads. The contractor is responsible for any damage caused to haul roads if they do not obey size and weight laws, use properly equipped and maintained vehicles, and do not prevent spilling of materials onto the haul road (*WisDOT Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under "Municipal Responsibilities and Requirements."

#### **LEGAL RELATIONSHIPS:**

19. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
20. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
21. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally.
22. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
23. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

#### **PROJECT FUNDING CONDITIONS**

24. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the

Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.

25. Maintenance of records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the State. The State reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

26. The Municipality agrees to the following 2020-2025 Local Bridge Program project funding conditions:

- a. **ID 4656-07-00:** Design is 100% the responsibility of the Municipality. This phase includes plan development and state review. The work includes project review, approval of required reports and documents and processing the final Plan, Specification & Estimate (PS&E) document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 100% by the Municipality.
- b. Real estate acquisition is 100% the responsibility of the Municipality.
- c. Any railroad items are 100% the responsibility of the Municipality.
- d. Utility items are 100% the responsibility of the Municipality.
- e. **ID 4656-07-71:** Construction
  - i. Costs for construction, engineering, and state review are funded with 80% state/federal funding up to a funding limit of \$316,512, when the Municipality agrees to provide the remaining 20%, and any funds in excess of the \$316,512 state/federal funding limit.
  - ii. Non-participating costs for are funded 100% by the Municipality. Costs include construction delivery.



STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION

# Inspection Report for P-44-935

COUNTY LINE RD over BR PLUM CREEK  
Nov 28,2018



Type	Prior	Frequency (mos)	Performed
Routine	11-01-17	12	X
SIA Review	11-01-17	48	
Uw-Profile	11-16-16	24	X

Latitude 44°17'32.22"N  
Longitude 88°11'26.82"W

Owner TOWN  
Maintainer TOWN

## Time Log

## Team members

Hours	Minutes	
0	25	

Inspector	Name	Number	Signature	Signature Date
	Rowell, Andrew	3529	<i>Andrew Rowell</i> E-signed by Andrew Rowell(arowell)	11-30-18

**BRIDGE INSPECTION REPORT**  
**Wisconsin Department of Transportation**  
**DT2007 2003 s.84.17 Wis. Stats.**

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**Identification & Location**

Feature On: COUNTY LINE RD	Section Town Range: S16 T21N R19E	Structure Number: <b>P-44-935</b>
Feature Under: BR PLUM CREEK	County: OUTAGAMIE	
Location 1.5M N JCT CTH Z	Municipality: BUCHANAN	Structure Name:

**Geometry**

measurements in feet, except where noted

Approach Roadway Width: 22	Bridge Roadway Width: 23.1	Total Length: 26.5
Approach Pavement Width: 18	Deck Width: 23.6	Deck Area (sq ft): 625

**Traffic**

Lanes	ADT	ADT year	Traffic Pattern
On 2	47	2015	TWO WAY TRAFFIC

**Capacity**

**Load Rating**

Inventory rating: HS06	Overburden depth (in): 16.0	Last rating date: 11-04-09	Controlling: SLAB Positive Moment
Operating rating: HS10	Deck surface material: BITUMINOUS	Re-rate for capacity (Y/N):	Control location: 0.5 SPAN 1
Posting: 15 TON LOAD LIMIT	Re-rate notes:		

**Hydraulic**

**Classification**

Scour Critical Code(113): (8) STABLE-ABOVE TOP FOOTING	Q100 (ft3/sec): 0	
High water elevation (ft): 0.0	Velocity (ft/sec): 0.0	Sufficiency #: 36.9

**Span(s)**

Span #	Material	Configuration	Depth (in)	Length (ft)	Main
1	CONCRETE	FLAT SLAB		25.5	Y

**Expansion joint(s)**

**Temperature:**

File:	New:
-------	------

**Clearance**

Item	File Measurement (ft)	File Date	New Measurement (ft)
Highway Min Vertical On Cardinal			
Horizontal On Cardinal			

**Construction History**

Year	Work Performed	FOS id
1936	NEW STRUCTURE	

**Maintenance Items**

Item	Priority	Recommended by	Status	Status change
Deck - Repair Railing	HIGH	Masiarchin, Erich (9646)	IDENTIFIED	12/01/16
Deck Railing Anchors deteriorated-may not be crash worthy. Consider railing modification.				

**BRIDGE INSPECTION REPORT**  
**Wisconsin Department of Transportation**  
**DT2007 2003 s.84.17 Wis. Stats.**

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Structure No.: **P-44-935**

**Elements**

Chk	Element	Defect	Description	UOM	Total	Quantity in Condition State			
						1	2	3	4
X	38		<b>Reinforced Concrete Slab</b>	SF	625	435	115	75	0
		1080	Delamination - Spall - Patched Area Spalls along E & W face - 50 sf CS3 Delams <b>and effl</b> along c/l crack - <b>50</b> sf CS2	SF		0	50	50	0
		1130	Cracking (RC) med crk along c/L - <b>counted as part of Delam above</b> <b>Cracking along south abutment - 15 SF CS 2</b> <b>cracking and efflorescence/moisture spots near both ends of deck - 50 SF CS2, 25 CS 3</b>	SF		0	65	25	0
		8511	AC Overlay	SF	625	425	200	0	0
		3220	Crack (Wearing Surface) widespread cracking in overlay - 200 sf CS2	SF		0	200	0	0
X	215		<b>Reinforced Concrete Abutment</b>	LF	49	48	0	1	0
			<b>minimal to no cracks</b>						
		1080	Delamination - Spall - Patched Area S - large spall @ E end - 1' CS3 N - n/a	LF		0	0	1	0
X	330		<b>Metal Bridge Rail</b>	LF	55	45	10	0	0
			<b>rail supports may be compromised due to concrete deterioration on deck faces</b>						
		1000	Corrosion corrosion on posts 10' CS2	LF		45	10	0	0
X	8400		<b>Integral Wingwall</b>	EA	4	0	3	1	0
		8903	Wall Deterioration minor cracking and deterioration of concrete paste at surface of <b>wings</b> - CS2 typ <b>cracking and spalls at SE quadrant - CS 3</b>	EA		0	3	1	0

**Assessments**

Chk	Element	Defect	Description	UOM	Total	Quantity in Condition State			
						1	2	3	4
X	9001		<b>Drainage - Ends of Structure</b>	EA	4	3	0	1	0
			<b>SE corner has gap and water running next to abutment</b>						
X	9030		<b>Signs - Object Markers</b>	EA	4	4	0	0	0
			tigerboards						
X	9031		<b>Signs - Narrow Bridge</b>	EA	2	2	0	0	0
			@ approaches						
X	9034		<b>Signs - Weight Limit Posting</b>	EA	4	4	0	0	0
			15 tons						
X	9323		<b>Approach Roadway - Asphalt</b>	EA	2	0	2	0	0
			settlement @ ea. end with cracking						

**NBI Ratings**

	File	New
Deck	5	4
Superstructure	5	4
Substructure	6	6
Culvert	N	N
Channel	4	4
Waterway	8	6

**BRIDGE INSPECTION REPORT**  
**Wisconsin Department of Transportation**  
**DT2007 2003 s.84.17 Wis. Stats.**

page 4

Structure No.: **P-44-935**

**Structure Specific Notes**

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**Inspection Specific Notes**

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**Inspector Site-Specific Safety Considerations**

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**Structure Inspection Procedures**

--

**Special Requirements**

	Chk	Hours	Cost	Comments
Other Access Equipment	X			waders

**Underwater Probe Form  
P-44-935**

**General Site Conditions - Scour**

**General Site Conditions - Embankment Erosion/Conditions**

**Substructure Notes**

Chk	Unit	Max Water Depth(ft)	Mode	Notes
X	Cardinal	0.5	Wade	
X	Non Cardinal	0.5	Wade	

Routine  
Document Comment/Description  
roadway facing north



Routine  
Document Comment/Description  
east side debris



Routine  
Document Comment/Description  
east side



**Routine**  
**Document Comment/Description**

SE wing



**Routine**  
**Document Comment/Description**

NE wing



**Routine**  
**Document Comment/Description**

SE wing spall at corner



Routine  
Document Comment/Description  
east face



**Routine**  
**Document Comment/Description**  
north abutment



Routine  
Document Comment/Description

south abutment



Routine  
Document Comment/Description

under deck east side



**Routine**

**Document Comment/Description**

deck cracking by abutment



**Routine**

**Document Comment/Description**

cracking near centerline



Routine  
Document Comment/Description

underdeckwest side



**Routine**  
**Document Comment/Description**

SE wing



Routine  
Document Comment/Description

NE wing



Routine  
Document Comment/Description  
west side



Routine  
Document Comment/Description

under bridge facing east at debris



Routine  
Document Comment/Description

west face



Routine  
Document Comment/Description

downstream west



Routine  
Document Comment/Description

upstream east



Routine  
Document Comment/Description  
drainage at SE corner



Routine  
Document Comment/Description

debris at east side impacting streambed profile



Routine  
Document Comment/Description

old parapet wall at west side impacting streambed profile



Non-Image Documents

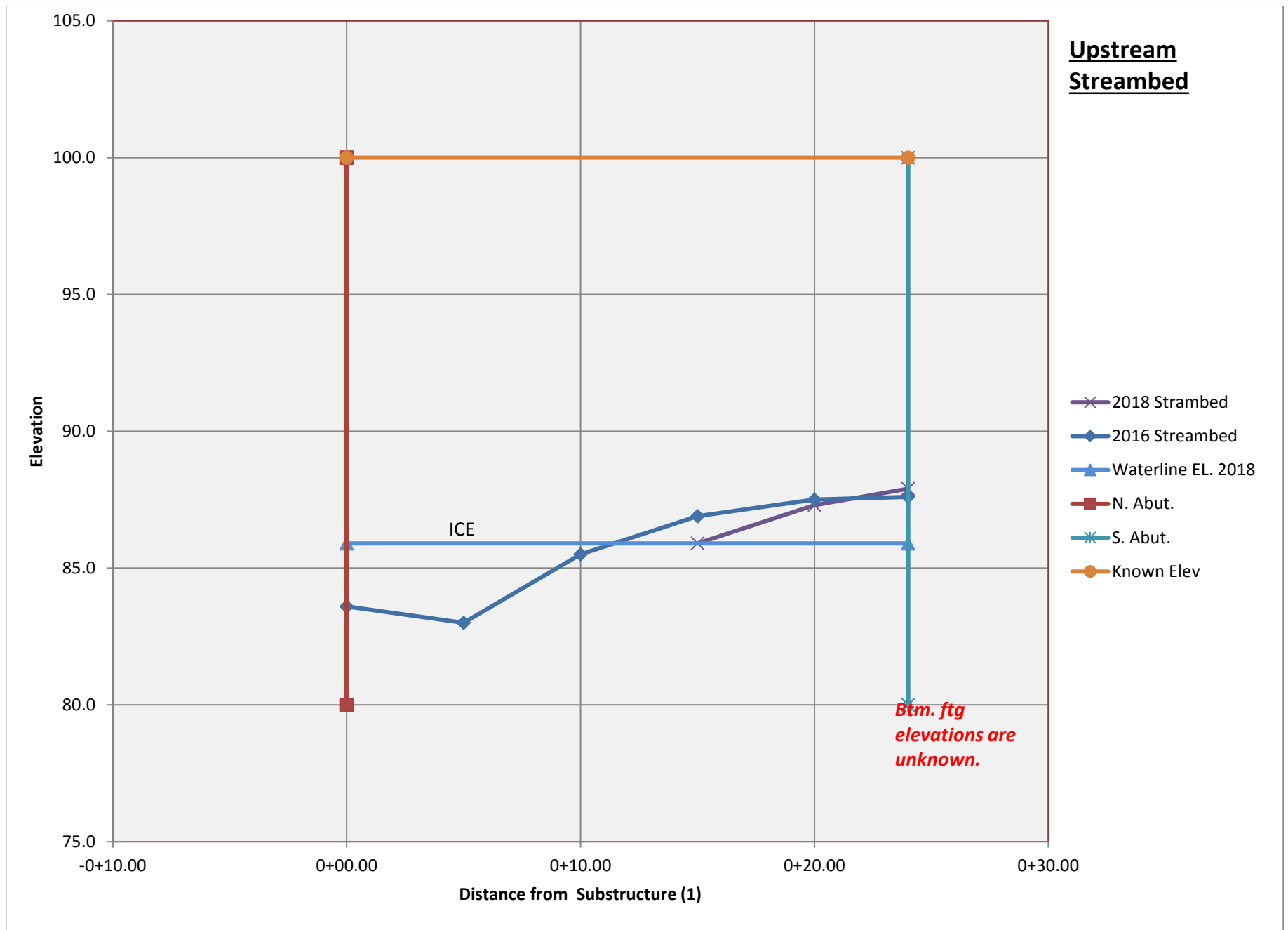
Type	Document	Document Comment/Description	Attached
UW Profile	p44-935_18_xpd1.pdf		X
UW Profile	p44-935_18_xpd2.xlsx		

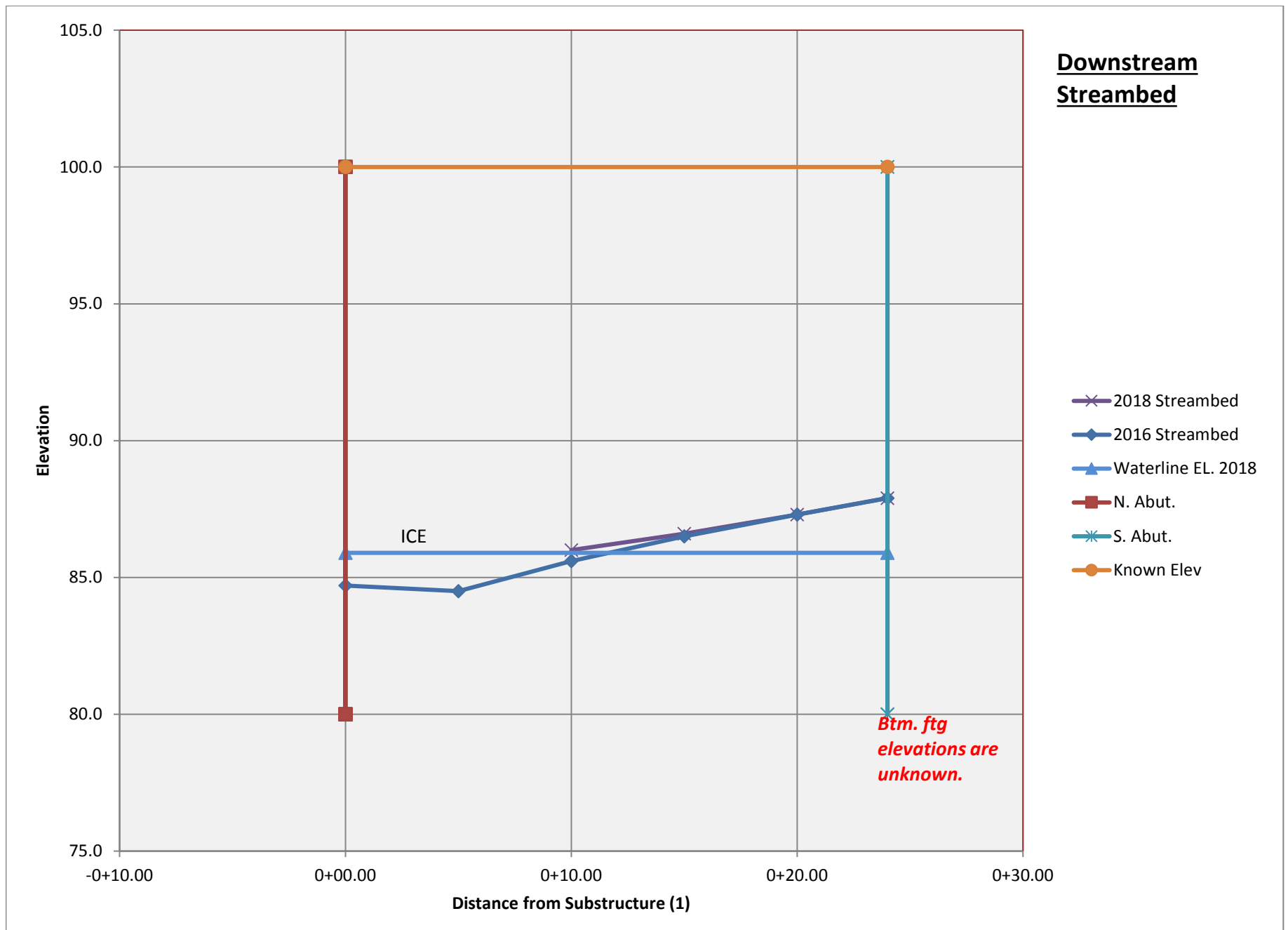
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## Wisconsin Department of Transportation

General		Sounding Equipment	Vertical Control		
Date	11/28/2018	Leadline	Dist. To Known El.	0 ft	
County	Outagamie	Fathometer	Known El.	100 ft	
stationed north to south			(at centerline of waterway)		
		Sounding Pole	yes	Waterline EL. 2018	85.9 ft
		Description of Known Elevation:			14.1
		All measurements relative to top of railing.			

[illegible][illegible]





Application  
Deadline:  
June 30

**Bridge Petition Application for County Aid**

Application  
Deadline:  
June 30

The petition of the Township of Buchanan, of Outagamie County, respectfully represents,

There has been a bridge in the above mentioned township/village, in and a part of the public highway and known as the following:

Bridge Name:	New Road
Roadway Name:	New Road
Nearest Road Name/Location:	County Line Road
Name of Waterway:	Branch of Plum Creek
Section Number:	Sect 9, T21N, R19E
Additional Location Info:	Bridge ID P-44-0903

Public interest demands that the bridge be repaired or replaced for the following reason(s):

Severe deterioration of the foundation, washout of wings, 12 Ton limit.

The estimated cost of this work is as follows:

	Existing Bridge	Proposed Bridge
Type: (ie metal pipe, concrete, etc)	Concrete	Concrete
Size: (diameter, length, width)	27.5' W x 27.7' L	24.0' W x 29.0' L
Estimated Cost:	\$470,300 - WisDOT Funded Const \$435,300	
Additional Info:	Town share \$91,188 + Engineer Est \$35,000 = \$126,188. 50% \$63,094	

The above said township/village will provide or at this time holds available for its share of the expense of this work to be \$63,094 one-half (1/2) of the cost of this work or such sum in excess thereof as the case may be necessary to bear the expense of this work and the town/village share of the estimated cost of the work will not be more than the amount produced by a tax of two mills on the dollar.

The County of Outagamie plans to appropriate a sum sufficient to pay for one-half (1/2) of the cost of this work, which in this case is estimated to be \$63,094 as the County's share.

The said township/village and the Outagamie County Highway Committee shall have full charge of this bridgework, including inspection and acceptance.

	Town/Village Authorization	Outagamie County Authorization
Signature:		
Title:		
Signature:		
Title:		
Date:		

### Bridge Petition Submittal Checklist

	Question	Municipal Response
1	<b>Is the bridge or culvert 36" or greater span, or of equivalent capacity to carry water?</b> <i>If Yes - Submit application to Highway Dept. prior to June 1 Deadline</i> <i>If No - Not eligible for reimbursement</i>	Yes
2	<b>Is your municipality part of the county's bridge program?</b> <i>If Yes - Submit application to Highway Dept. prior to June 1 Deadline</i> <i>If No - Not eligible for reimbursement</i>	Yes
3	<b>Will bridge petition be submitted to the Highway Dept. prior to the June 30 deadline?</b> <i>If Yes - Submit petition to Highway Dept. prior to June 30 Deadline</i> <i>If No - Call Field Operations Manager at 832-5673</i>	Yes
4	<b>Will the work be performed by the Outagamie County Highway Department?</b> <i>If No - please explain who will perform the work and reason</i>	No, WisDOT Funded Low Risk Program
5	<b>Are there engineer's estimate and/or plans? If Yes - submit a copy along with petition</b>	WisDOT SMA
6	<b>Who will obtain necessary permits from the DNR, Corps of Engineers, County, etc.? (ex: Highway Dept., engineering firm, municipality etc.?)</b>	Town Engineer - Cedar Corp
7	<b>When is bridge work expected to be started? (ex: month &amp; year)</b>	June 2023

Please direct questions to Outagamie County Highway Department Field Operations Manager at 832-5673.

I:\Clients-GrBay\B\B4916 Buchanan Town of\\_General\Bridge Funding 2019\Bridge Aid Petition Application New Road.doc6/9/2020



**STATE/MUNICIPAL AGREEMENT  
FOR A STATE- LET LOCAL  
BRIDGE PROJECT**

**Program Name: Local Bridge**

**Sub-program #: 205**

**Cycle: 2020-2025**

**Date: MAY 19, 2020**

**I.D.: 4656-08-00/71**

**Road Name: NEW ROAD**

**Bridge ID: P-44-0903**

**Location: BRANCH OF PLUM CREEK BRIDGE  
AND APPROACHES**

**Limits: CTH GG – OUTAGAMIE ROAD**

**County: OUTAGAMIE**

**Project Length: 149 FT**

**Facility Owner: TOWN OF BUCHANAN**

**Project Sponsor: TOWN OF BUCHANAN**

**Construction scheduled for State Fiscal Year: 2023**

The signatory, Town of Buchanan, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway, street or local bridge improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Funding is limited to the minimum eligible project scope necessary for a safe and effective facility per WisDOT Performance-Based Practical Design policy. The funding for the project for both structure and approach is limited to:

- replacement or rehabilitation of the existing facility,
- or, meeting minimum bridge standards as outlined in the WisDOT Facilities Development Manual (FDM) or applicable TRANS code,
- or, an approved justification based on engineering principles that exceed either Performance-Based Practical Design or the FDM.

The Municipality may elect to construct alternative designs but approved Local Bridge Improvement Assistance Program (s84.18(2)(e)) funding will be limited to a maximum of 80 percent of the cost of the minimum eligible scope of the project.

**TABLE A**

	<b>Existing Facility – Current structure and condition</b>	<b>Proposed Improvement – Approved scope</b>	<b>Notes:</b>
Type of facility	<b>Bridge</b>		
Bridge ID	<b>P-44-0903</b>		
Structure passes over	<b>Branch of Plum Creek</b>		
Clear bridge width	<b>27.5 FT</b>	<b>24 FT</b>	
Bridge length	<b>27.7 FT</b>	<b>49 FT</b>	
Total length of approach work		<b>100 FT</b>	
Number of spans	<b>1</b>	<b>1</b>	
Special safety issues	<b>No</b>		
Sidewalk	<b>No</b>	<b>No</b>	
Sidewalk along approach	<b>No</b>	<b>No</b>	
Bicycle / pedestrian improvements required		<b>No</b>	
Improvement type as indicated on project application		<b>Replacement – existing alignment</b>	
Acquisition of right-of-way		<b>Yes</b>	Minimal anticipated, less than 0.5 acre of fee and temporary limited easements.
Approach width and type	<b>24 FT</b>	<b>22 FT wide, Asphalt</b>	
Approach shoulder width and type		<b>2 FT wide, Gravel</b>	
Bridge rail		<b>Yes</b>	
Beam guard		<b>No</b>	

**Non-participating work, additional notes:**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements:

A municipality may elect to design a bridge or elements that exceed the current Performance-Based Practical Design policy, or that exceed minimum bridge standards as outlined in the WisDOT Facilities Development Manual (FDM) or applicable TRANS code, or are not justified as necessary based on current engineering principles. All costs for these features will be paid for 100% by the Municipality.

***None identified at this time.***

The Municipality agrees to the following 2020-2025 Local Bridge Program project funding conditions:

**Any project design, real estate, railroad, or utility costs are 100% locally funded.**

**Project Construction costs** are funded with up to **80%** state/federal funding up to a funding limit of \$344,112. The Municipality agrees to provide the remaining **20%** and any funds in excess of the \$344,112 state/federal funding limit. **Any real estate, railroad, or utility costs are 100% locally funded.**

Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year **2023**. **In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2020-2025 Local Bridge Program improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2021, or by June 30, 2026.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to State per WisDOT Change Management policy. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal/state participation, and actual costs will be used in the final division of cost for billing and reimbursement.

**In no event shall federal or State funding exceed the estimate in the Summary of Costs table, unless such increase is approved in writing by the State through the State's Change Management policy prior to the Municipality incurring the increased costs.**

Additional funds will not be approved for projects where increased costs are due to changes outside of the project scope that were identified in the original application or the most recent State Municipal Agreement (SMA) (whichever is most current). Exceptions to this policy will be allowed when the change is necessary based on safety, conformance with applicable minimum federal and state standards, projected traffic needs, or other factors as determined by WisDOT.

**TABLE B  
SUMMARY OF COSTS**

PHASE	Total Est. Project Cost	Federal / State Funds	%	Municipal Funds	%
<b>ID 4656-08-00</b>					
State Review	<b>\$ 5,160</b>	<b>\$ 0</b>	0%	<b>\$ 5,160</b>	100%
<i>Project total</i>	<i>\$ 5,160</i>	<i>\$ 0</i>		<i>\$ 5,160</i>	
<b>ID 4656-08-71</b>					
Participating Construction	<b>\$ 366,000</b>	<b>\$ 292,800</b>	80%	<b>\$ 73,200</b>	20% + BAL
Construction Engineering	<b>\$ 54,900</b>	<b>\$ 43,920</b>	80%	<b>\$ 10,980</b>	20% + BAL
Non-Participating Construction	<b>\$ 0</b>	<b>\$ 0</b>	0%	<b>\$ 0</b>	100%
State Review	<b>\$ 9,240</b>	<b>\$ 7,392</b>	80%	<b>\$ 1,848</b>	20% + BAL
<i>Project total</i>	<i>\$430,140</i>	<i>\$ 344,112</i>		<i>\$ 86,028</i>	
<b>Total Est. Cost Distribution</b>	<b>\$ 435,300</b>	<b>\$ 344,112</b>		<b>\$ 91,188</b>	
*Design ID <b>4656-08-00</b> federal/state funding is limited to <b>\$ 0</b> .					
*Construction ID <b>4656-08-71</b> federal/state funding is limited to <b>\$ 344,112</b> .					

This request is subject to the terms and conditions that follow (pages 4 – 9) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of: <b>Town of Buchanan</b> (please sign in blue ink.)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the <b>State</b> (please sign in blue ink.)	
Name (print)	Title
Signature	Date

**GENERAL TERMS AND CONDITIONS:**

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal or state funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
  - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
  - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable federal and state laws, executive orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition, the Municipality agrees not to engage in any illegal discrimination in violation of applicable federal or state laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
  - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
  - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
  - e. Competitive bidding and confidentiality requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06. This includes the sharing of financial data prior to the conclusion of the competitive bid period.
  - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
  - g. Federal statutes that govern the Highway Bridge Replacement and Rehabilitation Program, including but not limited to 23 U.S.C. 144.

- h. State statutes that govern the Local Bridge Program, including but not limited to Wis. Stat. 84.18.
- i. Bridge approaches funding policy. The Federal Highway Administration (FHWA) and Wis. Stat. 84.18(2)(e) limit bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
- j. State administrative rule that implements Local Bridge Program: Ch. Trans 213.

#### **STATE RESPONSIBILITIES AND REQUIREMENTS:**

4. Funding of each project phase is subject to inclusion in Wisconsin's approved 2018-2022 Local Bridge Program. Federal/state financing will be limited to participation in the costs of the following items, as applicable to the project:
  - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
  - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
  - c. Storm sewer mains necessary for the surface water drainage.
  - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
  - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
  - f. Signing and pavement marking.
  - g. New installations or alteration of street lighting and traffic signals or devices.
  - h. Landscaping.
  - i. State review services for construction.
5. State is authorized by Wis. Stat. 84.18(6) to exercise whole supervision and control over the construction of the project. The work will be administered by the State and may include items not eligible for federal/state participation.
6. As the work progresses, the State will bill the Municipality for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs subject to project funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal/state funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

#### **MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:**

7. Work necessary to complete the 2020-2025 Local Bridge Program improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
  - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.

- b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
  - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
  - d. Conditioning, if required and maintenance of detour routes.
  - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
  - f. All work related to underground storage tanks and contaminated soils.
  - g. Street and bridge width in excess of standards.
  - h. Real estate for the improvement.
  - i. Preliminary engineering and design.
  - j. State review services for design.
  - k. Other 100% Municipality funded items: None identified at this time
8. This line intentionally left blank.
9. FHWA limits bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the Municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
10. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
11. Work to be performed by the Municipality without federal/state funding participation, necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
12. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
13. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. 51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.
14. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal/state financing limits or are ineligible for federal/state financing. To guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
- 15. In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2020-2025 Local Bridge Program improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2021, or by June 30, 2026** Extensions may be available upon

approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

16. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.

17. The Municipality will at its own cost and expense:

- a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance in a manner consistent with reasonable industry standards, and will make ample provision for such maintenance each year.
- b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
- c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
- d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the projects.
- e. Provide complete plans, specifications, and estimates to State upon request.
- f. Provide relocation orders and real estate plats to State upon request.
- g. Use the *WisDOT Utility Accommodation Policy*, unless it adopts a policy that has equal or more restrictive controls.
- h. Provide maintenance and energy for lighting.
- i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.

18. It is further agreed by the Municipality that:

- a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred with by the FHWA.

- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal highway regulations, posters, billboards, roadside stands, or other private installations prohibited by federal or State highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the FHWA, and that now such installations will be permitted to be erected or maintained in the future.
- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted Oversize and Overweight loads. The contractor is responsible for any damage caused to haul roads if they do not obey size and weight laws, use properly equipped and maintained vehicles, and do not prevent spilling of materials onto the haul road (*WisDOT Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under "Municipal Responsibilities and Requirements."

#### **LEGAL RELATIONSHIPS:**

19. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
20. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
21. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally.
22. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
23. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

#### **PROJECT FUNDING CONDITIONS**

24. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the

Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.

25. Maintenance of records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the State. The State reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

26. The Municipality agrees to the following 2020-2025 Local Bridge Program project funding conditions:

- a. **ID 4656-08-00:** Design is 100% the responsibility of the Municipality. This phase includes plan development and state review. The work includes project review, approval of required reports and documents and processing the final Plan, Specification & Estimate (PS&E) document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 100% by the Municipality.
- b. Real estate acquisition is 100% the responsibility of the Municipality.
- c. Any railroad items are 100% the responsibility of the Municipality.
- d. Utility items are 100% the responsibility of the Municipality.
- e. **ID 4656-08-71:** Construction
  - i. Costs for construction, engineering, and state review are funded with 80% state/federal funding up to a funding limit of \$344,112, when the Municipality agrees to provide the remaining 20%, and any funds in excess of the \$344,112 state/federal funding limit.
  - ii. Non-participating costs for are funded 100% by the Municipality. Costs include construction delivery.



STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION

# Inspection Report for P-44-903

NEW RD over BR PLUM CREEK  
Nov 28,2018



Type	Prior	Frequency (mos)	Performed
Routine	11-17-17	12	X
Load Posted Verification (dt2122)	01-26-18	0	
Scour Plan of Action	12-22-16	48	
SIA Review	11-17-17	48	
Uw-Profile	11-16-16	24	X

Latitude 44°17'57.36"N  
Longitude 88°11'30.24"W

Owner TOWN  
Maintainer TOWN

## Time Log

## Team members

Hours	Minutes	
0	25	

Inspector	Name	Number	Signature	Signature Date
	Rowell, Andrew	3529	<i>Andrew Rowell</i> E-signed by Andrew Rowell(arowell)	11-30-18

**BRIDGE INSPECTION REPORT**  
**Wisconsin Department of Transportation**  
**DT2007 2003 s.84.17 Wis. Stats.**

page 2

**Identification & Location**

Feature On: NEW RD	Section Town Range: S09 T21N R19E	Structure Number: <b>P-44-903</b>
Feature Under: BR PLUM CREEK	County: OUTAGAMIE	
Location 1.1M E JCT CTH GG	Municipality: BUCHANAN	Structure Name:

**Geometry**

measurements in feet, except where noted

Approach Roadway Width: 24	Bridge Roadway Width: 27.5	Total Length: 27.7
Approach Pavement Width: 0	Deck Width: 28.0	Deck Area (sq ft): 775

**Traffic**

Lanes	ADT	ADT year	Traffic Pattern
On 2	47	2015	TWO WAY TRAFFIC

**Capacity**

**Load Rating**

Inventory rating: HS06	Overburden depth (in): 13.0	Last rating date: 11-30-09	Controlling: SLAB Positive Moment
Operating rating: HS11	Deck surface material: BITUMINOUS	Re-rate for capacity (Y/N):	Control location: 0.5 SPAN 01, 12.8
Posting: 12 TON LOAD LIMIT	Re-rate notes:		

**Hydraulic**

**Classification**

Scour Critical Code(113): (3) CRITICAL-UNSTABLE FOUNDATIONS	Q100 (ft3/sec): 0	
High water elevation (ft): 0.0	Velocity (ft/sec): 0.0	Sufficiency #: 38.0

**Span(s)**

Span #	Material	Configuration	Depth (in)	Length (ft)	Main
1	CONCRETE	FLAT SLAB		26.0	Y

**Expansion joint(s)**

<b>Temperature:</b>	File:	New:
---------------------	-------	------

**Clearance**

Item	File Measurement (ft)	File Date	New Measurement (ft)
Highway Min Vertical On Cardinal			
Horizontal On Cardinal			

**Construction History**

Year	Work Performed	FOS id
1970	WIDEN STRUCTURE	
1920	NEW STRUCTURE	

**Maintenance Items**

Item	Priority	Recommended by	Status	Status change
<b>IMP-Structure Replacement</b>	MEDIUM	Rowell, Andrew (3529)	IDENTIFIED	11/30/18
Plan for replacement of deck/superstructure and wing walls. Abutments may be salvageable, but likely replace entire structure.				
<b>Channel - Remove Debris</b>	MEDIUM	Rowell, Andrew (3529)	IDENTIFIED	11/30/18
clean natural debris at east end				
<b>Superstructure - Other Work</b>	LOW	Sadowski, Jason (9593)	IDENTIFIED	11/26/14
Replace asphalt wearing surface and approaches.				

**BRIDGE INSPECTION REPORT**  
**Wisconsin Department of Transportation**  
**DT2007 2003 s.84.17 Wis. Stats.**

page 3

Structure No.: **P-44-903**

**Elements**

Chk	Element	Defect	Description	UOM	Total	Quantity in Condition State			
						1	2	3	4
X	38		<b>Reinforced Concrete Slab</b>	SF	776	638	125	13	0
			Delamination - Spall - Patched Area	SF		0	125	13	0
		1080	Delams @ edge of original deck - 95 sf CS2, 5 sf CS3 (Spalling 3" Deep) Delams near c/l of slab - 20 sf CS2 Delams scattered - 10 sf CS2 <b>Spall at CL east abutment - 5 SF CS 3</b> <b>Spall with rebar exposed near NW corner - 3 SF CS 3</b>						
		1130	Cracking (RC) Long. crk at edge w/ effl. - 100 sf CS2 (overlaps with delam qty)	SF		0	100	0	0
		8511	AC Overlay Rough surface	SF	776	0	626	150	0
		8911	Abrasion, Wear, or Rutting (Wear. Surf.) <b>surface worn, CS 2</b>	SF		0	626	0	0
X	215	3210	Debonding/Spall/Patched Area/Pothole C/L road <b>and edgeline raveling</b> - 150 sf CS3	SF		0	0	150	0
			<b>Reinforced Concrete Abutment</b>	LF	55	47	8	0	0
		1130	Cracking (RC) cracking @ corners, 8' CS2 <b>A few vertical cracks each abutment</b>	LF		0	8	0	0
X	330		<b>Metal Bridge Rail</b> <b>rail is low</b>	LF	82	72	10	0	0
		1000	Corrosion medium corrosion at posts - 10' CS2	LF		0	10	0	0
X	8400		<b>Integral Wingwall</b>	EA	4	0	3	1	0
		8903	Wall Deterioration <b>SE - horizontal cracking/delam by deck - CS 2</b> <b>SW - vertical crack and diagonal at deck - CS 2</b> <b>NW - cracking by deck - CS 2</b> <b>NE - two large cracks, one at deck, one at water - CS 3</b>	EA		0	3	1	0

**BRIDGE INSPECTION REPORT**  
**Wisconsin Department of Transportation**  
**DT2007 2003 s.84.17 Wis. Stats.**

page 4

Structure No.: **P-44-903**

**Assessments**

Chk	Element	Defect	Description	UOM	Total	Quantity in Condition State			
						1	2	3	4
X	9001		<b>Drainage - Ends of Structure</b> <b>East side washouts by wing/abutments</b>	EA	4	2	2	0	0
X	9030		<b>Signs - Object Markers</b>	EA	4	4	0	0	0
X	9034		<b>Signs - Weight Limit Posting</b> 15 TON - 2 at bridge ends, 1 at W. approach. None at E. approach because bridge is next to the intersection and weight posting sign is visible from the intersection.	EA	3	3	0	0	0
X	9323		<b>Approach Roadway - Asphalt</b> transv. crk @ ends of bridge, settlement	EA	2	0	2	0	0

**NBI Ratings**

	File	New
Deck	4	4
Superstructure	4	4
Substructure	5	5
Culvert	N	N
Channel	6	5
Waterway	7	7

**Structure Specific Notes**

**Inspection Specific Notes**

unable to do complete UW profile due to heavy ice. No apparent changes to stream were present.

**Inspector Site-Specific Safety Considerations**

**Structure Inspection Procedures**

**Special Requirements**

	Chk	Hours	Cost	Comments
Other Access Equipment	X			waders

**Underwater Probe Form  
P-44-903**

**General Site Conditions - Scour**

**General Site Conditions - Embankment Erosion/Conditions**

**Substructure Notes**

Chk	Unit	Max Water Depth(ft)	Mode	Notes
X	Cardinal		Wade	
X	Non Cardinal		Wade	

Routine  
Document Comment/Description

roadway facing west



Routine  
Document Comment/Description  
drainage at NE quad



Routine  
Document Comment/Description  
asphalt wearing surface



Routine  
Document Comment/Description  
downstream north



Routine  
Document Comment/Description

upstream south



Routine  
Document Comment/Description  
south side



Routine  
Document Comment/Description  
stream flow from south



Routine  
Document Comment/Description

SW wing



Routine  
Document Comment/Description

SE wing



**Routine**

**Document Comment/Description**

cracking at SE wing under deck



Routine  
Document Comment/Description

staining/efflorescence under deck south side



**Routine**

**Document Comment/Description**

cracking and efflorescence on old section of deck



Routine  
Document Comment/Description

west abutment



Routine  
Document Comment/Description  
east abutment



Routine  
Document Comment/Description

NW wing



Routine  
Document Comment/Description

NE wing



Routine  
Document Comment/Description

under deck north side



Routine  
Document Comment/Description

spalls under original deck section by west abutment



**Routine**

**Document Comment/Description**

spalls and cracks under original deck



Non-Image Documents

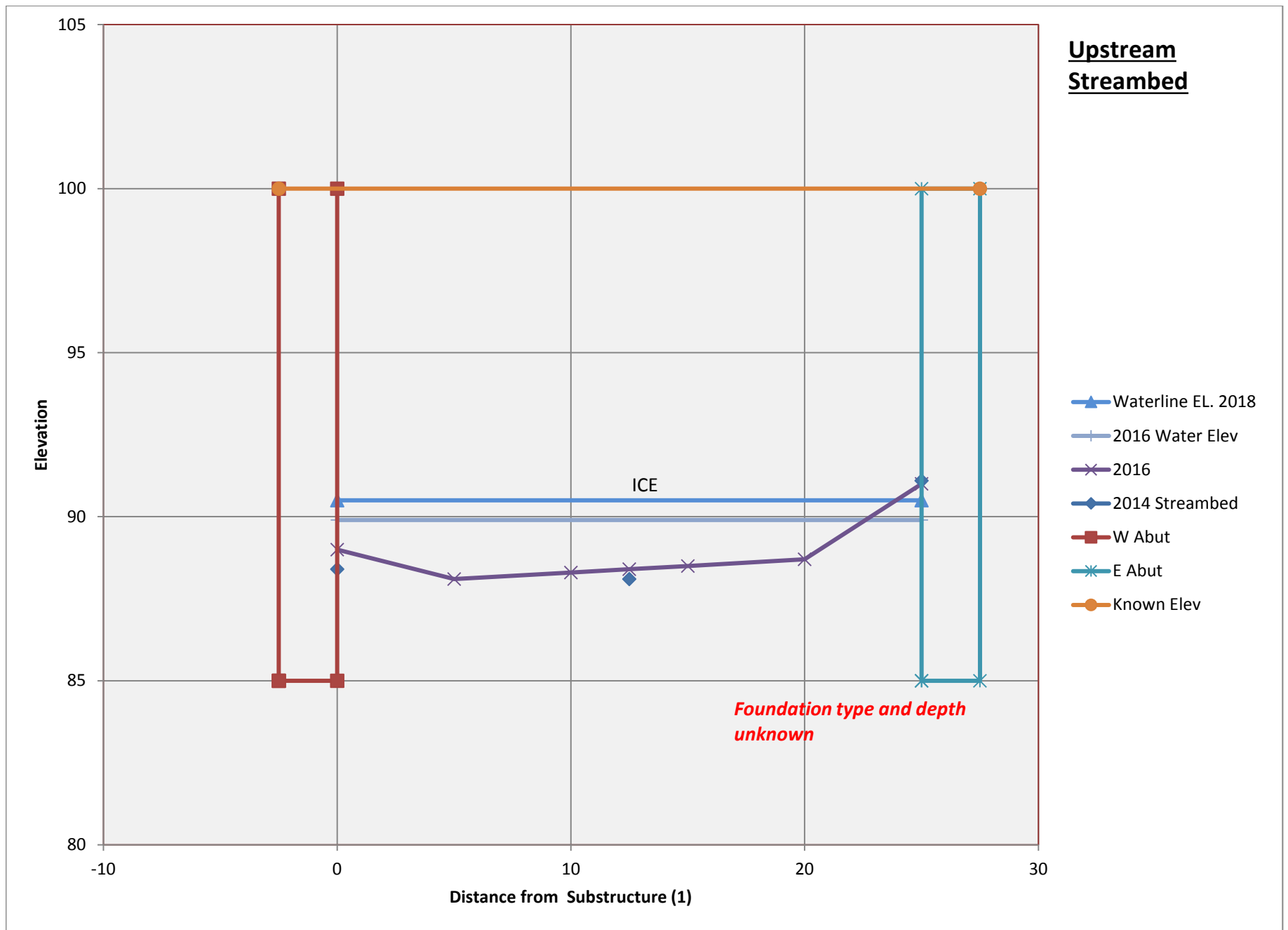
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UW Profile	p44-903_18_xpd2.xlsx		

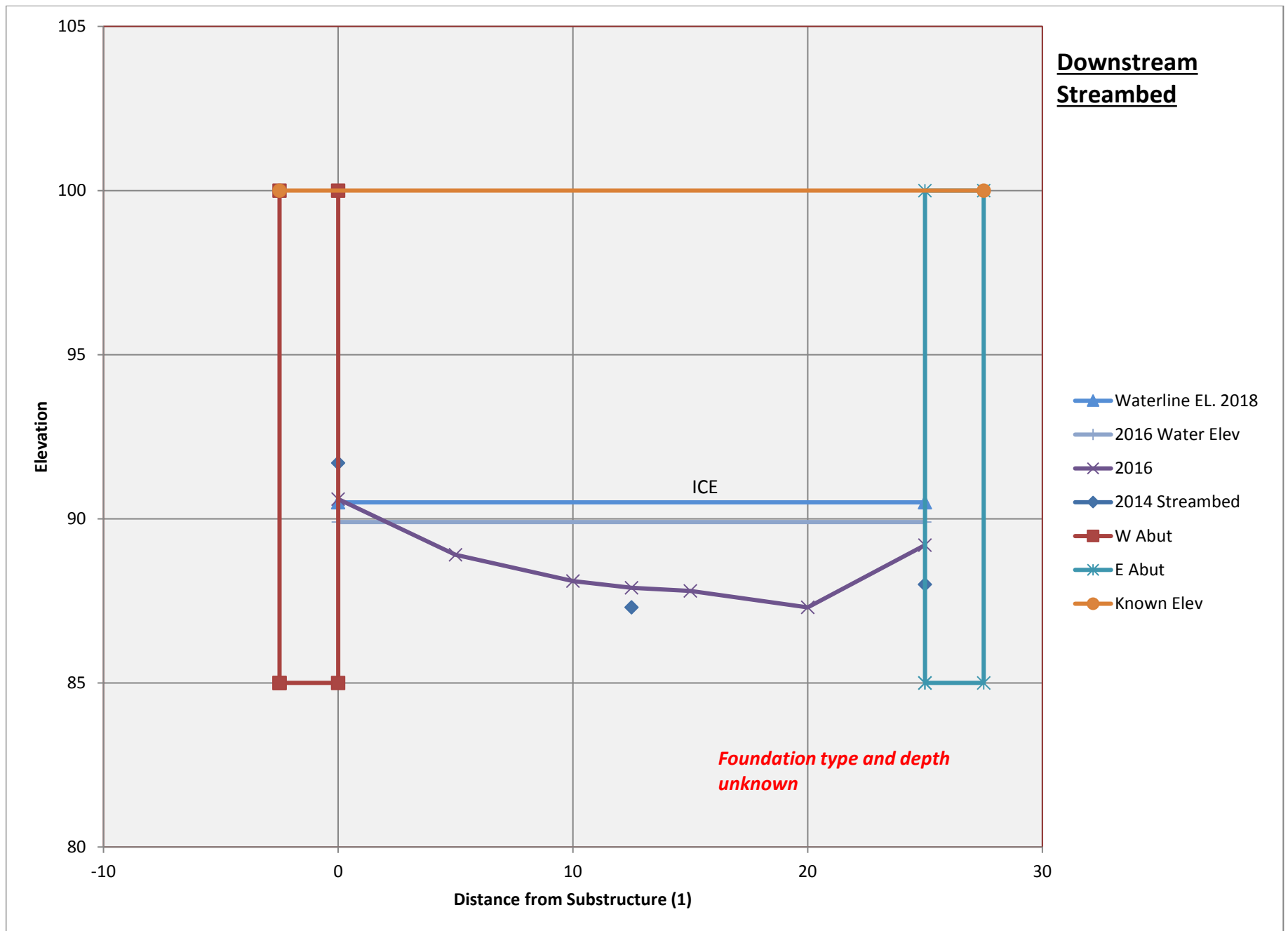
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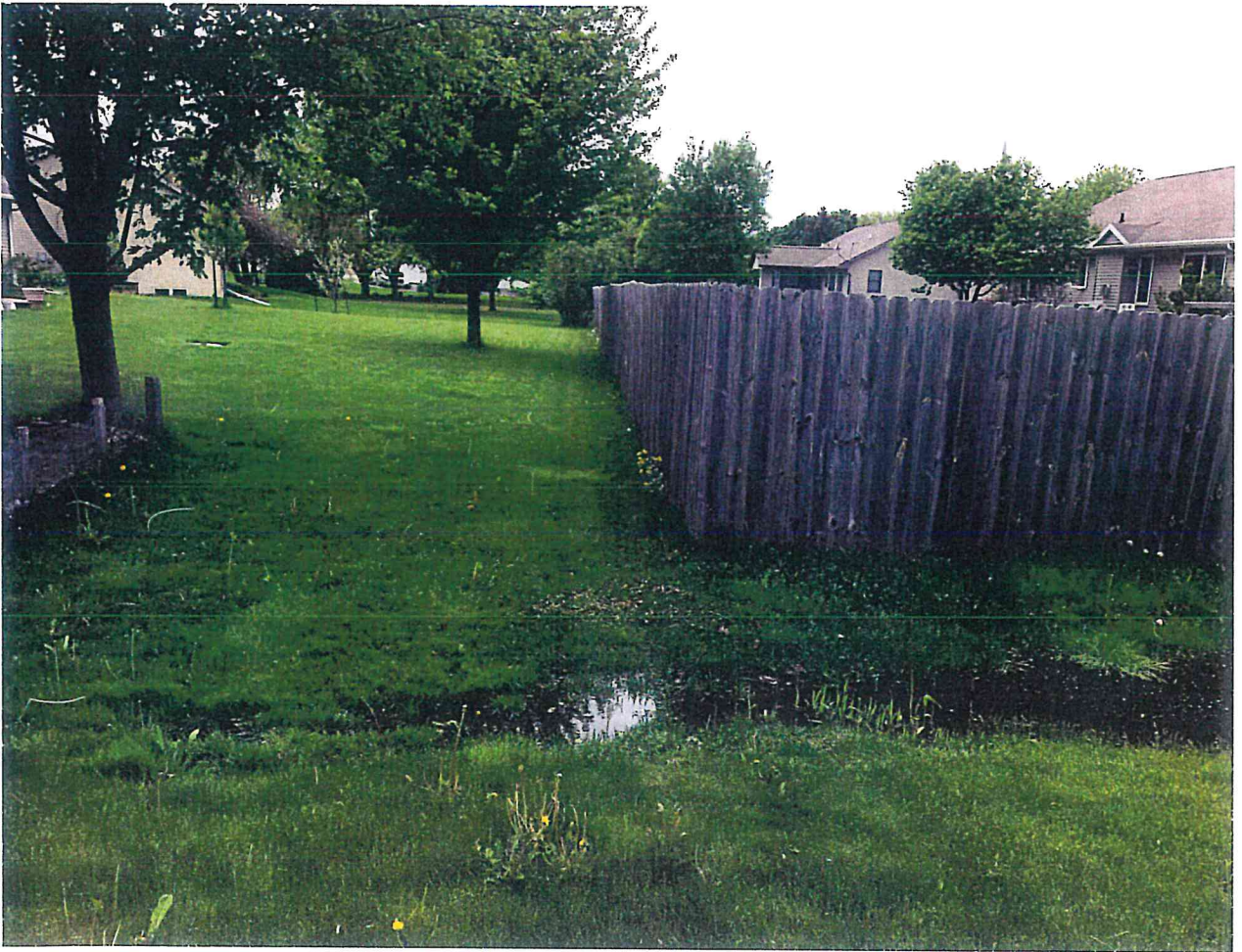
## Wisconsin Department of Transportation

		Structure Number		P-44-903
<b>General</b>		<b>Sounding Equipment</b>	<b>Vertical Control</b>	
Date	11/28/2018	Leadline	Dist. To Known El. 0 ft	
County	Outagamie	Fathometer	Known El. 100 ft (at centerline of waterway)	
New Rd		Sounding Pole	yes	Waterline EL. 2018 90.5 ft
		Description of Known Elevation: 2016 89.9		
		All measurements relative to top of concrete		
NO DATA DUE TO ICE				
NO APPARENT CHANGE COMPARED TO PREVIOUS DATA				

[illegible][illegible]



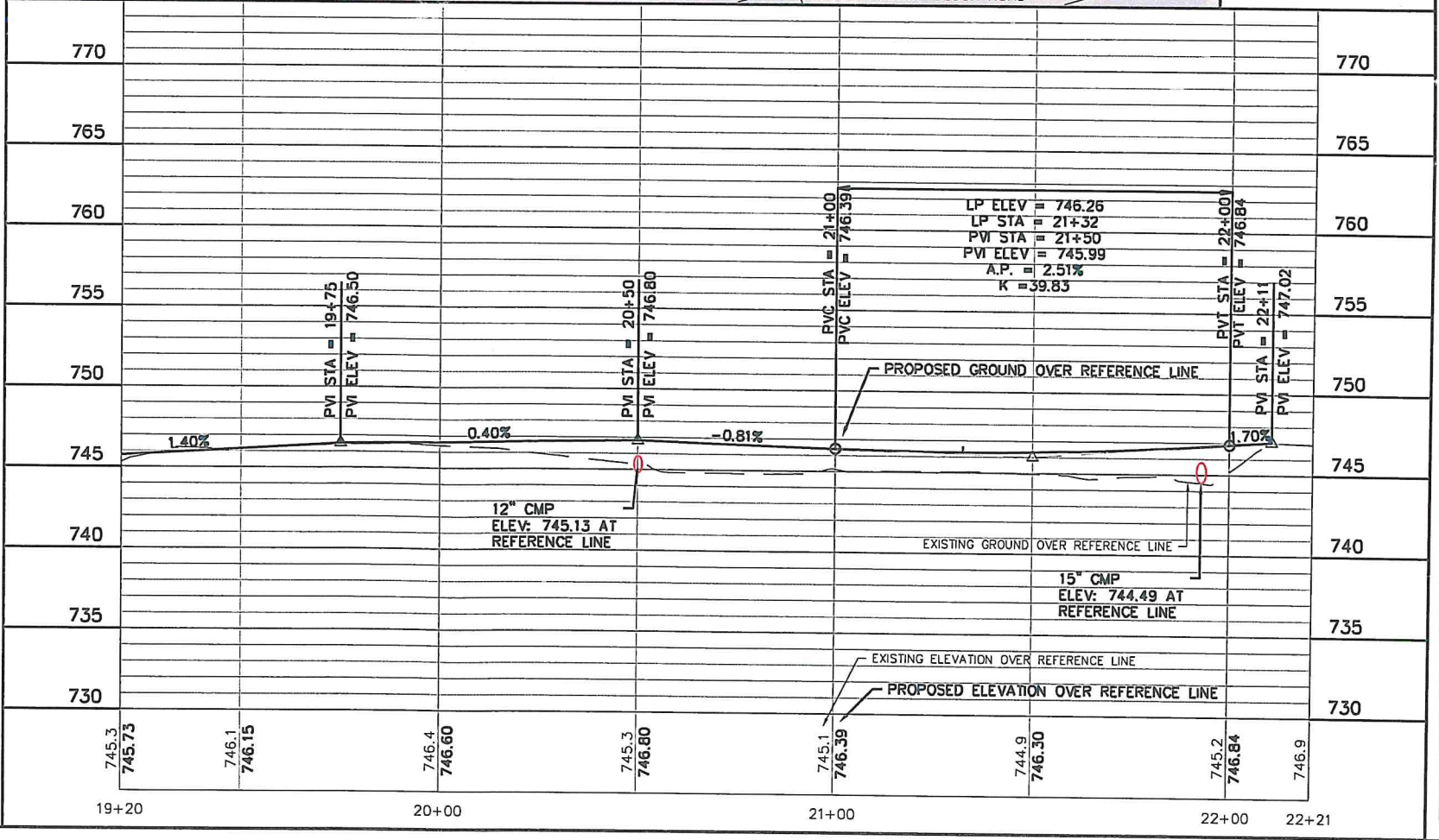
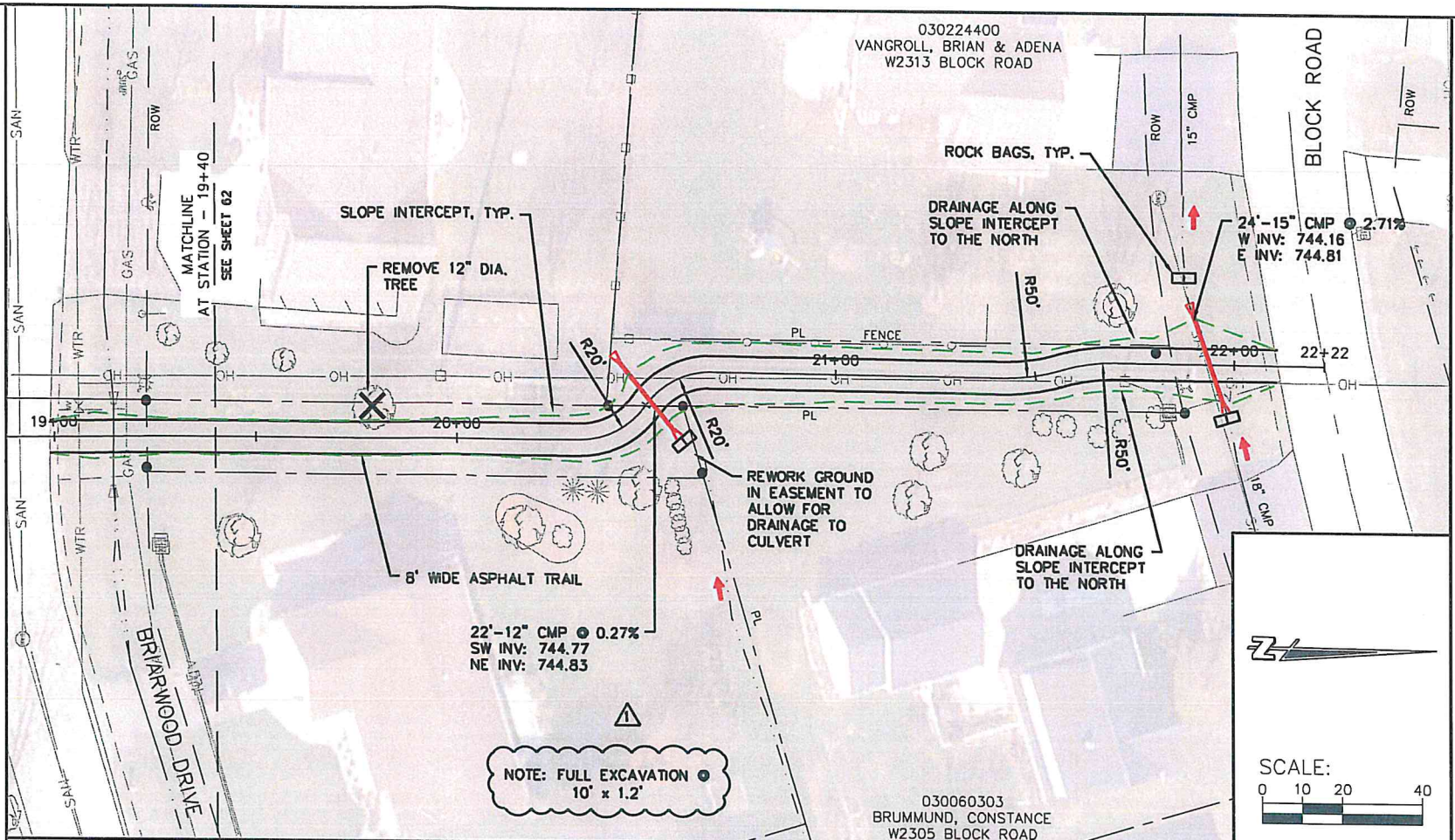












JOB NO.	04916-0085
DRAWN BY	MMD
CHECKED BY	TMM
DATE	03/XX/2020
REVISIONS	1-RESTORE NOTE
REFERENCE FILE	
DRAWING FILE	

**Cedar Corporation**

2820 Weller Commons W.  
Suite 142 W. 53718  
608-334-0037  
608-334-0037  
FAX 608-249-5824

1992 Bellevue Street  
Oshkosh, WI 54901  
920-481-0081  
920-481-0081  
FAX 920-481-9020

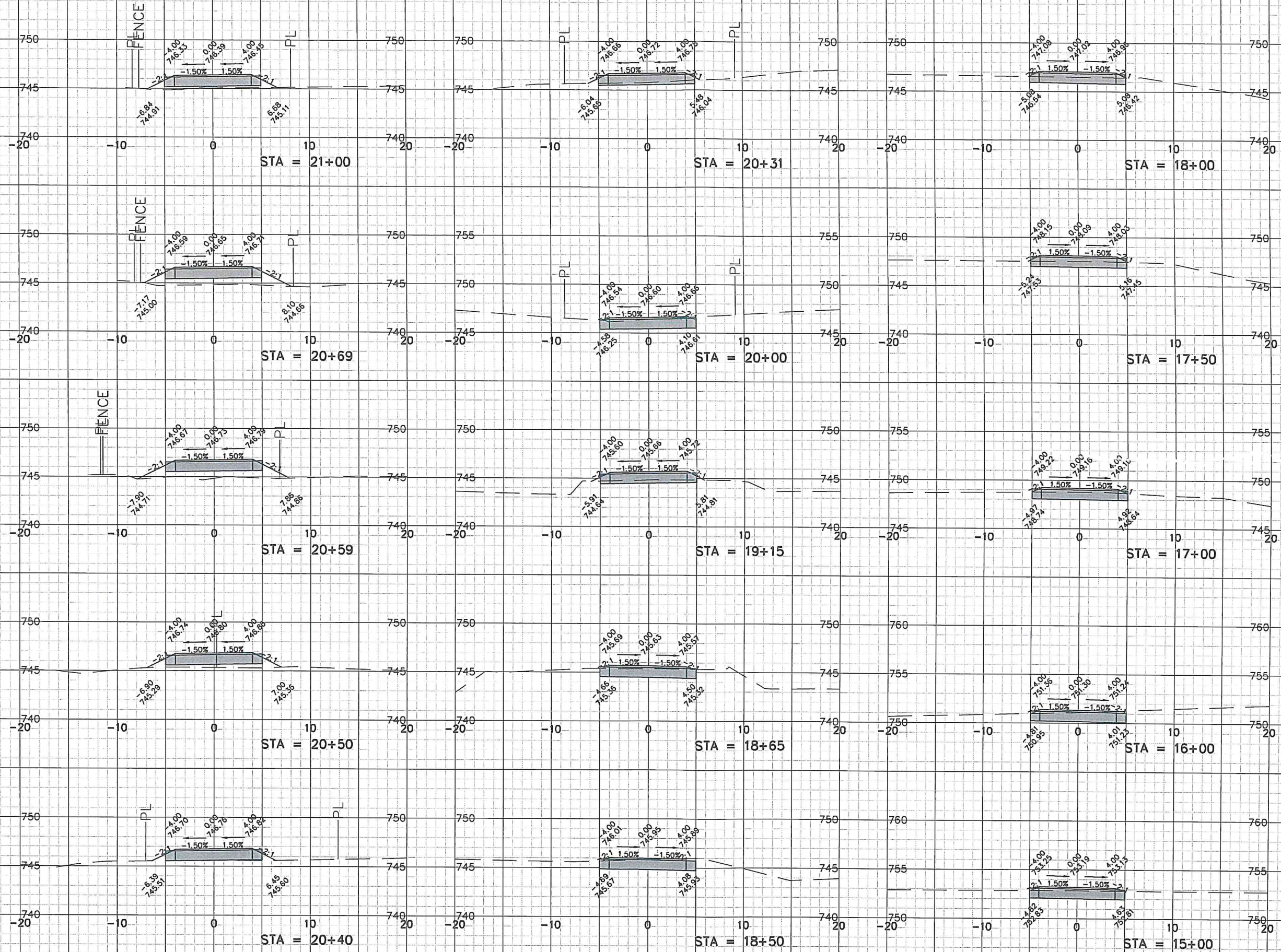
604 Wilson Ave.  
Waukegan, IL 60087  
815-235-9681  
815-235-9681  
FAX 815-235-2727

800-472-7372

www.cedarcorp.com

TOWN OF BUCHANAN  
2020 PAVEMENT CONSTRUCTION  
CONTRACT A-20  
HICKORY PARK TRAIL PLAN & PROFILE

I:\Clients-GrBoy\B4918 Buchanan Town of\085 Contract A20 - 2020 Pavement Construction\100 Cad\DWG\Hickory Park Trail Design.dwg 03/31/20 3:18:34 PM



TOWN OF BUCHANAN  
2020 PAVEMENT CONSTRUCTION  
CONTRACT A-20  
HICKORY PARK TRAIL PLAN & PROFILE

SHEET NO.  
65 OF 80

**Cedar** corporation  
engineers • architects • planners • environmental specialists  
land surveys • landscape architects • interior designers  
2600 Walton Commons W.  
Westborough, MA 01581  
508-335-0035  
FAX 508-335-0036  
1895 Bellevue Street  
Green Bay, WI 54311  
FAX 920-491-9020  
800-472-7372  
www.cedarcorp.com

JOB NO.  
04916-0085  
DRAWN BY  
MMD  
CHECKED BY  
TMM  
DATE  
03/27/2020  
REVISIONS  
REFERENCE FILE  
DRAWING FILE



Legend

- Variances
- Parcel Lines
- Parcel Polygons
- Display Parcel Lines
- Monuments
- Plat Boundary Lines
- PLSS Sections
- Highway Labels
- Streets
- Airports
- Wisconsin Water
- County Boundaries
- Fox River

Fox River Buffer

Outagamie Water

- Apple Creek
- Bear Creek
- Bear Creek
- Black Creek
- Black Otter Creek
- Black Otter Lake
- Duck Creek
- Embarras River
- Gamers Creek
- Mackville Creek
- Maple River
- Onida Creek
- Rat River
- Shaky Lake
- Shioc River
- Squaw Lake
- Toad Creek
- Wolf River

Municipality Boundary

- Outagamie County, City
- Outagamie County, Town
- Outagamie County, Village

Contours 1 Ft

- Intermediate 1 ft
- Index 5 ft

2014 Orthophotography

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Author:

Date Printed: 08/11/16 12:50 PM

Sources:

**OLI**  
Outagamie Land Information



Legend

- Interstate 41 Overlay
- Parcel Lines
- Parcel Polygons
- Display Parcel Lines
- Plat Boundary Lines
- PLSS Sections
- Highway Labels
- Streets
- Airports
- Wisconsin Water
- County Boundaries
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  - Oneida Creek
  - Rat River
  - Shaky Lake
  - Shioc River
  - Squaw Lake
  - Toad Creek
  - Wolf River
- Municipality Boundary
  - Outagamie County, City
  - Outagamie County, Town
  - Outagamie County, Village
- Contours - 1ft
  - Intermediate - 1ft
  - Index - 5ft
- 2018 Orthophotography
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



0 20 40 60ft

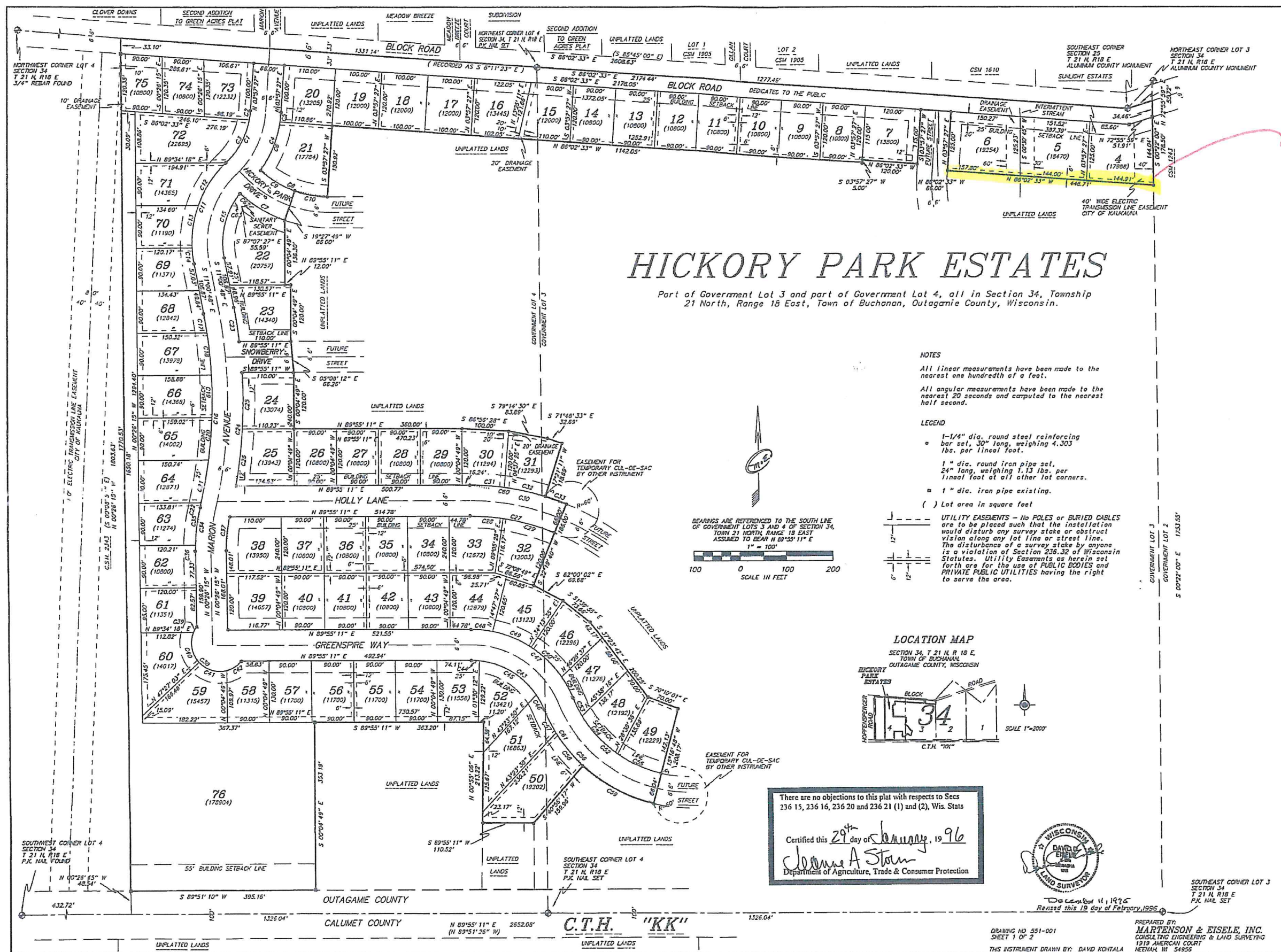
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Author:

Date Printed:  
06/4/20 8:53 AM

Source:





There are no objections to this plat with respect to  
Secs 236.15, 236.16, 236.20 and 236.21 (1) and (2),  
Wis Stats

Certified this 14<sup>th</sup> of October, 1996

*Jeannie Astor*  
Department of Commerce

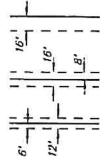
#### NOTES

All linear measurements have been made to the  
nearest one hundredth of a foot

All angular measurements have been made to the  
nearest 20 seconds and computed to the nearest  
half second.

#### LEGEND

- 1-1/4" dia round steel reinforcing  
bar set, 30" long, weighing 4.303  
lbs per lineal foot.
- 1" dia round iron pipe set,  
24" long, weighing 1.13 lbs. per  
lineal foot of all other lot corners.
- 1-1/4" dia round steel reinforcing  
bar existing.
- △ 1" dia. iron pipe existing
- ( ) Lot area in square feet.



UTILITY EASEMENTS - No POLES or BURIED CABLES  
are to be placed such that the installation  
would disturb any survey stake or obstruct  
vision along any lot line or street line.  
The disturbance of a survey stake by anyone  
is a violation of Section 236.32 of Wisconsin  
Statutes. Utility Easements as herein set  
forth are for the use of PUBLIC BODIES and  
PRIVATE PUBLIC UTILITIES having the right  
to serve the area

#### OUTAGAMIE COUNTY ZONING COMMITTEE

I, hereby certify that the plat of HICKORY PARK ESTATES II, in the Town of  
Buchanan, was approved and accepted by the Outagamie County Zoning Committee on  
this 18<sup>th</sup> day of November, 1996, or s/r

Signed, *Robert Paltor Jr.*  
Chairperson

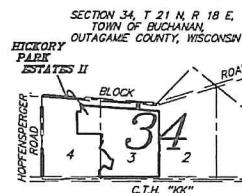
#### ACCESS RESTRICTION CLAUSE

As owners we hereby restrict all lots, in that no owner, possessor,  
user, nor licensee, nor other person shall have any right of direct vehicular  
ingress or egress with C.T.H. "KK" as shown on the plat, it being expressly  
intended that this restriction shall constitute a restriction for the benefit of  
the public according to Section 236.293, Wisconsin Statutes, and shall be  
enforceable by Outagamie County.

*John S. Bubolz*  
John S. Bubolz, President

*Robert D. Bauran*  
Robert D. Bauran, Secretary

#### LOCATION MAP



BEARINGS ARE REFERENCED TO THE SOUTH LINE  
OF GOVERNMENT LOTS 3 AND 4 OF SECTION 34,  
TOWN 21 NORTH, RANGE 18 EAST  
ASSUMED TO BEAR N 89°55'11" E  
1" = 100'

SCALE 1"=2000'



Revised this 23rd day  
of October, 1996

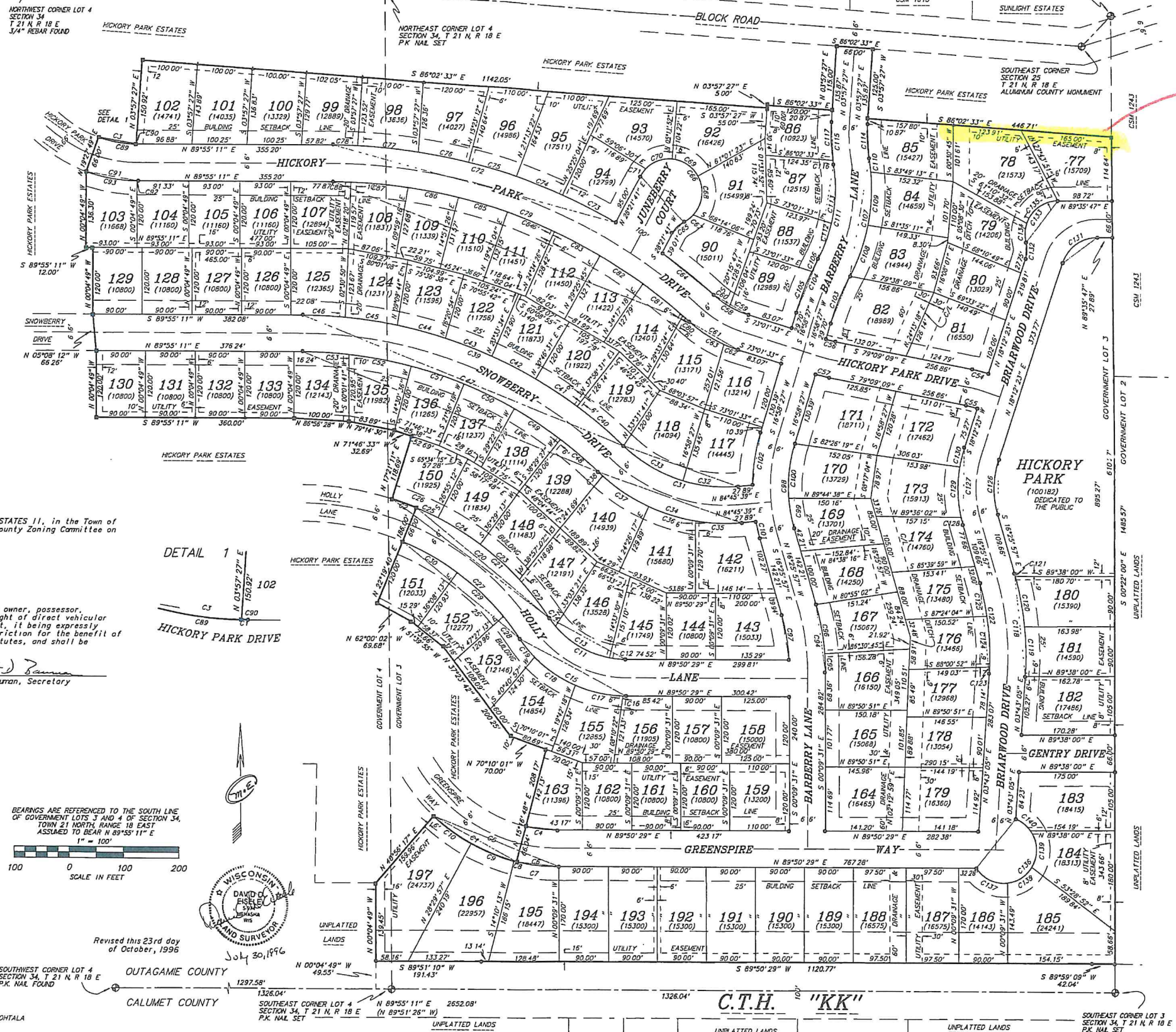
PREPARED BY:  
MARTENSON & EISELE, INC.  
CONSULTING ENGINEERING & LAND SURVEYING  
1919 AMERICAN COURT  
NEENAH, WI 54956

DRAWING NO 531-003  
SHEET 1 OF 2

THIS INSTRUMENT DRAWN BY DAVID KOHTALA

## HICKORY PARK ESTATES II

PART OF GOVERNMENT LOT 3 AND PART OF GOVERNMENT LOT 4, ALL IN SECTION 34, TOWNSHIP  
21 NORTH, RANGE 18 EAST, TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WISCONSIN.





TOWN MEETING:

June 16, 2020

AGENDA ITEM #: 12e

ACTION TYPE:

Legislative

(For Discussion and Possible Action)



"In the Spirit of Town Government"

## AGENDA MEMORANDUM

---

To: Honorable Town Chairperson and Town Supervisors  
From: Cynthia Sieracki, Clerk  
Date: June 16, 2020  
RE: Authorization of Signers for Investors Community Bank

---

SUMMARY: With the hiring of Adam Gitter as the Town Administrator the Town Board needs to approve adding him on as a signer to the Investor Community Bank accounts. The Town Board also needs to approve Chairperson Mark McAndrews as a signer to those same accounts.

POLICY/PLAN REFERENCE(S):

FISCAL IMPACT:

RECOMMENDED ACTION: Staff recommends approving Chairperson McAndrews and Town Administrator Adam Gitter as official signers on the Town accounts with Investors Community Bank.

"Motion to approve Chairperson McAndrews and Town Administrator Adam Gitter as official signers on the Town accounts with Investors Community Bank.

CRS

###

Attachments: None



"In the Spirit of Town Government"

## AGENDA MEMORANDUM

To: Honorable Town Chairperson and Town Supervisors  
 From: Chief Ray Mohr  
 Date: June 16, 2020  
 RE: Authorization for Enterprise Electric Inc to install Ceiling Fans in Fire Bay

SUMMARY: The purchasing policy states the following:

### Non-Budgeted Purchases

The authority to award or reject any and/or all bids, proposals, and/or quotes in the amount of \$500 or less for all non-budgeted purposes shall be granted to the Agent with purchases over \$200 also requiring approval of the Town Chairperson.

- a) Any clearly non-budgeted purchases with a value greater than \$500 shall be approved by the Town Board.

Three ceiling fans in the Fire Bay need to be replaced. They are old and have stopped working. The attached quote from Enterprise Electric lists the scope of the work and the estimate cost.

If approved, it will need to be determined where the funds should come from to cover this item.

POLICY/PLAN REFERENCE(S):

FISCAL IMPACT:

Is there a fiscal impact? Yes

Is it currently budgeted or planned? No

Amount: \$940.00

RECOMMENDED ACTION: Staff recommends approving the purchase of the ceiling fan estimate.

"Motion to approve the quote from Enterprise Electric, Inc for 3 ceiling fans".

CRS

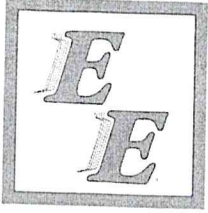
###

Attachments:

1. Enterprise Electric Quote

6/8/2020 8:44 AM

ENTERPRISE



1039 Driessen Drive  
 Kaukauna, WI 54130  
 (920) 850-6354  
[ryan@enterprise-electric.net](mailto:ryan@enterprise-electric.net)

ELECTRIC INC.

Town of Buchanan  
 Ray Mohr  
[rmohr@townofbuchanan.org](mailto:rmohr@townofbuchanan.org)

**RE: Ceiling Fan Estimate**

Ray,

Below is our estimate for replacing your existing ceiling fans. Thanks for the opportunity to quote this project. Please let us know if you have any questions.

**Scope of Work:**

- Demo and recycle existing ceiling fans
- Furnish and install (3) 56" white ceiling fans and make electrical terminations
- Existing fan control to stay as is

**Estimated Cost** ----- **\$940.00**

**Proposal needs to be signed and returned prior to scheduling work**

All work will be completed by Enterprise Electric, Inc in a workmanlike manner. Payment is to be made by customer within 20 days after receipt of invoice

Any alteration or change from the above scope of work involving extra costs will be completed only uponwritten authorization.

If you have any questions, feel free to call me at the above phone number.

**Authorized Enterprise Electric, Inc.**

Signature \_\_\_\_\_

NOTE: This proposal may not be valid if not accepted within 30 Days.

**Customer Acceptance of Proposal-** The above prices, scope of work and conditions are satisfactory and are hereby accepted. You are authorized to do the work as stated. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

TOWN BOARD MEETING:

June 16, 2020

AGENDA ITEM #: 12i

ACTION TYPE:

Administrative Action

(For Approval/Denial)

"In the Spirit of Town Government"



## AGENDA MEMORANDUM

---

To: Honorable Town Chairperson and Town Supervisors  
From: Tony Brown, Town Administrator  
Date: June 16, 2020  
RE: Fireworks User Permit – WIR Racetrack

---

RECOMMENDED ACTION: This is an administrative action<sup>1</sup> item for Town Board Approval/Denial.

SUMMARY: Under Municipal Code Section §294-2, The Town Board may grant fireworks display permits for special community events and other public occasions.

Spielbauer Fireworks Co, is seeking a fireworks user permit at WIR Racetrack for July 4, 2020.

POLICY/PLAN REFERENCE(S):

1. Town of Buchanan Municipal Code: Chapter §294-2 – Fireworks Sale and Discharge.

FISCAL IMPACT: NONE

CRS

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Attachments:

1. Fireworks User Permit Application – Spielbauer Fireworks, Co. – July 4, 2020

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<sup>1</sup> Administrative actions involve the routine application of adopted rules, policies and standards. Discretion associated with these types of decisions is very limited and is based solely on state statutes, local ordinances and/or policy.



# Town of Buchanan Fireworks User Permit

N178 County Road N • Appleton, WI 54915 • Phone (920) 734-8599 • Fax (920) 734-9733 •  
www.townofbuchanan.org

All fireworks user permits are regulated per Wis. Stat. Chapter 167 and the Town of Buchanan Municipal Code, Chapter 294. This application **must be received by the Town not less than 45 days prior to the requested date of use of fireworks.**

Permit Applicant: Spielbauer Fireworks Co. Phone Number: 920-336-0446

Applicant Address: 1976 Lane Rd. Green Bay 54311

Time of day at which display is to be held: 9:45 PM (No later than Midnight)

The exact address/ location planned for display: Wisconsin International Raceway

Date fireworks may be purchased: NA Date of actual display: 7/4/2020

Describe applicant experience and precautions to be exercised for protection of lives and property :  
Spielbauer Fireworks Co. has been shooting from this location for over 20 years.  
All NFPA codes will be followed. Site to be secured by Spielbauer Fireworks Co.

Address and location fireworks will be stored at: To arrive under lock and key on the date of display

I HERBY AGREE AND CERTIFY the above information is correct. I am 18 years of age or older. I understand this permit is valid only for the date(s) of issue and the requirement to comply with all Wisconsin Statutes and the Town of Buchanan Municipal Code now in effect. A violation of any of the above shall be cause for permit to be immediately revoked by the Town of Buchanan Fire Department or the Outagamie County Sheriff.

[Signature]  
Signature of Permit Applicant

6/9/2020  
Date Signed

[Signature]  
Witness

6/9/2020  
Date Signed

The permit applicant agrees to indemnify and hold the Town of Buchanan harmless for any lawsuit or liability which may result in the applicant's use or possession of fireworks. Town is not liable for damage caused by fireworks for the sole reason of issuing a fireworks permit.

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**FOR OFFICE USE ONLY**

- ☐ Applicant qualifies for receiving permit, must not be a minor.
- ☐ License Fee paid.
- ☐ Approved insurance policy of \$1,000,000 posted with Town Clerk. Attach copy.
- ☐ Fire Chief has reviewed and approved the application.
- ☐ Town Board, from report of the Fire Chief, has determined that the applicant will use the fireworks per Town code. Meeting Date: \_\_\_\_\_

This permit is valid for the following dates: \_\_\_\_\_

Approved by Fire Chief or Designee:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Title

A copy of this permit shall be given to Buchanan Fire & Rescue and the Outagamie County Sheriff's Department/Buchanan Deputies at least 2 days before the date of authorized use.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/9/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Allied Specialty Insurance, Inc. 140 Fountain Pkwy, Suite 570 St. Petersburg, FL 33716	<b>CONTACT NAME:</b> Glenn Harris	
	<b>PHONE (A/C, No, Ext):</b> 727-547-3093 <b>FAX (A/C, No):</b> 727-367-1407	
	<b>E-MAIL ADDRESS:</b> gharris@alliedspecialty.com	
<b>INSURED</b> SPIELBAUER FIREWORKS CO, INC. MIGHTY-MITE MARKETING 1976 LANE ROAD GREEN BAY WI 54311	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	<b>INSURER A:</b> T.H.E. Insurance Company	12866
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CPP0102783-08	04/01/2020	04/01/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ N/A PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Protection & Indemnity \$ 1,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			CPP0102783-08	04/01/2020	04/01/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <b>DED</b> <input type="checkbox"/> <b>RETENTION \$</b> <input type="checkbox"/>						EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	Coverage is afforded in the State(s) of:			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.I. EACH ACCIDENT \$ E.I. DISEASE - EA EMPLOYEE \$ E.I. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Display Date: 7/2/2020 and 7/4/2020

Rain Date: TBD

Location: Wisconsin International Raceway

RE: General Liability, the following are named as additional insured in respects to the negligence of the named insured:

Fox River Racing Club, Town of Buchanan

The above Commercial General Liability policy affords P&I, bodily injury & property damage liability coverage arising directly from a fireworks display, however, no Marine, Hull & Machinery or Pollution Liability coverage is afforded under this CGL policy arising from the use of any barge, docks, piers, wharves or floating platforms.

**CERTIFICATE HOLDER**

Wisconsin International Raceway  
W1460 County Rd. KK  
Kaukauna, WI 54130

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Carol A. Serra*

Certificate # 10

ACORD 25 (2016/03)

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