

AGENDA

CITY OF STURGEON BAY
COMMUNITY PROTECTION & SERVICES COMMITTEE
Thursday, February 3, 2022

4:30 p.m.

Council Chambers, City Hall – 421 Michigan Street

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from December 2, 2021
4. Public Comment on Agenda Items
5. Consideration of: Review of Ordinances for Possible Revision
 - a. Chapter 3 – Financial Procedure
 - b. Chapter 4 – Emergency Government
 - c. Chapter 10 – Orderly Conduct
6. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Posted:
Date: 01/31/22
Time: 3:00 p.m.
By: SSO

Committee: Community Protection & Services
Dan Williams, Chr.
Kirsten Reeths
Seth Wiederanders

EXECUTIVE SUMMARY

TITLE: Ordinances repealing and recreating the following sections of the municipal code:
Preparation of tax roll and tax receipts - 3.01(1) and (2)
Reimbursement of expenses - 3.035(1) and (2)(a)
Access to public records 3.085(2)
Disposition of municipal property and remittance of funds - 3.09(1) and (2)

BACKGROUND: When the aforementioned ordinances were created, the City Treasurer and City Clerk positions were combined. Since then, the positions have been separated. As ordinances have gone through changes, staff has worked to clean up the verbiage related to when the positions were combined. However, some ordinances have not required changes for some time and still reflect the combined position. Staff is presenting this item at this time to clean up the language.

FISCAL IMPACT: Minimal cost to codify the ordinance changes.

OPTIONS:

- 1) Accept the proposed language changes to sections 3.01(1) and (2), 3.035(1) and (2)(a), 3.085(2), and 3.09(1) and (2) of the municipal code, removing references to the combined Clerk/Treasurer position. Thereby, recognizing the assignment of duties to the specific positions of either the Clerk or Treasurer. (see attached)
- 2) Deny the request to accept the proposed language changes to sections 3.01(1) and (2), 3.035(1) and (2)(a), 3.085(2), and 3.09(1) and (2) of the municipal code, removing references to the combined Clerk/Treasurer position.

RECOMMENDATION: Accept the proposed language changes to sections 3.01(1) and (2), 3.035(1) and (2)(a), 3.085(2), and 3.09(1) and (2) of the municipal code, removing references to the combined Clerk/Treasurer position.

PREPARED BY: Valerie J. Clarizio 1/27/22
Valerie J. Clarizio Date
Finance Director/City Treasurer

REVIEWED BY: Stephanie L. Reinhardt 1/27/2022
Stephanie L. Reinhardt Date
City Clerk/Human Resource Director

APPROVED BY: Josh VanLieshout 1/27/2022
Josh VanLieshout Date
City Administrator

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Section 3.01(1) and (2) of the Municipal Code of the City of Sturgeon Bay, Wisconsin is hereby repealed and recreated to read as follows:

- (1) Tax roll. Pursuant to § 70.65(2), Wis. Stats., the clerk-~~treasurer~~ shall, in computing the tax roll, insert only the aggregate amount of state, county, local, school and other general property taxes minus credits applied under § 79.10(9), Wis. Stats., except credits determined under § 79.10(7m), Wis. Stats., in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied. Each tax bill or receipt shall show the purpose for which the taxes are to be used, giving the breakdown for state, county, local, school and other general property taxes. The tax roll shall indicate all corrections made under §§ 70.43 and 70.44, Wis. Stats.
- (2) Tax receipts. Pursuant to § 74.19, Wis. Stats., the city ~~clerk~~-treasurer shall enter in each tax receipt given by the county clerk for the payment of taxes the name of the person paying the taxes, if that person is not the owner of the property taxed, the date of payment and the aggregate amount of taxes paid. Tax receipts shall be signed, and a duplicate kept by the city ~~clerk~~-treasurer, after noting the payment of taxes upon the tax roll. The ~~clerk~~-treasurer shall then deliver the receipt to the appropriate person.

SECTION 2: This ordinance shall take effect on the day after its publication.

Approved:

David J. Ward, Mayor

Attest:

Stephanie L. Reinhardt, City Clerk

ORINDANCE NO. _____

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Section 3.035(1) and (2)(a) of the Municipal Code of the City of Sturgeon Bay, Wisconsin is hereby repealed and recreated to read as follows:

- (1) [Authorization to charge for reimbursement.] The city ~~clerk~~-treasurer is authorized to charge for reimbursement of expenses incurred on behalf of and for the benefit of third parties for services rendered by the city. These reimbursable expenses include, but are not limited to:
 - (a) Legal, consulting, and incidental expenses. Any expenses associated with service demands related to legal, consulting, and incidental services. These expenses include but are not limited to:
 - 1. Mortgages and related documentation prepared by the city attorney for property transactions.
 - 2. Drafting and recording of documents for street vacation not initiated by the city.
 - 3. Drafting of ordinances related to zoning.
 - 4. Costs associated with annexations.
 - 5. Recording fees for planned unit developments and related zoning and subdivision actions.
 - 6. Legal publication, hearing notices, and postage.
 - 7. Engineering, planning, financial, and related consultants' reviews, studies, and inspections.
 - 8. Any other fees associated with service demands by third parties not specifically related to general governmental services.
 - (b) Special events expenses. Any expenses associated with service demands related to special events. These expenses include but are not limited to:
 - 1. Labor, equipment, and materials used before, during and after special events.
 - 2. Garbage/refuse and recycling pickup and disposal.
 - 3. Legal services related to event.
 - 4. Drafting of documents related to event.
 - 5. Administrative costs associated with service demands related to special events.
 - 6. Any other fees associated with service demands related to special events.
- (2) Fees/deposit.
 - (a) Fees. Fees can only be charged upon prior notice to the petitioner who must sign an agreement to reimburse prior to initiating action. Prior to initiating any action, the department where petition is initiated shall secure the signed reimbursement agreement from petitioner and forward it to city ~~clerk~~-treasurer.
 - (b) Deposit. If reimbursement costs are estimated to be over \$250.00,

a deposit in the estimated amount may be required by the city prior to initiating action. Petitioner shall pay for all costs that exceed deposit amount, and petitioner shall be reimbursed if deposit amount exceeds costs.

- (3) Failure to pay fees. If the fee is not paid within 30 days of the date of the mailing of the invoice, an additional administrative collection charge of ten percent of the total fee shall be added to the amount due, plus interest shall accrue thereon at the rate of 1.5 percent per month or fraction thereof until paid. To the extent permitted by law, if the petitioner is the owner of the real estate for which the services are incurred, any delinquent fees shall be extended upon the current or the next tax roll as a special charge against the real estate premises for current services.

SECTION 2: This ordinance shall take effect on the day after its publication.

Approved:

David J. Ward, Mayor

Attest:

Stephanie L. Reinhardt, City Clerk

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Section 3.85(2) of the Municipal Code of the City of Sturgeon Bay, Wisconsin is hereby repealed and recreated to read as follows:

- (1) All official records created, kept and maintained for the city by its officers, departments and agencies are hereby declared to be public records available for public inspection and copying during regular business hours, except as follows:
 - (a) Records and minutes resulting from closed meeting sessions which are not approved for general publication by the mayor, city administrator or city attorney.
 - (b) Police investigative reports and evidence accumulated for ongoing police investigations and police business.
 - (c) Any records prohibited from public dissemination in accordance with state or federal laws.
 - (d) Those records exempted pursuant to § 19.35, Wis. Stats. or other applicable law.
- (2) The city clerk ~~treasurer~~ is authorized to charge the following fees for copying of public records:
 - (a) Twenty-five cents per page of copied public records for letter size and legal size. Costs will be adjusted for large size copies or other materials.
 - (b) Actual salary expenses per hour or portion thereof administrative time for research of public records.

SECTION 2: This ordinance shall take effect on the day after its publication.

Approved:

David J. Ward, Mayor

Attest:

Stephanie L. Reinhardt, City Clerk

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Section 3.09(2) of the Municipal Code of the City of Sturgeon Bay, Wisconsin is hereby repealed and recreated to read as follows:

The general policy of the city shall be that any city property of any value, not otherwise regulated as to disposition and remittance of funds, shall be regulated as herein provided:

- (1) Disposal of property. The authorized agent, commission or committee of the council shall dispose of the specific city property in the best interests of the city. Such agent, commission or committee shall, upon disposition, report to the council as to the method and details of such disposition. The report shall be in writing, and an additional copy shall be supplied to the city clerk-treasurer for recordkeeping purposes.
- (2) Remittance of funds. Any funds received pursuant hereto shall be turned over to the city ~~clerk~~-treasurer. The city clerk-treasurer shall issue a receipt therefor to the person remitting the funds. The funds shall be a general receipt of the city unless the original authority to sell or subsequent council action directs that the funds be otherwise accounted for.
- (3) Personal benefit to agent prohibited. No person who shall be the agent for disposition as herein called for, or who serves on a commission or committee which has the responsibility for disposition as herein called for, shall directly or indirectly benefit in any way from such disposition; nor may such person be involved directly or indirectly except as the seller's agent in the ultimate disposition of such property.
- (4) Penalties. Any person who violates such prohibitions as expressed in subsection (3) shall be subject to the penalties as provided for in this Code; in addition, such person shall have been deemed to have violated the ethics of his/her office and shall be subject to removal from office for cause as provided for by state law.

SECTION 2: This ordinance shall take effect on the day after its publication.

Approved:

David J. Ward, Mayor

Attest:

Stephanie L. Reinhardt, City Clerk

- **Chapter 4 - EMERGENCY**
GOVERNMENTMANAGEMENT

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- **4.01 - Policy and purpose.**

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A joint action ordinance of the Door County Board providing for a county-municipal joint action emergency services plan of organization was adopted by such county board on October 1, 1986. This ordinance is made a part hereof by reference and is hereby ratified and accepted by the city. This ratification and acceptance of the joint action ordinance shall constitute a mutual agreement between the city and Door County as provided by [section 3](#) of the joint action ordinance.

(Code 1992, § 4.01)

State Law reference— Emergency powers generally, § 66.325, Wis. Stats.

- **4.02 - Appointment of emergency services management director.**

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The county-~~municipal-services~~emergency management director, appointed and employed by the Door County Board as provided in the referenced Door County joint action ordinance, is hereby designated and appointed emergency services management director for the city, subject to the conditions and provisions as set forth in the Wisconsin Statutes and the Door County joint action ordinance.

(Code 1992, § 4.02)

10.013 – Restriction on Facsimile Firearms (State Statute 941.2965)

No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person.

Ordinance does not apply to any of the following:

- (a) Any peace officer acting in the discharge of his or her official duties. Notwithstanding s. 939.22 (22), this paragraph does not apply to a commission warden.
- (b) Any person engaged in military activities, sponsored by the state or federal government, acting in the discharge of his or her official duties.
- (c) Any person who is on his or her own real property, in his or her own home or at his or her own fixed place of business.
- (d) Any person who is on real property and acting with the consent of the owner of that property.

10.014 – Restrictions on Laser Pointer (State Statute 941.299)

No person may intentionally and for no legitimate purpose direct a beam of light from a laser pointer at any part of the body of any human being, direct the light in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person, or use in a manner that under the circumstances, tends to disrupt any public or private event or create or provoke a disturbance.

10.16 – Obscene Literature

Should this be eliminated?

10.115 – False Complaints of Police Misconduct (State Statute 946.66)

No person shall knowingly make a false complaint regarding the conduct of a law enforcement officer. "Law enforcement officer" has the meaning given in S. 165.85(2)(c). "Complaint" means a complaint that is filed as part of a procedure established under s. 66.0511(3).

10.22 – Public Assistance Fraud (State Statute 946.93)

No person who is receiving public assistance (Public assistance means any aid, benefit, or services provided under chapter 49) may do any of the following:

- (a) Having knowledge of an event affecting the initial or continued eligibility for public assistance, conceal or fail to disclose that event with an intent to fraudulently secure public assistance, including payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized.

(b) Receive any income or assets and fail to notify the public assistance agency within 10 days after receiving the income or assets, unless a different time period is required under the applicable public assistance program.

(c) Fail to notify the public assistance agency within 10 days of any change in circumstances for which notification by the recipient must be provided under law, unless a different time period is required under the applicable public assistance program.

(d) Receive a voucher under a public assistance program for goods or services and use the funding granted under the voucher for purposes that are not authorized by the public assistance agency.

10.066 – Crimes Against Public Peace, Order & Other Interests

No person may use a telephone to do any of the following: (State Statute 947.012)

(a) With intent to harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(b) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(c) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(d) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass any person at the called number.

(e) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

No person may use computerized communication systems to do any of the following: (State Statute 947.0125)

(a) With intent to harass, annoy or offend another person, sends a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(b) With intent to harass, annoy or offend another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and, in that message, uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(c) With intent solely to harass another person, sends repeated messages to the person on an electronic mail or other computerized communication system.

(d) With intent solely to harass another person, sends repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.

(e) With intent to harass or annoy another person, sends a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass or annoy another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(g) Knowingly permits or directs another person to send a message prohibited by this section from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

No person, with intent to harass or intimidate another person, may do any of the following: (State Statute 947.013)

(a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

(b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

- **Chapter 3 - FINANCIAL PROCEDURE^[1]**

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Footnotes:— (1) —

State Law reference— Financial procedures generally, § 62.12, Wis. Stats.

- **3.01 - Preparation of tax roll and tax receipts.**

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- (1) *Tax roll.* Pursuant to § 70.65(2), Wis. Stats., the ~~clerk~~-treasurer shall, in computing the tax roll, insert only the aggregate amount of state, county, local, school and other general property taxes minus credits applied under § 79.10(9), Wis. Stats., except credits determined under § 79.10(7m), Wis. Stats., in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied. Each tax bill or receipt shall show the purpose for which the taxes are to be used, giving the breakdown for state, county, local, school and other general property taxes. The tax roll shall indicate all corrections made under §§ 70.43 and 70.44, Wis. Stats.
- (2) *Tax receipts.* Pursuant to § 74.19, Wis. Stats., the city ~~clerk~~-treasurer shall enter in each tax receipt given by the county clerk for the payment of taxes the name of the person paying the taxes, if that person is not the owner of the property taxed, the date of payment and the aggregate amount of taxes paid. Tax receipts shall be signed, and a duplicate kept by the city ~~clerk~~-treasurer, after noting the payment of taxes upon the tax roll. The ~~clerk~~-treasurer shall then deliver the receipt to the appropriate person.

(Code 1992, § 3.01)

- **3.02 - Bonding of clerk and treasurer.**

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- (1) *Treasurer bond eliminated.* The city elects not to give the bond on the treasurer provided for by § 70.67(1), Wis. Stats.

(2) *City liable for default of treasurer.* Pursuant to § 70.67 (2), Wis. Stats., the city shall be obligated to pay, in case the treasurer shall fail to do so, all state and county taxes required by law to be paid by such treasurer to the county treasurer.

(3) *Fidelity bond for clerk under alternate financial procedure.* A fidelity bond or insurance policy of not less than \$5,000.00 or the currently required amount consistent with § 66.0609(4) Wis. Stats., shall be issued upon the city clerk in order to authorize the use of the alternative financial procedure as adopted in subsection [3.03](#)(3).

(Code 1992, § 3.02; Ord. No. 1169-0606, § 2, 6-20-06; Ord. No. 1340-0118, § 1, 1-16-18)

- **3.03 - Claims against city.**

modified

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(1) *Claims to be certified.* Prior to submission of any account, demand or claim to the city council for approval or payment, the finance/purchasing and building committee shall certify, by indicating its approval on each claim, that the following conditions have been complied with:

(a) Funds are available therefore pursuant to the budget. In the event that budget sources specified to expenditures have become unavailable, Common Council Rules and Order Rule XIII (Section [3.055](#), Municipal Code) shall apply.

(b) The item or service was duly authorized by the proper official or department head and has been received or rendered in accordance with the purchasing agreement.

(c) The claim is accurate in amount and a proper charge against the treasury.

(d) The item or service has been actually supplied.

(2) *Report of finance/purchasing and building committee.* At the next regular meeting of the city council, the ~~clerk~~-treasurer shall present to the city council the report of the finance/purchasing and building committee as to claims allowed. The city council may approve or reject the report in whole or in part and may approve the payment of additional accounts, demands and claims; however, no account, demand or claim shall be allowed by the city council until it has been reviewed by the finance/purchasing and building committee, except as provided for in subsections (3) and (4). No account, demand or claim against the city, except as provided for in subsections (3) and (4), shall be paid unless it has been allowed by

the city council by approval of the finance/purchasing and building committee's report or other action of the council. The clerk shall mark each account, demand or claim not approved with the appropriate legend.

(3) *Payment of bills.* Payment of bills where the timing is such that they cannot wait to be approved and processed at the next meeting of the common council.

(a) Other than claims subject to § 893.80, Wis. Stats., payments may be made from the city treasury prior to review by elected officials or committees for the following types of bills after the clerk-treasurer audits and approves each claim as a proper charge against the treasury and endorses his/her approval on the claim: credit cards, insurance, unemployment, internet service, bond payments, bank loans, contracts, leases, agreements, security deposits, emergency purchases, utilities, cafeteria plan, transfers to other governmental units, passthrough grants, and bills where a discount may be obtained.

(b) The clerk shall determine prior to endorsement of each claim that the following conditions have been complied with:

1. That funds are available for the claim under the approved budget;
2. That the item or service has been duly authorized by the proper official or department head;
3. That the item or service has been actually supplied;
4. That the claim is just and valid.

(c) The clerk shall file with the city council at the next regular council meeting, and no less than once a month, a list of all such claims approved showing the date paid, name of claimant, purpose, and amount.

(4) *Payment of regular wages, salaries, or employee retirement, disability, or death benefit payouts.* Regular wages, salaries, or employee retirement, disability, or death benefits of city officers and employees shall be paid by payroll or through accounts payable to benefit providers, verified by the proper city official, department head, board or commission and filed with the clerk-treasurer in time for payment on the regular payday.

(5) *Method of incurring claims.* All actions of the common council appropriating money or creating a charge against the city, other than claims for purchases or work previously authorized by the council, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of three-fourths of all members of the council. A roll call vote shall be taken and recorded on all appropriations.

(6) *[Annual audit.]* A detailed audit of financial transactions and accounts by a certified public accountant licensed or certified under ch. 442 Wis. Stats. and designated by the common council shall be obtained annually.

(Code 1992, § 3.03; Ord. No. 1169-0606, § 1, 6-20-06; Ord. No. 1233-0109, § 1, 1-6-09; Ord. No. 1244-1009, § 1, 10-20-09; Ord. No. 1388-0721, § 1, 7-6-21)

- **3.035 - Reimbursement of expenses.**

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(1) *[Authorization to charge for reimbursement.]* The city ~~clerk~~-treasurer is authorized to charge for reimbursement of expenses incurred on behalf of and for the benefit of third parties for services rendered by the city. These reimbursable expenses include, but are not limited to:

(a) *Legal, consulting, and incidental expenses.* Any expenses associated with service demands related to legal, consulting, and incidental services. These expenses include but are not limited to:

1. Mortgages and related documentation prepared by the city attorney for property transactions.
2. Drafting and recording of documents for street vacation not initiated by the city.
3. Drafting of ordinances related to zoning.
4. Costs associated with annexations.
5. Recording fees for planned unit developments and related zoning and subdivision actions.
6. Legal publication, hearing notices, and postage.
7. Engineering, planning, financial, and related consultants' reviews, studies, and inspections.
8. Any other fees associated with service demands by third parties not specifically related to general governmental services.

(b) *Special events expenses.* Any expenses associated with service demands related to special events. These expenses include but are not limited to:

1. Labor, equipment, and materials used before, during and after special events.
2. Garbage/refuse and recycling pickup and disposal.
3. Legal services related to event.
4. Drafting of documents related to event.
5. Administrative costs associated with service demands related to special events.
6. Any other fees associated with service demands related to special events.

(2) *Fees/deposit.*

(a) *Fees.* Fees can only be charged upon prior notice to the petitioner who must sign an agreement to reimburse prior to initiating action. Prior to initiating any action, the department where petition is initiated shall secure the signed reimbursement agreement from petitioner and forward it to city ~~clerk~~-treasurer.

(b) *Deposit.* If reimbursement costs are estimated to be over \$250.00, a deposit in the estimated amount may be required by the city prior to initiating action. Petitioner shall pay for all costs that exceed deposit amount, and petitioner shall be reimbursed if deposit amount exceeds costs.

(3) *Failure to pay fees.* If the fee is not paid within 30 days of the date of the mailing of the invoice, an additional administrative collection charge of ten percent of the total fee shall be added to the amount due, plus interest shall accrue thereon at the rate of 1.5 percent per month or fraction thereof until paid. To the extent permitted by law, if the petitioner is the owner of the real estate for which the services are incurred, any delinquent fees shall be extended upon the current or the next tax roll as a special charge against the real estate premises for current services.

(Ord. No. 1040-0500, § 1, 5-16-00; Ord. No. 1088-0303, § 1, 3-4-03)

- **3.04 - Fiscal year.**

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The calendar year shall be the fiscal year.

(Code 1992, § 3.04)

State Law reference— Similar provisions, § 62.12(1), Wis. Stats.

- **3.05 - Budget.**

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(1) *Departmental estimates.* On or before September 15 of each year, each officer, department or board shall file with the treasurer an itemized statement of disbursements made to carry out the powers and duty of such officer or department during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer or department during such year, and of the condition and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statement shall be presented in the form prescribed by the treasurer and shall be designated as "departmental estimates," and shall be as nearly uniform as possible for the main divisions of all departments.

(2) *Committee of the whole to consider estimates.* The committee of the whole shall consider such departmental estimates in consultation with the department head, and shall then determine the total amount to be recommended in the budget for such department or activity.

(3) *Committee of the whole to prepare proposed budget.*

(a) *Information to be included.* On or before October 28 each year, the committee of the whole shall prepare and submit to the council a proposed budget presenting a financial plan for conducting the affairs of the city for the ensuing calendar year. The budget shall include the following information:

1. The expense of conducting each department and activity of the city for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year.
2. An itemization of all anticipated income of the city from sources other than general property taxes and bonds issued with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal year.
3. An itemization of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

4. Such other information as may be required by the council and by state law.

5. The council shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(b) *Hearing.* The council shall hold a public hearing on the proposed levy as required by law. Budget/levy amendments will be conducted in accordance with state statutes.

(Code 1992, § 3.05; Ord. No. 1300-0514, § 1, 5-20-14)

- **3.055 - Appropriations.**

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An "appropriation" is defined as the dedication of money to a specified account for a public purpose at the time of approving the annual budget, or in the course of increasing a specified account over the budgeted amount after the annual budget is approved which results in a net increase in the total annual budget over the original budget authorization. A proposed nonbudgeted appropriation of money for any purpose not specifically identified and contemplated in the annual budget must be approved by an affirmative vote of three-fourths of the entire membership of the common council. All appropriations of funds from contingency or undesignated budgetary accounts shall be treated as transfers of funds.

(Ord. No. 1044-0600, § 2, 6-20-00)

- **3.06 - Transfer of funds.**

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A "transfer of funds" is defined as a reallocation of funding within the annual budget within specific budgetary categories which does not result in a net increase in the total annual budget over the original budget authorization. Any transfer of funds must be approved by the city administrator. A transfer of funds up to \$5,000.00 may be authorized by the city administrator. Any transfer of funds greater than \$5,000.00 up to \$10,000.00 may be authorized by a simple majority of the common council at any time. Any transfer of funds greater than \$10,000.00 must be authorized by an affirmative vote of three-fourths of the entire membership of the common council.

(Code 1992, § 3.06; Ord. No. 1044-0600, § 3, 6-20-00; Ord. No. 1251-0410, § 1, 4-6-10; Ord. No. 1342-0318, § 1, 3-6-18)

- **3.07 - City funds to be spent in accordance with appropriation.**

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No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by [section 3.06](#) of this chapter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation, but appropriations may be made by the council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which the appropriation was made shall have been accomplished or abandoned.

(Code 1992, § 3.07)

- **3.075 - Reserved.**

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Editor's note— Section 1 of Ord. No. 1048-0900, adopted Sept. 5, 2000, repealed § 3.075, which pertained to replenishment of the park and recreation development account with related grant funds, and derived from § 3.075 of the 1992 Code.

- **3.08 - Destruction of public records.**

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(1) *Financial records.* Officers may destroy the following nonutility records under their jurisdiction after the completion of an audit by the department of state audit or an auditor licensed under ch. 442, Wis. Stats., but not less than seven years after payment or receipt of the sum involved in the applicable transaction:

(a) Bank statements, deposit books, slips and stubs.

(b) Bonds and coupons after maturity.

- (c) Canceled checks, duplicates and check stubs.
- (d) License and permit applications, stubs and duplicates.
- (e) Payrolls and other time and employment records of personnel included under the Wisconsin retirement fund.
- (f) Receipt forms.
- (g) Special assessment records.
- (h) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(2) *Utility records.* Officers are empowered to destroy the following records of municipal utilities subject to regulation by the state public service commission and after an audit as provided above, but not less than two years after payment or receipt of the sum involved in the applicable transaction:

- (a) Water, sewer, and electrical stubs and receipts of current billings.
- (b) Customers' ledgers.
- (c) Vouchers and supporting documents pertaining to charges not included in plant accounts.
- (d) Other utility records after seven years, with the written approval of the state public service commission.

(3) *Other records.* Officers are empowered to destroy the following records, but not less than seven years after the record was effective:

- (a) Assessment rolls and related records, including board of review minutes.
- (b) Contracts and papers relating thereto.
- (c) Correspondence and communications.
- (d) Financial reports other than annual financial reports.
- (e) Insurance policies.
- (f) Justice dockets.

(g) Oaths of office.

(h) Reports of boards, commissions, committees and officials duplicated in the official minutes.

(i) Resolutions and petitions.

(j) Voter record cards.

(4) *Notice required.* Prior to the destruction of any public record described above, at least 60 days' notice shall be given the state historical society.

(5) *Requested records.* The city may not destroy any record at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied. If an action is commenced under § 19.37, Wis. Stats., the requested record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the requested record may not be destroyed until after the request for inspection or copying is granted.

(Code 1992, § 3.08)

- **3.085 - Access to public records.**

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(1) All official records created, kept and maintained for the city by its officers, departments and agencies are hereby declared to be public records available for public inspection and copying during regular business hours, except as follows:

(a) Records and minutes resulting from closed meeting sessions which are not approved for general publication by the mayor, city administrator or city attorney.

(b) Police investigative reports and evidence accumulated for ongoing police investigations and police business.

(c) Any records prohibited from public dissemination in accordance with state or federal laws.

(d) Those records exempted pursuant to § 19.35, Wis. Stats. or other applicable law.

(2) The city ~~clerk~~-treasurer is authorized to charge the following fees for copying of public records:

(a) Twenty-five cents per page of copied public records for letter size and legal size. Costs will be adjusted for large size copies or other materials.

(b) Actual salary expenses per hour or portion thereof administrative time for research of public records.

(Code 1992, § 3.085; Ord. No. 1006-0698, § 1, 6-16-98)

State Law reference— Public records generally, § 19.35, Wis. Stats.

- **3.09 - Disposition of municipal property and remittance of funds.**

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The general policy of the city shall be that any city property of any value, not otherwise regulated as to disposition and remittance of funds, shall be regulated as herein provided:

(1) *Disposal of property.* The authorized agent, commission or committee of the council shall dispose of the specific city property in the best interests of the city. Such agent, commission or committee shall, upon disposition, report to the council as to the method and details of such disposition. The report shall be in writing, and an additional copy shall be supplied to the city clerk-treasurer for recordkeeping purposes.

(2) *Remittance of funds.* Any funds received pursuant hereto shall be turned over to the city ~~clerk~~-treasurer. The city ~~clerk~~-treasurer shall issue a receipt therefor to the person remitting the funds. The funds shall be a general receipt of the city unless the original authority to sell or subsequent council action directs that the funds be otherwise accounted for.

(3) *Personal benefit to agent prohibited.* No person who shall be the agent for disposition as herein called for, or who serves on a commission or committee which has the responsibility for disposition as herein called for, shall directly or indirectly benefit in any way from such disposition; nor may such person be

involved directly or indirectly except as the seller's agent in the ultimate disposition of such property.

(4) *Penalties.* Any person who violates such prohibitions as expressed in subsection (3) shall be subject to the penalties as provided for in this Code; in addition, such person shall have been deemed to have violated the ethics of his/her office and shall be subject to removal from office for cause as provided for by state law.

(Code 1992, § 3.09)

State Law reference— Sale of public land generally, § 24.07 et seq., Wis. Stats.

- **3.10 - Forfeited and abandoned property.**

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(1) *Transfer of forfeited property.* The chief of police is hereby authorized to participate in the equitable transfer of federally forfeited property to local law enforcement agencies under [21](#) U.S.C. 88(1)(e) and [19](#) U.S.C. 1616, and a separate account shall be maintained for the purpose of itemizing those funds received under such program.

(a) The tangible property or cash that is transferred shall be credited directly to the police department for use in the police department investigative fund and for general law enforcement purposes.

(b) Any funds received through the program shall only be used to enhance the law enforcement resources of the police department and shall not be used in any manner to reduce the budget appropriation for the police department in any year.

(2) *Abandoned personal property.*

(a) *Authority.* This section is enacted pursuant to the authority of § 66.0139, Wis. Stats., as amended.

(b) *Disposal of personal property.* Personal property, other than cash, which has been abandoned or which remains unclaimed for a period of 90 days after the property is not needed for evidence or if all proceedings in which the property might be required as evidence have been completed or expired, shall be disposed of by any means including but not limited to a public auction, determined to be in the best interest of the city. If the disposal is in the form of a sale, all receipts from the

sale, after deducting the necessary expenses of keeping the property and conducting the sale shall be paid into the city treasury. The officer shall attempt to return to the rightful owner such items of personal property which have a substantial value, if the owner can reasonably be determined.

(c) Disposal of cash.

1. Personal property consisting of cash which has been abandoned, or which remains unclaimed for a period of 90 days after the property is not needed for evidence, or if all proceedings in which the property might be required as evidence have been completed or expired, shall be turned over to the city treasurer and credited to the general city revenue account. The city shall attempt to return to the rightful owner such items of personal property consisting of cash which have a substantial value, if the owner can be reasonably determined.

2. Notwithstanding subsection 1, abandoned or unclaimed personal property consisting of cash which has been seized as part of a controlled substance, controlled substance analog or marijuana arrest or investigation shall be placed in a police department account for use solely for law enforcement activities by the police department or, at the discretion of the police chief. Any funds received as a result of this subsection shall not be used in any manner to reduce the budget appropriation for the police department in any year. For the purposes of this paragraph "controlled substance," "controlled substance analog," and "marijuana" shall have the meanings defined in § 961.01, Wis. Stats., as amended.

(d) Disposal of abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices. Any city officer may safely dispose of abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices posing a danger to life or property in their storage, transportation or use immediately after taking possession of the substances, materials or devices without a public auction. If the substance, material or device appears to be or is reported stolen, an attempt shall be made to return the substance, material or device to the rightful owner. The officer shall attempt to return to the rightful owner such substances, materials or devices which have a commercial value in the normal business usage and do not pose an immediate threat to life or property.

(e) *Records to be kept.* If abandoned or unclaimed personal property is not disposed of in a sale open to the public, the police chief, or his designee shall maintain an inventory of the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period not less than two years from the date of disposal of the property.

(f) *abandoned, unclaimed or seized dangerous weapons or ammunition.* Abandoned, unclaimed or seized dangerous weapons or ammunition may be disposed of only under § 968.20, Wis. Stats., as amended.

(Ord. No. 1286-1212, § 1, 12-18-12)