CITY OF PRESCOTT, WISCONSIN
MEETING NOTICE
REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 28, 2016 AT 6:30 P.M.
PRESCOTT MUNICIPAL BUILDING, 800 BORNER STREET
PRESCOTT, WI 54021
WEBSITE: PRESCOTTWI.ORG

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. **PUBLIC COMMENTS – THE CITY COUNCIL WILL RECEIVE PUBLIC COMMENTS ON ANY ISSUE(S) NOT RELATED TO AGENDA ITEMS. LIMITED DISCUSSION BY THE CITY COUNCIL MAY TAKE PLACE, HOWEVER NO ACTION WILL BE TAKEN ON ANY ITEMS. THIS INCLUDES RECEIVING WRITTEN REQUESTS OR DOCUMENTATION AND POSSIBLE ACTION AT A FUTURE COUNCIL MEETING**

5. **CONSENT AGENDA**
   1. MARCH 14, 2016 REGULAR CITY COUNCIL MEETING MINUTES
   2. MARCH 16, 2016 PUBLIC WORKS COMMITTEE MEETING MINUTES
   3. MARCH 21, 2016 PUBLIC WORKS COMMITTEE MEETING MINUTES
   4. FEBRUARY 18, 2016 PRESCOTT PUBLIC LIBRARY BOARD OF TRUSTEE MEETING MINUTES

6. **REPORTS OF STANDING COMMITTEES**

A. PUBLIC WORKS
1. ENERGY SAVINGS PERFORMANCE CONTACTING RECOMMENDATION – TRANE
2. DISCUSSIONS ON CREATING ASSESSORS PLAT FOR LAKE STREET

B. FINANCE COMMITTEE
1. NOTICE OF DETERMINATION FOR 2015 OBJECTION TO ASSESSMENT FROM THE BERGQUIST COMPANY
2. 2014 PERSONAL PROPERTY TAX CHARGE BACKS

C. PARKS & PUBLIC PROPERTY
1. SET MEETING DATE – REQUEST FROM RESIDENTS REGARDING ALLEYS

D.ORDINANCE
1. 2ND READING WITH POSSIBLE WAIVER OF 3RD READING AND APPROVAL OF ORDINANCE 02-16 CHAPTER 470 "SEWERS"
2. 1ST READING WITH POSSIBLE WAIVER OF 2ND & 3RD READING AND APPROVAL OF ORDINANCE 01-16 "ROOM TAX"

E. LICENSE

F. PERSONNEL
1. DIVERSITY TRAINING – APRIL 6, 2016 AT CITY HALL, TWO MEETINGS 1-3 PM OR 6 -8PM

G. HEALTH & SAFETY

H. PLANNING COMMISSION

I. COMMUNICATIONS & NEW BUSINESS
1. OTHER BUSINESS
2. CONVENE INTO CLOSED SESSION PURSUANT TO WIS. STAT. 19.85 (1) (E) DELIBERATING OR NEGOTIATING THE PURCHASING OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION – NEGOTIATE EASEMENT ACROSS STAGECOACH PROPERTY
3. RECONVENE INTO OPEN SESSION
4. TAKE ACTION ON ITEMS DISCUSSED IN CLOSED SESSION
5. ADJOURNMENT

NOTICE

ACCESS TO THE MUNICIPAL BUILDING FOR THE DISABLED IS AVAILABLE THROUGH THE REAR PARKING LOT ENTRANCE. ALL THOSE WITH SPECIAL NEEDS SHOULD CALL CITY HALL OFFICES (715-262-5544) IF ASSISTANCE IS NEEDED

MARCH 14, 2016 REGULAR CITY COUNCIL MEETING MINUTES

Pursuant to due call and notice thereof, a regular meeting of the Prescott City Council was held on Monday, March 14, 2016 in the Prescott Municipal Building, 800 Borner St., Prescott, WI 54021.

Call to order/Roll Call: Mayor David Hovel called the meeting to order at 6:30 p.m. Members present were Maureen Otwell, Bill Dravis, Galen Seipel and Rob Daugherty. Jack Hoschette and Joshua Gergen were excused. Public Works Director Hank Zwart and City Administrator Jayne Brand represented staff. Also present Russ Kivienmi and Seth Hudson of Cedar Corporation, City Engineers

Pledge of Allegiance was said.

Public Comments: None were given.

Daugherty/Dravis motion to approve the consent agenda which included approval of February 15, 2016 special city council meeting minutes, February 22, 2016 regular city council meeting minutes, February 2, 2016 parks and public property committee meeting minutes, March 7, 2016 ordinance committee meeting minutes, January 21, 2016 Prescott Public Library Board meeting minutes, Chief of Police quarterly report, building inspection report for February, budget comparison as of December 2015, cash balances & budget year to date February 2016, accounts payable and payroll and review of receivables passed without a negative voice vote.

Seipel/Dravis motion to approve service agreement with Quality Computer Service for information technology services passed without a negative voice vote.

Dravis/Daugherty motion to approve cigarette license for St. Croix Distributors Inc. DBA Prescott Smokes and Vapor passed without a negative voice vote.

Otwell/Dravis motion to approve request from Body Works to use streets for 3 mile walk/run on Saturday, June 4, 2016 passed without a negative voice vote.

Daugherty/Otwell motion to approve the 1st reading of Ordinance 02-16, Chapter 470 "Sewers" passed without a negative voice vote.

Dravis/Otwell motion to approve resolution 03-16 "Resolution identifying the line of succession for proclaiming an emergency or disaster in the City of Prescott" passed without a negative voice vote.

Otwell/Daugherty motion to go into closed session per Wisconsin Stats. 19.85 (1) (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closes session-discuss two proposed economic development projects passed unanimously via roll call vote.

Otwell/Daugherty motion to come out of closed session passed without a negative voice vote.

Daugherty/Dravis motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand
City Administrator

CITY OF PRESCOTT, WISCONSIN

MARCH 16, 2016 PUBLIC WORKS COMMITTEE

Pursuant to due call and notice thereof, a meeting of the Public Works Committee was held Wednesday, March 16, 2016, 800 Borner St., Prescott, WI 54021.

Call to order/Roll Call: Committee Chair Rob Daugherty called the meeting to order at 6:00 p.m. Members present were Rob Daugherty and Bill Dravis. Joshua Gergen was excused. Public Works Director Hank Zwart and City Administration Jayne Brand represented staff. Also present representatives from Trane

Dravis/Daugherty motion to approve the minutes for January 20, 2016 passed without a negative voice vote.

The committee discussed with the representatives of Trane their qualifications for energy savings performance contracting with the City of Prescott. **Dravis/Daugherty motion to recommend Trane for energy savings performance contracting passed without a negative voice vote.**

Dravis/Daugherty motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand, City Administrator

CITY OF PRESCOTT, WISCONSIN

MARCH 21, 2016 PUBLIC WORKS COMMITTEE

Pursuant to due call and notice thereof, a meeting of the Public Works Committee was held Wednesday, March 16, 2016, 800 Borner St., Prescott, WI 54021.

Call to order/Roll Call: Committee Chair Rob Daugherty called the meeting to order at 6:00 p.m. Members present were Rob Daugherty and Bill Dravis. Joshua Gergen was excused. Public Works Director Hank Zwart and City Administration Jayne Brand represented staff.

Dravis/Daugherty motion to approve the minutes for March 16, 2016 passed without a negative voice vote.

Public Works Director Hank Zwart discussed with the committee that Lake Street needs to be reconstructed. Included in the reconstruction would be the replacement of water and sanitary mains for the city and possibly laterals for the residents. The first thing which needs to be completed is an assessor plat. The assessor plat would have a survey completed and title searches on the property for the last 50 to 60 years. The city is under the understanding the assessor plat can be special assessed back to the property owners. Ken Roen, Lake Street resident asked about how special assessments are paid. It was explained the property owner can pay off all at once or set up payments over a number of years. Brian Crist, Lake Street resident asked about the cost of an assessor plat. Public Works Director Hank Zwart stated the city had an estimate of about $60,000. Hank was unsure if the estimate covered the entire street or just half of the street. Roger Santelman stated the street is defined by retaining walls and sidewalks. He felt the city could do a field measure drawing of the street and where homes and retaining walls currently are. Jim Shiely stated he feels the city should do an action of quiet title. The consensus of the Lake Street residents attending the meeting is they want to move forward with this project. The consensus of the committee and residents are to have another meeting, delineate the process and spell out who pays for what. It was also suggested look for grant money especially for mitigation funds to help with stormwater. City staff will contact residents once a meeting is set.

Gary Ries and Mary Paul of StageCoach discussed with the committee the easement needed through StageCoach property for a water main loop between Kasson and Canton Streets. Ries stated that the stormwater from the industrial park runs through his property and because of this he had to add addition stormwater pipe to handle the stormwater. The city would like to put through an 8" water line. Alderperson Dravis stated he would like to see the water line larger. Ries asked if the city is going to have to open the street to put in the water line he would also like to have the city put in a sewer line. Ries requested from the committee half of his cost for stormwater, sewer line laid along with the water line and the waiver of impact fees and sewer hookup fees for two building in exchange for granting the easement through the StageCoach property. The committee moved this request to Council for a closed session discussion without a recommendation.

Dravis/Daugherty motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand, City Administrator

Prescott Public Library Board of Trustees
Monthly Meeting Minutes
February 18, 2016

Present: Colleen Harris, Peter Kelly, Charity Lubich, Jane Enright, Jim Baran, Maureen Otwell
Absent: Anne Kressly

Call to Order: President Harris called the meeting to order at 6:31pm.with a roll call of Board Members confirming that a quorum was present. This meeting is in compliance with the open meeting law.

Agenda: A motion to approve the agenda for February 18, 2016 was made by Jim Baran, and seconded by Maureen Otwell.

Approval of Minutes:
A motion to approve the January 21, 2016 Meeting Minutes was made by Pete Kelly; seconded by Maureen Otwell.

Director's Report:
February 2016

Revenue:	Fines & Fees	Fax & Copies
1/28/16	$456.67	
2/17/16	$211.11	$246.72
	$667.78	$246.72

Total Circulation	January 2016	January 2015	January 2014
	6548	8027	8881

OverDrive	Downloads	Freading	
Total			
January 2016	469	4	473
January 2015	331		331

Pharos Internet Management:

	January 2016	January 2015	January 2014
# of sessions	677	345	289

Door Count:	January 2016	January 2015	January 2014
	2623	2902	3155

January 2016 Programming Statistics

Event Attendance

Age Levels	Storytime (8)	E-books & More Workshop	6th Grade Scavenger Hunt	Totals
Adults	38	0	6	44
Teens	0	0	106	106
Children	56	0	0	56
Totals	**94**	**0**	**112**	**206**

Number of times event occurred is (1), unless otherwise noted.

On-going Programs

1000 Books Before Kindergarten Registrations as of January 31 = 116
10 children have completed the program as of January 31.

Total number of people served by Programming and Outreach in January 2016 was 206.

Library News

The annual report to the State of Wisconsin was completed on Monday, 2/15. After getting the Library Board Presidents' signature it will be sent to IFLS. They review all the consortium reports before forwarding them to the WI Department of Public Instruction. Previous years' reports can be viewed on their website. Next month I will provide an overview of Prescott Public Library's statistics for 2014.

March 10th Elise Parsley, author of the children's book "If You Ever Want to Bring an Alligator to School, Don't!" will be here. Her presentation will be in the City Council chambers at 6:30. I have included the flyer used to promote her visit. Advertising will be seen in the local Shopper and newspapers.

A survey is available on the Prescott Library website and in paper form near the new books display area. Please take a moment to fill one out. The survey has been out for a little over two weeks. A summary of the results is attached. Please review and let me know how much longer we should collect this data, which will be used in finalizing the Long Range Plan for your library.

I have provided you with examples of other library's goals and objectives. In addition, please read the questions and thoughts we put together, a wish list and a draft of the Prescott 2016-2020 Long Range Plan. It is unformatted and not listed in order of importance. Your thoughts, as well as survey results and library staff input will assist me in prioritizing out goals and objectives for the future of the Prescott Public Library.

The Director's Report was accepted without questions.

Annual Report:
The Annual Report has been completed and the finalized report will be available at the March meeting.

Long Range Plan:
A draft Long Range Plan was presented to the Board. Highlights include:

- Continuation of non-fiction items
- Heating and cooling inconsistent throughout building and scheduled for replacement in 2016.
- Reviewed STEM, STEAM and MakerSpace – building workshops. Staff availability and resources are a concern.
- RDA Cataloging – would need to determine the benefits, change most likely determined by IFLS.

Collaborative Opportunities:

- Opportunities for cost sharing
- Summer programs – business sponsorships
- School programs – through parent programs (not school budget)
- Grant programs and foundation opportunities

Reviewed "Wish List" from staff members.
Long Range Plan will be kept on the agenda until completed.
Goal completion date: May 2016

Patron Survey:
Suggestions to make survey known to more library patrons

- Add to newsletter from City with water bill
- Request day care providers to send to their families
- Dedicated computer site for survey taking
- Insert at checkout with survey information
- Ad in Shopper

Patron Survey will be kept on the agenda for the March meeting.

Library Expenditures:
A motion to approve the presented Library Expenditures for February 18, 2016 was made by Maureen Otwell; seconded by Jim Baran.

Treasurer's Report:
Kate Otto reported a checking account balance of $7594.73. Investment options at different banks are being reviewed by Otto. Transfer fees will also be reviewed.

Jane will investigate the Library Fee from the City for banking.

Action items for March:
1. Continue Long Range Plan – additional ideas, prioritize, wish list

2. Checking account options
3. Patron Survey results

Adjourn: A motion to adjourn the meeting at 8:10pm was made by Pete Kelly; seconded by Maureen Otwell.

Next Meeting: Thursday, March 17, 2016 6:30 p.m.

Respectfully Submitted,
Charity Lubich
Vice President

Trane U.S. Inc.
775 Vandalia Street
Saint Paul, MN 55114
Phone: (651) 468-2700
Fax: (866) 445-5440

February 15, 2016

Jayne M. Brand
City Administrator/ Clerk
800 Borner St.
Prescott, WI 54021

Dear Ms. Brand,

Trane is pleased to provide a response to the City of Prescott Request for Qualifications for an energy savings performance contract. It is our understanding that the City of Prescott is looking to engage with a qualified Energy Services Company (ESCO) to deliver an energy savings project.

This Request for Qualifications contemplates a relationship for something more than simply acting as a Construction Manager. It contemplates engineering, design, guaranteed energy savings, support services and a long-term relationship. We are therefore excited about the opportunity to work with the City of Prescott in a greater capacity.

Three key characteristics are evident in our proposal:

- Trane is local
  - 46 employees who either live in or regularly work within 30 miles of the City of Prescott, including 4 of 7 team members assigned to this project are residents of Prescott
  - 2000+ employees thoughout Wisconsin
  - Has worked with over 81 Wisconsin contractors that are relevant to this project
  - Has shared experience with numerous firms that have conducted work in the City of Prescott
  - Currently service numerous customers in the Prescott area, including:
    - School District of Prescott
    - UNFI
    - PTACEK's
    - Cernohous Chevrolet
    - River City Stitch
    - Pierce County Courthouse and Office Building
    - City of Hastings
    - University of WI – River Falls
- Trane is a well-established and stable company
  - Over $8 billion in revenue
  - NAESCO certified with a Best Rating of AAA+
  - Profitably been in business over 100 years
- Trane has substantial experience
  - Over $1 billion in guarantees
  - Operating in Wisconsin for over 75 years
  - Perfomed over 30 energy services contracts in the State of Wisconsin
    - 502 performance contracts executed as a firm in the U.S. since 1995
  - Staff dedicated to this project have worked with over 25 local Wisconsin government facilities and over 20 Wisconsin school districts on Performance Contracts and comprehensive solutions

We look forward to your review of our response and to our continued partnership with the City of Prescott.

Sincerely,
Kerry O'Connell
Comprehensive Solutions
Account Executive

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Executive Summary

It is our understanding that the City of Prescott (the City) is looking to partner with a qualified Energy Services Company (ESCO) to conduct an Investment Grade Audit (IGA) of the City facilities to help identify and address issues with facility comfort, facility maintenance and to address deferred maintenance needs.

Trane is a wholly owned subsidiary of Ingersoll Rand, which provides solutions help to improve lives around the world through innovative heating, ventilation and air conditioning systems, controls, parts, service and comprehensive solutions. Ingersoll Rand is a world leader in creating and sustaining safe, comfortable and efficient environments. In the energy industry, Trane has developed and implemented more than 750 energy-related contracts with a total value of more than $1.8B in the past 17 years.

Trane brings a broad portfolio of complementary products, services and solutions in energy, manufacturing, HVAC, building design, operations and service that will provide the City with a holistic and comprehensive set of potential solutions to meet and exceed the project goals for the City of Prescott and its community.

We have the ability to

- ✓ Finance the project
- ✓ Deliver intelligent solutions by connecting building systems to business decisions
- ✓ Provide deep technical expertise across multiple building systems
- ✓ Design a sustainable project that saves energy, reduces operational expenses and reduces the carbon footprint of the City of Prescott
- ✓ Utilize world class energy efficient products
- ✓ Work together with the City to deliver a solution with the desired results

How our team will exceed the City's Expectations

Our team is exceptionally qualified to maximize the benefits available to the City of Prescott through a comprehensive energy services program. We believe we have the ability to make the City of Prescott's buildings work better for life with core competency and industry leadership in all phases of the facility life cycle including design, manufacture, installation, service and maintenance of industry leading equipment and state of the art building systems.

In addition to addressing the facility needs of the City, our solution will also deliver the following advantages to the project.

COMMUNITY FAMILIARITY

Trane employs several citizens of the City of Prescott in Minnesota and Wisconsin and will continue to support the development of the community. The partnership between Trane and the City is in alignment with the City's desire to foster relationships, grow together, and become a more sustainable and efficient city.

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For many years, Trane has been providing service, equipment and solutions to various businesses and schools in the Prescott area. During that time, and over the course of several projects, Trane has worked with and developed relationships at multiple levels within the City, both internally and externally. It is our belief that these relationships and familiarity with the City of Prescott, its businesses and community, processes and external partners, will allow for a much more efficient execution of the project. Working with a "trusted partner" who understands the expectations and the desired outcomes of the City, has developed a reputation of "doing what's right for the City" and stands behind all of its products, solutions and services will provide a level of comfort for the community of Prescott as we move forward with the IGA and project.

COST & EFFICIENCY ADVANTAGE

Trane self-performs work and manages risk internally. The *Ernest Orlando Lawrence Berkeley National Laboratory* regularly conducts studies concerning the ESCO industry. The June 2010 study analyzed multiple ESCO ownership types, their approach to Performance Contracting and their impact on owners. Trane is categorized as a Building Equipment and Controls ESCO in the report. A Building Equipment and Controls ESCO is defined as one who self performs mechanical and controls engineering design, performance contracting consulting including finance consulting, rebates and grant writing, energy measurement and verification services, full 24/7 warranty and service department for equipment and controls. Berkeley Lab characterizes manufacturer ESCOs like Trane who have broad and distinctive business portfolios as most beneficial to owners in comparison to less flexible Utility owned ESCOs, more risk adverse independent owned ESCOs, and more narrowly focused Engineering owned ESCOS. Trane manages its Performance Contracting business expenses at industry low levels by leveraging its broad core businesses and unique business strategies.

By self-performing work, Trane reduces unnecessary mark-ups, fees, and overhead expenses. Trane's diverse core competencies such as engineering, energy, HVAC, controls, and service comes into alignment with elements of the City's strategic plan to increase efficiency and become more energy aware. Trane routinely self performs the vast majority of these scopes of work thus avoiding unnecessary fees, overhead, and mark-up expenses associated with outsourcing these services which can consume construction budgets and eliminate ECMs.

Trane also provides warranties, on-going HVAC/ controls preventative maintenance and repair work. An *Ernest Orlando Lawrence Berkeley National Laboratory* July 2003, Independent Study on Life Cycle costs identified a 5-10% increase in warranty and service expenditures when ESCOs outsource on-going preventative maintenance and repair work for the duration of the Performance Contract Agreement. Most engineering, utility, and independently owned ESCOs have limited self-performing on-going warranty and service departments as a result of subcontracting construction work to third-party vendors and contractors. During the construction period, engineering, utility, and independently owned ESCOs subcontract third-party vendor's products and services and resells these items to the owner. Post-construction, engineering, utility and independently owned ESCOs act as a service dispatcher notifying and marking-up the

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same third-party vendors to fix warranty, preventative maintenance, and repair work over the duration of the Performance Contract performance period.

SUMMARY

Together, our team provides an unmatched combination of financial strength, technical capabilities, equipment assets, software, controls and expertise to meet and exceed the current and evolving needs of the City of Prescott. Combined, we have the ability to finance and design innovative solutions that will deliver world-class results to the City and its administration.

Enclosed are the details requested for our response. As Trane strives to provide the best service specifically tailored to our individual customers, we will work with the City of Prescott, after the award, to customize and craft the final scope, corresponding price and mutually agreeable contract.

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Background, Experience, & Capabilities

A. Background and Firm Profile

General Information

Company Name: Trane U.S. Inc.
Local Business Address: 775 Vandalia St.
City, State, Zip Code: St. Paul, MN 55114
Phone Number: 651-468-2700
Website: www.trane.com/commercial/
Below is a list of the officers of Ingersoll Rand and Trane:
Mike Lamach, CEO
Marcia Avedon, SVP of HR, Communications and Corporate Affairs
Paul Calmuti, SVP, Innovation and Chief Technology Officer
Susan Carter, SVP and CFO
Maria Green, SVP General Counsel
Stephen Hagood, SVP and CIO
Dave Regnery, President, HVAC North America, Europe, Middle East and Africa
Keith Sultana, SVP Global Operations & Integrated Supply Chain
Didier Teirlinck, Executive VP, Climate
Todd Wyman, SVP and President Compression Technologies and Services
Mitchell Farrell, District General Manager, Great Northern Plains District (GNP)

If awarded this project the following will be your primary contact.

Project Primary Contact	**Trane US, Inc.**	**Local Offices**
Kerry O'Connell Office: 651.468-2733 Mobile: 715.721-0967 Email: Kerry.OConnell@trane.com www.trane.com/buildingadvantage	775 Vandalia Street St. Paul, MN 55114 Office: 877.667-9177 24hr Service 800.431-3755 www.trane.com/commercial	• Twin Cities • Chippewa Falls • La Crosse • Appleton • Milwaukee • Madison

Parent Company: Ingersoll Rand
Address: 170/175 Lakeview Drive, Airside Business Park, Swords, Co. Dublin, Ireland
Website: www.ingersollrand.com

Ownership: Trane U.S. Inc. is a wholly-owned subsidiary of Ingersoll Rand (NYSE: IR).
Date Founded: 1913 (Trane) – In business for over ***100*** years
Type of Company: Corporation
State of Incorporation: Delaware

Years in Performance-based Contracting: 20 years
Number of Guaranteed Energy Contracts: U.S.: 502, GNP: 25, WI: 12

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Employees and Locations

Trane's employees are respected industry-wide for their skills, performance and customer service and we are constantly upgrading the skills of our highly trained people to stay on top of emerging technical priorities. Trane currently employs:

- Approximately 27,000 employees worldwide
- 2000+ employees within Wisconsin
- Trane has 23 manufacturing and 9 research and design facilities in 10 different countries.
- In North America, Trane has more than 250+ company-owned and independent commercial sales offices and service locations, 164 retail parts store locations, and 14 manufacturing facilities
- 7,600 HVAC sales engineers
- 3,000 Engineers
- 140 Certified Energy Managers
- 200 Certified Project Managers
- Over 4,300 factory authorized service technicians
- 900+ LEED Accredited Professionals
- Great Northern Plains District, comprised of WI, MN, ND & SD has over 300 Associates.
- Trane has 46 employees that live within 30 miles of Prescott

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Overview

Trane is qualified on a regional, state and national basis to design, engineer, implement and manage energy programs similar to that structured for the City of Prescott.

Trane brings the advantage of being a top-tier, global energy services provider with the additional experience of over 80 years leading the energy and efficiency industries worldwide. As an Energy Services Company (ESCO), Trane provides total systems upgrades in the areas of energy efficiency, modernization, sustainability, reliability and improved comfort. On a national basis, Trane is the recipient of innumerable awards, accreditations and qualifications. These accolades are attributable to the quality of Trane's local teams. The City of Prescott will benefit from the strength and depth of its local team and the complementing resources the team can offer.

As a U.S. Green Building Council Member (USGBC, Trane has made a major commitment towards USGBC's Leadership in Energy & Environmental Design (LEED) building certification program. Trane is a Platinum sponsor of GreenBuild and the LEED program. The LEED program certifies buildings at different levels of energy efficiency and low environmental impact, basing the assessment on specific credit areas in a number of different categories.

Trane is an EPA ENERGY STAR Ally and manufacturer of ENERGY STAR compliant products. Some of Trane's newest manufacturing facilities are ENERGY STAR award winning facilities. Trane's experience in delivering numerous guaranteed performance project solutions, to meeting aggressive energy conservation goals, and utilizing a multitude of different technologies will allow Trane to survey, develop and deliver a solution optimized to meet, or exceed, the facility owner's expectations and conservation goals.

Trane is an EPA ENERGY STAR Partner, committed to helping our customers measure, track, and benchmark energy performance, and develop and implement energy performance improvements in accordance with the ENERGY STAR strategy.

Trane is a proud member of the U.S. Environmental Protection Agency's (EPA's) Climate Leaders program and has pledged to reduce company-wide greenhouse gas emissions.

NAESCO Accreditation

Following a rigorous evaluation of Trane's capabilities, track record, policies and practices, a committee, comprised of industry experts unaffiliated with any ESCO, awarded Trane with the National Association of Energy Service Companies (NAESCO) Certificate of Accreditation in May 2004. This means that Trane is recognized for its competence as an ESCO and, in particular, for its:

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- Technical and managerial competence to develop comprehensive energy-efficiency projects including lighting, solar, water, motors/drives and HVAC
- Technical and managerial competence to provide a full range of energy services, such as energy audits, design engineering, arranging project financing, O&M services, and verification of energy savings
- Regular business practice of developing performance-based projects, defined to mean projects for which the developer's compensation is contingent on real, verified cost savings.

NAESCO ACCREDITED ENERGY SERVICE COMPANY

Certificate of Accreditation

This is to certify that
Trane, a Division of American Standard, Inc.
has participated in the Accreditation Program and Review and has been recognized by the National Association of Energy Service Companies to be an Accredited ESCO.

S. Lynn Sutcliffe
Chairman

Terry E. Singer
Executive Director

June 22, 2006
(Accredited Since May 2004)

Certification of Accreditation covers a period of 36 months from date of issuance.

Trane's Approach to Performance Contracting

Trane's approach to performance contracting is to work collaboratively with the City of Prescott in order to provide the best solution, which will produce the greatest savings, while creating a lasting partnership with the City of Prescott. During the IGA, Trane will explore dozens of opportunities to make energy improvements, such that the maximum amount of energy savings can be achieved to fund the project. Trane provides a diverse set of core competencies such as engineering, energy, HVAC, controls, and routinely self performs the vast majority of these scopes of work. In addition to over a century of manufacturing and delivering world-class equipment and systems, Trane is committed to providing the best in service and support before, during and after the development and implementation of the Performance Contracting solution.

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Local Branch

Our local branch is located in Minneapolis-St. Paul, MN. In addition to having assembled industry-leading professionals for this project, Trane will provide the City with additional value resulting from the team's local presence. The team that has been selected for the City includes Prescott residents Dan Roth, Kerry O'Connell, Pete Magnan, and Mitchell Farrell. Beyond the key personnel described herein, Trane has 46 employees that live within 30 miles of Prescott and can readily be deployed to contribute to a world-class project for the City.

Trane's local personnel are active participants in their communities; the surrounding Prescott area is where Trane's employees work, build professional relationships, volunteer and enroll their kids in school. The Trane team, on multiple fronts, has a vested interest in providing a premier program to enhance the City of Prescott's operations.

Trane GNP has over 120 service trucks and technicians, with over 65 in WI who are ready and able to be mobilized. Our service team is able to respond to a service call immediately, 24/7/365 and dispatch a technician within 2 hours. The Trane service team prides itself on being the best in the industry with knowledgeable and attentive technicians that focus on understanding the challenges and bring solutions that are best for our customer. They are equipped to make decisions quickly and provide excellent customer service. Along with our technicians, our Account Managers and Staff are dedicated to building strong relationships with our customers.

From a corporate standpoint, Trane maintains a substantial corporate presence in Wisconsin and Minnesota, and factory technical resources can be readily engaged by Trane GNP to support projects.

Insurance & Bonding

The following is a sample insurance certificate outlining Trane's levels of insurance coverage. Trane will maintain for the duration of the City's project, at Trane's expense, insurance that includes "occurrence" based coverage, and will be issued by a company or companies qualified to do business in the State of Wisconsin. The policy limits will be appropriate for the scope of the City of Prescott's project, name the City of Prescott as an insured, and be provided prior to the commencement of work. In addition, under Trane's policies, all subcontractors are required to obtain and maintain professional liability insurance as applicable to their scope of work. Subcontractors will be required to submit a certificate of insurance upon execution of the subcontractor's agreements verifying their coverage. Trane will work with the City of Prescott to ensure that all insurance requirements are fulfilled as appropriate.

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Proprietary & Confidential Information

CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER 100067

PRODUCER

Marsh, Inc.
1166 Avenue of the Americas
New York, NY 10036
Telephone (212) 345-6000
Fax (212) 345-3413

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

COMPANIES AFFORDING COVERAGE

COMPANY A: WINTERTHUR INTL AMERICA INS

COMPANY B: TRAVELERS INDEMNITY CO OF ILLINOIS

COMPANY C: TRAVELERS INDEMNITY CO OF

COMPANY D: NATIONAL UNION FIRE INS. CO

INSURED

ATTN: FINANCIAL MANAGER
THE TRANE COMPANY
DIVISION OF AMERICAN STANDARD
4 WOOD HOLLOW ROAD
PARSIPPANY, N

SAMPLE

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCUR [ ] OWNERS & CONTRACTORS PROT	GL 003-06-17-02	04/01/02	04/01/03	GENERAL AGGREGATE	$5,000,000.00
					PRODUCTS - COMP/OP AGG	$5,000,000.00
					PERSONAL & ADV INJURY	$2,000,000.00
					EACH OCCURRENCE	$2,000,000.00
					FIRE DAMAGE (Any one fire)	$2,000,000.00
					MED EXP (Any one person)	$5,000.00
B C B B	AUTOMOBILE LIABILITY * [X] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS	TC2JCAP164T8811-TIL-02 TC2ECAP165T3600-TCT-02 TRJCAP256T6952-TIL-02 TC2JCAP120D9983-TIL-02	04/01/02 04/01/02 04/01/02 04/01/02	04/01/03 04/01/03 04/01/03 04/01/03	COMBINED SINGLE LIMIT	$2,000,000.00
					BODILY INJURY (Per person)	
					BODILY INJURY (Per accident)	
					PROPERTY DAMAGE	
	GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY - EA ACCIDENT	
					OTHER THAN AUTO ONLY	
					EACH ACCIDENT	
					AGGREGATE	
D	EXCESS LIABILITY * [X] UMBRELLA FORM [ ] OTHER THAN UMBRELLA FORM	BE-932-07-34	04/01/02	04/01/03	EACH OCCURRENCE	$25,000,000.00
					AGGREGATE	$25,000,000.00
C C C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY * THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: [ ] INCL [ ] EXCL	TC2JUB204T683-4-02 TRJUB169T451-4-02 TC2JUB218T141-7-02	04/01/02 04/01/02 04/01/02	04/01/03 04/01/03 04/01/03	[X] PER STATUTE [ ] OTHER	
					EL EACH ACCIDENT	$2,000,000.00
					EL DISEASE - POLICY LIMIT	$2,000,000.00
					EL DISEASE - EACH EMPLOYEE	$2,000,000.00
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS (LIMITS MAY BE SUBJECT TO DEDUCTIBLES OR RETENTIONS)

Trane will list the Customer as an additional insured to the extent of Trane's indemnity liability specifically assumed under the Contract/Agreement.

CERTIFICATE HOLDER

ABC Company
1 ABC Drive
Somewhere
NY
10000

CANCELLATION

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE ISSUER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES.

MARSH USA INC.
BY: William Milica

MM10/99 VALID AS OF: 07/01/02

Trane has the ability to provide a performance bond to cover any projects that will be included under the final approved contract. The bond will be in the amount of 100% of the approved project cost. The following is a sample letter outlining Trane's bonding capabilities.

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TRAVELERS

To Whom It May Concern:

This letter will serve to confirm that we have a bonding relationship with Trane U.S. Inc. and its subsidiaries.

Please be advised that we are confident that Trane U.S. Inc. is qualified to handle a project such as the above captioned and should the contract be awarded to and accepted by Trane U.S. Inc. it is our present intention to consider providing the required bond.

We are currently in a position to consider single bonds of up to $50,000,000.00, with an aggregate limit of $300,000,000.00. In the future, should Trane U.S. Inc. require additional capacity, we would be happy to consider an increase based on our standard underwriting review.

It is understood, of course, that any arrangement for bonds is a matter between Trane U.S. Inc. and ourselves and we assume no liability to third parties or to you if for any reason we do not execute said bonds.

A.M. Best Company has assigned Travelers Casualty and Surety Company of America an "A+" rating and Travelers Casualty and Surety Company of America is Treasury Listed with the U.S. Department of Treasury.

Sincerely,

Travelers Casualty and Surety Company of America

Jessica Jannotta, Attorney-in-Fact

Financial Strength and Longevity

Trane is a well-established and stable company that has profitably been in business for over 100 years. Trane has over $8 billion in revenue and has guaranteed over $1 billion in performance contracts worldwide. Trane has been operating in Wisconsin for over 80 years and has performed 12 performance contracts in the State of Wisconsin. Trane is a manufacturer and therefore not a legal separate entity from the manufacturer. In Appendix A, Trane has provided the requested previous 3 years of audited financial statements. Access to our Annual Reports can be found at: *http://investor.shareholder.com/ir/downloads.cfm?CategoryID=1203*.

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STATE BOARD OF ASSESSORS
NOTICE OF DETERMINATION

COPY

THE BERQUIST GROUP, PETITIONER
APPEAL NO. 79-006-REO-15
STATE IDENTIFICATION NO. 79-47-271-R-000008849

VS

WISCONSIN DEPARTMENT OF REVENUE, RESPONDENT

TO:
THE BERQUIST GROUP
18930 W 78TH ST
CHANHASSEN MN 55317-8728

AND:
JAYNE BRAND - CLERK
C OF PRESCOTT
800 BORNER ST N
PRESCOTT WI 54021-2011

PLEASE TAKE NOTICE that the objection to the 2015 assessment for the above-listed parcel has been reviewed by the State Board of Assessors pursuant to sec. 70.995(8)(a), Wis. Stats., and that this Board has determined that the property in question be assessed as follows:

AGGREGATE RATIO: 0.923116671

	ORIGINAL FULL VALUE ASSESSMENT	REVISED FULL VALUE ASSESSMENT	ORIGINAL EQUATED VALUE ASSESSMENT	REVISED EQUATED VALUE ASSESSMENT
LAND	$153,600	$207,000	$141,800	$191,100
IMPROVEMENT	$2,757,000	$2,429,100	$2,545,000	$2,242,300
TOTAL	$2,910,600	$2,636,100	$2,686,800	$2,433,400

Interest per sec. 70.511(2)(b), Wis. Stats., is applicable.

You shall be deemed to have accepted this determination unless you notify the Wisconsin Tax Appeals Commission of your desire to present testimony before that Commission challenging the assessed value here determined. The proper forms may be obtained by writing or calling:

Wisconsin Tax Appeals Commission
5005 University Ave Ste 110
Madison, WI 53705
(608) 266-1391

APPEALS MUST BE FILED WITH THE TAX APPEALS COMMISSION WITHIN 60 DAYS OF THE DATE ON THIS ORDER as set forth in sec. 73.01(5), Wis. Stats.

Dated at Madison, Wisconsin, this 10th day of March 2016.

cc: STEPHANIE NYHUS
DUCHARME MCMILLAN & ASSOC
7650 EDINBOROUGH WAY STE 415
EDINA MN 55435-5891

STATE OF WISCONSIN
STATE BOARD OF ASSESSORS

By: _____
Timothy J. Drascic, Chairman

CFML41

In accordance with sec. 70.995(8)(a), Wis. Stats., determinations made by the Wisconsin State Board of Assessors (BOA) may be appealed by both the taxpayer and the municipality. Appeals must be made to the Wisconsin Tax Appeals Commission within 60 days of the issuance date of the Board of Assessor Determination. The Tax Appeals Commission will contact you after receiving the appeal. If you need to confirm that there is no further appeal, the Tax Appeals Commission contact number is (608) 266-1391.

If an appeal is filed to the BOA, state statutes require you to do the following:

Assessed Value

Municipality

- If the assessed value is **sustained** - no further action is required.
- If the assessed value is **reduced**, after the delivery of the equated assessment roll, change the equated assessment roll value for the appropriate year using the procedure found in sec. 70.48, Wis. Stats.
- If the assessed value is **increased**, after delivery of the equated assessment roll, the Wisconsin Department of Revenue (DOR) will add the value as omitted property on the next year's roll.

Note: When the appeal is ultimately resolved, remove the appeal pending notice from the original equated assessment roll.

Property Tax

Taxpayer

- If the assessed value is **sustained**, no further action; no change in taxes.
- If the assessed value is **reduced**, and your tax bill was based on the reduced assessment, no further action is required.
- If the assessed value is **reduced**, and your tax bill was based on the original assessment, sec. 70.511, Wis. Stats., applies. Send a claim for a refund of excess taxes paid plus interest, by November 1, to the municipal clerk. (If a further appeal produces an additional change, DOR will notify you of that change).
- If the assessed value is **increased**, and your tax bill was based on the original assessment, DOR will send you a Notice of Omitted Property Assessment (during the next assessment year) for the increase, and the municipality will bill you for the additional taxes on the next tax roll.

Municipality

- If the assessed value is **sustained**, no change in taxes.
- If the assessed value is **reduced**, and the tax bill was based on the original assessment, refund the taxes and interest in response to the taxpayer's claim. If the taxpayer files the claim on or before November 1, you must pay the refund by the following January 31. If taxes are refunded, the municipality may proceed under sec. 74.41, Wis. Stats., and file an "Inquiry Related to Rescinded or Refunded Taxes" (Form PC-201) with the DOR. Before you electronically submit Form PC-201 (http://www.revenue.wi.gov/forms/govtvc/pc-201.pdf), the amount of the rescinded/ refunded tax must have been $500 or more **or** your tax district must have accumulated a total of at least $5,000 of rescinded/refunded taxes which were levied for the same year. Questions regarding Form PC-201 can be emailed to lgs@revenue.wi.gov .
- If the assessed value is **increased**, and the tax bill was based on the original assessment, there is no change in original taxes. DOR will provide you with an Omitted Property Assessment Notice and Roll (with the next equated assessment roll).

Interest

Municipality

- If the assessed value is **reduced**, and the tax bill was based on the original assessment, interest must be paid to the taxpayer per sec. 70.511(2)(b) Wis. Stats., "...Interest on the claim shall be paid to the taxpayer when the claim is paid at the average annual discount rate determined by the last auction of 6-month U.S. treasury bills before the objection per day for the period of time between the time when the tax was due and the date that the claim was paid. If the taxpayer requests a postponement of proceedings before the reviewing authority, interest on the claim shall permanently stop accruing at the date of the request. If the hearing is postponed at the request of the taxpayer, the reviewing authority shall hold a hearing on the appeal within 30 days after the postponement is requested unless the taxpayer agrees to a longer delay. If the reviewing authority postpones the hearing without a request by the taxpayer, interest on the claim shall continue to accrue. No interest may be paid if the reviewing authority determines under s. 70.995(8)(a) that the value of the property was reduced because the taxpayer supplied false or incomplete information...". If the exception applies, it will be noted on the face of this determination.

- Interest rates can be found at the Federal Reserve Board: H.15 Release - Selected Releases and Historical Data (http://www.federalreserve.gov/releases/h15/data.htm)

Revenue State Board of Assessors Real Property Addendum

COPY

Appeal #	79-006-RE0-15
Assessment Date	January 1, 2015
DOR Parcel Acct #	79-47-271-R000008849
Local Parcel #	271-01185-8110
Appellant	The Bergquist Company
Situs Address	1660 Orrin Road
Municipality	City of Prescott

This report was prepared in response to an appeal filed with the Wisconsin State Board of Assessors.

Appellant's Issue

The appellant states: "Please see attached"

The attachment discusses the following:

- Subject's physical characteristics
- Functional concern
- Comparable analysis
- Range of value

DOR Full Value Assessment & Appellant's Opinion of Value

The 2015 full value assessment and the appellant's opinion of value as stated on the objection form are as follows:

	DOR Full Value Assessment	Unit Value	Appellant's Opinion of Value	Unit Value
TOTAL VALUE	$2,910,600	$38.89 /SF	$2,183,400	$29.17 /SF

DOR Assessment Recommendation

I recommend that the State Board of Assessors issue a determination that the January 1, 2015, assessment be reduced based on the following analysis.

Summary of Salient Facts

Land Size	5.297 acres
Building size	74,846 square feet
Effective age	14 years
Frame type	Steel
Wall type	Metal
No. of stories	1
No. of sections	10
Office %	14

Height	18 feet
Sprinkler %	97

The subject property is used for the manufacturing of printed circuit boards.

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Appellant's Evidence

The appellant provided a memorandum describing the subject property's physical characteristics, and functional limitation. The functional limitation noted was a connecting corridor to the shipping area.

The appellant also provided a list of 5 sales, adjusted for age, size and land/building ratio. Three of the sales occurred in Hasting's, Minnesota and two of the sales are in the Department of Revenue (DOR) database of sales.

Appraiser Comments on Appellant's Evidence

1. Though the appellant mentions dysfunction with respect to a connecting corridor between two buildings, the appellant does not quantify the impact of the dysfunction. The appellant made no adjustment to the comparables addressing layout functional obsolescence.
2. The sales grid provided by the appellant lists three sales outside the State of Wisconsin. These sales have not been verified as valid arms-length sales and would not be considered potential comparables to the subject because since DOR has a database of verified sales from which create a Sales Comparison Approach.
3. Sales one and two of the appellant's grid are DOR verified sales, adjusted for age, size and or land to building ratio. The result per the appellant's grid is adjusted prices per square foot of $21.7 and 15.49 respectively.
4. In order to test the comparability of the appellant's comparables to the subject property, I entered the two Wisconsin sales in the 2015 DOR Sales Analysis and Reconciliation (SAR) report. They are approximately twice the size of the subject property, and the result of the SAR indicates they are not considered comparable sales for the subject. The respective gross adjustments are 75.04% and 103.96. Due to the high gross adjustment percentages, these two sales are disqualified from consideration as comparables.

Property Background

I completed a site visit of the property on 9/2/2015. From the site visit I determined the subject is in moderate physical condition, with an effective age of 14 years.

The subject property was originally constructed in 1985, by the owner of a plastic injection molding company. The building had additions in 1988 and 2012 (30,560 sf). The latest addition was started in 2014 (2,784 sf), but was only partially complete (estimated @ 30%) as of January 1, 2015.

The property has its own waste water treatment facility and a number or dust collectors to remove pollution. These items are considered exempt waste treatment and are not included in either the real estate or personal property assessments.

As of January 1, 2015, Bergquist Company has invested $8,696,142 into the subject.

Findings

COPY

Land Value

The subject land value was not addressed in the appellant's memorandum or sale grid. However, after a land sale analysis, I have determined that the land value should increase from $28,998 to $39,079 per acre.

Improvement Value

1) Sale of the Subject

The subject property has not sold within the past three years. There are no known written or verbal options to buy or sell the subject property to another party. There is no known verbal or written agreement with a brokerage firm or other party to list the subject property for sale.

2) Sales Comparison Approach

The value indicated using the Sales Comparison Approach is:

	Estimated DOR Sales Comparison Approach Value	Unit value
Land	$207,000	$39,079 /AC
Improvements	$2,493,100	$33.31/SF
TOTAL	$2,700,100	$36.08/SF

3) Cost Approach

The Wisconsin Integrated Property Assessment (cost) System (IPAS) was used to estimate the replacement cost new (RCN) of the subject's building improvements. Physical depreciation, functional obsolescence and economic obsolescence were estimated for the subject property.

The value indicated using the Cost Approach is:

	Estimated DOR Cost Approach Value	Unit Value
Land	$207,000	$39,079 /AC
Improvements	$3,121,100	$41.70 /SF
TOTAL	$3,328,100	$44.47/SF

4) Income Approach

The subject property is owner occupied and does not lend itself to the rental market. Therefore, the Income Approach to value was considered, but was not developed.

COPY

Value Reconciliation

Sales Comparison Approach	$2,700,100
Cost Approach	$3,328,100
Income Approach	NA

The Sales Comparison Approach is considered to be the most reliable indicator of value. There are a sufficient number of sales to conclude that this approach provides the best evidence of value. The Cost Approach was also considered; however, because of the reliability of the Sales Comparison Approach, this approach was given no weight.

Per the Sales Analysis and Reconciliation report notes, the reduction noted below includes the $210,500 reflected in the Sales Comparison Approach, and a reduction of $64,000 to acknowledge the new construction that was only 30% complete as of January 1, 2015. The 2015 total recommended reduction is $274,500.

The $64,000 will be added back in to the 2016 assessed value, as the new construction was completed in calendar year 2015.

Assessment Recommendation

	DOR 2015 Full Value Assessment		Assessment Recommendation		Value Change
Land	$153,600	$28,998 /AC	$207,000	$39,079 /AC	$53,400
Improvements	$2,757,000	$36.83 /SF	$2,429,100	$32.45 /SF	-$327,900
TOTAL	$2,910,600		$2,636,100		-$274,500

Interest per sec 70.511(2)(b), Wis. Stats., is applicable if the 2015 taxes were paid in part or in full prior to receipt of this assessment recommendation and attached Wisconsin Board of Assessor determination letter.

School District Code: 4578
Tech College Code: 0100
TID Code: 005
Special District Code: N/A

Scott E. Kmetz, WI Certified Assessor 2 2/11/2016

Attachments

BOA #79-006-REO-15

COPY

Notice of Real Property Assessment A-1

Form of Objection A-2

Subject Sketch A-3

Subject Photographs A-4

DOR Sales Analysis and Reconciliation Report ..... A-5 thru A-6

DOR Sale Reports ..... A-7 thru A-15

DOR Sales Analysis using Appellants Sales ..... A-16 thru A-17

Land Sale Grid A-18

Appellants Evidence ..... A-19 thru A-21

Wisconsin Department of Revenue
Manufacturing & Utility Bureau
610 Gibson St Ste 7
Eau Claire, WI 54701-2650

Wisconsin Department of Revenue / Manufacturing & Utility Bureau
2015 Notice of Real Property Assessment

COPY

Notice date	May 28, 2015	
State ID no.	79-47-271-R000008849	
County of	79-47	Pierce
Taxation district	271	C of Prescott
DOR parcel no.	000008849	
Local parcel no.	271-01165-8110	
Situs description		
School code	4578	
Special districts	TID#005	

001532
THE BERGQUIST COMPANY
18930 W 78TH ST
CHANHASSEN MN 55317-8728

Land	$	153,600
Improvements:		2,757,000
Total	**$**	2,910,600

Contact Information
If you have any questions, contact the Manufacturing & Utility Bureau District Office in your area at mfgtel79@revenue.wi.gov or (715) 836-4925.

See other side for appeal procedures

MFGAA105WI (R. 04-15)

A-1

COPY

COPY
Wisconsin
Department of Revenue

Form
PA-132

Objection to Manufacturing Real Estate Assessment

■ Complete all sections ■ See Filing Requirements on page 2

Section 1: Who is filing this objection? *(check one)*

☒ Property owner/agent * ☐ Municipality/agent * ***If agent, submit written authorization with this form**

Section 2: Property Owner and Property Information

Property owner name *(on assessment notice)* The Bergquist Company			Taxation district *(Check one)* ☐ Town ☐ Village ☒ City Enter municipality → Prescott		County Pierce
Mailing address 18930 W 78th St			Street address of property 1660 Orrin Road		
City Chanhassen	State MN	Zip 55317	City Prescott	State WI	Zip 54021

Section 3: Contact Information

Name / title *(owner, agent, officer)* Stephanie Nyhus, Agent			Company name DuCharme, McMillan, & Assoc.	
Mailing address 7650 Edinborough Way, Suite 415			Phone (800) 309 - 2110, ext 2792	Fax (952) 831 - 0441
City Edina	State MN	Zip 55435	Email snyhus@dmainc.com	

Section 4: Assessment Information and Opinion of Value

Date of Real Estate Assessment Notice *(mm-dd-yyyy)* 05 - 28 - 2015	State ID no. *(on notice)* 7 9 4 7 2 7 1 R 0 0 0 0 0 8 8 4 9	Local parcel no. 271-01185-8110
Assessment as shown on notice – Total $ 2,910,600	Your opinion of value – Total $ 2,183,400	

Section 5: Reason for Objection and Basis of Estimate

Reason(s) for objection: *(Attach additional sheets if needed)* Please see attached	Basis for your opinion of value: *(Attach additional sheets if needed)* Please see attached

In the last five years, the property was: *(check all that apply and attach two copies of documents)*

☐ Appraised (for any reason) ☐ Sold ☐ Offered for sale ☐ Listed for sale ☐ Reviewed for marketing opinions

Appraisal date	Real estate appraised value	Appraiser name	Appraiser phone
- -			( ) -

Section 6: Submitting Additional Information

Under state law (sec. 70.995(8)(c)2., Wis. Stats.), you may submit additional information to the State Board of Assessors (BOA) within 60 days of your appeal.

☐ I hereby waive my right to provide additional information to the BOA under sec. 70.995(8)(c)2., Wis. Stats.

For Department Use Only

BOA# 79-006-REO-15

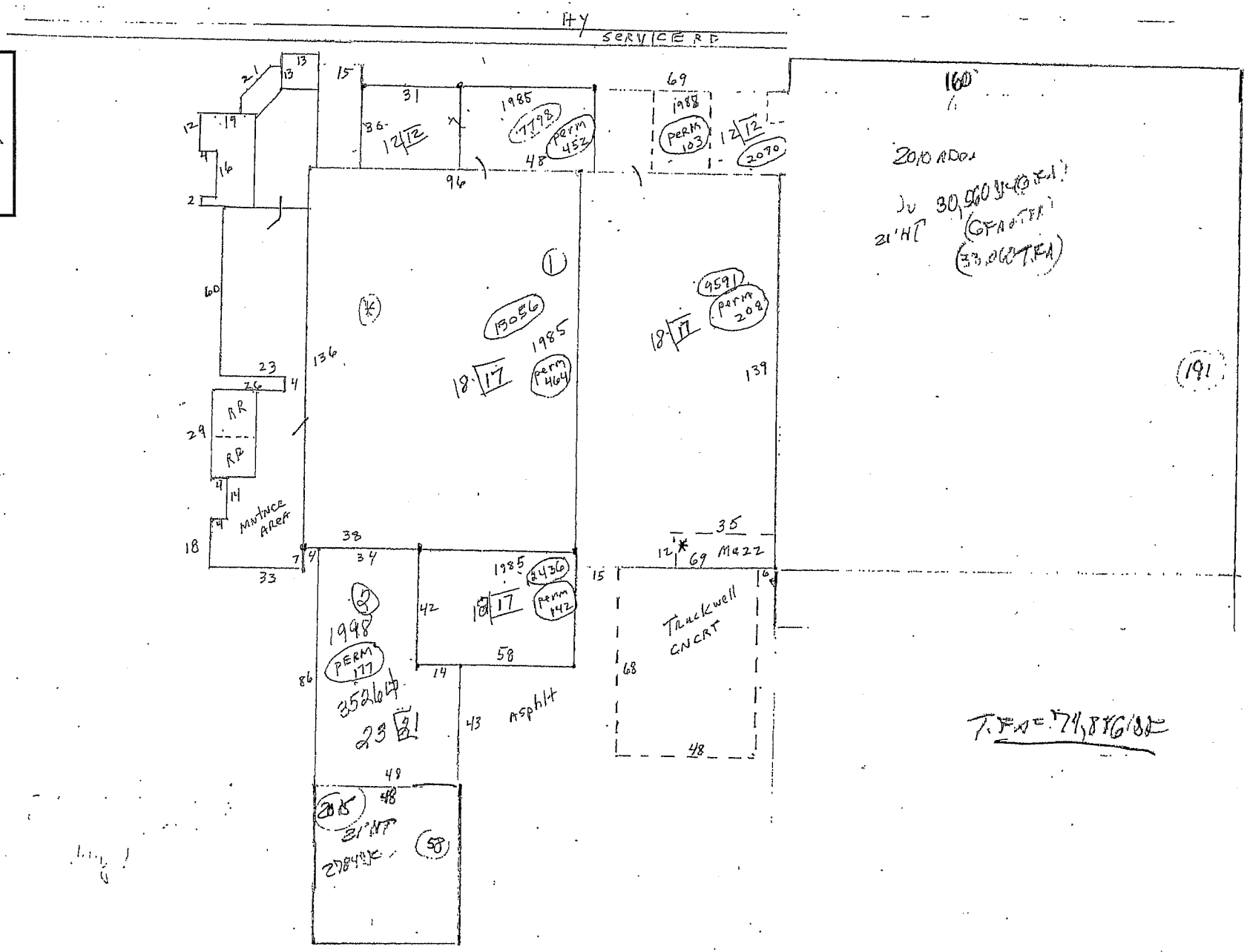
JUL 22 2015
WI DEPT REV
Reviewed
Dept. State & Local Finance

I, the undersigned, declare under penalties of law that I have personally examined this form and supplemental documents. To the best of my knowledge and belief it is true, correct and complete.

Owner / Authorized Agent Sign Here	Name *(please print)* Stephanie Nyhus	
	Signature	
	Company or title Sr. Tax Manager, DMA Inc.	Date 07 - 17 - 2015

A-2

COPY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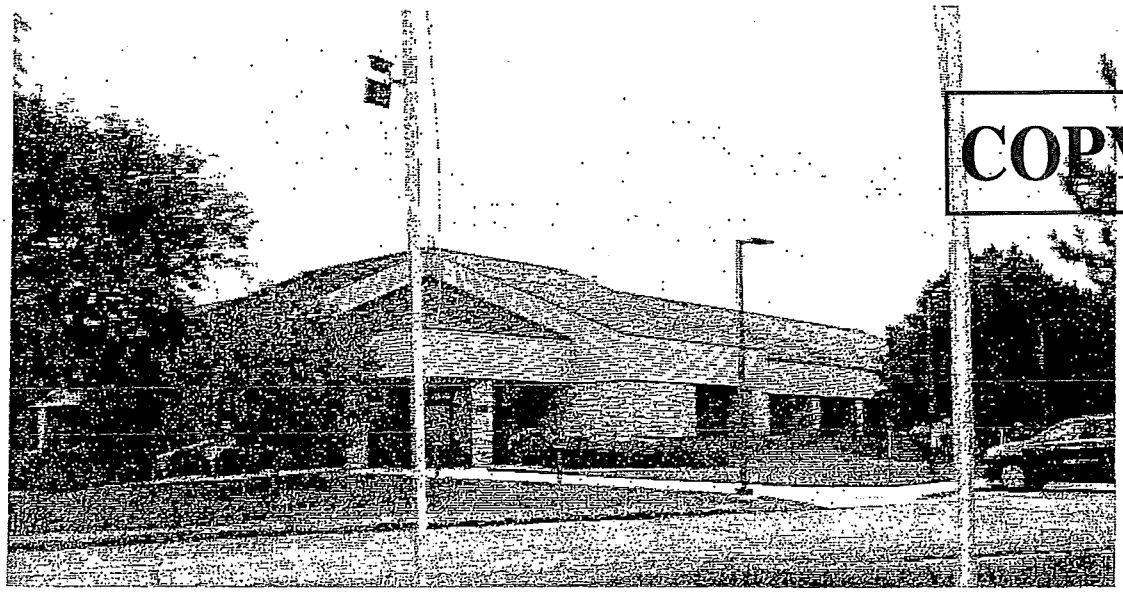
SERVICE RD
160'
20,10 ADDN
21' HT
(191)
1985
1988
1998
PERM 103
PERM 208
PERM 464
PERM 452
PERM 142
PERM 177
RR
RP
MAINCE AREA
Truckwell CNCRT
Asphalt
T.F.A. = 74,886 SF

A-3



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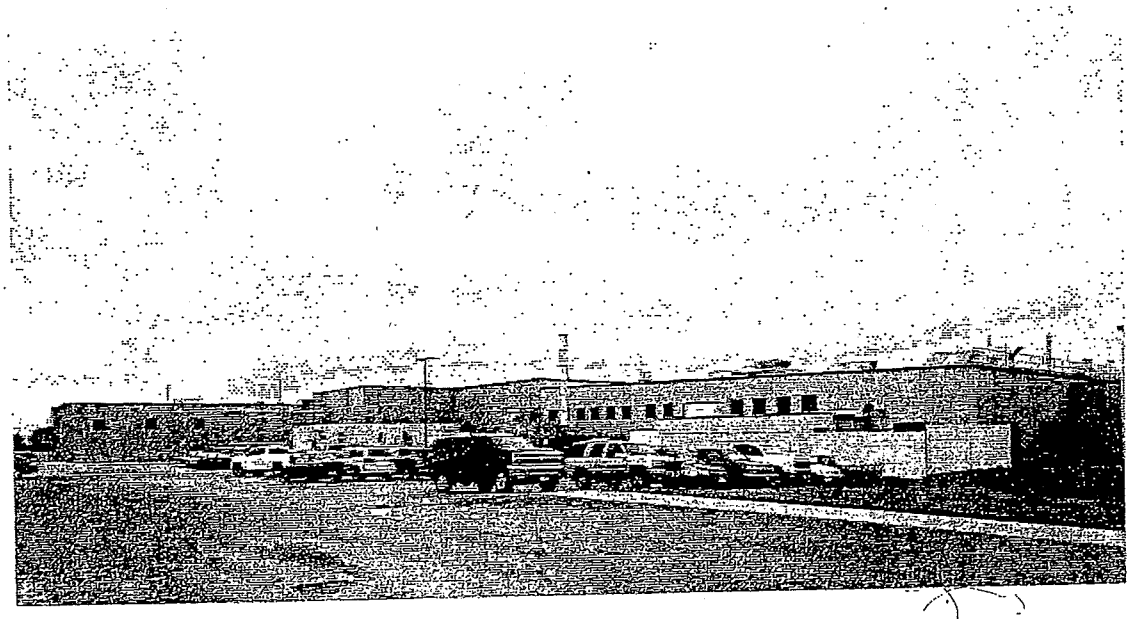
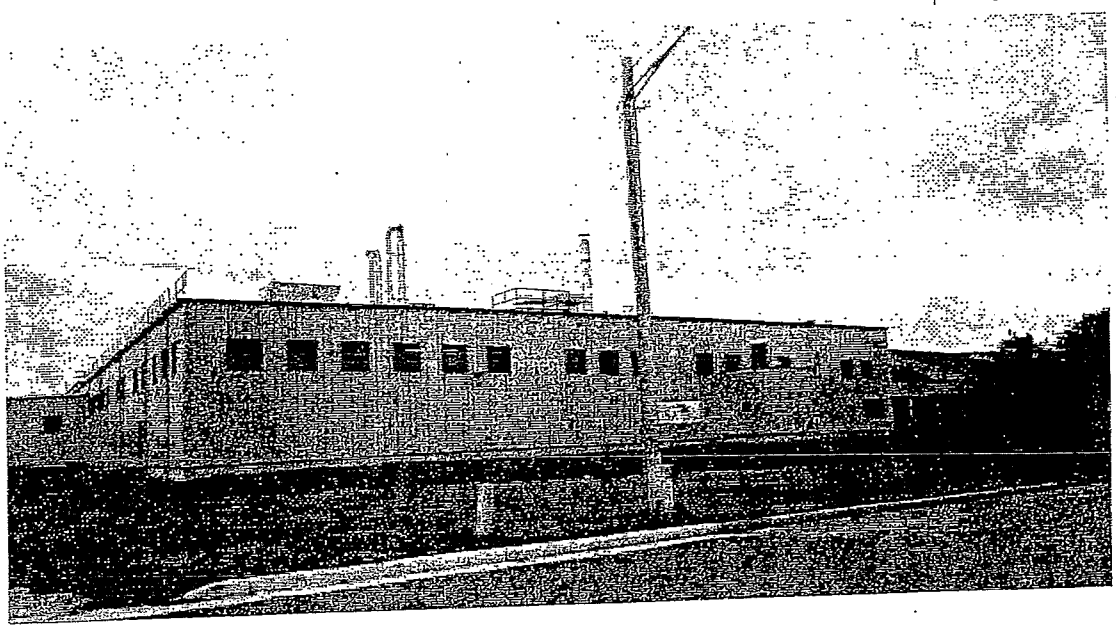




AA: 79 COUNTY #: 47 Munic. #: 271

COMPUTER OR PARCEL NO: 90 ParID: 000008849

OWNER'S NAME: THE BERGQUIST COMPANY

SITUS ADDRESS: 1600 ORIN RD

2015 Sales Analysis & Reconciliation Report
Eau Claire District
Manufacturing Assessment - WI Dept of Revenue

Appraiser: kmetz Date: 2/5/2016

COPY

SALES COMPARISON INDICATOR

ITEM	SUBJECT	SALE #1		SALE #2		SALE #3	
SALE ID #	–	**12-81-006-2**		**11-79-026-2**		**14-79-001-2**	
COUNTY	PIERCE	05 - BROWN CO		48 - POLK CO		41 - MONROE CO	
MUNICIPALITY	PRESCOTT	C DE PERE		C AMERY		C TOMAH	
ADDRESS OF COMPS		675 Heritage Rd		9000 Griffin Street		1402 Rezin Road	
COMM / NEIGH		2		4		3	
FA AC / LAND VALUE 5.297	207,000	2		2		2	
IMP $ SP	******	1,443,600		4,700,000		1,649,100	
IMP SP/SF	******	$ 31.60		$ 44.03		$ 27.49	
# MONTHS	******	47		37		11	
T.ADJ. SP	******	******	$31.60	******	$44.03	*****	$27.49

ATTRIBUTES	DESCRTN	DESCRTN	ADJMT	DESCRTN	ADJMT	DESCRTN	ADJMT
IMP. SF	74,846	45,677	X	106,736	X	60,000	X
EFFECTIVE AGE	14	18	X	13	X	10	X
FRAME	3	4	X	3	X	4	X
WALL	7	7	X	14	X	7	X
NO. STYS.	1	1	X	1	X	1	X
S/C RATIO	3.3	6.6	X	6.9	X	9.6	X
COMMUNITY RATE	3	2	X	4	X	3	X
NEIGHBORHOOD RATE	2	2	X	2	X	2	X
PHYSICAL RES. Moderate	73	69	X	86	X	87	X
FUNCTNL RES.	95	85	X	90	X	80	X
LOCATION RES.	95	100	X	90	X	95	X
OTHER ECO. RES.	100	100	X	100	X	100	X
OFFICE %	14.0	10.9	X	23	X	2.5	X
HEIGHT	18	22	X	18	X	20	X
USE (SIC CODE)	3499	2431	X	3479	X	3442	X
SPRINKLER %	97.0	89.1		100		0	
ADJUSTMENTS							
CONDITION	73	69	1.83	86	-6.66	87	-4.42
LOCATION RES.	95	100	-1.58	90	2.20	95	0.00
OFFICE %	14	10.9	0.98	23	-3.96	2.5	2.75
HEIGHT	18	22	-2.53	18	0.00	20	-1.10
Quality		10	3.16	5	2.20	10	2.75
Sprinklers			0.00		0.00	5	1.37
Size		-10	-3.16	5	2.20		0.00
			0.00		0.00		0.00
			0.00		0.00		0.00
			0.00		0.00		0.00
			0.00		0.00		0.00
GRS ADJ %			41.90%		39.11%		45.07%
GRS ADJ $/sf			13.24		17.22		12.39
NET ADJ $/sf			-1.30		-4.02		1.35
ADJUSTED SALE PRICE/SF			30.30		40.01		28.84
GROSS WTS			0.33		0.36		0.31

Land Previous Assmt / Acres	$153,600	5.297
Imprs Previous Assmt / SF:	$2,757,000	74,846
Total Prior Assessment:	$2,910,600	

SALES COMPARISON INDICATED VALUE

UNIT VALUE PER SQUARE FOOT	$	33.31
IMPROVEMENT VALUE		2,493,120
MARKET VALUE OF THE PROPERTY	**$**	**2,700,120**

COMPARABILITY INDEX

WTGA %	42		
COMP COV%	15	**UNADJ. COV%**	20
AVE GS A%	42	**TOP COV%**	35

Comments:
subject property is a high quality blt facility
sale 1&3 are adj for lower quality consrruction
the subj ect is 100% air conditioned-all 3 sales
rec adj (included in quality adjustment)
sale #3 adj for inferior site coverage ratio

sales 1&3 are smaller, sale #2 is larger
sale#3 lacks sprinklers
all 3 comparables possess issues with
plant layout, as does the subject , no adj
is necessary

the sales provide a realistic range of value
while bracketing the subject by a number
of factors, size, condition,location, office%
and sprinkler %

AA: 79 COUNTY #: 47 Munic. #: 271

2015 Sales Analysis & Reconciliation Report
Eau Claire District
Manufacturing Assessment - WI Dept of Revenue

Appraiser: kmetz Date: 2/5/2016

COMPUTER OR PARCEL NO: 90 ParID: 000008849
OWNER'S NAME: THE BERGQUIST COMPANY
SITUS ADDRESS: 1600 ORIN RD

COPY

SALES COMPARISON INDICATOR

COST INDICATOR

RCN/SF =	$63.30	RCNLD/SF =	$41.70	% RES =	65.88%
PHYS RESID =	73	FUNC RESID =	95	ECON RESID =	95
				AVG ANN DEP =	2.43%

3,121,078 =IMP VAL
3,328,078 =TOT VAL

OTHER COST DATA	BLDG#	C DATE	TOTSF	ACT COST	MOD/ADJ	CURR $	RCN/SF

IMPROVEMENT ACQUISITION INDICATOR

ACTION	DATE	PRICE/COST ($Imps)	SIZE	T/C ADJ	OTHER ADJ	MKT VAL	MV / SF
SUB SALE						0	0.00
						0	0.00
						0	0.00
TOTALS		0		0		0	0

INCOME APPROACH INDICATOR

RENTABLE SF = RENT / SF

OVERALL RATE % = IND VALUE

OTHER INDICATORS

SOURCE DESCRIPTION = FINAN APPRSL

IMPROVEMENT VALUE =	TIME ADJ	OTHER ADJ	IND VALUE
			0

RECONCILLIATION - INDICATOR WEIGHTING

	IMP SP	IMP SP/SF	TOT SP	TOT SP/SF	IND WGT	SEL WGT	
INDICATION -- WEIGHTED SALES	2,493,120	33.31	2,700,120	36.08		100%	2,493,120
INDICATION -- DOR COST	3,121,078	41.70	3,328,078	44.47			0
INDICATION -- ACQUISITION							0
INDICATION -- INCOME							0
INDICATION -- OTHER DATA							0
						100%	2,493,100

SOUND VALUE / OTHER: DESCRIPTION-> SF = RCN = RCNLD =

FINAL VALUE CONCLUSION	ACRES	LAND	$ VAL/ACRE	IMPS $	IMPS/SF	TOT VAL	%RFC--IMPS	TOTAL SF
PREVIOUS ASSMT	5.297	153,600	28,998	2,757,000	36.84	2,910,600	38.89	74,846
0700/1700 -FA	0.000	53,400		-263,900		-210,500		0.00
0400/1400-NC						0		
0400/1400-REM								
Other - Enter Code								
FA VAL (W/O SV)	5.297	207,000	39,079	2,493,100	33.31	2,700,100	36.08	74,846
TOT FA VAL =	5.297	207,000	39,079	2,493,100	33.31	2,700,100	36.08	74,846
AMOUNT CHANGE	0.000	53,400		-263,900		-210,500		0 OVERALL RES
PERCENT CHANGE	0.00%	34.77%		-9.57%		-7.23%		0.00% 53%

NOTE: IN ADDITION TO THE TOTAL REDUCTION OF $210,000, THE PROPERTY IS ADJUSTED DOWN BY AN ADDITIONAL $64,000 TO ACKNOWLEDGE THE FACT THAT THE 2,784 SF ADDITION WAS ONLY 30% COMPLETE AS OF 1/1/15.

THE $64,000 REDUCTION TO 2015 WILL BE ADDED BACK IN TO THE 2016 ASSESSMEN .

THE TOTAL VALUE REDUCTION FOR 2015 I $274,500 = $2,636,100.

SALE REPORT

COPY

State ID Number	81-05-216-R000009986	Sale Number	12-81-006-2
County	05 - BROWN CO	Revision Date:	
Municipality	C.De Pere	IPAS Sale Number	89024
Situs Address	675 Heritage Rd	Local Parcel Number	ED-F0094-1
Situs Zip Code	54115	Interior Inspection Date	7/27/2010
Appraiser	Hyland	Sale Verification Date	8/13/2012
SIC Code	2431 Millwork		

TRANSACTION INFORMATION

Conveyance Date	2/1/2012
Grantor	Michael J & Julie A Meyer
Grantee	Flex LLC
Affinity	Adjacent Owner
Conveyance Type	Warranty/Condo Deed
No. Months Vacant	0
Prior Use	Window & millwork mfg
Intended Use	Printing
Environmental Site	No

SALE DATA

Total Sale Price	$1,650,000
Adjustment	
Adjusted Reason	
Adjusted Sale Price	$1,650,000
Land Value	$206,400
Improvement Value	$1,443,600
Time on Market (MO.)	0
Recent Asking Price	$1,800,000

PROPERTY IMPROVEMENT DATA

Weighted Actual Year Built	1994	
Weighted Effective Year Built	1994	
Number of Buildings	2	
Predominant OCC Code	494	
Primary Area	45,677	
Additional Useable		
Total Area	45,677	
Basement Area		
Office Area (SF) / (%)	4,977	10.9%
Functional Obsolescence	Layout	
Functional Obsolescence		
Functional Obsolescence		
Notable Features/ OBYs		
Stories	1	
Non-Office Ave Wall Height	22	
Non-Office Ave Clear Height	22	
Frame Type	04 - Pre-Engineered Steel	
Exterior Wall Type	07 - Metal Light	
Sprinkler (SF) / (%)	40,700	89.1%
Air Conditioning (SF)	4,977	10.9%

LAND AND IMPROVEMENT SALE ANALYSIS

Sale Price RE/SF	$36.12
Sale Price Imps/SF	$31.60

Land

Deeded Acres or SF	6.880
Land Value	206,400
Value/Acre or Value/SF	$30,000.00
SCR	6.56

Improvements

RCN + OBY / SF	$65.66
Market Residual	48%
Physical	69%
Functional	85%
Economic	100%
Overall Rating	59%
Community Rating	100%
Neighborhood Rating	100%
Other Adjustment	100%
Adjustment Reason	
Major Thoroughfare (Hwy) / (Miles):	HWY 32/1 MI
Market Variance	82%

Form Revision Date: 8/6/2012

DISCLAIMER - The content of this sales data worksheet is for general informational purposes only. The information and opinions contained therein are provided by the Wisconsin Department of Revenue and we make no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability of the information for any purpose. The Wisconsin Department of Revenue, its employees, officials, officers, agents, as the persons interviewed during the sales verification process, shall not be held responsible or liable for any use of, error, omission, or defect in the information contained on the DOR Sales Data Worksheets.

A-7

COMMENTS

Sale Number 12-81-006-2

COPY

GRANTOR: Were closing business so they contacted grantee (adjacent owner) about purchasing - deal was negotiated. Property was not listed with broker. Subject was appraised @ $1.8M in 2010. No personal property. Sale was arm's-length and fair market value.

GRANTEE: Owned adjacent property - purchased for future expansion. Original asking price was $1.8M. Bank appraisal @ $1.7M. Sale was arm's-length & FMV - maybe a little low due to no broker. Positive is adjacent location. Negative is steel construction - grantee's other facilities are masonry.

NOTE: Grantee is temporarily leasing building back to grantor at below market rent to cover expenses. Grantor will be vacating property by 1/1/13. Possible new tenant when grantor leaves.

PHYSICAL: Subject is a PE steel facility that has been adequately maintained. Property includes 30' x 50' open sided lumber storage shed (OBY) and 20,000 sf storage/production mezzanine (not included in primary area).

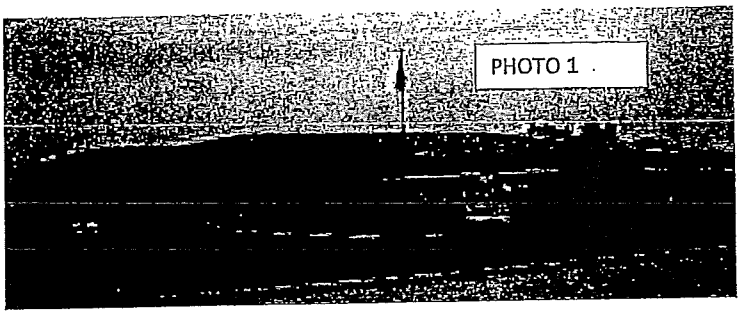
FUNCTIONAL: 20,000 sf storage/production mezzanine would be a negative for most users due to height restrictions. Property would most likely be marketed as a 45,000 sf facility.

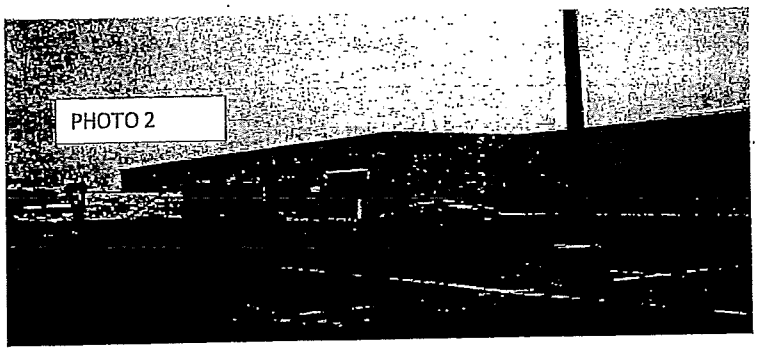
ECONOMIC: subject is well located in the East De Pere industrial park.

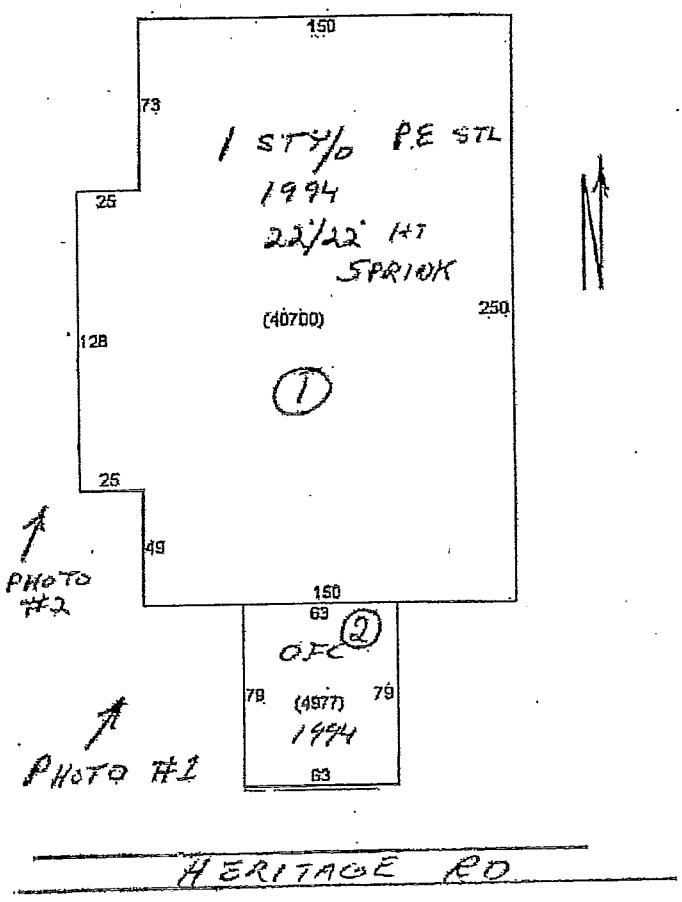
MARKET VARIANCE: Due to soft real estate market resulting from down general economy and possibly to not being listed on the open market.

SALE REPORT
Sale Number: 12-81-006-2

COPY







SALE REPORT

COPY

State ID Number	79-41-286-R000032285	Sale Number	14-79-001-2
County	41 - MONROE CO	Revision Date:	
Municipality	C Tomah	IPAS Sale Number	103313
Situs Address	1402 Rezin Road	Local Parcel Number	286-02615-0000
Situs Zip Code	54660	Interior Inspection Date	7/22/2014
Appraiser	Arnold	Sale Verification Date	7/22/2014
SIC Code	3442 Metal Doors, Sash & Trim		

TRANSACTION INFORMATION

Conveyance Date	1/23/2014
Grantor	J&R Real Estate LLC
Grantee	Martin Warehousing LLC
Affinity	None
Conveyance Type	Warranty/Condo Deed
No. Months Vacant	24
Prior Use	Metal Doors & Trim Mfg
Intended Use	Warehousing
Environmental Site	No

SALE DATA

Total Sale Price	$1,850,000
Adjustment	
Adjusted Reason	
Adjusted Sale Price	$1,850,000
Land Value	$200,900
Improvement Value	$1,649,100
Time on Market (MO.)	24
Recent Asking Price	$2,900,000

PROPERTY IMPROVEMENT DATA

Weighted Actual Year Built	2004	
Weighted Effective Year Built	2004	
Number of Building Sections	3	
Predominant OCC Code	494	
Primary Area	60,000	
Additional Useable		
Total Area	60,000	
Basement Area	0	
Office Area (SF) / (%)	1,500	2.5%
Functional Obsolescence	Layout	
Functional Obsolescence	Office/Plant Ratio	
Functional Obsolescence		
Notable Features/ OBYs		
Stories	1	
Non-Office Ave Wall Height	20	
Non-Office Ave Clear Height	20	
Frame Type	04 - Pre-Engineered Steel	
Exterior Wall Type	07 - Metal Light	
Sprinkler (SF) / (%)	0	0.0%
Air Conditioning (SF) / (%)	1,500	2.5%

LAND AND IMPROVEMENT SALE ANALYSIS

Sale Price RE/SF	$30.83	
Sale Price Imps/SF	$27.49	

Land

Deeded Acres or SF	13.19	Acres
Land Value	200,900	
Value/Acre or Value/SF	15,230	/Acre
SCR	9.58	

Improvements

RCN + OBY / SF	$50.15
Market Residual	55%
Physical	87%
Functional	80%
Economic	95%
Overall Rating	66%
Community Rating	95%
Neighborhood Rating	100%
Other Adjustment	
Adjustment Reason	
Major Thoroughfare (Hwy) / (Miles):	I-90 / 1
Market Variance	83%

Form Revision Date: 6/17/2014

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COMMENTS

Sale Number 14-79-001-2

Grantor: Leased buildings for several years until Lessee consolidated business to a different municipality. Grantor lived out of state and hired broker to sell property. Grantor felt size of buildings hindered sale at recent asking price to another manufacturer.

COPY

Grantee: Is in the warehousing business and wanted extra space. Grantee had discussions with the contractor that originally built the buildings, and from those discussions established offering price. Selling price was negotiated between both parties.

Broker: Unavailable for comment.

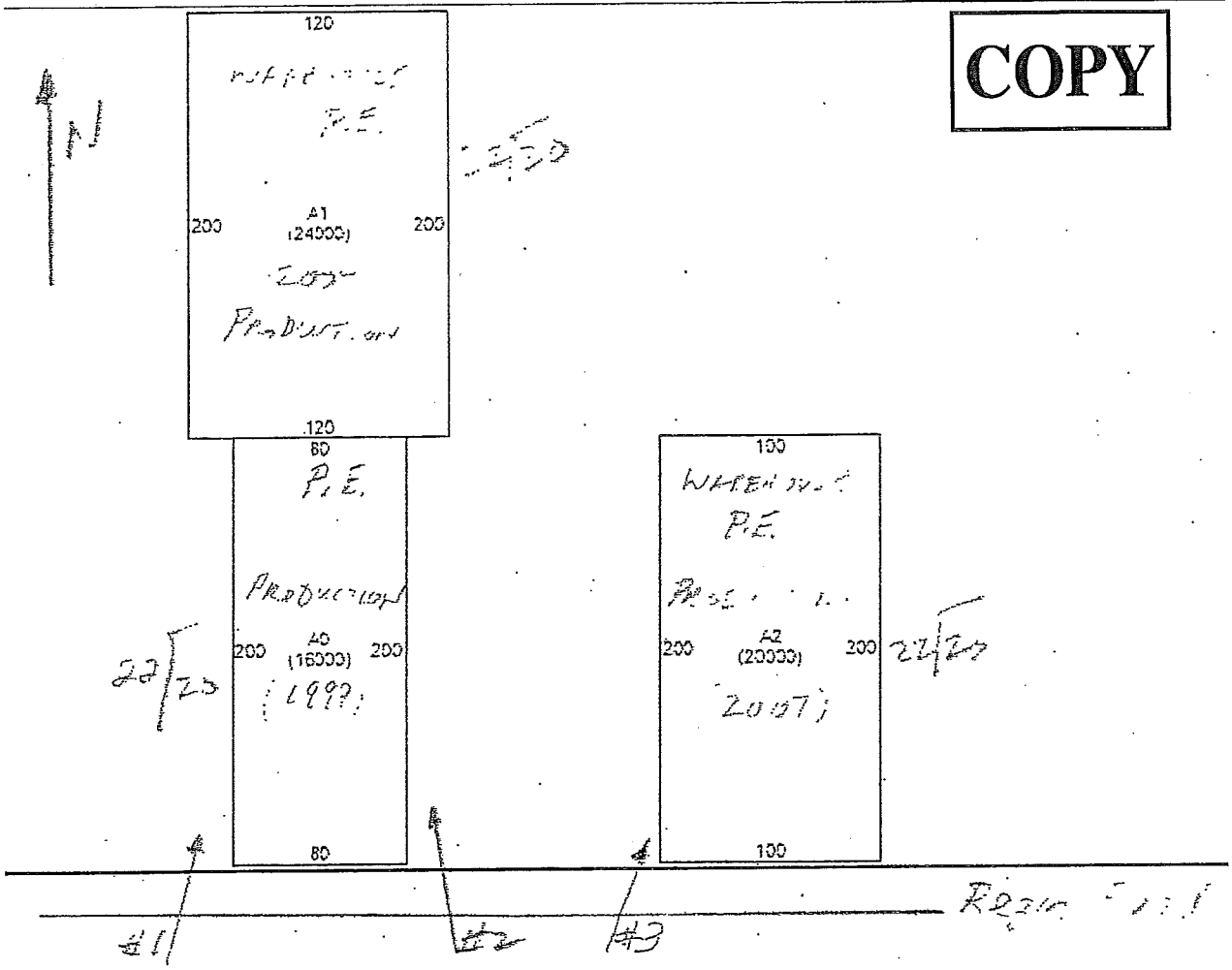
Functional Obsolescence: Two separate buildings with smaller office size limits marketability.

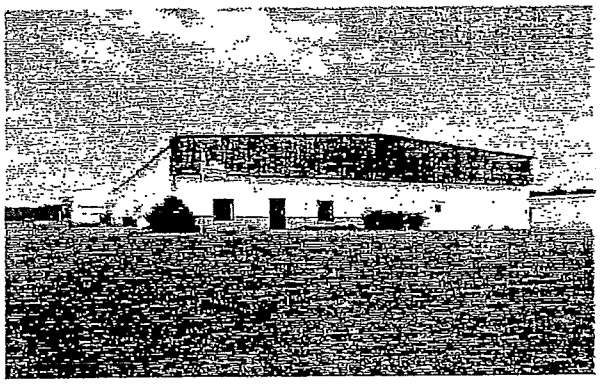
Economic: Property located in city and near highway I-90

Market Variance: Likely due to irregular detached building layout.

SALE REPORT
Sale Number: 14-79-001-2

COPY





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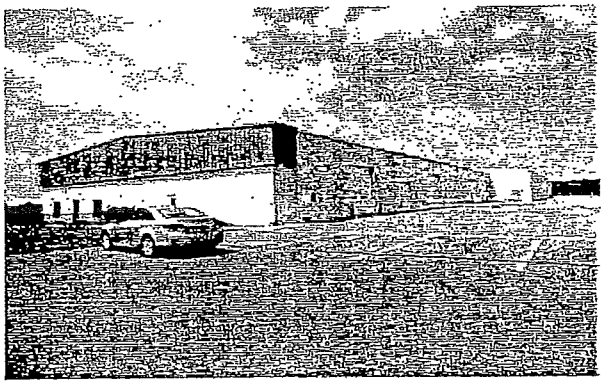

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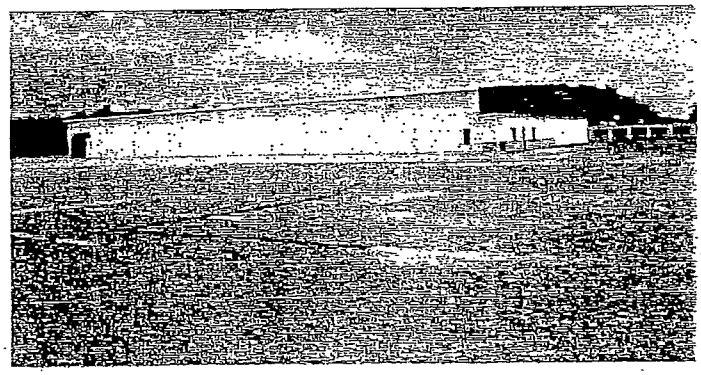


#3

SALE REPORT

COPY

State ID Number	79-48-201-R000029168	Sale Number	11-79-026-2
County	48 - POLK CO	Revision Date:	
Municipality	C Amery	IPAS Sale Number	82264
Situs Address	9000 Griffin Street	Local Parcel Number	201-1045-0000
Situs Zip Code	54001	Interior Inspection Date	8/22/2012
Appraiser	Arnold	Sale Verification Date	9/24/2012
SIC Code	3479		

TRANSACTION INFORMATION

Conveyance Date	12/12/2011
Grantor	Plastech Corporation
Grantee	A&K Realty LLC
Affinity	Tenant
Conveyance Type	Warranty/Condo Deed
No. Months Vacant	0
Prior Use	Plastic Injection Molding
Intended Use	Plastic Injection Molding
Environmental Site	No

SALE DATA

Total Sale Price	$5,000,000
Adjustment	
Adjusted Reason	
Adjusted Sale Price	$5,000,000
Land Value	$300,000
Improvement Value	$4,700,000
Time on Market (MO.)	0
Recent Asking Price	NA

PROPERTY IMPROVEMENT DATA

Weighted Actual Year Built	1998	
Weighted Effective Year Built	1998	
Number of Buildings	2	
Predominant OCC Code	494	
Primary Area	106,736	
Additional Useable		
Total Area	106,736	
Basement Area	0	
Office Area (SF) / (%)	24,500	23.0%
Functional Obsolescence	Layout	
Functional Obsolescence	Office/Plant Ratio	
Functional Obsolescence		
Notable Features/ OBYs		
Stories	1	
Non-Office Ave Wall Height	18	
Non-Office Ave Clear Height	16	
Frame Type	03 - Steel, Non Fireproof	
Exterior Wall Type	14 - Concrete Tilt-Up	
Sprinkler (SF) / (%)	106,736	100.0%
Air Conditioning (SF)	76,976	

LAND AND IMPROVEMENT SALE ANALYSIS

Sale Price RE/SF	$46.84
Sale Price Imps/SF	$44.03

Land

Deeded Acres or SF	17.012
Land Value	300,000
Value/Acre or Value/SF	$17,630.00
SCR	6.94

Improvements

RCN + OBY / SF	$62.07
Market Residual	71%
Physical	86%
Functional	90%
Economic	90%
Overall Rating	70%
Community Rating	90%
Neighborhood Rating	100%
Other Adjustment	
Adjustment Reason	
Major Thoroughfare (Hwy) / (Miles):	STH 46 / 1 mi
Market Variance	102%

Form Revision Date: 8/6/2012

DISCLAIMER - The content of this sales data worksheet is for general informational purposes only. The information and opinions contained therein are provided by the Wisconsin Department of Revenue and we make no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability of the information for any purpose. The Wisconsin Department of Revenue, its employees, officials, officers, agents, as the persons interviewed during the sales verification process, shall not be held responsible or liable for any use of, error, omission, or defect in the information contained on the DOR Sales Data Worksheets.

COMMENTS

Sale Number 1179-0[illegible]

COPY

Grantor: 5 year lease to tenant (an entity of Grantee) was coming to an end, and the Grantor thought it would be a good time to sell. Netgotiated sale price with Grantee after researching other market sales, without using a broker.

Grantee: Is the real estate arm of the business (tenant). Considered acquiring land, and constructing a new building, but grantor's offer of $5,000,000 was attractive relative to costs of starting up a new site.

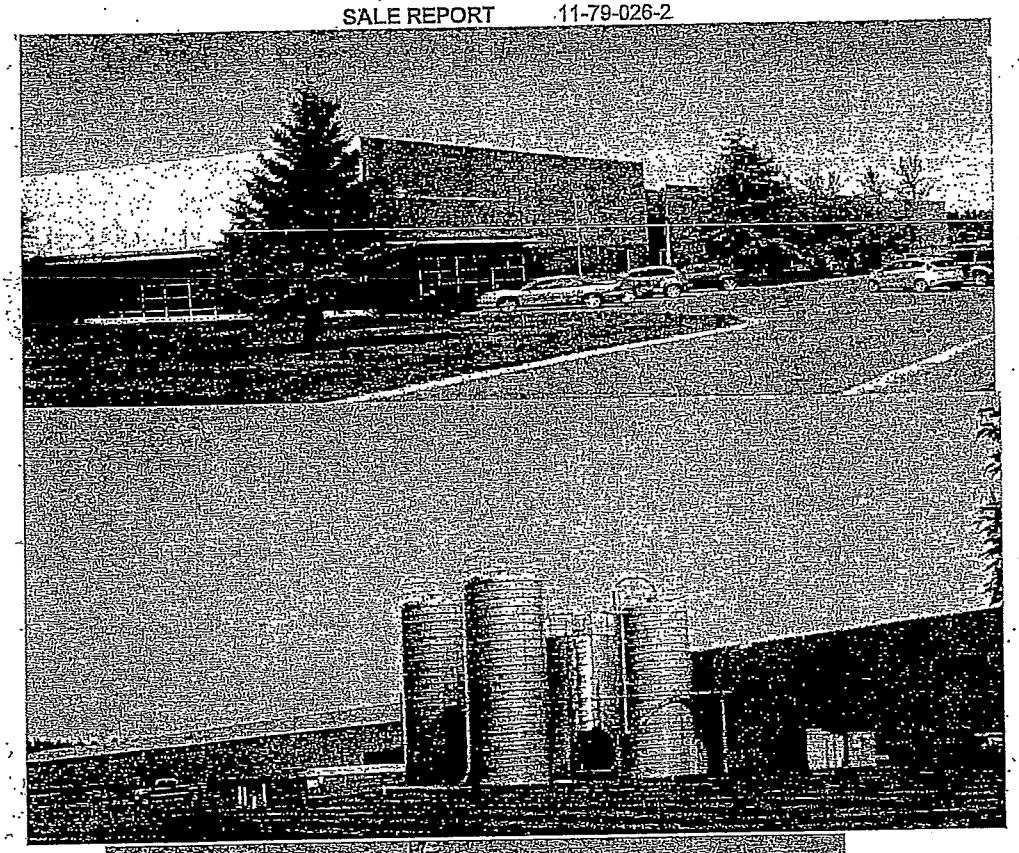
Physical: Steel frame & tilt-up concrete on main building, with a wood pole raw material and finished product storage area.

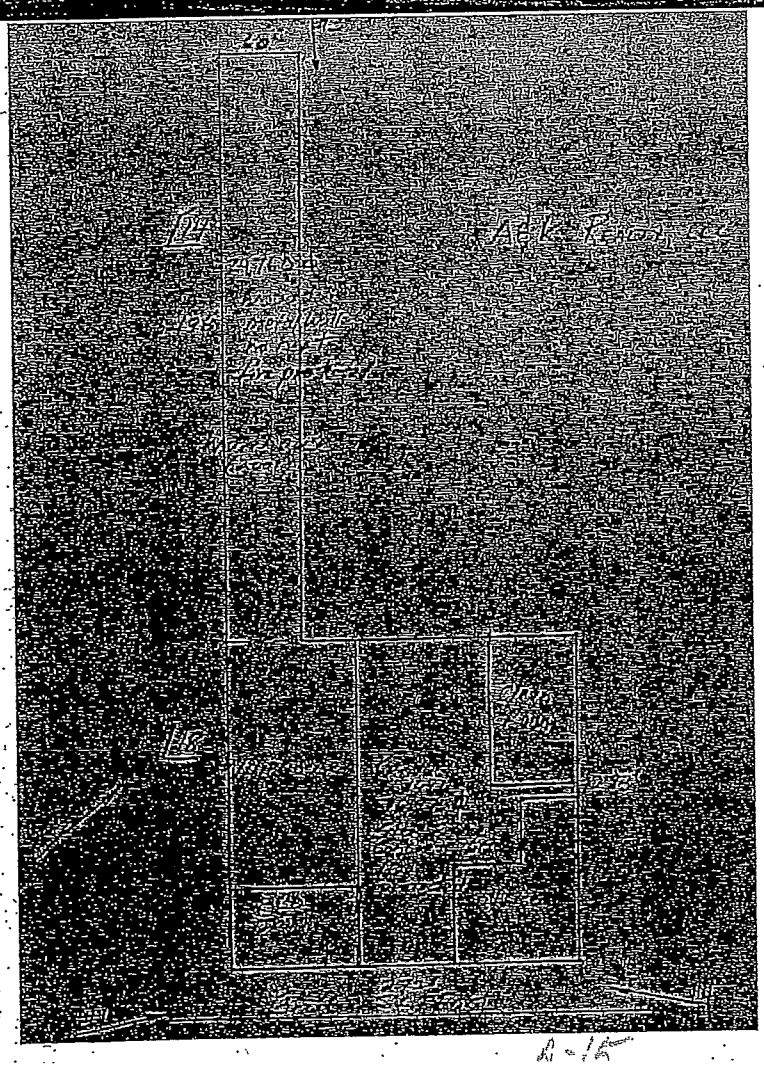
Functional: Layout adjustment for attached storage building, and larger amount of office space creates added dysfunction to the property.

Economic: Located in an industrial park about 35 miles east of the Minnesota border; with good access to state highway.

SALE REPORT 11-79-026-2

COPY





A-15

AA. 73
COMPUTER OR PARCEL NO 90
OWNER'S NAME: THE BERGQUIST COMPANY
SITUS ADDRESS: 1600 ORIN RD

COUNTY #: 47 Munic. #: 271
ParID: 000008849

2015 Sales Analysis & Reconciliation Report
Eau Claire District
Manufacturing Assessment - WI Dept of Revenue

Appraiser: kmetz Date: 1/20/2016

COPY

SALES COMPARISON INDICATOR

ITEM	SUBJECT	SALE #1		SALE #2	
SALE ID #	–	12-79-047-2		12-79-002-2	
COUNTY	PIERCE	55 - ST CROIX CO		55 - ST CROIX CO	
MUNICIPALITY	PRESCOTT	T Hudson		V BALDWIN	
ADDRESS OF COMP		466 Baer Dr		2251 State Hwy 12	
COMM / NEIGH		4		4	
FA AC / LAND VALUE 5.297	207,000	2		2	
IMP $ SP	******	2,677,100		1,930,800	
IMP SP/SF	******	$ 17.44		$ 11.86	
# MONTHS	******	16		47	
T.ADJ. SP	******	******	$17.44	******	$11.86

ATTRIBUTES	DESCRTN	DESCRTN	ADJMT	DESCRTN	ADJMT
IMP. SF	74,385	153,504	X	162,850	X
EFFECTIVE AGE	15	27	X	20	X
FRAME	3	3	X	4	X
WALL	7	3	X	7	X
NO. STYS.	1	1	X	1	X
S/C RATIO	3.3	3.3	X	3.7	X
COMMUNITY RATE	3	4	X	4	X
NEIGHBORHOOD RATE	2	2	X	2	X
PHYSICAL RES. Moderate	73	52	X	59	X
FUNCTNL RES.	95	85	X	75	X
LOCATION RES.	95	90	X	90	X
OTHER ECO. RES.	100	100	X	100	X
OFFICE %	14.0	5.4	X	9.7	X
HEIGHT	18	28	X	17	X
USE (SIC CODE)	3499	2650	X	2490	X
SPRINKLER %	97.0	89		96	
ADJUSTMENTS					
CONDITION	73	52	7.04	59	2.81
LOCATION RES.	95	90	0.87	90	0.59
OFFICE %	14	5.4	1.50	9.7	0.51
HEIGHT	18	28	-3.49	17	0.24
Quality		10	1.74	10	1.19
Site Coverage			0.00		0.00
Size		20	3.49	20	2.37
Layout & Design			0.00	10	1.19
			0.00		0.00
			0.00		0.00
			0.00		0.00

GRS ADJ	%	103.96%	75.04%
GRS ADJ	$/sf	18.13	8.90
NET ADJ	$/sf	11.15	8.90
ADJUSTED SALE PRICE/SF		28.59	20.76
GROSS WTS		0.42	0.58

Land Previous Assmt / Acres	$153,600	5.297
Imprs Previous Assmt / SF:	$2,662,800	73,702
Total Prior Assessment:	$2,816,400	

SALES COMPARISON INDICATED VALUE

UNIT VALUE PER SQUARE FOOT	$	24.05
IMPROVEMENT VALUE		1,788,959
MARKET VALUE OF THE PROPERTY	$	**1,995,959**

COMPARABILITY INDEX

WTGA %	87		
COMP COV%	16	UNADJ. COV%	19
AVE GS A%	89	TOP COV%	34

Comments:
these are the 2 WISCONSIN sales that the appellant provided for evidence

they are more than twice the size of the subject property
neither of the sales are of the quality const of the subject
sale #2 has a poor overall layout

AA: 79 COUNTY #: 47 Munic. #: 271

2015 Sales Analysis & Reconciliation Report
Eau Claire District
Manufacturing Assessment - WI Dept of Revenue

Appraiser: kmetz Date: 1/20/2016

COMPUTER OR PARCEL NO.: 90 PerID: 000008849
OWNER'S NAME: THE BERGQUIST COMPANY
SITUS ADDRESS: 1600 ORIN RD

COPY

SALES COMPARISON INDICATOR

COST INDICATOR

RCN/SF =	$64.63	RCNLD/SF =	$42.58	% RES =	65.88%
PRI RESID =	73	FUNC RESID =	95	ECON RESID =	95
				AVG ANN DEP =	2.27%

3,167,313 =IMP VAL
3,374,313 =TOT VAL

OTHER COST DATA	BLDG#	C DATE	TOTSF	ACT COST	MOD/ADJ	CURR $	RCN/SF

IMPROVEMENT ACQUISITION INDICATOR

ACTION	DATE	PRICE/COST ($Imps)	SIZE	T/C ADJ	OTHER ADJ	MKT VAL	MV / SF
SUB SALE						0	0.00
						0	0.00
						0	0.00
TOTALS		0		0		0	0

INCOME APPROACH INDICATOR

RENTABLE SF = RENT / SF

OVERALL RATE % = IND VALUE

OTHER INDICATORS

SOURCE DESCRIPTION = FINAN APPRSL

IMPROVEMENT	TIME ADJ	OTHER ADJ	IND VALUE
VALUE =			0

RECONCILLIATION - INDICATOR WEIGHTING

	IMP SP	IMP SP/SF	TOT SP	TOT SP/SF	IND WGT	SEL WGT	
INDICATION -- WEIGHTED SALES	1,788,959	24.05	1,995,959	26.83		100%	1,788,959
INDICATION -- DOR COST	3,167,313	42.58	3,374,313	45.36			0
INDICATION -- ACQUISITION							0
INDICATION -- INCOME							0
INDICATION -- OTHER DATA							0
						100%	1,789,000

SOUND VALUE / OTHER: DESCRIPTION-> SF = RCN = RCNLD =

FINAL VALUE CONCLUSION	ACRES	LAND	$ VAL/ACRE	IMPS $	IMPS/SF	TOT VAL	%RFC--IMPS	TOTAL SF
PREVIOUS ASSMT	5.297	153,600	28,998	2,662,800	36.13	2,816,400	38.21	73,702
0700/1700 -FA	0.000	53,400		-873,800		-820,400		683.00
0400/1400-NC						0		
0400/1400-REM								
Other - Enter Code								
FA VAL (W/O SV)	5.297	207,000	39,079	1,789,000	24.05	1,996,000	26.83	74,365
TOT FA VAL =	5.297	207,000	39,079	1,789,000	24.05	1,996,000	26.83	74,365
AMOUNT CHANGE	0.000	53,400		-873,800		-820,400		683 OVERALL RES
PERCENT CHANGE	0.00%	34.77%		-32.82%		-29.13%		0.93% 37%

Name Berquist Company

City, State Prescott WI

79-47-271-R000008849

COPY

	County	PIERCE	PIERCE	ST CROIX	
	Subject	City of Prescott	City of Prescott	City of Hudson	
Name	Berquist Company	State RD 29	CANTON ST	2701 HARVEY ST	
Parcel Number	271-01185-8110				
Sale or Listing?		SALE	SALE	SALE	
Source		RTR	RTR	RTR	
Total Sale Price		$450,000	$30,000	$200,000	
Zoning		IND	COMML	COMML-BUSINESS PARK	
Total Acreage	5.3	13.0	0.371 ACRES	5.0	
Price per Acre		$34,625	$80,862	$40,000	
Sale / Valuation Date		Dec-13	Nov-11	Jul-12	

Valuation Adjustment Grid

	Adjustments	Adjustments	Adjustments	Adjustments
Sale Date	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	0%
Adjusted Price per Acre	$34,625	$80,862	$40,000	
Size	5%	-40%	0%	
Location	-10%		-10%	
Probable Use				
Rail Access				
Water Frontage				
Significant Improvements				
Total Adjustments	-5%	-40%	-10%	0%
Adjusted Price/Acre	$32,900	$48,517	$36,000	$0
Weight assigned to comparable	34%	33%	33%	

Land Value Conclusion

Min:	$0
Max:	$48,517
Average:	$29,354
Median:	$34,450
Concluded Value Per Usable Acre (based on weighting):	$39,077
Total Land Value	**$207,000**

Subject Property Notes

Industrial land with excellent proximity and access to highway.

Adjustment Notes and Weighting

Other Market Research

Broker Opinions

Name	Company	Phone Number	Estimated Value per Acre	Comments

A-18

COPY

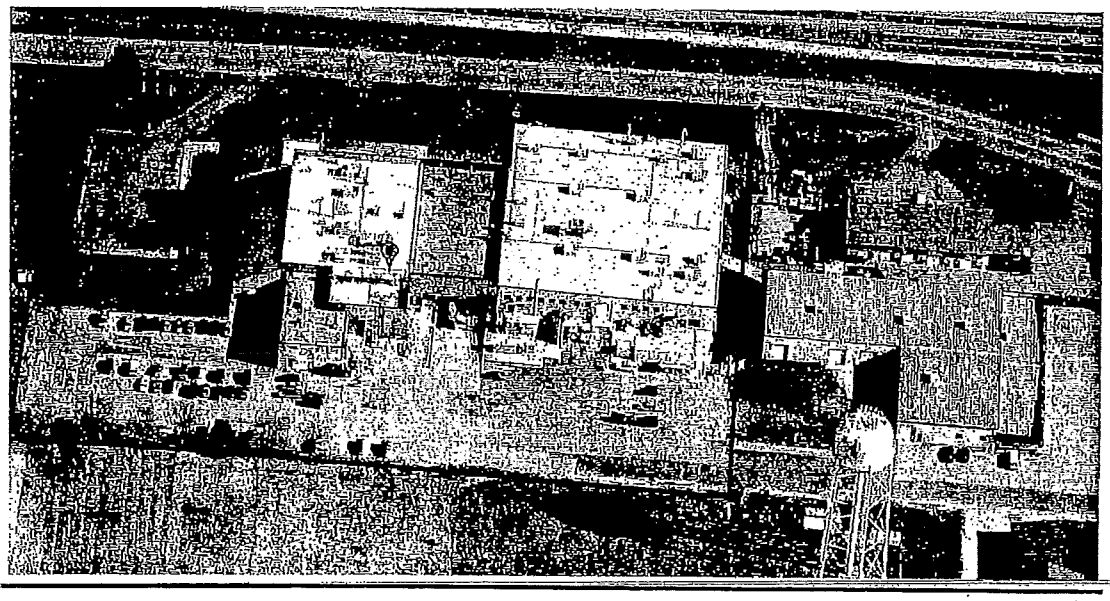
AN EXTENSION OF YOUR TAX DEPARTMENT

MEMORANDUM

TO: Wisconsin Board of Assessors
FROM: Stephanie Nyhus, Sr. Tax Manager
DATE: July 17, 2015
RE: The Bergquist Company
1660 Orrin Road
Prescott, WI

Please consider our appeal for this property for the 2015 assessment.

The subject property is an office/production facility located in Prescott, WI. This facility is approximately 74,846 square feet in size. The exterior of the facility is concrete tilt up panels with stone trim around the front entry and office areas. The facility has its own wastewater treatment system and Title 5 air permit. It has many dust collectors which significantly reduce any pollution emitted from the facility. These items should be exempt but it is unclear if they have been granted exemption by the State of Wisconsin. The facility was originally built in 1975 and has had several additions over the years (1982, 2010, 2011, and 2015).



DUCHARME, MCMILLEN & ASSOCIATES, INC.
7650 Edinborough Way, Suite 415 | Edina, MN 55435 | 952-831-0372 | Fax: 952-831-0441 | DMAinc.com

COPY

In 2011, Bergquist purchased the neighboring office/warehouse and constructed a connector link to move product from the production facility to the shipping area in the warehouse. The shipping area in the production facility is no longer used. All shipping is done from the shipping warehouse building located at 1001 Dexter Street. This property is locally assessed and is not being appealed here. However, due to the fact that the product must be moved to separate building via a connector link in order to be shipped, the property is subject to functional obsolescence.

We have included several comparable sales for your review. As you are likely aware, comparable sales located nearby have been quite rare over the past year. As such, we have expanded our parameters to include nearby counties, including the Hastings, MN area and expanded our time parameters as well. We tried to include comparable properties that bracketed the subject with respect to size, age, and land to building ratio.

Prior to adjustments, sale prices per square foot ranged from $13.50 to $39.12. The subject property is assessed at $38.89. After adjusting for age, size and land to building ratio, the adjusted prices of the comparables ranged from $15.49 to $37.05. The average adjusted sale price was $27.15 and the median was $30.31.

In our opinion, the subject property would likely sell for approximately $28-$29/SF due to the functional issues of all shipping taking place in the neighboring building and all product must be moved from the production facility to the shipping warehouse via the connector link.

COPY

Bergquist Company

Sales Comp Analysis

1660 Orrin Road
Prescott, WI

Subject Address	City, State	Building Type	2015 pay 2016	Sqft	Price / Sqft	L/B Ratio	Effective Yr.	Sale Date
1660 Orrin Road	Prescott, WI	Mfg/Whse	$ 2,910,600	74,846	$ 38.89	3.08	1990	
Sales Comp Address	**City, State**	**Building Type**	**Sale Price**	**Sqft**	**Price / Sqft**	**L/B Ratio**	**Effective Yr.**	**Sale Date**
486 Baer Dr	Hudson, WI	Mfg/Whse	$ 2,774,100	153,504	$ 18.07	3.29	1985	August 30, 2012
2251 State Hwy 12	Baldwin, WI	Manufacturing	$ 2,199,000	162,850	$ 13.50	3.70	1992	January 27, 2012
800 E 10th St	Hastings, MN	Manufacturing	$ 2,800,000	102,000	$ 27.45	3.40	1960	December 2, 2010
3005 Millard Ave	Hastings, MN	Manufacturing	$ 3,250,000	100,250	$ 32.42	4.47	1997	May 30, 2013
1100 Spiral Blvd	Hastings, MN	Manufacturing	$ 1,967,000	50,280	$ 39.12	4.82	2005	May 15, 2015
				Unadjusted Average	$ 33.00			

Adjustments

Sales Comp Address	Age	Size	Location	L/B Ratio	Sale Status	Net Adjustments		Adj. Price Per Square Foot
486 Baer Dr	5%	16%	0%	0%	0%	20%	—>	$ 21.76
2251 State Hwy 12	-2%	18%	0%	-1%	0%	15%	—>	$ 15.49
800 E 10th St	30%	5%	0%	0%	0%	35%	—>	$ 37.05
3005 Millard Ave	-7%	5%	0%	-2%	0%	-4%	—>	$ 31.12
1100 Spiral Blvd	-15%	-5%	0%	-3%	0%	-23%	—>	$ 30.31

Average	$	27.15
Median	$	30.31
Original Price/SF	$	38.89
Proposed Price/SF	$	28.73
Square Feet		74,846
Proposed Value	**$**	**2,150,376.40**

Fundtional Issues - WHSE = separate building

Adjustments

1% for every year difference in age
1% for every 5,000 sf difference in size
5.0% for every LB ratio increment

$	2,150,376.40	Production
$	705,625.48	Warehouse

Aggregate Ratio: 0.923116671

Parcel ID: 000008849 | 47271 | 271-01186-8110 | THE BERGQUIST COMPANY1600 (

COPY

Add Record | Copy Record | Copy From | Simple Copy | Adv. Copy | Deactivate | Split Parcel | Alerts | Reassign | Abandon | Save | Validate | Commit

Special Processing Flag has been assigned to this record. Only user with s

Parcel | Land | Buildings | Interior/Ext | Features | OBY | Sales | Mkt Grid | Reconciliation | MR Return | Value

Tax Year	Roll...	Asmt Roll	RFC	Class	Land Asmt	Imp Asmt	Total Asmt	Ver	Who	When	Record
2015	RE		0000	3	153,600	2,757,000	2,910,600	7	EQUATED	11/06/2015 03:12 PM	Current
2015	RE	EQUATED	0000	3	153,600	2,757,000	2,910,600	6	EQUATED	11/03/2015 03:52 PM	History
2015	RE	OCTOBER	0000	3	153,600	2,757,000	2,910,600	5	EQUATED	11/03/2015 03:52 PM	History
2015	RE	FINAL	0000	3	153,600	2,757,000	2,910,600	4	FINAL	07/17/2015 01:27 PM	History
2015	RE	FULL_VALUE	0000	3	153,600	2,757,000	2,910,600	3	FULL_VALUE	05/28/2015 09:06 AM	History
2015	RE		0400	3	153,600	2,757,000	2,910,600	2	REVSEK	04/21/2015 11:52 AM	History
2015	RE		0000	3	153,600	2,662,800	2,816,400	1	ACCOUNT_RE	03/30/2015 04:05 PM	History
2015	RE		0000	3	153,600	2,662,800	2,816,400	0	EOY ROLL	07/08/2014 05:07 PM	History

Flags:

COMPLETE: X

PEN IND:

EQUATED: P

Original Notice Date: 28-MAY-2015

Revised Notice Date:

Values:

Roll Type: RE

Value Class:

Value Year:

Property Class: 3

Reason Code: 0000: No Value Change

SIC: 3674

		Calc	Override Code	Override Value	Value
1.	FMV LAND:	153,600			153,600
2.	FMV BUILDING:	2,757,000			2,757,000
3.	FMV TOTAL:	2,910,600			2,910,600
4.	EQUATED LAND:	141,800			141,800
5.	EQUATED IMPS:	2,545,000			2,545,000
6.	EQUATED TOTAL:	2,686,800			2,686,800
7.	70.43 CORRECT LAND:	0			0

City of Prescott Wisconsin

Date: March 23, 2016

To: Mayor Hovel & Prescott City Council

From: Vanessa Norby, Finance Director

Re: 2014 Personal Property Tax Charge Backs

We would like approval to charge back the 2014 delinquent personal property taxes listed below. We have attempted to collect them in 2015 but they are no longer in business. By charging them back to the taxing jurisdictions, we could collect $282.76 and write off only $106.99.

The Bakeshop & More $389.75

BAKE SHOP & MORE

STATE OF WISCONSIN
PERSONAL PROPERTY TAX BILL FOR 2014
CITY OF PRESCOTT
PIERCE COUNTY

BILL NUMBER: 11
IMPORTANT: · Correspondence should refer to parcel number.
· See reverse side for important information.
· Be sure this description covers your property. This description is for property tax bill only and may not be a full legal description.

BAKE SHOP & MORE
202 BROAD ST UNIT B
PRESCOTT WI 54021

Parcel #: 271-08001-0610
Property Address: 202 BROAD ST UNIT B
Alt. Parcel #:

Assessed Value Land	Ass'd. Value Improvements	Total Assessed Value	Ave. Assmt. Ratio	Net Assessed Value Rate (Does NOT reflect credits)	
Personal Prop.	Personal Prop.	14,900	0.9670		0.026158720
Est. Fair Mkt. Land	**Est. Fair Mkt. Improvements**	**Total Est. Fair Mkt.**			
Personal Prop	Personal Prop.	15,410	* A Star in this box means Unpaid Prior Year Taxes	School taxes reduced by school levy tax credit	$23.69

Taxing Jurisdiction	2013 Est. State Aids Allocated Tax Dist.	2014 Est. State Aids Allocated Tax Dist.	2013 Net Tax	2014 Net Tax	% Tax Change
STATE OF WISCONSIN			2.49	2.61	4.8%
PIERCE COUNTY	184,668	203,556	90.01	92.06	2.3%
CITY OF PRESCOTT	551,285	547,678	114.28	113.49	-0.7%
PRESCOTT SCHOOLS	3,397,506	3,578,679	138.27	167.77	21.3%
CHIPPEWA VALLEY TECH CO	80,137	102,915	25.49	13.82	-45.8%
Total	4,213,596	4,432,828	370.54	389.75	5.2%
First Dollar Credit					
Lottery & Gaming Credit					
Net Property Tax			370.54	389.75	5.2%

Make Check Payable to:
PRESCOTT TREASURER
VANESSA NORBY
800 BORNER ST N
PRESCOTT WI 54021-2011

Full Payment Due On or Before January 31, 2015
$389.75

Or First Installment Due On or Before January 31, 2015
$389.75

And Second Installment Payment Payable To
PRESCOTT TREASURER
VANESSA NORBY
800 BORNER ST N
PRESCOTT WI 54021-2011

And Second Installment Due On or Before July 31, 2015
$0.00

Net Property Tax 389.75

FOR TREASURERS USE ONLY
PAYMENT _____
BALANCE _____
DATE _____

TOTAL DUE FOR FULL PAYMENT
Pay By January 31, 2015
▶ $ 389.75
Warning: If not paid by due dates, installment option is lost and total tax is delinquent subject to interest and, if applicable, penalty. **Failure to pay on time. See reverse.**

PA-686/2 (R. 8-14)

▼ **PLEASE RETURN LOWER PORTION WITH REMITTANCE** ▼

PRESCOTT TREASURER
VANESSA NORBY
800 BORNER ST N
PRESCOTT WI 54021-2011

PERSONAL PROPERTY TAX BILL FOR 2014
Bill #: 11
Parcel #: 271-08001-0610
Alt. Parcel #:

Total Due For Full Payment $389.75
Pay to Local Treasurer By Jan 31, 2015

OR PAY INSTALLMENTS OF:

1ST INSTALLMENT	2ND INSTALLMENT
Pay to Local Treasurer	Pay to Local Treasurer
$389.75	$0.00
BY January 31, 2015	BY July 31, 2015

☐ Check For Billing Address Change.

BAKE SHOP & MORE
202 BROAD ST UNIT B
PRESCOTT WI 54021

FOR TREASURERS USE ONLY
PAYMENT _____
BALANCE _____
DATE _____

CITY OF PRESCOTT, WISCONSIN

ORDINANCE 02-16, an Ordinance to Repeal City Ordinance
CHAPTER 470 "SEWERS"

The City Council of the City of Prescott, Wisconsin, Do Ordain as Follows:

Section 1. All provisions of Chapter 470 "Sewers" in effect on and before March 14, 2016 are hereby repealed.

Section 2. The following ordinance is hereby enacted:

See Exhibit "A"

This ordinance shall become effective upon due notice and publication as required by law

Passed, Approved and Adopted by the Prescott City Council on this _____ day of _____, 2016

_____
David B. Hovel, Mayor

ATTEST:

_____
Jayne M. Brand, City Administrator

Introduced:
Adopted:
Published:
Effective:

Chapter 470. SEWERS

[HISTORY: Adopted by the Common Council of the City of Prescott as Title 9, Ch. 2, and Secs. 9-4-2 and 9-4-3 of the former City Code. Amendments noted where applicable.]

GENERAL REFERENCES

Assessments — See Ch. **15**.
Building construction — See Ch. **259**.
Health and sanitation — See Ch. **329**.
Nuisances — See Ch. **410**.
Stormwater management — See Ch. **500**.
Subdivision of land — See Ch. **510**.
Water — See Ch. **563**.
Zoning legislation — See Part III.

§ 470-1. Definitions.

The following definitions shall be applicable in this chapter; "shall" is mandatory; "may" is permissible:

Act
The Federal Water Pollution Control Act, also referred to as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

Ammonia Nitrogen
That component of the nitrogen cycle which is generally produced by deamination of organic nitrogen-containing compounds and the hydrolysis of urea and is expressed in mg/l of NH3-N (ammonia nitrogen).

Approving Authority
The Common Council or its duly authorized agent or representative.

Astm
The American Society for Testing and Materials.

BOD (denoting "biochemical oxygendemand")
The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods".

Building Drain
That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building Sewer (Lateral)
A sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served and ends at its connection to the public sewer main. Including the "Y" or similar fitting designed for the connection with the public sewer system.

Business Manager
The Clerk or a deputy, agent, or representative thereof.

Carbonaceous Biochemical Oxygen Demand (CBOD)
CBOD shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20°C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with Standard Methods. Also, see BOD.

Combined Sewer
A sewer intended to receive both wastewater and stormwater or surface water.

Compatible Pollutants
Compatible pollutants shall mean carbonaceous biochemical oxygen demand, suspended solids, total Kjeldahl nitrogen, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.

Control Monitoring Manhole
A structure specially constructed for the purpose of measuring flow and sampling waste.

Copper
A red-brown metal, the chemical element of atomic number 29.

Director
The Director of Public Works or a deputy, agent, or representative thereof.

Domestic Strength Waste
Wastewater with concentrations of BOD no greater than 250 mg/l, total suspended solids (TSS) no greater than 200 mg/l, and phosphorus (P) no greater than eightmg/l.

Easement
An acquired legal right for the specified use of land owned by others.

Extra Strength Waste
Wastewater which has a pollutant concentration greater than that defined for domestic strength waste and not otherwise classified as an incompatible waste.

Floatable Oil
Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection or treatment system.

Ground Garbage
The residue from the preparation, cooking, dispensing, handling, storage, and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.

Incompatible Pollutants Or Wastewater
Wastewater or septage which contains pollutants of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.

Industrial Waste
The wastewater from an industrial process, trade or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage treatment facilities.

Municipality
The City of Prescott.

Municipal Wastewater
The wastewater of a municipality, including that of the City. From a standpoint of source, it may be a combination of liquid and water- carried wastes from residential, commercial buildings, industrial plants and institution, together with any groundwater, surface water and stormwater that may have inadvertently entered the sewerage system of the municipality.

Natural Outlet
Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Nitrogen
Kjeldahl nitrogen which is the sum of organic nitrogen and ammonia nitrogen.

Operation And Maintenance Costs
All costs associated with the operation and maintenance of the wastewater treatment facilities including administration and replacement costs, all as determined from time to time by the municipality.

Parts Per Million
A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person
Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

pH
The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution, neutral water. For example, has a pH value of seven and a hydrogen-ion concentration of 10'.

Phosphorus
The quantity of phosphorus as determined in accordance with "Standard Methods".

Pretreatment
An arrangement of devices and structures, specifically including interceptors described and provided herein, for the preliminary treatment or processing of wastewater required to render such wastes as unacceptable for admission to the public sewers.

Public Sewer
Any sewer owned or provided by or subject to the jurisdiction of the City of Prescott.

Replacement Costs
Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment works to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

Restaurant
Only users that are licensed as a complex restaurant as defined under the provisions of Ch. CHS 196 Wisconsin Administrative Code, as amended from time to time. The wastewater sewer service charges for complex restaurants shall be imposed herein. All other restaurants (other than complex restaurants) licensed under provisions of said Ch. CHS 196 shall be considered to have normal domestic strength wastewater. The wastewater service charge for said non-complex restaurants shall be imposed herein.

Sanitary Sewage
A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities together with such ground, surface and storm water as may have inadvertently entered in the sewerage system.

Sanitary Sewer
A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with small quantities of ground, storm and surface water that are not admitted intentionally.

Sewage
The spent water of a person or community. The preferred term is municipal waste water.

Sewer
A pipe or conduit that carries wastewater or drainage water.

Sewer Service Areas
The areas presently served and anticipated to be served by a sewer collection system.

Sewer Service Charge
Is a service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, building replacement costs, of said facilities.

Sewer System
The common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property. The term "sewerage collection system" specifically excludes the facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent; except that pumping units and pressurized lines for individual structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the City. For example, a building sewer (lateral) is not part of the sewer system.

Sewerage System
All structures, conduits and pipes by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main, i.e., a building sewer.

Shall
Shall is mandatory and may is permissive.

Significant Industrial User

An industrial user which meets one or more of the following conditions;

a) Any industrial user of the sewerage system which discharges more than 25,000 gallons per day(gpd) of wastewater, excluding sanitary, non-contact cooling, and boiler blowdown waste waters, and which is identified in Division A, B, D, E or I of the Standard Industrial Classification Manual;
b) Any industrial user that discharges a process waste stream which makes up 5% or more ofthe average dry weather hydraulic capacity, or more than 5% of the BODs, TSS,TKN, or total phosphorus treating capacity, of the sewage treatment facility.
c) Any centralized waste treater;
d) Any industrial user subject to categorical pretreatment standards of the Wisconsin Administrative Code.
e) Any non-governmental user of the sewerage system which discharges wastewater to the sewerage system which contains toxic pollutants or poisonous solids, liquids or gasses in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the sewer treatment facility, or injure or interfere with any sewage treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the sewerage system. This includes, but is not limited to, all toxic pollutants listed in Chapter NR 215 of the Wisconsin Administrative Code.
f) Any industrial user that is required to full effluent reports for discharge to the sewerage system as required by Chapter NR 101 of the Wisconsin Administrative Code and Section 283 of the Wisconsin Statutes.
g) Any other user designed as a significant industrial user by the city or the DNR.

Slug Load

Any substance release at a discharge rate and/or concentration which cause interference to wastewater treatment processes or plugging or surcharging of the sewer system.

Standard Methods

The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Federation and is in compliance with Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants, all as amended from time to time.

Stats.

The Wisconsin Statues in effect from time to time.

Storm Sewer Or Drain

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Suspended Solids

Total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and referred to as "nonfilterable residue."

Total Kjeldahl Nitrogen (TKN)

The quantity of organic nitrogen and ammonia as determined in accordance with the "Standard Methods"

Unpolluted Water

Water quality equal to or better than the effluent in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User

Any person who discharges, or causes or permits the discharge of wastewater into the City's wastewater treatment works. A user may be a commercial, industrial, or public enterprise, or a residential living unit.

Wastewater

The spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater Collection Facilities (Or Wastewater Collection System)
The structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.
Wastewater Treatment Works
An arrangement of devices, facilities, structures, equipment, or processes owned and used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal, domestic, or industrial wastewater.
Wisconsin Pollutant Discharge Elimination System (WPDES) Permit
A document issued by the Wisconsin Department of Natural Resources which establishes effluent limitations and monitoring requirements for a wastewater treatment facility.

§ 470-2. Powers and duties.

A. **Operation, maintenance and management**. The Director shall manage the wastewater treatment works and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient wastewater treatment works is maintained.
B. **Financial management**. The Business Manager shall be responsible for the financial accounting of the wastewater treatment works and shall assist the Director in managing the finances of the wastewater treatment works.

§ 470-3. Sewer construction and connections.

A. **Mandatory Connections**
(1) Within the City, the owner of each parcel of land adjacent to a public sewer main on which there exists a building used or usable for human habitation or in a block through which such system is extended, shall connect to the sewer system within 120 days of notice in writing from the City. Upon failure to do so, the City may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within 30 days, such cost shall constitute a special tax lien against the property, in the manner provided by law. However, the owner may, within 30 days after the completion of the work, file a written election with the City stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five (5) or less equal installments. The amount shall be collected with interest at a rate not to exceed 15% per annum from the date of completion of the work, all as determined by City. The unpaid balance shall constitute a special tax lien, all pursuant to Sec. 281.45 Wis. Stats. as amended.
(2) In lieu of the above, the City, at their option, may impose a penalty for the period that the violation continues after ten (10) days written notice to any owner failing to make a connection to the sewer system. The penalty shall be in the amount of a minimum of $10 per day. Upon failure to make such payment, said penalty shall be assessed as a special tax lien against the property, all pursuant to Sec. 281.45 Wis, Stats., as amended
(3) This subchapter ordains that any such failure to connect to the sewer system is contrary to the minimum health standard of the City and fail to assure preservation of public health, welfare, comfort and safety; and that such failure constitutes a public nuisance under Sec. 823.02 Wis. Stats. as amended, subject to abatement as provided for herein.

B. **New connections & Reconnection**.
(1) New connections to the wastewater treatment works will be allowed only if there is available capacity in all of the downstream facilities, including, but not limited to, capacity for flow, BOD, suspended solids, and phosphorus, as determined by the Director.
(2) All sewer service laterals in areas subject to river flooding shall have a shut off valve installed at time of connection or reconnection. During flood events if it is determined that flood water is entering the sewerage system via a service lateral, the service lateral shall be turned off until the flood waters are no longer at a level to enter the sewerage system
C. **Work authorized**. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Director. Said permit shall be requested at least two business days prior to making said connection.

D. **Service connection permit.**
(1) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, address of the building to be connected, and how the building is to be occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been granted. The permit application shall be accompanied by a permit and inspection fee in the amount shown in the Permit and Fee Schedule.

(2) Classes of permits.
(a) There shall be two classes of building sewer permits, including:
[1] For service to residential and commercial buildings; and
[2] For service to establishments producing industrial wastes.

(b) In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the Director. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

E. **Sewer connection fee**. Each new connection to the wastewater treatment works shall be assessed a sewer connection fee to offset the capital cost of providing sewer service. Any new connection requiring excavation within the street right-of-way will also be assessed a street opening fee to offset the cost of work within said right-of-way. A new connection requiring the use of a lift station shall be assessed a lift station fee to offset the capital cost of providing the lift station service. The amount of said fee is set by the approving authority and shown in the Permit and Fee Schedule.

F. **Cost of sewer connection**. All costs and expenses incident to the installation and connection of the sewer service lateral shall be borne by the person making the connection.

G. **Use of old sewer service laterals**. Old sewer service laterals may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements for this chapter.

H. **Materials and methods of construction**. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench shall conform to the requirements of the municipality's building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.

I. **Building sewer grade**. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means approved by the Director and discharged to the building sewer.

J. **Stormwater and groundwater drains**.
(1) No person shall make connection of roof downspout, exterior or interior foundation drains, groundwater sump baskets or pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which is connected directly or indirectly to a sanitary sewer.
(2) All existing downspout or groundwater drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected within 60 days of the date of an official written notice from the Director.

K. **Conformance to plumbing codes**. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the municipality or the procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight. The Director before installation must approve any deviation from the prescribed procedures and materials.

L. **Inspection connection**. The person making a connection to a public sewer shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the Director.

M. **Barricades and restoration**. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director.

N. **Service connection installer license**. No person shall make a service connection with any public sewer unless regularly licensed under this section to perform such work, and no permit shall be granted to any person except such regularly licensed person.

O. **Service connection installer license application**. Any person desiring a license to make service connections with public sewers shall apply, in writing, to the Business Manager with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. Said application shall be accompanied by a service connection license fee as established by the approving authority and shown in the Permit and Fee Schedule. All applications shall be referred to the Director for recommendation. If approved, such license shall be issued by the Business Manager upon the filing of a bond as hereinafter provided. All licenses shall expire on December 31 of the current calendar year unless the license is suspended or revoked for cause.

P. **Service connection installer bond**. No license shall be issued to any person until a bond to the City is filed with the Business Manager in the amount specified in the Permit and Fee Schedule. Said bond shall be conditioned that the licensee will indemnify and save harmless the City from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to the installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Director, and shall conform in all respects to the rules and regulations of the City relative thereto, and pay all fines that may be imposed on the licensee by law.

Q. **License suspension and revocation**. The Director may suspend or revoke any license issued under Subsection **N** for any of the following causes:

(1) Giving false information in connection with the application for a license.
(2) Incompetence of the licensee.
(3) Willful violation of any rules or regulations pertaining to the making of service connections.

§ 470-4. Use of public sewers.

A. All industrial users discharging industrial waste water to the sewerage system shall install a control manhole in accordance with Chapter Comm 82 of the Wisconsin Administrative Code. The control manhole shall be installed at the most representative location of the waste water flow for the industrial user. The control manhole shall be installed and maintained by the industrial user at the user's expense. The control manhole shall be maintained by the industrial user so as to be safe and accessible at all times. The industrial user may be required to install temporary or permanent flow sampling and metering equipment at the discretion of the City. If so required, the cost for installation, operation, and maintenance of such equipment will be at the expense of the industrial user.

B. All significant industrial users discharging industrial waste water to the sewerage system shall install a control manhole in accordance with Chapter Comm. 82 of the Wisconsin Administrative Code. The control manhole shall be installed at the most representative location of the waste water flow for the significant industrial user. The control manhole shall consist of a manhole on the industrial users discharge line with a

volume measuring device and a separate structure housing volume recording instruments and an automatic proportional sampler. The sampler shall automatically (in proportion to the discharge volume) collect samples of the waste water. The control manhole structure, volume measuring devices, and waste sampling devices, shall be approved by the DNR and the City prior to installation. The significant industrial user shall install, operate, and maintain the control manhole, metering facilities, and sampling facilities at its own expense. The significant industrial user shall record volume at its own expense. The significant industrial user shall record, sample, test, and analyze waste water flow and character at its own expense. The City shall determine the level of waste water analysis, including the frequency thereof, which will be required for each significant industrial user on a case by case basis. Sample collection, preservation, and analysis shall be in accordance with Chapters NR 218 and NR 219 of the Wisconsin Administrative Code. The significant industrial user shall grant access, to the City, to the control manhole, and all associated metering and sampling equipment , at all times.

C. SERVICE AGREEMENTS

In the event an industrial user discharges industrial waste water constituting a substantial portion of either the design flow capacity or the BODS, TSS, or phosphorus capacity of the sewage treatment facility, as defined in the Compliance Maintenance Report (CMAR) filed by the city with the DNR, then a service agreement between the industrial user and the city shall be executed. Service agreements shall be required when an industrial user discharges industrial waste water that comprises 10% or more of the average day design flow, or 10% or more of the average daily design BODS, TSS, or total phosphorus load for the sewage treatment facility. The service agreement shall assure continued participation in n capital recovery by the industrial user over the life of the agreement. Should the industrial user eliminate its discharge, the City, at its option, may elect to assign to another user that portion of the design capacity of the sewage treatment facility and associated capital costs thereby relieving the industrial user of continued financial participation.

D. SANITARY SEWERS.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

E. STORM SEWERS.

Stormwater and all other unpolluted water shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged, on approval of the Director and other regulatory agencies, to a storm sewer, combined sewer, or natural outlet.

F. PROHIBITIONS AND LIMITATIONS.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

(3) Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater treatment works, such as, but not limited to, flushable wipes, feminine hygiene products or packaging, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) The following described substances, materials, waters, or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The Director may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objections. The Director will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewers which shall not be exceeded without the approval of the Director are as follows:

(a) Wastewater having a temperature higher than 150° F. (65°C.).

(b) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(c) Wastewater from industrial plants containing floatable oils, fat or grease.

(d) Any unground garbage. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers

(e) Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels at the point of municipal treatment facilities discharge as specified by federal, state and local authorities.

(f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the approving authority or limits established by any federal or state statute, rule, or regulation.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.

(h) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters

(i) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(j) Any water or waste which includes unused medicines or medications. (k) Materials which exert or cause:

[1] Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

[2] Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

[3] Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

[4] Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(k) Incompatible pollutants in excess of the allowed limits as determined by local, state and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403, as amended from time to time.

G. WPDES PERMIT.

No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the City's WPDES permit and any modifications thereof.

H. SPECIAL ARRANGEMENTS.

No statement contained in this chapter shall be construed as prohibiting any special agreement between the Director and any person whereby a waste of unusual strength or character may be admitted to the

wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person; and further provided that all rates and provisions set forth in this chapter are recognized and adhered to.

I. SUBMISSION OF BASIC DATA.

The Director may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Director, at such times as he determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater treatment facilities. In the case of a new connection, the Director may require that this report be prepared prior to making the connection to the public sewers.

J. INDUSTRIAL DISCHARGES.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in this section, and which in the judgment of the Director have a deleterious effect upon the wastewater treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Director may:

(1)Reject the wastes;

(2)Require pretreatment to an acceptable condition for discharge to the public sewers;

(3)Require control over the quantities and rates of discharge; and/or

(4)Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

K. CONTROL MANHOLES.

(1)Each person discharging industrial wastes into a public sewer shall, at the discretion of the Director, construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage.

(2)Control manholes or access facilities shall be located and built in a manner acceptable to the Director. If measuring and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the Director.

(3)Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times. The Director prior to the beginning of construction shall approve plans for installation of the control manholes or access facilities and related equipment.

L. MEASUREMENT OF FLOW.

The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Department of Public Works except as noted in Subsection **M**.

M. METERING OF WASTE.

Devices for measuring the volume of waste discharged may be required by the Director if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Director.

N. WASTE SAMPLING.

(1)Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary to the Director.

(2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Director.
(3) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Director. Access to sampling locations shall be granted to the Director or his duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

O. PRETREATMENT.

(1)Persons discharging industrial wastes into any public sewer that cause or may cause a violation of the City's WPDES Permit may be required to pretreat such wastes, if the Director determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants.
(2)In that event such person shall provide, at his expense, such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.

P. GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided in accordance with State Plumbing Code. Interceptors are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this chapter, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the State Plumbing Code, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which shall be submitted annually for review by the Director.
Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) rules and regulations.

Q. ANALYSIS

(1)All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods" and with the federal regulations of 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," as amended from time to time. Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the Director.
(2)Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or the person's agent, as designated and required by the Director. The Director may also make his own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges.

R. SUBMISSION OF INFORMATION.

Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities shall be submitted for review and approval of the Director prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.

§ 470-5. Establishment of sewer service charge system.

1. DEFINITIONS. The following terms shall have the following meaning under this subchapter:

   A. **Debt service charges** shall include all costs associated with repayment of debt incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.

B. **Normal domestic strength wastewater** shall mean wastewater with concentrations of CBOD, suspended solids, nitrogen and phosphorus greater than 200, 200, 50 and 12 milligrams per liter (mg/1), respectively.

C. **Restaurant strength wastewater**. All restaurants within the City shall be charged under the provisions of Section provided herein.

D. **Normal user** shall be a user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, flat, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.

E. **Operation and maintenance costs** shall include all costs associated with the operation and maintenance of the sewerage system, including but not limited to administrative costs and expenses.

F. **Replacement Cost** shall include all costs necessary to replace equipment as required to maintain capacity and performance during the design life of the sewerage facilities. When required by appropriate authority having jurisdiction thereof, separate, segregated, distinct replacement fund shall be established and used only for replacement of equipment.

G. **Measurement.** The unit of volume measurement for wastewater or other wastes discharged into the City sewerage system shall be 1,000 gallons, United Stated Liquid Measure. The unit for assessing costs with respect to strength wastewater parameters shall be avoirdupois pounds.

H. **Policy**. It shall be the policy of the City to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage system including debt service and replacement

I. **Sewer service charge generally**. Charges to each user shall be based on wastewater parameters established from time to time by the City Council. The sewer service charges shall consist of the sum of the annual debt service charges, all annual operation and maintenance costs, all replacement costs, and all sewer service charges levied.

J. **Sewer service charges**. A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charge shall be payable as hereinafter provided and an amount determined as follows :

CATEGORY A. Service charges shall be imposed on each user whose water use is metered and whose sewer discharges are normal domestic strength wastewater, The Category A sewer charge is of the following form:

Service Charge	= =	A flat rate based on the size of the water meter
Volume Charge	=	The volume of metered water in thousands of gallons multiplied by the volume rate.
Volume Rate	=	The volume unit price for sewer service expressed in dollars per 1,000 gallons, as determined by the City.

CATEGORY B. Service charges shall be imposed on each user whose water use is not metered and whose sewage discharges are normal domestic strength wastewater. The Category B sewer charge shall be of the form as follows;

Service Charge	=	Equivalent Residential Units ("ERU's") multiplied by the Equivalent Residential Unit Rate ("ERURate").
A Single ERU	=	Shall mean a single family residential dwelling unitthat discharges normal domestic strengthwastewater.
ERU Rate	=	The average cost of providing wastewater service to a residential customer for one calendar quarter, plus proportional share of the administrative and billing costs of the City.

No one shall be assigned less than one ERU. The number of residential unit equivalents for non-residential users shall be as determined by the City from time to time:

CATEGORY C. Service charges shall be imposed on users whose sewage discharges are high strength wastewater having organic concentrations of carbonaceous biochemical oxygen demand (CBOD) greater than 200 milligrams per liter (mg/l) and/or suspended solids greater than 200 milligrams per liter (mg/1) and/or totalKjeldahl nitrogen {TKN) greater than 50 milligrams per liter (mg/l) and/or phosphorus greater than 12 milligrams per liter (mg/l). The minimum Category C service charge shall be based on a concentration of 200 mg/l CBOD, 200 mg/l suspended solids, 50 mg/l TKN and 12 mg/l phosphorus. The form of the Category C sewer charge is as follows:

Service Charge	=	A flat rate based on the size of the water meter.
Volume Charge	=	The volume of metered water in thousands of gallons multiplied by the Volume Rate
Volume Rate	=	The volume unit price for sewer service expressedin dollars per 1,000 gallons, as determined by the Council
High Strength Surcharge	=	The excessive CBOD, suspended solids, TKN and phosphorus multiplied by the respective CBOD, suspended solids, TKN and phosphorus rates. The excessive CBOD, suspended solids, TKN and phosphorus are the portions of each of these constituents that are in excess of normaldomestic strength wastewater. The excessive amounts of CBOD, suspended solids, TKN and phosphorus are expressed in pounds and their respective rates are expressed in dollars per pound

CATEGORY D. Service charges shall be imposed on such restaurant users as provided herein whose sewage discharges are defined herein as complex restaurant wastewater. The Category D sewer charge is as follows:

Service Charge	=	A flat rate based on the size of the meter
Restaurant Volume Charge	=	The volume of water metered in thousands of gallons multiplied by the Restaurant Volume Rate.

§ 470-8. Administration.

1. **Reassignment Of Categories Of Sewer Users.**
   The City may reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary or otherwise required
2. **Rate Determinations.**
   a. The City Council shall determine each year, the rates referred to in this ordinance hereof; and
   b. City shall have the right to amend, modify, adjust or change the rates at any time and from time to time.

3. **Additional Charges.**
(1)The sewer service charges established in this section shall not prevent the assessment of additional charges to users who discharge wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:
(a)The user pays operation and maintenance costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment works and no user is charged at a rate less than a Category A user.
(b)The measurement of such wastes are conducted according to the latest edition of Standard Methods in a manner acceptable to the Director as provided in this chapter.
(2)A study of unit costs of collection and treatment processes attributable to flow, BOD, TSS, phosphorus, and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging Category B wastes or wastes of unusual character.

4. **Disposal Of Septic Tank Sludge And Holding Tank Sewage.**
   (1)No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the Director. Written application for this permit shall be made to the Director and shall state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a disposal

permit fee, the amount of which shall be set by the approving authority and shown in the Permit and Fee Schedule. The time and place of disposal will be designated by the Director. The Director may impose such conditions as he deems necessary on any permit granted.

(2) Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount shown in the Permit and Fee Schedule to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure to act, by any of the person's employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

(3) All materials disposed of into the treatment system shall be of domestic origin or compatible pollutants only, and the person(s) agrees that he will comply with the provisions of any and all applicable ordinances of the City and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or flammable liquids, of other deleterious substances into the public sewers, nor allow any earth, sand, or other solid material to pass into any part of the wastewater treatment facilities.

(4) Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater treatment facilities shall be charged in accordance with the rates established by the Sewer Service Charge Rate Schedule.[2] The load charge and volume charge listed in said schedule shall be used unless permittee or Director can document the characteristics of the waste through laboratory analysis. In this event costs shall be based on the Category B sewer service charge rates plus the load charge, which is in lieu of a customer service charge.

(5) The person(s) disposing wastes agrees to indemnify and hold harmless the municipality from any and all liability and claims for damages arising out of or resulting from work and labor performed

5. **Annual Report To Council.**

(1) The Business Manager shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement, and capital-related costs of the wastewater treatment works, and shall furnish the approving authority with a report of such costs annually in October.

(2) The approving authority shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement, and management of the wastewater treatment works, and whether sufficient revenue is being generated for capital-related purposes. The approving authority will also determine whether the user charges are distributed proportionately to each user in accordance with Article 7, Section 702 and Section 204(b)(2)(A) of the Federal Water Pollution Control Act, as amended.

(3) The approving authority shall thereafter, but not later than the end of the year, reassess and, as necessary, revise the sewer service charge system then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to accommodate the capital needs of the system.

6. **Annual Notification.**

In accordance with federal and state requirements, each user will be notified annually, in conjunction with a regular billing, of the portion of the sewer service charge attributable to operation, maintenance and replacement.

7, **Recordkeeping Compliance.**

In accordance with federal and state requirements, the Business Manager shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

8. **Calculation Of Sewer Service Charges.**

Sewer service charges shall be computed according to the rates and formula presented in this chapter and supporting documents.

9. **Sewer Service Charge Billing Period**. Sewer service charges shall be billed by the City tithe sewer users on a quarterly basis.
10. **Payment Of Sewer Service Charges**.
Those persons billed by the City for the sewer service charges shall pay such charges within 30 days after the billing date at the City Hall.
11. **Penalties**.
Such sewer service charges levied by the City against the sewer users in accordance with this chapter shall be a debt due to the City and shall be a lien upon the property. If this debt is not paid within 30 days after it shall be due, it may be deemed delinquent and shall be placed, together with such penalties as provided by statute and the Sewer Service Charge Rate Schedule, on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

§ 470-9. Right of entry, safety and identification.

A. **Right of entry**. The Director or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this chapter.
B. **Safety**. While performing the necessary work on private premises referred to in Subsection **A**, the duly authorized City employees shall observe all safety rules applicable to the premises established by the owner or the occupant.
C. **Identification; right to enter easements**. The Director or duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

§ 470-10. Violations and penalties.

A. **Public nuisance**. The violation of any provision of §§ **470-1** through **470-4**, inclusive, or § **470-7** hereof, shall constitute a public nuisance as that term is defined in the Municipal Code.
B. **Abatement of nuisance - no immediate danger**. If it is determined that a public nuisance has been created, or is being maintained, by violation of this chapter (as set forth hereinabove), but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, written notice shall be served on the person causing or maintaining the nuisance to remove or correct the same (identifying the nature of the violation) within a specified reasonable time. The offender shall, within the period of time stated in said notice, abate the nuisance and permanently cease all violations.
C. **Abatement of nuisance - immediate danger**. If it is determined that a public nuisance caused by the violation of this chapter exists, and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the Director, Business Manager, and/or the Chief of Police may cause the same to immediately be abated, and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be, If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.
D. **Accidental discharge**. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater treatment facility and/or receiving body of water shall, in addition to a fine, pay an amount to cover any damages, both values to be established by the Director.
E. **Penalty for violation**. Any person who violates any provision of this chapter shall be subject to a penalty as provided in § **1-4** of this Code of Ordinances which section is, by this reference, made a part hereof as if fully set forth herein.

F. **Liability to City for losses**. Any person violating any provisions of this chapter shall in addition to any penalty or fine which may be assessed against him, become liable to the City for any expense, loss, or damage occasioned by reason of such violation which the City may suffer as a result thereof.

§ 470-11. Appeals.

A. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Director interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the Director a written request for reconsideration within 10 days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Director shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder, in writing, within 15 days of receipt of request.
B. If the ruling on the request for reconsideration made by the Director is unsatisfactory, the person requesting reconsideration may, within 10 days after notification of the action, file a written appeal with the approving authority. Said appeal shall be filed with the Business Manager and shall be accompanied by an appeal fee, per the Permit and Fee Schedule. This fee may be refunded if the appeal is sustained in favor of the appellant.
C. The written appeal shall be heard by the approving authority within 30 days from the date of filing. The approving authority shall make a final ruling on the appeal within 45 days from the date of filing.

§ 470-12. Audit, notification and records.

A. **Annual audit**. The approving authority shall review, annually, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater treatment facilities, and the sewer service charge system. Based on this review, the approving authority shall revise the sewer service charge system, if necessary, to accomplish the following:
(1) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users;
(2) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater treatment facilities; and
(3) Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.
B. **Annual notification**. The approving authority shall notify it sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses and debt service costs of the wastewater treatment facilities. The notification shall occur in conjunction with a regular bill.
C. **Records**. The approving authority shall maintain records regarding wastewater flows and loadings, costs of the wastewater treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Water Act.

§ 470-13. Regulations for sewer construction and connection; rates.

A. **Application for service**. Every person desiring to make connection with the public sewer system in the City shall file an application with the Common Council on forms prepared and furnished by the City. No person shall make any connection whatever with the sewer system without first having made application for and been granted a permit to do so as herein provided.
B. **Permit**. If, upon filing of the sewer service application, it appears that the purposes for which sewer connection is applied for are consistent with the purpose for which the sewer system was installed, and if it further appears that such proposed connection shall not injure or interfere with

operation of the sewer system, and if the plan of construction and materials proposed to be used in the construction thereof shall be in conformity with this chapter and the regulations of the State Department of Safety and Professional Services, the City shall grant such permit to the applicant upon payment of the inspection fee as prescribed in the City's fee schedule. There will be a two-year limit on such sewer and water permits.

C. **Connection**. No person, other than a designated employee of the City, shall tap or make any perforation or opening in any sewer drain or service pipe within the boundaries of any street, avenue, alley or public grounds in the City without first having obtained permission from the City. No person, including a designated employee of the City, shall make any connection without first having ascertained that a permit has been granted to the property owner or occupant desiring such connection and all fees relative to such connection have been first paid to the City Clerk.

D. **Basement construction**. No person shall build any basement or cellar along any line of sewer which shall be lower than can be properly drained into sewer the system. Every person intending to build a basement or cellar along any line of sewer shall first ascertain from the Director of Public Works the depth of cellar allowable and shall have his plans of construction approved by the Director of Public Works.

E. **Inspection**. All sewers which shall hereafter be laid, re-laid or repaired shall be subject to inspection by the Director of Public Works or such employee as the City may designate, and the person who is causing the same to be laid, re-laid or repaired, as well as the person laying or repairing the same shall give such employee all reasonable facilities for so inspecting the laying, relaying or repairing thereof. All work in connection therewith shall be laid, re-laid or repaired according to the Director of Public Work's directions or other City employee's directions.

F. **Excavation**. No sewer shall be put into the same excavation or opening with any water or gas pipe. Such pipe shall be far enough from all other pipes to admit the repair lot removal or relaying of sewer pipes without disturbing any other pipe and shall otherwise be in conformity with the regulations of the State Department of Safety and Professional Services.

G. **Rules relative to sewer connections**. The following rules shall be observed and carried out in all work relative to sewer connections:

(1) Connections with sewers shall be made at the branches and with slant already put in by the City, if any.

(2) Any new connections made shall be made by properly placing a wye branch in the line of the sewer.

(3) All connection pipes shall be laid in a true line from the sewer to the curb in an open trench and before any filling is done.

(4) All connection pipes shall be enveloped in earth or sand to a depth of four inches.

(5) All joints of sewer pipe shall be mechanical or lead in the best manner and to the satisfaction of the Director of Public Works designated by the City, or with approved asphaltic materials or any equivalent material.

(6) After the pipe is properly laid, the refilling shall proceed at once and it shall be thoroughly tamped and puddled or both.

(7) Should there be a deficiency of earth to refill the excavation; the person doing such work shall supply such deficiency.

(8) No rock larger than four inches in any direction shall be put into any excavation.

(9) All work shall be done under the supervision of the Director of Public Works or the employee designated by the City for inspection.

H. **Type of pipe required**. Sewer service laterals shall conform to requirements in 470.3.H.

I. **Cost of constructing sewer service laterals**. The cost of the construction of sewer service lateral and house connection, including the cost of the actual connection with the public sewer, shall be borne wholly by the property owner or occupant desiring and causing such construction, provided however, that in order to equalize the cost of the construction of sewer service laterals on streets where the sewer mains run along the side of a street instead of the center, the City without

intervention of contract, shall construct the sewer service laterals upon proper application made therefor. The City shall charge and assess the property benefited thereby for the cost of such construction, charging and assessing the applicant a sum of money equal to the actual cost of such construction per foot for sewer service laterals measuring from the center line of the street on which the sewer main is laid to the curb of the street line. The property owner shall pay the cost of such construction as measured above before beginning the construction.

J. **Cost for connection to property not abutting on mains**. If any property owner or occupant applies for a permit to construct sewer service laterals and house connection and to make such connection with the public sewer to serve any lot or parcel of land in the City not abutting on such public sewer main and which lot or parcel of land has not been assessed any frontage special assessment for the construction of the public sewer system, a permit shall not be granted unless such applicant shall first have paid to the City Clerk a sum fixed by the Common Council as a connection fee in addition to the inspection fee as hereinabove provided.

K. **Denial of use**. The Common Council shall have the power to deny the use of the municipal sewer system, including the use of the sewage disposal plant, for any sewage which may interfere or tend to interfere with operation of the sewage treatment plant, unless such sewage is first treated to the degree required to prevent such interference.

L. **Prohibited use**. No person shall cause or permit any surface or rain waters to run or empty into any house connection, sewer service laterals or sewer mains in the City.

§ 470-14. Deleterious sewage.

No sewage or industrial waste containing any substance likely to cause obstruction, nuisance or explosion therein or injury thereto or deemed deleterious to the operation of the sewerage system by the Director of Public Works shall be discharged into the City sewers, drains or sewerage system. Any person who shall continue to discharge any deleterious substance into the sewerage system after 10 days' written notice from the Director of Public Works to discontinue shall be subject to water service shut off and a penalty as provided in § **1-4** of this Code. Each day of violation after the effective date of notice to discontinue shall constitute a separate offense.

Wisconsin Room Tax Law
A Basic Primer

What is a "Room Tax"?
A room tax is a tax that may be authorized by a municipality on the renting of sleeping rooms at hotels, motels, resorts, inns, bed & breakfasts and other lodging facilities in the local area. The tax rate can be set from 0 – 8%, with limited exceptions.

The original intent of the room tax was to provide funding for tourism marketing and promotions, such as brochures and information services, which are utilized by the very guests paying the tax.

Who pays the tax and where does the revenue go?
The lodging property adds the room tax to the customer's bill when the customer pays for lodging. Room tax is charged in addition to state sales tax (and county sales tax and special district taxes, when imposed).

The revenue is forwarded to the municipality by each lodging property, in accordance with the schedule set by local ordinance. Currently, the property is not eligible to retain an administrative fee (such as that allowed with state sales tax) to offset direct costs such as charge card processing fees, etc.

What can Room Tax revenue be spent on?
State law requires that at least 70% of Room Tax revenue must be spent on "tourism promotion and development," which is also defined in the statute.

The remaining revenue (0 – 30%) is available for the municipality to spend as determined. This may include infrastructure or services supporting both those visiting the community and residents (such as police staffing at local parades or fireworks), or for other purposes determined by the municipality.

In simplified language, the portion designated for "tourism promotion and development" must be spent on marketing projects to attract tourists, tourist informational services, or municipal development significantly used by tourists. Any funded project, service or development is required to be reasonably likely to generate paid overnight stays at multiple lodging properties (i.e. by the visitors paying room tax).

An exception occurs for municipalities imposing a Room Tax before May 1994, which had allocated less than 70% of Room Tax revenue for tourism promotion and development. Some restrictions apply, and any increases in the 1994 Room Tax rate must follow the newer state requirements.

Who makes the decisions on what is funded by Room Tax revenue?
Expenditure decisions are made locally, within the parameters provided by state law under section 66.0615 of the Wisconsin statutes.

A single municipality may create a "Tourism Commission" of 4-6 members to contract with and oversee a local tourism entity - such as a Convention & Visitors Bureau or a Chamber of Commerce. The Tourism Entity (with Commission oversight) then selects which projects would best attract paying overnight tourists to its local area. The Commission is appointed by the chief elected official of the municipality for a one-year term and must be confirmed by the municipality's governing body. At least one of the appointees must be an owner or operator of a lodging property paying Room Tax.

If the municipality does not create a Commission, the municipal governing body may contract with a local tourism entity or directly spend the revenue on "tourism promotion and development" still within the parameters and requirements of the definition in the law. Usually, a local tourism entity, with a governing board made up of business operators in the tourism industry, has more expertise in determining expenditures that would comply with the definition and intent of "tourism promotion and development."

The law also allows multiple municipalities to band together to create a tourism "zone." If they do so, they must create a "Tourism Commission" with representation and duties as noted in the law.

It is beneficial in any area to have the input of multiple tourism business professionals, including lodging property operators, when determining how local Room Tax revenue should be spent to comply with state statutes. Lodging property operators can provide helpful overnight stay data to assist municipalities in complying with the law and evaluating expenditures.

What public accountability is required?

A "Tourism Commission" is required to report at least annually to the municipality on how Room Tax revenue was spent on "tourism promotion and development."

Whether a Commission or the municipality directly expends the Room Tax revenue, the record of these expenditures is subject to Wisconsin's "Open Records Law." This means that any local tourism business, the general public, or any media interested in learning how the Room Tax revenue is spent may request and receive this record from the municipality.

Is Room Tax right for my community?

Room Tax is not necessarily appropriate for all communities, and should be carefully evaluated before considering a local ordinance to authorize Room Tax. The following are just a few factors to consider when evaluating:

- Is the goal in creating a local Room Tax to increase tourism business in your community?
- What is the potential impact of a new or increased room tax on lodging properties in your community?
- Will room tax put local lodging businesses at a disadvantage with their competition in other communities that have a lower (or no) Room Tax?
- Does your community currently offer a variety of options for the traveler, such as attractions, shops, restaurants, etc. in addition to lodging, to provide a tourism product to market to travelers in order to generate paid overnight stays?
- Is a Tourism Commission with tourism industry representation proposed to help ensure that the expenditures will increase tourism business, within the requirements of the law?
- Is the proposed tax percentage low enough to be competitive with other communities?

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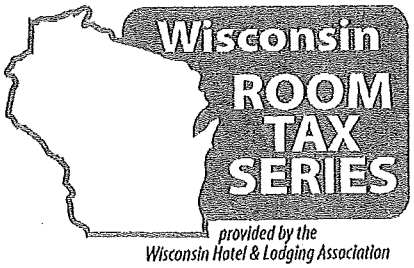
This piece does not constitute a position for or against the implementation of a local Room Tax.

Updated 03/15



Wisconsin Room Tax Statute 66.0615

Updated July 14, 2015- WI. Act 55
And August 13, 2015 – Wi. Act 60

66.0615 Room Tax; forfeitures

(1) In this section:

(a) "Commission" means an entity created by one municipality or by 2 or more municipalities in a zone, to coordinate tourism promotion and development for the zone.

(am) "District" has the meaning given in s. 229.41 (4m).

(b) "Hotel" has the meaning given in s. 77.52 (2) (a) 1.

(c) "Motel" has the meaning given in s. 77.52 (2) (a) 1.

(d) "Municipality" means any city, village or town.

(dm) "Sponsoring municipality" means a city, village or town that creates a district either separately or in combination with another city, village, town or county.

(e) "Tourism" means travel for recreational, business or educational purposes.

(f) "Tourism entity" means a nonprofit organization that came into existence before January 1, 1992, spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality, except that if no such organization exists in a municipality on January 1, 2016, a municipality may contract with such an organization if one is created in the municipality.

(fm) "Tourism promotion and tourism development" means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a tax under sub. (1m) (a) may be imposed, that are owned by different persons and located within a municipality in which a tax under this section is in effect; or, if the municipality has only one such establishment, reasonably likely to generate paid overnight stays in that establishment:

1. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.

2. Transient tourist informational services.

3. Tangible municipal development, including a convention center.

(g) "Transient" has the meaning given in s. 77.52 (2) (a) 1.

(h) "Zone" means an area made up of 2 or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

(1m)

(a) The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. A tax imposed under this paragraph may be collected from the consumer or user, but may not be imposed on sales to the federal government and persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a municipality shall be paid to the municipality and, with regard to any tax revenue that may not be retained by the

municipality, shall be forwarded to a tourism entity or a commission if one is created under par. (c), as provided in par. (d). Except as provided in par. (am), a tax imposed under this paragraph by a municipality may not exceed 8%. Except as provided in par. (am), if a tax greater than 8% under this paragraph is in effect on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

(am) A municipality that imposes a room tax under par. (a) is not subject to the limit on the maximum amount of tax that may be imposed under that paragraph if any of the following apply:

1. The municipality is located in a county with a population of at least 380,000 and a convention center is being constructed or renovated within that county.
2. The municipality intends to use at least 60% of the revenue collected from its room tax, of any room tax that is greater than 7%, to fund all or part of the construction or renovation of a convention center that is located in a county with a population of at least 380,000.
3. The municipality is located in a county with a population of less than 380,000 and that county is not adjacent to a county with a population of at least 380,000, and the municipality is constructing a convention center or making improvements to an existing convention center.
4. The municipality has any long-term debt outstanding with which it financed any part of the construction or renovation of a convention center.

(b)

1. If a single municipality imposes a room tax under par. (a), the municipality may create a commission under par. (c). The commission shall contract with another organization to perform the functions of a tourism entity if no tourism entity exists in that municipality.
2. If 2 or more municipalities in a zone impose a room tax under par. (a), the municipalities shall enter into a contract under s. 66.0301 to create a commission under par. (c). If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another organization in the zone to perform the functions of the tourism entity. Each municipality in a single zone that imposes a room tax shall levy the same percentage of tax. If the municipalities are unable to agree on the percentage of tax for the zone, the commission shall set the percentage.
3. A commission shall monitor the collection of room taxes from each municipality in a zone that has a room tax.
4. A commission shall contract with one tourism entity from the municipalities in the zone to obtain staff, support services and assistance in developing and implementing programs to promote the zone to visitors.

(c)

1. If a commission is created by a single municipality, the commission shall consist of 4 to 6 members. One of the commission members shall represent the Wisconsin hotel and motel industry. Members shall be appointed under subd. 3.
2.
a. If the commission is created by more than one municipality in a zone, the commission shall consist of 3 members from each municipality in which annual tax collections exceed $1,000,000, 2 members from each municipality in which annual tax collections exceed $300,000 but are not more than $1,000,000 and one member from each municipality in which annual tax collections are $300,000 or less. Except as provided in subd. 2. b., members shall be appointed under subd. 3.
b. Two additional members, who represent the Wisconsin hotel and motel industry, shall be appointed to the commission by the chairperson of the commission, shall serve for a one-year term at the pleasure of the chairperson and may be reappointed.

3. Members of the commission shall be appointed by the principal elected official in the municipality and shall be confirmed by a majority vote of the members of the municipality's governing body who are present when the vote is taken. Commissioners shall serve for a one-year term, at the pleasure of the appointing official, and may be reappointed.
4. The commission shall meet regularly, and, from among its members, it shall elect a chairperson, vice chairperson and secretary.
5. The commission shall report any delinquencies or inaccurate reporting to the municipality that is due the tax.

(d)

1. A municipality that first imposes a room tax under par. (a) after May 13, 1994, shall spend at least 70% of the amount collected on tourism promotion and tourism development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.
2. Subject to par. (dm), if a municipality collects a room tax on May 13, 1994, it may retain not more than the same percentage of the room tax that it retains on May 13, 1994. If a municipality that collects a room tax on May 1, 1994, increases its room tax after May 1, 1994, the municipality may retain not more than the same percentage of the room tax that it retains on May 1, 1994, except that if the municipality is not exempt under par. (am) from the maximum tax that may be imposed under par. (a), the municipality shall spend at least 70% of the increased amount of room tax that it begins collecting after May 1, 1994, on tourism promotion and development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission or forwarded to a tourism entity.
3. A commission shall use the room tax revenue that it receives from a municipality for tourism promotion and tourism development in the zone or in the municipality.
4. The commission shall report annually to each municipality from which it receives room tax revenue the purposes for which the revenues were spent.
5. The commission may not use any of the room tax revenue to construct or develop a lodging facility.
6. If a municipality issued debt or bond anticipation notes before January 1, 2005, to finance the construction of a municipally owned convention center or conference center, nothing in this section may prevent the municipality from meeting all of the terms of its obligation.
7. Notwithstanding the provisions of subds. 1. and 2., any amount of room tax revenue that a municipality described under s. 77.994 (3) is required to spend on tourism promotion and tourism development shall be forwarded to, and spent by, the municipality's tourism entity, unless the municipality creates a commission and forwards the revenue to the commission.
8. The governing body of a tourism entity shall include at least one owner or operator of a lodging facility that collects the room tax described in this section and that is located in the municipality for which the room tax is collected. Subdivision 4., as it applies to a commission, applies to a tourism entity.

(dm)

Beginning with the room tax collected on January 1, 2017, by a municipality that collected a room tax on May 13, 1994, as described in par. (d) 2., and retained more than 30 percent of the room tax collected for purposes other than tourism promotion and tourism development, such a municipality may continue to retain, each year, the greater amount of either 30 percent of its current year revenues or one of the following amounts:

1. For fiscal year 2017, the same dollar amount of the room tax retained as the municipality retained in its 2014 fiscal year.

2. For fiscal year 2018, the same dollar amount of the room tax retained as the municipality retained in its 2013 fiscal year.

3. For fiscal year 2019, the same dollar amount of the room tax retained as the municipality retained in its 2012 fiscal year.

4. For fiscal year 2020, the same dollar amount of the room tax retained as the municipality retained in its 2011 fiscal year.

5. For fiscal year 2021 and thereafter, the same dollar amount of the room tax retained as the municipality retained in its 2010 fiscal year.

(e)

1. Subject to subd. 2., a district may adopt a resolution imposing a room tax under par. (a) in an amount not to exceed 3% of total room charges. A majority of the authorized members of the district's board may vote that, if the balance in a special debt service reserve fund of the district is less than the requirement under s. 229.50 (5), the room tax imposed by the district under this subdivision is 3% of total room charges beginning on the next January 1, April 1, July 1 or October 1 after the payment and this tax is irrepealable if any bonds issued by the district and secured by the special debt service reserve fund are outstanding. A room tax imposed by a district under this subdivision applies within the district's jurisdiction, as specified in s. 229.43, and the proceeds of the tax may be used only for the district's debt service on its bond obligations. If a district stops imposing and collecting a room tax, the district's sponsoring municipality may impose and collect a room tax under par. (a) on the date on which the district stops imposing and collecting its room tax.

2. In addition to the room tax that a district may impose under subd. 1., if the district's only sponsoring municipality is a 1st class city, the district may adopt a resolution imposing an additional room tax. The additional percentage of room tax under this subdivision shall be equal to the percentage of room tax imposed by the sponsoring municipality on the date on which the sponsoring municipality agrees to stop imposing and collecting its room tax, as described under s. 229.44 (15). A district shall begin collecting the additional room tax imposed under this subdivision on the date on which the sponsoring municipality stops imposing and collecting its room tax. A room tax imposed by a district under this subdivision applies only within the borders of the sponsoring municipality and may be used for any lawful purpose of the district.

3. A district adopting a resolution to impose the taxes under subd. 1. or 2. shall deliver a certified copy of the resolution to the secretary of revenue at least 120 days before its effective date.

(f)

1. The department of revenue shall administer the tax that is imposed under par. (a) by a district and may take any action, conduct any proceeding and impose interest and penalties.

2. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3), (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax described under subd. 1.

3. From the appropriation under s. 20.835 (4) (gg), the department of revenue shall distribute 97.45% of the taxes collected under this paragraph for each district to that district and shall indicate to the district the taxes reported by each taxpayer in that district, no later than the end of the month following the end of the calendar quarter in which the amounts were collected. The taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments. Interest paid on refunds

of the tax under this paragraph shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60 (1) (a). Any district that receives a report along with a payment under this subdivision or subd. 2. is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

5. Persons who are subject to the tax under this subsection, if that tax is administered by the department of revenue, shall register with the department. Any person who is required to register, including any person authorized to act on behalf of a person who is required to register, who fails to do so is guilty of a misdemeanor.

(2) As a means of enforcing the collection of any room tax imposed by a municipality or a district under sub. (1m), the municipality or district may exchange audit and other information with the department of revenue and may do any of the following:

(a) If a municipality or district has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the financial records of any person subject to sub. (1m) pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct.

(b) Enact a schedule of forfeitures, not to exceed 5% of the tax under sub. (1m) or par. (c), to be imposed on any person subject to sub. (1m) who fails to comply with a request to inspect and audit the person's financial records under par. (a).

(c) Determine the tax under sub. (1m) according to its best judgment if a person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the municipality or district.

(d) Require each person who is subject to par. (c) to pay an amount of taxes that the municipality or district determines to be due under par. (c) plus interest at the rate of 1% per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the municipality or district to inspect and audit his or her financial records under par. (a).

(e) Enact a schedule of forfeitures, not to exceed 25% of the room tax due for the previous year under sub. (1m) or par. (c) or $5,000, whichever is less, to be imposed for failure to pay the tax under sub. (1m).

(3) The municipality shall provide by ordinance and the district shall provide by resolution for the confidentiality of information obtained under sub. (2) but shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. The municipality or district may provide for the publishing of statistics classified so as not to disclose the identity of particular returns. The municipality or district shall provide that persons violating ordinances or resolutions enacted under this subsection may be required to forfeit not less than $100 nor more than $500.

(4) (a) Annually, on or before May 1, on a form created and provided by the department of revenue, every municipality that imposes a tax under sub. (1m) shall certify and report to the department, beginning in 2017, all of the following:

1. The amount of room tax revenue collected, and the room tax rate imposed, by the municipality in the previous year.

2. A detailed accounting of the amounts of such revenue that were forwarded in the previous year for tourism promotion and tourism development, specifying the commission or tourism entity that received the revenue. The detailed accounting shall include expenditures of at least $1,000 made by a commission or a tourism entity.

3. A list of each member of the commission and each member of the governing body of a tourism entity to which the municipality forwarded room tax revenue in the previous year, and the name of the business entity the member owns, operates, or is employed by, if any.

(b) The department of revenue shall collect the reports described in par. (a) and shall make them available to the public.

(c) The department of revenue may impose a penalty of not more than $3,000 on a municipality that does not submit to the department the reports described in par. (a). A municipality may not use room tax revenue to pay a penalty imposed under this paragraph. The penalty shall be paid to the department of revenue.

ADDITIONAL NON-STATUTORY LANGUAGE PASSED IN WISCONSIN ACT 55 RELATING TO ROOM TAX REQUIREMENTS:

SECTION 9129. Nonstatutory provisions; Local Government.

(3f) LOCAL ROOM TAX. With regard to a municipality which collects a room tax on May 13, 1994, with the form that the municipality submits to the department of revenue on or before May 1, 2017, as described under section 66.0615 (4) (a) of the statutes, the municipality shall also include a copy of its room tax ordinance that was in effect on May 13, 1994. In addition, the municipality shall also include with the form a copy of the municipality's financial statement that was completed nearest in time to May 13, 1994, and that shows the percentage of room tax revenue that the municipality retained for its own purposes other than purposes related to tourism promotion and development.

Page 641- Wi. Act 55

Provided as a service of the **Wisconsin Hotel & Lodging Association**

For further Wisconsin Room Tax resources visit www.WisconsinLodging.org/roomtax

Contact: Trisha A. Pugal, CAE, President, CEO
Phone: 262/782-2851 Email: pugal@wisconsinlodging.org

TAP 9/17/15

Wisconsin ROOM TAX SERIES

provided by the Wisconsin Hotel & Lodging Association

Wisconsin Local Room Tax Model

Effective July 15, 2015

PAID OVERNIGHT GUEST

- Spends $$ in local economy
- Are non-residents
- Pays room tax to local lodging property

Spends $$ at local:

- attractions
- restaurants
- lodging
- retail
- gas stations
- drugstores

and much more!

LODGING PROPERTY

- Remits collected room tax to municipality

Room Tax $$

MUNICIPALITY

- Can keep up to 30%, with a minimum of 70% going to a tourism entity or tourism commission

Exceptions

1. A municipality "grandfathered" in 1994 to keep more than 30% may keep no more than the following:
   - in 2017, the total dollar amount retained in 2014
   - in 2018, the total dollar amount retained in 2013
   - in 2019, the total dollar amount retained in 2012
   - in 2020, the total dollar amount retained in 2011
   - from 2021 on, the total dollar amount retained in 2010

Any revenue beyond these caps must go to tourism promotion and tourism development.

2. A municipality "grandfathered" in 1994 to keep less than 30% must continue to do so.

Room Tax $$

TOURISM ENTITY OR TOURISM COMMISSION

- Oversees expenditure of all $$ on "tourism promotion and tourism development" per statutory definition

Attracts & generates paid overnight stays

WH&LA Wisconsin Hotel & Lodging Association

Wisconsin Hotel & Lodging Association | 1025 S. Moorland Road, Ste. 200 | Brookfield, WI 53005 | 262/782-2851 | pugal@WisconsinLodging.org

	A	B	C	D	E	F	G
1	ROOM TAX EXAMPLES						
2							
3	Occupancy at 70%	Average Room Rate	Tax Rate	#days	Annual Tax	Tourist Committee 70%	City 30%
4	35	$ 85.00	3%	365	$ 32,576.25	$ 22,803.38	$ 9,772.88
5	35	$ 85.00	4%	365	$ 43,435.00	$ 30,404.50	$ 13,030.50
6	35	$ 85.00	5%	365	$ 54,293.75	$ 38,005.63	$ 16,288.13
7	35	$ 85.00	5.50%	365	$ 59,724.95	$ 41,807.47	$ 17,917.49
8	35	$ 85.00	6%	365	$ 65,152.50	$ 45,606.75	$ 19,545.75
9	35	$ 85.00	7%	365	$ 76,011.25	$ 53,207.88	$ 22,803.37
10	35	$ 85.00	8%	365	$ 86,870.00	$ 60,809.00	$ 26,061.00

CITY OF PRESCOTT, WISCONSIN

ORDINANCE 1-16

Section 1. The City Council of the City of Prescott, Wisconsin, Do Ordain as Follows:

The following ordinance is hereby enacted and made a part of the City Code of Ordinances:

Room Tax
Exhibit "A" Below

Section 2. A copy of Room Tax within the City of Prescott, Wisconsin" shall be kept on file in the Office of the City Administrator, preserved in loose-leaf form or in such a for as designated by the City Administrator or person authorized by the City Administrator, and said person shall insert in their designated places all amendments, ordinances or resolutions, which indicate the intention of the Common Council to make the same a part of the Municipal code when the same have been printed or reprinted in page form, and to extract from the Municipal code all provisions, which may be repealed from time to time by the Common Council. This copy of the Code shall be available for all persons desiring to examine it.

Section 3. If this ordinance conflicts with any other ordinances or parts of ordinances, to the extent of such conflict, this ordinance shall control in all matters related to "Room Tax" within the City of Prescott, Wisconsin.

Section 4. This ordinance shall become effective upon due notice and publication as required by law.

Passed, Approved and Adopted by the Prescott City Council on this _____ day of _____, 2016.
Pursuant to Section 66.035, Wis. Stats.

_____
David B. Hovel, Mayor

ATTEST:

_____
Jayne M. Brand
City Administrator/Clerk

Introduced:
Adopted:
Published:
Effective:

Exhibit "A"

ROOM TAX

A. Definitions. In this section, the following definitions shall apply:

HOTEL or MOTEL

A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed-and-breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospital, sanitariums or nursing homes or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes, provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

GROSS RECEIPTS

Has the meaning as defined in s. 76.48(d), Wis. Stats., insofar as applicable.

TRANSIENT

Any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodation available to the public.

BED-AND-BREAKFAST ESTABLISHMENT

Any place of temporary lodging that provides four or fewer rooms for rent, which is open for rental more than 10 nights in a twelve-month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served is breakfast.

B. Imposition of tax.

(1) Pursuant to s. 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and services of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of 5.5% of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by S 77.52(2)(a)1, Wis. Stats. The City shall distribute the room tax as provided by the Wisconsin Statutes.

(2) Exemptions. The following room sales are exempt from this tax:

(a) Sales to the federal government;

(b) Sales to persons listed under s. 77.54(9a), Wis. Stats.

(3) Exemption conditions. The following conditions must occur for a sale to be exempt from the room tax:

(a) The lodging establishment must issue the billing or invoice for the lodging in the name of the exempt entity; and

(b) The lodging establishment must receive from the exempt entity:

[1] In the case of federal and Wisconsin state or local governmental units, a purchase order, written document (such as a letter of authorization), or other acceptable authorization; or

[2] In the case of nonprofit religious, charitable, scientific or educational organization, the organization's certificate of exempt status number.

(c) The exemption still applies if the employee pays with his or her own funds, as long as the above conditions are met.

C. Collection of tax.

(1) Administration by City Finance Director. This tax shall be administered by the City Finance Director who shall, at City expense, provide the necessary application and reporting forms at no cost to the taxpayer.

(2) Reporting periods. The tax imposed for the months of January, February and March, and for each calendar quarter thereafter, is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Finance Director, by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such returns shall show the gross receipts of the preceding calendar quarter from such retail furnishing of room or lodging, the amount of taxes imposed for such period, and such other information as the City Finance Director deems necessary. Every person required to file such quarterly return shall, with their first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the City Finance Director requires. Such annual returns shall be made on forms as prescribed by the City Finance Director. All such returns shall be signed by the person required to file a return or duly authorized agent, but need not be verified by oath. The City Finance Director may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

(3) Sale or conveyance of business. If any person liable for any amount of tax under this section sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient

portion of the purchase price to cover such amount until the former owner produces a receipt from the City Finance Director that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

(4) Determination of tax by audit. The City Finance Director may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Finance Director's possession. Whenever the City Finance Director has cause to believe that the correct amount of room tax has not been assessed or that the room tax return is not correct, the City Finance Director is authorized to examine and inspect the financial records pertaining to the furnishing of accommodations in question in order to verify the tax liability of that person or establishment. One or more such office audit determination may be made of the amount due for any or for more than one period.

(5) Failure to file return. If any person fails to file a return as required by this chapter, the City Finance Director shall make an estimate of the amount of the gross receipts under Subsection **C(2)** and **(3)**. Such estimates shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Finance Director's possession or may come into the City Finance Director's possession. On the basis of this estimate, the City Finance Director shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to 10% thereof. One or more such determinations may be made for one or more than one period.

(6) Interest on unpaid taxes. All unpaid taxes under this chapter shall bear interest at the rate of 12% per year from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the City Finance Director. An extension of time within which to file a return shall operate to extend the due date of the return for the purposes of interest computations. If the City Finance Director determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, he/she shall not allow any interest thereon.

(7) Delinquent returns; late fees; penalty.

(a) Delinquent tax returns shall be subject to a late filing fee of $100. The tax imposed by this chapter shall become delinquent if not paid:

[1] In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after the expiration of an extension period, if one is granted.

(b) If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a forfeiture established herein as follows:

> [1] A forfeiture of 25% or $5,000, whichever is less, of the tax imposed and is due and owing within 30 days after the due date of said return.

[2] If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade a tax imposed by this section, a forfeiture of 50% of the entire tax finally determined shall be added to the tax required to be paid exclusive of interest and other penalties.

D. Security required. In order to protect the revenue of the City, the City Finance Director may require any person liable for the tax imposed by this chapter to place with her before or after a permit is issued such security not in excess of $100 as the City Finance Director shall determine. If any taxpayer fails or refuses to place security, the City Finance Director may revoke or refuse to issue such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this section, the City Finance Director may, upon 10 days' notice, recover the taxes, interest and penalties from the security placed with the said City Finance Director by such taxpayer. No interest shall be paid or allowed by the City to any persons for the deposit of such security.

E. Records to be maintained. Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Finance Director and this chapter shall require. Such records shall be retained and made available for a period of five years from the date of a filing period.

F. Confidentiality maintained.

(1) All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the City Finance Director are deemed to be confidential, except the City Finance Director may divulge their contents to the following and no others:

(a) The person who filed the return.

(b) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.

(c) Officers, employees or agents of the City Auditors.

(d) Such other public officers of the City of Prescott when deemed necessary.

(2) No person having an administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this section or the amount or source of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided above.

G. Violations and penalties. Any person who is subject to the tax imposed by this chapter who fails or refuses to permit the inspection of records by the City Finance Director after such inspection has been duly requested by such City Finance Director, or who fails to file a return as provided in this chapter, or who violates any other provision of this chapter, shall be subject to:

(1) A forfeiture, not to exceed 5% of the room tax, may be imposed for a failure to comply with a request to inspect and audit required financial records.

(2) Require the amount of taxes due to be paid plus interest at the rate of 1% per month on the unpaid balance. No refund or modification of the payment may be granted until the person files a correct room tax return, and permits the municipality to inspect and audit the financial records.

(3) Forfeiture, not to exceed 25% of the room tax due for the previous year or $3,000, whichever is less, of the tax imposed, in the event the room tax is not paid.

(4) Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.