

CITY OF PRESCOTT, WISCONSIN
MEETING NOTICE
REGULAR CITY COUNCIL MEETING
MONDAY, JULY 25, 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. JULY 11, 2016 REGULAR CITY COUNCIL MEETING MINUTES
 2. JULY 11, 2016 ORDINANCE COMMITTEE MEETING MINUTES
 3. JULY 12, 2016 BOARD OF REVIEW MEETING MINUTES
 4. JUNE 15, 2016 PRESCOTT HOUSING AUTHORITY MEETING MINUTES
 5. JULY 20, 2016 ZONING BOARD OF APPEALS MEETING MINUTES
6. REPORTS OF STANDING COMMITTEES
 - A. PUBLIC WORKS
 1. RECONSIDER MOTION FROM JULY 11, 2016 ACCEPTING THE CITY ENGINEER PRELIMINARY SPECIAL ASSESSMENT REPORT FOR DEVELOPMENT OF ASSESSOR'S PLAT TO DETERMINE THE CITY OF PRESCOTT RIGHT-OF-WAY OF LAKE STREET
 2. ADOPT THE CITY ENGINEER PRELIMINARY SPECIAL ASSESSMENT REPORT FOR DEVELOPMENT OF ASSESSOR'S PLAT TO DETERMINE THE CITY OF PRESCOTT RIGHT-OF-WAY OF LAKE STREET
 3. RESOLUTION 06-16 "INITIAL RESOLUTION VACATING ALL THAT PART OF A CERTAIN ALLEY LOCATED IN BLOCK 1, RODNEY JOHNSON'S ADDITION IN THE CITY OF PRESCOTT, PIERCE COUNTY, WISCONSIN
 - B. PLANNING COMMISSION
 - C. PARKS & PUBLIC PROPERTY
 - D. PUBLIC SAFETY
 1. REQUEST TO CLOSE PINE STREET IN FRONT OF EMS & POLICE BUILDING ON SATURDAY, JULY 30, 2016 FROM 11:00 A.M. TO 4:00 P.M. FOR PUBLIC SERVICES OPEN HOUSE
 - E. ORDINANCE
 1. 1ST READING WITH POSSIBLE WAIVER OF 2ND & 3RD READING OF ORDINANCE 03-16 "CHRONIC NUISANCE PREMISES"
 - F. LICENSE
 1. SET MEETING TO DISCUSS INFORMATION PROVIDED BY SPECIAL AGENTS FOR ALCOHOL & TOBACCO ENFORCEMENT UNIT
 - G. PERSONNEL
 - H. HEALTH & SAFETY
 - I. FINANCE COMMITTEE
 1. FINANCE COMMITTEE MEETING SCHEDULE FOR 2017 BUDGET
 - J. COMMUNICATIONS & NEW BUSINESS
 1. PUBLIC COMMENTS
 2. WISCONSIN TAXPAYERS ALLIANCE
 3. OTHER BUSINESS
 4. CLOSED SESSION PER WISCONSIN STATS. 19.85 (1) (G) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED – **JOHN & HELEN SHIELY LAWSUIT AGAINST CITY OF PRESCOTT & (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- POSSIBLE TIF INCENTIVES FOR ECONOMIC DEVELOPMENT**
 5. RETURN TO OPEN SESSION
 6. TAKE ACTION ON ITEMS DISCUSSED IN CLOSED SESSION
 7. 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

JULY 11, 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, July 11, 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 Galen Seipel, Joshua Gergen, Jack Hoschette, Rob Daugherty, Bill Dravis and Maureen Otwell. Public Works Director Hank Zwart and City Administrator Jayne Brand represented staff. Also present Greg Adams, City Engineer and Jim Swanson, Surveyor both from Cedar Corporation.

Pledge of Allegiance was said.

Public Comments: None were given.

Gergen/Otwell motion to approve the consent agenda which included approval of June 27, 2016 regular city council meeting minutes, June 27, 2016 public works committee meeting minutes, June 22, 2016 personnel committee meeting minutes, July 5, 2016 plan commission meeting minutes, accounts payable, payroll, budget year to date, cash balances and accounts receivable passed without a negative voice vote.

Daugherty/Gergen motion to open public hearing for preliminary special assessment for development of assessor's plat to determine the City of Prescott right-of-way of Lake Street passed without a negative voice vote.

Greg Adams, City Engineer presented the assessor's plat information. The assessor's plat will define the right-of-way for Lake Street. Usually you have a subdivision plat which will define the lots and public right of ways but with Lake Street there is not one document which defines the public right of way. A number of the lots on Lake Street have been created by certified survey maps.

Brian Crist – Lake Street resident stated he has owned his property since 1980 and it had been previously owned by his parents. Crist stated doing an overlay of the street would not help with the utilities which may need to be replaced or with the stormwater. Crist stated he disagreed with the cost sharing on the assessor plat special assessments. Originally it was thought the cost for the assessor plat would be equally divided among all of the property owners but since it can't be done that way the owners of property on the river side are paying an inordinate amount of the special assessments. Crist stated it appears the reasonable and normal amount paid by a city should be 50% but would like to see the city pick up all of the costs.

Alderman Otwell asked Crist why the city should pick up all of the costs. Crist stated this is a rare procedure for the city and will probably not happen again in the city.

Jim Toner – Lake Street resident stated he would address property issues. Toner stated if there are changes in existing right of way the property owners would need to be paid for the property. Toner asked about maintenance of the entire street. Toner stated they have had no pot filling, not snow plowing or street cleaning. Toner also stated if changes are made to right of way they would have to have new title work done for their mortgages.

Roger Santelman – Lake Street resident stated he has lived on Lake Street since 1990. Santelman stated the two important issues are the street and the utilities and asked what is going to be the product that is going to come out of the surveyor's map. Santelman stated Lake Street as traveled has been accepted

by the property owners. Santelman asked if all four corners will be found as part of the assessor's plat and if there will be revised property lines. Santelman also asked about the reconstruction of Lake Street. Will there be curb & gutter, paving of the street and utility replacement in the street and from the street to the house. He stated he understands there are problems with sanitary service at the wastewater treatment plant during high water. He also questioned stormwater drainage.

Rob Kulla – Lake Street resident stated he has title to parcels and deeds and had had surveyor plats already completed. Kulla stated he feels he should not have to pay anything for parcel number one on the assessor plat as that property lines up with Highway 10. Kulla stated he does not feel the special assessment should be off of land values but should be done on linear feet. Kulla also questioned by the residents on the private drive were not included in the assessor plat as they travel Lake Street to get to their property. Kulla stated Lake Street is used by all residents in Prescott.

Alderperson Gergen stated the city has to follow the state statute as to how assessments need to be handled.

John Shiely Lake Street resident stated his house was just recently built and there is no doubt where the public right of way is by his property. Shiely stated he has paid \$40,000 to have the work completed. Shiely stated he would like reimbursement for the work he has already done and wants his special assessments removed.

Mark Mueske – Lake Street resident asked about curb and gutter and where it is going to drain.

Don Hillman – Lake Street resident stated the residents should not have to pay anything for the assessor plat.

Mike C. Gresser – Owner of property on Lake Street stated he has owned land on Lake Street for the past 21 years. Gresser stated the Council is wildly spending the taxpayer's money. Gresser stated he hadn't heard any complaint except for the blacktop is failing. Doesn't feel curb and gutter is needed. Gresser stated the \$60,000 cost is just an estimate and it is going to cost more than \$60,000. Gresser wanted to remind the Council the \$6,000 the city is paying is coming from taxpayers money since the only way the city earns money is from taxes. Gresser told the Council to stop what they are doing there is no benefit to the people and just do an overlay.

Rob Kulla stated the Lake Street residents pay the highest taxes in Prescott.

Jim Shiely – Lake Street resident stated he would like to see an overlay and questioned why they couldn't use a drawing to determine footage

Denise Farr Lake Street resident questioned why the city isn't paying 100% of the assessment; Lake Street is used by everyone. River flooding is not just a Lake Street problem. Farr also stated properties on Lake Street never sale because of the real estate taxes.

Brian Crist reminded that the assessor plat is capped at \$60,000. If it goes over that cost the city will not have to pay more than \$60,000.

It was explained the city is paying \$6,000 or 10% of the assessments as the value of the public property was determined to be assessed at \$600,000

Kris Sampson – Lake Street resident stated she would contest the value of the public property as not being assessed high enough. Sampson stated she already has a survey done for her property.

Joe Schafer – Lake Street resident since 2004 asked about a fully improved street. How wide does it have to be and has concerns if it is not wide enough how will emergency vehicles get down the street.

Jim Johnson Lake Street resident since 1997 stated a number of residents have already put in curb and gutter on their own and this would be removed as part of a street project. Johnson stated he is worried about the adjusted situation what people are going to have to do to their properties. Johnson stated he is worried about costs and by doing the assessor plat it is going to create so many problems. Johnson also stated taxes are going up here in Prescott and now they will have this additional cost.

Greg Adams, City Engineer reiterated the reason for the assessor's plat is to have the property clearly defined as the public right of way. As the street plan is designed that is the time when things will be looked at for adjustment of the street. It is not known if curb and gutter will be part of the street project.

Jim Toner stated it is going to cost the city money to do eminent domain.

Brian Crist stated Lake Street has already had overlay and would have to be dug out and replaced in order to do it right.

Gergen/Daugherty motion to close the public hearing passed without a negative voice vote.

Mayor Hovel stated the right of way would need to be maintained.

Jim Swanson, Surveyor stated all corners will be found and will be recorded at the Courthouse.

Aldersperson Otwell asked Swanson if they would work with resident who know where their survey stakes are at. Swanson stated they would work with residents. Otwell asked how issues will be resolved. Swanson stated everyone would have to agree. There would be a 30 day waiting period for review of the plat and after that time if there are now issues the plat would be recorded. Aldersperson Seipel asked about what will happen to the property stakes which are found. Swanson stated they will be left in place. Aldersperson Otwell asked why do an assessor plat rather than just a mill and overlay. Greg Adams stated the utilities in the street are old. City Administrator Jayne Brand also reminded the Council we have certain items we have to address for our permit for the wastewater treatment plant and the amount of effluent going into the plant is one of the issues we need to address. Aldersperson Hoschette asked if there are sewer clogs and sewage would back up into someone's home would the city be responsible. Public Works Director Hank Zwart stated they have run the camera through the sewer line and there are cracks in the lines and not sealed at the manholes. Greg Adams stated eminent domain is not part of an assessor plat nor can there be any lot splits. The purpose of the assessor plat is to define the public right of way. Aldersperson Hoschette asked about retaining walls and if the city would take over the retaining walls in the public right of ways. Greg Adams stated this is something which would be discussed as part of the street design. Aldersperson Seipel asked why all the boundaries need to be identified. Greg Adams stated it would be in the best interest of the city and property owners to define all of the boundaries. **Gergen/Daugherty motion to table the issue for 60 days failed by a roll call vote with Otwell, Daugherty, Seipel voting nay. Mayor Hovel broke the tie by voting nay.**

Aldersperson Otwell asked her fellow Alderspersons how long the city is going to put off the project. She would consider doing a great share of the costs. Aldersperson Dravis stated he lives on Elm Street and

everyone in the city uses that street also. Dravis stated there are always streets that are going to have issues but agreed something needs to be done to move Lake Street forward.

Otwell/Hoschette motion to approve the assessor plat for Lake Street with the city paying 70% of the special assessment costs Otwell motion to make an amendment to the motion to change the city paying 50% of the special assessment cost. Amendment died for a lack of a second. Motion failed with Dravis, Gergen, Hoschette and Seipel voting nay via roll call vote.

Seipel/Otwell motion to approve the assessor plat for Lake Street with the city paying 50% of the special assessment cost passed by a majority vote with Gergen voting nay.

Public Works meeting set for July 25th at 5:30 p.m.

Matt Hoefler of HAF Group presented the site and building plan for Riverboat properties for the old Steamboat Inn properties. The building is three levels with underground parking and meets the height restrictions. The main level will be a bar, banquet room and main level parking the upper two levels will each have six condos. The parking stalls have increased to 83 parking stalls. Water and sewer lines will need to be upsized. Stormwater will be diverted to holding tanks. There are still questions which need to be worked out with the Department of Transportation on entrance and exits. Alderperson Daugherty commented on the area which is owned by the DOT. Bruce Lenzen, owner of Riverboat Properties stated they want to work with the DOT to develop the green space. Alderperson Seipel asked about rock on the site and Matt stated the rock is between 4 to 8 feet below grade but appears to be able to be removed with a rock chipper. **Gergen/Otwell motion to approve the site and building plan contingent on approvals for Department of Natural Resources, Department of Transportation and staff on grading, erosion control and stormwater passed without a negative voice vote.**

Gergen/Daugherty motion to approve cigarette license for Dolgen Corp DBA Dollar General passed without a negative voice vote.

Gergen/Daugherty motion to approve operator license for Paul Kurtenbach passed without a negative voice vote.

Public Comments:

Denise Farr asked about crossing Highway 10 at the bridge and wonders if there can be a better pedestrian crossing there. She also commented she had her husband whip the weeds on Ellen Street on Highway 10 because she couldn't see around them.

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

Respectfully Submitted,

Jayne M. Brand
City Administrator

**CITY OF PRESCOTT, WISCONSIN
JULY 11, 2016 ORDINANCE COMMITTEE MEETING MINUTES**

Pursuant to due call and notice thereof, a meeting of the Ordinance Committee was held Monday, July 11, 2016 at the Municipal Building, 800 Borner St. Prescott, WI 54021

Meeting called to order at 5:30 p.m. Members present were Jack Hoschette, Maureen Otwell and Galen Seipel. Public Works Director/Zoning Administrator Hank Zwart and City Administrator Jayne Brand represented staff.

Hoschette/Otwell motion to approve the minutes for May 9, 2016 passed without a negative voice vote.

Two residents from Pine Ridge met with the committee regarding backyard archery. The residents stated they have found an arrow on their property and have concerns. The committee reviewed the ordinance on backyard archery. The ordinance requires that contiguous property dwellers will be contacted and advised of the applicant's intention to obtain a permit for archery practice on the property. City staff advised the committee they have not issued any permits for archery practice. The committee also discussed bow and arrow hunting which was adopted by city council and is a state statute which allows for hunting in the city limits. The committee reviewed the state statute and city ordinance and are under the understanding where hunting is concerned the only restrictions are hunting prohibited within 100 yards of a building on someone else's property and following all rules and regulations for hunting. City staff will work with the Police Department on going out and checking on the backyard archery in question.

The committee reviewed the draft ordinance for chronic nuisance premises. This ordinance is designed to help when Police Officers are called to a premise multiple times for issues. A chronic nuisance premise could be apartments, establishments and even private residential property. **Hoschette/Seipel recommendation to move this ordinance forward to council passed without a negative voice vote.**

Hoschette/Otwell motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand
City Administrator

**CITY OF PRESCOTT, WISCONSIN
JULY 12, 2016 BOARD OF REVIEW MINUTES**

Pursuant to due call and notice thereof, a meeting of the Board of Review was held Tuesday, July 12, 2016 at Prescott City Hall 800 Borner St. Prescott, WI 54021

Call to order/Roll call: Mayor David Hovel called the meeting to order at 6:00 p.m. Members present were David Hovel, Maureen Otwell, Jack Hoschette, Galen Seipel and Jayne Brand.

Training requirements have been met.

Seipel/Hoschette motion to recess until someone appears for an objection passed without a negative voice vote.

There were no objections heard before the Board of Review.

Meeting was called back into session.

Seipel/Otwell motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand
City Administrator

Minutes for regularly scheduled meeting of the Board of Commissioners for the Prescott Housing Authority on June 15th , 2016.

Chair person Dave Sterud called the meeting to order. Roll called showed those to be present: Gary Dunn, Brenda Haas, Rich Matzek, Dave Sterud. Absent: Dorothea Morris. Also present Anne McAlpine, Management Agent.

Minutes for the April 13th,2016 meeting were approved. Dunn/Haas.

Discussed Financial Reports from March and April 2016. Reports approved. Matzek/Haas.

Checks for April, May, and June 2016 were approve and signed. Dunn/Haas.

No Tenants present.

Old Business: McAlpine is still exploring the possibilities of obtaining grants for the cost of materials for the proposed Covered Picnic Structure. Material costs are estimated to be \$4000 to \$4500.

New Business: McAlpine presented bids on the concrete slab for the Covered Picnic Structure. It was discussed and agreed to accept the bid from Plummers Concrete in Ellsworth Wis, for \$4125. They will be notified and the job will be put into their schedule to be completed in the Summer of 2016. Dunn/Matzek

Tenant request for a reimbursement, on an insurance deductible, was denied by the board.

Write-offs in the amount of \$4457, for expenses not paid by tenants in 2016, were approved. Dunn/Matzek.

No Chair Report.

Management Report:

No Vacancy with one tenant leaving and one moving in.

McAlpine presented an issue regarding the inability of Emergency Responders to be able to access Tenant apartments in emergency situations. She has discussed this with the Prescott Police Department and EMT services, and will followup with them to make sure they know how to access the "black key box" at the entrance of each building.

Rich Matzek will not be available for the July 2016 meeting.

There being no other business, motion to adjourn at 9:58 am., on 6/15/16. Dunn/Haas

Respectfully submitted Rich Matzek, Recorder.

**CITY OF PRESCOTT, WISCONSIN
JULY 20, 2016 ZONING BOARD OF APPEALS MEETING MINUTES**

Pursuant to due call and notice thereof, a meeting of the Zoning Board of Appeals was held Wednesday, July 20, 2016, Municipal Building, 800 Borner St.

Call to order/Roll call: **Jennings/Taevs motion to call the meeting to order passed without a negative voice vote.** Members present Jack Swanson, Genny Taevs, Mark Jennings, and Julie Jilk. Also present Philip Helgeson, City Attorney, Hank Zwart, Public Works Director/Zoning Administrator and Jayne Brand, City Administrator.

Taevs/Jennings motion to elect Jack Swanson Chairperson for this meeting passed without a negative voice vote.

Jennings/Jilk motion to open public hearing for conditional use permit request for Brandon and Corrina Wilde, 1020 Lake Street for “structural erosion control measures inside slope preservation zones” per City Code of Ordinances 606-26 passed without a negative voice vote.

Chairman Swanson introduced the request. The applicant is Brandon & Corrina Wilde. The applicant, on June 15, 2016 filed with the Zoning office, an application for Conditional Use Request for 1020 Lake St., Prescott, WI 54021. The present owner is Brandon & Corrina Wilde. The subject properties are used as single family residential.

The property is zoned: R-1 Mixed Residential with overlaying Lower St. Croix River Way District. The request is for a Conditional Use per Code of Ordinances 606-26 “Structural Erosion control measures inside slope preservation zones”.

Corrina Wilde presented information on the request. Corrina stated the structural erosion control measures are retaining walls. They currently have retaining walls but with the rebuilding of their home some of the walls need to be replaced or reconstructed. There is approximately 2 feet of new retaining wall which will be extended on to a wall which is being replaced. Corrina stated the walls are being used to hold back the earth for erosion.

Matt Heib of ACA Engineering, representing the Wildes, stated a number of the retaining walls are leaning and need to be replaced since they have become a safety hazard.

Zoning Administrator Hank Zwart explained the plan show some of the walls will be replaced, some will be reconstructed and there is a wall which is proposed to be extended.

Heib stated the walls identified as being replaced have been removed so grading can be done to bring the site back to grade. The walls identified as reconstructed are still in place and will be reconstructed because they are in poor shape. The extended wall is approximately 2 feet and will be extended to protect erosion.

Chairman Swanson asked what the walls would be made out of. Brandon Wilde explained the retaining walls will be made out of concrete block and will be faced with natural stone. Swanson stated it appears the retaining walls are terraced. Zwart stated they are currently terraced and will be continue to be terraced. Heib stated the walls which are noted on the drawing as being reconstructed will need to be removed so the grading of the site can be completed but they will be replaced back in their same spot.

Franz Altpeter of 1110 Lake Street gave the Board some history on the property. The property was owned by Esther Darnell for a period of time and even during the time she owned the property the retaining walls were in not in good shape.

Chairman Swanson asked if the DNR had been informed of the request. Zwart stated they had been informed and did not see any issues with the retaining wall as long as the plan was followed.

Chairman Swanson read the letter from Michael Wenzholz of the DNR into the record. Chairman Swanson expressed concerns on how the project is going to move forward without having approval for stairs. Heib stated they would have applied for stairs had they known a conditional use was needed for stairs. Board member Jilk asked if it made sense to move forward with the retaining walls not known if the stairs were going to be approved. Attorney Helgeson reminded the Board they need to focus on the retaining walls as that is what the request was made for.

Board member Taevs asked about water and sewer if those lines will need to go in by the retaining wall. Corrina Wilde explained they will go through another area not near the retaining walls.

Board member Jennings asked staff if there were any public comments. Staff reported there were no public comments.

Tinka Beglow a neighbor stated she would like to see the project completed and the house put back on the tax roll.

Jennings/Taevs motion to close the public hearing passed without a negative voice vote.

Chairman Swanson stated he is from a construction background and is okay with the project as shown. He stated the retaining walls are going back in the same area as they are currently and needed for erosion control.

Board member Jennings stated it seems logical there would need to be retaining walls and had no objections.

Board member Taevs stated she went out and viewed the property. She felt the retaining wall project was overdue.

Board member Jilk she is in favor of replacing and reconstructing the retaining wall. She felt the reconstruction will help keep up the neighborhood.

Chairman Swanson stated the retaining walls will enhance the waterway. They will help with erosion control from both a technical and aesthetics stand point.

The board consensus of the board are the erosion control measures are necessary and the retaining walls will be constructed of natural materials since the cement blocks will be covered with natural stone.

Taevs/Jilk motion to approve the conditional use permit for Brandon and Corrina Wilde, 1020 Lake Street for replacement, reconstruction and extension of structural erosion control measures inside slope preservation zone per City Code of Ordinance 606-26 passed unanimously via roll call vote.

Jennings/Jilk motion to adjourn passed without a negative voice vote.
Respectfully Submitted,

Jayne M. Brand
City Administrator

City of Prescott, WI
Tuesday, July 19, 2016

Chapter 120. Mayor and Council

§ 120-19. Conduct of deliberations.

- A. Roll call. When the presiding officer shall have called the members to order, the presiding officer shall proceed to call the roll in seating order, noting who is present and who is absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Council shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner as provided by the Wisconsin Statutes or §§ 120-12 and 120-13.
- B. Meeting attendance. All members of the Common Council shall attend all Council meetings, meetings of committees to which members have been appointed, and special or adjourned meetings when duly notified thereof. A member who does not appear in answer to his name when the roll is called at any regular meeting or any special or adjourned meeting when notified thereof shall be marked absent. Any member seeking to be excused from attending any regular or special meeting must notify the Mayor or City Clerk in advance of such meeting, explaining the reason for his absence and, upon complying with this requirement, such members shall be duly excused from attending said meeting.
- C. Recognition for debate.
- (1) When a member is to speak in debate, or deliver any matter to the Council, he shall respectfully address himself to the presiding officer, and confine his remarks to the question under debate, and avoid personalities.
 - (2) When two or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.
- D. Roll call vote procedure. The ayes and nays shall be ordered upon any question at the request of any member of the Council, or the Mayor, and the City Clerk shall call the roll according to seating order, with subsequent roll call votes commencing with the next Alderperson, and each subsequent call of roll shall begin with the name of the Alderperson next on said alphabetical list of Alderpersons; such order of roll call shall be followed until the list of Alderpersons has been completed. Each time the list has been completed, the City Clerk shall again start on top of the seating order list and proceed on down through the list.^[1]
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- E. Reconsideration. When a motion has been decided, it shall be in order for any member who voted in the majority to move a reconsideration thereof at the same or next succeeding meeting, and the Mayor shall call for a roll call of the Alderpersons. If a majority of the members present shall be in favor of a reconsideration, the subject shall be before the Council for further action.
- F. Precedence of motions. No motion shall be discussed or acted upon until it has been seconded; nor shall any motion be withdrawn without the consent of the person making the same and the

person seconding it. When a question is under discussion, the following motions shall have precedence in the order listed:

- (1) To adjourn.
- (2) To recess.
- (3) To lay on the table.
- (4) To move the previous question.
- (5) To postpone to a day certain.
- (6) To refer to a committee.
- (7) To amend.
- (8) To postpone indefinitely.

- G. Rules of parliamentary procedure. The rules of parliamentary practice in Robert's Rules of Order, which is hereby incorporated by reference, shall govern the proceedings of the Council in all cases to which they are applicable and in which they are not inconsistent with these rules or with the laws of the State of Wisconsin.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- H. Reconsideration of questions. It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.
- I. Call for the previous question. Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.
- J. Amendment of rules. The rules of this section shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of 2/3 of all the members of the Council.
- K. Suspension of rules. Any of the provisions of this section may be suspended temporarily by a recorded vote of 2/3 of the Council members present at any meeting.

Revised using 50% being paid by city

REPORT OF CITY ENGINEER

City of Prescott, Wisconsin

Development of Assessor's Plat to Determine the City of
Prescott right-of-way of Lake Street

Lake Street (STH 35 to Termini)

Preliminary Special Assessment Report

Pursuant to Wisconsin Statutes, Section 66.0703, and the City of Prescott Code of Ordinances, Chapter 15, submitted herewith is the Report of City Engineer on the preliminary assessments for development of Assessor's Plat to determine the City of Prescott right-of-way of Lake Street described in the following schedules attached to this report:

- SCHEDULE A -** A preliminary assessor's plat boundary map is attached and made a part of this report and is on file in the Office of the City Clerk for public inspection.
- SCHEDULE B -** A Project Data Sheet and Opinion of Probable Cost for the proposed improvements.
- SCHEDULE C -** Schedule of Assessments against each parcel affected.

I hereby certify that the property against which assessments are proposed has been viewed in the field and found to be benefitted by said improvements under the City's police power.

Submitted this 12th day of July 2016.



Gregory R. Adams, PE
Civil Engineer

General Project Information

- Location:** The Assessor's Plat Boundary Map includes parcels located along Lake Street, for the intersection of Lake Street and STH 35 to the Lake Street termini north, as shown on Schedule A.
- Improvements:** The City of Prescott proposes to develop an Assessor's Plat to define the Lake Street right-of-way.
- Abutting Property:** All property within the Assessor's Plat Boundary Map area is zoned R-1, Mixed Residential.
- Right-of-Way:** The intent of the Assessor's Plat is to define the right-of-way for Lake Street.
- Initiation:** Resolution 05-16, adopted on May 9, 2016.

Proposed Improvements

- Assessor's Plat:** There is no contiguous recorded right-of-way for the City of Prescott's Lake Street from STH 35 to the north termini. The City of Prescott proposes to create an Assessor's Plat in order to define the City of Prescott's right-of-way for Lake Street.

Estimated Project Cost and Funding Sources

Estimated Cost: The cost to develop the Assessor's Plat is \$60,000, not to exceed. The City is contributing 50% of the total cost, or \$30,000 to the project funding. The total amount assessed is \$30,000.

Funding Sources: The following table shows the proposed revenue for funding the project:

<u>Funding Source</u>	<u>Amount</u>
Special Assessments	\$60,000.00
Capital Improvements Fund	-\$30,000.00
Total Opinion of Probable Project Cost	\$30,000.00

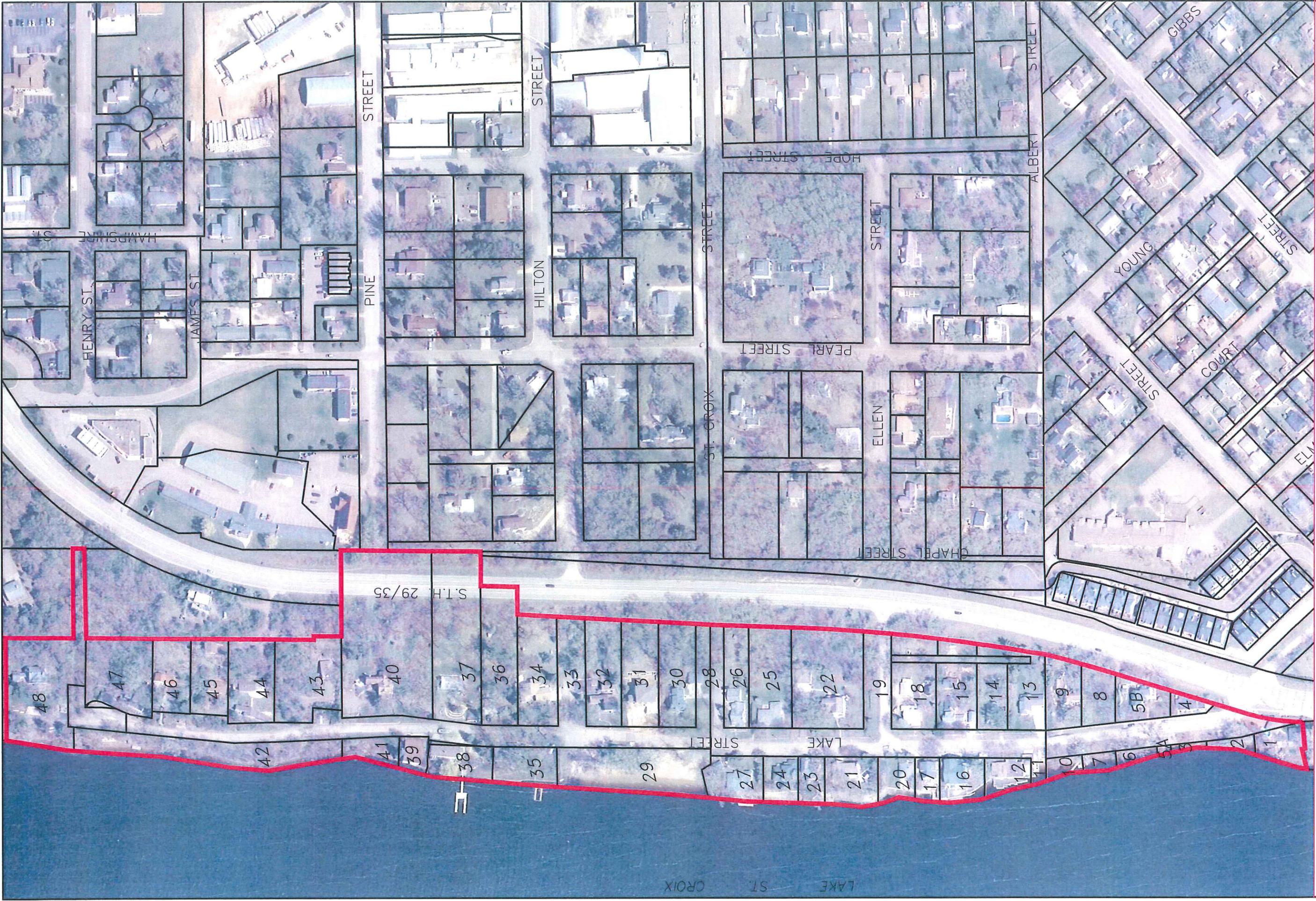
Special Assessments:

The special assessments were determined in accordance with city assessment policies. Each parcel's assessment is based on the percentage of the individual parcel's unimproved land value relative to the total unimproved land value of all parcels within the assessor's plat boundary map. Each parcel's percentage is multiplied by the total cost to develop the Assessor's Plat, to determine the total assessment for the parcel. The proposed assessment distribution is shown on the attached Schedule C.

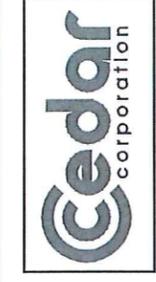
The special assessments may be paid in one lump sum within 30 days after final notice. If the assessments are not

paid, payments may be placed on the tax roll and made in 10 annual installments at an interest rate of 2% per annum above what the City of Prescott can borrow at on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 12% per annum. Installments or assessments not paid when due shall be extended on the tax roll as a delinquent tax and collected in the same manner as delinquent real estate taxes.

All special assessments, including interest, will become due and payable if and when a property title is transferred including conveyance by deed, land contract, inheritance, gift or other means.



City of Prescott
 PRELIMINARY SPECIAL ASSESSMENTS
 SCHEDULE A



DEVELOPMENT OF ASSESSOR'S PLAT TO DETERMINE THE CITY OF PRESCOTT LAKE STREET RIGHT-OF-WAY

SCHEDULE "C"

Preliminary Special Assessment Schedule

**Development of Assessor's Plat to Determine the City of Prescott Lake Street Right-Of-Way
Lake Street (STH 35 to Termini)
CITY OF PRESCOTT**

DATE: 7/12/16
PREPARED BY: GRA

Total Land Valuation of all Parcels within the Boundary Map
Assessed amount Total Cost of Surveying Work

\$ 5,326,500.00
\$ 30,000.00

PARCEL #	OWNER NAME	CO-OWNER NAME	OWNER INFORMATION	PROPERTY ADDRESS	UNIMPROVED LAND VALUE	PERCENTAGE BASED ON TOTAL LAND VALUE W/IN ASSESSOR'S PLAT	TOTAL ASSESSMENT
1	ROBERT D KULLA	N/A	419 LAKE ST N PRESCOTT, WI 54021	419 LAKE ST N PRESCOTT, WI 54021	\$ 278,800.00	5.23%	\$ 1,570.26
2	ROBERT D KULLA	N/A	419 LAKE ST N PRESCOTT, WI 54021	419 LAKE ST N PRESCOTT, WI 54021	\$ 37,500.00	0.70%	\$ 211.21
3	JON & SHERRI FAIAD	N/A	620 VICTORIA ST S ST PAUL, MN 55102	N/A	\$ 40,000.00	0.75%	\$ 225.29
4	JON & SHERRI FAIAD	N/A	620 VICTORIA ST S ST PAUL, MN 55102	424 LAKE ST N PRESCOTT, WI 54021	\$ 26,000.00	0.49%	\$ 146.44
5A/B	ROBERT R & CHARLES M SUNDBY	N/A	434 LAKE ST N PRESCOTT, WI 54021	434 LAKE ST N PRESCOTT, WI 54021	\$ 164,600.00	3.09%	\$ 927.06
6	LEONARD L WENISCH REVOCABLE TRUST	JEAN A WENISCH REVOCABLE TRUST	320 OAK ST PRESCOTT, WI 54021	N/A	\$ 49,500.00	0.93%	\$ 278.79
7	MICHAEL C GRESSER REVOCABLE TRUST	N/A	3 CHECKERED FLAG BLVD, SHAKOPEE MN 55379	N/A	\$ 49,500.00	0.93%	\$ 278.79
8	MICHAEL C GRESSER REVOCABLE TRUST	N/A	3 CHECKERED FLAG BLVD, SHAKOPEE MN 55379	N/A	\$ 65,500.00	1.23%	\$ 368.91
9	GARY W REISSNER	N/A	446 LAKE ST N PRESCOTT, WI 54021	446 LAKE ST N PRESCOTT, WI 54021	\$ 68,900.00	1.29%	\$ 388.06
10	GARY W REISSNER	CINDI S REISSNER	446 LAKE ST N PRESCOTT, WI 54021	446 LAKE ST N PRESCOTT, WI 54021	\$ 42,500.00	0.80%	\$ 239.37
11	DEDICATED ROW	N/A	N/A	N/A	N/A	-	-
12	PETER H & SUE M HINIKER	N/A	221 BROAD ST N PRESCOTT, WI 54021	505 LAKE ST N PRESCOTT, WI 54021	\$ 257,200.00	4.83%	\$ 1,448.61
13	LAURA J SYKES	N/A	1486 BROOKE CT HASTINGS, MN 55033	502 LAKE ST N PRESCOTT, WI 54021	\$ 71,700.00	1.35%	\$ 403.83
14	KENNETH M & DEANNA R ROEN	N/A	526 LAKE ST N PRESCOTT, WI 54021	508 LAKE ST N PRESCOTT, WI 54021	\$ 65,500.00	1.23%	\$ 368.91
15	WILLIAM A & BARBARA PECHACEK	N/A	516 LAKE ST N PRESCOTT, WI 54021	516 LAKE ST N PRESCOTT, WI 54021	\$ 69,100.00	1.30%	\$ 389.19
16	JAMES C & CAROL A TONER	N/A	517 LAKE ST N PRESCOTT, WI 54021	517 LAKE ST N PRESCOTT, WI 54021	\$ 255,900.00	4.80%	\$ 1,441.28
17	JAMES A JOHNSON	N/A	PO BOX 216 PRESCOTT, WI 54021	525 LAKE ST N PRESCOTT, WI 54021	\$ 137,500.00	2.58%	\$ 774.43
18	KENNETH M & DEANNA R ROEN	N/A	526 LAKE ST N PRESCOTT, WI 54021	526 LAKE ST N PRESCOTT, WI 54021	\$ 75,300.00	1.41%	\$ 424.11
19	DEDICATED ROW	N/A	N/A	N/A	N/A	-	-
20	BRIAN H CRIST	N/A	527 LAKE ST N PRESCOTT, WI 54021	527 LAKE ST N PRESCOTT, WI 54021	\$ 220,000.00	4.13%	\$ 1,239.09
21	FRANK D & DENISE D FARR	N/A	603 LAKE ST N PRESCOTT, WI 54021	603 LAKE ST N PRESCOTT, WI 54021	\$ 270,800.00	5.08%	\$ 1,525.20
22	BRIAN TEETERS	WENDY A TEETERS	606 LAKE ST N PRESCOTT, WI 54021	606 LAKE ST N PRESCOTT, WI 54021	\$ 90,800.00	1.70%	\$ 511.41
23	KRISTI A SAMPSON	N/A	611 LAKE ST N PRESCOTT, WI 54021	611 LAKE ST N PRESCOTT, WI 54021	\$ 155,000.00	2.91%	\$ 872.99
24	JOSEPH M & LINDA A SCHAEFER	N/A	617 LAKE ST N PRESCOTT, WI 54021	617 LAKE ST N PRESCOTT, WI 54021	\$ 187,500.00	3.52%	\$ 1,056.04
25	RONALD W KELLER	N/A	618 LAKE ST N PRESCOTT, WI 54021	618 LAKE ST N PRESCOTT, WI 54021	\$ 78,000.00	1.46%	\$ 439.31
26	PAUL C & JOANNE M NESSE	N/A	624 LAKE ST N PRESCOTT, WI 54021	624 LAKE ST N PRESCOTT, WI 54021	\$ 68,500.00	1.29%	\$ 385.81
27	ELIZABETH A ARMSTRONG	N/A	625 LAKE ST N PRESCOTT, WI 54021	625 LAKE ST N PRESCOTT, WI 54021	\$ 270,800.00	5.08%	\$ 1,525.20
28	DEDICATED ROW	N/A	N/A	N/A	N/A	-	-
29	CITY OF PRESCOTT	N/A	800 N BROAD ST PRESCOTT, WI 54021	N/A	\$ -	0.00%	\$ -
30	WILLIAM H & RUTH GARLID PRYOR	N/A	704 LAKE ST N PRESCOTT, WI 54021	704 LAKE ST N PRESCOTT, WI 54021	\$ 74,500.00	1.40%	\$ 419.60
31	JESSICA L PETERSON	TODD LONDON	710 LAKE ST N PRESCOTT, WI 54021	710 LAKE ST N PRESCOTT, WI 54021	\$ 75,000.00	1.41%	\$ 422.42
32	SHARON FRIES	N/A	720 LAKE ST N PRESCOTT, WI 54021	720 LAKE ST N PRESCOTT, WI 54021	\$ 75,000.00	1.41%	\$ 422.42

RESOLUTION 06-16

**INITIAL RESOLUTION VACATING ALL THAT PART OF A CERTAIN ALLEY
LOCATED IN BLOCK 1, RODNEY JOHNSON'S ADDITION IN THE CITY OF
PRESCOTT, PIERCE COUNTY, WISCONSIN**

BE IT RESOLVED by the Common Council of the City of Prescott, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under Section 66.1003(4) of the Wisconsin Statutes that the public interest requires it vacate and discontinue use of the following described alley:

All that part of that certain alley located in Block 1, Rodney Johnson's, in the City of Prescott, Pierce County, Wisconsin

2. That any final Resolution adopted pursuant hereto shall reserve to the City an easement to maintain the public utilities and all other public improvements as are now located and installed within said described premises and an easement to place and maintain public utilities within said described premises in the future.

3. That attached to this Initial Resolution and made a part hereof, is a plat showing that certain alley above referred to, said alley being shown in red.

Adopted this 25th day of July, 2016.

By a vote of: _____ in favor, _____ against, and _____ abstain.

David Hovel, Mayor of the City of Prescott

ATTEST:

Jayne M. Brand, City Administrator/Clerk of the City of Prescott

Public Services

Open House



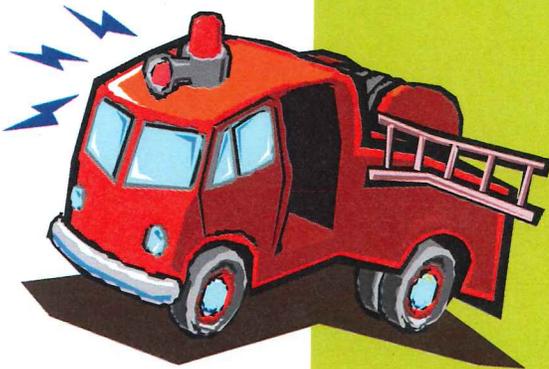
Date: Sat. July 30, 2016

Time: 12pm - 4pm

Location: River Falls EMS
- Prescott Station

1603 Pine Street

Prescott WI, 54021



- Emergency vehicles to touch!
- Games to play!
- Bounce house!
- Food!

(All proceeds from food sales and donations will go to station improvements for Prescott Fire, Prescott Police, and River Falls EMS - Prescott Station)

Sponsored by:



CITY OF PRESCOTT, WISCONSIN

ORDINANCE 03-16

CHRONIC NUISANCE PREMISES

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

CHRONIC NUISANCE PREMISES

If this ordinance conflicts with any other ordinances or parts of ordinances, to the extent of such conflict, this ordinance shall control.

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 Hovel, Mayor

Attest:

Jayne Brand, City Clerk-Administrator

Introduced:
Adopted:
Published:
Effective:

CHRONIC NUISANCE PREMISES.

(1) Findings. The Prescott Common Council finds that certain premises within the City receive and require more than the general, acceptable level of police services, place an undue and inappropriate burden on City of Prescott taxpayers, and constitute public nuisances. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods. The vast majority of properties with chronic nuisance activity are non-owner occupied. This ordinance is enacted to encourage premises owners to recognize their responsibility to ensure that activities occurring on their premises conform to the law and do not unduly burden the City's police resources and to provide a mechanism for the City to take action against premises owners who fail to ensure premises they own do not require a disproportionate level of police resources to be devoted to such premises. This ordinance provides a method for Police to use in a progressive manner when working with property owners to abate nuisance activities occurring on their premises. Therefore, the Common Council determines that the City will charge the owners of such premises with the costs associated with abating nuisance activity at premises where nuisance activities chronically occur. This section is not intended to discourage crime victims or a person in legitimate need of police services from requesting them.

(2) Definitions. For the purposes of this section:

(a) "Chronic Nuisance Premises" means a premises that meets any of the following criteria:

1. Is a Premises which has generated three (3) or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on three (3) separate days within a ninety (90) day period. Three (3) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the Premises while at or within two hundred (200) feet of the Premises for a Nuisance Activity;
2. Is a Premises for which a Pierce County Court of law has determined that, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the Premises within thirty (30) days prior to the date of the search warrant application; or
3. Is a Premises which has had one (1) Enforcement Action associated with the Premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes.

(b) "Chronic Nuisance Premises Notice" means the notice issued by the Chief of Police and referred to in Subsection (3)(a) of this ordinance.

(c) "Enforcement Action" means any of the following: The physical arrest of an individual(s), the issuance of a citation for a law violation and/or referral of charges by the police to the District Attorney for prosecution for Nuisance Activities.

(d) "Nuisance Activities" means any of the following activities, behaviors or conduct:

1. An act of harassment as defined in s. 947.013, Wis. Stats.
2. Disorderly conduct as defined in s. 947.01, Wis. Stats.
3. Crimes of violence as defined in ch. 940, Wis. Stats.
4. Resisting or obstructing an officer as prohibited by s. 946.41, Wis. Stats.
5. Indecent exposure as prohibited by s. 944.20(1)(b) Wis. Stats.
6. Damage to property as prohibited by s. 943.01, Wis. Stats.

7. The production or creation of noises disturbing the peace, as prohibited by Sec. 435-9
8. Discharge of a firearm as prohibited by Sec. 435-3
9. Crimes involving illegal possession of firearms as defined in ss. 941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.
10. Trespass to land as defined in s. 943.13, Wis. Stats. or criminal trespass to dwelling as defined in s. 943.14, Wis. Stats, or unlawful trespass as prohibited in Sec. 435-26.
11. Theft as defined in s. 943.20, Wis. Stats.
12. Arson as defined in s. 943.02, Wis. Stats.
13. Possession, manufacture, distribution or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats.
14. Maintaining a drug dwelling as defined in Sec. 961.42 of the Wisconsin Statutes.

(e) "Person" means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the City of Prescott.

(f) "Person Associated With" means any person who, whenever engaged in a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.

(g) "Person in Charge" means any person, in actual or constructive possession of a Premises including but not limited to an owner or occupant of Premises under his or her ownership or control.

(h) "Chief of Police" means the City of Prescott Police Department Chief of Police or designee.

(i) "Premises" means a place of abode, a residence, a house or multiple dwelling unit for one (1) or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots. In the case of multiple dwelling units, "Premises", as used in this Section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

(3) Procedure.

(a) Upon finding that a Premises meets the definition of a Chronic Nuisance Premises, the Chief of Police may declare the Premises a Chronic Nuisance Premises. The Chief of Police shall provide written notice of his or her determination to the Premises owner identified by the City of Prescott Assessor's records for that Premises. The Chronic Nuisance Premises Notice ("CNP Notice") shall be deemed delivered if sent either by first class mail to the Premises owner's last known address or delivered in person to the Premises owner. If the Premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the Premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the CNP Notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the CNP Notice is sent by first class mail to the last known address of the owner as identified by the records of the City Assessor. The CNP Notice shall contain the following information:

1. Street address, parcel number or a legal description sufficient to identify the Premises.
2. A concise statement, including a description of the relevant activities supporting the determination that the Premises is a Chronic Nuisance Premises.
3. A statement that the owner shall immediately notify the Chief of Police of any change in address to ensure receipt of future notices.
4. A statement that the cost of future enforcement may be assessed as a special charge against the Premises.
5. A statement that the owner shall, within ten (10) days of receipt of the CNP Notice, respond to the Chief of Police either with an appeal or to propose a written course of action to abate the Nuisance Activities. The Statement shall direct the Premises owner to schedule a meeting with the Chief of Police to discuss the Nuisance Activity and the Premises owner's intent regarding abatement.
6. A statement that the Premises owner shall, when appropriate, consider and implement alternatives to eviction when formulating an abatement plan.
7. A statement that the Premises owner may be subject to a forfeiture action with a penalty of not less than five hundred nor more than one thousand dollars (\$1,000) for permitting a Chronic Nuisance Premises and may be subject to imprisonment for failure to pay such forfeiture.

(b) 1. In reaching a determination that a premises is a Chronic Nuisance Premises, activities that were reported to the police by the Premises owner or on-site Premises manager shall not be included as Nuisance Activities.

2. Wis. Stat. § 968.075, broadly defines "domestic abuse". Therefore, in reaching a determination that a Premises is a Chronic Nuisance Premises, activities that are "domestic abuse" incidents pursuant to Wis. Stat. § 968.075, shall not be included as Nuisance Activities unless the incidents have been reviewed by the Chief of Police and a determination is made that, based upon the specific facts of each incident, the activities should be deemed Nuisance Activities under Subsection (2)(d). In determining whether to include such activities, the Chief of Police shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this ordinance shall not operate to discourage such reports.

3. a. If the owner responds to the CNP Notice pursuant to Subdivision (a) with a nuisance abatement proposal, the Chief of Police may accept, reject or work with the owner to modify the proposal. The plan is acceptable if it can reasonably be expected to result in abatement of the Nuisance Activities described in the CNP Notice within sixty (60) days.

b. Premises owners shall be counseled regarding nuisance abatement methods and strategies and shall be encouraged to submit a comprehensive nuisance abatement plan that considers alternatives to eviction in situations where eviction is not the sole remedy available to abate the nuisance activity.

c. Premises owners shall be counseled regarding use of available resources, including community service providers, when Nuisance Activity associated with the Premises is not caused or contributed to by the direct actions of a tenant.

d. If the Premises owner meets with the Chief of Police and presents an acceptable abatement plan and initiates action to abate the Nuisance Activities occurring on the Premises, the Police Department will delay further enforcement of this ordinance, including cost recovery under Subsection (4)(a).

e. If the Premises owner ceases to cooperate with the efforts to abate the Nuisance Activities, the Chief of Police will reinstitute enforcement of this ordinance and the Premises owner will be sent a Change In Status Letter. This letter will document the Police Department efforts to contact and/or obtain cooperation of the owner.

f. Failure by the Premises owner to respond within ten (10) days as directed in this subdivision shall result in a forfeiture of one thousand dollars (\$1,000) plus court costs and fees.

Whenever the Chief of Police determines that any of the following have occurred:

1. A Premises owner has failed to respond to the CNP Notice in Subsection (3)(a),
or
2. Enforcement action for an additional Nuisance Activity has occurred at a Premises for which Notice has been issued pursuant to Subdivision (a) and this Enforcement Action has occurred not less than fifteen (15) days after the CNP Notice has been issued, or
3. A course of action submitted pursuant to Subsection (3)(b)3. has not been completed.

Then the Chief of Police may calculate the cost of enforcement to abate this and any subsequent Nuisance Activities and may refer such cost to the Finance Director so that the cost may be billed to the Premises owner.

The Chief of Police shall notify the Premises owner of the decision to refer the cost of enforcement to the Finance Director. Delivery of this notice, along with a copy of the Chief's referral letter to the Finance Director, shall be made as set forth in Subdivision (a). The notice shall contain:

- a. The street address or legal description sufficient for identification of the premises.
- b. A Statement that the Chief of Police has referred the cost of enforcement to the Finance Director with a concise description of the Nuisance Activities and the relevant sections of the ordinances.
- c. Notice of the premises owner's right to appeal pursuant to Subsection (5).
- d. Each subsequent incident of enforcement action for Nuisance Activity shall be deemed a separate violation and costs will continue to be assessed pursuant to Subsection (3)(c) until the nuisance is abated.

(4) Penalties and Remedies.

(a) Cost Recovery. The Chief of Police shall keep an accurate account of the cost of enforcement and shall report it to the Finance Director. The Finance Director shall establish a reasonable charge for the costs of enforcement of this section. Upon receipt of a notice from the Chief of Police issued pursuant to Sub. (2)(b), the Finance Director shall charge any Premises owner found to be in violation of this section the costs of enforcement in full or in part. Such costs shall be billed to the Premises owner by invoice sent by regular mail and must be paid within thirty (30) days of the date on the invoice. Any unpaid invoice shall be a lien on such Premises and may be assessed and collected as a special charge pursuant to Wis. Stat. § 66.0627. A one hundred dollar (\$100) administrative fee shall be added to the cost of enforcement charged to the benefited premises any time the premises is declared a chronic nuisance premises.

(b) Suspension of Cost Recovery. If after the receipt of a billing notice from the Finance Director, the Premises owner develops an acceptable plan and initiates action to abate nuisance activities occurring on the Premises, the Chief of Police will suspend further enforcement of this ordinance. The Premises owner is still responsible for any enforcement costs incurred prior to the Premises owner's submitting an abatement plan, including the administrative fee. If the Premises owner ceases to cooperate with the efforts to abate the Nuisance Activities, the Chief of Police will reinstitute enforcement of this ordinance after sending the Premises owner a Change In Status letter.

(c) Forfeiture. A forfeiture action may be commenced by the Chief of Police for each Enforcement Action for Nuisance Activity occurring after the Premises has been declared a Chronic Nuisance Premises. The forfeiture shall be not less than five hundred (\$500) nor more than one thousand dollars (\$1,000) for each enforcement action.

(5) Appeal. Appeal of the determination of the Chief of Police on pursuant to either Subsection (3)(a), or the action of the Finance Director imposing special charges pursuant to Subsection (4)(a) against the Premises, may be submitted in writing to the Prescott City Council.

(6) Eviction or Retaliation Prohibited.

(a) It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant that complained to the Chief of Police about Nuisance Activities on the landlord's premises. It shall be unlawful for a landlord or any person acting as an agent for the landlord, to intimidate or actively discourage a tenant and/or persons associated with a tenant, from calling the police to report Nuisance Activity associated with a Premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the 12-month period following receipt of the complaint by the Chief of Police constitutes unlawful retaliation under this subsection. Such presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing Nuisance Activity as defined in Sub. (2)(d); violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in Wis.Stat. ch. 704, and Wis. Admin. Code ch. Ag. 134. A landlord's failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection.

(b) "Good cause" as used in this subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section.

(c) Penalty. Any person violating Subsection (6) shall be subject to a forfeiture of not less than \$100 nor more than \$1000 for each violation.

(7) When Nuisance Is Deemed Abated. The public nuisance created by a Chronic Nuisance Premises shall be deemed abated when no Enforcement Action to address Nuisance Activities occurs for a period of six (6) consecutive months from the date stated on the notice declaring the Premise a Chronic Nuisance Premises generated for a period of six (6) consecutive months from the date stated on the notice declaring the Premises a Chronic Nuisance Premises.

(8) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

(9) Report. The Chief of Police shall annually report to the Common Council on the following:

(a) How many Premises were declared Chronic Nuisance Premises.

(b) How many Premises that were declared Chronic Nuisance Premises were abated and the length of time it took for abatement to occur.

(c) How often the Cost Recovery provision was used and the dollar amount collected under this provision.

FINANCE COMMITTEE MEETINGS FOR 2017 BUDGET

Wednesday, October 19th - 5:30

Wednesday, October 26th - 5:30

Wednesday, November 2nd - 5:30

Wednesday, November 9th - 5:30
(if needed)

Monday, November 28th - 6:30
(Council meeting to approve budget)

FOCUS

06.30.2016 • No. 12

How have schools here and elsewhere weathered economic and fiscal storms?

New Census data through 2014 shed light on K-12 expenditures. In 2002, Wisconsin spent \$8,574 per pupil, 11.3% more than the U.S. (\$7,701). The difference between the two was due to benefits: Wisconsin spent \$2,070 per pupil, or 57% more than the nation (\$1,321). In 2014, the state spent in total \$11,186, or 1.6% more than the U.S. (\$11,009). The state-nation gap in benefits, once over 60%, is now 12%.

Wisconsin spends more local property and state taxes on schools than on any other item. With state budget problems spanning the terms of three governors (2001-16) and local school budgets increasingly driven by state law, how Badger State schools have fared compared to elsewhere is debated.

Recurring storms

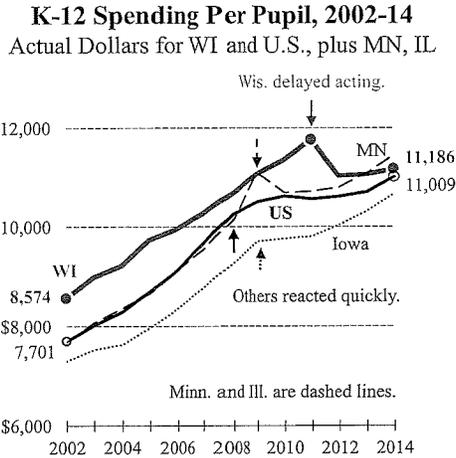
Those in power—regardless of party—see “sunshine, lollipops and rainbows.” Those on the “outs” complain that “raindrops keep falling on my head.” Determining which is closer to the truth can be difficult, but recent federal release of financial information through 2014 makes it possible to see how schools weathered the fiscal and economic storms since 2000.

In Wisconsin, those storms, often cross-cutting, included:

- recessions in 2001-02 and 2008-10;
- repeal of Q.E.O limits on educator compensation in 2009;
- state aid cuts in 2009-11 and 2011-13;
- tightening (2009-11, 2013-16) and cutting (2011-12) of state-imposed revenue limits;
- enactment of Act 10 bargaining and benefit changes in 2011; and
- declining enrollments in as many as two-thirds of districts since 2000.

K-12 spending trends

Most of these factors are Wisconsin-specific, but the last recession weighed heavily on school funding decisions around the country.



Consider per-pupil spending in 2002 compared to 2014. As the graph shows, Wisconsin spent \$8,574 per pupil in 2002, 11.3% more than the U.S. average (\$7,701). By 2014, it was spending \$11,186, an increase of 30.4%, and about 1.6% above the national norm (\$11,009). Note also how spending per pupil in this state, Minnesota, and the nation converged, particularly after the last recession.

Wisconsin different

What is evident from these figures is that Wisconsin has been charting a different course than elsewhere. The political and fiscal storms previously listed are explanatory.

■ *Why the gap?* In 2002, Wisconsin's per pupil spending was 11.3% more than the nation's. As the graph shows, the state maintained a 6% to 12% advantage over the country through 2007, when the recession began. Wisconsin also continued to have an edge over Minnesota and Iowa.

Labor-intensive, a school district typically spends the most on salaries, so that would be a logical source of the difference. However, in 2002, the average per-pupil salary in Wisconsin was only 0.7% above the U.S., and that margin had disappeared by 2007.

What does explain the overall spending difference is staff benefits. They were \$2,070 per pupil in 2002—56.7% above the national norm (\$1,321) and highest in the country. Benefits here accounted for 24.1% of K-12 expenditures that year vs. an average of 17.2% elsewhere. By 2007, the percentage had grown to 28.2% vs. 20.4% for the U.S. That year, benefits here were \$2,891 per pupil and 46.5% above the national average.

■ *Reactions to recession differ.* A second difference between Wisconsin and U.S. spending trends is evident in 2007-11. While growth continued or even accelerated in here (blue line) during the period, it slowed (solid line) and stagnated nationally. The same was true for Iowa and Minnesota (dashed lines), with spending down in the latter.

Did Badger schools somehow dodge the recession? No; tax collections fell, spending was cut, and tax rates rose. Yet, school spending continued to grow. Budget history now shows this was accomplished by using federal stimulus money, segregated transportation funds, and budget-balancing gimmicks.

Due to these and other stop-gap measures, while other states, including

Iowa and Minnesota, reacted earlier to the recession and spread its impacts over several years, Wisconsin responded two to four years later, absorbing the fiscal shock in one or two years. School aids and revenue limits were cut, though 2011 Act 10 changes in bargaining and benefits gave some relief. The previous chart shows that dramatically (blue line).

Spending data confirm the pattern. During 2008-11, total per-pupil spending increased only 2.9% nationally but 10.2% in Wisconsin. Particularly noteworthy was 2010-11, when it fell 0.5% in the U.S. but rose 3.6% here. Wisconsin's delayed response came in 2011-12. Then, national expenditures increased a modest 0.5 but dropped 6.2% here.

The bottom line is telling. From 2008 to 2012, the nation increased K-12 spending per pupil by 3.4%, from \$10,259 to \$10,608. Wisconsin increased its spending by the same percentage, from \$10,680 to \$11,042. In 2008, Wisconsin school spending was 4.1% above the U.S. Over the next three years, it jumped to 11.5% above the norm, only to fall back to the same 4.1% in 2012.

More recently

How has school funding per pupil fared since then? As the previous graph shows, spending here and elsewhere tended to stagnate and converge with retrenchment. Since then, K-12 expenditures nationally rose 3.8% from \$10,608

to \$11,009 per child. In Wisconsin, they grew from \$11,042 to \$11,186, an increase of 1.3%.

There were several significant factors contributing to the change here. One was state-mandated revenue limits, first enacted in 1993-94 but tightened or cut since 2009. Another was Act 10. In per pupil terms, Wisconsin's fringe benefits were once as much as 61% above the national average. In 2011, they were 51.9% higher. That gap fell to 23.1% in 2012 and reached 11.6% by 2014.

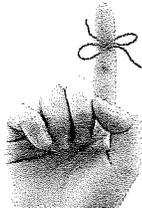
In sum, what these figures suggest is that local school funding is more tied to the state economy and Wisconsin's top-down budget decisions than ever before. □



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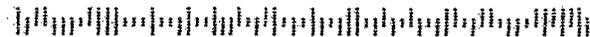
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Capital Notes

■ In a letter to his Secretary of Transportation (DOT), Gov. Scott Walker (R) recently outlined his 2017-19 priorities.

In addition to "maintaining a safe and efficient transportation system," he told the secretary to: submit a full budget on Sept. 15, rather than in November, the usual deadline; identify efficiency savings; request "an increase in local road aids and state highway maintenance"; and "hold bonding to a reasonable level." He also told DOT to

minimize spending on "mega projects in Southeastern Wisconsin" and not to request increased gas tax or vehicle fees.

■ In other school finance findings from the U.S. Census . . . how much do school districts spend on instruction, for items other than compensation, such as books or software?

In 2014, the U.S. spent \$585 per student, or 5.3% of the total per-pupil amount (\$11,009). Wisconsin spent \$385 per

child, 34% less than the national average and 3.4% of the state's spending total.

Incidentally, U.S. spending devoted specifically to instruction was \$6,654 per pupil vs. \$6,572 for Wisconsin. In other words, 60.4% of national K-12 expenditures went to instruction compared to 58.8% in Wisconsin.

■ The Department of Public Instruction is holding public "listening sessions" (see the DPI website for details).