

**TOWN OF MCMILLAN  
M403 ELM STREET  
SPECIAL TOWN BOARD MEETING MINUTES  
June 3, 2014 5:00 PM**

The meeting was called to order at 5:05 p.m. by Chairperson Opitz.

**Roll Call:** Dave Swenson, Carolyn Opitz, Norm Kommer – Present. Debbie Derfus and Geoff Engel – Absent.

**Also Present:** Scott Swid, Attorney; Denise Barg, Clerk; Ann Juncer, Treasurer

Mr. Swid looked at the work that has been done by the publication company; it appears that they took the existing code and made legislative modifications to bring it into compliance with Wisconsin statutes. Mr. Swid stated that the scope of his review did not involve looking at every single recommendation that the publishing company made. He added that, his review was not intended to be policy oriented; in other words, it is not his role to comment on whether something is a good idea or a bad idea. Instead, Mr. Swid made the following general observations:

- Does the new code comport with current WI law? The publication company says that it does.
- Does the new code allow the governing board to effectively run the town? This was Mr. Swid's bigger concern.

Based on his review of the Code, Mr. Swid made the following suggestions:

- He suggested that the board review the Code once a year: 1) because of issues that arise throughout the year, and 2) because the make-up of the board changes periodically. The clerk could keep a file of issues that come up and this file should be reviewed annually.
- The Fire Dept. is a volunteer fire department that is regulated by this board. That is why Chapter 61, "Emergency Services," was substantially rewritten. Mr. Swid stressed that, although the modifications were well done, it is important to make certain that this Chapter does not usurp the board's power to regulate that department. He advised the board to review Chapter 61 and make sure that the board still has the ultimate authority over the Fire Dept.
- Chapter 72 goes through all of the fees/penalties. Whenever there is a penalty provision in the code, understand that there will be vigilantes in the town who insist that we enforce the code.
- Chapter 90 – the Grievance Procedures. Mr. Swid noted two glaring things in this chapter. He suggested that we need to have a better procedure for handling the grievances; perhaps a grievance officer. A grievance officer might be able to vet out the more "petty" grievances, before they ever get to the Town Board level. A grievance officer might also help to "fortify" the more substantial grievances. He recommended that we revise our procedures and make an amendment after the adoption of the code.
- Mr. Swid stated that he has seen a lot of abuse of the open records laws, and we might want to consider taking another look at the public records requests procedures and amend them later. This is in the interest of protecting the town. He would like to see a procedure where the complainant has to fill out a written request and sign their name to it. We should consider adopting a fee schedule to account to the Clerk's time involved.
- Firearm Ordinances: There is no regulation on this at this time. There is nothing in the County Ordinances either. Mr. Swid thinks this is fine, but someone may ask about it.
- Liquor Licenses – If a bar closes, does the town hold that license? Carolyn explained that the license stays with the business. We currently have only two liquor licenses, so this is not a big issue. Mr. Swid

stated that there seems to be a trend within the state that it may become more difficult to get new licenses going forward. He discussed the advantage of the town holding the liquor licenses “at large,” so that they have one available to assign, if needed.

- Chapter 427.5 – He thought the sign and billboard section was good. Mr. Swid asked if we currently have any permits for signs. There was discussion about various signs in the town, and how we handle them. Currently we are going by the county zoning ordinances (i.e. Apsey Auto). Mr. Swid stated that we can be more restrictive than the county, but not less restrictive. He suggested that we pass a resolution stating that currently we have no sign ordinance in the town, and that all requests are deferred to the county.

Mr. Swid’s goal in reviewing the code was, “Can the board effectively do the town’s business?” We don’t want the code to hamstring us. If it doesn’t work, we can fix it.

**Four areas that we need to come back to:**

Grievance Procedures – Sign Ordinance – Open Records Requests – Liquor Licenses.

Chapter 440-16. Restrictions on Laying Out Highways.

Dave asked about improvements on a three-rod road. What if someone wants to make it four rods? What authority does the town have to get that extra rod? Mr. Swid knew that we do have state authority to do that. He will take a look at this issue.

Mr. Swid closed by making this analogy: The Code is like the Bible – Don’t try to read it all at one time; it’s too overwhelming! We need to go into this knowing that the code is complicated. And maybe we forgot to address certain issues. But that’s ok; we fix it, and go move forward. It will never be perfect.

**Website**

Mr. Swid recommended that we have the code linked to the website. There was discussion about getting the code on the website, and getting the website brought up to date. Mr. Swid stressed the importance of bringing our website up to date as soon as possible, and making the code accessible to the public from the website.

Carolyn asked about our next procedures:

1. Vote on the Code at the next board meeting and sign the adaptations so that we can have an effective date. Pick a date that we will remember as the effective date. (i.e. July 1)
2. Ordinance Code Adaptation – Mr. Swid will come to the June 9 Board Meeting and he will bring everything that we need to sign.

Dave/Norm moved to adjourn at 6:10 p.m. All Ayes.

Adjourn

Submitted by:

Denise Barg, Town Clerk