

CITY OF EDGERTON
REGULAR COMMON COUNCIL MEETING
EDGERTON CITY HALL, COUNCIL CHAMBERS
12 ALBION STREET

Monday, September 16, 2019 at 7:00 p.m.

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Friday, September 13, 2019.
4. Council acceptance of agenda.
5. Personal appearances for non-agenda items limited to 3 minutes.
 - A. The public will be allowed to speak on agenda items during the meeting.
6. Minutes:
 - A. Consider approval of minutes from September 3, 2019 Council meeting.
7. Committee Reports:
 - A. Finance Committee:
 1. Consider pay request #3 from R T Fox Contractors for the Sweeney Road project.
 2. Consider final change order from G Fox and Son for the Chaucer St project.
 3. Consider final pay request from G. Fox and Son for the Chaucer St project.
 4. Consider approval of bills and payroll vouchers.
 5. Consider approval of licenses.
 - a. Sandwich Board Sign permit for Jonathon Frey, 110 W Fulton St.
 6. Consider City of Edgerton Resolution 21-19: Final resolution declaring the City Council's intentions for the Sweeney Road project to exercise special assessment police powers.
 7. Consider award of bid for 407 N Main St demolition project.
 8. Consider snow and ice salt bids.
 9. Consider quote for lighting at Racetrack Park.
 10. Consider declaring squad #88 as surplus.
 11. Consider addendum to Cedar Corp contract for the design engineering for the W Rollin St improvement project.
 12. Consider addendum to Cedar Corp contract for the design engineering for the west side Industrial Park street extension.
 - B. Personnel Committee:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
 - C. Utility Commission:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
 - D. Public Works:
 1. Consider approving the second reading and adoption of City of Edgerton Ordinance 19-08: Amending Chapter 9.03 "Parking Restrictions" of the Code of General Ordinances.
8. Consider 407 N Main St purchase agreement extension and amendment.
9. Consider approving the second reading and adoption of City of Edgerton Ordinance 19-07: Creating Chapter 33, "Room and Lodging Tax" and impose a room tax for the City of Edgerton.

10. Consider adoption of Intergovernmental Agreement for Establishment of a Room Tax Commission.
11. Consider adoption of City of Edgerton Resolution 20-19: Authorizing a signatory municipality to exceed the levy limit for the Edgerton Fire Protection District.
12. Consider approval of Joint Powers Agreement with Rock County Communication Center.
13. Consider Mayor's appointments.
14. Discuss City's ten-year capital equipment and capital project plan.
15. Mayor, alderperson and staff reports.
16. Adjourn.

Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: (608) 884-3341.

**SEPTEMBER 3, 2019 COMMON COUNCIL MEETING MINUTES
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:02 p.m.

Present: Sarah Braun, David Esau, Candy Davis, Anne Radtke and Jim Burdick

Excused: Debbie Olson

Others Present: City Administrator Ramona Flanigan, Utility Director Randy Oren, Library Director Kirsten Almo, Police Chief Bob Kowalski, Fire Chief Randy Pickering, City Attorney Bill Morgan, and Citizen Jim Kapellen

Flanigan confirmed the meeting agendas were properly posted on Friday, August 30, 2019 at the Post Office, Edgerton Library and City Hall.

ACCEPT THE AGENDA: A Candy Davis/David Esau motion to accept the agenda as posted passed, all voted in favor.

MINUTES: A Candy Davis/Sarah Braun motion to approve the minutes from the August 19, 2019 Common Council meeting passed, all voted in favor.

COMMITTEE REPORTS:

Finance Committee: A Candy Davis/David Esau motion to approve pay request #1 from 1901 Inc for the library HVAC in the amount of \$128,769.65 passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve change order #1 from KPH Environmental Corp for 407 N Main St asbestos abatement contract for an increase of \$4,730 passed on a 5/0 roll call vote.

A Candy Davis/David Esau motion to approve the bills and payroll list in the amount of \$351,104.21 passed on a 5/0 roll call vote.

Public Works Committee: Sarah Braun/Candy Davis moved to introduce and approve the first reading of City of Edgerton Ordinance 19-08: Amending Chapter 9.03 "Parking Restrictions" of the Code of General Ordinances.

Radtke asked if the parking that is not in compliance with the new ordinance will be changed. Flanigan stated that at this time the signage for parking in existence will not be changed due to cost. Areas where there are safety issues will be addressed and changed as needed. Radtke asked if parking stalls will be reduced in the downtown. Flanigan stated no stalls will be taken away. Attorney Morgan suggested the ordinance be amended to state "unless otherwise designated for parking".

Jim Burdick/Anne Radtke moved to amend the motion to approve the first reading of Edgerton Ordinance 19-08 by adding “unless otherwise designated for parking” to Chapter 99.03 (e) and (f). The motion passed on a 5/0 roll call vote.

A Sarah Braun/Candy Davis motion to introduce and approve the first reading of City of Edgerton Ordinance 19-08: Amending Chapter 9.03 “Parking Restrictions” of the Code of General Ordinances as amended passed on a 5/0 roll call vote.

ORDINANCE 19-07: Sarah Braun/Ann Radtke moved to introduce and approve the first reading of City of Edgerton Ordinance 19-07: Creating Chapter 33 “Room and Lodging Tax” and impose a room tax for the City of Edgerton.

Jim Burdick pointed out there was a discrepancy in paragraph 2(c) of the ordinance. The other paragraphs state a quarterly fee and that paragraph states a monthly fee.

Jim Burdick/Sarah Braun moved to amend the motion to approve the first reading of City of Edgerton Ordinance 19-07 to change paragraph 2(c) to quarterly instead of monthly. The motion passed on a 5/0 roll call vote.

A Sarah Braun/Ann Radtke motion to introduce and approve the first reading of City of Edgerton Ordinance 19-07: Creating Chapter 33 “Room and Lodging Tax” and impose a room tax as amended passed on a 5/0 roll call vote.

Before the vote, Jim Kapellen stated the lodging entities have requested to retain 2% of the tax for administrative costs. This is not in the current ordinance. This will be researched before the next meeting.

Jim Burdick asked what information is included under the confidentiality section, does it include council. Attorney Morgan stated the lodging entities revenues are confidential but not the amount of tax collected.

FAIR HOUSING PROCLAMATION: A Candy Davis/David Esau motion to adopt Proclamation for City of Edgerton Fair Housing passed on a 5/0 roll call vote.

COMMITTEE APPOINTMENTS: A Candy Davis/David Esau motion to approve the Mayor’s appointment of Ron Webb to the Housing Authority passed on a 5/0 roll call vote.

A Candy Davis/Anne Radtke motion to approve the Mayor’s appointment of David Esau to the Tree Board passed on a 5/0 roll call vote.

Being no other business before the Council, a Candy Davis/David Esau motion to adjourn passed, all voted in favor.

Cindy Hegglund/wl
City Clerk-Treasurer
Adopted September 16, 2019

Memo

To: Common Council
From: Staff
Date: 9/13/2019
Re: September 16, 2019 Meeting

Conservation Club credit: Please note the parks payment in your bills list to the water utility. This payment is a reimbursement caused by a billing error involving the Conservation Club and Racetrack Park. The water utility owed a credit to the Conservation Club for an overpayment and the City parks account in turn owes the water utility for an underpayment.

Purchase Agreement for 407 N Main Street: Attached is an amended purchase agreement for 407 N Main Street. The amendment changes the purchase deadline from September 30 to December 31, 2019. The owner has requested the City pay up to \$8,000 in building carrying cost (utilities, taxes, insurance) for the additional three months. The extension will allow the City to complete the environmental investigation.

Demolition Bids for 407 N Main St: The City received 9 bids for the demolition of 407 N Main Street. Base bids ranged from \$152,400 - 344,860 with the low bid from Robinson Brothers. Bids included a unit cost for the removal of the contents of the above ground fuel oil tank in the building. The contents cannot be exactly measured until the contractor begins the demolition process. Staff estimates the cost of disposing of the tank contents to be \$18,000 which would be added to the base bid. The bids also include a \$1,200 alternate to salvage some bricks and features of the main entrance for possible use in public space on the site. The Council should determine if it wishes to accept the alternate.

Cedar Contract for West Side Industrial Park street design and CSM: Included in your packet is a contract addendum with Cedar Corp for the design of the street needed to serve the acreage off of Gear Drive the City plans to buy. The contract also includes the creation of a Certified Survey Map to divide the parcel from its "parent" parcel.

Cedar Contract for West Rollin St design: Included in your packet is a contract addendum with Cedar Corp for the design engineering for the W Rollin St project.

Salt Bids: The City received (5) rock salt quotes for the 2019-2020 season. 2018-2019 per ton price was \$91.90/ton. This year's low bid is from Morton Salt with \$91.21/ton.

BlackStrap \$123.00/ton
Compass Minerals No Bid

Midwest Salt \$127.45/ton
Morton Salt \$91.90/ton
Cargill No Bid

Racetrack Park Lighting: The City received 3 bids (\$2,615-2,890) for the replacement of the following light fixtures with new LED fixtures: 3 lights on the concession stand building, one on the maintenance building; one on the bathrooms; and a pole light in front of shelter. Many of these lights are not working and we have had complaints about the area around the shelters being dark. For security reasons, staff recommends we accept the low bid from Piper Power for \$2,615. If the costs associated with the Racetrack Park ballfield relocation are funded with 2019 parks budget, the park accounts will not have adequate funds to pay for this lighting project. Given the need for this project, staff recommends the Council accept the low bid and use contingency funds if necessary.

10-Year Capital Improvement Plan: Please recall the City borrowed in 2019 for 2018-2021 projects. At this time the Council will only be deciding what projects to undertake in 2020, each year we review the 10 year capital plan to develop a plan of financing and to insure projects are being completed at a rate that is acceptable.

Included in your packet are two alternative Capital Improvement Plans. Both plans maintain a level debt service payment over the period (see attached chart). The primary difference between the two alternatives is the amount borrowed in 2022. Alternative 1 continues the practice of borrowing an amount that allows for the repayment of the debt in approximately 4 years.

Alternate 2 borrows a larger amount in 2022 in order to complete more street projects **sooner** in an effort to avoid some of the costly patching of already failed roads. With a larger borrowing, the debt would have a longer term and probably a higher interest rate. This alternative more closely matches the project schedule of the streets with utility replacements. We have the option to consider this alternative because of what occurs with our existing debt in 2027. In 2027 we have a debt retirement allowing us more flexibility in the rate at which we do street repair.

The decision about how much to borrow in 2022 will not be made until that year when we will have more information about interest rates and project costs.

**CITY OF EDGERTON
ORDINANCE No. 19-08**

**AN ORDINANCE TO AMEND SECTION 9.03 “PARKING RESTRICTIONS” OF THE
EDGERTON CODE OF GENERAL ORDINANCES,
CITY OF EDGERTON ROCK AND DANE COUNTIES, WISCONSIN**

Aldersperson Sarah Braun introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE COUNTIES, WISCONSIN, DO ORDAIN AS FOLLOWS:

9.03 PARKING RESTRICTIONS shall be amended by adding item (f) and renumbering the ordinances as follows:

(1) No person shall stop or leave any vehicle standing or parked in any of the following places, except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic:

- (a) In a loading zone as designated by an official traffic sign.
- (b) In an alley in a business or commercial district, except for the sole purpose of loading or unloading. Said loading or unloading shall be restricted to no more than ten (10) minutes.
- (c) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
- (d) Within four (4) feet of the entrance to an alley or a private road or driveway.
- (e) Closer than fifteen (15) feet to the near limits of a crosswalk unless otherwise designated for parking.
- (f) Within fifteen (15) feet of the curb radius at an intersection unless otherwise designated for parking.
- ~~(g)~~ (g) Upon any portion of a highway, roadway or throughway where and at the time when parking is prohibited, limited or restricted by official traffic signs, by official markings on the roadway, highway or throughway, or curb markings indicating no parking.
- ~~(g)~~ (h) Upon any bridge in the City of Edgerton.
- ~~(h)~~ (i) Upon any sidewalk or any terrace area in the City, said terrace area being the area between the sidewalk and the curb on any street or highway.
- ~~(i)~~ (j) Upon any street or highway in any area which has been designated and marked with signs or barriers by the Police Department or the Street Department indicating no parking due to snow removal or other purposes. Said signs or barriers indicate that a snow emergency exists until such time as the snow is removed and the signs or barriers are taken down, or that other circumstances exist which prohibit parking until such time as the barriers are removed. The parking prohibition of this section shall control over any other ordinance which might conflict in anyway.
- ~~(j)~~ (k) **Winter Parking Regulations.**

1. Upon any street or highway during a snow event. A snow event is the period of time during and after any snowfall until after the snow from said street or highways has been removed or plowed to the curblin. Any vehicles parking or left standing in violation of this section may be ticketed and/or removed by or under the direction of the City of Edgerton Police Department or Street Department. The expense of any such removal may be charged to the owner of the vehicle. Removal of said vehicle shall not prevent prosecution under this ordinance.
 2. Snow emergency, as determined by the City, shall be effective when official traffic signs have been placed or erected at or reasonably near the corporate limits of Edgerton on all State or County Trunk Highways and connecting highways.
- ~~(H)~~ (I) General parking restrictions are posted on signs located on all State or County Trunk Highways and connecting highways entering the corporate City limits.

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Alderperson: Candy Davis

Roll Call: Ayes Noes

1st Reading: September 3, 2019

2nd Reading: September 16, 2019

Adopted:

Published:

Dated:

Christopher W. Lund, Mayor

Ramona Flanigan, City Administrator

STATE OF WISCONSIN)

)ss.

COUNTY OF ROCK)

I, Ramona Flanigan, City Administrator, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the ____ day of _____, 2019.

Ramona Flanigan, City Administrator

CITY OF EDGERTON
ORDINANCE No. 19-07
OF THE EDGERTON CODE OF GENERAL ORDINANCES,
CITY OF EDGERTON ROCK AND DANE COUNTIES, WISCONSIN

AN ORDINANCE TO CREATE A ROOM TAX DISTRICT
AND IMPOSE A ROOM TAX

Aldersperson Sarah Braun introduced the following Ordinance and moved its adoption:

WHEREAS, §66.0615 of the Wisconsin Statutes (“Room Tax Act”) authorizes the governing body of a municipality to adopt an ordinance imposing a tax on the privilege of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals or other persons furnishing accommodations which are available to the public (“Room Tax”); and

WHEREAS, if a tax is imposed under this statute, the imposing municipality must spend at least seventy (70%) percent of the room tax collected on tourism promotion and development, as defined in Wisconsin Statutes §66.0615(1m)(d)1, and that the remaining amount may be spent on municipal purposes; and

WHEREAS, the Common Council of the City of Edgerton has researched the issue of implementing a room tax and had determined that the collection of such a tax would benefit its efforts to attract paid overnight lodging at multiple lodging properties for the benefit of the community; and

WHEREAS, the creation of a tourism zone as provided by Wisconsin Statutes §66.0615 requires the creation of an Intergovernmental Cooperation Commission created under Wisconsin Statutes §66.0301 to oversee the use of the collected tax on overnight lodging; and

WHEREAS, Common Council of the City of Edgerton finds that the geographic area encompassing the CITY OF EDGERTON, WISCONSIN, a Wisconsin municipal corporation and political subdivision (“Edgerton”), the TOWN OF ALBION, WISCONSIN, a Wisconsin municipal corporation and political subdivision (“Albion”), and the TOWN OF FULTON, WISCONSIN, a Wisconsin municipal corporation and political subdivision (“Fulton”), is perceived by the traveling public as a single tourism destination as that term is used in the Room Tax Act (the “Edgerton Tourism Zone”); and

WHEREAS, the Common Council of the City of Edgerton finds that the best interests of the City of Edgerton are served by the passage of this Ordinance.

NOW THEREFORE, the City Council of the City of Edgerton does hereby enact the following ordinances to be effective in the City of Edgerton as follows:

CHAPTER 33

Room and Lodging Tax

(1) DEFINITIONS.

Except as defined below, capitalized terms shall have the definitions ascribed to them in §66.0615 of the Wisconsin Statutes.

- (a) “Chamber” shall mean the Edgerton Area Chamber of Commerce Inc., a Wisconsin nonstock corporation, and its’ successors.
- (b) “Tourism Zone” shall mean that geographic area encompassing the City of Edgerton, Wisconsin; the Town of Albion, Wisconsin; and the Town of Fulton, Wisconsin that hereafter becomes a party to the Room Tax Commission Agreement.
- (c) “Operators” shall mean hotelkeepers, motel operator, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, which are located in the City and are obligated to pay Room Taxes under this Ordinance.
- (d) “Quarterly Payment Date” shall mean each January 31, April 30, July 31, and October 31, each of which is the last day of the month next succeeding the end of a calendar quarter.
- (e) “Room Tax” shall mean a tax on the privilege of furnishing, at retail, rooms or lodging to transients by the Operators pursuant to the Room Tax Act.
- (f) “Room Tax Act” shall mean §66.0615 of the Wisconsin Statutes, as amended from time to time.
- (g) “Room Tax Commission” shall mean the Edgerton Room Tax Commission created by the Municipalities within the Tourism Zone pursuant to the Room Tax Commission Agreement in order to coordinate tourism promotion and tourism development within the Tourism Zone.
- (h) “Room Tax Commission Agreement” shall mean the Room Tax Commission Agreement, dated October 1, 2019 entered into by and among the Municipalities and the Room Tax Commission, as amended from time to time.

(2) IMPOSITION OF ROOM TAX.

- (a) Tax Imposed. Pursuant to the Room Tax Act, there is hereby imposed a five percent (5%) Room Tax on the privilege of furnishing, at retail, rooms or lodging to transients, by the Operators. Operators shall remit all Room Taxes to the City Treasurer in accordance with the requirements of this Ordinance and the Room Tax

Act. Such tax shall not be subject to the selective sales tax imposed by Wisconsin Statutes §77.52(2)(a)1, and may not be imposed upon sales to the federal government and persons listed under Wisconsin Statutes §77.54(9a). The Room Tax shall be allocated as follows:

- (1) Seventy percent (70%) shall be imposed and allocated toward the support of the Room Tax Commission, to be used for the promotion of the Tourism Zone as a tourism destination.
 - (2) ~~Thirty percent (30%)~~ Twenty eight percent (28%) (“Municipal Room Tax”) shall be imposed and retained by the City of Edgerton to be used as determined by the City Council.
 - (3) Two percent (2%) may be retained by the Operator for administration costs.
- (b) Taxation Effective Date. The effective date of the Room Tax shall be January 1, 2020.
- (c) Room Tax Payment Frequency. Room Tax shall be paid by the Operator on a ~~monthly~~ quarterly basis. It shall be paid by the end of the month following the ~~month~~ quarter in which it was collected to the City Treasurer.
- (d) Quarterly Room Tax Return. The Quarterly Room Tax Return filed with the room tax payment by the Operator shall contain the following information: name of the business, physical address, postal address, municipality located within, name of the designated person filling out the return, quarter and year the return is for, total available rental units during each month of the quarter (number of rental units in the facility multiplied by the days in the quarter or days they were open), number of rooms or units rented, total lodging sales for each month, room tax to be paid (which should equal total lodging sales multiplied by the 5% Room Tax) and the signature of the person filling out this return, attesting to the accuracy. This information will allow the municipality or Commission to judge the accuracy of the return and with all returns in total, to judge the effectiveness of the tourism promotion.

Every Operator required to file such quarterly report shall, with the first report, elect to file an annual report based on either the calendar year or its fiscal year. Such annual report shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly reports, shall reconcile and adjust for errors in the quarterly reports, and shall contain certain such additional information as the City requires. Such annual reports shall be signed by a representative of the Operator or its duly authorized agent, but need not be verified by oath. The City may, for good cause, extend the time of filing any report, but in no event shall such extension be longer than one (1) month after the due date.

(e) Priority of Payment. In the event any Operator fails to remit the entire Room Tax amounts due on any Quarterly Payment Date under this Ordinance, the City directs that the amounts actually received by the City shall be applied in the following priority order:

1. First, to the Room Tax Commission until paid in full;
2. Second, to the City general fund.

(f) Confidentiality of Reports. All Room Tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the Commission and the municipality are deemed confidential pursuant to Wisconsin Statutes §66.0615(3) except they may divulge their contents to the following, and no others:

1. The person who filed the return.
2. Officers, employees or agents of the City Treasurer and the Commission.
3. Other persons for the use in the discharge of duties imposed by law, or in the discharge of the duties of their office (unless otherwise prohibited by law), or by order of a court.

(3) **TOURISM ENTITY.** The Room Tax Commission shall contract with a “tourism entity,” or qualified “non-profit organization” as those terms are that term is defined in the Room Tax Act, (collectively, Tourism Entity) for purposes of providing staff, support services and assistance to promote the Tourism Zone to visitors as more fully set forth in an agreement between the Room Tax Commission and the Tourism Entity.

(4) **ADMINISTRATION OF ROOM TAX**

(a) This Ordinance shall be administered by the City Treasurer.

(b) Permit Required. Every Operator under this Ordinance shall annually file with the City Clerk an application for a permit for each place of business that is required to collect Room Tax hereunder before providing lodging for transients. Every application for a permit shall be made upon a form prescribed by the City and shall pay an annual fee of thirty-five dollars (\$35) set forth the name under which the applicant transacts or intends to transact business, the location of place of business, and such other information as the City requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such owner. At the time of making an application, the applicant shall pay the City an initial fee of thirty-five dollars (\$35.00) for each permit. A permit issued hereunder is non-transferable.

(5) **ENFORCEMENT**

The City shall enforce this Ordinance in accordance with the Room Tax Act.

- (a) Penalty for Violations. In addition to the forfeiture set forth in subsection (c) herein, any Operator in violation of the terms of this Ordinance by failing to obtain and maintain a permit, when such permit is required, shall be subject to a forfeiture not to exceed \$200.00 for each violation. Each room or unit separately rented or offered for rent, and each day of such rental or offer for rental of such unit shall be a separate violation. In addition, injunctive relief is hereby authorized to discontinue any violation of this Ordinance. Any Operator deemed to have violated any of the provisions of this Ordinance shall be obligated to pay the costs of prosecution, in addition to actual attorney fees expended in the course of said enforcement. The City may revoke or suspend any permit issued hereunder for failure to comply with the provisions hereof.
- (b) Liability for Tax on Sale or Transfer of Business. If any Operator liable for any amount of tax under this Ordinance sells or transfers all or substantially all of its interest in its hotel, motel or other lodging accommodation, its successors or assigns shall withhold sufficient amounts from the purchase price to pay any amount of Room Tax liability due through the sale or transfer date until the Operator produces a receipt that its liability has been paid in full or a certificate stating that no Room Tax amount is due. If a successor Operator subject to the tax imposed by this Ordinance fails to withhold such amount from the purchase price as required, such successor Operator shall become personally liable for payment of the Room Tax amount it is required to withhold.
- (c) Delinquent Room Tax. Delinquent Room Tax returns shall be subject to a twenty-five dollar (\$25) late filing fee. The tax imposed by this Ordinance shall become delinquent if not paid by the due date of the return. A forfeiture of twenty-five percent (25%) of the room tax due or five thousand dollars (\$5,000.00) whichever is less, of the tax imposed, is hereby established and due and owing in the event that the room tax is not paid within thirty (30) days after the due date of the return. In addition to this forfeiture, all unpaid taxes under this Ordinance shall bear interest at the rate of one percent (1%) per month from the due date of the return until received and deposited by the City Treasurer.
- (d) Inspection and Audit of Financial Records. Whenever the City Treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, or that the tax has not been paid, the City Treasurer is authorized to examine and inspect the books, records, memoranda and property of any person in order to verify the tax liability of the person or another person to determine the amount of tax owed. Any Operator who fails to comply with a request to inspect and audit the Operator's financial records shall be subject to a forfeiture in an amount equal to five percent (5%) of amount of tax due in the best judgment of the City Treasurer. The Operator shall pay the amount of tax

**INTERGOVERNMENTAL AGREEMENT FOR
ESTABLISHMENT OF A ROOM TAX COMMISSION**

THIS AGREEMENT, is entered into as of the 1st day of October 2019, by and between the City of Edgerton, the Town of Fulton, and the Town of Albion, each being a Wisconsin municipal corporation (individually the “Municipality” and collectively the “Municipalities”); and

WHEREAS, §66.0615 of the Wisconsin Statutes (“Room Tax Act”) authorizes the governing body of a municipality to adopt an ordinance imposing a tax on the privilege of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals or other persons furnishing accommodations which are available to the public (“Room Tax”); and

WHEREAS, the respective governing bodies of each municipality have researched the issue of implementing a room tax and had determined that the collection of such a tax would benefit their efforts to attract paid overnight lodging at multiple lodging properties for the benefit of their communities; and

WHEREAS, the Room Tax Act requires the creation of a room tax commission to oversee the collection of a room tax on overnight lodging; and

WHEREAS, the undersigned parties are authorized under Wis. Stats. § 66.0301 to enter into an Agreement for the creation of such a commission.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the parties agree as follows:

1. **TERM.** Unless otherwise extended by written agreement of the parties, this Agreement shall terminate the sooner of
 - a. December 31, 2025;
 - b. Upon thirty (30) day’s written notice by either party to the other.

2. **CREATION OF A COMMISSION**

(a) Commission Purpose.

The Municipalities are creating the Room Tax Commission pursuant to Wis. Stats. §66.0615. The Room Tax Commission shall contract with a Tourism Entity for the promotion of the Tourism Zone as that term is defined in the Municipalities respective ordinances. Each Municipality shall forward not less than 70% of the room taxes collected to the Room Tax Commission for use in tourism promotion.

(b) Commission Membership.

The Room Tax Commission shall consist of the following members:

1. One (1) member from each municipality, or such other number of members as may be required by §66.0615(1m)(c), Wis. Stats., if the annual tax collections are greater than \$300,000.

2. 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. These members shall not be members of the Board of Directors or employees of the Tourism Entity.

(c) Commission Member Appointment Process and Term of Office.

Members of the Room Tax Commission shall be appointed by the principal elected official in the respective Municipality and shall be confirmed by a majority vote of the members of that Municipality's governing body who are present when the vote is taken. Commissioners shall serve a one-year term, at the pleasure of the appointing official and may be reappointed. If a member of the Commission resigns or is removed for cause, the municipal body that appointed the member may appoint another person to fulfill the unexpired term. If the subject member was appointed by the chairperson, they may appoint another person to fill the unexpired term. Members of the Commission shall receive no pay, but may be reimbursed for their travel expense.

(d) Applicability of State Open Meetings Law

The Commission shall be subject to the provisions of the Wisconsin Open Meetings and Open Records laws as amended.

(e) Role of Commission

The Commission shall perform such tasks as are specified in this Agreement and as are required by the Room Tax Act.

3. **DISTRIBUTION OF ROOM TAXES COLLECTED**

Upon receipt of the room taxes that are collected, the collecting municipality shall first forward to the Commission seventy (70%) percent of the collected room taxes. The collecting municipality may retain the remaining thirty (30%) percent of the collected room taxes for such purposes as the municipality shall determine.

4. **TOURISM ENTITY**

The Commission shall contract with a Tourism Entity which shall spend the room taxes on tourism promotion and development. The Tourism Entity shall not use any of the room tax revenue to construct or develop a lodging facility.

5. **TRACKING AND REPORTING ROOM TAX REVENUE EXPENDITURES**

The Room Tax Commission shall ensure that the Tourism Entity tracks the use of Room Tax revenues and expenditures and states its impact on generating paid overnight stays in each Municipality. The Room Tax Commission shall require that the Tourism Entity permit and allow inspections of its records pertaining to the use of the room tax funds upon request of the Room Tax Commission at reasonable times. The Tourism Entity shall provide a written report as determined by the Room Tax Commission, no less than annually, and such report shall be available to the Municipality and public upon request.

6. **INDEMNIFICATION.** Each Municipality agrees to indemnify and hold the other Municipalities harmless for any claims, demands, damages, injuries or liabilities, costs and reasonable attorney's fees, including worker's compensation claims, incurred arising from any alleged acts or omissions of its inspectors, agents, officers or employees relating to services provided by the Municipality under this Agreement. This section shall survive termination of this Agreement.

7. **ENTIRE AGREEMENT.** This Agreement represents the final and complete expression of Agreement between the parties with respect to the included terms. No modification of this Agreement shall be effective unless and until it is made in writing and signed by all parties.

IN WITNESS WHEREOF, the parties have entered this Agreement effective as of the date first above written.

CITY OF EDGERTON

By: _____
Chris Lund, Mayor

Attest:

Ramona Flanigan, City Administrator

TOWN OF FULTON

By: _____
Evan Sayre, Chair

Attest:

Connie Zimmerman, Clerk/Treasurer

TOWN OF ALBION

By: _____
Robert Venske, Chair

Attest:

Julie Hanewall, Clerk

CITY OF EDGERTON

Resolution 20-19

**AUTHORIZING A SIGNATORY MUNICIPALITY TO EXCEED THE LEVY LIMIT
FOR THE EDGERTON FIRE PROTECTION DISTRICT**

WHEREAS, the Edgerton Fire Protection District (District) was created by a FIRE PROTECTION AGREEMENT (Agreement) by and between the City of Edgerton, the Towns of Albion, Fulton, Porter, and Sumner herein referred to as signatory municipalities; and

WHEREAS, The State of Wisconsin has passed legislation limiting municipal levies through the Levy Limit Law; and

WHEREAS, Section 66.0602(3)(h) Wis. Stats., of the Levy Limit Law, allows the signatory municipalities to exceed the levy limit if the levy increase requested by the Fire District would cause a municipality to exceed its permitted levy limit, provided the levy increase requested by the Fire District is less than the sum of the Consumer Price Index (CPI) plus 2%, and provided all the signatory municipalities pass a resolution allowing a signatory municipality to exceed the levy limit.

NOW THEREFORE BE IT RESOLVED, that the undersigned signatory municipality hereby authorizes any signatory municipality to exceed the levy limit in accordance with SS 66.0602(3)(h) if they are authorized to do so and so elect.

Motion by:

Seconded by:

Roll Call: Yeas: Noes:

Dated: September 16, 2019

Christopher W. Lund, Mayor

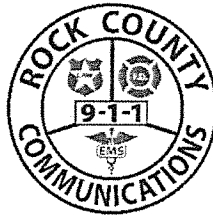
ATTEST:


Ramona Flanigan, City Administrator

Rock County, Wisconsin

Communications Center

3636 N. County Highway F
Janesville, WI 53545
Phone (608) 757-5100
Fax (608) 757-5081



TO: User Agency
FROM: Kathy Sukus, Director 
DATE: September 4, 2019
RE: Joint Powers Agreement

Enclosed is the 2020 Joint Powers Agreement for your agency to sign. State statute 256.35(9) requires that the Joint Powers Agreements be filed annually.

Note: This is the same agreement from the previous year. The only thing altered is *January 1, 2019* changed to *January 1, 2020*.

Please **sign and date** the Agreement, and after obtaining the Rock County Board Chairman's signature, I will send your agency a copy and file the Agreements with the Attorney General's Office.

Your cooperation and timely response is greatly appreciated. Please call if you have any questions.

**JOINT POWERS AGREEMENT
256.35(9) Wis. Stats**

ROCK COUNTY AND CITY OF EDGERTON

Rock County (County) and City of Edgerton (Municipality) have combined with other municipalities to establish a sophisticated telecommunications system which automatically connects a person dialing the first "911" to a public safety answering point (PSAP) provides the PSAP with the caller's location and number identification.

Wis. Stats. 256.35(9) requires that County and Municipality annually enter into this Joint Powers Agreement as follows:

- 1) This agreement is applicable on a daily basis.
- 2) If an emergency service vehicle is dispatched in response to a request through the Rock County System, which the Municipality is a part of, such vehicle shall render its services to the persons needing the services regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional boundaries. The intent of this paragraph is to meet the legal requirements of the Wisconsin State Statutes. It is not to assign calls to emergency service departments outside of their defined service areas on a regular basis. Only unusual circumstances will require such assignment.
- 3) Municipality directs the Rock County PSAP Center receiving a call for service in the Municipality's jurisdiction to dispatch the call in the following manner.

Primary:	Police:	County Main Repeater 155.985 (TX), 159.090 (RX)
	Fire:	RF Main 153.950 (RX), 155.715 (TX)
		RF Paging 154.310 (RX), PL Tone 79.7
	EMS:	Same as Fire
Secondary:	Police:	County TAC Repeater 154.950 (TX), 158.730 (RX)
	Fire:	RF Central 150.790 (TX), 155.430 (RX)
	EMS:	Same as Above

10 Year Capital Projects and Equipment Plan - Alt 1							9/16/19 DRAFT
Borrowing Year	Construction Year				Total Borrowing	Funded with Capital Surplus	Notes
2019	2018	Pool Painting		\$ 55,932			
2019	2018	Chaucer St* and Broadway		\$ 230,981			
2019	2019	Sweeney *		\$ 208,592			LRIP grant
2019	2021	Highway striping		\$ 100,000			
2019	2020	W Rollin (Albion to N Main)*		\$ -			CDBG Close, PF and utility pulverize and mat
2019	2020	TBD		\$ 104,495			Mill and overlay
2019	2021	Swift St (Bridge - N Main)		\$ 100,000			
		Available		\$ -	\$ 800,000		
2022	2022	So Main (with grant) *		\$ 477,102			reconstruct
2022	2022	Quigley St *		\$ 109,100			resurface
2022	2023	Plow Truck		\$ 150,000			
2022	2023	IKI		\$ 322,000			
2022	2024	Crescent and Ridgeway*		\$ 332,115			reconstruct
		Available		\$ 9,683	\$ 1,400,000		
2027	2025	Henry St*		\$ 116,200			resurface
2027	2026	Washington Street*		\$ 392,250			reconstruct
2027	2027	W. Fulton St (W of Menhall)		\$ 393,480			maybe util
2027	2028	Albion *		\$ 547,850			
2027	2029	W Rollin (Head to Albion)*		\$ 382,600			apply DOT grant
2027	2027	Stoughton RD (IKI -Head)		\$ 300,000			apply DOT grant
2027	2027	TBD		\$ 27,303			
		Available		\$ -	\$ 2,150,000		
2031		E Hubert		\$ 120,000			maybe utility
2031		Cherry St		\$ 140,000			maybe utility
2031		Marlboro		\$ 220,000			
2031		Salem Dr		\$ 70,000			
2031		Winston Dr		\$ 70,000			maybe util on east end
2031		South Ave (Lord to Martha)*		\$ 140,000			maybe util on east end
2031		Shannon St *		\$ 70,000			
2031		Little York Rd *		\$ 70,000			
2031		Henderson *		\$ 80,000			
2031		Pool Painting		\$ 60,000			
2031		Plow truck		\$ 155,000			
2031		Plow Truck		\$ 155,000			
2031		Loader		\$ 60,000			
2031		TBD		\$ 440,000			
		Available		\$ 340,000	\$ 2,190,000		

* May require sewer and water replacement

10 Year Capital Projects and Equipment Plan - Alt 2

Borrowing Year	Construction Year			Total Borrowing	Funded with Capital Surplus	Notes
2019	2018	Pool Painting	\$ 55,932			
2019	2018	Chaucer St* and Broadway	\$ 230,981			LRIP grant
2019	2019	Sweeney *	\$ 208,592			
2019	2021	Highway striping	\$ 100,000			
2019	2020	W Rollin (Albion to N Main)*	\$ -			CDBG Close, PF and utility pulverize and mat Mill and overlay
2019	2020	Maple St (W Ful to end)	\$ 36,600			
2019	2020	Swift St (Bridge - N Main)	\$ 100,000			
2019	2021	TBD	\$ 67,895	\$ 800,000		
		Available	\$ -			
2022	2022	So Main (with grant) *	\$ 477,102			reconstruct resurface
2022	2022	Quigley St *	\$ 109,100			
2022	2023	Plow Truck	\$ 150,000			
2022	2023	IKI	\$ 322,000			apply DOT grant resurface
2022	2023	Henry St*	\$ 116,200			reconstruct
2022	2024	Crescent and Ridgeway*	\$ 332,115			reconstruct
2022	2024	Washington Street*	\$ 392,250			
2022	2025	TBD	\$ 101,233			
		Available	\$ -	\$ 2,000,000		
2027	2026	W. Fulton St (W of Menhall)	\$ 393,480			maybe util
2027	2027	Albion *	\$ 547,850			
2027	2028	W Rollin (Head to Albion)*	\$ 382,600			apply DOT grant
		TBD	\$ 26,070			
		Available	\$ -	\$ 1,350,000		
2031	2030	Stoughton RD (IKI -Head)	\$ 300,000			apply DOT grant maybe utility
2031		E Hubert	\$ 120,000			maybe utility
2031		Cherry St	\$ 140,000			
2031		Mariboro	\$ 220,000			
2031		Salem Dr	\$ 70,000			
2031		Winston Dr	\$ 70,000			maybe util on east end
2031		South Ave (Lord to Martha)*	\$ 140,000			maybe util on east end
2031		Shannon St *	\$ 70,000			
2031		Little York Rd *	\$ 70,000			
2031		Henderson *	\$ 80,000			
2031		Pool Painting	\$ 60,000			
2031		Plow truck	\$ 155,000			
2031		Plow Truck	\$ 155,000			
2031		Loader	\$ 60,000			
2031		TBD	\$ 780,000	\$ 2,190,000		
		Available	\$ -			

* May require sewer and water replacement

Level Debt Payments

