

**TOWN OF COOPERSTOWN
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 2018-3

**AN ORDINANCE TO AMEND THE GENERAL CODE OF ORDINANCES OF THE
TOWN OF COOPERSTOWN, MANITOWOC COUNTY, WI**

The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, pursuant to Secs. 60.22, 60.33 (11), and its village powers pursuant to Sec. 60.10, Wis. Stats., hereby amends the General Code of Ordinances of the Town of Cooperstown, and do ordain as follows:

Section 1.07 (A)(2) is hereby amended to remove the following:

The Treasurer's Bond for tax collection shall be required to carry in the amount of \$250,000.

Section 1.07 (A)(3) is hereby amended to add the following:

3. Bond: The Treasurer of the Town of Cooperstown is exempt from giving the bond specified in s. 70.67(2), Wis Stats. The Town hereby obligates itself to pay, in case the Town Treasurer fails so to do, all state and county taxes that the Town Treasurer is required to pay to the County Treasurer.

Section 1.08 E. ELECTION OFFICIALS. is hereby amended to add the following:

5. Split Shifts. The Town of Cooperstown shall have a selection of alternate officials and shall have two shifts, first shift from 7:00 a.m. to 3:00 p.m. and the second shift from 3:00 p.m. to 8:00 p.m. and to include tabulations of election results. Alternate officials may be appointed to maintain adequate staffing of polling place and adequate coverage.

Section 1.08 H. BOARD OF REVIEW is hereby removed.

Section 1.10 VILLAGE POWERS is hereby amended to the following:

The following are the Village Powers granted to the Town Board as voted on and passed at Annual Meeting, dated April 5, 1966. Whereas Sec. 60.18 (12) of the Wis. Statutes provided that the Annual town meeting has the power to direct by resolution that the Town Board exercise all powers relating to village and conferred on a village board by Chapter 61 except such power, the exercise of which would conflict with the statutes relating to terms of town boards. Now therefore be said it is resolved by the Town of Cooperstown at its Annual Meeting that the Town Board exercise all powers relating to villages and conferred on village boards by Chapter 61, except such powers, the exercise of which would conflict with the statutes relating to the towns and town boards. The power granted by this resolution is in addition to the powers now granted to towns by statutes as of May 5, 1966.

Section 1.11 ELECTION PROCEDURES. is hereby amended to the following:

The Town of Cooperstown does require voter registration. The Town of Cooperstown shall have the election polls open on Election Day from 7:00 A.M. to 8:00 P.M. The polling location for the Town shall be the Town Hall. The Town shall require the use of optical scan ballots for elections in the Town and does have an ADA approved handicapped accessible machine. SVRS reports shall be charged a fee based on the fee set by the State Elections Board.

Section 1.12 NONDISCRIMINATION. is hereby amended to the following:

No Town of Cooperstown Official, Commission, Board or Committee may discriminate against any person in determining eligibility for Town services, providing services, granting accommodations to any person or awarding any permit, license, authority or privilege, on the basis of race, religion, color, creed, marital status, sex, handicapped condition, sexual orientation or national origin, unless some specific provision of law makes one of these factors a permissible consideration in the decision by the town.

Section 1.13 DESTRUCTION OF OBSOLETE RECORDS. is hereby amended to add the following:

A. TITLE AND PURPOSE. This ordinance is entitled the Town of Cooperstown Destruction of Obsolete Records Ordinance. The purpose of this ordinance is to provide the town officers of the Town of Cooperstown with the authority to destroy certain obsolete public records in possession of the Town of Cooperstown.

B. AUTHORITY. The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, has the specific authority under s. 19.21 (4), Wis. stats., to manage and destroy obsolete public records in the possession of the Town of Cooperstown.

C. ADOPTION OF ORDINANCE. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, authorizes the powers and establishes the duties of the town officers of the Town of Cooperstown to manage and destroy obsolete public records in the possession of the Town of Cooperstown.

D. FINANCIAL AND OTHER RECORDS. The following Town of Cooperstown town officers, pursuant to s. 19.21 (5), Wis. stats., may destroy the financial and other records of which they are the legal custodians and that are considered obsolete as provided in *Appendix A: Record Retention Schedule* of this Ordinance. Records maintained and subject to retention include the records of elected officials and departments as follows: Clerk's, Treasurer's, Public Works, Constable, Assessment, Building Inspection, Planning Commission, Ordinance Committee, Elections, and Elected Officials; and any records of departments or elected positions that may be created by the Town of Cooperstown in the future. Prior to the destruction of any public record described in this Section, a notice in writing shall be given to the Town Board prior to sending a notice in writing to the Wisconsin Historical Society. See Chapter 15 DESTRUCTION OF OBSOLETE RECORDS.

E. HISTORICAL SOCIETY NOTIFICATION. Prior to the destruction of any public record described in Sections IV, at least 60 days notice in writing shall be given to the Wisconsin Historical Society unless waived. See *Appendix B: for Letter of Notification of Intent to Destroy Records*.

F. WHEN AUTHORIZED. This section shall not be construed to authorize the destruction of any public record in advance of the retention period prescribed by statute, state administration regulations, and the *Wisconsin Municipal Records Manual*.

G. PENALTY PROVISIONS. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100 nor more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

H. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 3.17 Property Tax Collection is hereby amended to the following:

Section 3.17 is hereby named Board of Review.

Membership of Board of Review. At least, three members of the Town Board and the Town Clerk shall comprise the Board of Review. The Town Clerk shall be the clerk of the Board of Review. No assessor may serve on the Board of Review.

1. AUTHORITY. The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, has the specific authority under s. 70.47 (1) and (6m) (c), Wis. stats., to remove members from and to appoint alternate members to the Board of Review for the Town of Cooperstown.

2. MANNER OF APPOINTMENT. The Town Board of the Town of Cooperstown, Manitowoc County, Wisconsin, by this ordinance, establishes and shall maintain a public list of names of persons eligible and appointed by the town board to serve as alternate members of the board of review. The list shall be arranged and maintained by the town clerk in a priority order of probable and likely service as an alternate. The town clerk shall notify any named member who has been lawfully removed under s. 70.47 (6m) (a) or (b), Wis. stats., and shall then notify the alternate member of his or her appointment to replace a named

member of the board of review. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate s. 19.59, Wis. stats., shall then take the oath of office and act as a member of the board of review under s. 70.47 (6m) (c), Wis. stats.

3. APPOINTMENTS. The following electors of the Town of Cooperstown are named as alternate members of the board of review, to serve in the order indicated:

Alternate 1: Bernadette Duescher Alternate 2: Michael Glandt

Alternates shall be appointed by the Town Board at their April Town Board Meeting in the event a standing board member of the board of review is removed or unable to serve for any reason and there is no longer a quorum.

Note: The town board may name as many alternates as it deems necessary to meet the statutory requirement that no less than 5 Board of Review members are needed to make a final determination of an objection to a property assessment.

Compensation for Board of Review. See Chapter 15 Appendix A.

Section 3.20 OVERPAYMENT AND UNDERPAYMENTS is hereby amended to the following:

- A. PURPOSE AND INTENT. It is the declared intent of this ordinance that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this ordinance within 15 business days of the payment. Further it is the declared intent that this policy shall be in full force and effect upon adoption by the town board with the purpose of complying with Sec. 74.03 (2) of Wis. Statutes (as adopted by 1997 Wis. Act 315).
- B. AUTHORITY. This ordinance is adopted pursuant to the authority granted to town boards under Sec. 60.44 (2) of Wis. Statutes to adopt an alternative claim procedure for approving financial claims against the town which are in nature of bills and voucher.
- C. Required Procedures of Treasurer upon payment of excess amount over tax bill amount. Pursuant to sec. 60.34 of Wis. Statutes upon receipt of tax payments in excess of the tax bill, the town treasurer shall deposit as soon as practicable all payments in the name of the town in public depositories designated by the town board. Upon verification by the town treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but not later than 10 days after depositing, the treasurer shall notify the town clerk in writing: the name and

mailing address of the taxpayer for whom a refund in excess of the tax bill amount is due, the amount of the refund in excess of the tax bill, the date payment was received, and a statement that the payment as made has cleared and not be returned as insufficient fund.

- D. Required Procedures of Clerk upon notification from treasurer of excess payment of tax bill amount. Upon written notification from the town treasurer that a taxpayer has made a tax payment in excess of the tax bill amount, the town clerk shall issue the normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount upon finding the following:
1. Funds are available to pay the bill, assuming the tax payment has cleared and not be returned as is evidenced by the treasurer's notice.
 2. The town board has authorized the refund of excess tax payments as established by the adoption of this ordinance.
 3. The refund is due in the amount noticed by the town treasurer as a tax payment in excess of the amount of the tax bill.
 4. The refund is a valid claim against the town, being a payment in excess of the tax bill amount.
 5. Unless otherwise provided by law, the town clerk and the town treasurer may retain the town overpayment of fees, licenses, and similar charges when the overpayment is \$2.00 or less, unless such refund is specifically requested in writing. Underpayments of not more than \$2.00 may be waived when the administrative cost of collection would exceed the amount of the underpayment.

Further, the town clerk shall prepare monthly, to be submitted to the town board at each monthly board meeting, a list of claims paid under this procedure, listing the amount of the claims, the date paid, the name of the taxpayer/claimant, and that the payment was a refund for excess tax payment.

- E. Issuance of Disbursement from local treasury. Upon approval of a voucher (or proper authorization) by the Town Clerk under the procedure listed in Sec 4 of the Ordinance a refund check payable to the taxpayer/claimant named in the voucher or authorization and in the amount approved shall be written by the town clerk and countersigned by the town treasurer and town chairman, pursuant to Sec. 66.042 of the Wis. Statutes shall be issued not later than 15 business days from the date the tax payment was received by the town treasurer as noticed by the town

treasurer in Sec 3 of the ordinance.

- F. Mailing or delivery of refund check to taxpayer/claimant. Upon issuance of the proper countersigned refund check, pursuant to the procedures in this ordinance the refund check shall be delivered to the taxpayer/claimant or mailed the last known mailing address of the taxpayer/claimant by the town clerk.

Section 6.11 OBSTRUCTING IN ROADWAY OR RIGHT-OF-WAY PROHIBITED is hereby amended to the following:

~~B. The Town Constable will send a certified letter of warning stating the fee for violating the ordinance of \$50 to the violator for the first offense.~~ The Town Constable will send a certified letter of warning for the first offense stating the fee for violating the ordinance will be \$50 to the violator for the second offense.

Section 10.05 BURNING RESTRICTED, is hereby amended as following:

- A. The local fire department is no longer issuing burning permits. For more information concerning burning in the town please contact a board member or the town website. For information on items that can and cannot be burned check the DNR website at <http://dnr.wi.gov/topic/OpenBurning/Owners.html>. A call to the DNR should be placed to find out if your area is in a no burn zone. Call County Dispatch at 920-683-4201 and notify them that you will be burning. You are required to call them back when you are done. This will assist County Dispatch with calls received by other residents reporting a fire.

CHAPTER 15 APPENDIX A FEES, FINES & PENALTIES is hereby amended for the following:

4.17	Rezoning Permit Application	350.00
6.11b	Obstructing off roadway prohibited – 2 nd offense	50.00
6.11b	Obstructing off roadway prohibited – 3 rd offense	100.00

CHAPTER 15 FEES, FINES & PENALTIES AND OTHER APPENDIXES is hereby amended for the following:

ADMINISTRATIVE RECORDS (Retention Schedule Appendix A)		
Custodian	Record	Retention Period
Clerk	Minute Book	Permanent or transfer to WHS *

Clerk	Ordinance Book with attached affidavits of ordinance publication	Permanent or transfer to WHS*
Clerk	Resolutions	Permanent or transfer to WHS*
Clerk	Legal Opinions (Town Attorney interpretation of statutes & ordinances kept for future reference)	Permanent
Clerk	Town-owned real property records	Permanent
Clerk	Agendas	7 years and destroy
Clerk	Affidavits of Publication, general documents and notices	3 years and destroy 90 days if made solely for the purpose of drafting minutes after approval of written minutes then destroy or erase
Clerk	Board meeting audio tapes	5 years after expiration and destroy
Clerk	Bonds, Bond Book	5 years after expiration and destroy
County	Treasurer's fidelity bond	5 years after term and destroy
Clerk	Oaths of Office (excluding Clerk's oath)	5 years after term and destroy
Treasurer	Clerk's Oath of Office	5 years after term and destroy
LICENSE/PERMIT RECORDS		
Custodian	Record	Retention Period
Treasurer	Liquor, beer, and cigarette license receipts	7 years and destroy
Clerk	Liquor, beer, and cigarette license applications, records	4 years and destroy **
Clerk	Culvert Permits	Permanent
Treasurer	Dog License	3 years and destroy
MUNICIPAL BORROWING RECORDS		
Custodian	Record	Retention Period
Clerk	Bond procedure records, registers, cancelled bonds, promissory notes, cancelled bonds, coupons, certificates of destruction	7 years after bond issue has expired and destroy
ELECTION RECORDS		
Custodian	Record	Retention Period
Clerk	All Election materials and records	This ordinance follows the retention period defined by the Government Accountability Board or current Election Board in the current "Election Administration Manual"
FINANCIAL RECORDS		

Custodian	Record	Retention Period
Clerk	Annual Reports, Audit Reports	Permanent or transfer to WHS*
Clerk	Other Financial Reports	7 years and destroy
Clerk	Final Budget	Permanent
Clerk	General & Voucher Journal (record of original entry)	15 years and destroy
Treasurer	Receipts Journal (record of original entry)	15 years and destroy
Clerk	Purchase invoices, purchase orders, voucher stubs, bank statements and reconciliations, canceled checks	7 years and destroy
Treasurer	Accounts receivable invoices	7 years and destroy
Treasurer	Receipts, deposit slips, bank statements and reconciliations, investment records	7 years and destroy
Clerk	Budget worksheets	3 years and destroy
Treasurer	Duplicate deposit slips	1 year and destroy
Treasurer	Cash Book	15 years and destroy
Clerk & Treasurer	Receipt Forms	7 years and destroy

ASSESSMENT RECORDS		
Custodian	Records	Retention Period
Assessor	Master Property Record Folders	5 years beyond structure life, then transfer to WHS*
Assessor	Index to owners, aerial photographs	Retain until superseded and destroy
Clerk	Assessment Roll, Statement of Assessment, Final Statement of Assessment	Permanent
Assessor	Deeds, Plats, easements, certified surveys, Assessor's plats	Permanent
Clerk	Deeds, Plats, easements, certified surveys, Assessor's plats	Permanent
Clerk	Special Assessment final resolutions	Permanent
Clerk	Tax Exemption Reports	10 years and destroy
Assessor	Certificate of ORAP Valuations PC-219	10 years and destroy
Assessor	Notice of Increased Assessment	7 years and destroy
Clerk	Board of Review Minute Book	7 years and transfer to WHS*
Clerk	Form of Objection to Property Assessment, BOR audio tapes, BOR Notices of Determination	7 years after completion and destroy

Assessor	Occupational tax returns, Merchants', Professions' Statement of Property, Personal Property Worksheets/Farmer & Personal Property Not Used for the Production of Income, Report of Inventory Location (form 10)**, Assessors Personal Property Summary Worksheet	5 years and destroy
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ASSESSMENT RECORDS

Custodian	Records	Retention Period
Assessor	Assessor's Final Report Supplement, Assessor's Final Report	5 years and destroy 5 years after info has been transferred to the Master Property Record Folder and destroy
Assessor	Wisconsin Real Estate Transfer Returns	
Assessor	List of Beekeepers, Request for Exemption of Merchandise in Storage, Statement of Merchandise Exempted	3 years and destroy 1 year after transfer to Master Property Record Folder and destroy
Assessor	Deeds (copies)	1 year after transfer to Master Property Record Folder and destroy
Assessor	Building permit applications (copies)	destroy

TAX RECORDS

Custodian	Records	Retention Period
Clerk	Final Statement of Taxes	Permanent or transfer to WHS* 15 years and transfer to WHS* if postponed or delinquent taxes are not transferred to the county treasurer
Treasurer	Real & Personal Property Tax Roll	Retain with Tax Roll
Treasurer	State of Taxes remaining unpaid	5 years and destroy
Treasurer	Statement of Personal Property Forms	Retain until superseded and destroy
Treasurer	Escrow Account List	15 years and destroy
Treasurer	Tax collection receipts	
Treasurer	State Shared Revenue notices, Other State and County revenue notices	3 years and destroy
Clerk	Final Levy Worksheet	5 years and destroy
Treasurer	Statements of New Special Assessments, Tax Credit Certifications, Tax Settlement Receipt, Municipal Treasurer's Settlement	5 years and destroy

Clerk	Tax levy certifications of school district clerks, Certificates of Apportionment	3 years and destroy
Clerk	Easements	Permanent
BUILDING INSPECTION RECORDS		
Custodian	Records	Retention Period
Clerk	Building Plans	1 year after built
Clerk	Permit Fee Receipts and Permit Ledgers	7 years
Clerk	Applications and Permits	Permanent
Clerk	Code Compliance and Inspection Reports	Permanent
PLANNING COMMISSION RECORDS		
Custodian	Records	Retention Period
Clerk	Comprehensive Master Plan and Amendments	Permanent
Clerk	Plan Commission Minutes and Records	Permanent
Clerk	Rezoning Notices, agendas, and minutes	Permanent
Clerk	House number and address change file	Permanent
PUBLIC WORKS/LAND USE RECORDS		
Custodian	Records	Retention Period
Clerk	Maps, map indexes, surveying records, excavation plans	Permanent
Clerk	Final subdivision plats, annexation plats, fire number and address change file	Permanent
Clerk	Preliminary subdivision plats	Retain until superseded by the final plat and destroy
Clerk	Aerial photographs	Retain until superseded by the final plat and destroy
Clerk	Inventory of Town Hall & Garage	Retain until superseded by the final plat and destroy
Clerk	Structure plans for municipal buildings & bridges	Retain for life of the structure and transfer to the WHS
Clerk	Street vacations and dedications, copies	Retain for active reference life and destroy
Clerk	Street maintenance and repair records	25 years and destroy
Clerk	Tree planting, inspection, trimming & removal records	25 years and destroy
Clerk	State Highway Aids program records	7 years and destroy
Clerk	Bid notices and affidavits of publication (if required), all bids successful and unsuccessful, all contracts, all certificates of insurance, all other related records	7 years after contract expiration and destroy Unsuccessful bids 2 years after awarded and destroy

Clerk	Permits for excavation of streets by private utility companies	3 years and destroy 7 years following termination of lease
Clerk	Leases	
Clerk	Public Works Project Records	20 years and destroy
PAYROLL RECORDS		
Custodian	Records	Retention Period
Clerk	Employee time sheets	5 years and destroy
Clerk	Dept. of Revenue WT-6, WT-7 records	5 years and destroy**
Clerk	IRS W-4 records, IRS W-9 records	5 years after being superseded and destroy**
Clerk	IRS W-2, W-3, 941 records	5 years and destroy**
Clerk	Wisconsin Unemployment Tax and Wage reports	5 years and destroy**
Clerk	All other Payroll related records	5 years and destroy**
Clerk	Applications for Employment and resumes of persons not hired	1 year after filling of position and destroy**
Clerk	Employment Records	7 years following termination and destroy**
INSURANCE RECORDS		
Custodian	Records	Retention Period
Clerk	Accident Reports	3 years and destroy
Clerk	Insurance Policies and Certificates of Insurance	Permanent
Clerk	Claims	7 years and destroy
OTHER RECORDS		
Custodian	Records	Retention Period
Any	Any record subject to litigation, claim, audit or other action	Until permission to destroy obtained by Town Attorney
Any	Unlisted Records	7 years and destroy (unless added by amendment)
Any	Correspondence	3 years and destroy

* WHS - Wisconsin Historical Society

** Records require security if they contain personal identity information

Ordinance for the Destruction of Obsolete Records
Town of Cooperstown Letter of Notification of Intent to Destroy Records
APPENDIX B

TOWN OF COOPERSTOWN
15911 CTH R, Maribel WI 54227
Clerk 920-863-3261 Office & Fax
townofcooperstown1856@yahoo.com
www.townofcooperstown.com

Date:

State Archivist, Andrew Baraniak
State Historical Society of Wisconsin
816 State Street
Madison WI 53706-1482

RE: Destruction of Records for the Town of Cooperstown, Manitowoc County

Dear:

The Town of Cooperstown, Manitowoc County intends to destroy the following obsolete town records pursuant to our Municipal Ordinance 2018-1 Destruction of Obsolete Records.

Title of Records	Years Covered by Records	Volume of Records (if applicable)
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I understand that we are required to notify the State Historical Society of Wisconsin

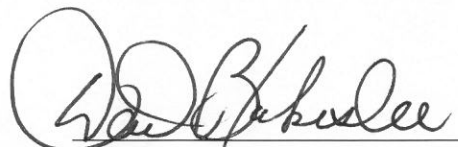
at least sixty days prior to destroying these records. If you have any questions about these materials, do not hesitate to contact me. Thank you for your prompt review of this request.

Sincerely,

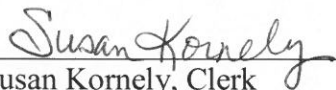
Name
Town Clerk

Enclosure(s) (number of enclosures)

EFFECTIVE DATE. This Ordinance shall be effective upon adoption by the Town Board and posting according to law.


David Blakeslee, Chairman

Attest:


Susan Kornely, Clerk
Approved: May 8, 2018
Posted: May 12, 2018

Ayes:	<u>5</u>
Nays:	<u>0</u>
Abstain:	<u>0</u>
Absent:	<u>0</u>