

Minutes

Town of New Hope Regular Board Meeting

Wednesday, August 16, 2023 7:00 pm

Town Hall, 9785 Town Hall Road

Call to order: Chairman Knepfel called the regular board meeting to order at 7:00 pm, leading the Pledge of Allegiance

Review of Minutes: Minutes from the July 2023 regular board meeting were distributed to the Board members. Supervisor Reser moved to approve minutes as printed, seconded by Supervisor Raddatz. Motion carried.

Persons who wish to address the Board: No one appeared.

Annual update on Rosholt School District: Rosholt School Superintendent Dennis Kaczor appeared before the Board to report on activities from the past year and for future plans for the school district. He reported a slight decrease in enrollment because of the open enrollment policy. To address that decrease and corresponding drop in revenue, he discussed 4K kindergarten and an option to open a school daycare to improve recruitment/retention, as well as daycare staffing/housing, and how the costs would be covered. Some repairs to the building will be required in the next year, including roof repair. Budget, Annual, and Regular School Board meetings are scheduled for Monday, August 21 starting at 5:00 pm. First day of school for students is Tuesday, Sept. 5.

Cemetery: Mark Ellingson, sextant for North New Hope Church Cemetery, appeared before the Board with information on operational procedures regarding North New Hope Cemetery as background for upcoming transfer of care and management of Our Savior Church Cemetery (Trout Creek Rd) to Town of New Hope. He recommended, among other items, the inclusion of perpetual care charges and a requirement for each burial to include a monument for any new burials, especially as most burials are currently cremains rather than traditional casket/vault. Packets containing the cemetery-related excerpt from N. New Hope bi-laws (2020), sample cemetery ordinances, and operational/management practices for several local cemeteries were distributed to the Board. A surveyor is being sought to establish legal boundaries, right of way, and cemetery access for Our Savior Cemetery. Lawyer Bruce Meagher will be contacted about cost-sharing between the Town and Our Savior Lutheran Church members.

Portage Co. Emergency/Disaster Plan: Portage County Emergency Management Coordinator Bob Weinert (WeinertR@co.portage.wi.gov. phone: (715) 346-1437) appeared before the Board to present information and assistance (Local Emergency Response Guide packet) for the development of an Emergency Management Plan and an Integrative Preparedness Plan (IPP) for the Town of New Hope, in compliance with Federal regulations and WI State Statues. Because of Wisconsin Home Rule, “the governing body of a local unit of government” can declare and manage an emergency, recruit professional and volunteer services, appropriate funds and levy taxes, etc. to deal with a federal, state, or locally declared emergency. “The governing body of each city, village, or town shall develop and adopt an emergency management plan and program that is compatible with the state plan of emergency management adopted under s. 323.13 (1) (b), 323.14(1)(b)2. “The governing body of each city, village, or town shall designate a head of emergency management.” See WI. State Statue s.323.10 - s. 323.15 for details on WI. Statues regarding emergency management (copied at the end of this report).

Mr. Weinert provided tips and direction on emergency shelters, contacting residents, emergency notification via phone, etc. He reminded the Board that in the event of an emergency/disaster, the filed IPP would qualify as documentation for state and federal funds. He recommended that the IPP document be kept in draft form, and that any private information such as phone numbers and emails other than for the local head of emergency management be redacted. Resident notification and requests for community buy-in could be mailed with tax

bills. Maps of roads, houses (with owners and contact information) could be provided by Portage County Planning and Zoning. State/Federal grants may be available.

The Board will begin compiling/soliciting information, with a working draft completed by Clerk Zellmer. An IPP for Town of New Hope must be filed (at least in draft form) with the County by end of 2023.

Road Improvement Report: Chair Knepfel reported on the progress of designated road repair: seal coating is completed, work scheduled through Glodowski Construction will be completed by end of August, and B&B Paving will be completed in September. Tree cutting will begin after hard frost mid-October. Chair Reser requested that Tony Kostuch be contacted to move blacktop pile.

Fire Dept. Report: Chair Knepfel noted that the Town of New Hope is within our published fire dept. budget for 2023. He also noted that the July/August 2023 edition of the Wisconsin Fire Journal had a department profile/article on the Iola Fire department.

Recycling Event: Recycling postcards for the Special Recycling Event scheduled for Saturday, October 28, will be ordered from Dulce Printing by early Sept., mailed by end-September. Supervisor Reser moved to accept pricing for recycled materials as discussed, seconded by Supervisor Raddatz; motion carried.

Per Diem Rates Clarified: All Board and non-board workers (for all meetings, highway runs, additional training) will be paid \$75 per meeting/occurrence, with FICA deducted for Board members, treasurer, and clerk. Planning Commission rates \$40 per meeting. All non-board members are considered independent contractors, subject to those rules.

Conversion to .gov email and website: The Board approved contracting Chad Wolding to begin the process to convert all board, treasurer, clerk and website addresses to .gov, update the town website, and provide a QTH tutorial for Clerk Zellmer. As there are several other clients ahead of us, and because of a lengthy process between State and the IT worker to make appropriate changes, Chad thought that the process should be completed by no later than end of December 2023, at an estimated cost of \$500. Clerk Zellmer will look into applying for the State grant for up to \$600 to fund this project.

WI Towns Workshop: WI Towns Assoc. will hold a fall workshop in September, with webinars Sept. 11-14 on budgeting, levy limits, tax bills, bidding, ordinances, road management, DOR form C/CT Chart of Accounts. Supervisor Reser and Clerk Zellmer plan to utilize the webinars and report to the Board.

Payment of Bills: Supervisor Raddatz moved to approve payment of July bills (\$19770.01), seconded by Supervisor Reser; motion carried.

Next Meeting: The next regular town meeting is scheduled for Sept. 20, 7:00 pm, at ~~N. New Hope Church (845 N. County Road T)~~ New Hope Town Hall, 9785 Town Hall Road.

Adjournment: Supervisor Raddatz motioned to adjourn, seconded by Supervisor Reser; motion carried. The meeting was adjourned at 9:09 pm. Respectfully submitted by Clerk Pat Zellmer.

WISCONSIN STATUTES, SUBCHAPTER II
POWERS AND DUTIES RELATED TO EMERGENCY MANAGEMENT

323.10 Declaration by governor. The governor may issue an executive order declaring a state of emergency for the state or any portion of the state if he or she determines that an emergency resulting from a disaster or the imminent threat of a disaster exists. If the governor determines that a public health emergency exists, he or she may issue an executive order declaring a state of emergency related to public health for the state or any portion of the state and may designate the department of health services as the lead state agency to respond to that emergency. If the governor determines that the emergency is related to computer or telecommunication systems, he or she may designate the department of administration as the lead agency to respond to that emergency. A state of emergency shall not exceed 60 days, unless the state of emergency is extended by joint resolution of the legislature. A copy of the executive order shall be filed with the secretary of state. The executive order may be revoked at the discretion of either the governor by executive order or the legislature by joint resolution.

History: 2009 a. 42 s. 72; Stats. 2009 s. 323.10.

This section specifies that no state of emergency may last longer than 60 days unless it is extended by joint resolution of the legislature and that the legislature may cut short a state of emergency by joint resolution. This section contemplates that the power to end and to refuse to extend a state of emergency resides with the legislature even when the underlying occurrence creating the emergency remains a threat. Therefore, when a governor relies on the same enabling condition for multiple states of emergency, or declares a new state of emergency to replace a state of emergency terminated by the legislature, the governor acts contrary to the statute's plain meaning. *Fabick v. Evers*, 2021 WI 28, 396 Wis. 2d 231, 956 N.W.2d 856, 20-1718.

323.11 Declaration by local government. The governing body of any local unit of government may declare, by ordinance or resolution, an emergency existing within the local unit of government whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the local unit of government. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.

History: 2009 a. 42 s. 233; Stats. 2009 s. 323.11.

323.12 Governor; duties and powers; out-of-state assistance.

(1) ONGOING DUTIES. The governor shall do all of the following:

- (a)** Review orders establishing or altering emergency management areas.
- (b)** Review state emergency management plans and modifications to the plans.
- (c)** Determine responsibilities of state departments and independent agencies with respect to emergency management and by order direct those departments and agencies in utilizing personnel, facilities, supplies, and equipment before and during a state of emergency.

(2) ONGOING POWERS. The governor may do all of the following:

- (a)** On behalf of the state, enter into mutual aid agreements concerning emergency management with other states.
- (b)** Accept from any source gifts and grants including services for emergency management purposes and may authorize the state and local units of government to receive such gifts and grants. When grants require participation by a local unit of government, the state may transfer title to equipment acquired through an agreement between participating local units of government.
- (c)** If the governor determines that a condition of civil disorder or a threat to the safety of persons on state property or damage or destruction to state property exists, he or she may, without declaring an emergency, call out the state traffic patrol or the conservation warden service or members of that patrol or service for use in connection with the threat to life or property.

(3) DUTIES DURING AN EMERGENCY. During a state of emergency declared under s. 323.10, the governor shall issue orders, delegate such authority as is necessary to the administrator, and direct the division to coordinate emergency management activities.

(4) POWERS DURING AN EMERGENCY. The governor may do all of the following during a state of emergency declared under s. 323.10:

- (a)** Declare priority of emergency management contracts over other contracts, allocate materials and facilities in his or her discretion, and take, use, and destroy, in the name of the state, private property for emergency management purposes. The governor shall keep records of that action. Those records shall be evidence of a claim against the state. The claim against the state shall be referred to the claims board under s. 16.007.
- (b)** Issue such orders as he or she deems necessary for the security of persons and property.
- (c)** Contract on behalf of the state with any person to provide, on a cost basis, equipment and services to be used to respond to a disaster or the imminent threat of a disaster.
- (d)** Suspend the provisions of any administrative rule if the strict compliance with that rule would prevent, hinder, or delay necessary actions to respond to the disaster.
- (e)** At his or her discretion, waive any fee required by the state for the replacement of a permit, license, approval, or other authorization for a person who resides or is headquartered in the area to which the governor's executive order under s. 323.10 applies and whose permit, license, approval, or other authorization is lost or destroyed in connection with the state of emergency.

(5) WORK PERFORMED BY AN OUT-OF-STATE BUSINESS OR EMPLOYEE.

(a) In this subsection:

- 1. "Declared state of emergency" means a state of emergency declared by the governor under s. 323.10.
- 2. "Disaster period" means the time that begins 10 days before a declared state of emergency and ends 60 days after the declared state of emergency ends.

3. "Disaster relief work" means work, including repairing, renovating, installing, building, or performing other services or activities, relating to infrastructure in this state that has been damaged, impaired, or destroyed in connection with a declared state of emergency.
4. "Doing business in this state" has the meaning given in s. 71.22 (1r), except that members of a combined group, as defined in s. 71.255 (1) (a), are not considered to be doing business in this state based solely on another member of the combined group doing business in this state. A business shall be considered to be doing business in this state for purposes of ch. 77 if it performs disaster relief work in this state.
5. "Infrastructure" means property and equipment owned or used by a telecommunications provider or cable operator or that is used for communications networks, including telecommunications, broadband, and multichannel video networks; electric generation, transmission, and distribution systems; gas distribution systems; water pipelines; and any related support facilities that service multiple customers or citizens, including buildings, offices, lines, poles, pipes, structures, equipment, and other real or personal property.
6. "Out-of-state business" means a sole proprietorship, partnership, limited liability company, joint venture, corporation, or other organization or enterprise, whether operated for profit or not for profit, that is not organized under the laws of this state and that, except for disaster relief work during a disaster period, was not doing business in this state during the 3 taxable years immediately preceding the disaster period or the current taxable year in which the declared state of emergency occurs.
7. "Out-of-state employee" means an individual who does not work in this state, except for disaster relief work during a disaster period, and who immediately prior to that declared state of emergency was not a resident of this state, was not doing business in this state that required a tax return to be filed in this state, and was not performing services in this state that required a tax return to be filed in this state.
8. "Taxable year" has the meaning given in s. 71.01 (12).

(b) Subject to par. (c), any out-of-state business or out-of-state employee is exempt from all of the following for disaster relief work performed during a disaster period:

1. Any applicable state withholding, income, franchise, or use tax, and any related registration requirement or fee, as provided under ss. 71.03 (2) (a) 2, 71.04 (7) (f) 17, 71.05 (1) (g), 71.23 (3) (bm), 71.25 (9) (f) 17 and (16), 71.26 (2) (a) 12, 71.64 (6) (c), 71.67 (6) (b), 77.52 (7) (b) and (12), and 77.53 (9) (b) and (19). The department of revenue may examine and inspect the books, records, memoranda, and property of any out-of-state business or out-of-state employee to verify an exemption claimed under this subdivision.
2. Any applicable fee imposed by a state agency, local unit of government, or other subdivision or instrumentality of the state or of a local unit of government.
3. Any applicable license, certificate, registration, permit, or other credential or approval of a state agency, local unit of government, or other subdivision or instrumentality of the state or of a local unit of government.

(c) No later than 90 days after the last day of a disaster period, any out-of-state business, and the employer of any out-of-state employee, that wishes to claim an exemption under par. (b) shall provide notice to the department of revenue, in the manner prescribed by the department, that the out-of-state business or out-of-state employee is in the state solely to perform disaster relief work. The notice shall include all of the following information for each out-of-state business and each out-of-state employee:

1. Legal name and business name, if any.
2. State of domicile or residence.
3. Principal address.
4. Federal tax identification number.
5. The date of entry to the state for the purpose of performing the disaster relief work.
6. Contact information.

(d) A business organized under the laws of this state shall provide the information required under par. (c) for any out-of-state business that is a related entity, as defined in s. 71.22 (9am), that enters the state to perform disaster relief.

History: 2009 a. 42 ss. 68 to 71, 73 to 78, 122, 286 to 289; Stats. 2009 s. 323.12; 2015 a. 84; 2017 a. 291.

323.13 Adjutant general; duties and powers.

(1) ONGOING DUTIES. The adjutant general shall do all of the following:

- (a) Serve as the governor's principal assistant for directing and coordinating emergency management activities.
- (b) Subject to approval by the governor, develop and adopt a state plan of emergency management for the security of persons and property. In developing the plan, the adjutant general shall seek the advice of the administrator, shall seek the advice of the department of health services with respect to the emergency medical aspects of the plan, and shall seek the advice of the department of administration with respect to aspects of the plan related to computer or telecommunication systems. The plan shall specify equipment and personnel standards, and shall require the use of the incident command system, and specify the type of incident command system, by all emergency response agencies, including local health departments, during a state of emergency declared under s. 323.10 or 323.11.
- (c) Prescribe and carry out statewide training programs and exercises to develop emergency management proficiency, disseminate information, and coordinate emergency management programs. The training programs shall include training in managing emergency operations utilizing the incident command system for local unit of government officials, officers, and employees whose duties include responding to a disaster or the imminent threat of a disaster, including officers and employees of local health departments, and shall include training on how to create an account with and use the federal System for Award Management Internet site to apply for federal emergency management assistance. The adjutant general shall consult with the administrator, with the department of health services regarding the provision of incident command system training to local health department personnel, and with the department of administration

regarding the provision of incident command system training for emergencies related to computer or telecommunication systems. To the extent possible, the adjutant general shall utilize federal funding to provide incident command system training.

- (d) Furnish guidance and establish standards for emergency management programs for local units of government, and prescribe nomenclature for all levels of emergency management, with the advice of the administrator. The standards shall include a requirement that local unit of government emergency management programs adopted under s. 323.14 (1) (a) 1. and (b) 1. utilize the incident command system during a state of emergency declared under s. 323.10 or 323.11 or in any other multi-jurisdictional or multi-agency emergency response. The standards for fire, rescue, and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response. The standards for agencies that manage public works shall include the suggestion that the local unit of government, or a federally recognized American Indian tribe or band in this state, adopt the mutual assistance agreement created by the division for the intergovernmental collaboration of public works personnel, equipment, and resources in a multi-jurisdictional or multi-agency emergency response. The adjutant general shall consult with representatives of public works professional associations and organizations regarding the content of that agreement.
- (dm) If the adjutant general finds that a local unit of government has not developed, adopted, and implemented an emergency management plan as required under s. 323.14 (1), refuse to approve grants of funds or items of equipment awarded under this chapter to the local unit of government until the local unit of government does so. If the local unit of government fails to use the funds or items of equipment granted in accordance with the agreement under which the grant was made, the adjutant general may refuse to make any additional grants to the local unit of government until it has complied with the conditions of the prior grant, and he or she may start recovery proceedings on the funds and items of equipment that have not been used in accordance with the conditions of the grant.
- (e) Provide assistance to the Wisconsin wing of the civil air patrol from the appropriation under s. 20.465 (3) (f) for the purpose of enabling the patrol to perform its assigned missions and duties as prescribed by U.S. air force regulations. Expenses eligible for assistance are aircraft acquisition and maintenance, communications equipment acquisition and maintenance and office staffing and operational expenses. The civil air patrol shall submit vouchers for expenses eligible for assistance to the division.
- (f) No later than 90 days after a state of emergency relating to public health is declared and the department of health services is not designated under s. 323.10 as the lead state agency to respond to that emergency and no later than 90 days after the termination of this state of emergency relating to public health, submit to the legislature under s. 13.172 (2) and to the governor a report on all of the following:
1. The emergency powers used by the department of military affairs or its agents.
 2. The expenses incurred by the department of military affairs and its agents in acting under the state of emergency related to public health.
- (2) ONGOING POWERS. The adjutant general may do all of the following:
- (a) Divide the state into emergency management regions composed of whole counties, subject to approval by the governor, and modify the boundaries of those regions as changed conditions warrant.
- (b) Appoint a director of emergency management for each region under par. (a) under the classified service on either a part-time or full-time basis, or ask the governor to designate any state officer or employee as acting regional director on a part-time basis.
- (c) Designate and post highways as emergency management routes closed to all but authorized vehicles when required for training programs and exercises.
- (d) Prescribe traffic routes and control traffic during a state of emergency.
- (e) Organize and train state mobile support units to aid any region during a state of emergency. The units may participate in training programs and exercises within or outside the state.
- (f) Request the department of health services to inspect or provide for the inspection of shipments of radioactive waste, obtain and analyze data concerning the radiation level of shipments of radioactive waste and issue reports concerning these shipments and radiation levels. The adjutant general may assess and collect and receive contributions for any costs incurred under this paragraph from any person who produced the radioactive waste which is the subject of the activity for which the costs are incurred. In this paragraph, "radioactive waste" has the meaning given in s. 293.25 (1) (b).
- (g) Assess and collect and receive contributions for any costs incurred by state agencies to establish and maintain radiological emergency response plans related to nuclear generating facilities.
- (h) Make payments for disaster assistance under ss. 323.30 (1) and 323.31.

Cross-reference: See also chs. WEM 7 and 8, Wis. adm. code.

History: 2009 a. 42 ss. 80 to 83, 85 to 94, 120, 290 to 293; Stats. 2009 s. 323.13; 2019 a. 159.

323.14 Local government; duties and powers.

(1) ONGOING DUTIES.

(a)

1. Subject to subd. 3., each county board shall develop and adopt an emergency management plan and program that is compatible with the state plan of emergency management under s. 323.13 (1) (b).
2. Each county board shall designate a head of emergency management. In counties having a county executive under s. 59.17, the county board shall designate the county executive or confirm his or her appointee as county head of emergency management. Notwithstanding sub. (2) (b), an individual may not simultaneously serve as the head of emergency management for 2 or more counties.

3. Each county board shall designate a committee of the board as a county emergency management committee. The chairperson of the county board shall designate the chairperson of the committee. In counties having a county executive under s. 59.17, the committee shall retain policy-making and rule-making powers in the establishment and development of county emergency management plans and programs.

(b)

1. The governing body of each city, village, or town shall develop and adopt an emergency management plan and program that is compatible with the state plan of emergency management adopted under s. 323.13 (1) (b).
2. The governing body of each city, village, or town shall designate a head of emergency management.

(2) ONGOING POWERS.

- (a) The governing body of a local unit of government may appropriate funds and levy taxes for its emergency management program under sub. (1).
- (b) Local units of government may cooperate under s. 66.0301 to furnish services, combine offices, and finance emergency management programs.
- (c) Local units of government may contract for emergency management services with political subdivisions, agencies, and federally recognized American Indian tribes and bands of this state, and, upon prior approval of the adjutant general, with such entities in bordering states. A copy of each agreement shall be filed with the adjutant general within 10 days after execution of that agreement.

(3) DUTIES DURING AN EMERGENCY.

- (a) If the governing body of a local unit of government declares an emergency under s. 323.11 and intends to make use of volunteer health care practitioners, as specified in s. 257.03, the governing body or its agent shall, as soon as possible, notify the department of health services of this intent.
- (b) During a state of emergency declared by the governor, a local unit of government situated within the area to which the governor's executive order applies may employ personnel, facilities, and other resources consistent with the plan adopted under sub. (1) (a) 1. or (b) 1. to cope with the problems that resulted in the governor declaring the emergency. Nothing in this chapter prohibits local units of government from employing their personnel, facilities, and resources consistent with the plan adopted under sub. (1) (a) 1. or (b) 1. to cope with the problems of local disasters except where restrictions are imposed by federal regulations on property donated by the federal government.

(4) POWERS DURING AN EMERGENCY.

- (a) The emergency power of the governing body conferred under s. 323.11 includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency and includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the highways, notwithstanding any provision of chs. 341 to 349.
- (b) If, because of the emergency conditions, the governing body of the local unit of government is unable to meet promptly, the chief executive officer or acting chief executive officer of any local unit of government shall exercise by proclamation all of the powers conferred upon the governing body under par. (a) or s. 323.11 that appear necessary and expedient. The proclamation shall be subject to ratification, alteration, modification, or repeal by the governing body as soon as that body can meet, but the subsequent action taken by the governing body shall not affect the prior validity of the proclamation.

History: 2009 a. 42 ss. 98 to 102, 111, 112, 234 to 236, 294 to 299; Stats. 2009 s. 323.14; 2021 a. 243.

323.15 Heads of emergency management; duties and powers.

(1) ONGOING DUTIES.

- (a) The head of emergency management for each local unit of government shall implement the plan adopted under s. 323.14 (1) (a) 1. or (b) 1., whichever is applicable, and perform such other duties related to emergency management as are required by the governing body and the emergency management committee of the governing body when applicable. The emergency management plans shall require the use of the incident command system by all emergency response agencies, including local health departments, during a state of emergency declared under s. 323.10 or 323.11.
- (b) The head of emergency management for each county shall coordinate and assist in developing city, village, and town emergency management plans within the county, integrate the plans with the county plan, advise the department of military affairs of all emergency management planning in the county and submit to the adjutant general the reports that he or she requires, direct and coordinate emergency management activities throughout the county during a state of emergency, and direct countywide emergency management training programs and exercises.

(c) The head of emergency management in each city, village and town shall do all of the following:

1. Direct local emergency management training programs and exercises.
2. Direct participation in emergency management programs and exercises that are ordered by the adjutant general or the county head of emergency management.
3. Advise the county head of emergency management on local emergency management programs.
4. Submit to the county head of emergency management any reports he or she requires.

(4) POWERS DURING AN EMERGENCY. During a state of emergency declared by the governor, the head of emergency management for each local unit of government, on behalf of his or her respective local unit of government, may contract with any person to provide equipment and services on a cost basis to be used to respond to a disaster, or the imminent threat of a disaster.

History: 2009 a. 42 ss. 104 to 107, 300, 301; Stats. 2009 s. 323.15.