

TOWN OF NAMAKAGON
For - TOWN BOARD MEETING–Tuesday, September 21, 2021
At - NAMAKAGON TOWN HALL – 1:00pm
MINUTES

Chairman Rasmussen called the meeting to order at 1:06pm. Present were Chairman Rasmussen, Supervisors Jim Krueger and Jack McGregor, Treasurer Arlene Skultety, and Clerk Laura Bjork.

Citation Ordinance #44, along with the Citation Form – There was discussion on the Ordinance Violation form. A spelling error was found. It was noted that the ordinance and forms had attorney approval and were also approved by Bayfield County Clerk of Courts. MOTION made by Supervisor Krueger to approve Citation Ordinance #44, along with the Ordinance Violation form.

ORDINANCE #44A
CITATION ORDINANCE

STATE OF WISCONSIN
Town of Namakagon
Bayfield County

SECTION 1 – TITLE AND PURPOSE

The title of this ordinance is the Town of Namakagon Citation Ordinance. The purpose of this ordinance is for the Town of Namakagon or its designees to issue citations for violations of certain Town of Namakagon ordinances, including ordinances with statutory counterparts.

SECTION II – AUTHORITY

The Town Board of the Town of Namakagon has authority to adopt this ordinance pursuant to Wis. Stats. §60.22 and §60.23.

SECTION III – 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, provides the authority for the town to issue citations for violations of Town of Namakagon ordinances, including ordinances with statutory counterparts.

SECTION IV – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION V – COVERAGE

- A. Except as provided in subsections D and E, the form for citations to be issued in the Town of Namakagon by the Town Board, or its designees, for violations of Town of Namakagon ordinances shall be as provided in this subsection and shall include all of the following:
1. The name and address of the alleged violator.
 2. The factual allegations describing the alleged violation.
 3. The time and place of the alleged violation.
 4. The number and/or section of the ordinance violated.
 5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
 6. The time at which the alleged violator may appear in court and a statement describing whether the appearance is mandatory.
 7. A statement which in essence informs the alleged violator:
 - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specific official within the specified time.
 - b. That, if the alleged violator makes a cash deposit, he or she need not appear in court unless appearance is mandated by the court, or he or she is subsequently summoned.
 - c. That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Wis. Stats. Ch. 814, not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d. That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgement under Wis Stats. §66.0113(3)(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Wis. Stats. Ch. 814.
 - e. That, if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. §800.093.
 8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under Wis. Stats. §66.0113(1)(b)(7) and shall send the signed statement with the cash deposit.
 9. Any other information as may be deemed necessary.
- B. The Town Board adopts the Town of Namakagon Fine Schedule attached of cash deposits that are required for certain Town of Namakagon ordinance violations,

which includes for each listed violation the costs, fees, and surcharges imposed under Wis. Stats. Ch. 814.

- C. The Town Board names the following court, clerk of court or other official to whom cash deposits are to be made and required that receipts shall be given for cash deposits: Bayfield County Clerk of Courts.
- D. The Town Board required that in actions for violations of Town of Namakagon ordinances enacted in accordance with Wis. Stats. §23.33(11)(am) or Wis. Stats. §30.77, the citation form specified in Wis. Stats. §23.54, shall be used in lieu of the citation form described in subsection A.

SECTION VI – ISSUANCE AND SERVICE OF CITATION

- A. Town of Namakagon citations may be issued by the Town Board of the Town of Namakagon, the Town of Namakagon Enforcement Officer, or the Town Board of the Town of Namakagon may designate certain Town of Namakagon, Bayfield County other municipal officials with written approval to issue such citations.
- B. Town of Namakagon citations, in addition, may specifically be issued by the Town of Namakagon Chairman. This official may also designate a person to issue such ordinances for the Town of Namakagon and this official may revoke this authority to issue anytime.
- C. Citations may be served personally or sent by first class mail.

SECTION VII – RELATIONSHIP TO OTHER LAWS

The adoption and authorization for use of a citation under this ordinance does not preclude the Town Board of the Town of Namakagon from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same of other matter. Proceeding under any other ordinance or law relating to the same or other matter does not preclude the issuance of a citation under this ordinance.

SECTION VIII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstances 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 IX – EFFECTIVE DATE

This ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this ordinance as required under Wis. Stats. §60.80.

MOTION seconded by Supervisor McGregor and carried.

Public Nuisance Ordinance #25 – Tabled.

Funding from FLAP (Federal Lands Access Program) – The Town Board agreed to pursue FLAP funds for Garmisch Road. Estimates for road work will be researched.

Mike Martin will be contacted for a letter of support. It was noted that TRIPP funds will be applied for Birch Bend Road. LRIP funds will be applied for Garmisch Road to Lost Land Lake Road. Chairman Rasmussen will be attending the meeting at the County on October 7th for LRIP.

2022 Budget – The budget changes were explained from last meeting. A projected 2023 budget was presented with basic income and expenditures, and it was noted that there was a negative unbalanced budget of around \$15,000. This was due to an increase in the ambulance budget to \$150/parcel. Changes in the 2022 Budget included \$10,000 for Library Room support, \$20,000 for Walleye support and \$10,000 in Road expenditures. An updated budget will be presented at the next budget meeting. It was noted that the town had saved \$110,000 to be used to purchase a truck, but the cost will be \$160,000, and the ambulance requested an increase from \$70/parcel to \$150/parcel.

MOTION made by Supervisor McGregor to go into Closed Session at 2:36pm pursuant to S.19.85(1)(c) of the WI Statutes for considering employment, promotion, compensation, or performance evaluation data of any public employee over which the Governmental body has jurisdiction or exercises responsibility. The board will reconvene in open session to take necessary action as required and resume regular town business. MOTION seconded by Supervisor Krueger and carried.

MOTION made by Supervisor Krueger at 4:02pm to reconvene in open session to take necessary action as required and resume regular town business. MOTION seconded by Supervisor McGregor and carried.

Chairman Rasmussen adjourned at 4:02pm.

Respectfully Submitted by: Laura Bjork, Town of Namakagon Clerk