

Committee of the Whole

Monday, January 10, 2022

6:00 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/86275955393>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 862 7595 5393

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER.
2. ATTENDANCE/ROLL CALL.
3. PUBLIC APPEARANCES.
 - a. This is an opportunity for members of the public to address the Committee of the Whole. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the board may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the board for their consideration. Members of the public who are present in person and wish to address the board should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to cassandra.suettinger@mcfarland.wi.us to be included as part of the meeting.
4. APPROVAL OF MINUTES.
 - a. Discussion and action regarding the minutes of the meeting held on December 13, 2021.
5. BUSINESS.
 - a. Discussion and review of proposed code changes regarding the Board, Commission, and Committee Restructuring Project.
 - b. Discussion and review of Village Board annual work plan.
 - c. Discussion regarding remaining schedule for the Board, Commission, and Committee Restructuring Project.
6. SCHEDULE NEXT MEETING DATE.
 - a. Monday, January 24, 2022 at 5:30 pm.

7. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us

VILLAGE OF MCFARLAND
Committee of the Whole Minutes

Monday, December 13, 2021 - 5:30 PM

1. CALL TO ORDER.

In accordance with Village Ordinance 2-162, Clerk/Treasurer Suettinger called the meeting to order at 5:30 p.m. She noted Village President Clow was unable to attend.

Motion by Trustee Carrie Nelson, second by Trustee Edward Wreh, to appoint Trustee Stephanie Brassington to serve as the presiding officer of the meeting. Motion carries 6 - 0 - 0 by acclamation.

2. ATTENDANCE/ROLL CALL.

Village Board members present: Village President Clow (joined meeting at 5:38 p.m.), Village Trustee Stephanie Brassington, Village Trustee Michael Flaherty, Village Trustee Justin Rupert, Village Trustee Chris St. Clair, Village Trustee Carrie Nelson, Village Trustee Edward Wreh

Village Board members not present: None.

Staff Present: Administrator Matt Schuenke and Clerk/Treasurer Cassandra Suettinger

3. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Committee of the Whole. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the board may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the board for their consideration. Members of the public who are present in person and wish to address the board should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to cassandra.suettinger@mcfarland.wi.us to be included as part of the meeting.*

None.

4. APPROVAL OF MINUTES.

- a. Discussion and action regarding minutes of the meeting held on November 22, 2021.*
Motion by Village Trustee Stephanie Brassington, second by Village Trustee Justin Rupert, to approve the minutes of the meeting held on November 22, 2021. Motion carries 6 - 0 - 0 by acclamation.

5. BUSINESS.

- a. Discussion and review of structural issues regarding Village Boards, Commissions, and Committees.*

Village Administrator Schuenke provided and provided an overview of the memo and the respective issues for Board members to work through. Board members provided

feedback and direction.

Requested changes will be written into the final ordinance amendment for additional review.

b. Discussion regarding remaining schedule for the Board, Commission, and Committee Restructuring Project.

Village Administrator Schuenke provided an overview of the remaining schedule for the Board, Commission, and Committee Restructuring Project.

6. SCHEDULE NEXT MEETING DATE.

a. Monday, January 10, 2022 at 5:30 pm.

7. ADJOURNMENT.

Motion by Village Trustee Michael Flaherty, second by Village Trustee Edward Wreh, to adjourn at 6:55 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Cassandra Suettinger
Village Clerk/Treasurer

**VILLAGE OF
McFarland**
SUMMARY SHEET

MEETING DATE: Monday, January 10, 2022

SECTION: Business

DEPARTMENT: Administration

CONTACT: Matt Schuenke, Village Administrator

AGENDA ITEM: Discussion and review of proposed code changes regarding the Board, Commission, and Committee Restructuring Project.

PREVIOUS ACTION:

None.

ISSUE SUMMARY:

Our last several Committee of the Whole meetings have conducted various reviews of our boards, commissions, and committees looking at their essential functions and structural organization. All of these proposed changes previously discussed need to be integrated in our Code of Ordinances and with that the feedback provided from previous meetings has been used by the Village Attorney to prepare the code changes necessary to enact these revisions.

Enclosed within your packet is a draft worksheet showing the code and the changes that are needed in order to follow through on the restructuring project. This does also incorporate the structural issues discussed at our last meeting as well as some new issues noted for change in the attachment that we will also summarize for discussion within this memorandum.

Please note the following summary regarding the proposed code changes:

- **Section 2-155** - By Statute we need to establish a regular time in which we are planning to meet. Previously this has been on the second and fourth Monday of each month. It was proposed at the last meeting to move this to the Second and Fourth Tuesday of each month to provide for a more efficient schedule. The change to Tuesday is shown in the attachment.
- **Section 2-163(a)(1)** - The deadline for submitting an item for the Village Board meeting is administrative in nature. The Village Board should set deadlines and expectations for when the packet should be released and available, and then staff has to align Village Board items appropriately based on that deadline and whether not an item is ready to move forward. The change provides the Village with fluidity to ensure it can be responsive to issues as they arise.
- **Section 2-163(c)** - The changes to this section are meant to align the code to current practice.
- **Section 2-187(b)** - This subsection is proposed to be struck. Legally speaking, the term "ex-officio" means by virtue of the office, meaning in this case that either the President and/or Administrator could be full members of each Standing Committee automatically including the right to vote and counting towards the quorum. Its likely what was



intended was that these individuals would be "non-voting" but had the right to be part of the meeting. All of the Standing Committee meetings are open to the public and rarely, if ever, need to meet in Closed Session. There should be no exclusion of either of these individuals from those meetings that would otherwise necessitate code language to this extent.

- **Section 2-192(b)** - This is a seldom used section of the code that requires Village Board members to file a "minority report" prior to speaking on an item from Committee that they voted against. Without it, they are only to report on the action of the Committee and by code not further allowed to discuss the contrary. Action of the Committee is to be reported to the board regardless of the vote at Committee by board members. Staff will always provide this information to the Village Board as it happens. Additionally, Committee members are free to address the board on agenda items of relevance as they desire. The intent of this code was to ensure the action of the Committee was properly represented by board members that voted against that action. Going forward, there are ways to manage that process without the need for this requirement.
- **Section 2-347(8)** - The Diversity, Equity, and Inclusion Committee is created here under this index. Currently being held as a placeholder at the present and once the board has advanced the essential functions we will build it into the code within this area.
- **Division 2 (Communications and Technology Committee)** - It was previously desired by the Village Board to strike this Committee going forward and the enclosed code draft accomplishes that. However, there is a lot of language built into this section that is also deleted not related to the Committee. However, this language is redundant and duplicative as it also exists under Chapter 47, Article VII so its deletion here is perfectly acceptable as it already has a place in the code elsewhere.
- **Section 2-398 (Sustainability and Natural Resources Committee)** - Prior to our current setup of a Parks, Recreation, and Natural Resources Committee there was a standalone Natural Resources Committee. When this group was consolidated around 2013 with Parks and Recreation a lot of their code responsibilities were addressed but for what is currently established in Chapter 59. Several responsibilities were left to the Natural Resources Committee within that Chapter that mainly had to do with forestry and natural landscapes; however, no link or connection was made within the code to these responsibilities when the combination occurred. What is proposed here is to focus on sustainability and other outlined essential functions previously discussed and add a subsection that links to Chapter 59 outlining remaining responsibilities related to forestry. They need to be in one place, and not both. This was considered more efficient without making one place more overwhelming than the next.
- **Section 59-19(c)(4)** - The main functions of forestry responsibility for the Sustainability and Natural Resources Committee would be maintained within this section. The Committee's essential functions within Chapter 2 link back to this Chapter and these responsibilities to maintain this connection going forward. Lines proposed to be struck are considered redundant based on exists language or new language proposed for the Committee in Chapter 2.

All of the remaining changes not summarized here were previously covered in our reviews and



discussion on structural issues. We are free to discuss these areas as well where needed.

Other non-Standing Committee items not seen here are still under legal review. This includes the Landmarks Commission and Plan Commission. These changes will be presented in future meetings.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

The work presented in the attachment is the culmination of many reviews and discussions taken place by the Village Board last year. This meeting is meant to be an introduction to these draft code changes to further verified this desired direction. There is no action on this item as we consider these changes and discuss what is presented.

ATTACHMENTS:

1. Committee Restructuring Ordinance Worksheet 01062022 mgs

Chapter 2 – ADMINISTRATION

[Please click on this link to view the Village Code of Ordinances for this Chapter.](#)

Sec. 2-155. - Regular meetings.

Regular meetings of the Village Board shall be held on the second ~~Monday-Tuesday~~ and fourth ~~Monday-Tuesday~~ of each month at 7:00 p.m. If such second or fourth ~~Monday-Tuesday~~ is a legal holiday, the meeting shall be held on the following secular day at the same time and place, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Village Board meeting, notice thereof shall be posted at the McFarland Municipal Center and in the official Village newspaper prior to such re-scheduled meeting date. All meetings of the Village Board shall be held at the McFarland Municipal Center, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three hours prior to any meeting. In any event, all regular Village Board meetings shall be held within the boundaries of the Village.

Sec. 2-163. Meeting agendas; order of business.

(a) Agenda.

- (1) The ~~order-conduct~~ of business at all regular or special meetings shall be according to the agenda prepared and properly posted by the Village Clerk-Treasurer. ~~All matters to be presented at a Village Board meeting shall be filed with the Village Clerk-Treasurer no later than 4:30 p.m. on the Wednesday preceding the scheduled regular Village Board meeting to enable the Village Clerk-Treasurer to prepare the agenda and all attachments and distribute them to the Village Board. Matters filed after 4:30 p.m. on the Wednesday preceding the Village Board meeting will not be placed upon the agenda, unless authorized by the Village President or the Village Administrator for good cause shown. The Clerk-Treasurer may establish reasonable policies for the submission of materials for inclusion on the agenda in order to afford Board members a reasonable period of time to review such materials in advance of the Board meeting.~~
- (2) A submitting department shall include copies of all material necessary to consider the agenda item.
- (3) The Village President shall advise the Village Clerk-Treasurer whether to include an item on the agenda, except that the Village Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
- (4) The Village Clerk-Treasurer shall afford the Village Trustees and Village Attorney maximum reasonable notice of agenda items as each situation allows.

- 1 (b) *Index number.* Prior to action thereon, the Village Clerk-Treasurer shall assign to each
2 ordinance and resolution a chronological index number which shall be maintained by the
3 Village Clerk-Treasurer. ~~The end product thereof shall be designated "Proceedings of the~~
4 ~~McFarland Village Board," which shall be maintained by the Village Clerk-Treasurer.~~
5
6 (c) *Order of business.* Generally, the following order of business may be observed in the conduct
7 of all regular Village Board meetings.
8 (1) Call to order.
9 (2) Roll call.
10 (3) Public Announcements, proclamations, Communications, and Proclamations
11 (4)(5) Consent agenda.
12 (5)(4) Public appearances.
13 (6)(3) Public hearings (if needed).
14 (6) Reports.
15 (7) Business.
16 (8) Closed Session (if needed).
17 (9) Reconvene into Open Session.
18 (10) Action on items discussed in Closed Session (if needed).
19 (101)(8) Adjournment.
20
21 (d) *Order to be followed.* No business shall be taken up out of order unless authorized by the
22 Village President or by majority consent-vote of all the Village Trustees-Board and in the
23 absence of any debate whatsoever.
24

25 **Sec. 2-164. Introduction of business; resolutions and ordinances; disposition of**
26 **communications.**
27

- 28 (a) *Ordinances.* All ordinances and resolutions shall be prepared as follows:
29
30 (1) Each ordinance shall include a note stating the purpose thereof prepared by the sponsor.
31 All ordinances submitted to the Village Board shall be in writing and shall include at
32 the outset a brief statement of the subject matter and a title.
33
34 (2) The sponsor of an ordinance may be the Village President, one or more Village Trustees,
35 the Village Administrator, a department head or a ~~committee~~, board, committee or
36 commission. The ~~Village Clerk-Treasurer or the~~ Village Attorney may sponsor
37 ordinances when changes in state law make it necessary or desirable for the Village to
38 act rapidly.
39

40 **[Revisor Note: Clerk-Treasurer is a department head, so deletion does not modify current**
41 **ordinance]**
42

43 **REPEAL DIVISION HEADINGS FOR CH 2, ART. V**
44
45
46
47

1 **Sec. 2-183. - Composition.**

2
3 (a) Commissions and Boards. The composition of each statutorily authorized Village authority,
4 board, committee and commission shall be as set forth in Article IV.

5
6 (b) Standing Committees. Except as provided in sub. (c), each standing committee shall be
7 comprised of seven (7) members, two (2) of whom shall be Village Trustees and five (5) shall
8 be citizen members. ~~The composition of each standing committee shall be no less than five~~
9 ~~members and shall include one Village Trustee to serve as chairperson and one Village Trustee~~
10 ~~to serve as vice chairperson and not less than three citizen members, the only exception being~~
11 ~~the Public Utilities Committee which shall have five citizen members.~~

12
13 (c) Personnel and Finance Committees. The Personnel Committee and Finance Committee shall
14 each be comprised solely of three (3) Village Trustees.

15
16 **Sec. 2-184. - Residency required for service on statutorily authorized authorities, boards,**
17 **committees, commissions, and standing committees.**

18
19 No person not a resident of the Village shall be appointed in a voting capacity to any ~~statutorily~~
20 ~~authorized~~ Village ~~authority~~, board, ~~committee~~, commission, or ~~standing~~ committee other than the
21 Library Board. Any member of such ~~authority~~, board, ~~committee~~, commission, or ~~standing~~
22 committee who moves from the Village shall be removed from such body, but may be appointed
23 to serve in ~~an ex-officio~~ a non-voting capacity.

24
25 [Revisor Note: Changes for conciseness and to clarify assumed intent of “ex officio” membership. No
26 substantive change intended]

27
28 **Sec. 2-185. - Appointments and Term.**

29
30 (a) Appointment Authority. All ~~regularly occurring vacancies on each statutorily authorized~~
31 ~~authority, board, committee, commission, and standing committee~~ members of Village boards,
32 commissions and committees shall be ~~filled by appointment~~ appointed by of the Village
33 President, subject to confirmation by the Village Board, ~~except where a different procedure is~~
34 ~~specified by ordinance, including but not limited to:~~

35
36 (1) ~~Article IV, Division 8 of this Chapter—Library Board; and~~

37
38 (2) ~~Article IV, Division 9 of this Chapter—Plan Commission.~~

39
40 [Revisor Note: Changes intended for conciseness. No substantive change intended.]

41
42 (b) Time of Appointments. Appointments to each board, commission and committee ~~statutorily~~
43 ~~authorized authority, board, committee, commission, and standing committee~~ shall be made at
44 the annual meeting of the Village Board in April, or as soon thereafter as ~~possible~~ practicable,
45 and at such other times as vacancies may occur.

46
47 [Revisor Note: Changes intended for conciseness and clarity. No substantive change intended.]

1 (c) Term of Office. Each Village Board member appointed to a standing committee shall serve for
2 a term of 1 year commencing on the third Tuesday in April in the year of appointment. Citizen
3 members of standing committees shall serve a term of 2 years commencing on the Third
4 Tuesday in April in the year of appointment. Notwithstanding the foregoing, for standing
5 committee appointments made after May 1, 2021, the Village President shall designate 2
6 citizen members for appointment to initial terms of 1 year if necessary to establish staggered
7 terms for citizen members of the committee. All members of standing committees shall
8 continue to serve until their successors are appointed and confirmed.

9
10 ~~(c)The chairperson of each standing committee shall promptly submit to the Village President~~
11 ~~a list of persons proposed to fill any citizen member vacancies or reappointments and the~~
12 ~~Village President shall generally make appointments or re-appointments from that list, subject~~
13 ~~to confirmation by the Village Board.~~

14
15 **Sec. 2-186. - President to designate chairpersons.**

16
17 The Village President shall appoint the chairperson of the statutorily authorized authorities, boards,
18 committees, and commissions,~~and standing committees~~ in accordance with the procedures set
19 forth in the appropriate ordinances and statutes, except that the members of the Board of Review,
20 Community Development Authority, Ethics Board, Library Board, and Police and Fire
21 Commission shall select their own chairperson and such other officers as deemed necessary. At
22 the time of appointment, the Village President shall designate from among the Trustees appointed
23 to each standing committee a chairperson and vice-chairperson for the committee.

24
25 **Sec. 2-187. - Committee membership.**

26
27 (a) All Village Trustees shall serve on at least one standing committee.

28
29 ~~(b) The Village President and Village Administrator shall be ex officio members of each standing~~
30 ~~committee.~~

31
32 ~~(eb)~~ The Village President may be appointed to serve as chairperson, vice-chairperson or as a
33 member of a specific committee as one of the Trustee members.

34
35 (c) No person other than a Village Trustee shall serve on more than two (2) Village boards,
36 commissions and committees at the same time.

37
38 **Sec. 2-188. - Attendance.**

39
40 The ~~chairperson of each statutorily authorized authority, board, committee, commission, and~~
41 ~~standing committee~~ Village Clerk-Treasurer, or designee, shall maintain a record of the attendance
42 of the members at meetings of all appointed boards, commissions and committees. Any member
43 who ~~must miss~~ will be absent from a meeting shall give prior notice of the absence to the
44 chairperson. Failure to attend regularly scheduled meetings four times in any year, commencing
45 from the annual organizational meeting, shall be deemed to be an event by which the member or
46 chairperson vacates the position to which the member ~~or chairperson~~ was appointed. The Village

1 Clerk-Treasurer shall provide written notice of such vacancy to notify the chairperson of any
2 vacancies created by absences, and confirm the vacancy in writing to the former member, the
3 appropriate chairperson, and the Village President.

4
5 **Sec. 2-189. - Powers and duties.**

6
7 (a) Statutorily authorized boards, commissions and committees~~authorities, boards, committees and~~
8 commissions shall have the powers and duties assigned by ordinance or statute as described or
9 prescribed in Article IV of this Chapter.

10
11 **[Revisor Note: Changes intended for consistency. No substantive change intended.]**

12
13 (b) Standing committees shall ~~review such matters as may be referred to them by the Village Board~~
14 ~~and shall submit advisory recommendations within their jurisdiction for Village Board action. All~~
15 ~~standing committees have the powers and duties~~ as described in Article V of this Chapter, ~~are~~
16 ~~subunits of the Village Board and Standing committees have no authority to~~ perform ~~no any~~
17 executive or administrative Village function other than as specifically authorized by ordinance or
18 policy adopted by the Village Board.

19
20 (c) No board, commission or committee~~statutorily authorized authority, board, committee,~~
21 ~~commission, and standing committee~~ shall assume responsibility for the administration of any
22 Village department except for the Library Board.

23
24 **[Revisor Note: Changes intended for consistency. No substantive change intended.]**

25
26 (d) In case of ambiguity or apparent conflict between the preceding definition of any provision of
27 this Code granting authority to any standing committee ~~authority and a definition any grant~~ of
28 ~~the authority of to~~ a Village officer, or employee, ~~board, or association~~, the latter shall prevail.

29
30 **Sec. 2-192. Minutes and Reports.**

31
32 (a) The recorder of each board, commission and committee~~statutorily authorized authority,~~
33 ~~board, committee, commission, and standing committee~~ shall file a copy of the meeting
34 minutes of such ~~statutorily authorized authority, board, committee, commission, and standing~~
35 committee body with the Village Clerk-Treasurer prior to the next regularly scheduled
36 meeting of such ~~statutorily authorized authority, board, committee, commission, and standing~~
37 committee body. The meeting minutes shall include the date, time, and place of the meeting
38 and the members attending; report on all agenda items; and provide all necessary historical
39 background to familiarize the Village Board with the issue. Approved minutes are deemed to
40 be the product of the entire board, commission and committee~~statutorily authorized authority,~~
41 ~~board, committee, commission, and standing committee~~, whether any item therein is
42 approved unanimously or not.

43
44 **[Revisor Note: Changes intended for conciseness. No substantive change intended.]**

~~(b) If a Village Trustee member on a particular statutorily authorized authority, board, committee, commission, and standing committee disagrees with the position taken by that body on an issue, such member may address the Village Board with the minority position only if the member notifies the statutorily authorized authority, board, committee, commission, and standing committee, either at the meeting or by written notice after the meeting, that such member intends to support the minority position before the Village Board. Upon such notification, the Village Board shall permit one statutorily authorized authority, board, committee, commission, and standing committee member supporting the majority position equal time to address the Village Board on such issue.~~

Sec. 2-347. - Established.

The following is a list of standing committees of the Village:

~~(1) Communications and Technology Committee.~~

~~(21) Finance Committee.~~

~~(32) Parks and Recreation Committee.~~

~~(43) Sustainability & Natural Resources Committee~~

~~(54) Personnel Committee.~~

~~(65) Public Safety Committee.~~

~~(76) Public Works & Utilities Committee.~~

~~(8) Public Works Committee.~~(79) Senior Outreach Services Committee.

~~(10) Volunteer Committee.~~

(8) Diversity, Equity, and Inclusion Committee.

~~DIVISION 2. - COMMUNICATIONS AND TECHNOLOGY COMMITTEE~~

~~Sec. 2-358. - Jurisdiction. —~~

~~The Communications and Technology Committee sets policies and oversees the administration, operations, and programming of the Village's cable channel. The Communications and Technology Committee also oversees the operation of the Village's website and major purchases of computer hardware and software.~~

[Revisor Note: The substantive regulations governing video providers contained in sections 2-359 to 2-363 below are deleted from Chapter 2 as they duplicate the provisions already contained in Chapter 47, Article VII. The deletions will not change the substance of the current regulations.]

1 **Sec. 2 359.— General Provisions.—**

2
3 The provisions of Wis. Stats. §66.0420 are hereby incorporated as though fully set forth herein.
4 The additional provisions of this Chapter supplement those provisions of the state statutes and
5 constitute an expression of the Village's home rule authority. Any person who owns, leases,
6 operates, controls, constructs or maintains a video service or cable television service shall comply
7 at all times with the provisions herein when constructing, operating or maintaining a video service
8 or cable television service in the Village.
9

10 **Sec. 2 360.— Definitions.—**

11
12 The terms used in this Chapter shall have the same meaning as those terms are defined in Wis.
13 Stats. § 66.0420(2), which is incorporated as though fully set forth herein.
14

15 **Sec. 2 361.— Video service provider fee and PEG channel monetary support.—**

16
17 ~~(a) Video service provider fee. Video service providers and cable operators shall pay, in addition~~
18 ~~to the PEG support fee set forth in Subsection (b) of this Section, a video service provider fee~~
19 ~~to the Village in an amount equal to five percent of the provider's gross receipts.~~
20

21 ~~(b) Public, educational and government (PEG) channel monetary support. Video service providers~~
22 ~~and cable operators shall pay, in addition to the video service provider fee set forth in~~
23 ~~Subsection (a) of this Section, a monthly fee of \$0.25 per subscriber, which payment shall be~~
24 ~~used to fund PEG access related external costs. The allocation of the PEG channel monetary~~
25 ~~support fee between public access and government access activities/channels shall be at the~~
26 ~~sole discretion of the Village and which allocation the Village may alter at any time and without~~
27 ~~notice.~~
28

29 ~~(c) Supporting documentation. Payment of the fees set forth in Subsections (a) and (b) of this~~
30 ~~Section shall be accompanied by documentation verified by an agent or officer with the~~
31 ~~authority to legally bind the provider that is sufficient for the City to verify the accuracy of the~~
32 ~~fees being paid by the provider. The failure to provide such documentation shall subject the~~
33 ~~provider to a forfeiture of not less than \$100.00 nor more than \$5,000.00 per day until such~~
34 ~~time the documentation is provided to the Village.~~
35

36 **Sec. 2 362.— Peg channel requirements.—**

37
38 ~~(a) Number of PEG channels. Video service providers and cable operators shall provide capacity~~
39 ~~for three PEG channels. These channels shall be allocated as follows: one specifically~~
40 ~~designated for the McFarland Cable Channel for the operation by the Village of a governmental~~
41 ~~access channel; one channel dedicated for use by WYOU, which is operated as a public access~~
42 ~~channel by WYOU Community Television Inc., and one channel dedicated for use as an~~
43 ~~educational access channel by the McFarland School District.~~
44

45 ~~(b) Location of PEG channels. PEG channels must be carried on any service tier that is viewed by~~
46 ~~more than 50 percent of the video service provider's or cable operator's customers. Video~~

1 service providers or cable operators may not charge an extra fee nor require the rental of special
2 equipment in order for their customers to view such PEG channels if such fees or equipment
3 are not required to view any of the non-PEG channels on such service tiers.
4

5 ~~(c) Quality of PEG channels. Video service providers and cable operators shall not carry a PEG~~
6 ~~television signal in a lesser format or lower resolution than that afforded to a nonbroadcast~~
7 ~~digital programmer carried on the video or cable system. The signal quality of PEG channels~~
8 ~~shall be indistinguishable or better than the signal of other non-PEG channels carried by the~~
9 ~~video service provider or cable operator.~~

10
11 ~~(d) Drops/origination points. Video service providers and cable operators shall apply and maintain~~
12 ~~upstream capacity from all current origination points (a/k/a "live drops") and shall provide~~
13 ~~sufficient capacity for carriage of a television signal from each of these origination points at~~
14 ~~all times. These origination points are all located in the Village as follows:~~

15
16 ~~(1) McFarland Municipal Center; 5920 Milwaukee Street;~~

17
18 ~~(2) E.D. Locke Public Library; 5920 Milwaukee Street;~~

19
20 ~~(3) McFarland High School; 5101 Farwell Street;~~

21
22 ~~(4) Indian Mound Middle School; 6330 Exchange Street;~~

23
24 ~~(5) Madison Curling Club; 4802 Marsh Road.~~

25
26 ~~(e) Substantial utilization of PEG channels and PEG programming.~~

27
28 ~~(1) Procedures for disconnection due to failure to substantially utilize PEG channel.~~

29
30 ~~a. Written notice of objection to program as not locally produced. A video service provider or cable~~
31 ~~operator must provide written notice to the PEG channel director within ten days of the first or~~
32 ~~original airing of any program that the video service provider or cable operator is objecting to the~~
33 ~~program as having not been locally produced. Such notice shall describe with particularity the~~
34 ~~program being objected to, the date and time the program was first aired and the factual basis~~
35 ~~supporting the objection. Failure to timely provide this notice waives the objection and, therefore,~~
36 ~~such program will be counted towards the determination of whether said PEG channel is being~~
37 ~~substantially utilized.~~

38
39 ~~b. Written notification of failure to substantially utilize channel. A video service provider or cable~~
40 ~~operator must provide written notification to any PEG channel director within ten days following~~
41 ~~any week in which the video service provider or cable operator objects that the PEG channel has~~
42 ~~not been substantially utilized. Such notice shall describe with particularity the time period being~~
43 ~~objected to, the dates and times during the week in which qualifying programming was not aired~~
44 ~~and the factual basis supporting the objection. Failure to timely provide this notice waives the~~
45 ~~objection and, therefore, such programming period will be counted towards the determination of~~
46 ~~whether said PEG channel is being substantially utilized.~~

1 ~~e. Written notification of intention to disconnect, reprogram or drop PEG channel. A video service~~
2 ~~provider or cable operator must provide 120 days' advance written notification to any PEG channel~~
3 ~~director that the video service provider or cable operator intends to disconnect, reprogram or drop.~~
4 ~~A video service provider or cable operator may not disconnect, reprogram or drop any PEG~~
5 ~~channel that it has not timely provided with such written notice. Furthermore, should any PEG~~
6 ~~channel director provide the video service provider or cable operator with a written response that~~
7 ~~the PEG channel was substantially utilized by the municipality, the video service provider or cable~~
8 ~~operator shall not disconnect, reprogram or drop the PEG channel.~~
9

10 ~~d. Penalty for failing to provide notice. If any video service provider or cable operator disconnects,~~
11 ~~reprograms or drops any PEG channel without providing the notice as required in Subsections~~
12 ~~(e)(1)a through c of this Section the video service provider or cable operator shall be subject to the~~
13 ~~following:~~
14

15 ~~1. Immediate reinstatement of the PEG channel to its location in the channel line-up prior to the~~
16 ~~disconnection, reprogramming or dropping of the channel.~~
17

18 ~~2. The issuance of a citation demanding a forfeiture of not less than \$1,000.00 nor more than~~
19 ~~\$10,000.00 for each day that the PEG channel is disconnected, reprogrammed or dropped.~~
20

21 ~~(2) Locally produced programming. Locally produced programming shall include all~~
22 ~~programming produced by any PEG channel and shall include all programming that has~~
23 ~~not been commercially aired. "Locally produced programming" includes any program~~
24 ~~that was in part produced for original airing in the broadcast market in which it was~~
25 ~~produced either in part or in whole. The term "locally produced" shall not require that the~~
26 ~~programming was created, filmed or produced in the McFarland or Dane County area.~~
27 ~~PEG stations may share and exchange programming content in order to meet the~~
28 ~~substantial utilization requirements of Wis. Stats. §66.0420(5)(b).~~
29

30 ~~(f) Underwriting of Programming. PEG channels may transmit noncommercial programming to~~
31 ~~subscribers generally or specific recipients of video service providers or cable operators.~~
32 ~~Nothing herein shall in any way prohibit or prevent PEG channels from accepting grants or~~
33 ~~sponsorships in support of such programming nor shall PEG channels be prohibited from~~
34 ~~acknowledging such grants or sponsorships before, during or immediately after such PEG~~
35 ~~programming has been broadcast in a manner that is similar to the manner in which the Public~~
36 ~~Broadcasting System (PBS) acknowledges the substantially similar support of its programming~~
37 ~~content. Such acknowledgements shall comply with the requirements of 47 USC 399b as~~
38 ~~though the PEG channel was a public broadcast station.~~
39

40 ~~(g) Notice of intention to move PEG channel locations/designations. Any video service provider~~
41 ~~or cable operator who intends to move any PEG channel from the channel designations may~~
42 ~~only make such a change after providing 60 days' advance written notice to the affected PEG~~
43 ~~channel. Additionally, such video service provider or cable operator shall engage in a public~~
44 ~~education program of such intensity and duration as to reasonably inform the general public of~~
45 ~~the proposed PEG channel designations.~~
46

1 **~~Sec. 2-363.— Police powers, design/construction standards and rights of way.—~~**

2
3 ~~(a) Subject to police powers. Video service providers and cable operators are subject to the police~~
4 ~~power of the Village to adopt and enforce general ordinances necessary to the safety, health~~
5 ~~and welfare of the public. The grant of a statewide video or cable franchise does not render or~~
6 ~~to any extent lose, waive, impair or lessen the lawful powers and rights, now or hereafter vested~~
7 ~~in the Village under the Constitution and statutes of the state to regulate the use of streets and~~
8 ~~public ways or to regulate any matter affecting the safety, health and welfare of the public. The~~
9 ~~Village shall make the video service provider's and cable operator's history of compliance with~~
10 ~~such codes and ordinances available to the Department of Financial Institutions so that the~~
11 ~~Department of Financial Institutions may determine the provider or operator's legal, financial~~
12 ~~and technical qualifications to provide video services.~~

13
14 ~~(b) Design, permits, construction and excavation. Video service providers and cable operators shall~~
15 ~~comply with all applicable Village codes and ordinances including, without limitation by~~
16 ~~expression herein, Section 53-122, and shall be subject to any forfeitures so specified for any~~
17 ~~violations thereof. The Village shall make the person's history of compliance with such codes~~
18 ~~and ordinances available to the Department of Financial Institutions so that the Department of~~
19 ~~Financial Institutions may determine the provider's or operator's legal, financial and technical~~
20 ~~qualifications to provide video services.~~

21
22 **~~Sec. 2-374. — Jurisdiction~~Functions and Duties.**

23
24 The Finance Committee is responsible for the following functions:

25
26 (a) advising the Village Board on annual operating and capital budgets, municipal borrowing,
27 fiscal policies, investment policies, and purchasing procedures; the development and
28 amendment of general ordinances, policies and procedures;

29
30 (b) monitoring and making recommendations regarding fee schedules and opportunities to finance
31 public services or improvements through special assessments, special charges, impact fees and
32 other revenue sources; and

33
34 (c) reviewing and making recommendations on public depositories, insurance services and other
35 related services.

36
37 **~~DIVISION 4.— PARKS, RECREATION AND NATURAL RESOURCES COMMITTEE~~[6]**

38
39 **~~Sec. 2-385. — Jurisdiction~~Functions and Duties.**

40
41 The ~~Parks, Recreation and Natural Resources Committee~~Parks & Recreation Committee is
42 responsible for the following functions:

43
44 ~~advises the Village Board on the acquisition, management, enhancement, and public use of natural~~
45 ~~and conservancy areas, policies and practices directed at maintenance of a healthy and diverse~~
46 ~~urban forest, the planning, acquisition and development of parks and park facilities and the nature~~

1 ~~and structure of recreation programs.~~(a) developing both short-term plans and long-term master
2 plans to help chart long term growth of public improvements within the parks system and
3 recommending capital improvement plans for park improvements, facilities, and other amenities
4 for adoption by the Village Board;

5
6 (b) establishing and reviewing various fee schedules for park and recreational activities and
7 services;

8
9 (c) developing policies affecting operations and service delivery including rules and regulations
10 necessary for the effective management of the parks system;

11
12 (d) reviewing of design plans and specifications for public park and recreational facility
13 construction and making recommendations to the Village Board regarding the solicitation of
14 bids and awarding of contracts for such projects;

15
16 (e) reviewing and making recommendations to the Village Board on property acquisitions that may
17 benefit the park system and making recommendations to the Plan Commission on new public
18 parkland dedications and their proposed improvements when required within new
19 developments;

20
21 (f) Evaluating and making recommendations regarding the delivery of park and recreation
22 services;

23
24 (g) reviewing, planning, and making recommendations on community recreation programming
25 and amenities;

26
27 (h) working with Village staff to research and apply for alternate funding sources such as grants,
28 donations, and bequests to finance park and recreational programs and facilities;

29
30 (i) reviewing and facilitating the filing of yearly reports submitted to Federal, State, and other
31 regulatory agencies as needed.

32
33 (j) developing plans and strategies to generate volunteerism for restoring natural areas and acting
34 as a lead volunteer during restoration workdays.

35
36 **Sec. 2-398 – Functions and Duties.**

37
38 The Sustainability & Natural Resources Committee shall be responsible for the following
39 functions:

40
41 (a) reviewing and submitting annually to the Wisconsin Department of Natural Resources the
42 Village's Green Tier Legacy Community Annual Report and advising on the implementation of
43 recommended Green Tier strategies.

44
45 (b) advising on the adoption, maintenance, and implementation of the Village's Sustainability
46 Plan.

1 (c) reviewing and recommending policies, programs, and municipal purchases related to protection
2 of ecologically sensitive areas and sustainability initiatives.

3
4 (d) advising on maintaining a healthy and diverse urban forestry program while fulfilling the
5 requirements as a certified Tree City, USA.

6
7 (e) advising on acquisition, management, enhancement, and public use of natural and conservancy
8 areas.

9
10 (f) planning and overseeing improvements related to lakes, rivers, wetland, burial mounds and
11 conservation areas.

12
13 (g) promoting volunteerism for restoring natural areas and participating in restoration workdays.

14
15 (h) working with staff to research, seek and, when authorized by the Village Board, apply for
16 alternate funding sources such as grants, donations, and bequests as applicable to sustainability,
17 urban forestry and conservation matters.

18
19 (i) developing both short-term and long-term management plans to help guide the ecological
20 restoration of natural and conservancy areas.

21
22 (j) performing those functions identified in §56-119 and Chapter 59 of this Code.

23
24 **~~DIVISION 6. — PERSONNEL COMMITTEE —~~**

25
26 **~~Sec. 2-407. — Jurisdiction~~Functions and Duties.**

27
28 The Personnel Committee ~~advises~~is responsible for the following functions:

29
30 (a) advising the Village Board on the development of, and revisions to, personnel policies;

31
32 (b) ;making recommendations regarding changes in the Village's organizational structure;

33
34 (c) making recommendations regarding ~~and~~ the classification of employees and compensation,
35 including fringe benefits ~~plans~~ offered to Village employees;

36
37 (d) making recommendations regarding employment position descriptions.

1 **~~DIVISION 7— PUBLIC SAFETY COMMITTEE~~**

2
3 **~~Sec. 2-418. – Jurisdiction Functions and Duties.~~**

4
5 The Public Safety Committee ~~is responsible for the following functions: advises the Village Board~~
6 ~~on policy issues relating to the operations of the Police Department, and the Fire and Emergency~~
7 ~~Medical Services Department, matters involving licensing and regulation, ordinances controlling~~
8 ~~public offenses and nuisances, and matters of public health.~~

9
10 ~~(a) Advises on Public Safety related policies related to the Police Department, Fire & Rescue~~
11 ~~Department, and Emergency Management;~~

12
13 ~~(b) Advises on ordinances and policy revisions related to licensing, permitting, public offenses~~
14 ~~and nuisances and matters of public safety;~~

15
16 ~~(c) Make recommendations on alcohol license issuance, renewal, and including conducting~~
17 ~~operator license hearings as required by policy; and~~

18
19 ~~(d) The Committee shall establish and make recommendations on fees and charges for emergency~~
20 ~~and protective services.~~

21
22 **~~DIVISION 8. — PUBLIC UTILITIES COMMITTEE~~**

23
24 **~~Sec. 2-429.— Composition.~~**

25
26 ~~The Public Utilities Committee shall consist of seven voting members, two of whom shall be~~
27 ~~Village Trustees. In addition, the Director of Public Works shall be an ex-officio member of the~~
28 ~~Public Utilities Committee, without voting rights. The five citizen members shall be persons of~~
29 ~~recognized experience and qualifications.~~

30 **~~Sec. 2-430.— Appointment.—~~**

31
32 ~~(a) Village Trustee members. The Village Trustee members of the Public Utilities Committee shall~~
33 ~~be appointed annually by the Village President subject to the approval of the Village Board at~~
34 ~~the organizational meeting of the Village Board.~~

35
36 ~~(b) Citizen members. The citizen members shall be appointed by the Village President, subject to~~
37 ~~Village Board approval, at the organizational meeting. The term of each citizen member shall~~
38 ~~be for a staggered term of five years, and the Village President shall annually, subject to the~~
39 ~~approval of the Village Board at its organizational meeting on the third Tuesday of April,~~
40 ~~appoint one member of the Public Utilities Committee for a term of five years. In case of~~
41 ~~vacancy, the Village President may, subject to the approval of the Village Board, at any regular~~
42 ~~or special meeting, appoint a member for the unexpired term.~~

43
44 ~~(c) Officers. The Village President, subject to the confirmation of the Village Board, shall select~~
45 ~~from among the Village Trustee members of the Public Utilities Committee a chairperson and~~
46 ~~vice-chairperson.~~

1 **Sec. 2-431. Meetings.**
2

3 The Public Utilities Committee may make rules for its own proceedings and for the governing of
4 the utilities. It shall keep books of account in the manner and form prescribed by the Wisconsin
5 Public Service Commission, which shall be open to the public. The Public Utilities Committee
6 shall have the general management and supervision of the Village water, sewer and stormwater
7 utilities, and all matters connected therewith, and shall have the general power and authority to
8 make rules and regulations for the management of said utilities as it shall from time to time find
9 necessary for the safe, economical and efficient management and protection of said utilities.
10

11 **Sec. 2-432. - ~~Powers and duties~~Functions and Duties.**
12

13 The Public Works & Utilities Committee is responsible for the following functions:
14

- 15 (a) ~~Finances. The Public Utilities Committee will be responsible for~~ preparing and recommending
16 an annual budget to the Village Board reflecting needed expenditures and anticipated revenues
17 for all Village utilities;
18
- 19 ~~(b) recommending adjustments to, as well as preparing and modifying~~ sewer and stormwater rates
20 and filing water rate modification requests with the Wisconsin Public Service Commission
21 when sound business practices deem it appropriate authorized to do so by the Village Board.
22
- 23 ~~(b) Long-range planning. The Public Utilities Committee shall~~ (c) preparing, adopt and, as
24 necessary, amend a long-range plan projecting the needs for the Village utilities in the future,
25 in areas of fiscal responsibility, personnel, new construction and scheduled maintenance
26 practices, and recommending to the Village Board a capital improvement plan for public
27 improvements, facilities, vehicles and equipment.
28
- 29 (d) preparing and maintaining a 10-year plan for road paving and utility capital improvements and
30 replacements.
31
- 32 (e) developing policies for efficient operations and services delivery by the Public Works and
33 Utilities departments, and evaluating the quality the service provided.
34
- 35 (f) reviewing plans and specifications intended for public construction.
36
- 37 (g) recommending to the Village Board the solicitation of bids for public construction projects
38 and the award of contracts for such work.
39
- 40 (h) advising the Village Board on policies and programs involving the maintenance and
41 construction of Village facilities, streets and sidewalks, solid waste management and recycling,
42 and the maintenance and acquisition of public works vehicles and equipment.
43
- 44 (i) reviewing the Village's official map on an annual basis and recommending appropriate changes
45 to the Village Board.
46

1 (j) advising the Village Board on transportation matters, including local roads, highways, and
2 pedestrian and bicycle corridors.

3
4 (k) reviewing and making recommendations to the Village Board and Plan Commission on land
5 development and redevelopment proposals to the extent they affect public utilities or other
6 public facilities.

7
8 (l) reviewing and facilitating the filing of required state, federal or other regulatory reports relating
9 to public utilities and other facilities.

10
11 (m) performing such other functions as provided in this Code or as requested by the Village Board
12 relating to public works and utilities.

13
14 (n) advising the Village Board on matters relating to the collection and disposition of solid waste
15 and recyclable materials and the acquisition, maintenance and disposition of public works or
16 utility vehicles and equipment.

17
18 **Sec. 2-433. Auditing expenditures.**

19
20 ~~The Village Treasurer shall provide a monthly statement to the Public Utilities Committee of the~~
21 ~~expenditures, revenues and fund balances relating to utility operations.~~

22
23 **Sec. 2-434. Construction.—**

24
25 ~~The Public Utilities Committee shall receive reports from the Director of Public Works, who shall~~
26 ~~supervise and superintend the installation of all new machinery, wells, reservoirs, mains,~~
27 ~~transmission, collection and distribution and service pipes, as well as any repairs or reconstructions~~
28 ~~of the same or any part thereof. All work of this nature shall be let by contract under supervision~~
29 ~~of the Director of Public Works.~~

30
31 **Sec. 2-435. - Maps and records. RENUMBER TO 47-2.**

32
33 The Village Engineer shall prepare maps showing the locations of all mains and service pipes
34 ordered to be laid, with reference to the property lines of the street, court or alley in which the
35 same are to be laid, and also with reference to the established grade of said street, court or alley.
36 After sewer, stormwater or water mains and service pipes shall have been laid, the Village
37 Engineer shall see to it that maps indicate the exact location of said sewer, stormwater and water
38 mains and service pipes as actually laid. The Director of Public Works or designee shall cause a
39 record of the exact location of said sewer, stormwater and water pipes and mains to be transcribed
40 in record books, electronic maps or records kept on file for that purpose in the Village offices.

41
42 **[Revisor Note: Renumbering this section to move from committee organizational chapter to utilities**
43 **chapter for more logical placement.]**

1 **~~Sec. 2-436.—Overall responsibility.~~**

2
3 ~~In fulfillment of its duties, the Public Utilities Committee shall forward its recommendations~~
4 ~~relating thereto to the Village Board for final action. The Village Board may accept, reject or re-~~
5 ~~fer the recommendations of the Public Utilities Committee back to the Public Utilities~~
6 ~~Committee for further action.~~

7
8 **Sec. 2-437. - Management, operation and control. RENUMBER TO 47-1**

9
10 **[Revisor Note: Renumbering this section to move from committee organizational chapter to utilities**
11 **chapter for more logical placement.]**

- 12
13 (a) Management. The management, operation, and control of the public water system, sewer
14 system, and storm water system for the Village shall be vested in the Village Board. All
15 records, minutes and all written proceedings thereof shall be kept by the Village Clerk-
16 Treasurer. ~~The Village Clerk-Treasurer or designee shall keep all the financial records thereof.~~
17
18 (b) Construction authority. ~~Subject to the approval of the Village Board, the Public Utilities~~
19 ~~Public Works & Utilities~~ Committee shall ~~have the power to~~ oversee the progress of ~~to~~ construction
20 projects authorized by the Village Board for water and sewer ~~lines for public use~~ facilities and
21 shall advise the Village Board with respect to such projects. ~~and shall have the power to lay~~
22 ~~water, stormwater and sewer pipes in and through the public alleys, streets, and public grounds~~
23 ~~located within the Village; and generally, to do all such work as may be found necessary or~~
24 ~~convenient in the management of the water, stormwater and sewer systems. The Public Utilities~~
25 ~~Committee shall have power by itself, its officers, agents and servants, to enter upon any land~~
26 ~~in the Village for the purpose of making examination or supervise in the performance of their~~
27 ~~duties under this Section, without liability therefor; and the Public Utilities Committee shall~~
28 ~~have the power to purchase and acquire for the Village subject to the approval of the Village~~
29 ~~Board all real and personal property which may be necessary for construction of the water,~~
30 ~~stormwater and sewer system, or for any repair, remodeling, or additions thereto.~~

31
32 **~~DIVISION 9. — PUBLIC WORKS COMMITTEE~~Sec. 2-448. — Jurisdiction.—**

33
34 ~~The Public Works Committee advises the Village Board on policies and programs involving the~~
35 ~~maintenance and construction of Village facilities, streets and sidewalks, solid waste management~~
36 ~~and recycling, and the maintenance and acquisition of public works vehicles and equipment.~~

37
38 **DIVISION 10. - SENIOR OUTREACH ~~SERVICES~~ COMMITTEE**

39
40 **Sec. 2-459. - Jurisdiction.**

41
42 The Senior Outreach ~~SerVICES~~ Committee is responsible for the following functions:

- 43
44 (a) developing policies affecting operations related to senior services provided both within and
45 without the Village;
46
47 (b) planning for the growth and expansion of existing senior services;

1 (c) reviewing senior service programs provided and making recommendations on new
2 opportunities;

3
4 (d) advocacy for seniors within the community at the local, county, and state levels;

5
6 (e) capital improvement planning for amenities to be made available to seniors in the community.
7 ~~advises the Senior Outreach Services Department on the services that it provides to residents~~
8 ~~over the age of 60 and to disabled adults. These services include outreach, case management,~~
9 ~~congregate and home delivered meal programs, foot care clinics, and education/entertainment~~
10 ~~programming.~~

11
12 **Sec. 2 462. Powers and duties.**
13 _____

14 ~~(a) The Volunteer Committee shall be persons with interest in volunteer programs for the Village~~
15 ~~and the ability to help implement and manage the Village volunteer programs.(b)The Volunteer~~
16 ~~Committee shall provide general oversight concerning the administration, operations and~~
17 ~~programming of the Village's volunteer program.(c)The Volunteer Committee shall nominate~~
18 ~~a volunteer coordinator subject to the Village Board's approval, who shall supervise and~~
19 ~~monitor volunteer work, training, leadership in volunteer activities and recognition for~~
20 ~~outstanding volunteer service to the Village.(d)The Volunteer Committee shall recommend to~~
21 ~~the Village Board policies that will expand the variety of significant community service~~
22 ~~choices for volunteers and oversee recruiting of volunteers to fulfill these needs.~~

1 **Chapter 8 – BUILDINGS AND BUILDING REGULATIONS**

2
3 [*Please click on this link to view the Village Code of Ordinances for this Chapter.*](#)

4
5 **Sec. 8-906. - Appeals.**

- 6
7 (a) Village Board. The Village Board shall hear and decide appeals where it is alleged that there is
8 error in any order, decision or determination made by the Director of Public Works or designee
9 in administering this Article. The Village Board shall also use the rules, procedures, duties,
10 and powers authorized by statute in hearing and deciding appeals. The Village Board may
11 consider recommendations on appeals made by the Plan Commission ~~and-or~~ the ~~Public~~
12 ~~Utilities~~Public Works & Utilities Committee.
13
14

1 **Chapter 47 – PUBLIC UTILITIES**

2
3 [Please click on this link to view the Village Code of Ordinances for this Chapter.](#)

4
5 **Sec. 47-51. - Mandatory connections.**

6
7 (a) Except as provided in paragraph (3), every owner of a parcel of land shall connect to the
8 Village's water service system whenever all of the following conditions exist:

9
10 (1) The parcel of land is adjacent to a public water main; and

11
12 (2) There is located upon such parcel a building or other structure used or usable for human
13 habitation or occupancy or for the conduct of any trade or business.

14
15 (3) Paragraphs (1) and (2) shall not apply where either an exception has been granted by the
16 Village Board under Section 8-52, or in the case of a Subdivision or Certified Survey
17 Map, a variance has been granted by the Village Board under Section 56-206. In granting
18 ~~either any exception under Section 8-52, or a variance under Section 56-206,~~ the Village
19 Board may impose conditions, including requirements for future connection to the public
20 water system.

21
22 **[Revisor Note: Changes intended for conciseness. No substantive change intended.]**

23
24 (b) Such connection shall be made no later than 12 months after the installation of the public water
25 main adjoining such parcel. Upon a failure to do so, the ~~Public Utilities~~Public Works &
26 Utilities Committee may cause such connection to be made and bill the property owner for all
27 such costs. If such costs are not paid within 30 days, such costs shall constitute a special tax
28 lien against the property in the manner provided for by law, ~~except that .However,~~ the owner
29 may, within 30 days after the completion of the work, file a written ~~notification option~~ with
30 the ~~Public Utilities~~Public Works & Utilities Committee stating that the owner cannot pay such
31 amount in one sum and ask that the sum be levied in five or less equal installments. The amount
32 shall be so collected with interest at a rate not to exceed 15 percent per annum from the date
33 of completion for the work, all as determined by the ~~Public Utilities~~Public Works & Utilities
34 Committee. The unpaid balance shall constitute a special tax lien, all pursuant to Wis. Stats.
35 §281.45, as amended.

36
37 **Sec. 47-77. - Definitions.**

38
39 The following words, terms and phrases, when used in this Article, shall have the meanings
40 ascribed to them in this Section, except where the context clearly indicates a different meaning:

41
42 **CREATE NEW: (hm) Committee. The Village Public Works & Utilities Committee.**

43
44 **[Revisor Note: Addition of definition avoids the need to include “Public Works & Utilities” with each**
45 **reference to the committee in this Article and improves conciseness.]**

Sec. 47-78. - Application for service.

* * *

- (2) If it appears that the service applied for will not provide adequate service for the contemplated use, the **Public Utilities** Committee may reject the application. If the **Public Utilities** Committee approves the application, it shall issue a connection permit ~~as shown on~~ consistent with the application. No service shall be provided or application approved without prior payment of all applicable fees.
- (b) The applicant shall ~~agree to~~ install the building sewer in accordance with sewer utility and District specifications and any conditions imposed upon issuance of the permit. No building sewer may be connected to a community sewer unless the community sewer is adequately sized to transport the additional flow. The size and kind of pipe for the building sewer shall be subject to the approval of the Director of Public Works, but in no case shall a pipe of less than four-inch diameter be used. The slope of the building sewer shall be no less than one-eighth-inch per foot. Such sewers shall be backfilled in the manner for water laterals as set forth in this Code. Prior to connection, each building sewer shall be inspected and approved by the Village Plumbing Inspector. All applications for disposal of industrial waste shall be on forms provided by the District and shall be approved by the Director of the District prior to connection to any community sewer.

Sec. 47-79. - User charge system.

* * *

- (c) Basis for charges.
- (1) Determinations of charges. Sewer service charges to each user shall be based on wastewater parameters recommended from time to time by the ~~Public Utilities~~ Committee and adopted by the Village Board. The sewer service charges shall consist of the sum of the annual debt service charges, all annual operation and maintenance costs, all replacement costs, and all sewer service charges levied or assessed to the Village by the District, plus an amount to be used for working capital and capital improvements as determined by the ~~Public Utilities~~ Committee.
- (2) Biennial review. The sewer service charges of the Village shall be reviewed not less than biennially. Sewer service charges will be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of such sewer service charges attributable to operation and maintenance, debt service and replacement costs. For purposes hereof, the ~~Public Utilities~~ Committee may satisfy this notice requirement by including in the budget summary required to be published under Wis. Stats. § 65.90, a statement of the aforementioned components of the sewer service charges, based on the results of operations for the preceding fiscal year.

(3) Rates determinations. The ~~Public Utilities~~ Committee shall review each year the rates referred to in Subsection (d) of this Section and may recommend amendments to the rates at any time to the Village Board.

* * *

(f) Billing, payment and penalty. Sewer service charges shall be billed to each user once every two months, or more frequently, if so determined by the ~~Public Utilities~~ Committee. Such charges shall be payable not later than 20 days after the end of each billing period, unless the time for payment has been extended. A penalty of one percent per month shall be added to all bills not paid by the date fixed for payment.

Sec. 47-105. - Mandatory connections.

* * *

(b) Such connection shall be made no later than 12 months after the installation of the public sewer adjoining such parcel. Upon failure to do so, the ~~Public Utilities~~ Committee may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within 30 days, such costs shall constitute a special tax lien against the property in the manner provided for by law. However, the owner may, within 30 days after the completion of the work, file a written notification with the ~~Public Utilities~~ Committee stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five or less equal installments. The amount shall be so collected with interest at a rate not to exceed 15 percent per annum from the date of completion for the work, all as determined by the ~~Public Utilities~~ Committee. The unpaid balance shall constitute a special tax lien, all pursuant to Wis. Stats. §281.45, as amended.

Sec. 47-113. - Owner's maintenance of building sewer.

The owner of property abutting a public sewer shall maintain sewer service from the public sewer main to the structure or building on the owner's property, including all controls between the same, without expense to the Village or ~~Public Utilities~~ Committee, except when they are damaged as a result of negligence or carelessness on the part of the respective Village or ~~Public Utilities~~ Committee. Without intending to limit the generality of the foregoing, the owner has the sole responsibility for the repair and maintenance of all building sewers; and the ownership thereof shall at all times be vested in such property owner. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. In the event of any obstruction of, damage to or repair of a building sewer, the same shall be the responsibility of the property owner, except as provided for in Section 47-151 or as otherwise provided for herein.

1 **Sec. 47-148. - Appeal procedures.**

2
3 Any customer affected by any decision, action, or determination, including cease and desist orders,
4 made by the Utility in interpreting or implementing the provisions of this Article may file with the
5 Village a written request for reconsideration within ten days of the date of such decision, action,
6 or determination, setting forth in detail the facts supporting the user's request for reconsideration.
7 The ~~Public-Utilities~~Committee shall render a decision on the request for reconsideration in writing
8 within 60 days of filing of the appeal. If the customer is unsatisfied with the determination of the
9 ~~Public-Utilities~~Committee, the customer may, within ten days after notification of the action, file
10 a written appeal with the Village Board. The provisions of this Section are supplemental to, and
11 are not intended to impair, any right of the customer to seek relief from the Public Service
12 Commission of Wisconsin.

13
14 **Sec. 47-149. - Optional penalty for failure to make mandatory connection.**

15
16 In lieu of causing a mandatory connection to a public sewer main to be made at its order, the ~~Public~~
17 ~~Utilities~~Committee, at its option, may impose a penalty for the period that the violation continues
18 after ten days' written notice to any owner failing to make such connection to the sewer system.
19 The penalty shall be in the amount of \$100.00 per day. Upon failure to make such payment, such
20 penalty shall be assessed as a special tax lien against the property pursuant to Wis. Stats. § 281.47.

21
22 **Sec. 47-150. - Tap permits.**

23
24 After sewer connections have been introduced into any building or upon any premises, no plumber
25 shall make any alterations, extensions, or attachments, unless the party ordering such tapping or
26 other work exhibits the proper permit for the same from the ~~Public-Utilities~~ Committee.

27
28 **Sec. 47-151. - Obstruction of building sewers in public rights-of-way.**

29
30 In the event of any blockage, damage or break in any building sewer, which occurs within a public
31 street, alley, highway, or other public right-of-way, the ~~Public-Utilities~~Committee shall have the
32 exclusive right and option to repair the building sewer within said street, alley, highway or right-
33 of-way. In such event, the owner of the building sewer shall promptly reimburse the Committee
34 for all costs so incurred. If not so reimbursed, the same shall be added to the owner's sewer service
35 charges and collected in the same manner as such charges are so collected.

36
37 **Sec. 47-154. - Discontinuance of service.**

38
39 Whenever any person desires to discontinue sewer service from the system, the ~~Public-Utilities~~
40 Committee must be notified in writing prior to such disconnection. Disconnection shall only be
41 allowed where a structure is demolished. The fact that a structure is vacant shall not entitle the
42 property owner to discontinue sewer service or to an abatement of sewer service charges.

1 **Sec. 47-155. - User to permit inspection.**

2
3 Every user shall permit the duly authorized agent of the Village or **Public Utilities** Committee, at
4 all reasonable times, to enter their premises or building to examine the pipes and fixtures, and the
5 manner in which the drains, and sewer connections operate; and the user must at all times, frankly
6 and without concealment, answer all questions put to them relative to its use, all in accordance
7 with this Section and Wis. Stats. § 196.171, to the extent applicable.
8

9 **Sec. 47-157. - Acquisition of real property interests.**

10
11 Whenever any real estate or any easement therein or use thereof shall in the judgment of the
12 Committee be necessary to the sewer system, and whenever for any reason an agreement for
13 purchase from the owners cannot be made, the **Public Utilities** Committee, after approval of the
14 Village Board, shall proceed with all necessary steps in the name of the Village to acquire such
15 easement or other interest by condemnation in accordance with the Wisconsin Statutes and any
16 other applicable federal or state provisions.
17

18 **Sec. 47-158. - Disconnection and refusal of service.**

19 * * *

20
21 (b) Discontinuation for delinquent accounts. A bill for service is delinquent if unpaid after the due
22 date shown on the bill. The **Public Utilities** Committee may disconnect service for a delinquent
23 bill by giving the user at least eight calendar days prior to disconnection, a written disconnect
24 notice, which may be included in the bill for service. For purposes of this rule, the due date
25 shall not be less than 20 days after issuance of the bill. The **Public Utilities** Committee may
26 disconnect without notice where a dangerous condition exists for as long as the condition
27 exists. Service may be denied to any user for failure to comply with the applicable requirements
28 of these rules and regulations or if a dangerous or unsafe condition exists on the user's property.
29

30 **Sec. 47-160. - Abatement procedures.**

31
32 (a) Violations constituting public nuisance. A violation (other than the failure to pay sewer service
33 charges or other fees or costs due under this Article) of any provision of this Article or any
34 other rule or order of the **Public Utilities** Committee or Village is hereby declared to be a public
35 nuisance.
36

37 (b) Enforcement. The **Public Utilities** Committee or Village shall have the right to enforce the
38 provisions of this Article and shall make periodic inspections and inspections upon complaint
39 to ensure that such provisions are not violated. No action shall be taken under this Article to
40 abate a public nuisance unless the **Public Utilities** Committee or Village shall have inspected
41 or caused to be inspected the premises where the nuisance is alleged to exist and shall have
42 satisfied itself that a nuisance does in fact exist.
43
44
45

- 1 (c) Summary abatement. If the ~~Public Utilities~~Committee or Village determines that a public
2 nuisance exists within the Village and that there is great and immediate danger to public health,
3 safety, or welfare, the ~~Public Utilities~~Committee or Village may cause the same to be abated
4 and charge the cost thereof to the owner, occupant, or person causing, permitting, or
5 maintaining the nuisance, as the case may be.
6
- 7 (d) Abatement after notice. If the ~~Public Utilities~~Committee or Village determines that a public
8 nuisance exists on the private premises but that the nature of such nuisance is not such as to
9 present great and immediate danger to the public health, safety, or welfare, the ~~Public~~
10 ~~Utilities~~Committee or Village shall serve notice to the person causing or maintaining the
11 nuisance to remove the same within ten days. If such nuisance is not removed within such ten
12 days, the ~~Public Utilities~~Committee or Village shall cause the nuisances to be removed as
13 provided in Subsection (c) of this Section.
14
- 15 (e) Other methods not excluded. Nothing in this Article shall be construed as prohibiting the
16 abatement of public nuisances by the ~~Public Utilities~~Committee or the Village or its officials
17 in accordance with the laws of the state.
18
- 19 (f) Court order. Except when necessary under Subsection (c) of this Section, the ~~Public~~
20 ~~Utilities~~Committee or Village shall not use force to obtain access to private property to abate
21 a public nuisance, but shall request permission to enter upon private property if such premises
22 are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for
23 an order assisting the abatement of the public nuisance.
24
- 25 (g) Cost of abatement. In addition to any other penalty imposed by this Article for the erection,
26 contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a
27 public nuisance by the ~~Public Utilities~~Committee or Village shall be collected as a debt from
28 the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost
29 shall be assessed against the real estate as a special charge. For purposes hereof, costs shall
30 include, but not be limited to, actual attorneys' fees and court costs.
31

32 **Sec. 47-241. - Application and approval.**

33

34 The extension of public sewer system to serve new customers/users is subject to the prior review
35 and approval of the ~~Public Utilities~~Public Works & Utilities Committee and Village Board and
36 any other governmental agency having appropriate jurisdiction. Any person seeking to have sewer
37 service extended to serve new lands shall make application to the Village. The application shall be
38 in writing and shall set forth the following information:
39

- 40 (a) The name of development, the legal description of the property involved, the owner of the
41 property if different than the applicant, and written consent of the owner must accompany
42 application;
43
- 44 (b) The plat map or Certified Survey Map or other map showing street layout and lot sizes;
45
- 46 (c) The proposed plans and specifications for the sewers;

- 1 (d) The name and address of the consulting engineer;
2
3 (e) The number of housing units and/or other units to be constructed;
4
5 (f) Such additional information as the ~~Public Utilities~~Public Works & Utilities Committee or
6 Village Board may require.
7

8 **Sec. 47-242. - Conditions of approval.**
9

10 Subject to recommendation by the ~~Public Utilities~~Public Works & Utilities Committee, the Village
11 Board shall have the sole discretion to approve or disapprove the requested public sewer system
12 extensions. In granting such approval, the Village Board may condition its approval upon
13 compliance with:
14

- 15 (a) Any applicable ordinances of the Village, the District or Dane County;
16
17 (b) Any applicable statute, rules, orders, or codes of the state;
18
19 (c) The preparation of plans and specifications for the public sewer system extension, subject to
20 the approval of the ~~Public Utilities~~Public Works & Utilities Committee and its consulting
21 engineer;
22
23 (d) The applicant making and installing the public sewer system extension at the applicant's sole
24 cost and expense or otherwise providing a surety bond or other security to ensure that the public
25 sewer system will be so constructed within a reasonable period of time;
26
27 (e) The dedication of such rights-of-way, easements, and sewerage facilities as the Village may
28 reasonably require;
29
30 (f) The payment of all costs and expenses incurred or to be incurred by the Village or ~~Public~~
31 ~~Utilities~~Public Works & Utilities Committee in connection with the review and approval of
32 such public sewer system extension, including, but not limited to, engineers' fees, attorneys'
33 fees, inspection fees and other similar costs and expenses;
34
35 (g) The payment of any applicable connection fees due or to become due pursuant to Section 47-
36 159;
37
38 (h) Any other condition determined by the ~~Public Utilities~~Public Works & Utilities Committee or
39 Village to be fair and reasonable in order to protect the interest of the Village in connection
40 with the proposed development.
41
42
43
44
45
46

1 **Sec. 47-243. - Contract for sewer improvements.**

2
3 The ~~Public Utilities~~Public Works & Utilities Committee or Village may require the person filing
4 an application pursuant to Section 47-241 to enter into a written development agreement with the
5 Village as a condition of the approval of the public sewer system extension. Such agreement shall
6 define the scope of the work, the obligations of the applicant to construct the sewer facilities, the
7 requirement of security for performance of the applicant's obligations set forth therein, and such
8 other matters as the ~~Public Utilities~~Public Works & Utilities Committee and/or Village may
9 reasonably determine. The applicant shall reimburse the ~~Public Utilities~~Public Works & Utilities
10 Committee or Village for all attorneys' and engineering fees incurred in connection with the
11 preparation and approval of such agreements.
12

13 **Sec. 47-245. - Special assessments for sewer interceptor construction.**

14
15 * * *

16
17 (c) Method of procedure. The following procedure shall apply to special assessments levied under
18 this Section:
19

20 (1) The Village Board shall direct the ~~Public Utilities~~Public Works & Utilities Committee or
21 the Village Engineer to determine the geographical area which will be specially
22 benefitted by availability of service resulting from the construction of the proposed new
23 interceptor.
24

25 (2) The ~~Public Utilities~~Public Works & Utilities Committee shall prepare and submit to the
26 Village Board a report analyzing the per connection cost of the interceptor taking into
27 account the following factors:
28

29 * * *

30
31 (e) Payment as connection fee. The applicant for connection of sanitary sewer service to serve a
32 parcel assessed under this Section shall pay, in addition to the standard fee provided in
33 Appendix A, the REU charge established under Subsection (5) for each REU determined by
34 the Community and Economic Development Director to be served by the connection. The
35 determination of the Director may be appealed to the ~~Public Utilities~~Public Works & Utilities
36 Committee, which shall have the authority to affirm or modify the determination of the
37 Director. The determination of the Committee may be appealed as provided in Wis. Stats.
38 §66.0701.
39

40 **Sec. 47-268. - Creation, power and authority of utility.**

41
42 (a) In order to protect the health, safety, and welfare of the public, the Village Board hereby
43 exercises its authority to establish the McFarland Stormwater Utility.
44

45 (b) The management, operation and control of the McFarland Stormwater Utility shall be vested
46 in the ~~Public Utilities~~Public Works & Utilities Committee.

1 Sec. 47-270. - Applicability of charges.

3 A stormwater utility charge to cover the costs of the stormwater management system necessary to
4 fulfill the purposes set forth in Section 47-267 shall apply to each developed parcel in the Village.
5 The Village Engineer shall prepare a map depicting all such properties in the Village other than
6 single-family and duplex units and which shall be approved by the ~~Public Utilities~~Public Works
7 & Utilities Committee. In the alternative, the Village Engineer may submit data justifying the
8 calculation of impervious surface areas for properties other than single-family and duplex units
9 not yet included on such map. A copy of such map or such calculations of impervious areas shall
10 be kept on file in the office of the Director of Public Works. Stormwater charges shall not apply
11 to public highways, railroad rights-of-way or cemeteries.

13 **Sec. 47-271. - Calculation of stormwater utility charges.**

5 * * *

- (b) Stormwater fee. Each customer shall be charged a stormwater fee based upon a charge as established by the Village Board from time to time and provided in Appendix A to this Code unless a different charge is recommended by the ~~Public Utilities~~Public Works & Utilities Committee and adopted by the Village Board by resolution. The stormwater fee shall include amounts for the fixed costs of the Stormwater Utility, as well as the Variable Costs of the Stormwater Utility based on its actual experience in the administration of the Stormwater Utility. The ~~Public Utilities~~Public Works & Utilities Committee shall assure that the fixed cost component and the Variable Cost component of the stormwater fee are accounted for separately on an ongoing basis. A copy of any such resolution shall be filed with the Village Clerk-Treasurer and Village Engineer upon adoption.

28 **Sec. 47-272. - Credits.**

Credits may be obtained toward a reduction of the stormwater fee chargeable to a given parcel which is attributable to operation and maintenance expenses of the Utility. Such credits may be obtained as follows:

34 * * *

- (j) Appeal. Appeal of the determination of the Village Engineer shall be heard by the ~~Public Utilities~~Public Works & Utilities Committee. Written notice of appeal shall be filed with the Village Clerk-Treasurer within 15 days of receipt of the Village Engineer's determination. The notice of appeal shall describe the basis of the appeal.

1 **Sec. 47-372. - PEG channel requirements.**
2

3 **[Revisor Note: The following change merely corrects a typographical error in existing code.]**
4

5 (d) ~~Crops~~Drops/origination points. Video service providers and cable operators shall apply and
6 maintain upstream capacity from all current origination points (also known as "live drops")
7 and shall provide sufficient capacity for carriage of a television signal from each of these
8 origination points at all times. These origination points are all located in the Village of
9 McFarland as follows:

10
11 (1) McFarland Municipal Center, 5920 Milwaukee Street;

12
13 (2) E.D. Locke Public Library, 5920 Milwaukee Street;

14
15 (3) McFarland High School, 5101 Farwell Street;

16
17 (4) Indian Mound Middle School, 6330 Exchange Street;

18
19 (5) Madison Curling Club, 4802 Marsh Road. PEG channel designations.
20
21

1 **Chapter 56 – SUBDIVISIONS**

2
3 [Please click on this link to view the Village Code of Ordinances for this Chapter.](#)

4
5 **Sec. 56-119. - Street trees plan.**

6
7 * * *

- 8
9 (b) Deposit required. Following the approval of the Final Plat by the Village Board and prior to
10 the signing of the plat by the Village President and Village Clerk-Treasurer, the subdivider
11 shall deposit sufficient money in the Village Clerk-Treasurer's office to cover the cost of
12 completing the plantings in conformity with the tree and shrub planting plan. The Village
13 Forester will then cause the completion of the plantings during the next season, either spring
14 or fall, following acceptance of the plat's required improvements by the Village. The amount
15 of such deposit shall be established by the ~~Parks and Recreation~~[Sustainability & Natural](#)
16 [Resources](#) Committee based on anticipated actual costs of furnishing and installing said
17 plantings. All said money deposited in the Village Clerk-Treasurer's office shall be kept in a
18 separate account to be used solely for the purposes set forth in this Section.
19
20

1 **Chapter 59 – VEGETATION**

2
3 [*Please click on this link to view the Village Code of Ordinances for this Chapter.*](#)
4

5 **Sec. 59-19. - Statement of policy and applicability of Article.**

6
7 * * *

8
9 (c) Jurisdiction of the [Sustainability &](#) Natural Resources Committee.

10
11 (1) The [Sustainability &](#) Natural Resources Committee shall, subject to the supervision and
12 control of the Village Board and except as herein provided, have jurisdiction and
13 direction over all public trees upon Village-owned property; that part of the street, the
14 grade and all other trees on any property which may in any way have effect upon public
15 property, and upon the public welfare of the Village; and for the planting, care,
16 maintenance, protection, and removal thereof. The ~~Natural Resources~~ Committee shall
17 have the authority to make such rules and regulations, as it may deem applicable for
18 carrying out the purpose of this Article.
19

20 (2) The Village may appropriate money to pay the costs of implementing this Article. The
21 Village Board may include in its annual budget such sum as it deems necessary to pay
22 the costs necessary incidental to the ~~Natural Resources~~ Committee's powers and duties
23 under this Article.
24

25 **[Revisor Note: The following deleted committee composition and functions provisions have**
26 **been moved to Chapter 2]**
27

28 ~~(3) The Natural Resources Committee shall consist of Village residents with an interest in~~
29 ~~urban forestry together with the Parks Manager and a member of the Plan Commission.~~
30 ~~Citizen members shall be appointed through nomination by the Village President subject~~
31 ~~to confirmation by the Village Board.~~
32

33 (4) The [Sustainability &](#) Natural Resources Committee shall have the following powers and
34 duties:

35
36 a. To serve in an advisory capacity to the Village Board in matters relating to trees and
37 shrubs located within street rights-of-way, parks, cemeteries, and other public
38 properties within the Village. The Committee may also advise on matters of trees and
39 shrubs located on private property that constitute a hazard, threat or nuisance as
40 described herein.
41

42 b. To prepare and maintain an inventory of trees located on public lands within the
43 Village.
44

45 c. To complete and recommend a plan for the planting, care and maintenance of public
46 trees to the Village Board.
47

d. ~~To recommend that the Village Board apply for state and federal financial assistance grants to fund the preparation and implementation of the Village's urban forest management activities.~~

e. ~~To assist in the preparation of applications for urban forestry grants after approval by the Village Board.~~

fd. To make recommendations to the Village Board regarding the selection of the Village Forester and the hiring and retaining of urban forestry contractors to assist with Village tree management activities.

ge. To cooperate, when possible, with neighboring communities in order to procure urban forestry supplies and services more cost-effectively.

hf. To encourage and provide public education regarding tree care and urban forestry issues within the Village.

ig. To conduct yearly Village Arbor Day observances and ceremonies.

j. ~~To earn and maintain the Village's "Tree City USA" status with the National Arbor Day Foundation.~~

kh. To advise the Plan Commission and Village Board on urban forestry issues related to new development.

Sec. 59-20. - Definitions.

The following words, terms and phrases, when used in this ~~Article~~Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

CREATE NEW: (bm) *Committee.* The Village Sustainability & Natural Resources Committee.

[Revisor Note: Adding definition of "Committee" allows for abbreviated references to committee in Chapter 59]

Sec. 59-23. - Abatement of tree disease and insect nuisances.

(a) Insects and pathogens. The Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal insect infestation and diseases. The Village Board hereby declares its intention to control and prevent the spread of pests and specifically declares oak wilt and the insect vectors of this and other such diseases to be public nuisances. The ~~Village Board also authorizes the Natural Resources~~ Committee ~~to shall~~ investigate new diseases and nuisances as they come into existence and ~~authorizes said Natural Resources Committee to~~

1 take actions ~~similar to those described herein~~authorized in this section for such ~~future~~ diseases
2 and nuisances.

3
4 **Sec. 59-25. - Planting of trees and shrubs.**

5
6 * * *

7
8 (b) Tree planting program. The Village shall require a diversification of tree species. The
9 Sustainability & Natural Resources Committee shall designate the types of trees to be planted
10 in the planting of public trees. On newly opened streets, the ~~Natural Resources~~ Committee
11 may designate the size, type, or types of trees or shrubs and the manner in which they shall
12 be planted, using the Village of McFarland Landscaping Standards. Developers shall provide
13 a copy of the planting plan to the Village Forester identifying the species to be planted.

14
15 (c) Planting standards.

16
17 (1) The size, genus, species, variety and nursery grade of trees and shrubs to be planted in
18 public areas and boulevards and the manner of planting shall be submitted to the Village
19 Forester for approval before commencement of such work. The following provisions
20 shall apply:

21
22 a. All new street trees must be selected from a list of approved trees compiled by the
23 ~~Natural Resources~~ Committee and described within Section 59-35. New trees must be
24 single stemmed with a minimum trunk diameter of one and one-half inches measured
25 at six inches above ground level.

26
27 * * *

28
29
30 **Sec. 59-29. - Removal of trees and stumps.**

31
32 * * *

33
34 (d) Tree preservation. In the development of commercial property involving previously
35 undeveloped land, the developer will, as part of its development plan identify which trees are
36 to be removed to install the infrastructure for the development. The developer will also
37 provide a plan specifying methods of protecting trees not approved for removal. The
38 developer must ensure that protective structures shall remain in place until on-site
39 construction is complete. The Village Forester, shall review and recommend a tree
40 preservation plan to the Plan Commission. In the development of a new Subdivision involving
41 previously undeveloped land, the developer, as part of the Preliminary Plat, will identify
42 which trees are to be removed to install infrastructure for the development. The developer will
43 also provide a plan specifying methods of protecting trees not approved for removal. The
44 developer must ensure that protective structures shall remain in place until on-site
45 construction is complete. The ~~Natural Resources~~ Committee, after consultation with the

1 Village Forester, shall review and approve a Preliminary Plat tree preservation plan to the
2 Plan Commission.
3

4 **Sec. 59-59. - Natural landscape.**

5
6 * * *

7
8 (d) Enforcement.
9

10 * * *

11
12 (4) The owner may appeal the determination set forth in any notice by filing a written request
13 for hearing before the ~~Natural Resources~~ Committee within ten days of the date of notice
14 with the Village Clerk. Enforcement action shall be stayed and time for compliance toiled
15 pending the decision of the ~~Natural Resources~~ Committee. The notice of violation shall
16 describe these appeal rights.

McFarland
SUMMARY SHEET

MEETING DATE: Monday, January 10, 2022

SECTION: Business

DEPARTMENT: Administration

CONTACT: Matt Schuenke, Village Administrator, Cassandra Suettinger, Village Clerk/Treasurer

AGENDA ITEM: Discussion regarding remaining schedule for the Board, Commission, and Committee Restructuring Project.

PREVIOUS ACTION:

None.

ISSUE SUMMARY:

This item is meant to check in on our schedule as we make progress through the project. It will note remaining tasks and put some suggested dates towards when they will be completed. Please note the following:

- January 10, 2022 @ 5:30 pm - Committee of the Whole: The draft code changes for the revisions proposed in Reviews #1-3 will be presented for the first time for discussion along with the previously discussed structural issues. No action is planned for this meeting as this ordinance is quite lengthy.
- January 24, 2022 @ 5:30 pm - Committee of the Whole: Further review draft code changes for the revisions proposed in Reviews #1-3. Additionally, we'll likely also add to this the code changes related to the Landmarks Commission and Plan Commission as appropriate. We will also schedule this meeting for an opportunity to receive public input on what has been prepared thus far.
- February 14, 2022 @ 7:00 pm - Village Board: This date and time is presented as possibly the soonest the code changes could be considered for approval given that two prior meetings are planned for review in advance of this action. Certainly that could change and this date for action could be scheduled in the future as progress dictates. Remaining dates after this are purely speculative and we'll continue to monitor based on our progress.
- March, 2022 - Advertise for appointments as needed.
- April, 2022 - Make appointments as available.
- May, 2022 - Implement new structure.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:



None.

ORDINANCE REFERENCE:

None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Presented as an update and for discussion. No action needed.

ATTACHMENTS:

None