

**Tuesday, September 10, 2024**

**5:30 PM**

**McFarland Municipal Center**  
5915 Milwaukee St, McFarland  
*Community Room*

AGENDA

The public may attend in-person or remotely through the Zoom webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/85673835952>

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

Webinar ID: 856 7383 5952

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

1. CALL TO ORDER.
2. ROLL CALL.
3. PUBLIC APPEARANCES.
  - a. This is an opportunity for members of the public to address the Committee of the Whole for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to [village.clerk@mcfarland.wi.us](mailto:village.clerk@mcfarland.wi.us) to be included as part of the meeting.  
  
Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.
4. APPROVAL OF MINUTES.
  - a. Motion to approve the minutes of the July 31, 2024 meeting.
5. BUSINESS.
  - a. Discussion regarding the creation of an ordinance requiring a referendum vote of the electors before certain public construction projects can be commenced.
6. SCHEDULE NEXT MEETING DATE.
  - a. Village Board - Tuesday, September 24, 2024 at 5:30 pm (Special Joint Meeting with Library Board)
  - b. Village Board - Tuesday, September 24, 2024 at 7:00 pm (Regular Meeting)
  - c. Village Board - Monday, September 30, 2024 at 6:00 pm (Special Meeting, Budget Review #1)
  - d. Village Board - Tuesday, October 8, 2024 at 7:00 pm (Regular Meeting, Budget Review #2)

e. Village Board - Monday, October 10, 2024 at 6:00 pm (Special Meeting, Budget Review #3)

## 7. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or [village.clerk@mcfarland.wi.us](mailto:village.clerk@mcfarland.wi.us) by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

VILLAGE OF MCFARLAND  
**Committee of the Whole Minutes**

*Wednesday, July 31, 2024 - 5:30 PM*

**1. CALL TO ORDER.**

Village President Clow called the Committee of the Whole meeting of the McFarland Village Board to order at 5:30 pm in the Community Room of the McFarland Municipal Center.

**2. ROLL CALL.**

Village Board members present: Village Trustee Stephanie Brassington, Village President Carolyn Clow, Village Trustee Luke Fessler, Village Trustee Alisa Leamy, Village Trustee Miguel Peña, Village Trustee Lowell J. Prill

Village Board members not present: Village Trustee Hilary Brandt

Staff Present: Village Administrator Matt Schuenke, and Deputy Administrator/Clerk Cassandra Suettinger.

**3. PUBLIC APPEARANCES.**

- a. *This is an opportunity for members of the public to address the Committee of the Whole for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to [village.clerk@mcfarland.wi.us](mailto:village.clerk@mcfarland.wi.us) to be included as part of the meeting.*

*Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.*

Joan Kranz, 5007 Terminal Drive, spoke in opposition of the Community Center project.

Deb Pirk, 5001 Terminal Drive, spoke in opposition of the Community Center project.

Nancy Johnson, 6105 Woods Xing, spoke in opposition of the Community Center project.

Bruce Curtis, 6104 Saunders Court, spoke in opposition of the Community Center project.

Therin Erdahl, 5214 Broadhead Street, spoke in opposition of the Community Center project.

Rita Sears, 5002 Hickory Lane, spoke in opposition of the Community Center project.

Larry Busser, Alben Drive, spoke in opposition of the Community Center project.

Cynthia Siebert, 6403 Exchange Street, spoke in opposition of the Community Center project.

Barb Vanderwerth, spoke in opposition of the Community Center project.

Tim Rott, 6107 Woods Xing ,spoke in opposition of the Community Center project.  
Laurie Downs 6021 Exchange Street, spoke in opposition of the Community Center  
Shawn Miller, McFarland Youth Center, spoke to the community staying positive and  
engaging to create the best for McFarland.  
Dee Hughes, 5508 Bremer Road, spoke in opposition of the Community Center project.  
Matthew Wiswell, 6302 Pennock Lane, spoke in opposition of the Community Center  
project.  
Eric Johnson, 6105 Woods Crossing, spoke in opposition of the Community Center  
project.  
Laurie Morris, 6070 Shooting Star Court, spoke in opposition of the Community Center  
project.  
Meredeth Hughey, 5003 Wild Rye Court, spoke in opposition of the community center.  
Rachel Skivers 6031 Country Walk.did not wish to speak, but wished to register  
opposition of the Community Center project.  
Ken Boyd, 3457 Siggelkow Road, spoke in opposition of Community Center.  
On behalf Rick Bencke, 5807 Cedar Court, spoke in opposition of the Community  
Center.  
Tim Handell, 6701 Sleepy Hollow Road, spoke in opposition of the Community Center  
project.  
Janet Doll, 5700 Ambrosia Terrace, did not wish to speak, but wished to register  
opposition of the Community Center project.  
Lori Peterson, spoke in opposition of the Community Center.

#### **4. APPROVAL OF MINUTES.**

- a. Motion to approve the minutes of the October 10, 2023 meeting.  
Motion by Village President Carolyn Clow, second by Village Trustee Stephanie  
Brassington, to approve the minutes of the October 10, 2023 meeting. Motion carries 6  
- 0 - 0 by acclamation.

#### **5. BUSINESS.**

- a. Presentation of and discussion on public engagement plan for the conceptual schematic design of the McFarland Community and Municipal Center Project.  
Village Administrator Schuenke provided a background on the Community Center  
project and an update on the project. He also provided the Board the opportunity to  
discuss where the project would head. Trustee Brassington requested an agenda item be  
placed on the next Village Board agenda to advance the project or stop the project. She  
requested an accurate accounting of what has been spent on the project thus far be  
provided and contractual allowances for stopping the project. The Board discussed the  
request and agreed to placing an item on a future agenda to decide whether the project  
moves forward or stops.
- b. Discussion regarding the proposed McFarland 2025-2029 Capital Improvement Plan.  
Village Administrator Schuenke provided an overview of the proposed McFarland  
2025-2029 Capital Improvement Plan.

#### **6. SCHEDULE NEXT MEETING DATE.**

- a. Village Board - Wednesday, August 7, 2024 at 5:30 pm (Special Meeting)
- b. Committee of the Whole - Thursday, August 15, 2024 at 5:30 pm
- c. Village Board - Thursday, August 15, 2024 at 7:00 pm (Regular Meeting, Special Date)
- d. Village Board - Tuesday, August 27, 2024 at 7:00 pm (Regular Meeting)

**7. ADJOURNMENT.**

Motion by Village Trustee Luke Fessler, second by Village Trustee Stephanie Brassington, to adjourn at 7:41 p.m.

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

Respectfully submitted,  
Cassandra Suettinger  
Deputy Administrator/Clerk

  
VILLAGE OF  
**McFarland**  
**SUMMARY SHEET**

**MEETING DATE:** Tuesday, September 10, 2024

**SECTION:** Staff Reports

**DEPARTMENT:** Administration

**CONTACT:** Matt Schuenke, Village Administrator, Cassandra Suettinger, Deputy Administrator/Clerk

**AGENDA ITEM:** Discussion regarding the creation of an ordinance requiring a referendum vote of the electors before certain public construction projects can be commenced.

**PREVIOUS ACTION:**

At the August 27, 2024 meeting, the Village Board reviewed and approved a referral request from Trustee Brassington on this matter to be discussed further within this Committee of the Whole meeting.

**ISSUE SUMMARY:**

At the last Village Board meeting, action was taken to refer discussion to the Committee of the Whole regarding the creation of an ordinance that requires a binding referendum for public works (i.e. capital) construction projects. This standard was previously instituted in 2005 before it was revised in 2014 and again in 2018 before being entirely repealed in 2022. All four versions of the ordinance are including the packet as background. This is a discretionary matter and the Village Board as the Committee of the Whole should discuss to what extent if at all these standards should be applied.

There are over 600 incorporated municipalities in the State of Wisconsin with 1,265 unincorporated towns. Staff was able to locate 3 other examples of applications of these standards in the entire State. There may be more but inquiry was made through the Wisconsin City/County Management Association (WCMA) to see what other standards may exist. This included Delafield, Elm Grove, and Sussex. Delafield has the most strict version which has a \$1 million cap with no exemptions. This is the standard the Village started with in 2005. Sussex sets their cap at 1% of equalized value with several exemptions creating the most flexible option. Our last version of this concept followed this model. Elm Grove sits in the middle with a \$5 million cap with adjustment according to CPI. Staff also inquired with the League of Wisconsin Municipalities but their response was not available at time of packet distribution. Further follow up from the League and these comparables will be shared in the meeting as applicable. This again is a discretionary act of the Village with no statutory requirement and limited examples to follow as a result.

Some additional follow up is provided from the previous meeting as well. At the last meeting in which action was taken to make the referral, questions were asked regarding the initial ordinance and process by which the original referendum ordinance was put in place in 2005. In



light of this, Staff wanted to provide complete information to properly address these inquiries as a follow up to what was asked. Please note the following:

What is Direct Legislation?

Direct Legislation is the process by which a number of electors equal to at least 15% of the votes cast for governor at the last general election in their city or village may sign and file a petition with the city or village clerk requesting that an attached proposed ordinance or resolution, without alteration, either be adopted by the common council or village board or be referred to a vote of the electors. If a majority vote in favor of adoption, the proposed ordinance or resolution shall take effect upon publication under sub. (5). Publication shall be made within 10 days after the election. [Click here to visit Wis. Statute 9.20 Outlining Direct Legislation.](#)

What is the history of the 2005 Ordinance requiring a referendum vote of the electors before certain public construction projects can be commenced?

On September 3, 2004, a group called the "Community Vote" submitted a petition for direct legislation ordinance to the Village Clerk providing that "prior to the start of any physical construction of any municipally financed (in whole or in part) project requiring a Village capital expenditure of \$1 million or more, the Village Board shall submit to the electorate a binding referendum for approval of the project." The original petition was rejected, and after working through some technicalities related to the ordinance, the petition was accepted and deemed sufficient. On October 25, 2004, the Board discussed the petition and there was consensus among seated board members at the time not to approve the ordinance as presented and as such, the Village Board submitted the Ordinance to the April election for a vote to determined via a binding referendum.

On April 5, 2005, the Village held its Spring election, and the electors of the Village McFarland approved the Direct Legislation by a vote of 956 Yes to 406 No. Village Ordinance 2005-09 was adopted by the Voters of the Village of McFarland providing the following:

Prior to the start of any physical construction of any municipally financed (in whole or in part) project requiring a Village capital expenditure of \$1 million or more, the Village Board shall submit to the electorate a binding referendum for approval of the project. The wording of any referendum shall provide the specific purpose, location, and cost of the project. Nothing in this provision shall be constructed to preclude the Village for exercising its role in the planning or design of such publicly financed projects.

This became effective upon publication on April 14, 2005 as a charter ordinance as is required under State Law presented through direct legislation. The Village Board maintains discretion if it chooses to enact these standards again if it wishes to do so as standard ordinance or via the charter route.

**FINANCIAL/BUDGET IMPACT:**

Discussion of this referral and consideration for this ordinance has minimal costs as the Village Board weights the policy implications of these standards.

Implementation of the ordinance will have fiscal implications both on the capital planning of our



projects and thinking of how various projects could come forward as well as their timing within the design process. There are also operational considerations for the inclusion of steps in the process to develop a project with these standards in place that are not insurmountable, but part of the process when considering policy matters such as these. We can discuss these in the meeting.

**VILLAGE PLAN REFERENCE:**

**Fiscal Policy Manual** ([Please click on this link to view](#)).

The Village has long established a Fiscal Policy Manual that covers many standards surrounding our financial. Policies in general are created by boards to help govern operations by providing direction to Staff on the limitations of their actions without board intervention. The referenced manual provides guidance on purchasing, debt, capital, vehicles, and a variety of topics that we have been working to update. This is provided as background for awareness of these standards since there are sections that cover aspects of the referendum requirement previously mandated through ordinance. This could be an additional talking point as we update our policies that we consider new or different standards that conceivably have a similar effect to regulate capital spending while providing enough flexibility for planning, engagement, and implementation.

**ORDINANCE REFERENCE:**

None.



**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

No action is included on this item. The Committee of the Whole serves in an advisory capacity to the Village Board. It would have to provide its recommendation back to the Village Board for it to consider action.

**ATTACHMENTS:**

1. Trustee Brassington 08162024 259 PM (CDT)
2. 2005-09
3. 2014-11
4. 2018-14
5. 2022-09 Charter Ordinance Repealing Section 23-94 of the McFarland Municipal Code Relateding to Public Construction Projects

## Village Board Trustee Referral Form

<b>Requested By</b>	Trustee Brassington
<b>Item/Issue Referral</b>	Possible referendum requirement
<b>Action/Referral Request</b>	I would like the Village Board to review the history of the referendum requirement and to discuss the possibility of adding it back.
<b>Request Referral to (Please select all that apply)</b>	<ul style="list-style-type: none"><li>• Village Board</li></ul>
<b>Background Information</b>	the residents have lost some confidence in the village board as it relates to our fiscal responsibility. I think we need to discuss some sort of checks/balances
<b>Attachments</b>	<ul style="list-style-type: none"><li> 2022-09 Charter Ordinance Repealing Section 23-94 of the McFarland Municipal Code Relateding to Public Constructi</li><li> 2018-14.pdf</li></ul>

**ORDINANCE NO. 2005-09**

**AN ORDINANCE TO REQUIRE A BINDING REFERENDUM FOR PROJECTS  
REQUIRING A VILLAGE EXPENDITURE OF \$1 MILLION OR MORE**

The Village Board of the Village of McFarland, Dane County, Wisconsin, do ordain that the following direct legislation ordinance is hereby created:

“Prior to the start of any physical construction of any municipally financed (in whole or in part) project requiring a Village capital expenditure of \$1 million or more, the Village Board shall submit to the electorate a binding referendum for approval of the project. Failure of the binding referendum shall preclude the Village from proceeding with the project. The wording of any referendum shall provide the specific purpose, location, and cost of the project. Nothing in this provision shall be construed to preclude the Village from exercising its role in the planning or design of such publicly financed projects.”

*The foregoing ordinance was duly adopted by the Voters of the Village of McFarland at the Spring Election held on April 5, 2005. The vote was Yes 956, No 403.*

APPROVED:

  
\_\_\_\_\_  
Erik Thoresen

ATTEST:

  
\_\_\_\_\_  
Deb Neal, Clerk/Deputy Treasurer

ADOPTED: April 14, 2005  
PUBLISHED: April 14, 2005

PROOF OF PUBLICATION

STATE OF WISCONSIN }  
DANE COUNTY } SS.

Wayne Toske, being duly sworn, both depose and say that he is the general manager of the McFarland Thistle, a newspaper published at the Village of McFarland, in the County of Dane, State of Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on

April 14, 2005

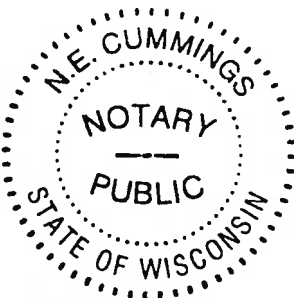
(Signed) Wayne Toske  
General Manager

Subscribed and sworn before me this 14th day of April, 2005

N.E. Cummings  
Notary Public, State of Wisconsin

My Commission expires Sept 14, 2008

No. Lines 37 No. Times 1 Affidavit Fees \$ 1.00  
Printers Fees \$ 21.50  
Total \$ 22.50



**Official Publication**

**ORDINANCE NO. 2005-09  
AN ORDINANCE TO REQUIRE A  
BINDING REFERENDUM FOR  
PROJECTS REQUIRING A  
VILLAGE EXPENDITURE OF  
\$1 MILLION OR MORE**

The Village Board of the Village of McFarland, Dane County, Wisconsin, do ordain that the following direct legislation ordinance is hereby created:

"Prior to the start of any physical construction of any municipally financed (in whole or in part) project requiring a Village capital expenditure of \$1 million or more, the Village Board shall submit to the electorate a binding referendum for approval of the project. Failure of the binding referendum shall preclude the Village from proceeding with the project. The wording of any referendum shall provide the specific purpose, location, and cost of the project. Nothing in this provision shall be construed to preclude the Village from exercising its role in the planning or design of such publicly financed projects."

The foregoing ordinance was duly adopted by the Voters of the Village of McFarland at the Spring Election held on April 5, 2005. The vote was Yes 856, No 403.

APPROVED:  
Erik Thoresen  
ATTEST:

Deb Neal, Clerk/Deputy Treasurer  
ADOPTED: April 14, 2005  
PUBLISHED: April 14, 2005  
PUB. The McFarland Thistle: April 14, 2005

## ORDINANCE NO. 2014-11

### **A CHARTER ORDINANCE TO REVISE SECTION 23-94 OF THE MCFARLAND MUNICIPAL CODE RELATING TO PUBLIC CONSTRUCTION PROJECTS**

**Purpose:** On April 5, 2005, effective April 14, 2005, the electors of the Village of McFarland adopted a direct legislation petition creating a cap on Village capital expenditures of \$1,000,000 for projects that could be implemented without first having a binding referendum. The Village Board finds that while requiring certain capital projects to be subject to a binding referendum of the electorate is in the public interest, the passage of time and the breadth of the current ordinance is hindering the Village Board's ability to govern. Pursuant to Wis. Stats. § 9.20(8), the Village Board has had the right to amend Section 23-94 of the McFarland Municipal Code since April 14, 2007. This ordinance would implement modifications of Section 23-94, while preserving the right of the voters to approve significant capital projects.

**Sponsor:** Village Board

**Public Hearing:** Oct. 13 [date], 2014, preceded by Class I notice

**Effective Date:** As a charter ordinance, this proposal will not take effect until 60 days after its adoption pursuant to Wis. Stats. § 66.0101(5), within which time citizens may petition to hold a referendum on the effectiveness of this ordinance.

The Village Board of the Village of McFarland do hereby ordain as follows:

1. Section 23-94 of the McFarland Municipal Code is hereby amended to read as follows:

**"Sec. 23-94. Direct legislation ordinance to require a binding referendum for projects requiring a Village expenditure of ~~\$1,000,000.00~~\$1,250,000.00 or more.**

**(a)** Prior to the start of any physical construction of any ~~municipally-Village-financed~~ (~~in whole or in part~~) project requiring a net Village capital expenditure of ~~\$1,000,000.00~~\$1,250,000.00 or more, the Village Board shall submit to the electorate a binding referendum for approval of the project. Failure of the binding referendum shall preclude the Village from proceeding with the project. The wording of any referendum shall provide the specific purpose, location, and cost of the project. Nothing in this provision shall be construed to preclude the Village from exercising its role in the planning or design of such publicly financed projects.

- (b) Subsection (a) shall not apply to public street projects, public projects paid for by McFarland Utilities (water, sewer and storm water), or to any other capital expenditures that are not public construction projects.
- (c) The maximum capital expenditure amount in subsection (a) shall be adjusted annually for inflation or deflation in November of each year for the subsequent calendar year, utilizing the Consumer Price Index for all Urban Consumers, National Series (CPI-U), assuming [November 1, 2014] = 100, for all nonfood items as published by the U.S. Department of Labor, Bureau of Labor Statistics. The Village shall maintain a file open to the public and published on the Village website showing the said maximum amount for all years after the initial effective date.
- (d) This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 day period a referendum petition as provided by Wis. Stats. § 66.0101 shall be filed, in which case this ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.”

The above and foregoing charter ordinance was duly adopted at a regular meeting of the McFarland Village Board on the 13th day of October, 2014, at McFarland, Wisconsin.

APPROVED:

  
 Brad Czebotar, Village President

ATTEST:

  
 Tracey K. Berman, Village Clerk

ORDINANCE 2014 – 11			
MOTION	SECOND		
Czebotar	Lytle		
ACTION	DATE		
Adopted	10/13/14		
Referred			
Tabled			
Withdrawn			
Defeated			
Published			
INDIVIDUAL VOTING RECORD			
Adrian	Aye	Kolk	Aye
Babcock	Aye	Lytle	Aye
Czebotar	Aye	Utter, B	Nay
Gletty-Syoen	Absent		
VOTING RESULTS			
Motion Carried:	5-1		
Motion Defeated:			

## ORDINANCE 2018-14

### A CHARTER ORDINANCE AMENDING SECTION 23-94 OF THE MCFARLAND MUNICIPAL CODE RELATING TO PUBLIC CONSTRUCTION PROJECTS.

**WHEREAS**, the Village Board previously enacted Ordinance No. 2014-11, a charter ordinance amending §23-94 of the McFarland Municipal Code which required a binding referendum vote of the electors before certain public construction projects could be commenced; and

**WHEREAS**, the Village Board desires to modify the restrictions to apply only to larger construction projects;

**NOW, THEREFORE**, the Village Board of McFarland, Wisconsin, does ordain as follows:

**Section 1.** Section 23-94 of the McFarland Municipal Code is amended to read as follows:

#### **23-94 - Referendum requirement for large capital construction projects.**

- a) Except as provided in par. (b), prior to the start of any physical construction on any Village-financed project involving a net cost to the Village exceeding 1% of the Village's equalized value as most recently determined by the Wisconsin Department of Revenue, the Village Board shall submit to the electorate a binding referendum for approval of the project. Failure of the binding referendum shall preclude the Village from proceeding with the project. The wording of any referendum shall provide the specific purpose, location, and cost of the project. Nothing in this provision shall be construed to preclude the Village from exercising its role in the planning or design of such publicly financed projects. As used in this section, the term "net cost" means the total amount paid or to be paid by the Village less any amounts received or to be received in connection with the project in the form of governmental grants, private donations, developer contributions or other third-party funding sources.
- b) Subsection (a) shall not apply to the following:
  - (1) public street projects;
  - (2) public projects funded by a Village Utility (water, sewer and/or stormwater);
  - (3) projects qualifying as project costs in an approved tax incremental district project plan;
  - (4) Projects required by any Federal, State or County statute, regulation, rule or ordinance, any court order or any previously approved agreement;
  - (5) Projects undertaken jointly with another unit of government;
  - (6) Public safety facilities, limited to fire, police, EMS and municipal court;
  - (7) Projects undertaken to address emergency conditions as determined by the Village Board.

- c) The following provisions shall apply to the determination of a single project for purposes of establishing the applicability of this section:
- (1) Demolition of an existing structure to facilitate the construction of a designated new building or structure shall be considered part of the construction cost of the approved building.
  - (2) All public construction included in a single solicitation for bids or covered under the same general contract shall be deemed part of a single project.
  - (3) A contract for construction, remodeling, additions or alterations to a single building or structure awarded prior to, or within 6 months after, the substantial completion of any other such work on the same building or structure shall be deemed part of the initial project.
  - (4) Any number of contracts with individual trades for interrelated work on an integrated construction, remodeling or building addition project shall be deemed part of the same project.
  - (5) Construction of two or more buildings or structures on the same building lot shall be considered a single project if construction on the second building or structure is commenced prior to, or within 6 months of, substantial completion of the first building.
  - (6) Periodic repairs, replacement or resurfacing of parking lots, driveways, roofs, exterior lighting fixtures or similar improvements shall not be deemed part of the cost of construction activities within an existing building if all of the following conditions are met:
    - a. The repair, replacement or resurfacing is necessitated by damage or normal wear unrelated to the construction on the same site;
    - b. The improvement is not materially altered in any dimension or in location;
    - c. The repair, replacement or resurfacing neither necessitates, nor is necessitated by, the construction occurring on the site.
    - d. The repair, replacement or resurfacing is accomplished with substantially the same materials and quality as the existing improvement.


**Section 2. Effective Date.**

This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60-day period a referendum petition as provided by Wis. Stats. § 66.0101 shall be filed, in which case this ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

Adopted at a regular meeting of the McFarland Village Board this 8<sup>th</sup> day of October,  
2018

  
\_\_\_\_\_

Brad Czebotar, Village President

Attest:   
\_\_\_\_\_

Cassandra Suettinger, Clerk/Treasurer

ORDINANCE 2018 – 12	
MOTION	SECOND
Czebotar	Kolk
ACTION	DATE
Adopted	10/08/2018
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL	
VOTING RECORD	
Adrian – Aye	Kolk – Aye
Brassington – Aye	Lytle– Aye
Clow - Nay	O'Hearn - Nay
Czebotar– Aye	
VOTING	
RESULTS	
Motion Carried:	5-2
Motion Defeated:	

**ORDINANCE 2022-09**

**A CHARTER ORDINANCE REPEALING SECTION 23-94 OF THE MCFARLAND MUNICIPAL CODE RELATING TO PUBLIC CONSTRUCTION PROJECTS.**

**Purpose:** To repeal §23-94 of the McFarland Municipal Code which requires a binding referendum vote of the electors before certain public construction projects can be commenced.

**Sponsor:** Village President Carolyn Clow

**Recommended Referral:** None.

**Public Hearing:** None required.

**WHEREAS,** Charter Ordinance 2005-09 was enacted by direct legislation on April 5, 2005 requiring a referendum vote prior to commencement of certain public construction projects, the provisions of which have since been codified as §23-94 of the McFarland Municipal Code; and

**WHEREAS,** the Village Board previously adopted Ordinances No. 2014-11 and No. 2018-14 as charter ordinances that further amended the provisions of §23-94; and

**WHEREAS,** the Village Board desires to repeal §23-94 as a matter of public interest maintaining their ability to govern the capital needs of the Village without the need for a binding referendum.

**NOW, THEREFORE,** the Village Board of McFarland, Wisconsin, does ordain as follows:

**Section 1.** Section 23-94 of the McFarland Municipal Code is repealed in its entirety.

**Section 2. Effective Date.**

This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60-day period a referendum petition as provided by Wis. Stats. § 66.0101 shall be filed, in which case this ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

Adopted at a regular meeting of the McFarland Village Board this 12<sup>th</sup> day of July, 2022.

ORDINANCE 2022-09	
MOTION	SECOND
Clow	Wreh
ACTION	DATE
Adopted	07/12/2022
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Clow – Aye	Wreh - Aye
Brassington – Aye	Flaherty – Aye
Nelson – Aye	Jerke-Aye
Vacant –	
VOTING RESULTS	
Motion Carried	6 – 0 – 0
Motion Defeated:	

APPROVED:

  
 Carolyn A. Clow, Village President

ATTEST:

  
 Cassandra Suettinger, Village Clerk/Treasurer