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TOWN OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

Agenda
Town Board Meeting
Town of Lisbon, Town Hall
Monday, September 24, 2018
6:30 p.m.

1. **Roll Call.**
2. **Pledge of Allegiance.**
3. **Comments from citizens present.** Citizens are invited to share their questions, comments, or concerns with the Town Board. When speaking, citizens should state their name and address for the record and limit their presentation to three minutes. Where possible, the Board will answer factual questions immediately. If a response would involve discussion of Board policy or decisions, which might be of interest to citizens, not present at the meeting, the Board may place the item on a future meeting agenda.
4. **Consent Agenda.** Items listed under the Consent Agenda are considered in one motion unless a Town Board member requests that an item be removed from the Consent Agenda.
 - Re-approval of July 23, 2018 Town Board minutes.
 - Operator's Licenses.
 - Renew HAWS Contract for 2019, 2020 and 2021.
5. **Approval of Bills.**
6. **Announcements/Correspondence.**
 - Meeting Schedule
7. **Department Reports - Presentation of activity statistics and recently attended meetings.**
 - Parks Department
 - Fire Department
 - Town Administrator
 - Town Clerk
8. **Supervisor's Reports** - This is an opportunity for Supervisors to report on respective Committees, Commissions, and Boards of which they serve as a member. Matters require no action or approval.
9. **Unfinished Business.**
 - A. Discussion and necessary action on to enter into a contract with Strand Associates for Storm Water Engineering purposes.

10. New Business.

- A. Discussion and necessary action to adopt Ordinance 11-18, An Ordinance Repealing and Recreating Portions of Chapter 9 of the Municipal Code Concerning Residency Restriction for Sex Offenders.
- B. Discussion and necessary action on the recommendation from the Plan Commission to adopt Ordinance 08-18, An Ordinance Rezoning LSBT 0244.999.003 from A-3 Agricultural Residential Estate District to B-4 Commercial Special Use Zoning District, for Casey's General Store, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003, and recommendation to Waukesha County of the same.
- C. Discussion and necessary action on the appointments to the Joint Review Board.

11. Adjournment.

Joseph Osterman
Town Chairman

Gina C. Gresch, MMC/WCPC
Town Administrator

NOTE: Individual members of the Town Board will be available after the meeting to discuss town related issues with citizens who are present.

NOTE: Please notify the Town of Lisbon 72 hours in advance if you plan to attend and will need an interpreter or assistive hearing device.

NOTICE: 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.



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REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Town Board

ITEM DESCRIPTION: Consent Agenda Items

PREPARED BY: Gina C. Gresch, Administrator

REPORT DATE: Wednesday, September 18, 2018

RECOMMENDATION:

Approval of the Consent Agenda items.

EXPLANATION:

- Re-approval of the July 23, 2018 Town Board meeting minutes (I found typos)
- Operator's Licenses:
 - Eric Venn, Fairways of Woodside
- Renew HAWS Contract for 2019, 2020 and 2021



000004

TOWN OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

Tuesday, September 18, 2018

Dear Board Members:

This is to notify you of the Town of Lisbon meetings, office closures and elections from **September 25, 2018 through October 20, 2018** at the Town Hall, W234N8676 Woodside Road, unless indicated otherwise.

Monday, October 1	2019 Budget Workshop at 6:30 P.M.
Thursday, October 4	Joint Review Board Meeting at 4:30 P.M.
Monday, October 08	Supervisor's Office Hours at 6:00 P.M. followed by Town Board at 6:30 P.M.
	2019 Budget Workshop to follow the Town Board meeting if needed.
Thursday, October 11	Joint Town Board & Plan Commission Public Hearing at 6:30 P.M., followed by the regular Plan Commission meeting.
Monday, October 15	Park Committee at 6:30 P.M. (Richard Jung Memorial Fire Station)
Wednesday, October 17	Sanitary District Committee at 7:30 P.M.

Sincerely,

Gina C. Gresch, MMC/WCPC
Town of Lisbon Administrator

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2018 PARKS AUGUST/SEPTEMBER

REPORT

TOWN BOARD & PARK COMMITTEE

Park Staff are working on:

- ☺ Set-up Soccer Field in Lisbon Oaks Park for the 2018 fall season.
- ☺ Seasonal mowing practices are being performed on all park open green space areas, DPW, Town Hall, Richmond Cemetery and both Fire Stations on a weekly basis
- ☺ Performing equipment & fleet maintenance as needed.
- ☺ Prepared the Community Parks grounds for the Heritage Weekend Living History Event and all park staff work the weekend's event as needed.
- ☺ Clearing out several planting beds throughout the community park system.
- ☺ Cleaning up shelters after each weekend rentals.
- ☺ Removal of dead trees and low hanging branches that posed a safety risk to the public and mowing operations in several parks.
- ☺ Sprayed gravel pathways with weed control in Halquist and Community Parks.
- ☺ Painted the LCP ice rink
- ☺ Worked up all of the baseball infields and shut them down for the 2018 seasons.
- ☺ Working on the Lake Five Bike Path..

Note: All of my summer staff employees have returned to collage for the rest of the 2018 season.

Park Superintendent has being working on:

- Worked both family events like Heritage Weekend and National Night Out
- John prepared the 2019 Parks Operational and Capital budgets
- Finished building a retaining wall at the Richard Jung Fire Station
- Is currently working on the Lake 5 Road Bike Path with the DPW
- Attending department head and park board meetings as needed.
- Meet with several residents working with them on park matters or answering questions pertaining to their plant /disease issues with their yards/trees.
- Prepared employee payroll, monthly park reports, answering emails/phone calls and talking with residents that came into the park building with the comments or concerns pertaining to the park department
 - I continue to work with park staff in the field on park duties/projects as time allows.

Submitted by:

John Greiten

Lisbon Park Superintendent

August 2018 Fire Chiefs Report Continued

Notes on special activities and events:

1. August 2nd and 3rd, Special RTF training at Merton
2. August 8th, Lisbon Fire participated in National Night Out in Sussex
3. August 10th, National Fallen Firefighters Golf outing held at Ironwood
4. August 11^h and 12th, Lisbon Fire participated in Heritage Days
5. August 16th, Hamilton HS Girls Volleyball Team Pictures with FD Engine
6. August 18th, Auxiliary held Brat Fry Fundraiser
7. August 19th, Joe Mama's Bar and Grille held bike ride for Lisbon Fire
8. August , held the officer promotional testing over several days

Meetings attended by the Chief:

1. August 1st, Waukesha County Fire Chiefs meeting
2. August 6th, Pewaukee FD meeting
3. August 6th, Officer meeting
4. August 21st, Bark River meeting
5. August 23rd, Joint training site committee meeting with Pewaukee FD
6. August 24th, Meeting with Town Administrator
7. August 28th, Dept. Head meeting
8. August 30th, Meeting with Merton Fire Chief Paral

Respectfully Submitted;

A handwritten signature in dark ink, appearing to read "Douglas J. Brahm". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Douglas J. Brahm
Lisbon Fire Chief

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FIRE DEPT. MONTHLY STATISTICS
2018

Description	Jan.	Feb.	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Personnel													
Combination	37	37	37	37	37	37	37	37					N/A
Fire Only	6	6	6	6	6	6	6	6					N/A
EMS Only	3	3	3	3	3	3	3	3					N/A
Associate Paramedics	7	7	7	7	7	7	7	7					N/A
EMS/Fire Preceptors	3	3	3	3	3	3	3	3					N/A
Chaplain	1	1	1	1	1	1	1	1					N/A
Total Personnel	57	57	57	57	57	57	57	57	0	0	0	0	N/A
Note: paramedics	17	17	17	17	17	17	20	20					
Calls													
Fire Loss in \$	0	0	0	0	0	0	0	0					0
Fire	2	5	5	13	3	1	5	0					34
Medical	38	31	34	37	26	41	39	37					283
ALS Intercepts	10	10	3	4	6	5	8	7					53
Inter-facility transports	20	34	32	42	40	22	36	28					254
Vehicle Accidents	5	4	3	8	5	6	2	3					36
Search	0	0	0	0	0	1	0	0					1
Hazardous Cond.	0	1	0	3	1	2	4	2					13
False Alarm	6	4	3	1	1	3	3	3					24
Stand By	1	0	1	0	0	2	0	0					4
Service Call	2	3	3	0	2	3	5	3					21
Well Being/Good Intent	6	9	10	7	10	11	21	6					80
Total Call	90	101	94	115	94	97	123	89	0	0	0	0	803
Inspections													
Public Education	0	1	2	1	6	1	1	3					
Initial/Re-inspect	5	19	14	1	2	10	21	12					
preplans	0	0	0	2	0	1	1	1					
Sprinkler Review/Tests	3	2	0	1	1	0	1	2					
Total Inspections/actions	8	22	16	5	9	12	24	18	0	0	0	0	114
Training													
Fire	1	2	5	2	3	1	2	2					
EMS	2	3	4	2	5	2	1	1					
Day	0	0	1	1	0	1	0	2					
Special	0	0	3	0	0	3	2	1					
Group	5	5	2	5	5	5	3	5					
Total Trainings	8	10	15	10	13	12	8	11	0	0	0	0	87
Education													
EMT-Basic	1	1	1	1	1	1	0	0					N/A
Advanced EMT	2	2	2	2	2	2	0	0					N/A
Paramedic	7	7	7	7	7	7	0	0					N/A
Critical Care Paramedic	0	0	0	0	0	0	0	0					N/A
Firefighter I	1	1	1	1	1	1	0	0					N/A
Firefighter II	2	2	2	2	2	2	0	0					N/A
Aerial	0	0	0	0	0	0	0	0					N/A
Driver/Operator	2	2	2	2	2	2	2	2					N/A
Fire Officer I	0	0	0	0	0	0	0	0					N/A
Fire Officer II	0	0	0	0	0	0	0	0					N/A
Fire Safety officer	0	0	0	0	0	0	0	0					N/A
Fire Inspector	0	0	0	0	0	0	0	0					N/A
Fire Instructor	1	1	1	1	1	1	0	0					N/A
EVOC driving class	0	0	0	0	0	0	0	0					N/A
Total Education	16	16	16	16	16	16	2	2	0	0	0	0	N/A



000008

ADMINISTRATOR REPORT

PREPARED BY: Gina C. Gresch, Administrator

REPORT DATE: Thursday, September 20, 2018

PAINTING & CARPETING DONE!

The painting and carpeting project is complete and everyone in the office is thrilled with how it turned out. A huge thank you to the Public Works Department for helping us move furniture every day. As time allows, they will also be hanging things back up, but we don't want to put everything back the same way right away, we want to do it right.

AUDIT PROPOSALS

At the last budget workshop, Supervisor Plotecher suggested getting a third auditing firm to submit an auditing proposal. Treasurer Buchman and I found that Baker-Tilly, Johnson Block and Schenck are the top three auditing firms municipalities use. She contacted Schenck in Milwaukee for a quote which we are waiting for them to respond.

ACCOUNTING SOFTWARE UPGRADE

We had our software upgrade kickoff meeting this past week and our goal is to be live by the end of November. Right now the majority of the work is on Civic System's end converting data. Dog Licensing should be live by the end of October, which is when our contract with Transcendent Technologies ends. However, there will be a payment to them in November because the Town pays in the contract in arrears, but that was budgeted for.



TOWN CLERK REPORT

PREPARED BY: Dan Green, Town Clerk

REPORT DATE: Monday, September 24, 2018

Introduction

I would like to finally introduce myself formally to the Board as the new Town Clerk. I'd like to thank all the board members for the opportunity to serve this community and look forward to working with each one of you over the years. My first full week has gone great and staff has been excellent to work with. I'm still learning the ropes but I've had great support from the Gina, Kris, Kelley and Amy, and in no time I should have things down to a science!

Elections Update

The Clerk's Office received our ballots on Tuesday and residents can now stop by Town Hall to fill out an in-person absentee ballot. We have also mailed out all of our absentee ballot requests. Residents should check their registration status to make sure they have information up to date. They can do this by going to myvote.wi.gov or by stopping by Town Hall. Open registration ends on Wednesday, October 16th, so residents need to have their online or mailed registration forms in by that date. Election Day will be Tuesday, November 6th and polls are open from 7:00 AM until 8:00 PM. All residents need to bring the appropriate photo ID in order to obtain and cast their ballot.

Other Updates

I would like to remind the Town Board and Plan Commission members that they can contact me at any time and I would be happy to help out in any way I can. I will be taking over the Plan Commission at this point so I would encourage anyone with questions to call or email me with their questions or concerns and I will do my best to answer them. You can reach me by phone at 262-246-6100 ext. 1004 or by email at dgreen@townoflisbonwi.com.

Thank you,



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REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Town Board
ITEM DESCRIPTION: Ordinance 11-18, Residency Restrictions for Sex Offenders
PREPARED BY: Gina C. Gresch, Administrator
REPORT DATE: Thursday, September 20, 2018
RECOMMENDATION: Adopt Ordinance 11-18, Residency Restrictions for Sex Offenders
EXPLANATION: <p>While doing some research it was found that the Town Board had signed the wrong Sex Offender Residency Restriction ordinance in 2015. Attorney Gutenkunst drafted an updated version which includes case laws, hearing procedures and a Residency Application. Please note this is a draft, she has some editing to do which should be ready for the meeting.</p>

Town of Lisbon Sex Offender Residence Board Procedures

Appeal Form (Draft Copy)

- Must be completed before the hearing (prior to scheduling hearing)
- Must include all of the required documentation (prior to scheduling hearing)
 - Letter from Landlord
 - Copy of Criminal Complaint(s)
 - Copy of Judgement(s) of Conviction
 - Copy of Police Report(s)
 - Proof of Completed Treatment Programs

Scheduling of Hearing

- All paperwork must be completed and filed with the Town Clerk.
- Schedule hearing 30 -45 days out

Police Procedure Prior to the Hearing

- Verify information on the Appeal Form
- Verify Landlord Notification
- Review offense related documents
- If needed, follow up with Probation/Parole regarding treatment
 - Will require a release form from the S.O.
 - (Add release language to Appeal Form)
 - Will be able to access info on supervised and unsupervised S.O.s
 - Will be able to confirm compliance with P and P agent.
- Assemble a confidential packet and forward to the Town Clerk for distribution to the aldermen

Police Procedure After the Hearing

- Collect packets from the board members.
- Maintain one packet in a secure location.

Hearing Procedure

- Scheduled on Town Board Night, or schedule as needed
 - Prior to a Town Board Meeting
 - or Town Chambers
 - or Conference Room 3?
- Public Comment
 - Consider any oral, written or emailed statements received before or at the hearing.
 - Entered into record.

Meeting Procedure

- Announce Appeal(s).
- Hearing in open session, or closed session?
 - Open Hearing for Adult Petitioner and Victim
 - Closed Hearing if any Juvenile Records are Involved

Closed Hearing upon Request of Petitioner to discuss medical treatment information

Admonitions to Petitioner

- Advised not to provide victim or juvenile names.
- Advised of right to discuss medical treatment information in closed session.

Determination of inquiry Procedure

- Inquiries Primarily by Town Attorney?
- Inquiries Primarily by Selected Member of Board?
- Follow up Questions by Board.

Primary Factors to consider when asking questions (Based on Ordinance)

- Nature of the offense that resulted in the sex offender status
- Date of Offense
- Age at the time of offense
- Recommendation of probation or parole officer
- Recommendation of the police department
- Recommendation of any treating practitioner
- Counseling, treatment and rehabilitation status of sex offender
- Remorse of sex offender
- Duration of time since sex offender's incarceration
- Support network of sex offender
- Relationship of sex offender and victim(s)
- Presence or use of force in offense(s)
- Adherence to terms of probation or parole
- Proposals for safety assurances of sex offender
- Conditions to be placed on any exception from the requirements of this ordinance

Secondary Factors to possibly consider

- Employment
- Access to transportation
- Free time activities

Potential Conditions

- Address Specific
- Conditions
 - 30-60-90 days
 - Complete treatment
 - Become employed
 - Proof of other conditions

Discussion and Decision may be in closed or open Session

Preparation of Written Decision

- Provided to Petitioner and Public

- 1 • “Children are particularly vulnerable. Approximately 67% of all victims of
2 reported sexual assaults are under the age of 18, and more than half of these
3 victims are under the age of 12.”
- 4 • “Most sexual offenses are committed by someone the victim knows ... or
5 acquaintance.”
- 6 • “No single factor or combination of factors can fully explain why someone offends
7 sexually, though some factors may combine to increase people’s tendency to
8 offend. These factors are ... [physiological, sociocultural, developmental] and
9 situational/circumstantial (e.g. having easy access to victims...).”
- 10 • “About 12% to 24% of sex offenders will reoffend.”

11

12 **WHEREAS**, the Town Board also finds these statistics of the U.S. Department of
13 Justice to be shocking and a call to action⁵:

- 14 • “Approximately 1.8 million adolescents in the United States have been victims of
15 sexual assault.”
- 16 • “An estimated 60% of perpetrators of sexual abuse are known to the child but are
17 not family members, e.g. family friends, babysitters, child care providers,
18 neighbors.”

19

20 **WHEREAS**, in September of 2015 the State of Wisconsin Department of Corrections
21 conducted an extensive study of sex offender recidivism between 1997 and 2010, and
22 found that in total there were 631 instances (4.9% of all releases) of sexual re-offending,
23 and the top two types of re-offense were second degree sexual assault of a child (103
24 offenses), first degree sexual assault of a child (100 offenses); and within the top 10 re-
25 offenses also were sex with a child ages 16 or older (46 offenses) and repeated sexual
26 assault of the same child (33 offenses); and the study concludes that of all the repeat
27 offenses committed by sex offenders, “sex offenses that specifically reference children
28 represent a greater proportion of the whole;”⁶

29

30 **WHEREAS**, data within the Town of Lisbon may not provide a large enough sample
31 size for statistical analysis, however, there is no reason to believe the outcomes would
32 be different in the Town than were demonstrated statewide by the Department of
33 Corrections data; and

34

35 **WHEREAS**, the creation of Sex Offender Residency Restrictions and Safety Zones by
36 municipal ordinance around locations where children regularly congregate is a
37 reasonable step toward protecting children and deterring recidivism by reducing the
38 opportunity for new offenses within our community; and

39

⁵ U.S. Department of Justice, National Sex Offender Public Website “Facts and Statistics”

⁶ Joseph R. Tatar II, Ph.D. and Anthony Strevler, M.S.W., Sex Offender Recidivism After Release from Prison, Office of the Secretary, Research and Policy Unit. State of Wisconsin Department of Corrections (September 2015).

1 **WHEREAS**, the Town Board has reviewed many studies and reports concerning
 2 recidivism of sex offenders and the effectiveness of sex offender residency restrictions⁷,
 3 and has been fully advised in the matter; and
 4

5 **WHEREAS**, the literature on the subject includes some studies that support the practice
 6 of imposing sex offender residency restrictions and others that are critical of the
 7 practice; and
 8

9 **WHEREAS**, the Town Board finds it to be significant that some of the key studies that
 10 have concluded that sex offender residency restrictions have limited effectiveness have
 11 added significant qualifications to that conclusion; e.g. in “An Evaluation of Sex Offender
 12 Residency Restrictions in Michigan and Missouri,” (Huebner, et al., 2013), the authors
 13 generally do not support sex offender residency restrictions, but nevertheless find that
 14 following adoption of sex offender residency restrictions “the rate of recidivism for
 15 technical violations significantly decreased for Missouri sex offenders...” (id. at 9) and
 16 “the number of sex offense convictions did decline...” in Missouri (id. at 10); and
 17

18 **WHEREAS**, in review of the residency restrictions of communities throughout
 19 Waukesha County and its environs, the Town Board finds that many of such
 20 communities have an “original domicile restriction,” which allows each community to
 21 take back its own while not adding an additional burden of more than its own sex
 22 offenders to its community; such burdens including neighborhood and citizen concerns
 23 and responses, risks of recidivism, and potential property value impacts⁸; and

⁷ These include but are not limited to: Recidivism of sex offenders released from prison in 1994, U.S. Department of Justice, Office of Justice Programs, copyright November 2003; The final report of the Commission to Improve Community Safety and Sex Offender Accountability, of the State of Maine, dated January 2004; Sex Offender Recidivism Prediction, Correctional Service of Canada dated October 14, 2004; Recidivism of Sex Offenders, May 2001, Center for Sex Offender Management; Treating Sex Offenders, Wisconsin Lawyer Magazine, October 1994; The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices: A Literature Review, Marcus Nieto and Professor David Jung, California Research Bureau, California State Library, August 2006; Sex Offenders: You Are Now Free to Move About the Country, and Analysis of Doe v. Miller’s Effects on Sex Offender Residential Restrictions, UMKC Law Review, Spring 2005; There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan’s Laws, Linden and Rockoff, National Bureau of Economic Research, May 2006; The Effect of Proximity to a Registered Sex Offender’s Residence on Single-Family Housing Selling Price, Goliath Appraisal Journal, July 2003; Sex Offenders, Sexually Violent Predators, Punishment, Residence Restrictions and Monitoring, California Proposition 83, Analysis by the Legislative Analyst; An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri, Huebner, et al., 2013.

⁸ Property value impacts have been noted in numerous studies, including “The Effect on Proximity to a Registered Sex Offender’s Residence on Single-Family House Selling Price,” Larsen, J., Lowery, K., & Coleman, J. (2003), *The Appraisal Journal*, 71(3), 253-65; and “Neighborhood Tipping and Sorting Dynamics in Real Estate; Evidence from the Virginia Sex Offender Registry,” Wentland, Bain, Brastow, Stoll, Waller, *Social Science Research Network*, April 2013. Property values are only one such impact. Stop it Now, a non-profit organization devoted to sex offender research, offers this advice to those concerned about sex offenders moving into a neighborhood, among others: Create a family safety plan; attend notification meetings; notify the police of suspicious activity; and don’t wait to take action for prevention. At a minimum, this heightened awareness and activity burdens the families and neighbors

1
2 **WHEREAS**, if the Town of Lisbon would not have an original domicile restriction, the
3 Town would have open doors for non-resident sex offender residency when other
4 communities have closed doors, inviting a substantial increase in child sex offender
5 placements, with the related adverse impacts on the health, safety and welfare of the
6 Town and its residents; and

7
8 **WHEREAS**, the Town Board recognizes the merits, mentioned in some studies, of
9 individualized consideration of the risks and benefits of residency restrictions on an
10 offender-by-offender basis, and the Town has carefully considered how it can best
11 provide this individualized consideration, and hereby intends to create an Appeals
12 Board with sufficient jurisdiction to consider the original domicile restrictions to ensure
13 that the ordinance does not banish sex offenders from the Town; and

14
15 **WHEREAS**, the Town Board recognizes that it cannot eliminate all risk of child sex
16 offender re-offense, and it must balance all of the competing public policies, but intends
17 by these regulations to strike the legislative balance that is appropriate for the
18 circumstances of the Town of Lisbon; and

19
20 **WHEREAS**, it is not the intent of this ordinance to banish sex offenders from residing
21 within the Town of Lisbon, and careful attention has been given to ensure that there are
22 ample locations for sex offenders to reside within the Town of Lisbon in compliance with
23 the requirements of this ordinance:

24
25
26 **NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF LISBON, WAUKESHA**
27 **COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:**

28
29 (1) **FINDINGS AND INTENT.** This section is a non-punitive civil regulatory measure
30 aimed at protecting the public health, safety and welfare of the children and citizens of the Town
31 of Lisbon from the risk that convicted sex offenders may re-offend in locations close to their
32 residences. The Town Board has closely considered this question and has made numerous
33 findings and expressions of intent within the preamble to the ordinance which adopts this Code
34 section which are incorporated herein by reference. The Town Board finds and declares that sex
35 offenders who prey upon children are a serious threat to public safety and it is necessary for the
36 Town to enact reasonable measures to reduce the opportunity and minimize the risk of re-offense
37 by protecting children where they congregate or play in addition to the protections afforded by
38 State law.

39 (2) **DEFINITIONS.** For purposes of this section:

40 (a) Child means a person under the age of 18 years.

where sex offenders are placed, and collectively this burdens the City staff and resources, for every Sex Offender placement.

1 (b) Child Safety Zone shall mean any real property that supports or upon which there
 2 exists any facility used for or that supports a facility such as the facilities listed in subsections
 3 (3)(a) and (b) of this section.

4 (c) Sex offender shall mean:

- 5 1. Any person who is required to register under §301.45, Wis. Stats., for any
 6 offense against a child or any person who is required to register under
 7 §301.45, Wis. Stats., and who is subject to the Special Bulletin
 8 Notification process set forth in §301.46(2) and (2m), Wis. Stats.;
- 9 2. Any person subject to the sex crimes commitment provisions of §975.06,
 10 Wis. Stats.;
- 11 3. Any person found not guilty by reason of disease or mental defect placed
 12 on lifetime supervision under §971.17(1j), Wis. Stats.

13 (d) Permanent residence shall mean a place where a person abides, lodges or resides
 14 for 14 or more consecutive days.

15 (e) Temporary residence shall mean a place where a person abides, lodges or resides
 16 for a period of 14 or more days in the aggregate during any calendar year and which is not the
 17 person's permanent address or place where the person routinely abides, lodges or resides for a
 18 period of 4 or more consecutive or nonconsecutive days in any month and which is not the
 19 person's permanent address.

20 (3) RESIDENCY RESTRICTIONS. (Am. #17-0928) An offender shall not establish a
 21 residence in any location on a parcel of which, in whole or in part, is within 1,000 feet of the real
 22 property comprising any of the following:

23 (a) Any facility for children (which means a public or private school, a group home
 24 as defined in §48.02(7), Wis. Stats.; a residential care center for children and youth as defined in
 25 §48.02(15d), Wis. Stats.; a shelter care facility as defined in §48.02(17), Wis. Stats.; a foster
 26 home as defined in §48.02(6), Wis. Stats.; a treatment foster home as defined in §48.02(17q),
 27 Wis. Stats.; a day care center licensed under §48.65, Wis. Stats.; a day care program established
 28 under §120.13(14), Wis. Stats.; a day care provider certified under §48.651, Wis. Stats.; or a
 29 youth center as defined in §961.01(22), Wis. Stats.; and/or

30 (b) Any facility used for:

- 31 1. A public park, parkway, parkland, park facility;
- 32 2. A public swimming pool or swimming area;
- 33 3. A public library;
- 34 4. A recreational trail;
- 35 5. A public playground;

- 1 6. A school for children;
- 2 7. Athletic fields used by children;
- 3 8. A day care center;
- 4 9. Any specialized school for children including, but not limited to, a
5 gymnastics academy, dance academy or music school.

6 The distance shall be measured from the closest boundary line of the real property
7 supporting the residence of an offender to the closest real property boundary line
8 of the applicable above enumerated use(s).

9 (c) Measurement of Distance. For the purposes of determining the minimum distance
10 separation, the requirement shall be measured by following a straight line from the outer
11 property line of the permanent residence or temporary residence to the nearest outer property line
12 of any uses enumerated in subsections (3)(a) and (b) where children regularly gather or licensed
13 day care center or licensed group foster home.

14 (d) Map. A map depicting the above resulting residency restriction distances shall be
15 adopted by resolution of the Town Board, which map may be amended from time to time and is
16 on file in the office of the Town Clerk and the Waukesha County Sheriff's Department for public
17 inspection.

18 (e) It is unlawful to let or rent any place, structure or part thereof with the knowledge
19 that it will be used as a residence by a sex offender if such place, structure or part thereof is
20 located within 1,000 feet of any of the uses enumerated in subsections (3)(a) and (b) above. A
21 person letting or renting a place or structure shall be deemed to have such knowledge if, at least
22 10 days prior to letting or renting the place, the sex offender's name appears on the Wisconsin
23 Department of Corrections sex offender registry and the person letting or renting the place knew
24 the sex offender would be residing at the subject place or structure. (Am. #17-0928)

25

26 (4) **PROHIBITION.** It shall be unlawful for any sex offender to enter into, congregate,
27 loiter, wander, stroll, stand or play in or near a Child Safety Zone as defined in subsection (2)(b)
28 under circumstances that warrant alarm for the safety of persons in the vicinity. Among the
29 circumstances which may be considered in determining whether such alarm is warranted is the
30 fact that the actor takes flight upon appearance of a police or peace officer, refuses to identify
31 himself or manifestly endeavors to conceal himself or any object. Unless flight by the actor or
32 other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for
33 an offense under this section, afford the actor an opportunity to dispel any alarm which would
34 otherwise be warranted by requesting him to identify himself and explain his presence and
35 conduct. No person shall be convicted of an offense under this subsection if the police or peace
36 officer did not comply with the preceding sentence, or if it appears at trial that the explanation

1 given by the actor was true and, if believed by the police officer or peace officer at the time,
2 would have dispelled the alarm.

3 (5) PARTICIPATION IN HALLOWEEN ACTIVITIES INVOLVING CHILDREN. It shall
4 be unlawful for any offender, as defined in this chapter, to participate either directly or indirectly
5 in distribution of candy or any other items to children on Halloween. Registered offenders shall
6 remain indoors or shall remain away from their residence a minimum of one-half hour before
7 locally scheduled trick-or-treat event(s) to one-half hour after locally scheduled trick-or-treat
8 event(s). Registered offenders or other occupants of their residence shall not give any indication
9 to the public that they are participating in trick-or-treat activities.

10 (6) RESIDENCY RESTRICTION EXCEPTIONS. A sex offender residing within a
11 prohibited area as described in subsection (3) above does not commit a violation of this section if
12 any of the following apply:

13 (a) The person established a permanent residence or temporary residence and
14 reported and registered the residence pursuant to §301.45, Wis. Stats.,
15 before the effective date of this section.

16 (b) The person was under 17 years of age and is not required to register under
17 §301.45 or §301.46, Wis. Stats.

18 (c) The uses enumerated in subsections (3)(a) and (b) where children
19 regularly gather within 1,000 feet of the person's permanent residence or
20 temporary residence was opened after the person established the
21 permanent residence or temporary residence and reported and registered
22 the residence pursuant to §301.45, Wis. Stats. (Am. #17-0928)

23 (d) The person is required to serve a sentence at a jail, juvenile facility or
24 other correctional institution or facility.

25 (e) The person is a minor or ward under guardianship.

26 (7) (a) ORIGINAL DOMICILE RESTRICTION. (Am. #17-0928) In addition to the
27 residence restrictions set forth herein and subject to subsection (4) above, no sex offender shall
28 be permitted to reside in the Town of Lisbon unless such person was domiciled in the Town of
29 Lisbon at the time of the most recent offense resulting in the person's most recent conviction,
30 commitment or placement as a sex offender as set forth in subsections (2)(c)1., 2. and 3. above.
31 "Domicile" shall mean an individual's fixed and permanent home where the individual intends to
32 remain permanently and indefinitely and to which whenever absent the individual intends to
33 return, except that no individual may have more than one domicile at any time. Domicile is not a
34 residence for any special or temporary purpose. A sex offender does not violate this subsection
35 if the Residence Board has granted an exemption.

36 (b) PETITION FOR EXEMPTION.

- 1 1. A sex offender may seek an exemption from subsection (7)(a) by
2 petitioning to the Residence Board.
- 3 2. The Town Board shall be, and shall have all of the powers and duties of
4 the Residence Board described herein.
- 5 3. The Residence Board shall approve an official petition form. The sex
6 offender seeking an exemption must complete the petition and submit it to
7 the Town Clerk who shall forward it to the Residence Board. The
8 Residence Board shall hold a hearing on each petition, during which the
9 Residence Board may review any pertinent information and accept oral or
10 written statements from any person. The Residence Board shall base its
11 decision on factors related to the Town's interest in promoting, protecting
12 and improving the health, safety and welfare of the community.
13 Applicable factors for the Residence Board's consideration shall include,
14 but are not limited to:
 - 15 a. Nature of the offense that resulted in sex offender status.
 - 16 b. Date of offense.
 - 17 c. Age at time of offense.
 - 18 d. Recommendation of probation or parole officer.
 - 19 e. Recommendation of Waukesha County Sheriff's Department.
 - 20 f. Recommendation of any treating practitioner.
 - 21 g. Counseling, treatment and rehabilitation status of sex offender.
 - 22 h. Remorse of sex offender.
 - 23 i. Duration of time since sex offender's incarceration.
 - 24 j. Support network of sex offender.
 - 25 k. Relationship of sex offender and victim(s).
 - 26 l. Presence or use of force in offense(s).
 - 27 m. Adherence to terms of probation or parole.
 - 28 n. Proposals for safety assurances of sex offender.
 - 29 o. Conditions to be placed on any exception from the requirements of
30 this section.
- 31 4. The Residence Board shall decide by majority vote whether to grant or
32 deny an exemption. An exemption may be unconditional or limited to a
33 certain address or time, or subject to other reasonable conditions. The

1 Residence Board’s decision shall be final for purposes of an appeal. A
2 written copy of the decision shall be provided to the sex offender and the
3 Waukesha County Sheriff’s Department.

4 (8) PENALTY. (Am. #17-0928) The penalty provisions of §§9.40 and 25.04 of this Code
5 apply to violations of this §9.28, except that the forfeiture ranges for particular violations shall be
6 as follows:

7 (a) A person who violates provisions of subsections (3) or (7) shall be subject to a
8 forfeiture of not less than \$300.00 and no more than \$500.00 for each violation.

9 (b) Any person violating subsection (4) of this section shall forfeit not less than
10 \$1,000.00 and no more than \$2,000.00 for each violation.

11 (9) EXCEPTION FOR PLACEMENTS UNDER CH. 980, WIS. STATS. (Cr. #17-0928) To
12 the extent required by §980.135, Wis. Stats., and notwithstanding the foregoing provisions of this
13 chapter, the Town of Lisbon hereby exempts and may not enforce any portion thereof that
14 restricts or prohibits a sex offender from residing at a certain location or that restricts or prohibits
15 a person from providing housing to a sex offender against an individual who is released under
16 §980.08, Wis. Stats., or against a person who provides housing to such individual, so long as the
17 individual is subject to supervised release under Ch. 980, Wis. Stats., the individual is residing
18 where he or she is ordered to reside under §980.08, Wis. Stats., and the individual is in
19 compliance with all court orders issued under Ch. 980, Wis. Stats.

20
21
22

TOWN OF LISBON SEX OFFENDER RESIDENCE BOARD
You must type or print answers to every question on this petition

PERSONAL INFORMATION

Full Name: _____

Current Address: _____

Date of Birth: _____ Telephone Number: _____

Age/relationship of those who you **live with now**: _____

To what address do you wish to move? _____

Is this a rental property? _____ If yes, attach a letter from the landlord which shows willingness to rent to you and knowledge that you are a registered sex offender. **Your appeal will not be heard until you provide such proof.**

Age/relationship of those who you **plan to live with**: _____

Name of your Department of Corrections Agent (if applicable) _____

SEXUAL OFFENSE(S)

List every sexual offense on your conviction record and answer the following questions:

Sexual Offense #1 **Conviction Type:** Adult
 Offense Degree (circle one) 1st 2nd 3rd Conviction Date: _____
 Offense: _____ County: _____
 Offense Date: _____ Time Served: _____
 Victim's Age: _____ Sentence: _____
 Are you currently under supervision with the Department of Corrections for this offense? _____

Sexual Offense #2 **Conviction Type:** Adult
 Offense Degree (circle one) 1st 2nd 3rd Conviction Date: _____
 Offense: _____ County: _____
 Offense Date: _____ Time Served: _____
 Victim's Age: _____ Sentence: _____
 Are you currently under supervision with the Department of Corrections for this offense? _____

Your appeal will not be heard until you provide copies of criminal complaint(s); judgments(s) of conviction; and police report(s) for each offense

Are you currently under supervision with the Department of Corrections for this offense? _____
 Check here if you have been convicted of three (3) or more sexual offenses, and attach extra sheets listing the information above regarding those offenses

CRIMINAL HISTORY

Are you currently incarcerated? _____ If so, when is your expected release date? _____

List **ALL** previous criminal convictions below, including date and location of each offense (attach extra sheets if needed):

CRIME (exclude juvenile offenses)	OFFENSE YEAR	IN WHAT CITY DID THIS OCCUR?
1)		
2)		
3)		
4)		

COMPLETED TREATMENT PROGRAMS

This confidential part of your petition will only be available to the Board and not be available to the public

List the names of any treatment programs you have completed and attached a document proving that you have completed that treatment program, or answer "None" if you have not completed any programs.

THE BOARD WILL ASSUME YOU HAVE NOT COMPLETED A TREATMENT PROGRAM UNLESS YOU PROVIDE A DOCUMENT WHICH PROVES YOU HAVE COMPLETED THE TREATMENT PROGRAM AND YOUR D.O.C. AGENT SIGNS BELOW

SUBJECT

NAME(S) OF COMPLETED TREATMENT PROGRAM(S)

Sex Offender _____

Anger _____

Alcohol _____

Drugs _____

DEPARTMENT OF CORRECTIONS AGENCY SIGNATURE (REQUIRED)

I hereby confirm that I am the agent working with or otherwise assigned to the applicant named hereon. I have reviewed the information regarding the petitioner's criminal history and treatment information and believe to the best of my knowledge that it is true and correct

Agent Signature

Print Name

Date _____

Phone _____

COMMUNITY TIES AND SUPPORT

Have you lived in the Town of Lisbon before? _____ If so, what years? _____

Identify, by name, which of the following people or groups will support you if you move to the Town of Lisbon.

NETWORK

NAME(S) OF, & RELATIONSHIP TO, SUPPORTING PEOPLE/GROUPS

Family

Work

Church

Friends

Other

PETITIONER'S SIGNATURE

By signing below, I hereby certify that all statements made on this Petition are **TRUE AND COMPLETE**. I understand that any omissions or untruthful statements will be **GOODS FOR DENIAL** of my Petition. Furthermore, I authorize the Town of Lisbon to conduct a criminal background check and use any information obtained therefrom at my hearing, and to release any and all records pertaining to this Petition to the Sex Offender Residence Board.

I hold Harmless and Indemnify the Town of Lisbon, its officers, agents and employees, and any persons providing the information, from any liability related to performing the background check.

Petitioner's Signature: _____

Date: _____

RETURN THIS COMPLETED PETITION AND REQUIRED DOCUMENTS TO:

Town of Lisbon
Attn: Town Clerk's Office
W234N8676 Woodside Road
Sussex, WI 53089

You will be notified of the date and time of your hearing before the
Town of Lisbon Sex Offender Residence Board, which may be 30-45 days after receipt of
your Petition. You are required to notify us of any mailing address changes during this process.

APPEAL DISPOSITION

Approved _____
Board Chair Signature

Denied _____
Board Chair Signature

Date: _____

Appellant Notified by _____
Signature

Date: _____



000025

REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Town Board
ITEM DESCRIPTION: Ordinance 08-18, Rezoning for Casey's General Store
PREPARED BY: Gina C. Gresch, Administrator
REPORT DATE: Thursday, September 20, 2018
RECOMMENDATION: Adopt Ordinance 08-18, Rezoning for Casey's General Store
EXPLANATION: <p>Earlier this year, the Plan Commission and Town Board held a joint public hearing to rezone land for the proposed Casey's General Store. Casey's has been through the Plan Commission process and received approval. The Plan Commission recommends adoption of the rezoning ordinance which then will be forwarded to Waukesha County to go through their approval process.</p> <p>I recommend adopting Ordinance 08-18, An Ordinance Rezoning LSBT 0244.999.003 from A-3 Agricultural Residential Estate District to B-4 Commercial Special Use Zoning District, for Casey's General Store, for the property located at W220N5701 Townline Road, Lisbon, WI 53089, LSBT 0244.999.003, and recommendation to Waukesha County of the same.</p>

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

Ord. 08-18

ORDINANCE REZONING LSBT 0244.999.003, FROM A-3 AGRICULTURAL RESIDENTIAL ESTATE DISTRICT TO B-4 COMMERCIAL SPECIAL USE ZONING DISTRICT IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, Casey's General Store petitioned the Town of Lisbon to rezone property from A-3 Agricultural Residential Estate District to B-4 Commercial Special Use Zoning District; and

WHEREAS, the change in zoning is consistent with the Town of Lisbon Comprehensive Plan land-use element; and

WHEREAS, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, July 12, 2018; and

NOW, THEREFORE, the Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: The following described property is rezoned from A-3 Agricultural Residential Estate District to B-4 Commercial Special Use Zoning District:

LOT 1 CERT SURV 4061 VOL 32/42 PT SE1/4 SEC 25 T8N R19E R1660/1311.
ALSO KNOWN AS LSBT 0244.999.003

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 24th day of September, 2018.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: _____
JOSEPH OSTERMAN, Chairman

BY: _____
TEDIA GAMIÑO, Supervisor

BY: _____
MARC MOONEN, Supervisor

BY: _____
LINDA BEAL, Supervisor

BY: _____
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: _____
Dan Green, WCMC
Town Clerk



TOWN OF LISBON, WI
2019 TAX INCREMENTAL DISTRICT NO. 1 2017 STATUTE 60.23-60.85 CREATION
Proposed Timetable - 8/29/18

<u>ACTION DATE</u>	<u>STEP</u>
	Town will provide Ehlers with a list of the parcel tax key #'s within the District, pertinent parcel information, the maps, list of projects and costs, etc.
	Ehlers will prepare & provide the Town with a feasibility analysis report, options, and/or draft project plan document
	Plan Commission makes a motion to call for a public hearing (optional)
Sept. 18	Ehlers' will e-mail a Notice to Official Town Newspaper of organizational JRB meeting & public hearing. (cc: Town)
	Ehlers will mail notification letters, along with required enclosures, to overlapping taxing jurisdictions of JRB organizational meeting & public hearing, as well as the agenda - to be posted by the Town. (cc: Town & attorney) <i>(Letters must be postmarked prior to first publication).</i>
Sept. – Oct.	Ehlers will provide Town, overlapping taxing entities, and/or Town Attorney with [revised] draft Project Plan document, if not yet provided and/or necessary, as well as agenda language (Town to post) & resolution (Town to distribute) for first meetings, and will also request legal opinion of the plan.
Sept. 26	First Publication of Public Hearing & JRB Meeting Notice <i>(Week prior to second notice & at least 5 days prior to JRB meeting)</i>
Oct. 3	Second Publication of Public Hearing & JRB Meeting Notice. <i>(At least 7 days prior to public hearing)</i>
Oct. 4 @ 4:30	Joint Review Board meets to review plan, appoint chairperson and public member and set next meeting date. <i>(Prior to public hearing)</i>
Oct. 11 @ 6:30	Plan Commission Public Hearing on Project Plan and approval of TID boundary. <i>(Within 14 days of second publication)</i>
	Plan Commission reviews plan & approval of District Project Plan and boundaries.
Oct. – Nov.	Ehlers will provide Town & Town Attorney with revised draft Project Plan, if necessary, as well as agenda language (Town to post) & resolution (Town to distribute) for Town Board meeting.
Nov. 26 @ 6:30	Town Board reviews Plan & adopts resolution approving District Project Plan and boundaries. <i>(at least 14 days after hearing)</i>
TBD	Ehlers' will e-mail a Class 1 Notice to Official Town Newspaper of JRB meeting. (cc: Town)
	Ehlers will mail notices & required attachments to JRB of the final meeting, along with the Agenda (Town to post). (cc: Town & Attorney) <i>(Letters must be postmarked prior to publication).</i>
TBD	Publication of JRB Meeting Notice <i>(At least 5 days prior to meeting)</i>
TBD	Joint Review Board consideration. <i>(Within 45 days of notification of meeting / receipt of Plan Commission & Town Board resolutions)</i>
Jan. – Oct., 2019	Ehlers will notify the DOR within 60 days of approval that the TID creation took place. Ehlers will then gather prepare, and submit state forms & required documents to the state, once the 2019 assessed parcel values available (following the BOR) & we receive all remaining maps, legal descriptions, parcel information, documents, etc. from the Town. DOR filing deadline October 31.

Plan Commission meets: 2nd Thursday's @ 6:30pm

Town Board meets: 2nd & 4th Monday's @ 6:30pm

Town publishes in the Lake Country Now and Northwest Now and the paper only charges us once. They re-structured their paper boundaries and split Lisbon right down the middle. Publications are on Wednesdays. legal@jmg.com