

**THE CITY OF ASHLAND CONDUCTS THEIR MEETINGS IN PERSON at
CITY HALL COUNCIL CHAMBERS, 601 MAIN STREET WEST, ASHLAND, WI
WITH THE AVAILABILITY TO ATTEND VIRTUALLY**

To join the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/500263957>

Or dial in using your phone.

United States (Toll Free): 1-877-309-2073

Access Code: 500-263-957

Please contact the Clerk's office if you require accommodations to attend the meeting.

ASHLAND COMMITTEE OF THE WHOLE MEETING

Tuesday, January 10, 2023 – 6:00 PM

The Committee of the Whole Meeting immediately follows the adjournment of the Council meeting.

1. Roll Call
2. Approval of Agenda
3. Council President's Report
 - A. **Review of Training Opportunities for City Council Members**
4. Administrator's Report
 - A. **Public Listening Session Report**
5. Discussion Items
 - A. **Discussion Regarding Bringing Final Payments to Council for Approval** (*Public Works*)
 - B. **Discussion and Possible Action Regarding the Ashland Area Farmers Market Becoming a Sub-Committee of the Main Street Board** (*Parks and Recreation Director, Main Street Manager*)
 - C. **Review of the Agenda Bill Creation and Placement of Items on Council or Committee of the Whole Agendas**
6. Items for Future Discussion
7. Adjournment

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact Denise Oliphant at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

SUBJECT: Review of Training Opportunities for City Council Members

RECOMMENDATION: Discussion Only

DEPARTMENT OF ORIGIN: Council President

CLEARANCES:

EXHIBITS:

SUMMARY STATEMENT:

The New Year brings an opportunity to remind councillors of the training opportunities available to them. The City budgets annually for conferences, webinars, and other learning opportunities for council members to take advantage of. Just a few to mention:

The League of Wisconsin Municipalities sponsors multiple offerings of *Local Government 101* held generally after the Spring Election. This is a basic refresher on open meetings, ethics and general governance. This group also sponsors many half- to multiple-day conferences throughout the year, and holds an annual 3 to 4-day conference in the fall.

Superior Days begins as a regional meeting to collaborate with area leaders on the important issues to be lobbied for in Madison in late February. Although the regional meetings are passed, there is time to participate in the efforts at the State Capital.

The UW-Extension office in Ashland County is a resource for training opportunities that may be customized to the City's needs.

The Mayor and Council President are also working to hold more retreats during the year for both Council and staff. If there are topics wishing to be discussed, please bring them forward.

Finally, the Council President offered to hold short training sessions during future Committee of the Whole meetings for review and clarity to general processes and procedures.

SUBJECT: Public Listening Session Report

RECOMMENDATION: Discussion Only

DEPARTMENT OF ORIGIN: Administrator

CLEARANCES: Council President

EXHIBITS:

1.	July 27, 2022 Listening Session Minutes
----	---

SUMMARY STATEMENT:

The Administrator wishes to offer a follow up report from the Public Listening Session held July 27, 2022.

PUBLIC LISTENING SESSION
JULY 27, 2022, 6:00 pm
CITY HALL COUNCIL CHAMBERS

Council President Eric Lindell introduced the listening session and announced procedural rules for the event.

PRESENT: Kevin Seefeldt, Sarah Jackson, Ana Tochtermann, Eric Lindell, Laura Graf, Charlie Ortman, and Dick Pufall.

ALSO PRESENT: Mayor Matt MacKenzie, City Clerk Denise Oliphant, and several concerned citizens.

Dave Frantz: non-working fire hydrant @ 9th & Allis Avenue, has been out of order for months; offered praises to the enjoyable Rotary-sponsored performance by the Kids of Wisconsin during Bay Days.

Debra Weber: church bells ringing throughout the day causing a noise disturbance.

Milt Mickelson: upset about the City cutting his alley width in half; stop corruption and theft in the City.

Mary McPhetridge: goose poop on the beaches needing clean-up; excessive vehicle noise on Main Street in the evenings.

June Bavlnka: crossing at Wal-Mart & US HWY 2 intersection needs lighting to stop traffic for bikes and pedestrians.

Betty LaPeau: bike trail crossing at Wal-Mart & US HWY 2 intersection is too dangerous, needs crossing lights; weed ordinance needs a term/time limit to take care of issues; many wild animals in unkempt yard and garbage at Bay View Motel; questioned location of potential Splash Pad; asked for progress report of Ashland Homeless shelter.

Cyndi May: lack of communication to residents of upcoming construction projects (6th Street East).

Don Jaskowiak: tree branches hanging into walking trails needing trimmed; trees need thinning to open the view of the lake at the Bandshell/Memorial Park; litter at crosswalks throughout town; scrapyard at 6th Street East & Willis Ave is looking better but still needs work; noticing several unleashed dogs in parks, and dog walkers not picking up after their dogs; pothole at SuperOne Foods is a continuous problem; there are many sinkholes in the yards and weeds where grass was to be planted along the boulevard on St Claire Street after last year's construction.

Seeing no other citizens wishing to speak, Lindell ended the meeting at 7:00 PM

SUBJECT: Discussion Regarding Bringing Final Payments to Council for Approval (*Public Works*)**RECOMMENDATION:** Discussion Only**DEPARTMENT OF ORIGIN:** Public Works**CLEARANCES:** City Administrator
City Attorney**EXHIBITS:**

1.	EXAMPLE - Item 8F March 29, 2022
2.	Chapter 194 Procurement of Goods and Services and Approval of change Orders for Public Construction Projects, Ashland City Ordinances

SUMMARY STATEMENT:

Current practice in the administration of capital projects requires Council approval of final payment for all capital projects. This primarily affects the Public Works Department.

In the interest of efficiency and conformance with norms in the construction industry, the Public Works Director has questioned this practice in cases where the project concludes under the established budget. Consultation with the City Attorney has concluded that neither State Statutes nor City Ordinance Chapter 194 Procurement of Goods and Services and Approval of Change Orders for Public Construction Projects, require this practice.

As described below, City staff hold the opinion that there are existing controls in place for financial oversight that make Council approval of final payment a redundant part of the process. In addition, this practice frequently prohibits the City from adhering to norms in the construction industry regarding prompt payment.

A combination of State Statutes and Chapter 194 require Council approval of the award of contracts related to public construction. The information presented in the agenda bill for contract award provides the Council with detailed information on the budget being established for each project. See attached example of an agenda bill provided to Council at the time of the contract award.

"Expenditures Required" consists of the cost of the lowest responsible bidder plus a project contingency fund. Often, the expenditure is split amongst multiple funds, such as a street reconstruction project that includes watermain replacement.

"Amount Budgeted" consists of any funding amounts previously budgeted by the City for a given project. Typically, these amounts are established via Council approval of a Project and Capital List approved in a given budget year. In some rare cases, a capital project may include some funds budgeted via a department's operating budget.

"Appropriation Required" consists of the allocation of any additional funding toward the expenditure not previously budgeted for. Past practice for Water and Wastewater Utility budgets has not included the development of capital plans so these projects typically show an appropriation of funds.

Ordinance 194 establishes requirements for approval of additional capital project costs via change order, specifically Section 194.07 Change Orders. The City Administrator can approve any change order within the project contingency fund established at the time of contract award. Change orders in excess of the project contingency fund may be approved by both the City Administrator and the Finance Director but only up to \$25,000. Any other cost change must be approved by the Council.

These requirements insure that City Council oversight and approval is correlated to any project significantly exceeding the original budget approved by the Council.

The City uses standard form contract documents developed by the Engineers Joint Contract Document Center (EJCDC) for most capital projects. The EJCDC documents were developed through a collaboration between Owners (municipalities, state, federal units of government), Contractors and Engineers to establish a standard set of construction documents for use throughout the United States. The EJCDC documents include a contract that establishes an obligation for the City to pay any amounts due to a Contractor, as recommended by the Engineer for the project.

Payment is typically due within 10 days, with provisions that final payment is due within 20 days. The time required to schedule items for Council meetings and process meeting minutes frequently prohibits the City from adhering to these timelines, creating the potential for Contractors to submit claims for interest due.

Staff is proposing to discontinue the practice of requiring Council approval of final payments, with the City Administrator approving all payments within the project budget approved by Council. No change is proposed for the process for approving change orders, meaning Council would still review any changes that significantly increase the project budget.

This item is scheduled for discussion only to assess if the Council would be comfortable with this change in procedure. The City Attorney will advise if any future Council action is necessary.

SUBJECT: Approve to Accept Bid from Jake's Excavating & Landscaping, LLC, and Award a Contract for the 2022 Watermain Improvements Project (*Public Works*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Finance Director
Public Works Director

EXHIBITS:

1. Bid Recommendation Correspondence, Cedar Corporation - March 24, 2022
2. City of Ashland 4th Avenue W Reconstruction Project Map
3. Bid Tabulation - 4th Avenue W. Reconstruction (6th Street W to 11th Street W)

EXPENDITURES REQUIRED:

	Construction Total	Construction Contingency (10%)	Construction Total
Street Improvements (CP Fund 470)	\$361,594.99	\$36,159.50	\$397,754.49
Water Utility (Fund 680)	\$383,679.76	\$38,367.98	\$422,047.74
TOTAL PROJECT	\$745,274.75	\$74,527.48	\$819,802.23

AMOUNT BUDGETED: \$375,000 - Fund 470 Street Improvements

APPROPRIATION REQUIRED: \$ 23,000.00 - General Fund- Fund Balance
\$422,047.74 - Fund 680 Water Utility

TREASURER'S CERTIFICATE: The Treasurer's Office has certified on March 24, 2023, that Jake's Excavating & Landscaping, LLC is in compliance with the provisions of Ordinance 923.10 Ashland City Ordinances.

COMPLIANCE WITH ORD. 51: The Mayor and/or Clerk consented to placement of this agenda item on the Council agenda as timely action is needed.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed development conforms to the goals and community values identified in the City of Ashland's Comprehensive Plan.

SUMMARY STATEMENT:

Cedar Corporation, on behalf of the City of Ashland Public Works Department, received and opened six bids on March 23, 2022 for the 2022 Watermain Improvements project.

The project consists of the reconstruction of 4th Avenue West (roadway, portions of sidewalk, portions of stormwater, and watermain) from 6th Street West to 11th Street West. See attached project location map.

The need for the project is directly related to the condition of the existing, pre-1900 cast iron water main, which has experienced five breaks in the past twenty years, and also connections to roughly 36 existing lead service laterals (LSLs). Because these LSLs contain lead on the public side of the water service lateral, these 36 properties will only be eligible for replacement via Wisconsin Department of Natural Resources (DNR) funding if the watermain is replaced.

Per the approved 2022 Budget for the Water Utility, the project will be funded primarily by the Water Utility 2022 borrowing which will be brought to Council at a later date due to staff reviewing the options of revenue bonds or a general obligation note. Per the approved 2022 Budget for Capital Project Funds, a combination of funds from the 2021 levy, the approved wheel tax, sidewalk special assessment and fund balance will be used to fund the Fund 470-Street Improvements portion of construction costs.

Due to the rising cost of construction, the total project cost is slightly higher than anticipated. The Public Works Department is requesting use of fund balance in the general fund to allow the project to move forward. The Finance Director has verified that these funds will be available as a carryover from the 2021 City operating budget.

The Public Works Department will complete the removal of the existing street, sidewalk restoration, and boulevard restoration. The cost of this work will be covered by a transfer of the cost of the materials from Fund 471 to Fund 470. The cost of materials associated with these activities is estimated to be \$39,000.

The project was bid with an alternate bid amount to place the final asphalt lift in 2023. The department has selected the alternative at an increase to the project of \$6,380, as waiting one year after utility construction allows the roadway to settle and will provide for a smoother roadway surface.

The lowest responsible bidder was Jake's Excavating & Landscaping, LLC. The Public Works Department, along with Cedar Corporation, recommends awarding the contract to Jake's Excavating & Landscaping, LLC.

194 Procurement Of Goods And Services And Approval Of Change Orders For Public Construction Projects

194.01 Definitions

194.02 Purchases Of \$15,000 Or Less

194.03 Purchases Of More Than \$15,000 And Less Than \$30,000

194.04 Purchases Of More Than \$30,000

194.05 Construction Contracts

194.06 Exceptions

194.07 Change Orders

194.08 Federal Procurement Standards

HISTORY

Amended by Ord. [2022-1959](#) on 3/29/2022

194.01 Definitions

As used in this chapter, the following terms shall have the meanings listed below.

- (a) "Bid" means a bid or quote or, in the case of a service, a proposal or a statement of qualifications.
- (b) "If sufficient funds are budgeted" means, in the case of operation expenditures, that the funds are in the current year's budget; or in the case of capital expenditures, that the funds are in the current year's budget and that the City Council has approved an expenditure for the particular capital item; or in either case, that the expenditure will be reimbursed to the City by a third-party, and if not so reimbursed may be placed on the tax roll against real property in the City, as a special tax, special charge, or special assessment.
- (c) The cost of a purchase means the gross cost of the purchase, including the dollar value of any allowance for a trade-in, and in the case of a capital expenditure includes all costs capitalized with the purchase, including all costs of putting the purchase into service, such as transportation, modifications, or repairs.
- (d) "Professional Services" means services, the value of which are substantially measured by the professional competence of the persons performing them and which are not susceptible to realistic completion by cost alone. Such services include, but shall not be limited to those customarily rendered by architects, engineers, surveyors, real estate appraisers, certified public accountants, attorneys, financial advisors, medical and social service providers, computer software applications, systems development/implementation, management and other consultants, promotional programs such as marketing and advertising, and such other specific services.

HISTORY

Amended by Ord. [2022-1959](#) on 3/29/2022

194.02 Purchases Of \$15,000 Or Less

Purchases of \$15,000 or less may be authorized by the Department Director if sufficient funds are budgeted, but if the cost is over \$10,000 then a minimum of three bids or proposals must be sought by advertisement or by solicitation, unless the City Administrator waives the advertising or solicitation requirement, or a part thereof. The City Administrator may review a purchase or proposed purchase under this section, and may override the Department Director's authority under this section if the City

Administrator deems such action in the public interest. This section applies to the purchase of tangible personal property and including construction contracts for \$15,000 or less.

HISTORY

Amended by Ord. [2022-1959](#) on 3/29/2022

194.03 Purchases Of More Than \$15,000 And Less Than \$30,000

Purchases of more than \$15,000 and less than \$30,000 may be authorized by the City Administrator if sufficient funds are budgeted, but bids or proposals must be sought by advertisement or by solicitation, in which case a minimum of three bids or proposals must be sought by advertisement or by solicitation, unless the City Administrator or Mayor waive the advertising or solicitation requirement, or a part thereof. . This section applies to the purchase of tangible personal property and to services, including construction contracts for more than \$15,000 and less than \$25,000 (or such other amount as by future statutory amendment sec. 62.15, Wis. Stats., requires advertisement and contracting with the lowest responsible bidder).

HISTORY

Amended by Ord. [2022-1959](#) on 3/29/2022

194.04 Purchases Of More Than \$30,000

Purchases of more than \$30,000 may be authorized by the City Council upon advertisement, unless the advertisement requirement is waived by a majority vote of the City Council. Advertisement may be supplemented by solicitation or, upon approval by a majority vote of the City Council, may be substituted for advertisement. This section applies to the purchase of tangible personal property and to services, but does not apply to construction contracts under sec. 62.15, Wis. Stats.

194.05 Construction Contracts

- (a) Construction contracts equal to and exceeding \$25,000 (or such other amount as by future statutory amendment sec. 62.15, Wis. Stats., requires advertisement and contracting with the lowest responsible bidder) shall be let according to the requirements contained in state statutes.
- (b) Construction contracts for projects where the estimated cost is greater than \$5,000 but less than \$25,000 (or such other amount as by future statutory amendment sec. 62.15, Wis. Stats., requires advertisement and contracting with the lowest responsible bidder), must be sought by advertisement or by solicitation, unless the City Administrator or Mayor waive the advertising or solicitation requirement, or a part thereof. If a request for proposals or for bids is not advertised, then proposals or bids shall be sought from at least three contractors. Prior to the letting of any contract under this section, a class 1 notice must be published of the intended construction and contracting, unless the material or labor for the project are donated, or unless the project is for repair and reconstruction due to an emergency. Any contract under this subsection may be authorized by the City Administrator or the Administrator's designee if sufficient funds are budgeted.
- (c) Any of the following classes of public construction or any part thereof may be done by the City without submitting the same for bids:
 - (1) Roadway work, including: Storm Water system repair, replacement and reconstruction; sidewalk repair, replacement and reconstruction; curb/gutter repair, replacement and reconstruction; replacement of street lighting; addition and replacement of street signage; street painting; and replacement and conditioning of gravel and paving.
 - (2) Water utility work, including: Distribution system repair, replacement and reconstruction; treatment plant & storage facilities component repair and replacement.

(3) Wastewater Work, including: Collection system repair, replacement and reconstruction; treatment plant & pumping facilities component repair and replacement.

(d) Any other class approved by a vote of three-fourths of the members-elect of the City Council.

HISTORY

Amended by Ord. [2022-1959](#) on 3/29/2022

194.06 Exceptions

Bids are not required for the following purchases:

- (a) Operating supplies and maintenance agreements, except items budgeted under series 800 object codes.
- (b) Products for which only one supplier exists.
- (c) Emergency purchases, such that the time spent to obtain bids would threaten health, safety, the environment, and public or private property.
- (d) Professional Services.

HISTORY

Amended by Ord. [2022-1959](#) on 3/29/2022

194.07 Change Orders

- (a) Change orders on City contracts may be approved by the City Administrator if there is a contract contingency fund sufficient to cover the amount of the change order.
- (b) Change orders on City contracts may be approved by the City Administrator in excess of the total budgeted amount for a project, including the contingency fund, upon request of the Department Director and the approval of the Finance Director to rebudget department funds but for no more than \$25,000.
- (c) All other change orders must be approved by the City Council.

HISTORY

Amended by Ord. [2022-1959](#) on 3/29/2022

194.08 Federal Procurement Standards

- (a) Procurement of goods and services that pertain to the expending of federal grant dollars shall follow guidelines per the Office of Management and Budget (OMB) Uniform Guidance procurement standards 2 CFR 200.318 through 200.326 or Sections 194.01 through 194.08 of this Chapter whichever is more stringent.

SUBJECT: Discussion and Possible Action Regarding the Ashland Area Farmers Market Becoming a Sub-Committee of the Main Street Board (*Parks and Recreation Director, Main Street Manager*)

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks and Recreation Department and Main Street Program

CLEARANCES: Administration

EXHIBITS:

SUMMARY STATEMENT:

The Ashland Area Farmers Market is requesting to come under the umbrella of the City of Ashland and become a sub-committee of the Main Street Board.

Earlier this year, the Ashland Area Farmers Market was denied 501C-3 status. This limits their ability to offer/take EBT card payments and apply for grants.

The City staff feels this is an important community asset and brings value to our community and the Main Street Program.

The Farmers Market is a solvent organization; its current revenue offsets any expenses.

The subcommittee will consist of three members from the current Ashland Area Farmers Market Board and one member of the Main Street Board. Thus far, Scott Weber has volunteered to serve on the subcommittee.

SUBJECT: Review of the Agenda Bill Creation and Placement of Items on Council or Committee of the Whole Agendas

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: Council President

EXHIBITS:

1.	Chapter 51 City Council Procedure, Ashland City Ordinances
----	--

SUMMARY STATEMENT:

For the benefit of staff and Council alike, this item intends to serve as review of the initiation process of an agenda item and placement on the respective agenda.

Agenda items are brought forward for discussion or Council approval through the general guidelines in the Ashland City Ordinances, particularly [Chapter 51.10](#), which outlines the introduction and preparation of an agenda item. Councilors and staff alike, are to provide the information and supporting materials necessary for discussion of their item. The intention or outcome of the topic should be made clear within the agenda item to give direction for discussion.

Prior to publishing the agenda and packet material, the Mayor, Council President, Clerk and Administrator meet to review all items on both the Council and Committee of the Whole agendas. [Section 51.26](#) outlines the procedure for determination of the placement of items onto each agenda, stating, "All items must receive favorable recommendation by the Committee of the Whole prior to placement on the Council agenda...." with exceptions listed.

During preparation of the agendas, it is ultimately the Mayor's discretion as to the order of agenda items and placement on the agendas.

During the meeting and while approving the agenda, a member of the council may motion to move or remove any item. This motion requires a second and a 2/3 vote to carry.

CHAPTER 51. CITY COUNCIL PROCEDURE.

51.01. Statutory Procedures. Any conflict between the procedures set forth in Secs. 62.11(1) – (4), Wisconsin Statutes, and this Ordinance shall be resolved in favor of the statutory procedures unless the statute authorizes the City to deviate from those procedures, in which case the procedures set forth in this Ordinance shall control.

51.02. Applicability. Except as specifically provided herein, these procedures apply to meetings of the Common Council and not to meetings of the Committee of the Whole.

51.03. Meetings, Time, Date and Notice.

(a) Regular meetings of the City Council and Committee of the Whole shall be held on the dates and times determined by Resolution passed by the City Council. If circumstances require a change in regular meeting date, the Mayor shall notify the Council members, the media and general public in writing at least seven days prior to the regularly scheduled meeting date except in exigent circumstances. All meetings of the City Council, and all meetings of any standing or ad hoc committee of the Council, shall be held in compliance with the Wisconsin open meeting law.

(b) Following the spring election of each year, the Common Council shall meet on the third Tuesday of April for the purpose of organization. The Council President shall be selected by a majority vote of the Council members at the annual Reorganizational meeting.

(c) If any meeting date, as fixed by par. (1), falls on a legal holiday, the meeting shall instead be held on the first business day after the holiday at the same hour and place.

(d) No meeting of the Council, the Committee of the Whole, or a combination of the two held on the same day shall exceed three hours in length. At such time as the three hour mark is reached, the presiding officer shall take a vote of the body to determine if the body wishes to continue beyond the three hour mark in order to complete action on the matter then on the floor, or to take up specific items later on the agenda. A majority vote shall be required to continue the meeting. No matter not on the floor at that time may be taken up after the three hour mark is reached except as approved by such a vote or except for adjournment or except for a matter which, because of legal requirements, must be acted on before the next meeting of the Council.

(e) Ashland City Council and Committee of the Whole shall have the ability to meet in person, virtually, or hybrid (in-person and virtually at the same time). The public has the ability to attend virtually or in person and the ability to speak during public participation period via either method. Virtual attendance is achieved using a designated conferencing program as determined by the City Clerk as the sole method of engagement and attendance other than being in person.

The attendance of any member of the council, in-person or virtually, shall count towards a quorum of such council and that member shall have the full authority to engage in discussions and vote as if they were physically present at the meeting.

The expectation of any member of Council is to attend a meeting in person unless the following conditions apply:

- a) An emergency Order by any federal, state, or local authority discourages in-person gatherings or travel.
- b) Other responsibilities remove a member from the region prohibiting in-person attendance.
- c) Medical precaution due to health concerns, illness or diagnosis.

Reasonable notice of virtual attendance shall be given to the City Clerk's office based on technology needs. If notice is not given with adequate notice, members shall be counted as absent unless physically present at the meeting.

51.04. Special Meetings.

(a) Who may call. Special meetings of the Council may be called by the Mayor or Council President and special meetings of the Committee of the Whole may be called by the Council President.

(b) Notice of special meetings.

(1) For the purpose of scheduling a special meeting, the City Clerk shall attempt to determine availability of members by notifying each member of the time and purpose of such meeting. If a quorum is likely, a copy of the notice will be delivered personally to the member or left at the member's residence at least six hours prior to the meeting. If a quorum is not likely, the Mayor or Council President will specify an alternate date to be held as quickly as possible and the Clerk shall provide notification to all Council members.

(2) Public notice shall be given in accordance with sec. 19.84, Wisconsin Statutes.

51.05. Calling the Meeting to Order; Who is to Preside.

(a) The Mayor shall preside and call meetings of the Common Council to order. If the Mayor is absent, the President of the Council shall preside. If the President of the Council is absent, the senior member of the Council present (based on the length of continuous unbroken service) shall preside until the Council, by motion, selects an acting president for that meeting.

(b) At Committee of the Whole meetings, the Council President shall preside and call the meeting to order. If the Council President is absent, the Mayor shall preside. If the Mayor is absent, the senior member of the Council present (based on the length of continuous unbroken service) shall preside.

(c) In the absence of the Clerk, the Deputy Clerk shall act as Clerk for the meeting. In the absence of the Deputy Clerk, the Mayor or Council President shall appoint a Clerk for that

meeting.

(d) The presiding officer shall make all procedural rulings regarding the conduct of the meeting. Any procedural ruling by the presiding officer may be appealed to the Council or Committee of the Whole, by motion and second, and may be reversed by a majority vote.

51.06. Roll Call and Opening Business (Effective May 1, 2015). After the presiding officer calls the meeting to order, the Clerk shall call the roll, to be followed by a Moment of Silence or an Invocation, as determined by the Common Council at its Reorganizational Meeting, and the Pledge of Allegiance.

51.07. Call of the House.

(a) Any member may request, by motion, a call of the house in the presence or absence of a quorum, and thereby require absent members to be sent for. Such a motion is in order at any time, except when the Council is engaged in voting. The motion shall be decided by an affirmative vote of a majority of all members present.

(b) While the City Council is under call and a quorum is present, business may be transacted as if there were no call. If a quorum is not present, then the Council may either wait for the arrival of absent members to form a quorum or may adjourn.

(c) When the attendance of absent members is secured, each member shall have the opportunity to explain his or her absence; however, such explanation will not be mandatory.

51.08. Approval of Minutes and Agenda. A copy of the minutes of the last meeting shall be submitted by the Clerk for review by all members and any mistakes therein corrected on the Council floor. The proposed agenda with any revisions must be approved by majority vote of Council or Committee of the Whole prior to conducting any business. No business may be added to the agenda that was not given public notice prior to the meeting.

51.09. Order of Business. At all regular meetings, the following order shall be observed, unless otherwise provided in the approved agenda. The order of business may be changed by a majority of the Common Council during the approval of the agenda. No business may be taken up out of order except by majority consent.

(a) Call to order.

(b) Roll Call, Moment of Silence or an Invocation, as determined by the Common Council at its Reorganizational Meeting, and Pledge of Allegiance.

(c) Approval of the Agenda.

(d) Approval of previous Council meeting minutes.

(e) Citizen Participation Period.

(f) Mayor's Report, Announcements and Appointments.

(g) Consent Agenda to include reports or minutes of Committees, Commissions, Boards, and items unanimously approved by Committee of the Whole.

(h) Other business.

(i) Listing of topics, without discussion, for future agendas.

(j) Adjournment.

51.10. Introduction of Business.

(a) (1) All items for Council consideration shall be in writing accompanied by such explanatory materials as appropriate, together with the name of the authors presenting the same and shall be delivered to the Clerk. (2) All items for Committee of the Whole consideration shall be prepared as follows: Councilors will create and write an agenda bill using an agenda bill form template which shall be reviewed by the Council President and the Clerk for formatting before adding it to the Committee of the Whole agenda. The Clerk will create a final version of the agenda bill in the appropriate format. If the item is approved by a majority of the Common Council at the Committee of the Whole, the writing of the agenda bill would then be directed to the appropriate Committee or staff member, or to the Councilor if he/she desires to be responsible for writing the agenda bill. The Councilor would receive assistance from the appropriate staff member(s) in the preparation of the agenda bill. The agenda bill would then be placed on a future Committee of the Whole or Council agenda following the guidelines in Ordinance 51.

(b) Except as provided in this section, no business shall be placed on a Council or Committee of the Whole agenda without an identification of its origin. Any proposal denied by the Committee of the Whole, or other Committee, Commission or Board may be re-introduced to the City Council, if the City Council has the statutory power to override the denial.

(c) Before an ordinance or resolution is introduced, a copy shall be filed in the office of the City Clerk by 9:00 a.m. on the Tuesday preceding the meeting at which it is to be introduced. The Council may waive this requirement.

(d) No ordinance or resolution, having once been defeated, may again be introduced in the same or in substantially similar form, sooner than ninety (90) days from the date when such ordinance or resolution was defeated.

(e) Routine housekeeping or emergency measures may be placed on the agenda at the Clerk's discretion without referral to committee.

(f) A committee shall take action on any matter referred to it within a period of 60 days unless this time is extended by vote of the Council or approved by the Mayor.

51.11. Presiding Officer to Preserve Order – Council and Committee of the Whole Meetings.

(a) The presiding officer at a Council or Committee of the Whole meeting shall preserve decorum and ensure that order and civility is maintained throughout the meeting. If a member or visitor does not follow the Council's rules, the presiding officer may, on his or her own motion, or may, at any member's request, call the offending member or visitor to order. The Council, if appealed to by a member, shall decide the matter.

(b) Members of the Council also share in the responsibility of ensuring that proper conduct and civility is maintained at all times. A point of order is in order at any time. Prior recognition by the presiding officer is not required.

(c) When an offending member or visitor is called to order, that person shall immediately be silent and await the decision of the presiding officer. If action is not taken by the presiding officer or enforced by the presiding officer, appeal may be made by a member to the Council. Any visitor continuing to violate the rules may be expelled by order of the presiding officer from the room or building where the Council or Committee of the Whole is meeting, subject to appeal by a Council member and final decision by the Council or Committee of the Whole. Any member of the Council continuing to violate the rules may be expelled by order of the Council or Committee of the Whole from the room or building where the Council or Committee of the Whole is meeting. No Council member who has been expelled from a meeting shall receive any pay from the City for attendance at that meeting.

51.12. Addressing the Council or Committee of the Whole.

(a) No member shall address the Council or Committee of the Whole until recognized by the presiding officer. All comments shall be addressed to the presiding officer. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first. Each member has a right to speak on each issue unless the question has been called.

(b) After a motion has been made and seconded, the member who made the motion shall have first priority to speak to the motion and shall be called on by the presiding officer to do so. The presiding officer shall recognize members and determine the order in which they shall speak. A member who has not yet spoken to an issue may be given priority over another member who has already spoken to the issue. Otherwise, the presiding officer shall generally recognize members in the order of their requests and shall name each member who is to speak.

51.13. Public Participation: Citizen Participation Period.

(a) The following are the rules that apply to citizen comment during the public participation period, and shall be read aloud by the Clerk before each public participation period:

(1) Citizens may speak during the Citizen Participation Period.

(2) Audience members may speak outside of the Citizen Participation Period only by

approval of a majority of the Council. If you wish to speak outside of the Citizen Participation Period, please raise your hand and wait for the presiding officer to recognize you.

(3) Citizens will be allowed to speak for 3 minutes.

(4) Speakers will refrain from profanity and use of derogatory, accusatory, or inflammatory remarks.

(5) All citizens are entitled to advance notice of topics that will be discussed at Council and Committee of the Whole meetings. Therefore, Councilors and staff members will not respond to citizen comments during the meeting. They will only listen. The Council or Committee of the Whole, as allowed by the Presiding Officer (that is, the Mayor or the Council President) may address the matter by putting it on a future agenda for discussion or by providing for some other kind of follow-up.

(6) The Council may not take action on any matter not on the agenda.

(7) Any citizen wishing to present written materials to the Council shall leave them at a place designated by the presiding officer.

(b) If the presiding officer decides that a citizen's comments are not relevant or are derogatory, accusatory, or inflammatory, or that the citizen has spoken beyond the time allotted, the presiding officer may, subject to appeal to the Council by a Council member, do any of the following:

(1) Order the citizen to modify his or her comments;

(2) Order the citizen to refrain from speaking;

(3) Order the citizen to leave the Council Chambers; or

(4) Take such other steps as may be necessary to ensure the efficient conduct of the Council's business.

51.14. Public Participation: Public Hearings. In conducting a public hearing, the Council or Committee of the Whole shall allow all interested parties an opportunity to speak on the subject matter of the hearing. Each speaker shall have a time limit of five minutes to address the Council or Committee of the Whole unless modified by majority vote.

51.15. Public Participation: Other. Citizens may be allowed to speak at times other than the Citizen Participation Period upon approval by a majority vote of the Council or Committee of the Whole. Speakers shall be limited to three minutes. All limitations on citizen comment set forth in sec. 51.13 apply to comments made during other times of the meeting.

51.16. No Persons Allowed on Council Floor Except Members of the Council. No persons except members and officers of the Council shall be allowed to come to the Council floor during

the session of the Council or Committee of the Whole without the permission of the presiding officer or a recommendation of any Council member and approval by a majority vote of the Council.

51.17. Motions – Council and Committee of the Whole. Once a motion has been made and seconded, but before its final reading by the Clerk as provided below, the motion or the second may be withdrawn, and by mutual assent of the maker and the seconder of the motion, the motion may be amended. Upon request of the presiding officer or of any member, the motion shall be read again by the Clerk prior to the vote. The Clerk shall announce the result of the vote upon its conclusion.

51.18. Motion to Adjourn – Council and Committee of the Whole. A motion to adjourn shall always be in order, unless the Council or Committee of the Whole is engaged in voting, and shall be decided without debate. The member must be recognized by the presiding officer before the motion can be made.

51.19. Calling the Previous Question– Council and Committee of the Whole. Upon motion and second to call the question, the Council or Committee of the Whole by a majority vote may terminate debate on any question. A motion to call the previous question shall be voted on without debate.

51.20. Form of Question – Council and Committee of the Whole. The call for the vote shall be stated substantially as follows:

- (a) If a voice vote: All those in favor of ... signify by saying ‘yes’, those opposed, ‘no.’
- (b) If a roll call vote: All those in favor of ... signify by saying ‘yes’, those opposed, ‘no’ and the Clerk will call the roll.

51.21. Taking and Recording the Vote. The votes for and against shall be taken and recorded upon any motion, resolution, or ordinance before the Council or Committee of the Whole, or upon any other question at the request of the Mayor or any Council members. While a roll call is in progress, the members shall vote from their seats, and no member may explain a vote during the roll call.

51.22. Roll Calls to be in Continuous Rotation. On roll call votes at Council and Committee of the Whole meetings, the Clerk shall progress one (1) name on the Council roster beginning each meeting when beginning each roll call vote.

51.23. Voting.

- (a) Majority Vote All motions, resolutions, and ordinances shall be passed by an affirmative vote of a majority of all the members of the Common Council or Committee of the Whole present unless an extraordinary vote is required by law. In all cases, a majority of the votes cast shall be necessary for Council action, provided a quorum has voted.

(b) Tie Vote The Mayor shall not vote except in the case of a tie. When the Mayor does vote in the case of a tie, his or her vote shall be counted in determining whether a sufficient number of the Council or Committee of the Whole has voted favorably or unfavorably on the measure.

(c) Abstentions – Council and Committee of the Whole.

(1) A Council member shall not vote on any proposed motion, resolution, or ordinance in which he or she has a direct pecuniary or personal interest not common to other members of the Council.

(2) A Council member who is required by law to abstain from voting on any particular matter shall not be counted as present for purposes of determining whether a quorum exists for the vote or whether a sufficient number of Council members have voted in favor of the matter for it to be approved.

(d) Vote Changes – Council and Committee of the Whole. A Council member may not change a vote once the vote is cast.

51.24. Motions to Reconsider and Rescind.

(a) Motion to reconsider. Except for those motions which under parliamentary procedure are not subject to reconsideration, it shall be in order for any member who voted in the majority to move a reconsideration of such vote at the same or next succeeding regular meeting of the Council (if the action to be reconsidered was taken at a Council meeting) or at the same or next succeeding regular meeting of the Committee of the Whole (if the action to be reconsidered was taken at a meeting of the Committee of the Whole). A motion to reconsider having been lost shall not be again in order.

(b) Motion to rescind. A motion to rescind may be made by any member at any time, if a motion to reconsider is no longer procedurally available, except when something has been done as a result of the vote that the Council cannot undo, such as when a contract has been entered into with a third party based on the vote. A motion to rescind is the same as a motion to amend, with the effect of the motion, if approved, being the deletion of the entire previous act which is the subject of the motion.

51.25. Rules to Govern Council and Committee of the Whole. In the absence of a standing rule, the Council and Committee of the Whole shall be governed by the most current version of Robert's Rules of Order kept on file in the City Clerk's office. The most current version of the League of Municipality Handbook kept on file in the City Clerk's office shall be used to determine rules of order when an item is ambiguous or Robert's Rules of Order are unclear.

51.26. Committee of the Whole.

(a) The City Council may meet as a Committee of the Whole following the conclusion of each Regular Council meeting. The President of the Council shall preside over the Committee of the Whole meeting and call the meeting to order. The Committee of the Whole shall consider

items proposed for action and make recommendations for following Council agendas. All items must receive favorable recommendation by the Committee of the Whole prior to placement on the Council agenda except as provided in subsection (b), below.

(b) The following matters may be placed on a Council agenda without first receiving recommendation from the Committee of the Whole:

- (1) Recommendations of the City Attorney relating to accounts and claims.
- (2) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
- (3) Changes to ordinances and resolutions which may be mandated by state or federal law.
- (4) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
- (5) Petitions for direct legislation pursuant to the provisions of sec. 9.20, Wis. Stats.
- (6) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget.
- (7) Changes to ordinances and resolutions which are intended to correct errors, omissions or inconsistencies therein.
- (8) Items which require action in a timely manner as declared by the Clerk or Mayor.

51.27. Appointment of Special Committees. All special committees of the Council shall be appointed by the Mayor and confirmed by the Council unless otherwise directed by the Council, and all special subcommittees of the Committee of the Whole shall be appointed by the Council President and confirmed by the Committee, unless otherwise directed by the Committee.

51.28. Council and Committee of the Whole Agenda Preparation.

(a) A proposed agenda, together with relevant materials and communications, shall be prepared by the City Clerk and delivered to the Mayor and Council members not later than 3 business days prior to a regular Council or Committee of the Whole meeting. A similar agenda shall be prepared and delivered for special meetings of the Council, time permitting. No item may be acted on by the Council unless it is included in the proposed agenda. The proposed agenda for a Council meeting shall be prepared at the direction of the Mayor. The proposed agenda for a Committee of the Whole meeting shall be prepared at the direction of the Council President. Prior to the time established by this section for the preparation of the agenda, the Mayor and Council President shall confer for the purpose of coordinating the Council and Committee of the Whole agendas, taking into account the nature and number of the items of business to be considered at the meetings, and any other considerations deemed relevant by

them.

(b) The proposed agenda with supporting documentation shall be available at the City Clerk's office for public inspection and copying two business days prior to a regular Council or Committee of the Whole meeting. The agenda and materials for a special Council meeting shall be available as soon as prepared and assembled by the City Clerk.

(c) The City Clerk shall, upon request, make copies of the agenda and accompanying material available for distribution and may make a charge therefor sufficient to recover copy expenses (as provided for in Codification Ordinance 165 - Comprehensive Fee Schedule), provided one copy shall be made available without charge to each recognized news organization serving the City.

(d) Additions to or deletions from the proposed agenda may be made by the City Clerk and by other City officers upon request or approval of the Mayor, until 12:00 noon of the day of the Council or Committee of the Whole meeting. At such time, the City Clerk shall prepare a set of materials, to include materials not previously delivered, for the Mayor and each member of the Council, which shall be available in the Clerk's office until 4:00 p.m. the day of the Council meeting and available at the meeting place of the Council or Committee of the Whole one-half hour prior to the time scheduled for convening the meeting.

51.29. Consent Agenda.

(a) The City Clerk, subject to approval of the Mayor, shall place on the Consent Agenda items which in the Clerk's judgment are routine and noncontroversial and require no special vote or action by the Council. An item on the Consent Agenda may be removed by motion, second, and majority vote of the Council. Such motion shall be in order either at the time of the approval of the agenda or at the time of the consideration of the Consent Agenda. Any item or part thereof removed from the Consent Agenda by action of the Council shall be separately considered at the appropriate time in the Council's regular order of business. Any items approved unanimously at a Committee of the Whole meeting will be placed on the Consent Agenda. Any item that requires more than a simple majority of the Council members in attendance to approve shall not be placed on the Consent Agenda.

(b) No separate discussion or debate on matters included in the Consent Agenda shall be permitted. A single motion, seconded and adopted by majority vote of the Council shall be sufficient to approve, adopt, enact or otherwise favorably resolve any matter listed on the Consent Agenda without separate reading or discussion thereof.

51.30. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

51.31. Suspension of Rules. These rules or any part of them may be suspended by the Council or Committee of the Whole in connection with any matter under consideration by a vote of two-

thirds (2/3) of the members present.

51.32. Amending rules. By a recorded vote of two-thirds (2/3) of all the members of the Council, these rules or any part of them may be amended.

51.33. Effective Date. This ordinance shall take effect upon passage and publication except as indicated in sec. 51.06 in the text of the amendment.

ADOPTED: 51 (1814) 8/27/2013

AMENDMENTS: 51 (2015-1847) 8/11/2015; 51 (2016-1875) 7/12/2016
51 (2017-1896) 8/29/2017; 51(2021-1949) 8/10/2021; 51 (2022-1966) 7-
26-2022

SUBJECT: Items for Future Discussion

RECOMMENDATION:

DEPARTMENT OF ORIGIN:

CLEARANCES:

EXHIBITS:

SUMMARY STATEMENT: