



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final Common Council

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Tuesday, April 15, 2014

7:00 pm

Council Chambers

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### 2014 INFORMAL ORGANIZATIONAL MEETING and Oaths of Office.

- A. PLEDGE OF ALLEGIANCE TO THE FLAG
- B. OATHS OF OFFICE
- C. ROLL CALL OF ALDERPERSONS
- D. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- E. DISCUSSION ON RULES OF COUNCIL AND DEPARTMENT AND COMMITTEE FUNCTIONS.

**14-669** Rules of Council

Attachments: [Council Rules - \(Redlined\) 04-11-14.pdf](#)

- F. DISCUSSION ON RESOLUTIONS SUBMITTED BY ALDERPERSONS

**14-651** #19-R-13 - Smith - Submitted at the July 10, 2013 Council meeting.  
REFERRED TO: 2014 Organizational Meeting.

Whereas, a resolution passed by the Common Council, the duly elected governing body for the city of Appleton, has the possible effect of changing the City Charter, ordinances, city operations, give direction for a specific action or other actions.

BE IT RESOLVED, that when a resolution has been passed, it is the expectation that said resolution will be carried out fully as the intended purpose and expectation of the Common Council and not to be modified by any committee in a way that weakens the resolution.

Once passed this resolution will affect all resolutions passed in starting in 2013.

- 14-652**      #7-R-14 - Lobner/Croatt - Submitted at the March 19, 2014 Council Meeting  
REFERRED TO: 2014 Organizational Meeting

*“BE IT RESOLVED that no member of the common council shall speak on behalf of an absent member of the council unless reading directly from a written statement from the absent member with the expressed consent of said member.”*

- 14-653**      #14-R-14 - Croatt - Submitted at the April 2, 2014 Council Meeting.  
REFERRED TO: 2014 Organizational Meeting.

“WHEREAS, The motion to refer back is an important tool for legislators and when used appropriately, it can be vital to the decision-making process by providing the opportunity for new information to be presented for consideration and can be used for other important reasons.

AND WHEREAS, A motion to refer back results in additional meetings for committee /council members, staff members, legal professionals, members of the media, and citizens of Appleton. These additional meetings are valuable only if new information is being presented or another valid reason is provided.

AND WHEREAS, Adequate opportunity for discussion and debate should be provided in an effective and efficient manner.

AND WHEREAS, Providing clarity for extending the legislative process would assist with avoiding City of Appleton Page 16 Common Council Meeting Minutes April 2, 2014 confusion and would provide all interested parties the rationale behind the motion to refer back.

THEREFORE BE IT RESOLVED, Any Alderperson requesting an action item refer back be required to state a specific reason why the request for refer back is being made. The reason to be provided immediately after the refer back request is made.”

S.      OTHER BUSINESS

T.      ADJOURN

CHARLENE M. PETERSON, CMC/WCMC  
City Clerk

*Reasonable accommodations for persons with disabilities will be made upon request  
and if feasible.*

# **RULES OF COUNCIL**

Adopted **4/17/2013**

**Rule 1. Common Council Meeting Date / Time** - The regular meeting of the Common Council shall be held on the first and third Wednesday of each month at seven o'clock p.m. Special meetings shall be called in accordance with the General Charter.

**Rule 2. Call to Order** - The presiding officer shall call the meeting to order. The Council members will indicate their attendance by pressing the attendance button on their control console. If a quorum is present (Wisconsin Statutes quorum is two-thirds of Council membership) the Council shall proceed to business, and if there is no quorum present the members present may compel the attendance of absent members or adjourn.

## **Rule 3. Order of Business**

- a. Invocation
- b. Pledge of Allegiance to the Flag
- c. Roll Call of Alderpersons
- d. Roll Call of Officers and Department Heads
- e. Public Participation

The Council provides a 15 minute period of time to allow public participation at each Council meeting. The City Clerk shall be the official time keeper. Public participation shall be limited in subject matter to issues appearing on the Council Agenda. Persons wishing to speak must sign the registration list prior to 7:00 p.m. on Council night. Suspension of Rules will be required to allow public participation to exceed the time allotment. An extension granted by the Suspension of Rules shall be for-15 minute increments.

- f. Approval of previous Council meeting minutes
- g. Business presented by the Mayor
- h. Public hearings, elections, appointments
- i. Special resolutions
- j. Establish Order of the Day

The presiding officer will call for the order of the day. To establish the order, an Alderperson may make one request to change the order of the day, not multiple requests, when recognized by the Chair. Should an Alderperson have another request, this is allowed when the alderperson is again recognized by the Chair. The Common Council will agree upon any other process to request a change to the order of the day. If possible, refer backs by Alderpersons should take place during the “Establish Order of the Day” portion of the meeting. If there are any objections, a vote of support to the chair’s ruling can be asked for and approved by a simple majority.

- k. Reports of Standing and Special Committees
  - 1. Safety and Licensing Committee
  - 2. Municipal Services Committee
  - 3. City Plan Commission
  - 4. Parks and Recreation Committee
  - 5. Community and Economic Development Committee
  - 6. Utilities Committee
  - 7. Fox Cities Transit Commission
  - 8. Board of Health

9. Human Resources Committee

10. Finance Committee

l. Consolidated Action Items

m. Approval of Ordinances

n. Presentation of:

License applications

Letters

Remonstrances

Memorials

Accounts

Miscellaneous

o. Presentation of Resolutions

p. Other Business

q. Adjournment

Rule 4. **Resolutions / Reports** - All resolutions and reports before the Council shall be in writing and all reports of Committees shall be signed by the Chair, Vice Chair or Secretary.

Rule 5. **Recognition / Time Limits** - When a member desires to be heard he/she shall indicate by pressing the call in button on the control console. The Chair will recognize the speakers in the order they have pressed their call-in button. When he/she is recognized by the Chair he/she shall rise and address the Chair by proper title expressing his/her desire to speak on any question. No member shall speak more than five (5) minutes or more than twice (2 times) on any question without permission from the Chair. A non-member of the Common Council shall not be permitted to address the same, except by a majority consent of this Common Council. This rule shall not apply to any public hearing.

Rule 6. **Motion(s)** - When a motion is made, it shall be stated by the Chair or if in writing, it shall be read by the City Clerk. Any motion (except to adjourn, to postpone, or

commit) shall be reduced to writing if required by the Chair or any member of the Common Council.

Rule 7. **Roll Call Vote** - The ayes and nays shall be ordered upon any question at the request of any member, including Committee of the Whole, and the roll call vote will be cast.

Rule 8. **Voting / Conflicts of Interest** - Every member present, when a question is put, shall vote aye or nay, or abstain from voting. An Alderperson who either has a conflict of interest that plans to abstain from a vote or, plans to abstain for any other reason, shall refrain from debating such issue. This rule will apply to the meetings of the Common Council, Committee of the Whole, and all Standing Committees, Commissions and Boards.

Rule 9. **Majority Rules** - Any resolution, ordinance or action item on a report of a standing committee, commission or board shall require an affirmative vote of a majority of the members of the Common Council for passage unless a super majority is required by the State Statutes or Municipal Code. (Majority of members = 8, Two-thirds of members = 10, Three-Quarters of members = 12, Four-Fifths of members = 12)

Rule 10. **Reconsideration** - No motion to reconsider shall be made except by a member who voted on the prevailing side, or a member who had an excused absence from the previous Common Council meeting. A motion to reconsider shall be made and seconded at the same or next meeting of the Common Council. If the reconsideration of an item occurs and the item is not listed on the Common Council agenda, the item will be automatically referred back to the committee of jurisdiction.

Rule 11. **Suspension of Rules** - No rule shall be suspended, rescinded or amended without the vote of two-thirds of the Common Council members present. An Alderperson requesting a suspension of the Rules will state the reason for the suspension in their motion and

the vote will reflect the suspension only for said purpose.

Rule 12. **Separate Vote** - Any member of the Common Council requesting a separate vote shall be granted that request by the Chair.

Rule 13. **Call the Question** - The motion to call the question cannot be used when the speaker yields to another and then regains the floor. No member can call the question while speaking to the issue. The motion to call the previous question will be allowed during deliberations of the Committee of the Whole.

Rule 14. **Referrals** - A request by an Alderperson to refer an item back to committee shall be automatic. A subsequent request to refer back shall be by a motion and carried by a simple majority vote of the members of the Common Council present. The Alderperson using the automatic refer-back shall present his/her rationale for taking the action. The Alderperson shall appear at the next meeting of the committee of jurisdiction. If the Alderperson is unable to attend the committee meeting, he/she shall communicate to the Committee Chair or the Committee contact person via telephone or in writing of his/her intent. If the individual that refers the item back to committee does not appear at the committee meeting or call the Chair, the item may be reaffirmed without discussion back to Council.

Rule 15. **One (1) Year Rule** - Once an item has been acted upon by the Common Council, the item may not be acted on for 12 months from the date of action, unless the item has been substantially changed.

Rule 16. **Amendment(s)** - Any motion for an amendment on an action item on the Council Agenda requires two votes: 1) to get the amendment accepted or declined; 2) if accepted, action to be taken on the motion as amended.

Rule 17. **Parliamentary Rules** - Meetings of the Common Council shall be conducted



according to Roberts Parliamentary Rules of Order, 10<sup>th</sup> Edition, except as specifically amended or altered by the preceding Rules of Common Council or State Statutes. The City Attorney or designee shall serve as parliamentarian and legal advisor.

Rule 18. **Documents (Either electronically distributed or in print)** - which shall be referred to during, or will be necessary for, the discussion of an item on the Common Council's agenda shall be sent to Alderpersons prior to the day of Council meetings, unless the Mayor decides, based on the need for confidentiality, it is necessary to withhold documents until the day of a Council meeting. This rule does not apply to any proposed motion, amendment, resolution, or committee report.

Rule 19. **Petitions/ Resolutions** - All Petitions and Resolutions shall be read to the Common Council by the Clerk and referred to one of the Standing Committees, Commissions, Boards of Jurisdiction or an elected official. If a dual jurisdictional item arises, a joint committee of standing committees, commissions or boards may be established by the Mayor to deal with the subject in a timely manner. Additional input may be requested by the Chair of the Committee, Commission or Board of Jurisdiction from another Committee or Board. No City business shall be referred to a sub-committee except by the committee of jurisdiction or unless requested otherwise by the author of the resolution.

Rule 20. **Department Head Absence / Participation** - All department heads, excluding the City Attorney and City Clerk, that do not have action items on the agenda, are not required to attend Common Council meetings. Department Heads or their designees shall respond to specific requests asked of them upon recognition by the Chair. The Chief of Police or his/her designee shall be the Sergeant at Arms.

Rule 21. **Labor Negotiator** - The Director of Human Resources shall be the Labor

Negotiator for all City labor contracts. The City Attorney and the Department Heads shall be available on a call basis during negotiations.

Rule 22. **Standing Committees** - Shall be appointed by the Mayor and confirmed by the Common Council, as follows:

Committee Members	
Community and Economic Development Committee.....	5
Finance Committee.....	5
Human Resources Committee.....	5
Parks and Recreation Committee.....	5
Safety and Licensing Committee.....	5
Municipal Services Committee.....	5
Utilities Committee.....	5

Rule 23. **Information Items** – All information items will be listed on the Council

Agenda after the committee meeting at which they were discussed. A simple majority vote of the Council may move the item up for action.

## DEPARTMENT AND COMMITTEE FUNCTIONS

1. **Mayor** - Shall be executive director of all City offices and ex-officio member of all committees, commissions and boards unless otherwise designated by statute, ordinance or rule. Full-time elected officers, Alderpersons, and department heads who will be absent from the City shall inform the Mayor as to where they can be reached.

2. **Finance Committee** - Shall have jurisdiction over all public buildings and grounds and shall perform such duties as outlined by State Law. Shall have jurisdiction over the Office of

the City Assessor, Departments of Finance and Information Technology, the Office of the City Attorney, and the Central Equipment Agency (CEA) advisory committee, budgets, rebates, certain claims, policy matters involving jurisdiction of this committee, and risk management. The Director of Finance, the Director of Information Technology and the Director of Public Works, or designee, shall attend all Finance Committee meetings in an advisory capacity. The Director of Finance or designee shall also be a member of the CEA advisory committee.

**3. Municipal Services Committee-** Shall have jurisdiction over the Department of Public Works including Operations Division, Traffic Division, Engineering Division, Inspection Division, and the Parking Utility, and over bridges, streets and sidewalks, traffic flow patterns, traffic control, parking ramps, the addition or deletion of on-street parking areas, and forestry within road right-of-way. The Committee recommends to the Council various five-year plans for sidewalks, street construction and reconstruction. The Director of Public Works or designee shall attend all meetings of the Municipal Services Committee in an advisory capacity. The Director of Public Works or designee shall also be a member of the CEA advisory committee. A member or members of the Municipal Services Committee will be appointed at large by the members of the Municipal Services Committee to; 1) be the Council representative to the Boards of Heating Examiners and Building Inspection, and 2) the CEA advisory committee on an on call basis.

**4. Safety and Licensing Committee -** Shall have jurisdiction over the general operations of the Police Department, Fire Department, and the Office of the City Clerk. The committee approves the location of voting places for elections, all bartender and liquor licenses, and recommends the revocation or suspension of liquor licenses to the Common Council. The Vice Chairman of the Safety and Licensing Committee will serve as the representative to the

Towing Services Review Committee. The Police Chief, Fire Chief, the City Clerk, and an Assistant City Attorney or their designee shall attend all meetings of the Safety and Licensing Committee in an advisory capacity.

**5. Community and Economic Development Committee** - Shall have jurisdiction over the Department of Community and Economic Development. The Committee shall encourage and foster the quality economic and socio/cultural growth and development of the community. The committee shall assist in the attraction, recruitment, creation, retention and expansion of new and existing business enterprise and industry in the City. It shall identify and engage socio/cultural endeavors that impact the city and represent Appleton's interests accordingly. The Director of Community and Economic Development or designee shall attend all Community and Economic Development Committee meetings in an advisory capacity.

**6. Utilities Committee** - Shall have jurisdiction over water filtration, distribution and installation of water main, wastewater treatment and any associated sewer lines, stormwater remediation and associated facilities. This committee shall have rate setting responsibilities for all areas under its jurisdiction subject to the rules and regulations of the Wisconsin Public Service Commission or other regulatory agencies as they may apply. The Director of Public Works and the Director of Utilities or their designees shall attend all committee meetings in an advisory capacity.

**7. Parks and Recreation Committee** - Shall have jurisdiction over Parks, Recreation programming, and Reid Municipal Golf Course. This committee shall maintain and develop the City park system, provide turf maintenance services and recreational opportunities, including the operation of Reid Municipal Golf Course, to the residents of the City of Appleton. The Director of Parks, Recreation and Facilities Management or designee shall attend all Parks and Recreation

Committee meetings in an advisory capacity.

8. **Human Resources Committee** - Shall have jurisdiction over the Department of Human Resources. The Committee shall encourage the use of best practices and assist in developing and supporting strategies and policies that both are financially prudent and develop/maintain a strong, high-quality work force, with a special emphasis on providing or vetting recommendations to the council in such areas as: institution of HR-related state mandates associated with budget legislation, human resources administration, employee labor relations and negotiations/collective bargaining and strategy, recruitment and selection, staff development and training, employee compensation and benefits, policy and forms generation/compliance, diversity issues, American With Disabilities Act (ADA)/Equal Employment Opportunities Commission (EEOC)/Affirmative Action/Family and Medical Leave ACT (FMLA)/ Limited English Proficiency (LEP) program administration, and any change to a Table of Organization within the city. The Director of Human Resources or designee shall attend all Human Resource Committee meetings in an advisory capacity.

9. **Committee Meetings** - All Committee meetings are considered to be standing meetings. Cancellation of a committee meeting shall be on call of the Chair. No meetings are to commence until after 4:30 p.m. and no meetings are to be held on Election Day. Agendas shall be either electronically distributed or in print to all Alderpersons in advance of the meeting. Alderpersons and staff support shall notify the Chair if they plan to be absent from the meeting or late.

10. **Committee Agendas** - Committee Agendas are to contain a clear description of each item that will be discussed at the meeting. Resolutions submitted by Alderpersons and items requiring statutory filing with the Office of the City Clerk will be referred to a

Committee/Commission/Board and be on the agenda and all subsequent agendas until action is taken and is reported to the Common Council. Departmental operation items will be placed on the committees of jurisdiction agendas by department Directors.

**11. Chair Responsibility** - All Committee/Commission/Board Chairs are required to vote on all issues presented for vote at their Committees/Commissions/Boards with the exception of an abstention.

**12. Reports** - All items appearing on the Committee/Commission/Board Agendas shall be reported out to the Common Council. Issues with critical timing shall be so indicated on the report. The vote shall be recorded indicating which members voted nay or abstained from the vote. All Reports shall have, after the signature of the Chair and the attendance of members, a section called "FOR INFORMATION ONLY". Items from Committee/Commission/Board Agendas that were postponed, tabled, withdrawn or referred to another committee shall be included in this section with a date specific for the item to be acted on and shall not be debatable. Suspension of the Rules (2/3 vote) is needed to move an information item to an action item on any committee/commission report.

**13. Committee Recommendations** - Recommendations of all Committees shall be approved by the Common Council before going into effect. These recommendations shall include but not be limited to specific rules exempt by the Council, such as Special Class "B" licenses (except if denial is recommended), temporary street occupancy permits, 90 day trial periods, executive budget transfers under \$10,000 and lot splits.

**14. Ordinance Referral** - An Ordinance brought before the Council that is to be referred back shall be referred to the Committee of jurisdiction.

**15. Committee of the Whole** - The Common Council is empowered to act as a

committee of the whole for any standing committee, commission or board of the City it has jurisdiction over, except as restricted by State Statutes.

**16. Meeting Schedules** - No two regularly scheduled Committee/Commission/Board meetings shall be scheduled to start within one hour of any other, except with Common Council approval. All meetings at which action is to be taken shall be held at City Hall, or another noticed location, with the exception of the Police and Fire Commission and the Library Board.

**17. Meeting Schedule Changes** - Changes in the normal schedule of meetings shall be announced as far in advance as reasonably possible.

**18. Continuity of Government** – The Council, by secret ballot, will elect a Council President and a Council Vice President. If for any reason the Mayor were incapacitated and not able to perform the necessary duties, the Council President would become the acting Mayor. If the Council President were unable to perform these duties, the Council Vice President would become the acting Mayor.