



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Common Council

Wednesday, October 7, 2020

6:00 PM

Council Chambers

Organizational Meeting

A. CALL TO ORDER

B. ROLL CALL OF ALDERPERSONS

C. RULES OF COUNCIL

[20-1265](#)

Rule 3. g. - Clarification that Public Participation is limited to items on the agenda for Council Action

Attachments: [Council Rules v4-22-2020 - considerations for 10-7-20 Org Meeting.pdf](#)

[20-1266](#)

Rule 17 - Change reflects the most recent update to Robert's Rules

Attachments: [Council Rules v4-22-2020 - considerations for 10-7-20 Org Meeting.pdf](#)

[20-1267](#)

Rule 19 - Resolutions must be submitted to the Clerk by 4:30 p.m. on the Thursday before Council. Resolutions would only be read upon request of a Council member, another member could object to the reading and, if objected to, a vote is taken with a majority deciding if the Resolution is read

Attachments: [Council Rules v4-22-2020 - considerations for 10-7-20 Org Meeting.pdf](#)

D. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO THE ORGANIZATIONAL MEETING

E. OTHER COUNCIL BUSINESS

F. ADJOURN

Kami Lynch, City Clerk

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

RULES OF COUNCIL

Amendments 4/22/2020

Rule 1. **Common Council Meeting Date** – 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. Changes to the regular meeting schedule will be approved by the Common Council.

Rule 2. **Call to Order** – The presiding officer shall call the meeting to order. The Council members will indicate their attendance by selecting the 'Join' button on their tablet to join the meeting. 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. Approval of previous Council meeting minutes
- f. Business presented by the Mayor
- g. Public Participation

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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 or more requests to move an action item or items to the beginning of the agenda, when 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. Meeting Minutes of Standing and Special Committees

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 / Meeting Minutes** – All resolutions shall be submitted to the Council in writing. Meeting minutes before the Council shall be in the Granicus document management system.

Rule 5. **Recognition / Time Limits** – When a member desires to be heard he/she shall indicate by pressing the request to speak button on the tablet. The Chair will recognize the speakers in the order they have pressed their request to speak button. When he/she is recognized by the Chair they shall address the Chair by proper title expressing his/her desire to speak on any question. No member shall speak more than five (5) minutes 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 6a. **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 or designee. Any motion (except to adjourn, to postpone, or refer) shall be reduced to writing if required by the Chair or any member of the Common Council.

Rule 6b. When an item has been moved and seconded for action by the Council or a committee, the motion may be withdrawn, prior to being voted on, only if both the moving and seconding alderpersons consent to the withdrawal. This same process applies to withdrawal of pending amendments. However, once an item has been amended, the original motion may no longer be withdrawn.

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 the meeting minutes 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. Subsequent Consideration – Once an item has been acted upon by the Common Council, the item may not be acted on during the term of the current council year unless the item has been substantially changed. The current council year is defined as the period during which the current council is seated. The determination of an item being substantially changed will be made by the Chair but can be challenged by a member of the Council. An item that has been acted on in any previous council year can be reintroduced by resolution in the current council year.

Rule 12. 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. Note: A suspension of the rules is not debatable per Robert's Rules.

Rule 13. Separate Vote – Any member of the Common Council requesting a separate vote shall be granted that request by the Chair.

Rule 14. 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. Note: The motion to call the question is not debatable per Robert's Rules. The motion to call the previous question will be allowed during deliberations of the Committee of the Whole. At the time the question is called, the Chair will announce how many Alderpersons are in line to speak.

Rule 15. Referrals – A request by an Alderperson to refer an item back to committee shall be automatic, unless a member of Council objects to the referral, and the objection is seconded; if 2/3 of the members present vote to approve the objection the item remains on the agenda and is not referred. 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 his/her intent to the Committee Chair or the Committee contact person.

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. Once an amendment has been proposed, that amendment shall be resolved prior to the introduction of a second amendment.

Rule 17. Parliamentary Rules – Meetings of the Common Council and standing

committees thereof shall be conducted according to Roberts Parliamentary Rules of Order, ~~11th~~ 12th 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 (closed session), it is necessary to withhold documents until the day of a Council meeting. City staff shall make their best efforts to provide documents necessary for discussion of subjects on committee agendas prior to committee meetings. This rule does not apply to any proposed motion, amendment, resolution, or committee meeting minutes.

Rule 19. Petitions / Resolutions – All Petitions and Resolutions shall be submitted to the Clerk no later than the end of business on the Thursday before the next regularly scheduled Common Council meeting. Timely submitted Resolutions will be published along with the Council Agenda and a summary of the subject, submission date and sponsoring alderpersons will be listed under Presentation of Resolutions. A Resolution will be read at the Council meeting, by the Clerk, if requested by a member of the Council unless objected to by another member. In the event of an objection, a majority vote will determine if the Resolution is read. ~~read to the Common Council by the Clerk or designee and~~ Resolutions shall be referred to one of the Standing Committees, Commissions, Boards of Jurisdiction or an elected official. Resolutions referred to an elected official shall be referred to the appropriate Committee of jurisdiction within 60 days of receipt. If a dual jurisdictional item arises, a joint committee of standing committees, commissions or boards may be established by the Mayor to address 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 or designee and City Clerk or designee, 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.

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King Jr. Day. Agendas shall be electronically available to all Alderpersons in advance of the meeting. Alderpersons and support staff shall notify the Chair if they plan to be absent from the meeting or late.

Rule 23. **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/Information Technology Committee.....	5
Parks and Recreation Committee	5
Safety and Licensing Committee.....	5
Municipal Services Committee	5
Utilities Committee	5

Due to scheduling conflicts, 2 Alderpersons may agree to switch committees with the approval of the Mayor. This action must take place before the second Council meeting in May.

Rule 24. **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.

Rule 25. **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. This section does not apply to the Police and Fire Commission and/or the Library Board.

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Rule 27. **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.

Rule 28. **Meeting Minutes** – 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 meeting minutes. The vote shall be recorded indicating which members voted nay or abstained from the vote. All Meeting Minutes shall have the attendance of members and a section called “FOR INFORMATION ONLY”. Items from Committee/Commission/Board Agendas that were postponed, held, 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. A suspension of the rules (2/3 vote of the members present) vote is needed to move an information item to an action item on any committee/commission meeting minutes.

Rule 29. **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.

Rule 30. **Ordinance Referral** – An ordinance brought before the Council that is to be referred back shall be referred to the committee of jurisdiction.

Rule 31. **Recess**. Any council, committee, board or commission meeting lasting longer than two (2) hours shall take a brief recess every two (2) hours. The Chair of the meeting shall determine the duration of the recess. Members of the meeting body may decide not to take a recess by unanimous vote.

Rule 32. **Continuity of Government** – The Council, by secret ballot, will elect a Council President and a Council Vice President. If for any reason the Mayor was 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.

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Rule 5. **Recognition / Time Limits** – When a member desires to be heard he/she shall indicate by pressing the request to speak button on the tablet. The Chair will recognize the speakers in the order they have pressed their request to speak button. When he/she is recognized by the Chair they shall address the Chair by proper title expressing his/her desire to speak on any question. No member shall speak more than five (5) minutes 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 6a. **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 or designee. Any motion (except to adjourn, to postpone, or refer) shall be reduced to writing if required by the Chair or any member of the Common Council.

Rule 6b. When an item has been moved and seconded for action by the Council or a committee, the motion may be withdrawn, prior to being voted on, only if both the moving and seconding alderpersons consent to the withdrawal. This same process applies to withdrawal of pending amendments. However, once an item has been amended, the original motion may no longer be withdrawn.

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 the meeting minutes 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. Subsequent Consideration – Once an item has been acted upon by the Common Council, the item may not be acted on during the term of the current council year unless the item has been substantially changed. The current council year is defined as the period during which the current council is seated. The determination of an item being substantially changed will be made by the Chair but can be challenged by a member of the Council. An item that has been acted on in any previous council year can be reintroduced by resolution in the current council year.

Rule 12. 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. Note: A suspension of the rules is not debatable per Robert's Rules.

Rule 13. Separate Vote – Any member of the Common Council requesting a separate vote shall be granted that request by the Chair.

Rule 14. 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. Note: The motion to call the question is not debatable per Robert's Rules. The motion to call the previous question will be allowed during deliberations of the Committee of the Whole. At the time the question is called, the Chair will announce how many Alderpersons are in line to speak.

Rule 15. Referrals – A request by an Alderperson to refer an item back to committee shall be automatic, unless a member of Council objects to the referral, and the objection is seconded; if 2/3 of the members present vote to approve the objection the item remains on the agenda and is not referred. 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 his/her intent to the Committee Chair or the Committee contact person.

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. Once an amendment has been proposed, that amendment shall be resolved prior to the introduction of a second amendment.

Rule 17. Parliamentary Rules – Meetings of the Common Council and standing

committees thereof shall be conducted according to Roberts Parliamentary Rules of Order, ~~11th~~ 12th 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 (closed session), it is necessary to withhold documents until the day of a Council meeting. City staff shall make their best efforts to provide documents necessary for discussion of subjects on committee agendas prior to committee meetings. This rule does not apply to any proposed motion, amendment, resolution, or committee meeting minutes.

Rule 19. Petitions / Resolutions – All Petitions and Resolutions shall be submitted to the Clerk no later than the end of business on the Thursday before the next regularly scheduled Common Council meeting. Timely submitted Resolutions will be published along with the Council Agenda and a summary of the subject, submission date and sponsoring alderpersons will be listed under Presentation of Resolutions. A Resolution will be read at the Council meeting, by the Clerk, if requested by a member of the Council unless objected to by another member. In the event of an objection, a majority vote will determine if the Resolution is read. ~~read to the Common Council by the Clerk or designee and~~ Resolutions shall be referred to one of the Standing Committees, Commissions, Boards of Jurisdiction or an elected official. Resolutions referred to an elected official shall be referred to the appropriate Committee of jurisdiction within 60 days of receipt. If a dual jurisdictional item arises, a joint committee of standing committees, commissions or boards may be established by the Mayor to address 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 or designee and City Clerk or designee, 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. 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 4:30 p.m. and no meetings are to be held on Election Day or Martin Luther

King Jr. Day. Agendas shall be electronically available to all Alderpersons in advance of the meeting. Alderpersons and support staff shall notify the Chair if they plan to be absent from the meeting or late.

Rule 23. **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/Information Technology Committee.....	5
Parks and Recreation Committee	5
Safety and Licensing Committee.....	5
Municipal Services Committee	5
Utilities Committee	5

Due to scheduling conflicts, 2 Alderpersons may agree to switch committees with the approval of the Mayor. This action must take place before the second Council meeting in May.

Rule 24. **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.

Rule 25. **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. This section does not apply to the Police and Fire Commission and/or the Library Board.

Rule 26. **Meeting Schedule Changes** – Changes in the normal schedule of meetings shall be announced as far in advance as reasonably possible.

Rule 27. **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.

Rule 28. **Meeting Minutes** – 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 meeting minutes. The vote shall be recorded indicating which members voted nay or abstained from the vote. All Meeting Minutes shall have the attendance of members and a section called “FOR INFORMATION ONLY”. Items from Committee/Commission/Board Agendas that were postponed, held, 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. A suspension of the rules (2/3 vote of the members present) vote is needed to move an information item to an action item on any committee/commission meeting minutes.

Rule 29. **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.

Rule 30. **Ordinance Referral** – An ordinance brought before the Council that is to be referred back shall be referred to the committee of jurisdiction.

Rule 31. **Recess**. Any council, committee, board or commission meeting lasting longer than two (2) hours shall take a brief recess every two (2) hours. The Chair of the meeting shall determine the duration of the recess. Members of the meeting body may decide not to take a recess by unanimous vote.

Rule 32. **Continuity of Government** – The Council, by secret ballot, will elect a Council President and a Council Vice President. If for any reason the Mayor was 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.