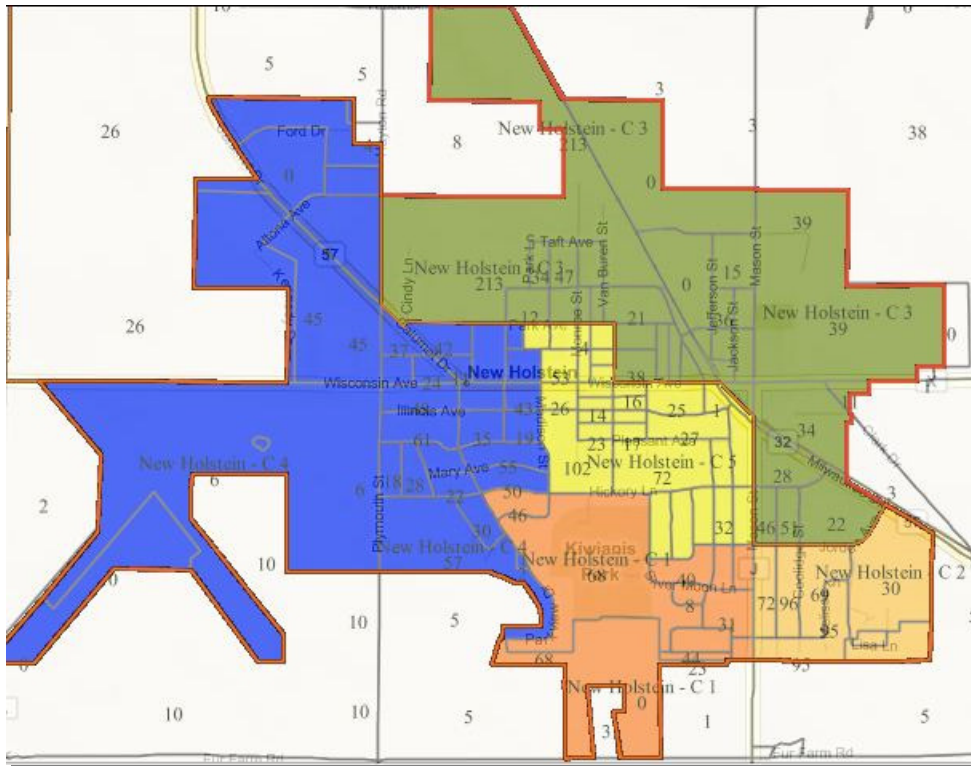


CHAPTER 1

GENERAL GOVERNMENT

1.01 **FORM OF GOVERNMENT** The City of New Holstein operates as a fourth-class City under the Mayor-Council form of government.

1.01(1) **WARDS AND ALDERMANIC DISTRICTS**. The City shall be divided into five (5) wards, numbered consecutively 1 through 5, and four (4) aldermanic districts, with wards 1 and 2 forming aldermanic district number 1, ward 3 forming aldermanic district 2, ward 4 forming aldermanic district 3 and ward 5 forming aldermanic district 4, with City Hall, 2110 Washington Street, being the designated polling place for all wards and aldermanic districts. The boundaries for the wards and aldermanic districts are shown on the map below and are described as follows:



- (1) Beginning at the most southern corporate limit point on Mason Street, then north, following Mason Street to the intersection of Mason Street and Jordan Avenue, then west, following Jordan Avenue to the intersection of Jordan Avenue and Harrison Street, then north, following Harrison Street to the intersection of Harrison Street and Hickory Lane, then west, following Hickory Lane to the intersection of Hickory Lane and Calumet Drive, then

Southeast, following Calumet Drive to the intersection of Calumet Drive and Parkview Drive, then southeast following Parkview Drive to the corporate boundary line, then south following the corporate boundary line moving east around Kiwanis and Memorial Parks, then north along the corporate boundary line, then east to the point of beginning.

- (2) Beginning at the most southern corporate limit point on Mason Street, then north to the intersection of Mason Street and Jordan Avenue then east following Jordan Avenue to the intersection of Jordan Avenue and Milwaukee Drive, then southeast following Milwaukee Drive to the corporate boundary, then south along the corporate boundary, then west along the corporate boundary to the point of beginning.
- (3) Beginning at the intersection of Jordan Avenue and Milwaukee Drive, then southwest, following Jordan Avenue to the intersection of Jordan Avenue and Mason Street, then north following Mason Street, then northwest parallel to the railroad tracks to Wisconsin Avenue, then west following Wisconsin Avenue to the intersection of Wisconsin Avenue and Van Buren Street, then north, following Van Buren Street to the intersection of Van Buren Street and Park Avenue, then west following Park Avenue to the intersection of Park Avenue and Calumet Drive, then northwest to the intersection of Calumet Drive and Plymouth Street, then north, following Plymouth Street to the corporate boundary line then east following the corporate boundary line, then north following the corporate boundary line, then west following the corporate boundary line, then north following the corporate boundary line to Tecumseh Road, then east to the corporate boundary line, then southeast following the corporate boundary line, then east following the corporate boundary line, then south following the corporate boundary line, then east following the corporate boundary line, then south following the corporate boundary line, then east following the corporate boundary line, then south following the corporate boundary line, then west following the corporate boundary line, then south following the corporate boundary line to Wisconsin Avenue, then West following Wisconsin Avenue then south following the corporate boundary line, then west following the corporate boundary line, then south following the corporate boundary line to Milwaukee Drive, then southeast to the point of beginning.
- (4) Beginning at the most western corporate limit point on Wisconsin Avenue/County Highway H, east along Wisconsin Avenue to the intersection of Wisconsin Avenue and Kennedy Drive, then north following Kennedy Drive to the corporate limit, then west following the corporate limit, then north following the corporate limit, then east following the corporate limit to Calumet Drive/Highway 32/57, then northwest along Calumet Drive/Highway 32/57 to the corporate limit, then east following the

corporate limit, then south following the corporate limit, then east following the corporate limit to Hayton Road/Plymouth Street then south on Plymouth Street to the intersection of Plymouth Street and Calumet Drive then southeast following Calumet Drive to the intersection of Calumet Drive and Park Avenue, then east following Park Avenue to the intersection of Park Avenue and Lincoln Street, then south following Lincoln Street to the intersection of Lincoln Street and Randolph Avenue, then east following Randolph Avenue to the intersection of Randolph Avenue and Madison Street, then south following Madison Street to the intersection of Madison Street and Hickory Lane then west, following Hickory Lane to the intersection of Hickory Lane and Calumet Drive, then southeast following Calumet Drive to the intersection of Calumet Drive and Parkview Drive, then southeast following Parkview Drive to the corporate limit then north following the corporate limit then east following the corporate limit, then north following the corporate limit to the point where the corporate limit turns west around the airport runways following the corporate boundary north to the point of beginning.

- (5) Beginning at the intersection of Lincoln Street and Park Avenue, then east, following Park Avenue to the intersection of Park Avenue and Van Buren Street, then south, following Van Buren Street to the intersection of Van Buren Street and Wisconsin Avenue, then east following Wisconsin Avenue, then southeast parallel to the railroad tracks to the intersection of Milwaukee Drive and Mason Street, then south, following Mason Street, to the intersection of Mason Street and Jordan Avenue, then west following Jordan Avenue to the intersection of Jordan Avenue and Harrison Street, then north following Harrison Street to the intersection of Harrison Street and Hickory Lane, then west following Hickory Lane to the intersection of Hickory Lane and Madison Street, then north to the intersection of Madison Street and Randolph Avenue, then west following Randolph to the intersection of Randolph Avenue and Lincoln Street, then north on Lincoln Street to the point of beginning. (Ord. #542)

1.02 Common Council

(1) MEETINGS.

(a) **Organizational Meeting.** Following a regular City election, the new Council shall first meet on the 3rd Tuesday of April in each election year.

(b) **Regular Meetings.** (Am. #88) The regular meetings of the Common Council shall be held at City Hall, in the Council Chambers, at 6:30 p.m. on the 3rd Wednesday of each month, except April, when the regular meeting shall be held on the 3rd Tuesday. Should the day for holding any regular meeting be a legal holiday,

the regular meeting shall be held at the same time and place on the following day. (Rep. and Recr. #307)(Rep. and Recr. #345) (Rep. and Recr. #516)(Ord.597)

(c) **Special Meetings.** Special meetings of the Common Council may be called by the Mayor (or in her/his absence, by the President of the Council) or 3 or more aldermen filing with the City Clerk in writing a request therefore, stating the purpose of the meeting, whereupon the City Clerk shall notify all members of the Common Council of such special meeting and the reason therefore. No other business shall be considered or transacted at any special meeting other than that for which the special meeting was called.

Should the special meeting be for the purpose of approving a license and/or permit which falls under chapter 10 of the City of New Holstein Municipal Code, a fee of \$70.00 shall be paid to the City of New Holstein for the purpose of covering administrative expenses, publication fees and personnel expenses.(Rep. & Recr. #348)

(d) **Adjournments.** Any regular or special meeting may be adjourned by a majority of the members present, but no adjournment shall be made to a time later than the next regular meeting.

(e) **Order of Business.** The business of the Council shall be conducted in the following order, unless temporarily suspended by unanimous vote:

1. Call to order by presiding officer.
2. Roll call.
3. Approval of the Agenda
4. Reading, correction and approval of minutes of the previous meeting.
5. Receiving visitors.
6. Reports of officers and department heads.
7. Committee reports.
8. New business, including introduction of ordinances and resolutions.
9. Communications and miscellaneous business.
10. Adjournment.

(2) **COMMITTEE OF THE WHOLE.** (Ord No. 620)

(a) **Creation.** The Committee of the Whole is hereby created. The Committee of the Whole shall be a standing committee.

(b) **Composition and Rules.** The Committee of the Whole shall consist of all common council members and the mayor, all of whom shall be voting members, unless otherwise provided herein. The Committee of the Whole shall operate using the same rules as the common council. A majority of the Committee of the Whole shall be a quorum.

(c) **Quorum.** Six members or more shall constitute a quorum.

- (d) **Chairperson.** The Council President shall be the chairperson of the Committee of the Whole. In the event that the Council President is unavailable, the chairperson shall be the Mayor.
- (e) **Meetings and Function.** The Committee of the Whole shall meet on the first Tuesday and the third Wednesday of the month and at such other times as called by the mayor or council president, for the purpose of discussion, consideration and/or recommendation on a specific matter referred to the Committee of the Whole as provided in Section 1.02(2)(f). The Committee of the Whole shall serve as a forum for discussion and/or recommendation. No final action on any issue may be taken by the Committee of the Whole.
- (f) **Referrals to for deliberation and recommendations.** The city council may refer matters to the Committee of the Whole for deliberation and recommendation to the city council. The Committee of the Whole shall also deliberate and make recommendations on those matters referred by the city administrator, boards and commissions.
- (g) **Notice.** Notice of all meetings of the Committee of the Whole shall be posted as required by state law.
- (h) **Special committees.** The Committee of the Whole may, from time to time, establish subcommittees, ad hoc committees, or special committees for specific purposes and/or time limits. These committees shall consist of four alderpersons and may include staff or others as authorized by the committee of the whole. These committees shall report to the Committee of the Whole or the city council as appropriate.
- (i) **Additional Functions of the Committee of the Whole.**
 - 1. **Finance and Purchasing.** The Committee of the Whole shall review and make recommendations on all matters pertaining to finance for Council consideration such as Monthly invoices, Treasurer's reports, monthly financials, approval or disapproval of all bills or claims submitted, and review of license applications.
 - 2. **Personnel matters; hearings.** The Committee of the Whole shall hear all personnel matters arising under Chapter 111 of the Wisconsin Statutes. The Committee of the Whole shall appoint a subcommittee of no more than three alderpersons to participate in labor negotiations.
 - 3. **Airport.** The Committee of the Whole shall make recommendations with regard to the administration of the Airport and chapter 13 of the Municipal Code.
 - 4. **City buildings and Grounds.** The City buildings, Grounds, Park, and forested areas shall be under the responsibility of the Public Works Department Director. The Committee of the Whole shall make recommendations with regard to the administration of the Public Works Department. The Director shall provide monthly activities updates on areas of his/her position as well as the position of Weed and Forestry Commissioner.
 - 5. **Protections of persons and property.** The City Police Chief and the City Fire Chief shall provide a summary of his/her monthly report and discuss any other concerns

pertaining to his position with the Committee of the Whole. The Committee of the Whole shall make recommendations with regard to all matters arising under chapter 15 of the Municipal Code, Emergency Management. The Committee of the Whole shall be the appeal committee for the Sexual Offender and Sexual Predator Ordinance.

6. **Recreation.** The Recreation Directors shall provide updates on their programs to the Committee of the Whole for review and recommendation with regard to when their appropriate events are in season.

(j) **Order of business of the Committee of the Whole**

1. Call to order
2. Roll Call
3. Approval of the Agenda
4. Approval of the previous committee of the Whole minutes
5. Citizen Input
6. Finance and Purchasing
7. Protections of person and property
8. City Buildings and Grounds
9. Recreation Directors
10. Personnel
11. Old Business
12. New Business
13. Adjournment

(3) SPECIAL COMMITTEES. Select or special committees may be provided for on motion or by resolution, designating the number and object, and unless otherwise ordered, shall be appointed by the Mayor or other presiding officer of the Council.

(4) GENERAL COMMITTEE RULES. The chairman of each committee shall be responsible for the functioning of the committee. No committee shall have the authority to bind the Council without express authority in each instance. All committees shall report and make recommendations to the Council for final approval. On formal assignments to committees, the report shall be in writing with a definite recommendation and be signed by a majority of the committee. Any committee may require the cooperation of any City officer in relation to matters pending before it.

(5) COMMON COUNCIL RULES OF PROCEDURE.

(a) **Introduction of Ordinances, Resolutions, etc.**

1. All ordinances, resolutions or communications shall be in writing and have endorsed thereon the name of the person presenting the same, and shall be delivered to the Clerk to be read by him/her to the Council.
2. The style of all ordinances shall be: "The Common Council of the City of New Holstein do ordain as follows:"

(b) **Reference and Reading of Ordinances.** All proposed ordinances shall be referred to the Common Council for two (2) readings before the action is approved. The first reading at its introduction may be read in full or by title only. If there are any changes needed, the ordinance will be referred to a committee or back to the committee of origination for consideration. If revisions are made to the original ordinance, this will constitute a first reading of the revised ordinance. A second reading shall be held at the next Common Council meeting before the ordinance is approved. Due to time constraints of certain types of ordinances, the Council may approve the document at its first reading if approved by a majority vote of Council Members.

(c) **Reports of Committees.**

1. The committee to which any matter shall be referred shall report thereon in writing, at the first regular meeting after such reference, unless there is no objection by the Council to further time being taken. Action on the report of a committee shall be deferred until the next regular meeting by the request of 3 Council members present. Committee reports shall be orally except when ordered by the Mayor that they be in writing.

2. Members dissenting from a report of a committee shall be so reported when they request it.

(d) **Roll Call Vote.**

1. On all ordinances and resolutions, on any confirmation, and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and noes.

2. On all other questions, it shall be in order for a member to call for the ayes and noes.

3. All roll call votes shall be duly recorded in the minutes of the meeting.

(e) **Members Who Shall Vote.** Every member, when a question is put, shall vote unless the presiding officer shall, for special cause, excuse him/her; but it shall not be in order for a member to be excused after the Council has commenced voting.

(f) **Veto by Mayor.** All acts subject to the veto power of the Mayor shall be submitted to him/her by the Clerk and shall be in force upon his approval evidenced by his signature, or upon his failing to approve or disapprove within 5 days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, he shall file his

objections with the Clerk, who shall present them to the Council at its next meeting. A 3/4 vote of all members of the Council shall then make the act effective notwithstanding the objections of the Mayor.

(g) **Publication of Proceedings.**

1. The proceedings of the Council shall be published in the official City newspaper in such manner as the Council may direct.
2. All ordinances shall be published in the official City newspaper within 15 days of passage, and shall take effect on the day after its publication or at a later date if expressly prescribed.
3. All ordinances and resolutions adopted shall be signed by the Mayor and countersigned by the Clerk.
4. The City code of ordinances shall be kept currently to date; and upon passage of any ordinances, the Clerk shall provide for insertion of the same into the ordinance code.

(h) **Recognition for Debate.** Whenever a member is to speak in debate, or deliver any matter to the Council, they shall respectfully address themselves to the presiding officer, and confine their remarks to the question under debate, and avoid personalities.

When 2 or more members address the presiding officer at the same time, the presiding officer shall name the member who is first to speak.

(i) **Motions.** No motion shall be discussed or acted upon until it has been seconded; nor shall any motion be withdrawn or amended without the consent of the person making the same and the person seconding it.

(j) **Precedence of Motions.** When a question is under consideration, no motion shall be entertained except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone to a certain day or time.
5. To commit to a standing or special committee.
6. To amend or to substitute
7. To postpone indefinitely.

These several motions shall take precedence in their order as they stand in this rule.

(k) **Motions Decided without Debate.** A motion to adjourn, to lay on the table and for the previous question, shall be decided without debate.

(l) **Moving the Previous Question.** Any member desirous of terminating the debate, may call the previous question, when the question to be announced by the presiding officer shall be: "Shall the main question now be put?" Such motion shall be decided without debate. If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, and its effect shall be to put an end to all debate, and bring the Council to a direct vote, first upon the pending amendment, if any, and then upon the main question.

(m) **Division of Question.** Any member may call for a division of the question when the same can be separated into 2 or more distinct propositions.

(n) **Motion for Reconsideration.** It shall be in order for any member who voted in the affirmative on any question which was adopted, or for any member who voted in the negative when the number of affirmative votes was insufficient for adoption, to move a reconsideration of such vote, at the same or next succeeding regular meeting of the Council. A motion to reconsider having been lost shall not be again in order.

(o) **Suspension of Rules.** Any of these rules may be suspended upon pending measure by a 2/3 vote of the aldermen present. These rules and all amendments or additions thereto which may hereafter be made shall govern the Council until altered or repealed as herein provided.

(p) **Amendment of Rules.** These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.

(q) **Robert's Rules of Order.** The deliberations of the Council shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order, revised, which is incorporated in this section by reference.

1.03 **Elected Officials.**

(1) ENUMERATED. The Elected Officials of the City of New Holstein shall be:

(a) Mayor

(b) Two aldermen from each ward.

(c) Municipal Judge

(2) ELECTION: TERM. Elected Officials shall be elected in even-numbered years for terms of 2 years commencing on the 3rd Tuesday of April, except that one alderperson from each ward shall be elected annually at the regular spring election.

1.04 **APPOINTED OFFICIALS.**

(1) BY THE MAYOR. The following officials shall be appointed by the Mayor, subject to confirmation by the Common Council, for terms of 2 years commencing in the year of their appointment:

- (a) City Clerk.
- (b) City Treasurer
- (c) City Attorney.
- (d) City Assessor.
- (e) Emergency Management Director (Rep. & Recr. #420)
- (f) Assistant Emergency Management Director (Rep. & Recr. #438)
- (g) Building Inspector.
- (h) Director of Public Works; Street and Weed Commissioner.
(Rep. and Recr. #311)
- (i) City Engineer

(2) BY THE POLICE AND FIRE COMMISSION. The Chief of Police and the Fire Chief shall be appointed by the police and Fire Commission and shall hold their offices during good behavior, subject to suspension or removal by the Commission for cause pursuant to section 62.13(5), WI Stats.

(3) BY THE RECREATION COMMISSION. The Recreation Program Directors shall be appointed by the Recreation Commission annually.

(4) BY THE LIBRARY BOARD. The Librarian shall be appointed by the Library Board pursuant to section 43.54, WI Stats.

1.05 **Municipal Judge.** (Rep. & Recr. #176)

(1) MUNICIPAL COURT FOR THE CITY OF NEW HOLSTEIN, WISCONSIN. Pursuant to the authority granted by section 755.01 and Ch. 755, WI Stats., as created

by Ch. 187, Laws of 1977, there is hereby established the Municipal Court for the City of New Holstein, Wisconsin.

(2) OFFICE OF MUNICIPAL JUDGE CREATED. Pursuant to the authority granted by Sec. 755.01, there is hereby created the office of Municipal Judge for the Municipal Court of the City of New Holstein, Wisconsin

(3) ELECTION: TERM. The Municipal Judge shall be elected at large at the spring election for a term of 2 years commencing on May 1 succeeding his election.

(4) SALARY. The Municipal Judge shall receive a salary as determined from time to time by the Council, which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during their term for which they have not executed or filed their official oath and bond as required by sub. (5).

(5) BOND: OATH. The Municipal Judge shall execute and file with the Clerk of Circuit Court for Calumet County the oath prescribed by Sec. 757.02(1), WI Stats., and a bond in the sum of One Thousand (\$1000) Dollars.

(6) JURISDICTION. The Municipal Judge shall have such jurisdiction as provided by law and Sec. 7.045(1), WI Stats. and exclusive jurisdiction of violations of City ordinances.

(7) PROCEDURE. The statutory provisions describing Municipal Court procedure as set forth in the following enumerated Sections of Chapter 800 and Chapter 345, Chapter 48, Wisconsin Statutes, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. (Recreated #224. 8-8-84) 800.01 through 800.14 and 345.20(2) through 345.53, 48.17, 48.237, 48.343, and 48.344.

(8) CONTEMPT OF COURT. (Cr. #103)

(a) The Municipal Judge may punish for contempt of Municipal Court for the City of New Holstein persons guilty of either of the following acts and no other:

1. Disorderly, contemptuous or insolent behavior committed during its sittings, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due its authority.

2. Any breach of the peace, noise or disturbance directly tending to interrupt its proceedings.

3. Willful disobedience of any process or order lawfully issued or made by it.

4. Resistance, willfully offered, by any person to the lawful order or process of the court.

5. The contumacious and unlawful refusal of any person to be sworn as a witness; and when so sworn, the like refusal to answer any legal and proper interrogatory.

6. The practicing as an attorney in such court without first being licensed as such in the manner provided by law.

7. Any failure of a person subpoenaed as a witness for refusing or neglecting to obey said subpoena.

8. The act of unlawfully detaining within Calumet County, any witness or party to an action while going to, remaining at or returning from court where such action has been set for hearing or trial and any other unlawful interference with the process or proceedings in any action within Calumet County.

(b) Contempt committed in the immediate view and presence of the Judge and after the party so charged being heard in his defense, may be punished summarily; in other cases the party shall be notified of the accusation and have a reasonable time to make his defense.

(c) The Municipal Judge may upon finding any person guilty of contempt, order such person to forfeit not less than \$250.00 nor more than \$1,000.00 plus applicable Court costs. In default of payment of the forfeiture, the person found guilty of contempt may have remedial actions taken against them including suspension of any licenses subject to the approval and/or granting of the City of New Holstein.

1.06 **EMERGENCY MANAGEMENT COMMISSION.** (Rep. & Recr. #439) The Emergency Management Commission shall consist of one alderperson and 3 citizen members appointed by the Mayor, subject to confirmation by the Common Council, at the annual organization meeting. The Chairperson of said Commission shall be selected by the Mayor. The Commission shall supervise the Emergency Management Director and the Assistant Emergency Management Director in administering Chapter 15 of this Code.

1.07 **BOARD OF PUBLIC WORKS.** The Board of Public Works shall consist of 4 aldermen, one from each of the four aldermanic districts, appointed by the Mayor, subject to confirmation by the Common Council, at the annual organization meeting. The 4 aldermen shall not be members of the Finance Committee. (Rep. and Recr. #517)

1.08 **BOARD OF REVIEW.** The Board of Review shall consist of the Mayor, the City Clerk and one alderperson from each ward. If any alderperson who is to serve on the Board of Review shall be unable to serve or else elects not to serve, the Mayor may appoint the other alderperson from such ward to serve in such capacity. If a Board of 5 members cannot be organized because of the inability or unwillingness of any alderperson to serve, the Mayor shall appoint any other adult resident of the City to serve as a member

of the Board of Review. When the duties of the City Assessor are performed by the City Clerk, the Common Council shall by ordinance designate another City officer to serve on the Board of Review.

1.081 **CONFIDENTIALITY OF INFORMATION.**

a) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor shall be held by the Assessor in a confidentiality basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties): or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wisconsin Statute.

b) SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict. (Ord. No. 615)

1.09 (Ordinance No 605 Amended)

1.10 **UTILITY COMMISSION.** The Utility Commission shall consist of one alderperson appointed annually by the Mayor subject to confirmation by the Common Council, and 4 citizens appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of 5 years each, beginning on October 1 in the year of appointment. The Commission shall have charge of the management and control of the Sewer system and the Water and Light Utility subject to the general control and supervision of the Common Council, provided the Sewer system shall not be combined with the Water and Light Utility. The Commission may employ such employees as in their judgment is necessary and shall have the power to fix the compensation of such employees. The Commission shall be subject to sections 66.042 , 66.068, 66.069 1 and 66.076, WI Stats., and in operation of the Water and Light Utility to the rules and regulations of the Public Service Commission, so far as applicable.

1.101 **UTILITY COMMISSION CODE OF ETHICS** (CR. #450) Code of Ethics for the Utilities Commission for the City of New Holstein.

(a) Recognizing City of New Holstein and governmental regulations governing conflict of interest, no person shall serve on the Utilities Commission for the City of New Holstein knowingly in conflict with the letter of spirit of the regulations.

(b) All members of the Utilities Commission for the City of New Holstein shall recognize that the business of the City of New Holstein can be conducted only at meetings of the Utilities Commission for the City of New Holstein or at officially designated commission meetings of the Utility.

(c) All members of the Utilities Commission of the City of New Holstein shall recognize that certain “privileged business of the Utility as conducted in Executive Session”, such as salary and personnel matters involving pending litigation, shall be treated as confidential to preserve the integrity of the Utility and to safeguard the rights and dignity of all persons involved in legally recognized confidential testimony.

(d) It is recognized that grievances or complaints from the public will at times be brought to the attention of members of the Utilities Commission of the City of New Holstein. Such matters will be handled as follows:

1. Referred immediately to the Mayor if it is felt that they are in a position to deal directly with the problem, without further help from the Utilities Commission of the City of New Holstein, or
2. Referred to the next immediate meeting of the Utilities Commission of the City of New Holstein, for official consideration and possible action.

(e). In view of the above, it shall be a Utilities Commission member’s constant endeavor to:

1. Devote time, thought, and study to the duties and responsibilities of a Utilities Commission member so as to render effective and credible service.
2. Work with fellow Utility members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points of issue.
3. Base voting decision upon all available facts in each situation: to vote on the basis of honest convictions in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Utility publicly in representation as a Utility member.

4. Remember at all times that as an individual, members have no legal authority outside the meetings of the Utility unless delegated specific authority by the Utility; and to conduct any relationships with the staff citizenry, and all media of communication on the basis of this fact.
5. Resist every temptation and outside pressure to use the position as a Utility member to benefit either themselves or any other individual or agency apart from the total interest of the City of New Holstein.
6. Bear in mind under all circumstances that the primary function of the Commission is to establish the policies by which the organization is to be administered, but that the administration of the programs and daily conduct of organization business shall be left to the employed Chief Executive Officer and his/her professional staff.
7. Welcome and encourage active cooperation by citizens, organizations, and the media of communication in the service area with respect to establishing policy and proposed future developments.

1.11 **ELECTION BOARD.** Three Election Inspectors, Two Election Clerks, and Two Ballot Clerks shall be appointed pursuant to Section 7.30 of the Wisconsin Statutes. Such officers shall be electors of the City and shall not be a candidate, other than for party committeeman, while so serving.

1.12 **AIRPORT COMMISSION.** The Airport Commission shall consist of one alderperson appointed annually by the Mayor, subject to confirmation by the Common Council, at the Organizational Meeting, and three (3) citizens appointed by the Mayor, subject to confirmation by the Common Council, at the organization meeting for staggered terms of 3 years each. The Airport Commission shall be in charge of administering Chapter 13 of this Code.

1.13 **PARK, RECREATION & FORESTRY COMMISSION.** (Rep. and Rec. #284) (Rep and Rec #573) The Park, Recreation & Forestry Commission shall consist of two aldermen, appointed annually by the Mayor, one, who shall be designated Chairman, appointed by the Mayor and subject to confirmation by the Common Council, and up to three citizens, appointed by the Mayor, subject to confirmation by the Common Council, said citizens to have staggered terms of two years each. The Park, Recreation & Forestry Commission shall be responsible for the following:

1. Formulating recreation programs for the residents of this City and supervising the Recreation Program Director in carrying out the duties given to them.
2. Make rules and regulations as it deems advisable for care, maintenance, and improvement of the City parks.

3. Request the input, when needed, of the City's Forestry Commissioner.
4. Other duties as outlined in Section 6.11 of this code.

1.14.1 **KIEL-NEW HOLSTEIN TRAIL COMMITTEE.** The Kiel-New Holstein Trail Committee shall consist of 3 members, appointed annually by the Mayor and approved by the Common Council. Said committee shall make recommendations to the Common Council with regards to rules and other issues associated with the trail. (Cr. #417, 11/21/01)

1.14.2 **HUMAN RESOURCES COMMITTEE.** The Human Resources Committee shall consist of three alderpersons, appointed annually by the Mayor and approved by the Common Council. Said committee shall make recommendations to the Common Council with regards to rules and other issues associated with personnel, Human Resources and collective bargaining.

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 recommendations to the council in such areas as: institution of Human Resources related state mandates associated with budget legislation, human resources administration, employee labor relations, negotiations, 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), Fair Labor Standards Act (FLSA), and any change to a Table of Organization within the city. The City Clerk or designee shall attend all Human Resource Committee meetings in an advisory capacity. The Human Resources Committee shall have jurisdiction with regard to all employees of the City other than police officers, volunteer firemen, and Recreation Program Director. Police officers and volunteer firemen shall be subject to the jurisdiction of the Police and Fire Commission. Recreation Program Directors shall be subject to the jurisdiction of the Park & Recreation Commission. (Cr. #543, 8/17/11)(Recr. #567)

1.14.3 **TOW ROPE COMMITTEE.** The Tow Rope Committee shall operate as a sub-committee to the Park, Recreation, & Forestry Commission and shall consist of 5 members appointed annually by the Mayor and approved by the Common Council. Said committee shall consist of the Director of Public Works, a member of the Park, Recreation & Forestry Commission who is an alderperson of the City of New Holstein, and 3 residents of the City. Said committee shall oversee the Tow Rope Project and report to the Park, Recreation, & Forestry Commission. (Cr.#585)

1.14.4 **MINIATURE GOLF COURSE COMMITTEE.** The Miniature Golf Course Committee shall operate as a sub-committee to the Park, Recreation, & Forestry Commission and shall consist of 7 members appointed annually by the Mayor and

approved by the Common Council. Said committee shall consist of the Director of Public Works, an alderperson of the City of New Holstein, and 5 residents of the City. Said committee shall oversee the Miniature Golf Course Project and report to the Park, Recreation, & Forestry Commission.(Cr.#587)

1.15 **LIBRARY BOARD.** The Library Board shall be appointed pursuant to section 43.54, WI Stats., and shall have the powers and duties prescribed in sections 43.58 through 43.64, Wisconsin statutes.

1.16 **PLAN COMMISSION.**

(1) The City Plan Commission shall consist of the Mayor who shall be its presiding officer, the Chairman of the Board of Public Works, an alderperson and 4 citizens, so that the Commission shall at all times consist of 7 members. Citizen members shall be persons of recognized experience and qualifications.

(2) The alderperson member of the Commission shall be elected by a 2/3 vote of the Council in the month of April of each year, and shall take office on the succeeding May 1.

(3) Three citizen members shall be appointed by the Mayor for a term of 3 years each and in such a manner so as to effect the appointment of one of their members every year, such appointments to be made during the month of April, to take effect on the succeeding May 1.

(4) The additional citizen member shall be appointed by the Mayor for a term of one year.

1.17 **POLICE AND FIRE COMMISSION.** The Police and Fire Commission established herein shall consist of a board of police and fire commissioners consisting of five citizens, three of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of five years. No appointment shall be made which shall result in more than three members of the board belonging to the same political party. The board shall keep a record of its proceedings.

Be it further provided that due to the change in this ordinance in the year 2009, the Mayor in the year 2009 shall appoint two members to the board during the year of 2009 only with one member to be appointed and have a term to expire on April 15, 2014 and a second member appointed and have a term to expire on April 15, 2013. In all years subsequent to 2009, the appointment of one member annually shall apply. (Ord. 518)

1.18 **BOARD OF ZONING APPEALS.** The Board of Zoning Appeals shall consist of 5 members appointed by the Mayor for a period of 3 years, subject to the confirmation of the Council. The members of the Board shall serve without compensation, and shall be removable by the Mayor for cause upon written charges and after public hearing. The

terms of not more than 2 members shall expire in any one calendar year. The Mayor shall designate one of the members as chairman. The Board of Zoning Appeals may employ a secretary and other employees. The Mayor shall appoint two alternate members for a term of 3 years. An alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. (Rep. And Rec. #397)

1.19 **SALARIES.** The salaries of all officers and employees shall be as determined by the Common Council from time to time. *Aldersperson's shall be paid a monthly salary as established by the Common Council, the monthly salary shall be paid if said alderperson attends that months regularly scheduled and held Common Council meeting, or, in that same month, a scheduled and held committee meeting of which that alderperson is a member of. Utility Commissioners shall be paid a monthly wage as determined by the Common Council. The wage shall be paid if said utility commissioner attends the regular monthly scheduled and held meeting. An Aldersperson, or Utility Commissioner may request an excused absence by doing so in writing, or in person, to the City Finance Committee.* (Rep. & Rec #413)

1.20 **WISCONSIN RETIREMENT FUND.** Pursuant to section 41.05, WI Stats., the City elects to include all eligible City personnel under the Wisconsin Retirement Fund. (Charter Ordinance No.47)

1.21 **EMPLOYEE'S VACATIONS.** (Rep. Ord. #107 and Create Ord. #163)

(1) **SCHEDULE OF VACATIONS.** Each employee, whether paid on an hourly or monthly salary basis:

(a) who has been employed as a permanent employee of the City of New Holstein for not less than 1 year nor more than 2 years, shall be entitled to 1 week vacation per year with pay.

(b) who has been employed as a permanent employee of the City of New Holstein for more than 2 years, shall be entitled to 2 weeks vacation per year with pay.

(c) who has been employed as a permanent employee of the City of New Holstein for more than 5 years shall be entitled to 3 weeks vacation per year with pay.

(d) who has been employed as a permanent employee of the City of New Holstein for more than 15 years, shall be entitled to 4 weeks vacation per year with pay.

(2) **NOT TO CUMULATE.** Vacation time shall be earned in the year previous to that in which it may be taken. Vacation time will be accrued from the anniversary date of initial employment. Vacation for an employee shall not be cumulative from year to year unless approved by the department head.

(3) **WHEN TO BE TAKEN.** Vacations shall be taken within a vacation period, as designated by the Common Council of the City of New Holstein through the various department heads. Consideration to special requests for vacations at specified times of the year will be given recognition if reasonable notice in writing of such request is given to the pertinent department head.

(4) **COMPUTATION OF LENGTH OF SERVICE.** The base period for computing the length of service for employees shall begin on the first day of employment for said employee.

(5) **COMPUTATION OF VACATION PAY.** The vacation pay of each employee shall be computed on a straight time basis in respect to his standard work week, as determined by the Common Council of the City of New Holstein.

(5) **TERMINATION OF EMPLOYMENT.** Any employee who shall honorably leave the service of the Employer shall be eligible to receive vacation pay for all vacation days earned to date of separation. Such earned vacation for the year of separation shall be determined by multiplying the amount of vacation that the employee would have been entitled to for the year of separation, had they not separated, by a fraction using the number of days of the year that have passed on the date of his separation as the numerator and 365 days as the denominator.

1.22 **COMMUNITY DEVELOPMENT AUTHORITY** (Ord. 570)

(1) **APPOINTMENT OF COMMISSIONER.** The Community Development Authority for the City of New Holstein, Wisconsin, shall consist of seven resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing as commissioners of the Community Development Authority for the City of New Holstein, Wisconsin. Two of the commissioners shall be members of the Common Council and shall serve during their term as council members. The executive director shall be the City Administrator/Clerk-Treasurer and shall serve as the secretary.

(2) **TERM OF COMMISSIONER.** The first appointments of the five non-council members shall be for the following terms: two for one year and one each for terms of two, three and four years. Thereafter the terms of non-council members shall be four years and until their successors are appointed and qualified. As prescribed at §66.1335(2), Stats., the Mayor shall, with the confirmation of the council, appointment the seven resident persons. These persons so appointed shall be known as commissioners of the Community Development Authority of New Holstein, Wisconsin. The executive director/secretary is not required to be a resident of the City of New Holstein.

(3) **CHAIRPERSON.** The Community Development Authority of New Holstein, Wisconsin, shall annually elect a chairperson and a vice-chairperson from among

the commissioners. The City of New Holstein Planning Commission shall assist in performing the duties required by the Community Development Authority of New Holstein, Wisconsin.

- (4) **COMPENSATION.** Commissioners shall be reimbursed their actual and necessary expenses including local travel expenses incurred in the discharge of their duties but shall receive no compensation for their time.
- (5) **MEETINGS, QUORUM AND BYLAWS.** All meetings of the Community Development Authority of New Holstein, Wisconsin, shall be held in compliance with the provisions of the Open Meeting Laws of the State of Wisconsin. Four commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Community Development Authority of New Holstein, Wisconsin in accordance with the authorities granted herein and under §66.1335, Stats., upon the affirmative vote of a majority of the commissioners present at any meeting. The Community Development Authority of New Holstein, Wisconsin, may adopt and from time to time amend or repeal bylaws or other rules or regulations not inconsistent with the applicable laws of the State of Wisconsin and this Ordinance, as it deems necessary in the performance and function of its duties.
- (6) **POWERS AND DUTIES.** The Community Development Authority of New Holstein, Wisconsin has all powers and functions set out in §66.1201, Stats., and §66.1333, Stats., for housing and redevelopment authorities. Additionally, the Community Development Authority of New Holstein, Wisconsin, by virtue of this ordinance may act as agent of the City to perform all acts, except the development of the general plan of the City, which may be otherwise performed by the Planning Commission under §66.1105, §66.1301-66.1329, §66.1329, §66.1331 or §66.1337, Stats.
- (7) **DECLARATION OF NEED FOR BLIGHT ELIMINATION.** Pursuant to §66.1335(1)(b), Stats., the Common Council for the City of New Holstein does determine that there is a need for blight elimination, slum clearance, urban renewal and community development programs and projects and housing projects within the City and all authorities granted to a Community Development Authority for blight elimination, slum clearance and urban renewal programs and projects as well as housing projects is granted as authority to the Community Development Authority.
- (8) **PROCEDURE FOR IMPLEMENTATION.** Pursuant to §66.1335, Stats., the City of New Holstein Common Council, by its normal method of adopting ordinances has adopted this ordinance by a two-thirds vote of the members of the City Council. A certified copy of the ordinance shall be transmitted to the Mayor and the Mayor shall then proceed with the appointment of members pursuant to this ordinance incorporating the provisions of §66.1335, Stats.

1.23 **PUBLIC SAFETY COMMITTEE**. The Public Safety Committee shall consist of 5 members; those members shall be the 3 Alderpersons selected by the Mayor, the president of the Police and Fire Commission and the Mayor. The Public Safety Committee shall hear appeals under Section 7.12(g) of the Municipal Code of the City of New Holstein addressing sexual offender residency restrictions appeals. The Public Safety Committee shall also review City ordinances concerning orderly conduct, public nuisances, police and fire protection and emergency management.