

Chapter 3
GOVERNING BODY

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§ 3-02

Article I. In General

Sec. 3-01. Common council.

- (1) The common council of the City of Marshfield (referred to in this Code as the "council") shall consist of the mayor and one alderperson from each of the ten aldermanic districts.
- (2) The council shall have all powers of the city not specifically given to some other body or officer, except as otherwise provided in the state statute, or in this Code. The council shall have the management and control of the city property, finances, highways, navigable waters and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulations, suppression, borrowing of money, taxation, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.
- (3) The mayor shall have the veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval, evidenced by his signature, or upon his failing to approve or disapprove within five 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 two-thirds vote of all the members of the council may then make the act effective notwithstanding the veto of the mayor.

(Code 1982, § 2.01)

Sec. 3-02. Meetings.

- (1) *Regular meetings.* Following a regular city election for the purpose of organization, the council shall meet on the third Tuesday of April. Regular meetings of the council shall be held on the second and fourth Tuesdays of each calendar month at 7:00 p.m. Any regular meeting falling on a legal holiday or on December 24 shall be held instead at a date and time set in advance by the council. All meetings of the council, including special and adjourned meetings, shall be held in the city hall, except as determined from time to time by the council.
- (2) *Special meetings.* Special meetings of the council may be called by the mayor or any two alderpersons in writing, prior to the time specified for such meeting. The clerk shall immediately notify the media as required by the Open Meeting Laws and each alderperson of the time and purpose of such meeting by causing a written notice thereof to be electronically sent or delivered to each alderperson personally, if he can be found, or, if he cannot be found, then by leaving a copy of such notice at the home of such alderperson at least six hours before the meeting. The clerk shall cause an affidavit showing the service of such notice as provided in this subsection to be filed in his office prior to the time fixed for such special meeting. Special meetings may be held without such notice when all members of the council are present in person or consent in writing to the holding of such meeting, such written consent to be filed with the clerk prior to the beginning of the meeting. Any special meeting attended by all the alderpersons shall be a regular meeting for the transaction of any business that may come before such meeting.
- (3) *Adjournments.* The council may, by a majority vote of those present, but not less than three affirmative votes, adjourn from time to time to a specific date and hour.

(Code 1982, § 2.02)

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Sec. 3-03. Presiding officer.

- (1) *Designated.* The mayor shall preside, except for council meetings in regard to the budget, at which the chairman of the finance, budget and personnel committee shall preside. In the absence of the mayor, the president of the council shall preside. In the absence of both the mayor and the president, the clerk shall call the meeting to order and preside until the alderpersons present elect one of their number acting mayor for that meeting.
- (2) *Duties.* The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or by the rules in this chapter.
- (3) *Appeals from decisions.* Any member may appeal from a decision of the presiding officer. An appeal shall be sustained by a vote of the council.

(Code 1982, § 2.03)

Sec. 3-04. Roll call; quorum.

- (1) *Roll call; procedure when quorum not in attendance.* As soon as the council is called to order, the clerk shall proceed to call the roll. If there is not a quorum present, the fact shall be entered on the journal and the council may adjourn.
- (2) *Quorum.* Two-thirds of the members shall constitute a quorum, as provided by § 62.11(3)(b) Wis. Stats. The mayor shall not be counted in computing a quorum.

(Code 1982, § 2.04)

Sec. 3-05. Order of business

The business of the council shall be conducted in the following order:

- (1) Call to order
- (2) Roll call
- (3) Pledge of allegiance
- (4) Invocation (if available)
- (5) Citizen Comments.
- (6) Approval of past Council minutes
- (7) Staff updates
- (8) Mayor's comments*
- (9) Council Comments*
- (10) Reports from commissions, boards, and committees
- (11) Consent Agenda (with resolutions not needing separate approval placed under minutes)**

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- (12) Consideration of items removed from the consent agenda.
- (13) Presentations (for information only, with no action required: Council may choose to move a presentation to another place on the agenda to accommodate the presenter's schedule.)
- (14) Action items (this includes budget resolutions, resolutions requiring separate approval, ordinances, contracts, etc., but with flexibility on the order in which they are presented)
- (15) Discussion items
- (16) Closed Session (if applicable)
- (17) Items for future agendas
- (18) Adjournment.

(*Note: "Mayor's comments" and "Council comments" are intended for information purposes only, and must clearly indicate the subject matter in a manner reasonably likely to advise the news media and general public if any discussion or debate is anticipated. **Consent agenda may include communications, minutes and reports of committees, boards, and commissions, and any resolutions not requiring separate approval motions.)

(Code 1982, § 2.05; Ord. No. 1019, § 1, 4-27-2004; ORD 1292 12/16/14)

Sec. 3-06. Clerk pro tem.

In the absence of the clerk, the deputy clerk or designee shall act as clerk pro tem.

(Code 1982, § 2.06)

Sec. 3-07. Call of the council.

A call of the council may be requested at any time by two or more members and a police officer designated as bailiff shall be sent for absent members, but a call shall not be made after voting has commenced. When a call of the council has been requested and ordered, the door shall be closed until the report of the police officer has been received and acted upon or until further proceedings under the call are dispensed with by a majority of the entire council.

(Code 1982, § 2.08)

Sec. 3-08. Disturbances and disorderly conduct.

Whenever any disturbance or disorderly conduct occurs in any meeting of the council, the presiding officer may cause the room to be cleared of all persons guilty of such disorderly conduct except any alderperson. If any alderperson is guilty of disorderly conduct, the presiding officer may order the police to take him into custody for the time being or until the meeting adjourns. Such member may appeal from such order to the council as in other cases.

(Code 1982, § 2.09)

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Sec. 3-09. Publication and effect of ordinances.

- (1) *Publication.* All general ordinances of the city and all regulations imposing a penalty shall be published in the official papers of the city as required by law and shall be immediately recorded with the affidavit of publication by the city clerk in a book kept for that purpose. A printed copy of such ordinance or resolution on any book, pamphlet or newspaper and published or purporting to be published therein by direction of the council shall be prima facie proof of due passage, publication and recording thereof.

Effective date. Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication, and published copies thereof shall have appended the date of first publication.

(Code 1982, § 2.15)

Sec. 3-10. Aldermanic districts and aldermanic district boundaries.

There shall be ten aldermanic districts in the City of Marshfield, composed of 27 wards, which shall be bounded as set forth in city Resolution No. 2001-54 "WARD BOUNDARY DESCRIPTIONS, JUNE 2001." The aldermanic districts shall be comprised of the following described wards:

1. *First aldermanic district.* The first aldermanic district shall consist of wards 1, 11, and 21.
2. *Second aldermanic district.* The second aldermanic district shall consist of wards 2 and 12.
3. *Third aldermanic district.* The third aldermanic district shall consist of wards 3 and 13.
4. *Fourth aldermanic district.* The fourth aldermanic district shall consist of wards 4 and 14.
5. *Fifth aldermanic district.* The fifth aldermanic district shall consist of wards 5 and 15.
6. *Sixth aldermanic district.* The sixth aldermanic district shall consist of wards 6, 16, 25 and 26.
7. *Seventh aldermanic district.* The seventh aldermanic district shall consist of wards 7, 17 and 27.
8. *Eighth aldermanic district.* The eighth aldermanic district shall consist of wards 8, 18 and 23.
9. *Ninth aldermanic district.* The ninth aldermanic district shall consist of wards 9, 19 and 22.
10. *Tenth aldermanic district.* The tenth aldermanic district shall consist of wards 10, 20 and 24.

(Code 1982, § 2.16; Ord. No. 981, § 1 (2.16(1)), 6-24-2003; Ord. No. 981, § 2 (2.16(10)), 6-24-2003; Ord. No. 1003, § 1, 11-25-2003; Ord. No. 1029, § 1, 9-28-2004; Ord. No. 1053, § 1, 6-28-2005; Ord. No. 1078, § 1, 9-12-2006; Ord. No. 1213, § 1, 10-11-2011; ORD 1319)

Secs. 3-11—3-35. Reserved.

Article II. Rules of Order

Sec. 3-36. Established.

- (1) When two or more members of the council simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

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- (2) No person other than a member shall address the council unless authorized by the mayor or by the vote of a majority of the council members present.
- (3) No motion shall be discussed or acted upon until it has been seconded. No motion shall be withdrawn without the consent of the person making the motion and the person seconding it.
- (4) When a question is under discussion, no other action shall be in order except the following motions which shall have precedence in the order listed:
 - (a) To adjourn;
 - (b) To lay on the table;
 - (c) To move the previous question;
 - (d) To postpone to a certain day;
 - (e) To refer to committee;
 - (f) To amend; or
 - (g) To postpone indefinitely.
- (5) Any member desiring to terminate debate may move the previous question, in which event the presiding officer shall announce the question as, "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the council to a direct vote, first upon any pending amendments and then upon the main question.
- (6) Any alderperson may demand an aye and nay vote on any matter, and such vote shall be entered in the proceedings. A majority vote of all members of the council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval unless a larger number is required by statute including budget resolutions pursuant to § 65.90(5) Wis. Stats. Except as otherwise provided by the rules in this chapter, a majority vote of those present shall prevail in all other cases.
- (7) A motion to adjourn shall always be in order, and a motion to adjourn or to lay on the table and a call for the previous question shall be decided without debate.
- (8) All ordinances, resolutions, communications and other matters submitted to the council shall be read by title and author and, when deemed necessary or advisable, referred to an appropriate committee by the council. The mayor shall read each matter into the record. The clerk shall record each such reference by title. Any alderperson may require the reading in full of any matter at any time it is before the council.
- (9) All ordinances presented to the council, by whatever method, shall only be acted upon by the council at the next regular meeting, unless this provision is suspended pursuant to section 3-38 of this chapter.
- (10) All resolutions or other actions appropriating money or creating any charge against the city other than the payment of claims for purchases or work previously authorized by the council, including resolutions authorizing general obligations bonds or notes, may be acted upon by the council at a meeting at which such resolution or other action is presented, either by the mayor, an alderperson, the city administrator or a committee of the council, unless a deferment to the next regular meeting is requested by the mayor and any three alderpersons or by any four alderpersons, expressed in a vote duly taken for that purpose.
- (11) Whenever the presiding officer shall desire to speak upon any question, or to make any motion, except to impart information, he shall vacate the chair and designate the president of the council, if present and, if not, any alderperson to preside temporarily.

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(Code 1982, § 2.07)

Sec. 3-37. Amendment of rules.

The rules of order shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting and then it shall require a vote of two-thirds of all the members of the council.

(Code 1982, § 2.13)

Sec. 3-38. Suspension of rules.

The rules of order or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

Secs. 3-39—3-65. Reserved.

Article III. Committees

Sec. 3-66. Standing committees.

Appointment. The following committees shall be appointed by the mayor at the organizational meeting in April of each year. All appointments shall be for a term of three years, except for alderpersons whose terms shall be for one year, commencing on May 1 of each year, subject to confirmation by the council. All vacancies for an unexpired term on any such committee shall be filled in the same manner as the appointment for a full term.

1. *Board of public works.* The board of public works shall be composed of five alderpersons, who are not also serving on the finance, budget and personnel committee. The director of public works or his designee shall act as nonvoting secretary. It shall be the duty of the board, under the direction of the council, to superintend all public works and keep the streets, alleys, sewers and public works and places in repair. The board of public works shall perform the duties prescribed, as applicable, in § 62.14 Wis. Stats. and shall in addition recommend all actions necessary or proper in connection with the management, supervision, improvement and operation of the city cemetery, including a schedule of charges to be made for lots therein. The committee shall make such additional regulations for the government and operation of portions thereof and the care of graves, both annual and perpetual, as the committee deems advisable and necessary. Such regulations, after approval by the council and publication in the official newspaper, shall have the force of law.
2. *Finance, budget and personnel committee.* This committee shall be composed of five alderpersons who are not also serving on the board of public works. The city clerk or designee shall serve as nonvoting secretary. This committee, or its designee, shall examine all bills against the city, except those bills over which some other body has lawful jurisdiction, and except those claims arising outside of the ordinary course of business operations of the city, but this committee shall recommend such bills for payment. The committee also shall supervise all debt issues; shall supervise all leases of City facilities between the city and other parties; shall supervise all insurance carried by the city; shall have general supervision of the employment and dismissal of all city employees subject to the recommendation of the departments concerned and the approval of the council; and shall have such other duties as may, from time to time, be designated by the council.
3. *Judiciary and license committee.* This committee shall be composed of three alderpersons. The mayor shall also appoint an alderperson as an alternate member of the committee, subject to confirmation of the council. The alternate shall act, with full power, only when a member of the committee is absent. The city clerk or designee shall serve as nonvoting secretary. This committee shall investigate and recommend for

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payment or disallowance all claims against the city other than the regular bills and claims received in the ordinary course of the city's business operations; shall conduct the investigation for and shall recommend the issuance or rejection of all licenses granted by the city, except as otherwise wise specifically provided by law or ordinance; This committee shall also have general supervision of the preparation of all charter ordinances proposed for adoption by the council unless otherwise designated by the council.

4. *Airport committee.* This committee shall be composed of five members, one of whom shall be an alderperson, appointed by the mayor and confirmed by the council to a one year term at the organizational meeting in April of each year. The remaining members shall be appointed in April to staggered terms. The airport manager shall serve as nonvoting secretary. Jurisdiction for the construction, improvement, equipment, maintenance and operation of the municipal airport and authority to adopt regulations, fees and charges, is hereby vested in the airport committee, subject to the approval of the council.
5. *Parks, recreation and forestry committee.* This committee shall be composed of seven members, one of whom shall be an alderperson, one of whom shall be a member of the zoological society board of directors, and five others who shall be citizen members. The members shall serve three-year terms, with two members being appointed each year, except that the alderperson member shall serve a term of one year at a time. The parks and recreation director shall serve as an ex officio member, and the director shall also serve as secretary to the committee. The committee shall be responsible for formulating policies and general regulations for all city parks, including Wildwood Zoo, fairgrounds (subject to the jurisdiction of the fair commission), pedestrian/bicycle trails and other city facilities as provided further in chapter 21 of this Code.
6. *Committee on aging.* This committee shall be composed of seven members, one of whom shall be an alderperson, one member shall be a citizen at large and one member shall be designated a representative of the Marshfield Senior Citizen Council. Functions of the committee are as follows:
 - a. To advise the council regarding overall aging issues within the city, including seniors' programs and proposed usage of municipal senior facilities and to encourage community seniors to become more involved in aging issues.
 - b. To examine the need for future community services and programs for the older adult and to assist in the development of such services and programs as established to be necessary and desirable for the citizenry of Marshfield.
 - c. To gather and disseminate information regarding services, programs and facilities available.
 - d. To encourage and foster the development of programs for older adults by civil, religious, fraternal and other interested groups.
 - e. To provide coordination between local programs for the elderly and state and national programs for the aging.
7. *Emergency management committee.* The emergency management committee shall be as provided in chapter 7 of this Code.
8. *Cable TV (nonbroadcast telecommunications facilities) Committee.* Duties and membership of the Cable TV (nonbroadcast telecommunications facilities) Committee shall be as follows:
 - a. *Duties.* The Committee shall act in an advisory capacity to and shall be under the direct supervision of the Council.
 - b. *Membership.* The Cable TV Committee shall consist of seven voting members appointed by the Mayor, subject to confirmation by the Council. Of the seven members, one member shall be an alderperson appointed by the Mayor and confirmed by the Council to a one-year term at the organizational meeting in April of each year. The remaining members shall be citizens at large and

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shall serve staggered terms of three years, commencing on May 1 of each year. One person each designated by the Marshfield public school system, Marshfield private school systems, the University of Wisconsin Marshfield/Wood County, and Mid-State Technical College shall serve as nonvoting members of this Committee, in an advisory capacity. The City Clerk's office or designee will serve as the secretary to the Committee.

- c. *Responsibilities.* The Committee shall formulate a budget for its operations, shall serve as the advocate for consumers of video broadcast services and shall process consumer and citizen complaints and other correspondence related to video broadcast service and as to any Video Service Provider or Cable Operator, which information, at the discretion of the Committee, can be submitted to any state or federal agency delegated oversight or licensing responsibilities for Video Service Provider or Cable Operator, and shall recommend action in connection therewith to the Council, and shall recommend such other duties and shall have such other responsibilities as may be imposed upon it, from time to time, by the Council. The Committee shall hold any hearings deemed necessary in connection with such policies, and shall determine the method of and procedures for holding such hearings. To the extent that anything contained in this subsection conflicts with subsection (b) of this subsection, subsection (b) is hereby deemed amended.

9. *Committee on health.* Repealed

10. *Committee on Youth.* Repealed

11. Sustainable Marshfield Committee: Repealed

12. Housing Rehabilitation Committee. This committee shall be composed of five members, one of whom shall be an alderperson, one member representing local businesses, one member representing local lending institutions, and two members at large. Members other than the alderperson may, but need not, be residents of the City of Marshfield. Members shall be appointed by the mayor and approved by the common council for two-year terms to run concurrent with the term of the mayor. The committee shall administer the Community Development Block Grant Housing Program to insure compliance with all regulations related to the program and with the City's contracts with the Department of Administration. The responsibilities of the committee include:

- a. Establish and adopt procedures and guidelines for implementation of the program;
- b. Review and approve or disapprove all applications for funds;
- c. Approve or disapprove disbursements; authorize payment of CDBG funds;
- d. Resolve complaints and disputes within the program; and
- e. Perform other duties as required to successfully administer the Community Development Block Grant Housing Program.
- f. Meetings will be held as needed to fulfill the committee responsibilities set forth above

13. Economic Development Board

- a. *Need.* To direct, oversee, and coordinate all economic development activities related to the investment of City funds, to adopt plans and strategies designed to foster business growth and development, and to ensure that the City and participating organizations work in a cooperative manner to promote coordinated economic development in the community.
- b. *Duties.* The Board shall perform a variety of duties related to its mission including, but not limited to: Prepare and maintain a comprehensive economic development plan; prepare and maintain bylaws and procedures; act as the City's agent in committing economic development resources; prepare an annual

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budget, with funding allocations for all participating organizations; identify other possible funding sources; coordinate efforts to effectively and efficiently meet its critical objectives; communicate frequently with all participating organizations, the general public, and the Common Council. To achieve its mission, the Board may seek assistance from all local, regional, and state organizations that may add value to economic development in the City of Marshfield.

- c. **Members.** The Board of Directors will be comprised of eight (8) members, including two (2) members of the Common Council, one (1) member representing Marshfield Utilities and five (5) members from the community at large. Ideal Board members shall have education, experience, or background in one or more areas related in some way to economic development. Common Council and Marshfield Utility representatives on the Board shall be appointed annually by their respective body. Community members serving on the Board shall initially be appointed for a term of one year, after which a schedule of staggered terms shall be implemented. The Board will initially meet monthly; however, the frequency may be reduced, once the comprehensive plan and initial strategies have been adopted

(Code 1982, § 2.10; Ord. No. 1063, § 1, 11-22-2005; Ord. No. 1074, § 1, 8-22-2006; Ord. No. 1085, § 1, 10-10-2006; Ord. No. 1107, § 1, 7-24-2007; Ord. No. 1160, § 1, 9-8-2009; Ord. No. 1172, § 1, 1-12-2010, ORD 1243 3-12-13, Ord 1243, 04/12/13; ORD 1274 4/22/14; ORD 1296 3/10/15; ORD 1297 3/24/15; ORD 1301 5/26/15; ORD 1348 5/9/17)

Sec. 3-67. Special committees.

- (1) *Committee of the council.* The mayor may declare the entire council a committee of the whole for informal discussion at any meeting or for any other purpose and shall be the ex officio chairman of the committee, provided there is no objection by any one of the alderpersons present at the meeting.
- (2) *Appointment.* The mayor may appoint such special committees as he may deem advisable or as provided for by motion, resolution or ordinance of the council stating the number of members and object thereof to perform such duties as may be assigned to them.

(Code 1982, § 2.11)

Sec. 3-68. Committee procedure.

- (1) *Rules, records, agenda.* Each committee of the council shall make rules for its own proceedings, including the appointment of a chairman, a vice-chairman, and secretary, except as specifically provided elsewhere. The secretary shall keep a record of the meetings and shall report the minutes thereof to the council, pursuant to subsection (4) of this section. The city clerk shall prepare and distribute the agenda.
- (2) *Quorum.* A majority of the membership of each board of committee shall constitute a quorum for conduct of business. A majority of the quorum shall be necessary for passage of motions unless otherwise stated in this article.
- (3) *Time of meetings.* All boards, commissions and committees shall meet monthly unless otherwise stated in this article.
- (4) *Submission of reports.* Each committee shall submit a written report of its minutes including all matters referred to it, unless a longer time is granted by vote of the council, and such report shall be entered in the proceedings. Such report shall recommend a definite action of the council on each item, shall be signed by the secretary of the committee and shall be filed with the clerk prior to each council meeting. Minority reports may be submitted.
- (5) *Notice of meetings.* Previous notice of each committee meeting shall be filed with the clerk by the chairman, and each meeting shall be open to the public.

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(6) *Information from city officials.* Any committee may require any city official to confer with it and supply information needed in connection with any matter pending before the committee by not less than 48 hours' notice.

(7) *Committee reports.* Committee reports shall be in accordance with the following:

- a. Any aye and nay vote shall be taken on each committee report immediately following its submission, provided that any alderperson may move for a separate vote on any item in the minutes of the committee report. Upon a majority vote of the council, upon such item separately, the alderperson requesting a separate vote shall move such action on the specific time he or she may deem appropriate. If such motion is defeated or does not obtain a second, the action taken by the committee shall be approved as provided in subsection (b) of this subsection.
- b. The approval of a committee report by the council shall comprise final action on any action approved by a council committee, except all ordinances and resolutions shall be voted on separately by the council.

(Code 1982, § 2.11)