

City of Portage Common Council Meeting  
Council Chambers of City Municipal Building  
115 West Pleasant Street, Portage WI  
Annual Business Meeting – 7:00 p.m.  
April 16, 2013  
Agenda

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Minutes of Previous Meeting
6. Reports of Sub-Committees, Boards, and Commissions
  - A. Park and Recreation Board, April 9, 2013
7. Committee Reports
  - A. Legislative and Regulatory Committee
8. Approve the minutes of the above meeting as recorded by City Clerk
9. Motion to adjourn Sine Die

New Council

1. Install newly elected officials – Clerk administers oath to new officials, Mayor and Alderpeople
2. Roll Call of New Council
3. Resolution No. 13-010 relative to Kenneth H. Jahn
4. Standing Rules of the Council
  - A. Resolution No. 13-011 relative to City Council Operation
5. Election by the Council of President of the Council, one year term to April 2014, Dodd now in (This election can be by secret ballot and Mayor appoints tellers.)
6. Standing Committees of the Council – appointed by Mayor

7. Elections by the Council
  - A. Council Member to Plan Commission  
Oszman now in (2/3 vote needed)
  - B. City Attorney
  
8. Appointments by Mayor – confirmed by Council vote
  - A. Airport Commission
  - B. Board of Zoning Appeals
  - C. Cable TV Commission
  - D. Columbia County Economic Development Corporation Board
  - E. Community Development Authority
  - F. Community Development Block Grant Committee
  - G. Economic Development Loan Fund Committee
  - H. Emergency Planning Committee
  - I. Historic Preservation Commission
  - J. Library Board
  - K. Park and Recreation Board
  - L. Plan Commission
  - M. Police and Fire Commission
  - N. Tourism Promotion Commission
  - O. Board of Review
  
9. Comments from the Mayor
  
10. Adjournment

City of Portage Common Council Meeting  
Council Chambers of City Municipal Building  
(This meeting may constitute a meeting of the Community Development Authority  
as a quorum of members may be present, but no business of the Authority will be  
taken up.)

115 West Pleasant Street, Portage, WI

Public Hearing - 6:55 p.m.

Regular Meeting – 7:00 p.m.

April 11, 2013

Minutes

Public Hearing – 6:55 p.m.

Declaring intent to exercise special assessment powers relative to the reconstruction of sanitary sewers and sidewalks on Dunn Street from West Burns Street to West Franklin Street, West Emmett Street from Dunn Street to MacFarlane Road, West Marion Street from Dunn Street to MacFarlane Road, West Franklin Street from Dunn Street to MacFarlane Road.

Regular Meeting – 7:00 p.m.

**1. Call to Order**

Mayor Jahn called the meeting to order at 7:09 p.m.

**2. Roll Call**

Present: Ald. Dodd, Garetson, Hamre, Havlovic, Klapper, Maass, Miller, Oszman

Excused: Ald. Ebnetter

Also Present: Mayor Jahn, City Administrator Murphy, City Attorney Spankowski, Engineer Bob Redelings and Police Chief Manthey

Media Present: Craig Sauer from Portage Daily Register, Bill Welsh from Cable TV

**3. Pledge of Allegiance**

The Pledge of Allegiance was said.

**4. Approval of Agenda.** Item 9A Parks and Recreation Board was omitted.

**5. Minutes of Previous Meeting**

Maass noted her name was misspelled under Item #7. Motion by Klapper second by Oszman to approve the minutes of the March 28, 2013 Common Council meeting with that correction. Motion carried unanimously on call of roll.

6. **Introduction of new police officer.** Chief Manthey introduced Off. Mike Schutz who was sworn in on April 9, 2013.
7. **Presentation from Ady Voltedge on Phase 2 of the Economic Development Plan.** Janet Ady and David Boyd presented a summary of the recommendations listed in the report on the City of Portage's ability to carry out economic development. Mayor Jahn thanked Ady Voltedge for their work and announced that K&M Hydroponics, Inc. has selected the City's Industrial Park as the site for proposing the construction of a \$20 million hydroponic growing and shipping facility that will include 50-70 new positions.

8. **Consent Agenda**

Reports of Sub-Committees, Boards, and Commissions

Community Development Authority, April 9, 2013

Historic Preservation Commission, April 9, 2013

License Applications

Operator license applications for period ending June 30, 2013 for Melanie J. Colen, Kaylynn M. Denman, Anastasia S. Kinney, Thomas S. Pinion, Matthew J. Robson, Elizabeth A. Schreiber, and Myron T. Shannon, Jr.

Letter of resignation from Community Development Authority and Park and Recreation Board from Daniel Brunt

Correspondence to DNR Regarding Caledonia and Lewiston Levee System.

Motion by Dodd, second by Maass to approve consent agenda items as presented. Motion carried 8-0 on call of roll.

9. **Committee Reports**

Municipal Services and Utilities Committee, April 4, 2013. J. Garetson

1. Consideration of recommendation regarding in-kind service requests. Motion by Garetson, second by Klapper to approve In-Kind Service Requests A-F as presented. Maass expressed that a summary of the services provided should be included. Oszman objected to the use of Market Square for Farmer's Market. Motion carried 6-2 on call of the roll, with Maass and Oszman voting no. Dodd requested a cost to the city to provide requested in-kind services in the future.

Finance/Administration Committee, April 8, 2013 – R. Dodd

1. Consideration of recommendation for claims. Motion by Dodd, second by Maass to approve claims in the amount of

\$1,045,002.25. Motion carried unanimously on call of the roll.

2. Consideration of recommendation for Internet service at Portage Enterprise Center. Motion by Dodd, second by Oszman to approve proposal from Charter Business to provide fiber optic internet service to PEC at \$475/mn for 10MB with \$500 installation cost. Service may be increased up to 20 MB if necessary. Motion carried unanimously on call of the roll.
3. Consideration of recommendation for 2013 tree removal contract. Motion by Dodd, second by Garetson to award 2013 tree removal contract to Derek Driscoll in the amount of \$4850. Motion carried unanimously on call of the roll.
4. Consideration of recommendation for 2013 Water and Sewer Construction Bids. Motion by Dodd, second by Oszman to award 2013 Water & Sewer construction contract to LMS Construction in the amount of \$742,160.60. Mayor Jahn indicated the award is significantly less than the Project Budget allocated (\$1,355,545) due to inadvertent additional budgeted amount and competitive bid prices and inquired what the remaining funds will be used for. Murphy responded that Municipal Services & Utilities reviewed the bids and will seek recommendation(s) on accelerating similar projects. Motion carried unanimously on call of the roll.
5. Consideration of recommendation for Purchase of street Sweeper. Motion by Dodd, second by Garetson to purchase Elgin sweeper from Bruce Municipal Equipment for the base bid of \$236,998 and total cost of \$249,673 with recommended options. Motion carried unanimously on call of the roll.
6. Consideration of Recommendation for CDBG Economic Development Revolving Loan Fund Committee for adoption of Revised Policy. Motion by Dodd, second by Maass to approve revised Revolving Loan Fund Policy. Motion carried unanimously on call of the roll.
7. Consideration of Strand proposal for creation of Stormwater Utility and funding. Motion by Dodd, second by Oszman to accept proposal from Strand Associates to implement Storm Water Utility (SWU) for an amount not to exceed \$21,900. Proposal paid for initially from Borrowed Funds and

reimbursed by Storm Water Utility if implemented. Hamre urged Council to accept proposal only if they intended to implement SWU. Discussion occurred relative to components and outcomes of Strand study. Motion carried unanimously on call of the roll.

8. Consideration of construction loan for Library. Dodd indicated Library Board requested construction loan of \$500,000 at 4.25% with closing in April, 2014 from Bank of Wisconsin Dells to fund project completion. Library pledged money market account as collateral. Staff was directed to investigate use of loaning undesignated reserves at 3.25% in lieu of bank loan. Library Board agreed to loan from city. Motion by Dodd, second by Oszman to approve construction loan to Library Board for \$500,000 at 3.25% using same collateral with closing in April, 2014. Motion carried unanimously on call of the roll.

#### Human Resources Committee, April 11, 2013

1. Consideration of recommendation for hiring of Engineering Technician. Mayor Jahn stated that HR Committee recommended a candidate, Erin Salmon per Administrator Murphy's memo dated 4/11/13, however the position description was reviewed by HR Committee in August, 2012 but was not approved by Council. Therefore, City Attorney Spankowski recommended approval of Engineering technician position description in addition to the candidate and pay grade. Maass objected, stating there was no need to rush. Motion by Oszman, second by Dodd to approve hiring Erin Salmon per terms of Murphy's memo dated 4/11/13 and position description dated August, 2012. Motion carried 7-1 on a call of the roll with Maass voting no.

#### **10. Old Business**

Consideration of recommendation on approval of Park Land and Facility Naming Policy. Motion by Oszman, second by Klapper to approve revised parkland and facility naming policy dated April 4, 2013. Motion carried unanimously on call of the roll.

#### **11. Adjournment**

Motion by Oszman second by Klapper to adjourn. Oszman thanked Mayor Jahn for his years of service as Mayor. Motion carried unanimously on call of roll at 8:42 p.m.

**City of Portage  
Park and Recreation Board Meeting  
Tuesday, April 9, 2013 - 7:00 p.m.  
Municipal Building Room #1**

Members Present: Brian Zirbes Chairperson; Kirk Konkel, Larry Messer,  
Todd Kreckman, Fred Reckling, ExOfficio - Manager Raimer

Members Absent: Dan Brunt,

Others Present: Bill Tierney, Craig Sauer (Daily Register), Shawn Murphy, Anne Clausen, Kyle Little,

**1. Roll Call**

The meeting was called to order at 7:00 p.m. by Chairperson Zirbes.

**2. Approval of minutes of previous meeting**

A motion was made by Messer and seconded by Konkel.

Motion passed/fail by a vote of 4-0.

**3. Discussion and possible action on Park and Rec. 5 year Plan.**

Chairman Zirbes talked about the plan and said that it finished and we should have it for next month's meeting.

**4. Discussion and possible action on Interpretive Solutions, Inc.**

Ann Clausen presented a power point presentation to the committee. It talked about what the Fox/Wisconsin Heritage Park would entail. She will send us the presentation to have and use.

**5. Discussion and possible action for the Recreation at Goodyear Park.**

a. Splash Park Committee Report

Manager Raimer updated the committee on the progress of the skate park. Bill Tierney ask to speak on the matter. He asked about the funding for the balance of the parking and shelter construction. The committee stated that there wasn't a firm handle on that issue. This matter needs to be addressed by the council, to make sure the project will get finished.

b. Skate Board Park Committee Report

Kyle Little spoke on the Skate Board Park and explained a lot of the things he has done. With all of the work Kyle has done the project still hinges on when the group can still get their 501C3 partner. That vote will be on April 11th. If there is a positive vote, that the Skate Park group can start doing the fund raising.

**6. Discussion and possible action on the Boy Scout Cabin**

Manager Raimer stated that he has contacted the Scouts and that the old building will be removed shortly. The Committee needs to look at this area and see if it could be used for park purposes. If so a request will need to go the the council for consideration.

**7. Discussion and possible action on grants for the purchase of land along Collipp St.**

Manager Raimer is still looking into grants for this property. The disc golf group looked at it and does not feel it would be suitable for an addition 9 hour course. Raimer will continue to look into the grant and see if it can be used for other purposes.

**8. Pool Update**

The pool will be closed starting April 15th for maintenance. Lessons will have finished by that date.

The financial report came out on the pool and showed a loss of about \$67.00 for the fiscal year.

**9. Managers Report**

There are some new programs being offered this year with the recreation program. The Parks are being handled through the Street Supervisor. Manager Raimer will work with him and supply special works list as needed.

**10. Bleacher order for 2103**

Manager Raimer passed out some bleacher information. He will work with Mr. Messer to come up with an order for bleachers at the Vet's Field complex.

**11. Ideas for April meeting.**

- a. Wisconsin/Fox Heritage Park ideas
- b. Portage disc golf club

**12. Adjournment**

A motion was made by Messer and seconded by Reckling. Motion passed/fail by a vote of 5-0.

Respectfully submitted  
Tim Raimer Manager

**City of Portage  
Legislative & Regulatory Committee Meeting  
Monday, April 15, 2013, 6:30 p.m.  
City Municipal Building, 115 West Pleasant Streets  
Conference Room One**

**Members:** Carolyn Hamre, Martin Havlovic, Frank Miller, Michael G. Oszman

**Excused:** Rita A. Maass

**Also present:** City Clerk Moe, City Attorney Spankowski, and Bill Welsh from Cable TV

**1. Roll call**

The meeting was called to order at 6:30 p.m. by Chairperson Oszman.

**2. Approval of minutes from previous meeting**

Motion by Miller, second by Havlovic to approve the minutes from the committee meeting of March 21, 2013. Motion carried unanimously on call of roll.

**3. Suspension/revocation hearing for the Class B Combination License held by Valarie Gillingham**

City Clerk Moe explained that previous attempts to locate Ms. Gillingham by mail and personal service have been unsuccessful. A summons has been published according to the law in the newspaper. City Attorney Spankowski further explained that contact with Ms. Gillingham's stepfather and mother has also been unsuccessful in locating Ms. Gillingham. The licensed establishment has been closed more than 30 days. Under city ordinance, any licensee who terminates business or abandons its premises shall immediately surrender the license to the City Clerk.

Motion by Miller, second by Hamre to revoke the Class B Combination License held by Valarie Gillingham, after efforts to locate her have been unsuccessful, and the establishment has been closed well over 30 days. Motion carried unanimously on call of roll.

**4. Adjournment**

Motion by Miller, second by Oszman to adjourn. Motion carried unanimously on call of roll at 6:37 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk

**RESOLUTION NO. 13-010**

**RESOLUTION RELATIVE TO KENNETH H. JAHN**

**WHEREAS**, Kenneth H. Jahn has served as Mayor for the City of Portage from April 2007 to April 2013; and

**WHEREAS**, the City of Portage wishes to recognize and congratulate Kenneth H. Jahn for his years of dedicated service to the City of Portage; and

**WHEREAS**, during his years of service, Mayor Jahn was instrumental in working towards the completion of an economic development plan to move the city forward in the future; the development of the Portage Enterprise Center; responding to and resolving issues with the severe flooding in 2008; and updating the city's zoning ordinance; and

**WHEREAS**, Mayor Jahn spent many hours participating in meetings, listening to constituents, and making decisions to improve the operations of the City of Portage.

**NOW THEREFORE IT IS HEREBY RESOLVED** by the Common Council of the City of Portage that the Common Council on behalf of the employees and citizens of the City of Portage extend to Kenneth H. Jahn sincere thanks for his dedication and commitment to the City of Portage and to wish him well in the future.

**DATED** this 16<sup>th</sup> day of April, 2013.

\_\_\_\_\_  
W.F. "Bill" Tierney, Mayor

\_\_\_\_\_  
Kenneth A. Ebnetter

\_\_\_\_\_  
Jeff Garetson

\_\_\_\_\_  
Rick Dodd

\_\_\_\_\_  
Doug Klapper

\_\_\_\_\_  
Frank Miller

\_\_\_\_\_  
Michael G. Oszman

\_\_\_\_\_  
Carolyn Hamre

\_\_\_\_\_  
Martin Havlovic

\_\_\_\_\_  
Rita A. Maass

Attest:

Resolution requested by:  
Common Council

\_\_\_\_\_  
Marie A. Moe, WCPC, MMC, City Clerk

**RESOLUTION NO. 13-011**

**RESOLUTION RELATIVE TO CITY COUNCIL OPERATION**

**WHEREAS**, the Common Council of the City of Portage is bound by the Rules of Procedures, as set forth in detail in Chapter 2 of the Code of Ordinances of the City of Portage, such ordinances covering the council procedure and/or organization;

**AND WHEREAS**, at the annual reorganizational meeting of the Common Council on the 3<sup>rd</sup> Tuesday of April, as established by State law, it becomes necessary to reaffirm Chapter 2 of the Code of Ordinances of the City of Portage in detail;

**AND WHEREAS**, in order to save time and money and to avoid publishing such ordinance in detail, it is now the decision of the Common Council that they adopt such Rules by Resolution, as previously amended;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Common Council of the City of Portage that the council for the years 2013-2014 does hereby adopt Chapter 2 of the Code of Ordinances of the City of Portage as it has been printed in full, subject to any further amendment thereto, thus reaffirming said ordinance in detail, copies of such having been attached hereto and made a part hereof by reference.

**BE IT HEREBY FURTHER RESOLVED**, by the Common Council of the City of Portage that they shall, and are hereby bound, by Chapter 2 of the Code of Ordinances for the ensuing year, subject to any further amendment thereto.

**DATED** this 16<sup>th</sup> day of April, 2013.

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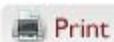
William F. Tierney, Mayor

Attest:

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Marie A. Moe, WCPC, MMC, City Clerk

Resolution requested by:  
City Clerk

**Chapter 2 - ADMINISTRATION** [\[2\]](#)[ARTICLE I. - IN GENERAL](#)[ARTICLE II. - COMMON COUNCIL](#)[ARTICLE III. - ELECTIONS](#)[ARTICLE IV. - OFFICERS, EMPLOYEES, DEPARTMENTS](#)[ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS](#)[ARTICLE VI. - ORDINANCES](#)[ARTICLE VII. - CODE OF ETHICS](#)[ARTICLE VIII. - FINANCIAL MATTERS](#)[ARTICLE IX. - SPECIAL ASSESSMENTS](#)[ARTICLE X. - PUBLIC RECORDS](#)[ARTICLE XI. - PERSONAL PROPERTY](#)**FOOTNOTE(S):**

(2) **Editor's note**— The city was incorporated as a city of the fourth class as of January 1, 1922, as attested to by the secretary of state on September 15, 1922. [\(Back\)](#)

(2) **Cross reference**— Any administrative ordinances of the city not in conflict or inconsistent with this Code saved from repeal, § 1-9(a)(3); any ordinance adopting the budget or any appropriation ordinance saved from repeal, § 1-9(a)(6); civil emergencies, ch. 18; housing, ch. 38; law enforcement, ch. 42; taxation, ch. 74; utilities, ch. 78; general administration for zoning, § 90-31 et seq.; administration of floodplain zoning, § 90-301 et seq. [\(Back\)](#)

(2) **State Law reference**— General municipal law, Wis. Stats. § 66.0101 et seq. [\(Back\)](#)

**ARTICLE I. - IN GENERAL**[Sec. 2-1. - Official newspaper.](#)[Sec. 2-2. - City boundaries.](#)[Secs. 2-3—2-30. - Reserved.](#)**Sec. 2-1. - Official newspaper.**

The official newspaper of the city shall be the Portage Daily Register.

(Code 1990, § 2-1-2)

**State law reference**— Official municipal newspaper, Wis. Stats. § 985.06.

**Sec. 2-2. - City boundaries.**

Changes in boundaries and annexations shall be reported by the city clerk to the secretary of state as required by Wis. Stats. § 66.0217(9).

(Code 1990, § 2-1-3)

**State law reference**— Annexations, Wis. Stats. § 66.0217.

**Secs. 2-3—2-30. - Reserved.**

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE II. - COMMON COUNCIL >>

**ARTICLE II. - COMMON COUNCIL** <sup>[3]</sup>

[Sec. 2-31. - Mayor-council form of government.](#)

[Sec. 2-32. - Division of responsibilities.](#)

[Sec. 2-33. - Alderpersons.](#)

[Sec. 2-34. - Mayor.](#)

[Sec. 2-35. - President of the common council.](#)

[Sec. 2-36. - Standing committees: action on committee reports.](#)

[Sec. 2-37. - General powers of the common council.](#)

[Sec. 2-38. - Internal powers of the common council.](#)

[Sec. 2-39. - Meeting times.](#)

[Sec. 2-40. - Presiding officers.](#)

[Sec. 2-41. - Order of business.](#)

[Sec. 2-42. - Ordinances to be in writing.](#)

[Sec. 2-43. - Publication and effect of ordinances.](#)

[Sec. 2-44. - Conduct of deliberations.](#)

[Secs. 2-45—2-80. - Reserved.](#)

**Sec. 2-31. - Mayor-council form of government.**

The city is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Wis. Stats. chs. 62 and 66, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The city operates under the mayor-council form of government under Wis. Stats. ch. 62.

(Code 1990, § 2-1-1(a))

**State law reference**— *Form of government, Wis. Const. art. XI, § 5.*

**Sec. 2-32. - Division of responsibilities.**

- (a) *Legislative branch.* The common council is the legislative branch of the city government. The common council's primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The common council shall fix the salaries of all officers and employees of the city, and be charged with the official management of the city's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the city.
- (b) *Executive branch.* The mayor shall be the chief executive officer. The mayor shall take care that all city ordinances and state laws are observed and enforced and that all city officers, boards, committees and commissions discharge their duties. When present, he shall preside at the meetings of the common council. The mayor shall give the common council such information and recommend such measures as he deems advantageous to the city. The common council shall be vested with all the powers of the city not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

(Code 1990, §§ 2-1-1(b), 2-2-1)

**State law reference**— *Common Council, Wis. Stats. § 62.11.*

**Sec. 2-33. - Alderpersons.**

The city shall have nine alderpersons. The mayor and alderpersons shall constitute the common council. Pursuant to Charter Ordinance number 1444, one alderperson shall be elected (see Wis. Stats. § 62.09(1)(b)) from each aldermanic district for a term of two years. Alderpersons shall be divided into two classes, one class of alderpersons to be elected in the odd years and one class to be elected in the even years.

(Code 1990, § 2-2-2; Char. Ord. No. 1444, 9-26-1991)

**State law reference**— Officers, Wis. Stats. § 62.09.

### **Sec. 2-34. - Mayor.**

- (a) *Election.* Pursuant to Charter Ordinance number 1444, commencing with the candidate elected at the regular spring election for the office of Mayor in April 1992, the regular term of office for the mayor shall be as provided in section 2 of Charter Ordinance number 1444.
- (b) *Duties.*
- (1) The mayor shall be the chief executive officer of the city and head of the police and fire departments. The mayor shall take care that city ordinances and the state statutes are observed and enforced and that all officers and employees discharge their duties.
  - (2) The mayor shall, from time to time, provide the common council such information and recommend such measures as he may deem advantageous to the city. When present, he shall preside at the meetings of the common council.
  - (3) The mayor shall have such other duties and responsibilities as are prescribed in the state statutes.
- (c) *Veto power.* The mayor shall have the veto power as to all acts of the common council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to the mayor by the city clerk, and shall be enforced upon his approval, evidenced by his signature, or upon his failing to approve and disapprove within five days, which fact shall be certified thereon by the city clerk. If the mayor disapproves, he shall file his objection with the city clerk, who shall present it to the common council at its next regular meeting. A two-thirds vote of all the members of the common council shall be necessary to make the act effective, notwithstanding the objection of the mayor.
- (d) *Mayoral appointments.*
- (1) Wherever in this Code the mayor is required to appoint citizens to committees, commissions and/or boards, the mayor shall give written notice by executive letter to the common council at least seven days prior to the common council meeting at which such appointment shall be made. In the event the common council rejects a mayor's appointment, the same name may not be submitted for the same job for a period of 12 months after the refusal of such appointment.
  - (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the mayor does not nominate a successor thereof for a period of 60 days after the vacancy occurs, the common council may then nominate an appointee to such position, subject to the approval of the mayor.
  - (3) In the event the common council, by parliamentary practice, tables an appointment by the mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the common council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

(Code 1990, § 2-2-3)

**State law reference**— Authority to establish term by charter ordinance. Wis. Stats. § 62.09(5)(b); mayor, Wis. Stats. § 62.09(8).

### **Sec. 2-35. - President of the common council.**

The common council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a president who, in the absence of the mayor, shall preside at meetings of the common council and, during the absence or inability of the mayor, shall have the powers and duties of the mayor, except that he shall not have power to approve an act of the common council which the mayor has disapproved by filing objections with the city clerk. The president shall, when so officiating, be styled "acting mayor." The president of the common council shall be elected for a one year term of office.

(Code 1990, § 2-2-4)

**State law reference**— Similar provisions, Wis. Stats. § 62.09(8)(e).

## **Sec. 2-36. - Standing committees; action on committee reports.**

- (a) **Appointments.**
- (1) **Committees.** At the organizational meeting of the common council each year, the mayor shall appoint alderpersons to each of the following committees, which shall be designated as the standing committees of the common council:
    - a. Finance/administration.
    - b. Human resources.
    - c. Municipal services and utilities.
    - d. Legislative and regulatory.
  - (2) **Appointment approval.** All such appointments shall be subject to common council approval.
  - (3) **Special committees.** In addition to the designated standing committees, the mayor may appoint special or ad-hoc committees as deemed necessary to address matters of unique interest or importance to the city.
- (b) **Composition of committees.** Each of the several standing committees shall be composed of five (5) alderpersons with the chairperson to be designated by the mayor, except that for the human resources committee the mayor shall be the chairperson. The mayor and administrator shall serve as ex-officio members of each standing committee, except that the mayor is an official member of the human resources committee.
- (c) **Committee duties and responsibilities.** The standing committees of the common council are established as legislative entities with their primary function being one of policy determination and general oversight of municipal operations. In this capacity, committees may conduct studies of pending action, develop and introduce alternate policy initiatives, and make recommendations for specific action to the common council. Within their respective areas of responsibilities, as defined below, each committee shall receive, review and provide direction on staff generated proposals, common council directed initiatives, and/or public requests for services.
- (1) **Finance/administration committee.** The finance/administration committee shall advise the common council on those matters concerning general financial management practices, debt administration, budget preparation, insurance and risk management issues, and matters of general administrative operation.
  - (2) **Human resources committee.** The human resources committee shall advise the common council on those matters relating to personnel policies and practices, compensation administration, labor relations and collective bargaining, and employee relations.
  - (3) **Municipal services and utilities committee.** The municipal services and utilities committee shall advise the common council on those matters relating to streets/alleys, storm drainage system, water distribution, wastewater treatment, traffic and parking, public buildings/grounds, and parks.
  - (4) **Legislative and regulatory committee.** The legislative and regulatory committee shall advise the common council on matters relating to Code provisions, legislative (code) initiatives, ordinance review, licensing and permits.
- (d) **Committee meetings.**
- (1) **Schedule.** Standing committees are expected to maintain a meeting schedule as necessary to effectively discharge their respective responsibilities, provided, however, that each committee shall meet no less frequently than once each quarter.
  - (2) **Meeting call.** The mayor or committee chairperson may call a committee meeting at such time as he may designate by reasonable advance written notice to each committee member.
  - (3) **Exclusion from closed meetings.** No common council member shall be excluded from any closed meeting of any committee, except that the chairperson of the human resources committee shall have the right to exclude all non-member alderpersons from any human resources meeting.
- (e) **Committee minutes.** Each committee shall be responsible for recording the minutes of meetings as may be required by state statute.

- (f) *Committee reports.* In all matters requiring common council approval, written minutes of findings and recommended action shall be prepared and presented to the common council. Committee minutes shall be filed with the city clerk by 12:00 noon on the Thursday preceding the common council meeting, and recorded in the proceedings of the common council meeting.

(Code 1990, § 2-2-5; Ord. No. 06-002, 4-27-2006)

### **Sec. 2-37. - General powers of the common council.**

- (a) *Acquisition and disposal of property.* The common council may acquire property, real or personal, within or without the city, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or continuous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such city-owned property, except dedicated, platted parks.
- (b) *Acquisition of easements and property rights.* Confirming all powers granted to the common council and in furtherance thereof, the common council is expressly authorized to acquire by gift, purchase or condemnation under Wis. Stats. ch. 32, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Wis. Stats. § 62.23; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (c) *City finances.* The common council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the city finances.
- (d) *Construction of powers.* Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the common council in this section and throughout this Code shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the city and its inhabitants.

(Code 1990, § 2-2-6)

**State law reference**— *Common Council, Wis. Const. art. XI, § 3; Wis. Stats. §§ 62.09(5), 62.11.*

### **Sec. 2-38. - Internal powers of the common council.**

The common council has the power to preserve order at its meetings, compel attendance of alderpersons and punish nonattendance. The common council shall be judge of the election and qualification of its members.

(Code 1990, § 2-2-8)

### **Sec. 2-39. - Meeting times.**

- (a) *Annual organization meeting.* Following a regular city election, the common council shall meet on the third Tuesday of April for the purpose of organization.
- (b) *Regular meetings.* Regular meetings of the common council shall be held on the second and fourth Thursday of each calendar month, at 7:00 p.m., or as otherwise scheduled by the common council. Any regular meetings falling upon a legal holiday shall be held on the prior Tuesday at 7:00 p.m.
- (c) *Public hearings.* Public hearings shall be scheduled on the days of the regularly scheduled common council meetings.
- (d) *Special meetings.* Special meetings may be called by the mayor upon written notice of the time and purpose thereof to each member of the common council delivered to him personally or left at his usual place of abode at least six hours before the meeting. The city clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings. Special meetings shall comply with the notice

provisions of the Wisconsin Open Meeting Law, Wis. Stats § 19.81 et seq. In addition, a special meeting may be called by a written request signed by two-thirds of the common council, which written notice for said special meeting shall be delivered to every member of the common council and the mayor personally, or left at their abode at least six hours before said meeting being called. If written consent is obtained, it shall be filed with the city clerk prior to the beginning of the meeting.

(Code 1990, §§ 2-2-10, 2-2-11)

**State law reference**— Meeting, Wis. Stats. § 62.11(2).

### **Sec. 2-40. - Presiding officers.**

- (a) *Generally.* The mayor shall preside over all meetings of the common council. In the absence of the mayor, the president of the common council shall preside.
- (b) *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 (Revised), unless otherwise provided by statute or by this chapter. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds vote of the members present excluding the mayor. In the absence of the city clerk, the presiding officer shall appoint a clerk pro tem.

(Code 1990, § 2-2-14)

**State law reference**— Similar provisions, Wis. Stats. § 62.09(8).

### **Sec. 2-41. - Order of business.**

- (a) *Generally.* At all regular meetings, the order of business shall be according to the agenda prepared by the city clerk. All matters considered at a regular common council meeting shall be submitted to the city clerk no later than 12:00 noon on the Thursday preceding the meeting. In the case of a special common council meeting, matters to be considered shall be submitted to the city clerk at least 24 hours in advance of the meeting. The following order shall be observed in disposing of business before the common council, unless otherwise provided for in the furnished agenda:
  - (1) Call to order.
  - (2) Roll call.
  - (3) Pledge of allegiance.
  - (4) Approval of agenda.
  - (5) Approval of minutes.
  - (6) Consent agenda.
  - (7) Reports of city departments.
  - (8) Reports of standing committees.
  - (9) Unfinished business.
  - (10) New business.
  - (11) Information items, petitions, correspondence and acknowledgements.
  - (12) Adjournment.
- (b) *Order to be followed.* No business shall be taken up out of order unless by majority consent of all alderpersons or in the absence of any debate whatsoever.

(Code 1990, § 2-2-15)

### **Sec. 2-42. - Ordinances to be in writing.**

- (a) *Submission, drafting and passage of ordinance.* All ordinances submitted to the common council shall be in writing and shall begin with a title and the committee requesting action. All ordinances shall be drafted by the city attorney or by the city clerk, at the request of the mayor or any member of the common council. Upon passage by the common council, the city clerk shall oversee the printing of the same.
- (b) *Subject and numbering of ordinances.* Each ordinance shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance

contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.

- (c) *Notice.*
- (1) The common council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
  - (2) Every ordinance shall receive a minimum of one separate reading previous to its passage. No ordinance shall have its second reading on the same day that it is first read, unless by suspension of the rules as provided in this chapter. Alderpersons may discuss the merits of any proposed ordinance during the first reading.

(Code 1990, § 2-2-16)

### **Sec. 2-43. - Publication and effect of ordinances.**

- (a) All general ordinances of the city and all regulations imposing any penalty shall be published in the official paper of the city once 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 regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the common council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

(Code 1990, § 2-2-17)

### **Sec. 2-44. - Conduct of deliberations.**

- (a) *Roll call.* When the presiding officer shall have called the members to order, the city clerk shall proceed to call the roll in alphabetical order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month.
- (b) *Meeting attendance.* All members of the common council shall attend all common council meetings, meetings of committees to which members have been appointed, and special or adjourned meetings when duly notified thereof. A member who does not appear in answer to his name when the roll is called at any regular meeting or any special or adjourned meeting when notified thereof shall be marked absent. Any member seeking to be excused from attending any regular or special meeting must notify, in writing, the mayor or city clerk in advance of such meeting, explaining the reason for his absence and, upon complying with this requirement, such members shall be duly excused from attending said meeting. Any member who shall not render a sufficient excuse for his nonappearance at said meeting, whether regular or special, shall pay the sum of \$15.00 for each meeting missed, at or before the next regular common council meeting, and in the event said member misses two unexcused consecutive meetings, then such member may be censured by the common council, by written resolution, for failure to attend a duty. In the event such member shall not voluntarily pay the fine as provided to the city clerk, then the city clerk shall deduct said amount from his next salary order.
- (c) *Absence of designated presiding officers.* In the case of the absence of the mayor and the president of the common council, the common council at any regular or special meeting shall proceed to elect one of its members to preside at a meeting, which election shall be by open ballot, and shall require a majority of the total votes cast by the members in attendance.
- (d) *Addressing council.* No member may speak more than ten minutes without first obtaining leave of the presiding officer, and no person not a member of the common council shall be permitted to address the common council, except on leave especially granted by the presiding officer.
- (e) *Consent agenda.*
  - (1) The city clerk, subject to mayor approval, may create a subsection on any common council agenda entitled "consent agenda." In a consent agenda, the clerk may place matters that, in the clerk's judgment, are of routine nature and do not require a special vote or specific action by the common council.
  - (2) No separate discussion or debate shall be permitted on any matter listed on the consent agenda.

- (3) When the consent agenda is considered as an order of business, any common council member may request the removal of any item from the consent agenda and such item shall be removed without debate or vote. Any item so removed from the consent agenda shall be separately considered at the appropriate time in the common council's regular order of business.
- (f) *Necessity of roll call vote.* A roll call shall be necessary on all questions or motions.
- (g) *Roll call vote procedure.* The ayes and nays shall be ordered upon any question at the request of any member of the common council, or the mayor, and the city clerk shall call the roll starting with the alderperson whose last name appears first on the list of the alderperson's names alphabetically arranged and, on the next call of the roll, at the same or any subsequent meeting, the clerk shall start with the alderperson whose name appears next on said alphabetical list, and each subsequent call of roll shall begin with the name of the alderperson next on said alphabetical list of alderpersons, such order of roll call shall be followed until the list of alderpersons has been completed. Each time the list has been completed, the city clerk shall again start on top of the list and proceed on down through the list.
- (h) *Reconsideration.* When a motion has been decided, it shall be in order for any member who voted in the majority, to move a reconsideration thereof, at the same or next succeeding meeting and the mayor shall call for a roll call of the alderpersons. If a majority of the members present shall be in favor of a reconsideration, the subject shall be before the common council for further action.
- (i) *Use of common council chambers.* The common council chambers shall be used only for common council, municipal court, council committee meetings, by city departments, boards or commissions when such use involves educational or administrative functions of city employees, board members or commission members. No club, society or organization shall use the common council chambers for regular meetings.
- (j) *Rules of parliamentary procedure.* The rules of parliamentary practice in Robert's Rules of Order, Newly Revised, Tenth Edition, which is hereby incorporated by reference, shall govern the proceedings of the common council in all cases to which they are applicable and in which they are not inconsistent with these rules or with the laws of the state.
- (k) *Amendment of rules.* The rules of this section 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 common council.
- (l) *Suspension of rules.* Any of the provisions of this section may be suspended temporarily by a recorded vote of two-thirds of the common council members present at any meeting.

(Code 1990, § 2-2-18; Ord. No. 08-004, 2-28-2008)

## **Secs. 2-45—2-80. - Reserved.**

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### FOOTNOTE(S):

<sup>(3)</sup> *State Law reference— Common council, Wis. Stats. § 62.11. [\(Back\)](#)*

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## **ARTICLE III. - ELECTIONS** [\[4\]](#)

[Sec. 2-81. - Nonpartisan primary for city offices.](#)

[Sec. 2-82. - Aldermanic districts.](#)

[Sec. 2-83. - Supervisory districts.](#)

[Sec. 2-84. - Appointment of election officials.](#)

[Sec. 2-85. - Elections.](#)

[Secs. 2-86—2-110. - Reserved.](#)

## Sec. 2-81. - Nonpartisan primary for city offices.

Whenever three or more candidates file nomination papers, candidates for elective city offices shall be nominated by a nonpartisan primary conducted pursuant to Wis. Stats. § 8.11.

(Code 1990, § 2-1-6)

*State law reference*— Spring primary, Wis. Stats. § 8.11.

## Sec. 2-82. - Aldermanic districts.

Aldermanic districts are established as follows by combining contiguous whole wards and as shown on a map entitled "City of Portage Aldermanic Districts" on file in the office of the city clerk. Such aldermanic districts shall become effective beginning with the Spring, 2012 Election.

- (1) First Aldermanic District Ward 1.
- (2) Second Aldermanic District Ward 9.
- (3) Third Aldermanic District Ward 10.
- (4) Fourth Aldermanic District Ward 3.
- (5) Fifth Aldermanic District Ward 2.
- (6) Sixth Aldermanic District Ward 5.
- (7) Seventh Aldermanic District Ward 4.
- (8) Eighth Aldermanic District Wards 6 and 7.
- (9) Ninth Aldermanic District Ward 8.

(Code 1990, § 2-1-7; Ord. No. 11-009, 9-13-2011)

## Sec. 2-83. - Supervisory districts.

Supervisory districts are established as follows by combining contiguous whole wards and as shown on a map entitled "City of Portage Supervisory Districts" on file in the office of the City Clerk. Such supervisory districts shall become effective beginning with the spring, 2012 Election.

- (1) County Supervisory District #4 Wards 9 and 10.
- (2) County Supervisory District #5 Wards 6 and 7.
- (3) County Supervisory District #6 Wards 5 and 8.
- (4) County Supervisory District #7 Wards 2 and 4.
- (5) County Supervisory District #8 Wards 1 and 3.

(Code 1990, § 2-1-8; Ord. No. 11-010, 9-13-2011)

## Sec. 2-84. - Appointment of election officials.

There shall be three polling precincts made up of aldermanic districts 1, 2, 3; aldermanic districts 4, 5, 6; aldermanic districts 7, 8, 9. There shall be a minimum of seven election workers for each polling precinct at each election held under Wis. Stats. chs. 5—12. This requirement being in effect for all regular elections, unless specifically modified by the common council, in regular session, prior to any election, where the demands upon the election officials shall be reduced because of limited interest or municipal elections. Inspectors shall be appointed as provided in Wis. Stats. § 7.30.

(Code 1990, § 2-1-4; Ord. No. 06-012, 12-14-2006)

*State law reference*— Election officials, Wis. Stats. § 7.30.

## Sec. 2-85. - Elections.

- (a) *Annual city election.* The annual city election shall be held on the first Tuesday in April.
- (b) *Rules.* The rules for provision of voting booths, ballots and election officials and all of the rules for conduct of

elections in Wisconsin Statutes shall apply to elections in the city.

(Code 1990, § 2-1-5; Ord. No. 08-001, 1-24-2008)

**State law reference**— Elections, Wis. Stats. ch. 5; poll hours, Wis. Stats. § 6.78.

## Secs. 2-86—2-110. - Reserved.

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### FOOTNOTE(S):

(4) **Cross reference**— Any ordinance calling an election saved from repeal, § 1-9(a)(16). [\(Back\)](#)

(4) **State Law reference**— Elections, Wis. Stats. chs. 5—12. [\(Back\)](#)

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ARTICLE IV. - OFFICERS, EMPLOYEES, DEPARTMENTS >>

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## ARTICLE IV. - OFFICERS, EMPLOYEES, DEPARTMENTS [5]

[Sec. 2-111. - General provisions.](#)

[Sec. 2-112. - City officers.](#)

[Sec. 2-113. - City departments.](#)

[Sec. 2-114. - Personnel policy.](#)

[Sec. 2-115. - Classification and pay plan.](#)

[Secs. 2-116—2-139. - Reserved.](#)

### Sec. 2-111. - General provisions.

- (a) **General powers.** Officers shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and, except as to the mayor, shall perform such duties as shall be required of them by the common council. Officers whose powers and duties are not enumerated in Wis. Stats. ch. 62 shall have such powers and duties as are prescribed by law for like officers or as are directed by the common council.
- (b) **Rules.** All officers and departments may make any necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of ethics statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to city officers.
- (d) **Legal representation.** Whenever any city official in his official capacity has been proceeded against or obliged to proceed before any civil court, board or commission to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the common council has ordered the proceedings discontinued, the common council may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

(Code 1990, § 2-3-1)

**State law reference**— Officers, Wis. Stats §§ 62.09, 62.11.

### Sec. 2-112. - City officers.

- (a) **Officers eliminated.** Pursuant to the provisions of Wis. Stats. § 62.09, the following statutory officers are hereby dispensed with: comptroller, street commissioner, city engineer, constable, and board of public works. The duties and responsibilities of said officers shall be assigned to such other officers, boards, commissions, or employees as the common council determines to be appropriate.
- (b) **Appointment of officers.** The police chief and fire chief shall be appointed by the police and fire commission in

accordance with Wis. Stats. § 62.03(3). All other city officers shall be appointed by the common council.

- (c) *Term of office.* City officers appointed pursuant to subsection (b) of this section shall serve for an indefinite term.
- (d) *Removal from office.* City officers appointed pursuant to subsection (b) of this section may be removed from office for cause by a majority vote of the common council. An officer employed by the city pursuant to a written employment contract may be removed from office in accordance with the terms and conditions of said contract.
- (e) *Qualifying oath and bond.*
  - (1) *Oath.* Every person elected or appointed to any statutory office shall take and file his official oath within ten days after the notice of his election or appointment.
  - (2) *Bonds.* The city clerk, and such other statutory officers as the laws of the state or the common council may direct, shall execute and file an official bond in such form as the common council may determine. The common council may, at any time, require new or additional bonds of any officer. All official bonds must be approved by the mayor and, when so approved, shall be filed within ten days after the officer executing the same has been notified of this election or appointment. Official bonds shall be filed with the city clerk.
- (f) *Salaries and benefits.* The salaries and benefits of city officers and employees shall be established by the common council in accordance with the state statutes and the city's personnel policy.
- (g) *Qualifications and duties—Officers.* The minimum qualifications and general duties of all city officers, except city attorney and city assessor, are set forth in the city's position classification and pay plan:
  - (1) *City attorney.* The city attorney shall be duly admitted to practice in the courts of record in the state; shall conduct all the legal business in which the city has interest; and shall perform all duties prescribed for city attorneys by state statutes.
  - (2) *City assessor.* The city assessor shall be certified by the state department of revenue at the level required by law and shall be experienced and capable of performing the duties of the offices as prescribed by law.

(Code 1990, § 2-3-2; Ord. No. 05-002, 2-10-2005)

**State law reference—** *Officers, Wis. Stats. § 62.09.*

### **Sec. 2-113. - City departments.**

- (a) *Departments enumerated.* In order to provide for the effective and efficient delivery of city programs and services, the following city departments are established:
  - (1) Administration;
  - (2) Public works;
  - (3) Police;
  - (4) Fire;
  - (5) Utilities;
  - (6) Parks, recreation and forestry; and
  - (7) Library.
- (b) *Department duties and responsibilities.* Each of the various departments shall have the general duties and responsibilities as prescribed by state statute and additional specific duties and responsibilities as set forth elsewhere in this Code.
- (c) *Department management and supervision.* The day-to-day operation of the city departments shall be under the management and supervision of the appointed department managers or his designee.

(Code 1990, § 2-3-3)

### **Sec. 2-114. - Personnel policy.**

- (a) *General provisions.* The city shall establish and maintain fair and reasonable policies and procedures pertaining to all personnel related matters in accordance with applicable state and federal laws.
- (b) *Personnel policies and procedures manual.* The common council shall adopt, by resolution, a separate

document entitled City of Portage Personnel Policies and Procedures Manual which shall be on file with the city clerk. Every employee shall receive a copy of the manual upon employment, and shall be provided any and all supplements or revisions to the manual as they may be approved by the common council.

(Code 1990, § 2-3-4)

## **Sec. 2-115. - Classification and pay plan.**

- (a) *General policy.* In order to help ensure its ability to recruit and retain a competent and effective workforce, the city is committed to providing a competitive, equitable, and secure pay plan based on the concepts of job evaluation, performance appraisal, and merit compensation.
- (b) *Statement of purpose.* The position classification and pay plan for nonunion employees is designed to meet the following management objectives:
  - (1) To provide a competitive wage/salary position with respect to comparable municipal employers.
  - (2) To maintain an equitable wage/salary relationship among classified employment positions.
  - (3) To maintain an equitable relationship between nonunion wage rates and those of collective bargaining units.
  - (4) To provide a consistent, objective and rational system for determining wage and salary adjustments that recognize differential performance levels among employees.
  - (5) To maintain an affordable and fiscally responsible posture with regard to overall financial management considerations.
- (c) *Position classification plan.*
  - (1) *Classification of employment positions.*
    - a. All full time positions in the city service, except those represented by a collective bargaining agreement, shall be classified on the basis of job content value as determined by a "factor-point" method of job evaluation.
    - b. Position descriptions which define the duties, responsibilities and qualifications required of the position shall be developed for each classification.
    - c. The classes of positions and the position descriptions for each respective class, as set forth in this document, shall constitute the position classification structure.
  - (2) *Application and interpretation of classification plan.*
    - a. *Allocation of existing positions.* The positions covered by the position classification plan are hereby assigned to appropriate classes in accordance with the position classification structure. The city clerk shall notify each employee of his assignment and each employee having served in any such position is hereby given status in each position.
    - b. *Interpretation of class specifications.*
      - 1. *Purpose and effect of class specifications.* Each class specification shall state in writing the major characteristics of an occupational class and thereby differentiate each class from every other in terms of kind and complexity of work and minimum qualifications. It shall give example of duties which employees holding such positions may properly be required to perform and is intended to be descriptive and explanatory but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks of related kind or character. The class specifications provide the basic job content information from which to derive a quantitative job content evaluation for each class.
      - 2. *Statements of desirable qualifications.* The statement of qualifications in the class specification is intended to express desirable minimum qualifications to be utilized as a guide in selecting candidates for employment or selecting employees for assignment to new positions.
  - (3) *Administration and maintenance of the classification plan.*
    - a. *Responsibilities of the mayor and human resources committee.* The mayor shall be responsible for the administration and maintenance of the classification plan. The human resources committee shall conduct periodic reviews of the class specifications and position allocation to ensure that the plan is current. Any significant proposed changes in duties or responsibilities of a

position shall be submitted to the common council for approval. Upon common council approval, the city clerk shall review the revised position description for purposes of job evaluation and possible reclassification.

- b. *Changes requiring common council approval.* The approval of the common council shall be required for the establishment of any new class or changes in any existing class. Such changes shall take the form of amendments to the position classification and salary plan approved by the common council, and all such changes shall be effective after the approval of the amendment by the common council and after publication thereof.
- c. *Employee request for classification adjustments.*
1. Employees shall have the right to consideration of any request with respect to a change in the classification of the position held by the employee. Such request shall be made in writing to the employee's supervisor who shall submit said request to the mayor's office. It shall be the responsibility of the human resources committee to review the request pursuant to the procedures established in the position classification plan.
  2. If there appears to be sufficient evidence to justify changing the position allocation, the mayor shall present said findings to the common council pursuant to subsection (c)(3)b of this section.
- d. *Reallocation of positions.* When a classification is changed decreasing the grade or evaluation points of the position, all incumbents of said classification shall remain at the salary levels on the date of reallocation until such time as the amount of salary falls within either the steps of the new grade or the revised salary range. Whenever a classification is changed increasing the grade or evaluation points of the position, all incumbents shall receive the same salary as was received prior to the increase or adjusted to the minimum rate of the new classification whichever is higher and shall thereafter be eligible for advancement pursuant to the provisions of the city's compensation plan.
- e. *New classification established.* If a new classification is established, class specifications shall be developed and incorporated in the existing position classification structure.
- (d) *Pay plan.*
- (1) *Wage and salary practice.* The objectives of the city's pay plan are to provide a competitive wage and salary position in relation to comparable municipal employers, and to afford employees an opportunity for salary advancement on the basis of individual performance.
  - (2) *Wage and salary schedule.* Pay for nonunion employees occupying classified positions shall be on the basis of pay grades and pay ranges for each classification.
    - a. *Pay grades.* Based on job content value a series of pay grades will be established in such a manner as to assign comparable classified positions to each pay grade. Each such pay grade shall encompass a range of 100 job content points.
    - b. *Pay ranges.* For each of the established pay grades there shall be a corresponding pay range which sets forth the minimum and maximum pay rates of the respective pay grades. Pay ranges shall provide a 35 percent spread between the minimum and maximum pay rate for each pay grade. All employees covered by the pay plan shall be compensated within the pay range established for their respective classification.
    - c. *Pay range adjustments.* Comparison communities, regional and national salary structure movement date will be evaluated to determine adjustments to the pay ranges.
    - d. *Pay schedule adopted.* The following schedule shall apply to the wage/salary pay scale for nonunion personnel:

Pay Grade	Job Evaluation Point Range	Minimum	Midpoint	Maximum
1	100—199	25,123	29,520	33,917
2	200—299	27,520	32,336	37,152
3	300—399	29,917	35,152	40,387
4	400—499	32,313	37,968	43,623

5	500—599	34,710	40,784	46,858
6	600—699	37,106	43,600	50,094
7	700—799	39,503	46,416	53,329
8	800—899	41,900	49,232	56,564
9	900—999	44,296	52,048	59,800
10	1,000—1,099	46,693	54,864	63,035
11	1,100—1,199	49,089	57,680	66,271
12	1,200—1,299	51,486	60,496	69,506
13	1,300—1,399	53,883	63,312	72,741
14	1,400—1,499	56,279	66,128	75,977
15	1,500—1,599	58,676	68,944	79,212

Benchmark = 25,296.00

Job Point Value 28.16

(3) *Application interpretation of pay plan.*

- a. *Entrance rate.* The rate of pay upon initial employment in any classified position shall be made at the minimum of the range for the position's pay grade. Provided, however, the human resources committee may approve initial compensation at a rate higher than minimum in the event that the employee's experience and/or abilities substantially exceed the minimum qualification for the position.
- b. *Rate of pay on promotion.* In any case when an employee is promoted to a class with a higher pay grade, the entrance rate shall be five percent above the rate received prior to promotion or adjusted to the minimum of the new pay grade, whichever is greater.
- c. *Responsibility for interpretation and application of plan.* The mayor shall be responsible for the interpretation and application of the plan in relation to pay issues not specifically addressed by this plan, using the principles set forth herein as a policy guide.

(4) *Pay rate adjustments.*

- a. *In-range adjustments.* Employees whose base pay is less than the maximum rate established for their classification will be eligible to receive a general market rate adjustment on January 1 each year, and a merit adjustment on each anniversary date of employment. The following procedures shall be applied in determining pay rate adjustments:
  1. *Market adjustment.* On or about January 1 each year, the city will adjust employee wages based on current market trends. In determining the level of such adjustment, the city will consider several market indicators, including: Consumer Price Index (CPI); comparison community salary survey data; and collective bargaining agreement wage adjustments.
  2. *Merit adjustment.* Employees will be eligible for a merit increase on each anniversary date of employment. Merit advancement shall be earned solely on the basis of semiannual performance appraisals. The following schedule shall be applied to merit advancement:

(1)

Performance Level	Performance Rating <sup>(1)</sup>	Adjustment <sup>(2)</sup> (percent)
A	3.50—4.00	1
B	4.01—4.75	1.5
C	4.76—5.25	2
D	5.26—6.00	2.5
E	6.01—6.50	3
F	6.51—7.00	4

Average of Semiannual Appraisals

(2) Percentage of Salary Range Midpoint

- b. *Adjustments at maximum pay rate.* Employees whose base pay has reached the maximum for their classification will be eligible to receive a performance bonus in the same manner as prescribed for merit adjustments. However, a performance bonus shall be treated as a "one-time" payment and will not increase the employee's base pay rate.
- (5) *Administration and plan maintenance.* The administration and maintenance of the pay plan, as set forth herein, shall be the responsibility of the mayor or his designee.
- a. *Wage and salary survey.* Each year the city clerk shall conduct a survey of comparable municipal employers for the purpose of evaluating the competitive position of the city's salary schedule. A comprehensive evaluation of the city's pay plan will be conducted every three to five years. To ensure continuity and accuracy of survey data, the following communities and benchmark job classifications shall be reviewed:

Comparison Communities	
Antigo	Stoughton
Baraboo	Ripon
Merrill	Jefferson
Monona	Tomah
Monroe	Ft. Atkinson

Benchmark Positions	
Police chief	Police lieutenant
Department of public works director	Patrol officer
Parks and recreation director	Secretary
City clerk	Department of public works crewman
Fire chief	Assistant librarian
Library director	
Deputy clerk/treasurer	

- b. *Pay plan adjustments.* Whenever the results of annual salary surveys and/or comprehensive plan evaluations suggest that the city's established pay plan no longer meets the objectives set forth herein, the mayor's office shall submit recommended revisions to the human resources committee. Implementation of a revised salary schedule or a revised pay plan shall be upon human resources recommendation and subject to approval by the common council. The goal of the pay plan is to maintain salary range midpoint at the 75th percentile among comparison communities, as designated in subsection (e) of this section.
- c. *Administrative documentation.* The city clerk shall be responsible for maintaining necessary administrative and supporting documentations required for plan implementation and continued operation.
- (6) *Application of wage and salary schedule.* The annual base pay rate set forth in the wage and salary schedule is based on a standard work year totaling 2,080 hours. Nonsalaried personnel shall receive the "hourly equivalency" rate corresponding to their respective pay grade.

(Code 1990, § 2-3-5; Ord. No. 04-018, 8-12-2004; Ord. No. 05-011, 8-11-2005)

**Secs. 2-116—2-139. - Reserved.**

## FOOTNOTE(S):

<sup>(5)</sup> **Cross reference**— Any ordinance establishing positions, classifying positions, establishing pension or employee benefits, setting salaries of city officers and employees or any personnel regulations or indemnifications policies, or otherwise related to employees saved from repeal, § 1-9(a)(14). [\(Back\)](#)

<sup>(5)</sup> **State Law reference**— Officers, Wis. Stats. § 62.09. [\(Back\)](#)

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >>

## ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS [\[6\]](#)

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - BOARD OF REVIEW](#)

[DIVISION 3. - LIBRARY BOARD](#)

[DIVISION 4. - BOARD OF AIRPORT COMMISSIONERS](#)

[DIVISION 5. - ZONING BOARD OF APPEALS](#)

[DIVISION 6. - CITY PLAN COMMISSION](#)

[DIVISION 7. - PARK AND RECREATION BOARD](#)

[DIVISION 8. - POLICE AND FIRE COMMISSION](#)

[DIVISION 9. - CABLE TV COMMISSION](#)

[DIVISION 10. - TOURISM PROMOTION COMMISSION](#)

[DIVISION 11. - COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE](#)

## FOOTNOTE(S):

<sup>(6)</sup> **Cross reference**— Emergency government planning committee, § 18-32; historic preservation commission, § 34-31 et seq. [\(Back\)](#)

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 1. - GENERALLY >>

## DIVISION 1. - GENERALLY

[Sec. 2-140. - General provisions regarding meetings and public notice.](#)

[Sec. 2-141. - Committee minutes.](#)

[Sec. 2-142. - Residency required for service on boards or commissions.](#)

[Secs. 2-143—2-160. - Reserved.](#)

### Sec. 2-140. - General provisions regarding meetings and public notice.

- (a) *Regular meetings; public notice.* Every board, committee and commission created by or existing under the ordinances of the city shall:
- (1) Fix a regular date, time and place for its meeting;
  - (2) All meeting notices shall be filed with the city clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law requirements.
  - (3) Post at the front door of the city hall, or publish, an agenda of the matters to be taken up at such meeting.
- (b) *Special meetings.* Nothing in subsection (a) of this section shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Wis. Stats. §§ 19.81—19.89.

(Code 1990, § 2-4-14)

**State law reference**— Open Meeting Law, Wis. Stats. §§ 19.81—19.89.

### Sec. 2-141. - Committee minutes.

Each board, committee or commission shall be responsible for recording the minutes of meetings as may be

required by state statute.

### **Sec. 2-142. - Residency required for service on boards or commissions.**

No person not a resident of and not residing in the city shall be appointed in a voting capacity to any city board or commission, except as follows:

- (1) The library board, pursuant to state law, may have as members up to two persons who reside in towns adjacent to the city.
- (2) In recognition of the fact that city park and recreation programs affect citizens outside the city, the two citizen members shall not be subject to the residency requirement.
- (3) Any board or committee member who moves from the city shall be immediately removed from such board or committee.
- (4) The representative of Portage Schools for the cable TV commission shall not be subject to the residency requirement.
- (5) One of the citizen members of the board of airport commissioners shall not be subject to the residency requirement in recognition of the fact that the Portage Airport provides services to citizens outside the city. However, that nonresident member shall be a business person and have an economic tie to the airport.
- (6) When any person is appointed to act as a city official in an interim capacity and such position requires service on any board, such person shall not be subject to the residency requirement.
- (7) Two members of the historic preservation commission shall not be subject to the residency requirement.
- (8) Two members of the tourism promotion committee, each of who is an owner, operator or manager of a hotel or motel as defined in [section 74-31](#) of City of Portage Code of Ordinances, may either reside within five miles of the corporate limits or whose place of employment is within five miles of the corporate limits, or who owns real property as defined in Wis. Stats. ch. 70.  
One member of the tourism promotion committee who has a minimum ten percent ownership interest in a business located in the City of Portage where the business address and location is separate from the members residence.
- (9) Any member of an ad hoc or advisory committee must reside within five miles of the city's corporate limits, but no committee may be comprised of a majority of members who reside outside the corporate limits.

*(Code 1990, § 2-4-15; Ord. No. 08-017, 9-25-2008; Ord. No. 10-006, 4-20-2010; Ord. No. 10-013, 5-27-2010)*

### **Secs. 2-143—2-160. - Reserved.**

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 2. - BOARD OF REVIEW >>

## **DIVISION 2. - BOARD OF REVIEW** [\[7\]](#)

[Sec. 2-161. - Composition.](#)

[Sec. 2-162. - Duties.](#)

[Secs. 2-163—2-180. - Reserved.](#)

### **Sec. 2-161. - Composition.**

The board of review shall be composed of the mayor, city clerk, the president of the common council, building inspector, city administrator, finance/administration committee chairperson, and municipal services and utilities

committee chairperson and shall have the powers conferred by the Wisconsin Statutes. There shall be two alternate members appointed annually by the mayor. If the president of the common council is chairperson of the finance/administration committee or municipal services and utilities committee, one of the alternates will take the place of the president of the common council on the board.

(Code 1990, § 2-4-1(a); Ord. No. 05-009, 4-14-2005)

### **Sec. 2-162. - Duties.**

The duties and functions of the board of review shall be as prescribed in Wis. Stats. §§ 70.46 and 70.47.

(Code 1990, § 2-4-1(b))

### **Secs. 2-163—2-180. - Reserved.**

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#### FOOTNOTE(S):

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<sup>(7)</sup> *State Law reference— Board of review, Wis. Stats. §§ 70.46, 70.47. [\(Back\)](#)*

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 3. - LIBRARY BOARD >>

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#### **DIVISION 3. - LIBRARY BOARD** [\[8\]](#)

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[Sec. 2-181. - Organization: terms.](#)

[Sec. 2-182. - Duties and powers.](#)

[Secs. 2-183—2-200. - Reserved.](#)

### **Sec. 2-181. - Organization; terms.**

- (a) There is hereby created, pursuant to Wis. Stats. ch. 43, a municipal library board for the Portage Public Library consisting of seven members.
- (b) Terms of such members shall be from July 1 in the year of their appointment, and thereafter each regular appointment shall be for a term of three years. Not more than one member of the common council body shall at any one time be a member of the library board. The mayor shall appoint as one of the library board members a school district administrator, or his representative, to represent the public school district or districts in which the library is located. Members of the library board shall be residents of the city, except that not more than two members may be residents of the adjacent townships.
- (c) Within 30 days after the time designated in this section for the beginning of terms, the members of the library board shall organize by election from among their number a president and such other officers that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

(Code 1990, § 2-4-2(a))

### **Sec. 2-182. - Duties and powers.**

The library board shall have the duties and powers as prescribed by Wis. Stats. ch. 43, and more particularly set forth in Wis. Stats. § 43.58. The library board shall appoint the librarian and other library employees.

(Code 1990, § 2-4-2(b))

### **Secs. 2-183—2-200. - Reserved.**

## FOOTNOTE(S):

<sup>(8)</sup> *State Law reference*— *Additional members, Wis. Stats. §§ 43.54, 43.58.* [\(Back\)](#)

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 4. - BOARD OF AIRPORT COMMISSIONERS >>

**DIVISION 4. - BOARD OF AIRPORT COMMISSIONERS** [\[9\]](#)

[Sec. 2-201. - Membership.](#)

[Sec. 2-202. - Powers and duties.](#)

[Secs. 2-203—2-220. - Reserved.](#)

**Sec. 2-201. - Membership.**

The board of airport commissioners shall consist of three alderpersons appointed annually at the organizational meeting, and three citizens who shall be appointed by the mayor, subject to common council confirmation. Citizen members shall have a three-year term of office. The mayor shall appoint the chairperson of the commission.

*(Code 1990, § 2-4-3(a); Ord. No. 06-003, 4-27-06)*

**Sec. 2-202. - Powers and duties.**

The board of airport commissioners shall:

- (1) Organize and take charge of all affairs necessary in the management and operation of an airport for the city.
- (2) Prepare and present to the common council a budget for necessary expenditures for such management and operation.
- (3) Make recommendations to the common council regarding any and all affairs pertaining to aeronautics.
- (4) Authorize any and all expenditures, within the budget set up for such commission by the common council, necessary for the maintenance or well-being of aeronautics. Expenditures over \$5,000.00 shall first be approved by common council resolution.

*(Code 1990, § 2-4-3(b))*

**Secs. 2-203—2-220. - Reserved.**

## FOOTNOTE(S):

<sup>(9)</sup> *State Law reference*— *Airport, Wis. Stats. ch. 114.* [\(Back\)](#)

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 5. - ZONING BOARD OF APPEALS >>

**DIVISION 5. - ZONING BOARD OF APPEALS** [\[10\]](#)

[Sec. 2-221. - Establishment.](#)

[Sec. 2-222. - Powers.](#)

[Secs. 2-223—2-240. - Reserved.](#)

**Sec. 2-221. - Establishment.**

A zoning board of appeals shall be appointed as specified in Wis. Stats. § 62.23(7)(e). The zoning board of appeals shall consist of five members and two alternate members, appointed by the mayor, subject to confirmation by the common council for staggered three-year terms of office. The members shall be removable by the common council for cause upon written charges and upon public hearing. The mayor shall designate one of the members chair. The zoning board of appeals shall annually, elect a secretary. Vacancies shall be filled for unexpired terms of members whose terms become vacant. The alternates shall act in accordance with Wis. Stats. § 62.23(7)(e)2. The above provisions with regard to removal and the filling of vacancies shall apply to such alternates.

(Code 1990, § 2-4-4(a); Ord. No. 02-001, 2-14-2002)

**Sec. 2-222. - Powers.**

- (a) The zoning board of appeals shall have the powers as provided Wis. Stats. § 62.23(7)(e).
- (b) No order of the zoning board of appeals granting a variance shall be valid for a period longer than six months from the date of such order unless a zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(Code 1990, § 2-4-4(b))

**Secs. 2-223—2-240. - Reserved.****FOOTNOTE(S):**

<sup>(10)</sup> **Cross reference**— Zoning, ch. 90. [\(Back\)](#)

<sup>(10)</sup> **State Law reference**— Board of appeals, Wis. Stats. § 62.23(7). [\(Back\)](#)

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 6. - CITY PLAN COMMISSION >>

**DIVISION 6. - CITY PLAN COMMISSION** [\[11\]](#)

[Sec. 2-241. - Composition.](#)

[Sec. 2-242. - Appointment.](#)

[Sec. 2-243. - Organization.](#)

[Sec. 2-244. - Quorum.](#)

[Sec. 2-245. - Duties.](#)

[Sec. 2-246. - Vacancies.](#)

[Secs. 2-247—2-270. - Reserved.](#)

**Sec. 2-241. - Composition.**

The plan commission shall consist of seven members as follows: The mayor, one alderperson, the chair of the park and recreation board, three citizens and the director of public works.

(Code 1990, § 2-4-5(a))

**Sec. 2-242. - Appointment.**

- (a) *Election/appointment of alderperson members.* At its annual meeting in April of each year, the common council shall, by a two-thirds majority vote of its members, elect one of its number as member of the city plan

commission for a period of one year from and after May 1 next ensuing.

- (b) *Appointment and terms of citizen members.* The three citizen members shall be appointed by the mayor and confirmed by the common council. Annually during April, one member shall be appointed for a term of three years.

(Code 1990, § 2-4-5(b))

### **Sec. 2-243. - Organization.**

The mayor shall serve as presiding officer of the plan commission.

(Code 1990, § 2-4-5(c))

### **Sec. 2-244. - Quorum.**

Four members of the plan commission shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the commission.

(Code 1990, § 2-4-5(d))

### **Sec. 2-245. - Duties.**

- (a) The powers and duties of the plan commission shall be as provided in Wis. Stats. §§ 62.23(2) (3), (4), (5).  
 (b) In general, the plan commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the common council.

(Code 1990, § 2-4-5(e))

### **Sec. 2-246. - Vacancies.**

Vacancies on the plan commission shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.

(Code 1990, § 2-4-5(f))

### **Secs. 2-247—2-270. - Reserved.**

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#### FOOTNOTE(S):

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<sup>(11)</sup> *State Law reference— Plan commission, Wis. Stats. § 62.23(1).* [\(Back\)](#)

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 7. - PARK AND RECREATION BOARD >>

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## **DIVISION 7. - PARK AND RECREATION BOARD** [\[12\]](#)

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[Sec. 2-271. - Membership.](#)

[Sec. 2-272. - Appointment and term of office.](#)

[Sec. 2-273. - Duties and responsibilities.](#)

[Secs. 2-274—2-290. - Reserved.](#)

### **Sec. 2-271. - Membership.**

The park and recreation board shall consist of six citizen members. The manager of parks, recreation and forestry shall serve as an ex-officio nonvoting member of the board.

(Code 1990, § 2-4-6(a))

### **Sec. 2-272. - Appointment and term of office.**

Citizen members of the park and recreation board shall be appointed by the mayor for three-year terms. The mayor shall appoint a member of the board annually to serve as the board chairperson. All appointments shall be subject to confirmation by the common council.

(Code 1990, § 2-4-6(b))

### **Sec. 2-273. - Duties and responsibilities.**

The park and recreation board shall function in an advisory capacity to the common council, with responsibility for the planning, evaluation and development of city parks facilities and recreation program. In this capacity, it is the board's responsibility to develop specific recommendations regarding physical properties, staffing and equipment needs, program content and financial requirements for presentation to the common council.

(Code 1990, § 2-4-6(c))

### **Secs. 2-274—2-290. - Reserved.**

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#### FOOTNOTE(S):

<sup>(12)</sup> *Cross reference— Parks and recreation, ch. 54.* [\(Back\)](#)

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 8. - POLICE AND FIRE COMMISSION >>

#### **DIVISION 8. - POLICE AND FIRE COMMISSION** [\[13\]](#)

[Sec. 2-291. - Membership.](#)

[Secs. 2-292—2-310. - Reserved.](#)

### **Sec. 2-291. - Membership.**

The police and fire commission shall consist of five citizens, appointed pursuant to Wis. Stats. § 62.13(1) by the mayor and confirmed by the common council. Members of the police and fire commission shall have a five-year term of office. The police and fire commission shall have those powers prescribed by the Wis. Stats. § 62.13 relating to hiring, disciplining, suspension and termination of members of the police department and fire department except that it shall not have the optional policy/administrative powers as set and in Wis. Stats. § 62.13(6).

(Code 1990, § 2-4-7)

### **Secs. 2-292—2-310. - Reserved.**

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#### FOOTNOTE(S):

<sup>(13)</sup> *Cross reference— Fire prevention and protection, ch. 30; law enforcement, ch. 42.* [\(Back\)](#)

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 9. - CABLE TV COMMISSION >>

## DIVISION 9. - CABLE TV COMMISSION

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[Sec. 2-311. - Composition.](#)

[Sec. 2-312. - Duties.](#)

[Secs. 2-313—2-330. - Reserved.](#)

### Sec. 2-311. - Composition.

The cable TV commission shall consist of:

- (1) Three alderpersons annually appointed by the mayor at the organizational meeting;
- (2) Two citizens appointed by the mayor, subject to council confirmation. Such citizen members shall have three-year terms of office and must be subscribers to said cable TV system; and
- (3) A representative of the Portage Community School District, appointed by the Portage Schools.

*(Code 1990, § 2-4-10(a); Ord. No. 06-003, 4-27-2006)*

### Sec. 2-312. - Duties.

All complaints from subscribers within this community regarding the quality of CATV shall be presented to the chairperson of the cable TV commission. If a satisfactory solution to the complaint cannot be worked out between the cable TV commission and the franchise holder, the cable TV commission shall hold a hearing on reasonable notice at which time the franchise holder and the complaining parties shall be heard. Following such hearings, the cable TV commission shall make recommendations to the franchise holder and complaining party concerning the problem. If a franchise holder does not comply with the recommendations of the cable TV commission, the commission may request the common council take further action. However, no action shall be taken by the common council without a full review of the matter and an opportunity for the franchise holder and complaining party to present its position before the entire common council.

*(Code 1990, § 2-4-10(b))*

### Secs. 2-313—2-330. - Reserved.

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 10. - TOURISM PROMOTION COMMISSION >>

## DIVISION 10. - TOURISM PROMOTION COMMISSION

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[Sec. 2-331. - Composition.](#)

[Sec. 2-332. - Responsibilities.](#)

[Secs. 2-333—2-350. - Reserved.](#)

### Sec. 2-331. - Composition.

- (a) *Composition.* The committee will consist of six members appointed for one-year terms by the mayor, one alderperson who represents the district that contains the most hotel/motel rooms in the city, two members each of who is an owner, operator or manager of a hotel or motel as defined in [section 74-31](#) of City of Portage Code of Ordinances and who either resides within five miles of the corporate limits or whose place of employment is within five miles of the corporate limits, or who owns real property as defined in Wis. Stats. ch. 70, and one member in the City of Portage who is a citizen of the City of Portage, and one member who has a minimum ten percent ownership interest in a business located in the City of Portage where the business address and location is separate from the members residence.

- (b) *Organization.* Annually at the committee's first meeting after May 1st;, a chairman, vice chairman and secretary shall be selected.

(Code 1990, § 2-4-11(a); Ord. No. 06-003, 4-27-2006; Ord. No. 10-004, 4-8-2010)

### **Sec. 2-332. - Responsibilities.**

The purpose of the tourism promotion commission is to administer the funds received from the room tax for promotion in the city.

(Code 1990, § 2-4-11(b))

### **Secs. 2-333—2-350. - Reserved.**

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMITTEES, COMMISSIONS >> DIVISION 11. - COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE >>

## **DIVISION 11. - COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE**

[Sec. 2-351. - Composition: responsibilities.](#)

[Secs. 2-352—2-380. - Reserved.](#)

### **Sec. 2-351. - Composition; responsibilities.**

The community development block grant committee is a five-member committee appointed by the mayor, subject to council confirmation. The committee shall be composed of five alderpersons from the city. Appointments shall be made annually. The committee shall assist in program planning, implementation and assessment of the community development block grant program.

(Code 1990, § 2-4-12; Ord. No. 06-003, 4-27-2006)

### **Secs. 2-352—2-380. - Reserved.**

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE VI. - ORDINANCES >>

## **ARTICLE VI. - ORDINANCES**

[Sec. 2-381. - Method of enforcement.](#)

[Sec. 2-382. - Information contained in citation.](#)

[Sec. 2-383. - Form of citation.](#)

[Sec. 2-384. - Schedule of deposits.](#)

[Sec. 2-385. - Issuance of citation.](#)

[Sec. 2-386. - Procedure.](#)

[Sec. 2-387. - Nonexclusivity.](#)

[Secs. 2-388—2-410. - Reserved.](#)

### **Sec. 2-381. - Method of enforcement.**

The city is authorized to use and shall employ citation forms, such citations to conform to governing state

statutes for traffic and municipal ordinance regulation, to charge violations of ordinances, including, but not limited to, ordinances for which statutory counterparts exist, as well as all municipal ordinances, all adopted state traffic code violations, municipal building, housing, zoning or regulatory ordinances and all other violations providing for penalty by forfeiture.

(Code 1990, § 1-2-1)

**State law reference**— Authority, Wis. Stats. § 66.0113(1)(a).

### **Sec. 2-382. - Information contained in citation.**

The citation shall conform with Wis. Stats. § 66.0113(1)(b).

(Code 1990, § 1-2-2)

### **Sec. 2-383. - Form of citation.**

The form of the citation to be used by the city is on file in the city clerk's office and is adopted by reference as though fully set forth herein.

(Code 1990, § 1-2-3)

### **Sec. 2-384. - Schedule of deposits.**

(a) The schedule of cash deposits shall be established for use with citations issued under this article by the common council according to the penalty provision of this Code. The schedule is on file in the city clerk's office.

(b) Deposits shall be made in cash, money order or certified check to the clerk of circuit court.

(Code 1990, § 1-2-4)

**State law reference**— Schedule of cash deposits, Wis. Stats. § 66.0113(c).

### **Sec. 2-385. - Issuance of citation.**

(a) Any law enforcement officer may issue citations authorized under this article.

(b) The following may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

- (1) Building inspectors;
- (2) Fire chief and fire inspectors;
- (3) Director of public works;
- (4) Manager of parks, recreation and forestry;
- (5) Street superintendent.

(c) The authority to issue citations may be delegated to employees by these officials with the approval of the common council.

(Code 1990, § 1-2-5)

### **Sec. 2-386. - Procedure.**

Wis. Stats. § 66.0113(3), relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(Code 1990, § 1-2-6)

### **Sec. 2-387. - Nonexclusivity.**

(a) *Other ordinance.* Adoption of this article does not preclude the common council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

- (b) *Other remedies.* The issuance of a citation under this article shall not preclude the city or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(Code 1990, § 1-2-7)

## **Secs. 2-388—2-410. - Reserved.**

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE VII. - CODE OF ETHICS >>

## **ARTICLE VII. - CODE OF ETHICS** [14]

[Sec. 2-411. - Definitions.](#)

[Sec. 2-412. - Declaration of policy.](#)

[Sec. 2-413. - Statutory standards of conduct.](#)

[Sec. 2-414. - Specific conflicts of interest.](#)

[Secs. 2-415—2-441. - Reserved.](#)

### **Sec. 2-411. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Public employee* means any person excluded from the definition of a public officer who is employed by the city.

*Public officer* means those persons serving in statutory elected or appointed offices provided for in Wis. Stats. ch. 62, and all members appointed to boards, committees and commissions established or appointed by the mayor, chairperson and/or common council, whether paid or unpaid.

(Code 1990, § 2-5-1)

**Cross reference**— *Definitions generally*, § 1-2.

### **Sec. 2-412. - Declaration of policy.**

It is declared that high ethical standards among city officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the city in their public officers and employees. The purpose of this article is to establish guidelines for ethical standards of conduct for all such city officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of city officers and employees and their official actions.

(Code 1990, § 2-5-2)

### **Sec. 2-413. - Statutory standards of conduct.**

The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this article and shall apply to all public officers and public employees whenever applicable, to wit:

- (1) Wis. Stats. § 946.10, Bribery of Public Officers and Employees.
- (2) Wis. Stats. § 946.11, Special Privileges from Public Utilities.
- (3) Wis. Stats. § 946.12, Misconduct in Public Office.

## (4) Wis. Stats. § 946.13, Private Interest in Public Contract Prohibited.

*(Code 1990, § 2-5-3)***Sec. 2-414. - Specific conflicts of interest.**

- (a) *Use of public property.* No public officer or public employee shall use or permit the use of city vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as city policy for the use of such officer or employee in the conduct of official business, as authorized by the common council or authorized board, commission or committee.
- (b) *Conflicts of interest; disclosure of interest.* Except as provided herein, no public officer or public employee shall engage in any business transaction with the city, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or will tend to impair his independence or judgment or action in the performance of his official duties. Any public officer or public employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the city, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the common council (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.
- (c) *Representing private interests before the common council or city agencies.* No public officer or public employee, including persons or firms engaged to provide professional services to the city, shall represent, for compensation, private interests before the common council or any city board, commission or committee without disclosure of the private business relationship and explicit consent of the common council.
- (d) *Disclosure of confidential information.* No public officer or public employee shall, without proper authorization of the common council, disclose confidential information concerning the property, government or affairs of the city, nor shall he use such information to advance the financial or other private interest of himself or others.
- (e) *Gifts and favors.* No public officer or public employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to his knowledge, has a direct financial interest in any transaction or official business with the city, which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or public employee to receive a gift of gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to \$10.00 in value.
- (f) *Incompatible employment.* Full-time city employees shall not have significant or ongoing outside employment without the written approval of the mayor; such approval shall be issued prior to the start of such outside employment. The outside employment request, mayor's action and any other applicable information and correspondence shall be filed with the city clerk.

*(Code 1990, § 2-5-4)***Secs. 2-415—2-441. - Reserved.****FOOTNOTE(S):**<sup>(14)</sup> *State Law reference— Code of ethics, Wis. Stats. § 19.41 et seq. [\(Back\)](#)*

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**ARTICLE VIII. - FINANCIAL MATTERS**[Sec. 2-442. - Fee for returning checks with insufficient funds; reimbursement of collection costs.](#)

- [Sec. 2-443. - Bonding and bond exemption.](#)
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### **Sec. 2-442. - Fee for returning checks with insufficient funds; reimbursement of collection costs.**

- (a) There shall be a fee which is in the official fee schedule on file in the city clerk's office for processing checks made payable to the city that are returned because of insufficient funds in the account in question or for any reason by a financial institution.
- (b) Collection costs and attorneys fees shall be added to the principal amounts of unpaid bills owed to the city that are placed with collection agencies.

(Code 1990, § 3-1-1)

### **Sec. 2-443. - Bonding and bond exemption.**

- (a) *Employee bonding.* Any city employee collecting or handling any city money on a regular basis shall be bonded. The amount shall be determined by the finance/administration committee and the cost of the bond paid by the city.
- (b) *County bond exemption.* The city elects not to give the bond on the treasurer, in his capacity as city treasurer, provided for by Wis. Stats. § 70.67(1).
- (c) *City liable for default of treasurer.* Pursuant to Wis. Stats. § 70.67(2), the city shall be obligated to pay, in case the treasurer shall fail to do so, all state and county taxes required by law to be paid by such treasurer to the county treasurer.

(Code 1990, § 3-1-2)

**State law reference**— Bonds, Wis. Stats. §§ 19.01, 70.67.

### **Sec. 2-444. - Changes in budget.**

Upon written recommendation of the finance/administration committee, the common council may at any time, by a two-thirds vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within ten days thereafter in the official newspaper of the city.

(Code 1990, § 3-1-4)

### **Sec. 2-445. - City funds to be spent in accordance with appropriation.**

- (a) *Appropriation limitations.* No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by [section 2-444](#). At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation. However,

appropriations may be made by the common council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

- (b) *Accounting.* The treasurer shall keep separate all special funds, and the city clerk shall keep a separate account with the general funds for each officer or department through which disbursements are made from the general fund to carry out the powers and duties of such officers or department. The common council shall examine the accounts of the city clerk, treasurer and all other officers or agents of the city.

(Code 1990, § 3-1-5)

*State law reference— Disbursements from treasury, Wis. Stats, § 66.0607.*

### **Sec. 2-446. - Public depositories.**

- (a) *Adopted.* Provisions of Wis. Stats. § 34.07 are hereby adopted. Public depositories shall provide a surety bond or other security for all uninsured funds in any city account.
- (b) *City depositories.* Amcore Bank, Associated Bank, Bank Mutual, Community Bank of Portage, MBIA Wisconsin Bank, M & I — Marshall & Isley Bank, Portage National Bank, Salomon Smith Barney, US Bank, and the Local Government Investment Pool State Treasurer are hereby designated as official depositories in which city funds may be deposited.

(Code 1990, § 3-1-7; Ord. No. 04-003, 1-22-2004)

*State law reference— City depositories, Wis. Stats. ch. 34; Wis. Stats. § 62.12(7).*

### **Sec. 2-447. - Temporary investment of funds not immediately needed.**

- (a) *Authorization.* The treasurer may invest any city funds not immediately needed, pursuant to Wis. Stats. §§ 66.0603 and 219.05, and as follows in this section.
- (b) *Certificates of deposit.* City funds may be invested in certificates of deposit maturing within three years or less from the date of investment issued by any banks, savings and loan associations or credit unions which are designated depositories of the city. A maximum of \$500,000.00 may be invested in each such institution unless the investment is collateralized by federal government securities having a market value of 110 percent of the investment or collateralization shall have been waived by the common council.
- (c) *Government bonds and securities.* City funds may be invested in United States government bonds or securities which are direct obligations of or guaranteed as to principal and interest by the federal government; and bonds or securities which are obligations of an agency, commission, board or other instrumentality of the federal government, where principal and interest are guaranteed by the federal government. The securities must be purchased through financial institutions approved for that purpose by the common council and placed in safekeeping in a segregated account in the city's name at any designated public depository or approved financial institution.
- (d) *Repurchase agreements.* City funds may be invested in repurchase agreements, in financial institutions approved for that purpose by the common council. Repurchase agreements can only be made in securities which are direct obligations of or guaranteed as to principal and interest by the federal government; and securities which are obligations of agency, commission, board or other instrumentality of the federal government, where principal and interest are guaranteed by the federal government. Securities purchased by a repurchase agreement must be placed in safekeeping in a segregated account in the city's name at any designated public depository or approved financial institution.

(Code 1990, § 3-1-9)

*State law reference— Investments, Wis. Stats. §§ 66.0603, 219.05.*

### **Sec. 2-448. - Facsimile signatures.**

In lieu of the personal signatures of the city clerk, treasurer and mayor, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the common council, but the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof.

(Code 1990, § 3-1-10)

**State law reference**— Signatures, Wis. Stats. § 66.0607(3).

### **Sec. 2-449. - Receiving money; deposits, withdrawals and liability.**

- (a) *Receiving money.*
- (1) All checks and money obtained or collected by any department of the city for or at any city activity, tax, penalty or forfeiture shall be given to the city treasurer's office for recording, securing and depositing.
  - (2) The treasurer or his deputies shall not receive any money into the treasury from any source without giving a receipt therefor.
- (b) *Deposits.* The treasurer shall deposit public monies upon receipt on a timely basis in the name of the city in such public depository or depositories designated by the common council, subject to the limitations herein above set forth.
- (c) *Withdrawals.* Withdrawals or disbursements by the treasurer of monies deposited in a public depository shall be made as provided by Wis. Stats. § 66.0607(1)—(5).

(Code 1990, § 3-1-11)

**State law reference**— Receipts, Wis. Stats. § 66.0515; withdrawals, Wis. Stats. § 66.0607(1)—(5).

### **Sec. 2-450. - Statement of real property status.**

The treasurer is authorized to prepare a statement of real property status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, and sewer bills, current water and sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The city shall collect a fee of as provided in the official city fee schedule on file in the city clerk's office. A minimum of 24 hours is required for preparation of a statement of real property status.

(Code 1990, § 3-1-12)

### **Sec. 2-451. - Accounts receivable billing procedures.**

- (a) *Billing procedures.* Billings by the city may be paid within 30 days after billing. Bills not paid on or before November 15 shall be entered on the tax roll as a special charge and become a lien upon real estate.
- (b) *Apportionment of payments for property taxes, special assessments, delinquent utility and special charges.* Upon receipt of any payment in respect to a billing for general property taxes, unpaid special assessments, delinquent utility or special charges reflected upon said bill, the treasurer shall apply the amount of such payment in the following order of priority, until each category of charge is paid in the amount stated on such billing, and then to the next category: First against unpaid special assessments, with interest, currently due; next to unpaid special charges assessed by the city as a lien against the parcel in respect to which the payment is made; next to delinquent utility charges assessed as a lien against said parcel by any municipal utility; and lastly to general property taxes for the year in respect to which the payment is made; and the treasurer shall report payments made, in the order aforesaid, to the office of the county treasurer.

(Code 1990, § 3-1-13)

### **Sec. 2-452. - Claims against city.**

- (a) *Payment of claims.* In addition to, and in lieu of the other methods provided by statute for the payment of claims against the city, financial claims against the city may be paid from the city treasury after the city clerk shall have audited and approved each such claim as a proper charge against the treasury and shall have endorsed his approval thereon, after having determined that the following conditions have been complied with:
- (1) That funds are available therefor, pursuant to the budget approved by the common council;
  - (2) That the item or service covered by such claim has been duly authorized by the proper official,

department head, or board or commission, with authorization and account number noted on each claim.

- (3) That the item or service has been actually supplied or rendered in conformity with such authorization;
  - (4) That the claim is just and valid, pursuant to law. The city clerk may require the submission of such proof and evidence to support the foregoing as in his discretion he may deem necessary.
  - (5) The city clerk shall submit a listing of the claims against the city to the finance/administration committee each month for written recommendation to the common council.
- (b) *Payment of regular wages or salaries.* Regular wages or salaries of city officers and employees shall be paid by payroll, verified by the proper city official, department head, board or commission and filed with the city clerk in time for payment on the regular pay day.
- (c) *Applicability of statutory procedures.* The claim procedures required by Wis. Stats. §§ 62.09(10) and 62.12, and other relevant provisions shall be inapplicable in the city as to claims handled under this section.

(Code 1990, § 3-1-8)

**State law reference**— *Exception, Wis. Stats. § 893.80.*

### **Sec. 2-453. - Annual audits.**

A firm of certified public accountants licensed or certified or provided in Wis. Stats. ch. 442 shall be employed each year by the common council to conduct a detailed audit of the city's financial transactions and its books, and to assist the treasurer in the management of the city's financial affairs, including the city's public utilities. The books audited shall include all financial records of the city.

(Code 1990, § 3-1-14)

**State law reference**— *Alternate claims procedure; audit, Wis. Stats. § 66.0609(3).*

### **Sec. 2-454. - Purchase plan; central purchasing.**

The common council shall adopt, pursuant to a separate resolution, a purchase plan which shall be on file in the office of the city clerk and which may, from time to time, be amended pursuant to further resolution by common council.

(Code 1990, § 3-1-15)

**State law reference**— *Purchases, Wis. Stats. § 66.0131.*

### **Sec. 2-455. - Publication fees.**

In all cases where application is made by any person for permission to do a certain act which requires approval of the common council and which, in addition to the approval of the common council, requires the expenditure of certain sums of money on the part of the city, it shall be necessary for such person to pay the fee as set forth in the official city fee schedule.

(Code 1990, § 3-1-16)

### **Sec. 2-456. - Library funds.**

- (a) All money received by contract, family bequests and individual fees and all monies which may hereafter be received for rent of books and penalties shall be paid into the city treasury and be known as the "Public Library Fund," and be applied exclusively to the purpose of the library and paid out in the manner prescribed by the laws of the state relating to free public libraries.
- (b) The city hereby adopts Wis. Stats. § 43.58(7).

(Code 1990, § 3-1-17)

**State law reference**— *Library board, Wis. Stats. § 43.58(1), (2), (7).*

### **Sec. 2-457. - Expense authorization and allowances.**

The following expense allowances shall be paid to city officials and employees for attendance at conventions

or meetings on behalf of the city and only when authorized by the common council:

- (1) *Travel expense.* An expense allowance in an amount approved by the mayor or common council plus registration fee for any approved conference shall be paid to the mayor, alderperson, city attorney, and/or other city officials who are not full-time employees of the city for each day in attendance at meetings and/or conventions. Expenses may be paid upon submission of acceptable receipts to the city clerk.
- (2) *Hearing allowance.* An allowance of \$50.00 per day shall be paid to the mayor and/or any alderperson who shall be required to attend any court hearing, state administrative hearing, union arbitration hearing, board of review or any other legal hearing on behalf of the city. Payment shall be made only when authorized by the common council.

(Code 1990, § 3-1-18)

### **Sec. 2-458. - Hazardous material reimbursement.**

- (a) Any reimbursement and/or recovery of money from a spiller attributable for expense of supplies used shall be placed in the budget in the account for hazardous material.
- (b) Any reimbursement received from federal or state authorities for the HazMat training shall be deposited in the account for hazardous material.

(Code 1990, § 3-1-19)

**Cross reference**— *Hazardous materials, § 30-101 et seq.*

### **Sec. 2-459. - Tree replacement account.**

Any funds received from the sale of wood, insurance payments reimbursement for loss of or damage to trees paid to the city and donations made to the city for trees, shall be placed into an account for tree replacement. The funds in this account shall be used for the replacement of trees in the city.

(Code 1990, § 3-1-20)

### **Sec. 2-460. - Special assessment letter fee.**

Any person requesting the city clerk or city treasurer's office to issue a special assessment letter shall be charged a fee in the official city fee schedule on file in the city clerk's office for each parcel that the requester is asking to be searched for special assessments.

(Code 1990, § 3-1-21)

### **Secs. 2-461—2-490. - Reserved.**

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## **ARTICLE IX. - SPECIAL ASSESSMENTS** [15]

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### **Sec. 2-491. - Common council may levy special assessments.**

- (a) The city, by resolution of its common council, may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement. In addition to other methods approved by law, special assessments for any public work or improvement or any special charge for current services may be levied in accordance with the provisions of this article.
- (b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the common council.
- (c) The favored procedure in the city for proceeding with making specially assessable public improvements as generally set forth in this article is not intended in any way to disregard or to bar proceeding under other methods provided by law for making of public improvements and for the levying of assessments therefor. Nor is this article intended to be an exhaustive, detailed recodification of the state law under said statutory section. Detailed requirements still require reference to said statutory section and the subsections thereunder. The purpose hereof is to generally define and establish local procedures.

*(Code 1990, § 3-2-1)*

**State law reference**— *Authority, Wis. Stats. § 66.0701.*

### **Sec. 2-492. - Resolution and report required.**

- (a) Public improvements carried out pursuant to Wis. Stats. § 66.0701 et seq., and this article shall be initiated by a preliminary resolution presented to the common council by the director of public works, which resolution shall declare the common council's intention to exercise its assessment powers for such municipal purpose, describe the same, the limits of the proposed assessment district, the number of installments in which special assessment may be paid or that the number of installments will be determined at hearing thereon, and direct the director of public works to make a report thereon. After adoption of such preliminary resolution by the common council, copies thereof shall be forwarded by the city clerk to the director of public works. Upon receipt of copy of such preliminary resolution, the director of public works or consulting city engineer shall prepare the report thereon.
- (b) When the common council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or rendering of the service, the report required by Wis. Stats. § 66.0703(4) and subsection (a) of this section still contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

*(Code 1990, § 3-2-2)*

### **Sec. 2-493. - Costs that may be paid by special assessment.**

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the city and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the common council.

*(Code 1990, § 3-2-3)*

### Sec. 2-494. - Exemptions; deductions.

- (a) If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed and shall be paid by the city.
- (b) A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the common council determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstances the assessment will not be less than the long way of such lot. The common council may allow a similar deduction or exemption from special assessments levied for any other public improvement.

(Code 1990, § 3-2-4)

### Sec. 2-495. - Notice of proposed or approved project.

- (a) *Notice requirements.* On the completion and filing of the report and final resolution with the city clerk required in [section 2-492\(b\)](#), the city clerk shall prepare a notice of hearing, which notice shall comply with Wis. Stats. § 66.0703(7)(a).
- (b) *Waiver of notice, assessments under.* The common council may, without any notice of hearing, levy and assess the whole or any part of the cost of any municipal work or whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specifically benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. In such cases, the procedure shall be the same as hereinbefore provided excepting for the noticing and holding of public hearing.

(Code 1990, § 3-2-5)

*State law reference*— Notice, Wis. Stats. § 66.0703(7).

### Sec. 2-496. - Common council actions after hearing.

- (a) After the hearing, the common council may:
  - (1) Approve, disapprove, modify or refer the report to the director of public works with such directions as it deems necessary to change the plans and specifications as to accomplish a fair and equitable assessment.
  - (2) Continue the public hearing, preliminarily approve plans and specifications and, if the project requires advertising for bids, authorize and direct the advertisement therefor with a date certain for consideration and taking action thereon, inclusive of action on said report and action on final resolution.
- (b) If an assessment is made against any property and an award of compensation or damage is made in favor of the property, the common council shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c) If the work or improvement has not been previously authorized or approved, the common council shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
- (d) Any work or improvement provided for in the final resolution and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Wis. Stats. § 66.0703(12), or any other applicable provision of law.
- (e) As soon as the assessable cost of such work or improvement is finalized, the city clerk shall issue respective special assessment certificates for each property affected and specifying the manner in which payment is to be made and shall send copy of the respective assessment affecting each property to each owner's post office address that is known or can be obtained with reasonable diligence.

(Code 1990, § 3-2-6)

### Sec. 2-497. - Combined assessments.

If more than a single improvement is undertaken, the common council may combine the assessments as a single assessment on each property affected.

(Code 1990, § 3-2-7)

### **Sec. 2-498. - Common council's power to amend, cancel or confirm special assessment.**

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the common council determines to reconsider an assessment, it is empowered, after giving notice as required in [section 2-495](#), to amend, cancel or confirm any prior assessment; and notice of this amending, canceling or confirming shall be given by the city clerk as provided in [section 2-496](#).

(Code 1990, § 3-2-8)

### **Sec. 2-499. - Where cost of improvement is less than assessment.**

If the cost of the work or improvement is less than the assessment levied, the common council without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the city shall refund the property owner such overpayment.

(Code 1990, § 3-2-9)

### **Sec. 2-500. - Appeals; appealed assessments payable when due.**

Any person against whose property a special assessment is levied under this article may appeal therefrom in the manner prescribed by the Wis. Stats. § 66.0703(12), within 40 days of the date of the final determination of the common council.

(Code 1990, § 3-2-10)

**State law reference**— Similar provisions, Wis. Stats. §§ 66.0701(2), 66.0703(12).

### **Sec. 2-501. - Payment of special assessments; special assessment a lien on property.**

#### (a) *Payment of special assessments.*

- (1) *Without interest.* Upon receipt of copy of a special assessment certificate, any person may pay the same in full, without interest, if paid to the treasurer within the grace period therein allowed and as allowed in the final resolution.
- (2) *After grace period.* If any special assessment, or any part thereof, remains unpaid following the running of the grace period specified for payment without interest, at time of preparation of the first tax roll thereafter the same, together with interest computed thereon at the interest rate established in said final resolution and in said certificates computed from the date of levy (i.e., date of final resolution) or the finalizing of assessable costs, whichever is later, shall be entered in such tax roll in such manner as directed in said final resolution and certificate; thereafter, if the same is payable in installments, subsequent installments together with interest at said rate computed on declining balance shall be entered in subsequent tax rolls until fully paid. This provision is in no way intended to prohibit the prepayment of the balance owing at any time on principal together with interest to date of payment only.

- (b) *Assessment a lien.* Pursuant to Wis. Stats. § 66.0717, any special assessment levied under this article shall be a lien on the property against which it is levied on behalf of the city. The common council shall provide for the collection of such assessments and may establish penalties for payment after the due date. The common council shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

(Code 1990, § 3-2-11)

*State law reference— Special assessments, Wis. Stats. § 66.0717.*

## Sec. 2-502. - Special charges permissible.

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by resolution by the common council by allocating all or part of the cost of the property served. Such resolution shall set forth the property location, the current service rendered by the city and the special charge therefor or cost thereof. Such resolution for special charges may include: snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter; garbage and refuse disposal; sewer and water service; or tree care or removal. The provision for notice of such charges shall be optional with the common council except that in the case of street, sidewalk, curb or gutter repair, a Class 1 notice published in the official city newspaper at least 20 days before the hearing or proceeding and a copy of such notice mailed to every interested person whose post office address is known, at least ten days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the common council as to whether the service in question shall be performed.
- (b) Special charges for current services shall not be payable in installments. If not paid within the period fixed by the common council in said resolution, such delinquent special charges, pursuant to [section 2-501](#), shall become a lien on said property as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, as provided by Wis. Stats. § 66.0627 and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. Notice of special charges for current services need not be given except as required by Wis. Stats. § 66.0627.

*(Code 1990, § 3-2-12)*

*State law reference— Special charges, Wis. Stats. § 66.0627.*

## Sec. 2-503. - Miscellaneous provisions.

- (a) If any assessment or charge levied under this article is invalid because such statutes are found to be unconstitutional, the common council may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) The common council may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.
- (c) Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this article that the city may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

*(Code 1990, § 3-2-13)*

## Secs. 2-504—2-532. - Reserved.

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### FOOTNOTE(S):

<sup>(15)</sup> **Cross reference**— Any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street or public way saved from repeal, § 1-9(a)(5); any ordinance providing for local improvements and assessments for such improvements saved from repeal, § 1-9(a)(11); streets, sidewalks and other public places, ch. 66. [\(Back\)](#)

<sup>(15)</sup> **State Law reference**— Special assessments, Wis. Stats. § 66.0701 et seq. [\(Back\)](#)

[Sec. 2-533. - Legal custodians.](#)

[Sec. 2-534. - Public access to records.](#)

[Sec. 2-535. - Access procedures.](#)

[Sec. 2-536. - Limitations on right to access.](#)

[Sec. 2-537. - Destruction of records.](#)

[Sec. 2-538. - Preservation through microfilm.](#)

[Secs. 2-539—2-570. - Reserved.](#)

## Sec. 2-533. - Legal custodians.

- (a) The city clerk or the clerk's designee shall act as legal custodian for the common council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the common council, and all other city records unless indicated below.

Authority	Designated Legal Custodian
Fire department	Fire chief
Police department	Chief of police
Public works	Director of public works
Water utility	Utilities manager

- (b) The city clerk shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on a regular basis.

(Code 1990, § 3-3-3)

**State law reference**— *Custodians, Wis. Stats. § 19.33.*

## Sec. 2-534. - Public access to records.

- (a) Except as provided in [section 2-536](#), any person has a right to inspect a record and to make or receive a copy of any record of provided in Wis. Stats. § 19.35(1).
- (b) The legal custodian may require supervision during inspection and adopt regulations consistent with Wis. Stats. § 19.35(1)(k).
- (c) A requester shall be charged as provided in Wis. Stats. § 19.35(3).
- (d) Pursuant to Wis. Stats. § 19.34 and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the common council.

(Code 1990, § 3-3-4)

**State law reference**— *Access to records fees, Wis. Stats. § 19.35.*

## Sec. 2-535. - Access procedures.

If the legal custodian, after conferring with the city attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.

(Code 1990, § 3-3-5)

## Sec. 2-536. - Limitations on right to access.

The access to public records shall be limited as provided in Wis. Stats. §§ 19.35 and 19.36

(Code 1990, § 3-3-6)

**State law reference**— Assess to records fees, Wis. Stats. § 19.35. limitation on access, Wis. Stats. § 19.36.

## Sec. 2-537. - Destruction of records.

- (a) City officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats. ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period:
- (1) Bank statements, deposit books, slips and stubs.
  - (2) Bonds and coupons after maturity.
  - (3) Canceled checks, duplicates and check stubs.
  - (4) License and permit applications, stubs and duplicates.
  - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
  - (6) Receipt forms.
  - (7) Special assessment records.
  - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats. ch. 442, subject to state public service commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two years after payment or receipt of the sum involved or the effective date of said record.
- (1) Contracts and papers relating thereto.
  - (2) Excavation permits.
  - (3) Inspection records.
- (c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period:
- (1) Contracts and papers relating thereto.
  - (2) Correspondence and communications.
  - (3) Financial reports other than annual financial reports.
  - (4) Justice dockets.
  - (5) Oaths of office.
  - (6) Reports of boards, commissions, committees and officials duplicated in the common council proceedings.
  - (7) Election notices and proofs of publication.
  - (8) Canceled voter registration cards.
  - (9) Official bonds.
  - (10) a. Police records other than investigative records, except police dispatch audio telecommunicator radio tapes and logs and police videotapes may be destroyed after a period of 120 days.
  - a. The State Historical Society of Wisconsin (SHSW) waives the required 60-day notification under Wis. Stats. § 19.21(4)(a) for police records as enumerated in [section 2-537\(c\)\(10\)](#). The SHSW must be notified prior to destruction of any record not listed in this article.

- (11) Resolutions and petitions, providing the text of the same appears in the official city minutes.
- (d) Notwithstanding the above provisions appearing in this section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in Wis. Stats. § 7.23.
- (e) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record as provided by Wis. Stats. § 19.21(4)(a).
- (f) Any tape recordings of a governmental meeting of the city may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

*(Code 1990, § 3-3-7)*

### **Sec. 2-538. - Preservation through microfilm.**

Any city officer or the director of any department or division of city government may, subject to the approval of the city clerk, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction, optical discs and electronic format, set forth in Wis. Stats. § 16.61(7)(a) and (b) and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of sections 2-534—2-536.

*(Code 1990, § 3-3-8)*

**State law reference**— *Storage standards, Wis. Stats. § 16.61(7)(a), (b).*

### **Secs. 2-539—2-570. - Reserved.**

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#### FOOTNOTE(S):

<sup>(16)</sup> **State Law reference**— *Public records, Wis. Stats. §§ 19.31—19.39. [\(Back\)](#)*

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE XI. - PERSONAL PROPERTY >>

## ARTICLE XI. - PERSONAL PROPERTY

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - SURPLUS PROPERTY](#)

[DIVISION 3. - LOST AND ABANDONED PROPERTY](#)

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### DIVISION 1. - GENERALLY

[Secs. 2-571—2-590. - Reserved.](#)

### **Secs. 2-571—2-590. - Reserved.**

Portage, Wisconsin, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE XI. - PERSONAL PROPERTY >> DIVISION 2. - SURPLUS PROPERTY >>

## DIVISION 2. - SURPLUS PROPERTY

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[Sec. 2-591. - Definitions.](#)

[Sec. 2-592. - Determination of surplus property.](#)

[Sec. 2-593. - Disposition of surplus property.](#)

[Sec. 2-594. - Authority to dispose of property.](#)

[Secs. 2-595—2-610. - Reserved.](#)

### **Sec. 2-591. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Surplus property* means that property which is owned by the city and which has no further usefulness to the city. An item of property shall be considered to have no further usefulness when:

- (1) The item or its function has been totally replaced by other city property and no probable future function exists for it;
- (2) The city no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
- (3) The item is no longer able to reliably or economically perform the work required of it.

The term "surplus property" shall not include land or buildings; property which is obtained by the city as a result of abandonment or loss by the property's original owner; and items of property which are traded in for newer items.

*(Code 1990, § 3-4-1(a))*

### **Sec. 2-592. - Determination of surplus property.**

The common council shall have the authority to determine whether or not the item is surplus property.

*(Code 1990, § 3-4-1(b))*

### **Sec. 2-593. - Disposition of surplus property.**

- (a) Whenever the common council determines that an item of property is surplus property, it shall dispose of such property as it determines.
- (b) In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the common council. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the city and the amount of the bid shall be forfeited to the city. In the event no bids are received, the item shall be disposed of as directed by the common council.
- (c) No public auction or awarding of bids shall occur under this article unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official city newspaper.

*(Code 1990, § 3-4-1(c))*

### **Sec. 2-594. - Authority to dispose of property.**

Except for library materials used by the public library for lending purposes, only the common council may dispose of city property which is not surplus property.

*(Code 1990, § 3-4-1(e))*

### **Secs. 2-595—2-610. - Reserved.**

**DIVISION 3. - LOST AND ABANDONED PROPERTY** [17]

[Sec. 2-611. - City custody of lost or abandoned property.](#)

[Sec. 2-612. - Disposal procedures generally.](#)

[Sec. 2-613. - Disposal by auction or sealed bid.](#)

[Sec. 2-614. - Lost property.](#)

[Sec. 2-615. - Payment to city treasury.](#)

**Sec. 2-611. - City custody of lost or abandoned property.**

- (a) Property which appears to be lost or abandoned, discovered by officers or turned in to the police department by citizens shall be disposed of according to this division.
- (b) Lost and abandoned property will be examined by the police department for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the police department to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody.
- (c) No city employee shall keep for his own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (d) The chief of police or his designee shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.

(Code 1990, § 3-4-2(a))

**Sec. 2-612. - Disposal procedures generally.**

All property which has been abandoned, lost or remained unclaimed for a period of 30 days after the taking of possession of the same by the city shall be disposed of as follows, except that if the property is usable for city operations, the property need not be sold at auction, but may become the property of the city:

- (1) *Vehicles.* Vehicles shall be disposed of as set forth in the applicable provisions of [chapter 50](#), article X.
- (2) *Cash:*
  - a. Personal property consisting of cash which has been abandoned or which remains unclaimed for a period of 30 days after the taking of possession of the property by a city police officer shall be turned over to the city treasurer and credited to the general fund.
  - b. Abandoned, unclaimed, forfeited or court-ordered contraband consisting of cash which has been seized as part of a narcotics arrest or investigation shall be placed in the criminal investigation fund for use solely for narcotics enforcement activities by the police department or at the discretion of the police chief.
- (3) *Intoxicating liquor and fermented malt beverages.* Intoxicating liquor and fermented malt beverages shall be destroyed.
- (4) *Firearms, ammunition and explosives.* Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the state crime laboratory, the division of law enforcement services of the department of justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms bureau of the U.S. Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The chief of police and the fire chief, after consulting with the county sheriff's department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.
- (5) *Other property with a fair market value of \$100.00 or less:* An item of property with a fair market value

of \$100.00 or less shall be destroyed, sold at public sale, or may be donated to a local charitable group. Perishable property which deteriorates to a fair market value of less than \$100.00 shall be destroyed.

- (6) **Illegal property.** Property which cannot be legally possessed shall be destroyed.

(Code 1990, § 3-4-2(b)(1); Ord. No. 05-020, 1-10-2005)

### **Sec. 2-613. - Disposal by auction or sealed bid.**

- (a) Whenever any property under this division is sold by public sale or by sealed bid, such public sale or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the public sale or bid submission; such notice shall be published in the official city newspaper. The property sold by public sale or sealed bid shall be sold in as-is condition to the highest bidder. No public sale shall occur until the chief of police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the city and the amount of the bid be forfeited to the city.
- (b) Any city official selling property under this division shall maintain for two years an inventory of any property not disposed of by public sale or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.

(Code 1990, § 3-4-2(b)(2); Ord. No. 05-020, 1-10-2005)

### **Sec. 2-614. - Lost property.**

Property which is found by persons and delivered to the police department for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this division until 30 days after mailing to the person finding the property a notice that he may claim ownership of said property. The chief of police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any city employee finding property in the regular course of his employment.

(Code 1990, § 3-4-2(b)(3))

### **Sec. 2-615. - Payment to city treasury.**

All sums received from the sale of property under this division shall be paid to the city treasury.

(Code 1990, § 3-4-2(b)(4))

**State law reference**— *Disposal of abandoned property, Wis. Stats. § 66.0139(2)–(5).*

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#### FOOTNOTE(S):

<sup>(17)</sup> **State Law reference**— *Disposal of abandoned property, Wis. Stats. § 66.0139.* ([Back](#))

## Mayoral Appointments - 2013

### **Standing Committees**

#### **Finance/Administration Committee**

- |    |                       |               |                     |
|----|-----------------------|---------------|---------------------|
| 1. | <u>Jeff Garetson</u>  | , Alderperson | Kenneth A. Ebnetter |
| 2. | <u>Doug Klapper</u>   | , Alderperson | Carolyn Hamre       |
| 3. | <u>Marty Havlovic</u> | , Alderperson | Martin Havlovic     |
| 4. | <u>Rita Maass</u>     | , Alderperson | Doug Klapper        |
| 5. | <u>Rick Dodd</u>      | , Chairperson |                     |

#### **Human Resources Committee**

- |    |                          |               |                     |
|----|--------------------------|---------------|---------------------|
| 1. | <u>Rick Dodd</u>         | , Alderperson | Rick Dodd           |
| 2. | <u>Rita Maass</u>        | , Alderperson | Kenneth A. Ebnetter |
| 3. | <u>Jeff Garretson</u>    | , Alderperson | Jeff Garretson      |
| 4. | <u>Michael G. Oszman</u> | , Alderperson | Michael G. Oszman   |
| 5. | <u>Frank Miller</u>      | , Alderperson | Doug Klapper        |
| 6. | <u>Bill Tierney</u>      | , Chairperson |                     |

#### **Legislative and Regulatory Committee**

- |    |                          |               |                   |
|----|--------------------------|---------------|-------------------|
| 1. | <u>Ken Ebnetter</u>      | , Alderperson | Rita A. Maass     |
| 2. | <u>Frank Miller</u>      | , Alderperson | Frank Miller      |
| 3. | <u>Carolyn Hamre</u>     | , Alderperson | Carolyn Hamre     |
| 4. | <u>Martin Havlovic</u>   | , Alderperson | Martin Havlovic   |
| 5. | <u>Michael G. Oszman</u> | , Chairperson | Michael G. Oszman |

### **Municipal Services and Utilities Committee**

- |    |                      |               |                   |
|----|----------------------|---------------|-------------------|
| 1. | <u>Rita Maass</u>    | , Alderperson | Michael G. Oszman |
| 2. | <u>Carolyn Hamre</u> | , Alderperson | Carolyn Hamre     |
| 3. | <u>Doug Klapper</u>  | , Alderperson | Doug Klapper      |
| 4. | <u>Frank Miller</u>  | , Alderperson | Frank Miller      |
| 5. | <u>Jeff Garetson</u> | , Chairperson | Jeff Garretson    |

### **Boards, Commissions and Committees**

#### **Airport Commission**

Alderperson – 1 year term

Citizens – 3 year term

- |    |                         |               |                   |
|----|-------------------------|---------------|-------------------|
| 1. | <u>Jeff Garetson</u>    | , Alderperson | Jeff Garretson    |
| 2. | <u>Martin Havolovic</u> | , Alderperson | Michael G. Oszman |
| 3. |                         | , Citizen     |                   |
| 4. | <u>Rita A. Maass</u>    | , Chairperson | Rita A. Maass     |

#### **Board of Zoning Appeals**

Citizens – 3 year term

- |    |                                   |                      |                                |
|----|-----------------------------------|----------------------|--------------------------------|
| 1. | <u>Dave Carlson/Adam Field</u>    | , Citizen            | Carol Heisz<br>Adam Field      |
|    | <u>Philip Tegen/ Michael Paul</u> | , Chairperson        | Philip Tegen<br>Michael Paul   |
|    | <u>Ryan Jahn/Jeff Wetzel</u>      | , Citizen, Alternate | Ryan Jahn<br>Arden Kleinsasser |

**Cable TV Commission**

Aldersperson – 1 year term

Citizen – 3 year term

- |    |   |                     |
|----|---|---------------------|
| 1. | <u>Kenneth A. Ebnetter</u> , Aldersperson | Kenneth A. Ebnetter |
| 2. | <u>Rita A. Maass</u> , Aldersperson       | Rita A. Maass       |
| 3. | <u>Michael G. Oszman</u> , Aldersperson   | Frank Miller        |
|    | <u>William P. Welsh</u> , Chairperson     | William P. Welsh    |

**Columbia County Economic Development Corporation Board**

- |    |   |                     |
|----|---|---------------------|
| 1. | <u>Michael G. Oszman</u> , Aldersperson | Michael G. Oszman   |
| 2. | <u>Carolyn Hamre</u> , Aldersperson     | Martin Havlovic     |
| 3. | <u>Kenneth A. Ebnetter</u> , Alternate  | Kenneth A. Ebnetter |
| 4. | <u>Martin Havlovic</u> , Alternate      | Frank Miller        |

**Community Development Authority**

Aldersperson – term of office

Citizen – 4 year term

- |    |                                    |               |
|----|------------------------------------|---------------|
| 1. | <u>Frank Miller</u> , Aldersperson | Rick Dodd     |
| 2. | <u>Steve Benck</u> , Citizen       | Todd Kreckman |
| 3. | <u>Kyle Dumbleton</u> , Citizen    |               |

**Community Development Block Grant Committee**

Aldersperson – 1 year term

- |    |                                       |                     |
|----|---------------------------------------|---------------------|
| 1. | <u>Jeff Garetson</u> , Aldersperson   | Kenneth A. Ebnetter |
| 2. | <u>Doug Klapper</u> , Aldersperson    | Carolyn Hamre       |
| 3. | <u>Martin Havlovic</u> , Aldersperson | Martin Havlovic     |
| 4. | <u>Rita Maass</u> , Aldersperson      | Doug Klapper        |
| 5. | <u>Rick Dodd</u> , Chairperson        | Rick Dodd           |





**Police and Fire Commission**

5 year term

1. Pat Harley, Citizen Pat Hartley

**Steering Committee for Veterans Memorial Field**

1. Jeff Garetson, Municipal Services and Utilities  
Committee Chairperson Rick Dodd

**Tourism Promotion Committee**

1 year term

1. Martin Havolic, Alderperson Martin Havlovic
2. Rick Dodd, Alderperson who represents the district  
that contains the most hotel/motel  
rooms in city Rick Dodd
3. Dawn Schneller, Owner, operator or manager of a  
hotel/motel Dawn Schneller
4. Beth Woyt, Owner, operator or manager of a  
hotel/motel Beth Woyt
5. Andy Murphy, Citizen of Portage Kevin Kasten
6. Carole LaVigne, 10% ownership interest in a business in  
Portage Carol LaVigne

**Board of Review**

Citizen alternates – 1 year term

1. Rick Dodd, Finance/Administration Committee  
Chairperson Rick Dodd
2. Jeff Garetson, Municipal Services and Utilities  
Chairperson Jeff Garretson
3. \_\_\_\_\_, Common Council President (if chair of  
Finance/Administration or Municipal  
Services, than one alternate takes  
place) Rick Dodd
4. Mark Jankowski, Building Inspector Mark Jankowski
5. Dave Carlson, Citizen, Alternate Daniel Brunt
6. Michael Paul, Citizen, Alternate Michael Paul