

CHAPTER 1

CONSTRUCTION AND GENERAL PROVISIONS

1.01 GENERAL REPEALING CLAUSE

(1) All ordinances heretofore passed and adopted by the Common Council of the City of Cornell are here by repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this code:

(A) The issuance of corporate bonds and notes of the City of Cornell of whatever name or description, and the providing of a tax levy to pay the principal or interest of any such bond or note.

(B) The laying, bounding, extending or widening any public street, highway, alley, or other public grounds of the City of Cornell.

(C) The authorization or ratification of the making of any contract by or on behalf of the City of Cornell.

(D) The construction of sewers and plans for sewer construction in the City of Cornell; the construction of water mains, wells, and other water utility services and the plans for the same in the City of Cornell; the construction of electric utility lines and other electric utility services and the plans for construction of the same in the City of Cornell; and, the granting of a franchise to any person, firm, or corporation to operate any public utility in the City of Cornell.

(E) The establishment of width, grade or elevation of the streets, curb lines or curbs.

(F) The annexation of territory to the City of Cornell.

(G) The City Library.

(H) The naming and changing of names of streets, alleys, public grounds and parks.

1.02 EFFECT OF REPEAL. When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall expressly be so provided.

1.03 REFERENCE TO CODE. This code of ordinances is a complete and comprehensive revision and compilation of the ordinances of the City of Cornell and shall be known as the City of Cornell City Code and may be cited as, and is sometimes referred to in the City of Cornell Code as, "this Code" or "the Code". Reference to the Code shall be deemed to include amendments and additions to the Code.

1.04 ADDITIONS. New ordinances proposing amendments or additions to the Code shall be assigned appropriate code numbers and shall be incorporated into the Code as of their effective date. Reference or citation to the Code shall be deemed to include such amendments and additions. When an ordinance is integrated into the Code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this Code, the clause indicating date of adoption, and validating signatures and dates. In integrating obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to ensure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

1.05 GENERAL PENALTY WHEN NO PENALTY IS PROVIDED

(1) Any person who violates any provision of any ordinance of the City of Cornell for which no other penalty is fixed shall, upon conviction thereof, be subject to a forfeiture not to exceed \$100.00.

(2) When a forfeiture shall be imposed for the violation of any ordinance of the City of Cornell or any section thereof, the court may also sentence the defendant to pay the costs of the action and to be imprisoned until such forfeiture and costs are paid, in no case, however, to exceed six (6) months; and the court may also issue an execution against the property of the defendant for the amount of the forfeiture and the costs.

(3) No violation of any ordinance of the City of Cornell shall be construed to be a misdemeanor nor shall imprisonment be imposed as a punishment for violation of any ordinance of the City of Cornell except in the event of the failure of

any defendant to pay the forfeiture imposed by the court in accordance with the provisions of this code.

1.06 TITLE HEADINGS; CROSS REFERENCES. Chapter, section, subdivision, and other titles will not be considered part of the subject matter of this Code but are intended for convenience only and not necessarily as comprehensive titles.

1.07 COPIES. Copies of this Code shall be kept in the office of the City Administrator for public inspection or sale for a reasonable charge.

1.08 JURISDICTION. The provisions of this Code shall apply to all of the incorporated area of the City, except where specifically provided otherwise.

1.09 INTERPRETATION. In their interpretation and application, the provisions of this Code shall be liberally construed to affect the well-being of the City and to promote good government at a minimum of expense, and shall not be deemed a limitation or repeal of any other powers granted to the City by Wisconsin statutes or regulations.

1.10 EXISTING RIGHTS AND LIABILITIES. The repeal of prior ordinances and adoption of this Code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this Code. Insofar as provisions in this Code are substantially the same as pre-existing ordinances, they shall be considered as continuations and not as new enactments. Any act done; offense committed; or right accruing; or liability, penalty, forfeiture, or punishment incurred or assessed prior to the effective date of this Code shall be regulated by the prior Code of Ordinances then in existence.

1.11 CONSTRUCTION OF ORDINANCES. When construing the ordinances of the City of Cornell, the following rules shall be observed, unless such construction would be inconsistent with the express content or manifest intent of the ordinance:

(1) **WISCONSIN STATUTES.** The term "Wisconsin Statutes" wherever used in this code shall mean the Wisconsin Statutes for the years 1993-1994, as revised from time to time.

(2) **GENDER, SINGULAR AND PLURAL.** Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number shall extend to and be applied to several persons or things as well as to one person or thing.

(3) **PERSON.** The word "person" extends to and applies to firms,

corporations, or voluntary associations, as well as to individuals, unless plainly inapplicable.

(4) **HIGHWAYS.** Where used in this code, the word “highway” refers to the alleys, streets, and highways of the City of Cornell.

(5) **REASONABLE TIME OR NOTICE.** In all cases where any ordinance shall require any act to be done in a reasonable time or a reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such requirement of notice.

(6) **COUNTY JAIL.** In all cases where the words “county jail” are used in any provision of this code, the words shall be construed to mean the County Jail of Chippewa County.

(7) **CITY ADMINISTRATOR.** Pursuant to these ordinances and charter ordinances, the City of Cornell has combined the statutory offices of City Clerk and City-Treasurer and placed such duties in the office of City Administrator who shall serve as the City Clerk and City Treasurer. Whenever required by state law, the reference to City Administrator shall mean City Clerk or City Treasurer.

1.12 CONFLICT AND SEPARABILITY

(1) **CONFLICT OF PROVISIONS.** If any provision of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) **SEVERABILITY OF CODE PROVISIONS.** If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such clause, or phrase or portion thereof.

1.13 ADOPTION OF CITATION ENFORCEMENT PROCEDURE FOR VIOLATIONS OF ORDINANCES.

(1) The City of Cornell adopts, by this ordinance, the use of the citation method of enforcement of ordinance violations.

(A) When the municipal court is in existence, the provisions of Section 800 including the form of citation set forth in 800.02, Wisconsin Statutes, may be used.

(2) If the City of Cornell shall not have a municipal court in existence, a citation meeting the requirements of Section 66.119, Wisconsin Statutes, may be used where applicable.

(3) The form of the Wisconsin Uniform Municipal Citation Form, MSC-1, is adopted as the citation form to be used by enforcement officials of the City of Cornell. A copy of form MSC-1 shall henceforth be used by the City of Cornell where applicable. For violations as to which The Uniform Traffic Citation, Section 345.11, Wisconsin Statutes, applies, such citation form may be used.

(4) Cash deposits may be made to the City Administrator. Receipts shall be given therefore. The provisions of Section 66.12, Wisconsin Statutes shall apply.

(5) The Schedule of Cash deposits set forth as Appendix A is adopted for the various ordinance violations and for the various assessments imposed by Wisconsin Statutes from time to time. Changes to the Deposit Schedule are to be recommended by the Police Chief to the City Attorney for review and comment, then submitted to the Municipal Judge for review, comment and approval and adopted by ordinance by the Common Council of the City of Cornell.

1.14 EFFECTIVE DATE. This code shall take effect and be in force from and after its adoption, passage and publication and posting, filing, and recording in accordance with the provisions of Section 66.035, Wisconsin Statutes, a copy of said code when printed is to be kept on file and open for public inspection in the Office of the City Administrator of the City of Cornell. If later effective dates are specified in individual chapters or sections, such specific effective date will take precedence as to such sections.

Reserved for Future Use

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CHAPTER 2

GENERAL GOVERNMENT

2.01 FORM OF GOVERNMENT. Pursuant to a Resolution adopted May 3, 1956, by the Common Council of the City of Cornell and the certificate of incorporation dated June 25, 1956, the City of Cornell operates as a fourth-class city under the Mayor-Council form of government.

2.02 ELECTED OFFICIALS

(1) **ENUMERATED.** The elected officials of the City of Cornell shall be:

(A) **Mayor**

(B) **Aldersperson**

(C) **Municipal Judge**

(2) **ELECTION; TERM**

(A) **Mayor.** The Mayor shall be elected at the regular City election in even-numbered years for a term of 2 years commencing on the 3rd Tuesday of April in the year of his election.

(B) **Aldersperson.** Six Alderspersons shall be elected from the City at large. Three Alderspersons shall be elected at each alternate annual election commencing with the regular Spring Election in April 1996. Each Aldersperson elected shall hold office for a term of two years. (Effective April, 1996 i.e. For the year April '96 to April '97, there will be 7 Council persons - starting in 1997, 3 will be elected.)

(C) **Municipal Judge.** A Municipal Judge shall be elected at the regular City election in odd-numbered years for a term of 2 years commencing on May 1, in the year of his election.

2.03 APPOINTED OFFICIALS

(1) ENUMERATED

(A) The following officials shall be appointed by the Mayor, subject to confirmation of the Common Council:

- (1) City Attorney
- (2) Superintendent of Utilities
- (3) Building Inspector for Uniform Dwelling Code to be referred to as UDC Building Inspector
- (4) Building Inspector for buildings other than Uniform Dwelling Code buildings to be referred to as Non-UDC Building Inspector.
- (5) Superintendent of City Works
- (6) City Assessor
- (7) Housing Authority Commissioner
- (8) Cornell Area Fire Department Director
- (9) City Emergency Director

(B) The Chief of Police shall be appointed by the Common Council.

(C) The Weed Commissioner shall be appointed by the Mayor without confirmation by the Common Council under Section 66.97 Wis. Stats.

(D) The Librarian shall be appointed by the Library Board under Section 43.54, Wis. Stats. Members of the Library Board shall be appointed by the Mayor subject to Council approval under Section 43.54, Wis. Stats.

(E) Assessor

(1) The Assessor shall be appointed by the Mayor, from the eligible list, subject to confirmation of the Common Council and subject to Section 2.27.

(F) **City Administrator.** The City Administrator shall be appointed by the Common Council pursuant to Section 2.07.

(G) **Auditor.** The City Auditor shall be selected pursuant to Section 2.03(2).

(2) **TERMS.** Unless otherwise provided by ordinance, all appointed officers shall be appointed at the organizational meeting of the Common Council following the regular City election for terms of 1 year commencing on May 1 in the year of their

appointment.

(H) **UDC Building Inspector.** The UDC Building Inspector shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (NOTE: Contact the Division of Safety & Buildings at (608) 261-8500 for certification information.)

(3) RESIDENCE REQUIRED WITHIN THE CITY OF CORNELL AS A CONDITION OF EMPLOYMENT

(A) **Purpose.** The purpose of this ordinance is to establish residency requirements for City of Cornell employees, to ensure prompt, expeditious service to the City and thereby to promote the general health, welfare, and safety of its citizens.

(B) **Residency Requirement.** All City employees, including but not limited to police, utility, street, and office personnel, shall reside within the limits of the Cornell School District. The City Administrator shall reside within the City limits of the City of Cornell. There is no residency requirement for part-time police officers (working less than 600 hours per calendar year).

(C) **Definition.** For purposes of this ordinance, "City employee" shall not include fire department, or rescue squad personnel, as they are governed by independent boards.

(D) **Scope.** This ordinance shall be effective immediately, except as to those persons who are currently non-police personnel City employees residing outside the limits of the Cornell School District and who are police personnel City employees residing outside the City limits. Continuance of existing residency by those persons shall not be a violation of this ordinance.

(E) City employees hired after the effective date of this ordinance may petition the City Council for a delay in enforcement of this ordinance against them. The City Council may, in its sole discretion, delay enforcement of this ordinance upon a showing of substantial need by the employee for such delay. However, enforcement of this ordinance shall not be delayed under this section for a period exceeding one year.

(F) For City employees contemplating retirement, if the employee furnishes to the City a binding and irrevocable commitment to retire on a certain date, the City Council may, in its sole discretion, except the employee from the provisions of this ordinance to a retirement home outside of the City of Cornell. However,

exceptions to enforcement of this ordinance to allow purchase and moving to a retirement home shall not be for a period exceeding two years.

2.04 SALARIES. The salaries and compensation of all officials shall be as determined by the Common Council from time-to-time.

2.05 BOARD AND COMMISSIONS

(1) **BOARD OF REVIEW.** The Board of Review shall consist of the Mayor, City Administrator, and the alderpersons each year who are serving in the second year of the two-year term to which they are elected or appointed. They shall meet on the third Wednesday in May of each year. Three members of the Board shall constitute a quorum. They shall receive such compensation as shall be determined by the Common Council by ordinance or resolution for time necessarily spent in the performance of their duties as members of the Board.

(2) **PLAN COMMISSION.** The City Plan Commission shall be appointed under Sec. 2.12 of this Code and shall have the powers and duties as provided in Sec. 62.23, Wis. Stats.

(3) **BOARD OF ZONING APPEALS.** The Board of Zoning Appeals shall be appointed and shall have the powers and duties as provided in Sec. 13.10 of this Code.

(4) **PUBLIC UTILITIES COMMITTEE**

(A) **Composition.** The Public Utilities Committee shall consist of 5 citizens of the City, at least 2 of who shall be alderpersons, appointed by the Mayor and confirmed by the Common Council. The alderperson shall serve during their terms. The citizen members shall be appointed for terms of 3 years.

(B) **Powers and Duties.** Subject to the general supervision of the Common Council, the Public Utilities Committee shall have the management and control of the water and electric utilities and the sewerage disposal system (sewer utility).

2.06 THE COMMON COUNCIL

(1) MEETINGS

(A) Organizational Meeting. Following a regular City election, the new council shall first meet on the third (3rd) Tuesday of April in each election year. (Ref. 62.11 Wis. Stats.)

(B) City Council Meetings and Rules of Procedure

(1) Following the spring election of each year, the Common Council shall meet on the third (3rd) Tuesday of April for the purpose of organization. Regular meetings of the Common Council shall be held on the first (1st) and third (3rd) Thursday of every month at 7:00 p.m. in the council chambers, except for the month of April when the organizational meeting is held on Tuesday in lieu of the regular meeting to be held on the third (3rd) Thursday.

(2) Any regular meeting of the City Council falling upon a legal holiday shall be held on the day designated by the City Council. Any meeting of the City Council including any special or adjourned meetings that are not held at the City Hall but at any other substituted location, shall be designated by the Mayor or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the City Council, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the City Council. Statutory reference: Section 19.84(3), (1993-1994) Wis. Stats.

(3) The Council may alter regular meeting dates to accommodate holidays, vacation schedules, etc., but all regular meeting dates shall be held within one (1) week before or after the regular meeting date.

(4) The three (3) usual and customary posting locations shall be the following unless the City Council directs posting at other locations:

City Hall
Cornell Courier Building
U.S. Post Office on Main Street, City of Cornell

(C) Special Meetings

(1) Special meetings of the Common Council may be called by the Mayor (or in his absence, by the President of the Council) or three (3) or more

Aldermen filing with the City Administrator in writing a request therefor, stating the purpose of the meeting, whereupon the City Administrator shall notify all members of the Common Council of such special meeting and the reason therefor. The City Administrator, upon receipt of the call for the special meeting of the Common Council shall immediately notify in writing each member of the Common Council by delivering the written notice or by having the written notice delivered personally to each member of the Common Council. If any member of the Common Council cannot be personally notified in writing, then the City Administrator shall deliver or have delivered a copy of the written notice to the home of any such member of the Common Council in the presence of an adult member of the family of the Council member. If any member of the Common Council cannot be notified in writing to an adult family member as noted above, then the City Administrator shall post such special meeting written notice in the three (3) usual and customary locations.

(2) The City Administrator may notice by telephonic means if the City Council member to be notified consents to telephonic notice and orally waives written notice. Such waivers shall be noticed at the commencement at the meeting. Attendance of any Council member is a waiver of any defect in notice.

(3) No other business shall be considered or transacted in a special meeting other than that for which the special meeting was called.

(4) Special meetings shall be deemed regular meetings for the purpose of transacting any business that may be permitted by law if such business was so noted in the written notice to the public as required by the State Open Meeting Law, Section 19.82, (1993-1994) Wisconsin Statutes, and as required by the open meeting ordinance at Section 4.01.

(D) Adjournment. Any regular or special meeting may be adjourned by a majority of the members present, but no adjournment shall be made to a time later than the next regular meeting. If any agenda item is not considered before a motion to adjourn is adopted, it shall automatically be referred to the council's next regular meeting unless the motion provides for a special date and hour.

(E) Quorum Required. A quorum is necessary for the transaction of any Council business. Two-thirds (2/3rds) of all members of the Council, excluding the Mayor, shall constitute a quorum. A quorum can be lost by conflict of interest or abstention. (See Appendix Q)

(F) Call to Order. The presiding officer shall at the hour appointed call the members to order. If both the Mayor and the Council President are absent from the meeting, the City Administrator shall call the Council to order and preside until the Council selects a member to preside at that meeting.

(G) Order of Business. The business of the Council shall be conducted in the following order:

(1) Call to order by the presiding officer.

(2) Roll Call. If a quorum is not present, the meeting shall automatically adjourn to the next regular meeting.

(3) Any oral waivers of notice of special meetings.

(4) Reading or review of the minutes of the preceding meeting, approval of the minutes if correct, and correction of mistakes, if any. The Council, by a majority vote of the members present, may dispense with the reading of the minutes.

(5) Procedural motions by members of the Common Council.

(6) Comments and suggestions from residents of the City of Cornell and other persons present. Introduction of guests.

(7) Communications and petitions.

(8) Consent agenda.

(9) Reports of standing committees.

(10) Reports of special committees, special commissions, and special boards.

(11) Report of City officers.

(12) Unfinished business from prior meeting.

(13) Resolutions.

(14) Communications and recommendations of the Mayor.

(15) New business, including resolutions, motions, memorials, and ordinances.

(16) Audit and approval of accounts presented.

(17) Future meeting agenda.

(18) Miscellaneous business.

(19) Comments and suggestions from citizens present.

(20) Adjournment.

(21) For convenience of the public or the Council, the presiding officer may alter the order of business.

(22) At the meeting of the Council, any member of the Common Council may take up any business on the agenda in any other order unless there be objection by any other member of the Common Council.

(23) All written petitions, written communications and written reports to the City Council and all written and oral requests to address the City Council shall be presented by the City Administrator to the Mayor or to the person presiding at the meeting of the Common Council.

(H) **Absence of City Administrator at Meeting.** If the City Administrator is not present at the time of the initial roll call of the meeting of the Common Council, the Mayor shall appoint the Deputy Clerk or any other person present at the meeting of the Common Council to be the City Clerk pro tem. The City Clerk pro tem shall prepare and maintain minutes of the meeting of the Common Council. The City Clerk pro tem shall prepare and deliver these minutes to the City Administrator after the end of the meeting of the Common Council or when the City Clerk pro tem is replaced during the meeting of the Common Council by the City Administrator.

(I) **Introduction of Business**

(1) **Introduction Requirements.** All ordinances, resolutions, memorials or other communications shall be in writing, contain a brief statement of their content, and, prior to their consideration by the Council, be delivered to the City Administrator. At the first permitted opportunity, the City Administrator shall read and record each by title at a meeting of the Council. Any Alderperson may require at any time the reading in full of any matter while it is before the Council.

(2) **Reintroduction Restricted.** Unless otherwise provided by City ordinance, no proposed ordinance or resolution, having once been defeated, may again be introduced in the same or in the substantially same form until fourteen (14) days after the date when that ordinance or resolution was defeated.

(J) Presiding Officer

(1) Designation of. The Mayor shall be the presiding officer. In the absence of the Mayor, the President of the Council shall preside at the meetings of the Council and be styled "Acting Mayor". If both the Mayor and Council President are absent, the City Administrator shall call the Council to order and preside until the Council selects a member to preside at that meeting.

(2) Function. The presiding officer shall preserve order, conduct the proceedings of the Council, and be its parliamentarian. If a member does not follow the Council's rules, the presiding officer may, on his or her own motion, or shall, at any member's request, call the offending member to order. The Council, if appealed to, shall decide the matter.

(3) Questions of Order. Any Alderperson may raise a point or question of order ("questions of order"). The question of order must be raised at the time the alleged breach of order occurs. The presiding officer shall, in turn, immediately rule on the question of order, subject to an appeal by a member of the Council. The appeal may be sustained by a majority vote of the members present, exclusive of the presiding officer. See subparagraph 2.06(2) for specific rules of conduct.

(4) Vacating the Chair. If the Mayor or any other presiding officer of the Common Council desires to speak on any question, the Mayor or such other presiding officer may speak without vacating the chair or without designating a member of the Common Council to preside at the meeting as presiding officer.

(5) Veto. The Mayor may veto all acts of the Council as permitted by law. The Council may override the Mayor's veto by a two-thirds (2/3rds) vote of all its members. Mayoral veto has to be imposed in accordance with Section 62.09(8)(c). The Council may not override by veto until the next meeting pursuant to Section 62.09(8)(c), Wis. Stats.

(K) President of the Council

(1) Section. The Council President shall be elected by a majority vote of all Council members at the annual organizational meeting conducted on the third (3rd) Thursday of April.

(2) Under no circumstances may the Council President cast more than one vote on any issue.

(L) Voting

(1) Mode of Voting

(a) Any Alderperson may demand an aye and no vote on any matter. However, the vote shall be by ayes and noes if the Council is:

1. Confirming appointments.
2. Adopting any measure that assesses or levies taxes.
3. Appropriating or disbursing money.
4. Creating any liability or charge against the City or any fund of the City.

(b) No member may explain his or her vote during the calling of the ayes and noes. All aye and no votes shall be recorded in the journal by the Clerk-Treasurer.

(2) Majority Vote Required. A majority vote of all members of the Council in favor of any proposed ordinance, resolution, or appointment shall be necessary for passage or approval, unless a larger number is required by law. In all other cases, a majority of the vote's cast shall be necessary for Council action, provided a quorum has voted.

(3) Tie Vote. The Mayor shall not vote except in the case of a tie. When the Mayor does vote in the case of a tie, his or her vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure.

(4) Abstentions

(a) A Council member shall not vote on any proposed ordinance, order, resolution or proposition in which he or she has direct pecuniary or personal interest not common to other members of the Council.

(b) A Council member who is required by law to abstain from voting on any particular matter shall not be counted for determining:

1. The number of "members present" if passage of that measure requires a favorable vote by a majority or other fractional vote (i.e., 2/3rds or 3/4ths) of the Aldermen "present"; or,
2. The presence of a quorum for purposes of that particular vote.

(5) **Vote Change.** A Council member may change his or her vote on a matter up to the time the result of the vote is announced.

(M) **Reconsideration of Questions.** Any member who voted with the prevailing side on any question may move for a reconsideration of the vote immediately after the vote or at the next succeeding regular meeting of the Council.

(N) **Excused Voting - Conflict of Interest**

(1) **Reserved for future use.**

(2) The City Council may establish its own rules regarding when and if members are not to be voting because of any special cause or causes or conflict of interest. (See Appendix Q for possible loss of quorum.)

(3) Pursuant to Sec. 19.89, no duly elected or appointed member of the City Council may be excluded from any meeting of such body. However, the City Council may elect to meet as a subcommittee or committee of the whole, and as such subunit, council members may be restricted from attending because of conflict of interest.

(O) **Meeting in the Public.** Any business of any meeting of the City Council shall be in open session and accessible to the public, except as provided in the state open meeting law, Section 19.85(1), (1993-1994) Wisconsin Statutes, and except as provided in the open meeting ordinance adopted as Section 4.01 herein.

(P) **Receipt of Funds.** Any officer, employee or agent of the City of Cornell in possession of funds or receipts or earnings of the City shall deposit any such funds, receipts or earnings with the City Administrator on at least a weekly basis unless approved otherwise by the City Council. All such funds, receipts or earnings shall be deposited with the City Administrator on or before the seventh (7th) day of the succeeding calendar month. The Common Council shall be advised by the City Administrator on a monthly basis of any funds outstanding that have not been properly deposited with the City Administrator. All elected and non-elected City of Cornell officers and employees, within fourteen (14) days of taking office, hiring or rehiring, shall be informed of this provision by the City Administrator.

(2) SPECIFIC RULES OF CONDUCT AT CITY COUNCIL MEETINGS

(A) A Guide to Parliamentary Procedure for Local Governments in Wisconsin. Unless other rules of conduct are specifically adopted and codified by ordinance by the City Council, the City Council and the meetings of the Council of the City of Cornell shall be governed by A Guide to Parliamentary Procedure for Local Governments in Wisconsin, newly revised from time to time which are incorporated herein by reference. No motion shall be amended or withdrawn without the consent of the Council member making the same and the Council member seconding it.

(B) Control of Meetings. The Mayor shall conduct the proceedings of each meeting and shall preserve order. A member may appeal from the decision of the presiding officer, but such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding official.

(C) Speaking Before the City Council

(1) At a meeting of the City Council, no person, other than the members of the Council shall address the City Council or any member of the City Council. This provision shall not apply to:

- (a)** The City Administrator
- (b)** The City Police Chief
- (c)** Any member of the City Council
- (d)** The City Attorney
- (e)** Members of the public recognized by the Mayor at any portion of the meeting open to the public.

(2) (a) This provision shall also not apply under the specific orders of business established to recognize residents of the City or other persons, under specific order of business to recognize members of any City office, City committee, City agency, City commission or a special board or other City officers or except if the person has specifically requested from a member of the Council the right to address the City Council and then only after the approval of either the presiding officer of the City Council through an affirmative vote by the City Council.

(b) The Council may by a majority vote, act to limit or terminate public discussion to facilitate the timely completion of council business.

(3) Motions Stated. Prior to any debate on a matter, the members of the City Council shall be entitled to a clear understanding of the motion before the City Council. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion.

Motions made in writing by a member of the City Council and provided to the Clerk-Treasurer of the City prior to the meeting shall be provided priority in the appropriate order of business. The Mayor shall restate the motion prior to any debate and discussion. Any member of the City Council, prior to vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the City Council prior to the final vote on the matter.

(4) Priority Matters. When any action item, business item, motion or question is before the City Council, no other action item, business item, motion or question shall be in order except a motion:

- (a) To adjourn or recess the meeting.
- (b) To lay on the table the question.
- (c) To call the question.
- (d) To postpone the question to a date certain.
- (e) To refer the question to a standing committee or other committee.
- (f) To amend or divide the questions.
- (g) To postpone the question indefinitely.
- (h) To introduce a matter related to the question.

(5) Motions with Preference. During any meeting of the City Council certain motions will have preference. In order of precedence they are:

(a) Motion to adjourn. This motion can be made at anytime and has first precedent. This is a non-debatable motion.

(b) Motion to lay on the table. This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.

(c) Motion to call previous question. This motion may be made at anytime after the debate or discussion commences related to action item, business item, motion or question that is properly before the City Council. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the City Council to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.

(d) Motion to postpone to a date certain. This motion may be made at anytime after the debate and discussion commences on an action

item, business item, motion or question that is properly before the City Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the City Council will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the City Council.

(e) **Motion to a committee.** This motion may be made at anytime after the debate and discussion commences on an action item, business item, motion or question that is properly before the City Council. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the City Council.

(f) **Motion to amend or divide the question.** This motion may be made at anytime after debate and discussion commences on the action item, business item, motion or question properly before the City Council. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.

(g) **Motion to postpone indefinitely.** This motion may be made at anytime after debate and discussion commences on the action item, business item, motion or question properly before the City Council. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.

(h) **Motion to introduce a matter related to the action item, business item, motion or question.** This motion may be made at anytime after the debate and discussion commences on the action item, business item, motion or question properly before the City Council. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.

(6) No member of the City Council shall request, at a meeting of the City Council, a vote from the general public unless the proposed vote of the general public is so noted by the Mayor or the presiding officer of the meeting as strictly an advisory vote to the Council. Any vote taken by the general public at a meeting of the City Council shall be considered by this Council only as an advisory vote and shall not be considered as a directory vote.

(7) Suspension of Rules. These rules or any part of these rules or any other rules of the City Council may be temporarily suspended at any meeting of the City Council, including any special meeting of the City Council, in connection with any matter under consideration by the City Council. Any rule may be suspended by a recorded affirmative roll call vote of two thirds (2/3rds) or more of the members of the City Council present at the meeting of the City Council.

(8) Amendment of Rules. These rules or any part of these rules or any other rules of the City Council may be altered or amended at any meeting of the City Council, including any special meeting of the City Council. Any rules may be altered or amended by a recorded affirmative roll call vote of two-thirds (2/3rds) or more of the members of the City Council present at the meeting of the City Council.

(3) ORDINANCES AND RESOLUTIONS. Ordinances, resolutions, by-laws, communications and other matters submitted to the City Council shall be referred to the Council by the Mayor. The City Council may, at their discretion, refer the matter to the appropriate committee for the recommendations of the committee. Ordinances, resolutions and by-laws should be presented in writing by a Council member whenever practicable. Unless requested by a Council member before the final vote is taken, no ordinance, resolution, or by-law need be read in full. All ordinances shall be prepared in Code format and style.

(4) SALARIES

(A) Salaries of the Mayor and persons serving on the Common Council shall remain at the following levels until a new term is started for the respective position:

(1) The Mayor shall be paid a base salary as set forth in Appendix D and determined by Resolution. Each Council Member shall be paid as set forth in Appendix D as determined by Resolution from time to time. In addition, each Council Member or employee shall also be paid an hourly rate for work and services performed relating to City business other than attendance at meetings. Such hourly rate shall be determined by Resolution and set forth in Appendix D. (Ref. Sec. 2.16 and Section 66.196, Wis. Stats.)

(B) Nothing herein shall prevent the reimbursement of expenses to the Mayor or Council members.

(C) Board of Review Salaries. For serving on the Board of Review, board members shall receive the following remuneration as determined by Council Resolution, such salary shall be set forth in Appendix D.

(D) Police and Fire Commission. For serving on the Police and Fire Commission, board members shall receive the following remuneration as determined by Council Resolution, such salary shall be set forth in Appendix D.

(E) Public Utility Committee. For serving on the Public Utility Committee, board members shall receive the following remuneration as determined by Council Resolution, such salaries shall be set forth in Appendix D.

(F) Salaries, fees and deposits shall be reviewed on at least an annual basis, at the first meeting in the month of September, with any revisions to be completed by November 1st of each year.

(5) **OPENING AND CLOSING OF POLLS.** The polling place for all elections held in the City of Cornell shall be the City Hall of the City of Cornell. The polls shall remain open continuously on any Election Day from 7:00 in the morning until 8:00 in the evening on such Election Day. Compensation for election workers shall be set by the City Council of the City of Cornell by resolution from time to time as set forth in Appendix D. Compensation set by the City Council shall be paid by the City of Cornell. The election inspectors shall keep track of hours worked and shall report the same to the City Administrator.

(6) **BOND OF CITY (CLERK-TREASURER) ADMINISTRATOR.** Pursuant to Section 70.67, Wisconsin Statutes, the City of Cornell elects not to give the bond required by Section 70.67, Wisconsin Statutes, and in compliance with subsection 2 of said section does obligate the City to pay, in case the City (Clerk-Treasurer) Administrator thereof shall fail so to do, all taxes of any kind required by law to be paid by such (Clerk-Treasurer) Administrator to the County Treasurer. No bond will be required by the municipality of the (Clerk-Treasurer) Administrator, other than the official bond required of all municipal treasurers. The obligation of the municipality shall extend to the County Treasurer of Chippewa County and a certified copy of this ordinance shall be filed with the County Treasurer of Chippewa County.

2.07 CITY ADMINISTRATOR ORDINANCE

(1) APPOINTMENT AND TERM OF OFFICE

(A) The Common Council of the City of Cornell establishes the term of employment for the City Administrator to be at the pleasure of the Common Council. No elected City of Cornell officer may serve as City Administrator of the City of Cornell. The Common Council, by a majority vote, may appoint the City Administrator and may, by a three-fourths (3/4ths) vote, suspend or discharge, at any time the City Administrator. The City Administrator may be terminated without cause, subject to any applicable Federal and State law or regulation or any applicable local ordinance restricting suspension or discharge of an employee.

(B) The Common Council, by Charter Ordinance, or the public by Charter Ordinance, may, at any time, dissolve the office of City Administrator. By such dissolution, the City Administrator is discharged from the office. The Common Council of the City of Cornell, by a majority vote of its members, may suspend the City Administrator from the office with pay up to sixty (60) days.

(C) The person selected as the City Administrator of the City of Cornell by the Common Council shall be selected from a list of candidates for the office presented to the City of Cornell by a City Administrator/Clerk-Treasurer Selection Committee. The procedure governing the recommendation and selection process, including the application procedure, qualifications, interviews and information to be requested of applicant shall be prepared in writing by the selection committee. This procedure shall be approved by the City Council prior to initiation of the application process. The selection of the City Administrator shall be on merit only. The City Council and the Selection Committee shall seek the best applicant for City Administrator available at the time with proper consideration for the training, ability, salary/benefit budget, experience and general fitness of the candidate for the office as well as adaptability to a small town environment and the community. Specifically, consideration may be given to the likelihood that the individual will "fit in" with a small town environment and to the likelihood of the individual remaining in the position for a reasonable length of time. The City Administrator shall, prior to final selection, agree to establish residency in the City of Cornell within six (6) months after appointment and to then maintain residency during his or her time of office.

(2) TERMINATION OF APPOINTMENT BY CITY ADMINISTRATOR. The City Administrator may terminate his or her employment by a written notice of termination, signed by the City Administrator and provided to the Mayor of the City of Cornell by the City Administrator. The appointment of the City Administrator will terminate ninety (90) days after the receipt of the written notice of termination by the City Administrator.

(3) POWERS AND DUTIES OF CITY ADMINISTRATOR. The City Administrator will have the following powers and duties:

(A) Chief Administrative Officer. The City Administrator shall be the Chief Administrative Officer of the City of Cornell subject to the statutory authority of the Mayor and subject to any other statutory authority or any City of Cornell ordinance authority that may be applicable to limit or restrict the administrative authority of the City Administrator. The City Administrator shall be responsible to implement the directives, orders and resolutions of the City of Cornell subject to any statutes or any City of Cornell ordinances that may be applicable. The City Administrator shall be responsible for the daily operations and daily management of the municipal government of the City of Cornell subject to any statutes and applicable City of Cornell ordinances, and subject to any directives, orders, or resolutions of the Common Council of the City of Cornell.

(B) Budget Officer. The City Administrator will be the Chief Budget Officer and shall be responsible for preparing the annual budget in conjunction with the Finance Committee of the City of Cornell subject to directives of the Common Council. The budget shall be completed and submitted to the Common Council for its approval by October 1st of each year. The City Administrator shall, at any time, make recommendations to the Common Council to improve the budget process for the City of Cornell.

(C) Fiscal Officer

(1) The City Administrator shall be the Chief Fiscal Officer of the City of Cornell and shall report to the Common Council of the City of Cornell on a regular basis as to the fiscal condition of the City. The City Administrator shall provide monthly reports to the Common Council relative to the expenditures made by the City of Cornell, the receipts received by the City and any current investments of any City funds. The City Administrator shall supervise all fiscal accounts for all City funds and departments to include but not be limited to the following:

- General Funds
- Capital Project Funds
- Special Reserve Funds
- Debt Service Funds
- Enterprise Funds
- Fiduciary Trust Funds

The Council may add to or delete from this list of duties from time to time.

(2) The City Administrator shall keep informed and shall advise the Common Council of any Federal, State and local legislative and administrative developments including legislative and administrative proposals, laws, and rules that may affect the City of Cornell.

(3) The City Administrator shall attend all Finance Committee meetings.

(D) Personnel Officer

(1) The City Administrator shall be the Chief Personnel Officer of the City of Cornell and shall be responsible for recommending to the Common Council of the City of Cornell the employment of persons for the following positions:

All non-union employees.

(2) The City Administrator shall be responsible to develop, implement and maintain, with the approval of the Common Council of the City of Cornell, a personnel policy for the City of Cornell which shall include, but is not limited to:

(a) Establishment and reorganization of City departments.

(b) Appointment and reappointment of department heads.

(c) Maintenance of personnel files for employees in all departments.

(d) Evaluation of performance of non-union employees including department heads.

(e) Recommendations for wage and salary increases of employees. This policy will not include:

Union employees whose wages and salaries are subject to collective bargaining.

(f) Supervision of employees, including developing policies for the employment, training, promotion, lay-off, suspension and discharge of employees.

It is expressly recognized that supervision of union employees will be subject to Council direction and

subject to collective bargaining agreements. Union employees shall be directly supervised by their department heads who shall report to the City Administrator, City Committees and/or Commissions as the Council shall direct or these ordinances provide.

(g) The City Administrator shall serve as the Personnel Officer for the City of Cornell. As such, he/she shall keep complete and up-to-date personnel records, to include specific job descriptions for all City employees; evaluate personnel performance on a regular basis or see that department heads evaluate personnel on a regular basis; recommend salary and wage scales for City employees not covered by collective bargaining agreements; develop and enforce (subject to collective bargaining agreements) high standards of performance by City employees; assure that all City employees have proper working conditions; work closely with department heads to promptly resolve any personnel problems or grievances; and, act as the City's contact person in conducting collective bargaining negotiations with the assistance of counsel as provided by the Common Council. Such assistance shall include researching and preparing comparable wage information for collective bargaining.

(h) The City Administrator shall be responsible for the administrative direction and coordination of efforts of all professional employees and officers including Assessor, Building Inspector, City Attorney, Chief of Police, Deputy Clerk-Treasurer, Librarian, Municipal Judge, Superintendent of Utilities, Superintendent of City Works and Community Development Director or agency.

(i) The City Administrator shall draft and monitor a personnel policy handbook.

(j) The City Administrator shall work closely with all department heads to assure that such personnel and other City employees receive adequate opportunities for training to improve their knowledge and skills; and make recommendations to the Council and all requests by City employees to attend conferences, meetings, training schools, etc., pertaining to their employment.

(3) The City Administrator shall make recommendations to the Mayor and Common Council for the employment, training, direction, promotion, supervision, lay-off, suspension and discharge of the following positions:

All City employees.

The Common Council will have final approval of such actions subject to collective

bargaining agreements and law.

(E) Common Council Meeting Officer

(1) The City Administrator shall be the Common Council Meeting Officer of the City of Cornell and shall assist the Mayor in preparing the agenda for all meetings of the Common Council. This authority to the City Administrator does not bestow the power on the City Administrator to limit or prevent items from being inserted on either agenda by the Mayor or Council members or to discriminate against members of the public in bringing matters before the Council.

(2) The City Administrator shall attend all meetings of the Common Council of the City of Cornell. The City Administrator shall, at these meetings, be of assistance to the Common Council as directed by the Mayor and Council of the City of Cornell. The specific additional duties of the City Administrator at these meetings shall be as follows:

(a) In coordination with the Mayor and the Council, ensure that appropriate agendas are prepared for all meetings of the Council, all council committees, and all other appropriate committees and commissions of the City, together with such supporting material as may be required; with nothing herein being construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Council or any of its committees and commissions.

(b) Assist in the preparation of ordinances and resolutions as requested by the Mayor or the Council, or as needed.

(c) Keep the Mayor and Council regularly informed about the activities of the Administrator's office by oral or written report at regular and special meetings of the Council.

(F) Purchasing Officer. The City Administrator, in his or her capacity in the combined offices of Administrator/Clerk-Treasurer, shall serve as head Purchasing Officer and agent for the City of Cornell. The City Administrator, subject to the competitive bidding and public contract laws and these ordinances, may purchase and may contract for buildings, materials, supplies, equipment, public works and public services for the City of Cornell in amounts not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) if funds are budgeted and available. Amounts in excess of the above noted sum shall need the advance approval of the Common Council of the City of Cornell. See also Sec. 5.01(12)(C).

(G) Committee Officer

(1) The City Administrator shall serve as ex-officio officer to every committee appointed by the Common Council of the City of Cornell, except:

(a) Committees specifically created with the express provision that the City Administrator is not to be a member or officer thereof.

(b) Committees to evaluate the performance of the City Administrator, to set compensation of the City Administrator, or to hire, discipline or discharge the City Administrator.

(2) As ex-officio officer, the City Administrator shall be timely apprised of all committee meetings and shall be allowed access to all City of Cornell meetings, except for committee meetings which the Council has specifically resolved or directed that the City Administrator shall not be allowed access to as well as committee meetings excepted under subparagraph (G)(1) above.

(H) Waste Management Officer. The City Administrator shall be responsible for the administrative direction and coordination of efforts for the City of Cornell's Waste Management Program, including recycling responsibilities.

(I) City Planning Officer. The City Administrator shall be the City Planning Officer of the City of Cornell. The City Administrator shall be the chief administrator of any specific City policies and City plans developed and maintained by the Common Council of the City of Cornell related to the following:

- (1)** Personnel Policy and Plan
- (2)** Fiscal Policy and Plan
- (3)** City Land Use Policy and Plan
- (4)** City Industrial Policy and Plan

(4) COOPERATION WITH OTHER OFFICERS. The City Administrator shall cooperate fully with all elected and appointed officers of the City of Cornell. The elected and appointed officers of the City of Cornell shall fully cooperate with the City Administrator.

(5) CLERK-TREASURER DUTIES. The City Administrator shall have all of the duties and responsibilities of the appointed City Clerk and City Treasurer of the City of Cornell set forth in Chapters 62.09(09) and 62.09(11), Wisconsin Statutes, and other statutes and these ordinances.

(6) COUNCIL DETERMINANT OF POWERS AND DUTIES. The Common Council of the City of Cornell shall be the final determinant as to the powers and duties of the City Administrator of the City of Cornell and may add to or delete from these duties by regular ordinance.

All the Specific Duties of the City Administrator, including those duties to be performed by the Administrator without prior Council approval, are set forth in Appendix P, which may be revised from time-to-time by resolution.

(7) COMPENSATION OF CITY ADMINISTRATOR. The Common Council of the City of Cornell shall establish the compensation in salary and benefits of the City Administrator. The compensation shall be established by the Common Council from January 1st of the calendar year through December 31st of the calendar year. Compensation shall be for the combined offices of City Administrator/Clerk-Treasurer.

(8) EVALUATION OF CITY ADMINISTRATOR. The Common Council shall evaluate the performance of the City Administrator on an annual basis with such evaluation to be completed before compensation is set on January 1st of each year.

2.08 CITY POLICE ORDINANCE

(1) JURISDICTION, POWERS AND DUTIES OF CITY POLICE DEPARTMENT

(A) The City Policemen shall possess the powers, enjoy the privileges, and be subject to the liability conferred upon Constables pursuant to Section 62.09(13)(a), Police or other law enforcement officers by Wisconsin Statutes. In particular, rights accorded to law enforcement officers by Chapter 164 will be respected irrespective of any conflict in these ordinances.

(B) Policemen shall keep and preserve the peace within the City, and shall have full peace powers to arrest and apprehend any person for felony or breach of peace, pursuant to Wisconsin Statutes, and for purposes of carrying out such duties shall be considered a peace officer as defined in Section 939.22(22), (1993-1994) Wisconsin Statutes.

(C) The City Police shall direct and regulate traffic and make arrests for violation of traffic crimes and regulations of Chapters 194 and 341 to 349, (1993-1994) Wisconsin Statutes, any City Ordinances in conformity with these chapters and for purposes of carrying out such duties shall be considered traffic officers as defined in Section 340.01(70), (1993-1994) Wisconsin Statutes.

(D) The City Police shall attend upon sessions of the Circuit Court in

the County of Chippewa when required by the Sheriff of such county.

(E) The City Police shall cause to be prosecuted all violations of law of which they have knowledge or information.

(F) The City Police shall perform all other duties required by any law.

(G) The City Police shall cause to be enforced and prosecuted all violations of the City ordinances of which he or she has knowledge or information.

(H) The City Police shall act on behalf of the Common Council or Mayor as directed to:

(1) See that orders of the Common Council or Mayor and ordinances of the City are obeyed.

(2) See that peace and order are maintained in the City.

(3) Obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166, (1993-1994) Wisconsin Statutes, for emergency government.

(2) **NON-EXCLUSIVITY**

(A) **Other Ordinance.** Adoption of this ordinance does not preclude the City 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 jurisdiction powers and duties of the City Police Department as stated herein shall not preclude the City or any other City officer including the mayor, from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

2.09 SPECIAL OFFICE ORDINANCE

(1) **CREATION OF SPECIAL OFFICES.** The Common Council has, by adoption of this ordinance, established the following Special Offices and retains with the mayor the power to retain or appoint these Special Offices, the power to remove the members in these Special Offices, the power to establish the powers and duties of these Special Offices, and the power to terminate these Special Offices either by ordinance revision or charter ordinance.

(2) SPECIAL OFFICES

(A) Weed Commissioner

(1) Appointment/Termination. The Mayor may, pursuant to Section 66.97, (1993-1994) Wisconsin Statutes, appoint, on or before May 15th of each year, a Weed Commissioner or Weed Commissioners. The person(s) appointed will hold the office for one (1) year and until a successor has been qualified. If more than one (1) person is appointed, the Mayor shall divide the City into districts and each Weed Commissioner shall be assigned a district. The Mayor may remove any Weed Commissioner of the City without cause.

(2) Compensation

(a) The Common Council may establish the compensation for the Weed Commissioner(s). (See Appendix D) In addition, the Common Council may establish a method for reimbursement of costs and expenses.

(b) The Common Council shall establish a method for reimbursement of costs and expenses. That method for reimbursement is to be as follows:

1. Limited expenses as are actual and necessary.
2. All costs and expenses of the Weed Commissioner(s) shall be approved by the City Administrator prior to being incurred by the Weed Commissioner(s).

(3) Duties

(a) The City Weed Commissioner(s) shall have the powers and duties established in Sections 66.96 through 66.99, (1993-1994) Wisconsin Statutes, plus any other powers and duties established by the Common Council.

(b) The Common Council has established for the City Weed Commissioner(s) the following additional powers and duties.

(B) City Housing Authority Commissioners

(1) Appointment/Termination

(a) The Mayor, pursuant to Section 66.40 (1993-1994)

Wisconsin Statutes, with confirmation by the Common Council, may appoint five (5) persons as commissioners of a City Housing Authority. No Commissioners may be committed in any official capacity with a political party nor shall more than two (2) be officers of the City. The Commissioners, who are initially appointed, shall be individually designated by the Mayor to serve one (1), two (2), three (3), four (4) and five (5) years respectively from the date of appointment. Thereafter, the term shall be five (5) years. A Commissioner shall hold office until a successor has been appointed and qualified.

(b) The Mayor, based on inefficiency, neglect of duty or misconduct in office, may, pursuant to Section 66.40(8) (1993-1994) Wisconsin Statutes, remove any Commissioner. The procedure for removal is established in Section 66.40, (1993-1994) Wisconsin Statutes, and to the extent applicable in Section 17.16, (1993-1994) Wisconsin Statutes.

(c) The form of organization of the Housing Authority shall be as set forth in Section 66.40(5), Wisconsin Statutes.

(2) Compensation

(a) The Common Council shall, pursuant to Section 66.40(5), (1993-1994) Wisconsin Statutes, establish the compensation for the City of Cornell Housing Authority. The compensation may pay a per diem allowance, mileage and other necessary expenses included in the discharge of their duties at rates established by the Common Council.

(b) The Common Council has established the per diem amounts and mileage reimbursement as set forth in Appendix D.

(3) **Duties.** The City of Cornell Housing Authority Commissioners shall have the powers and duties established in Sections 66.40 to 66.404, (1993-1994) Wisconsin Statutes, and in these ordinances.

(4) The City of Cornell Housing Authority, if created, shall not be confused with the Housing Review Authority created to administer the 1989 CDBG Block Grant.

(C) City Attorney

(1) **Retention.** The Common Council may designate, retain or employ one (1) or more attorneys on a temporary or continuing basis for legal matters or to represent the City of Cornell in legal proceedings.

(2) **Compensation.** The Common Council shall negotiate and establish the compensation for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Common Council.

(3) **Duties.** The attorney has the duties and powers established pursuant to the retention or contract between the Common Council and the attorney.

(D) City Auditor/Accountant

(1) **Retention.** The Common Council may designate, retain or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the City of Cornell in financial matters.

(2) **Compensation.** The Common Council shall negotiate and establish the compensation for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Common Council.

(E) Cornell Area Fire Department Director

(1) **Retention.** The Mayor, subject to Council approval shall designate/appoint a Cornell Area Fire Department Director in accordance with the Agreement for the establishment of a Fire Department, dated 9/16/92. Such Special Office holders shall serve at the pleasure of the Common Council.

(2) **Compensation.** The Common Council shall, pursuant to Section 66.40(5) (1993-1994) Wisconsin Statutes, establish the compensation for the Cornell Area Fire Department Director. The compensation may pay a per diem allowance, mileage and other necessary expenses included in the discharge of their duties at rates established by the Common Council.

(F) City Emergency Director

(1) **Retention.** The Mayor, with Council approval, may designate a City Emergency Director.

(2) **Compensation.** The Common Council shall, pursuant to Section 66.40(5) (1993-1994) Wisconsin Statutes, establish the compensation for the City Emergency Director. The compensation may pay a per diem allowance, mileage and other necessary expenses included in the discharge of their duties at rates established by the Common Council. (See Appendix D)

(3) RESPONSIBILITIES FOR SPECIAL OFFICES. The Common Council or the Mayor has appointed or has retained persons to the Special Offices noted in Section 2.08.

(A) The below noted special office holders shall not be considered regular officers, employees or agents of the City, namely:

- (1)** City Attorney
- (2)** City Auditor
- (3)** City Emergency Director
- (4)** Cornell Area Fire Department Director
- (5)** Housing Authority Commissioner
- (6)** Weed Commissioner(s)
- (7)** Non-UDC Building Inspector
- (8)** UDC Building Inspector

(B) The following special office positions need not be City residents to hold these positions:

- (1)** City Attorney
- (2)** City Auditor/Accountant
- (3)** City Emergency Director
- (4)** City Librarian
- (5)** Non-UDC Building Inspector
- (6)** UDC Building Inspector

(C) Every person appointed to a special office must be at least eighteen (18) years of age at the time of appointment.

(D) The special office holders, other than the specific compensation and reimbursement for costs and expenses established, shall not be entitled to any City financial benefits, vacation benefits, health benefits, training programs, educational programs, insurance benefits, paid leave benefits or other benefits except:

(List Exceptions, if any)

(E) All special office holders shall be considered public officers under Section 895.46, (1993-1994) Wisconsin Statutes, and shall be entitled to the appropriate legal defense reimbursement or retainer or indemnification established

in Sections 895.35 and 895.46, (1993-1994) Wisconsin Statutes, while acting within his or her scope of employment or official capacity. Special officers shall notice immediately the City Administrator of any claim or action brought against the special officer in any way related to his or her scope of employment or official capacity.

2.10 ELIGIBILITY FOR OFFICE ORDINANCE

(1) ELIGIBILITY FOR OFFICE/INCOMPATIBILITY OF OFFICE

(A) Any person who is a qualified elector in the City may hold any elected City office in the City. No member of the Common Council may, during his or her term, be eligible for any City office or City position which, during such term, the office or position has been created by or the selection to which is vested in the Common Council. Any member of the Common Council will be eligible for such City office or City position if he or she resigns from the Common Council before being appointed to the City office or City position and if the office or position was not created during his or her term in office. Ref. 66.11.

(B) Certain City offices are incompatible, by common law and statutory law, with other City offices and also with other county, state or federal offices. No City officer, by this ordinance and the below noted cited authority, shall serve in both offices at the same time, namely:

(List Office and Cited Authority)

The office of City Administrator (Treasurer) and the offices of County Treasurer or School District Treasurer.

(NOTE TO USERS: This list is not inclusive. The common law doctrine of incompatibility extends to both officers and an office and position. OTRADOVEC vs. CITY OF GREEN BAY, 118 Wis.2d 393, 347 N.W.2d 614 (1984). Consult the City Attorney for additional advice.)

(C) If any question or concern by any person is raised to the Common Council regarding incompatibility of any office in the City, the City Attorney of the City shall review the matter and shall provide his or her written comments to the Common Council.

2.11 OFFICE OATH AND BOND ORDINANCE

(1) OATH

(A) **General Provisions.** All elected officers and appointed officers of the City, except elected assessors, and attorneys shall take and file the below noted oath within five (5) days after notification of election or appointment by the City Administrator. The written oath of office and the oral oath of office, pursuant to Section 19.01, (1993-1994) Wisconsin Statutes, shall be substantially in the following form:

WRITTEN OATH

STATE OF WISCONSIN
County of Chippewa

I, the undersigned, who have been elected (or appointed) to the office of ____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this ____ day of
, 19__.

Signature

ORAL OATH

I, _____ swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of _____ to the best of my ability. So help me God.

* Note: For municipal judges, see Sec. 757.02 Wis. Stats. (1993-1994).

(B) **Filing Locations.** The official oath of all elected officers and appointed officers of the City shall be filed with the City Administrator except that the City Administrator shall file his or her oath with the Mayor.

(C) **Failure to File Oath.** If any elected officer or appointed officer of the City fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office.

(2) **BONDS**

(A) **General Provisions.** The following officers of the City shall be required to execute and file an appropriate bond no less than the amount noted below:

<u>Office</u>	<u>Amount</u>
City Administrator	\$100,000.00
Deputy Clerk	10,000.00
Police Chief	4,000.00
Municipal Judge	4,000.00

(B) **Bond Costs - Sureties.** The bond costs shall be provided by the City. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Section 632.17(2), (1993-1994) Wisconsin Statutes. The Common Council has, by this ordinance, established the amounts of the bonds. The Common Council may at any time determine that any bond amount noted above is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Common Council.

(C) **Filing Location.** The official bond shall be filed with the City Administrator except that the City Administrator shall file his or her bond with the Mayor.

2.12 COMMITTEE (COMMISSION) ORDINANCE

(1) **COMMITTEE APPOINTMENTS**

(A) The Mayor shall be authorized to appoint all special committees and to designate the chairman of each. All committee appointments except the designation of the chairperson shall be subject to confirmation by a majority vote of the Common Council. Members of the public may be appointed to committees or subcommittees, but, such "at large" members shall not outnumber Councilpersons unless approved by a majority vote of the Council.

(B) The Planning Commission, pursuant to Wis. Stats. §62.23, shall

consist of the Mayor, one Alderperson, and five (5) citizen members.

(C) The duties of the Commission shall be such as are established by the Common Council from time-to-time. The Planning Commission shall have those powers conferred upon city planning commissions by Wis. Stats. §62.23. The functions of the Planning Commission are to make and adopt a master plan for the physical development of the municipality. The master plan, with accompanying maps, plats, charts, and descriptions and explanatory matter, shall show the commission's recommendations for such physical development and may include, among other things without limitations because of enumeration, the general location, character, and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, public places and areas, parks, playgrounds, sites for public buildings and structures, waterways, the general location and extent of sewers, water conduits and other public utilities, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utility routes or terminals, the general location, character and extent of community centers and neighborhood units and other duties as set forth in Wis. Stats. §62.23(2), (3), (4), and (5).

(D) Effective with appointments in April 2000, citizen members of the Planning Commission will be appointed for a term of 3 years. Appointments shall be made by the Mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of the term.

(2) COMMITTEE REPORTS. Each committee shall submit a written report of all matters considered by or referred to it. Such reports shall, whenever feasible, recommend definite action on each item included in the report. Any committee shall require any City officer to confer with it and supply information in connection with any matter pending before it.

2.13 MUNICIPAL COURT ORDINANCE

(1) The Municipal Court for the City of Cornell, created by Chapter 755, Wisconsin Statutes, is hereby established and shall become operative and function upon the effective date of this ordinance in accordance with the provisions of said chapter.

(2) The Municipal Court shall have the jurisdiction granted to it by the Wisconsin Statutes and shall have exclusive jurisdiction over offenses against ordinances of the City of Cornell to the extent provided in Section 755.045, Wisconsin Statutes.

(3) The Municipal Court shall be presided over by a Municipal Judge who shall be elected at large on the first Tuesday in April in each odd numbered year, commencing on the first Tuesday in April, 1969 and shall serve for a term of two (2) years commencing on May 1, in the year of his election.

(4) The Municipal Judge shall receive such compensation for his services as is set by the Common Council. Such compensation shall be set forth on Appendix D.

(5) The days and hours during which the Municipal Court shall be in session shall be determined by the Municipal Judge, as authorized in Section 755.06, Wisconsin Statutes.

2.14 BOARD OF REVIEW ORDINANCE

(1) **MEMBERSHIP OF BOARD OF REVIEW.** Pursuant to Section 70.46, Wisconsin Statutes, the Board of Review shall consist of the Mayor and the City Administrator and the alderpersons each year who are serving in the second year of the two year term to which they are elected or appointed. They shall meet annually at any time during the 30-day period beginning on the 2nd Monday of May of each year. Four members of the Board shall constitute a quorum. The City Administrator shall be the Clerk of the Board of Review. No assessor for the City may serve on the Board of Review.

(2) **COMPENSATION FOR BOARD OF REVIEW.** The members of the Board of Review shall receive salary compensation as established by the Common Council. The compensation shall be set by the Common Council and set forth on Appendix D.

(3) **TIME AND PLACE.** The members of the Board of Review shall meet annually at the City Hall of the City of Cornell. The time of the meeting shall be set by the Common Council (and as required by Section 70.47, Wisconsin Statutes).

(4) **PROCEDURE.** The Board of Review shall proceed in compliance with Chapter 70, (1993-1994) Wisconsin Statutes. The Board of Review process shall be as follows:

(a) The Board of Review of the City of Cornell will meet annually at any time during the thirty (30) day period beginning on the second (2nd) Monday of May. The meeting shall be at the City Hall unless otherwise designated by the Common Council. A majority of the members will be a quorum.

(b) All meetings of the Board of Review of the City of Cornell are to be open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted in any closed session or closed meeting of the Board of

Review.

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

(d) The hours of the first meeting of the Board of Review of the City shall be a minimum of two (2) hours. The meeting shall be between 9:00 a.m. and 12:00 a.m. (midnight). The meeting hours will be 6:00 p.m. to 8:00 p.m. unless otherwise set by Common Council action. Reference: Section 70.47(3)(a), Wisconsin Statutes.

(e) Pursuant to Section 70.47(6m)(c) and Section 70.46(1) of Wis. Stats. the Common Council hereby provides for the appointment of alternates to served on the City Board of Review in the event a standing Board member of the Board of Review is removed or unable to serve for any reason. The Mayor, with approval of the Common Council shall have the duty to appoint alternates. Unless otherwise changed by Resolution or Ordinance, such alternates shall consist of those remaining members of the Common Council i.e. those members of the Common Council serving in the first year of their two-year terms.

(The Mayor with the approval of the Common Council, may name as many alternates as they deem necessary to meet the statutory requirement that no less than three Board of Review members are needed to make a final determination of an objection to the property assessment.)

(e) Any change in the time of the first meeting will not be effective until notice is posted in not less than three (3) public places in the City of Cornell for at least ten (10) days before the first meeting.

(f) The Board of Review may adjourn from time-to-time until business is complete. If the meeting is adjourned for more than one (1) day, a written notice shall be posted on the outer door of the place of the meeting stating what time the meeting will be reconvened.

(g) The City Administrator shall keep a record in the Minute Book of the proceedings.

(h) The Board of Review of the City of Cornell shall carefully examine the roll or rolls and correct all apparent errors in description and computation. The Board of Review of the City shall not raise or lower the assessment except after hearing.

(i) The Board of Review shall receive objections, shall provide a hearing, and shall correct the assessments pursuant to Section 70.47 (1993-1994) Wisconsin Statutes.

(j) The City Administrator shall make the changes to the assessment roll ordered by the Board of Review.

2.15 COOPERATION IN TRANSFER OF CITY OFFICE ORDINANCE

(1) **DUTY TO COOPERATE ON TRANSFER OF OFFICE.** This section shall be interpreted liberally to accomplish its purpose, which is to provide for and promote an orderly and efficient transfer of office to a successor. All officers shall use all reasonable efforts to facilitate transfer of office and to cooperate with their successor.

(2) STATUS SUMMARY AND RESPONSIBILITIES AT END OF TERM

(A) It shall be the duty of all City officers to provide all documents, files and information they may have regarding City of Cornell business activities, property, or finances to their respective successor in office and to cooperate with successors in office and all successor City officials and successor Common Councils. It shall further be the duty of the following officers to provide a written, **end of term status summary** to the successor containing therein such information, as the Common Council shall require:

- (1) Mayor
- (2) City Administrator
- (3) City Assessor
- (4) City Attorney
- (5) Fire Department Director

(B) Status summaries at the end of each term shall be delivered to the City Administrator for filing in the City records with a copy provided to the Mayor.

(C) The Common Council may further detail the contents of a Status Summary for each office by Resolution to be set forth as Appendix C.

(3) **BRIEF OF COMMON COUNCIL AND SUCCESSOR IN OFFICE.** When requested by the Common Council, any officer shall orally brief the Common Council and/or at the Common Council's discretion his or her successor in office and answer questions pertaining to the status summary, duties of the office, procedures of the office, and/or general City business pertaining to that office.

2.16 COMPENSATION OF ELECTIVE CITY OFFICES

(1) Compensation of elective City officers shall be set forth in Appendix D.

(2) Changes in compensation during the term of office shall be subject to Section 66.196, Wisconsin Statutes, and shall not be increased during the term of office for elective officers who are entitled to participate in setting their salary.

2.17 POLICE AND FIRE COMMISSION AND PUBLIC SAFETY COMMITTEE

(1) **POLICE AND FIRE COMMISSION.** It is the intention by this ordinance to adopt subsections (1), (2), (4), (5), and (5)(m) of Wis. Stats. 62.13 and to create a Police Commission with the duties and responsibilities established therein which include among others:

(A) Hiring, disciplinary actions, and dismissal of personnel.

(B) Hearing complaints, grievances and suggestions from members of the departments.

(C) Hearing complaints, grievances and suggestions from the public regarding the departments.

(D) Making recommendations to the Council regarding the appointment of the Chief of Police. The City does not adopt Section 62.13 (3), Wis. Stats. The Police Chief, being appointed by the Council, may be removed by the Council, at pleasure, pursuant to Sections 17.12 and 17.16, Wis. Stats. Since the procedure for disciplinary action against the Police Chief provided in Chapter 62, is not adopted, the City does hereby adopt the procedural format for disciplinary action against the Police Chief as set forth in Section 62.13 (5) (a) through (i), where applicable. The commission findings, determinations and recommendations shall be advisory only. They shall be reported to the Council and delivered to the Common Council for Council action.

Such Commission shall consist of 5 citizens, only one of whom shall be an alderperson of the City of Cornell, and be chosen in the manner prescribed by S. 62.13, Wis. Stats.

(2) PUBLIC SAFETY COMMITTEE. The Mayor under Sec. 66.09 (8) (d), Wis. Stats., is head of the Police Department and retains the powers not specifically granted to the Police Commission by Subsec. 62.13 (1) through (5) (m) and the Mayor and Council retain the powers enumerated in Subsec. 62.13 (6).

(A) To organize and supervise the Police Department and to prescribe rules and regulations for their control and management.

(B) To contract for the purchase of all necessary apparatus and supplies for the use of the departments under their supervision, exclusive of the erection and control of the police and fire station buildings.

(C) To audit all bills, claims, and expenses of the Police Departments before the same are paid by the City Administrator.

(D) The Mayor may appoint each year, subject to confirmation of the Council, a standing committee known as the Public Safety Committee consisting of 3 alderpersons. Such committee shall review and make recommendations to the Council and Mayor regarding the matters enumerated in 62.13 (6), Wis. Stats., and further matters as the Mayor or Council shall delegate to it from time-to-time.

2.18 MUNICIPAL JUDGE

(1) MUNICIPAL COURT FOR THE CITY OF CORNELL, WISCONSIN. Pursuant to the authority granted in Sec. 755.01 and Chapter 755, Wis. Stats., (1979-80) there is hereby established the Municipal Court for the City of Cornell, Wisconsin.

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

(3) ELECTION: TERM. The Municipal Judge shall be elected at large at the Spring Election commencing with the April 1969 election for a term of 2 years commencing on May 1 succeeding his/her election.

(4) SALARY. The Municipal Judge shall receive a per year salary voted on by the Common Council when wage scales are determined, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath as required by sub. (5)

(5) BOND: OATH. The Municipal Judge shall execute and file with the Clerk of Circuit Court for Chippewa County the oath prescribed by Sec. 755.03, Wis. Stats. and a bond in the penal sum of \$4,000.00.

(6) JURISDICTION. The Municipal Judge shall have such jurisdiction as provided by law and Sec. 755.045, Wis. Stats. and exclusive jurisdiction of violations of City ordinances.

(7) PROCEDURE

(A) The municipal court for the City of Cornell, Wisconsin shall be open as determined by order of the Municipal Judge.

(B) The Municipal Judge shall keep his office and hold court in the City Hall.

(C) The procedure in municipal court for the City of Cornell shall be as provided by this section and state law including, but not excluding because of enumeration, Chapters 66, 755, and 800, Wis. Stats.

(D) The Municipal Judge shall collect all fines and taxable costs in any action or proceeding before him and shall pay over such monies to the City Administrator not later than seven days after his receipt thereof. At such time, the Municipal Judge shall also pay over to the City Administrator all forfeitures collected

by him/her in actions for violation of municipal ordinances, all in accordance with Chapter 800, Wis. Stats.

2.19 CONTEMPT IN MUNICIPAL COURT

(1) Pursuant to the authority granted in Section 800.12 Wis. Stats., the City of Cornell does by ordinance hereby impose a forfeiture for contempt under Sub. 1 of 800.12 Wis. Stats. Contempt of Court shall be as defined in Section 785.01(1), Wis. Stats., as amended from time-to-time includes:

(A) Misconduct in the presence of the Court which interferes with a court proceeding or with the administration of justice, or which impairs the respect due the Court.

(B) Disobedience, resistance or obstruction of the authority, process or order of the Court.

(C) Refusal as a witness to appear, be sworn or answer a question; or

(D) Refusal to produce a record, document or other object.

The procedure shall be in accordance with the procedures under Sec. 785.03 Wis. Stats.

(2) **PENALTY.** The amount of forfeiture for contempt shall be not less than \$10 or more than \$50. Upon non-payment of the forfeiture and the penalty assessment under Section 165.87, a jail sentence may be imposed not to exceed seven days.

2.20 ELECTIONS

(1) **OFFICIALS.** Pursuant to Sec. 7.30 and 7.32 Wis Stats., there shall be at least three inspectors for each election, one of whom shall be the chief inspector appointed by the City Clerk. The City Clerk may increase the number of inspectors for any election provided that the total number of inspectors is an odd number. Additionally, the City Clerk may appoint an additional inspector to serve as a greeter and who shall be available to substitute for another inspector who leaves the room during the voting process. The City Clerk shall establish the working hours of each inspector for each election. The inspectors shall serve as the election officials for all wards of the City. Such officials shall be appointed as provided in Sec. 7.30 (4), Wis Stats., at the last regular meeting of the Common Council in December as required.

(2) CENTRAL POLLING PLACE. In accordance with Section 5.15(6)(b), Wisconsin Statutes, the Common Council designates that the City Hall shall be the central polling place for all wards of the City, unless otherwise designated by the Common Council at least sixty (60) days before each September primary and general election and at least thirty (30) days before each other election.

This ordinance shall be continuing and shall serve to designate the polling place for all wards until action is taken by the Common Council in accordance with Section 5.18(6)(b) and Section 5.25 Wisconsin Statutes.

(3) WARD BOUNDARIES. Ward boundaries are hereby established to be as follows:

(A) Ward One. Starting at the Northeast corner of Section 17, thence West along 230th (North Street) to Woodside Drive, thence South to Osborne Street, thence East to N. 6th Street, thence South to Main Street, thence East to 8th Street, thence South to Ripley Street, thence East to East Townline Road, thence North to the point beginning at 230th (North Street). Also, the following described property: Commencing at the South 1/4 of said Section 15; Thence along the East side of said forty N. 00 deg. 02' 55" E., 245.50 feet, to the northerly right-of-way of County Trunk Highway 64, the point of beginning; Thence continuing N. 00 deg. 02' 55" E., 2,325.23 feet; Thence N. 89 deg. 24' 11" W., 2,580.52 feet, to the easterly right-of-way of S.T.H. 27; Thence along the easterly right-of-way of S.T.H. 27, South 2,312.51 feet; Thence along the arc of a curve, chord bearing S. 16 deg. 30' 00" E., 221.56 feet, to the northerly right-of-way of S.T.H. 64, Thence along the northerly right-of-way of S.T.H. 64, N. 85 deg. 18' 00" E., 983.94 feet; Thence S. 04 deg. 42' 00" E., 20.00 feet; Thence N. 85 deg. 18' 00" E., 338.00 feet; Thence N. 04 deg. 42' 00" W. 20.00 feet; Thence N. 85 deg. 18' 00" E., 572.90 feet; Thence along the arc of a curve chord bearing N. 88 deg. 23' 40" E., 627.23 feet, to the point of beginning. Said parcel contains 6,228,624 square feet, more or less (143 acres, plus or minus), per Ordinance #00-08.

(B) Ward Two. Starting at the Northwest corner of Section 18, thence East along the section line to Woodside Drive, thence South on Woodside Drive to Osborne Street, thence East to 6th Street, thence South to Ripley Street, thence West to County Highway CC, thence Northwesterly along County Highway CC to the City Limits, thence North to point of beginning on 230th (North Street).

(C) Ward Three. Starting on County Highway CC at the City Limits on the West line of Section 18, thence Southeasterly to Ripley Street, thence East to 6th Street, thence North to Main Street, thence East to 8th Street, thence South to South Street, thence West to State Highway 27, thence Southwesterly along State Highway 27 on South line of Section 19.

(D) **Ward Four.** Starting at the intersection of State Highway 27 with the South line of Section 19, thence Northeasterly to South Street, thence East to 8th Street, thence North to Ripley Street, thence East to E. Townline Road, thence South to the South line of Section 20, thence West along the South line of Sections 20 and 19 to the point of beginning at State Hwy 27.

(4) The foregoing designation of wards and boundaries under subsection (3) adopts the conventions for description of boundaries found in Section 4.03, Wisconsin Statutes; namely:

(A) Each bound continues to the intersection with the bound next named, or to the intersection with a straight-line extension of such bound.

(B) If the bound is a street, it follows the centerline of such street or the centerline of such street extended.

(C) If the bound is a railroad right-of-way, it follows the centerline of such railroad right-of-way.

(D) If the bound is a river or stream, it follows the center of the main channel of such river or stream.

(E) If the bound follows a municipal boundary, it coincides with such boundary.

The wards shall be composed of the census blocks as shown on the List of Census Blocks Contained in Each Ward set forth in Appendix W which is made a part hereof by reference and which appendix shall be placed in the official code book of the City of Cornell as Appendix W List of Census Blocks Contained in Each Ward.

2.21 CIVIL DEFENSE. The ordinance of the Chippewa County Board prescribing the Chippewa County-Municipal Civil Defense plan of organization is ratified and accepted by the City of Cornell. This ratification and acceptance shall constitute a mutual agreement by the City of Cornell and Chippewa County and each participating municipality. The County-Municipal Civil Defense Director appointed by the Chippewa County Board is designated the Civil Defense Director of the City of Cornell.

2.22 PUBLIC CONSTRUCTION. Pursuant to Sec. 62.15(1), Wis. Stats., the City elects that all public construction of the City, including construction under Sec. 66.068 may be done directly by the City without submitting the same for bids. A report of non-bid contracts shall be made to the Council. Reference 62.15(14) (1993-1994) Wis. Stats.

2.23 CODE OF ETHICS FOR 1989 FMHA PROJECTS. See Appendix P for Code of Ethics for the 1989 FMHA project.

2.24 AUTHORITY, POWERS AND DUTIES

(1) GENERAL POWERS AND DUTIES OF MAYOR (Reference: Section 62.09(8), Wisconsin Statutes)

(A) General Powers and Duties

(1) Preside at City Council Meetings. The Mayor shall preside over meetings of the City Council.

(B) Sign Documents

(1) The Mayor shall sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the City Council, unless the City Council, by ordinance, authorizes another City officer to sign specific types of documents in lieu of the Mayor.

(2) The City Council, by ordinance, may authorize use of a facsimile signature under this paragraph.

(3) The Mayor shall sign all drafts, order checks and transfer orders as provided under Section 66.042, (1993-1994) Wisconsin Statutes.

(C) Assure Administration of Statutes

(1) The Mayor shall supervise the administration of statutes relating to the City and City operations to see that they are faithfully executed.

(2) The Mayor in his or her supervisory capacity has specifically delegated certain of his or her responsibilities for City of Cornell operations, such as:

(List)

Delegation shall be set forth on Appendix V from time-to-time.

(D) Act on Behalf of City Council

(1) The Mayor shall see that City orders and ordinances are obeyed and that all City officers and employees discharge their duties.

(2) The Mayor shall see that peace and order are maintained in the City and shall be the head of the Police Department. (Reference 62.09(8)(c), Wisconsin Statutes.)

(3) The Mayor shall obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166, (1993-1994) Wisconsin Statutes.

(E) Act on Authorization of Common Council

(1) The Common Council authorizes the Mayor to act on behalf of the Common Council to direct, as appropriate, the solicitation and quotations for the purchase of equipment, materials and services and submit bids and quotations to the Common Council for approval.

(2) The Common Council authorizes the Mayor to act on behalf of the Council to represent or designate another City of Cornell officer to represent the City at meetings of, and hearings before, governmental bodies on matters affecting the City.

(F) Administer Oaths. The Mayor may administer oaths and affidavits on all matters pertaining to the affairs of the City of Cornell.

(2) MISCELLANEOUS, SPECIFIC, AND STATUTORY DUTIES

(A) The Mayor shall nominate election officials when the City Council disapproves the nominee of a party committee under Section 7.30(4)(b) 2, (1993-1994) Wisconsin Statutes, and perform other election duties required by Chapter 7, Wisconsin Statutes.

(B) The Mayor shall serve as caucus official under Section 8.05(1)(c), (1993-1994) Wisconsin Statutes.

(C) The Mayor shall sue on official bonds, if any, under Section 19.015 (1993-1994) Wisconsin Statutes.

(D) The Mayor shall execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan, if any, under Section 24.67, (1993-1994) Wisconsin Statutes.

(E) The Mayor shall appoint members of the Library Board, if any, under Section 43.54(1)(a) and 43.60(3), (1993-1994) Wisconsin Statutes.

(F) The Mayor shall publish annually a notice regarding noxious weeds and appoint one or more commissioners of noxious weeds under Section 66.96 and 66.99, (1993-1994) Wisconsin Statutes.

(G) The Mayor, if authorized by the City Council, shall represent the interests of the City of Cornell in connection with appearances before the State Tax Appeals Commission under Section 70.64(5), (1993-1994) Wisconsin Statutes.

(H) The Mayor, under Section 167.10(3)(B), (1993-1994) Wisconsin Statutes, shall enforce regulation of fireworks under Section 167.10, (1993-1994) Wisconsin Statutes.

(I) The Mayor shall perform the Mayor's duties related to stray animals and lost goods under Chapters 170, 172, and 173, (1993-1994) Wisconsin Statutes.

(J) The Mayor shall approve bonds furnished by contractors for public works under Section 779.14(1m), (1993-1994) Wisconsin Statutes.

(K) The Mayor shall execute any conveyances of real property of the City of Cornell.

(3) OTHER RELEVANT STATUTORY AUTHORITY, POWERS AND DUTIES OF MAYOR

(List)

2.25 **CITY CLERK ORDINANCE**

(1) **GENERAL POWERS AND DUTIES.** Establishing City Clerk duties to be performed by the City Administrator. (Reference Section 62.09(11)(A), (1993-1994) Wisconsin Statutes)

(A) **Clerk of Common Council**

(1) The City Clerk shall serve as clerk of the Common Council, shall attend all meetings of the Common Council and shall keep a full record of its proceedings.

(2) The City Clerk shall file all accounts approved by the Common Council or allowed at Council meetings and enter a statement of the accounts in the record books for the City of Cornell.

(B) **Finance Book.** The City Clerk shall maintain a finance book, which shall contain a complete record of the finances of the City of Cornell, showing receipts, with the date and amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to the City of Cornell finances prescribed by the Common Council

(C) **Elections, Appointments and Notices.** The City Clerk shall perform the duties required by Chapters 5, 10 and 12, (1993-1994) Wisconsin Statutes, relating to elections and notices.

(D) **Sale of Real Property.** The City Clerk shall execute the conveyance of real property of the City of Cornell.

(E) **Notices.** The City Clerk shall publish or post ordinances and resolutions as required by law.

(F) **Records**

(1) The City Clerk shall comply with subch. II of Chapter 19, Wisconsin Statutes, concerning any record of which the City Clerk is legal custodian.

(2) The City Clerk shall demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Municipal Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The City Clerk shall hold, transfer or dispose of the books and papers

as required by law.

(G) **Licenses.** The City Clerk shall issue any license or permit granted by the Common Council when any required fee has been paid.

(H) **Notice of Property Tax Revenue.** The City Clerk shall notify the County Treasurer by March 15th, of the proportion of property tax revenue and of the credits under Section 79.10, Wisconsin Statutes, that are to be disbursed by the County Treasurer to each taxing jurisdiction located in the City of Cornell.

(2) **OTHER STATUTORY AUTHORITY, POWERS AND DUTIES OF CITY CLERK**

(A) **Recording Orders and Certificates.** The City Clerk shall obtain and maintain a cancellation book pursuant to Section 66.081, (1993-1994) Wisconsin Statutes.

(B) **Statement of Indebtedness to Secretary of State.** The City Clerk shall furnish, pursuant to Section 69.68, (1993-1994) Wisconsin Statutes, a full and complete summary of the bonded indebtedness and all other indebtedness, the purpose for which the sum was incurred and any interest, if any, remaining unpaid to the Secretary of State.

(C) **Notice of Cessation of Operations.** The City Clerk shall receive the appropriate notice of business closing, pursuant to Section 109.07, (1993-1994) Wisconsin Statutes, of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the City of Cornell, the City Clerk shall then immediately inform the Common Council of receipt of such information.

(D) **Release and Publication of Tax Roll.** The City Clerk shall receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, (1993-1994) Wisconsin Statutes. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.

(E) **Requiring Seller's Permit.** The City Clerk shall require proof of a seller's permit or application for a seller's permit from any person that requests a license or permit from the City of Cornell to engage in a business involving the sale at retail of tangible personal property subject to taxes under Section 77.61, (1993-1994) Wisconsin Statutes.

(F) Prepare General Statistics and Annual Statement of Taxes.

The City Clerk shall make out and transmit to the County Treasurer a statement pursuant to Section 69.60, (1993-1994) Wisconsin Statutes, showing the assessed value of all property within the City, all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the City of Cornell and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the City Clerk shall file a statement of taxes levied to the Department of Revenue.

(G) Make Tax Roll. The City Clerk shall make out the complete list of all taxable real property to be called the Tax Roll as required in Section 70.65, (1993-1994) Wisconsin Statutes.

(H) Correct Tax Roll. The City Clerk, before delivering the Tax Roll to the City Treasurer and after delivering the tax Roll to the City Treasurer, shall correct the errors in the Tax Roll to the extent required in Section 70.73, (1993-1994) Wisconsin Statutes.

(I) Receive Assessment Roll. The City Clerk shall receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Section 70.50, (1993-1994) Wisconsin Statutes, and preserve the same.

(J) Local Transportation Report. Submit Annual Financial Report (Form C) required in Section 86.303(5)(c), Wisconsin Statutes, by March 31st of each year.

(K) The City Clerk shall have the care and custody of the corporate seal of the City of Cornell and all papers and records of the City unless otherwise specified in the public record ordinance.

(L) The Clerk shall enter at length immediately after it goes into effect every ordinance in an "ordinance book" with proof of publication, date of passage, and page of journal where a final vote is recorded.

(M) The Clerk shall keep and record all licenses and permits granted and their status, record all bonds in appropriate books.

(N) The Clerk shall have the power to administer oaths and affirmations under Wisconsin Statutes.

(3) OTHER AUTHORITY, POWERS AND DUTIES OF CITY CLERK BY ORDINANCE. The City Clerk has the additional powers and duties, beyond those noted above, established by the Common Council, ordinances or by order of the Common Council, namely:

Duties of the City Administrator shall include future directives of authority or duty by Wisconsin Statutes or federal law.

(4) DUTIES TO BE PERFORMED BY CITY ADMINISTRATOR. Pursuant to Charter Ordinance of 4/11/94, the duties of City Clerk are to be performed by a City Administrator.

(5) DEPUTY CLERK

(A) Appointment. The City Administrator may, pursuant to Section 62.09(11)(1) (1993-1994) Wisconsin Statutes, appoint a Deputy Clerk. The Deputy Clerk shall take and file the oath and bond as directed by the Common Council.

(B) Compensation. The compensation for the Deputy Clerk shall be as set by the Common Council.

2.26 CITY TREASURER ORDINANCE. Establishing City Treasurer duties to be performed by the City Administrator.

(1) GENERAL POWERS AND DUTIES OF CITY TREASURER (Reference Section 61.26, (1993-1994) Wisconsin Statutes)

(A) Receive and Disburse City Money

(1) The City Treasurer shall receive and take charge of all monies belonging to the City, or that money which is required by law to be paid into the City Treasury and shall disburse the money pursuant to Section 66.042, (1993-1994) Wisconsin Statutes.

(2) The City Treasurer shall keep an itemized account of all monies received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The City Treasurer shall issue numbered receipts for all funds received. At the request of the Common Council, the City Treasurer shall present the account books, and any supporting documents requested to the Common Council.

(3) The City Treasurer shall submit the account book and all other supporting documents requested by the Common Council to the City Audit Committee if this committee exists.

(B) Deposit of City Money

(1) The City Treasurer shall deposit, as soon as practicable, the funds of this City in the name of the City in a proper public depository or in the public depository or public depositories designated by the Common Council. Failure to comply with this paragraph is grounds for removal from office.

(2) When money is deposited under paragraph (B)(1), the City Treasurer and Treasurer's sureties are not liable for any loss as defined in Section 34.01(2), (1993-1994) Wisconsin Statutes. The interest arising from the money deposited shall be paid into the treasury of the City.

(C) **Records.** The City Treasurer shall comply with Subchapter II of Chapter 19, (1993-1994) Wisconsin Statutes, concerning records of which the City Treasurer is legal custodian.

(D) **Taxes.** The City Treasurer shall perform all of the duties relating to taxation required of the City Treasurer under Chapters 70 through 79, (1993-1994) Wisconsin Statutes.

(2) **OTHER AUTHORITY, POWERS AND DUTIES OF CITY TREASURER BY ORDINANCE.** The City Treasurer has the additional authority, powers and duties, beyond those noted in 2.25, established by the Common Council, by ordinances or by order of the Common Council, namely:

Duties of the City Treasurer shall include future directives of authority or duty by Wisconsin Statutes or federal law.

(3) **DEPUTY CITY TREASURER.** (Subject to Section 62.09(9)(F), Wisconsin Statutes.) The City Treasurer subject to approval by a majority of all the members of the Common Council, may appoint a Deputy Treasurer. The Deputy Treasurer shall take and file the oath and bond as directed by the Council.

(4) **DUTIES TO BE PERFORMED BY CITY ADMINISTRATOR.** Pursuant to Charter Ordinance of 4/11/94, the duties of City Treasurer are to be performed by the City Administrator

2.27 CITY ASSESSOR ORDINANCE

(1) **GENERAL POWERS AND DUTIES OF CITY ASSESSOR.** The City has no civil service system. The Common Council has appointed an independent contractor assessor pursuant to Section 62.09(1)(c) (1993-1994) Wisconsin Statutes. The assessor shall be appointed on the basis of merit, experience and general qualifications. The term of the appointment for the assessor and the contract made with the assessor will be for one (1) year commencing January 1 of each year. All persons responsible for the assessment shall be certified assessors under Section 73.09, (1993-1994) Wisconsin Statutes. Their designees shall file an oath under Section 19.01 (1993-1994) Wisconsin Statutes, and shall sign the affidavit attached to the assessment roll under Section 70.49 (1993-1994) Wisconsin Statutes.

(2) **GENERAL STATUTORY AUTHORITY, POWERS AND DUTIES OF CITY ASSESSOR.** The City Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the City Assessor pursuant to Chapter 62, (1993-1994) Wisconsin Statutes.

(3) **OTHER AUTHORITY, POWERS AND DUTIES OF CITY ASSESSOR BY ORDINANCE.** The City Assessor has the following additional powers and duties:

Reserved for future use