

CHAPTER 1

GENERAL GOVERNMENT

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

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

- (1) Beginning at the most southern corporate limit point on Mason Street, then north, following Mason Street to the intersection of Mason Street and Hickory Lane, then west, following Hickory Lane to the intersection of Hickory Lane and McKinley Street, then south, following McKinley Street to the intersection of McKinley Street and Jordan Avenue, then east, following Jordan Avenue to the intersection of Jordan Avenue and Jefferson Street, then south, following Jefferson Street to the intersection of Jefferson Street and Sunset Lane, then west and south, following Sunset Lane to the intersection of Virginia Avenue, then west following Virginia Avenue, then south to the southwestern corporate limit, then east, following the southwestern corporate limit to Mason Street.
- (2) Beginning at the most southern corporate limit point on Lisa Lane, then north and east, following Lisa Lane to the eastern corporate limit point, then north, following the eastern corporate limit point to the intersection of Milwaukee Drive, then northwest, following Milwaukee Drive to the intersection of Milwaukee Drive and Illinois Avenue, then west, following Illinois Avenue to the intersection of Illinois Avenue and Jackson Street, then south, following Jackson Street to the intersection of Jackson Street and Hickory Lane, then east, following Hickory Lane to the intersection of Mason Street, then south, following Mason Street to the southern corporate limit, then east, following the southern corporate limit to Lisa Lane.
- (3) Beginning at the intersection of Jackson Street and Illinois Avenue, then east, following Illinois Avenue to the intersection of Illinois Avenue and Milwaukee Drive, then southeast, following Milwaukee Drive to the most eastern corporate limit point on Milwaukee Drive, then north, following the eastern corporate limit point to the intersection of Illinois Avenue and Clark Drive, then north and east, following Clark Drive to the eastern corporate limit point, then north, following the eastern corporate limit point to the intersection of Wisconsin Avenue, then northeast and northwest, following Wisconsin Avenue to the intersection of Taft Avenue, then northwest and southeast, following the Taft Avenue to the intersection of Altona Avenue and Plymouth Street, then south, following Plymouth Street to the intersection of Calumet Drive, then southeast, following Calumet Drive to the intersection of Park Avenue, then east, following Park Avenue to the intersection of Van Buren Street, then south, following Van Buren Street to the intersection of Illinois Avenue, then east, following Illinois Avenue to the intersection of Jackson Street.
- (4) Beginning at the most western corporate limit point on Wisconsin Avenue, then east, following Wisconsin Avenue to the intersection of Wisconsin Avenue and Plymouth Street, then south, following Plymouth Street to the intersection of the southern corporate limit point, then east, and west following the southern corporate limit point to the intersection of Parkview Drive and Calumet Drive, then east and north following Parkview Drive to the intersection of Parkview Drive and Calumet Drive, then north following Calumet Drive to the intersection of Calumet Drive and

Liberty Lane, then east, following Liberty Lane to the intersection of Liberty Lane and Madison Street, then north, following Madison Street to the intersection of Madison Street and Randolph Avenue, then west, following Randolph Avenue to the intersection of Randolph Avenue and Lincoln Street, then north, following Lincoln Street to the intersection of Lincoln Street and Park Avenue, then west, following Park Avenue to the intersection of Park Avenue and Calumet Drive, then northwest, following Calumet Drive to the intersection of Calumet Drive and Plymouth Street, then north and west, following Plymouth Street to the intersection of Plymouth Street and the most northwestern corporate limit point, then south and west, following the northwestern corporate limit point to the most western corporate limit point on Wisconsin Avenue.

Also, includes any lands owned by the City of New Holstein in connection with the New Holstein Municipal Airport.

- (5) Beginning at the west corporate limit point of Sunset Lane, then northwest, following Virginia Avenue to the intersection of Calumet Drive and the southern corporate limit point, then north following Calumet Drive to the intersection of Calumet Drive and Parkview Drive, then east and north following Parkview Drive to the intersection of Parkview Drive and Calumet Drive, then north following Calumet Drive to the intersection of Calumet Drive and Liberty Lane, then east, following Liberty Lane to the intersection of Liberty Lane and Madison Street, then north, following Madison Street to the intersection of Madison Street and Randolph Avenue, then west, following Randolph Avenue to the intersection of Randolph Avenue and Lincoln Street, then north, following Lincoln Street to the intersection of Lincoln Street and Park Avenue, then east, following Park Avenue to the intersection of Park Avenue and Van Buren Street, then south, following Van Buren Street to the intersection of Van Buren Street and Illinois Avenue, then east, following Illinois Avenue to the intersection of Illinois Avenue and Jackson Street, then south, following Jackson Street to the intersection of Jackson Street and Hickory Lane, then west, following Hickory Lane to the intersection of Hickory Lane and McKinley Street, the south following McKinley Street to the intersection of McKinley Street and Jordan Avenue, then east, following Jordan Avenue to the intersection of Jordan Avenue and Jefferson Street, then south, following Jefferson Street to the intersection of Jefferson Street and Sunset Lane, the west and south, following Sunset Lane to the west corporate limit point of Sunset Lane. (Create Ord. # 414, 08/15/01)

1.02 **Common Council**

(1) **MEETINGS.**

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

(b) **Regular Meetings.** (Am. #88) The regular meetings of the Common Council shall be held at City Hall, in the Council Chambers, at 7:30 p.m. on the 3rd Wednesday of each month, except April, when the regular meeting shall be held on the 3rd Tuesday. Should the day for holding any regular meeting be a legal holiday, the regular meeting shall be held at the same time and place on the following day. (Rep. and Recr. #307)(Rep. and Recr. #345)

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

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

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

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

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

(2) **COUNCIL COMMITTEES.** The following standing committees of the Common Council, consisting of 4 members each with one of their members designated as chairman, shall be appointed by the Mayor, subject to confirmation by the Council, on the 3rd Tuesday of April after each municipal election or as soon thereafter as may be:

(a) **Finance Committee.** The Finance Committee shall:

1. Study and make recommendations on all types of license applications for Council consideration.
2. Handle complaints and investigations on tavern operations and supervise the control of same.
3. Prepare the annual budget.
4. Check and approve or disapprove of all bills or claims submitted.
5. Make recommendations on all matters pertaining to finances.
6. Recommend bond requirements of City officials and supervise insurance of all City property.

(b) **Public Welfare Committee.** The Public Welfare Committee shall:

1. Investigate and handle all poor relief problems in accordance with law and directions of Council.
2. Provide for necessary aid to dependents by way of proper shelter, clothing, food, fuel, medical and dental care as may be required.
3. Function as the Board of Health in conjunction with the Health Officer and operate as such in accordance with law.

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

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

(5) COMMON COUNCIL RULES OF PROCEDURE.

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

1. All ordinances, resolutions or communications shall be in writing and have endorsed thereon the name of the person presenting the same, and shall be delivered to the Clerk to be read by him to the Council.

2. The style of all ordinances shall be: "The Common Council of the City of New Holstein do ordain as follows:"

(b) **Reference and Reading of Ordinances.** All general ordinances and every ordinance, resolution, committee recommendation or other matter appropriating monies of the City shall be referred to a committee and shall receive 2 readings before the Council. The first reading at its introduction may be by title only, and the second reading, after the report of a committee thereon, shall be at length.

(c) **Reports of Committees.**

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

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

(d) **Roll Call Vote.**

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

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

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

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

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

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

(g) **Publication of Proceedings.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.03 **Elected Officials.**

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

(a) Mayor

(b) Two aldermen from each ward.

(c) Municipal Judge

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

1.04 **APPOINTED OFFICIALS.**

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

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

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

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

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

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

(1) MUNICIPAL COURT FOR THE CITY OF NEW HOLSTEIN, WISCONSIN. Pursuant to the authority granted by section 755.01 and Ch. 755, WI Stats., as created by Ch. 187, Laws of 1977, there is hereby established the Municipal Court for the City of New Holstein, Wisconsin.

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

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

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

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

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

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

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

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

1. Disorderly, contemptuous or insolent behavior committed during its sittings, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due its authority.
2. Any breach of the peace, noise or disturbance directly tending to interrupt its proceedings.
3. Willful disobedience of any process or order lawfully issued or made by it.
4. Resistance, willfully offered, by any person to the lawful order or process of the court.

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

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

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

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

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

(c) The Municipal Judge may upon finding any person guilty of contempt, order such person to forfeit not more than \$50.00. In default of payment of the forfeiture the person found guilty of contempt may be imprisoned in the County Jail not to exceed 7 days.

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

1.07 **BOARD OF PUBLIC WORKS.** The Board of Public Works shall consist of 4 aldermen appointed by the Mayor, subject to confirmation by the Common Council, at the annual organization meeting.

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

Council shall by ordinance designate another City officer to serve on the Board of Review.

1.09 **BOARD OF HEALTH.** The Public Welfare Committee of the Common Council shall be the Board of Health.

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

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

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

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

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

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

1. Referred immediately to the Mayor if it is felt that he is in a position to deal directly with the problem, without further help from the Utilities Commission of the City of New Holstein, or

2. Referred to the next immediate meeting of the Utilities Commission of the City of New Holstein, for official consideration and possible action.

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

1. Devote time, thought, and study to the duties and responsibilities of a Utilities Commission member so as to render effective and credible service.

2. Work with fellow Utility members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points of issue.

3. Base voting decision upon all available facts in each situation: to vote on the basis of honest convictions in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Utility publicly in representation as a Utility member.

4. Remember at all times that as an individual, members have no legal authority outside the meetings of the Utility unless delegated specific authority by the Utility; and to conduct any relationships with the staff citizenry, and all media of communication on the basis of this fact.

5. Resist every temptation and outside pressure to use the position as a Utility member to benefit either themselves or any other individual or agency apart from the total interest of the City of New Holstein.

6. Bear in mind under all circumstances that the primary function of the Commission is to establish the policies by which the organization is to be administered, but that the administration of the programs and daily conduct of organization business shall be left to the employed Chief Executive Officer and his/her professional staff.

7. Welcome and encourage active cooperation by citizens, organizations, and the media of communication in the service area with respect to establishing policy and proposed future developments.

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

1.12 **AIRPORT COMMISSION.** The Airport Commission shall consist of one alderman appointed annually by the Mayor, subject to confirmation by the Common Council, at the Organizational Meeting, and three (3) citizens appointed by the Mayor,

subject to confirmation by the Common Council, at the organization meeting for staggered terms of 3 years each. The Airport Commission shall be in charge of administering Chapter 13 of this Code.

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

1. Formulating recreation programs for the residents of this City and supervising the Recreation Director in carrying out the duties given to him.
2. Make rules and regulations as it deems advisable for care, maintenance, and improvement of the City parks.
3. Other duties as outlined in Section 6.11 of this code.

1.14 **TREE COMMITTEE.** The Tree Committee shall consist of four members, two from the Park and Recreation Commission and two citizens, appointed by the Mayor and approved by the Common Council. (Cr. #405)

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

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

1.16 **PLAN COMMISSION.**

- (1) The City Plan Commission shall consist of the Mayor who shall be its presiding officer, the Chairman of the Board of Public Works, an alderman and 4 citizens, so that the Commission shall at all times consist of 7 members. Citizen members shall be persons of recognized experience and qualifications.
- (2) The alderman member of the Commission shall be elected by a 2/3 vote of the Council in the month of April of each year, and shall take office on the succeeding May 1.

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

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

1.17 **POLICE AND FIRE COMMISSION.** The Police and Fire Commission shall consist of one alderman appointed annually by the Mayor, subject to confirmation of the Common Council, at the Organizational Meeting and 4 citizens appointed pursuant to section 62.13(1). The Commission shall be subject to section 62.13(1) through 62.13(5), Wisconsin Statutes.

1.18 **BOARD OF APPEALS.** The Board of Zoning Appeals shall consist of 5 members appointed by the Mayor for a period of 3 years, subject to the confirmation of the Council. The members of the Board shall serve without compensation, and shall be removable by the Mayor for cause upon written charges and after public hearing. The terms of not more than 2 members shall expire in any one calendar year. The Mayor shall designate one of the members as chairman. The Board of Zoning Appeals may employ a secretary and other employees. The Mayor shall appoint two alternate members for a term of 3 years. An alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. (Rep. And Rec. #397)

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

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

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

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

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

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

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

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

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

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

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

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

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

