Organizational Meeting of the Common Council  
Tuesday, April 18, 2023, at 6:30 p.m.

The public may view/listen to the meeting by:
- Calling Toll Free 1-844-992-4726, access code: 263 003 20571
- Visiting the web link: https://tinyurl.com/rfcom41823
- Viewing the City's YouTube Channel: https://www.youtube.com/user/cityofriverfalls

1. Call Meeting to Order at 6:30 p.m. by Mayor
2. Pledge of Allegiance
3. Roll Call
4. Swearing in Ceremony with Oaths of Office given to:
   - Alderperson – At Large – Diane Odeen
   - Alderperson – District 1 – Sean Downing
   - Alderperson – District 2 – Nick Carow
   - Alderperson – District 3 – Alyssa Mueller

5. Election of Common Council Officers by Common Council:
   a. President
   b. Comptroller

6. Appointment of Deputy Comptroller by Comptroller

7. Appointment by Mayor of Parliamentarian

8. Election of Council Member by Common Council to:
   a. Plan Commission (Note: Mayor is Chairperson)

9. Appointment by Mayor (Confirmed by Council) of Council Members to:
   a. Historic Preservation Commission
   b. Library Board
   c. Parks and Recreation Advisory Board
   d. Design Review Committee
   e. Utility Advisory Board
   f. Housing Authority
   g. River Falls Creates Public Art

10. Resolution Designating Public Depositories for Public Monies Held by the City of River Falls

11. Resolution Designating Official Newspaper

12. Report on Organizational Updates

13. Review of Bylaws

14. Set Council Meeting Dates for:
   - Board of Review – May 23, 6:15 p.m. (Meet to adjourn)
   - Board of Review - August 3, 4-6 p.m.

ADJOURNMENT  Post: 4/5/2023 City Hall; Publish: 4/12/23
MEMORANDUM

TO: Mayor Toland and City Council
FROM: Josh Solinger, Finance Director
DATE: April 18, 2023
TITLE: Resolution Designating Public Depositories

RECOMMENDED ACTION
Adopt the resolution establishing public depositories for the City of River Falls.

BACKGROUND
Public depositories are approved annually at the organizational meeting. The public depositories are financial institutions the City utilizes for investments, checking, or savings accounts. These are typically local banks. The attached resolution lists the public depositories.

- US Bank NA – P-card transactions and for holding the City’s long-term investments
- State of Wisconsin Pooled Investment Fund – Holding the City’s long-term investments
- First National Bank of River Falls – Holding the City’s Section 125 deposits
- River Falls State Bank – Retained as public depository for possible future debt issues
- Security Financial Bank – General operating and payroll accounts

The City also partners with other institutions to facilitate some of the functions provided by public depositories. For example, the City’s investments are managed by Prudent Man Advisors.

FINANCIAL CONSIDERATIONS
None.

CONCLUSION
Staff recommends approving the resolution establishing the City’s public depositories.
RESOLUTION NO.
DESIGNATING PUBLIC DEPOSITORIES FOR PUBLIC MONIES HELD BY THE
CITY OF RIVER FALLS, WISCONSIN

WHEREAS, the City Treasurer, as custodian of public monies of the City of River Falls, regularly deposits said monies in the following depositaries; and

WHEREAS, §34.05, Wis. Stat., provides that the governing body shall, by resolution, designate public depositaries, organized and doing business under Wisconsin or United States laws and located in Wisconsin, in which the Treasurer shall deposit said monies; and

WHEREAS, the Municipal Code of the City of River Falls provides that the City Treasurer shall also invest funds not immediately needed pursuant to Wisconsin Statutes; and

WHEREAS, it is the express intention of the City to maximize its investments and interest obtained therefrom by allowing each eligible local financial institution to compete for such investments;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of River Falls that the following financial institutions are hereby designated as public depositaries for the City:

First National Bank of River Falls
River Falls State Bank
Security Financial Bank-River Falls
State of Wisconsin Pooled Investment Fund
US Bank NA

Dated this 18th day of April 2023.

__________________________
Dan Toland, Mayor

ATTEST:

__________________________
Amy White, City Clerk
MEMORANDUM

TO: Mayor Toland and City Council
FROM: Amy White, Community Services Director/City Clerk
DATE: April 18, 2023
TITLE: Designate Official City Newspaper

RECOMMENDED ACTION
Adopt the resolution designating the Official City Newspaper per Wis. Stat. §985.06.

BACKGROUND
As a 3rd Class City, the City is required to advertise for bids each year to designate the official city newspaper to publish the council proceedings and the city’s legal notices. Newspapers eligible to submit bids must be regularly published within the city and have a bona fide paid circulation. The statute states the paper making the lowest effective bid for the city’s legal notices shall be awarded the contract.

DISCUSSION
The City advertised for bid on March 23, 2023. Two bids were received as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bona Fide Circulation</th>
<th>Circulation Number</th>
<th>Pricing Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Star Observer</td>
<td>Yes</td>
<td>3471</td>
<td>First insertion: 0.7388 per line</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Subsequent insertions: 0.5837 per line</td>
</tr>
<tr>
<td>The Journal</td>
<td>Yes</td>
<td>3626</td>
<td>All insertions: 0.5055 per line</td>
</tr>
</tbody>
</table>

CONCLUSION
The statute states the paper making the lowest effective bid for the city’s legal notices shall be awarded the contract. At the offering of 0.5055, The Journal has provided the lowest bid. Therefore, staff recommends awarding the contract to and designating The Journal as the City’s official newspaper.
RESOLUTION NO.

RESOLUTION DESIGNATING
OFFICIAL CITY NEWSPAPER

WHEREAS, the City of River Falls is required to designate an official newspaper in accord with Wis. Stats. Ch. 985; and

WHEREAS, for the year ending May 1, 2023, the City received a two proposal from qualifying newspapers to provide this service to and on behalf of the City; and

WHEREAS, in accord with Wis. Stat. §985.06, it is required the City select the lowest bidder and enter into a written contract with that official newspaper; and

WHEREAS, The Journal was the lowest bidder; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of River Falls hereby designates The Journal as its official newspaper for the year ending May 1, 2024, and the Clerk and Mayor are authorized to execute the contract to this effect.

Dated this 18th day of April, 2023.

______________________________
Dan Toland, Mayor

ATTEST:

______________________________
Amy White, City Clerk
MEMORANDUM

TO:        Mayor Toland and City Councilmembers
FROM:      Jennifer Smith, Assistant to the City Administrator
           Amy White, Community Services Director/City Clerk
DATE:      April 18, 2023
TITLE:     Organizational Update

INTRODUCTION
This memorandum provides an update to the Mayor and Council regarding the City's organizational and staffing changes since the last communication dated April 20, 2022.

BACKGROUND
The responsibility to create and maintain the City's organizational chart, in addition to presenting it to council annually, has been assigned to the City Administrator who functions as the City's Personnel Officer. These duties are set forth in chapter 2.10.040 of the River Falls City Code:

“Prepare a plan of administration, including an organization chart which defines authority and responsibility for all nonstatutory positions of the city, and submit it to the city council for adoption as the official organization and administrative procedure plan for the city.”

All positions, excluding the Police Chief and Fire Chief are included in the scope of these duties (Library by memorandum of understanding). This authority, granted by the City Council, allows the City Administrator to do the following:

- Determine the necessary number of employees needed to carry out city operations
- Reclass positions
- Promote, hire, and terminate employees

The City of River Falls is deliberate in creating a long-term staffing plan and engages in checks and balances activities including but not limited to consistently participating in class and compensation studies lead by both internal and external professionals.

DISCUSSION
The city continues to prioritize a high level of service to the community by closely monitoring staffing levels. Vacant positions are filled, and new positions are added based on need consistent with achieving the City’s strategic initiatives. This is evaluated on an ongoing basis and reflected in hiring.

New Positions May 2022 – April 2023
Municipal Program Manager (reclassification of Senior Civil Engineer)
Public Works Manager (reclassification of Public Works Director)
Assistant Director of Community Development (reclassification of City Planner)
Senior Accountant (reclassification of Accounting Manager)
Senior Financial Analyst (reclassification of Senior Accountant)

Filling New/ Vacated Positions
New and promoted employees fill positions vacated by retirements, succession planning, resignations, or promotions. Since May 2022, 15 new employees have filled full/ part-time positions in the city.

<table>
<thead>
<tr>
<th>Individual</th>
<th>Position</th>
<th>Month/Year</th>
<th>New FTE / Replacement FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Katherine Ainsworth</td>
<td>Library Assistant</td>
<td>April 2023</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Jeffrey Wolf</td>
<td>Mechanic</td>
<td>March 2023</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Erica Ellefson</td>
<td>Public Works Manager</td>
<td>Feb. 2023</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Joseph Walen</td>
<td>Public Works Maintenance</td>
<td>Aug. 2022</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Lucas Peck</td>
<td>Public Works Maintenance</td>
<td>Sept. 2022</td>
<td>New FTE</td>
</tr>
<tr>
<td>Scott Kosmo</td>
<td>Senior Accountant</td>
<td>Aug. 2022</td>
<td>New FTE</td>
</tr>
<tr>
<td>Janet Burns</td>
<td>Senior Accountant</td>
<td>Aug. 2022</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Kristine Basom</td>
<td>Senior Financial Analyst</td>
<td>June 2022</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Steven Cash</td>
<td>Fire Chief</td>
<td>Aug. 2022</td>
<td>Filled vacant FTE</td>
</tr>
<tr>
<td>Jonathan Thoen</td>
<td>IT Specialist</td>
<td>July 2022</td>
<td>New FTE</td>
</tr>
<tr>
<td>Amanda Hanson</td>
<td>Human Resources Specialist</td>
<td>June 2022</td>
<td>New FTE</td>
</tr>
<tr>
<td>Christopher Buntjer</td>
<td>Senior Civil Engineer</td>
<td>June 2022</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Collin Fluno</td>
<td>Police Officer</td>
<td>June 2022</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Allison Libor</td>
<td>Police Officer</td>
<td>June 2022</td>
<td>Filled vacant position</td>
</tr>
<tr>
<td>Adam Amaro</td>
<td>Police Officer</td>
<td>June 2022</td>
<td>Filled vacant position</td>
</tr>
</tbody>
</table>

Promotions/Position Changes
There have been four promotions or position changes within the city since May 2022

<table>
<thead>
<tr>
<th>Individual</th>
<th>Promoted/Changed From</th>
<th>Promoted/Changed To</th>
<th>Month/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emily Shivley</td>
<td>City Planner</td>
<td>Assistant Director of Community Development</td>
<td>Jan. 2023</td>
</tr>
<tr>
<td>David Holodnack</td>
<td>Mechanic</td>
<td>Lead Mechanic</td>
<td>Feb. 2023</td>
</tr>
<tr>
<td>Charles Larson</td>
<td>Public Works Maintenance</td>
<td>Lead Public Works Maintenance</td>
<td>Aug. 2022</td>
</tr>
<tr>
<td>David Paynotta</td>
<td>Water/Wastewater Operator</td>
<td>Certified Water/Wastewater Operator</td>
<td>Jan. 2023</td>
</tr>
</tbody>
</table>
Resignations/Retirements
Since May 2022, there have been 12 announced retirements or resignations in the city:

<table>
<thead>
<tr>
<th>Individual</th>
<th>Position</th>
<th>Month/Year Retired or Resigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott Nelson</td>
<td>Fire Chief</td>
<td>May 2022</td>
</tr>
<tr>
<td>Pat Yunker</td>
<td>Lead Public Works Maintenance</td>
<td>Sept. 2022</td>
</tr>
<tr>
<td>Ray Curtis</td>
<td>Lead Mechanic</td>
<td>Feb. 2023</td>
</tr>
<tr>
<td>Clio McLagan</td>
<td>Library Assistant</td>
<td>April 2023</td>
</tr>
<tr>
<td>Cody Tomlinson</td>
<td>Police Officer</td>
<td>May 2022</td>
</tr>
<tr>
<td>Sam Hosszu</td>
<td>Senior Accountant</td>
<td>May 2022</td>
</tr>
<tr>
<td>Tracy Biederman</td>
<td>Accounting Manager`</td>
<td>July 2022</td>
</tr>
<tr>
<td>Mike Stifter</td>
<td>Public Works Director</td>
<td>Jan, 2023</td>
</tr>
<tr>
<td>Paige Harlow</td>
<td>Police Officer</td>
<td>March 2023</td>
</tr>
<tr>
<td>Joe Moran</td>
<td>Facilities Maintenance Manager</td>
<td>April 2023</td>
</tr>
<tr>
<td>Amanda Kramer</td>
<td>Public Works Maintenance</td>
<td>April 2023</td>
</tr>
<tr>
<td>Zach Regnier</td>
<td>Senior Civil Engineer</td>
<td>April 2023</td>
</tr>
</tbody>
</table>

Current Recruitments
As of April 18, 2023, the city currently is recruiting for the following positions:
- Municipal Program Manager
- Public Work Maintenance Worker
- Seasonal recreation staff

CONCLUSION
This report identifies the organizational changes made since the last organizational meeting of the City Council. An updated official organization chart is attached.
MEMORANDUM

TO: Mayor Toland and City Council

FROM: Jennifer Smith, Assistant to the City Administrator
       Amy White, Community Services Director/City Clerk

DATE: April 18, 2023

TITLE: Annual review of possible updates to the council bylaws.

RECOMMENDED ACTION
Conduct an annual review of possible updates to the council bylaws.

BACKGROUND
The Common Council of the City of River Falls adopted bylaws by resolution on May 10, 2011. At a work retreat June 10, 2021, councilmembers discussed aspects of the bylaws that the council was considering amending. On May 26, 2022, the council received a memo regarding recommended changes to the bylaws in the areas of agenda setting, remote meeting attendance, changes to meeting minutes and discontinuation of written summaries during closed session.

DISCUSSION
Councilmembers have expressed general support of the changes outlined in the May 26, 2022, memo, and a desire to update the bylaws to reflect those changes. That memo is included as an addendum to this document. According to the City of River Falls Common Council Bylaws, amendments to the bylaws shall be reviewed during the annual Organizational Meeting. Suggested changes shall be considered during the first regular meeting in May. The passing of amendments to the bylaws shall be by 2/3 vote.

Staff is recommending an amendment to section III Rules of Order, annual organizational meeting agenda format. During the 2022 organization meeting, Council discussed no longer needing the appointment of the city health officer or city forester. The bylaws were not updated to reflect the change; therefore, it is before council to consider. Further, the need to appoint the city attorney is only necessary in a contract extension year or after a request for proposal. Staff is recommending a bylaw update to include the language, “the organizational meeting agenda may be modified by the city administrator and/or mayor when necessary”.

The designation of official signatures is no longer needed. This is established within the position of clerk, mayor, treasurer, and city administrator either by statute or employment contract, both of which are approved by council upon appointment.
Other items to note:
Update any reference of Utility Commission is changed to Utility Advisory Board
Included joint meetings with the River Falls School Board
Numbering and/or lettering changes for formatting are not red lined.

CONCLUSION
Upon conclusion of this discussion, staff will make the recommended modifications to the council bylaws. The bylaws will come before council for final approval at the May 9, 2023, meeting.

Addendum: Council Bylaws Update Memo May 26, 2022
ADDENDUM MEMORANDUM

TO: Scot Simpson, City Administrator
FROM: Jennifer Smith, Assistant to the City Administrator
DATE: May 26, 2022
TITLE: City Council Bylaws Update

BACKGROUND
The City of River Falls Common Council Bylaws were adopted by resolution on May 10, 2011, and have not been updated since that date. At the June 2021 council retreat, River Falls City Councilmembers discussed making changes to the bylaws to address two issues: the requirements for calling special meetings and the agenda setting procedure for council meetings. Additionally, while not discussed at the council retreat, City staff have identified remote participation in public meetings as a relevant and important topic to include in a bylaw update. Finally, two changes to the process of minute keeping have been proposed for consideration by the city clerk. These fall under the categories of changes to minutes and the keeping of minutes for closed session.

Special Meetings
At the 2021 council retreat, councilmembers debated the number of members they felt should be required to call a special meeting of the council. Currently, the City of River Falls Common Council Bylaws state that the mayor or at least two councilmembers may call a special meeting. This is consistent with many of our peer cities, including Marshfield, Middleton, Sun Prairie, Oshkosh, and Waukesha. Other cities, like Baraboo and Menomonie, require a larger number of council members to call a special meeting: Baraboo three and Menomonie six.

Agenda Setting
Next, while not currently stated in the Common Council Bylaws, the City of River Falls councilmember handbook presents the City’s current practice for adding items to a council meeting agenda: “City staff will work with the Mayor to compile the agenda, gathering all pertinent information that should be addressed by Council. It is important that Council members notify staff of any particular topics that they would like to be included on the agenda.” This language does not address whether councilmembers placing an item on the agenda need the support of other members, which was also a topic of discussion at the retreat.
Staff reviewed the council bylaws and code of ordinances of several peer cities, including Marshfield, Menomonie, Oshkosh, Waukesha, Eau Claire, and Baraboo, to gain insights into their approaches to the issue. Of the six, only two laid out procedures for placing items on council agendas: Oshkosh and Eau Claire. Both Oshkosh and Eau Claire state that the mayor or any councilmember may place an item on the agenda; however, Eau Claire also includes the following statement: “In practice, council members should have the support of a second council member when approaching city managers with requests to put an item on the agenda.”

**Remote Meeting Attendance**

COVID-19 jumpstarted virtual participation at public meetings for municipalities across the country, including River Falls. As municipalities now work to devise policies to determine what virtual participation will look like moving forward, open meetings laws have become central to the conversation. Even before the pandemic, the Wisconsin attorney general concluded that remote attendance by governmental body members at meetings did not violate the open meetings law. However, municipalities must ensure that members attending meetings by video or teleconference are able to be heard and/or seen clearly by members of the public in attendance.

State law does not address whether a member attending a public meeting remotely has full participating and voting rights or counts toward a quorum. Thus, City staff examined municipalities across the state to gain an understanding of their policies on virtual meeting participation. While many Wisconsin municipalities still do not have formalized policies or procedures on virtual meeting participation, staff noted policies from the cities of Waukesha, Oshkosh, and Baraboo:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Who Is Allowed?</th>
<th>Notice Requirements</th>
<th>Remote Member Participation Rights</th>
<th>Circumstances for Remote Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waukesha, WI</td>
<td>Council members only</td>
<td>Notice must be received by town clerk at least two hours before meeting</td>
<td>Cannot participate in the meeting in any manner, cannot vote, do not count toward quorum</td>
<td>Appearances should be used sparingly and in “exceptional circumstances”</td>
</tr>
<tr>
<td>Oshkosh, WI</td>
<td>Council members, staff, consultants or presenters, members of the public</td>
<td>Requests must be submitted at least 5 business days in advance of meeting.</td>
<td>Members attending remotely retain participation and voting rights. Count toward quorum.</td>
<td>Extraordinary circumstances, when convenient or cost-effective for the City, or as a reasonable accommodation for persons with an ADA disability who cannot otherwise give input</td>
</tr>
<tr>
<td>Baraboo, WI</td>
<td>Council members, committee and board members</td>
<td>Requests must be submitted at least 24 hours before meeting with permission from presiding officer.</td>
<td>Members attending remotely retain participation and voting rights. Count toward quorum.</td>
<td>Circumstances where the member would not otherwise be able to attend due to illness or injury, weather, lack of childcare, other circumstances where in person attendance would create undue hardship</td>
</tr>
</tbody>
</table>
Changes to Meeting Minutes
City Clerk, Amy White, noted a lack of process represented in the bylaws regarding requesting changes to meeting minutes. To both streamline this process and ensure fairness in practice, recommendations have been made that create a process that is transparent and accessible.

Discontinuation of Written Summaries During Closed Session
City Clerk, Amy White, received counsel from Claire Silverman, Legal Counsel, League of Wisconsin Municipalities via The Municipality, May 2022, article, Got a Few Minutes for Minute Minutiae, regarding the practice of taking minutes in closed session. This revealed that substantive actions taken in closed session must be recorded to the same extent as minutes in open session. However, if there is no action taken, the minutes can simply reflect that there was a motion, second, and vote to go back into open session. The purpose of going into closed session is to maintain confidentiality of the discussion. Therefore, keeping a detailed summary of discussion creates a public record that can subsequently be subject to request under the public records law. City Attorney, Chris Gierhart, has provided an opinion regarding closed session minutes which states that so long as the City can avoid disclosing the substance of closed session meetings in summaries it is legal. It is, however, best practice and advisable not to create a written summary of what occurs in closed session other than actions taken. This practice avoids disclosing the substance of the closed session discussion.

DISCUSSION
Special Meetings
Because the City’s current policy on calling special meetings is generally aligned with its peer cities, it is a reasonable option for the City to consider keeping its special meetings procedure as it is written: the mayor or at least two council members may call a special meeting.

Agenda Setting Procedure
While staff was unable to find many examples of language on agenda setting in the bylaws and codes of peer cities, the language used by the City of Eau Claire presents a moderate approach in requiring the support of two councilmembers. Requiring an agenda item to have the support of two members may help ensure the item is appropriate and relevant enough to allocate meeting time. At the same time, a requirement of two council members is likely not restrictive enough to have the drawback of leaving members feeling disempowered in their roles. An option for updating the language of the bylaws may include:

AGENDA SETTING
An item may be placed on the agenda by the city administrator or mayor. A councilmember must have the support of a second councilmember when approaching the city administrator with a request to put an item on an agenda.

Remote Attendance
Based on the examples set forth by the peer cities examined above, staff suggests the City could consider following language on remote attendance in its common council bylaws:

MEMBER ABSENCE AND REMOTE MEETING PARTICIPATION

(1) A member of the city council, the public, a board, committee, or commission may submit in writing or by email 24 hours in advance of the meeting a request to the city clerk to participate in the meeting remotely, by video or audio-conferencing system. Less than a 24-hour notice may be considered if extenuating circumstances exist, and staffing is available to accommodate this request. The city clerk shall gain permission from the presiding officer of the committee, board, commission, or council.

(2) Remote participation may be permitted in cases where the member would not otherwise be able to attend the meeting due to circumstances beyond the member’s control where in-person attendance would create an undue hardship.

(3) If one or more members of a committee, board, commission, the city council, or the public participates remotely, the following shall occur:
   a. The remote appearance shall be noted in the meeting minutes.
   b. The meeting must occur in a meeting room where the physically absent member(s) can hear and be heard by all those who are present.
   c. If member(s) appearing remotely belong to the city council, they shall retain full participation and voting rights and count towards the quorum.
   d. All voting during the meeting shall be conducted by roll call vote.
   e. If at any time during the meeting one or more of the elements of the software allowing the remote participation malfunctions, compromising audio and/or video quality, the presiding officer shall call a recess until such time as communication is reestablished. If communication is not restored within 5 minutes, the presiding officer may entertain a motion to continue the meeting in absence of the remotely participating member(s). If the meeting continues without the remotely participating member(s) and there is a loss of a quorum, the meeting shall adjourn.

Changes to Meeting Minutes
The city clerk has proposed the following process for response to councilmember request to amend minutes:

1) Any councilor who wishes to amend the council minutes should notify the clerk and deputy clerk via email no later than noon Monday the day proceeding the council meeting.
2) The email should include the reason for the request along with suggested wording changes. The councilor should include the time on the meeting recording as reference.
3) The councilor should allow adequate time for review and response from the Clerk’s Office.
4) After review, the clerk or deputy clerk will provide a copy of the updated minutes to the requestor if revisions are made.
5) After revisions have been finalized, the clerk or deputy clerk will distribute the revised minutes to the mayor and council.
6) The clerk or deputy clerk will update the meeting packet with the revised minutes.
7) Notifications of scrivener’s errors such as spelling; an incorrect word, number, or letter; or omitting a word can be made to the minutes and do not need to be distributed to the Mayor and Council.

Discontinuation of Written Summaries During Closed Session
Based on the recommendations of legal counsel the city clerk proposes that closed session summaries are not kept, and that recording of minutes in closed session is limited to actions taken.
CONCLUSION
Including updated language on agenda setting, remote meeting participation, and the meeting minute processes into its common council bylaws, the City of River Falls can ensure that it addresses the evolving needs of its council and the public.
CITY OF RIVER FALLS COMMON COUNCIL BYLAWS

I. SCOPE
A. These bylaws are intended to clarify or summarize City ordinances and policies, or to guide the operations of the City Council in matters not otherwise covered by State Law, City ordinance or elsewhere. State law, City Code or specific policies, will supersede these bylaws in the event of conflicting language.

B. Suspension or Amendment of Bylaws
These bylaws shall be reviewed during the annual organizational meeting. Suggested changes shall be considered during the first regular meeting in May.
These bylaws may be temporarily suspended by a two-thirds vote of the Council members present, provided the action does not violate State or City law.

II. MEETINGS
A. Regular Meetings – Regular meetings of the City Council shall be convened in the Council Chambers at City Hall at 6:30 p.m. on the second and fourth Tuesdays of the month (see City Code 2.04.040). Any regular meeting falling on a holiday shall be held the following day at the same time and place unless changed by the City Council at the regular meeting preceding the holiday provided the notice of such change is published at least one week prior to the rescheduled meeting.

B. Special Meetings – Special meetings may be called by the Mayor or any two Alderpersons by filing a written request with the City Administrator. The Administrator shall notify each Council member and those members of the media (who have filed written requests) at least 24 hours prior to the meeting. Such notice shall not be required if the special meeting was announced at a previously scheduled meeting at which a quorum of the Council is present. Objections by members of the Council for not receiving adequate notice shall be entered into the minutes (see City Code 2.04.040).

C. Summary of Open Meeting Law – See legal opinion from City Attorney
D. Quorum – Four members of the Council (not including the Mayor) shall constitute a quorum (see City Code 2.04.060).

E. Closed Session – Except as provided below, all meetings of the City Council shall be open to the public. The City Attorney should be consulted if there is any questionable discussion between members of the Council. The Council may adjourn into Closed Session upon majority vote of the members present after proper notice is given. Exceptions to open meeting shall be pursuant to Wisconsin Statutes. Examples are:
1. Deliberations after a judicial or quasi-judicial hearing
2. Consideration of discipline, demotion, or licensing of an employee or individual
3. Employee performance evaluations/compensation
4. Consideration of strategy for crime prevention
5. Negotiations for the acquisition of disposition of public properties, or the conduct of specific public business whenever competitive or bargaining reasons require a close session
6. Preliminary consideration of individual personnel issues per State Statutes
7. Consultation with legal counsel regarding potential/pending litigation
8. Consideration of a request for confidential written advice from a local government ethics board

III. RULES OF ORDER
A. Presiding Officer – (See City Code 2.04.050) – The Mayor, in his/her absence or vacation of his/her seat, the President, shall be the Presiding Officer. In the absence of both, the Administrator shall call the meeting to order and preside until the Council elects a Presiding Officer from its ranks. The Presiding Officer shall preserve order; decide on all questions of...
Order. The following rules shall apply to Council deliberations not specifically or clearly addressed in Robert’s Rule of Order:

1. Special Voting Requirements and Rules Relating to Motions. The Mayor may only vote in the event of a tie. The Mayor may veto any action of the Council as follows:
   a. The Mayor shall file his/her objections with the City Clerk within five (5) calendar days of the act.
   b. The Clerk shall present the Mayor’s objection to the Council at the next regular Council meeting.
   c. A 2/3 vote of all the Council is required to override the veto.

2. Votes. All votes shall be voice vote unless a specific request is made by the Mayor or Alderperson (e.g. written ballot, roll call, or by hand). The presiding officer shall honor any such request. It shall not be in order for members to explain their vote during roll call.

3. Public Participation – Persons wishing to address the Council during a public hearing shall first be recognized by the Presiding Officer, and address the Council from the designated area. The person shall first state his/her name and address, and restrict questions and comments to the subject at hand. No outbursts or unrecognized comments will be allowed. During times at any meeting, the Presiding Officer may allow the public to participate as long as there is reason to believe the input is beneficial.

4. Council Conduct – Council members shall not speak unless recognized by the Presiding Officer. Each member, while speaking, shall confine himself/herself to the matter at hand, and avoid all personal, indecorous or sarcastic language.

When asked to yield the floor for a procedural ruling of the Presiding Officer, members shall immediately yield the floor. During the course of Council proceedings, members shall remain in their seats unless alternate arrangements are approved by the Presiding Officer.

Council discussions shall general adhere to the following guidelines:
   a. Report from staff
   b. Motion to approve or deny the request
   c. General discussion on the motion
   d. Amendments to the motion (if applicable)
   e. Action on the motion(s). Any member may request the original or amended motion be restated in full before voting.
   f. If an item is removed from the Consent Agenda, the member(s) removing the item may discuss the matter before a motion is made.

5. Ordinances and Resolutions. Every ordinance shall be presented in writing and shall receive two public readings prior to passage. Reading of the title shall be sufficient unless a full reading is requested by any member of the Council present. Following the first reading, a public hearing shall be scheduled and conducted by the council at which time all interested persons will be given the opportunity to be heard. The notice of such hearing shall be published in accordance with State Statutes. The Council may adopt the ordinance with minor changes, except that before adopting a substantive change, the council must publish the summary of the amendment and the time and place when it will be considered. The City Attorney shall determine if a change is minor or substantive.

Every resolution of the Council shall be presented in writing. No objections being raised by any members shall be deemed as dispensing by unanimous consent. Any member may request the resolution be read in full before voting or if the resolution has been amended.

6. Abstention/Vacation of Seat – Whenever the Mayor or any Alderperson desires to speak on any question, or the Council is deliberating a matter which affects her/him personally, s/he shall first vacate her/his chair and shall not resume her/his seat until the matter under consideration has been acted upon. The Mayor or any Alderperson has the right and obligation to question another member’s personal interest in any matter before the Council. Such question should be made to the City Administrator prior to the meeting. The City Administrator shall research the
matter and recommend accordingly or turn the matter over to the City Attorney. The City Administrator or Attorney shall report his/her findings to the Council who shall make a determination if the member may participate or shall vacate the seat by majority vote of the members present.

7. Appeal – Any member may appeal to the Council from a ruling of the Presiding Officer. If the appeal is seconded, the member making the appeal may briefly state his/her reason, and the Presiding Officer may briefly explain his/her ruling. Otherwise, there shall be no debate on the appeal and no other member shall participate in the discussion, except for an interpretation of Robert’s Rules of Order by the Parliamentarian. The Presiding Officer shall then put the question, “Shall the decision of the Presiding Officer be sustained?” If a majority of the members present vote “yes,” the ruling is sustained; otherwise, it is overruled. The Presiding Officer shall not have a vote on the appeal.

B. Attendance – Prior to any regular meeting, the Mayor and/or Alderperson must file a written explanation for his/her anticipated absence with the Administrator and/or City Clerk. If s/he cannot comply with advance notice requirement because of an unavoidable circumstance, the member may file a written explanation with the City Clerk within one week of the absence. The City Clerk shall report to the Council quarterly any absences and shall report total absences on an annual basis. Absences due to a Council member attending a City function shall not be considered an absence.

C. Remote attendance - A member of the city council, a board, committee, or commission may submit in writing or by email 24 hours in advance of the meeting a request to the city clerk to participate in the meeting remotely, by video or audio-conferencing system. Less than a 24-hour notice may be considered if extenuating circumstances exist, and staffing is available to accommodate this request. The city clerk shall gain permission from the presiding officer of the committee, board, commission, or council.

Remote participation may be permitted in cases where the member would not otherwise be able to attend the meeting due to circumstances beyond the member’s control where in-person attendance would create an undue hardship.

If one or more members of a committee, board, commission, or the city council participates remotely, the following shall occur:

1. The remote appearance shall be noted in the meeting minutes.

2. The meeting must occur in a meeting room where the physically absent member(s) can hear and be heard by all those who are present.

3. If member(s) appearing remotely belong to the city council, they shall retain full participation and voting rights and count towards the quorum.

4. All voting during the meeting shall be conducted by roll call vote.

5. If at any time during the meeting one or more of the elements of the software allowing the remote participation malfunctions, compromising audio and/or video quality, the presiding officer shall call a recess until such time as communication is reestablished. If communication is not restored within 5 minutes, the presiding officer may entertain a motion to continue the meeting in absence of the remotely participating member(s). If the meeting continues without the remotely participating member(s) and there is a loss of a quorum, the meeting shall adjourn.

D. Vacancies and Removals – A vacancy shall occur if the incumbent dies, resigns, is removed, ceases to be a resident of his/her district, is convicted and sentenced for a felony, crime punishable for one year or more, or any other offense involving a violation of the incumbent’s Official Oath, is declared incompetent, neglects or refuses to take an file the Official Oath or to execute or renew the Official Bond, if required, declines or the term expires (Wisconsin Statutes Section 9.10 and Article XIII, Section 12, Wisconsin Constitution) for cause. The “for cause” procedure shall only be initiated upon filing of written charges by a resident taxpayer followed by an investigation and hearing. Removals may be made by an affirmative
vote of ¾ of all members. “Cause” shall be defined as inefficiency, neglect of duty, official
misconduct, or malfeasance in office (Wisconsin Statutes 17.16). Vacancies will be filled as follows:
1. Mayor declares vacancy
2. City Clerk publishes notice of vacancy and requests applications of interested
persons (two weeks).
3. City Clerk performs a background check to determine residency
4. Special meeting to interview candidates
5. Voting – If more than two candidates, narrow down to two. Written ballot, top
two candidates

D. Agendas
1. The City Administrator shall be in charge of coordinating the preparation and publishing of the
agenda which shall be listed in the following order:
   a. Call Regular Council Meeting to Order
   b. Roll Call
   c. Approval of Minutes
   d. Approval of Bills
   e. Petitions, Requests and Communications
   f. Public Hearings
   g. Consent Agenda
   h. Ordinances and Resolutions
   i. Reports of Officers, Boards and Commissions
   j. Unfinished Business
   k. New Business
   l. Announcements
   m. Adjournment
2. Add-ons – Items not meeting the deadlines may be added to the agenda at the discretion of
the Mayor or City Administrator, provided there is a minimum 24 hour advanced notice before
the meeting.
3. Council agenda items requests - If a council member wishes to have something added to
the agenda, they must have the support of a second council member which approaching the city
administrator or mayor with the request. Council member requests shall be in a format determined
by the city administrator and communicated annually to council members at the organization
meeting.
4. Agenda Packet – Supporting materials shall be prepared as directed by the City
Administrator. Materials shall be distributed to the Council members, staff, City Attorney, media
and library. Council member packets will be delivered no later than 6 p.m. on the Thursday
preceding the meeting or as soon as practicable.
The agenda shall be published in the official newspaper on the Thursday preceding the meeting
and shall be posted in City Hall no later than 24 hours preceding the meeting.
5. Consent Agenda – The City Administrator shall determine those items to be included on the
Consent Agenda. The minutes from various Boards and Commission shall be placed on the
Consent Agenda for acceptance, but not for approval. Prior to accepting a motion for the
 adoption of the Consent Agenda, the Mayor shall ask the Council if they wish to discuss any
Consent Agenda items separately. An item shall be taken off the Consent Agenda upon the
request of any Council member. Items taken off the Consent Agenda will be acted on after the
remaining items on the Consent Agenda have been approved with one motion and one vote.
6. Reports from the City Administrator and Comptroller (when applicable) shall be listed on
the agenda. Council members shall be allowed to address the Council during Requests and
Communications, but no action may be taken on the topic.
E. Minutes
1. Responsibility – The minutes of each meeting shall be kept by the City Clerk or designee. Ordinances, resolutions, reports and financial claims need not be recorded in full if they can be accurately identified by the description given in the minutes.
2. Form/Content – The minutes shall be produced and formatted as follows:

CITY COUNCIL PROCEEDINGS
Common Council of the City of River Falls
(Date)
a. Presiding Officer, time, place of meeting
b. Members present and absent, time any member arrives or leaves early
(The time shall also be recorded in the text of the minutes.)
c. Staff or speakers present
d. Summaries of all discussions, communications, decisions, including a copy of each motion exactly as stated, whether or not the motion had a second; and if so, whether or not it was adopted, and a record of the vote.
e. Public Hearings – A summary of the comments of each speaker during a public hearing shall be listed.
f. Unless a Council member states a comment is for the record, there shall be no expectation that it will be recorded in the minutes.
g. Time of adjournment.
3. Reading and Approval – A draft copy of the minutes of the preceding meeting shall be distributed with the agenda packet. The draft minutes shall not be distributed to the general public until approved by the Council. The minutes need not be read aloud to be considered, but the Presiding Officer shall call for any additions or corrections. The Council shall vote upon the minutes with or without corrections.
4. Publication/Recording – The minutes shall be published in the official newspaper following acceptance and approval. Recorded audio or video proceedings shall be retained for 18 months.
5. Changes to Meeting Minutes – Any councilor who wishes to amend the council minutes prior to the meeting should
a. notify the clerk and deputy clerk via email no later than noon Monday the day proceeding the council meeting including the reason for the request along with suggested wording changes. The councilor should include the time on the meeting recording as reference.
b. The councilor should allow adequate time for review and response from the Clerk’s Office.
c. After review, the clerk or deputy clerk will provide a copy of the updated minutes to the requestor if revisions are made.
d. After revisions have been finalized, the clerk or deputy clerk will distribute the revised minutes to the mayor and council.
e. The clerk or deputy clerk will update the meeting packet with the revised minutes.
f. Notifications of scrivener’s errors such as spelling; an incorrect word, number, or letter; or omitting a word can be made to the minutes and do not need to be distributed to the Mayor and Council.

F. Annual Organization Meeting – Third Tuesday in April

Agenda Format:
1. Qualifying and Swearing in Members
2. Call Meeting to Order
3. Election of Common Council Officers to:
a. President b. Comptroller
4. Appointment by Mayor of Parliamentarian
5. Election of Council Member to:
a. Plan Commission  
b. Utility Commission Advisory Board  
6. Appointment by Mayor of Council Members to Boards, Commissions and Committees  
7. Appointment by Mayor of Council Liaison Representative to Boards, Commissions, and Committees  
8. Citizen Members to Other Boards, Commissions and Committees  
9. Appointments of Other City Officials  
   a. City Attorney  
   b. City Health Officer  
   c. City Forester  
10. Designation of Official City Depositories  
11. Designation of Official Signatures  
12. Review of Bylaws  
13. Review of Open Meetings Laws – City Attorney  
14. Set Date for Board of Review  
15. Remarks or comments from Mayor and/or Alderpersons  

The organizational meeting agenda may be modified by the city administrator and/or mayor when necessary.  

G. Administrator’s Review – The City Council shall conduct a review of the City Administrator per the terms of his/her contract.  

IV. Boards and Commissions  
A. Policy on Appointments, Attendance and Membership  
1. When a vacancy occurs in any City Board or Commission, the City shall notify the public of such a vacancy by a notice on the City website, City cable channel and the City bulletin boards.  
2. Candidates are encouraged to submit a letter of interest listing their qualifications and experience that they feel will be of value to the City.  
3. Appointments shall be for a maximum of three consecutive terms unless the City Council makes an exception to this policy.  
4. An attendance policy shall be in place for all Board and Commission seats. Excessive absenteeism is cause for removal from the Board or Commission (see Ordinance 2.36).  
5. Except where otherwise prescribed by statute or specific ordinance all candidates for membership on any City Board or Commission shall be a resident of River Falls School District.  
6. Annually, the City Clerk shall compile a list of member and term expiration dates. Members, whose terms are expiring, shall be contacted to identify to their interest in continuing service to the City. The results of the contact shall be communicated to the City Council no later than 60 days prior to the term expiration.  
B. Reports – The minutes will be considered reports of the board/commission.  
C. Joint Meetings – The following joint meetings shall be held:  
1. Council/Plan Commission – Capital Improvement Plan and Master Plan  
2. Utility Commission Advisory Board – Capital Improvement Plan and common issues/development  
3. River Falls School Board  

V. Council Expenditures and Reimbursements  
A. Per Diem – Mayor and Council members shall be entitled to per diem compensation pursuant to motion/resolution of City Council.  
B. Authorized Expenditures – Expenditures made on behalf of the City for a public purpose. Authorized expenditures shall include, but not be limited to, the following: travel (except auto mileage within City limits), meals, registration, tuition, course materials, and lodging.  
C. Official Function – Any function which is for a public purpose. Official functions shall include, but not be limited to, the following: Council meetings outside of the City limits,
Wisconsin League of Municipalities functions, training sessions, education courses, official City business, legislative meetings, seminars, and meetings where City representation is requested.

D. **Reimbursement** – Council members may be reimbursed for all authorized expenditures incurred for attending an official function. The following procedure shall be followed:

1. A notification of attending an official function shall be submitted to the Executive Secretary as soon as reasonably possible.
2. The Executive Secretary shall make all necessary arrangements (application, lodging reservations, transportation, etc.)
3. A completed expense reimbursement form shall be submitted to the Executive Secretary.

E. **Use of City Vehicle** – Council members will use a City vehicle when available. Council members will be reimbursed for actual miles to and from the function. If a personal vehicle is used, reimbursement will be the current Internal Revenue Service rate.

F. **Travel with Spouse** – If a Council member is attending a conference which has a program for the spouse, the spouse’s registration will be reimbursable. All other expenses of the spouse will be the personal expense of the Council member. Airfare or other commercial means of transportation for the Council member’s spouse shall be paid directly by the Council member without use of City funds.

VI. **Communications**

A. **Citizen Requests** - The City of River Falls has a policy for public access to governmental records of the City. The policy is posted for public view per Wisconsin Statutes 19.34(1). The City Clerk is the records custodian for the City.

Records may be requested Monday through Friday from 8 a.m. to 5 p.m. Records may be requested in person verbally or by presenting a written request. Written requests are also accepted via mail, email or by fax. The City Clerk has ten (10) days to respond in writing to a written request.

Open records requests are limited to records that have been produced for the City. The City is not required to create a document in response to a request for information.

Upon receipt of a request for any record, the City will comply with the request as soon as practicable or notify the requester that there has been a determination to deny the request in whole or in part, and state the reason(s) for the denial. Any request which is denied shall be further governed by Wisconsin Statute 19.35(3).

Any denial is subject to review by a mandamus action under Wisconsin Statute 19.37(1) or upon application to the Attorney General or the district attorney.

Having a request accepted, but having to wait a reasonable time period, depending on the nature of the request, does not constitute a denial.

The City will make copies of records for requests. All records requests are subject to fees set by the City and authorized under Wisconsin Statutes.

B. **Public Communications**

1. **General** – Communications or statements made “on behalf of the City/Mayor and Council” shall be discouraged unless referencing a City policy or explicitly stated positions. On occasion, it is important to achieve timely turn around on producing and sending letters involving the Mayor or members of the City Council on such matters as position on State and Federal Legislation and other time sensitive situations. The City Administrator is delegated to make the decision on determining the sensitivity of letters. S/he is to determine the magnitude of the letter which, in turn, will dictate whether or not the Mayor would sign the letter “on behalf of the City Council,” or if all members of the Council will sign the desired letter(s). When letters are deemed to be time sensitive, the Mayor will sign policy or position related letters.

Letters which are warranted to respond to citizen inquiries can be signed by the City Administrator or designee when reiterating existing policy. Any proposed policy to be stated would, as a minimum, come over the signature of the Mayor. However, in some cases, given the magnitude, might warrant signatures by all Council Members.

Council members will respond
to the best of their ability to the stated deadline when the City Administrator asks for a response on a suggested position letter. If no response is given, it is not to be construed that there is consent for the desired position.

2. Letters to the Editor – Council members are discouraged from submitting letters to the editor relating to City issues except for stating or clarifying explicit City policy or commending individuals or organizations.

VII. Ethics

The proper operation of the City requires that public officials and employees be independent, impartial and responsible to the people, that public office not be used for personal gain, and that the public have confidence in the integrity of the City government. To achieve this goal, the Council has adopted the following:

A. Responsibility – Council members hold office for the benefit of the public, and are bound to uphold the Constitutions of the United States and Wisconsin and impartially carry out all laws. Conduct in both official and private affairs should be above reproach so as to foster respect for the City.

B. Dedicated Service – Council members and employees shall be loyal to the objectives expressed by the citizens, and shall not exceed their authority or breach the law or ask others to do so.

C. Fair and Equal Treatment – No Council member or employee shall engage in any business or transaction, when such actions are incompatible with the proper discharge of his/her official duties, or when such actions impair his/her independence of judgment or action.

D. Conflict of Interest – No Council member or employee shall engage in any business or transaction, when such actions are incompatible with the proper discharge of his/her official duties, or when such action impairs his/her independence of judgment or action.

E. Disclosure of Confidential Information – No Council member or employee shall disclose confidential information concerning the affairs of the City, nor shall s/he use such information to advance the financial or other private interests of her/him or others.

F. Nepotism – No employee will hold a regular full-time or part-time job with the City while s/he or any member of her/his family serves on the Council.

G. Gifts and Gratuities – No Council member may solicit or accept from any person anything of value if it could reasonably be expected to influence a vote, official action or judgment, or could reasonably be considered as a reward for any official action or inaction. This does not prohibit outside employment. Any questions relating to this section may be referred to the City Attorney for a confidential opinion, and if acting in accordance of the opinion will be considered as prima facia evidence that the action was appropriate.