



CITY OF PRESCOTT, WISCONSIN
MEETING NOTICE
ORGANIZATIONAL CITY COUNCIL MEETING
TUESDAY, APRIL 18, 2023, AT 5:30 P.M.
800 BORNER STREET
PRESCOTT, WI 54021

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ORGANIZATIONAL ITEMS**
 - a. Oath of Office to Ward 3 Alderperson Darlyn Hintz and Ward 4 Alderperson Lindsey Owens
 - b. Election of Council President of the Common Council (The Common Council will elect the President of the Council after the Mayor receives nominations from the Council Members present)
 - c. Confirmation of Mayor Appointments of Common Council Members to the Standing Committees to the Common Council: Finance, Health and Public Safety, Parks and Public Works Committee, and Personnel Committee
 - d. Confirmation of Mayor Appointments of Common Council members to serve as Voting Members of the Following Boards, Commissions, and Committees
 - i. Board of Review – Alderperson Hintz, Knox, and Otwell
 - ii. Friends of Freedom Park – Alderperson Ruona
 - iii. Library Board – Alderperson Knox
 - iv. Plan Commission – Alderperson Peterson
 - v. Prescott Community Recreation – Alderperson Otwell
 - vi. Prescott Area Fire & EMS Association – Alderperson Owens
 - e. Common Council Confirmation of Reappointments of Citizen Members to:
 - i. Library Board – Susan Oney
 - ii. Library Board – Penny Peterson
 - iii. Police Commission – Mark Pierce
 - iv. Prescott Housing Authority – Brenda Haas
 - f. Confirmation of Appointments:
 - i. City Engineer – Greg Adams, Cedar Corporation
 - ii. City Attorney – Phil Helgeson, Heywood, Cari & Anderson
 - iii. Public Newspaper – Pierce County Journal
 - g. Resolution 24-23 Designating Public Depositories and Authorizing Withdrawal of City Monies
 - h. Review of Wisconsin Compliance and Regulations:
 - i. Open Meeting Regulations

- ii. Convening of Members – Correspondence
- iii. Ethics Regulations
- iv. Resources for Local Officials

5. **OTHER BUSINESS**

- a. Proposed Council Workshop – Tuesday, May 23 at 5:00 pm

6. **ADJOURNMENT**

NOTICE

ACCESS TO THE MUNICIPAL BUILDING FOR THE DISABLED IS AVAILABLE THROUGH THE REAR PARKING LOT ENTRANCE. ALL THOSE WITH SPECIAL NEEDS SHOULD CALL CITY HALL OFFICES (715-262-5544) IF ASSISTANCE IS NEEDED



To: Mayor and Council
From: Matt Wolf, City Administrator
Date: April 13, 2023
Subject: Council and Committee Appointments

All changes or reappointments highlighted in yellow:

PRESCOTT CITY COUNCIL

ELECTED POSITION	NAME	TERM END
MAYOR	Robert Daugherty	2024
1st WARD	John Peterson	2025
2nd WARD	Maureen Otwell	2025
3rd WARD	Darlyn Hintz	2026
4th WARD	Lindsey Owens	2026
5th WARD	Patrick Knox	2024
AT-LARGE	Bailey Ruona	2024

COUNCIL COMMITTEES

FINANCE	PARKS & PUBLIC WORKS	HEALTH AND SAFETY	PERSONNEL
All Members	Bailey Ruona - Chair	Dar Hintz - Chair	Maureen Otwell - Chair
	Pat Knox	Lindsey Owens	Dar Hintz
	John Peterson	Maureen Otwell	Bailey Ruona

COUNCIL REPRESENTATIVES

COMMITTEE	COUNCIL REP.	APPOINTED REP.	APPOINTED REP.
PLAN COMMISSION	Peterson		
PRESCOTT COMMUNITY REC.	Otwell		
FIRE & EMS ASSOCIATION	Owens	Coni Gray	Steve Most
FRIENDS OF FREEDOM PARK	Ruona		
LIBRARY BOARD	Knox		

MAYOR APPOINTMENTS

CITY ENGINEER:

Cedar Corporation – Greg Adams

CITY ATTORNEY:

Phil Helgeson

MUNICIPAL COURT ATTORNEY

Phil Helgeson

OFFICIAL PUBLIC NEWSPAPER:

Pierce County Journal

BUILDING INSPECTOR:

All-Croix Inspections – Todd Dolan

ASSESSOR:

Accurate Appraisal

ANIMAL CONTROL:

FINANCIAL ADVISOR:

Ehlers – Sean Lentz

AUDITORS:

Johnson & Block

PUBLIC DEPOSITORY:

Per Resolution

PRESCOTT PLANNING COMMISSION

ENABLING LEGISLATION: SECTION 62.23 WI. STATUTES
SECTION 2-4-4 MUNICIPAL CODE

MEMBERSHIP: EIGHT (8)
- MAYOR
- 1 COUNCIL MEMBER
- BUILDING INSPECTOR (EX-OFFICO)
- FIVE (5) CITIZENS

TERM: THREE (3) YEAR STAGGERED TERMS

APPOINTING AUTHORITY: MAYOR WITH COUNCIL 2/3 VOTE OF COUNCIL

MEETINGS: FIRST MONDAY OF THE MONTH

QUORUM: FIVE (5)

MEMBERS:

POSITION	NAME	TERM END
CHAIR (MAYOR)	Robert Daugherty	-
COUNCIL REP.	John Peterson	-
CITIZEN REP.	Steve Most	2024
	Josh Gergen	2024
	Dave Hovel	2025
	Rick Miller	2025
	Kate Otto	2026
EX-OFFICIO MEMBER		
Building Inspector:	Todd Dolan	-

POLICE COMMISSION

ENABLING LEGISLATION: SECTION 62.13 WI. STATUTE
SECTION 2-4-6 MUNICIPAL CODE

MEMBERSHIP: FIVE (5) CITIZENS

TERM: FIVE (5) YEARS

APPOINTING AUTHORITY: MAYOR WITH COUNCIL APPROVAL

MEETING: EVERY SECOND WEDNESDAY OF MONTH AND AS NEEDED

QUORUM: THREE (3)

MEMBERS:

POSITION	NAME	TERM END
CHAIR	Mark Pierce	2023
CITIZEN REP.	Scott Grabowski	2024
	William Fetzner	2025
	Lisa Nelson-Johnson	2026
	Neil Riley	2027
STAFF		
Police Chief	Eric Michaels	-

LIBRARY BOARD

ENABLING LEGISLATION: SECTION 43.54 AND 58 WI STATUTES

MEMBERSHIP: TOTAL OF 7
1 SCHOOL ADMINISTRATION
1 COUNCIL REPRESENTATIVE
5 CITIZENS

TERM: 3 YEARS

QUORUM: 4 MEMBERS

APPOINTING AUTHORITY: MAYOR WITH COUNCIL APPROVAL

MEETINGS: -

MEMBERS:

POSITION	NAME	TERM END
CHAIR	Anne Kressly	2024
CITIZEN REP.	Susan Oney	2023
	Penny Peterson	2023
	Gerald Klasen	2024
	Amy Fiege	2024
	Tasslyn Magnusson	2025
COUNCIL REP.	Pat Knox	
STAFF		
Library Director	Carissa Langer	-

HOUSING AUTHORITY

ENABLING LEGISLATION: SECTION 66.1201 WI STATUTES
SECTION 21-1 MUNICIPAL CODE

TERM: FIVE (5) YEARS

MEETINGS: 3rd WEDNESDAYS AS NEEDED AT 9:00 AM AT ST. CROIX MANOR

POSITION	NAME	TERM END
CHAIR	Dorothy Morris	2025
CITIZEN REP.	Brenda Haas	2023
	Ed Lucas	2024
	Karen Peterson	2026
	Sheila Dunn	2027

BOARD OF REVIEW

ENABLING LEGISLATION: SECTION 70.46, 47 & 48 WI. STATUTES
SECTION 2-4-1 MUNICIPAL CODE

MEMBERSHIP: MAYOR, CLERK AND 3 COUNCIL MEMBERS

TERM: ONE (1) YEAR

QUORUM: THREE (3)

MEETINGS: ANNUALLY IN MAY OR JUNE

MEMBERS:

MAYOR	DAVID HOVEL
COUNCIL	PAT KNOX
	DAR HINTZ
	MAUREEN OTWELL
CLERK	RASHEL TEMMERS
CITY ADMINISTRATOR	MATT WOLF
ASSESSOR	ACCURATE APPRAISAL

PRESCOTT CABLE TELEVISION CITIZEN ADVISORY

ENABLING LEGISLATION: SECTION 30-7 MUNICIPAL CODES

MEMBERSHIP: 5 MEMBERS

TERM: 5 YR TERM

APPOINTMENT AUTHORITY: CITY COUNCIL

MEETINGS:

QUORUM:

MEMBERS:

POSITION	NAME	TERM END
CHAIR	Dallas Eggers	2026
CITIZEN REP.	James Feltes	2027
	Heather Hove	2025
	Christopher Hove	2024
MAYOR	Robert Daugherty	
STAFF		
Cable Coordinator	Larry Imm	-

PRESCOTT CALENDAR OF MEETINGS

Prescott City Council Meeting*	
First and Third Monday of Each Month - 6:00 PM	
Monday, January 9	Monday, January 23
Monday, February 13	Monday, February 27
Monday, March 13	Monday, March 27
Monday, April 10	Monday, April 24
Monday, May 8	Monday, May 22
Monday, June 12	Monday, June 26
Monday, July 10	Monday, July 24
Monday, August 14	Monday, August 28
Monday, September 11	Monday, September 25
Monday, October 9	Monday, October 23
Monday, November 13	Monday, November 27
Monday, December 11	No Second Meeting-Christmas

Parks and Public Works Committee	
Third Monday of Each Month - 5:00 PM	
Tuesday, January 17	Monday, July 17
Monday, February 20	Monday, August 21
Monday, March 20	Monday, September 18
Monday, April 17	Monday, October 16
Monday, May 15	Monday, November 20
Monday, June 19	OFF - December

Health and Safety Committee	
Bimonthly - Second Monday of Month - 5:00 PM	
Monday, January 9	Monday, July 10
Monday, March 13	Monday, September 11
Monday, May 8	Monday, November 13

Personnel Committee	
Quarterly - First Wednesday of the Quarter - 5:00 PM	
Wednesday, February 1	Wednesday, August 2
Wednesday, May 3	Wednesday, November 1

*Does not include special Council Workshops setup on an as needs basis

RESOLUTION 24-23
CITY OF PRESCOTT, PIERCE COUNTY WISCONSIN

RESOLUTION DESIGNATION PUBLIC DEPOSITORIES
AND AUTHORIZING WITHDRAWAL OF CITY MONIES

BE IT RESOLVED, the following being qualified public depositories under Chapter 34 of the Wisconsin Statutes shall be and are hereby designated as public depositories of all public moneys coming into the hand of the City of Prescott:

First National Bank of River Falls
Local Government Investment Pool
Bremer Bank
Westconsin Credit Union
Hiawatha National Bank
Citizens State Bank
Citizens Community Federal Bank

That the withdrawal or disbursement from any one of the above-named depositories shall be made in accordance with Section 66.0607 of the Wisconsin Statutes: with all checks signed by two (2) of the following persons: Robert Daugherty, Mayor, Matt Wolf, City Administrator, Rashel Temmers, City Clerk and Elizabeth Lansing, Treasurer/Deputy Clerk.

It is further resolved that in lieu of their personal signatures, a facsimile signature may be affixed on such checks.

In addition, the Common Council authorizes the investment of public moneys, within the terms established by law acting to the best of their ability to ensure the safety of these funds.

FURTHER RESOLVED, that a copy of this resolution shall be provided to the above named depositories and Treasurer, State of Wisconsin.

Dated this 18th day of April 2023.

Robert Daugherty, Mayor

ATTEST:

Rashel Temmers, City Clerk



To: Mayor and Council
From: Matt Wolf, City Administrator
Date: April 13, 2023
Subject: Review of Wisconsin Compliance and Regulations

Discussion

1. Open Meeting Regulations – Wisconsin State Statute 19.82 defines that all meetings of all local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens always unless otherwise expressly provided by law.

Meetings are defined as *“the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter . . .*

An open meeting may move to closed session to cover any of the following items as covered by Wisconsin State Statute 19.85:

- a. Judicial or Quasi-Judicial Hearings
 - b. Consideration of Dismissal, Demotion, Discipline, Licensing, and Tenure of Employment
 - c. Consideration of Employment, Promotion, Compensation, and Performance Evaluations
 - d. Consideration of Financial, Medical, Social, or Personal Information
 - e. Conducting Public Business with Competitive or Bargaining Implications
 - f. Conferring with Legal Counsel with Respect to Litigation
 - g. Other- Very specific items covering burial sites, government accountability ethic boards, considering strategies for crime detection or prevention and worker’s compensation.
2. Convening of Members Correspondence – Staff has pulled language for discussion regarding Written Correspondence, Telephone Conference Calls, and Electronic Communications from the Wisconsin Open Meetings Law Compliance Guide, which is attached to this memo.

Walking Quorums - A “walking quorum” is a series of gatherings among separate groups of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum, which is prohibited by Wisconsin Law.

3. Ethic Regulations – Wisconsin State Statute 19.59, establishes minimum standards of ethical conduct that prohibit local public officials from using their public office to benefit or enrich themselves, their immediate families, or organizations with which they’re associated. The state ethics code prohibits local public officials from engaging in four types of conduct:

(1) Using their office to obtain financial gain or anything of substantial value for the private benefit of themselves, their immediate families, or organizations with which they’re associated.

(2) Receiving anything of value if it could reasonably be expected to influence the local public official’s vote, official action or judgment, or could reasonably be considered a reward for any official action or inaction.

(3) Taking official action substantially affecting a matter in which the official, an immediate family member, or an organization with which the official is associated has a substantial financial interest or using their office in a way that produces or assists in producing a substantial benefit for the official, an immediate family member, or an organization with which the official is associated.

(4) Offering or providing influence in exchange for campaign contributions.

4. Local Resources for Officials – The League of Wisconsin Municipalities operates a Local Government 101 webinar that covers important basics for officials. If any member of Council wishes to take this webinar it will be covered by the City. The link for more information is below.

<http://www.lwm-info.org/799/Local-Government-101-Important-Basics>

Attachments

Convening of Members – Wisconsin Open Meetings Law Compliance Guide pages 16-17

- **The Numbers Requirement**

The second part of the *Showers* test requires that the number of members present be sufficient to determine the governmental body's course of action on the business under consideration. People often assume that this means that the open meetings law applies only to gatherings of a majority of the members of a governmental body. That is not the case because the power to control a body's course of action can refer either to the affirmative power to pass a proposal or the negative power to defeat a proposal. Therefore, a gathering of one-half of the members of a body, or even fewer, may be enough to control a course of action if it is enough to block a proposal. This is called a "negative quorum."

Typically, governmental bodies operate under a simple majority rule in which a margin of one vote is necessary for the body to pass a proposal. Under that approach, exactly one-half of the members of the body constitutes a "negative quorum" because that number against a proposal is enough to prevent the formation of a majority in its favor. Under simple majority rule, therefore, the open meetings law applies whenever one-half or more of the members of the governmental body gather to discuss or act on matters within the body's realm of authority.

The size of a "negative quorum" may be smaller, however, when a governmental body operates under a super majority rule. For example, if a two-thirds majority is required for a body to pass a measure, then any gathering of more than one-third of the body's members would be enough to control the body's course of action by blocking the formation of a two-thirds majority. *Showers* made it clear that the open meetings law applies to such gatherings, as long as the purpose requirement is also satisfied (*i.e.*, the gathering is for the purpose of conducting governmental business).⁸⁰ If a three-fourths majority is required to pass a measure, then more than one-fourth of the members would constitute a "negative quorum," etc.

- **Convening of Members**

When the members of a governmental body conduct official business while acting separately, without communicating with each other or engaging in other collective action, there is no meeting within the meaning of the open meetings law.⁸¹ Nevertheless, the phrase "convening of members" in Wis. Stat. § 19.82(2) is not limited to situations in which members of a body are simultaneously gathered in the same location, but may also include other situations in which members are able to effectively communicate with each other and to exercise the authority vested in the body, even if they are not physically present together. Whether such a situation qualifies as a "convening of members" under the open meetings law depends on the extent to which the communications in question resemble a face-to-face exchange.

- **Written Correspondence**

The circulation of a paper or hard copy memorandum among the members of a governmental body, for example, may involve a largely one-way flow of information, with any exchanges spread out over a considerable period of time and little or no conversation-like interaction among members. Accordingly, the Attorney General has long taken the position that such written communications generally do not constitute a "convening of members" for purposes of the open

⁸⁰ *Showers*, 135 Wis. 2d at 101-02.

⁸¹ *Katayama Correspondence* (Jan. 20, 2006).

meetings law.⁸² Although the rapid evolution of electronic media has made the distinction between written and oral communication less sharp than it once appeared, it is still unlikely that a Wisconsin court would conclude that the circulation of a document through the postal service, or by other means of paper or hard-copy delivery, could be deemed a “convening” or “gathering” of the members of a governmental body for purposes of the open meetings law.

- **Telephone Conference Calls**

A telephone conference call, in contrast, is very similar to an in-person conversation and thus qualifies as a convening of members.⁸³ Under the *Showers* test, therefore, the open meetings law applies to any conference call that: (1) is for the purpose of conducting governmental business and (2) involves a sufficient number of members of the body to determine the body’s course of action on the business under consideration. To comply with the law, a governmental body conducting a meeting by telephone conference call must provide the public with an effective means to monitor the conference. This may be accomplished by broadcasting the conference through speakers located at one or more sites open to the public.⁸⁴

- **Electronic Communications**

Written communications transmitted by electronic means, such as email, instant messaging, blogging, or other social media, also may constitute a “convening of members,” depending on how the communication medium is used. Although no Wisconsin court has applied the open meetings law to these kinds of electronic communications, it is likely that the courts will try to determine whether the communications in question are more like an in-person discussion—*e.g.*, a rapid back-and-forth exchange of viewpoints among multiple members—or more like non-electronic written correspondence, which generally does not raise open meetings law concerns. If the communications closely resemble an in-person discussion, then they may constitute a meeting if they involve enough members to control an action by the body.⁸⁵ In addressing these questions, courts are likely to consider such factors as the following: (1) the number of participants involved in the communications; (2) the number of communications regarding the subject; (3) the time frame within which the electronic communications occurred; and (4) the extent of the conversation-like interactions reflected in the communications.⁸⁶

Because the applicability of the open meetings law to such electronic communications depends on the particular way in which a specific message technology is used, these technologies create special dangers for governmental officials trying to comply with the law. Although two members of a governmental body larger than four members may generally discuss the body’s business without violating the open meetings law, features like “forward” and “reply to all” common in electronic mail programs deprive a sender of control over the number and identity of the recipients who eventually may have access to the sender’s message. Moreover, it is quite possible that, through the use of electronic mail, a quorum of a governmental body may receive information on a subject within the body’s jurisdiction in an almost real-time basis, just as they would receive it in a physical gathering of the members.

⁸² [Merkel Correspondence](#) (Mar. 11, 1993).

⁸³ [69 Op. Att’y Gen. 143](#) (1980).

⁸⁴ [69 Op. Att’y Gen. 143](#), 145.

⁸⁵ [Krischan Correspondence](#) (Oct. 3, 2000).

⁸⁶ [Schmiege Correspondence](#) (Aug. 22, 2018).