

The COMMON COUNCIL of the City of Tomah met in **SPECIAL SESSION** August 17, 2011 at 6:30 p.m. with Mayor John Rusch presiding.

Following the Pledge of Allegiance, roll call was taken with Le Roy Kelsey, Luke Bohlen, Ted Schleicher, Pam Buchda, Nellie Pater, Dennis Greeno, Matthew Boyea, and Larry Siekert present. Absent: None. Also in attendance: City Admin. Jim Bialecki, Asst. City Attorney Penny Precour-Berry, and City Clerk JoAnn Cram. Gregg Hagen did not videotape the meeting.

Motion by Schleicher, second by Bohlen to adjourn to closed session pursuant to State Statute 19.85(1)(g) to confer with legal counsel with respect to potential litigation. Motion passed without negative vote. Meeting adjourned to closed session at 6:32 p.m.

Meeting reconvened to Open Session at 7:12 p.m. pursuant to State Statute 19.85(2).

Presentation by, and Discussion with, City Attorney's Office Regarding Open Meetings Law, Parliamentary Procedure/Roberts Rules of Order, City of Tomah Public Appearance Policy, City Ordinance 2-28, and City of Tomah Agenda Procedure. A July 2010 report from the League of WI Municipalities was distributed titled "Understanding and Complying with Wisconsin's Open Meeting Law." Asst. City Attorney Precour-Berry provided a summary and discussion of the open meetings law. The question arose as to what the proper procedure is to have items added to agendas. The Council could create an ordinance/resolution/policy that designates how items can be placed on an agenda if the City Council wants to change the agenda procedure. Currently, the Mayor or Chairperson makes the decision regarding what agenda items are listed unless the Common Council would vote to have something placed on an agenda. Mayor Rusch will put this on the Sept. Council agenda to discuss potential changes. The Council will review the materials presented at this meeting and discuss these items in further detail at a future meeting (2-3 months). Council members should review Ord. 2-28. Asst. City Attorney Precour-Berry also provided the League of WI Municipalities publication on frequently asked questions regarding open meetings law and Chapter 2 of the Municipal Ordinances. Discussion was also held regarding federal and state employees and the possibility that council members would be required to take an oath of office through their employer as well as the City. Potential limitations/restrictions may result from the employee's employment position.

The public appearance policy was distributed and Council members were asked to review it. Discussion was held regarding citizen appearances and to what extent discussion is allowed on a topic that is not noticed. Gathering information is permissible, however, in depth discussion on an unnoticed topic is not allowed.

Things to do: Discuss agenda procedure on next Council agenda; review (in a month or two) the items on the agenda tonight to see if there is anything else we need to discuss in regard to the personal appearance policy or any other procedure/modification requests at that time? Discussion was held on the City of Tomah Public Appearance Policy and the policy was read in its entirety. Roberts Rules of Order were discussed. Discussion was held on requiring a second on motions prior to any discussion being held during meetings; recognizing that a second does not mean that you agree, but that you wish the item to be discussed. Point of order does not need a second. It was requested that Council members try not to address each other by name but instead talk to the Chair or to the group as a whole. The Committee and the Council have the authority to receive or ask for additional information from a department head regarding the question at hand. As an example, if someone is asking for a bartenders license, the Committee/Council can ask for further information or clarification regarding the incident(s) that occurred which required the applicant to appear.

Motion by Greeno, second by Kelsey to adjourn. Motion passed without negative vote. Meeting adjourned at 9 p.m.

Approved: John J. Rusch, Mayor

Attest: JoAnn M. Cram, City Clerk
To be approved 09/13/2011