

- (a) **APPOINTMENTS.** The Parks and Recreation Board shall consist of seven (7) persons appointed by the Mayor and confirmed by the Common Council. Each Board member shall hold such office for a term of three (3) years, said terms to end September 30 in the year of expiration. Six (6) of the members shall be citizen members and one (1) member shall be an Alderman annually selected at the Council's organizational meeting. All members, including the Chairperson, shall have voting privileges.
- (b) **COMPENSATION; OATHS.** Board members shall receive such compensation as shall be determined by the Council from time to time. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- (c) **OFFICERS.** The Board shall annually elect one (1) member as chairperson.
- (d) **PROCEDURE.** Four (4) members shall constitute a quorum. The Chairperson, or acting Chairperson, shall be considered in determining a quorum. Action shall be by a majority of those present and voting. The Board shall adopt rules of procedure for governing the conduct of its meetings.
- (e) **POWERS AND DUTIES.** The Board shall have all the powers conferred by law upon parks and recreation commissions and shall be chargeable with all the duties so required such as recommend, oversee work, and oversee funds of all parks, playgrounds, and recreational activities as part of properties within the City. The Parks and Recreation Board is specifically empowered and directed:
- (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
  - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
  - (3) To recommend to the Council and the Planning Commission the buying, leasing, selling or transferring of lands in the name of the City for park purposes within or without the City, as well as the leasing of buildings and boat slips within the Menasha Marina.
  - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the City for park purpose.
  - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system and recreation programs, and the Menasha Marina subject to budgetary approval by the Common Council.
  - (6) To have jurisdiction of parks, swimming pool and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
  - (7) To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks, playgrounds, and the Menasha Marina as the Board shall deem necessary.
  - (8) To establish rules and regulations, including user fees as deemed necessary as approved by the Council and desirable for the proper use, care and operation of parks, park facilities, recreation programs, Menasha Marina and other activities under their control, provided however that such rules and regulations do not conflict with the laws of the State of Wisconsin or this Code of Ordinances.
  - (9) To have jurisdiction of the Menasha Marina and assume full responsibility for the

- equipping, developing and maintaining the physical facilities of the Marina.
- (10) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
  - (11) Nothing in Sec. 2-4-6 affects the statutory or ordinance authority of the Planning Commission.
- (f) **PUBLIC RECREATION PROGRAM.** The City Parks and Recreation Board shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City and shall be empowered to:
- (1) Establish park rules and program policies.
  - (2) Cooperate and coordinate with public school activities.
  - (3) Cooperate with any private recreational activities.
  - (4) Approve any schedules of all recreational activities in public parks and school buildings.
- (g) **RECORD.** The Parks and Recreation Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
- (h) **FINANCE.**
- (1) Budget. The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs, Menasha Marina and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system and the Menasha Marina.
  - (2) Deposits. All revenues and income from the operation of park and recreation programs shall be deposited with the City Treasurer as general revenue of the City or to be applied to Tax Incremental Financing debt if otherwise required by law.
  - (3) Monetary Contributions. All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

**SEC. 2-2-6****GENERAL POWERS OF THE COMMON COUNCIL**

- (a) **GENERAL.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **ACQUISITION AND DISPOSAL OF PROPERTY.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City owned property.
- (c) **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **CITY FINANCES.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

- (a) **COMPOSITION.** The Plan Commission shall consist of seven (7) voting members as follows: The Mayor, one (1) Alderman, Director of Public Works, Chairperson of the Parks and Recreation Board and three (3) citizens.
- (b) **APPOINTMENT.**
- (1) Election/Appointment of Alderman Members. At its annual meeting in April of each year the Common Council shall, by two-thirds vote of its members, elect one (1) of its number as member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
  - (2) Appointment and Terms of Citizen Members. The Chairperson of the Parks and Recreation Board shall have a one (1) year term. The three (3) citizen members shall be appointed by the Mayor and confirmed by the Common Council to hold office for a period ending respectively one (1), two (2) and three (3) years thereafter from the succeeding first of May. Annually during April, members shall be appointed for a term of three (3) years.
- (c) **ORGANIZATION OF COMMISSION.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman and such other officers as may in their judgment be necessary. The Plan Commission shall receive such compensation as determined by the Common Council.
- (d) **VACANCIES.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (e) **COMPENSATION.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- (f) **RECORD.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of the members present of the Commission.
- (g) **DUTIES.** The Plan Commission shall have the following duties and powers:
- (1) Mandatory Referrals to Commission. The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
  - (2) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers

thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

(3) The Comprehensive Plan.

- a. Purpose. The purpose of this section is to provide procedures and criteria for creating, adopting, amending, and updating the City of Menasha Comprehensive Plan. The Plan Commission may create, adopt, and, as necessary, amend, extend or add to the Comprehensive Plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City.
- b. Applicability. This section shall apply to the creation, adoption, amendment, and updating to any elements of the City of Menasha Comprehensive Plan.
- c. Comprehensive Plan Elements. The Comprehensive Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and shall include, among other things without limitation because of enumeration, the following elements as required by State of Wisconsin planning law (§66.1001):
  1. Issues and opportunities element
  2. Housing element.
  3. Utilities and community facilities element  
Agricultural, natural and cultural resources element.
  5. Economic development element.
  6. Intergovernmental cooperation element.
  7. Land-use element.
  8. Implementation element.
- d. Comprehensive Plan Adoption.
  1. The Commission shall create and adopt the Comprehensive Plan in accordance with Wisconsin State planning laws (§66.1001).
  2. The Comprehensive Plan adopted under this subsection shall be updated no less than once every 10 years in accordance with Wisconsin State planning laws (§66.1001).
- e. Comprehensive Plan Amendments.
  1. Applicability. The criteria and requirements of this section shall apply to all applications or proposals for changes to the comprehensive plan text, goals, objectives, policies, map designations, or other map changes unless specifically exempted. The following types of comprehensive plan amendments may be considered through the comprehensive plan amendment process:
    - (i) Future Land Use map changes including land use and growth boundaries;
    - (ii) Minor technical Future Land Use map corrections;
    - (iii) Future Land Use or other text changes;
    - (iv) Changes or corrections to other maps within the plan;
    - (v) The amendment or adoption of the Utilities and Community Facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget; and,
    - (vi) Amendments necessary to address an emergency situation.
  2. Procedure.
    - (i) In November of each year, the Community Development Department shall publish notice in the official city newspaper to announce the City of Menasha Comprehensive Plan

amendment process is open to accepting applications. At that time, the Community Development Department will invite public comments and suggestions regarding changes to the comprehensive plan.

- (ii) Applications for all comprehensive plan amendments shall be considered legislative actions and be subject to the procedures in this section.
  - (iii) Applicants proposing Future Land Use Map changes must schedule a pre-application meeting with staff.
  - (iv) Applications shall be submitted to the Community Development Department in writing by the last working day of December in order to be considered during the annual review process.
  - (v) A fee established by the Common Council must accompany the following changes:
    - a. Future Land Use map changes including land use and growth boundaries;
    - b. Future Land Use or other text changes;
  - (vi) Two public hearings shall be scheduled and held: an informal public hearing before the Plan Commission and a formal public hearing before the Common Council. They shall be noticed as follows:
    - Informal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least seven (7) days prior to the informal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100') of the subject property or properties shall be notified by first class mail at least seven (7) days prior to the hearing.
    - Formal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least thirty (30) days prior to the formal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100') of the subject property or properties shall be notified by first class mail at least thirty (30) days prior to the hearing. Said notice may be sent together with the notice for the informal public hearing.
  - (vii) The Plan Commission shall, by resolution (§66.1001(4)(b)), make a recommendation to the Common Council within thirty (30) days of the date of the review meeting or the Common Council may take action without it.
  - (viii) The Common Council shall have the authority to approve or deny the proposed amendment(s). Amendments may not take effect until the Common Council enacts an ordinance that adopts the amendment(s) (§66.1001(4)(c)).
  - (ix) Copies of the adopted amendment(s) shall be sent to the reviewing authorities as required by State of Wisconsin planning law (§66.1001) within 30 days of adoption.
3. Submittal Requirements. All requests for comprehensive plan amendments shall be made in writing, using forms supplied by the Community Development Department, and shall include the

information listed below. The Department of Community Development, Plan Commission and/or the Common Council may require additional information be submitted before taking action.

- (i) Future Land Use map amendments:
  - Completed application form, signed by the applicant or owner.
  - Property map showing adjacent properties and clearly outlining the subject parcel(s).
  - Where the property is not owned by the applicant, a letter from the owner giving consent to apply for the comprehensive plan amendment.
- (ii) A description of the purpose of the comprehensive plan amendment.
- (iii) Justification and support for the proposed map amendment.
- (iv) All other amendments:
- (v) Completed application form.

4. Approval Criteria.

- (i) Approval for Future Land Map Changes. To change a designation, the proposed Future Land Use map amendment must meet at least one of the following criteria listed below. Additional documentation may be needed to address the public facilities, needs, and services that may be necessary to support the proposed designation. Such services may include water, sanitary sewer, storm drainage, transportation (all modes), police and fire protection, and schools.
  - Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies;
  - Better implement applicable comprehensive plan policies than the current map designation;
  - Correct an obvious mapping error;
  - Address an identified deficiency in the Comprehensive Plan.
- (ii) Approval Criteria for Amendments to Text and Other Maps. To change text, including goals, objectives and policies, or any map other than the Future Land Use Map, the amendment must meet at least one of the criteria below:
  - Better implement applicable comprehensive plan policies;
  - Correct errors;
  - Replace outdated data;
  - Address an opportunity for physical, economic, social or cultural improvement of the city.
- (iii) The comprehensive plan amendment(s) shall take into consideration the comprehensive plans adopted by neighboring communities, the East Central Wisconsin Regional Planning Commission, Calumet and Winnebago Counties, and relevant regional issues.
- (iv) Comprehensive plan text amendments and amendments to other maps within the plan shall be consistent with the State of Wisconsin comprehensive planning law (§66.1001).



