



Legislative Committee Agenda

March 15, 2016
6:00 P.M.

AGENDA

1. Call to Order
2. Public Comment
3. Approval of the minutes of the Legislative Committee meeting held February 9, 2016 - [Joint Meeting Minutes 02-C-2016](#)
4. Discussion and Action Items:
 - Creation of a process for handling complaints via phone or over the counter
5. Correspondence:
 - Changes to Chapter 262-34 of the St. Francis Code and Fee Schedule - [HD Changes to Fee Schedule](#)
6. Unfinished Business:
7. Adjourn

PUBLIC NOTICE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public hearings, which have a qualifying disability under the Americans with Disabilities Act. Requests should be made as far advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the St. Francis City Clerk at 481-2300. The meeting room is wheelchair accessible from the east and west entrances.

NOTE: There is a potential that a quorum of the Common Council may be present.

**MINUTES OF JOINT BARGAINING COMMITTEE AND LEGISLATIVE COMMITTEE
MEETING HELD FEBRUARY 9, 2016**

Present: Aldpersons Brickner (Bargaining and Legislative), Fliss (Bargaining), Klug (Legislative) and Wattawa (Bargaining and Legislative)

Also Present: City Administrator Rhode, City Clerk/Treasurer Uecker, City Attorney Alexy, Mayor St. Marie-Carls, Alderman McSweeney, Chief Lockwood, Assistant City Engineer Lindhorst, interested citizens

The meeting was called to order by Chairpersons Fliss and Wattawa. All of the members were present. The Chairs requested public participation and gave a 5-minute limit. A sign-up sheet was available. Chairperson Fliss did read a prepared statement.

Public Comment:

Margaret Raclaw

Mrs. Raclaw read a prepared statement. She didn't understand the necessity or urgency of this ordinance change prior to the April election. She felt that the ordinance was to spite the Mayor. She also discussed City Administrator Rhodes employment history and residency.

Ralph Voltner

As the former City Administrator Ralph Voltner stated he was the administrator for over 20 years. He stated that the Mayor is the heart and soul of the City and represents the citizens. The Administrator is hired for the financial oversight and to be the heavy, especially with bargaining and negotiation. The city always was a weak Mayor/strong Council form of government. Friction can be a positive force or a negative force. He feels what we presently have is a great way to run a city – strong council/weak Mayor with a City Administrator.

Al Richards

As the former Mayor, when he left office he didn't participate so as to not interfere with the new Mayor. He is here to share his perception of the City. This issue isn't a new one as he remembers this from when his father was on the Council. The Mayor is here to perform a function – he referred to it as the "outside" Mayor and the Administrator is the "inside" Mayor. The Mayor shouldn't want to interfere with what the Council wants and directs the City Administrator to do. To solve this easily, become a Village – a Village structure would be better for a small community and is run by a Village Manager.

Janis Schandel

Ms. Schandel felt that control of the City shouldn't be in the hands of someone who isn't elected. The change to the ordinance seemed to come up in the last couple of months when the Mayor was asking for task forces, tax cuts, transparency. This is a waste of time and money. It should be put aside and move forward.

Alderman McSweeney

Everyone is speaking that we are taking power away from the Mayor and adding them to the City Administrator. He sees the changes as clarifying – not taking away from the Mayor. What are we taking away from the Mayor that she already doesn't have? He compared the City Administrator to a general manager of a company and the Mayor as the CEO. Boundaries are being invaded and the Mayor is micromanaging the City instead of letting the City Administrator run the departments. The City Administrator follows the direction of the Council. This is just clarifying duties and responsibilities.

Mayor St. Marie-Carls

She was asked to run for Mayor – and felt that she was asked because something was wrong. All she wants to do is ask the same kinds of questions that she got from the aldermen when she worked for the City of Kenosha. She asks a lot of informed questions. Micromanaging can be a subjective comment. This is a Charter Ordinance for the City of St. Francis and they don't get changed easily. Adding Chapter 105 to the Charter Ordinance that is bolstering the Charter Ordinance because of the home rule policy. Most of the Charter Ordinances are regarding statutory positions and the City Administrator isn't.

Michael Grimshaw

Mr. Grimshaw spent a lot of time looking at what the current ordinances say and the proposed legislation. He feels it is right to clarify the duties and feels that it should be in the Charter. Most of the Charter Ordinances are only a page long, he didn't realize the whole Chapter 105 would be in the Charter and feels that is a mistake. The new legislation is well done and well stated. Personally he feels the City Administrator has done a great job. The Charter Ordinance that is proposed is not changing reality, but writing down what has been done for many years. The requirement to terminate the City Administrator is unusually high. Three alderperson can't get rid of the Administrator, it has to be 5 out of 6, and it should be changed to a simple majority.

Charter Ordinance to Define the Role of Mayor as Chief Executive Officer and to Establish the Office of City Administrator:

Chairman Wattawa asked for clarification on the $\frac{3}{4}$ majority – should it be changed. City Attorney Alexy stated it was changed to $\frac{3}{4}$ as it mirrors the Civil Service rules for other Department Heads. This would eliminate future questions and did review other Codes regarding City Administrators in the state and the super majority vote insulates the position from the ebbs and tides of the day to day issues that arise in a city.

Section C – this is a more generic statement of the responsibilities and authority of the City Administrator. It moves some of the controls to other areas of the Ordinance, they have not been removed.

Section D – 1 and 2 were moved to other areas

Section E – Paragraph 1 further details cooperation with other Departments like the Library, Fire, Police, etc.

The question that everyone is asking, per Chairman Wattawa, is what powers were removed from the Mayor. City Attorney Alexy stated no powers were removed. The purpose is to have a clear chain of

command over the City departments. The City has modified, by home rule, how it does business 13 times in the past. An example would be combining the Clerk/Treasurer position; the City Attorney position; etc. One of the issues this is intended to address is the City Administrator as the Chief Administrative Officer of the City. The statutes refer to the Mayor as the Chief Executive Officer of the City. The problem then is where the roles intersect and the Charter Ordinance would define those roles. It would create a clear chain of command. There is no shift in power, just an explanation. Chairwoman Fliss stated that was what the Council asked for with this ordinance. Alderman Klug felt that this clarified an issue and language, not changing anything. The Charter Ordinance doesn't just single out the Mayor – it would be a chain of command for all council members.

Mayor St. Marie-Carls stated that the City Attorney gave a long answer to a simple question. She said that we are amending the authority of the Mayor as the Chief Executive Officer. No specific authority that was removed from the Mayor was able to be shown. She also stated that the City elects not to be governed by a whole chapter of the State Statutes and why is that included. City Attorney Alexy clarified what the statute reference was and what it means to exercise the role of Chief Executive Officer. The powers are not eliminated for the Mayor but the Charter Ordinance details that issues go through the City Administrator and not directly to subordinate employees.

Chairman Wattawa asked about the email that was forwarded to the Committee members by the Mayor from a resident. Chairman Wattawa then read the email from Dave Fisher. A copy of Mr. Fisher's email is in the file.

Alderman Brickner doesn't agree with the super majority to remove the City Administrator. He felt a majority was sufficient. Chairwoman Fliss felt that perhaps that should be changed for all Department Heads. Alderman Klug felt the Charter Ordinance was a distraction and we should get through it, make a decision and it will be better for the City.

Resolution to Begin an Annual 4 Year Organizational Review of the Assignments, Duties and Authorities of the City Administrator for the Purpose of Timely and Necessary Updates to be Adopted in Chapter 105 of the City of St. Francis Code of General Ordinances – submitted by Mayor St. Marie-Carls:

Mayor St. Marie-Carls brought this forward before the Charter Ordinance. The City Attorney made some amendments to Chapter 105. She was proposing a more collaborative look at the needs of the City, getting citizen input and had a timeline included. Her original thought was to take our time with this, look at strengths/weaknesses, benchmarks, expectations of goals and duties. She is looking for quantitative measures for each duty. She felt a shared responsibility model is the way to go. It would allow the citizens to know what the goals are in relation to the duties. Alderman Klug asked for a clarification on one of the paragraphs – would that mean we would review all the performance evaluations of the City employees? Mayor St. Marie-Carls responded that it may cause the council to look at additional position descriptions not job/employment reviews. Chairwoman Fliss stated that this is part of the Pay for Performance process that the Bargaining Committee currently does. Chairman Wattawa asked if she would like to withdraw her request for the resolution. Mayor St. Marie-Carls felt it could be in collaboration with what is currently being done.

What essential assignments and duties aren't being reviewed? Mayor St. Marie-Carls felt the whole description in Chapter 105 hasn't been reviewed. The idea would be to put a resolution forward every 4 years to update the duties of the Administrator. The section in the Mayor's Resolution regarding the Civic Center, according to Chairwoman Fliss, has been updated and the Bargaining Committee has looked at it and it does get evaluated. Mayor St. Marie-Carls felt a descriptive statement in the job description for future needs should be added. City Attorney Alexy stated that there is something covered in the Charter Ordinance and felt the language was intended to reflect that from time to time the council can add to the job description of the City Administrator. There is the ability to do that, and it is broad enough. The Mayor felt that the Civic Center should be a priority and spelled out. She felt that all the duties should be enumerated concurrently with the performance review. She realized after clarification that may not be feasible. Mayor St. Marie-Carls stated that the Council would do the process according to her vision, not taxpaying individuals as questioned by Chairman Wattawa. The review process would be of the job description, not the individual person. The Chapter 105 ordinance gives the City a jump on this already. She would need to re-do the whole resolution that she submitted because of that. Chairman Wattawa asked if the resolution put forth should be considered. Mayor St. Marie-Carls just asked if it would be reviewed every 4 years. Chairman Wattawa didn't think the resolution was an answer to the City's needs and what we have is pretty well put together. Chairwoman Fliss reiterated that this is done in the Bargaining Committee and the performance reviews.

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to recommend to the Common Council the adoption of the Charter Ordinance to Define the Role of the Mayor as Chief Executive Officer and to Establish the Office of City Administrator. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman Klug to adjourn. Motion carried.

Time: 6:25 p.m.



City of St. Francis

HEALTH DEPARTMENT

February 18, 2016

Honorable Mayor and Members of the Common Council:

RE: Changes to Chapter 262-34 of the St. Francis code and Fee Schedule

The Environmental Health Consortium Began licensing food stores and restaurants in 2003 and 2004 respectively. The program consists of the Cities of South Milwaukee, St. Francis and Cudahy. The program is administrated from the South Milwaukee Health Department, this includes all billing.

February 28, 2006 the council was requested to change our local ordinance to include a 5% increase on license fees every other year during the even years. This was approved and has kept our fee for licensing in line with South Milwaukee and Cudahy.

To simplify billing I am requesting to have our Municipal code reflect that we adopt the South Milwaukee fee schedule. This has already been accepted by the City of Cudahy.

Attached is a copy of the local ordinance from the City of Cudahy adopting the Environmental Health fee schedule from the City of South Milwaukee as well as the current Consortium Fee Schedule.

I appreciate your support of this valuable program and also the support of the Health Department. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Kathy Scott RN

Health Officer/Public Health Administrator

20.28 - FEES. (Rep. & recr. #2359)

- (1) [DETERMINATION OF FEES.] The fees for services and activities performed by the Department in carrying out its responsibilities under this code shall be published in the City of South Milwaukee Administrative Fee Schedule.
- (2) FEES TO ACCOMPANY APPLICATION. License fees imposed under this chapter shall accompany the license application. If a license is granted, the Department shall issue the applicant a receipt for his license fee.
- (3) NO PRORATION. There will be no proration for license fees.
- (4) REFUNDS. No license fee paid shall be refunded, unless a refund is requested prior to an inspection.
- (5) LOCAL PREINSPECTION FEES.
 - (a) Preinspection fees shall be charged as enumerated in City of South Milwaukee Administrative Fee Schedule.
 - (b) Preinspection fees shall include all consultation prior to the establishment doing business.
 - (c) Preinspection fees may be applicable for all new operations and changes in operation.
 - (d) Preinspection fees are not refundable.
- (6) LATE FEES. A late fee, as enumerated in the City of South Milwaukee Administrative Fee Schedule, shall be charged for all licenses issued under provisions of this chapter.
 - (a) This shall apply when an application is not renewed before the expiration date, unless waived by the Department.
 - (b) A late fee shall also apply to a new establishment or any establishment with a new operator who does business before obtaining the required licenses, as provided for in this chapter.
- (7) DUPLICATE LICENSE FEE. A duplicate license fee as enumerated in the City of South Milwaukee Administrative Fee Schedule shall be charged to duplicate any license provided for in this chapter.
- (8) LICENSE FEES. License fees, as enumerated in the City of South Milwaukee Administrative Fee Schedule.
- (9) [APPLICATION OF FEES.] All fees shall be accounted for separately and applied to the expenses under Chapter 20.
- (10) REINSPECTION. A reinspection fee shall be charged as enumerated in the City of South Milwaukee Administrative Fee Schedule.

**CITY OF SOUTH MILWAUKEE
ADMINISTRATIVE SERVICES AND FEES
(Applicable Items Include Sales Tax)
January 1, 2016**

CONSORTIUM FEE SCHEDULE

Restaurant License Fees

Prepackaged	\$188.00
Full Service – Simple	\$309.00
– Moderate	\$531.00
– Complex	\$744.00
– Additional Prep Area	\$145.00
Restaurant Pre-inspection Fees	
Prepackage	\$161.00
Full Service – Simple	\$202.00
– Moderate	\$337.00
– Complex	\$470.00
Restaurant Re-inspection Fee	\$96.00-\$365.00
Restaurant Late Fee	See below
Restaurant Duplicate Permit Fee	\$15.00
Temporary Restaurant Fee	\$133.00
Temporary Food Store Fee	\$70.00
Special Event Groups Restaurant Fee (Serving 4-12 days a year)	\$107.00
Meal Service Permit	\$35.00

School DPI License Fees

Simple	\$294.00
Moderate	\$505.00
Complex	\$707.00
School Re-inspection Fees	\$96.00-\$365.00
School Late Fee	See below
School Duplicate Permit Fee	\$15.00

Lodging Licensing Fees

Hotel/Motel (5-30 rooms)	\$184.00
Hotel/Motel (31-99 rooms)	\$267.00
Hotel/Motel (100 or more rooms)	\$351.00
Bed & Breakfast	\$91.00
Rooming House (>2<9 roomers)	\$175.00
Rooming House (>8 roomers)	\$300.00
Lodging Pre-inspection Fees	
Hotel/Motel (5-30 rooms)	\$161.00
Hotel/Motel (31-99 rooms)	\$256.00
Hotel/Motel (100 or more rooms)	\$352.00
Bed & Breakfast	\$161.00
Rooming House (>2<9 roomers)	\$161.00
Rooming House (>8 roomers)	\$161.00
Lodging Late Fee	See below
Lodging Duplicate Permit Fee	\$15.00
Lodging Re-inspection Fee	\$96.00-\$365.00

Retail Food Establishments License Fees

Food Sales of at Least \$1,000,000	\$1013.00
Food Sales >25,000 & <1,000,000 Processes Food	\$482.00
Food Sales >25,000 & <1,000,000 No Processing of Food	\$222.00
Food Sales < \$25,000	\$107.00
Retail Food Inspection Fee	\$107.00
Retail Food Establishments Preinspection Fees	
Food Sales of at Least \$1,000,000	\$447.00
Food Sales >25,000 & <1,000,000 Processes Food	\$321.00
Food Sales >25,000 & <1,000,000 No Processing of Food	\$192.00
Food Sales < \$25,000	\$129.00
Retail Food Establishment Reinspection Fee	\$96.00-\$365.00
Retail Food Establishment Late Fee	See below
Retail Food Establishment Duplicate License Fee	\$15.00
Market Food Vendor Permit (July 1 – June 30) – Retail	\$46.00
Market Food Vendor (July 1 – June 30) – Restaurant	\$66.00
Market Food Vendor Insp. Fee – Retail	\$46.00
Market Food Vendor Insp. Fee – Restaurant	\$66.00

Swimming Pool Fees

Swimming Pool License Fee	\$222.00
Swimming Pool Reinspection Fee	\$96.00-\$365.00
Swimming Pool Duplicate License Fee	\$15.00
Swimming Pool Late Fee	See below

Vending Machines Fees

Vending Commissary License Fee	\$247.00
Vending Operator	\$140.00
Vending Unit License Fee	\$11.00/unit
Vending Commissary Preinspection Fee	\$192.00
Vending Re-inspection Fee	\$96.00-\$365.00
Vending Late Fee	See below
Vending Duplicate License Fee	\$15.00

Recreational/Educational Camps

Recreational/Education Camps	\$281.00
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Campgrounds

Campground (1-25 sites)	\$151.00
Campground (26-50 sites)	\$207.00
Campground (51-100 sites)	\$248.00
Campground (101-199 sites)	\$261.00
Campground (over 200 sites)	\$316.00

WEIGHTS & MEASURES LICENSE FEES

a) Petroleum pumps (fee is per pump, per grade of gas)	\$19.00/pump
b) Weighing or measuring device (0-30#)	\$32.00/each
c) Weighing or measuring device (31-1,000#)	\$50.00/each
d) Timing device	\$14.00/each
e) Linear meters	\$14.00/each
f) Register Scanners (without scales)	\$7.00/each

Weights and Measures Late Fee	See below
Weights and Measures Reinspection Fee	\$88.00
Weights and Measures Duplicate License Fee	\$13.00

Tattoo Establishment	\$243.00
Body Piercing Establishment	\$243.00
Tattoo & Body Piercing Establishment (combined)	\$322.00
Pre-Inspection fee	\$116.00

Late Fees: In addition to the original permit fee, a late fee will be added based on the number of days late.

10-30 days late 25% of annual permit fee

31-45 days late 50% of annual permit fee

Over 45 days late 100% of annual permit fee