



Legislative Committee Agenda

May 30, 2018
5:45 p.m.
or Immediately following the
Council Meeting

Civic Center West Committee Room

Roll Call:

Alderspersons Wattawa, Feirer, Damon

1. Call to Order
2. Election of a Committee Chair
3. Approval of the minutes of the Legislative Committee meeting held February 21, 2018 - [Legislative Minutes 02-21-2018](#)
4. Discussion and Action Items:
 - Ordinance to Repeal and Recreate Section 455-55 of the City of St. Francis Code of Ordinances Establishing a Zoning Administrator for the City of St. Francis - [Sec. 455-55 Zoning Administrator 021818](#)
 - Ordinance to Repeal Section 105-15(B)(5) and to Create Section 105-12(B)(15) of the City of St. Francis Code of Ordinances to Designate the City Administrator as Zoning Administrator - [Chapter 105 - Zoning Administrator 021818](#)
 - Ordinance to Repeal and recreate Section 198-15 of the City of St. Francis Code of Ordinances Establishing Limits on Hours of Construction, Time and Noise Within the City of St. Francis - [198-15 Construction hours and limits 051118](#)
 - Aesthetic Control Board – increasing number of voting members
 - Pit Bull Ban/Vicious Animal Ordinance
 - Exterior Lighting Issue - [Legislative Committee - Lighting Issues](#)
 - Short-term rentals (Air BNB)
 - Alley parking regulation
 - Records Retention Ordinance
 - Meeting Notices
 - Garbage Collection
 - Social Media Policy
 - Firearms ordinance
5. 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 in 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 Extension #4305. 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 the Legislative Committee Meeting held
February 21, 2018**

Present: Alderpersons Wattawa, Brickner and Klug

Also Present: City Administrator Johnsrud, City Clerk/Treasurer Uecker, City Attorney Alexy, City Engineer Dejewski, Alderwoman Schandel, Mayor St. Marie-Carls and interested citizens

Chairman Wattawa called the meeting to order at 6:00 p.m.

Moved by Alderman Klug, seconded by Alderman Brickner to place on file the minutes of the Legislative Committee meeting held January 17, 2017. Motion carried.

Discussion and Action Items:

- Ordinance to Repeal Chapter 26 of the City of St. Francis Code of Ordinances Concerning the Civil Service

City Attorney Alexy explained the purpose of the ordinance. The State of Wisconsin allows for the City to have a grievance process instead of using a Civil Service Commission. This was part of Act 10 which affected non-protective services unions. He also stated that the ordinance would go to the Common Council along with the updated Employee Handbook for adoption. The Bargaining Committee has vetted the Handbook.

Moved by Alderman Klug, seconded by Alderman Brickner to recommend to the Common Council the adoption of an Ordinance to Repeal Chapter 26 of the City of St. Francis Code of Ordinances Concerning the Civil Service. Motion carried.

- Ordinance to Repeal and Recreate Section 455-55 of the City of St. Francis Code of Ordinances Establishing a Zoning Administrator for the City of St. Francis; and
- Ordinance to Repeal Section 109-15(B)(5) and to Create Section 105-12(B)(15) of the City of St. Francis Code of Ordinances to Designate the City Administrator as Zoning Administrator

City Attorney Alexy stated that this ordinance would allow the City Administrator to serve as the Zoning Administrator. The ordinance regarding Section 455-55 would need to be referred to the Planning Commission for their recommendation prior to action being taken by the Common Council. The ordinance regarding Section 105 would need to be referred to the Common Council for action.

Currently, the Building Inspector serves as the Zoning Administrator. With the upcoming retirement of the Building Inspector, and the City moving toward using a contracted firm for Building Inspections, it would be the appropriate time to make the ordinance change. Alderman Wattawa questioned the ordinance as far as the duties of the Zoning Administrator – specifically doing inspections of properties, etc. City Administrator Johnsrud how the position would work and how the position makes determinations based on the City's Zoning Code. The appeal process was also discussed as well as how for Special Use Zoning, as an example, the Common Council makes that final decision not the Zoning Administrator. It was asked why the Building Inspection firm couldn't act as the Zoning Administrator. City Administrator Johnsrud stated that zoning is more of a planning firm function. If the City choose to go in that direction, it would be costly as most firms charge a minimum of \$125 per hour. Alderman Brickner asked if the firm the City hires for Building Inspection services couldn't use separate people from the firm to do inspections and zoning. Again, it was reiterated that zoning is more in line with a

planning firm, not an inspection firm. On a more global basis, when a zoning or special use permit request comes into the City, it would go to the Zoning Administrator not the Building Inspector as the Zoning Administrator would have clear knowledge on the Zoning Code. Changing the current Building Inspector/Zoning Administrator to City Administrator/Zoning Administrator would in no way eliminate the Zoning Board of Appeals or the controls in place with zoning changes/special use permits that the Common Council has.

After further discussion, both ordinances need to come back to the Legislative Committee for review after the City Attorney makes the discussed changes. The Committee would have another chance to review the updated ordinances and then make a determination on whether to forward them to the Planning Commission and Common Council for action.

Moved by Alderman Brickner, seconded by Alderman Klug to table any action on the Ordinance to Repeal and Recreate Section 455-55 of the City of St. Francis Code of Ordinances Establishing a Zoning Administrator for the City of St. Francis and the Ordinance to Repeal Section 109-15(B) (5) and to Create Section 105-12(B) (15) of the City of St. Francis Code of Ordinances to Designate the City Administrator as Zoning Administrator until the next Legislative Committee meeting. Motion carried.

- Ordinance to Repeal and Recreate Section 63-1 of the City of St. Francis Code of Ordinances Concerning the Organization of the Fire Department

Chief Poplar requested the ordinance change to address the addition of the newly created flex firefighter position. It would also update the titles used by command staff to be consistent with the surrounding Fire Departments.

Moved by Alderman Klug, seconded by Alderman Brickner to recommend to the Common Council the adoption of an Ordinance to Repeal and Recreate Section 63-1 of the City of St. Francis Code of Ordinances Concerning the Organization of the Fire Department. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Klug to adjourn. Motion carried.

Time: 6:48 p.m.

ORDINANCE NO.

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 455-55
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
ESTABLISHING A ZONING ADMINISTRATOR FOR THE CITY OF ST. FRANCIS**

WHEREAS, § 455-55 of the City of St. Francis Code of Ordinances establishes the position of Zoning Administrator for the City of St. Francis; and

WHEREAS, § 455-55 currently provides that the Building Inspector shall serve as Zoning Administrator; and

WHEREAS, due to retirement of the existing Building Inspector, the Common Council finds it appropriate to designate the City Administrator as Zoning Administrator; and

WHEREAS, upon the request of the Common Council, the Planning Commission duly considered the proposed revision at a meeting held on _____, 2018 following notice and provided its recommendation to the Common Council; and

WHEREAS, at a duly noticed public hearing was conducted concerning the recommendation of the Planning Commission on _____, 2018;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. Section 455-55, "Zoning Administrator", of the Municipal Code of the City of St. Francis, Wisconsin, is hereby repealed and recreated to read as follows:

§ 455-55. Zoning Administrator.

The Building Inspector shall serve as the Zoning Administrator and shall enforce all of the provisions of this chapter; and, for such purposes, ~~he~~ shall have all of the powers of a police officer. ~~His~~ The duties of the Zoning Administrator shall include inspecting premises, ~~and~~ issuing building permits and certificates of occupancy for buildings and uses of land that meet the requirements of this chapter. In addition, the Zoning Administrator shall serve as an advisor to the Planning Commission, Aesthetic Control Committee, and Common Council concerning zoning matters pertaining to the City and shall perform such other duties and responsibilities as set forth in this Code.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and

effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this ____ day of _____ 2018.

CoryAnn St. Marie-Carls, Mayor

ATTEST:

Anne Uecker, City Clerk/Treasurer

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL SECTION 105-15(B)(5)
AND TO CREATE SECTION 105-12(B)(15)
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
TO DESIGNATE THE CITY ADMINISTRATOR AS ZONING ADMINISTRATOR**

WHEREAS, Section 105-15(B)(5) of the City of St. Francis Code of Ordinances currently designates the Building Inspector as Zoning Administrator for the City; and

WHEREAS, the Legislative Committee has recommended designating the City Administrator as Zoning Administrator in light of the retirement of the existing Building Administrator; and

WHEREAS, Section 105-12(B) establishes the roles of City Administrator;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. Chapter 105, entitled “Officers and Employees”, Section 105-15, entitled “Building Inspector”, Subsection B, entitled “Powers and Duties”, paragraph (5), entitled “Zoning Administrator”, is hereby repealed in its entirety.

SECTION 2. Chapter 105, entitled “Officers and Employees”, Section 105-12, entitled “Administrator”, Subsection B, entitled “Duties and Powers”, paragraph (15), entitled “Zoning Administrator”, is hereby created to read as follows:

(15) Zoning Administrator. The City Administrator shall be the Zoning Administrator for the City and have the powers and duties of Zoning Administrator set forth in this Code.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this ___ day of February 2018.

CITY OF ST. FRANCIS

BY: _____
CoryAnn St. Marie-Carls, Mayor

ATTEST:

Anne Uecker, City Clerk/Treasurer

ORDINANCE NO.

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 198-15
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
ESTABLISHING LIMITS ON HOURS OF CONSTRUCTION, TIME AND NOISE
WITHIN THE CITY OF ST. FRANCIS**

WHEREAS, Chapter 198 of the City of St. Francis Code of Ordinances establishes regulations concerning building construction within the City of St. Francis; and

WHEREAS, § 198-15 of the City Code currently provides limitations on hours, time, and noise pertaining to construction within the City; and

WHEREAS, the Common Council has determined that it is in the interests of the public health, safety and welfare to amend § 198-15 in light of recent amendments to Wis. Stat. § 66.1108 that restrict municipalities from prohibiting a private person from working on job site of a construction project on a Saturday or from imposing more restrictive conditions on such work than apply on weekdays; and

WHEREAS, the Council further finds that it is in the interest of the public health, safety, and welfare to amend the provisions of § 198-15 to clarify its restrictions and to address its enforcement in light of the City's use of contracted building inspection services;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. Section 198-15, "Hours of construction, time and noise limitations", of the Municipal Code of the City of St. Francis, Wisconsin, is hereby repealed and recreated to read as follows:

§ 198-15. Hours of construction; time and noise limitations.

- A. Construction project activity shall be permitted between the hours of 7:00 a.m. and 8:00 p.m. daily, Monday through Friday. Saturday and Sunday hours of construction shall be between 8:00 a.m. and 5:00 p.m. except, however, that the hours of construction on Saturdays for a private person shall be between 7:00 a.m. and 8:00 p.m. Construction activity on national holidays shall be between 9:00 a.m. and 4:00 p.m.
- B. ~~As determined by the chief building official.~~ In addition to the limitations on construction activity set forth in § 198-15(A):
 - (1) No loud, environmentally disruptive building construction noises, including but not limited to noises resulting from the operation or use of air compressors, continuously running motors, generators, air hammers, power tools, other construction equipment/machinery, or loud playing radios, ~~will~~

~~bear permitted-allowed~~ where such noises may ~~be a nuisance~~unreasonably annoy or disturb the occupants or residents of ~~to adjacent~~other properties.

- (2) Where emergency conditions exist (i.e. conditions which pose a threat of injury or death to persons or damage or destruction of property), construction activity may be permitted at any hour or day of the week. Such ~~emergeneies~~ emergency construction activity shall be completed as rapidly as possible ~~to prevent anyand, to the extent reasonably possible so as to prevent~~ unreasonably annoying or disturbing ~~disruption to~~occupants or residents of other properties.
- (3) Where based upon location and type and method of construction activity, it reasonably appears that additional hours of construction activity will not be a nuisance to adjacent properties, ~~based on location and type of construction, a waiver may be granted by~~ the Building Inspector ~~to or~~ Zoning Administrator may allow hours of construction other than as stated in ~~this~~ section (A). Such additional hours of construction shall be for a specific period of time and shall be subject to as directed modification or termination by the Common Council.

C. Enforcement. The provisions of this section shall be enforced by the Building Inspector, Zoning Administrator, or any code enforcement officer designated by the Common Council. ~~Should the Building Inspector be unavailable~~In addition, this section may also be enforced by the Police Department.

D. Definitions. For purposes of this section:

- (1) “Construction project” means a project involving the erection, construction, repair, remodeling, or demolition, including any alteration, painting, decorating, or grading of a private facility, including land, a building, or other infrastructure that is directly related to onsite work of a residential or commercial real estate development project.
- ~~C.~~(2) “Private person” includes an individual, partnership, limited liability company, corporation, or other organization other than a political subdivision or governmental agency.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this ____ day of _____ 2018.

Ken Tutaj, Mayor

ATTEST:

Anne Uecker, City Clerk/Treasurer

Anne Uecker

Subject: FW: Legislative Meeting

-----Original Message-----

From: Janis Schandel
Sent: Wednesday, May 9, 2018 12:25 PM
To: Ken Tutaj; Mark Johnsrud
Cc: Steve Wattawa
Subject: Legislative Meeting

Mayor and Mark,

I have received an additional 2 residential complaints about exterior residential lighting that are preventing rights of privacy concerns and nuisance to home owners.

This issue was originally scheduled to be discussed with possible action this past February. The meeting for February was cancelled and as of today there has not been notice of any planned meeting.

Could we please schedule a meeting asap at a time where myself and perhaps these concerned residents could attend. I feel they have been very patient and the issue should not take this long to address.

Thank you in advance for your prompt attention and consideration on this issue.

Kind Regards,
Janis

Janis Schandel
City of Saint Francis
Alderwoman First District
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