

The meeting was called to order at 7:00 p.m. by Mayor St. Marie-Carls. Following the Pledge of Allegiance and a moment of silence for the community, roll call was taken.

Present: Mayor St. Marie-Carls, Alderpersons Bostedt, Wattawa, Brickner, McSweeney, Fliss and Klug

Also Present: City Administrator Rhode, City Attorney Alexy, City Clerk/Treasurer Uecker, Fire Chief Lockwood, Police Chief Dietrich, City Engineer Dejewski, Building Inspector Vretenar, Public Health Administrator Scott and interested citizens

Presentation:

Moved by Alderman Wattawa, seconded by Alderwoman Bostedt to suspend the agenda and to discuss the Citizens Comment from Brian Kaebisch along with Item #5 under Correspondence with Possible Action or Referral to Committees/Commissions/Boards. Motion carried.

Resolutions and Ordinances:

Moved by Alderwoman Fliss, seconded by Alderman McSweeney to introduce and adopt a Charter Ordinance to Define the Role of Mayor as Chief Executive Officer and to Establish the Office of City Administrator. Alderwoman Fliss requested a roll call vote. The following voted "aye": Alderman Brickner, Alderman Wattawa, Alderman Klug, Alderman McSweeney, Alderwoman Bostedt, and Alderwoman Fliss. Motion carried. **Ordinance No. C-14**

Minute Approval:

Moved by Alderman Brickner, seconded by Alderwoman Fliss to place on file the minutes of the Common Council meeting held February 2, 2016. Motion carried.

Reports from Committees/Commissions/Boards:

Moved by Alderwoman Bostedt, seconded by Alderman Wattawa to place on file the Reports from Committees/Commissions/Boards as listed on the February 17, 2016 Common Council Agenda. Motion carried.

Action Items from Committees/Commissions/Boards:

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve Beverage Operator's License – New for Clarisa Checkai, Amy Lancaster, Tammela Maddox, Tiffany Miller and Shawn Murphy. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve a Temporary Class "B" Retailer's License – Renewal for Cavalier Athletic Association, Dan Steffes – Representative for the 3rd Annual Bean Bag Toss Tournament to be held March 12, 2016 at 2601 East Morgan Avenue gym, main hallway and cafeteria. Motion carried.

Moved by Alderwoman Bostedt, seconded by Alderwoman Fliss to amend the 2016 Capital Road Projects to postpone the East Denton Avenue Resurfacing Project until 2017 due to utility conflicts. Motion carried.

Moved by Alderman McSweeney, seconded by Alderman Klug to refer the Tabled Item regarding the Municipal Court Clerk to the Finance Committee. Motion carried.

Appointments to Committees/Commissions/Boards:

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to concur with the Mayor's appointment of Thomas Bilot to the Economic Development Committee. Motion carried.

Correspondence with Possible Action or Referral to Committees/Commissions/Boards:

Moved by Alderman McSweeney, seconded by Alderwoman Bostedt to place on file with reference in the minutes the Mayor's Update #79. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderwoman Bostedt to place on file with reference in the minutes the Application for Special Event Through City – UPAF for an event June 5, 2016 and to approve the event. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman McSweeney to place on file with reference in the minutes the correspondence from the City Clerk/Treasurer regarding a request to purchase additional software and to approve the purchase. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to place on file with reference in the minutes the Petition for a Special Privilege – Joan Kelly, owner – Lovely Salon, Inc. and to grant the Special Privilege request. Motion carried.

Moved by Alderman Wattawa, seconded by Alderwoman Fliss to refer the correspondence from PJ Early regarding investigation of accusation along with the Citizen Comment from Brian Kaebisch to the Police and Fire Commission. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Wattawa to place on file with reference in the minutes the Open Meetings Request from the Mayor along with the City Attorneys response. Motion carried.

Moved by Alderwoman Bostedt, seconded by Alderwoman Fliss to place on file with reference in the minutes the correspondence from Gracie Liebentein regarding care of sidewalks and to refer this to the Board of Public Works. Motion carried.

Discussion Items with Possible Action:

Moved by Alderman Brickner, seconded by Alderwoman Fliss to place on file and approve all vouchers on the Voucher List dated February 3, 2016 through February 17, 2016 in the amount of \$2,453,498.44. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman Klug to approve a full page ad in the 2016 St. Francis Scholarship Pageant program for as donated by the Pageant Committee. Motion carried.

Training/Conference/Seminar Requests:

Moved by Alderwoman Bostedt, seconded by Alderwoman Fliss to place on file with reference in the minutes the Training/Conference/Seminar Request as listed on the February 17, 2016 Common Council Agenda and to approve the request with the necessary expenses as it is a budgeted item. Motion carried.

Adjourn to Closed Session:

Moved by Alderwoman Fliss, seconded by Alderman Brickner to adjourn to Closed Session per Wis. Stat. section 19.85(1)(e) for purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – St. Francis Animal Hospital Letter of Intent to purchase the property at 3876 South Kinnickinnic Avenue and that upon conclusion of the closed session item, the Council will reconvene into open session prior to acting on any matter that needs to be acted upon in open session. The following voted “aye”: Alderman Brickner, Alderman Wattawa, Alderman Klug, Alderman McSweeney, Alderwoman Bostedt and Alderwoman Fliss. Motion carried.

Time: 9:03 p.m.

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

Time: 9:28 p.m.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

CHARTER ORDINANCE NO. C-14

A CHARTER ORDINANCE TO DEFINE THE ROLE OF MAYOR AS CHIEF EXECUTIVE OFFICER AND TO ESTABLISH THE OFFICE OF CITY ADMINISTRATOR

WHEREAS, Section 66.0101 of the Wisconsin Statutes provides for the enactment of charter ordinances by the Common Council to enact, amend or repeal the charter, or any part of the charter, of the City and elect under that Section that any law relating to the local affairs and government of the City, other than those enactments of the legislature of statewide concern as shall with uniformity affect every city or every village, shall not apply to the City; and

WHEREAS, Section 105-11 of the City of St. Francis Code of Ordinances currently provides that the duties and responsibilities of Mayor shall be as set forth in Wis. Stat. sec. 62.09(8); and

WHEREAS, Wis. Stat. sec. 62.09(8)(a) provides, in part, that the mayor shall “be the chief executive officer” and that the mayor “shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties”; and

WHEREAS, Section 105-12 of the City of St. Francis Code of Ordinances currently provides for the establishment of the position of City Administrator; and

WHEREAS, questions have arisen as to the extent of authority to be exercised by the City Administrator as “Chief Administrative Officer” of the City and the Mayor as “Chief Executive Officer” of the City; and

WHEREAS, the Common Council finds that use of the authority granted under Section 66.0101 of the Wisconsin Statutes to amend the charter of the City of St. Francis for purposes of establishing the office and determining the authority of the City Administrator and to amend the City’s charter to define and establish the limits of the authority granted to a mayor as chief executive officer of the City will promote the governance and good order of the City, its commercial benefit, and the health, safety, and welfare of the public;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 105, Section 11, entitled "Mayor and Aldermen", Subsection B, entitled "Duties and powers", subparagraph 1, entitled "Mayor", is hereby repealed and recreated as Charter Ordinance 14 and codified as Section 105-11(B)(1) to read as follows:

§ 105-11. Mayor and Aldermen.

...

B. Duties and powers.

(1) Mayor. See § 62.09(8), Wis. Stats. The Mayor shall have such duties and powers as are enumerated in Ch. 62, Wis. Stats., and elsewhere in the statutes and this Code from time to time provided, however, that the City of St. Francis hereby elects not to be governed by those portions of sections 62.09(8)(a) of the Wisconsin Statutes, relating to the office of Mayor that are in conflict with the provisions of this Charter Ordinance enacted under Section 66.0101 of the Wisconsin Statutes:

(a) Serve as presiding officer at Council meetings as set forth in § **32-3** of this Code;

(b) Serve as a representative of the City at intergovernmental (e.g., Milwaukee County Intergovernmental Cooperative Council) and other meetings from time to time;

(c) Make all required appointments/reappointments to boards, commissions, and committees and all standing committees within the time periods set forth in the Wisconsin Statutes or this Code and, where no such time period is otherwise provided, within 60 days of the expiration of a term or the occurrence of a vacancy;

(d) Ensure timely communication of appointments, reappointments, and nonrenewal of appointments of citizens to boards, commissions, and committees;

(e) Pursue removal of citizens from boards, commissions, and committees in accordance with applicable provisions of the Wisconsin Statutes; and

(f) Obtain approval of the Council prior to the discipline or dismissal of any appointed official or employee of the City.

(g) The Mayor's exercise of the power granted under Wis. Stat. sec. 62.09(8)(a) to act as "chief executive officer" shall be limited to monitoring the activities of the City Administrator provided under Section 105-12 of this Code.

(h) The Mayor's exercise of the power granted under Wis. Stat. sec. 62.09(8)(a) to "take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties" shall be limited to bringing any and all questions, comments, concerns, and recommendations concerning the officers and employees and/or the various departments of city government to the attention of the City Administrator; it being the express intention of this Ordinance that the City Administrator be solely responsible for day-to-day operations of the City subject only to the control and management of the Council as a body and not any individual member of the Council including, but not limited to, the Mayor.

SECTION 2: Section 105-12 of the City of St. Francis Code of Ordinances is hereby repealed and recreated as Charter Ordinance No. C-14 of the City of St. Francis Code and codified as Section 105-12 to read as follows:

§ 105-12. Administrator.

- A. Office created. In order to provide the City of St. Francis with a more efficient, effective and responsible government under a system of a part-time mayor and part-time Common Council at a time when city government is becoming increasingly complex, there is hereby created the office of City Administrator for the City of St. Francis ("Administrator") to better ensure the competent, expeditious, efficient, and harmonious administration and action of the City and the uniform application of policies established by the Common Council.
- B. Appointment and term. The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office by a majority vote of the Common Council. The Administrator shall hold office for an indefinite term, subject to removal by a majority vote of the entire Common Council. This section shall not preclude the Common Council from establishing other employment terms and conditions, not inconsistent with the provisions of this Chapter or this Code.
- C. Powers.
 - (1) The Administrator shall have the combined positions of Administrator, Finance Director, Budget Director, Labor Negotiator, Human Resources Director, Purchasing Agent and Legislative Representative. Subject to the limitations defined in resolutions and ordinances of the City and, except as otherwise

modified by this Charter Ordinance the Wisconsin State Statutes, shall be the chief administrative officer of the City and shall have complete authority and responsibility to direct and control all City departments; except the fire, police and library departments to the extent employees in those departments are regulated by the Police & Fire Commission or the Library Board.

- (2) In granting the Administrator the powers set forth herein, it is expressly intended that the Administrator have sole responsibility for the day-to-day operations of the City subject only to the control and management of the Council as a body and not any individual member including, but not limited to, the Mayor.

D. Responsibilities to Mayor and Common Council. The responsibilities of the City Administrator to the Common Council shall include:

- (1) Attend all meetings of the Common Council, Finance Committee, and Bargaining Committee and all meetings of such other committees and commissions as the Mayor and Council shall direct unless excused by the Mayor and Council President, or by a majority of the Common Council.
- (2) Keep the Mayor and Common Council regularly informed about matters pertaining to the City and the activities of the Administrator's office through written and/or oral reports.
- (3) Supervise the preparation of the agenda and approve the content of the agenda and the order of business for all Council meetings. Nothing contained in this section shall be so construed as to give the Administrator authority to limit or in any way prevent matters from being considered following direction by the Common Council.
- (4) Assist the Mayor and Common Council in setting goals and objectives and implementation of programs to achieve them.
- (5) Submit, as deemed necessary, recommendations or suggestions for improving the health, safety, or welfare of the City and institute and operate a system so that City Departments and persons having business with the Mayor or Council or any City Department may properly and efficiently conduct such business.
- (6) Effectuate, or cause to be effectuated, all actions of the Common Council which require administrative implementation or where the Council has directed him/her to act.
- (7) Investigate and inform the Mayor and Common Council of the availability of state and federal funds and grants, and assist department heads in procuring such funds.
- (8) Act as the City's public information officer, to keep the news media informed about the City's operations.
- (9) Receive directives from the Mayor and Council President in the event that action normally requiring Common Council approval is necessary in an emergency situation and at a time when the Common Council cannot meet.
- (10) Perform such other duties and have such other responsibilities not inconsistent with law as may be prescribed by the Common Council.

E. Additional Responsibilities. The Administrator shall have the following duties and responsibilities:

- (1) Coordinate the operations of, and facilitate the cooperation of, all City departments, commissions and boards to maximize the efficiency of implementation of policies set by the Council, regardless of whether the City Administrator has direct authority over the departments, commissions or boards. This shall include, but is not limited to, making or directing studies as may be necessary to ensure the most economical, efficient operation of such departments and may require reports from them when deemed necessary.
- (2) Act as Personnel Officer for the City, including but not limited to, recommending salary, wage scales, benefits, terms and conditions of employment for those officers, officials, or employees not covered by collective bargaining agreements. Recommend to the Council the appointment, promotion, evaluation of City Employees. When necessary for the good order of the City, the City Administrator shall have authority to suspend or remove an employee under Section 26-12 of this Code or recommend the discipline or termination of any Department Head who is not subject to the jurisdiction of the Police & Fire Commission or Library Board. S/he shall establish and maintain a personnel file for all City departments.
- (3) Work with the Bargaining Committee and make whatever studies or surveys as are necessary for the proper conduct of negotiations with the various bargaining units. S/he shall hold preliminary meetings with representatives of bargaining units and with department heads and make recommendations to the Bargaining Committee.
- (4) Receive, coordinate, and authorize requests to the City Attorney and labor counsel for the City for legal opinions except as otherwise directed by the Common Council.
- (5) Work in cooperation with the department heads to resolve any personnel problems or grievances submitted.
- (6) Prepare in coordination with other department heads the annual City budget for submission to the Finance Committee and, once approved, administer the annual City budget.
- (7) Make such reports as the Finance Committee or Common Council may require as to the current status of budgeted items and review and report to the Mayor and Council any variations in the operation of the City Budget.
- (8) As purchasing agent, handle the administration of all purchasing of materials, supplies, equipment, and services for all departments of the City in accordance with the budget and policies established by the Common Council.
- (9) Work in conjunction with appropriate commercial, industrial, and citizen representatives to define the role of the City in promoting the economic well-being and growth of the City.
- (10) Supervise the accounting function of the City and ensure that the system employs methods in accordance with current professional accounting practices.

- (11) Serve as the City's legislative representative and appear on its behalf at hearings and meetings as directed by the Mayor and Council and coordinate services with other municipalities as authorized and directed by the Council.
- (12) Submit, as deemed necessary, recommendations or suggestions for improving the health, safety, or welfare of the City and institute and operate a system so that City Departments and persons having business with the Mayor or Council or any City Department may properly and efficiently conduct such business.
- (13) Establish and maintain procedures to facilitate communications between citizens and the City Departments, Mayor or Council to assure that complaints, concerns, recommendations, and other matters receive prompt attention by a responsible official and to assure that all such matters are expeditiously resolved.

F. Cooperation. All officers and employees of the City shall cooperate with, coordinate with, and assist the City Administrator so that the affairs of the City shall be most economically and harmoniously administered.

SECTION 3: All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby repealed provided, however, that such repeal shall not be construed to create any lapse or vacancy in the position of City Administrator.

SECTION 4: This Charter Ordinance shall be included in the Code of Ordinances as Charter Ordinance No. C-14 and shall be entitled, "A Charter Ordinance to Define the Role of Mayor as Chief Executive Officer and to Create the Office of City Administrator".

SECTION 5: 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 5: This is a Charter Ordinance and shall take effect sixty (60) days after its passage and publication, subject to the provisions of Wis. Stat. § 66.0101.

Passed and approved by a 2/3 vote of the Common Council this 17th day of February, 2016.

By: /s/CoryAnn St. Marie-Carls
CoryAnn St. Marie-Carls, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

Anne B. Uecker, City Clerk/Treasurer