

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

Present: Mayor Tutaj, Alderpersons Wattawa, Schandel, Brickner, McSweeney, and Klug

Also Present: City Administrator Johnsrud, City Attorney Alexy, Deputy City Clerk/Treasurer DeMores, Police Chief Dietrich, City Engineer Dejewski, Building Inspector Vretenar, Public Health Administrator Scott, Fire Lieutenant Jensen, and interested citizens

**Statement of Open Meetings Compliance:**

Deputy City Clerk/Treasurer DeMores stated that the meeting had been properly posted and noticed.

**Public Hearing:**

- Change of Zoning R-3 to R-3 SU (Special Use) 3701 S. Packard Ave.
- Change of Zoning B-1 to B-1 SU (Special Use) 3801 S. Kinnickinnic Ave.

**Presentation:**

- Resolution of Commendation for Service to the City of St. Francis conferred on Craig Vretenar

**Consent Agenda:**

Moved by Alderperson Brickner, seconded by Alderperson Schandel to place on file with reference in the minutes and approve the items as listed under Consent Agenda on the March 20, 2018 Common Council Agenda. Motion carried.

**Items Removed from Consent Agenda:**

None

**Recommendation of Action from Committees/Commissions/Boards:**

Moved by Alderperson Brickner, seconded by Alderperson Wattawa to approve a Beverage Operator's License for Jacob Bednarski and Stanford Kraft Jr. Motion carried.

Moved by Alderperson McSweeney, seconded by Alderperson Klug to approve as recommended by the Board of Public Works to charge a flat fee of \$200 for lawn cutting of lots one acre or less and Contractor cost plus \$140 Administration fee for lots over one acre; \$135 for string trimming of lots one acre or less and contractor cost per square foot plus administration fee of \$65 for lots over one acre. Motion carried.

Moved by Alderperson McSweeney, seconded by Alderperson Klug to approve as recommended by the Board of Public Works to change the street opening permit fees to the following: Utility permit review fee per property \$120; Utility permit inspection fee per property \$90. Note that this is per property that abuts the installation, not just for a connection to a property. Non-utility

permit review fee \$60; Non-utility permit inspection fee \$40. Note these permits are for property owners who are paying taxes that are already subsidizing salaries. Motion carried.

**Resolutions and Ordinances:**

Moved by Alderperson McSweeney, seconded by Alderperson Wattawa to introduce and adopt an Ordinance to Repeal and Recreate Section 105-7 of the City of St. Francis Code of Ordinances Concerning Vacancies in Elected Offices.

Moved by Alderperson McSweeney to call the question, seconded by Alderperson Klug. Motion carried with Alderperson Schandel voting “no”.

Vote on original motion to introduce and adopt an Ordinance to Repeal and Recreate Section 105-7 of the City of St. Francis Code of Ordinances Concerning Vacancies in Elected Offices. Motion carried with Alderperson Schandel voting “no”. **Ordinance No. 1424**

**Discussion Items with Possible Action:**

Mid America Steel Drum

Moved by Alderperson Brickner, seconded by Alderperson Wattawa to reconsider Fourth of July Committee appointments approved at March 6, 2018 Common Council meeting. Motion carried.

Moved by Alderperson Schandel, seconded by Alderperson Klug to refer Fourth of July Committee appointments to the April 4, 2018 Common Council meeting. Motion carried.

Moved by Alderperson Schandel, seconded by Alderperson Klug to accept offer from Eddie Smith with Category X, LLC band to declare the Performance Agreement null and void without any repercussions to the city. Motion carried.

Moved by Alderperson Brickner, seconded by Alderperson Klug to appoint City Administrator Johnsrud as Interim Zoning Administrator. Motion carried with Alderperson Schandel voting no.

**Appointments to Committees/Commissions/Boards:**

None

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

Moved by Alderperson Brickner, seconded by Alderperson Wattawa to refer correspondence from Police Chief Dietrich regarding donation of Semi-Trailer to the Planning Commission with possible rezoning of the DPW yard. Motion carried.

Moved by Alderperson McSweeney, seconded by Alderperson Wattawa to place on file with reference in the minutes the Certificate of the Municipal Board of Canvas for the Recall Election held March 13, 2018. Motion carried.

Moved by Alderperson Klug, seconded by Alderperson McSweeney to place on file the correspondence from City Engineer Dejewski regarding the purchase of a roller and vehicle lift equipment and to approve the purchase of the Bomag roller from Miller-Bradford in the amount of \$17,250 and the vehicle lift from Napa in the amount of \$38,700. Motion carried.

Moved by Alderperson Schandel to reconsider motion regarding cancellation of the Category X, LLC band contract and to accept donation of money from Cory Ann St. Marie-Carls. Motion Fails for lack of second.

**Adjourn:**

Moved by Alderperson Schandel, seconded by Alderperson Klug to adjourn. Motion carried.

Time: 8:45 p.m.

**STATE OF WISCONSIN**

**CITY OF ST. FRANCIS**

**MILWAUKEE COUNTY**

**ORDINANCE NO. 1424**

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 105-7  
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES  
CONCERNING VACANCIES IN ELECTED OFFICES**

WHEREAS, City of St. Francis Charter Ordinance C-13, entitled “A Charter Ordinance to Repeal Charter Ordinance No. C-6 of The City of St. Francis Code and Electing to Be Governed by Wisconsin Statutes Pertaining to Filling Vacancies in The Office of Alderperson” was adopted on February 22, 2012 pursuant to the authority granted under Wis. Stat. § 66.0101; and

WHEREAS, § 1 of Charter Ordinance No. C-13 of the City of St. Francis Code expressly provides that the state laws relating to the filling of a vacancy in the office of alderperson, as they may be amended from time to time, shall apply to the City of St. Francis; and

WHEREAS, § 2 of Charter Ordinance No. C-13 further provides that “All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby repealed”; and

WHEREAS Section 105-7 of the City of St. Francis Code of Ordinances contains terms and provisions contravening the provisions of Charter Ordinance C-13; and therefore, were repealed by the enactment of Charter Ordinance C-13; and

WHEREAS, Section 105-7 of the City of St. Francis Code of Ordinances contains terms and provisions contravening the provisions of Wis. Stat. § 17.23, which provides how vacancies in offices of cities “shall” be filled; and

WHEREAS, the Council finds that reconciling Section 105-7 of the City Code of Ordinances will correctly reflect the enactment of Charter Ordinance C-13 and the terms of Wis. Stat. § 105-7 and avoid confusion as to how offices vacancies in offices of the City shall be filled; and

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 105-7, entitled “Vacancies”, is hereby repealed and recreated to read as follows:

§ 105-7. Vacancies.

A. How occurring. Vacancies in elective and appointive positions occur as provided in §§ 17.03 and 17.035, Wis. Stats.

B. How filled. Vacancies in elective and appointive offices shall be filled as provided in § 17.23, Wis. Stats.

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 20th day of March 2018.

CITY OF ST. FRANCIS

BY: /s/ Ken Tutaj, Mayor

ATTEST: /s/ Anne Uecker, City Clerk/Treasurer