

MINUTES OF THE COMMON COUNCIL MEETING HELD AUGUST 7, 2018

The meeting was called to order at 7:11 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, Feirer, Damon and Drew

Also Present: City Administrator Johnsrud, City Attorney Alexy, City Clerk/Treasurer Uecker, City Engineer Dejewski, Fire Captain Trost, Police Chief Hunter and interested citizens

Excused: Fire Chief Poplar

Statement of Open Meetings Compliance:

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

Consent Agenda:

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to place on file with reference in the minutes and approve the items as listed under Consent Agenda on the August 7, 2018 Common Council Agenda. Motion carried.

Items Removed from Consent Agenda:

- None

Recommendation of Action from Committees/Commissions/Boards:

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve Beverage Operator's Licenses – New for Tina Kakatsch. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve the Modification of Premise for Mega Marts, LLC (Pick 'n Save) 4698 South Whitnall Avenue contingent upon external security cameras being installed and adequate lighting for the "Click List" designated area within 90 days. Motion carried with Alderman Wattawa voting "no."

Moved by Alderman Brickner, seconded by Alderman Damon to approve a Temporary "Class B" Extension of Premises for Fly By Saloon (James Stagg, Agent) for 4607 South Whitnall Avenue. Motion carried.

Moved by Alderman Brickner, seconded by Alderwoman Schandel to approve Beverage Operator's License – Renewals as listed on the August 7, 2018 License Committee Agenda. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve Temporary Beverage Operator's Licenses – St. Francis Days as listed on the August 7, 2018 License Committee Agenda. Motion carried.

MINUTES OF THE COMMON COUNCIL MEETING HELD AUGUST 7, 2018

Moved by Alderman Wattawa, seconded by Alderwoman Schandel to approve the Memorandum of Understanding between the City of St. Francis, Robert DiFrancesco and the St. Francis Professional Police Association. Motion carried.

Moved by Alderman Feirer, seconded by Alderwoman Schandel to concur with the recommendation from the Community Block Grant Advisory Board to approve Action Item #1 (provide Milwaukee County Housing Division and make available to developers an inventory of developable land that is suitable for affordable, high-density, multi-family housing) for 2018; Action Item #7 (train “first point of contact” staff to ensure that person requesting assistance for possible fair housing violations obtain timely and accurate information from anyone who may answer phone or fair housing inquiries from the public) for 2019; and Action Item #4 (make changes to zoning districts to better connect transportation to areas zoned for multi-family housing) for 2020 to comply with the required Affirmatively Furthering Fair Housing Requirements. Motion carried.

Moved by Alderman Feirer, seconded by Alderman Damon to concur with the recommendation from the Community Block Grant Advisory Board to approve the following projects for the 2019 Community Development Block Grant Applications: Code Compliance Officer, ADA Bathroom and Door Improvements at St. Francis Lion’s Club, St. Francis Home Improvement Revolving Loan Program, Sidewalk Replacement Program, ADA Bathroom Improvements at Vretenar Park and to commit \$2500 of entitlement funds to Interfaith of St. Francis/Cudahy. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Drew to concur with the recommendation from the Planning Commission to approve the changes in Section 455-52 of the City Zoning Code as presented at the June 27, 2018 Planning Commission meeting and to direct the City Clerk to set the public hearing. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Brickner to concur with the recommendation from the Planning Commission to approve the Certified Survey Map for 2030 East Cora Avenue contingent upon the technical corrections outlined in the letter from the City Engineer. Motion carried.

Resolutions and Ordinances:

Moved by Alderman Damon, seconded by Alderman Wattawa to introduce and adopt a Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for Purchase of Property. Motion carried. **Resolution No. 2765**

Moved by Alderman Drew, seconded by Alderwoman Schandel to introduce and adopt an Ordinance to Create Section 435-12(ED) of the City of St. Francis Code of Ordinances Regarding the Placement of Yield Signage on East Elizabeth Avenue at its Intersection with South Ahmedi Avenue in the City of St. Francis. Motion carried. **Ordinance No. 1431**

Moved by Alderman Wattawa, seconded by Alderman Feirer to introduce and adopt an Ordinance to Repeal and Recreate Sections 198-2, 198-3 and 198-4 of the City of St. Francis Code of Ordinances Concerning Building Permits and Inspections. Motion carried. **Ordinance No. 1432**

Discussion and Action Items:

- Mid America Steel Drum

Moved by Alderwoman Schandel, seconded by Alderman Drew to reopen Public Comments. Motion carried.

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

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to refer to the next Common Council meeting the correspondence from the City Engineer regarding the Special Privilege Permit for 3946 South Iowa Avenue and the Petition for Special Privilege Permit for 3946 South Iowa Avenue. Motion carried.

Adjourn:

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to adjourn. Motion carried.

Time: 8:04 p.m.

Resolution No. 2765

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING FOR PURCHASE OF PROPERTY

At a regular meeting of the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, held on the 7th day of August, 2018 a quorum being present and a majority of the Council voting therefore, said council does resolve as follows:

WHEREAS, the City of St. Francis, Wisconsin, Milwaukee County, Wisconsin (the "Issuer") plans to undertake the purchase of property parcel # 545-8909-003 and #545-8908-001; and

WHEREAS, the Issuer expects to finance the Project on a long-term basis by issuing tax-exempt bonds or other tax-exempt obligations (collectively, the "Bonds"); and

WHEREAS, because the Bonds will not be issued prior to commencement of the Project, the Issuer must provide interim financing to cover the costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, the St. Francis Common Council (the "Governing Body") of the Issuer deems it to be necessary, desirable and in the best interests of the Issuer to advance monies from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis, Milwaukee County, Wisconsin:

Section 1. Expenditure of Funds. The Issuer shall make expenditures as needed from its funds on hand to pay the cost of the Project until proceeds of the Bonds become available.

Section 2. Declaration of Official Intent. The Issuer hereby officially declares its intent under Treas. Reg. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$250,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Issuer pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. The Resolution shall be made available for public inspection at the office of the Issuer's Clerk within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

PASSED and APPROVED this 7th day of August, 2018.

/s/Ken Tutaj

Mayor Ken Tutaj

ATTEST:

/s/Anne B. Uecker

Anne Uecker City Clerk/Treasurer

STATE OF WISCONSIN CITY OF ST. FRANCIS MILWAUKEE COUNTY

ORDINANCE NO. 1431

**AN ORDINANCE TO CREATE SECTION 435-12(E)
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
REGARDING THE PLACEMENT OF YIELD SIGNAGE
ON EAST ELIZABETH AVENUE AT ITS
INTERSECTION WITH SOUTH AHMEDI AVENUE
IN THE CITY OF ST. FRANCIS**

WHEREAS, Section 435-12 of the City of St. Francis Code of Ordinances provides for the placement of yield signs at certain specified intersections within the City of St. Francis; and

WHEREAS, City of St. Francis Staff have recommended the placement of a yield sign on East Elizabeth Avenue at its intersection with South Ahmedi Avenue; and

WHEREAS, the Common Council finds that the establishment of the aforementioned yield signs will promote the health, safety, and welfare of the public; and

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

SECTION 1. Chapter 435, entitled “Vehicles and Traffic”; Section 435-12, entitled “Yield Signs”; subsection (E) is hereby created to read as follows:

§ 435-12. Yield signs.

In the interest of public safety, yield signs shall be erected on the following streets:

- A. South Alexander. Proceeding south, at its intersection with East Waterford Avenue.
- B. South Caufield Avenue. Proceeding south, at its intersection with East Waterford Avenue.
- C. East Elizabeth Avenue. At its intersection with South Arctic Avenue.
- D. East Armour Avenue. At its intersection with South Vermont Avenue.
- E. East Elizabeth Avenue. At its intersection with South Ahmedi Avenue.

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.

MINUTES OF THE COMMON COUNCIL MEETING HELD AUGUST 7, 2018

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 7th day of August 2018.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj
Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC
Anne B. Uecker, City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1432

**AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 198-2,
198-3, AND 198-4 OF
THE CITY OF ST. FRANCIS CODE OF ORDINANCES
CONCERNING BUILDING PERMITS AND INSPECTIONS**

WHEREAS, Chapter 198 of the City of St. Francis Code of Ordinances, establishes building regulations pertaining to the City of St. Francis; and

WHEREAS, the City has revised the manner in which it appoints a Building Inspector and the Common Council finds that revision to Chapter 198 of the Code to reflect that fact; and

WHEREAS, following adoption of this Ordinance, the Common Council intends to apply to the Wisconsin Department of Safety and Professional Services, Division of Industry Services, pursuant to Wis. Admin Code § SPS 361.60(5)(c) to do plan review of small commercial building projects and authorization pursuant to Wis. Stat. § 101.12(3)(g) to do inspections of all size buildings in lieu of said Department;

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

SECTION 1. Section 198-2 of the City of St. Francis Code of Ordinances, entitled "Building Inspector", is hereby repealed and recreated to read as follows:

§ 198-2. Building Inspector.

- A. Appointment. A Building shall be appointed as provided in § 105-15(A) of this Code.
- B. Powers and Duties. The Building Inspector shall have the powers and duties set forth in § 105-15 of this Code.

SECTION 2. Section 198-3 of the City of St. Francis Code of Ordinances, entitled "Building permits", is hereby repealed and recreated to read as follows:

§ 198-3. Building permits.

- A. Permit required. No person shall build or cause to be built any building or other structure, and no building, structure or part thereof shall be moved, built, enlarged, altered or demolished within the City without first submitting plans and specifications to the Building Inspector, paying the fee established by resolution of the Common Council, and obtaining a building permit for such building.
- B. Fee schedule. Before receiving a building permit the owner or his agent shall pay to the Building Inspector a permit fee. A copy of the current fee schedule is on file with the City Clerk. Final application of these fees is to be determined by the Building Inspection Department of the City of St. Francis and other related departments.

C. [Reserved.]

D. Grade to be obtained. No permit for any new building or structure shall be issued unless the applicant for such permit shall have first procured a proper grade from the City Engineer.

E. Access to utilities required. No permit for building any structure or building which in the judgment of the Building Inspector requires sewer or water facilities shall be issued unless the land on which such building or structure is to be located abuts or adjoins and provides easy and direct access to such sewer or water facilities.

F. Occupancy bond.

(1) Bond required. Any person requesting a building permit in the City of St. Francis for a building/structure that is subject to the certificate of occupancy requirements in § 455-50 of this Code shall, before a building permit is issued, deposit with the City Clerk/Treasurer a cash bond to ensure and guarantee to the City that the building/structure for which the building permit is requested shall not be occupied before an occupancy permit for such building/structure has been obtained. For a single-family residential building/structure, the cash bond shall equal \$1,000. For all other building/structures, the cash bond shall equal \$5,000.

(2) Definitions.

(a) Occupy. A building shall be considered to be occupied for the purposes of this section if any personal property, other than that absolutely necessary for construction of the building, has been moved into the building, or that any person, at any time, has used the building in the manner in which it is intended to be used upon completion.

(b) Certificate of occupancy permit. A certificate of occupancy shall mean a certificate of occupancy issued by the City of St. Francis under § 455-50 of this Code.

(c) Person. Person shall mean any individual, partnership, limited liability company, and bodies corporate or politic.

(3) Bond. The occupancy bond required under this section shall be held until all state and local codes are complied with prior to any person(s) occupying the property. This bond shall be returned upon issuance of a certificate of occupancy under § 455-50 of this Code, less 10% as the City's costs of administration.

(4) Forfeiture of occupancy bond. Failure to obtain a certificate of occupancy or occupying the property prior to receipt of an occupancy permit shall result in forfeiture of said deposit, in addition to any fine(s), costs, fees or penalties assessed as a result of this Code.

G. Erosion control and landscaping bond required.

(1) Responsibility for installation and maintenance of erosion control until landscaping established. Any person(s) that is constructing, any new building/structure; reconstructing any existing building/structure; and/or constructing any structural

exterior addition to any building/structure shall be responsible for fully installing and maintaining required erosion control measures until such time as the lawn and landscaping are established. The provisions of this section shall be deemed to apply whether such building/structure is residential, commercial, or industrial.

- (2) Cash bond required.
 - (a) Any person making application for a building permit for a building/structure regulated under Subsection **G(1)** above shall, before issuance of such building permit, post with the City Clerk/Treasurer a refundable cash bond to ensure that erosion control measures are maintained until such times as the lawn and landscaping are established and that landscaping is installed in accordance with approved plans.
- (3) For residential construction subject to the provisions of this Subsection **G**, a cash bond in the amount of \$3,000 shall be deposited with the City Clerk/Treasurer prior to the issuance of any building permit. For any commercial or industrial construction subject to the provisions of this Subsection **G**, a cash bond shall be deposited with the City Clerk/Treasurer prior to the issuance of any building permit in the amount determined by the City Engineer in his or her discretion, taking into consideration the projected cost of the BMPs and other facilities required in the approved erosion control plan together with a reasonable estimate of the cost of site stabilization and/or cleanup in the event of noncompliance with the approved erosion control plan and the cost of installation of landscaping in accordance with the approved landscaping plan.
- (4) Forfeiture of bond. If, at any time, the Building Inspector determines that erosion control measures have not been fully and properly installed or maintained, or that landscaping has not been fully or properly installed, the Building Inspector shall provide notice of said determination to the applicant for the building permit by personal service or United States Mail. If, after 24 hours from delivery of such notice, the violation(s) set forth in such notice have not been completely remedied, the entire cash bond shall be forfeited and another cash bond of an equal amount shall be provided to the City before work on the project may continue.
- (5) Duration of bond. The cash bond required under this Subsection **G** shall remain with the City Clerk/Treasurer until the Building Inspector, or their deputy, or the City Administrator shall inspect the premises upon which the project is being performed and determines whether the project is completed to a stage that no further need for the bond is required. If the Building Inspector or City Administrator find that the City has no further need for the bond, he or she may then authorize the City Clerk/Treasurer to return the balance remaining of said cash bond. Interest, if any, earned upon said cash bond shall belong to the City to defray the cost to the City of administering this section.
- (6) Unpaid balance to be placed on tax roll. In the event that the amount of the cash bond is insufficient to cover all cleanup and/or repair costs of the City, the property owner shall be billed for the balance owed, and if said bill remains unpaid after 30

days, the amount charged will be placed on the tax roll as a special charge pursuant to § 66.0627, Wis. Stats.

SECTION 3. Section 198-4 of the City of St. Francis Code of Ordinances, entitled "State codes adopted", is hereby repealed and recreated to read as follows:

§ 198-4. State codes adopted.

A. One- and two-family dwellings.

(1) Uniform Dwelling Code adopted. The Wisconsin Uniform Dwelling Code, Chs. SPS 320 through 325, Wis. Adm. Code, and all appendixes thereto, as amended from time to time, is adopted by reference as part of this chapter as though fully set forth herein.

(2) Building Inspector to enforce. The Building Inspector, as certified by the Department of Safety and Professional Services (SPS), and his designated representatives shall administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code.

(3) Building Inspector to collect fees. The Building Inspector shall collect any state fee required under the Uniform Dwelling Code when the building permit is issued. An additional fee shall be charged by the City for plan examination and additional costs incurred by the City in administering state code provisions.

B. Existing buildings, commercial structures and other structures.

(1) State Codes Adopted. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector and/or plans examiner, who shall be commercially certified by the WI Division of Industry Services.

Chs. SPS 302	Plan review fee schedules
Chs. SPS 360-366	Wisconsin Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914 Code
Chs. SPS 381-387	Wisconsin Plumbing Code

(2) Appointed Agent Responsibilities and Plan Review Process.

a. Appointed agent responsibilities. The Division of Industry Services has granted the municipality the authority to conduct Commercial Building, HVAC, Fire Alarm System, Fire Suppression System, and Plumbing plan reviews and inspections for buildings of any size.

b. Plan review process. Building, HVAC, Fire Alarm, and Fire Suppression System plans shall be submitted and reviewed in accordance with the procedures detailed in SPS 361. Applicants for plan review shall submit the following directly to the municipality:

1. Application form SBD-118.

2. Plan review fee per table SPS 302.31-2. Payment shall be made to the municipality.
3. Digital or hardcopy plans in accordance with SPS 361.

Plumbing plans shall be submitted and reviewed in accordance with the procedures detailed in SPS 382. Applicants for plan review shall submit the following directly to the municipality:

1. Application form SBD-6154.
 2. Plan review fee per table SPS 302.64-1. Payment shall be made to the municipality.
 3. Digital or hardcopy plans in accordance with SPS Table 382.20-2.
- c. Acceptance of DSPS review. The municipality will continue to accept any plan reviews conducted by the Division of Industry Services if applicants are unaware of the municipality's ability to conduct such plan reviews or choose to send their projects to the Division of Industry Services for review.
 - d. Optional waiver of plan review responsibility. The municipality may choose for any reason to waive their plan review responsibilities and require a building or building component be reviewed by the Division of Industry Services.
 - e. Building inspector, collection of fees. The building inspector authorized by the City to enforce the adopted codes and responsibilities shall be properly certified by the Division of Industry Services. The Building Inspector shall collect any state fee required when the building permit is issued. An additional fee shall be charged by the City for plan examination and additional costs incurred by the City in administering state code provisions.
- (3) Other structures. The Southeastern Wisconsin Uniform Building Code, as amended from time to time, is adopted and by reference made a part of this chapter as though set forth in full and shall apply to all other structures within the City and any item not provided for elsewhere in this chapter.
- C. State Fire Prevention Code. The provisions of the State Fire Prevention Code, as published by the Department of Safety and Professional Services, are adopted by reference and shall apply in the City.
 - D. Fair housing. The provisions of § 106.50, Wis. Stats., as it may be amended from time to time, exclusive of the penalty provision, are hereby adopted by reference. Such shall be enforced by the Building Inspector.

SECTION 4: 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

MINUTES OF THE COMMON COUNCIL MEETING HELD AUGUST 7, 2018

ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE.

This ordinance shall take effect following its 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 7th day of August 2018.

CITY OF ST. FRANCIS

BY: **/s/Ken Tutaj**_____

Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC_____

Anne Uecker, City Clerk/Treasurer