

## MINUTES OF THE COMMON COUNCIL MEETING HELD SEPTEMBER 18, 2018

The meeting was called to order at 7:08 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 Engineer Dejewski, Fire Chief Poplar, Police Chief Hunter, Public Health Administrator Scott and interested citizens

Excused: City Clerk/Treasurer Uecker

### **Statement of Open Meetings Compliance:**

City Engineer Dejewski stated that the meeting had been properly posted and noticed.

### **Presentation:**

#### **Consent Agenda:**

Moved by Alderman Brickner, seconded by Alderman Feirer to place on file with reference in the minutes and approve the items as listed under Consent Agenda on the September 18, 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 Damon to approve Beverage Operator's Licenses – New for Robert Girard and Patrick Regan. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Drew to concur with the recommendation from the Planning Commission to approve the Final Plat for the Sivyer East Plat contingent upon the minor technical corrections being made. Motion carried.

Moved by Alderman Feirer, seconded by Alderwoman Schandel to concur with the recommendation from the Board of Public Works to approve the 2019 5-Year Road Capital Plan. Motion carried.

Moved by Alderman Feirer, seconded by Alderwoman Schandel to concur with the recommendation from the Board of Public Works to approve the 2019 5-Year Sewer Capital Plan. Motion carried.

#### **Resolutions and Ordinances:**

Moved by Alderman Feirer, seconded by Alderman Drew to introduce and adopt a Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for Purchase of Property. Motion carried. **Resolution No. 2768**

Moved by Alderman Wattawa, seconded by Alderman Drew to introduce and adopt a Final Resolution Authorizing Asphalt Pavement, Concrete Curb and Gutter, and Related Work (East Denton Avenue from South Barland Avenue to South Packard Avenue). Motion carried. **Resolution No. 2769**

Moved by Alderman Wattawa, seconded by Alderwoman Schandel to introduce and adopt a Final Resolution Authorizing Asphalt Pavement, Concrete Curb and Gutter, and Related Work (South Nevada Avenue from East Bolivar Avenue to South Whitnall Avenue). Motion carried. **Resolution No. 2770**

Moved by Alderman Wattawa, seconded by Alderwoman Schandel to introduce and adopt a Final Resolution Authorizing Asphalt Pavement, Concrete Curb and Gutter, and Related Work (South Ahmedi Avenue from East Tripoli Avenue to East Cora Avenue). Motion carried. **Resolution No. 2771**

**Discussion and Action Items:**

- Mid America Steel Drum

Moved by Alderman Damon, seconded by Alderman Drew to refer to the next Common Council agenda the correspondence from The Landing at Park Shore regarding the unfinished A Wing pending a meeting with the Condo Association of The Landing at Park Shore. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to approve a temporary structure permit for 2018 for a seasonal walkway cover and direct staff to contact owner to inform them that the Common Council is requesting plans for a permanent structure within 60 days of the approval of the permit. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to place on file and refer to the Request for a Change of Zoning – 2227 E. St. Francis Avenue from R-3 to B-1 Special Use. Motion carried.

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

- None

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

## MINUTES OF THE COMMON COUNCIL MEETING HELD SEPTEMBER 18, 2018

Moved by Alderwoman Schandel, seconded by Alderman Brickner to place on file with reference in the minutes the correspondence from the City Engineer regarding award of Contract 3-2018 – 2018 Emerald Ash Borer Tree Injection Project Citywide subject to the reinstatement of the business as LLC in Wisconsin. Motion carried.

**Announcement by Mayor Concerning Closed Session:**

Mayor Tutaj made the required announcement.

**Convene into Closed Session: Roll Call Vote Required:**

Moved by Alderman Brickner, seconded by Alderman Damon to convene into closed session pursuant to Wis. Stat. sec. 19.85(1)(g) to confer with legal counsel for the purpose of obtaining oral or written advice concerning strategy to be adopted by the Council with respect to litigation in which it is or likely to become involved. Item of Discussion: 4125 South Lake Drive and 2040 East St. Francis Avenue. A roll call vote was taken. The following voted “aye”: Alderman Wattawa, Alderman Brickner, Alderman Drew, Alderwoman Schandel, Alderman Feirer, Alderman Damon. Motion carried.

Time: 7:53pm.

Moved by Alderwoman Schandel, seconded by Alderman Damon to reconvene into Open Session. Motion carried.

Time: 8:31pm.

Moved by Alderman Damon, seconded by Alderman Brickner to pursue Circuit Court action for properties located at 4125 S. Lake Drive and 2040 E. St. Francis Avenue pursuant to discussion in Closed Session. Motion carried.

**Adjourn:**

Moved by Alderman Damon, seconded by Alderman Drew to adjourn. Motion carried.

Time: 8:32pm.

## Resolution No. 2768

### 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 18<sup>th</sup> day of September, 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 # 591-0458-000; #591-0437-000; #591-0438-000 and #591-0439-000

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 18<sup>th</sup> day of September, 2018.

/s/Ken Tutaj

Mayor

MINUTES OF THE COMMON COUNCIL MEETING HELD SEPTEMBER 18, 2018

ATTEST:

**/s/Anne B. Uecker, MMC/WCPC**

City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

Resolution No. 2769

FINAL RESOLUTION AUTHORIZING ASPHALT PAVEMENT, CONCRETE CURB AND GUTTER, AND  
RELATED WORK

(E. Denton Avenue from S. Barland Avenue to S. Packard Avenue)

WHEREAS, the Common Council of the City of St. Francis, Wisconsin held a public hearing at the Council Chambers in the City Hall at 7:00 p.m. on September 19, 2017, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the City Engineer on the proposed public improvements (consisting of pavement, curb and gutter, storm sewer and related work on E. Denton Avenue from S. Barland Avenue to S. Packard Avenue and preliminary assessments against benefited property; and

WHEREAS, all persons desiring audience at such hearing were heard;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis as follows:

1. The report of the City Engineer, as modified, a copy of which is attached hereto and incorporated by reference as if fully set forth herein, including the plans and specifications and assessments, as set forth therein, is hereby adopted and approved.
2. The City Engineer, if it has not already been done, is directed to advertise for bids and supervise constructions of such improvements in accordance with the report of the City Engineer as modified.
3. The Common Council hereby determines that the proposed work constitutes an exercise of the police power, and that the property is benefited by, including, among other things, enhancement of value, better drainage, elimination of water ponding, controlled vehicular access, and a safer, smoother travel area. Where it is not possible to assess under the police power, then such assessment shall be according to benefits conferred.
4. That the payment for said improvements shall be made by assessing the entire cost to the properties as indicated in said report.
5. That the costs or benefits and damages shown on the report, as modified, have been determined on a reasonable basis and are hereby confirmed.

MINUTES OF THE COMMON COUNCIL MEETING HELD SEPTEMBER 18, 2018

6. That the assessments for all projects included in said report are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or all assessments jointly for any purpose.
7. Assessments shall be paid as provided in § 61-11 of the City of St. Francis Code of Ordinances. The assessments may be paid in cash or in ten (10) annual installments to the City Treasurer, with deferred payments to bear interest at the rate of prime plus 0.5% with a maximum 7% per annum on the unpaid balance, with the prime interest rate determined as of the date of final billing by the Office of the City Clerk. All assessments or installments that are not paid when they come due shall be extended upon the tax roll, together with interest and penalties as provided in § 61-11 of the City of St. Francis Code of Ordinances, and collected in the same manner as real estate taxes.
8. The City Clerk shall publish this resolution as a Class 1 notice under Chapter 985, Wisconsin Statutes in the assessment district. Upon publication of this resolution, all work or improvements therein described and all awards, compensations and assessments arising there from are deemed legally authorized and made, and a lien of assessment hereby attaches to each parcel of land affected.
9. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against the benefited property, together with notice of installment payment privileges, to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.
10. SEVERABILITY. The several sections of this resolution 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 resolution. The remainder of the resolution shall remain in full force and effect. Any other resolution whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.
11. EFFECTIVE DATE. This resolution shall take effect immediately upon passage and publication as provided by law.

PASSED AND APPROVED at a regular meeting of the Common Council of the City of St. Francis this 18th day of September, 2018.

CITY OF ST. FRANCIS

By: /s/Ken Tutaj

Mayor

MINUTES OF THE COMMON COUNCIL MEETING HELD SEPTEMBER 18, 2018

ATTEST:

**/s/Anne B. Uecker, MMC/WCPC**

Anne B. Uecker, MMC/WCPC

City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

Resolution No. 2770

FINAL RESOLUTION AUTHORIZING CONCRETE PAVEMENT, CONCRETE CURB AND GUTTER, AND  
RELATED WORK

(S. Nevada Avenue from E. Bolivar Avenue to S. Whitnall Avenue)

WHEREAS, the Common Council of the City of St. Francis, Wisconsin held a public hearing at the Council Chambers in the City Hall at 7:00 p.m. on October 6, 2015, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the City Engineer on the proposed public improvements (consisting of pavement, curb and gutter, storm sewer and related work on S. Nevada Avenue from E. Bolivar Avenue to S. Whitnall Avenue and preliminary assessments against benefited property; and

WHEREAS, all persons desiring audience at such hearing were heard;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis as follows:

12. The report of the City Engineer, as modified, a copy of which is attached hereto and incorporated by reference as if fully set forth herein, including the plans and specifications and assessments, as set forth therein, is hereby adopted and approved.
13. The City Engineer, if it has not already been done, is directed to advertise for bids and supervise constructions of such improvements in accordance with the report of the City Engineer as modified.
14. The Common Council hereby determines that the proposed work constitutes an exercise of the police power, and that the property is benefited by, including, among other things, enhancement of value, better drainage, elimination of water ponding, controlled vehicular access, and a safer, smoother travel area. Where it is not possible to assess under the police power, then such assessment shall be according to benefits conferred.
15. That the payment for said improvements shall be made by assessing the entire cost to the properties as indicated in said report.
16. That the costs or benefits and damages shown on the report, as modified, have been determined on a reasonable basis and are hereby confirmed.

MINUTES OF THE COMMON COUNCIL MEETING HELD SEPTEMBER 18, 2018

17. That the assessments for all projects included in said report are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or all assessments jointly for any purpose.
18. Assessments shall be paid as provided in § 61-11 of the City of St. Francis Code of Ordinances. The assessments may be paid in cash or in ten (10) annual installments to the City Treasurer, with deferred payments to bear interest at the rate of prime plus 0.5% with a maximum 7% per annum on the unpaid balance, with the prime interest rate determined as of the date of final billing by the Office of the City Clerk. All assessments or installments that are not paid when they come due shall be extended upon the tax roll, together with interest and penalties as provided in § 61-11 of the City of St. Francis Code of Ordinances, and collected in the same manner as real estate taxes.
19. The City Clerk shall publish this resolution as a Class 1 notice under Chapter 985, Wisconsin Statutes in the assessment district. Upon publication of this resolution, all work or improvements therein described and all awards, compensations and assessments arising there from are deemed legally authorized and made, and a lien of assessment hereby attaches to each parcel of land affected.
20. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against the benefited property, together with notice of installment payment privileges, to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.
21. SEVERABILITY. The several sections of this resolution 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 resolution. The remainder of the resolution shall remain in full force and effect. Any other resolution whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.
22. EFFECTIVE DATE. This resolution shall take effect immediately upon passage and publication as provided by law.

PASSED AND APPROVED at a regular meeting of the Common Council of the City of St. Francis this 18th day of September, 2018.

CITY OF ST. FRANCIS

By: /s/Ken Tutaj  
Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

Anne B. Uecker, MMC/WCPC

City Clerk/Treasurer

Resolution No. 2771

FINAL RESOLUTION AUTHORIZING ASPHALT PAVEMENT, CONCRETE CURB AND GUTTER, AND  
RELATED WORK

(S. Ahmedi Avenue from E. Tripoli Avenue to E. Cora Avenue)

WHEREAS, the Common Council of the City of St. Francis, Wisconsin held a public hearing at the Council Chambers in the City Hall at 7:00 p.m. on July 18, 2017, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the City Engineer on the proposed public improvements (consisting of pavement, curb and gutter, storm sewer and related work on S. Ahmedi Avenue from E. Tripoli Avenue to E. Cora Avenue and preliminary assessments against benefited property; and

WHEREAS, all persons desiring audience at such hearing were heard;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis as follows:

23. The report of the City Engineer, as modified, a copy of which is attached hereto and incorporated by reference as if fully set forth herein, including the plans and specifications and assessments, as set forth therein, is hereby adopted and approved.
24. The City Engineer, if it has not already been done, is directed to advertise for bids and supervise constructions of such improvements in accordance with the report of the City Engineer as modified.
25. The Common Council hereby determines that the proposed work constitutes an exercise of the police power, and that the property is benefited by, including, among other things, enhancement of value, better drainage, elimination of water ponding, controlled vehicular access, and a safer, smoother travel area. Where it is not possible to assess under the police power, then such assessment shall be according to benefits conferred.
26. That the payment for said improvements shall be made by assessing the entire cost to the properties as indicated in said report.
27. That the costs or benefits and damages shown on the report, as modified, have been determined on a reasonable basis and are hereby confirmed.
28. That the assessments for all projects included in said report are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or all assessments jointly for any purpose.

29. Assessments shall be paid as provided in § 61-11 of the City of St. Francis Code of Ordinances. The assessments may be paid in cash or in ten (10) annual installments to the City Treasurer, with deferred payments to bear interest at the rate of prime plus 0.5% with a maximum 7% per annum on the unpaid balance, with the prime interest rate determined as of the date of final billing by the Office of the City Clerk. All assessments or installments that are not paid when they come due shall be extended upon the tax roll, together with interest and penalties as provided in § 61-11 of the City of St. Francis Code of Ordinances, and collected in the same manner as real estate taxes.
30. The City Clerk shall publish this resolution as a Class 1 notice under Chapter 985, Wisconsin Statutes in the assessment district. Upon publication of this resolution, all work or improvements therein described and all awards, compensations and assessments arising there from are deemed legally authorized and made, and a lien of assessment hereby attaches to each parcel of land affected.
31. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against the benefited property, together with notice of installment payment privileges, to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.
32. SEVERABILITY. The several sections of this resolution 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 resolution. The remainder of the resolution shall remain in full force and effect. Any other resolution whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.
33. EFFECTIVE DATE. This resolution shall take effect immediately upon passage and publication as provided by law.

PASSED AND APPROVED at a regular meeting of the Common Council of the City of St. Francis this 18th day of September, 2018.

CITY OF ST. FRANCIS

By: /s/Ken Tutaj

Mayor

ATTEST:

**/s/Anne B. Uecker, MMC/WCPC** \_\_\_\_\_

Anne B. Uecker, MMC/WCPC

City Clerk/Treasurer