



Legislative Committee Agenda

January 7, 2020
5:45 p.m.

Civic Center West Committee Room

Roll Call:

Alderspersons Wattawa, Feirer, Drew

1. Call to Order
2. Approval of the minutes of the Legislative Committee meeting held May 30, 2018 - [Legislative Minutes 05-30-2018](#)
3. Discussion and Action Items:
 - TIF Bill Opposition Letter - [Sample letter - Please Oppose AB 623-SB 560](#)
4. 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
MAY 30, 2018**

Present: Alderpersons Wattawa, Feirer, Drew

Also Present: City Administrator Johnsrud, City Attorney Alexy, City Clerk/Treasurer Uecker, City Engineer Dejewski, Public Health Administrator Scott, Alderwoman Schandel, interested citizens

Alderman Wattawa called the meeting to order at 5:45 p.m.

Election of a Committee Chair:

Alderman Drew nominated Alderman Feirer as the Chair.

Moved by Alderman Wattawa, seconded by Alderman Drew to close nominations. Motion carried.

Alderman Feirer was unanimously voted as Chair.

Minute Approval:

Moved by Alderman Wattawa, seconded by Alderman Drew to place on file with reference in the minutes the minutes of the Legislative Committee meeting held February 21, 2018. Motion carried.

Discussion and Action Items:

Moved by Alderman Wattawa, seconded by Alderman Drew to allow citizens to speak at the Committee meeting. Motion carried.

Janis Schandel

Alderwoman Schandel addressed the Committee regarding the issue of Exterior Lighting. She stated that it is an issue. She also wanted to address the Pit Bull ban/vicious animal ordinance. She has received emails and also agrees that the ban should not be lifted. She also brought out additional pay if the City Administrator were the Zoning Administrator and is opposed to that.

Karen Sparapani

MADACC Executive Director

Ms. Sparapani stated she was thrilled that the City is looking at removing the ban for this type of dog. She said it gives the illusion of safety – any problem with an animal is directly related to the owner. Clear cut rules are needed for citizens to follow no matter what the breed of dog. A dog's breed has nothing to do with biting or being vicious. Educating and teaching people about their animals is what is important.

Dawn Czarnecki

4554 South Vermont Avenue

Ms. Czarnecki stated that you can't visually tell what a pit bull is. She would like the City to have a vicious dog ordinance and it not be breed specific. She reiterated that it is the owner responsibility.

Randy Adams

3930 South Iowa Avenue

Mr. Adams is concerned about the exterior lighting issue. He read a statement regarding exterior lighting and that it can also be a form of harassment. He feels it is a nuisance when there is excessive use of exterior lighting. He stated that there is a property on Howard Avenue that is an example of this

excessive use and how it affects the neighbors. He is asking the Committee to enact a light ordinance in the City. He stated that it is always daylight in the neighborhood and it is also affecting wildlife.

James Taylor

4544 South Vermont Avenue

Mr. Taylor stated that he is concerned because of the children in the neighborhood.

Heather Glynn

Ms. Glynn is speaking more from the medical perspective of the pit bull issue. She stated that there are more bites with pit bulls. She did agree that education is needed regarding pit bulls and offered areas to obtain more information and research.

Jessica Kois

3434 East Norwich Avenue

Ms. Kois asked for consideration for the ban to be lifted. She stated that there is more the City could do than just completely removing the ban or leaving it as is. The suggestion that owners could be required to take a training class, to ensure that the yard area is safe – it would put the responsibility on the owner. There are other ways to ensure safety of our citizens.

Mayor Tutaj addressed the Committee. He stated that this is sensitive and wants all sides to be heard. An informed decision should be made on the true facts.

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 – City Attorney Alexy stated that this is due to the retirement of the Building Inspector and this ordinance states that the Building Inspector should be the Zoning Administrator. With a contracted service for building inspection, this issue needs to be addressed. This would simply reflect the Zoning Administrator that Chapter 105 would designate the Zoning Administrator. The bulk of the ordinance regarding the Zoning Administrator would be found there. Appropriate action would be to recommend to the Council to refer this to the Planning Commission and then a public hearing would be held with the Common Council.

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 – City Attorney Alexy stated that this ordinance moves the Zoning Administrator duties from the Building Inspector to the City Administrator. There may come a time that it would be advantageous to have a different individual serve in the Zoning Administrator position. It would be removed from the Building Inspector's position and in addition a new section in Chapter 105 creating the position of Zoning Administrator and authorizes the Council to appoint a Zoning Administrator either indefinite or by contract.

Alderman Wattawa questioned some of the language included regarding issuance of building permits and thought it was removed from the ordinance. City Attorney Alexy clarified that it was not included in the amended draft ordinance that was sent to the Committee prior to the meeting.

Moved by Alderman Wattawa, seconded by Alderman Drew to refer to the Planning Commission 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. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Drew to recommend approval to the Common Council the 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. Motion carried.

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 – City Attorney Alexy gave the history regarding limits of hours of construction, time and noise. There was a change in State Statutes regarding municipalities from having a differential about hours on Saturdays. This ordinance would comply with State Statutes and delineate hours for private citizens who have construction activity.

Moved by Alderman Wattawa, seconded by Alderman Drew to recommend to the Common Council the approval of 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. Motion carried.

Aesthetic Control Board – increasing number of voting members – City Administrator Johnsrud stated that there are currently 3 members. It is hard to get a quorum for meetings which is why there is a request to increase membership. The recommendation would be to increase the number to 5 with the Zoning Administrator would be a non-voting member, so therefore 5 voting members and the Zoning Administrator would be the staff support person.

Moved by Alderman Wattawa, seconded by Alderman Drew to direct the City Attorney to prepare an ordinance to change the membership of the Aesthetic Control Board and to forward that ordinance to the Common Council. Motion carried.

Pit Bull Ban/Vicious Animal Ordinance - Alderman Wattawa asked Public Health Administrator Scott to tell the Committee what the City currently does with dog bites. She stated that it is difficult to verbally identify if the dog is a pit bull. She stated the City does have a dangerous/vicious dog ordinance and the pit bull breed specific was added years ago when pit bull bites were more prevalent.

Chairman Feirer stated that Cudahy has a good example of an ordinance regarding vicious dogs/pit bulls. It addresses responsible dog ownership. He doesn't agree with a complete lifting of the ban or an ordinance that is breed specific. Guidelines are needed to restrict vicious dogs. He felt that more research needs to be done, but thinks that this is one of the things that Cudahy is doing right and modify what they are doing to fit the needs of St. Francis.

Alderman Drew also did research on pit bulls as well and how altering the dog (spay/neuter) affects the behavior of the dog. He also feels that more research needs to be done prior to making any decisions.

Alderman Wattawa doesn't agree with the ban. He believes it is all about the owners. He feels we need to look at the vicious dog ordinance and fine tune that and not banning pit bulls.

Moved by Alderman Drew, seconded by Alderman Wattawa to table this issue to the next Legislative Committee meeting so that the members can do more research. Motion carried.

Exterior Lighting Issue – City Administrator Johnsrud stated that there is a lighting standard in the zoning code but doesn't apply to residential single-family/multi-family homes. Those ordinances could be applied to the single/two family homes. It does become an enforcement issue with ambient/glaring lighting. He felt that the current code is the place to start looking regarding this issue. If someone is intentionally directing lighting into someone's window, etc. that is addressed with the Police Department and is a disorderly conduct charge. Staff can research this issue and how the current code can be enforced for residential properties and suggested changes to enhance restrictions for consideration at the next Legislative Committee meeting.

Short-Term Rentals – Air BNB - Alderman Wattawa stated that this was an issue brought up in the past and City Attorney Alexy stated that State Statutes control what can be done regarding this due to property rights. Is this something that the Committee wants staff to explore for future legislation? No issues have been brought to the attention of the City. City Administrator Johnsrud stated that this is regulated by State Statute, so it may not be an issue for the City. Alderman Wattawa questioned if the City is missing out on revenue that could be generated on this. Again, the City can only regulate this if the rental is over 7 days.

Alley Parking Regulations - Alderman Wattawa stated that this was a concern brought up by a previous alderman. This is an issue during winter for plowing. There is an ordinance on the books that regulates cars in alleys. City Engineer Dejewski felt that no further legislation was needed for this issue as the existing ordinance is being used to address the issue of alley parking.

Records Retention Ordinance – City Attorney Alexy stated that the City's records retention ordinance needs to be updated and revised. It would need to be approved by the State's Records Retention Board and they only meet four times a year. Most records need to be kept for 7 years, but the issue now is videos for squad car video and body cameras. The Records Retention Board can allow the City to change those retention times and make a more expansive records retention ordinance. City Attorney Alexy will prepare the ordinance for the next Council meeting.

Meeting Notices – City Attorney Alexy stated this will address how the Council will handle public comment at meetings. Over time there have been differing positions on public comments and the length of them. Discussion has been over time regarding the 5 minute time period allowed for Citizen Comments on the agenda and what is allowed for public comment at meetings. If the Council wants to have a change in how they do business, staff is looking for direction moving forward. City Administrator Johnsrud stated that if someone can't make a public meeting and they present a letter, is that officially read into the record or can it be given to the Council – there is no policy on that and staff has had to make that determination. Most communities have less than 5 minutes for public comments. Ground rules for what is permitted and length of time to speak should be established and then have a public

hearing with the Common Council and then a policy can be adopted. Staff will have a draft policy for the next Legislative Committee meeting. Alderman Drew agreed that there should be a time limit for citizen input but that it should be included on the agenda for all committees.

Garbage Collection - City Engineer Dejewski explained the process and services offered in the City. City Attorney Alexy stated that this was on the agenda because of the timing in which people put out and remove garbage cans. This is addressed specifically in a current ordinance. City Engineer Dejewski stated that if they are made aware of an issue, they do address it. No modifications or changes are suggested regarding timing of placement and removal of containers. Modification would be due to using an all cart system.

Social Media Policy – City Attorney Alexy informed the Committee that this is in regarding to the timing of the newsletter and the smaller issue of the newsletter sent in the past. Also should they be allowed more than quarterly? City Administrator Johnsrud stated that there is a policy in place regarding the newsletter, but felt that this is more about elected officials making comments/statements on Facebook, Linked In, Twitter, etc. as to who is responsible for maintaining the records. If communications aren't run through the City server, the City doesn't "hold" the records so in an Open Records Request, the elected official is the responsible party for their own records.

Firearms Ordinance – City Attorney Alexy stated that the City does have an ordinance regarding firearms but needs to be updated because of the statutes regarding concealed carry laws. The City needs to update the ordinance so it is more compliant with State Statute. He also brought up to allowing concealed carry in the Civic Center administration area as it was banned in the past at the old City Hall location. City Administrator Johnsrud also discussed the firearms ban signage. Many municipalities have removed signage. Staff is looking for direction regarding making changes per State Statute and any changes due to the ability to carry within the Civic Center itself.

Moved by Alderman Drew, seconded by Alderman Wattawa to direct the City Attorney to prepare the appropriate changes to the City's firearms ordinance to comply with State Statute and to carrying concealed weapons in the Civic Center. Motion carried.

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

Time: 7:24 p.m.

Sen. Duey Strobel
Room 18 South
State Capitol
PO Box 7882
Madison, WI 53707

Dear Sen. Strobel,

I am writing to urge you to oppose Senate Bill 560 and Assembly Bill 623 – legislation that aims to artificially cap developer incentives for projects in tax incremental financing (TIF) districts. The proposal will significantly diminish the value of TIF, prevent key economic development projects across the state and put Wisconsin at a competitive disadvantage.

As you know, TIF, which has been used in Wisconsin since 1975, is a unique funding tool utilized by communities to spur economic development that would not otherwise occur. It allows Wisconsin communities to attract private investment, spur critical development projects and grow the local tax base. Tax incremental financing is the only consistently reliable financial incentive tool available in Wisconsin to promote development and growth.

The 20 percent cap on developer incentives proposed by AB 623 / SB 560 would restrict the flexibility needed by municipalities to attract and execute key development projects. For example, municipalities would lack the ability to redevelop blighted sites where demolition and environmental remediation costs are major hurdles. Without adequate developer incentives and gap financing, many of these redevelopment projects are not economically feasible for developers and are highly unlikely to occur.

The legislation would also create a “one-size-fits-all” approach to local economic development. Constructing delicate economic development deals requires creativity at the municipal level. By thwarting local control over tax incremental financing and project deal structure, Wisconsin communities will lose development projects – potentially to other states.

In fact, there are many projects across the state that would not have occurred and future projects that will likely not happen under the proposed legislation. According to a leading municipal financial advisor, at least 68 TIF projects the company has worked on over the past three years would not have happened had AB 623 / SB 560 been law.

In closing, I would again urge you to oppose AB 623 / SB 560. The legislation would erode local control, diminish the success of TIF, and ultimately limit development opportunities – putting Wisconsin at a disadvantage.

Thank you for your consideration. Should you have any questions, please do not hesitate to contact me.

Sincerely,