

## MINUTES OF THE COMMON COUNCIL MEETING HELD FEBRUARY 5, 2019

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, Feirer, Damon and Drew

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

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

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

### **Public Hearing:**

- None

### **Presentation:**

- None

### **Consent Agenda:**

Moved by Alderman Feirer, seconded by Alderman Brickner to place on file with reference in the minutes and approve the items as listed under Consent Agenda on the February 5, 2019 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 Dilshad Hussain and Theodore Lyngaas. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve a Cigarette and Tobacco Products Retail License for Dolgencorp, LLC d/b/a Dollar General Store #19325 – 3048 East Layton Avenue. Motion carried.

Moved by Alderman Damon, seconded by Alderman Feirer to concur with the Community Development Authority recommendation to sell the property at 1306 East Bolivar Avenue and to bring the site to closure with the DNR. Motion carried.

### **Resolutions and Ordinances:**

Moved by Alderwoman Schandel, seconded by Alderman Drew to introduce and adopt an Ordinance to Repeal and Recreate §61-17 of the City of St. Francis Code of Ordinances Concerning Payment of Fees and Other Claims and Taxes Before License or Permit Issuance. Motion carried.

### **Ordinance No. 1441**

**Discussion and Action Items:**

- Mid America Steel Drum

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

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to concur with the Mayor's appointment of Vikki Dominski and Alderman Matt Damon to the South Milwaukee/St. Francis Board of Health and to notify the City of South Milwaukee of the appointments. Motion carried.

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

- None

**Convene into Closed Session:**

Moved by Alderman Brickner, seconded by Alderman Wattawa to convene into closed session pursuant to Wisconsin Statute sec. 19.85(1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – VN Enterprises, Mid America Steel Drum and Ratkowski Claim. The following voted "aye": Alderman Damon, Alderman Feirer, Alderwoman Schandel, Alderman Drew, Alderman Brickner and Alderman Wattawa. Motion carried.

Time: 7:45 p.m.

Moved by Alderman Feirer, seconded by Alderman Brickner to reconvene into Open Session. Motion carried.

Time: 8:28 p.m.

Moved by Alderman Damon, seconded by Alderman Feirer to authorize the City Administrator to pursue resolution of the Ratkowski claim. Motion carried.

**Adjourn:**

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

Time: 8:30 p.m.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

**ORDINANCE NO. 1441**

**AN ORDINANCE TO REPEAL AND RECREATE § 61-17  
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES  
CONCERNING PAYMENT OF FEES AND OTHER CLAIMS AND TAXES BEFORE  
LICENSE OR PERMIT ISSUANCE**

The Common Council of the City of St. Francis, Milwaukee County, Wisconsin DO  
ORDAIN AS FOLLOWS:

SECTION 1. Chapter 61, Section 17, entitled “Fees, claims, and taxes to be paid”, is hereby repealed and recreated as follows:

**61-17 Fees, claims and taxes to be paid.**

- A. No license, permit or certification shall be granted for any premises upon which any charge, tax, assessment, or other claim(s) of the City are delinquent and unpaid or to any person delinquent in payment of any tax, forfeiture, assessment or other claim(s) of the City. This section shall not be construed as limiting any person from obtaining a dog license or from initially obtaining a building permit under Chapter 198 of this Code provided, however, that no permit or certification of occupancy shall be issued without compliance with this Section.
- B. Alleged errors in amount(s) claimed to be due the City may be appealed to the Finance Committee of the Common Council as follows:
  - 1. Within five days of being notified of an amount claimed due under this § 61-17, the person seeking the appeal shall pay the amount claimed and file a written notice of appeal with the City Clerk-Treasurer stating the basis for the appeal and specifying the alleged error. Thereafter, the applicant may file the application for the license or permit if otherwise qualified.
  - 2. As soon as practicable, the Finance Committee shall hold a hearing at which the person shall present evidence to substantiate the claimed error and call witnesses on his/her own behalf. Evidence and/or witnesses to refute the alleged error(s) may be presented by the City. Any witness called shall be subject to cross-examination. The applicant may be represented by legal counsel.
  - 3. After the hearing, the Finance Committee shall by majority vote make findings of fact and conclusions and shall correct any established error(s). Any amount received by the City under § 61-17(B)(1) that is found by the Finance Committee to have been claimed in error shall be referred to the Common Council for action to approve such refund together with interest at the rate of 12% per annum from the date the amount was paid to the City to the date of refund.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or

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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 5<sup>th</sup> day of February 2019.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj

Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

City Clerk/Treasurer