



Common Council Meeting - Amended Agenda

Tuesday, July 19, 2022 at 7:00 pm

Meeting Location

3400 East Howard Avenue, St. Francis, WI 53235

1. Roll Call:

Mayor Ken Tutaj

Alderpersons Steve Wattawa, Sarah Calderon, Donald Brickner, Shawn Feirer, Matt Damon, Debbie Fliss

2. Telephonic Meeting Participation Request:

3. Statement of Open Meetings Compliance:

City Clerk to announce that the meeting has been properly posted

4. Public Hearings:

- None

5. Presentation:

- None

6. Citizens Comments:

- Comments are limited to 2 minutes

7. Consent Agenda:

(Items under the consent agenda may be acted upon by one motion. If in the judgment of any Council Member, a consent agenda item needs discussion, the item can be removed and discussed under "Items Removed from Consent Agenda")

a. Minutes of the Common Council meeting held

- July 5, 2022

Attachments:

- [Council Minutes 07-05-2022](#)
- #### 2. Minutes of the License Committee meeting held

b. Minutes of the License Committee meeting held

- July 5, 2022

Attachments:

- [License Minutes 07-05-2022](#)
- 3. Minutes of the Celebrations Committee meeting held**

c. Minutes of the Celebrations Committee meetings held

- June 16, 2022
- June 30, 2022

Attachments:

- [Celebration Minutes 06-16-2022](#)
 - [Celebration Minutes 06-30-2022](#)
- 4. Minutes of the Board of Public Works meeting held**

d. Minutes of the Board of Public Works meeting held

- May 12, 2022

Attachments:

- [BPW Minutes 05-12-2022](#)

e. Voucher List dated July 19, 2022 in the amount of \$414,757.51

- 5. Voucher List dated July 19, 2022 in the amount of \$414,757.51**

Attachments:

- [Voucher List 07-19-2022](#)

8. Items Removed from Consent Agenda:

9. Recommendation of Action from Committees/Commissions/Boards:

a. Action to be taken from the License Committee meeting held

- July 19, 2022

Attachments:

- [License Committee Agenda 07-19-2022](#)
- 1. Action to be taken from the Finance Committee Meeting**

b. Action to be taken from the Finance Committee Meeting

- Finance Committee Agenda 07-19-2022

Attachments:

- [Finance Committee Agenda 07-19-2022](#)

10. Resolutions and Ordinances:

a. Resolution Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement

- [Resolution - DNR Principal Forgiven Agreement](#)

b. Ordinance to Repeal and Recreate Chapter 105 of the City of St. Francis Code of Ordinances, "Officers and Employees"

- [Ordinance - Chapter 105](#)

11. Discussion Items with Possible Action:

- Application for Block Party/Street Closing - 3255 East Koenig Avenue
- Eastern Wisconsin Kestrel Project

Attachments:

- [Block Party/Street Closing Application](#)
- [Eastern WI Kestrel Project](#)

12. Appointments to Committees/Commissions/Boards:

a. Action concerning any currently outstanding appointments to Committees, Commissions and Boards provided for under the City of St. Francis Code

(none)

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

a. Correspondence dated July 13, 2022 from Terra Rosenblatt re: Memorial Bench

- Email from Terra Rosenblatt re: Memorial Bench for Helen Wozniak

Attachments:

- [Email re: Memorial Bench donation](#)

14. Unfinished Business:

- None

15. Other Business:

- None

16. Comments on Prior, Present and Potential Agenda Items:

a. Department Heads

City Engineers Report - July 2022

Attachments:

- [Engineer's Report July 2022](#)

- b. City Attorney
- c. City Administrator
- d. Alderpersons
- e. Mayor

17. Announcement by Mayor Concerning Closed Session

18. Convene into Closed Session

Roll Call Required

Convene into Closed Session pursuant to Wis. Stat. Sec. 19.85(1)(c) and (e) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a Closed Session. Items for discussion: City Engineer; Dispatch Contract with the City of Oak Creek

19. Reconvene Into Open Session

Upon conclusion of the Closed Session item, the Council will reconvene into Open Session prior to acting on any matter that needs to be acted upon in Open Session.

20. Adjourn

NOTE: The Council may discuss other matters as authorized by law. Some of the correspondence, ordinances and resolutions may or may not be acted upon or discussed by Council.

One or more members of the Common Council may participate telephonically.

PUBLIC NOTICE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public meetings, who 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.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 105 OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES, "OFFICERS AND EMPLOYEES"

WHEREAS, Chapter 105-6 of the City of St. Francis Code of Ordinances provides for the appointment, powers and duties of officers and employees of the City of St. Francis; and

WHEREAS, the Common Council finds that the public health, safety, and welfare will be promoted by revision of Chapter 105 to reflect current positions within the City of St. Francis, reflect the duties and responsibilities of such positions, remove gender-specific references, and harmonize the duties and responsibilities of individual City officers and employees with the Common Council’s intention to, to the extent permitted under applicable Wisconsin Statutes, vest the City Administrator with the authority to provide day to day operational control and direction to City Departments and employees subject to the oversight of the Mayor and Common Council and subject to the specific authority granted by statute to the Police and Fire Commission and Board of Public Works.

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

SECTION 1: Chapter 105, entitled “Officers and Employees”, is hereby repealed and recreated to read as follows:

Chapter 105. Officers and Employees

§ 105-1. Mayor — Alderman Plan.

The City of St. Francis shall be organized and governed under Ch. 62, Wis. Stats., known as the "Mayor — Alderman Plan."

§ 105-2. Elected officials.

A. Enumerated. The elected officials of the City shall be the following:

[Amended 9-17-2002 by Charter Ord. No. C-9; 11-19-2002 by Charter Ord. No. C-10^[1]]

Official	When Elected
Mayor	Even-numbered years
Aldermen	3 each even-numbered year
Municipal Judge	Even-numbered years

[1] *Editor's Note: Charter Ordinance Nos. C-9 and C-10 are also included in Ch. A500, Charter Ordinances, of the Code.*

B. Term. Officials enumerated in Subsection A shall continue in office until their successors have been elected and qualified.

C. Primary election.

(1) When required. Whenever three or more candidates file nomination papers for a City office, a primary election shall be held for the nomination of candidates for such office.

(2) Applicable statute. See § 8.11(1), Wis. Stats.

§ 105-3. Appointed officials.

[Amended 9-17-2002 by Charter Ord. No. C-9¹¹; 6-5-2018 by Ord. No. 1429]

The appointed officials of the City shall be the following:

Official	How Appointed	Term
City Administrator	Mayor, subject to confirmation by the Council	Indefinite
City Attorney	Mayor, subject to confirmation by the Council	Indefinite
Assessor	Mayor, subject to confirmation by the Council	Indefinite or by contract
Building Inspector	Mayor, subject to confirmation by the Council	Indefinite or by contract
Electrical Inspector	Mayor, subject to confirmation by the Council	Indefinite
City Engineer	Mayor, subject to confirmation by the Council	Indefinite
Executive Secretary	Mayor, subject to confirmation by the Council	Indefinite
Fire Chief	Police and Fire Commission	Indefinite
Medical Advisor	Mayor, subject to confirmation by the Council	Indefinite
Plumbing Inspector	Mayor, subject to confirmation by the Council	Indefinite
<u>Librarian</u>	<u>Library Board</u>	<u>Indefinite.</u>
Police Chief	Police and Fire Commission	Indefinite
Highway Superintendent	Mayor, subject to confirmation by the Council	2 <u>years Indefinite</u>
Health Officer/Public Health Administrator	Mayor, subject to confirmation by the Council	Indefinite or by contract
City Clerk/ <u>Treasurer</u>	Mayor, subject to confirmation by the Council	Indefinite
City Treasurer	Mayor, subject to confirmation by the Council	Indefinite

Official	How Appointed	Term
Weed Commissioner	Mayor, subject to confirmation by the Council	1 year
Zoning Administrator	Council	Indefinite or by contract

[1] *Editor's Note: A copy of Charter Ordinance No. C-9 is included in Ch. A500, Charter Ordinances, of the Code.*

§ 105-4. Oaths.

Elected and appointed officials shall take and file the official oath within 10 days after notice of their election or appointment.

§ 105-5. Bonds.

- A. Pursuant to certain Wisconsin Statutes, the City of St. Francis hereby requires bonds for the following officers, and the amount of each bond is as follows:
 - (1) City Clerk/Treasurer [§ 62.09(4)(b), Wis. Stats.] in the amount of \$75,000.
 - (2) City Comptroller [§ 62.09(4)(b), Wis. Stats.] in the amount of \$2,000.
 - (3) Chief of Police [§ 62.09(4)(b), Wis. Stats.] in the amount of \$2,000.
 - (4) Municipal Judge [§ 755.03(1), Wis. Stats.] in the amount of \$2,000.
- B. In addition to those required by statute, the City of St. Francis hereby specifically requires the following specific bond: City Administrator, in the amount of \$2,000.
- C. All of the above bonds shall be approved by the Mayor.
- D. Pursuant to § 70.67, Wis. Stats., and as previously ordained by the City of St. Francis in Ordinance No. 40, passed December 15, 1953,¹¹ the Common Council of the City of St. Francis agrees and binds the City of St. Francis to pay, in case the City Clerk/Treasurer or his or her successor in office shall fail so to do, all taxes of any kind required by law to be paid by said City Clerk/Treasurer or his successor in office to the County Treasurer or his successor in office.

[1] *Editor's Note: See now Ch. 61, Finance and Taxation, § 61-7.*

- E. Pursuant to the authority granted in §§ 19.01(8) and 62.09(4)(d), Wis. Stats., the City of St. Francis shall pay the cost of all of the above bonds and charge to the fund appropriated in the budget for each such department or officer.

§ 105-6. Removals.

[Amended 6-18-2019 by Ord. No. 1452]

- A. Elected officials. Elected officials may be removed by the Common Council as provided in §§ 17.12(1)(a) and 17.16, Wis. Stats.
- B. Appointed officials. Appointed officials of the City enumerated in § 105-3 of this Code may be removed by the Common Council as provided in §§ 17.12(3m) and 17.16, Wis. Stats., by the affirmative vote of 3/4 of all the members of the Common Council as provided in § 17.12(1)(d), Wis. Stats. Pursuant to § 17.12(4), Wis. Stats., however, this subparagraph B shall not be deemed to apply to any appointed official who is subject to the jurisdiction of the

Police and Fire Commission under Wis. Stat. § 62.13, Wis. Stats.

§ 105-7. Vacancies.

[Amended 7-1-2008 by Ord. No. 1259; 3-20-2018 by Ord. No. 1424]

- 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.

§ 105-8. Salaries.

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the Common Council from time to time, provided that the salary of the Mayor and members of the Council shall not be increased during their terms of office. (See § 66.0505, Wis. Stats.)

§ 105-9. Code of Ethics.

- A. Section 19.59 adopted by reference. Section 19.59, Wis. Stats., entitled “Codes of ethics for local government officials, employees and candidates”, including as it may be amended and renumbered from time to time, is hereby incorporated by reference as though fully set forth herein.
- B. ~~No person covered under this section shall engage in any activity nor have an interest in any activity that conflicts with the person's position with the City. [Reserved.]~~
- C. ~~It shall not be a violation of this section if a person covered hereunder receives meals, goods and services in connection with the performance of his official duties, provided that the total of such items for a calendar year does not exceed:~~ Since Wis. Stat. § 19.59 restricts persons covered by this section from personally profiting from holding public office (apart from receiving such salary and expenses to which the official is entitled) and from participating in decisions in which the official has a personal financial interest, no person covered by this section may:
 - (1) Accept items or services of substantial value for private benefit, or for the benefit of their immediate family or associated organizations, if offered because of public position; or
 - (2) Accept (and no one may offer or give) anything of value that could reasonably be expected to influence the person's vote, official action or judgment; or
 - (3) Accept (and no one may offer or give) anything of value that could reasonably be considered a reward for any official action or inaction.
 - ~~(1) For a part-time elected official, 5% of his gross salary.~~
 - ~~(2) For a full-time appointed official, 2 1/2% of his gross salary.~~
- D. Application. This section shall only apply to all elected officials, candidates for elected office from the time they have filed nomination papers or declaration of candidacy (whichever occurs first) with the City Clerk/Treasurer, and appointed officials designated in § 105-3 of this chapter from the time of their actual appointment.

§ 105-10. Residency.

[Amended 7-1-2008 by Ord. No. 1259; 12-4-2012 by Ord. No. 1329; 9-17-2013 by Ord. No. 1351]

- A. Required for Fire and Police employees and appointees. Except as otherwise authorized by the Common Council from time-to-time within by collective bargaining agreement(s), Pursuant pursuant to § 66.0502, Wis. Stats., all full-time regular employees, all part-time or temporary employees, and all paid-on-call personnel of the City of St. Francis Fire and Police Departments shall reside within 15 miles of the jurisdictional limits of the City of St. Francis.
- B. The residency requirements under § **105-10A** shall not be deemed to apply to any volunteer law enforcement, fire, or emergency personnel who are employees of the City of St. Francis. Volunteer law enforcement, fire, or emergency personnel, as with other employees of the City are encouraged to reside within the City of St. Francis, but are not required to do so as a condition of employment.
- C. Residency map.
 - (1) The City Engineer shall prepare and maintain on file a map that accurately depicts a fifteen-mile radius of the jurisdictional limits of the City of St. Francis. Said residency map shall be available for inspection during normal business hours for the Engineering Department.
 - (2) Any employee subject to the requirements of § **105-10A** may request a determination by the City Administrator as to whether residency at a particular parcel will constitute compliance with this section. A determination issued by the City Administrator under this section shall be prima facie evidence of compliance with this section.
 - (3) For purposes of this section, if any part of a particular lot or parcel of land is within 15 miles of the jurisdictional limits of the City of St. Francis, residency on any part of such particular lot shall be deemed to be permissible for purposes of this section.
- D. Compliance within one year. Any person who is subject to the requirements of § **105-10A** who is not a resident of the City of St. Francis when employed or appointed, or if already employed or appointed at the time this section becomes effective, shall establish residency within the City within one year from the date of such employment or appointment.
- E. Failure to comply.
 - (1) Establishment and maintenance of residency required under § 105-10(A) of this Code shall be deemed a condition of continued employment by the City of St. Francis.
 - (2) Failure of any probationary fire or police employee or appointee who is subject to § **105-10A** to establish residency is not established within the time limit set forth above shall be deemed to be a violation of any probationary appointment and shall result in the dismissal of such employee without recourse.
 - (3) Any non-probationary employee subject to § **105-10A** shall, in the event of noncompliance with this § **105-10**, be subject to removal by the Council or, where applicable under § 62.13(5), Wis. Stats., by the Police and Fire Commission. Initiation of charges and hearings before the Police and Fire Commission shall be as provided in § 62.13(5), Wis. Stats.

§ 105-11. Mayor and Aldermen.

[Amended 5-17-2005 by Ord. No. 1185; 12-18-2012 by Ord. No. 1330]

A. Election and term. See § 105-2.

B. Duties and powers.

(1) Mayor. (See § 62.09(8), Wis. Stats.) The Mayor shall have such duties and powers as are enumerated in Ch. 62, Wis. Stats., and elsewhere in the statutes and this Code from time to time. Such duties and powers shall be construed to include a duty for the Mayor to:

- (a) Serve as presiding officer at Council meetings as set forth in § 32-3 of this Code;
- (b) Serve as a representative of the City at intergovernmental (e.g., Milwaukee County Intergovernmental Cooperative Council) and other meetings from time to time;
- (c) Make all required appointments/reappointments to boards, commissions, and committees and all standing committees within the time periods set forth in the Wisconsin Statutes or this Code and, where no such time period is otherwise provided, within 60 days of the expiration of a term or the occurrence of a vacancy;
- (d) Ensure timely communication of appointments, reappointments, and nonrenewal of appointments of citizens to boards, commissions, and committees;
- (e) Pursue removal of citizens from boards, commissions, and committees in accordance with applicable provisions of the Wisconsin Statutes; and
- (f) Obtain approval of the Council prior to the discipline or dismissal of any appointed official or employee of the City.

(2) Common Council. See § 62.11, Wis. Stats.

- (a) The Mayor and Aldermen shall constitute the Common Council.
- (b) The Mayor shall not be counted in determining whether a quorum is present at a meeting, but may vote in case of a tie. When the Mayor does vote in case of a tie, the Mayor's vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure.
- (c) Except as otherwise expressly provided by statute or within this Code, no individual member of the Council shall have the authority to direct day-to-day operations of any City department.

(3) Aldermen. Aldermen shall have such duties and powers as are enumerated in Ch. 62, Wis. Stats., and elsewhere in the statutes and this Code from time to time. Such duties and powers shall be construed to include a duty for Aldermen to:

- (a) Be responsible to taxpayers for all fiduciary decisions;
- (b) Be responsive to constituents in a timely manner;
- (c) Attend City Council meetings and ~~committee~~-meetings as-of such committees that he or she has been appointed to by the Mayor and confirmed by the Council;
- (d) Communicate with department heads as needed; and
- (e) (Represent the City from time to time at events and functions associated with the City.

C. The Common Council shall be deemed to have all powers of the City not specifically given to some other body or officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, utilities,

and the public service and may act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare, and convenience of the public and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeiture, and other necessary or convenient means. The Common Council may appoint such officers from time to time as may be deemed necessary for the benefit of the community. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

D. Other provisions. See also Chapter 32, Common Council, of this Code.

§ 105-12. Administrator.

[Amended 7-1-2008 by Ord. No. 1259; 3-15-2011 by Ord. No. 1298]

A. Appointment and term. See § 105-3.

B. Duties and powers. The Administrator shall have the combined positions of Administrator, Finance Director, Budget Director, Labor Negotiator, Purchasing Agent, and Legislative Representative. Subject to limitations defined in resolutions and ordinances of the City, s/he shall be the chief administrative officer of the City, being vested by the Common Council with the authority to supervise all City departments, responsible only to the Mayor and the Common Council for proper administration of the business and affairs of the City under the state statutes, the ordinances of the City and the resolutions and directions of the Common Council, with the following duties and responsibilities. The Administrator shall:

- (1) Have charge and oversight of ~~Be responsible for~~ City functions consistent with the provisions of this Code and for effectuating all actions and policies of the Common Council which require administrative implementation or where the Mayor and Council have directed him/her to act. Each Department Head shall be responsible for the general day-to-day administration of personnel under their authority. The overall authority and responsibility for the general day-to-day administration of personnel is vested with the City Administrator.
- (2) ~~Be responsible for coordinating the~~ Supervise the administrative activities of all City departments. This shall include, but is not limited to:
 - (a) ~~Providing day-to-day administrative direction for all City departments as deemed necessary by the City Administrator to ensure the most economical and efficient operation of each department.~~
 - (b) ~~making~~ Making, or directing, or requesting any studies.
 - (2)(c) ~~as necessary to ensure the most economical, efficient operation of such departments and may require~~ Directing the head of any City department to make such report(s) from them when deemed necessary by the City Administrator for the efficient operation of the City.
- (3) Attend all meetings of the Common Council, Finance Committee, and Bargaining Committee and all meetings of such other committees, ~~and~~ commissions and boards as the Mayor and Council ~~shall~~ may direct from time to time.
- (4) Supervise the preparation of the agenda and approve the content of the agenda and the order of business for all Council meetings as provided in § 32-6 of this Code. Nothing contained in this section shall be so construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Council.

[Amended 12-18-2012 by Ord. No. 1331]

(5) Act as Personnel Officer for the City, including but not limited to:

(a) Having approval of the hiring, promotion, and discipline of all City employees except those listed in § 105-3 of this Code and those City employees who are subject to the jurisdiction of the Police and Fire Commission under Wis. Stat. § 62.13.

(b) recommending ~~Recommending~~ salary, wage scales, and working conditions to the Common Council for those officers, officials, or employees that are not covered by a collective bargaining agreements. S/he shall establish

(c) Establishment and maintain~~aintenance of~~ a personnel file for all City ~~departments~~employees and for obtaining and approving a table of organization from the head of each City department from time to time for inclusion in an overall table of organization for submission to the Common Council from time-to-time. -

~~(5)(d)~~ Supervise the department heads in efforts to resolve any grievances that may be submitted.

[Amended 12-18-2012 by Ord. No. 1331]

(6) Work with the Bargaining Committee and make whatever studies or surveys as are necessary for the proper conduct of negotiations with the various bargaining units. S/he shall hold preliminary meetings with representatives of bargaining units and with department heads and make recommendations to the Bargaining Committee.

~~(7) Work in cooperation with the department heads to resolve any grievances submitted.~~

~~(8)(7)~~ Prepare in coordination with other department heads the annual City budget for submission to the Finance Committee.

~~(9)(8)~~ Make such reports as the Mayor and Common Council may require as to the current status of budgeted items, advise the Mayor and Common Council with respect to any proposed revisions to the adopted budget, and review and report to the Mayor and Council any variations in the operation of the City Budget.

~~(10)(9)~~ As purchasing agent, ~~handle~~supervise the preparation of requests for proposals, the administration of contracts, and the~~supervise the~~ administration of all purchasing of materials, supplies, equipment, and services for all departments of the City in accordance with the budgeting policy adopted by the Common Council from time-to-time.

~~(11)(10)~~ Investigate and inform the Mayor and Common Council of the availability of state and federal funds and grants, and assist department heads in procuring such funds.

~~(12)(11)~~ Serve as the City's legislative representative and appear on its behalf at hearings and meetings as directed by the Mayor or Council.

~~(13)(12)~~ Submit, as deemed necessary, recommendations or suggestions for improving the health, safety, or welfare of the City and institute and operate a system so that City Departments and persons having business with the Mayor or Council or any ~~city~~City ~~d~~Department may properly and efficiently conduct such business.

~~(14)(13)~~ Perform such other duties and have such other responsibilities not inconsistent with law as may be prescribed by the Mayor and Council.

C. Cooperation and Authority. ~~All~~In addition to those powers expressly granted the City Administrator under this §105-12, all officers and employees of the City shall cooperate with and assist the City Administrator so that the affairs of the City shall be most economically

and harmoniously administered.

§ 105-13. Assessor.

- A. Appointment. The Assessor shall be appointed by the Mayor subject to confirmation by the Common Council. Such Assessor may be an individual employed by the City or an outside firm contracted by the City in accordance with § 62.09(1)(c), Wis. Stats. If an individual is employed, such appointee shall serve a probationary period of six months. During such period a probationer may be discharged by the appointive power without right of appeal if during the period of probation the appointive power deems him unfit or unsatisfactory for service. After such probationary period is completed, such Assessor may be removed only for cause by the Common Council by an affirmative vote of 3/4 of all the members thereof. The word "cause" as used herein means inefficiency, neglect of duty, official misconduct or misfeasance or malfeasance in office. If an outside firm is contracted, the appointment under such contract shall designate a specific individual who will serve as the City Assessor and said contract shall be for such length as the Common Council may determine by entering into such contract.
- B. Powers and duties. The Assessor shall perform such duties as prescribed by the Wisconsin Statutes, as they may be amended from time to time, and such other duties as shall be described by the State Department of Revenue, ~~and~~ the City Administrator and the Common Council, including attendance at all meetings of the Board of Review.

[1] *Editor's Note: See also Ch. 129, § 129-9, Confidentiality of information provided to Assessor.*

§ 105-14. Attorney.

[Amended 4-5-2005 by Ord. No. 1182]

- A. Appointment and term. See § 105-3.
- B. ~~Applicable statute~~ Duties and powers. See § 62.09, Wis. Stats.
- C. Compensation. The City Attorney, and any Assistant City Attorney appointed by the City Attorney pursuant to § 62.09, may be compensated pursuant to terms set by the Common Council.

§ 105-15. Building Inspector.

- A. Appointment. The Building Inspector shall be appointed by the Mayor subject to confirmation by the Common Council. Such Building Inspector may be an individual employed by the City or an outside firm contracted by the City. If an individual is employed, such appointee shall serve a probationary period of six months. During such period a probationer may be discharged by the appointive power without right of appeal if during the period of probation the appointive power deems him unfit or unsatisfactory for service. After such probationary period is completed, such Building Inspector may be removed only for cause by the Common Council by an affirmative vote of 3/4 of all the members thereof. The word "cause" as used herein means inefficiency, neglect of duty, official misconduct or misfeasance or malfeasance in office. If an outside firm is contracted, such appointment shall be for such length as the Common Council may determine by entering the period set forth into in such contract and the termination provisions of such contract shall control.
- B. Powers and duties.
 - (1) Enforcement. The Building Inspector shall work in conjunction with the City

Administrator and City Attorney to enforce all State statutes, administrative code provisions, and ordinances or laws over which he the Building Inspector has jurisdiction, which includes but is not limited to the erection, alteration, repair and removal of buildings in accordance with the provisions of Chapter 198, Building Construction, of this Code, and any lawful orders issued by the Wisconsin Department of Commerce or any other agency of the state.

- (2) Building permits. The Building Inspector shall issue, collect fees and bonds for, and perform inspections pertaining to- all building permits to erect, construct, or reconstruct any buildings or other structure required within the City under § 198-3 of this Code. and The Building Inspector shall initiate all proceedings on unsightly coordinate with the City Administrator and, as necessary, the City Attorney, concerning actions and proceedings for premises in violation of the provisions of this Code.
- (3) Records. He The Building Inspector shall keep record of:
 - (a) Applications for building permits in a book for such purpose and shall number each permit in the order of its issuance.
 - (b) Number, description, and size of all buildings erected, indicating the kinds of materials used and the costs of these buildings to the extent such cost information is available.
 - (c) All inspections made and all removals and condemnations of buildings and a record of all fees collected by him, showing the date of their receipt and delivery to the City Clerk/Treasurer.
- (4) Reports. The Building Inspector shall submit such regular reports as are required by the City Administrator or the Common Council.^[1]

[1] *Editor's Note: Former Subsection B(5), Zoning Administrator, was repealed 6-5-2018 by Ord. No. 1429.*

§ 105-16. Clerk/Treasurer.

A. Appointment. The City Clerk/Treasurer shall be appointed as designated in § 105-3 of this chapter.

B. Powers and duties. The City Clerk/Treasurer shall:

- (1) and have Have the duties and responsibilities of a City Clerk and City Treasurer as set forth in the Wisconsin Statutes and this Code, as they may be amended from time to time.
- (2) Constitute a department head, having the authority to direct the day-to-day activities of the Deputy Clerk/Treasurer and such other full- and part-time personnel serving in the office of the City Clerk/Treasurer subject to the direction of the Common Council, Mayor and City Administrator.

§ 105-17. Comptroller.

There is hereby established as a separate entity the position of Comptroller, pursuant to § 62.09(10), Wis. Stats. Said The City Clerk/Treasurer shall perform the duties of Comptroller and shall have the powers and duties prescribed by such statute Wis. Stat. § 62.09(1) and as set forth in any pertinent ordinance or resolution adopted by the Common Council from time-to-time.

§ 105-18. Electrical Inspector.

A. Appointment and term. See § 105-3 of this chapter.

B. Powers and duties.

- (1) Enforcement. The Electrical Inspector shall coordinate with the City Administrator and, as necessary, the City Attorney to enforce all ordinances and laws over which the Electrical Inspector has jurisdiction, including but not limited to those relating to electrical work as defined by Chapter 237, Electrical Standards, of this Code.
- (2) Permits. The Electrical Inspector shall issue all permits and perform all related inspections for electrical work for which a permit is required under this Code.
- (3) Records. The Electrical Inspector shall keep a record of all permits issued for electrical work, all inspections made and all other official work performed, arranged to provide prompt information concerning electrical work performed within the City.
- (4) Reports. ~~He~~ The Electrical Inspector shall file such regular reports covering issuance of permits and inspections as are required by the Common Council, ~~or Mayor, or City Administrator.~~^[1]

[1] *Editor's Note: Original § 1.16(3), Powers and duties as Sealer of Weights and Measures, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 105-27C.*

§ 105-19. Engineer.

A. Appointment and term. See § 105-3 of this chapter.

B. Qualifications. The City Engineer shall be a registered professional engineer licensed by the State of Wisconsin.

C. Powers and duties. The Engineer shall also ~~act~~ serve as Director of Public Works and subject to the Wisconsin Statutes and provisions of this Code ~~he~~ shall have, among others, the following powers and duties:

- (1) ~~He shall have d~~Direct administrative and technical charge activities of the Engineering Department.
- (2) ~~;~~ ~~he shall act~~ Serve as technical consultant to all departments of the City; ~~he shall~~.
- (3) ~~make~~ Make assignments of work and supervise the preparation of plans and specifications for, and the actual construction of, storm and sanitary sewers, water mains, sewer and water laterals, pavements, buildings, streetlight systems and other public works.
- (4) ~~;~~ ~~he shall serve~~ Serve as advisor to the Common Council on engineering matters by making reports of engineering problems. In addition, the City Engineer may make such investigations and reports of engineering problems related to the efficient operation of engineering matters as may be authorized or -requested from time-to-time by the Common Council, Mayor, Board of Public Works, or City Administrator.
- (5) ~~and by assisting~~ Assist in assessing special benefits and damages.
- (6) ~~;~~ ~~he shall exercise~~ Exercise administrative control over all the ordinary business operations of the Engineering Department by approving requisitions for budgeted supplies, -time records for hourly employees, payrolls, vouchers, and other routine documents, ~~and~~ preparing for work program and budget estimates for the Engineering

~~Department and all other departments under his control~~ Public Works Department and such other budgets as requested by the City Administrator from time-to-time.

~~(7)~~ (7) ~~;~~ ~~he shall carry~~ Carry out the duties assigned and specified in § 62.14(7), Wis. Stats., or as required by law and such other additional duties as may be designated by the Council, Board of Public Works, Mayor, or City Administrator; ~~and he shall do related work as required by the Council and the Board of Public Works.~~

~~(8)~~ (8) ~~Subject to direction of the Common Council and the Board of Public Works, he shall be responsible for:~~

~~(2)~~ (9) ~~the administration of all public works and he shall have the general charge and~~ Be responsible for recommendation and implementation ~~supervision~~ of all maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, street signs; ~~and~~ house numbering; ~~;~~ traffic control devices, signs and markings; ~~;~~ storm sewers, culverts and drainage facilities; ~~;~~ sanitary and storm sewers; ~~;~~ water mains; ~~;~~ City buildings and structures; and all machinery and equipment used by the Department of Public Works and provide assistance to other City Departments with respect to the maintenance and repair of other machinery and equipment owned and/or used by the City ~~in any activity under his control.~~

~~(3)~~ (10) ~~He shall have charge~~ Supervise the proper performance of ~~such~~ public services provided by the City, including, but not limited to, as ~~garbage, recycling and refuse collection and disposal;~~ snow and ice removal; ~~;~~ street cleaning and flushing; and such other activities as may be assigned ~~to him~~ from time to time by the Common Council or Board of Public Works.

~~(4)~~ (4) ~~He shall appoint, subject to approval of the Council, all heads and other personnel of all departments and activities under his supervision. See also Chapter 26, Civil Service, § 26-6.~~

~~(5)~~ (11) ~~He shall attend~~ Attend all meetings of the Common Council, Board of Public Works and Planning Commission unless excused by the Mayor or City Administrator; ~~He shall from time to time submit to such Board or the Common Council such suggestions and recommendations as in his opinion shall contribute to more efficient operation of the various departments and activities under his supervision.~~

§ 105-20. ~~[Reserved Executive Secretary.]~~

~~A. Appointment and term. See § 105-3 of this chapter.~~

~~B. Duties and responsibilities. The Executive Secretary shall be directly responsible to the Mayor and the City Administrator and indirectly responsible to the Common Council and shall have duties and responsibilities as follows:^[1]~~

~~(1) Serve as confidential secretary to the Mayor and City Administrator.~~

~~(2) Perform such duties, under the direction of the City Administrator, as assigned by the Mayor or Council.~~

~~(3) Prepare studies, reports, and analyses regarding labor negotiations and other matters and prepare confidential information and memoranda for use by the Mayor, Administrator, and Common Council or such other committees as the Mayor or Council may direct.~~

~~(4) Perform other duties and responsibilities as directed.~~

~~[1] Editor's Note: Amended at time of adoption of Code (see Ch. I, General~~

Provisions, Art. II).

~~C. Confidentiality. Because of the confidentiality of the position, the Executive Secretary shall not be appointed subject to civil service rules. The salary and other emoluments of such office shall be established from time to time by the Council.~~

§ 105-21. Fire Chief.

- A. Appointment and term. See § 105-3.
- B. Duties and powers. See, Wis. Stat. §§ 62.09(8)(d), 101.14, 165.55, and 213.095, and Chapter 63, Fire Department, and Chapter 245, Fire Prevention, of this Code. The Fire Chief shall also serve as the Emergency Government Director under Chapter 57 of this Code.

§ 105-22. Highway Superintendent.

- A. Appointment and term. See § 105-3.
- B. ~~[Reserved.] Conditions of employment. Appointment shall be subject to termination without cause at the discretion of either the Common Council or the City Engineer upon 90 days' written notice prior to termination. The Common Council may suspend with or without pay or dismiss the Highway Superintendent for cause at any time. This position is not in the civil service of the City and is not governed by civil service rules and regulations. The Highway Superintendent shall comply with the residency requirements of the City.^[1]~~

~~[1] Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).~~

- C. Duties; pay. Subject to the direction of the Common Council, Mayor, City Administrator, and the City Engineer, ~~he the Highway Superintendent~~ shall be responsible for the administration of, and shall have general charge and supervision of, all maintenance, repair, and construction of streets, alleys, curbs and gutters, sidewalks, street signs and house numbering, and traffic control devices, signs and marking and such other duties as the Common Council, Mayor, City Administrator, or City Engineer may designate from time to time. The Highway Superintendent shall receive such remuneration and other benefits as ~~awarded~~ established to him by the Common Council from time to time.

§ 105-23. Librarian.

There is hereby created the position of City Librarian.

A. Appointment. The Librarian shall be appointed by the Library Board as provided in Wis. Stat. § 43.58(4).

B. Powers and Duties. The Librarian shall

- (1) have the powers and duties as Be responsible for the day-to-day administration of the Library subject to the supervision of the Library Board.
- (2) Appoint such assistants and employees as the Library Board deems necessary and prescribe their duties and compensation subject to the supervision of the Library Board may direct under Wis. Stat. § 43.58(4).
- (3) Cooperate with the City Administrator in the preparation of the submission of a budget request for presentation to the Common Council.

§ 105-24. Plumbing Inspector.

A. Appointment and term. See § 105-3.

B. Powers and duties.

- (1) Enforcement. The Plumbing Inspector shall enforce all ordinances or laws relating to the construction, installation, alteration, and repair of all plumbing within the City and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement. See also Chapter 345, Plumbing Standards, of this Code.
- (2) Plumbing permits. The Plumbing Inspector shall issue all plumbing permits for plumbing work to be performed within the City. See § 345-3B(3) of this Code.
- (3) Records and reports. The Plumbing Inspector shall maintain and prepare records and reports as required under § 345-3B(4) of this Code.

§ 105-25. Police Chief.

A. Appointment and term. See § 105-3.

B. Duties and powers. See, Wis. Stat. §§ 62.09(8)(d) and 62.09(13) and Chapter 115, Police Department, of this Code.

§ 105-26. Health Officer/Public Health Administrator.

A. Appointment and term. See § 105-3 and Wis.Stat. § 251.06 and Ch. HFS 139, Wis. Adm. Code.

B. Powers and duties. The Health Officer/Public Health Administrator shall have such powers and duties as set forth in the Wisconsin Statutes and as the Council or Mayor may direct.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

§ 105-27. Weed Commissioner

A. Appointment and Term. Appointed by the Mayor under Wis. Stat. § 66.0517. Upon appointment the Weed Commissioner shall hold office for one year and until a successor has qualified or the Mayor determines not to appoint a weed commission.

B. Powers and duties. The Weed Commissioner shall have the powers and duties set forth in Wis. Stat. § 66.0517(3)(a) and this Code.

~~]Registered Sanitarian.~~

~~A. General duties. The Registered Sanitarian:~~

~~(1) Shall maintain continuous sanitary supervision over his territory.~~

~~(2) Shall promote the spread of information as to the cause, nature and prevention of prevalent diseases and the preservation and improvement of health.~~

~~(3) Shall enforce the health laws, rules and regulations of the State Department of Health and Family Services, the state and the City, including the laws relating to contagious diseases contained in Ch. 252, Wis. Stats.~~

~~(4) — Shall take steps necessary to secure prompt and full reports by physicians of communicable diseases.^{HH}~~

~~[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~(5) — Shall keep and deliver to his successor a record of all his official acts.~~

~~(6) — Shall make annual reports to the State Department of Health and Family Services and to the Common Council and such other reports as they may request.~~

~~(7) — Shall have the power and it shall be his duty to enter and examine the taverns, grocery stores, dairy and shipper farms, meat markets, bakeries, confectionery stores, restaurants, drugstores and any other places where meat, fish, poultry, game, milk, bakery goods or other foodstuffs or beverages are stored, prepared or dispensed for human consumption.~~

~~(8) — Shall also have the power and it shall be his duty to examine or inspect any vehicle or wagon transporting meat, poultry, fish, game, milk, bakery goods, confectionery goods or other foodstuffs or beverages where either a point of origin or point of delivery is in the City of St. Francis.~~

~~(9) — Shall perform such additional duties as the Board of Health or the Common Council may from time to time prescribe.~~

~~(10) — May make such orders and directives as are necessary to keep or maintain all the above described premises in a neat, clean, and sanitary condition.~~

~~B. Materials and supplies. The Registered Sanitarian may procure at the expense of the City all record books, quarantine cards and other materials needed by the Board of Health, except those furnished by the State Department of Health and Family Services.~~

§ 105-28. Sealer of Weights and Measurers.

[Added 7-1-2008 by Ord. No. 1259]

The City Sealer shall serve as the Sealer of Weights and Measures.

A. Enforcement. The Sealer of Weights and Measures shall have the duty and power to enforce all statutes relating to weights and measures and shall be the head of the Department of Weights and Measures, which is hereby established.

B. Applicable statutes. See Ch. 98, Wis. Stats.

§ 105-29. Zoning Administrator.

[Added 6-5-2018 by Ord. No. 1429]

A. The Zoning Administrator shall be appointed by the Common Council.

B. The Zoning Administrator may be an individual employed by the City or an outside firm that the City contracts with.

C. The Zoning Administrator shall have the powers and duties of Zoning Administrator as set forth in this Code and shall serve as an adviser to the Aesthetic Control Board, Planning Commission, and Zoning Board of Appeals.

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 ____ day of July 2022.

CITY OF ST. FRANCIS

BY: _____
Ken Tutaj, Mayor

ATTEST:

Anne Uecker, City Clerk/Treasurer