

The meeting was called to order at 7:48 p.m. by Mayor St. Marie-Carls. Following the Pledge of Allegiance and a moment of silence for the community, roll call was taken.

Present: Mayor St. Marie-Carls, Alderpersons Bostedt, Wattawa, Brickner, McSweeney, Fliss and Klug

Also Present: City Administrator Rhode, City Attorney Alexy, City Clerk/Treasurer Uecker, Fire Chief Lockwood, Police Chief Dietrich, City Engineer Dejewski, Building Inspector Vretenar and interested citizens

Presentation:

- Associated Appraisal, Ryan Anderson – Property Reassessment Update

Resolutions and Ordinances:

Moved by Alderwoman Fliss, seconded by Alderwoman Bostedt to introduce and adopt a Resolution Naming Paul Pankowski the 2015 Citizen of the Year for the City of St. Francis, Wisconsin. Motion carried. **Resolution No. 2696**

Moved by Alderwoman Fliss, seconded by Alderwoman Bostedt to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis as a Planned Unit Development under Article IV, Chapter 455 of the City of St. Francis Zoning Code. Motion carried. **Ordinance No. 1391**

Minute Approval:

Moved by Alderwoman Fliss, seconded by Alderman Brickner to place on file the minutes of the Common Council meeting held January 5, 2016. Motion carried.

Reports from Committees/Commissions/Boards:

Moved by Alderwoman Bostedt, seconded by Alderwoman Fliss to place on file the Reports from Committees/Commissions/Boards as listed on the January 19, 2016 Common Council Agenda with the amendment to the Planning Commission to correct a typographical error and the amendment to the Bargaining Committee minutes from November 17, 2015 to include the memo handed out from the Mayor. Motion carried.

Action Items from Committees/Commissions/Boards:

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve Beverage Operator Licenses – New for David Ferrie and Lori Lemmer. Motion carried.

Finance Committee:

Moved by Alderman McSweeney, seconded by Alderman Klug to write off old Accounts Receivable in the amount of \$15,610.38 as it was an audit recommendation. Motion carried.

Moved by Alderman McSweeney, seconded by Alderman Klug to approve the invoice for the 3rd and 4th Quarter Dispatch in the amount of \$117,505.00. Motion carried.

Moved by Alderman McSweeney, seconded by Alderwoman Bostedt to have the Police Department process parking tickets to help alleviate the work load of the Court Clerk and that this process will be reviewed in 90 days. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman McSweeney to approve and post the job ad for the Clerk II position. No vote was taken as it was moved by Alderwoman Fliss, seconded by Alderman McSweeney to call the question. Motion carried with Alderwoman Bostedt opposed. The vote was then taken on the original motion, which carried with Alderwoman Bostedt opposed.

Moved by Alderwoman Fliss, seconded by Alderwoman Bostedt to recommend to the Common Council to consider the purchase of the property at 3872 S. Kinnickinnic Avenue to be combined with existing City property on the northeast corner of E. Howard Avenue and S. Kinnickinnic Avenue and to negotiate the sale based upon the letter of intent of all or part of the City owned property at the aforementioned location to the St. Francis Animal Hospital. Motion carried.

Appointments to Committees/Commissions/Boards:

Moved by Alderwoman Fliss, seconded by Alderwoman Bostedt to accept the resignation of Christopher Stawski from the Community Development Authority. Motion carried.

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

Moved by Alderwoman Fliss, seconded by Alderwoman Bostedt to place on file with reference in the minutes the Mayor's Update #77. Motion carried.

City of St. Francis Cost Control/Monitoring Immediate Plan – Interim Response to Residents Requests to Address Shift in Taxes and Tax Increases - no action taken

Discussion Items with Possible Action:

Moved by Alderman Brickner, seconded by Alderwoman Fliss to place on file and approve all vouchers on the Voucher List dated January 6, 2016 through January 19, 2016 in the amount of \$4,123,563.13. Motion carried.

Training/Conference/Seminar Requests:

Moved by Alderwoman Bostedt, seconded by Alderman McSweeney to place on file with reference in the minutes the Training/Conference/Seminar Request as listed on the January 19, 2016 Common Council Agenda and to approve the request with the necessary expenses as it is a budgeted item. Motion carried.

Adjourn to Closed Session:

Moved by Alderwoman Fliss seconded by Alderman Brickner to adjourn to Closed Session per Wis. Stat. section 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – Annual City Administrator Evaluation; Wis. Stat. section 19.85(1)(e) for purposes of 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 – St. Francis Animal Hospital Letter of Intent to pursue purchase of property at 3876 South Kinnickinnic Avenue and that 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. The following voted “aye”: Alderman Wattawa, Alderman Klug, Alderman McSweeney, Alderwoman Bostedt, Alderwoman Fliss, Alderman Brickner

Moved by Alderman Brickner, seconded by Alderwoman Fliss to request that City Attorney Alexy, Attorney John Macy and Attorney Nancy Pirkey be present in the closed session. Motion carried.

Time: 10:49 p.m.

Moved by Alderwoman Bostedt, seconded by Alderman McSweeney to take a five minute recess. Motion carried.

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

Time: 1:03 a.m.

Moved by Alderwoman Fliss, seconded by Alderman Brickner that the minutes reflect that City Administrator Rhode’s review has been completed on a very positive note and that the Council will continue to work with the City Administrator regarding the refinement of goals to be used for future evaluations. Motion carried.

Moved by Alderwoman Bostedt, seconded by Alderwoman Fliss to adjourn. Motion carried.

Time: 1:04 a.m.

RESOLUTION NO. 2696

**RESOLUTION NAMING PAUL PANKOWSKI THE 2015
CITIZEN OF THE YEAR FOR THE CITY OF ST. FRANCIS, WISCONSIN**

At a regular meeting of the Common Council of the City of St. Francis, Milwaukee County, Wisconsin held on the 19th day of January, 2016 a quorum being present and a majority of the Council voting therefore, said Council does resolve as follows:

WHEREAS, PAUL PANKOWSKI has served as an exemplary member of the St. Francis Lions Club having served as President and Hall Manager; and

WHEREAS, PAUL PANKOWSKI has served as an exemplary member of the St. Francis Board Public Works and St. Francis Arts Council; and

WHEREAS, PAUL PANKOWSKI has served the youth of our community as Cub Scout Leader, Youth Football Coach, Basketball Coach, and Baseball Coach; and

WHEREAS, PAUL PANKOWSKI is a devoted husband to LuAnne and encouraging father to Rick and Tracy; he is always working within the City of St. Francis to make it a better place;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, on behalf of itself and all the residents of the City of St. Francis that it hereby highly commends PAUL PANKOWSKI for years of valuable service to the City of St. Francis, AND HEREBY CONFERS UPON HIM THE TITLE OF THE ST. FRANCIS CITIZEN OF THE YEAR FOR 2015.

PASSED and APPROVED this 19th day of January, 2016.

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

/s/CoryAnn St. Marie-Carls
Mayor

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1391

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS
IN THE CITY OF ST. FRANCIS AS A
PLANNED UNIT DEVELOPMENT UNDER ARTICLE IV, CHAPTER 455 OF
THE CITY OF ST. FRANCIS ZONING CODE

WHEREAS, an Application dated December 9, 2015 has been filed by Bear Development, LLC, a Wisconsin limited liability company (“Applicant”) to rezone certain lands in the City of St. Francis, Milwaukee County, Wisconsin, which are more particularly described in the attached Exhibit A (the “Subject Property”); and

WHEREAS, the Subject Property was zoned under Ordinance No. 941 dated June 4, 1996 to permit a mixed-use development; and

WHEREAS, zoning of the Subject Property was amended under Ordinance No. 1131 dated May 6, 2003 to permit residential use with the mixed use development provided for under Ordinance No. 941; and

WHEREAS, the Subject Property has remained undeveloped and the Applicant and City mutually wish to eliminate any question as to the status of the applicable zoning for the Subject Property; and

WHEREAS, the Applicant seeks to develop and use the property for purposes of three (3), four-story, 105-unit apartment buildings, swimming pool, pool house, sun deck, walking trail, and related amenities as set forth in the initial PUD Project Plan attached hereto and incorporated by reference as Exhibit B; and

WHEREAS, use of the property for a residential Planned Unit Development is only permitted if a Planned Unit Development is approved by the Common Council under §§ 455-34 of the City of St. Francis Zoning Code following a public hearing and receipt of Planning Commission recommendations; and

WHEREAS, the Applicant has supplied all required data pursuant to Section 455-33(D) of the City of St. Francis Zoning Code for initial PUD Plan and rezoning for the entire tract; and

WHEREAS, the Application and related information provided by Applicant has been available for public inspection in the office of the City Clerk since December 31, 2015; and

WHEREAS, notice having been properly given, a public hearing was held before the Common Council on January 19, 2016 as required by said Section 455-34 of the City of St. Francis Code of Ordinances, whereupon which the Council referred the matter to the Planning Commission for its recommendation as provided in § 455-34(D)(1); and

WHEREAS, the Application was considered by the City of St. Francis Planning Commission at a regular meeting held on December 15, 2015 upon due notice to the public; and

WHEREAS, the Planning Commission has recommended to the Common Council for the City of St. Francis (“Common Council”) that the requested zoning be approved; and

WHEREAS, pursuant to § 455-34(D) of the City of St. Francis Code of Ordinances, the Council has duly considered all of the following before making a decision on the requested zoning:

1. Consistency with the Comprehensive Smart Growth Plan;
2. Consistency with the purposes of Chapter 455 of the City of St. Francis Code of Ordinances;
3. Consistency with the recommendations of the Planning Commission;
4. Conformance with the standards set forth in § 455-35 of the City of St. Francis Code of Ordinances;
5. Findings and recommendations of City staff; and
6. All verbal and written comments received at the public hearing.

WHEREAS, having determined that all procedural and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety, and welfare of the community and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the community as to noise, dust, smoke, odor, and others, hereby determines that the rezoning will not violate the spirit or intent of the Zoning Code for the City of St. Francis, will not be contrary to the public health, safety, or general welfare of the City of St. Francis, will not be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, or other similar factors and will not, for any other reason, cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same and is consistent with the recommendations found in the City of St. Francis comprehensive plan;

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

SECTION 1: Commencing upon the date hereof, the Zoning Map of the City of St. Francis is hereby conditionally amended to rezone the Subject Property Planned Unit Development – Residential to permit development and use the property for purposes of three (3), four-story, 105-unit apartment buildings,

swimming pool, pool house, sun deck, walking trail, and related amenities, all as set forth in the initial PUD Project Plan attached hereto and incorporated by reference as Exhibit B, subject to the conditions stated in Section 2 of this Ordinance being fully met.

SECTION 2: CONDITIONS IMPOSED.

The rezoning of the Subject Property to Planned Unit Development – Residential granted hereunder is subject to compliance with all of the following conditions:

1. Commencement of project. Common Council, Aesthetic Control Board, Planning Commission and staff approvals are required to finalize the detailed PUD plans, after which construction of private and public facilities may commence in accordance with the following:
 - a. Approvals, fees and infrastructure required. Building plans must be submitted to the Common Council, Aesthetic Control Board, and Planning Commission for their review and approval prior to issuance of any building permits.
 - b. No building permit shall be issued until all applicable fees and assessments have been paid and a developer's agreement has been approved. For staged development, such developer's agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.
2. Expiration of approvals. If the Common Council and Planning Commission have not approved detailed PUD plans within one year of the date the Common Council approved this Ordinance, the PUD Zoning granted hereunder shall lapse and zoning for the parcel reverts to its prior status, unless the time for approval of detailed PUD plans is extended in writing by the Common Council. Furthermore, after the Common Council and Planning Commission have approved the detailed PUD plans, construction on the project shall be commenced within one year, unless the time is extended in writing by the Common Council. In the event that construction has not commenced within one year and been actively pursued, and an extension of time has not been granted by the Common Council, the PUD zoning approval lapses and zoning for the parcel reverts to its prior status.
3. The Subject Property shall, except as otherwise expressly provided herein or in the detailed PUD Plans be used in compliance with all applicable provisions of the City Code including, but not limited to, fire safety, noise, parking, public health, sign regulations, and zoning regulations.
4. The Applicant is required and must have all plans current, approved by the Planning Commission for the City of St. Francis, and on file with the Planning Commission for the City of St. Francis. The Applicant shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the Planning Commission for the City of St. Francis approval and without a public hearing, if such amendments and/or change is not a substantial change from the original plan as approved and as allowed herein.
5. The Applicant shall comply with all Federal, State, County, and local rules, codes, ordinances, regulations, and initial and detailed PUD plans in the construction, operation, and maintenance

of the Subject Property. In the event any applicable law(s), regulation(s), condition(s), restriction(s), and/or ordinance(s) conflict, the more restrictive shall control.

6. The Applicant is required to properly maintain the Subject Property at all times and in full compliance with the property maintenance ordinance provisions of the City of St. Francis, as amended from time-to-time, to the satisfaction of the Building Inspector.
7. The Applicant must pay all fees, costs, and assessments due and owing to the City of St. Francis and all costs and expenses incurred by the City of St. Francis, including legal and engineering fees and costs, arising out of or related to the Application, the review thereof, this Ordinance, and subsequent development of the Subject Property.
8. Any application for use of, or construction on, the lands described on Exhibit A, is an acknowledgement by Applicant that the Subject Property is subject to these conditions of approval. Applicant waives any claim(s) that it may have against the City of St. Francis, including, but not limited to, claims for damages, costs, and expenses, and claims of vested rights to the proposed development of the Subject Property, in the event any owner(s) of the Subject Property do not agree to the required terms.
9. Applicant shall satisfy all comments and concerns of the Building Inspector, City Engineer, Fire Chief, Police Chief, and Health Department pertaining to the Application and subsequent development and operation on the Subject Property under this Ordinance.
10. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In the case of a question as to the classification of use, the question shall be submitted to the Planning Commission for determination.
11. No use is hereby authorized unless that use is conducted in a lawful, orderly, and peaceful manner. Nothing in this Ordinance shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order, or rule of either the City of St. Francis, the County of Milwaukee, the State of Wisconsin, the United States of America, or other duly constituted authority except only to the extent that it authorizes a nonconforming use of the Subject Property in specific respects expressly described herein. This Ordinance shall not be deemed to constitute a building permit, nor shall this Ordinance constitute any other license or permit required by City Ordinance or other law or regulation.
12. The Planned Unit Development granted under this Ordinance may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in Chapter 455 of the City of St. Francis Zoning Code for its original approval.
13. Any violation of this Ordinance shall constitute a violation of the Zoning Ordinance for the City of St. Francis and shall be subject to the enforcement procedures contained in the City of St. Francis Zoning Code, as amended from time-to-time, and such other remedies as may be available to the City of St. Francis under Wisconsin law.

SECTION 3: SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which 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 4: EFFECTIVE DATE.

This Ordinance shall take effect upon its passage and posting/publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this 19th day of January 2016.

City of St. Francis

By: /s/CoryAnn St. Marie-Carls

CoryAnn St. Marie-Carls, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

Anne B. Uecker, City Clerk/Treasurer

Exhibit A

Legal Description of Subject Property

Parcel 2 of Certified Survey Map No. 6983, recorded on August 6, 2001, as Document No. 8112090, being a division of Parcels 1, 2, and 3 of Certified Survey Map No. 6895 in the Southwest $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Southeast Fractional $\frac{1}{4}$ of Section 14 and the Northeast $\frac{1}{4}$, Northwest $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northeast Fractional $\frac{1}{4}$ of Section 23, Town 6 North, Range 22 East, City of St. Francis, County of Milwaukee, State of Wisconsin.

Tax Key Number 543-9020