

MINUTES OF THE COMMON COUNCIL MEETING HELD JUNE 5, 2018

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, Feirer, Damon and Drew

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

Excused: Alderman Brickner

Statement of Open Meetings Compliance:

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

Public Hearing:

- None

Presentation:

- Mayor Tutaj presented a Resolution to Miss St. Francis 2018 Alexa Biami

Consent Agenda:

Moved by Alderwoman Schandel, seconded by Alderman Damon to place on file with reference in the minutes and approve the items as listed under Consent Agenda on the June 5, 2018 Common Council Agenda. Motion carried.

Items Removed from Consent Agenda:

- None

Recommendation of Action from Committees/Commissions/Boards:

Moved by Alderwoman Schandel, seconded by Alderman Damon to approve a Beverage Operator's License for Janeth Zorrilla-Sanchez. Motion carried.

Moved by Alderman Damon, seconded by Alderwoman Schandel to approve the Combination Class "B" Beer/Class "C" Wine License for La Finca Café y Artesanias LLC – d/b/a La Finca Coffee House, Lizeth Zorrilla-Sanchez – Agent. Motion carried.

Moved by Alderman Feirer, seconded by Alderman Wattawa to approve Temporary Class "B" Licenses for St. Francis Civic Association – Rick Hackl for the St. Francis Concerts in the Park summer events to be held June 14, 2018, June 28, 2018, July 12, 2018, July 26, 2018, August 1, 2018 and August 16, 2018 at Vretnar Memorial Park located at 4230 South Kirkwood Avenue. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to approve the Amusement Device Supplier Licenses plus Tags as listed on the June 5, 2018 License Committee agenda. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to approve the Amusement Tags as listed on the June 5, 2018 License Committee agenda. Motion carried.

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Moved by Alderwoman Schandel, seconded by Alderman Wattawa to approve the Automobile Salvage Dealer Licenses as listed on the June 5, 2018 License Committee agenda. Motion carried.

Moved by Alderman Feirer, seconded by Alderman Damon to approve the Beverage Operator's Licenses as listed on the June 5, 2018 License Committee agenda. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to approve the Cigarette and Tobacco Products Licenses as listed on the June 5, 2018 License Committee agenda pending payment of all fees due to the City. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to approve the Combination "Class A" Liquor/Class "A" Beer Licenses as listed in the June 5, 2018 License Committee agenda except for Mega Marts LLC, pending payment of all fees due to the City. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to approve the Combination "Class B" Liquor/Class "B" Beer as listed on the June 5, 2018 License Committee agenda pending payment of all fees due to the City. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to approve the Tavern Dance Hall Licenses as listed on the June 5, 2018 License Committee agenda pending payment of all fees due to the City. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to approve the Used Car Dealer Licenses as listed on the June 5, 2018 License Committee agenda. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to approve of the request from the 4th of July Commission to serve alcohol at Vretenar Memorial Park on the 4th of July – pursuant to City of St. Francis Municipal Code 273-1(c). Motion carried.

Moved by Alderman Feirer, seconded by Alderman Wattawa to accept the recommendations of the Legislative Committee and request that the Planning Commission provide a recommendation to the Council regarding staff's proposed amendments to the Zoning Code in Section 455-52 concerning the Aesthetic Control Board and Section 455-55 concerning the Zoning Administrator. Motion carried.

Resolutions and Ordinances:

Moved by Alderman Damon, seconded by Alderman Feirer to introduce and adopt a Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for Fire Apparatus. Motion carried. **Resolution No. 2760**

Moved by Alderman Damon, seconded by Alderman Wattawa to introduce and adopt a Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for 911 Dispatch. Motion carried. **Resolution No. 2761**

Moved by Alderman Wattawa, seconded by Alderman Drew to introduce and adopt 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. **Ordinance No. 1428**

Moved by Alderman Wattawa, seconded by Alderman Feirer to introduce and adopt an Ordinance to Repeal Section 105-15(B)(5), Create Section 105-29, and to Amend Section 105-3 of the City of St. Francis Code of Ordinances Concerning the Position of Zoning Administrator. Motion carried. **Ordinance No. 1429**

Moved by Alderwoman Schandel, seconded by Alderman Drew to introduce and adopt an Ordinance to Repeal and Recreate Section 367-6 of the City of St. Francis Code of Ordinances Regulating Rummage Sales within the City of St. Francis. No vote taken.

Moved by Alderwoman Schandel, seconded by Alderman Drew to amend the Ordinance to Repeal and Recreate Section 367-6 of the City of St. Francis Code of Ordinances Regulating Rummage Sales within the City of St. Francis to include allowing for sales to be in the driveway or front yard of the residence. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Drew to introduce and adopt an Ordinance to Repeal and Recreate Section 367-6 of the City of St. Francis Code of Ordinances Regulating Rummage Sales within the City of St. Francis as amended. Motion carried. **Ordinance No. 1430**

Discussion and Action Items:

- Mid America Steel Drum

Moved by Alderman Feirer, seconded by Alderman Wattawa to accept and place on file the 2017 St. Francis Fire Department Annual Report. Motion carried.

Appointments to Committees/Commissions/Boards:

Moved by Alderman Wattawa, seconded by Alderman Drew to concur with the Mayor's appointment of Daniel O'Brien to the 4th of July Commission. Motion carried.

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

Moved by Alderman Feirer, seconded by Alderman Drew to refer to the next Common Council meeting the Application for Special Event Through City – St. Francis Christmas Parade to be held December 1, 2018 and that more information is received from the applicant for this event. Motion carried.

Moved by Alderman Drew, seconded by Alderman Feirer to place on file with reference in the minutes the correspondence dated May 30, 2018 from the 4th of July Commission regarding requests for event and to grant the requests. Motion carried.

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Moved by Alderwoman Schandel, seconded by Alderman Drew to place on file with reference in the minutes the correspondence dated May 30, 2018 from the City Engineer regarding proposed gas main easement and to approve the request to grant the easement. No vote was taken.

Moved by Alderman Damon, seconded by Alderman Drew to amend Section 1 of such easement to permit one underground pipe and to require that all other “necessary and appurtenant” equipment be installed underground unless otherwise expressly permitted by the City Engineer. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Drew to place on file with reference in the minutes the correspondence dated May 30, 2018 from the City Engineer regarding proposed gas main easement and to approve the request to grant the easement as amended. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Drew to place on file with reference in the minutes the Application for Special Event Through City for the American Diabetes Association event on July 14, 2018 and to grant the request. Motion carried.

Closed Session:

Moved by Alderman Feirer, seconded by Alderwoman Schandel to convene into closed session pursuant to Wis. Stat. sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a closed session. Item for discussion – 2918 East Layton Avenue. The following voted “aye”: Alderman Drew, Alderman Wattawa, Alderman Damon, Alderwoman Schandel and Alderman Feirer. Motion carried.

Time: 8:48 p.m.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1428

**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**

WHEREAS, Chapter 198 of the City of St. Francis Code of Ordinances establishes regulations concerning building construction within the City of St. Francis; and

WHEREAS, § 198-15 of the City Code currently provides limitations on hours, time, and noise pertaining to construction within the City; and

WHEREAS, the Common Council has determined that it is in the interests of the public health, safety and welfare to amend § 198-15 in light of recent amendments to Wis. Stat. § 66.1108 that restrict municipalities from prohibiting a private person from working on job site of a construction project on a Saturday or from imposing more restrictive conditions on such work than apply on weekdays; and

WHEREAS, the Council further finds that it is in the interest of the public health, safety, and welfare to amend the provisions of § 198-15 to clarify its restrictions and to address its enforcement in light of the City's use of contracted building inspection services;

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

SECTION 1. Section 198-15, "Hours of construction, time and noise limitations", of the Municipal Code of the City of St. Francis, Wisconsin, is hereby repealed and recreated to read as follows:

§ 198-15. Hours of construction; time and noise limitations.

- A. Construction project activity for any private person shall be permitted between the hours of 7:00 a.m. and 8:00 p.m. daily, Monday through Saturday. Sunday hours of construction shall be between 8:00 a.m. and 5:00 p.m. Construction activity on national holidays shall be between 9:00 a.m. and 4:00 p.m.
- B. In addition to the limitations on construction activity set forth in § 198-15(A):
 - (1) No loud, environmentally disruptive building construction noises, including but not limited to noises resulting from the operation or use of air compressors, continuously running motors, generators, air hammers, power tools, other construction equipment/machinery, or loud playing radios, are permitted where such noises may unreasonably annoy or disturb the occupants or residents of other properties.
 - (2) Where emergency conditions exist (i.e. conditions which pose a threat of injury or

death to persons or damage or destruction of property), construction activity may be permitted at any hour or day of the week. Such emergency construction activity shall be completed as rapidly as possible and, to the extent reasonably possible so as to prevent unreasonably annoying or disturbing occupants or residents of other properties.

(3) Where, based upon location and type and method of construction activity, it reasonably appears that additional hours of construction activity will not be a nuisance to adjacent properties the Building Inspector, City Engineer, or Zoning Administrator may allow hours of construction other than as stated in section (A). Such permission shall be in writing and shall specify the additional hours of construction being allowed, the type of construction that may be performed during such hours, and the date such permission shall terminate. If granted, such permission shall be subject to modification or termination by the issuing officer or the Common Council.

C. Enforcement. The provisions of this section shall be enforced by the Building Inspector, Zoning Administrator, or any code enforcement officer designated by the Common Council. In addition, this section may also be enforced by the Police Department.

D. Definitions. For purposes of this section:

- (1) "Construction project" means a project involving the erection, construction, repair, remodeling, or demolition, including any alteration, painting, decorating, or grading, of a private facility, including land, a building, or other infrastructure that is directly related to onsite work of a residential or commercial real estate development project.
- (2) "Private person" means a person (i.e. an individual, partnership, Limited Liability Company, corporation, or other organization) other than a person who is acting as an agent, employee or contractor of a political subdivision or governmental agency.

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 5th day of June, 2018

MINUTES OF THE COMMON COUNCIL MEETING HELD JUNE 5, 2018

/s/Ken Tutaj

Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

Anne Uecker, City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1429

**AN ORDINANCE TO REPEAL SECTION 105-15(B) (5),
CREATE SECTION 105-29, AND TO AMEND SECTION 105-3
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
CONCERNING THE POSITION OF ZONING ADMINISTRATOR**

WHEREAS, Section 105-15(B)(5) of the City of St. Francis Code of Ordinances currently designates the Building Inspector as Zoning Administrator for the City; and

WHEREAS, upon the retirement of the City’s Building Inspector, the Common Council finds that it is in the public interest for the City to have the authority to designate a Zoning Administrator separately from its designation of Building Inspector;

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

SECTION 1: Chapter 105, entitled “Officers and Employees”, Section 105-15, entitled “Building Inspector”, Subsection B, entitled “Powers and Duties”, paragraph (5), entitled “Zoning Administrator”, is hereby repealed in its entirety.

SECTION 2: Chapter 105, entitled “Officers and Employees”, Section 105-29, entitled “Zoning Administrator”, is hereby created to read as follows:

§ 105-29 Zoning Administrator.

- 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 3: Chapter 105, entitled “officers and Employees”, Section 105-3, entitled “Appointed Officials”, is hereby amended by the addition of the following provision:

Official	How Appointed	Term
Zoning Administrator	Council	Indefinite or by contract

SECTION 4: 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 5: 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 5th day of June, 2018.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj
Ken Tutaj, Mayor

ATTEST:

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

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1430

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 367-6
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
REGULATING RUMMAGE SALES
WITHIN THE CITY OF ST. FRANCIS**

WHEREAS, Chapter 367 of the City of St. Francis Code of Ordinances establishes regulations concerning sales and vending within the City of St. Francis; and

WHEREAS, § 367-6 of the City Code currently provides limitations on rummage sales within the City; and

WHEREAS, the Common Council has determined that it is in the interests of the public health, safety and welfare to revise § 367-6 of the City Code to eliminate the existing permit requirements for rummage sales and the related fee and to clarify the regulations applicable to rummage sales within the City; and

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

SECTION 1. Section 367-6, "Rummage sales", of the Municipal Code of the City of St. Francis, Wisconsin, is hereby repealed and recreated to read as follows:

§ 367-6. Rummage sales.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

PERSONAL PROPERTY

Property which is owned, utilized and maintained and acquired in the normal course of residential living or in maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

RUMMAGE SALE

Any general sale held open to members of the public (regardless of whether any admission fee is charged) that is conducted from or on a residential premises, as defined in Chapter 455, Zoning, of this Code, that is conducted by one or more families in a neighborhood for the purpose of disposing of personal property irrespective of whether the sale is advertised or referred to as a "rummage", "estate", "lawn", "moving", "yard", "porch", "room", "backyard", patio", "flea market" or "garage" sale.

B.[Reserved]

C. Property permitted to be sold. No person shall sell or offer property other than personal property for sale at a rummage sale.

D. Limitations.

- (1) Rummage sales shall only be conducted between 8:00 a.m. and 8:00 p.m.
- (2) No more than four rummage sales may be conducted from any one premises during any calendar year.
- (3) No rummage sale shall last longer than four (4) consecutive days.
- (4) Rummage sales shall only be conducted in the following areas on the premises: driveway, garage, basement, front or rear yard, or an interior portion of the seller's home.

E. Advertising signs.

- (1) Not more than one sign per lot shall be used to advertise a rummage sale, except that on a corner lot two signs are allowed, one facing each street.
- (2) No sign advertising a rummage sale shall exceed 12 square feet in area, and such sign shall be located not less than eight feet from the nearest lot line.
- (3) Signs may only be placed upon the property of the residence where the sale is being held or upon other residential property with permission of the owner or other person in charge of such, at the time of the sale.
- (4) No sign advertising a rummage sale shall be placed within the area of any public lands or right-of-way.
- (5) No sign placed in conjunction with a rummage sale may be displayed for more than 5 days and all such signs shall be removed within 24 hours of the the end of the rummage sale.

F. Penalty. Any person who violates or fails to comply with any provision of this section shall, upon conviction thereof, be subject to a penalty as provided in § 367-9 of this chapter. Each day that a violation continues to exist shall constitute a separate offense.

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 5th day of June, 2018.

MINUTES OF THE COMMON COUNCIL MEETING HELD JUNE 5, 2018

/s/Ken Tutaj

Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

Anne Uecker, City Clerk/Treasurer