

MINUTES OF THE COMMON COUNCIL MEETING HELD AUGUST 21, 2018

The meeting was called to order at 7:11 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, Officer Frank and interested citizens

Excused: Police Chief Hunter

Statement of Open Meetings Compliance:

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

Public Hearings:

- Section 455-52 – Aesthetic Control Board Ordinance
- Section 455-55 – Zoning Administrator Ordinance

Presentation:

- Campbell Capital Group, LLC

Moved by Alderman Feirer, seconded by Alderman Wattawa to re-open Public Comment. Motion carried.

Consent Agenda:

Moved by Alderwoman Schandel, seconded by Alderman Brickner to place on file with reference in the minutes and approve the items as listed under Consent Agenda on the August 21, 2018 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 Feirer to approve Beverage Operator's Licenses for Jordan Branske and Maria Locicero. Motion carried.

Moved by Alderman Brickner, seconded by Alderwoman Schandel to approve a Carnival License for St. Francis Days – Steve Hecker contracting with Mark Lake Enterprises at 4230 South Kirkwood Avenue from August 31, 2018 through September 2, 2018. Motion carried.

Moved by Alderman Brickner, seconded by Alderwoman Schandel to approve a Change of Agent for Mega Marts, LLC (Pick 'n Save #857) – Anthony Ciardo for 4698 South Whitnall Avenue. Motion carried.

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Moved by Alderman Brickner, seconded by Alderman Damon to approve an Outdoor Cabaret License for The Landing Food and Spirits – Gregg Sommers, Agent at 2234 East Layton Avenue for an Anniversary Event with live music on September 15, 2018. Motion carried.

Moved by Alderman Brickner, seconded by Alderwoman Schandel to approve a Temporary Class “B”/“Class B” Retailer’s License for St. Francis Days – Steve Hecker at 4230 South Kirkwood Avenue from August 31, 2018 through September 2, 2018. Motion carried.

Moved by Alderman Brickner, seconded by Alderwoman Schandel to approve a Temporary Beverage Operator’s License for Jeffrey Budnik. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to approve the Temporary Extension of “Class B” Premise for The Landing Food and Spirits – Gregg Sommers, Agent with the extension location to be the west parking lot. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Damon to approve the renewal of the City of St. Francis property/general liability/automobile/worker’s compensation insurances. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Feirer to concur with the recommendation from the Planning Commission to approve the revisions to the Residential and Non-Residential Use Tables from the Zoning Code and to direct the City Clerk to set the public hearing. Motion carried.

Resolutions and Ordinances:

Moved by Alderman Drew, seconded by Alderman Feirer to introduce and adopt an Ordinance to Repeal and Recreate Section 455-52 Entitled “Aesthetic Control Board” of the City of St. Francis Code of Ordinances. Motion carried. **Ordinance No. 1433**

Moved by Alderwoman Schandel, seconded by Alderman Drew to introduce and adopt an Ordinance to Repeal and Recreate Section 338-2, “Firearms” of the City of St. Francis Code of Ordinances. Motion carried. **Ordinance No. 1434**

Moved by Alderman Feirer, seconded by Alderman Brickner to suspend the agenda to Item # 4 under Correspondence. Motion carried.

Moved by Alderman Feirer, seconded by Alderman Brickner to place on file with reference in the minutes the correspondence from Mayor Tutaj regarding the St. Francis Christmas Parade and to concur with the Mayor’s request. Alderwoman Schandel called the question. Motion carried. The original motion was then voted on. Motion carried with Alderwoman Schandel abstaining.

Moved by Alderman Feirer, seconded by Alderman Wattawa to introduce and adopt a Resolution to Establish a 2018 Christmas Parade Committee. Motion carried with Alderman Damon and Alderwoman Schandel voting “no”. **Resolution No. 2766**

Discussion and Action Items:

- Mid America Steel Drum

Moved by Alderman Brickner, seconded by Alderman Drew to refer the Request for PUD – Campbell Capital Group, LLC to the Planning Commission. Motion carried.

Appointments to Committees/Commissions/Boards:

Moved by Alderwoman Schandel, seconded by Alderman Brickner to concur with the Mayor’s appointment of Charles Buechel to the Aesthetic Control Board. Motion carried.

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

Moved by Alderman Damon, seconded by Alderman Wattawa to place on file with reference in the minutes the correspondence from the City Engineer regarding a Special Privilege Permit for 3946 South Iowa Avenue, to concur with the City Engineer’s recommendation to remove anything encroaching in the right-of-way and to direct staff to meet with the property owner of 3930 South Iowa regarding the garage encroachment. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Damon to place on file with reference in the minutes the Petition for Special Privilege Permit for 3946 South Iowa Avenue and to deny the Permit request and to refund the application fee. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to place on file with reference in the minutes the correspondence from the City Engineer regarding Project 2-2018 South Brust Avenue Pavement Removal and Restoration Project Contract Award and to award the contract to All-Ways Contractors, Inc. in the amount of \$129,458.10. Motion carried.

Adjourn:

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

Time: 8:56 p.m.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1433

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 455-52,
ENTITLED "AESTHETIC CONTROL BOARD", OF THE
CITY OF ST. FRANCIS CODE OF ORDINANCES**

WHEREAS, § 455-52 of the City of St. Francis Code of Ordinances establishes and describes the duties and responsibilities of the Aesthetic Control Board for the City of St. Francis; and

WHEREAS, upon the recommendation of the Legislative Committee, the Common Council has referred the provisions of § 455-52 to the Planning Commission for its recommendation concerning enlargement of the membership of the Aesthetic Control Board to five members and concerning clarifications pertaining to the duties and responsibilities of the Board; and

WHEREAS, the Planning Commission considered the proposed revisions to § 455-52 at a public meeting held on June 27, 2018; and

WHEREAS, a public hearing was conducted before the Common Council on August 21, 2018 concerning the Planning Commission's recommendation regarding revising § 455-52;

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

SECTION 1. Chapter 455, entitled "Zoning", Section 455-52, entitled "Aesthetic Control Board", is hereby repealed and recreated to read as follows:

§ 455-52. Aesthetic Control Board.

There is hereby established an Aesthetic Control Board for the City of St. Francis.

A. Composition. The Aesthetic Control Board should consist of five members as follows: five citizen members to serve two-year terms. Such members may be employees or officers of the City of St. Francis. The Zoning Administrator shall serve as an advisor and Recording Secretary of the Aesthetic Control Board.

B. Powers. The Aesthetic Control Board shall have the power to:

- (1) Hear and decide applications to erect, move, reconstruct, extend, alter or change the exterior of all residential structures. Small accessory structures, decks and minor exterior alterations shall be exempt unless a determination is requested by the Zoning Administrator.
- (2) Hear and decide development applications for building plans, landscaping, HVAC locations, and signage for all commercial, industrial, institutional and multifamily uses.

- (3) Approve, deny or conditionally approve an application and may request such modifications as it may deem necessary to carry out the purpose of this division. The Board, however, shall not require private deed restrictions.
- (4) Request assistance from other municipal officers, departments, boards and commissions.
- (5) Request the applicant to furnish such additional information as the Board may reasonably require to make its required determinations under this section.

C. Aesthetic Principles, Guidelines.

- (1) Principles: To implement and define criteria for the purposes of this section, the following principles are established:
 - a. No building or sign shall be permitted which has a design or exterior appearance that is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
 - b. No building or sign shall be permitted which has a design or exterior appearance that is so similar with those within reasonable proximity as to create excessive monotony or drabness.
 - c. No building or sign shall be permitted where any exposed façade is constructed or faced with a finished material which is aesthetically incompatible with the other façades and which presents an unattractive appearance to the public and to surrounding properties.
 - d. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
 - e. Development and redevelopment shall be consistent with the public goals, objectives, principles, standards, policies and design guidelines set forth in the City's comprehensive plan or applicable components of it.
- (2) Guidelines. The following design guidelines are established for all development applications for commercial, industrial, institutional and multifamily uses:
 - a. Building design.
 1. Architectural style shall be consistent or compatible with the surrounding area. Compatibility may be achieved through the use of various visual architectural elements such as similar rooflines, building orientations, forms/shapes, proportions (scale and mass), door and window patterns (fenestration), textures, materials, colors and other architectural detailing. Building lighting, signage and mechanical equipment also shall be presented as an integral part of the building design and shall not detract from the architectural style of the building.

2. The composition of major building elements such as massing, rooflines, colors and material shall complement and contribute to a desirable community identity.
 3. Colors shall be harmonious and relate to the overall site and to the City as a whole. Bright complementary colors may be used for highlighting purposes (accenting) provided such colors do not overbear the integrity of the building façade.
 4. Rooftop mechanical equipment, trash/dumpster areas, and other utility hardware located on the site shall be screened from public view with building and landscape material or be located in a manner that is unobtrusive.
 5. No rows of garage doors for multifamily uses and no overhead service doors or loading docks shall face a public street. The Planning Commission may allow such features to face a public street when it finds that there is no feasible alternative orientation for such doors or docks and, insofar as is practicable, such doors and docks facing public streets are to be screened with landscaping and/or softened by architectural detailing.
 6. Accessory buildings and structures shall be compatible with the principal building in terms of building façade character, roof shapes, materials, colors and architectural details.
- b. Exterior building materials.
1. Materials shall be consistent or compatible with the architectural character of the City and shall be consistent with the surrounding area. Where the proposed materials are dissimilar to prevailing materials used on existing buildings in the area, other characteristics such as form, proportion, texture, color and detailing shall be utilized to ensure that adequate similarity exists for the building to be compatible, despite the use of different materials. The requirements of this section concerning compatibility with existing buildings shall not be deemed to apply to areas that have been determined by the Planning Commission or Community Development Authority to be in need of, or suitable for, redevelopment.
 2. Materials shall be of durable quality.
 3. The façades of buildings shall be finished with an aesthetically pleasing material(s) such as natural or cultured stone, brick, wood, glass panels, or ornate masonry materials, except where the building style requires a different material. No plain concrete-block or plain concrete-panel buildings or smooth or corrugated metal-faced buildings that are devoid of an architectural merit or character, except those with an attractive finished surface listed above, may be allowed.
 4. Building façades clad with a single exterior surface material shall provide some additional architectural design elements to break up the plane of large faceless and/or nondescript walls. This may be achieved by architectural design treatments consistent with the principal building design.

D. Findings, decisions, and appeals

- (1) Findings. The Aesthetic Control Board shall not approve any application unless it finds that the purposes, principles, and guidelines in this section have been reasonably met.
- (2) Decision. The decision of the Aesthetic Control Board shall include the findings required under this section and shall be recorded in the minutes of the Aesthetic Control Board.
- (3) Appeal. Any person, or the City, aggrieved by any decision or order of the Aesthetic Control Board may appeal to the Zoning Board of Appeals of the City of St. Francis and pay the applicable fee within 30 days of such decision or order of Aesthetic Control Board's. No resort to any other court or forum shall be had until the remedies provided herein have been exhausted.

E. Fees. The fee for review by the Aesthetic Control Board shall be as set forth in the currently adopted fee schedule as amended from time to time. Such fee shall be payable at time of application for the building permit.

F. Enforcement. Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with the provisions of this section, or who violates or resists the enforcement of any decision of the Aesthetic Control Board, shall be subject to enforcement, including injunctive relief as provided in § 455-18, and to penalties as provided in § 455-19 of this Code.

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 21st day of August 2018.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj
Ken Tutaj, Mayor

ATTEST:

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

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1434

**AN ORDINANCE TO REPEAL AND RECREATE SECTION § 338-2,
“FIREARMS”, OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES**

WHEREAS, § 338-2 of the City of St. Francis Code of Ordinances, includes certain regulations pertaining to firearms; and

WHEREAS, the Common Council finds it in the interest of the public health, safety, and welfare to revise § 338-2 to more fully conform to the provisions of the Wisconsin Statutes;

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

SECTION 1. Section 338-2, “Firearms”, is hereby repealed and recreated to read as follows:

§ 338-2. Firearms.

A. Adoption of state statutes. Except as otherwise specifically provided in this chapter, the following statutory provisions, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein:

- (1) Wisconsin Statutes § 167.31 relating to use and transporting of bows and firearms.
- (2) Wisconsin Statutes § 175.60 relating to licenses to carry a concealed weapon.
- (3) Wisconsin Statutes § 941.23) relating to the carrying a concealed weapon.
- (4) Wisconsin Statutes § 943.13 relating to certain trespassing actions while carrying or possessing a weapon or firearm.
- (5) Wisconsin Statutes § 948.605) relating to gun-free school zones.
- (6) Wisconsin Statutes § 167.30 relating to use of firearms, etc. near park, etc.
- (7) Wisconsin Statutes § 941.2965. relating to restrictions on use of facsimile firearms.
- (8) Wisconsin Statutes § 941.237 relating to carrying a handgun where alcohol beverages may be sold and consumed.

B. Retailers; firearms protected or secured while on display, in storage. It shall be unlawful for any person who is in the business of buying or selling firearms at retail to have such firearms in his possession or under his control, whether loaded or unloaded, on display unless he shall have provided at least the following security precautions and safeguards:

- (1) When closed for business.
 - (a) Handguns shall be kept in a securely locked vault, safe or solid steel cabinet. As an alternative, handguns shall be equipped with a trigger-locking device (so that the weapon cannot be discharged) and kept in a locked display case.
 - (b) Shotguns, rifles and other long-barreled firearms shall be so secured in a key-locked rifle rack so that the weapon cannot be removed from such rack without first unlocking it. As an alternative, such weapons shall be secured in a rack (or rack-like device) with either a locking metal bar (3/8 inch diameter circular thickness minimum) or a locking metal cable (1/4 inch diameter circular thickness minimum of braided aircraft-type cable), such bar or cable inserted

through the trigger of each weapon and padlocked to a stationary (1/4 inch minimum diameter) metal eyebolt (machine or lag screw type), so that the weapon cannot be removed from the rack without first unlocking such bar or cable.

(2) When open for business (except when showing a customer or at time of purchase). Handguns, shotguns, rifles and other long-barreled firearms shall be kept in a locked display case or shall be so secured as required in Subsection **B(1)** above.

(3) Ammunition shall be kept safely and securely out of reach of non-store personnel, except when a customer is shown what type of ammunition a certain weapon requires or at time of purchase.

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 following its 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 21st day of August 2018.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj
Ken Tutaj, Mayor

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