

The meeting was called to order at 7:00 p.m. by Mayor Tutaj. Following the Pledge of Allegiance and a moment of silence for the community, roll call was taken.

Present: Mayor Tutaj, Alderpersons Wattawa, Schandel, Brickner, Feirer, Damon and Drew

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

**Statement of Open Meetings Compliance:**

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

**Public Hearing:**

- None

**Presentation:**

- None

**Consent Agenda:**

Moved by Alderman Wattawa, seconded by Alderman Damon to place on file with reference in the minutes and approve the items as listed under Consent Agenda on the March 5, 2019 Common Council Agenda. Motion carried.

**Items Removed from Consent Agenda:**

None

**Recommendation of Action from Committees/Commissions/Boards:**

Moved by Alderman Brickner, seconded by Alderman Damon to approve Beverage Operator's Licenses – New for Danielle Anderson, Claudia Just and Sharmaine Parish. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Damon to deny the request for a refund of sewer user charges for 4060 South Alexander Avenue. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Feirer to approve the Initial PUD Submittal for 2517 East Norwich Avenue – Milwaukee Maker Village, LLC. Motion carried.

**Resolutions and Ordinances:**

Moved by Alderman Wattawa, seconded by Alderman Drew to introduce and adopt an Ordinance to Conditionally Rezone Certain Lands in the City of St. Francis From M-2, General Industrial District, to M-2, General Industrial District With A Special Use, Under § 455-30(C) of the City Of St. Francis Zoning Code--2502 East Crawford Avenue as amended. Motion carried. **Ordinance No. 1443**

Moved by Alderman Wattawa, seconded by Alderman Damon to introduce and adopt an Ordinance to Repeal and Recreate Section 17-15 "Fourth of July Commission" of the City of St. Francis Code of Ordinances to Establish a Celebrations Committee. Motion carried. **Ordinance No. 1444**

**Discussion and Action Items:**

- Mid America Steel Drum

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

Moved by Alderwoman Schandel, seconded by Alderman Brickner to confirm the Mayor's appointments of Kim Knaak, Melissa Drew, Carrie Wisniewski, Carl Chappell, Joy Chappell, Matt Jasinski and Alderman Brian Drew to the Celebrations Committee. Motion carried.

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

- None

**Adjourn:**

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

Time: 7:38 p.m.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1443

AN ORDINANCE TO CONDITIONALLY REZONE CERTAIN LANDS IN THE CITY OF ST. FRANCIS FROM M-2, GENERAL INDUSTRIAL DISTRICT, TO M-2, GENERAL INDUSTRIAL DISTRICT WITH A SPECIAL USE, UNDER § 455-30(C) OF THE CITY OF ST. FRANCIS ZONING CODE 2502 EAST CRAWFORD AVENUE

WHEREAS, an Application dated February 28, 2018 having been filed by Chris Richards as agent for Advance Electrical Contractors, LLC, a Wisconsin limited liability company (“Applicant”) to rezone the lands commonly referred to as 2502 East Crawford Avenue in the City of St. Francis, Milwaukee County, Wisconsin, which are more particularly described in the attached Exhibit A (the “Subject Property”) to the M-2, General Industrial District with a Special Use Permit; and

WHEREAS, the Subject Property is currently zoned as part of the M-2, General Industrial District; and

WHEREAS, Applicant is an electrical contractor having a principle place of business at 2901 South Delaware Avenue, Milwaukee, Wisconsin; and

WHEREAS, Applicant desires to utilize the property as a small maintenance shop for its electrical contracting operations and to utilize the exterior parking on the property for purposes of parking and maintenance of certain vehicles owned by Applicant and used its electrical contracting business; and

WHEREAS, § 455-61 of the City of St. Francis Zoning Code defines a “contractor’s yard” as “An establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials”; and

WHEREAS, use of property for purposes of a contractor’s yard in the M-2, General Industrial District is only permitted if a special use permit is approved by the Common Council under §§ 455-30(C) and 455-48 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 § 455-48(D) of the City of St. Francis Zoning Code including, but not limited to all information required under § 455-47 of the City of St. Francis Zoning Code, in sufficient detail to permit the evaluation of the approval criteria set forth in § 455-48 of the City of St. Francis Zoning Code; and

WHEREAS, the initial Application and related information provided by Applicant has been available for public inspection in the office of the City Clerk since February 28, 2018; and

WHEREAS, the Application was considered by the City of St. Francis Planning Commission at a regular meeting held on October 24, 2018 upon due notice to the public; and

WHEREAS, pursuant to § 455-48(E), entitled “Review”, prior to making any recommendation to the Common Council regarding the requested Special Use approval, the Planning Commission reviewed

the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, street access, traffic generation and circulation, drainage, sanitary and storm sewer, water systems, landscaping, park requirements and proposed plan of operation in relation to the standards and considerations detailed in § 455-48 of the City of St. Francis Code of Ordinances; and

WHEREAS, § 455-48(F) of the City of St. Francis Code of Ordinances provides that no special use permit shall be recommended or granted pursuant to Chapter 455 of the City Code of Ordinances unless the applicant shall establish the following:

- (1) Chapter and Comprehensive Smart Growth Plan purposes and intent. The proposed use and development will be in harmony with the general and specific purposes for which Chapter 455 was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of St. Francis Comprehensive Smart Growth Plan or element thereof.
- (2) No undue adverse impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and will not substantially diminish and impair property values within the community or neighborhood.
- (3) No interference with surrounding development. The proposed use and development will be constructed, arranged, and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.
- (4) Adequate public facilities. The proposed use and development will be served adequately by essential public facilities and services, such as streets, public utilities, including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities, or the applicant will provide adequately for such facilities.
- (5) No traffic congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) No destruction of significant features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
- (7) Compliance with standards. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Planning Commission.

WHEREAS, the Planning Commission has recommended to the Common Council for the City of St. Francis ("Common Council") that the requested zoning be made and that the General Development/Site Plan be approved upon satisfaction of certain conditions that are incorporated herein; and

WHEREAS, the Planning Commission in making its recommendation, and the Common Council, having carefully reviewed the recommendation of the Planning Commission in making its determination as to the approval of the zoning requested, have given consideration to the following “considerations” as required by § 455-48(H) of the City of St. Francis Code of Ordinances:

- (1) Public benefit. Whether and to what extent the proposed use and development at the particular location requested are necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
- (2) Alternative locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
- (3) Mitigation of adverse impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
- (4) Establishment of precedent of incompatible uses in the surrounding area. Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

WHEREAS, notice having been properly given, a public hearing was held before the Common Council on January 15, 2019 as required by said Section 455-48(C) of the City of St. Francis Code of Ordinances; and

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 to M-2, General Industrial District– Special Use to permit use of the Subject Property by Applicant’s lessee as a contractor’s yard, subject to initial

and continued compliance with each of the conditions stated in Section 2 of this Ordinance being fully met.

SECTION 2: CONDITIONS IMPOSED.

The rezoning of the Subject Property to permit its use as a contractor's yard as set forth in the Application dated February 28, 2018 and related plans and materials submitted by the Applicant and on file in the office of the Zoning Administrator is hereby granted subject to initial and continued compliance with each and every one of the following conditions:

1. The Subject Property shall be used in compliance with all applicable provisions of the City Code including, but not limited to, alcohol licensing, fire safety, noise, parking, public health, sign regulations, and zoning regulations.
2. Applicant shall provide a site plan of the Subject Property for approval by the City Zoning Administrator which, upon approval, shall be deemed to be incorporated and made part of this Ordinance by reference.
3. Applicant shall have until November 15, 2021 to complete the repaving of the parking area depicted on the approved site plan of the Subject Property and Applicant shall be, and hereby is, relieved of the obligation to install curb and gutter for the parking area depicted on the approved site plan.
4. All parking and contractor's yard operations shall be limited to the location(s) depicted in the approved site plan.
5. Applicant shall, as a condition of issuance of any occupancy permit, provide the Zoning Administrator with a list of vehicles to be kept and/or maintained within the contractor's yard. No overnight idling of diesel engines or parking of any semi-tractor(s) or semi-trailer(s) shall be permitted or suffered by Applicant.
6. Prior to the issuance of any Occupancy Permit, Applicant shall provide a list of the vehicles to be maintained on the Subject Property for purposes of a contractor's yard.
7. 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.
8. Except as otherwise expressly provided in this Ordinance, permitted and accessory uses for the Subject Property shall be as set forth in § 455-30, M-2 General Industrial District, of the City of St. Francis Zoning Code, as the same may be amended from time-to-time.
9. Use of the Subject Property, including but not limited to the lot layout, shall be in substantial conformity with the Application, site plan, plan of operation, and related plans presented to the Planning Commission at its meeting on October 24, 2018 and as such plans may be subsequently approved by the Planning Commission from time to time. Such Site Plan, plan of operation, and

related plans shall be deemed incorporated into this Ordinance by reference and violation of the requirements of any such plan(s) shall be deemed to constitute a violation of this Ordinance.

10. Signage on the Subject Property shall conform to the requirements of the City Code. Applicant shall obtain all necessary permit(s).
11. No junk shall be stored or allowed to accumulate on the Subject Property.
12. Applicant shall provide and maintain off-street parking on the Subject Property, including employee parking, in accordance with the provisions of § 455-38 of the City of St. Francis Code of Ordinances. All parking on, and ingress/egress to, the Subject Property shall be in accordance with the site plan approved by the Planning Commission from time-to-time and shall be clearly striped in accordance with the approved Site Plan and permanently maintained. Disabled parking spaces shall be clearly marked and located building on the Subject Property in accordance with applicable statutes.
13. Applicant shall provide dumpster screening as approved by the Planning Commission.
14. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the Subject Property and away from adjacent properties. All exterior lighting of the Subject Property shall comply with City Code and any applicable FAA regulations.
15. No alterations shall be made to existing grades/drainage without the prior written approval of the City Engineer of plans submitted by the Applicant.
16. Applicant shall maintain the Subject Property in a neat appearance and maintained in accordance with all applicable provisions of the City of St. Francis Code of Ordinances and as amended from time-to-time.
17. The Applicant shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations 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. No outdoor storage shall be permitted on the Subject Property.
18. 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 and/or Zoning Administrator.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. The special use hereby granted shall be subject to all applicable limitations set forth in § 455-48(L) of the City of St. Francis Zoning Code, as amended from time to time.
25. The special use 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.
26. 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.
27. The special use granted under this Ordinance, shall be subject to acceptance in writing by the Applicant.

### 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 5<sup>th</sup> day of March 2019.

City of St. Francis

By: **/s/Ken Tutaj**

Ken Tutaj, Mayor

ATTEST:

**/s/Anne B. Uecker, MMC/WCPC**

Anne B. Uecker, City Clerk/Treasurer

#### **APPLICANT ACCEPTANCE**

The undersigned Applicant hereby accepts the terms of this Ordinance in its entirety.

Dated this 5<sup>th</sup> day of March 2019.

By: **/s/Chris Richards**

Chris Richards, Member

Advance Electrical Contractors, LLC

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**Exhibit A**

Legal Description of Subject Property

**2227 East St. Francis Avenue**

**Tax Key Number 546-1012-000**

All that part of the Southwest one-quarter section of Section 15, Town 6 North, Range 22 East in the City of St. Francis, Milwaukee County, Wisconsin, bounded and described as follows:

Lot 3 in block 2, in Attermeier Subdivision.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

**ORDINANCE NO. 1444**

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 17-15,  
"FOURTH OF JULY COMMISSION", OF THE  
CITY OF ST. FRANCIS CODE OF ORDINANCES  
TO ESTABLISH A CELEBRATIONS COMMITTEE**

WHEREAS, Chapter 17 of the City of St. Francis Code of Ordinances, establishes certain Boards, Commissions, and Committees pertaining to the City of St. Francis; and

WHEREAS, the City of St. Francis has long-held the tradition of holding a parade in celebration of the Fourth of July pursuant and § 17-15 of the City of St. Francis Code of Ordinances establishes a Fourth of July Commission, which has the responsibility of planning and carrying out that parade on behalf of the City of St. Francis; and

WHEREAS, by resolution of the Common Council, a 2018 Christmas Parade Committee was established in August of 2018 for the purpose of planning, organizing and conducting a City of St. Francis Christmas Parade, which was held on December 1, 2018; and

WHEREAS, the Common Council finds that the 2018 City of St. Francis Christmas Parade provided a fantastic opportunity for persons of all ages and backgrounds to spend time with neighbors, friends, and friends in the making, all while enjoying the community spirit that makes St. Francis the place "Where Your Heart Remains"; and

WHEREAS, the Common Council further finds that the holding of an annual City of St. Francis Christmas Parade will promote the general welfare by providing opportunities for families to establish, or continue, traditions and build life-long memories; and

WHEREAS, the Common Council further finds that the holding of an annual City of St. Francis Christmas Parade will promote local business opportunities by providing pre- and post-parade opportunities to serve residents and non-residents alike; and

WHEREAS, the Common Council finds that combining the Fourth of July Commission and the Christmas Parade Committee as a Celebrations Committee for the express purpose of conducting both a Fourth of July Parade and a Christmas Parade within the City of St. Francis will promote the public welfare for the reasons set forth in this Ordinance and provide efficiency in planning and funding for both events;

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

SECTION 1. Chapter 17, entitled "Boards, Commissions, and Committees", Section 17-15, entitled "Fourth of July Commission", is hereby repealed and recreated to read as follows:

§ 17-15. Celebrations Committee.

- A. How constituted. The Celebrations Committee shall consist of six (6) citizen or noncitizen members and one Alderperson. The citizen members will serve

staggered five-year terms.

- B. Powers and duties. The Celebrations Committee shall be responsible for planning and carrying out the annual Fourth of July Celebration and the annual City of St. Francis Christmas Parade. The Committee shall have the power to appoint as many aides or assistants to help it in fulfilling its duties as it deems necessary. No one shall receive pay for service as a Committee member, aide, or assistant.

**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 5<sup>th</sup> day of March 2019.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj  
Ken Tutaj, Mayor

ATTEST:

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