

The meeting was called to order at 7:00 PM 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 all items listed under Consent Agenda on the September 3, 2019 Common Council Agenda and to approve a TID Payment for Building #1 – Mariner Apartments in the amount of \$738,914. 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 Richard Grubanowitch. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve a Change of Agent for Ask Petroleum, LLC – Diljeet Khahra, Agent for 4045 South Kinnickinnic Avenue. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve Temporary "Class B" Retailer's License for the City of St. Francis Celebrations Committee – Kim Knaak, Chair for Sunday Funday Food Truck Fundraiser to be held October 13, 2019 at Vretenar Park (4230 South Kirkwood Avenue). Motion carried.

Moved by Alderman Wattawa, seconded by Alderwoman Schandel to receive and place on file the recommendation from the Planning Commission to approve the Certified Survey Map at South Kinnickinnic/East Norwich Avenue contingent upon the inclusion of the notes brought

forward by the City Attorney and to refer this item to the September 17, 2019 Council meeting. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Feirer to receive and place on file the recommendation from the Planning commission to approve the Phase 1 Detailed PUD for the St. Francis Animal Hospital – South Kinnickinnic Avenue/East Norwich Avenue contingent upon compliance with the items in the review letter dated August 22, 2019 from the Zoning Administrator and the City Engineer and to refer this item to the September 17, 2019 Council meeting. Motion carried.

Resolutions and Ordinances:

Moved by Alderwoman Schandel, seconded by Alderman Damon to introduce and adopt the Resolution Congratulating all City of St. Francis Businesses Past and Present Upon the 50th Anniversary of the Industry and Commerce Award. Motion carried. **Resolution No. 2788**

Moved by Alderman Damon, seconded by Alderman Wattawa to introduce and adopt a Resolution in Support of Multi-Modal Transportation System in Milwaukee County. Motion carried. **Resolution No. 2789**

Moved by Alderman Damon, seconded by Alderman Wattawa to introduce and adopt an Ordinance to Create Article VI of Chapter 262 of the City of St. Francis Code of Ordinances Establishing Additional Regulations for Mobile Food Units. Motion carried. **Ordinance No. 1454**

Discussion Items with Possible Action:

Moved by Alderman Brickner, seconded by Alderman Feirer to place on file the Consent to Assignment by Campbell Capital Group, LLC of the Development Agreement for 4200 South Lake Drive to its affiliate/property owner, St. Francis Property Owner, LLC. Motion carried.

Moved by Alderman Drew, seconded by Alderman Damon to enter into a contract with Cherry Pie, LLC for the July 4, 2020 celebration in the amount of \$4500. Alderman Brickner called the question and requested a Roll Call vote. The following voted “aye”: Alderman Wattawa, Alderman Damon, Alderman Feirer, Alderwoman Schandel, Alderman Drew and Alderman Brickner. Motion carried.

Appointments to Committees/Commissions/Boards:

- None

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

Moved by Alderwoman Schandel, seconded by Alderman Brickner to approve the Application for Park Reservation – St. Francis Celebrations Committee for a fundraising event to be held October 13, 2019. Motion carried.

Adjourn:

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

Time: 7:42 p.m.

RESOLUTION NO. 2788

**RESOLUTION CONGRATULATING
ALL CITY OF ST. FRANCIS BUSINESSES PAST AND PRESENT
UPON THE 50TH ANNIVERSARY OF THE INDUSTRY AND COMMERCE AWARD**

WHEREAS, the St. Francis Civic Association and the City of St. Francis are co-sponsors of an “Appreciation Night” for Industry and Commerce, an event which will be celebrated September 24, 2019; and

WHEREAS, ALL PAST AND PRESENT BUSINESSES within the City of St. Francis are recognized and honored for their contributions to the City of St. Francis and St. Francis Commerce; and

WHEREAS, ALL PAST AND PRESENT BUSINESSES have actively promoted Community interaction by investing in their property; encouraging their employees to serve on City Committees and in community organizations; and

WHEREAS, ALL PAST AND PRESENT BUSINESSES are congratulated on their contribution to the economic health of the Community; and

BE IT FURTHER 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 ALL PAST AND PRESENT BUSINESSES upon BEING A PART OF THE SUCCESS OF THE City of St. Francis and sharing in the 50th Anniversary of the Industry and Commerce Award.

PASSED and ADOPTED this 3rd day of September, 2019.

/s/Ken Tutaj _____

Ken Tutaj
Mayor

ATTEST:

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

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

RESOLUTION No. 2789

**RESOLUTION IN SUPPORT OF MULTI-MODAL TRANSPORTATION SYSTEM
IN MILWAUKEE COUNTY**

WHEREAS, Milwaukee County Transit System (MCTS) bus service is an important and valued part of the City of South Milwaukee and the entire South Shore, offering safe and affordable transportation to hundreds of people each day, connecting workers with jobs, residents with services, students with school and more;

WHEREAS, MCTS has proposed cuts to its 2020 budget that include elimination of 16 of its 51 routes, including Routes 48 and 52 in South Milwaukee, as well as reductions in services to routes 55 and 80 serving other southern communities. This is in addition to the elimination of five routes last spring, including school routes serving St. Francis and Cudahy. Combined with additional cuts in previous years, reductions in service, and increased fares, this is a continuing “death spiral” for local transit;

WHEREAS, the cutting of these routes will significantly harm the South Shore. As just one example, dozens of high school and middle school students are among the nearly 200 riders of Route 52 each day. Eliminating it would leave only Route 15 to serve these students, with the closest stop a half mile away from school campuses;

WHEREAS, the broader communities of St. Francis, Cudahy, Oak Creek and Milwaukee’s South Side are also directly affected by the cancellation of these routes, and each will have seen their own significant impacts. For example, cutting Route 48, a Freeway Flyer, would impact close to 100 commuters each day from South Milwaukee, Cudahy, St. Francis, Bay View and other areas who use it to travel to and from work.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of St. Francis, Milwaukee County, Wisconsin hereby call upon county government leaders to restore these routes and, rather than reduce service, invest in public transportation as a means to serve our constituents, drive economic growth, and connect communities.

AND BE IT FURTHER RESOLVED, we call upon leaders in state government to get behind mass transit as an important part of a multi-modal transportation system, and to support local governments in their work to adequately fund this and other vital services. This includes giving local governments the financial support and flexibility they need to deliver the services their residents and business owners expect and demand. Allow and enable cities, villages, towns, counties and school boards do their jobs.

PASSED and ADOPTED this 3rd day of September, 2019.

/s/Ken Tutaj

Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1454

**AN ORDINANCE TO CREATE ARTICLE VI OF CHAPTER 262 OF THE CITY OF ST. FRANCIS
CODE OF ORDINANCES ESTABLISHING
ADDITIONAL REGULATIONS FOR
MOBILE FOOD UNITS**

WHEREAS, the Common Council of the City of St. Francis finds that health and sanitation provisions within Chapter 262 of the City of St. Francis Code of Ordinances contribute to the general health and welfare of the public; and

WHEREAS, the Common Council further finds that the sale of food within the City by means of mobile food units (e.g. food trucks, food carts, etc.) pose additional concerns beyond those regulated under Wisconsin statutes and regulations pertaining to the licensing of mobile food units by the State and that establishment of reasonable regulations pertaining to mobile food units will promote the public health, safety, and welfare;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF ST. FRANCIS DO HEREBY ORDAIN as follows:

SECTION 1: Article VI of Chapter 262 of the City of St. Francis Code of Ordinances is hereby created to read as follows:

Article VI. Supplemental Regulations for
Mobile Food Units

262-73 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Mobile food unit” means a vehicle or conveyance on wheels, either motorized or nonmotorized, used to sell or serve food. *“Mobile food Unit”* does not include a vehicle which is used solely to transport or deliver food or a common carrier regulated by the state or federal government.

“Person” means any natural person, firm, corporation, association, club, partnership, society, or any other organization of every nature whatsoever.

“Vendor” means any person without a permanent place of business in the City of St. Francis who engages in the business of selling or delivering goods from or near a mobile food unit.

262-74 Moving and parking

- A. Vendors must obey all traffic laws and regulations.
- B. All sales must be made on the public way (sidewalk or street) directly from a mobile food unit.
- C. No vendor shall make any sales from a roadway median strip, safety island or on foot into any street or roadway (including an alley) where there is vehicular traffic.
- D. No vendors shall block or restrict an individual’s access to a business or residence and a minimum of five feet of clearance shall be maintained on sidewalks for pedestrians.
- E. No vendors may park or sell within 300 feet of a school entrance while the school is open to students except as part of a non-profit or civic event being conducted on school grounds with the written permission of such school.
- F. No vendors may not stop or park to sell food from a vehicle on a public street in a non-residential block for more than four hours on any day unless such parking is in compliance with all posted time limits on parking and with all other applicable regulations.
- G. No person shall operate a mobile food unit on property within a public park of the City unless authorized to do so by the Park Commission. No person shall operate an outdoor food stand or mobile food unit within 500 feet of any public park in which there is present a holder of a concession agreement approved by the Park Commission or where the City or any Board, Committee or Commission thereof operates a food stand or mobile food concession.
- H. Selling from a parked vehicle is prohibited on any street in front of any property zoned under the R-1 or R-2 Residential Districts in the City. A copy of the map is located here.

262-75 Hours of operation

Food cannot be sold from a mobile food unit in the City between 9:00 p.m. and 6:00 a.m. This provision, however, does not apply on January 1st, Memorial Day, Juneteenth, the 3rd and 4th of July, Labor Day or where the Park Commission has expressly granted different hours.

262-76 Operating Rules

- A. Vendors shall obtain any and all license(s) necessary including, but not limited to, a Wisconsin seller’s permit and food-related license issued by the Milwaukee County Health Department and comply with the requirements of such license(s). All licenses shall be continuously displayed while operating within the City.
- B. No vendors shall place coolers on the ground or provide chairs or tables for customers.
- C. Vendors shall provide a trash receptacle of at least 32 gallons for customer use.
- D. Vendors shall clean up the area within one-half block of their mobile food unit by the removal of all food waste, garbage, trash and debris in vendor’s own trash receptacle(s).

- E. No food waste or wastewater related to the operation of the mobile food unit shall be disposed of into any storm drain, catch basin, manhole, sidewalk or street.
- F. No food or beverage shall be sold in glass containers or glassware.
- G. Mobile food units are not permitted to use electrical connections. Generators are permissible, provided they are attached to the mobile food unit.
- H. Food shall not be sold door-to-door.
- I. No vendors shall make any comment, request or proposal that is obscene, lewd, lascivious, profane, filthy or indecent.
- J. No vendors shall use audio speakers or amplification in conjunction with the operation of a mobile food unit.
- K. No minor under 12 years of age may participate in the activities of a food peddler.
- L. Vendors who are interested in selling in any City Park must obtain prior consent from the Park Commission.
- M. Vendors who use a mobile food unit at a festival and want to offer items or services for which they are not normally licensed (such as grilling next to the unit) may be required to obtain additional licensing.
- N. A vendor with a permit for a carried container or pushed, pedaled or pulled vehicle shall not use any type of horn.
- O. A vendor who sells food from a mobile food unit must have identifying signs printed or affixed, in a prominent position, to two sides of the vehicle or container. Each identifying sign shall include the name of the business or vendor, a valid telephone number, and the unique serial number, vehicle identification number, permanent unique number or alpha identifier distinguishing the mobile food unit vehicle or carried container in lettering not less than three inches high.

262-77 PENALTY.

- A. Any person who shall cause, permit, or suffer any violation of this provisions of this Article shall, upon conviction, be subject to a forfeiture of not less than \$100 for each offense plus statutory costs and assessments.
- B. Each day of each violation constitutes a separate offense and is subject to an additional forfeiture.

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.

MINUTES OF THE COMMON COUNCIL MEETING HELD SEPTEMBER 3, 2019

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect 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 3rd day of September, 2019.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj_____

Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC_____

Anne Uecker, City Clerk/Treasurer