

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, Calderon, Brickner, Feirer, Damon, Fliss

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

Statement of Open Meetings Compliance:

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

Public Hearing:

- None

Moved by Alderman Feirer, seconded by Alderman Damon to suspend the agenda and take up Discussion Item Trick or Treat 2020. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Damon to approve 2020 St. Francis Trick or Treat times of 5:00 PM to 7:00 PM on Saturday, October 31st. Motion carried, with Alderpersons Feirer and Fliss voting “nay”.

Moved by Alderman Damon, seconded by Alderman Wattawa to resume the agenda. Motion carried.

Presentation:

- Letter from St. Francis Lions Club

Consent Agenda:

Moved by Alderman Wattawa, seconded by Alderwoman Fliss to place on file with reference in the minutes and approve all items listed under Consent Agenda on the October 6, 2020 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 License – New for Nicole Anderson, Jessica Pillsbury, and Mercedes Zarate. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve Cigarette license for Algon Petroleum, LLC. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve "Class A" liquor/Class "A" Beer license for Algon Petroleum, LLC. Motion Carried.

Moved by Alderman Wattawa, seconded by Alderman Feirer to concur with the recommendation of the Planning Commission to approve the extension to pave the parking lot at 4058 South Kinnickinnic Avenue until September 1, 2021 with the paving of the parking lot being a condition of the Occupancy Permit. Motion carried.

Resolutions and Ordinances:

Moved by Alderwoman Fliss, seconded by Alderman Brickner to introduce and adopt a Resolution for combined authorizing for Urban Forestry Grant and Urban Forestry Catastrophic Storm Grant Programs. Motion Carried. **Resolution No. 2805**

Moved by Alderman Damon, seconded by Alderwoman Fliss to introduce and adopt an Ordinance to Create Section 180-8(F)(5) of the City of St. Francis Code of Ordinances Regulating the Keeping of Chickens as amended. Motion carried. **Ordinance No. 1470**

Discussion Items with Possible Action:

Moved by Alderman Brickner, seconded by Alderwoman Fliss to receive and place on file First Amendment to Ground Lease Agreement and Agreement to Address Relocation of Utility Easement and to authorize Mayor and City Clerk/Treasurer to enter into them on behalf of the City in substantially the form presented. Motion carried.

Appointments to Committees/Commissions/Boards:

- None

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to place on file the letter of Correspondence from the City Clerk/Treasurer and to concur with the statements within - Notice of Disallowance - Joseph Kaulfuerst. Motion carried.

Moved by Alderman Feirer, seconded by Alderman Damon to accept the donation of a U-Haul trailer to the Police Department to be used in conjunction with the South Shore Joint Tactical Unit. Motion carried.

Moved by Alderman Damon, seconded by Alderwoman Fliss to refund License fees in the amount of \$540 to Yash Patel. Moved by Alderman Bricker, seconded by Alderman Damon to request a roll call vote with Alderpersons Calderon, Damon, and Fliss voting "yay", Alderpersons Wattawa, Brickner, and Feirer voting "nay", and Mayor Tutaj breaking the tie with a "nay" vote. Motion failed.

Unfinished Business:

- None

Adjourn to Closed Session:

Moved by Alderman Brickner, seconded by Alderwoman Fliss to Convene into closed session pursuant to Wis. Stat. sec. 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Items for discussion: Bear St. Francis 1, LLP Notice of Default; Settlement Proposal Concerning Outstanding Judgements in the City of St. Francis v. BRI 1 LLC and City of St. Francis v. BRI 3770 LLC. The following voted “aye”: Alderman Feirer, Alderwoman Calderon, Alderwoman Fliss, Alderman Wattawa, Alderman Damon and Alderman Brickner. Motion carried.

Time: 8:17 p.m.

Adjourn:

Moved by Alderman Damon, seconded by Alderman Feirer to adjourn directly from Closed Session. Motion carried.

Time: 8:51 p.m.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

RESOLUTION NO. 2805

**COMBINED AUTHORIZING RESOLUTION FOR
URBAN FORESTRY GRANT AND
URBAN FORESTRY CATASTROPHIC STORM GRANT PROGRAMS**

WHEREAS, the applicant, **City of St. Francis**, is interested in obtaining a cost-share grant from Wisconsin Department of Natural Resources for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 23.097(1g) and (1r), Wis. Stats.;

WHEREAS, the applicant attests to the validity and veracity of the statements and representations contained in the grant application; and

WHEREAS, the applicant requests a grant agreement to carry out the project;

NOW, THEREFORE, BE IT RESOLVED, the applicant, **City of St. Francis** will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement;

BE IT FURTHER RESOLVED, the applicant will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers **City Engineer/Director of Public Works**, its official or employee, to act on its behalf to:

1. Sign and submit the grant application
2. Sign a grant agreement between applicant and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement
4. Submit grant reimbursement request to the DNR

Adopted the 6th day of October, 2020.

CITY OF ST. FRANCIS

/s/Ken Tutaj

Ken Tutaj, Mayor

Attest: /s/Anne B. Uecker, MMC/WCPC

Anne Uecker, MMC/WCPC, City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1470

**AN ORDINANCE TO CREATE SECTION 180-8(F)(5) OF THE CITY OF ST. FRANCIS
CODE OF ORDINANCES REGULATING THE KEEPING OF CHICKENS**

WHEREAS, Chapter 180 of the City of St. Francis Code of Ordinances, establishes regulations pertaining to animals in the City of St. Francis; and

WHEREAS, the Common Council finds that the keeping of chickens should be permitted within the City of St. Francis subject to regulations to promote the public health, safety and welfare; and

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

SECTION 1. Chapter 180, "Animals", Article II, "Exotic and Other Animals". Section 180-8 "Exotic pet animals and keeping of animals". Subsection F, "Keeping of animals and birds", paragraph (5), "Keeping of chickens," is hereby created to read as follows:

(5) Keeping of Chickens

- (1) Definitions: the following terms, when used in this section, shall have the meanings set forth below:

ADJACENT PROPERTY

Any property to the side, rear or front of any other property excluding any. property across a street or alley.

CHICKEN

A domestic chicken of the subspecies Gallus gallus domesticus.

COOP

An enclosed coop or open coop as defined in this section.

ENCLOSED COOP

A covered, predator and vermin resistant, well ventilated, wired for an electrical heat source, new or existing accessory structure providing a minimum of two (2) square feet per chicken, up to a maximum of forty (40) square feet for any coop inclusive of the enclosed run designed or modified for keeping of chickens where the chicken is not visible from the outside of the structure.

KEEP

Either the owning, keeping, possessing or harboring of any live chicken(s).

OCCUPIED STRUCTURE

A residential dwelling or other building intended and used for human habitation.

OPEN COOP

A covered, predator and vermin-resistant, well ventilated, wired for an electrical heat source, new or existing accessory structure providing a minimum of two (2) square feet per chicken, to a maximum of forty (40) square feet for any coop, including any enclosed run designed or modified for the keeping of chickens where the chicken is visible from outside the structure.

PERMIT

A privilege to allow a chicken or chickens to be kept on the licensed premises.

ROOSTER

A male chicken of any age, including a capon or otherwise neutered male chicken.

- (2) Annual chicken permit, building permit required. No person shall keep any chicken(s) within the City without first obtaining, and thereafter maintaining, a chicken permit hereunder and no person shall construct any coop without first obtaining a building permit under § 198-3 of the Code.
 - (a) Fee. An application fee, as determined by the current fee schedule on file with the City Clerk, shall be paid to the City by the applicant when the application is filed.
 - (b) Zoning. A permit for the keeping of a chicken or chickens may only be issued for property used for a single-family or two-family dwelling unit located within a residential zoned district.
 - (c) Application. The application for a chicken permit shall be made using such forms as required by the City and such application shall be submitted together with the application fee and all of the following:
 1. An accurate scaled drawing showing the location of one (1) proposed coop where the chicken(s) will be kept that complies with all of the provisions of this Ordinance, the number of chickens requested, distances from such coop to lot lines and occupied buildings on the subject lot and adjacent property, and a depiction of all fencing.
 2. If the applicant is not the owner of the parcel, the property owner must sign the application certifying approval of the use of the premises for this purpose. The property owner's signature must be notarized.
 3. A plan to ensure the proper maintenance and cleaning of the area where the chickens will be kept;
 4. A plan to ensure the proper feeding, shelter, and care of the chickens.
 5. Documentary evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protection pursuant to 95.51, Wis. Stats., and § ATCP 17, Wis. Adm. Code.

- (d) Action on application.
 - 1. The application shall be provided to the Zoning Administrator who shall provide notice of the application, by regular mail, to the property owner (if not the applicant) and to the owners of all adjacent property.
 - 2. If there are no written objections from such owners within 30 days from the date of mailing of the notices, the application for the permit shall be deemed accepted by such owners and the Zoning Administrator may issue the permit if the application is otherwise compliant with this section and all other applicable provisions of the Code.
 - (e) If an objection is received, there shall be a hearing before the Licensing Committee, and the Licensing Committee shall approve the application only upon finding that these standards are met:
 - 1. Appropriate in the location proposed;
 - 2. Compatible with the neighborhood;
 - 3. Not detrimental to the property values of surrounding property; and
 - 4. In keeping with the residential character and quality of the neighborhood.
 - (f) Any person aggrieved by a decision of the Zoning Administrator and/or Licensing Committee shall have the right to appeal such decision as provided in Chapter 4 of this Code.
- (3) Effect, duration of Permit.
- (a) Effect of permit. A permit issued under this ordinance shall allow the original applicant to keep chickens on the subject property in the permitted coop in compliance with this ordinance. A new permit is not required for new or replacement chickens on the property, provided that the total shall not exceed four chickens at any time for any enclosed coop or two chickens for any open coop. A permit is not transferable from the applicant to any other person and does not run with the land to a new owner of the property.
 - (b) Duration. A permit issued pursuant to this section shall have a duration of one year, unless the permit is revoked or lapses pursuant to the provisions of this ordinance, prior to the expiration of said term. The permit shall lapse automatically if no chicken is kept on the property for any consecutive six-month period.
- (4) Additional restrictions.
- (a) Confinement of Chickens. All chickens permitted under this ordinance shall be kept within an enclosed coop or open coop at all times.
 - (b) Roosters prohibited. No person shall keep any rooster(s) within the City limits.
 - (c) Permit limitations. A permit issued under this ordinance may permit only one coop housing not more than four (4) chickens for any residential lot provided, however, that if the application provides for an open coop, a maximum of two (2) chickens may be permitted. Only one permit may be in effect for any lot at any time.
 - (d) Slaughtering. No chicken(s) shall be slaughtered within the City limits.
 - (e) Chicken Coop Construction, maintenance.

- (1) A chicken coop, whether an enclosed coop or an open coop, shall be deemed a structure and shall require a building permit as well as Zoning Administrator approval. The Zoning Administrator shall study such application and approve a chicken coop only upon finding that the provisions of this ordinance, and the following standards are met:
 - a. The proposed location conforms with all requirements of this ordinance;
 - b. Compatible with the neighborhood;
 - c. Not detrimental to the property values of surrounding property; and
 - d. In keeping with the residential character and quality of the neighborhood.
- (2) The permit holder shall construct or cause the coop as approved to be constructed in a workmanlike manner, to be moisture-resistant, and either raised up off the ground or placed on a hard surface, such as concrete, patio block or gravel and in a manner that will avoid the collection of standing water.
- (3) The permit holder shall be responsible to ensure that the coop shall be cleaned of droppings, uneaten feed, feathers and other waste not less than daily and more often as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
- (4) The permit holder shall be responsible to ensure that the chicken(s) are provided with fresh water at all times and adequate amounts of food and for ensuring that all food and supplies are maintained in a secure and rodent proof container.
- (5) The operation of a coop and maintenance of any chicken(s) shall, at all times, be conducted pursuant to the plans and representations made in the application.
- (f) Coop Location, Restricted. No person shall locate or maintain any coop such that any part thereof is:
 - (1) Within fifteen feet (15') of any occupied structure or within three feet (3') of any lot line; or
 - (2) Within the front yard setback; or
 - (3) Visible from any public street or sidewalk.
- (g) Waste disposal. All waste generated by the operation of the coop, including manure, droppings, organic bedding material and spoiled feed shall be disposed of in accordance within Chapter 386, Solid Waste of this Code. Any chicken carcass may not be composted. Waste is prohibited from being deposited at the City yard waste site. Waste cannot be stockpiled to create a nuisance or odor.
- (h) Inspection. The building inspector and health department shall be allowed to enter the property of a permit holder to access the coop, feed storage and waste storage areas of the operation to determine compliance with the provisions of this section.
- (i) Business or commercial use prohibited. Nothing herein shall be interpreted to authorize the conduct of a business or commercial use on a residential property. No sales of eggs, chicks, or chickens shall be made from any residential property.
- (j) Nuisance prohibited. No person shall keep or maintain any chicken(s) that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

- (k) Costs incurred by the City in inspection, investigation, testing, quarantine, isolation, vaccination, humane euthanasia, or otherwise arising from the subject property owner's keeping of any chicken(s) may be charged to the property owner, and such charges that remain unpaid within the time allowed may be imposed on the tax bill for the subject property as a special charge, pursuant to Wis. Stat. § 66.0627.
 - (l) Public health requirements. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
 - 1. Any person holding a permit issued under this ordinance shall immediately report any unusual illness or death of chickens to the Health Department.
 - 2. The Health Department or its agents may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chicken(s) or any chicken(s) believed to be carriers of a communicable disease.
 - (m) Removal. All chickens shall be immediately removed from the property upon lapse, revocation or expiration of the permit for keeping chickens. The enclosure in its totality, including any fencing, covered enclosure, chicken coop, or any other structure or structural elements, shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit for keeping of chickens.
- (5) Compliance, Costs, Penalties.
- (a) In addition to any other penalty provided for under § 180-9, any permit holder found in violation of this section and/or Chapter 320 Nuisances of this Code; declaration of a public nuisance shall be provided a warning notice of compliance. If two warning uses are issued within a twelve (12) month period, the permit shall be immediately revoked. Re-issuance of any revoked permit is subject to a public hearing and City Council approval.
 - (b) Costs that the City may incur in inspection, investigation, testing, quarantine, isolation, vaccination, humane euthanasia, or otherwise arising from the subject property owner's keeping of chickens, may be charged to the property owner, and such charges that remain unpaid within the time allowed may be imposed on the tax bill for the subject property as a special assessment, pursuant to § 66.0627 Wis. Stats., and Chapter 10 Assessments and Charges of this Code.
- (6) Revocation.
- (a) An annual chicken permit is not a permitted use or a conditional use of zoning. A permit cannot be transferred to another person or location. Any annual chicken permit may be revoked at any time without further notice or recourse to protect the peace and good order of the City.

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 6th day of October 2020.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj
Ken Tutaj, Mayor

ATTEST:

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