

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 Feirer, Wattawa, Calderon, Brickner, Damon and Fliss

Also Present: City Administrator Johnsrud, City Attorney Alexy, City Clerk/Treasurer Uecker, City Engineer Dejewski, Building Inspector Meerschaert, Police Chief Hunter, Fire Chief Poplar, Library Director Krahn and interested citizens

**Statement of Open Meetings Compliance:**

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

**Oath of Office – Newly Elected Officials:**

- Steven D. Wattawa
- Shawn M. Feirer
- Matt Damon

**Public Hearing:**

- None

**Presentation:**

- None

**Consent Agenda:**

Moved by Alderman Wattawa, seconded by Alderman Brickner to place on file with reference in the minutes and approve all items listed under Consent Agenda on the May 3, 2022 Common Council agenda. Motion carried.

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

Moved by Alderman Wattawa, seconded by Alderman Damon to acknowledge the recommendation from the Planning Commission to deny the application for a Change of Zoning for 2320 East Layton Avenue from B2 to B2 Special Use to permit a loan agency due to the proposed use not being a currently permitted use in any Zoning District or permitted under a Special Use in any Zoning District and non-conformance with the Comprehensive Plan and to set the date of the Public Hearing. Motion carried.

Moved by Alderman Wattawa, seconded by Alderwoman Fliss to acknowledge the recommendation from the Planning Commission to approve the application for a Change of Zoning for 4698 South Whitnall Avenue, Suite #5 from B2 to B2 Special Use and to set the date of the Public Hearing. Motion carried.

**Resolutions and Ordinances:**

Moved by Alderman Damon, seconded by Alderwoman Fliss to introduce and adopt a Resolution Declaring Intent to Borrow from the State of Wisconsin Trust Fund Loan. Motion carried. **Resolution No. 2829**

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt a Resolution of Commendation for Service to the City of St. Francis Conferred on Rodney P. Lucht. Motion carried. **Resolution No. 2830**

Moved by Alderman Feirer, seconded by Alderman Wattawa to introduce and adopt a Preliminary Resolution Declaring Intent to Levy Special Assessments Under Municipal Police Power Pursuant to §66.0703, Wisconsin Statutes. Motion carried. **Resolution No. 2831**

Moved by Alderwoman Fliss, seconded by Alderman Damon to introduce and adopt a Final Resolution Authorizing Asphalt Pavement, Concrete Curb and Gutter and Related Work: (E. Bottsford Avenue from S. Nicholson Avenue to S. Pennsylvania Avenue; S. New York Avenue from E. Bottsford Avenue to E. Van Norman Avenue; E. Armour Avenue from S. Pennsylvania Avenue to S. Nicholson Avenue; E. Allerton Avenue from S. Nicholson Avenue to S. Delaware Avenue; S. Vermont Avenue from E. Cudahy Avenue to E. Bottsford Avenue; S. Illinois Avenue from E. Armour Avenue to E. Bottsford Avenue; E. Cudahy Avenue from S. Illinois Avenue to S. Nicholson Avenue; S. Delaware Avenue from E. Van Norman Avenue south to Dead End). Motion carried. **Resolution No. 2832**

**Discussion Items with Possible Action:**

- None

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

- None

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

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to place on file with reference in the minutes the correspondence dated April 28, 2022 from the City Engineer regarding Project Approval and Construction Award and to award the contract to DC Burbach in the amount of \$223,177.50. Motion carried.

**Unfinished Business:**

- None

**Announcement by Mayor Concerning Closed Session:**

**Convene into Closed Session: Roll Call Vote Required:**

Moved by Alderman Brickner, seconded by Alderman Feirer 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 public business whenever competitive or bargaining reasons require a closed session. Item for

discussion: Dispatch Contract with the City of Oak Creek; and 19.85(g) conferring with legal counsel for the governmental body who is considering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – Possible litigation on 2525 E. Crawford Avenue, 3770 S. Pennsylvania Avenue and 2040 E. St. Francis Avenue. The following voted “aye”: Alderman Wattawa, Alderman Damon, Alderwoman Fliss, Alderwoman Calderon, Alderman Feirer and Alderman Brickner. Motion carried.

Time: 7:43 p.m.

Moved by Alderwoman Fliss, seconded by Alderman Feirer to reconvene into Open Session. Motion carried.

Time: 8:16 p.m.

Moved by Alderman Damon, seconded by Alderwoman Fliss to direct the City Attorney to start legal proceedings in Circuit Court for the properties located at 2525 East Crawford Avenue, 3770 South Pennsylvania Avenue and 2040 East St. Francis Avenue. Motion carried.

Moved by Alderman Damon, seconded by Alderwoman Fliss to request Mayor Tutaj to send a letter to the Oak Creek Common Council regarding the renewal of the dispatch contract. Motion carried.

**Adjourn:**

Moved by Alderman Damon, seconded by Alderman Feirer to adjourn. Motion carried.

Time: 8:19 p.m.

**RESOLUTION NO. 2829**

**RESOLUTION DECLARING INTENT TO BORROW FROM THE  
STATE OF WISCONSIN TRUST FUND**

By the provisions of Section 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes.

THEREFORE, BE IT RESOLVED, that the City of St. Francis, in the County of Milwaukee, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of Four Million and 00/100 Dollars (\$4,000,000.00) for the purpose of financing TID development incentive and for no other purpose.

The loan is to be payable within 10 years from the 15<sup>th</sup> day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 4.00 percent per annum from the date of making the loan to the 15<sup>th</sup> day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the City of St. Francis, in the County of Milwaukee, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the City of St. Francis by such loan from the state be applied or paid out for any purpose except financing TID development incentive without the consent of the Board of Commissioners of Public lands.

RESOLVED FURTHER, that in the case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the Mayor and clerk of the City of St. Francis, in the County of Milwaukee, Wisconsin, are authorized and empowered, in the name of the city to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the city pursuant to this resolution. The Mayor and clerk of the city will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be records, and that the clerk of this city forward this certified records, along with the application for the loan, to the Board of Commissioners of Public Lands in Wisconsin

PASSED and ADOPTED this 3<sup>rd</sup> day of May, 2022.

/s/Ken Tutaj

Mayor

ATTEST:

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

Resolution No. 2830

OF COMMENDATION FOR  
SERVICE TO THE CITY OF ST. FRANCIS  
CONFERRED ON RODNEY P. LUCHT

At a regular meeting of the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, held on the 3<sup>rd</sup> day of May, 2022 a quorum being present and a majority of the Council voting therefore, said Council does resolve as follows:

WHEREAS, RODNEY P. LUCHT was hired by the St. Francis Police Department on November 15, 1996; and

WHEREAS, RODNEY P. LUCHT became a Field Training Officer in April, 2000 and eventually became the Field Training Unit Supervisor; and

WHEREAS, RODNEY P. LUCHT was a certified instructor in Defense and Arrest Tactics since June, 2003; and

WHEREAS, RODNEY P. LUCHT served in the role of President during his tenure in the St. Francis Professional Police Association Local 217; and

WHEREAS, RODNEY P. LUCHT was promoted to the rank of Investigator in July, 2005 where he served for 8 months; and

WHEREAS, RODNEY P. LUCHT was assigned as the early shift Acting Shift Commander in October, 2006 where he served until June of 2015; and

WHEREAS, RODNEY P. LUCHT was a member of the South Shore Joint Tactical Unit since its inception in 2010, where he held positions of Assistant Team Leader and Team Leader; and

WHEREAS, RODNEY P. LUCHT was promoted to the rank of Sergeant on June 4, 2015; and

WHEREAS, RODNEY P. LUCHT was a member of the SFPD's Honor Guard since its inception in 2015; and

WHEREAS, RODNEY P. LUCHT, after exemplary service, will retire on May 6, 2022.

NOW, THEREFORE, BE IT 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 RODNEY P. LUCHT for more than 25 years and 5 months of dedicated service to the City of St. Francis.

**BE IT FURTHER RESOLVED that the best wishes for health, happiness and success are hereby tendered to RODNEY P. LUCHT, in all his future endeavors.**

PASSED and APPROVED this 3<sup>rd</sup> day of May, 2022.

/s/Ken Tutaj  
Mayor

ATTEST:

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

STATE OF WISCONSIN      CITY OF ST. FRANCIS      MILWAUKEE COUNTY

RESOLUTION NO. 2831

PRELIMINARY RESOLUTION DECLARING INTENT  
TO LEVY SPECIAL ASSESSMENTS  
UNDER MUNICIPAL POLICE POWER  
PURSUANT TO § 66.0703, STATS.

The Common Council of the City of St. Francis, Milwaukee County, Wisconsin,  
DO RESOLVE AS FOLLOWS:

SECTION 1:    INTENT TO LEVY SPECIAL ASSESSMENTS

1.    The Common Council hereby declares its intention to exercise its police power under § 66.0703, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements:

Roadway, curb and gutter, sidewalks, driveway approaches, carriage walks and drainage improvements including but not limited to planning, design, construction, materials, labor, and equipment to perform the described improvements.

2.    The property to be assessed lies within the following described assessment district:

ASSESSMENT DISTRICT

All property abutting both sides of

S. Kinnickinnic Avenue from E. Lunham Avenue to E. Howard Avenue

3.    The total amount assessed against the properties in the described assessment district shall not exceed the total cost of the improvements.
4.    The Common Council hereby determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the City and its inhabitants.
5.    The City Engineer shall prepare a report, which shall consist of:
  - a.    Final plans and specifications for the proposed improvements.
  - b.    An estimate of the entire cost of the proposed improvements.
  - c.    A schedule of the proposed assessments.
  - d.    A statement that the property against which the assessments are proposed is benefited.



6. When the report is completed, the City Engineer shall file a copy of the report with the City Clerk for public inspection.
7. Upon receiving the report of the City Engineer, the City Clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District (including a small map thereof), the time and place at which the report may be inspected, and the time and place of the public hearing on the matters contained in the preliminary resolution and the report. This notice shall be published as a class 1 notice under ch. 985, Stats, and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.
8. The hearing shall be held in the City of St. Francis Municipal Building at the following address: 3400 E. Howard Avenue, St. Francis, WI 53235 a date and time set by the City Clerk in accordance with § 66.0703, Stats.
9. The assessment against any parcel may be paid in cash or in annual installments the number of which shall be determined by the Common Council and shall be determined at the public hearing and incorporated in the final resolution in this matter.

**SECTION 2: SEVERABILITY.**

The several sections of this resolution 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 resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

**SECTION 3: EFFECTIVE DATE.**

This resolution shall take effect immediately upon passage as provided by law.

Dated this 3<sup>rd</sup> day of May, 2022.

CITY OF ST. FRANCIS

**/s/Ken Tutaj**

Ken Tutaj, Mayor

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

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

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

Resolution No. 2832

FINAL RESOLUTION AUTHORIZING ASPHALT PAVEMENT, CONCRETE CURB AND GUTTER, AND RELATED WORK

(E. Bottsford Avenue from S. Nicholson Avenue to S. Pennsylvania Avenue  
S. New York Avenue from E. Bottsford Avenue to E. Van Norman Avenue  
E. Armour Avenue from S. Pennsylvania Avenue to S. Nicholson Avenue  
E. Allerton Avenue from S. Nicholson Avenue to S. Delaware Avenue  
S. Vermont Avenue from E. Cudahy Avenue to E. Bottsford Avenue  
S. Illinois Avenue from E. Armour Avenue to E. Bottsford Avenue  
E. Cudahy Avenue from S. Illinois Avenue to S. Nicholson Avenue  
S. Delaware Avenue from E. Van Norman Avenue south to Dead End)

WHEREAS, the Common Council of the City of St. Francis, Wisconsin held a public hearing at the Council Chambers in the City Hall at 7:00 p.m. on June 24, 2021, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the City Engineer on the proposed public improvements consisting of pavement, curb and gutter, storm sewer and related work on:

E. Bottsford Avenue from S. Nicholson Avenue to S. Pennsylvania Avenue  
S. New York Avenue from E. Bottsford Avenue to E. Van Norman Avenue  
E. Armour Avenue from S. Pennsylvania Avenue to S. Nicholson Avenue  
E. Allerton Avenue from S. Nicholson Avenue to S. Delaware Avenue  
S. Vermont Avenue from E. Cudahy Avenue to E. Bottsford Avenue  
S. Illinois Avenue from E. Armour Avenue to E. Bottsford Avenue  
E. Cudahy Avenue from S. Illinois Avenue to S. Nicholson Avenue  
S. Delaware Avenue from E. Van Norman Avenue south to Dead End

WHEREAS, all persons desiring audience at such hearing were heard;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis as follows:

1. The report of the City Engineer, as modified, a copy of which is attached hereto and incorporated by reference as if fully set forth herein, including the plans and specifications and assessments, as set forth therein, is hereby adopted and approved.

2. The City Engineer, if it has not already been done, is directed to advertise for bids and supervise constructions of such improvements in accordance with the report of the City Engineer as modified.
3. The Common Council hereby determines that the proposed work constitutes an exercise of the police power, and that the property is benefited by, including, among other things, enhancement of value, better drainage, elimination of water ponding, controlled vehicular access, and a safer, smoother travel area. Where it is not possible to assess under the police power, then such assessment shall be according to benefits conferred.
4. That the payment for said improvements shall be made by assessing the entire cost to the properties as indicated in said report.
5. That the costs or benefits and damages shown on the report, as modified, have been determined on a reasonable basis and are hereby confirmed.
6. That the assessments for all projects included in said report are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or all assessments jointly for any purpose.
7. Assessments shall be paid as provided in § 61-11 of the City of St. Francis Code of Ordinances. The assessments may be paid in cash or in ten (10) annual installments to the City Treasurer, with deferred payments to bear interest at the rate of prime plus 0.5% with a maximum 7% per annum on the unpaid balance, with the prime interest rate determined as of the date of final billing by the Office of the City Clerk. All assessments or installments that are not paid when they come due shall be extended upon the tax roll, together with interest and penalties as provided in § 61-11 of the City of St. Francis Code of Ordinances, and collected in the same manner as real estate taxes.
8. The City Clerk shall publish this resolution as a Class 1 notice under Chapter 985, Wisconsin Statutes in the assessment district. Upon publication of this resolution, all work or improvements therein described and all awards, compensations and assessments arising there from are deemed legally authorized and made, and a lien of assessment hereby attaches to each parcel of land affected.
9. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against the benefited property, together with notice of installment payment privileges, to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

10. SEVERABILITY. The several sections of this resolution 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 resolution. The remainder of the resolution shall remain in full force and effect. Any other resolution whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

11. EFFECTIVE DATE. This resolution shall take effect immediately upon passage and publication as provided by law.

PASSED AND APPROVED at a regular meeting of the Common Council of the City of St. Francis this 3rd day of May 2022.

CITY OF ST. FRANCIS

By: /s/Ken Tutaj

Ken Tutaj  
Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC

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