

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 and Fliss

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

**Statement of Open Meetings Compliance:**

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

**Public Hearing:**

- Change of Zoning – M1 Limited Industrial District SU Under Ordinance #1387 to M1 Limited Industrial District Use (2040 East St. Francis Avenue)

Mayor called the Public Hearing three times. The hearing was declared closed.

**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 20, 2022 Common Council agenda. Motion carried.

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

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve an Amusement Device Supplier License plugsTags for Lake States Vending, Inc. – Chad R. Goeman. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve a Beverage Operator's License – New for Michael Middlemas. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve a Combination "Class B/Class "B" Beer License for Joyce J. Pierce and Martin J. Pierce – d/b/a Gordies's at 2000 East Cora Avenue pending payment of fees. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve a Temporary Class "B"/"Class B" Retailer's License for Cavalier Athletic Association, Brian Killoran organizer for MOREtoberfest event to be held October 1, 2022 at 2601 East Morgan Avenue to include courtyard/parking lot weather depending. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Wattawa to approve the request for beer sales at St. Francis Celebrations Committee Food Truck Frenzy event to be held October 2, 2022. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to concur with the recommendation of the Park Commission to approve the extension of the rental of Vretenar Park until the 3<sup>rd</sup> week of October. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to concur with the recommendation of the Park Commission to rename the band shell at Vretenar Memorial Park to the Al Richards Memorial Band Shell at Vretenar Park. Motion carried.

**Resolutions and Ordinances:**

Moved by Alderman Feirer, seconded by Alderman Wattawa to introduce and adopt a Combined Authorizing Resolution for Urban Forestry Catastrophic Storm Grant Program. Motion carried.

**Resolution No. 2838**

Moved by Alderman Wattawa, seconded by Alderman Damon to introduce and adopt an Ordinance to Repeal and Recreate Section 198-6 of the Code of Ordinances for the City of St. Francis Regulating Fences as amended. Motion carried. **Ordinance No. 1494**

**Discussion Items with Possible Action:**

Moved by Alderman Feirer, seconded by Alderman Damon to suspend the agenda to the K9 Legacy Update. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman Feirer to approve the location and landscaping for the K9 Hero Memorial to be located west of the flag poles in front of the Civic Center. Motion carried.

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

Moved by Alderman Damon, seconded by Alderwoman Fliss to ask City Staff to come up with a policy regarding the dispensing of Narcan on public property and to request that the Library Board not make any decisions regarding the dispensing of Narcan in the Library until the Council reviews the policy created by City Staff. Motion carried.

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

Moved by Alderman Feirer, seconded by Alderman Wattawa to concur with the Mayor's appointment of Bob Korawski to the Celebrations Committee. Motion carried.

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

Moved by Alderman Wattawa, seconded by Alderman Damon to place on file with reference in the minutes the correspondence from Carol Knudson regarding handicapped parking at 1825 East St. Francis Avenue and to refer this item to Staff to work with the resident to see what other avenues would be available. Motion carried.

**Unfinished Business:**

- None

**Adjourn:**

Moved by Alderman Wattawa, seconded by Alderwoman Fliss to adjourn. Motion carried.

Time: 8:10 p.m.

**RESOLUTION NO. 2838**  
**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 Section 23.097(1g) and (1r), Wisconsin Statutes;

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 authorize and empowers the 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

PASSED and APPROVED this 20<sup>th</sup> day of September, 2022.

CITY OF ST. FRANCIS

/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. 1494**

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 198-6 OF THE  
CODE OF ORDINANCES FOR THE CITY OF ST. FRANCIS  
REGULATING FENCES**

WHEREAS, Section 198-6 of the City of St. Francis Code of Ordinances currently regulates fences in the City; and

WHEREAS, upon recommendation from the Planning Commission, the Common Council has determined that revisions to Section 198-6 as set forth in this Ordinance to address permissible front yard fences will promote the public health, safety and welfare;

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

**SECTION 1:** Section 198-6 of the City of St. Francis Code of Ordinances, "Fences", is hereby repealed and recreated to read as follows:

§ 198-6. Fences.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

FENCE

A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails, whether continuous or discontinuous.

FENCE, FRONT YARD DECORATIVE

A fence that does not extend across the full width of the front yard and that is used only to enhance any architectural feature, complement any aesthetic feature of a property or partially define a boundary area.

FRONT YARD

A yard extending the full width of the lot, being the minimum horizontal distance from the front lot line to the nearest part of the main building, excluding uncovered porch and steps.

REAR YARD

A yard extending the full width of the lot, being the minimum horizontal distance from the rear lot line to the nearest part of the main building, excluding uncovered porch and steps.

SIDE YARD

The yard area extending from the front yard to the rear yard, being the minimum horizontal distance between a building and any projection thereof and the side lot line, excluding uncovered steps.

B. Prohibited fences.

(1) No fence exceeding seven feet in height shall be constructed, erected, reconstructed, rebuilt or replaced in any residential or non-residential district except pursuant to permission granted by the Common Council as part of a detailed PUD plan approval under § 455-35(B)(3) of this Code.

(2) No electrically charged or other inherently dangerous fence shall be permitted in any district, nor shall any barbed wire fence be used on any property that is not zoned for industrial use.

C. Fence Permit; application requirements.

(1) No person shall construct, erect, reconstruct, rebuild or replace any fence without first obtaining a permit therefor from the Building Inspector.

(2) The fee for such permit shall be submitted to the Building Inspector together with the permit application in the amount as provided in the current fee schedule on file with the City Clerk, together with a survey less than 10 years old; provided, however, that the Building Inspector may accept an older survey if the applicant has first caused the property corner stakes to have been located and field verified.

D. Fence Restrictions; conditions.

(1) Height Restrictions, Requirements.

(a) Height Determined.

1. For purposes of this section, fence height shall be determined by measuring from grade at the finish side of the fence no further than four inches horizontally from fence to the highest point on the structure.
2. Notwithstanding the provisions of § 198-6(D)(1)(a)(1) of this Code, the height of a fence constructed or existing within three feet (3') of a retaining wall shall be determined by adding the height of said retaining wall to the height of the fence as calculated under § 198-6(D)(1)(a)(1) above. The height of the retaining wall, however, will not be added to the height of the fence if the retaining wall is setback three feet (3') or more from the property line and the fence being measured is setback an additional three feet (3') or more from said retaining wall.
3. Panelized fence sections shall be set not more than three inches (3") above grade to allow for trimming of grass and to discourage panel deterioration provided, however, that height calculations for purposes of this Ordinance shall be made without regard to such additional three inches.

(b) Height Restrictions for Fences in Residential Districts.

1. No fence exceeding six feet in height shall be erected, constructed or maintained by any person on any property within a Residential District except as set forth in Subsection D(1)(b)(2) below or Subsection E.
2. Where a lot within residential district lies adjacent to or abuts property in a nonresidential district, no fence exceeding seven feet in height shall be erected, constructed or maintained by any person along that portion of the lot line lying adjacent to or abutting such nonresidential district; provided,

however, that in the R-3 Residential Mixed Use District, the maximum fence height shall be determined as follows:

(a) The maximum height of a fence, including privacy-type fences, abutting a nonresidential use shall be seven feet, except no fence shall be erected in front yards except as otherwise provided in Subsection G below.

(b) The maximum height of a fence abutting a residential use shall be six feet, provided that such fences may be erected in rear yard areas only.

- (2) Any district not designated as a residential district under Chapter 455, Zoning, of this Code shall be considered a nonresidential district (including schools, churches, institutions and the like) for purposes of this Section.
- (3) In any nonresidential area, fences shall be of such type and construction that shall allow people outside the fence to see through it without hindrance. In an industrial area where barbed wire is used, the lowest strand shall be a minimum of six feet above the grade.
- (4) In the public interest and for snowplowing purposes, no fence, barrier or other structure shall be erected, built or placed nearer than three feet to any alley lot line, two feet to any street lot line if there is a sidewalk, or three feet to any street lot line if there is no sidewalk. This provision shall not apply to structures which have a different setback as established by Chapter 455, Zoning, of this Code.
- (5) All fences hereafter erected or constructed shall provide for a passage of air equivalent to 25% of the surface area of the fence. However, in residential areas, where privacy is desired, fences with less than such twenty-five-percent open spacing may be erected, and may be erected up to six feet above grade, provided that such fences may not extend farther forward than the main rear line of such residence.
- (6) Any fence constructed or reconstructed shall have the structural components thereof facing the side of the property for and on which the same are erected.
- (7) On any corner lot where a front or side yard is required or provided, no building, fence, hedge or other obstruction more than two feet in height shall be placed so as to interfere with clear vision by the operator of any vehicle on a public right-of-way from one street to another or alley across the corner.
- (8) In any residential district or area or on any lot or premises the principal use of which is for residential purposes, no fence shall extend nearer to the street than the front line of the building or the front setback line as set forth in Chapter 455, Zoning, for residential districts, whichever is nearer.
- (9) In any residential district or area or on any lot or premises the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstalled in any area where there is a distance between main residential buildings of 10 feet or less.

E. Special purpose fences. Fences for swimming pools, confining dogs, etc., shall be no larger than necessary for such purpose and shall conform to the building setbacks of this chapter. Such special purpose fence shall not exceed six feet in height in all zoning classifications, except

institutional use (IU) zoning, where the Plan Commission may approve an alternate height that shall be reasonable for the intended purpose.

F. Nonconforming uses. No fence shall be altered or enlarged without making the entire fence conform to the provisions of this section.

G. Front yard fences.

(1) Regulated.

(a) No fences, parts of fences, or fence-like structures are allowed in the front yard of any property unless a permit has first been issued in strict accordance with the balance of this Subsection G.

(b) No permit shall be issued under this section to erect a fence, part(s) of fences, or fence-like structure in a front yard of any residential or commercial property unless the applicant first demonstrates that, as constructed, it:

[1] Does not extend across the full width of the front yard;

[2] Will be used only to enhance any architectural feature, complement any aesthetic feature of a property or partially define a boundary area; and

[3] Will be constructed only of brick, stone, or wood provided, however, that the Plan Commission may approve use of metal fencing materials, other than chain-link and wire type fencing materials, where the Plan Commission determines that the type, color, and location of such metal fencing materials is consistent or compatible with the surrounding area.

(2) Front yard decorative fence; permit required.

(a) A person desiring to erect a front yard decorative fence that is otherwise prohibited in Subsection G(1) above shall first apply for a permit from the Building Inspector. Such application shall be accompanied by a plat of survey of the property and all necessary drawings to indicate the location(s), height, length, density and design of such structure and the materials to be used in its construction.

(b) A fee for such application shall be as provided in the current fee schedule on file with the City Clerk together with a survey that conforms to Subsection C(2) above.

(c) Upon receipt of such application, fee and survey, the Building Inspector shall refer such application to the Plan Commission.

(3) Public hearing, Plan Commission Determinations Required.

(a) Upon receipt of such application, the Plan Commission shall set a date for a public hearing.

(b) The Plan Commission shall mail a notice of such public hearing to all property owners within 100 feet of the front lot line of the applicant's lot. Such notice shall be mailed by first-class mail at least seven days prior to such hearing.

(c) At such hearing, the Plan Commission shall hear all persons desiring to be heard on such front yard decorative fence.



(d) The Plan Commission shall determine whether or not the proposed front yard decorative fence shall be allowed, conditionally allowed, or disallowed. In making its determination, the Plan Commission may consider, among other things:

[1] Visual clearance for motorists.

[2] Visual clearance for pedestrians.

[3] Public access abutting such property.

[4] Whether the proposed structure fully complies with the definition of the term "front yard decorative fence" as defined in Subsection A above.

[5] Aesthetics of the proposed structure in light of existing structures on the principle and neighboring properties.

(e) There shall be no fee charged for such hearing, beyond the initial permit application fee.

(f) If such structure is allowed, or conditionally allowed, by the Plan Commission, the Building Inspector shall issue a permit for such front yard decorative fence. Upon rejection by the Plan Commission, the Building Inspector shall deny such permit.

**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 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 20<sup>th</sup> day of September 2022.

CITY OF ST. FRANCIS

By: /s/Ken Tutaj

Ken Tutaj, Mayor

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

Anne B. Uecker, City Clerk/Treasurer