

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, 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- Change of Zoning – M1 to M2-SU (4430 South Kansas Avenue) – Application has been withdrawn

City Clerk/Treasurer Uecker read the “Notice of Public Hearing” as published.

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

- Change of Zoning – M1 to M2-SU (2040 East St. Francis Avenue)

City Clerk/Treasurer Uecker read the “Notice of Public Hearing” as published.

City Attorney Alexy explained the history and what the purpose of the hearing was.

Brent Nistler
301 North Broadway
Milwaukee

Attorney Nistler represents the owner (Darrick Dysland) of 2040 East St. Francis Avenue. He felt that §455-48(F) Special Use Review all confirmed that this would be an allowable use for the special use zoning. He is asking for the Council to approve the Change of Zoning.

Alderman Brickner made a statement regarding the issues that the City has with Mr. Dysland. Attorney Nistler stated that there is an ordinance to follow and the Council shouldn't deny the Change of Zoning due to the past history that the City has with Mr. Dysland. Alderman Feirer reiterated the history the City has had with Mr. Dysland with Alderman Wattawa concurring.

City Attorney Alexy clarified some property ownership of Mr. Dysland as he owns three within the City. This particular parcel isn't one that has a judgement lean against it. The considerations that should be made are set forth within the Code. But there are also additional recommendations in §455-48(H) (1). That is the basis of the denial from the Planning Commission.

Attorney Nistler deferred to City Administrator Johnsrud or City Attorney Alexy regarding the changes since Mr. Netteshiem got involved. There are issue with the architect, but many issues have been resolved over the past several months.

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

- Change of Zoning – M1 to M1-SU (2525 East Crawford Avenue)

City Clerk/Treasurer Uecker read the “Notice of Public Hearing” as published.

City Attorney Alexy gave a brief overview of the Change of Zoning application. It is an existing use but the zoning change will bring the property into compliance.

Brent Nistler
301 North Broadway Avenue
Milwaukee

Attorney Nistler doesn’t understand why the Planning Commission voted the Change of Zoning down. He again referenced §455-48(F).

City Attorney Alexy stated that they have been in violation of the zoning code and have been cited by the City for that. Alderman Feirer stated that this is a violation, and Alderman Brickner voiced that Mr. Dysland is a poor corporate citizen.

Attorney Nistler stated that they are trying to do the right thing now and respectfully asked that the zoning change be approved. Attorney Alexy referenced §455-48(H) as the reason the Planning Commission recommended denial of the Change of Zoning.

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

Presentation:

- None

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 November 1, 2022 Common Council agenda. Motion carried.

Moved by Alderman Feirer, seconded by Alderman Damon to suspend the agenda to Discussion Items with Possible Action for the two zoning applications/Change of Zoning for 2040 East St. Francis Avenue and 2525 East Crawford Avenue. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Brickner to deny the Application by U-Haul of Wisconsin, Inc. for Change of Zoning M1 to M1-SU (2040 East St. Francis Avenue) to add "Heavy Motor Vehicle – Rental Facility” as a permitted use. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Brickner to deny the Application by ServD Distribution for Change of Zoning M1 to M1-SU (2525 East Crawford Avenue) to permit "Wholesale Distribution Facility - Indoor". Motion carried.

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

Recommendation of Action from Committees/Commissions/Boards:

Moved by Alderman Wattawa, seconded by Alderman Damon to set the Public Hearing for the 2023 Annual City of St. Francis Budget for a Special Common Council meeting to be held Tuesday, November 29, 2022 at 7:00 p.m. Motion carried.

Moved by Alderwoman Fliss, seconded by Alderman Damon to approve the contract for Salsabrosa Dance Company for the 2022 Christmas Parade. Motion carried.

Moved by Alderman Wattawa, seconded by Alderwoman Fliss to acknowledge the recommendation from the Planning Commission to approve the Certified Survey Map for 3759 S. Rutland Avenue. Motion carried.

Moved by Alderman Wattawa, seconded by Alderwoman Fliss to acknowledge the recommendation from the Planning Commission to approve the Certified Survey Map for 2227-2235 E. St. Francis Avenue. Motion carried.

Resolutions and Ordinances:

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to introduce and adopt an Ordinance to Repeal and Recreate Chapter 380 of the City of St. Francis Code of Ordinances Regulating Signs. Motion carried. **Ordinance No. 1501**

Discussion Items with Possible Action:

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to send an official statement to the WI-DOT Recommendation regarding the Hoan Bridge on the City's position. Motion carried.

Moved by Alderman Feirer, seconded by Alderwoman Fliss to approve the request for Temporary Structure Over Walkway (between Parking Structure and Building) – 3600 East Lake Drive. Motion carried.

Appointments to Committees/Commissions/Boards:

- None

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

- None

Unfinished Business:

- None

Announcement by Mayor Concerning Closed Session:

Convene into Closed Session:

Roll Call Required

Moved by Alderwoman Fliss, seconded by Alderman Wattawa to Convene into Closed Session pursuant to Wisconsin Statute Sec. 19.85(e) Deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – Intergovernmental Agreement pursuant to Wis. Stat. §66.0301 between Oak Creek and the City of St. Francis – Dispatch Services and 19.85(e) Deliberating or negotiating the purchasing of public properties whenever competitive or bargaining reasons require a closed session – Tax Incremental District 4. The following voted “aye”: Alderwoman Calderon, Alderman Feirer, Alderman Brickner, Alderman Wattawa, Alderman Damon and Alderwoman Fliss. Motion carried.

Time: 8:01 p.m.

Adjourn:

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

Time: 8:54 p.m.