MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, DECEMBER 17, 2019

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 p.m.
Present: Linda Lubotsky, Bruce Bailey, Pamela Akers, Shirley Saryan, Karl Kastner
Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Kristi Johnson, Community Development Manager; Jennifer Goergen, City Clerk.

B. Opening Prayer

An opening prayer was given by Pastor Steve Rogers.

C. Pledge of Allegiance

D. Approval of the December 3, 2019 Common Council minutes

Motion by Alderperson Akers, seconded by Alderperson Kastner, to approve the December 3, 2019 Common Council minutes. Motion carried unanimously.

E. Mayor's Report

Mayor Neitzke said the new ice skating rink will open December 18, 2019. He thanked the Pettit National Ice Center for donation of used ice skates. He also thanked Hockey Lockers for sharpening the skates, and TruStone Financial, Dan Jansen Fest, Meijer, Don Carlson, the Milwaukee Admirals, Shaw Hockey, Lincoln contractors, the New Berlin-Greenfield Little League, Milwaukee County, Partners of Greenfield Parks and Recreation, an anonymous convenience store, and city staff for various donations and their work to get the ice rink established.

He also announced tax bills went out.

The city is working toward becoming designated as a bird, bee, and butterfly city, and donations are being sought.

F. Aldermanic Reports

Ald. Bailey said the Tree Commission has applied for a $50,000 tree planting grant for 2020. The commission has a vacancy if anyone would like to serve.

G. Announcements

Ald. Lubotsky said Greenfield High School had their annual holiday sharing, collecting food, clothes and toys for the needy. Milwaukee Area Domestic Animal Control is looking for people to host "furry friends" from the shelter in their homes December 12 - 23.

H. Citizen Commentary

Mayor Neitzke said the 5 people who signed up could speak later under the related public hearing items.

I. Public Hearings

1. Public Hearing on an Ordinance to adopt a Land Use Map amendment to the 2008 City of Greenfield Comprehensive Plan for the properties located at 11940 W.

Edgerton Ave., 120** W. Vogel Ave. and 120** W. Vogel Ave. from Single Family to Mixed Residential. Tax Key Nos. 611-8964-000, 611-8965-001 and 611-8965-002. (PC-10/8/19 & PC-11/12/19-Kastner)

Mayor Neitzke announced he would combine the two public hearings under Agenda Items I1 and I2 into one public hearing.

Community Development Manager Kristi Johnson gave a presentation about the property. Access would be off W. Edgerton Ave. The developer is proposing a 192-unit senior complex, plus in the future, eight townhouse units to the north, and 12 townhouse units to the west, on approximately 14 acres of land. It is currently zoned R-1 Single Family, proposed to be rezoned to Planned Unit Development District for residential uses. The PUD zoning district allows more flexibility in terms of density or setbacks. There is Institutional use to the east, and single family use to the west. The proposed zoning and land use changes could allow the property to act as a buffer between those two uses. She also showed the city's Official Map, which outlines land designated for future roads, noting it was based on the idea of having more single family homes along W. Holmes Ave., W. Carpenter Ave. and S. 121st St. The developer's proposal would require a few variances: one to change a 25-foot setback to a 5-foot setback for one building; and another to change the minimum dwelling unit size for a one-bedroom unit from the required 800 square feet to 700 square feet. The rest of the project meets the code's standards for a Planned Unit Development. She gave an overview of the proposed amenities. Some 240 onsite parking spaces would be provided, including 116 underground. The Plan Commission recommended approval. One letter of objection was received.

The architect, Steve Morales from RINKA, gave a detailed presentation with maps and renderings of the project. Their goals included preserving major wooded areas, and providing a safe, walkable community with social spaces and needed amenities.

Quin Brunette, 12255 W. Black Oak Dr., read a letter signed by the Whitnall School District school board members and superintendent. Due to limited sidewalks, narrow roadways and minimal traffic lights or signs, they have concerns about the safety of pedestrians, bicycle and vehicle traffic. They asked the city to consider traffic flow and congestion when reviewing the GreatLife project and another upcoming project on the west side.

Mayor Neitzke said the city wants - at the developer's expense - additional pedestrian and access points from the neighborhoods to the west so people can cut through the property to get to the Whitnall School District. Also, the city wants to enhance the forest area by the school district. Finally, the city would encourage Hales Corners to apply for grants to make improvements on W. Edgerton Ave. to make safe routes for kids to travel to school. Finally, they also encouraged the developer and architect to look at traffic counts in a mini traffic study. City officials don't think the new development would have a significant impact on traffic during school drop-off times, but the burden is on the developer to show that.

Mr. Morales said a traffic study was completed showing the project would only increase traffic by 3 - 4%, without taking into account on-site amenities that could decrease the impact further.

As an alternative to this project, Mayor Neitzke said extending W. Carpenter Ave. and W. Holmes Ave. to W. Edgerton Ave. and creating a single family development would require regrading "almost the entire site" and wiping out "almost the entire tree canopy" because of the way the wetlands are laid out.

Robert Lauer, 12470 W. Edgerton Ave., asked how deep the stormwater ponds would be maintained at.

Registering in favor, not speaking:
Joe Kopinski, 12325 W. Holmes Ave.
Michael L. Zack, 12030 W. Edgerton Ave., Hales Corners
Jim Meincke, 12010 W. Holmes Ave. (later spoke)
Kathy Kilps, 12375 W. Holmes Ave.
Lisa Zach, 12030 W. Edgerton Ave.

Registering against, not speaking:
Steve Clark, 5237 S. Meadowlark Ln., Hales Corners
Jennifer Pratt, Jennifer Pratt, 11410 W. Godsell Ave., Hales Corners
Katherine Behr, 11891 Woodland Cir., Hales Corners
Thomas Behr, 11891 Woodland Cir., Hales Corners
Doreen Ubl, 12042 W. Carpenter Ave.
Laurel Meincke, 12010 W. Holmes Ave.
Chris Ament, 12008 W. Carpenter Ave. (spoke later)
Barry McLaughlin, 12225 W. Holmes Ave.
Delois Domjen, 12040 W. Holmes Ave.
Michael J. Koklas, 12025 and 12035 W. Holmes Ave.
Stephen Hill, 12101 W. Holmes Ave.
Michelle Hill, 12101 W. Holmes Ave.

Mayor Neitzke read into the record:

A letter from Walt Morzy, 11500 W. Edgerton Ave. Mr. Morsey had safety concerns over increased traffic. He said there are enough existing senior apartments to meet demand; if units couldn't be rented, would it turn into a regular apartment complex?

An email received from Sherry Landowski Henning, 4985 S. 103rd St. She had concerns about density, adverse effect to aesthetics, and depreciation of the value of surrounding dwellings. She said for single-family or duplexes would be preferable to multi-unit development.

Registered against, speaking:

Bob Tutkowski, 12105 W. Carpenter Ave., was concerned about his property value being affected, more police cars and traffic, and about whether this would stay as senior living or turn into apartments for all ages.

Jeffrey Ubl, 12042 W. Carpenter Ave., doesn't want the complexion of the neighborhood to change. He is concerned about property value being affected, increased traffic, drainage concerns, and increased sirens from emergency services. He would prefer it remain single family.

Jean Rowe, 4525 S. River Ridge Blvd., likes wildlife and trees, and prefers the land to be left as it is. If it is developed, she prefers single family homes. Many older people are still working and would increase traffic. Will the units be rented or owned? How many tenants would live there?

Paul Stassi, 12120 W. Holmes Ave., said he has lived at his address since June 1992. His is a stable neighborhood with little turnover. He wants this property kept as single family. This proposed project would change the fundamental character of the neighborhood. Density would jump from an average of 2.3 units per acre to 15 units per acre for the senior apartments. Renters would be more transient and less invested in the neighborhood.

Patrick LaSussa, 11750 W. Edgerton Ave., provided a three-page letter of objection. He is concerned about increased traffic, including emergency services traffic, and aesthetics. They do not want access from the development going through their neighborhood. There is not adequate screening for headlights. He requests a traffic study be done for the entire area.

Kathleen Clark, 5237 S. Meadowlark Lane, Hales Corners, said further traffic and water shed studies should be done. She said many 55-70-year-olds work, and also care for other younger family members. This could become a mixed use apartment setting. There could be "around the clock" traffic from visitors, therapists and staff, changing the character of the neighborhood. Increased traffic could impact the safety of nearby school children. She urged alderperson to not change the rules for current residents, and to look into development of single family homes instead.

Nicole Tomczyk, 12100 W. Edgerton Ave., said the initial plan submitted in 2018 was for 120 units, with additional town homes. Now the plan is for 192 units, with a four-story building. Why does the plan keep changing toward greater density? This does not fit the neighborhood. The majority of the residents do not like this plan. She hopes it can change. If not, she wants to annex her property into Hales Corner to be heard.

The developer spoke on the issues raised:
The typical age for residents of the complex would be 55 plus, but cannot be restricted by law.
The traffic study has been done, and the impact was negligible (3-4% increase).
Units are rented, not owned.
Number of tenants - impossible to calculate, depends on how units will be utilized.
Cannot provide renderings of what the project would look like from every home on every street leading to it.
Children and grandchildren could be visit/stay.
A full storm water management plan has been submitted; the retention ponds are anywhere from 4 1/2 - 7 feet deep; water has to be retained onsite.
Light spillage must be limited to the site itself.

Another representative for the developer said the current zoning is R-1; the height limit in R-1 is 35 feet. School traffic is only an issue for a portion of the year, and for a small portion of each school day. Single family homes would generate more traffic than a senior complex. Storm water management would help; without this project, water just drains across this property to the east and south. There is a "tsunami" of baby boomers coming who will want senior living, and most people moving into a senior community will be 75 years old or older. The typical resident will be 80 years old and female. They would like to live where it's quiet, wooded and peaceful. This is an option for them other than on the freeway or a busy road.

Mr. Stassi said if the developer is trying to address the needs of the baby boomers, are there any transitions to a higher level of care, such as assisted living, etc.?

Mayor Neitzke said this place is the earliest stage in the transition.

Mary Payne, 11750 W. Edgerton Ave., questioned the traffic study results - she thinks the traffic count will be higher. The street is not safe now, and with increased traffic, children going to Whitnall schools will be in danger. She does not like the idea of widening W. Edgerton Ave. or putting in a sidewalk in her front yard.

Mayor Neitzke said for safety it is best for busy quarter section streets such as W. Edgerton Ave. to be widened, with a bike lane, and sidewalks.

Jeanie Rowe, 4525 S. River Ridge Blvd., asked for a list of the amenities offered with this complex. Mayor Neitzke said this was described already; occupational and physical therapists visit to provide services but do not have offices onsite. It will not be a strip mall.

Chris Ament, 12008 W. Carpenter, asked: 1) What are the repercussions from the development from a tax perspective; 2) Are there any studies on what the impact would be on property values? 3) Are these rentals subsidized?

The developer said projected taxes paid to the city, $216,000 plus; to the Whitnall School District, $230,000; with a total tax contribution $648,000 a year. He has not seen any studies that show nearby single family property values decrease as a result of being near senior living communities. It is not subsidized.

Jim Meincke, 12010 W. Holmes Ave., lives west of the proposed development. He likes the plan, but not a residential plan because the street will go through. Water issues are his number one concern, especially storm water from W. Holmes Ave. and W. Carpenter Ave which create standing water near his property. Why does water from the Winter subdivision retention pond drain down S. 118th Street to where the proposed houses would go? Finally, he said all the trees will be gone with residential development if the land is not developed as a senior living community.

Motion by Ald. Kastner, seconded by Ald. Lubotsky, to close the public hearings at 9:25 p.m. Motion carried unanimously.

a. Adopt an ordinance to adopt a Land Use Map amendment to the 2008 City of Greenfield Comprehensive Plan for the properties located at 11940 W. Edgerton Ave., 120** W. Vogel Ave. and 120** W. Vogel Ave. from Single Family to Mixed Residential, subject to Plan Commission and staff comments. Tax Key Nos. 611-8964-000, 611-8965-001 and 611-8965-002. (PC-10/8/19 & PC-11/12/19-Kastner)

   Under discussion, Ald. Akers asked how many other four-story apartment buildings there are in the City.

   Mayor Neitzke said none. The five-story Aurora office is the tallest office building in the city, at about 100 feet in height.

   Motion by Alderperson Bruce Bailey, seconded by Alderperson Linda Lubotsky, to approve the ordinance to adopt the Land Use Map amendment.

   The motion failed 2-3, with Ald. Bailey and Lubotsky voting yes, and Ald. Akers, Saryan, and Kastner voting no.

b. Approve a Site, Landscaping and Architectural Plans for GreatLife Greenfield – The Woods, a proposed senior housing development, to be located at 11940 W. Edgerton Ave., 120** W. Vogel Ave. and 120** W. Vogel Avenue, subject to Plan Commission and staff comments. Tax Key Nos. 611-8964-000, 611-8965-001 and 611-8965-002. (PC-10/8/19-Kastner)

   No action was taken (due to the earlier failure to approve the Land Use Map amendment under Agenda Item #I1a).

2. Public Hearing on an Ordinance to amend the official Greenfield Zoning Map by

rezoning the properties located at 11940 W. Edgerton Ave., 120** W. Vogel Ave. and 120** W. Vogel Ave. from R-1 Single-Family Residential District to PUD Planned Unit Development District – Residential. Tax Key Nos. 611-8964-000, 611-8965-001 and 611-8965-002. (PC-10/8/19-Kastner)

This public hearing was combined with Agenda Item #I1.

a. Approve an Ordinance to amend the official Greenfield Zoning Map by rezoning the properties located at 11940 W. Edgerton Ave., 120** W. Vogel Ave. and 120** W. Vogel Ave. from R-1 Single-Family Residential District to PUD Planned Unit Development District – Residential, subject to Plan Commission and staff comments. Tax Key Nos. 611-8964-000, 611-8965-001 and 611-8965-002. (PC-10/8/19-Kastner)

   No action was taken (due to the earlier failure to approve the Land Use Map amendment under Agenda Item #I1a).

J. Old Business

1. Appointments to various committees and commissions:

   a. <u>Council appointments</u>:

      i. <u>A.D. #3</u>
      One member to the Park & Recreation Board for a term to expire 5/31/22 (formerly Michael McElligott)
      To be placed on the **<u>NEXT AGENDA</u>**.

   b. <u>Mayor appointments, confirmed by Council</u>:

      i. One member to the Board of Review for a term to expire 5/1/21 (formerly Gregory Krog)
      To be placed on the **<u>NEXT AGENDA</u>**.

      ii. One alternate member to the Board of Review for a term to expire 5/1/24 (newly created position)
      To be placed on the **<u>NEXT AGENDA</u>**.

      iii. One member to the Zoning Board of Appeals for a term to expire 5/1/20 (formerly Donald Kopp)
      To be placed on the **<u>NEXT AGENDA</u>**.

      iv. One member to the Tree Commission for a term to expire 5/1/21 (formerly Michael Wendt)
      To be placed on the **<u>NEXT AGENDA</u>**.

   c. <u>Mayor appointments</u>:

      i. One alternate member to the Zoning Board of Appeals for a term to expire 5/1/21 (formerly Denise Kunz)
      To be placed on the **<u>NEXT AGENDA</u>**.

K. New Business

1. Resolution appointing Election Officials: Chief Inspectors, Alternate Chief Inspectors, Election Inspectors, and Special Voting Deputies for 2020-2021.

Motion by Alderperson Pamela Akers, seconded by Alderperson Shirley Saryan, to adopt Resolution No. 3720:

RESOLUTION NO. 3720

RESOLUTION APPOINTING ELECTION OFFICIALS: CHIEF INSPECTORS, ALTERNATE CHIEF INSPECTORS, ELECTION INSPECTORS AND SPECIAL VOTING DEPUTIES FOR 2020-2021

WHEREAS, Wis. Stats. 7.30(4) (a) requires the governing body to appoint election officials no later than the last regular meeting in December of each odd numbered year for the 2020-2021 election cycle; and

WHEREAS, Wis. Stats. 7.30(4) (b) states that the two dominant parties are each responsible for submitting a list of names from which all appointees to inspector positions shall be chosen as outlined within the statutes; and

WHEREAS, the City Clerk received five names from the Republican Party, and two names from the Democratic Party, she has incorporated the names into the list of regular Election Inspectors appointed to work 2020-2021 elections; the names provided are designated as either Republican Party affiliated or Democratic Party affiliated, while the remaining names are unaffiliated; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield confirms the list of election officials for the 2020-2021 election cycle.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of December, 2019.

APPROVED:

____

Michael J. Neitzke, Mayor

ATTEST:

____

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

2. Applications for an operator license received from the following:
   a. Boyd, Paris L.-238 N. 62nd St.
      Stark, William J.B.-10935 W. Wisconsin Ave.

Motion by Ald. Lubotsky, seconded by Ald. Akers, to approve. Motion carried unanimously.

3. Approve a Special Use Review and a Site Plan Review for Don Cangrejo Cantina &

Restaurant, a proposed change of tenancy for the existing restaurant located at 4171 S. 76 Street, subject to Plan Commission and staff comments. Tax Key No. 570-8957-000. (PC-12/10/19-Kastner)

Motion by Alderperson Pamela Akers, seconded by Alderperson Karl Kastner, to approve Agenda Items K3, K4 and K5. On a roll call vote, motion carried unanimously.

4. Approve application for a 2019-2020 "Class B" beer and liquor license received from Don Cangrejo Cantina & Restaurant LLC, Maricela Cuevas, Agent, for the property at 4171 S. 76th St. (Don Cangrejo Cantina & Restaurant)(Built in bar & restaurant. Alcohol will be stored behind bar and cooler designated for alcohol.)

   Approved under Agenda Item K3.

5. Approve application for a 2019-2020 Entertainment License received from Don Cangrejo Cantina & Restaurant LLC, Maricela Cuevas, Agent, for the property at 4171 S. 76th St. (Don Cangrejo Cantina & Restaurant) (Indoor: music groups, live bands. Outdoor: N/A.)

   Approved under Agenda Item K3.

6. Approve a Special Use Review and a Site Plan Review for expanded operating hours for Healthy Paws Wellness Clinic, an existing business located at 4805 S. 74 Street, Suite C, subject to Plan Commission and staff comments. Tax Key No. 617-9983-014. (PC-12/10/19-Kastner)

   Motion by Alderperson Karl Kastner, seconded by Alderperson Linda Lubotsky, to approve Agenda Items K6, K7, K8, and K9. On a roll call vote, motion carried unanimously.

7. Approve a Special Use Review and Site Architectural Plans for US Cellular to upgrade equipment and replace antennas at the telecommunications tower at Hyundai Greenfield, 6133 S. 27 Street, subject to Plan Commission and staff comments. Tax Key No. 691-9841-009. (PC-12/10/19-Kastner)

   Approved under Agenda Item K6.

8. Approve Site and Architectural Plans for Verizon Wireless for construction of an equipment enclosure within the telecommunications compound at Bill's Auto Service, 4737 S. 108th Street, subject to Plan Commission and staff comments. Tax Key No. 612-8997-006. (PC-12/10/19-Kastner)

   Approved under Agenda Item K6.

9. Ordinance to repeal and recreate Chapter 28 – Fair Housing Code.

   Approved under Agenda Item K6.

ORDINANCE NO. 2948

ORDINANCE TO REPEAL AND RECREATE CHAPTER 28 – FAIR HOUSING CODE.

PART I. CHAPTER 28 of the Municipal Code is hereby repealed and recreated to read as follows:

28.01 Policy.

It is the policy of the City to provide, within constitutional limitations, for fair housing treatment throughout the City.

28.02 Definitions.

As used in this chapter:

Age: In reference to a member of a protected class, means at least 18 years old.

Ancestry: The country, nation or tribe of the identifiable group from which a person descends.

Color: The color of a person's skin.

Disability: A physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment.

Discriminate: To segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in section 28.04 because of race, color, sexual orientation, disability, religion, national origin, sex, marital status, family status, status as a victim of domestic abuse, lawful source of income, age, or ancestry.

Discriminatory Housing Practice: An act that is prohibited under sections 28.04, 28.05 or 28.06.

Dwelling: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Family: Includes a single individual.

Family Status: Any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

(1) A person is pregnant.

(2) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.

(3) A person's household includes one or more minor or adult relatives.

(4) A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.

(5) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

Marital Status: The status of being married, widowed, single, divorced, or separated.

Multifamily Housing: Definition provided in Wis. Stat. § 101.132(1)(d).

National Origin: A member of a nation by birth or naturalization or having common origins or traditions.

Person: Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Protected Class: A person, or group of persons, who may be categorized because of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a victim of domestic abuse, lawful source of income, age, or ancestry.

Race: A member of a group united or classified together based on a common history, nationality or geography.

Religion: Sincerely held religious, moral, or ethical beliefs and practices.

Remodel: Definition provided in Wis. Stat. § 101.132(1)(h).

Sex: Being male or female.

Sexual Orientation: Having a preference for heterosexuality, homosexuality, or bisexuality or having a history of being so identified

Status as a Victim of Domestic Abuse: Means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in Wis. Stat. §813.12(1)(am), sexual assault under §§ 940.225, 948.02 or 948.025, or stalking under § 940.32.

Source of Income: The lawful source of a person's income, including wages, a voucher having monetary value, social security, public assistance or other related payments.

To Rent: Includes to lease, to sublease or let, and otherwise to grant for a consideration, the right to occupy premises not owned by the occupant.

<u>28.03</u> <u>Reserved</u>.

<u>28.04</u> <u>Discrimination in the Sale or Rental of Housing</u>.

As made applicable by section 28.03 and except as exempted by section 28.07, no person shall, because of race, color, sexual orientation, disability, religion, national origin, sex, marital status, family status, status as a victim of domestic abuse, lawful source of income, age, or ancestry:

(1) Refuse to sell to or rent after the making of a bona fide offer or refuse to negotiate for the sale or rental of, or otherwise make available or deny a dwelling to any person.

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith.

(3) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination.

(4) Represent to any person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular protected class.

(6) Fail to renew a lease, cause termination of tenancy, or engage in harassment of a tenant.

28.05 Discrimination in the Financing of Housing.

No bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists, in whole or in part, in the making of commercial real estate loans, shall deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or shall discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, sexual orientation, disability, religion, national origin, sex, marital status, family status, status as a victim of domestic abuse, lawful source of income, age or ancestry of such person or of any person associated with him or her in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given. Nothing contained in this chapter shall impair the scope or effectiveness of the exception contained in section 28.03(2).

28.06 Discrimination in the Provision of Brokerage Services.

No entity shall deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, sexual orientation, disability, religion, national origin, sex, marital status, family status, status as a victim of domestic abuse, lawful source of income, age or ancestry.

28.065 Discrimination Against Persons with Disabilities Prohibited.

(1) Types of discrimination prohibited. In addition to discrimination prohibited under sections 28.04, 28.05, and 28.06, no person may do any of the following:

(1) Segregate, separate, exclude or treat unequally in the sale or rental of, or

otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.

(2) Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.

(3) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

(4) Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(2) Animals assisting disabled persons

(1) If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition
of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the

following apply:

(a) Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.

(b) The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

(2) Subdivision 1. Does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(3) No person may design or construct Multifamily Housing, or Remodel housing with 3 or more dwelling units, unless the design, construction or remodeling meets the applicable standards specified in Wis. Stat. § 101.132 101.132

28.07 Exemption.

Nothing in this chapter shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nothing in this chapter shall prohibit a private club, not in fact open to the public which, as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

28.08 Acts Not Prohibited.

Nothing in this chapter shall be deemed to prohibit from selling or refusing to sell; leasing or refusing to lease; financing or refusing to finance, contracting or refusing to contract for the construction of housing for any person for any reason other than because of race, color, sexual orientation, disability, religion, national origin, sex, marital status, family status, status as a victim of domestic abuse, lawful source of income, age or ancestry.

28.09 Requiring References.

Nothing in this chapter shall prohibit an owner or his agent or a lessee seeking to sublease or assign his lease from requiring that an applicant supply information concerning his family, marital, financial and business status, but not information concerning race, color, sexual orientation, disability, religion, national origin, sex, marital status, family status, status as a victim of domestic abuse, lawful source of income, age or ancestry.

28.10 Interference or Intimidation are Prohibited.

No person shall coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or because of his/her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

28.11—28.14 Reserved.

28.15 Enforcement.

The provisions of this chapter shall be enforced by the City Attorney. The City Attorney, upon receipt of a complaint verified by the complainant, may issue a complaint if, in his/her judgment, an action of discrimination is sustainable in Court.

28.16 Penalty.

Except as otherwise provided herein, any person who violates the provisions of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in section 25.04 of this Municipal Code, except the minimum forfeiture shall be $100.00.

PART IV. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART V. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VI. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of December, 2019.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

10. Approve fund transfers between Engineering Division capital improvement accounts (F&HR 12/11/19 S. Saryan)

Motion by Alderperson Shirley Saryan, seconded by Alderperson Bruce Bailey, to approve the Agenda Items K10-K20. On a roll call vote, motion carried unanimously.

11. Approve adopting an ordinance establishing the 2020 Service Charges for the Collection of Garbage, Refuse, Yard Wastes and Recycling Services (F&HR 12/11/19 S. Saryan)

Approved under Agenda Item K10.

ORDINANCE NO. 2949

AN ORDINANCE AMENDING SECTION 12.12 OF THE HEALTH & SANITATION CODE OF THE CITY OF GREENFIELD RELATING TO RECYCLING, YARD WASTE, REFUSE AND SOLID WASTE

The Common Council of the City of Greenfield do ordain as follows:

PART I. Section 12.12 is hereby amended as follows:

(27)(b) There is hereby levied and imposed a special charge for services rendered in the form of garbage, rubbish, yard wastes and recycling collection and disposal and other related programs as follows:

1. Individual Collection (non-dumpster)

$ 52.41 per annum per unit for recycling services
$ 137.55 per annum per unit for garbage, refuse and yard waste services
$ 189.96 per annum per unit for total special charge

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from 12:00 AM on January 1, 2020.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of December, 2019.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

12. Approve transferring $32,500 from 2019 "New Equipment" account to 2019 Capital Equipment account - CE Fire Equipment (F&HR 12/11/19 S. Saryan)
    Approved under Agenda Item K10.
13. Approve transferring from Quality of Life Fund to support unanticipated expenses and improvements for the Konkel Park Ice Rink (F&HR 12/11/19 S. Saryan)
    Approved under Agenda Item K10.
14. Approve a resolution updating Resolution #3112 adjusting the minimum working capital percentage in the General Fund from not less than 25% to not less than 20% - 25%. (F&HR 12/11/19 S. Saryan)
    Approved under Agenda Item K10.

RESOLUTION NO. <u>3721</u>

<u>CITY FUND BALANCES</u>

WHEREAS, the Common Council of the City of Greenfield wish to provide working capital for the City to meet cash flow needs and maintain responsible budget control;

NOW, THEREFORE, BE IT RESOLVED, that the City of Greenfield Common Council do adopt a fund balance resolution as hereinafter stated:

1. The unassigned general fund balance shall be maintained as of December 31 of each year to be not less than 20% - 25% of the subsequent years budgeted general fund expenditures.

2. The unassigned general fund monies shall not be utilized for any purpose, including the annual budget, without a majority vote of approval from the Common Council. If such a proposal is made, a full disclosure, including all pertinent financial and operating information indicating the need to withdraw monies from the unreserved undesignated general fund or any other established fund, shall be made to the Common Council.

3. There shall be no transfer or withdrawals from any fund without a majority vote of approval from the Common Council.

4. The Common Council, by a 2/3 vote, can declare a fiscal emergency and withdraw any amount of general fund monies for purposes of addressing a fiscal emergency. Any such action for withdrawal of monies must also provide for necessary appropriations to restore the monies removed within a three year period.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of December, 2019.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

15. Approve a resolution updating Resolution #3386 amending the descriptions of certain special revenue funds and adding descriptions of new special revenue funds established subsequent to the original resolution. (F&HR 12/11/19 S. Saryan) Approved under Agenda Item K10.

CITY OF GREENFIELD
RESOLUTION NO. 3722

RESOLUTION FOR YEAR-END FINANCIAL STATEMENTS FUND BALANCE REPORTING

WHEREAS, the City of Greenfield must follow generally accepted accounting principles, as set by the Governmental Accounting Standards Board (“GASB”), AND;

WHEREAS, the City of Greenfield is required by Section 73.10 Wis. Stats. to submit financial statements that ‘conform to generally accepted accounting principles promulgated by the Governmental Accounting Standards Board or its successor bodies”, AND;

WHEREAS, the GASB issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* that revised the definition for special revenue funds such that “special revenue funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects” used for fund balance reporting on the balance sheets of Governmental Funds, AND;

WHEREAS, the City of Greenfield Finance and Human Resources Committee recommends that the Common Council authorize the Finance Director to assign resources to classify fund balance reporting on the balance sheets of Governmental Funds per the GASB;

NOW, THEREFORE, BE IT RESOLVED that the City of Greenfield shall currently maintain the following special revenue funds that are restricted or committed to expenditure for specified purposes as denoted:

1. Library Fund – The library is governed by the Library Board that has per WI State Stats. Section 43.58 (1) “exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund…” As such, library funds are restricted to library use as imposed by WI state law.

2. Intergovernmental Service (Paramedic) Fund – This fund is established to include payments made for the mutual aid paramedic services, provided by the City’s fire department. Receipts are collected from Milwaukee County. These funds shall be committed to and used exclusively for fire services.

3. Hotel-Motel Fund – This fund is created under Section 3.10 “Room Tax For Hotels And Motels” of the City of Greenfield municipal code. Revenues include a room tax at a rate of 7% of the gross receipts from the rooms or lodgings. Sixty-six and two-thirds of the revenues collected are committed to tourism promotion and tourism development, and $33^{1/3}$% of the revenues collected are committed to the safety purposes.

4. Storm Sewer Fund – This fund is established pursuant to City of Greenfield Ordinance No. 2671 and Resolution Nos. 3291 and 3341. The City has established a storm water utility and fee to help manage and finance the initiatives required to comply with federal and state regulations, as well as the Milwaukee Metropolitan Sewage District (MMSD), regarding storm water management. The fees collected are committed to be used for storm water regulatory compliance, water quality improvement infrastructure and flood control infrastructure.

5. Grant Fund – This fund is established to account for all revenues and expenditures that are restricted to the intended use as specified in the grant(s) awarded per contractual agreement with the applicable Federal or state agencies, e.g., Federal Department of Justice, Wisconsin Dept. of Transportation, Wisconsin Dept. of Family and Health Services, etc.

6. Post Retirement Health Care Fund – The fund revenues, namely, levy and some allocated interest are dedicated for and committed to the payment of retiree health insurance including the City’s share of the premium and any eligible HRA (Health Reimbursement Account – Section 105) reimbursements, if applicable, associated with a portion of the deductible.
7. Health Reimbursement Arrangement (HRA) Fund – The fund revenues, namely,

levy and some allocated interest are dedicated for and committed to the payment of any eligible HRA (Health Reimbursement Account – Section 105) reimbursements, if applicable, associated with a portion of the deductible for active employees.

8. Impact Fees Fund – Effective June 13, 2006, Wisconsin Act 477 imposed restrictions on use of funds collected from developers. The revenues (generally from developers and permits) are public park fees that are collected under the City's municipal code, Chapter 3, Section 3.12 (5) (d) and are restricted to community park related development.

9. Law Enforcement Fund – This fund is established to meet the requirements for participation in the Federal Equitable Sharing Program and the restrictions upon the use of federally forfeited property or proceeds from such property that is equitably shared with the City of Greenfield police department (a participating agency). The shared proceeds are restricted to be used for law enforcement purposes as specified in the DAG-71 (Federal Department of Justice Guidelines).

10. Park, Recreation and Service Programs Fund – This fund includes park related revenues, such as, park facility rentals, registration fees for programs, concession revenues, travel club activities, WPRA Ticket Program, and the Kids Connection Plus Before & After School Program. The revenues collected are under the control of the Park and Recreation Board for disbursement committed to park and recreation activities.

11. Community Center Fund – This fund is established to include revenues collected from facility rentals, rent revenue from the use of the billboard located in front of the building, donations and other miscellaneous revenues. The fund proceeds are committed to the operating maintenance of the building, such as, utility costs, building supplies and janitorial service, of the community center facility.

12. Tax Incremental District ("TID") Funds – TID funds are created for the duration of the TID. The proceeds, namely, the tax increment, included in these funds are intended and committed to the payment of any debt or other cost related to the TID.

13. Business Improvement District(s) ("BID") Fund – In 1984, the Wisconsin legislature created S. 66.1109 of the Statutes enabling cities to establish Business Improvement Districts. The law "allows businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities." On November 3, 2009, the City of Greenfield council approved the BID resolution No. 3308. The proceeds include a special charge on the tax bills to participating commercial properties along South 27th Street. The BID board(s) created per the resolution will have the authority for

disbursement of the proceeds. The revenues collected via the special charge on the tax bills are committed to "enhance the economic viability of local business, enhance property values, maximize business facilities …"

14. Farmers Market Fund – This fund contains rent revenue from vendors that sell their local produce, bakery, meat, specialty food, specialty products and ready-to-eat items. Also included in this fund are donations, interest income, and other miscellaneous revenues received at the farmers market. These funds are committed to supporting the operating and promotional costs of the farmers market.

15. Quality of Life Fund – This fund contains rent revenue from the use of the billboard located on City property, by the Public Works maintenance building, as well as, rental income from the cellular tower leases. These funds are committed to supplement activities at the Library, the Farmers Market, the AMP, and other Park & Recreation events.

16. Information Technology Services Fund (formerly High Speed Telecommunications Fund) – This fund is established to account for annual maintenance fee received from the Greenfield School District and the Whitnall School District, for the use of the City's fiber network system. These funds are committed to the costs of maintaining the City's fiber network system. In addition, starting in fiscal year 2020, this fund will included the annual contract fee received from the Marquette University Police Department for information technology services provided to the Marquette University Police Department, by the City's Information Technology Department staff.

17. THE AMP Fund – This fund includes revenues from registration fees, concession sales, donations received, and other revenue collected from events held at the amphitheater, at Konkel Park. The fund proceeds are committed to the operations of the amphitheater, which includes the booking fees of performers.

18. Other Funds – As may be periodically needed for additional (new) temporary or permanent funds in the future, the Finance Director shall be authorized to assign resources to classify fund balance reporting on the balance sheets of Governmental Funds per the GASB or its successor bodies.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of December, 2019.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

16. Approve schedule of disbursements in the amount of $2,080,419.34 (F&HR 12/11/19 S. Saryan)

Approved under Agenda Item K10.

17. Approve mileage reimbursements in the amount of $908.66 (F&HR 12/11/19 S. Saryan)

Approved under Agenda Item K10.

18. Approve resolution to set the salaries and benefits of Non-Represented and Command Staff employees of the City for 2020 (F&HR 12/11/19 S. Saryan)

Approved under Agenda Item K10.

RESOLUTION NO. 3723

RESOLUTION TO SET THE SALARIES AND BENEFITS OF NON-REPRESENTED AND PROTECTIVE SERVICES STAFF EMPLOYEES OF THE CITY OF GREENFIELD FOR 2020

RESOLVED, By the Common Council of the City of Greenfield, that the 2020 resolution to set the salaries and benefits of non-represented and protective services staff employees of the City of Greenfield for 2020 is approved.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of December, 2019.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

19. Approve a resolution to set the salary and benefits of the City Attorney for 2020 (F&HR 12/11/19 S. Saryan)

Approved under Agenda Item K10.

RESOLUTION NO. 3724

RESOLUTION TO SET THE SALARY AND BENEFITS OF THE CITY ATTORNEY FOR 2020

PART I. This resolution rescinds and replaces all previous Resolutions regarding the City Attorney in terms of employment.

PART II. The wages and salaries of the following officers and employees shall be adjusted in accordance with the 2020 Non-Represented and Command Staff salary resolution.

NON-REPRESENTED EMPLOYEES	ANNUAL SALARY Eff. 1/6/20 (2% increase)
City Attorney	$48,663

SALARY COMPUTATION Salary is computed at an annual rate.

MILEAGE ALLOWANCE There shall be paid to each City officer or employee using his/her private automobile the sum of the IRS approved mileage rate for use of said vehicle on City business. Parking fees shall also be paid by the City. Mileage Report forms shall be turned in monthly to the Finance Department on forms provided by that department. Officers and employees covered by this resolution shall be entitled to mileage allowance as provided herein excluding such employees who are provided a city-owned vehicle.

PART III. BENEFITS: The City Attorney shall receive health insurance benefits, or Opt Out alternative, and is eligible to participate in a Section 125 medical reimbursement plan. The City Attorney will pay twelve and six/tenths percent (12.6%) per month toward the applicable single or family amount, based on the actual monthly premium costs of the health insurance, calculated to the nearest dollar. The City will provide an expense allowance up to $6,400 dollars (six thousand four hundred dollars) annually. Consistent with how other expense reimbursements are handled, the expense allowance would be pre-tax if monthly bills are submitted, or on an after tax basis if bills are not submitted.

PART IV. PROBATIONARY EMPLOYEES

Newly appointed employees shall serve a training period of employment for a minimum period of six (6) months or twelve (12) months (for department heads) following their date of hire. The appointing authority may extend the training period an additional six (6) months. During this training period of employment, employees may be terminated for any reason during the training period of employment without recourse.

PART V. NOTICE OF TERMINATION

Employees subject to this resolution shall be required to provide the City with at least a one (1) month notice, in writing, upon termination of employment with the City. Failure to do so shall result in the loss of all prorated benefits.

PART VI. SAVINGS CLAUSE

If any part(s) of this resolution is determined to be invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this resolution shall not be affected thereby and shall remain in full force and effect.

PART VII. EQUAL OPPORTUNITY EMPLOYMENT

It shall continue to be the policy of the City not to discriminate for or against any employee in employment, promotions or other conditions of employment because of age, race, color, creed, disability, veteran status, sex, national origin, ancestry, sexual orientation, arrest or conviction record, and any other legally protected class.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of December, 2019.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

20. Discussion and decision to approve CVMIC and MPIC, as the city's insurance companies for the City's 2020 insurance (which includes: liability, auto liability, worker's comp, property, crime, cyber liability, employment practices liability, equipment breakdown/B&M, pollution liability, and storage tanks), and authorize the Mayor to sign related paperwork. (F&HR-12/11/19-Saryan)

Approved under Agenda Item K10.

L. Items for future agenda

None.

M. Adjourn

Motion by Alderperson Pamela Akers, seconded by Alderperson Bruce Bailey, to adjourn at 9:37 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: December 20, 2019