

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON
WEDNESDAY, FEBRUARY 19, 2020

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 p.m.

Present: Alderpersons Bruce Bailey, Pamela Akers, Shirley Saryan, Karl Kastner

Excused: Alderperson Linda Lubotsky

Also present: Brian Sajdak, City Attorney; Andrew Stern, Planner; Jennifer Goergen, City Clerk.

B. Opening Prayer

An opening prayer was given by Chaplain Leggett.

C. Pledge of Allegiance

D. Approval of the February 4, 2020 Common Council minutes

Motion by Alderperson Bruce Bailey, seconded by Alderperson Pamela Akers, to approve.
Motion carried unanimously.

E. Mayor's Report

Mayor Neitzke said Greenfield had its first pond hockey invitational at Konkel Park, with 12 teams participating.

An informational meeting is being held tonight regarding the proposed Turf skate park.

F. Aldermanic Reports

None.

G. Announcements

Mayor Neitzke said turnout for the Spring Primary was almost 25%.

H. Citizen Commentary

None.

I. Public Hearings

1. Public Hearing on an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 3200 S. 103 St. from C-2 Community Commercial District to C-4 Regional Highway Business. (Tax Key No. 524-8986-034) (PC-1/14/20 Kastner)

City Planner Andrew Stern said WB Development Partners LLC is proposing to build a \$15 million, 3-story rehabilitation hospital of approximately 48,000 square feet, along W. Oklahoma Avenue and S. 103rd St. It was formerly the Knights of Columbus site and is now a vacant parcel. It is a 5-acre site, but the current owner is going to retain 1 acre of the property. The hospital will offer physical and occupational therapy, rehabilitation, nursing, and speech/language pathology. Ninety percent of their patients will be those who have been discharged from the hospital but still need additional care. Average stay is expected to be 12 - 14 days. There would be about 60 daytime staff and 40 at night. Mr. Stern showed the site plan, and different elevations of the building. There will be two entrances off S. 103rd St., with an abundance of landscaping. There will be approximately 108 parking spaces; it will be illuminated with

LED lights. The Plan Commission recommended approval; no objections have been received to date.

No one spoke for or against the proposal.

Alex Bennett, 441 W. Airport Freeway, Irving, TX [of WB Development Partners LLC] said if approved, the company expects to open the hospital in 12-14 months, in the summer of 2021.

Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to close the public hearing at 7:12 p.m. Motion carried unanimously.

- a. Adopt an Ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 3200 S. 103 St. from C-2 Community Commercial District to C-4 Regional Highway Business. (Tax Key No. 524-8986-034) (PC-1/14/20 Kastner)

Motion by Ald. Akers, seconded by Ald. Kastner, to adopt Ordinance No. 2952:

ORDINANCE NO. 2952

ORDINANCE TO AMEND THE OFFICIAL GREENFIELD ZONING MAP BY REZONING THE PROPERTY LOCATED AT 3200 S. 103 ST. FROM C-2 COMMUNITY COMMERCIAL DISTRICT TO C-4 REGIONAL BUSINESS DISTRICT (TAX KEY NO. 524-8986-034)

WHEREAS, the Common Council of the City of Greenfield conducted a public hearing in the Common Council Chambers of City Hall at Greenfield, Wisconsin, on Wednesday, the 19th day of February, 2020, at 7:00 p.m. or soon thereafter, upon a proposal to rezone the property located at 3200 S. 103 St. from C-2 Community Commercial District to C-4 Regional Business District; and,

WHEREAS, Notice of said hearing has been duly published in the official City of Greenfield newspaper and a period of at least ten (10) days has expired after the last publication before said hearing, as required by State Statutes.

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

PART I. The Official Greenfield Zoning Map described in Section 21.04.0102 of the Municipal Code is hereby amended to provide that the following described land shall be and is hereby rezoned from C-2 Community Commercial District to C-4 Regional Business District to- wit:

That part of the Northwest ¼ of Section 17, Township 6 North, Range 21 East, in the City

of Greenfield, Milwaukee County, State of Wisconsin which is bounded and described as follows:

Lots 1 and 2 of Certified Survey Map No. 8402, being a part of the Northwest ¼ of Section 17, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Said land contains approximately 5.00 acres, more or less, including the respective rights-of-way and is located at:

3200 S. 103 St. (Tax Key No. 524-8986-034)

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 and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of February, 2020.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

- b. Approve the Site, Landscaping and Architectural Plans for Milwaukee Rehabilitation Hospital, a proposed hospital, to be located at 3200 S. 103 Street, subject to Plan Commission and staff comments. (Tax Key No. 524-8986-034) (PC-1/14/20 Kastner)
Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to approve. Motion carried unanimously.
2. Public Hearing on a Special Use Permit for Bargain Thrift Mart, a proposed resale shop, to be located at 4450 S. 108 Street. Tax Key No. 608-9991-002) (PC-1/14/20 Kastner)
Mr. Stern said the applicant is proposing to lease about 10,000 square feet in the northern part of the building. It would be next to Wild Birds Unlimited. The applicant's business was founded in 2003 and expanded to a warehouse in West Allis in 2013. This

would be their first brick and mortar retail store. Proposed hours of operation are 9 am to 8 pm, seven days a week and there will be four or five employees. Fifty parking spaces are required for the thrift store. For the entire building, 114 spaces are required; 74 spaces are provided. The Council would need to approve a waiver for the parking. Signs at the front and rear will notify the public that no donations will be accepted on site. A fence needs to be replaced; the refuse enclosures need to be repaired or replaced. There is also some asphalt deterioration and missing landscaping. The property owner is willing to make repairs. Plan Commission recommended approval; no letters of objection have been received.

No one was present to speak for or against the proposal.

Motion by Alderperson Karl Kastner, seconded by Alderperson Shirley Saryan, to close the public hearing at 7: 17 p.m. Motion carried unanimously.

Brad Peterson, 2936 S. 69th St., Milwaukee, [of Premier Liquidation LLC] said the basement would be used for storage of extra merchandise. Their items come from the moving and storage industry.

Mayor Neitzke said taking care of the fence in the back is important. Alderperson Kastner said the property needs to be cleaned up from the fence to the lot line also.

- a. Adopt a Resolution for Bargain Thrift Mart, a proposed resale shop, to be located at 4450 S. 108 Street. (Tax Key No. 608-9991-002) (PC-1/14/20 Kastner)

Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to adopt Resolution No. 3736:

RESOLUTION NO. 3736

SPECIAL USE PERMIT FOR BARGAIN THRIFT MART, A PROPOSED RESALE SHOP, TO
BE LOCATED AT 4450 S. 108 ST., SUBMITTED BY BRAD PETERSON,
D/B/A PREMIER LIQUIDATION, LLC
(TAX KEY NO. 608-9991-002)

WHEREAS, Brad Peterson, d/b/a Premier Liquidation, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish a resale shop at 4450 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 19, 2020, at 7:00 p.m. or soon thereafter, in the Common Council Chambers to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Brad Peterson, d/b/a Premier Liquidation, LLC, owns Bargain Thrift Mart, to be located at 4450 S. 108 St., Greenfield, WI 53228.
2. The property is owned by Roberta A. Konzal and Dennis Konzal & Roberta Konzal 2004 Revocable Trust, 4313 N. Katmai Rd., Mesa, AZ 85215.
3. Bargain Thrift Mart will occupy approximately 10,000 sq. ft. of the multi-tenant commercial building located at 4450 S. 108 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 3639, being a part of the Southwest $\frac{1}{4}$ of Section 20, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 608-9991-002

Said land being located at 4450 S. 108 St.

4. The applicant is proposing to establish a resale shop within the existing multi-tenant commercial building.
5. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits Used Merchandise Stores as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
6. The subject property is part of an area along the S. 108 St. corridor that is developed for commercial uses. Properties to the north and south are developed as commercial. Properties to the east are developed as a park. Properties to the west are vacant.
7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Brad Peterson, d/b/a Premier Liquidation, LLC, to establish a resale shop, to be located at 4450 S. 108 St., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the

standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on January 14, 2020 and by the Common Council on February 19, 2020. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for Bargain Thrift Mart will be 9:00am – 8:00pm, seven (7) days/week.
4. Off-Street Parking. The entire building, under the category of “Miscellaneous retail stores,” requires one hundred and fourteen (114) off-street parking stalls. Seventy-Four (74) off- street parking stalls are to be provided on site. The Common Council may waive the parking shortage.
5. Signage. Signage shall be in compliance with the City’s Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.
7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.

9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
 - A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.
 - B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special

use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Brad Peterson, d/b/a Premier Liquidation, LLC

Philip Jurceka, Owner

Provided to applicant on the
_____ day of _____, 2020

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of February, 2020.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion was approved unanimously.

- b. Approve the Site Plan Review for Bargain Thrift Mart, a proposed resale shop, to be located at 4450 S. 108 Street, subject to Plan Commission and staff comments. (Tax Key No. 608-9991-002) (PC-1/14/20 Kastner)
Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to approve. Motion carried unanimously.
3. Public hearing on a Special Use Permit for Holistic Home & Hospice, an existing home health care service, located at 8777 W. Forest Home Avenue. (Tax Key No. 615-9945-003) (PC-1/14/20 Kastner)

The public hearing was opened at 7:22 p.m.

Mr. Stern said the applicant leases more than 3,700 square feet in the building. This essentially would be an office. Thirteen people would be employed on site.

Some 150 work in the field in clients' homes. Operating hours would be 8 am to 5 pm, Monday through Friday. This would be a retroactive approval, since the business has been operating here since 2017 without an occupancy permit. They also have expired building, electrical and plumbing permits that need to be rectified. The previous contractors did not call for inspections. New permits need to be taken out and get closed out. Twenty-two parking spaces would be required for the entire site; 21 would be provided. Issues to be resolved include: deterioration in the front lawn; dead ash trees need to be removed. Staff recommends the parking lot improvements and landscaping be completed by the end of 2020. Prior to occupancy, staff wants a letter from the applicant regarding removal of the trees and temporary concrete blocks, and getting required permits. Plan Commission recommended approval; no letters of objection have been received.

Applicant Sahr Lebbie said the trees can be removed by the end of 2020.

Mayor Neitzke said a letter is not necessary as long as the needed work is done.

Motion by Alderperson Pamela Akers, seconded by Alderperson Bruce Bailey, to close the public hearing. Motion carried unanimously.

- a. Adopt a Resolution for Holistic Home & Hospice, an existing home health care service, located at 8777 W. Forest Home Avenue. (Tax Key No. 615-9945-003) (PC-1/14/20 Kastner)

Motion by Alderperson Karl Kastner, seconded by Alderperson Shirley Saryan, to adopt Resolution No. 3737:

RESOLUTION NO. 3737

SPECIAL USE PERMIT FOR HOLISTIC HOME & HOSPICE, A PROPOSED HOME
HEALTH CARE SERVICE, TO BE LOCATED AT 8777 W. FOREST HOME AVE.,
SUBMITTED BY SAHR LEBBIE, D/B/A HOLISTIC HOME & HOSPICE
(TAX KEY NO. 615-9945-003)

WHEREAS, Sahr Lebbie, d/b/a Holistic Home & Hospice, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish a home health care service at 8777 W. Forest Home Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 19, 2020, at 7:00 p.m. or soon thereafter, in the Common Council Chambers to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Sahr Lebbie, d/b/a Holistic Home & Hospice, owns Holistic Home & Hospice, located at 8777 W. Forest Home Ave., Greenfield, WI 53228.
2. The property is owned by Dharmesh Ghelani, 5514 W River Park Ct, Franklin, WI 53132.
3. Holistic Home & Hospice will occupy approximately 3,770 sq. ft. of the multi-tenant commercial building located at 8777 W. Forest Home Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 2 of Certified Survey Map 695, being a part of the Northwest ¼ of Section 28, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 615-9945-003

Said land being located at 8777 W. Forest Home Ave.

4. The applicant is proposing to establish a home health care service within the existing multi-tenant commercial building.
5. The aforesaid premise is zoned C-1 Neighborhood Commercial District under the Zoning Ordinance of the City of Greenfield, which permits Home Health Care Services as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
6. The subject property is part of an area along the W. Forest Home Ave. corridor that is developed for mixed uses. Properties to the north, south, and west are developed as residential. Properties to the east are developed as institutional.
7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Sahr Lebbie, d/b/a Holistic Home & Hospice, to establish a home health care service, to be located at 8777 W.

Forest Home Ave., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site and Landscaping Plan and all other applicable conditions approved by the Plan Commission on January 14, 2020 and by the Common Council on February 19, 2020. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The hours of operation for Holistic Home & Hospice will be 8:00am – 5:00pm, Monday - Friday.
4. Off-Street Parking. The entire building requires twenty-two (22) off-street parking stalls. Twenty-one (21) off-street parking stalls are to be provided on site; however, a reduction of three (3) provided spaces may be approved if the Community Development Manager determines that there are significant site space restrictions. The Common Council may waive the parking shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view by a four-sided board-on-board refuse enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not

underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

- A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.
- B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;
- C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;
- D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

- A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.
- B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.
- C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the

applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Sahr Lebbie, d/b/a Holistic Home & Hospice

Dharmesh Ghelani, Owner

Provided to applicant on the
_____ day of _____, 2020

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of February, 2020.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

- b. Approve the Site Plan Review for Holistic Home & Hospice, an existing home health care service, located at 8777 W. Forest Home Avenue, subject to Plan Commission and staff comments. (Tax Key No. 615-9945-003) (PC-1/14/20 Kastner)

Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to approve.

Mayor Neitzke said discretion needs to be provided to staff, due to site constraints.

Motion carried unanimously.

J. Old Business

1. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- i. One member to the Board of Review for a term to expire 5/1/21 (formerly Gregory Krog) - To be placed on **NEXT AGENDA.**
 - ii. One alternate member to the Board of Review for a term to expire 5/1/24 (newly created position) - To be placed on **NEXT AGENDA.**
 - iii. One member to the Zoning Board of Appeals for a term to expire 5/1/20 (formerly Donald Kopp) - To be placed on **NEXT AGENDA.**
 - iv. One member to the Tree Commission for a term to expire 5/1/21 (formerly Michael Wendt) - To be placed on **NEXT AGENDA.**
- b. Mayor appointments:
- 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 **NEXT AGENDA.**

K. New Business

1. Approve a Special Use Review and Site and Architectural Plans for US Cellular to upgrade rooftop equipment at the Associated Bank building located at 4811 S. 76 Street, subject to Plan Commission and staff comments. (Tax Key No. 616-0034-001) (PC-2/11/20 Kastner)
Motion by Alderperson Karl Kastner, seconded by Alderperson Shirley Saryan, to approve. On a roll call vote, the motion was approved unanimously.
2. Claim received from Eunice K. Kim (Goergen)
City Clerk Jennifer Goergen said the claim was referred to the City Attorney.
3. Claim received from Shakeira Johnson (Goergen)

Ms. Goergen said the claim was referred to the City Attorney.

4. Claim received from Ryan Tax Compliance Services LLC on behalf of Aldi Inc. (Wisconsin) re: 4225 S. 108th St. (Goergen)

Ms. Goergen said the claim was referred to the City Attorney.

5. Claim received from Ryan Tax Compliance Services LLC on behalf of Aldi Inc. (Wisconsin) re: 4615 W. Layton Ave. (Goergen)

Ms. Goergen said the claim was referred to the City Attorney.

6. Applications for an operator license received from the following:

Abarca Montero, Maria Jose-9129 W. Allerton Ave.

Cocher, Jorge S.-1706 Spruce Ct.

Faxon, Elizabeth J.-1207 Vine St.

Fischer, Nicholas W.-3637 St. Clair St.

Hare, Trenton T.-8032 W. Oakwood Rd.

Lenz, Mark A.-3412 S. 17th St.

Piotrowski, Jennifer L.-2125 W. Becher St.

Rosales, Benjamin-3145 S. 50th St.

Simmons, Lisa M.-6554 N. Sidney Pl.

Skaradzinski, Kelly J.-6780 Crocus Ct.

Snieg, Amanda M.-2133 S. 75th St.

Talley, Jennifer J.-1408 10th Ave.

Wooldridge, Joseph T.-229 Frame Ave.

Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to approve. Motion carried unanimously.

7. Application for a Temporary "Class B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages and wine at "Small Plates, Big Hearts!" event to be held indoors Feb. 22, 2020 from 5:00 p.m. to 9:30 p.m. at 8500 W. Cold Spring Rd. Beer premises: SW corner of gym, excluding a 15 x 15 sq. ft. area where the wine is being served. Wine premises: a 15 x 15 sq. ft. area in the gym. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)(12).*

Motion by Alderperson Bruce Bailey, seconded by Alderperson Karl Kastner, to approve Agenda Items 7 - 10. Motion was approved unanimously.

8. Application for a Temporary Class "B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages at Lenten Fish Fry to be held indoors on Feb. 28, 2020 from 4:00 p.m. to 7:00 p.m. in the gym at 8500 W. Cold Spring Rd. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)(12).*

Approved under Agenda Item 7.

9. Application for a Temporary Class "B" Retailer's License received from St. John the

Evangelist to sell fermented malt beverages at Lenten Fish Fry to be held indoors on March 20, 2020 from 4:00 p.m. to 7:00 p.m. in the gym at 8500 W. Cold Spring Rd. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)(12).*

Approved under Agenda Item 7.

10. Application for a Temporary Class "B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages at Lenten Fish Fry to be held indoors on April 10, 2020 from 4:00 p.m. to 7:00 p.m. in the gym at 8500 W. Cold Spring Rd. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)(12).*

Approved under Agenda Item 7.

11. Approval of schedules of disbursements in the amount of \$27,678,035.53 (P. Schafer) Motion by Alderperson Pamela Akers, seconded by Alderperson Shirley Saryan, to approve Agenda Items 11-13. On a roll call vote, motion carried unanimously.

12. Discussion and decision to approve a job description for a Forestry Intern and authorize the recruitment of one intern (Neighborhood Services)

Approved under Agenda Item 11.

13. Approval of mileage reimbursements in the amount of \$602.38 (P. Schafer)

Approved under Agenda Item 11.

14. Adopt a Resolution Authorizing Execution of Intergovernmental Agreements with the City of Milwaukee for the Purpose of Providing Police and Fire Support Services for the 2020 Democratic National Convention

City Attorney Brian Sajdak said the City of Milwaukee has reached out to 166 communities in the area, to provide support services. In Greenfield, these would include paramedic response from the Fire Department, and primarily SWAT officers being available to take care of issues from the Police Department. The agreements have been vetted by a committee. His office - representing seven of the communities involved - sat down with Milwaukee's City Attorney to work out various issues.

Attorney Sajdak said there are a few typographical changes needed to the current document before Council. Ald. Kastner asked if the city would need to pay for any training. Attorney Sajdak said that has not been decided. There primarily will be paperwork guidance; most area agencies follow the same operating procedures. Ald. Akers asked what the financial impact would be on the city. Attorney Sajdak said there is a DNC grant which should reimburse most of the city's costs. Anything above that, the city would look for "ways to otherwise seek reimbursement, whether it's directly through the DNC or other sources." There are potentially some costs to the city, such as: if the city sends personnel that are not pre-approved, the cost might not be reimbursed. The city would have to work with Milwaukee to deal with that.

Attorney Sajdak noted Greenfield personnel have to have been employed for at least two years to be eligible to be authorized to work under the agreement.

Mayor Neitzke said the fire and police chiefs recommended approval of the agreement. He said there may be "ministerial" changes to the agreement in the future, but "not substantive."

Attorney Sajdak said one change is that a reference to Section 7.1.1 is changed to Section 7 (1). Another change is to a City of Milwaukee contract number.

Motion by Alderperson Karl Kastner, seconded by Alderperson Bruce Bailey, to adopt Resolution No. 3738:

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3738

A RESOLUTION AUTHORIZING EXECUTION OF INTERGOVERNMENTAL
AGREEMENTS WITH THE CITY OF MILWAUKEE FOR THE
PURPOSE OF PROVIDING POLICE AND FIRE SUPPORT SERVICES
FOR THE 2020 DEMOCRATIC NATIONAL CONVENTION

WHEREAS, the City of Milwaukee has been designated as the host city of the 2020 Democratic National Convention to be held July 13 to 16, 2020 at the Fiserv Forum and many surrounding venues throughout the Metropolitan Area; and

WHEREAS, the Convention has been classified by the federal government as a National Special Security Event, for which the USSS is the authorized lead agency for the design and implementation of the Security Plan; and

WHEREAS, the City of Milwaukee, through its Police and Fire Departments, is responsible for coordinating local law enforcement, fire safety and other public service efforts in compliance with the Security Plan; and

WHEREAS, the City of Milwaukee seeks to procure the assistance of additional law enforcement personnel to provide services required by the Security Plan during the Convention Security Period; and

WHEREAS, Wisconsin Statutes §§ 66.0301 and 66.0313 authorize municipalities to enter into intergovernmental agreements for the purpose of providing mutual aid in circumstances such as the Convention;

WHEREAS, in this role, the City seeks to promote the safety and welfare of all Convention participants and members of the public, while enabling individuals to exercise their constitutional rights.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield as follows:

1. That the Intergovernmental Agreements between the City of Greenfield and the City of Milwaukee for police and fire services for the 2020 Democratic National Convention in the forms attached are hereby approved subject to any minor or technical changes as may be deemed necessary and appropriate by the City Attorney as may be consistent with this approval.

2. That the Mayor and other Officials specified in the agreements are authorized and directed to execute and deliver the same to the City of Milwaukee.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of February, 2020.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion was approved.

L. Items for future agenda

Bids for future road construction

M. Adjourn

Motion by Alderperson Karl Kastner, seconded by Alderperson Bruce Bailey, to adjourn at 7:47 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk

Distributed: February 24, 2020