

MINUTES OF THE COMMON COUNCIL MEETING HELD VIA ZOOM ON
TUESDAY, JANUARY 5, 2021

A. Call to Order & Roll Call

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

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

Also present: Brian Sajdak, City Attorney; Kristi Porter, Community Development Manager; Jay Johnson, Police Chief; Ray Radakovich, Assistant Police Chief; Jennifer Goergen, City Clerk

B. Opening Prayer

Chaplain James Leggett said a prayer.

C. Pledge of Allegiance

D. Approval of the December 15, 2020 Common Council minutes

Motion by Ald. Kastner, seconded by Ald. Akers, to approve, with a correction on page 18, items K5 and K6, of the applicant's name to Brass Brew Crew Inc. Motion carried unanimously.

E. Mayor's Report

Mayor Neitzke said Greenfield has received vaccines and started administering it to first line defenders. He gave accolades to the Fire, Police, and Parks and Recreation departments for the Santa event over the last two weeks. It was well-received. The city hopes to make it an expanded, annual event.

F. Aldermanic Reports

Ald. Collins said the ice skating rink at Konkel Park is running and doing well.

G. Announcements

Mayor Neitzke said today was the last day to file nomination papers to declare candidacy. Ald. Saryan, Kastner, and Akers and Mayor Neitzke are up for re-election in April and they are all running unopposed.

H. Citizen Commentary

None.

I. Public Hearings

1. Public Hearing on a Special Use Permit for Force Fastpitch Wisconsin, a proposed baseball instructional facility to be located at 4200 S. 76 St., submitted by John Walker, d/b/a Force Fastpitch Wisconsin. (Tax Key No. 571-8984-009) (PC-12/08/20 Kastner)

The public hearing was opened at 7:08 p.m.

Community Development Manager Kristi Porter said a youth baseball program applied for a special use permit, wanting to use 12,000 square feet for their winter practice. It will not be open to the public. There would be about 12-15 players inside at a given time, and they would use the space until about March. They would practice from 5 - 8 p.m. on weekdays, and weekends from 9 a.m. - 4 p.m. Parking is more than adequate. Plan Commission recommended approval. No letters of objection were received.

No one spoke for or against the proposal. Motion by Ald. Kastner, seconded by Ald. Collins, to close the public hearing at 7:10 p.m. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Force Fastpitch Wisconsin, a proposed baseball instructional facility to be located at 4200 S. 76 St., submitted by John Walker, d/b/a Force Fastpitch Wisconsin. (Tax Key No. 571-8984-009) (PC-12/08/20 Kastner)

Motion by Ald. Kastner, seconded by Ald. Akers, to approve agenda items I1a, adopting Resolution No. 3781 [resolution at end of minutes], and I1b. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Force Fastpitch Wisconsin, a proposed baseball instructional facility to be located at 4200 S. 76 St., submitted by John Walker, d/b/a Force Fastpitch Wisconsin. (Tax Key No. 571-8984-009) (PC-12/08/20 Kastner)

Approved under agenda item I1a.

J. Old Business

1. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- i. One alternate member to the Board of Review for a term to expire 5/1/25 (newly created position)

Motion by Ald. Kastner, seconded by Ald. Akers, to confirm Mayor Neitzke's appointment of James M. Jaworowicz, 11363 W. Peregrine Way, to the Board of Review as an alternate member. Motion carried unanimously.

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 the **NEXT AGENDA**.

K. New Business

1. Approve applications for 2020-2021 operator licenses (Goergen)
Motion by Ald. Akers, seconded by Ald. Collins, to approve. Motion carried unanimously.
2. Approve applications for 2020-2021 Class "A" beer and "Class A" liquor (cider only) licenses received from Speedway LLC, Matthew R. Vanness, Agent, for the property at 3390 W. Loomis Rd. (Speedway #4154)(Beer cooler, sales floor, POS station, storage room/office). (Goergen)
Motion by Ald. Kastner, seconded by Ald. Bailey, to approve agenda items K2 and K3. Motion carried unanimously.
3. Approve applications for 2020-2021 Class "A" beer and "Class A" liquor (cider only) licenses received from Speedway LLC, Maria J. Hamann, Agent, for the property at 6000 W. Layton Ave. (Speedway #4472)(Beer cooler, sales floor, POS station, storage room/office). (Goergen)
Approved under agenda item K2.
4. Approve a change of agent from Branka Strnad to Megan M. Pavlik, 4860 W 6 1/2 Mile Rd., Caledonia, WI for the Class "A" beer license held by Walgreen Co., 4688 S. 108th St. (Walgreens #04827)(Goergen)
Motion by Ald. Kastner, seconded by Ald. Collins to approve. Motion carried unanimously.
5. Adopt resolution to consolidate polling place locations for the February 16, 2021 Spring Primary election (Goergen)
Motion by Ald. Akers, seconded by Ald. Kastner, to adopt Resolution No. 3782 [resolution at end of minutes]. City Clerk Jennifer Goergen said the polling location at Whitnall High School will be shifted to the community board room instead of the north gym for the February 16, 2021 election. She said February primary turnouts are typically light, averaging a 15% turnout. On a roll call vote, motion carried unanimously.
6. Approval of mileage reimbursements in the amount of \$1,796.61 (Schafer)
Motion by Ald. Saryan, seconded by Ald. Kastner, to approve agenda items K6-K9. On a roll call vote, motion carried unanimously.
7. Approval of schedule of disbursements in the amount of \$1,789,617.28 (Schafer)
Approved under agenda item K6.
8. Investments and reinvestments for November 2020 (Schafer)
Approved under agenda item K6.

9. Accept November 2020 financial statements (Schafer)
Approved under agenda item K6.
10. Discussion/decision to early replace one Firefighter (Cohn)
Motion by Ald. Akers, seconded by Ald. Collins, to approve. On a roll call vote, motion carried unanimously.
11. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(f), for the purpose of considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems, for the following:
 - a. Ratification of Resignation Agreement with a Police Officer in the Police Department (Sajdak)
Motion by Ald. Collins, seconded by Ald. Saryan, to go into closed session. On a roll call vote, motion carried unanimously.
12. Adjourn closed session and reconvene into open session.
Motion by Ald. Akers, seconded by Ald. Kastner, to adjourn closed session and reconvene into open session at 7:35 p.m. Motion carried unanimously.
13. Decision regarding Ratification of Resignation Agreement with a Police Officer in the Police Department
Motion by Ald. Bailey, seconded by Ald. Akers, to approve. On a roll call vote, motion carried unanimously.
- L. Items for future agenda
Motion by Ald. Kastner, seconded by Ald. Bailey, to reconsider the Speedway items [agenda items 3a and 3b on the 12/15/20 Council agenda] and place them on the next Council agenda. Motion carried 4-1, with Ald. Collins, Bailey, Kastner and Saryan voting yes, and Ald. Akers voting no.

Ald. Bailey suggested decorating W. Layton Ave. more in the vicinity of Konkel Park for Christmas time. Maybe Parks & Recreation Department Director Scott Jaquish can raise some money for this purpose.

Ald. Kastner suggested similar improvements for S. 108th St.

Ald. Akers suggested S. 27th St. as another area.
- M. Adjourn
Motion by Ald. Collins, seconded by Ald. Akers, to adjourn the meeting at 7:43 p.m.

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

Motion carried unanimously.

Jennifer Goergen, City Clerk

Transcribed by Sheryl Hartman, Deputy Clerk

Distributed January 6, 2021

RESOLUTION NO. 3781

SPECIAL USE PERMIT FOR FORCE FASTPITCH WISCONSIN, A PROPOSED BASEBALL INSTRUCTIONAL FACILITY TO BE LOCATED AT 4200 S. 76 ST., SUBMITTED BY JOHN WALKER, D/B/A FORCE FASTPITCH WISCONSIN
(TAX KEY NO. 571-8984-009)

WHEREAS, John Walker, d/b/a Force Fastpitch Wisconsin, 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 Force Fastpitch Wisconsin within the tenant space at 4260 S. 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 5, 2021, at 7:00 p.m. or soon thereafter, virtually through the Zoom platform, 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, John Walker, d/b/a Force Fastpitch Wisconsin, the lessee, resides at 8575 S. 81 St., Franklin, WI 53132.
2. The property is owned by Brixmor Spring Mall Limited Partnership, c/o Brixmor Property Group, 4200 S. 76 St., Greenfield, WI 53220.
3. Snappers Baseball Club, LLC will lease approximately 12,393 sq. ft. (tenant space at 4260 S. 76 St.) of the multi-tenant commercial building (Spring Mall) located at 4200 S. 76 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lot 1 of Certified Survey Map No. 9066, being a part of the Northwest ¼ Section 22, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 571-8984-009

Said land being located at 4200 S. 76 St.

4. The applicant is proposing to establish a fitness and recreational sports center business 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 fitness and recreational sports centers 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. 76 St. corridor that is developed for commercial uses. Properties to the north are developed as a utility corridor. Properties to the south and west are developed as commercial. Properties to the east are developed as residential.

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 John Walker, d/b/a Force Fastpitch Wisconsin, to establish a fitness and recreational sports center at 4260 S. 76 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 December 8, 2020 and by the Common Council on January 5, 2021. 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 Force Fastpitch Wisconsin will be 8:00am – 11:00pm, seven (7) days/week.
4. Off-Street Parking. The proposed fitness and recreational sports center requires 62 parking stalls. The remainder of the multi-tenant commercial building require 613 off-street parking stalls, for a total of 675 required off-street parking spaces. One thousand one hundred forty-three (1,143) off-street parking stalls are expected to be provided on site.
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 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 the existing fence/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.

John Walker, d/b/a Force Fastpitch Wisconsin

John Hendrickson
Executive Vice President, President – Midwest, Brixmor Property Group

Provided to applicant on the
_____ day of _____, 2021

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of January, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3782

RESOLUTION TO CONSOLIDATE POLLING LOCATIONS
FOR THE FEBRUARY 16, 2021 PRIMARY
DUE TO THE COVID-19 PANDEMIC

WHEREAS, pursuant to Section 5.25 (3) polling places shall be established for each election at least thirty (30) days before the election; and

WHEREAS, due to the COVID-19 pandemic polling locations will be consolidated due to election worker shortages and facilities unavailable to host the usual polling locations; and

WHEREAS, the following polling locations for the February 16, 2021 Primary have changed:

Glenwood School (Wards 1-4), 3550 S. 51st Street, has been moved to Greenfield Community Center, 7215 W. Cold Spring Road

Elm Dale School (Wards 19-21), 5300 S. Honey Creek Drive, has been moved to Greenfield Community Center, 7215 W. Cold Spring Road

King of Glory Church (Wards 13-15), 4330 S. 84th Street, has been moved to Whitnall High School (COMMUNITY BOARD ROOM), 5000 S. 116th Street

Greenfield Public Library (Wards 16-18), 5310 W. Layton Ave., has been moved to Whitnall High School (COMMUNITY BOARD ROOM), 5000 S. 116th Street

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield there will be two polling locations open on Election Day, Tuesday, February 21, 2021:

Greenfield Community Center, 7215 W. Cold Spring Road, serving Wards 1-4, 5-8 and 19-21

Whitnall High School (COMMUNITY BOARD ROOM), 5000 S. 116th Street, serving Wards 9-12, 13-15 and 16-18

BE IT FURTHER RESOLVED, the City Clerk will publicize these changes accordingly.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of January, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk