MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, AUGUST 17, 2021

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 pm
Present: Denise Collins, Bruce Bailey, Karl Kastner, Pamela Akers, Shirley Saryan
Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Andrew Stern, Planner; Jennifer Goergen, City Clerk.

B. Opening Prayer

An opening prayer was given by Pastor Leggett.

C. Pledge of Allegiance

D. Approval of the June 20, 2021 Common Council minutes

Motion by Alderperson Pamela Akers, seconded by Alderperson Denise Collins to approve. Motion carried unanimously.

E. Mayor's Report

Kulwicki Park pavilion has a new roof. Mayor Neitzke thanked the Departments of Public Works, Neighborhood Services and Park & Rec for making the park the jewel it's becoming.
Congratulations to the Greenfield/New Berlin little league at Kulwicki Park. Since the City took over Kulwicki Park, the little league has been prospering and they are provided with the best facilities around.
Remember the car show on 9/11 at Konkel Park. It's our 5th show and will have approximately 300+ cars, including the Mayor's.
Despite the threat of rain, all music events at Konkel Park and the National Night Out were well attended. The Mayor thanked the sponsors of all events.

F. Aldermanic Reports

Alderperson Collins announced the last Brews and Bites event was 8/17. All events at the AMP and the Farmers Market have been going well this year.

Alderperson Collins gave a shout out to neighbors in her district; Monica Skarban, Tami Francis, Alexandra Torkilson and Tracy Sokol who mowed and trimmed a neighbors' lawn who was unable to take care of it recently. Things like that help make Greenfield great!

Mayor Neitzke announced there will be a significant amount of demolition work that will begin on the corner of 894 and Loomis and south of 894 from Starbucks to the freeway in preparation for redevelopment.

G. Announcements

H. Citizen Commentary

I. Public Hearings

1. Public Hearing on a Special Use Permit for Anne's Acres, a proposed nursery and garden center, to be located at 8711 W. Forest Home Ave., submitted by Joel Cook, d/b/a Ogden Construction, and Youssef Azmani, d/b/a Anne's Acres. (Tax Key No. 615-9944-001) (PC-7/13/21 Kastner)

Andrew Stern, Planner, explained the plan to redevelop the land for greenhouses and an office building. The office building will be in the front of the parcel and the three greenhouses behind the building and screened from view with a pergola . They will sell primarily seasonal flowers. Andrew explained the construction of the building and greenhouses, landscaping, parking, and the combination of two tax keys into one parcel.

Mayor Neitzke summarized emails received in favor from: Craig and Laura Powers, Sarah Kauffen/Gillingham, Judith Lorenz, Dennis Erwin and Tim Lowinski.

Yoseif Asmati, registered in favor, but not speaking.

Registered to speak:
Rich Bartz, 8700 W Forest Home, questioned the hours of operation and wanted to know if they can be changed. Mayor Neitzke explained how Special Use Permits work. Mr. Bartz asked how traffic on Forest Home Ave. will be addressed. Mayor Neitzke explained the recent improvements to traffic signals and crosswalks on Forest Home so no additional changes are necessary. Mr. Bartz asked about the entrance inlet/outlet. Mayor Neitzke explained there is only one access point and that is all the state will allow. Mr. Bartz wanted to know what types of items the sales permit will allow, like CBD oil or medical marijuana. The applicant has no plans to sell these items. The Mayor explained the difference between primary and ancillary sales. Mr. Bartz asked about a change of use on the real estate if this business does not make it. Mayor Neitzke explained the current zoning of C2 and how Special Use permits work to protect what types of future businesses are allowed on this parcel. Mr. Bartz asked if parking on Forest Home Ave. will be permitted. Mayor Neitzke explained there is parking allowed on Forest Home Ave. in some areas. If parking on Forest Home Ave. becomes a problem, the issue will be addressed. There is currently no restriction on Forest Home Ave. for trucks to park and deliver products. Mr. Bartz asked about water drainage problems. Mayor Neitzke explained the MMSD and DNR laws to manage water drainage. Mr. Bartz asked about illumination of the parking lot. Mayor Neitzke explained how fixtures work and at level height you should not be able to see the illumination. Additional exterior lighting is aggressively vetted by staff and/or the Alderperson if it is requested. Mr. Bartz asked about the type of signage planned. Andrew Stern stated the applicant has not asked about signage and explained the size restrictions for that property.

Tom Jansek, 8737 W Melody Lane, asked what a Special Use Permit adds to C2 zoning that is not standard? Mayor Neitzke explained it allows a greenhouse in a C2 district that you could otherwise not do without a public hearing. Mr. Jansek asked if you could make one wide driveway instead of two to ease the traffic flow. Andrew Stern stated the property currently meets the requirements. Mayor Neitzke explained the compromises that have to be made to accommodate parking, traffic and water drainage.

Motion by Alderperson Pamela Akers, seconded by Alderperson Denise Collins to close the public hearing. Motion carried unanimously.

a. Approve a Resolution for a Special Use Permit for Anne's Acres, a proposed nursery and garden center, to be located at 8711 W. Forest Home Ave., submitted by Joel Cook, d/b/a Ogden Construction, and Youssef Azmani, d/b/a Anne's Acres. (Tax Key No. 615-9944-001) (PC-7/13/21 Kastner)

Motion by Alderperson Karl Kastner, seconded by Alderperson Bruce Bailey to approve the Resolution modifying the hours to 8-8. On a roll call vote, motion carried unanimously.

b. Approve the Site, Landscaping and Architectural Plans for Anne's Acres, a proposed nursery and garden center, to be located at 8711 W. Forest Home Ave., submitted by Joel Cook, d/b/a Ogden Construction, and Youssef Azmani, d/b/a Anne's Acres. (Tax Key No. 615-9944-001) (PC-7/13/21 Kastner)

Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve. Motion carried unanimously.

J. Old Business

1. Appointments to various committees and commissions:

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

i. One member to the Board of Public Works for a term to expire 5/1/2022 (formerly Richard Kasza)

Next Agenda

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

i. One member to the Board of Health for a term to expire 6/1/2022 (formerly Allen Owen)

Next Agenda

ii. One member to the Tree Commission for a term to expire 5/1/23 (formerly

Lew Silva)

Next Agenda

K. New Business

1. Appointments to various committees and commissions:

   a. Mayor appointments:

      i.

      - One alternate member to the Plan Commission for a term to expire 5/31/2025 (formerly Robert Krenz)

   Next Agenda

2. Claim received from Wal-Mart Real Estate Business Trust (Goergen)
   Has been referred to Attorney Amy Seibel.

3. Applications for operator licenses (Goergen)
   Motion by Alderperson Denise Collins, seconded by Alderperson Karl Kastner to approve. Motion carried unanimously.

4. Approve an Outdoor Special Event application for Friends Fest, an event to be located at Friends on Forest Home at 5614 W. Forest Home Ave., September 3-4, 2021. Application includes the following combination of licenses/permits: OSE, Extension of Premises (beer, live music, car show), Food, and Commercial building, electrical and plumbing. *Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12.* (Porter)
   Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve. Motion carried unanimously.
   The cutoff for music is 10 PM.

5. Approve an Outdoor Special Event application for the Pompeii Men's Club Car Show event, to be located at Meyer's Restaurant, 4260 S. 76 St., September 18, 2021. Application includes the following combination of licenses/permits: OSE, Food, and Commercial building, electrical and plumbing. *Requesting Council approval to waive all applicable fees.* (Porter)
   Motion by Alderperson Denise Collins, seconded by Alderperson Pamela Akers to approve. Motion carried unanimously.

6. Approve a Certified Survey Map for proposed combination of two parcels located at 8711 W. Forest Home Ave., submitted by Youssef Azmani and Anne Azmani, d/b/a Anne's Acres. (Tax Key No. 615-9944-001) (PC-8/10/21 Kastner)
   Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve. On a roll call vote, motion carried unanimously.

7. Approve Grant Agreement between Community Advocates, Inc., and the Greenfield

Health Department (and Healthiest Greenfield Coalition) related to 2021 State Opioid Response Prevention grant funding. (Rausch)

Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve. On a roll call vote, motion carried unanimously.

8. Discussion and decision to revise job description for the Firefighter/EMT/Paramedic in the Fire Department (Chief Cohn)

   Motion by Alderperson Pamela Akers, seconded by Alderperson Denise Collins to approve. On a roll call vote, motion carried unanimously.

9. Discussion/decision on Equipment Sharing Agreement Between Milwaukee County Fire Departments (Chief Cohn)

   Motion by Alderperson Pamela Akers, seconded by Alderperson Denise Collins to approve. On a roll call vote, motion carried unanimously.

10. Discussion / Decision to revise job description for Police Officer in the Police Department (Radakovich)

    Motion by Alderperson Denise Collins, seconded by Alderperson Pamela Akers to approve. On a roll call vote, motion carried unanimously.

11. Discussion/Decision re: membership commitment with Cities and Villages Mutual Insurance Company ("CVMIC") and set annual premiums for policy years 2022, 2023 and 2024. (Goergen)

    Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers to approve. On a roll call vote, motion carried unanimously.

12. Approve an Ordinance to amend Section 21.04.0902 of the Municipal Code pertaining to Decks, Patios, and Porches/Breezways being permitted in required front yards. (PC-8/10/21 Kastner)

    The Plan Commission gave this Ordinance a unanimous negative recommendation because the language is too broad. Mayor Neitzke stated we make the City a better place by using sound discretion and not just looking strictly at municipal codes. Alderperson Akers is concerned about interpretation of the ordinance depending on staff changes. The Council agrees there is another way to write the ordinance to allow discretion by staff. This Ordinance will go to the September Legislative Committee. Attorney Sajdak will write a new ordinance for presentation.

13. Discussion and decision on Resolution Authorizing the Release of Certain Restrictions on the Real Estate located at 6815 W Layton Ave (Sajdak)

    Motion by Alderperson Pamela Akers, seconded by Alderperson Bruce Bailey to approve. On a roll call vote, motion carried unanimously.

14. Approval of schedules of disbursements in the amount of $7,238,931.98

    Motion by Alderperson Shirley Saryan, seconded by Alderperson Denise Collins to approve items K14 - K17. On a roll call vote, motion carried unanimously.

15. Approval of mileage reimbursements in the amount of $618.17

Approved under agenda item K14.

16. Investments and reinvestments for June 2021
    Approved under agenda item K14.
17. Accept June 2021 financial statements
    Approved under agenda item K14.
18. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(b) & (f), considering licensure, social or personal history, or medical information, for purposes of issuing a 2021-2022 operator license to the following:
    a. Bao Quoc Vo
    Closed session person was not present, it's placed on next agenda.
19. Adjourn closed session and reconvene into open session.

20. Decision re: Operator License for Bao Quoc Vo
    Next agenda

L. Items for future agenda

Mayor Neitzke stated budget planning is coming up. He explained the problems we have with the levy increase being restricted to .8%, the amount of new construction, and the 2% increase that is needed to cover health insurance.

M. Adjourn

Motion by Alderperson Bruce Bailey, seconded by Alderperson Pam Akers to adjourn at 8:14 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Lisa Pelkey, Deputy Clerk
Distributed: August 19, 2021

RESOLUTION NO. 3815

Special Use Permit for Anne's Acres, a proposed nursery and garden center, to be located at 8711 W. Forest Home Ave., submitted by Joel Cook, d/b/a Ogden Construction, and Youssef Azmani, d/b/a Anne's Acres. (Tax Key No. 615-9944-001)

WHEREAS, Joel Cook, d/b/a Ogden Construction, and Youssef Azmani, d/b/a Anne's Acres, 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 nursery and garden center at 8711 W. Forest Home Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 17, 2021, at 7:00 p.m. or soon thereafter, 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, Joel Cook, d/b/a Ogden Construction, has offices at 11113 W. Forest Home Ave., Franklin, WI 53132.

2. The property is owned by Youssef Azmani, 9076 W. Forest Home Ave., Greenfield, WI 53228.

3. Anne's Acres will occupy approximately 1,200 sq. ft. of the commercial building to be constructed at 8711 W. Forest Home Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

That part of the Southeast ¼ of the Northwest ¼ of Section 28, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of the Northwest corner of Section 28, Township 6 North, Range 21 East; thence N00°47'51''W 784.99 feet along the East line of said Northwest Section to the North line of Hale Park East; thence S82°15'25''W along said North line of Hale Park East Subdivision 490.29 feet to the point of beginning; thence continuing along said North line S82°15'25''W 273.06 feet; thence N46°24'42''W 454.33 feet; thence N43°45'00''E 230.35 feet; thence S44°50'17''E 624.53 feet to the point of beginning.

Tax Key No. 615-9944-001

Said land being located at 8711 W. Forest Home Ave.

4. The applicant is proposing to establish a nursery and garden center within the new construction.

5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits Nursery, Garden Center, & Farm Supply 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 W. Forest Home Ave. corridor that is developed for mixed uses. Properties to the north, south, and east are developed as residential. Properties to the west 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 Joel Cook, d/b/a Ogden Construction, and Youssef Azmani, d/b/a Anne's Acres, to establish a nursery and garden center, to be located at 8711 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 Plan and all other applicable conditions approved by the Plan Commission on July 13, 2021 and by the Common Council on August 17, 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 for Anne's Acres will be Monday-Saturday, 8:00am-8:00pm, and Sunday, 8:00am-6:00pm.

4. Off-Street Parking. The proposed nursery and garden center requires nineteen (19) off-street parking spaces. Twenty-three (23) off-street parking stalls are 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.

_____
Joel Cook, d/b/a Ogden Construction

_____
Youssef Azmani, d/b/a Anne's Acres

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 17th day of August, 2021.

APPROVED:

_____
Michael J. Neitzke, Mayor

ATTEST:

_____
Jennifer Goergen, City Clerk

RESOLUTION NO. 3816

RESOLUTION TO AFFIRM MEMBERSHIP COMMITMENT WITH CITIES AND VILLAGES MUTUAL INSURANCE COMPANY ("CVMIC") AND SET ANNUAL PREMIUMS FOR POLICY YEARS 2022, 2023 AND 2024

WHEREAS, CVMIC sets forth guaranteed annual premiums in exchange for a three year commitment of continued membership; and

WHEREAS, CVMIC requires the City to select its SIR and return a copy of *Attachment One* with the *Acceptance Form* executed by an authorized officer (attached hereto); and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield that the City accepts the Liability Insurance Proposal dated July 16, 2021, from Cities and Villages Mutual Insurance Company ("CVMIC") and agrees to continue its membership in CVMIC for policy years 2022, 2023 and 2024 based on the premiums guaranteed by CVMIC for said policy years.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of August, 2021.

APPROVED:

_____
Michael J. Neitzke, Mayor

ATTEST:

_____
Jennifer Goergen, City Clerk

RESOLUTION NO. 3817

Resolution Authorizing the Release of Certain Restrictions
on the Real Estate Located at 6815 W. Layton Avenue

WHEREAS, a former owner of the property located at 6815 W. Layton Avenue recorded covenants, conditions and restrictions which were dated May 19, 1955 and were recorded in the Milwaukee County Register of Deeds on June 24, 1955 in Deeds Volume 3450, Page 330 as Document No. 3405165; and

WHEREAS, those restrictions require the reversion of certain areas of the property to off-street parking in the event that the property is no longer utilized for a gasoline service station; and

WHEREAS, the City of Greenfield is the successor in interest to the Town of Greenfield and has the authority to enforce or waive those restrictions; and

WHEREAS, City of Greenfield Ordinance No. 8, relating to the vacation of certain off-street parking areas and a public service street on the property was approved conditioned upon the requirement that if the areas were restored to parking or access that the owner would re-dedicate the areas to the public use; and

WHEREAS, Ordinance No. 8 was recorded in the office of the Milwaukee County Register of Deeds on July 1, 1957 in Deeds Volume 3716, Page 77 as Document No. 3589410; and

WHEREAS, the City does not desire to have the area re-dedicated as such dedication would be inconsistent with modern planning standards and the City's comprehensive master plan;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield, Wisconsin, that the restrictions held for the benefit of the City in the above-described documents are released and shall no longer burden the real estate.

BE IT FURTHER RESOLVED, that the City Attorney is authorized to work with the property owner to prepare a recordable document that reflects this action, and upon City Attorney approve, the Mayor and City Clerk are authorized to execute and deliver the same.

INTRODUCED by the Common Council of the City of Greenfield on the 17th day of August, 2021.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of August, 2021.

APPROVED:

_____
Michael J. Neitzke, Mayor

ATTEST:

_____
Jennifer Goergen, City Clerk