

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY,
DECEMBER 21, 2021

A. Call to Order & Roll Call

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

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

Excused: Pamela Akers.

Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Kristi Porter, Community Development Manager.

B. Opening Prayer

An opening prayer was given by Pastor McFadden.

C. Pledge of Allegiance

D. Approval of the December 7, 2021 Common Council minutes

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

E. Mayor's Report

Mayor Neitzke thanked Mikayla Schwab, Recreation Supervisor in Parks and Recreation, for an AARP grant, which the Wisconsin Downtown Action Council matched. From the grant, we got a lot of new ice skates for our ice rink. He thanked Santa for going through the neighborhoods as well. It was a joint effort put on by Public Works, Parks and Recreation, Fire, and Police Departments to provide Santa with quick and safe transport and was well received by the community.

F. Aldermanic Reports

G. Announcements

Merry Christmas to everyone!

H. Citizen Commentary

I. Old Business

1. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

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

Place on next agenda.

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

Place on next agenda.

- iii. One member to the Board of Review for a term to expire 5/1/2026 (formerly James Jaworowicz)

Place on next agenda.

b. Mayor appointments:

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

Place on next agenda.

2. Resolution appointing Election Officials: Chief Inspectors, Alternate Chief Inspectors, Election Inspectors, and Special Voting Deputies for 2022-2023. (Goergen)

Brian Sajdak, City Attorney, stated that from the 12-7-2021 Common Council meeting, Resolution 3831 was attempted to pass by 1 (approved) to 0 (denied) to 3 (abstained) vote. Upon further research, it did not qualify as a valid vote.

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

3. Resolution appointing an additional Election Official-Chief Inspector for 2022-2023 - Collins. (Goergen)

Motion by Alderperson Bailey, seconded by Alderperson Kastner to approve. On a roll call, motion carried with Alderperson Collins abstained.

4. Resolution appointing an additional Election Official-Chief Inspector for 2022-2023-Bailey. (Goergen)

Motion by Alderperson Kastner, seconded by Alderperson Collins to approve. On a roll call vote, motion carried with Alderperson Bailey abstained.

5. Resolution appointing an additional Election Official -Election Inspector/Chief Inspector for 2022-2023-Saryan. (Goergen)

Motion by Alderperson Collins, seconded by Alderperson Kastner to approve. Motion carried with Alderperson Saryan abstained.

J. New Business

1. Approve applications for 2021-2022 operator licenses (Goergen)

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

2. Discussion and decision to adopt a resolution accepting a road reservation for street purposes.(Katz)

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

3. Approve a Special Use Review and Site Plan Review for a tenant change to Jen's Beer and Liquor, an existing business located at 4312 W. Howard Ave., submitted by Rajbir S. Bhullar, d/b/a Bhullar Two Corp. (Tax Key No. 555-8979-000) (PC-12/14/21 Kastner)

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

4. Approve Site, Landscaping, and Architectural Plans for proposed new construction of a commercial building to be located at 6279 S. 27 St, submitted by Matthew Hensel, d/b/a The Redmond Company. (Tax Key No. 691-9841-017) (PC-12/14/21 Kastner)

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

5. Approve an Ordinance to amend Section 21.04.0801 of the Municipal Code pertaining to non-conforming accessory structures. (PC-12/14/21 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Collins to approve.

Under discussion, if the non-conforming accessory structure is damaged, it can be rebuilt as it was but not bigger than what the structure was originally. Kristi Porter, Community Development Manager, said that without this ordinance, the resident would have to go to the Zoning Board of Appeals. With the approval of this ordinance, they can get a permit. If it is a bigger structure, they would still have to go to the Zoning Board of Appeals.

On a roll call vote, motion carried unanimously.

6. Discussion/decision regarding renewing the City's 2021 insurance policies (which include: 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 City Clerk and Mayor to sign related paperwork. (F&HR 12/15/21 S. Saryan)

There was a range of what the budget could be and the amount was approximately \$300 over the high range. The MPIC and storage tanks costs have not changed. The cost went down for the storage tanks as the tanks are new.

Motion by Alderperson Kastner, seconded by Alderperson Collins to approve the CVMIC policies in the amount of \$506,031.00. On a roll call vote, motion carried unanimously.

7. Approve MOU between the Milwaukee County Register of Deeds and the City of Greenfield for free Laredo access. (F&HR 12/15/21 S. Saryan)

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

8. Discussion and decision to transfer unused 2021 funds from the Community Development Authority account and the Plan Commission account to a project to be used in 2022. (F&HR 12/15/21 S. Saryan)

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

9. Discussion/decision to approve contact between the Municipal Court and nCourt (F&HR 12/15/21 S. Saryan)

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

10. Discussion and decision related to contracting with Environmental Health Consultant (F&HR 12/15/21 S. Saryan)

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

11. Discussion and decision to approve revised job descriptions for Laborer and Operator. (Katz)

Motion by Alderperson Collins, seconded by Alderperson Kastner to approve agenda items J11-14. On a roll call vote, motion carried unanimously.

12. Discussion and decision to approve revised Accountant job description in the Finance Department and new pay scale for 2022 (F&HR 12/15/21 S. Saryan)

Approved under agenda item J11.

13. Discussion and decision to revise salary schedule for Police Clerk Typist effective January 3, 2022 (F&HR 12/15/21 S. Saryan)

Approved under agenda item J11.

14. Discussion and decision to revise salary schedule for Emergency Services Dispatcher effective January 3, 2022 (F&HR 12/15/21 S. Saryan)

Approved under agenda item J11.

15. Decision to approve a resolution to set the salary and benefits of the City Attorney for 2022 (F&HR 12/15/21 S. Saryan)

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

16. Decision to approve a resolution for the 2022 Non-Rep Resolution and Command Staff and various adjustments to job descriptions, salary ranges and organizational charts as required (F&HR 12/15/21 S. Saryan)

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

17. Discussion and decision to approve an addendum to the UnitedHealthcare Flexible Spending Account (FSA) to increase the plan to the IRS maximum contribution and carryover limits automatically and authorize Mayor to sign plan addendum (F&HR 12/15/21 S. Saryan)

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

18. Approval of schedules of disbursements in the amount of \$1,238,518.54 (F&HR 12/15/21 S. Saryan)

Motion by Alderperson Collins, seconded by Alderperson Saryan to approve agenda item J18-19 as presented. On a roll call vote, motion carried unanimously.

19. Approval of mileage reimbursements in the amount of \$799.28 (F&HR 12/15/21 S. Saryan)

Approved under agenda item J18 as presented.

20. 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. Adam Kazimierz Wylaz

- b. Paul Harvey Wasser

Motion by Alderperson Collins, seconded by Alderperson Kastner to go into closed session at 7:18 PM. On a roll call vote, motion carried unanimously.

21. The Common Council to remain in closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to litigation in which is involved for the purpose of discussing potential settlement in the Opioid Crisis Litigation: *In re National Prescription Opiate Litigation* (Docket No. 1:17-md-02804); *Greenfield v. Actavis Pharma, Inc., et al.*, (Case/Docket No. 2021CV002937/2:21-cv-00751); *Erie Insurance Exchange v. Hayward Pharmacy, Inc., et al.*, (Case No. 21-CV-4963). (Sajdak)

22. Adjourn closed session and reconvene into open session.

Motion by Alderperson Collins, seconded by Alderperson Kastner to adjourn closed session and reconvene into open session at 8:05 PM. Motion carried unanimously.

23. Decision re: Operator License for Adam Kazimierz Wylaz

No action.

24. Decision re: Operator License for Paul Harvey Wasser

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

25. Decision re: potential settlement in the Opioid Crisis Litigation.

Motion by Alderperson Kastner, seconded by Alderperson Collins to approve MOUs and to authorize the appropriate City Officials to execute and file the same.

Under discussion, Mayor Neitzke said that the overriding tenor is the settlement is greatly disappointing and difficult to fully embrace and to figure out how such significant inequalities in settlement amounts were distributed among all the counties and municipalities in the agreement. Another great disappointment is that the ability by any county or municipality to spend the proceeds, which may be paid over the next 18 years, is removed from the decision making of the common councils in the cities and placed into the hands of some nameless bureaucrat or lawmaker in our capital.

On a roll call vote, motion carried unanimously.

K. Items for future agenda

L. Adjourn

Motion by Alderperson Collins, seconded by Alderperson Kastner to adjourn at 8:08 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 12/23/2021

RESOLUTION NO. 3832

RESOLUTION APPOINTING ELECTION OFFICIALS: CHIEF INSPECTORS,
ALTERNATE CHIEF INSPECTORS, ELECTION INSPECTORS
AND SPECIAL VOTING DEPUTIES FOR 2022-2023

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 2022-2023 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 ten names for poll workers and one name for Special Voting Deputy from the Republican Party of Milwaukee County (RPMC); one of the ten names on the list is a resident of Racine County and cannot work in Milwaukee County; one name on the list does not wish to work at the polls anymore; two of the names on the list would like to work in communities other than Greenfield—one of the two is also on the RPMC list to work in the City of Milwaukee and indicated that is where he wishes to work—not in Greenfield; one of the two is also on the RPMC list to work in West Allis and indicated that is where he wishes to work—not in Greenfield; thus the RPMC was informed of such. The City Clerk has incorporated these poll workers' names from the list received into the list of regular Election Inspectors appointed to work 2022-2023 elections and the name for Special Voting Deputy is on the list of Special Voting Deputies and designated as a regular Special Voting Deputy to attend every visit to every facility as he is able. The abovementioned names provided are designated as Republican Party affiliated, while the remaining names are unaffiliated; and

WHEREAS, The City Clerk did not receive a list of poll workers or Special Voting Deputies from the Democratic Party of Milwaukee County; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield confirms the list of election officials for the 2022-2023 election cycle.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of December, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3833

RESOLUTION APPOINTING AN ADDITIONAL ELECTION OFFICIAL -
CHIEF INSPECTOR FOR 2022-2023

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 2022-2023 election cycle; and

WHEREAS, appointments were made, but in addition to the appointments already made, the Common Council desires to add Denise Collins to the list of Election Officials;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield confirms the appointment of Denise Collins (unaffiliated), 4439 S. 38th Street, Greenfield, WI 53221, and adds her to the list of Election Officials for the 2022-2023 election cycle.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of December, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3834

RESOLUTION APPOINTING AN ADDITIONAL ELECTION OFFICIAL -
CHIEF INSPECTOR FOR 2022-2023

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 2022-2023 election cycle; and

WHEREAS, appointments were made, but in addition to the appointments already made, the Common Council desires to add Cheryl Bailey to the list of Election Officials;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield confirms the appointment of Cheryl Bailey (unaffiliated), 4281 S. 81st Street, Greenfield, WI 53220, and adds her to the list of Election Officials for the 2022-2023 election cycle.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of December, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3835

RESOLUTION APPOINTING AN ADDITIONAL ELECTION OFFICIAL -
ELECTION INSPECTOR/CHIEF INSPECTOR FOR 2022-2023

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 2022-2023 election cycle; and

WHEREAS, appointments were made, but in addition to the appointments already made, the Common Council desires to add Leon Saryan to the list of Election Officials;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield confirms the appointment of Leon Saryan (unaffiliated), 3714 W. Vogel Ave., Greenfield, WI 53221, and adds him to the list of Election Officials for the 2022-2023 election cycle.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of December, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3836

RESOLUTION ACCEPTING ROAD RESERVATIONS

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Greenfield that the reservations contained in the instrument listed below and recorded as indicated for street purposes, be and the same are hereby accepted by the City of Greenfield.

Reservation: The East 55 feet of the following described property:

That part of the Southeast $\frac{1}{4}$ of Section 23, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at a point on the East line of said $\frac{1}{4}$ Section which is 175 feet South of the Northeast corner of said $\frac{1}{4}$ Section; running thence South on and along the East line of said $\frac{1}{4}$ Section, 130 feet to a point; thence West on a line parallel to the North line of said $\frac{1}{4}$ Section, 333 feet to a point; thence North on a line parallel to the East line of said $\frac{1}{4}$ Section, 130 feet to a point; thence East on a line parallel to the North line of said $\frac{1}{4}$ Section, 333 feet to the point of commencement, containing 0.9938 acres of land more or less, reserving from the above parcel of land the East 55 feet for public street purposes.

Tax Key No's: 601-9994-000 & 601-9995-000

Recording Data: Document 3283424 Recorded April 2, 1954

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of December, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 2992

ORDINANCE TO AMEND SECTION 21.04.0801 OF THE MUNICIPAL CODE PERTAINING TO NON-CONFORMING ACCESSORY STRUCTURES.

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

PART I. Subsection 21.04.0801 of the Greenfield Municipal Code is hereby amended to read as follows:

* * *

A. *Accessory uses and structures.* Accessory uses and structures are permitted in any zoning district but not until the principal use or structure is present or under construction on the lot or parcel. Residential accessory uses and structures shall not involve the conduct of any business, trade, or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; and private emergency shelters. Portable/temporary carports, or roofed, wall-less canopy-like structures, detached from a principal building, are not permitted accessory structures. Decks are not considered accessory structures, but do require permits.

1. *Existing non-conforming accessory structures.* Existing non-conforming accessory structures may be rebuilt within the same footprint as the existing structure provided that the replacement structure does not exceed any dimensional characteristic of the existing building and that the replacement building is contained wholly within the applicant's property lines. Such replacement shall be allowed only upon the issuance of a building permit without Zoning Board of Appeals review and approval provided that the Zoning Administrator is satisfied that the replacement structure does not, based upon information known to them, create or continue a hardship for neighboring property owners.

* * *

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

PART II. 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 21st day of December, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: December 29, 2021

RESOLUTION NO. 3837

Resolution to set the salary and benefits of the City Attorney for 2022.

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 2022 Non-Represented and Command Staff salary resolution.

	ANNUAL SALARY <u>Eff. 1/3/22 (2% increase)</u>
<u>NON-REPRESENTED EMPLOYEES</u>	
City Attorney	\$50,629

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 21st day of December, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3838

RESOLUTION TO SET THE SALARIES AND BENEFITS OF NON-REPRESENTED
AND PROTECTIVE SERVICES STAFF EMPLOYEES OF THE CITY OF
GREENFIELD FOR 2022

RESOLVED, By the Common Council of the City of Greenfield, that the 2022 resolution to set the salaries and benefits of non-represented and protective services staff employees of the City of Greenfield for 2022 is approved.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of December, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk