

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY,
JANUARY 4, 2022

A. Call to Order & Roll Call

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

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

Excused: Denise Collins.

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

B. Opening Prayer

An opening prayer was given by Deacon Leggett.

C. Pledge of Allegiance

D. Approval of the December 21, 2021 Common Council minutes

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

E. Mayor's Report

Mayor Neitzke thanked Festival Foods for a \$15,000 check for the 2022 fireworks.

He congratulated Alderperson Bailey as his daughter was recently married.

Dan Jansen Fest rink is open as of today, so please stop by. The City utilized a \$1,000 AARP grant to buy new skates for the rink. Mayor Neitzke continued to thank the sponsors, the Department of Public Works, Parks and Recreation, and the Common Council. Skate rentals and admissions are free and profits from the concession stand off sets the cost of the rink.

F. Aldermanic Reports

G. Announcements

Mayor Neitzke said that last week the Greenfield Public Library was closed, as much of the staff was infected with COVID. It's going through the community and we are taking appropriate measures. It seems like people who've had it are getting it again, including those that were vaccinated and boosted. There's not much else to do but to exercise the rules, wear surgical masks as cloth masks do not work as well, social distance, and be as safe as you can.

H. Citizen Commentary

I. Public Hearings

1. Public Hearing on a Special Use Permit for City Food Equipment, a proposed business located at 5340 W. Loomis Rd., submitted by Dean Anderson d/b/a City Food Equipment. (Tax Key No. 648-0023-004) (PC-11/09/21 Kastner)

Mayor Neitzke opened the Public Hearing at 7:10 PM.

Kristi Porter, Community Development Manager, introduced and explained what would be done and went through the plan, such as site information, description of business, hours of operation, parking, site improvements, and recommendations from the Plan Commission.

Mayor Neitzke said we received an email from Karen Neitzel, 5613 W. Upham Ave. The

concern was that the natural buffer between the properties stays. There is not any plans to change it that Mayor Neitzke is aware of. There wasn't any discussion at the Plan Commission with regard to doing anything with that, so the natural buffer would say the same.

Motion by Alderperson Akers, seconded by Alderperson Saryan to close the public hearing at 7:14 PM.

Under discussion, the parking lot is an issue because it has not been improved in a long time and the building needs some cleaning up and City Food Equipment will take care of that. Dean Anderson, the City Food Equipment owner, answered Alderperson Bailey's concern about excessive traffic by responding that not a lot of traffic is expected as it is a restaurant equipment store.

Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for City Food Equipment, a proposed business located at 5340 W. Loomis Rd., submitted by Dean Anderson d/b/a City Food Equipment. (Tax Key No. 648-0023-004) (PC-11/09/21 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve agenda items I1a and I1b as presented. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for City Food Equipment, a proposed business located at 5340 W. Loomis Rd., submitted by Dean Anderson d/b/a City Food Equipment. (Tax Key No. 648-0023-004) (PC-11/09/21 Kastner)

Approved under agenda item I1a.

J. 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.

K. New Business

1. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(b) & (f),

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

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

No action.

2. Adjourn closed session and reconvene into open session.

No action as did not go into closed session.

3. Decision re: Operator License for Adam Kazimierz Wylaz

No action.

L. Items for future agenda

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Kastner to adjourn at 7:17 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant
Distributed: 1/5/2022

RESOLUTION NO. 3839

Special Use Permit for City Food Equipment, a proposed business, to be located at 5340 W. Loomis Rd., submitted by Dean Anderson d/b/a City Food Equipment. (Tax Key No. 648-0023-004)

WHEREAS, Dean Anderson d/b/a City Food Equipment, 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 business at 5340 W. Loomis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 4, 2022, 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, Dean Anderson d/b/a City Food Equipment, has offices at 376 W. North Ave, Lombard, IL 60148.
2. The property is owned by Loomis Road DBD, LLC, 10425 W. North Ave. Ste 245, Milwaukee, WI 53226.
3. City Food Equipment will occupy approximately 16,400 sq. ft. of the commercial building located at 5340 W. Loomis Rd., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcels 1 and 2 of Certified Survey Map No. 4839, being a part of the Southwest ¼ Section 26, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 648-0023-004

Said land being located at 5340 W. Loomis Rd.

4. The applicant is proposing to establish a restaurant equipment and supply business within the existing commercial building.
5. The aforesaid premise is zoned C-2 Community Commercial District and PUD Planned Unit Development under the Zoning Ordinance of the City of Greenfield, which permits All Other Miscellaneous Store Retailers 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. Loomis Rd. corridor that is developed for mixed uses. Properties to the north developed as commercial. Properties to the south are developed as institutional. Properties to the east and west 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 Dean Anderson d/b/a City Food Equipment, to establish a business, to be located at 5340 W. Loomis Rd., 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 November 9, 2021 and by the Common Council on January 4, 2022. 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 City Food Equipment will be Monday – Friday, 8am – 5pm, and Saturday, 9am- 1pm.
4. Off-Street Parking. The proposed business requires eighty-two (82) off-street parking spaces. Seventy-seven (77) 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 spills from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light spill. 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.

Dean Anderson d/b/a City Food Equipment

Provided to applicant on the
_____ day of _____, 2022

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 4th day of
January, 2022.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk