MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, MARCH 15, 2022

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, Pamela Akers, Shirley Saryan
Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Kristi Porter, Community Development Manager; Paula Schafer, Director, Finance.

B. Opening Prayer

An opening prayer was given by Pastor Steve Rogers.

C. Pledge of Allegiance

D. Approval of the March 1, 2022 Common Council minutes

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

E. Approval of the March 4, 2022 Special Common Council minutes

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

F. Mayor's Report

1. Resolution Awarding The Sale Of $4,680,000** General Obligation Corporate Purpose Bonds, Series 2022A; Providing The Form Of The Bonds; And Levying A Tax In Connection Therewith

   Joe Murray, the City Advisor from Ehlers, spoke about the City's bond rating, bids, rates, their recommendation, and inflation. Motion by Alderperson Kastner, seconded by Alderperson Collins to approve as presented. On a roll call vote, motion carried unanimously. Motion by Alderperson Akers, seconded by Alderperson Saryan to reconsider. Motion carried unanimously. Motion by Alderperson Akers, seconded by Alderperson Collins to reaffirm. Motion carried unanimously.

G. Aldermanic Reports

H. Announcements

Alderperson Akers made an announcement about the Parks and Recreation Bunny Hop route being posted on Facebook and the schedule of events for the Bunny Hop. Mayor Neitzke thanked Meijer for the generous donation for the Bunny Hop and the Breakfast with the Easter Bunny.

I. Citizen Commentary

J. Public Hearings

1. Public Hearing on a Special Use Permit for La Villa Nutrition, a proposed business to be located at 4639 S. 108 St., submitted by Yesica Granados Lopez, d/b/a La Villa Nutrition. (Tax Key No. 609-0033-001) (PC-2/08/22 Kastner)

   Kristi Porter, Community Development Manager, presented the plan such as the site information, description of business, hours of operation, parking, site improvements, and recommendations from the Plan Commission.

   Motion by Alderperson Akers, seconded by Alderperson Collins to close the public hearing at

7:18 PM. Motion carried unanimously.

Mayor Neitzke said that with the sale of food, a commercial kitchen would be required, so they may have packaged food.

a. Approve a Resolution for a Special Use Permit for La Villa Nutrition, a proposed business to be located at 4639 S. 108 St., submitted by Yesica Granados Lopez, d/b/a La Villa Nutrition. (Tax Key No. 609-0033-001) (PC-2/08/22 Kastner)

   Motion by Alderperson Kastner, seconded by Alderperson Collins to approve agenda items J1a and J1b as presented. On a roll call vote, motion carried unanimously.

b. Approve a Site Plan Review for La Villa Nutrition, a proposed business to be located at 4639 S. 108 St., submitted by Yesica Granados Lopez, d/b/a La Villa Nutrition. (Tax Key No. 609-0033-001) (PC-2/08/22 Kastner)

   Approved under agenda item J1a.

K. 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)

         Mayor Neitzke said he would like to appoint Robert Hansen. Motion by Alderperson Kastner, seconded by Alderperson Akers to confirm. Motion carried unanimously.

      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.

L. New Business

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

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

2. Approve application for a 2021-2022 Amusement Device Owner/Distributor License received from DZT Midwest Entertainment, Daniel Takerian, Agent, 1207 Kingston Ave. (Goergen)

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

3. Claim received from Melnick & Melnick, S.C. on behalf of Alan's Property Management, LLC, 2745 W. Layton Avenue. (Goergen)

Referred to City Attorney.

4. Discussion/decision regarding agreement with Klemme Floats LLC. (Jaquish)

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

5. Approve Site, Landscaping, and Architectural Plans for proposed new construction of Creekside Condominium, to be located at 4060 S. 124 St., submitted by Ryan Janssen, d/b/a Janssen Bruckner LLC, and Joe Eldridge d/b/a Colliers International. (Tax Key No. 565-9975-001) (PC-3/08/22 Kastner)

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

   Under discussion, Kristi explained the Plan Commission recommendations and the site plans. The Plan Commission recommended that they would prefer an 8-foot wide pedestrian path be added, but it may be trimmed to a 5-foot wide path due to the wetlands and other factors. Nicole Bruckner spoke on behalf of Janssen Bruckner LLC and said that they thought the path had to go to the lot line and then the City would continue it to 122nd Street. Mayor Neitzke said that the City can only require what is on the Certified Map Survey to go to the lot line, not beyond the scope of the CSM. Alderperson Kastner said in the past, the Falcon Trail condominium developer put in the entire trail and a bridge, but it's up to the applicant and the City. Mayor Neitzke and Alderperson Kastner continued to discuss the park fees, which would have to be directed to the Parks and Recreation department. Nicole asked about who was responsible for maintaining the path from their lot line to 122nd Street. Mayor Neitzke responded that they would not be responsible since it is outside the scope of their CSM and the path may be labeled as a seasonal path.

   On a roll call vote, motion carried unanimously.

6. Approve a Certified Survey Map to divide an existing parcel located at 4000 & 4050 W. Layton Ave., submitted by Bill Ohm, d/b/a Cobalt Partners, LLC. (Tax Key No. 600-1005-000) (PC-3/08/22 Kastner)

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

7. Discussion and decision to award a contract for the project 2209 84th Street Concrete Repair to Milwaukee General Construction in the amount of $ 391,230.75. (Katz)

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

   Mayor Neitzke said that it is assumed that insurance is issued and they complied with the terms of the bid. The awarding of the contract is still subject to the City Attorney's and engineering approvals.

8. Approve an Initial Resolution for the Discontinuance of right-of-way in the vicinity of W. Loomis Rd. and the east-bound I-894 on-ramp within the 4300 block of W. Loomis Rd. (Porter)

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

9. Discussion and decision to revise full-time Electrical Inspector job description in the Division of Neighborhood Services (K. Porter)

   Motion by Alderperson Collins, seconded by Alderperson Akers to approve agenda items L9-13. On a roll call vote, motion carried unanimously.

10. Discussion and decision to create part-time Electrical Inspector job description and set salary in the Division of Neighborhood Services (K. Porter)

    Approved under agenda item L9.

11. Discussion and decision to revise job description for full-time Building Inspector in the Department of Neighborhood Services. (3/9/22 F&HR S. Saryan)

    Approved under agenda item L9.

12. Discussion and decision to create job description for part-time Building Inspector, set salary, recruit and hire in the Department of Neighborhood Services. (3/9/22 F&HR S. Saryan)

    Approved under agenda item L9.

13. Discussion and decision to create job description for part-time Plumbing Inspector, set salary, recruit and hire in the Department of Neighborhood Services. (3/9/22 F&HR S. Saryan)

    Approved under agenda item L9.

14. Discussion and decision to transfer the remaining balance in the Police Department Capital Equipment Project - 2018 "Tasers" to Body Camera and Electronic Sights in the amount of $17,627.83 (3/9/22 F&HR S. Saryan)

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

15. Discussion and decision regarding Ordinance #2926 Employee Classifications to repeal and amend Non-Clerical, Seasonal Park & Recreation employees and Non-Clerical, Division of Public Works Seasonal Worker employees (3/9/22 F&HR S. Saryan)

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

16. Discussion and decision related to Tattooing and Body Art Terms of Agreement For Greenfield Health Department with the Wisconsin Department of Safety and Professional Services. (3/9/22 F&HR S. Saryan)

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

17. Approval of mileage reimbursements in the amount of $924.57 (3/9/22 F&HR S. Saryan)

    Motion by Alderperson Collins, seconded by Alderperson Kastner to approve agenda items L17-19. On a roll call vote, motion carried unanimously.

18. Investments and reinvestments January 2022 (3/9/22 F&HR S. Saryan)

    Approved under agenda item L17.

19. Approval of schedules of disbursements in the amount of $14,816,190.22 (3/9/22 F&HR S. Saryan)

    Approved under agenda item L17.

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. Andrea Lynne Phillips

    Motion by Alderperson Akers, seconded by Alderperson Collins to go into closed session at 7:35 PM. On a roll call vote, motion carried unanimously.

21. Adjourn closed session and reconvene into open session.

Motion by Alderperson Collins, seconded by Alderperson Bailey to adjourn closed session and reconvene into open session at 7:47 PM. Motion carried unanimously.

22. Decision re: Andrea Lynne Phillips

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

M. Items for future agenda

N. Adjourn

Motion by Alderperson Collins, seconded by Alderperson Akers to adjourn at 7:51 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant
Distributed: 3/22/2022

RESOLUTION NO. 3851

RESOLUTION AWARDING THE SALE OF $4,680,000
GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2022A;
PROVIDING THE FORM OF THE BONDS;
AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, on February 1, 2022, the Common Council of the City of Greenfield, Milwaukee County, Wisconsin (the "City") adopted: an Initial Resolution ("Initial Resolution No. 1") authorizing the issuance of general obligation bonds in an amount not to exceed $3,710,000 for the purpose of paying the costs of street and sidewalk improvements and bond issuance costs; and an Initial Resolution ("Initial Resolution No. 2") authorizing the issuance of general obligation bonds in an amount not to exceed $1,005,000 for the purpose of paying the costs of park and public grounds improvements and bond issuance costs (collectively, the "Projects");

WHEREAS, following the adoption of Initial Resolution No. 1 and Initial Resolution No. 2, pursuant to the provisions of Section 67.05 of the Wisconsin Statutes, a notice was published in the MJS-Southwest NOW on February 9, 2022 stating the purpose and maximum principal amount of said bond issue and describing the opportunity and procedure for submitting a petition requesting a referendum on said bond issue;

WHEREAS, the period set forth in Section 67.05(7)(b) of the Wisconsin Statutes has expired and no petition for referendum has been filed with respect to the issuance of the general obligation bonds authorized by said Initial Resolutions;

WHEREAS, the Common Council deems the Projects to be within its powers to undertake and therefore to be a public purpose as defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, the Common Council hereby finds and determines that the general obligation bond issues heretofore authorized shall be combined, issued and sold as a single issue of general obligation corporate purpose bonds in the aggregate principal amount of $4,680,000;

WHEREAS, the City's financial advisor, Ehlers & Associates, Inc., Waukesha, Wisconsin has taken the necessary steps to sell the proposed bond issue;

WHEREAS, a notice of sale was published in the Bond Buyer on March 9, 2022 offering the aforesaid general obligation bonds for public sale on March 15, 2022;

WHEREAS, sealed bid proposals were received as summarized in Exhibit C attached hereto; and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by Piper Sandler & Co., Minneapolis, Minnesota, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the City. A copy of said bid is attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Award of the Bonds. For the purpose of paying the costs of the Projects there shall be borrowed pursuant to Section 67.04 of the Wisconsin Statutes, the principal sum of FOUR MILLION SIX HUNDRED EIGHT THOUSAND DOLLARS ($4,680,000). The bid proposal of Piper Sandler & Co., Minneapolis, Minnesota, (the "Purchaser") is hereby accepted, said proposal offering to purchase the $4,680,000 City of Greenfield General Obligation Corporate Purpose Bonds, Series 2022A (the "Bonds") for the sum of FOUR MILLION SEVEN HUNDRED THIRTY NINE THOUSAND NINE HUNDRED TWENTY-THREE DOLLARS AND FORTY-SEVEN CENTS ($4,739,923.47), plus accrued interest to the date of delivery, resulting in a net interest cost of ONE MILLION THREE HUNDRED EIGHTY-FIVE THOUSAND THREE HUNDRED ONE DOLLARS AND SIXTY CENTS ($1,385,301.60) and a true interest rate of 2.6843%.

Section 2. Designation of Purchaser as Agent. The City hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Bonds to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 3. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds, Series 2022A"; shall be dated April 6, 2022; shall be in the denomination of $5,000 or any integral multiple thereof; shall bear interest at the rates per annum and mature on the dates and in the years and principal amounts as set forth in the Pricing Summary attached hereto as Exhibit D and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2023**.** The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit E and incorporated herein by this reference (the "Schedule").

Section 4. Redemption Provisions. At the option of the City, the Bonds maturing on April 1, 2030 and thereafter shall be subject to redemption prior to maturity on April 1, 2029 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on Exhibit G attached hereto and incorporated herein by this reference.

Section 5. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged and a direct annual irrepealable tax shall be levied in the years 2022 through 2041 for payments due in 2023 through 2042 in the amounts set forth on the Schedule.

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City levied in said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein.

Section 7. Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from every other City fund or account designated "Debt Service Fund Account for $4,680,000 City of Greenfield General Obligation Corporate Purpose Bonds, Series 2022A, dated April 6, 2022." There shall be deposited in said fund account any premium plus accrued interest paid on the Bonds at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Bonds when the same shall become due and to retire the Bonds at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest paid at the time of delivery which must be paid into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and interest on the Bonds.

Section 9. Arbitrage Covenant. The City shall not take any action with respect to the Bond Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Bonds (the "Closing"), would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from the Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations.

The City Clerk, or other officer of the City charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate; Qualified Tax Exempt Obligation Status. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the City to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

The City anticipates that it will qualify for the “small issuer” exception from rebate in accordance with Section 148(f)(4)(D) of the Code. The City covenants that it is a governmental unit with general taxing powers; that the Bonds are not "private activity bonds" as defined in Section 141 of the Code; that ninety five percent (95%) or more of the net proceeds of the Bonds allocable to the Projects are to be used for local governmental activities of the City; and that the aggregate face amount of all tax exempt obligations (other than "private activity bonds") issued by the City, including all subordinate entities of the City, during calendar year 2022 will not exceed $5,000,000. If for any reason the City did not qualify for the small issuer exemption or any other exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

The City hereby designates the Bonds to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the City Clerk or other officer of the City charged with the responsibility for issuing the Bonds, shall provide an appropriate certificate of the City as of the date of delivery and payment for the Bonds.

Section 11. Persons Treated as Owners; Transfer of Bonds. The fiscal agent appointed in Section 15 hereof shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the fiscal agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Clerk shall deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the fiscal agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The fiscal agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The 15th day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City maintained by the fiscal agent at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City has heretofore agreed to the applicable provisions set forth in the DTC Blanket Issuer Letter of Representation and the Clerk has executed such Letter of Representation and delivered it to the DTC on behalf of the City.

Section 13. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The appropriate City official shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Execution of the Bonds. The Bonds shall be issued in typewritten form, one Bond for each maturity, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk (except that one of the foregoing signatures shall be manual), sealed with its official or corporate seal, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 15. Payment of the Bonds. The principal of and interest on the Bonds shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.

Section 17. Continuing Disclosure. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate which the City will execute and deliver on the Closing Date. Any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 15th day of March, 2022.

____

Michael J. Neitzke,
Mayor

(SEAL)

ATTEST:

____

Jennifer Goergen
City Clerk

RESOLUTION NO. 3852

Special Use Permit for La Villa Nutrition, a proposed business, to be located at 4639 S. 108 St., submitted by Yesica Granados Lopez, d/b/a La Villa Nutrition. (Tax Key No. 609-0033-001)

WHEREAS, Yesica Granados Lopez, d/b/a La Villa Nutrition, 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 Snack and Nonalcoholic Beverage Bar at 4639 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 15, 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, Yesica Granados Lopez, d/b/a La Villa Nutrition, resides at 6260 S. Lake Drive, Apartment 215, Cudahy, WI 53110.

2. The property is owned by Forest Park Real Estate Co, LLC, 7170 W. Avian Ct., Franklin, WI 53132.

3. La Villa Nutrition will occupy approximately 1,157 sq. ft. of the multi-tenant commercial building located at 4639 S. 108 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 2, 3, 4 and 5 of Block 1 of Valley View Heights, a recorded subdivision, plus the East 1/2 of a vacated alley adjacent on the West, all being a part of the Southeast 1/4 of Section 19, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 609-0033-001

Said land being located at 4629-4649 S. 108 St.

4. The applicant is proposing to establish a Snack and Nonalcoholic Beverage Bar 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 Snack and Nonalcoholic Beverage Bars 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, south, and east are developed as commercial.

Properties to the 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 Yesica Granados Lopez, d/b/a La Villa Nutrition, to establish a Snack and Nonalcoholic Beverage Bar, to be located at 4639 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. <u>Site and Landscaping Plans</u>. 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 February 8, 2022 and by the Common Council on March 15, 2022. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.

2. <u>Building Plans and Fire Codes</u>. 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. <u>Hours of Operation</u>. The allowable hours of operation for La Villa Nutrition will be Monday - Friday, 6:00am- 4:00pm; Saturday, 8:00am-4:00pm; closed on Sunday.

4. <u>Off-Street Parking</u>. The proposed snack and nonalcoholic beverage bar business requires six (6) off-street parking spaces. The remaining multi-tenant commercial/office uses, occupying the remainder of the multi-tenant commercial building require sixty-six (66) off-street parking stalls, for a total of seventy-two (72) required off-street parking spaces. Sixty-nine (69) off-street parking stalls are expected to be provided on site. The Common Council may waive the parking shortage.

5. <u>Signage</u>. 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.

____
Yesica Granados Lopez, d/b/a La Villa Nutrition

____
Forest Park Real Estate Co, LLC

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 15th day of March, 2022.

APPROVED:

____
Michael J. Neitzke, Mayor

ATTEST:

____
Jennifer Goergen, City Clerk

S:\Planning\Plan Commission\2022\2-8-22\La Villa Nutrition\Resolution - La Villa Nutrition 3-15-22.docx

RESOLUTION NO. 3853

Initial Resolution for the Discontinuance of right-of-way in the vicinity of W. Loomis Rd. and the east-bound I-894 on-ramp within the 4300 block of W. Loomis Rd.

WHEREAS, the City owns excess right-of-way in the general vicinity of W. Loomis Rd. and the east-bound I-894 on-ramp, of which a portion is improved S. 43 St. right-of-way, at the northwest corner of Tax Key No. 601-1002-000; and,

WHEREAS, the Common Council has determined that the public interest requires the discontinuation of said S. 43 St. right-of-way and general right-of-way at the northwest corner of Tax Key No. 601-1002-000, which is more specifically shown and described in the attached Exhibit A; and.

WHEREAS, the public road right-of-way which is hereby to be vacated lies within onequarter mile of a state trunk highway or connecting highway, and does not contain a railroad crossing within its boundaries; and,

WHEREAS, Sec. 66.1003 of the Wisconsin Statutes requires a public hearing on any proposed discontinuance not less than 40 days following the introduction of a discontinuance resolution.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield, that the Discontinuance Resolution attached hereto as Exhibit B is hereby introduced as that term is used in Wis. Stat. § 66.1003(4).

BE IT FURTHER RESOLVED, that a public hearing on the discontinuance of right-ofway in the vicinity of W. Loomis Rd. and the east-bound I-894 on-ramp within the 4300 block of W. Loomis Rd. is hereby scheduled for May 3, 2022 at 7:00pm or as soon thereafter as the Council may hear the matter.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to deliver a copy of this resolution to the Wisconsin Secretary of Transportation.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of March, 2022.

APPROVED:

____
Michael J. Neitzke, Mayor

ATTEST:

____
Jennifer Goergen, City Clerk

cc: Engineering Division

S:\Planning\TIF #8 - The Interchange\S. 43 St. ROW vacation (2022)\resolution - Notice of Hearing 3-15-22.docx

Exhibit A

Legal Description:

Being a part of the Southeast ¼ of Section 23, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4; thence North 00°20'39” West along the East line of said 1/4 Section 448.56 feet to a point; thence South 88°38'51” West, 24.75 feet to the point of beginning of lands to be described; thence South 88°38'51” West, 102.47 feet to a point on the Southeasterly right-of-way line of West Loomis Road; thence North 33°55'29” East along said Southeasterly right-of-way line, 36.72 feet to a point; thence North 37°32'05” East along said Southeasterly right-of-way line, 81.29 feet to a point; thence North 74°31'29” East along said Southeasterly right-of-way line, 58.66 feet to a point on the East line of said ½ Section; thence South 00°20'39” West along said East line, 17.58 feet to a point on the North line of Lot 1 of Certified Survey Map No. 9375; thence South 89°39’21” West along said North line, 24.75 feet to a point; thence South 00°20’39” East along the Westerly line of said Certified Survey Map, 90.46 feet to the point of beginning. Retaining therefrom, the entire described area as a Municipal Purpose Easement.

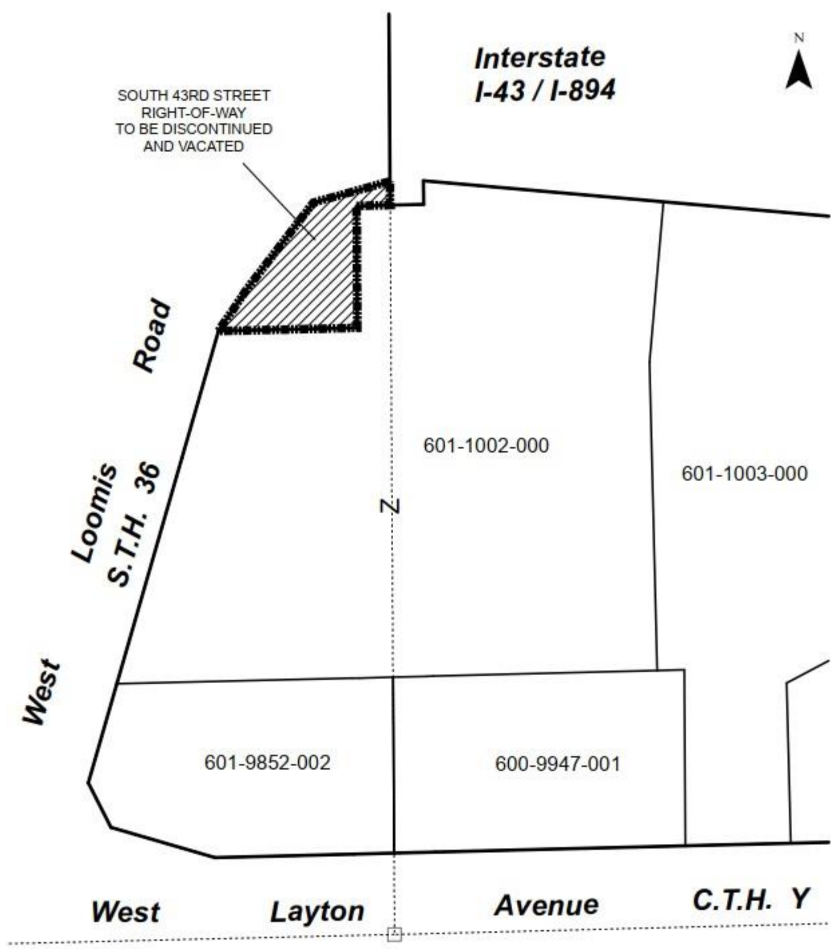

Exhibit B

RESOLUTION NO. ____

Resolution Discontinuing right-of-way in the vicinity of W. Loomis Rd. and the east-bound I894 on-ramp within the 4300 block of W. Loomis Rd.

WHEREAS, the City owns excess right-of-way in the general vicinity of W. Loomis Rd. and the east-bound I-894 on-ramp, of which a portion is improved S. 43 St. right-of-way, at the northwest corner of Tax Key No. 601-1002-000; and

WHEREAS, following due notice and publication the Common Council has conducted a public hearing to determine whether it is appropriate to discontinue the S. 43 St. right-of-way and general right-of-way at the northwest corner of Tax Key No. 601-1002-000; and

WHEREAS, based upon the materials on file and the comments received at the public hearing, the Common Council has determined that the public interest requires the vacation of S. 43 St. right-of-way and general right-of-way at the northwest corner of Tax Key No. 601-1002000 that is more specifically shown and described in the attached Exhibit A; and

WHEREAS, the Common Council further finds that the public road right-of-way which is hereby to be vacated lies within one-quarter mile of a state trunk highway or connecting highway, and does not contain a railroad crossing within its boundaries;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield, that the 480 feet of the S. 43rd Street right of way that is more specifically shown and described in the attached Exhibit A is hereby vacated and discontinued.

BE IT FURTHER RESOLVED, that right-of-way in the vicinity of W. Loomis Rd. and the east-bound I-894 on-ramp within the 4300 block of W. Loomis Rd. so vacated and discontinued shall, upon passage and publication of this Resolution, forever vest in the owner of the lands which immediately abut thereto, and shall be annexed thereto, free and clear of any right, title or interest in the public as road right of way except for the rights of the public to a public purpose easement for utilities within the vacated area pursuant to the provisions of sections 66.1003 and 66.1005 of the Wisconsin Statutes.

INTRODUCED by the Common Council of the City of Greenfield on the 15th day of March, 2022.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the _____ day of _________________, 2022.

APPROVED:

____

Michael J. Neitzke, Mayor

ATTEST:

____

Jennifer Goergen, City Clerk

cc: Engineering Division

ORDINANCE NO. 2994

ORDINANCE AMENDING THE CITY OF GREENFIELD EMPLOYEE CLASSIFICATION RELATED TO NON-CLERICAL, SEASONAL PARK & RECREATION AND DIVISION OF PUBLIC WORKS EMPLOYEES.

WHEREAS, the Common Council has previously adopted an Employee Classification, which was most recently amended by Ordinance No. 2926; and

WHEREAS, the Common Council wishes to amend the Employee Classification as it relates to certain Non-Clerical, Park and Recreation Employees; and

WHEREAS, the Common Council wishes to amend the Classification to add seasonal workers in the Division of Public Works;

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

PART I. Part V of Ordinance No. 2926 is hereby repealed and recreated to read as follows:

NON-CLERICAL, PARK AND RECREATION EMPLOYEES: Park and Recreation employees will be generally hired for a limited period of time to work in City park and recreational facilities and should not exceed 600/1,200 hours per year without approval of the Human Resources Director. Seasonal Park and Recreation employees are exempt from the Civil Service and residency requirement.

Park and Recreation employees are not eligible for benefits; except that employees that work more than 600/1,200 hours per year may be covered under the Wisconsin Retirement System. Employees must be certified as required by law.

The following is the wage schedule:

1.	Instructor I	
	Leader I	$11.00-$12.00
	Leader II	$12.50-$16.00
	Coaches	$10.00-$15.00
	Lifeguards	$12.00-$15.00
	Special Event Asst.	$10.00-$15.00
	Concession Staff	$10.00-$15.00
2.	Adult Sports Coordinators	$10.00-$16.00
3.	Site Coordinators (Kids Connection, Aquatics, Enrichment Programs)	$13.50-$17.00

4. Parks Workers

Parks Worker I	$14.00-$15.00
Parks Worker II	$16.00-$18.00

5. Instructor II

Water Safety Instructors	$13.00-$18.00
Lifeguard Instructors	$16.00-$20.00
Recreation Asst. Coordinators	$15.00-$18.00

6. Instructor III

Enrichment Inst	$20.00-$25.00
Safety Inst	$18.00-$22.00
Sports Camp Lead	$18.00-$25.00
Aquatic Instructor Trainer	$20.00-$27.00
Fitness Instructor	$18.00-$24.00
Summer Playground Lead	$18.00-$22.00
Event Specialist	$20.00-$28.00

7. Adult Sports Officials $22.00-$30.00

8. Personal Trainers $22.00-$30.00

PART II. The following is added as a new section to the City's Employee Classification:

NON-CLERICAL, SEASONAL WORKER EMPLOYEES: Division of Public Works employees will be generally hired for a limited period of time to work in City assisting Public Works with a variety of tasks and should not exceed 600/1200 hours per year without approval of the Human Resources Director. Seasonal Division of Public Works employees are exempt from the Civil Service and residency requirement.

Division of Public Works employees are not eligible for benefits; except employees who work more than 600/1200 hours per year may be covered under the Wisconsin Retirement System. Employees must be eligible as required by regulations.

The following is the wage schedule:

Position	Minimum	Maximum
Seasonal Workers	$14.50	$16.50

PART III. All Ordinances or past provisions including rates of pay regarding employee classifications are hereby repealed if they are contrary to this Ordinance. Department Heads not complying with this procedure shall be subject to discipline up to and including termination.

PART IV. 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 V: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VI: 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 15th day of March, 2022.

APPROVED:

____
Michael J. Neitzke, Mayor

ATTEST:

____
Jennifer Goergen, City Clerk

Published: March 23, 2022