

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY,  
FEBRUARY 7, 2023

A. Call to Order & Roll Call

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

Present: Alderpersons Karl Kastner, Pamela Akers, Shirley Saryan

Excused: Denise Collins, Bruce Bailey

Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk

B. Opening Prayer

An opening prayer was given by Chaplain Leggett.

C. Pledge of Allegiance

D. Approval of the January 17, 2023 Common Council minutes

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

E. Mayor's Report

Mayor Neitzke went to agenda item H.

Former District 4 Alderperson David Scherbarth said that on February 4, 1957, the City of Greenfield became a third class city, so it is our 65th anniversary. He brought a balloon to be in the Council Chambers to remind everyone that the City of Greenfield has turned 65 years old. He suggested that in this year's budget, a gift from the aldermen should be to include money for the lights on Loomis Road to finish all the way to Greendale.

Mayor Neitzke said that this item will be referred to the Board of Public Works.

Mayor Neitzke jumped to agenda item J16.

F. Aldermanic Reports

G. Announcements

H. Citizen Commentary

Jeanette Janasik, 4560 S. 51st Street, spoke about needing a sound barrier along I-894 due to safety concerns.

Mayor Neitzke jumped to agenda item J7.

I. Old Business

1. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

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

Place on next agenda.

ii. One alternate member to the Tree Commission for a term to expire 5-1-24 (formerly Chloe Selkirt)

Place on next agenda.

J. New Business

1. Claim for excessive assessment received for 9000 Sura Lane, MMAC 150 Greenfield WI, LLC (Aurora

Health Care). (Goergen)

Referred to Attorney Seibel.

2. Personal Property Claim received for Roaring Fork LLC, 5075 S. 76th Street. (Goergen)

Referred to the City Assessor.

3. Approve applications for 2022-2023 operator licenses (Goergen)

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

4. Adopt a resolution approving the Wisconsin State-Local Government Opioid Bankruptcy Memorandum of Understanding (Sajdak)

Mayor Neitzke said that this is the City Attorney, Brian Sajdak's, last Common Council meeting and thanked him for his service.

Attorney Sajdak said that this is the second potential pool of funds as part of the settlement. He gave a brief overview of the settlement and recommended adopting the resolution.

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

Mayor Neitzke said that all the funds from the settlement are going into a segregated fund and that no expenditure of those funds has been made. They are looking at ways to provide the biggest impact to make those dollars count. He spoke about how the Police Department will defer prosecution through treatment, about the vending machine in the Police Department's lobby that has NARCAN and fentanyl test strips that are available for public consumption at no cost, and about the case manager that was hired and her role within the City.

On a roll call vote, motion carried unanimously.

5. Approve agreement between the Wisconsin Department of Transportation and the Greenfield Police Department for 2023 Traffic Mitigation I-894 & Loomis Rd/STH 36 Project (PD-Chief Johnson)

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

6. Approve an agreement with the Wisconsin Department of Transportation accepting a grant for the design and construction of South 43rd Street from Cold Spring Road to Howard Avenue. (Katz)

Mr. Katz said that the grant amount was \$ 2,7500,000.

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

Under discussion, Mayor Neitzke spoke about the sidewalks being put in, slowing down traffic and increasing pedestrian safety, and the Powerline Trail.

On a roll call vote, motion carried unanimously.

Mayor Neitzke continued to agenda item J8.

7. Adopt a resolution supporting the installation of noise barrier walls and traffic congestion mitigation along the freeway system within Greenfield. (Katz)

Mayor Neitzke asked Jeff Katz, Director of Neighborhood Services, to amend the resolution to include enhancing the safety of adjacent neighborhoods.

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

Under discussion, Mayor Neitzke said that he has been working with Representative Bob Donovan on this issue and there will be a public meeting on Monday, February 13, 2023 to discuss sound and safety barriers; the new project between 27th Street or 35th Street to 84th Street on I-894; bridge

work; and the open project along I-43.

On a roll call vote, motion carried unanimously.

Mayor Neitzke circled back to agenda item I.

8. Adopt a preliminary resolution, to levy special assessments under Section 66.0703, Wisconsin Statutes, upon property for municipal purposes, for the reconstruction of 88th, 89th, 90th and 91st Street, and 91st Place, and Waterford Avenue. (BPW 1/24/23-Ald. Bailey)

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

Under discussion, Mayor Neitzke said that at the public hearing, there was concern about the driveways and entrances. Mr. Katz said that it is going to be similar to what it is now; we are not connecting the apartment complex to Waterford Avenue, which was the wish of the residents and Alderperson Bailey, who was a strong driving force.

On a roll call vote, motion carried unanimously.

9. Adopt a resolution accepting a road reservation for street purposes on Waterford Avenue. (BPW 1/24/23-Ald. Bailey)

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

10. Approve a variance to allow a second driveway at 4004 S. 91st Street. (BPW 1/24/23-Ald. Bailey)

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

11. Adopt an intergovernmental cooperation agreement between the Milwaukee Metropolitan Sewerage District (MMDS), the City of Greenfield, and the Whitnall School District, for trees at Konkel Park, and the Whitnall School Forest. (BPW 1/24/23-Ald. Bailey)

Mayor Neitzke said that the grant is for \$100,000 for trees to be split between Konkel Park and Whitnall.

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

12. Approve a trail easement agreement between the City of Greenfield and Jonrich LLC for a bicycle and pedestrian trail. (BPW 1/24/23-Ald. Bailey)

Mr. Katz said that this is the path from 92nd Street to 100th Street and spoke about the location in more detail.

Mayor Neitzke and Mr. Katz discussed a future grant for a trail that will connect the City on the west side of Greenfield.

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

13. Approval of mileage reimbursements in the amount of \$174.53. (Schafer)

Motion by Alderperson Saryan, seconded by Alderperson Kastner to approve agenda items J13-J15. On a roll call vote, motion carried unanimously.

14. Approval of schedules of disbursements in the amount of \$1,682,753.55. (Schafer)

Approved under agenda item J13.

15. Accept investment and reinvestments for December 2022. (Schafer)

Approved under agenda item J13.

16. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(c) & (e), to consider the following:

- a. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- b. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (wages, insurance, or investing of public funds)

Mayor Neitzke circled back to agenda item E.

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

17. Adjourn closed session and reconvene into open session.

Motion by Alderperson Akers, seconded by Alderperson Saryan to adjourn closed session and reconvene into open session at 8:16 PM. Motion carried unanimously.

18. Decision to approve engagement agreement between City of Greenfield and Pruitt, Ekes & Geary, S.C. and authorize Mayor to sign agreement

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

K. Items for future agenda

L. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Kastner to adjourn at 8:17 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 2/10/2023

RESOLUTION NO. 3896  
SUPPORT FOR NOISE BARRIER WALLS  
AND TRAFFIC CONGESTION MITIGATION

WHEREAS, the freeway system including I-894/I-41/I-43 passes through the City of Greenfield and its residential neighborhoods, as shown on Exhibit A; and

WHEREAS, the city's growing population of 37,803 residents, and businesses, are negatively impacted by loud noise caused by increasing high freeway traffic volumes; and

WHEREAS, traffic congestion on the freeway and the freeway on and off ramps has a negative impact on local streets; and

WHEREAS, the portion of the freeway that passes through Greenfield is the last section within Milwaukee County to be improved in many years; and

WHEREAS, the Wisconsin Department of Transportation will be completing an extensive improvement project in the summer of 2023, including reconstruction of the Loomis Road bridge, resurfacing I-894 through lanes and ramps, repair median and shoulder pavement, barrier walls, curb, gutters, storm sewer, guard rails, sign structures and lighting; and

WHEREAS, the 2023 improvement project needs to address all deficiencies within the corridor for the next 15 to 20 years, including noise and safety concerns; and

WHEREAS, the 2023 improvement project does not include noise barrier walls to address the negative impact of loud noise caused by increasing high traffic volumes; and

WHEREAS, noise barrier walls have been installed recently on similar improvement projects throughout the freeway system in Milwaukee and neighboring counties.

NOW, THEREFORE, BE IT RESOLVED, the City of Greenfield requests and strongly encourages the installation of noise barrier walls along the freeway system within Greenfield; and

BE IT FURTHER RESOLVED, the City of Greenfield requests traffic mitigation improvements be made to reduce traffic congestion on the freeway and the freeway on and off ramps to reduce the negative impact on local streets and improve to safety.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of February, 2023.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Goergen, City Clerk

COMMON COUNCIL  
OF THE  
CITY OF GREENFIELD

RESOLUTION NO. 3897

A RESOLUTION APPROVING THE WISCONSIN STATE-LOCAL GOVERNMENT  
OPIOID BANKRUPTCY MEMORANDUM OF UNDERSTANDING

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WHEREAS, the abuse of opioids has reached an epidemic level resulting in significant costs to local municipalities who are on the front line in combating the problem in the form of increased expenditures related to public health and social service programs, increased demands on first responders, and increased pressures on public safety personnel; and

WHEREAS, the City of Greenfield is not immune to these costs; and

WHEREAS, the City previously retained the services of Phipps, Deacon & Purnell to represent the City in pursuing claims related to this matter; and

WHEREAS, in related litigation pending in the U.S. District Court for the Northern District of Ohio (In re National Prescription Opiate Litigation, MDL No. 2804), the Court certified a class of all counties and municipalities in the United States for purposes of negotiation and settlement of claims related to opioid abuse; and

WHEREAS, Wisconsin Statute § 165.12 provides that the City is a party to that class action suit and that the State of Wisconsin has the authority to settle claims on behalf of all Wisconsin parties to the class action; and

WHEREAS, three of the defendant manufacturer/distributor defendants in the class action have declared bankruptcy and it is anticipated that the bankruptcy courts will enter orders consistent with certain National Opioid Abatement Trust Agreements and Trust Distribution Procedures which could result in a payment to the litigating parties from the bankruptcy estates; and

WHEREAS, the State of Wisconsin has proposed a Wisconsin State-Local Government Opioid Bankruptcy Memorandum of Understanding (the “MOU”) which provides for the distribution of any payments made to Wisconsin governments from the bankruptcy estates in a manner consistent with previous agreements among the litigating parties in the state; and

WHEREAS, upon the recommendation of counsel, the City desires to enter into the MOU to provide additional funds to the City in its fight against opioids;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield as follows:

1. That the Wisconsin State-Local Government Opioid Bankruptcy Memorandum of Understanding, in the form attached hereto, is approved.

2. That the Mayor is authorized and directed to execute and deliver the same.

3. That the Mayor and appropriate City staff are authorized to take any and all actions necessary to effectuate and comply with the terms of the MOU.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7<sup>th</sup> day of February, 2023.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

PRELIMINARY RESOLUTION NO.3898  
EN2206 Waterford Avenue Neighborhood Reconstruction

WHEREAS, it is proposed to improve by the installation of storm sewer, storm sewer service laterals, sanitary sewer main, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete public sidewalks, concrete service walks, concrete curb/gutter, concrete or bituminous concrete (asphalt) pavement, street lighting, and street trees on various streets in the City of Greenfield as hereinafter described;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Greenfield;

1. That in the judgment of said Common Council, it is expedient and necessary for the best interest of said City and the property affected thereby, that:

| <u>IN</u>             | <u>FROM</u>           | <u>TO</u>         |
|-----------------------|-----------------------|-------------------|
| South 88th Street     | West Waterford Avenue | Dead end          |
| South 89th Street     | West Waterford Avenue | Dead end          |
| South 90th Street     | West Waterford Avenue | Dead end          |
| South 91st Street     | West Waterford Avenue | Dead end          |
| South 91st Place      | West Waterford Avenue | Dead end          |
| West Waterford Avenue | South 88th Street     | South 92nd Street |

be improved by the installation of storm sewer, storm sewer service laterals, sanitary sewer main, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete public sidewalks, concrete service walks, concrete curb/gutter, concrete or bituminous concrete (asphalt) pavement, street lighting, and street trees.

2. That the Common Council declares its intention to exercise its police powers to levy special assessments under Section 66.0703, Wisconsin Statutes, upon property for the foregoing municipal purposes. The limits of the proposed assessment district are as follows:

Parcels of Real Estate Identified by Tax Roll Key Numbers as Follows:

|              |              |              |              |              |              |
|--------------|--------------|--------------|--------------|--------------|--------------|
| 569-1031-001 | 569-1062-000 | 569-1087-001 | 569-1169-000 | 569-1192-000 | 569-1286-000 |
| 569-1032-000 | 569-1063-000 | 569-1144-001 | 569-1170-000 | 569-1193-001 | 569-1287-000 |
| 569-1033-000 | 569-1064-000 | 569-1146-001 | 569-1171-000 | 569-1195-000 | 569-1288-000 |
| 569-1034-000 | 569-1065-000 | 569-1147-000 | 569-1172-000 | 569-1196-001 | 569-1289-000 |
| 569-1035-000 | 569-1066-000 | 569-1148-000 | 569-1174-001 | 569-1198-001 | 569-1290-000 |
| 569-1036-000 | 569-1079-000 | 569-1150-001 | 569-1175-001 | 569-1258-001 | 569-1292-001 |
| 569-1037-000 | 569-1080-000 | 569-1151-000 | 569-1175-002 | 569-1261-001 | 569-1293-000 |
| 569-1038-000 | 569-1081-000 | 569-1152-000 | 569-1176-000 | 569-1263-002 | 569-8992-000 |
| 569-1057-005 | 569-1082-000 | 569-1165-000 | 569-1177-000 | 569-1266-002 | 569-8994-002 |
| 569-1058-001 | 569-1083-000 | 569-1166-000 | 569-1178-000 | 569-1268-000 |              |
| 569-1060-000 | 569-1084-000 | 569-1167-000 | 569-1179-000 | 569-1269-000 |              |
| 569-1061-000 | 569-1085-000 | 569-1168-000 | 569-1191-000 | 569-1285-000 |              |

3. That the Common Council declares that all assessments may be paid either: in one (1) payment by the established due date; or on the next succeeding tax roll with interest; or in ten (10) annual installments with interest.

4. The total amount assessed against each parcel in the assessment district shall be upon a reasonable basis as determined by the Common Council.

5. That the City Engineer or his designee is hereby directed to prepare the Report as described in Section 66.0703(4), Wisconsin Statutes.

Said City Engineer or his designee shall file in the City Clerk's office such Report and Notice shall be given and a Hearing conducted by the Board of Public Works in accordance with the provisions of Section 66.0703(7)(a), Wisconsin Statutes.

Said Notice shall be delivered or mailed to any person who has an owner's interest in said premise abutting on the proposed improvement, so far as their addresses are known.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of February, 2023.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

RESOLUTION NO. 3899

RESOLUTION ACCEPTING STREET RESERVATION

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Greenfield that the reservation 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 area of the following described property:

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

Commencing at the Northwest corner of said ¼ Section; thence North 88°22'03" East along the North line of said ¼ Section 1,323.64 feet to a point; thence South 00°24'10" East on and along the West line of Certified Survey Map No. 7132 and its extension, 960.30 feet to a point, said point being the point of beginning of lands to be described; thence North 88°24'38" East, 30.01 feet to a point of curvature; thence Southeasterly along the arc of a curve, whose radius measures 60.00 feet, whose center lies to the Southwest, and whose chord bears South 60°59'46" East, 58.92 feet, 61.59 feet to a point; thence West 88°24'38" West, 81.35 feet to a point, said point being on the West line of Certified Survey Map No. 7312; thence North 00°24'10" West on and along the West line of Certified Survey Map No. 7312, 30.01 feet to the point of beginning.

Tax Key No's:               569-8994-009

Recording Data:           Document 8338477

Recorded August 29, 2002

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of February, 2023.

APPROVED:

\_\_\_\_\_  
Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk