

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, MAY 16, 2023

A. Call to Order & Roll Call

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

Present: Alderpersons Andrew Drzewiecki, Bruce Bailey, Karl Kastner, Pamela Akers

Excused: Shirley Saryan

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

B. Opening Prayer

An opening prayer was given by Pastor Vik.

C. Pledge of Allegiance

D. Approval of the May 2, 2023 Common Council minutes

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

E. Mayor's Report

Mayor Neitzke said that Jansen Fest is coming up and thanked people for their contributions.

He spoke about the Veteran's Memorial by the Law Enforcement Center.

F. Aldermanic Reports

G. Announcements

Mayor Neitzke said that the Farmer's Market has started. Alderperson Akers said that it is closed on Memorial Day weekend.

Mayor Neitzke continued that the Greater Greenfield Lions Club is having their car show at Kulwicki Park over Memorial Day weekend, and Dan Jansen Fest is also having one at Konkel Park but on a different day.

H. Citizen Commentary

Those who registered for Citizen Commentary were:

Tom Richards, 3811 S. Oakridge Ct.; James Eiting, 3751 S. Oakbrook Dr.; Janet Gauger, 3837 S. Oakbrook Dr.; Gail Stong; Renita Tanski, 3891 S. Oakbrook Dr.; James Gauger, 3837 S. Oakbrook Dr.; David Carpenter, 3848 S. Oakbrook Dr.; Richard Rau, 3876 S. Oakbrook Dr.; Fred Nicholson, 3875 S. Oakridge Ct.; Rudy and Marsha Banyai, 3879 S. Oakbrook Dr.; Robert Dodds, 3878 S. Oakridge Ct.

Mayor Neitzke asked the audience if there was anybody who didn't live behind a bar who signed up for Citizen Commentary. He asked for one person to express the group's concerns.

Mayor Neitzke said that this relates to agenda items K20 and K21.

Mr. David Carpenter, 3848 S. Oakbrook Dr., the president of the Oakbrook Condo Association, spoke about the noise impact and the age and health of the residents.

Ms. Janet Gauger, 3837 S. Oakbrook Dr., spoke about her property abutting Daniel's Palace, that she represents her neighbors, that their decks and houses face the bar, that they wouldn't be able to enjoy summer, health issues, nighttime disturbances, objects found in their yards, and that good intentions don't work.

Mr. Carpenter spoke about his phone conversation with the bar owner and said that they are willing to work with them.

Mr. James Eiting, 3751 S. Oakbrook Dr., spoke about his condo's location, the property and resale value, his experiences with the police, his health issues, noise complaints, and that nearby parking lots are being used for bar parking.

Mayor Neitzke counted and said that 11 people signed up for Citizen Commentary. He continued that he

received emails from Paula OConnell, 3829 S. Oakbrook Dr.; Margo Hoelzer; Ellen Erceg, 3865 S. Oakbrook Dr.; and Mary Buchkowski. Mayor Neitzke said that the emailed comments mirrored the spoken concerns.

Aldersperson Kastner asked if the bar owner would want to reach out to the condo association or if it should wait until later.

Mayor Neitzke responded that it is a public meeting and can be discussed with the bar owner now. He jumped to agenda item K20.

I. Public Hearings

1. Public Hearing on a Special Use Permit for Naf Naf Middle Eastern Grill, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill. (Tax Key No. 616-0001-004) (PC-4/11/23 Kastner)

The public hearing was opened at 7:22 PM.

The applicant was present.

Kristi Porter, Community Development Manager, presented the site information, a description of the business, hours of operation, parking, site improvements, and recommendations from the Plan Commission. There weren't any letters of objections received.

Mayor Neitzke spoke to the applicant about changing the hours of operation to 7 AM through 10 PM and the applicant agreed.

No one spoke for or against it or for informational purposes.

Motion by Aldersperson Kastner, seconded by Aldersperson Akers to close the public hearing at 7:26 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Naf Naf Middle Eastern Grill, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill. (Tax Key No. 616-0001-004) (PC-4/11/23 Kastner)

Motion by Aldersperson Bailey, seconded by Aldersperson Drzewiecki to approve agenda items I1a and I1b, with the revision to the operating hours. On a roll call vote, motion carried unanimously.

The applicant said that they plan on opening in September.

- b. Approve a Site Plan Review for Naf Naf Middle Eastern Grill, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill. (Tax Key No. 616-0001-004) (PC-4/11/23 Kastner)

Approved under agenda item I1a.

2. Public Hearing on an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Tobacco Stores and All Other Miscellaneous Store Retailers. (PC-4/11/23 Kastner)

The public hearing was opened at 7:27 PM.

Mrs. Porter presented the stores that sell vape, tobacco, CBD products, etc. except gas stations, the Legislative Committee meeting findings, this ordinance and how it is drafted, NAICs codes, and that the Plan Commission recommended approval.

No one spoke for or against it or for informational purposes.

Motion by Aldersperson Kastner, seconded by Aldersperson Akers to close the public hearing at 7:31 PM.

Mrs. Porter said that there was a memo from the Health Department supporting the ordinance, and their main reason was the health of the community, as supported by the Health Department.

Motion carried unanimously.

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

- a. Approve an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Tobacco Stores and All Other Miscellaneous Store Retailers. (PC-4/11/23 Kastner)

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

Under discussion, Alderperson Drzewiecki asked if the transition to new owners could be blocked. Mrs. Porter answered that the City Attorney, Christopher Geary, said that there would be a lot of legal issues.

Alderperson Bailey said that the City Attorney was present and gave his approval at the Legislative Committee meeting, which Mrs. Porter confirmed.

On a roll call vote, motion carried unanimously.

3. Public Hearing on the discontinuance of general right-of-way immediately west of 4307 S. 43 St. (PC-5/9/23 Kastner)

The public hearing was opened at 7:33 PM.

Mrs. Porter presented the site information and history; staff and the Plan Commission recommended approval; and there was a resolution introducing this to the Common Council back in April.

No one spoke for or against it or for informational purposes.

Motion by Alderperson Akers, seconded by Alderperson Kastner to close the public hearing at 7:34 PM. Motion carried unanimously.

- a. Approve a Resolution discontinuing general right-of-way immediately west of 4307 S. 43 St. (PC-5/9/23 Kastner)

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

4. Public Hearing on the discontinuance of a portion of S. 118 St. right-of-way, north of W. Edgerton Ave. (PC-5/9/23 Kastner)

The public hearing was opened at 7:35 PM.

Mayor Neitzke spoke about the development to the west of it.

Mrs. Porter said she modified the language.

Mayor Neitzke said that the property owner immediately adjacent to it is in attendance. The property owner said that there weren't any objections and that he would only speak about the origin or history of this parcel.

Mrs. Porter presented the site information and said that the Plan Commission recommended approval.

No one spoke for or against it or for informational purposes.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to close the public hearing at 7:36 PM. Motion carried unanimously.

- a. Approve a Resolution discontinuing a portion of S. 118 St. right-of-way, north of W. Edgerton Ave. (PC-5/9/23 Kastner)

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

Under discussion, Alderperson Kastner said that he apologizes for the misunderstanding of the verbiage, and Mrs. Porter discussed the standard language.

On a roll call vote, motion carried unanimously.

J. 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.
- iii. One member to the Zoning Board of Appeals for a term to expire 5/1/26 (formerly John Rivera)
Place on next agenda.

K. New Business

1. Summons and Complaint received from Biersdorf & Associates, P.A. on behalf of Altera Greenfield, LLC. (Goergen)

Referred to Attorney Seibel.

2. Appointments to various committees and commissions:

a. Council appointments:

- i. Confirmation of the Greenfield School District appointment to the Park & Recreation Board for a term to expire 5/31/24 (Nikki Cherek)
Mayor Neitzke appointed Nikki Cherek. Motion by Alderperson Akers, seconded by Alderperson Bailey to confirm the appointment. Motion carried unanimously.
- ii. Confirmation of the Whitnall School District appointment to the Park & Recreation Board for a term to expire 5/31/24 (Jesse Stachowiak)
Place on next agenda.

b. Mayor appointments, confirmed by Council:

- i. Four members to the Board of Health for a term to expire 6/1/25 (currently Mary Kitten, Cindy Leraneth, Andrew Martinez, Luanne Wielichowski)
Mayor Neitzke reappointed Mary Kitten, Cindy Leraneth, Andrew Martinez, and Luanne Wielichowski. Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to confirm reappointments. Motion carried unanimously.

3. Approve applications for 2023-2024 operator licenses. (Goergen)

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

4. Approve application for 2022-2023 Class "B" fermented malt beverage Retailer's License for Viet Pho LLC, Alex Nguyen, Agent, for the property at 5475 S. 27th St. (Pho Viet), Vietnamese restaurant serves dining customers. Beer bottles are stored in beverage cooler, records stored on site located at 5475 S. 27th St. (Goergen)

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

5. Approve application for 2022-2023 Combination "Class B" fermented malt beverage and liquor Retailer's License for Alvarez Line LLC, Floralia Tellez-Ortiz, Agent, for the property at 5110 W. Loomis Rd. (Hacienda Chivolin Restaurant), alcohol storage will be located in a room inside the restaurant, alcohol beverages will be served and sold in the bar and dining areas. Alcohol records will be stored in the office located at 5110 W. Loomis Rd. (Goergen)

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

6. Approve application for 2022-2023 Entertainment license for Alvarez Line LLC, Floralia Tellez-Ortiz, Agent, for the property of 5110 W. Loomis Rd. (Hacienda Chivolin Restaurant) (Indoor: live music like bands, mariachi or trio. Outdoor: N/A located at 5110 W. Loomis Rd.). (Goergen)
Jennifer Goergen, the City Clerk, confirmed that there isn't any outdoor entertainment.
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve. Motion carried unanimously.
7. Approve application for 2022-2023 Combination "Class B" fermented malt beverage and liquor Retailer's License for Kyoto Group LLC, Yi Wu, Agent, for the property at 7453 W. Layton Ave. (Kyoto Group), Beverages served in bar area and general dining room. Beverages stored in locked storage closet and cooler unit in existing space. All records stored in the office located at 7453 W. Layton Ave. (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve.
Under discussion, Alderperson Bailey asked about the remaining alcohol licenses available. Mayor Neitzke said that it is under new ownership, so it's a push. Mrs. Goergen said we get 42 and that they are all accounted for at this time. We have two reserves, but 14 are available to use.
Motion carried unanimously.
8. Approve applications for Amusement licenses to expire July 31, 2024. (Goergen)
Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve. Motion carried unanimously.
9. Approve renewal applications for the following licenses to expire June 30, 2024: Class "A" Fermented Malt Beverage, "Class A" Liquor (Cider Only), Combination "Class B" Fermented Malt Beverage & Liquor, Class C Wine, Combination "Class A" Fermented Malt Beverage & Liquor, Reserve Combination "Class B" Fermented Malt Beverage & Liquor, Entertainment, Pawnbroker/Secondhand Article Dealer, and Operator's Licenses (approval of licenses should be subject to the City of Greenfield ordinances regarding code compliance and payment of all delinquent taxes and charges). (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve. Motion carried unanimously.
10. Approve a Special Use Review and Site Plan Review for Hacienda Chivolin, a proposed full-service restaurant to be located at 5110 W. Loomis Rd., submitted by Floralia Tellez Ortiz, d/b/a Hacienda Chivolin Restaurant. (Tax Key No. 648-0031-003) (PC-5/9/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.
11. Approve a Special Use Review and Site Plan Review for an ownership change to Kyoto, an existing full-service restaurant located at 7453 W. Layton Ave., submitted by Yi Wu, d/b/a Kyoto Group, LLC. (Tax Key No. 617-0082-004) (PC-5/9/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve. On a roll call vote, motion carried unanimously.
12. Approve Architectural Plans for proposed installation of windows at Alta View Vet Clinic, an existing business located at 7330 W. Forest Home Ave., submitted by Cameron Arnett, d/b/a Alta View Vet Clinic. (Tax Key No. 604-9997-000) (PC-5/9/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. Motion carried unanimously.
13. Approve a Certified Survey Map for proposed land combination of 6521 W. Layton Ave. and a portion of 6531 W. Layton Ave., submitted by Gary Januszewski, d/b/a HDC Contractors. (Tax Key Nos. 618-9983-011 and 618-9983-012) (PC-5/9/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve. On a roll call vote, motion carried unanimously.
14. Approve an Outdoor Special Event application for The Ridge Community Church Thursday Night events, to

be located at 4500 S. 108 St., May 18, June 23, July 20, August 18, and September 21, 2023, and all applicable license/permit fees. Application includes the following combination of licenses/permits: Outdoor Special Event, Food. (Porter)

Mrs. Porter said that they didn't request fees to be waived. Mayor Neitzke said that we don't waive the Health Department things for food but can waive the others.

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

15. Approve an Outdoor Special Event application for the House of Harley Music Series Opener, to be located at 6221 W. Layton Ave, May 27, 2023. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Class "B" Retailer's License (beer), Food, and Commercial building, electrical and plumbing. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve agenda items K15 - K18.

Under discussion, Alderperson Akers asked about the times, and Mrs. Porter responded that they are all 10 AM - 5 PM.

On a roll call vote, motion carried 3-1, with Alderperson Akers opposed. Those in favor were Alderpersons Drzewiecki, Bailey, and Kastner.

16. Approve an Outdoor Special Event application for the House of Harley 12th Annual Law Enforcement Day and Charity Ride, to be located at 6221 W. Layton Ave, June 3, 2023. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Class "B" Retailer's License (beer), and Food. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Approved under agenda item K15.

17. Approve an Outdoor Special Event application for the House of Harley Music Series #2, to be located at 6221 W. Layton Ave, June 10, 2023. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Class "B" Retailer's License (beer), and Food. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Approved under agenda item K15.

18. Approve an Outdoor Special Event application for the House of Harley Annual Firefighter Day and Charity Ride, to be located at 6221 W. Layton Ave, June 17, 2023. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Class "B" Retailer's License (beer), and Food. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Approved under agenda item K15.

19. Approve an Outdoor Special Event application for the St. John the Evangelist Church Festival, to be located at 8500 W. Cold Spring Rd., July 28 – 30, 2023. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Operators License, Temporary Class "B" Retailer's License (beer), Food, and Commercial Building/Electrical/Plumbing. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Mrs. Porter said that they do not normally request that the fees be waived. Mayor Neitzke said that the Health Department and the building, electric, and plumbing fees cannot be waived.

Motion by Alderperson Bailey, seconded by Alderperson Drzewiecki to approve and waive the applicable fees. On a roll call vote, motion carried unanimously.

20. Approve an Outdoor Special Event application for Daniel's Palace Bike Night Wednesdays events, to be located at 3800 S. 108 St., May 31, June 7, June 14, June 21, and June 28, 2023. Application includes the following combination of licenses/permits: Outdoor Special Event, Extension of Premises, and Commercial Building/Electrical. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Rachel and Tom Daniels, the bar owners, were present. Mrs. Daniels said that they are new owners; they have been there since November; they run it very tight; there's security inside and there will be security outside; they will not let shenanigans happen; they want a successful business; and they want to bring fun things to Greenfield.

Mr. Daniels said that he understands the residents and the noise complaints, that Highway 100 is noisy, that it would be noisy without him doing the events, and that he didn't know how late it would be allowed, so they wrote 2 PM - 10 PM, but he didn't think a band would be cranking music until 10 PM.

Mayor Neitzke asked what the intention was for the two shows. Mr. Daniels responded that they would have bands on Wednesday and would monitor the noise level. Mr. Daniels talked about his conversation with Mr. Carpenter. Mrs. Daniels said that there wasn't an exact set time for the band, but the band would be in front of the building by the street.

Mayor Neitzke said that it seems like a work in progress, that there needs to be more discussion about the events, and that the police department should be included. He continued that he would like to see more specifics and a definitive plan. Mr. Daniels said that he understood.

Mayor Neitzke said that it will be removed from the agenda, and if there is an amicable solution, it can be placed back on the agenda at a later date.

No action taken.

21. Approve an Outdoor Special Event application for Daniel's Palace Car Show Night events, to be located at 3800 S. 108 St., June 1, June 8, June 15, June 22, and June 29, 2023. Application includes the following combination of licenses/permits: Outdoor Special Event, Extension of Premises, and Commercial Building/Electrical. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

No action taken.

Mayor Neitzke went to agenda item I1.

22. Approve a three party design engineering agreement with the Wisconsin Department of Transportation and Graef - USA for design of 43rd Street from Cold Spring Road to Howard Avenue. (Katz)

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

Mayor Neitzke said that this is part of the grant.

On a roll call vote, motion carried unanimously.

23. Discussion and decision to create a Municipal Court Bailiff position and set salary (Chief Johnson)

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

Under discussion, Alderperson Bailey asked if that position exists now, and Mayor Neitzke, Alderperson Kastner, and Alderperson Drzewiecki explained the shifting duties in the department and the budget.

On a roll call vote, motion carried unanimously.

24. Annual partnership agreement between Milwaukee Area Health Education Center and the Greenfield Health Department (Gorecki)

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve agenda items K24 - K27. On a roll call vote, motion carried unanimously.

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

25. Approve a contract amendment between the State of Wisconsin Department of Health Services and the Greenfield Health Department related to 2023 Consolidated Contract (Gorecki)
Approved under agenda item K24.
26. Approve MOU for new Medical Advisor (Gorecki)
Approved under agenda item K24.
27. Approve a Uniform Affiliation agreement between Carroll University and the Greenfield Health Department (Gorecki)
Approved under agenda item K24.
28. Approval of mileage reimbursements in the amount of \$773.49. (Schafer)
Motion by Alderperson Drzewiecki, seconded by Alderperson Bailey to approve agenda items K28 - K30.
On a roll call vote, motion carried unanimously.
29. Approval of schedules of disbursements in the amount of \$6,175,215.66 (Schafer)
Approved under agenda item K28.
30. Investments and reinvestments for April 2023. (Schafer)
Approved under agenda item K28.

L. Items for future agenda

The next Common Council meeting is the third Tuesday of June.

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Bailey to adjourn at 7:55 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 5/19/2023

SIGN UP SHEET
CITIZEN COMMENTARY OF COMMON COUNCIL AGENDA

TO OPERATE IN AN ORDERLY AND EFFECTIVE FASHION, THE COMMON COUNCIL IS GOVERNED BY RULES THAT ESTABLISH CLEAR PROCEDURES FOR TONIGHT'S MEETING.

SPEAKING BEFORE THE COMMON COUNCIL IS A PRIVILEGE AFFORDED UNDER THE RULES. THE COMMON COUNCIL BY ITS RULES, HAS ALLOTTED 30 MINUTES FOR CITIZEN COMMENTARY. WE ASK THAT ANYONE WISHING TO SPEAK BE RESPECTFUL AND COURTEOUS. THREATENING, DEMEANING, INSULTING, DISRUPTIVE AND DISRESPECTFUL COMMENTS AND/OR ACTIONS DURING THE MEETING WILL NOT BE TOLERATED AND THE INDIVIDUAL RESPONSIBLE WILL BE RULED OUT OF ORDER. WHEN ADDRESSING THE COMMON COUNCIL, STATE YOUR NAME AND ADDRESS FOR THE RECORD AND DIRECT ALL REMARKS TO THE COUNCIL.

THANK YOU FOR YOUR COOPERATION.

- | | <u>Name</u> | <u>Address</u> |
|-------|----------------------|--------------------------------|
| DP 1. | Tom Richards | 3811 S. Oakridge Ct Greenfield |
| DP 2. | JAMES (J) TING | 3751 S. OAKBROOK DR |
| DP 3. | James Ganger | 3837 S. Oakbrook |
| DP 4. | Paul Strong | |
| DP 5. | Ruth Tanski DP | 3841 S. Oakbrook Dr |
| DP 6. | J.A. Gagnier | 3837 S. OAKBROOK DR |
| DP 7. | David Carpenter | 3848 S. Oakbrook Dr |
| DP 8. | Richard Rau | 3876 S. OAKBROOK DR. |
| DP 9. | FRED NICHOLSON | 3895 S. DARRINCE CT |
| 10. | Ruby & Marsha Bangai | 3879 S. Oakbrook Ct |
| 11. | Robert Redd | 3878 S Oakridge CT |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |

Jennifer Goergen

From: Mayor Neitzke
Sent: Tuesday, May 16, 2023 10:56 AM
To: paula oconnell
Cc: Jennifer Goergen; zz Ald. Karl Kastner; Kristi Porter
Subject: Re: Tavern on the corner of Beloit Rd & HWY 100

Thank you for your comments.

Mike

Sent from my iPhone

> On May 16, 2023, at 10:53 AM, paula oconnell <psoconnell@att.net> wrote:
>
> Please know that the residents of the Oakbrook Condo Assoc. located behind the above tavern are opposed to the recent proposal to allow outdoor live music & various outdoor shows until 10:PM. Parking is limited, so customers park in neighboring lots, loud talking at their car, public urinating, occasional fighting occurs at closing.
> So we oppose the noise & late night crowds. This is a residential development directly behind the tavern consisting primarily of retired residents.
> We prefer peace & quiet especially in the evening hours. This is a reasonable request to deny approval for the taverns requested permit.
> Regards,
> Paula OConnell
> 3829south Oakbrook Dr
> Greenfield m, Wi
>
> 414-704-2495
> Psoconnell@att.net
>
> Sent from my iPhone

Jennifer Goergen

From: Mayor Neitzke
Sent: Tuesday, May 16, 2023 12:04 PM
To: Margo Hoelzer
Cc: zz Ald. Karl Kastner; Kristi Porter; Jennifer Goergen
Subject: Re: noise issues

Thank you for your comments.

Mike

Sent from my iPhone

> On May 16, 2023, at 11:44 AM, Margo Hoelzer <margohoelzer@gmail.com> wrote:

>

> Dear Mayor Neitzke,

>

> I understand the bar "Daniel's Palace" is applying for a permit to allow for outside music and various noise concerning issues for the month of June. I am against the approval of this permit. I have lived here when the bar was Scotty's and we had many concern and noise issues at that time, including a shooting. Also the bar is very close to my back yard as I live in the Oakbrook Village Condos and pay high taxes. I am concerned I will not get to enjoy sitting outside on the summer evenings with my friends. It would be very much appreciated if this was not approved! I hope to remain in Greenfield. however I will look into moving out if the bar continues to be a nuisance.

>

> Sincerely,

>

> Margo Hoelzer

Jennifer Goergen

From: Mayor Neitzke
Sent: Tuesday, May 16, 2023 8:11 AM
To: Ellen Erceg
Cc: zz Ald. Karl Kastner; Jennifer Goergen; Kristi Porter
Subject: Re: Daniel's Palace

Thank you for your comments.

Mike

Sent from my iPhone

> On May 15, 2023, at 11:57 PM, Ellen Erceg <eerceg22@gmail.com> wrote:
>
> Hello Mayor Neitzke,
>
> My name is Ellen Erceg and this evening I learned about a request to the city that has been made by Daniel's Palace
>
> to allow the playing of live outdoor music at their business during the upcoming summer evenings. The business is
>
> directly behind several of the condo homes in the Oakbrook Village where I live. My address is 3865 S. Oakbrook Drive
>
> and I am located about a block from the business. I am writing you because I am very much opposed to allowing loud
>
> music to be played so close to a residential neighborhood late into the night. I also have concerns about the negative
>
> impact it will have on the value of my property. I ask that you please give consideration to these concerns as you
>
> deal with the request.
>
> Sincerely,
> Ellen Erceg
> 3865 S. Oakbrook Drive
> 414 688-8702

Jennifer Goergen

From: Mayor Neitzke
Sent: Monday, May 15, 2023 9:57 PM
To: Mary Buchkowski
Cc: zz Ald. Karl Kastner; Jennifer Goergen; Kristi Porter
Subject: Re: Daniels Palace Request for Outdoor seating and Music Venue

Thank you for your comments.

Mike

Sent from my iPhone

> On May 15, 2023, at 8:38 PM, Mary Buchkowski <marybuchkowski@gmail.com> wrote:

>

>

> Dear Mayor Neitzke:

>

> I am a resident of Oakbrook Condominiums which is located directly behind Daniels Palace. I understand that they are requesting to have an Outdoor Dining and Music Venue. Due to our close proximity, I am extremely concerned and would definitely not be in favor of this idea.

>

> We already can hear the traffic and noise from this venue during their current hours that they are open in the afternoon and late/early morning hours. The sound carries greatly and having an open outdoor dining/music area will make that considerably worse than it already is. I would therefore urge you to deny the request.

>

> Best Regards,

> Mary Buchkowski

RESOLUTION NO. 3915

Special Use Permit for Naf Naf Middle Eastern Grill, a proposed limited-service restaurant, to be located at 5003 S. 76 St., submitted by Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill. (Tax Key No. 616-0001-004)

WHEREAS, Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill, 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 Naf Naf Middle Eastern Grill restaurant, a limited-service restaurant to be located at 5003 S. 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 16, 2023, at 7:00 p.m. or soon thereafter, virtually through the Zoom platform, 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 applicants, Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill, has offices at 95 N. Moorland Rd., Unit 3e, Brookfield, WI 53005.
2. The applicants will lease a portion of the multi-tenant commercial building, owned by Greenfield 76, LLC, 3000 Dundee Rd. #408, Northbrook, IL 60062.
3. Naf Naf Middle Eastern Grill will occupy approximately 2,000 sq. ft. of the multi-tenant commercial building for a restaurant building located at 5003 S. 76 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 5432, being a part of the Northeast ¼ Section 28, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 616-0001-004

Said land being located at 5003 S. 76 St.

4. The applicant is proposing to establish a limited-service restaurant within the multi-tenant commercial building, including an approximate 250 sq. ft. outdoor patio space for dining.
5. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits limited-service restaurants, 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. 76 St. commercial corridor. Properties to the west are developed as single-family. Properties to the north, east and south are developed as commercial.

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 Dustin Gasper and Danny Madanes, d/b/a Naf Naf Middle Eastern Grill, to establish a limited-service restaurant, to be located at 5003 S. 76 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. 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 April 11, 2023 and by the Common Council on May 16, 2023. 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 Naf Naf Middle Eastern Grill will be 7:00am – 10:00pm.

4. Off-Street Parking. A total of 30 off-street parking stalls are required for Naf Naf Middle Eastern Grill. The entire multi-tenant commercial building requires a total of 102 off-street parking spaces. The property will provide 74 off-street parking stalls. The Common Council may waive the 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 splays from the property boundaries. Full-cut off fixtures and or house side shields must be 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 by a four-sided board-on-board refuse 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.

Daniel Madanes, d/b/a Naf Naf Middle Eastern Grill

Provided to applicant on the
_____ day of _____, 2023

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 16th
day of May, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 3015

Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Tobacco Stores and All Other Miscellaneous Store Retailers.

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

PART I. Subsection 21.04.0603 of the Greenfield Municipal Code is hereby amended by repealing the following NAICS Code, with all non-listed NAICS codes, remaining unaltered:

* * *

Table 21.04.0603
PERMITTED AND SPECIAL USES IN THE
NONRESIDENTIAL ZONING DISTRICTS

		Zoning District Classification											HPO	AO	FW	FF	GF	PS	W
NAICS12	INDEX ITEM DESCRIPTION	C-1	C-2	C-3	C-4	C-5	O	BP	M-1	I	PR	PUD	{a}	{b}	{c}	{c}	{c}	{d}	
453991	Tobacco stores	S	S	S	S	S						S							

* * *

PART II. Subsection 21.04.0603 of the Greenfield Municipal Code is hereby amended to read as follows, with all non-listed NAICS codes, remaining unaltered:

* * *

Table 21.04.0603
PERMITTED AND SPECIAL USES IN THE
NONRESIDENTIAL ZONING DISTRICTS

		Zoning District Classification												HPO	AO	FW	FF	GF	PS	W
NAICS22	INDEX ITEM DESCRIPTION	C-1	C-2	C-3	C-4	C-5	O	BP	M-1	I	PR	PUD	{a}	{b}	{c}	{c}	{c}	{d}		
459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers																			

* * *

PART III. Subsection 21.04.0603 of the Greenfield Municipal Code is hereby amended by repealing the following NAICS Code, with all non-listed NAICS codes, remaining unaltered:

Table 21.04.0603
PERMITTED AND SPECIAL USES IN THE
NONRESIDENTIAL ZONING DISTRICTS

		Zoning District Classification											HPO	AO	FW	FF	GFP	SW
NAICS12	INDEX ITEM DESCRIPTION	C-1	C-2	C-3	C-4	C-5	O	BP	M-1	I	PR	PUD	{a}	{b}	{c}	{c}	{c}	{d}
453998	All Other Miscellaneous Store Retailers	S	S	S	S	S						S						

PART IV. Subsection 21.04.0603 of the Greenfield Municipal Code is hereby amended to read as follows, with all non-listed NAICS codes, remaining unaltered:

* * *

Table 21.04.0603
PERMITTED AND SPECIAL USES IN THE
NONRESIDENTIAL ZONING DISTRICTS

		Zoning District Classification											HPO	AO	FW	FF	GFP	SW
NAICS22	INDEX ITEM DESCRIPTION	C-1	C-2	C-3	C-4	C-5	O	BP	M-1	I	PR	PUD	{a}	{b}	{c}	{c}	{c}	{d}
459999	All Other Miscellaneous Store Retailers (*except Cannabidiol (CBD oil) retailers)	S	S	S	S	S												
459999	All Other Miscellaneous Store Retailers (*Cannabidiol (CBD oil) retailers only)																	

* * *

PART V. Subsection 21.04.0603 of the Greenfield Municipal Code is hereby amended to read as follows, with all non-listed NAICS codes, remaining unaltered:

* * *

Table 21.04.0603
PERMITTED AND SPECIAL USES IN THE
NONRESIDENTIAL ZONING DISTRICTS

		Zoning District Classification												HPO	AO	FW	FF	GF	PS	SW
NAICS12	INDEX ITEM DESCRIPTION	C-1	C-2	C-3	C-4	C-5	O	BP	M-1	I	PR	PUD	{a}	{b}	{c}	{c}	{c}	{d}		
713990	All Other Amuse. & Rec. Ind.		S	S	S	S		S	S			S								
713990	All Other Amuse. & Rec. Ind. (Shooting clubs, recreational only)				S	S			S											
713990	All Other Amuse. & Rec. Ind. (Hookah lounges)																			

* * *

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

PART VIII. 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 16th
day of May, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3916

Resolution Discontinuing general right-of-way immediately west of 4307 S. 43 St.

WHEREAS, the City owns excess general right-of-way, immediately west of 4307 S. 43 St. (Tax Key No. 601-9998-000), of which is unimproved; and,

WHEREAS, following due notice and publication the Common Council has conducted a public hearing to determine whether it is appropriate to discontinue the general right-of-way immediately west of 4307 S. 43 St.; 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 the right-of-way, immediately west of 4307 S. 43 St., that is more specifically shown and described in the attached Exhibit A; and

WHEREAS, the Common Council further finds that the 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 general right-of-way immediately west of 4307 S. 43 St., approximately 10 ft. x 43.33 ft. in area, that is more specifically shown and described in the attached Exhibit A is hereby vacated and discontinued.

BE IT FURTHER RESOLVED, that general right-of-way, immediately west of 4307 S. 43 St. (Tax Key No. 601-9998-000) so vacated and discontinued shall, upon passage and publication of this Resolution, forever vest in the owner of the lands located at 4307 S. 43 St., being the lot to which the vacated right-of-way originally belonged, 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 5th day of April, 2023.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 16th day of May, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

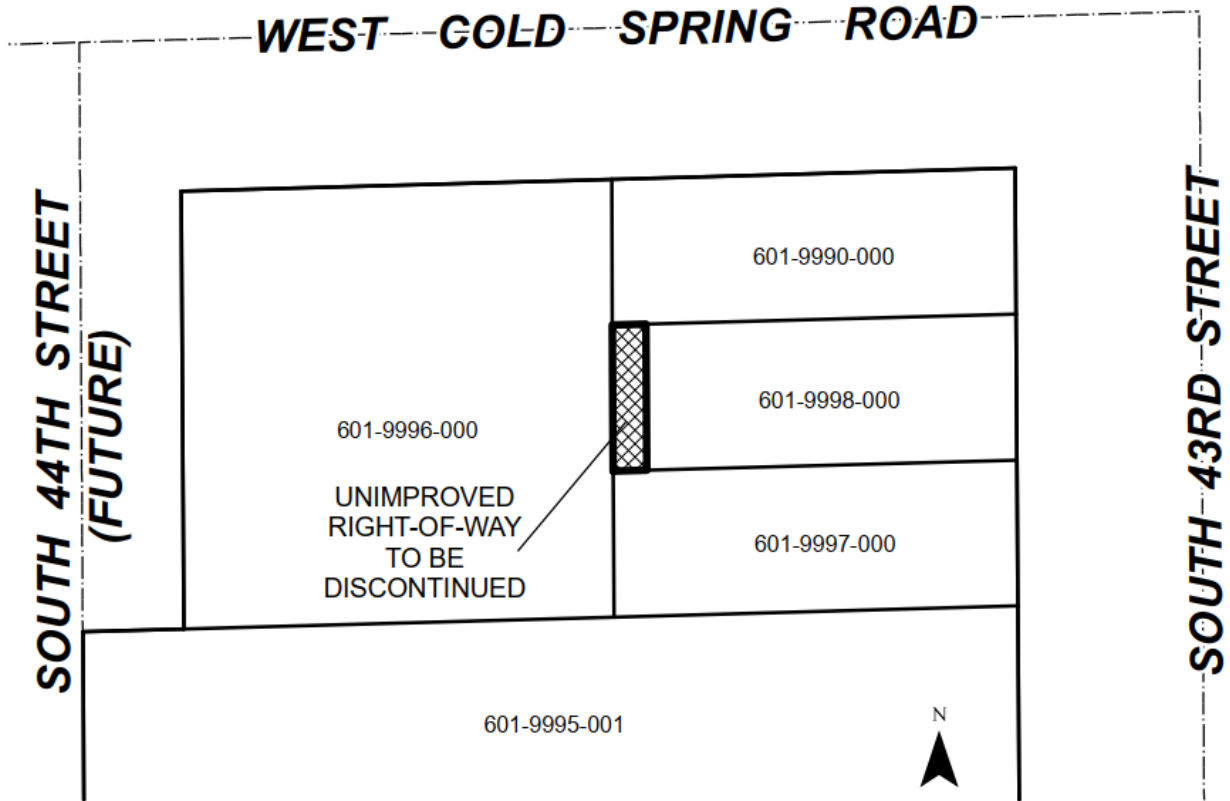
cc: Engineering Division

Exhibit A

Legal Description:

The West 10 feet of the South 43.33 feet of the North 131.67 feet of the East 175 feet, being a part of the Southeast $\frac{1}{4}$ of Section 23, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Map of Street Discontinuance:



RESOLUTION NO. 3917

Resolution Discontinuing a portion of S. 118 St. right-of-way, north of W. Edgerton Ave.

WHEREAS, the City owns excess S. 118 St. right-of-way, north of W. Edgerton Ave., of which all is unimproved right-of-way, west of Tax Key No. 611-8963-001; and,

WHEREAS, following due notice and publication the Common Council has conducted a public hearing to determine whether it is appropriate to discontinue a portion of the S. 118 St. right-of-way, north of W. Edgerton Ave.; 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 a portion of S. 118 St. right-of-way north of W. Edgerton Ave., that is more specifically shown and described in the attached Exhibit A; and

WHEREAS, the Common Council further finds that the portion of public road right-of-way which is hereby to be vacated does not lie 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 southern 400 feet of the S. 118 St. 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 the portion of S. 118 St. right-of-way, north of W. Edgerton Ave. so vacated and discontinued shall, upon passage and publication of this Resolution, forever vest in the owner of the lands located at 11750 W. Edgerton Ave., being the lot to which the vacated right-of-way originally belonged, 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 5th day of April, 2023.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 16th day of May, 2023.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

cc: Engineering Division

Exhibit A

Legal Description:

That part of the Northwest $\frac{1}{4}$ of Section 30, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows: Commencing at the Southwest corner of said $\frac{1}{4}$ Section; thence North $88^{\circ}45'46''$ East on and along the South line of said $\frac{1}{4}$ Section, 2158.68 feet to a point; thence North $00^{\circ}30'19''$ West, 200.02 feet to a point, said point being on the southerly municipal limit line for the City of Greenfield and the point of beginning of lands to be described; thence continue North $00^{\circ}30'19''$ West, 400.00 feet to a point; thence North $88^{\circ}45'46''$ East and parallel to the South line of said $\frac{1}{4}$ Section, 30.00 feet to a point; thence South $00^{\circ}30'19''$ East, 400.00 feet to a point, said point being on the southerly municipal limit line for the City of Greenfield; thence South $88^{\circ}45'46''$ West on and long the Southerly municipal limit line for the City of Greenfield, 30.00 feet to the point of beginning.

Map of Street Discontinuance:

