

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, AUGUST 15, 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, 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 Chaplain Leggett.

C. Pledge of Allegiance

D. Approval of the July 18, 2023 Common Council minutes

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

E. Approval of the August 1, 2023 Special Common Council minutes

Motion by Alderperson Kastner, seconded by Alderperson Bailey to amend the minutes to reflect the correction.

Mayor Neitzke said that the minutes from agenda item B3 currently read "to close the public hearing" but should be corrected to read, "Motion by Alderperson Bailey, seconded by Alderperson Drzewiecki to adjourn closed session and reconvene into open session at 7:32 p.m. Motion carried unanimously."

Motion carried unanimously.

F. Mayor's Report

Mayor Neitzke proclaimed that Holey Mackerel is open for business, that his thoughts go out to those in Maui and Jeanette L. from Baker's Square, the budget discussions, net new construction and levy increases, and the tax burden shift from the reassessment.

G. Aldermanic Reports

Alderperson Akers and Mayor Neitzke spoke about The Blooze Brothers and That 90's Band that played at Konkell Park.

Mayor Neitzke spoke about the Pollinator Committee meeting.

H. Announcements

I. Citizen Commentary

J. Public Hearings

1. Public Hearing on a Special Use Permit for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern, limited service restaurant, and food truck, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects. (Tax Key No. 619-9997-003) (PC-7/10/23 Kastner)

The public hearing opened at 7:11 PM.

Kristi Porter, the Community Development Manager, presented the site plan, the discussion from the Plan Commission meeting, parking, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

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

- a. Approve a Resolution for a Special Use Permit for an outdoor expansion of Holey Mackerel, an

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amusement and recreational establishment with a bar/tavern, limited service restaurant, and food truck, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects. (Tax Key No. 619-9997-003) (PC-7/10/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve agenda items J1a and J1b.

Under discussion, Alderperson Kastner and Mayor Neitzke discussed the connection path and that the goal is interconnectivity to the park.

Alderperson Akers asked about a fence and a gate. Mayor Neitzke said that he's not sure if it's been engineered yet and that staff would be given the latitude to work through the engineering issues.

Alderperson Saryan asked about what happens on the stage. The applicant, Tripper Duval, said they wanted to have multimedia options on the stage and have a projector. He would like to have bands and, most of the time, would like to play old movies, TV shows for kids, or sports. He spoke about cross-promoting with the Farmer's Market.

On a roll call vote, motion carried unanimously.

- b. Approve Site, Landscaping, and Architectural Plans for an outdoor expansion of Holey Mackerel, an amusement and recreational establishment with a bar/tavern, limited service restaurant, and food truck, to be located at 5401 W. Layton Ave., submitted by Tripper Duval, d/b/a The Lost Whale, and Shaun Sullivan, d/b/a Envision Design Architects. (Tax Key No. 619-9997-003) (PC-7/10/23 Kastner)
Approved under agenda item J1a.

- 2. Public Hearing on a Special Use Permit for an expansion of Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC. (Tax Key No. 617-0082-004) (PC-7/10/23 Kastner)

The public hearing opened at 7:19 PM.

Mrs. Porter presented the site information, the expansion, the revision to the resolution, hours of operation, parking, site improvements, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Motion by Alderperson Akers, seconded by Alderperson Kastner to close the public hearing at 7:20 PM.
Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for an expansion of Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC. (Tax Key No. 617-0082-004) (PC-7/10/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve agenda items J2a and J2b.

Under discussion, Alderperson Kastner and Mrs. Porter discussed that there isn't any work to the bar area.

On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for an expansion of Kyoto, an existing full-service restaurant, to be located at 7417 W. Layton Ave., submitted by Yi Wu d/b/a Kyoto Group LLC, and Nathan Hostetler, d/b/a Layton Partners LLC. (Tax Key No. 617-0082-004) (PC-7/10/23 Kastner)
Approved under agenda item J2a.

- 3. Public Hearing on a Special Use Permit for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd., Suite 120, submitted by

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Eric Peterson d/b/a Nystrom & Associates. (Tax Key No. 600-1001-000) (PC-7/10/23 Kastner)

The public hearing opened at 7:22 PM.

Mrs. Porter presented the site information, description of business, hours of operation, site improvements, parking, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Mayor Neitzke said that it is immediately next to a Tax Incremental District and spoke about the parking lot improvement schedule. He indicated that the applicant and the property management representative were present.

Motion by Alderperson Kastner, seconded by Alderperson Akers to close the public hearing at 7:27 PM.

Under discussion, Alderperson Saryan asked about telecommunication services being offered. The applicant responded that video and phone sessions would be available as long as they were covered by insurance. The applicant spoke about offering in-person therapy, child therapy services, and the ribbon-cutting ceremony on September 14, 2023.

On a roll call vote, motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd., Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates. (Tax Key No. 600-1001-000) (PC-7/10/23 Kastner)

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve agenda items J3a and J3b as presented. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Nystrom & Associates, a proposed outpatient mental health counseling and psychiatry service facility, to be located at 4131 W. Loomis Rd., Suite 120, submitted by Eric Peterson d/b/a Nystrom & Associates. (Tax Key No. 600-1001-000) (PC-7/10/23 Kastner)
Approved under agenda item J3a.

K. 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)
Mayor Neitzke appointed Lauren Boos, 4130 W. Grange Avenue. Motion by Alderperson Bailey, seconded by Alderperson Drzewiecki to confirm appointment. Motion carried unanimously.
- iii. One member to the Zoning Board of Appeals for a term to expire 5/1/26 (formerly John Rivera)
Place on next agenda.

L. New Business

1. Claim received from Mary Jean Perez. (Goergen)
Referred to City Attorney.
2. Claim and Itemized Statement of Relief Sought pursuant to Wis. Stat. 893.80(1d)(b) received from Atty. Monson of Schott, Bublitz & Engel, S.C. on behalf of Claimants Andrew and Jennifer Drzewiecki. (Goergen)
Referred to City Attorney.

3. Discussion and possible action to retain outside counsel to represent the City as to the Drzewiecki claim due to a conflict of interests. (Atty. Geary)
Alderson Kastner asked for clarification, and Mayor Neitzke spoke about the topic of the claim, what would typically happen, and that it was in the best interest of the City to retain outside counsel to eliminate any conflict of interest. Alderson Kastner asked who was suing the sewer district. Mayor Neitzke reiterated the topic and who the claimants are suing.

Motion by Alderson Akers, seconded by Alderson Kastner to approve. On a roll call vote, motion carried with Alderson Drzewiecki abstaining.
4. Approve applications for 2023-2024 operator licenses (Goergen)
Motion by Alderson Kastner, seconded by Alderson Drzewiecki to approve agenda items L4 - L6, with the parade fees waived. On a roll call vote, motion carried unanimously.
5. Approve application for 2023-2024 Entertainment License for Hot Gates LLC, Gregory Schmatz, Agent, for the property at 4940 S. 76th St. (Sky Zone Greenfield) (Indoor: Tumpolines, playgrounds, zip lines and obstacle courses. Outdoor: None) (Goergen)
Approved under agenda item L4.
6. Approve an application for a Parade License, and a request to waive the license fee, received from the Greenfield High School to conduct a parade on October 6, 2023 from 3:30 PM tp 6:30 PM. (Assemble at 3:30pm on South 51st Street (dead end) and West to Edgerton Avenue; with parade to begin at 5pm moving on Edgerton westward to South 60th Street then proceeding north on South 60th St. to Greenfield High School.) (Goergen)
Approved under agenda item L4.
7. Approve an application for a 2023-2024 Combination "Class A" fermented malt beverage and liquor license for Randip Inc., Jasbeer Kaur, Agent, for the property at 4955 S. 27th Street. (Wine & Liquor), first floor and basement storage located at 4955 S. 27th St. (Goergen)
Applicant withdrew application. No action taken.
8. Approve a Special Use Review, Site Plan and Landscape Review for an ownership change to Wine & Liquor, an existing business, located at 4955 S. 27 St., submitted by Randip Pal Singh, d/b/a Wine & Liquor. (Tax Key No. 622-0005-000) (PC-7/10/23 Kastner)
Applicant withdrew application. No action taken.
9. Approve a Special Use Review and Site Plan Review for an ownership change to John Paul's Buick GMC, an existing business, located at 3615 S. 108 St., submitted by Richard Torhorst, d/b/a Kunes Buick GMC of Greenfield, Inc. (Tax Key Numbers 563-9986-007 and 563-0014-000) (PC-7/10/23 Kastner)
Motion by Alderson Akers, seconded by Alderson Kastner to approve agenda items L9 and L10. On a roll call vote, motion carried unanimously.
10. Approve a Special Use Review and Site Plan Review for an ownership change to Sky Zone, an existing business, located at 4940 S. 76 St., submitted by Roger Duncan, d/b/a Sky Zone Greenfield. (Tax Key No. 617-9977-004) (PC-7/10/23 Kastner)
Approved under agenda item L9.
11. Approve an Outdoor Special Event application for the House of Harley Labor Day Weekend event, to be located at 6221 W. Layton Ave, August 31, 2023 – September 4, 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 Alderson Kastner, seconded by Alderson Drzewiecki to approve.

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Under discussion, Alderperson Akers spoke about constituent concerns regarding the noise in July. Alderperson Bailey asked how this event is different from past events.

Mr. Mark McClain, the applicant, discussed the upcoming Labor Day event, the entertainment schedule, that there isn't any street closures, food trucks will be present, and that the scale of the event will be small compared to July's event. It has changed from the original application and has been scaled way back.

On a roll call vote, motion carried 4-1, with Alderperson Akers opposed. Those in favor were Alderpersons Drzewiecki, Bailey, Kastner, and Saryan.

12. Approve an Outdoor Special Event application for the House of Harley Fischer House Charity Ride event, to be located at 6221 W. Layton Ave, September 9, 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 Bailey to approve. Motion carried 4-1, with Alderperson Akers opposed. Those in favor were Alderpersons Drzewiecki, Bailey, Kastner, and Saryan.
13. Approve an Outdoor Special Event application for the House of Harley Pet Fest for MADACC & K9 event, to be located at 6221 W. Layton Ave, October 14, 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 Bailey to approve.

Alderperson Kastner and Mr. McClain discussed the amount of funds raised for charities.

Motion carried unanimously.

14. Discussion and decision to revise 2023 Fire Department Organizational Chart (8/9/23 F&HR S. Saryan)
Motion by Alderperson Saryan, seconded by Alderperson Akers to approve agenda items L14 - L22. On a roll call vote, motion carried unanimously.
15. Discussion and decision to revise Assistant Fire Chief job description, recruit and hire (8/9/23 F&HR S. Saryan)
Approved under agenda item L14.
16. Discussion and decision to revise Code Enforcer job description, set salary, recruit and hire (8/9/23 F&HR S. Saryan)
Approved under agenda item L14.
17. Discussion and decision to revise Battalion Chief job description (8/9/23 F&HR S. Saryan)
Approved under agenda item L14.
18. Accept contract modification agreement between the State of Wisconsin Department of Health Services and the Greenfield Health Department related to 2023 Consolidated Contract grant (8/9/23 F&HR S. Saryan)
Approved under agenda item L14.
19. Approval of mileage reimbursements in the amount of \$1,157.52. (8/9/23 F&HR S. Saryan)
Approved under agenda item L14.
20. Accept investments and reinvestments for June 2023 (8/9/23 F&HR S. Saryan)
Approved under agenda item L14.
21. Accept June 2023 financial statements. (8/9/23 F&HR S. Saryan)

Approved under agenda item L14.

22. Approval of schedules of disbursements in the amount of \$8,438,962.55. (8/9/23 F&HR S. Saryan)
Approved under agenda item L14.
23. Discussion and Decision to approve an agreement between the City of Greenfield and Software Expressions for purposes of health records data migration.(Neitzke/Foley)
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve. On a roll call vote, motion carried unanimously.
24. Discussion and decision to revise organizational chart in the Municipal Court (C. Edmonds)
Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve agenda items L24 and L25. On a roll call vote, motion carried unanimously.
25. Discussion and decision to create job description, set salary, recruit and hire Assistant Court Clerk in Municipal Court (C. Edmonds)
Approved under agenda item L24.
26. Common Council to go into closed session pursuant to Wis Stat. sec. 19.85(1)(c) & (e) & (f); Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; 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; Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations
 - a. Discuss current vacancies in the Greenfield Health Department and possible intermunicipal agreement as to the same
Common Council continued in open session.
27. Adjourn closed session and reconvene into open session.
No action taken. Common Council continued in open session.
28. Discussion and decision to approve Health Department Services Agreement between the City of Greenfield and the City of West Allis (8/9/23 F&HR S. Saryan)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.

M. Items for future agenda

Possible Special Common Council Meeting on September 5, 2023

N. Adjourn

Motion by Alderperson Kastner, seconded by Alderperson Bailey to adjourn at 7:51 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 8/18/2023