

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON TUESDAY, MARCH 17, 2015

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

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| 1. ROLL CALL: | Aldersperson Lubotsky | Present |
| | Aldersperson Bailey | Present |
| | Aldersperson Kastner | Present |
| | Aldersperson Akers | Present |
| | Aldersperson Saryan | Present |
| ALSO PRESENT: | Jennifer Goergen | City Clerk |
| | Rick Sokol | Director of Neighborhood Services |
| | Chuck Erickson | Community Development Manager |

2. An opening prayer was given by Chaplain Jim Leggett.
3. Pledge of Allegiance
4. It was moved by Aldersperson Bailey, seconded by Aldersperson Lubotsky, to approve the March 3, 2015 Council minutes, as recorded. Motion carried unanimously.
5. Mayor's Report - None
6. Aldermanic Reports - None
7. Announcements

Mayor Neitzke stated the Whitnall Rotary is having its annual craft fair at Whitnall High School soon.

Aldersperson Akers announced there will be a shopping buffet event at the Greenfield Library on March 28, 2015.

8. Citizen Commentary - None

At this time the Council proceeded with Item #12

9. Public hearing for approval of a Planned Unit Development Amendment and Special Uses (gas/convenience store, alcohol product sales in the grocery store, pharmacy drive-up & outdoor display/sales), as requested by Meijer Stores Limited Partnership, in conjunction with proposed construction of a 193K sq. ft. grocery/general merchandise structure with a 22K sq. ft. attached garden center and a separate 2,500 sq. ft. gas/convenience building at the former Mt. Carmel site, 5700 West Layton Avenue. The proposed hours of operation are 24/7. Tax Key Nos. 602-9945-001 & 602-9947-003

Notice of public hearing was published in the City's official newspaper on February 26, 2015 & March 5, 2015.

Chuck Erickson, Community Development Manager, stated that Mr. Ostrowski, on behalf of Meijer Stores Limited Partnership, and Mr. Phillips as part of the development team, don't want the Council to take action at this time, however, the public hearing will be held to address items.

Mayor Neitzke said Alderperson Joe Dudzik from the City of Milwaukee sent an email to Alderperson Lubotsky on March 17, 2015 at 6:31 p.m. stating he was hoping to attend the Council meeting regarding the proposed Meijer development, however, he just learned the item is on this evening's agenda and he is unable to attend the meeting on such short notice. He asked if the item could be held one cycle so that he may be able to attend the next meeting. Mayor Neitzke added that out of respect he believes the City of Greenfield may want to hold action until the next meeting.

Mr. Erickson said the public hearing notice makes reference to a Planned Unit Development Amendment. Currently, the site has a Planned Unit Development designation going back to the mid 90s when Mount Carmel was on the site. He said the formal classification is Planned Unit Development Commercial, but the reason for going through the public hearing process is that designation was predicated on the Mount Carmel layout and what Meijer is planning to do is nothing like that so it falls into the category of major change. The Plan Commission had a favorable recommendation regarding the proposal.

Jim Ostrowski stated Meijer is approximately an 80 year old company founded in Greenville, Michigan, as a grocery store. Today, the company is run by the grandchildren of the original founder. There are approximately 200 stores in five states: Illinois, Indiana, Ohio, Kentucky and Michigan. Meijer is opening its first stores in Wisconsin this year. Meijer is currently under construction in Wauwatosa, Oak Creek, Kenosha and Grafton. Those four stores will be opening this year. Mr. Ostrowski said Meijer is known as having a commitment to the communities in which they serve. He added that Meijer's sponsors many events in the communities throughout the years. He said that because Meijer is a grocery store, first and foremost, it is a leader in feeding the hungry. He stated that at the beginning of last year Meijer donated 130,000 pounds of food and two semi-tractor trailers to Feeding America in eastern Wisconsin without having a store open in the area. Mr. Ostrowski said they have a program called Simply Give that they started in 2008. He said someone can give \$10.00 at a register and that turns into a Meijer gift card that is then donated to a local food bank. Since 2008, over \$14 million have been donated to local food banks. In 2006, a free prescription program was started. That involves that starting with general oral antibiotics and children's antibiotics, someone can walk in with a prescription and that is filled for free. The individual does not have to buy anything from Meijer or belong to anything. That has expanded to prenatal vitamins, Metformin which is commonly prescribed for Diabetes, and the generic substitute for Lipitor. Since 2008, that has filled over 24 million prescriptions, saving customers \$350 million. That is local so that could be happening in Greenfield. Those are examples of commitment that Meijer's makes to the communities. Mr. Ostrowski said their driving force in their expansion has been a 192,000 sq. ft. building with an associated gas station and convenience store. The 192,000 sq. ft. building is a full grocery store with general merchandise with a pharmacy and pharmacy drive up. That has been their mode of expansion throughout Wisconsin and what they are building in their other areas.

Paul Phillips of GreenbergFarrow, 1050 South Grider Street, which is an architecture engineering firm representing Meijer, narrated a power point presentation of the proposed layout of the development. During the presentation he stated the garden center would be on the west side of the building adjacent to South 60th Street. The east side of the store with the loading dock facing to the east is the grocery side. Mr. Phillips said it is roughly a 50-50 split between grocery and merchandise. The gas station is on the corner of West Layton Avenue and South 60th Street. There is a proposed entrance at West Layton Avenue and existing median opening there based on initial traffic studies and things reviewed and approved by Milwaukee County that will have a traffic signal to make it easy and safe to get in and out for customers and travelers on West Layton Avenue. There will be a right in driveway only on South 60th Street going northbound for the gas station and there is a modified driveway at South 60th Street opposite West Armour Avenue. That driveway will allow for a right turn in, a left turn in and a right-turn out only. There is a storm water basin on the east side that will take care of all the storm water needs in accordance with the City and Milwaukee Metropolitan Sewerage District requirements. He said they are working through other submittals with the Department of Natural Resources and Milwaukee County. Mr. Phillips described the exterior features of the building. He added that the interior is well lit, very clean, and welcoming to the customer. Meijer's ideally tries to find as much local produce and vegetables as they can to keep the time from the fields to the shelves as short as possible.

The following addressed the Council against the proposal:

Barbara May, 5520 West Layton Avenue, asked if the parking lot will remain at the same height as it is currently which is higher than her property and whether the ditch will be taken out because if it is she feels there needs to be a buffer. She said she is familiar with the property because half of it from South 60th Street up to her property was her grandfather's property. It use to be a farm and about one-third of it from West Layton Avenue up to South 60th Street was all peat. Therefore, she is concerned that if a gas station is going to be built, how is there going to be protection in the event of a leak either when the pumps are being filled or if the tanks leak. She questioned whether the City is going to be prepared by having a fund set aside that if there is an accident, it will be cleaned up. She indicated she is also concerned about the sprays or insecticides at the garden center. She asked if the runoff associated with the pond is going to be going through underneath the expressway. She is concerned with how her property will be able to be sold.

Marcia Payleitner, 4602 South 61st Street, said she is concerned with how she will exit West Armour Avenue and go north on South 60th Street and her property value. She said there are already four gas stations within a half mile and questions if another underground storage tank is needed.

Attorney Eamon Guerin, 2240 South Aldrich Street, representing Attorney Michael Guerin who represents various gas station owners, said there is a concentration of gas stations in the area. The proposed gas station would be open 24/7 and would attract people off the freeway and increase the traffic and directly compete with other gas stations in a City that already has enough. There would also be a large parking lot over a wetland. Another concern that has been raised is the Lazy Susan which involves a worker retrieving the food and places it on a Lazy Susan which is a large bullet proof window at the drive thru. He questioned the aesthetics of having a Lazy Susan.

The following addressed the Council for information only:

Nancy Romanowich, 2943 South 52nd Street, stated she is part heir to the property at 5520 West Layton Avenue and her concern is that the property has been assessed at \$6,000 per year, but yet it is stated that it is a wetland and not good for anything so she is concerned how the Meijer project would affect that property or what the chances of that property, whether FEMA or someone else, is causing a problem for that property to be sold.

Mr. Phillips said the location of where the storm water pond will be is currently part building, part asphalt parking lot which will be removed and a storm water basin installed so a lot of the existing building and existing asphalt parking lot that is very close to the May property will be gone and will be green space, storm water basin. He added that currently a lot of the front parking lot for the Mount Carmel site drains into the ditch on the west side of the May property. Mr. Phillips said as part of their proposal, all of the Meijer front parking lot is going to drain to two places. Most of it goes to the storm water pond then gets discharged to the east into Honey Creek and for part of the parking lot closest to West Layton Avenue near the gas station they are proposing to connect to existing storm sewer in West Layton Avenue which would then run past the May property and go into Honey Creek on the east side. Mr. Phillips said that with regard to storage tanks, today's tanks are nothing like those 50 years ago. Today's tanks are double lined so there is a tank inside of a tank so the inside tank is what holds the fuel and then there is another liner so if, for whatever reason, it would happen to leak there is actually another tank that will hold that. He said typically the old tanks were steel. Today's tanks are plastic so they do not rust like the old ones did and leak. The code, by which the tanks have to be installed and monitored, are regulated by the State. With regard to potential spills, there are a couple environmental storm manholes. If there is a spill as the tank is being filled or even if someone is pumping gas at their car and overfills their gas tank and it spills on the pavement, any runoff goes into those environmental storm manholes and the intent is to trap that material in those manholes so it can later be sucked out with a vacuum truck and disposed of properly. It doesn't go into the storm sewer and run downstream into the streams and lakes. The environmental manholes are State regulation. Mr. Phillips said with regard to wetlands, they are not impacting any of the wetlands that are on their site. They have graded the site and have designed it to avoid any of the wetlands. They are not building on the wetlands and not filling them. Mr. Phillips reiterated that one of the things they are doing to not make the traffic situation on South 60th Street worse is that at the Meijer driveway on South 60th Street, a left turn is allowed to turn into the Meijer site when going south, a right turn is allowed to turn into the Meijer site while traveling north, but when leaving on South 60th Street only a right turn is allowed to avoid potentially causing conflict with traffic coming from West Armour Avenue or on South 60th Street.

Mayor Neitzke said the City would have preferred that West Armour Avenue be closed, but knowing the history of the road a few years ago the thought was that no one would want to close the road. If West Armour Avenue were closed that would leave only one entrance to the neighborhood on South 62nd Street. During discussion, Mayor Neitzke said it is incredibly dangerous turn left onto South 60th Street from West Armour Avenue and it will be worse. He said it is highly recommended for safety reasons that people that live on West Armour Avenue go to South 62nd Street and turn left onto West Layton Avenue then turn left on South 60th Street at the signaled intersection to get to the freeway. He said the City was concerned with people cutting out of Meijer's and going into the neighborhood to avoid the intersection of South 60th Street & West Layton Avenue. He said if the people who live on West Armour Avenue are interested in closing West Armour Avenue, the City would strongly consider that option.

The following addressed the Council:

Teri Hayes, 6025 West Armour Avenue, said she lives on the corner of South 60th Street & West Armour Avenue and she has a four year old that can't be out on the driveway because there are a lot of people that turn around in her driveway, with the way that it is, coming off South 60th Street.

Mr. Phillips said with regard to the Lazy Susan, it is just a window that has a rotating section to it. It is Meijer's way of providing service to customers who may still want to pick up a gallon of milk at the gas station at midnight on their way home without having to go into the store. It would involve small items such as soda, milk, snack bar, etc. that can be purchased at the convenience store. It is a safety issue for the Meijer's employee as well as a convenience for customers. Mr. Phillips explained that regarding trucks that will be come to the site, they expect primarily that trucks will exit the interstate and turn left into the site to offload for a fuel truck to the tanks. Trucks will also turn left to go to the garden center to offload and then drive around the building and exit on West Layton Avenue going west to South 60th Street and back on the interstate. Trucks not going to the garden center or gas station can enter off of West Layton Avenue and proceed to the loading dock. He said the site allows the trucks a couple of options depending on what they are delivering.

The following registered against the proposal but did not speak:

Kathy Radaj, 6057 West Armour Avenue
Nancy Brzinski, 6041 West Armour Avenue

It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to close the public hearing. Motion carried unanimously.

No action was taken on the public hearing this evening.

Final determination of approval of a Planned Unit Development Amendment and Special Uses (gas/convenience store, alcohol product sales in the grocery store, pharmacy drive-up & outdoor display/sales), as requested by Meijer Stores Limited Partnership, in conjunction with proposed construction of a 193K sq. ft. grocery/general merchandise structure with a 22K sq. ft. attached garden center and a separate 2,500 sq. ft. gas/convenience building at the former Mt. Carmel site, 5700 West Layton Avenue, with proposed hours of operation being 24/7, Tax Key Nos. 602-9945-001 & 602-9947-003, will be placed on the **NEXT AGENDA**.

10. Plan Commission Meeting held February 10, 2015

Item #4 Approve a Planned Unit Development Amendment/Site, Building, & Landscaping Review/ Special Uses (gas/convenience store, alcohol product sales in the grocery store, pharmacy drive-up & outdoor display/sales), in conjunction with the proposed construction of a 193K sq. ft. grocery/general merchandise structure with a 22K sq. ft. attached garden center, and a separate 2,500 sq. ft. gas/convenience building at the former Mt. Carmel site, 5700 W. Layton Avenue, subject to Plan Commission and staff comments, Tax Key #602-9947-003 & 602-9945-001, is to be placed on the **NEXT AGENDA**.

11. Plan Commission Meeting held March 17, 2015

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve the following:

Item #4 Special Use Amendment as it pertains to exterior changes to the gas/convenience store at Ali's Oil Co., 5909 South 27th Street, as part of the conversion from Shell to Mobil, subject to Plan Commission and staff comments, Tax Key #691-9999-002

Item #6 First Amendment to the Woodlands Condominium Developer's Agreement, located at approximately South 117th Street & West Beloit Road, subject to Plan Commission and staff comments, Tax Key Nos. 565-0216 through 565-0249

On a roll call vote, the motion carried unanimously.

At this time the Council proceeded with Item #14

12. Finance & Human Resources Committee Meeting held March 11, 2015

It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to approve the following:

Item #3 Purchase of two spare DS200 voting machines from ES&S (Election Systems & Software)

Item #4 Intergovernmental Agreement with Milwaukee County for the purchase of new election equipment

Item #5 Flapjack Fundraiser Agreement with Applebee's

Item #6 Participation of Greenfield's Parks & Recreation Department in "World's Largest Swim Lesson"

Item #7 Participation in the Byrne Memorial Justice Assistance Grant for Incident Based Reporting and authorize the Mayor to sign the grant documents

Item #9 Schedules of disbursements in the amounts of \$19,047.00; \$337,041.05; \$58,279.15; and \$32,553.84

Item #10 Mileage reimbursements in the amount of \$838.87

On a roll call vote, the motion carried unanimously.

13. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve the issuance of an operator license to each of the following:

Adams, Thomas J.-3155 S. Delaware Ave.
Givens, Callie P.-5420 S. Tuckaway Ln.
Schwabe, Zachary P.-4146 S. 58th St.

Ditkof, Diana M.-1902 N. Commerce St.
Lehmann, Ross A.-4617 W. Wilbur Ave.
Theocharis, Kelly A.-2820 W. Juneau Ave.

Motion carried unanimously.

At this time the Council proceeded with Item #16

14. Discussion and decision to award a contract for the Beloit Glide Trail project is to be placed on the **NEXT AGENDA.**

15. Department of Neighborhood Services Report:

At this time, the Council proceeded with Item #15b

- a. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to reject the bids for the Howard Avenue Pavement Rehabilitation, Project EN1506. On a roll call vote, the motion carried unanimously.

At this time, the Mayor proceeded with Item #16 again

- b. After a discussion, it was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to award the contract for the Lynndale Neighborhood Reconstruction to Musson Brothers, in an amount not to exceed \$3,257,813.05 on the basis of their low bid submitted, and to transfer \$345,000 from EN1506 (Howard Avenue) to EN1505 (Lynndale) and to enter into a Memo of Understanding with the City of Milwaukee for them to pay their portion of the project. On a roll call vote, the motion carried unanimously.

At this time, the Council proceeded with Item #15a

16. Items for future agenda – None

At this time the Council proceeded with Item #9

Whether or not to close West Armour Avenue [at South 60th Street]

17. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to adjourn the meeting at 8:22 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

JG:slw

Distributed: March 20, 2015