

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON
TUESDAY, DECEMBER 16, 2014

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
	Roger Pyzyk	City Attorney
	Rick Sokol	Director of Neighborhood Services
	Chuck Erickson	Community Development Manager

2. An opening prayer was given by Pastor Steve Rogers.
3. Pledge of Allegiance
4. It was moved by Aldersperson Bailey, seconded by Aldersperson Lubotsky, to approve the December 2, 2014 Council minutes, as recorded.

After a discussion, the motion was withdrawn.

Approval of the December 2, 2014 Council minutes is to be placed on the **NEXT AGENDA**.

5. Mayor's Report
 - a. Mayor Neitzke thanked the Greenfield High School drama individuals for their performance of Charlie Brown's Christmas at the Greenfield Library over the weekend. He said it was fantastic.
 - b. Mayor Neitzke congratulated Mark Lyman who became an Eagle Scout.
 - c. Mayor Neitzke wished everyone a happy holiday.

6. Aldermanic Reports - None

7. Announcements

Mayor Neitzke stated the tax bills were mailed.

8. Citizen Commentary

The following addressed the Council:

Brian Starr, 1680 Fairhaven Drive, Cedarburg, broker, addressed the Council regarding Mega Media Xchange. He said people love it. He said if the City is concerned about items that have been stolen, he said people go to the internet to sell stolen items and Mega Media Xchange is a business that has employees and pays taxes. He said it is a benefit to everyone in the community.

9. Public hearing regarding a Proposed Amendment to the Comprehensive Land Use Plan as it applies to the adjacent house/parcel at 11637 West Layton Avenue, Tax Key #611-9000-002, from Single-Family to Community Facilities

Notice of public hearing was published in the City's official newspaper on November 13, 2014.

Mayor Neitzke stated the following registered in favor of the proposal, but are not speaking:

Hassan Karbassi, 461 Garner Ridge, Delafield
Farhan Rizvi, 6683 West Robinwood Lane, Franklin
Sameer Ali, 11637 West Layton Avenue
Syed Raza, 4434 West Central Avenue, Franklin

Chuck Erickson, Community Development Manager, said the proposal is to rezone and change the land use plan for the adjacent parcel located at 11637 West Layton Avenue. There are two public hearings this evening which required different notice and distribution requirements. He said the House of Wisdom spoke with the immediate adjacent neighbors. The proposal is to use it as a residence, have some programs in it, use it as a Sunday school, and another feature in looking to the future is the potential of adding to the building and that would create additional worship space which would result in an increase parking requirement. Part of the reason for acquiring the additional property, besides using the house, is to physically have space some day in the future should there be additions to the existing building. As part of the fact that they would be using this property and the potential that there would be a parking lot, this property needed to be rezoned because it would become an Institutional use. At some point in time, the inside lot line would be eliminated because a certified survey map would be done to combine both properties. The Plan Commission had a favorable recommendation for both changes.

Mayor Neitzke said he is going to take both hearings together because it involves the comprehensive use and the rezoning.

10. Public hearing, requested by The House of Wisdom, to rezone the property located at 11637 W. Layton Avenue from R-1 Single Family to I-Institutional, Tax Key #611-9000-002

The following addressed the Council for information only:

Charleyne Brenneis, 4741 South 116th Street, said the proposal is to place parking in the front of the house. She questioned if parking could be placed in the back as well in the future. She said the front of her house faces the backyard of the property in question. She is concerned about noise and lights if parking is allowed in the back. She indicated she would also be concerned if the back lot would be paved and about snow melting into her yard.

Samir Amin, 7303 North 99th Street, Milwaukee, representing the House of Wisdom, said there is no intention of putting parking in the back.

The following addressed the Council against the proposal:

Scott Mayer, 11809 West Layton Avenue, said he is against the proposal which would involve a front yard being turned into asphalt. There is a church across the street from him. Some issues he notices already is parking on South 116th Street from West Layton Avenue to the expressway. He asked if the caretaking with the kids is something they are wanting to do or is it something they currently do, because it is kind of happening already. They are requesting to park in the front yard, however, there is presently parking in the front yard. He added that they struggle in the landscaping department. He is not in favor of the expansion, especially because he is so close.

Samir Amin stated they have hired a new landscaping company. He said they are busy 10-15 days per year which result in extra cars on South 116th Street. He said kids are dropped off, it is not a daycare. He said when they say they want to use the house as a daycare, if it is Sunday school so if they want to use one of the rooms, normally they have 7 to 15 kids coming for Sunday school. On busy days cars do park on the edge of the lawn and on the existing property. Mr. Amin said the church across the street on the northeast corner has agreed to let them use their parking lot for overflow. He added that Sameer Ali has been hired as the caretaker. Mr. Ali, his wife, and child will be taking care of the area and residing in the western home.

It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to close the public hearings. Motion carried unanimously.

Action on Item #9

After a discussion, it was moved by Alderperson Kastner, seconded by Alderperson Bailey, to amend the Comprehensive Land Use Plan as it applies to the adjacent house/parcel at 11637 West Layton Avenue, Tax Key #611-9000-002, from Single-Family to Community Facilities. On a roll call vote, the motion carried unanimously.

Action on Item #10

It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to rezone the property located at 11637 W. Layton Avenue from R-1 Single-Family to I-Institutional, Tax Key #611-9000-002.

Under discussion, Alderperson Kastner added that the parking lot layout that is presented needs a tremendous amount of improvements and landscaping along the borders and along West Layton Avenue and possibly shifted toward the centerline toward the community center that is there, as opposed to shifting it toward the west and off of West Layton Avenue.

Mayor Neitzke stated that the plan presented this evening isn't an approval of a site and landscaping plan but was purely a conceptual plan that is subject to some of the comments discussed in the public hearing, at the Plan Commission, and by Alderperson Kastner this evening.

On a roll call vote, the motion carried unanimously.

11. Plan Commission Meeting held October 14, 2014

Item #7 Approve Site/Building/Landscaping, including the cross-easement and shared parking arrangement as presented, subject to Plan Commission and staff comments, for a Denny's Restaurant in the former Goody's Restaurant at 4695 South 108th Street, Tax Key #609-0030-001 (C.C. 12/2/14)

Attorney Tom DeMuth with Mallery & Zimmerman, 731 North Jackson Street, Suite 900, stated he represents the individual selling the property to Denny's. He said they would like to have this issue resolved as quickly as possible. He said there has been a lot of communication with Chuck Erickson, Community Development Manager, and Denny's since the last meeting, with respect to how to resolve the issues that exist. He stated that at the last meeting Barbara Clark was the only individual who spoke in opposition, however, she is in attendance this evening. He asked if the item could be properly addressed this evening even though it was not properly placed on the agenda because all of the affected parties are present. He said they have a contract with Denny's that expires shortly.

Roger Pyzyk, City Attorney, stated the City is subject to the open meetings law and because the item regarding the Special Use is not listed on the agenda, the item cannot be discussed this evening. With respect to the item that is on the agenda [under the Plan Commission report of October 14, 2014], regarding approval of site and landscape plans, he is hesitant for the Council to approve such plans prior to granting a Special Use for the property.

This item is to be placed on the **NEXT AGENDA** along with the determination of the public hearing held December 2, 2014 relating to the Special Use.

12. Board of Public Works Meeting held November 25, 2014

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

Item #8 Install a handicap parking zone in front of 4640 South 46th Street

Item #11 Revised Wisconsin Department of Transportation project agreement for the STP-Urban project on West Edgerton Avenue from West Loomis Road to South 27th Street, Project 2010 #9

On a roll call vote, the motion carried unanimously.

13. Plan Commission Meeting held December 9, 2014

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

Item #4 Special Use Review in order to transfer a Special Use approved in March, 2014 for Paul Sidhu (Paul's Wine & Liquor, LLC) to Vijay Patel to open a restaurant called 'India Village' and serve alcohol products at 7640 West Forest Home Avenue, subject to Plan Commission and staff comments, one of which includes a closing time of 10:00 p.m. instead of 11:00 p.m., Tax Key #605-9976

Item #5 Special Use for a dollar store in a vacant unit at 4649 South 108th Street, in the Omega Plaza multi-tenant building, subject to Plan Commission and staff comments, consider this a minor change not needing a public hearing, Tax Key #609-0033-001

Item #7 Special Use as a minor change not needing a public hearing because of the similarity of the proposal today when compared with 2008, and Site/Building/Landscaping Review for the purpose of Water Stone Bank constructing a 3,500 sq. ft. full service bank with two drive-up bays and one ATM/Night Deposit bay at 5000 West Loomis Road, subject to Plan Commission and staff comments, Tax Key #620-9967

After a discussion, on a roll call vote, the motion carried unanimously.

14. Finance & Human Resources Committee Meeting held December 10, 2014

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

Item #3 Emergency Medical Services rates for 2015

Item #4 Schedules of disbursements in the amounts of \$558,229.38; \$43,965.36; \$582,846.69; and (\$604.18)

Item #5 Mileage reimbursements in the amount of \$618.48

Item #11 Resolution 3496 setting the salaries and benefits of the City Attorney and City Prosecutor for 2015

RESOLUTION NO. 3496

Resolution to set the salaries and benefits of the City Attorney and City Prosecutor for 2015.

PART I. The wages and salaries of the following officers and employees shall be adjusted in accordance with the 2014 Non-Represented and Command Staff salary resolution.

<u>NON-REPRESENTED EMPLOYEES</u>	<u>ANNUAL SALARY Eff. 1/1/15</u>	<u>ANNUAL SALARY Eff. 1/12/15 (2% increase)</u>
City Attorney	\$43,211	\$44,075
City Prosecutor	\$20,703	\$20,703

SALARY COMPUTATION Salary is computed at an annual rate.

MILEAGE ALLOWANCE There shall be paid to each City officer or employee using his/her private automobile the sum of the IRS approved mileage rate for use of said vehicle on City business. Parking fees shall also be paid by the City. Mileage Report forms shall be turned in monthly to the Finance Department on forms provided by that department. Officers and employees covered by this resolution shall be entitled to mileage allowance as provided herein excluding such employees who are provided a city-owned vehicle.

PART II. BENEFITS The City Attorney/City Prosecutor shall receive health insurance, life insurance and retirement benefits, as long as he/she is employed in those positions. Retiree benefits shall not be provided beyond his/her last day of employment, except as required by law.

PART III. PROBATIONARY EMPLOYEES

Newly appointed employees shall serve a training period of employment for a minimum period of six (6) months or twelve (12) months (for department heads) following their date of hire. The appointing authority may extend the training period an additional six (6) months. During this training period of employment, employees may be terminated for any reason during the training period of employment without recourse.

PART IV. NOTICE OF TERMINATION

Employees subject to this resolution shall be required to provide the City with at least a one (1) month notice, in writing, upon termination of employment with the City. Failure to do so shall result in the loss of all prorated benefits.

PART V. SAVINGS CLAUSE

If any part(s) of this resolution is determined to be invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this resolution shall not be affected thereby and shall remain in full force and effect.

PART VI. EQUAL OPPORTUNITY EMPLOYMENT

It shall continue to be the policy of the City not to discriminate for or against any employee in employment, promotions or other conditions of employment because of age, race, color, creed, disability, veteran status, sex, national origin, ancestry, sexual orientation, arrest or conviction record, and any other legally protected class.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

On a roll call vote, the motion carried unanimously.

15. Appointments to various committees and commissions:

Council appointments:

A.D. #5

It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to appoint Troy Chowanec, 5420 South Honey Creek Drive, as a member to the Park & Recreation Board for a term to expire May 31, 2016. Motion carried unanimously.

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

Kasper, Alexander D.-N6491 12th Ct.

Schulze, Kathryn A. N.-18975 Still Point Trail

Motion carried unanimously.

17. Department of Neighborhood Services Report:

It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to adopt Ordinance No. 2817

(This official notice is being published and placed in the minutes instead of publishing the full text of Ordinance No. 2817.)

CITY OF GREENFIELD
OFFICIAL NOTICE

ORDINANCE CREATING CHAPTER 34 OF THE GREENFIELD MUNICIPAL CODE
TO ESTABLISH POLICIES AND CONTROL DISCHARGE OF FATS, OILS, AND GREASE
INTO THE PUBLIC SANITARY SEWER SYSTEM

NOTICE IS HEREBY GIVEN that the Common Council of the City of Greenfield, at their meeting of December 16, 2014 adopted Ordinance No. 2817 which is an Ordinance creating Chapter 34 of the Municipal Code to establish policies and control discharge of fats, oils, and grease into the public sanitary sewer system.

You are hereby further notified that the full text of Ordinance No. 2817 may be obtained in the office of the City Clerk, 7325 West Forest Home Avenue, in accordance with Sec. 62.11(4)(c), Wis. Stats., (414)329-5219.

Dated at Greenfield, Wisconsin, this 17th day of December, 2014.

Jennifer Goergen, City Clerk

Motion carried unanimously.

18. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to reappoint Roger C. Pyzyk as City Attorney for a three-year term to expire January 16, 2018. On a roll call vote, the motion carried unanimously.

18a & b. After Jon Cohn, Fire Chief, addressed the Council, it was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve the following:

Transfer 2014 New Equipment Account funding to Capital Equipment

Transfer 2014 Station 1 Building Account funding to Capital Equipment

On a roll call vote, the motion carried unanimously.

19. City Attorney's Report:

a. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to go into closed session pursuant to Wisconsin Statutes, Section 19.85(1)(a)(b)(c)(e)&(f) at 7:54 p.m. for the following:

- (1) Considering and deliberating licensure, social or personal history, or medical information for purposes of issuing a Secondhand Article Dealer License to MMX 4 LLC, Robert A. Settecase, Mgr., for the property located at 7828 West Layton Avenue (Mega Media Xchange)
- (2) Discussion regarding approval of a Resolution to set the salaries and benefits of Non-Represented and Command Staff employees of the City of Greenfield for 2015
- (3) 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

On a roll call vote, the motion carried unanimously.

- b. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to adjourn closed session and reconvene into open session at 10:10 p.m. Motion carried unanimously.
- c. It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to approve the issuance of a Secondhand Article Dealer License to MMX 4 LLC, Robert A. Settecase, Mgr., for the property located at 7828 West Layton Avenue (Mega Media Xchange) and that it be issued by the City Clerk upon the clearance by the Police Department. On a roll call vote, the motion carried unanimously.

It was moved by Alderperson Akers, seconded by Alderperson Saryan, to rescind the Council's action taken at the November 18, 2014 Council meeting to deny the issuance of a Secondhand Article Dealer License to MMX 4 LLC, Robert A. Settecase, Mgr., for the property located at 7828 West Layton Avenue (Mega Media Xchange). On a roll call vote, the motion carried unanimously.

- d. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to adopt Resolution No. 3497 setting the salaries and benefits of Non-Represented and Command Staff employees of the City of Greenfield for 2015 with the wording of Section V with regard to vacation remaining as it was in the previous version and that the step be approved relating to the pay increase at the 2% level.

RESOLUTION NO. 3497

RESOLUTION TO SET THE SALARIES AND BENEFITS OF NON-REPRESENTED AND
COMMAND STAFF EMPLOYEES OF THE CITY OF GREENFIELD FOR 2015

RESOLVED, By the Common Council of the City of Greenfield, that the 2015 resolution to set the salaries and benefits of non-represented and command staff employees of the City of Greenfield for 2015 is approved.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

During a discussion, Alderperson Bailey said he wants the record to reflect that he will support a 2% raise, but he will not support any raise including a 4.1% for certain individuals as he believes that is excessive in the current economy. He does not have any ill will toward anyone, but believes 2% across the board is fair.

Mayor Neitzke said the proposal that was being created wasn't designed to create a raise above 2%. It was designed to re-evaluate two positions and their place within the scales of the City.

On a roll call vote, the motion carried with Alderpersons Lubotsky, Kastner, Akers & Saryan voting yes; Alderperson Bailey voting no.

- e. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to proceed as directed in closed session regarding 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. Motion carried unanimously.

20. Items for future agenda

Final determination of the public hearing for approval of a Special Use to open a Denny's Restaurant at 4695 South 108th Street, Tax Key #609-0030-001 (C.C. 12/2/14)

- 21. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to adjourn the meeting at 10:18 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

JG:slw

Distributed: December 30, 2014