

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, JANUARY 16, 2024

A. Call to Order & Roll Call

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

Present: Alderpersons Andrew Drzewiecki, Karl Kastner, Pamela Akers, Shirley Saryan

Excused: Bruce Bailey

Also present: Jennifer Goergen, City Clerk; Kristi Porter, Community Development Manager; Paula Schafer, Finance Director.

B. Opening Prayer

An opening prayer was given by Pastor Steve Rodgers.

C. Pledge of Allegiance

D. Approval of the January 2, 2024 Common Council minutes

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

E. Mayor's Report

Mayor Neitzke said that there was a fire within the city, and our thoughts and prayers go out to the family, the firefighters, and the police officers involved. He spoke about the snowstorm, the plows, thanking the Division of Public Works, the power going out, and that a lot of transformers blew.

Joe Murray, the City's financial advisor from Ehlers, presented the initial resolutions, scheduling the bonds at the same time, the process, how the funds will be used, the equalized value, the general obligation debt, the structure of the 15-year issue period, the note anticipation notes for TID 6, being bank qualified, the City's rating, future debt capacity, rates, existing debt, the process if approved by Council, that the total borrowing for all three is 15 years, and that they shortened the amortization.

Mayor Neitzke explained that even though the truck isn't on the agenda, it was in this year's budget. He talked about the difficulty of obtaining a truck and the debt service levy.

1. Initial Resolution Authorizing General Obligation Bonds In An Amount Not To Exceed \$3,300,000
Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve. On a roll call vote, motion carried unanimously.
2. Initial Resolution Authorizing General Obligation Bonds In An Amount Not To Exceed \$350,000
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.
3. Initial Resolution Authorizing General Obligation Bonds In An Amount Not To Exceed \$900,000
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve. On a roll call vote, motion carried unanimously.

F. Aldermanic Reports

G. Announcements

Mayor Neitzke spoke about the meeting regarding The Turf benefit concert at Konkel Park.

H. Citizen Commentary

I. Public Hearings

1. Public Hearing on a Special Use Permit for Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St., submitted by Corwin Holzman, d/b/a Black Belt Leadership Academy. (Tax Key No. 608-9991-001) (PC-12/12/23 Kastner)

The applicants were in attendance.

The public hearing opened at 7:23 PM.

Kristi Porter, the Community Development Manager, presented the site information, description of business, 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 Kastner, seconded by Alderperson Akers to close the public hearing at 7:23 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St., submitted by Corwin Holzman, d/b/a Black Belt Leadership Academy. (Tax Key No. 608-9991-001) (PC-12/12/23 Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve agenda items I1a and I1b. On a roll call vote, motion carried unanimously.
- b. Approve a Site Plan Review for Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St., submitted by Corwin Holzman, d/b/a Black Belt Leadership Academy. (Tax Key No. 608-9991-001) (12/12/23 Kastner)
Approved under agenda item I1a.

2. Public Hearing on an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Beer, Wine, and Liquor Stores and Retailers. (PC-12/12/23 Kastner)

The public hearing opened at 7:26 PM.

Mrs. Porter said that new stand-alone liquor stores wouldn't be able to come into the city and that existing ones could continue to operate and change hands. She explained the map and locations of stores, the draft ordinance, and recommendations from the Plan Commission and the Legislative Committee. There weren't any letters of objection or support received.

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

- a. Approve an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Beer, Wine, and Liquor Stores and Retailers. (PC-12/12/23 Kastner)
Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve.

Under discussion, Alderperson Kastner and Mrs. Porter discussed whether this eliminates the possibility of anyone being able to sell alcohol, that it's about stand-alone stores only, and that they do not want to limit developers.

On a roll call vote, motion carried unanimously.

3. Public Hearing on an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other Activities Related to Credit Intermediation. (PC-1/9/24 Kastner)

The public hearing opened at 7:29 PM.

Mrs. Porter presented the draft ordinance, that there is only one store, that it prohibits new commercial industry types of services, that the one that exists today can change hands and continue to operate, and recommendations from the Plan Commission and the Legislative Committee. There weren't any letters of objection or support received.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to close the public hearing. Motion carried unanimously.

- a. Approve an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other

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

Activities Related to Credit Intermediation. (PC-1/9/24 Kastner)

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

4. Public Hearing on an Ordinance to amend Section 21.04.0703 of the Municipal Code pertaining to detailed standards for special uses in nonresidential districts. (PC-1/9/24) Kastner)

Mayor Neitzke discussed that the public hearing is still taking place since it was noticed. He said that Alderperson Saryan indicated that Alderperson Bailey had strong feelings about this item, but he was excused from the meeting. Alderperson Saryan is asking that the decision be held until the next Common Council meeting.

The public hearing opened at 7:31 PM.

Mrs. Porter presented the sections of the Zoning Code that prohibits all outdoor displays of merchandise except for propane tanks, that it would be amended to fix the typos, that ice storage boxes can be placed outside, and recommendations from the Plan Commission and the Legislative Committee. There weren't any letters of objection or support received.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to close the public hearing at 7:33 PM. Motion carried unanimously.

- a. Approve an Ordinance to amend Section 21.04.0703 of the Municipal Code pertaining to detailed standards for special uses in nonresidential districts. (PC-1/9/24 Kastner)
Place on next agenda.

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)

Mayor Neitzke appointed Jarret McFarland. Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to confirm appointment. Motion carried unanimously.

Jarret McFarland was appointed to the Board of Review for a term to expire 5-1-2026.

- ii. 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. Claim received from Devoe Rentals LLC. (Goergen)
Referred to the City Attorney.
2. Claim received from Shawn Golla. (Goergen)
Referred to the City Attorney.
3. Claim received from Paul A. Perez. (Goergen)
Referred to the City Attorney.
4. Resolution appointing additional Election Inspectors or 2024-2025. (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve. Motion carried unanimously.
5. Approve applications for 2023-2024 operator licenses (Goergen)

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

6. Approve application for 2023-2024 Class "B" Fermented Malt Beverage Retailer's License and application for a 2023-2024 "Class C" Wine Retailer's License for Oneplus1, LLC, Par Cung, Agent, for the property at 5442 W. Forest Home Ave. (One+1 Asian Restaurant). Alcohol will be stored in the restaurant and it will be sold and served at the dining tables. The records will be stored in the office located at 5442 W. Forest Home Ave. (Goergen)

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

7. Approve application for a Temporary Class "B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages at Lenten Fish Fry to be held indoors on February 16th, 2024 from 3:30 PM to 7:00 PM in the gym at 8500 W. Cold Spring Road. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)

Motion by Alderperson Drzewiecki, seconded by Alderperson Kastner to approve agenda items K7-K9. Motion carried unanimously.

8. Approve application for a Temporary Class "B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages at Lenten Fish Fry to be held indoors on March 8th, 2024 from 3:30 PM to 7:00 PM in the gym at 8500 W. Cold Spring Road. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)

Approved under agenda item K7.

9. Approve application for a Temporary Class "B" Retailer's License received from St. John the Evangelist to sell fermented malt beverages at Lenten Fish Fry to be held indoors on March 29th, 2024 from 3:30 PM to 7:00 PM in the gym at 8500 W. Cold Spring Road. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen).

Approved under agenda item K7.

10. Discussion and decision to approve the billing services agreement between EMS Management & Consultants, Inc. and the City of Greenfield Fire Department. (D. Weber)

Dan Weber, the Assistant Chief, was present.

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

11. Approve an Initial Resolution for the Discontinuance of general right-of-way immediately east of 2801 W. Mallory Ave. (Porter)

Mrs. Porter explained that this is required for the discontinuance, the original use, and that the public hearing and final resolution are scheduled for March 5th.

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

12. Renewal of appointment of Mark Kivley as Board of Directors to the South 27th Street Business District Association, District 1, his three-year term to expire February 6, 2027. (Porter)

Motion by Alderperson Saryan, seconded by Alderperson Drzewiecki to approve agenda items K12-K14 to reappoint to the BID with the expiration dates as listed. Motion carried unanimously.

13. Renewal of appointment of Kevin Scholz as Board of Directors to the South 27th Street Business District

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

Association, District 2, his three-year term to expire February 17, 2027. (Porter)

Approved under agenda item K12.

14. Renewal of appointment of Troy Chowanec as Board of Directors to the South 27th Street Business District Association, District 2, his three-year term to expire February 17, 2027. (Porter)

Approved under agenda item K12.

15. Approve a Special Use Review and Site Plan Review for CITGO Restaurant, a limited-service restaurant to be located at 5235 W. Loomis Rd., submitted by Amad Shazad, d/b/a Hasham Petroleum LLC. (Tax Key No. 648-0008-003) (PC-1/9/24 Kastner)

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

16. Approve Revised Architectural Plans for Mister Car Wash, to be located at 4763 S. 27 St., submitted by Arik Lokensgard, P.E., d/b/a Kimley-Horn. (Tax Key No. 622-9988-007) (PC-1/9/24 Kastner)

Mayor Neitzke explained that they added a canopy that the original site and landscaping plans did not have on it, and that it's the old Sonic location.

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

17. Discussion and decision related to grant agreement between Community Advocates and Healthiest/SAFE Greenfield (Greenfield Health Department). (Sowinski)

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

18. Discussion and decision to change the title of the job from Accountant to Payroll & Accounting Specialist. (Schafer)

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

19. Approval of schedules of disbursements in the amount of \$1,049,029.60. (Schafer)

Motion by Alderperson Saryan, seconded by Alderperson Akers to approve agenda items K19-K22. On a roll call vote, motion carried unanimously.

20. Approval of mileage reimbursements in the amount of \$1,401.85. (Schafer)

Approved under agenda item K19.

21. Investments and reinvestments for November 2023 and December 2023. (Schafer)

Approved under agenda item K19.

22. Accept November 2023 financial statements. (Schafer)

Approved under agenda item K19.

23. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(g), for the purpose of conferring with legal counsel for the City who is rendering oral or written advice concerning strategy to be adopted by the City with respect to litigation in which it is involved.

- a. Discuss a settlement proposal regarding the property tax litigation for the 2022 tax year in the case of Altera Greenfield LLC, 4131 W. Loomis Rd. v. City of Greenfield filed in Milwaukee County Circuit Court, Case No. 23-CV-3005.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to go into closed session at 7:43 PM. On a roll call vote, motion carried unanimously.

24. Adjourn closed session and reconvene into open session.

Motion by Alderperson Akers, seconded by Alderperson Saryan to adjourn closed session and

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

reconvene into open session at 7:53 PM. Motion carried unanimously.

25. Decision regarding settlement proposal regarding the property tax litigation for the 2022 tax year in the case of Altera Greenfield, LLC, 4131 W. Loomis Road v. City of Greenfield filed in Milwaukee County Circuit Case No. 23-CV-3005.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to authorize Mayor Neitzke to execute the proposed settlement agreement. On a roll call vote, motion carried unanimously.

Mayor Neitzke went to agenda item L.

Mayor Neitzke reiterated that the motion was made by Alderperson Akers, seconded by Alderperson Drzewiecki that wasn't on the record. A roll call vote was held, and it was unanimous. With that being said, the record and the minutes are now replete with evidence that the action did in fact happen.

He went to agenda item M.

- L. Items for future agenda

Bonds

- M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to adjourn at 7:54 PM. Motion carried unanimously.

Motion by Alderperson Saryan, seconded by Alderperson Akers to reconsider reopening the meeting. Motion carried unanimously.

Mayor Neitzke said that the mics were off and went back to agenda item K25.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to adjourn at 7:56 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 1/18/2024

ORDINANCE NO. 3021

Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to
Beer, Wine, and Liquor Stores and 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	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}
445310	Beer, Wine, and Liquor 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	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}	
445320	Beer, Wine, and Liquor Retailers																		

* * *

PART III. 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 IV. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART V. 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 January, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 3022

Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to
Other Activities Related to Credit Intermediation.

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	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}
522390	Other Activities Related to Credit Intermediation	S	S	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	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}
522390	Other Activities Related to Credit Intermediation																	

* * *

PART III. 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 IV. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART V. 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 January, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3964

INITIAL RESOLUTION AUTHORIZING
GENERAL OBLIGATION BONDS
IN AN AMOUNT NOT TO EXCEED
\$3,300,000

BE IT RESOLVED by the Common Council of the City of Greenfield, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, General Obligation Bonds in an amount not to exceed \$3,300,000 for the purpose of paying the costs of street and sidewalk improvements and bond issuance costs.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to publish a Notice to Electors in South NOW, within fifteen (15) days of the adoption and recording of the foregoing resolution.

BE IT FURTHER RESOLVED that the Finance Director (in consultation with the City's financial advisor, Ehlers & Associates, Inc.) shall prepare or cause to be prepared an Official Notice of Sale and an Official Statement and take other actions necessary for the sale of the Bonds on February 6, 2024.

Adopted this 16th day of January, 2024.

Michael J. Neitzke,
Mayor

ATTEST:

Jennifer Goergen,
City Clerk

(SEAL)

RESOLUTION NO. 3965

INITIAL RESOLUTION AUTHORIZING
GENERAL OBLIGATION BONDS
IN AN AMOUNT NOT TO EXCEED
\$350,000

BE IT RESOLVED by the Common Council of the City of Greenfield, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, General Obligation Bonds in an amount not to exceed \$350,000 for the purpose of paying the costs of park and public grounds improvements and bond issuance costs.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to publish a Notice to Electors in South NOW, within fifteen (15) days of the adoption and recording of the foregoing resolution.

BE IT FURTHER RESOLVED that the Finance Director (in consultation with the City's financial advisor, Ehlers & Associates, Inc.) shall prepare or cause to be prepared an Official Notice of Sale and an Official Statement and take other actions necessary for the sale of the Bonds on February 6, 2024.

Adopted this 16th day of January, 2024.

Michael J. Neitzke,
Mayor

ATTEST:

Jennifer Goergen,
City Clerk

(SEAL)

RESOLUTION NO. 3966

INITIAL RESOLUTION AUTHORIZING
GENERAL OBLIGATION BONDS
IN AN AMOUNT NOT TO EXCEED
\$900,000

BE IT RESOLVED by the Common Council of the City of Greenfield, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, General Obligation Bonds in an amount not to exceed \$900,000 for the purpose of paying the costs of acquisition of a new fire engine and bond issuance costs.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to publish a Notice to Electors in South NOW, within fifteen (15) days of the adoption and recording of the foregoing resolution.

BE IT FURTHER RESOLVED that the Finance Director (in consultation with the City's financial advisor, Ehlers & Associates, Inc.) shall prepare or cause to be prepared an Official Notice of Sale and an Official Statement and take other actions necessary for the sale of the Bonds on February 6, 2024.

Adopted this 16th day of January, 2024.

Michael J. Neitzke,
Mayor

ATTEST:

Jennifer Goergen,
City Clerk

(SEAL)

RESOLUTION NO. 3967

Special Use Permit for Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St., submitted by Corwin Holzman, d/b/a Black Belt Leadership Academy. (Tax Key No. 608-9991-001)

WHEREAS, Corwin Holzman, d/b/a Black Belt Leadership Academy, 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 Black Belt Leadership Academy, a proposed sports and recreation instruction, to be located at 4440 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on January 16, 2024, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, 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 applicant, Corwin Holzman, d/b/a Black Belt Leadership Academy, resides at 1551 N. 57 St. Milwaukee, WI 53222.
2. The applicant will lease a portion of the multi-tenant commercial building owned by Franz Klagmann, W145 N5087 Stone Dr., Menomonee Falls, WI 53051.
3. Black Belt Leadership Academy will occupy approximately 2,600 sq. ft. of the multitenant commercial building located at 4440 S. 108 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3639, being a part of the Southwest $\frac{1}{4}$ Section 20, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 608-9991-001

Said land being located at 4420-4440 S. 108 St.

4. The applicant is proposing to establish sports and recreation instruction within the existing multi-tenant commercial building.
5. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits sports and recreation instruction as a Special Use, 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. 108 St. commercial corridor. Properties to the south and west are developed as commercial. Properties to the north and east are developed as park and recreation.

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 Corwin Holzman, d/b/a Black Belt Leadership Academy to establish sports and recreation instruction, as a martial arts academy that teaches classes to children and adults, to be located at 4440 S. 108 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 December 12, 2023 and by the Common Council on January 16, 2024. 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 Black Belt Leadership Academy will be 9:00am – 9:00pm Monday – Friday, and 9:00am – 2:00pm Saturdays.
4. Off-Street Parking. A total of 16 off-street parking stalls are required for Black Belt Leadership Academy. The entire multi-tenant commercial building requires a total of 60 offstreet parking spaces. The property will provide 60 off-street parking stalls.
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 splay 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.

Corwin Holzman, d/b/a Black Belt Leadership Academy

Franz Klagmann, owner

Provided to applicant on the
_____ day of _____, 2024

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 16th day of January, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3968
RESOLUTION APPOINTING ADDITIONAL ELECTION
INSPECTORS FOR 2024-2025

WHEREAS, Wis. Stats. 7.30(4)(a) requires the governing body to appoint election officials no later than the last regular meeting in December of each odd numbered year for the 2024-2025 election cycle; and

WHEREAS, appointments were made, but in addition to the appointments already made, the Common Council desires to add Gary Goetsch and Diane Vuovich; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield confirms the appointments of the following individuals and adds them to the list of Election Officials for the 2024-2025 election cycle:

Gary Goetsch, 4871 W. Maple Leaf Circle, Greenfield, WI 53220

Diane Vukovich, 4433 S. 72nd St., Greenfield, WI 53220

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 16th day of January, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3969

Initial Resolution for the Discontinuance of general right-of-way immediately east of 2801 W. Mallory Ave.

WHEREAS, the City owns excess general right-of-way, immediately east of 2801 W. Mallory Ave. (Tax Key No. 645-0029-000), of which is unimproved; and,

WHEREAS, the Common Council has determined that the public interest requires the discontinuation of said general right-of-way, immediately east of 2801 W. Mallory Ave., which is more specifically shown and described in the attached Exhibit A; and,

WHEREAS, the public 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; and,

WHEREAS, Sec. 66.1003 of the Wisconsin Statutes requires a public hearing on any proposed discontinuance not less than 40 days following the introduction of a discontinuance resolution.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield, that the Discontinuance Resolution attached hereto as Exhibit B is hereby introduced as that term is used in Wis. Stat. § 66.1003(4).

BE IT FURTHER RESOLVED, that a public hearing on the discontinuance of right-of-way immediately east of 2801 W. Mallory Ave. is hereby scheduled for March 5, 2024 at 7:00pm or as soon thereafter as the Council may hear the matter.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to deliver a copy of this resolution to the Wisconsin Secretary of Transportation.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 16th day of January, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Exhibit A

Legal Description:

That part of the Southeast $\frac{1}{4}$ of Section 25, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said Southeast $\frac{1}{4}$ Section; thence S $88^{\circ}41'19''$ W, 80.01 feet to a point; thence N $00^{\circ}22'47''$ W, 641.40 feet to a point on the Southerly right-of-way line of West Mallory Avenue and the Northeast corner of Parcel 1 of Parcel 1 of Certified Survey Map No. 7503; thence S $89^{\circ}41'35''$ W, on and along the Southerly right-of-way line of West Mallory Avenue, 355.54 feet to a point on the East line of unnamed right-of-way, and the point of beginning of lands to be described; thence S $00^{\circ}22'47''$ E along the West line of said unnamed right-of-way, 247.63 feet to a point; thence S $88^{\circ}41'19''$ W, 14.47 feet to a point, said point being on the East line of Lot 1, Block 4 of Tuckaway Manor, a recorded subdivision; thence N $00^{\circ}22'47''$ W along the east line of said Lot 1, 247.86 feet to a point on the North right-of-way line of West Mallory Avenue, and the Northeast corner of said Lot 1; thence N $89^{\circ}41'35''$ E, on and along the Southerly right-of-way line of West Mallory Avenue, 14.47 feet to the point of beginning.

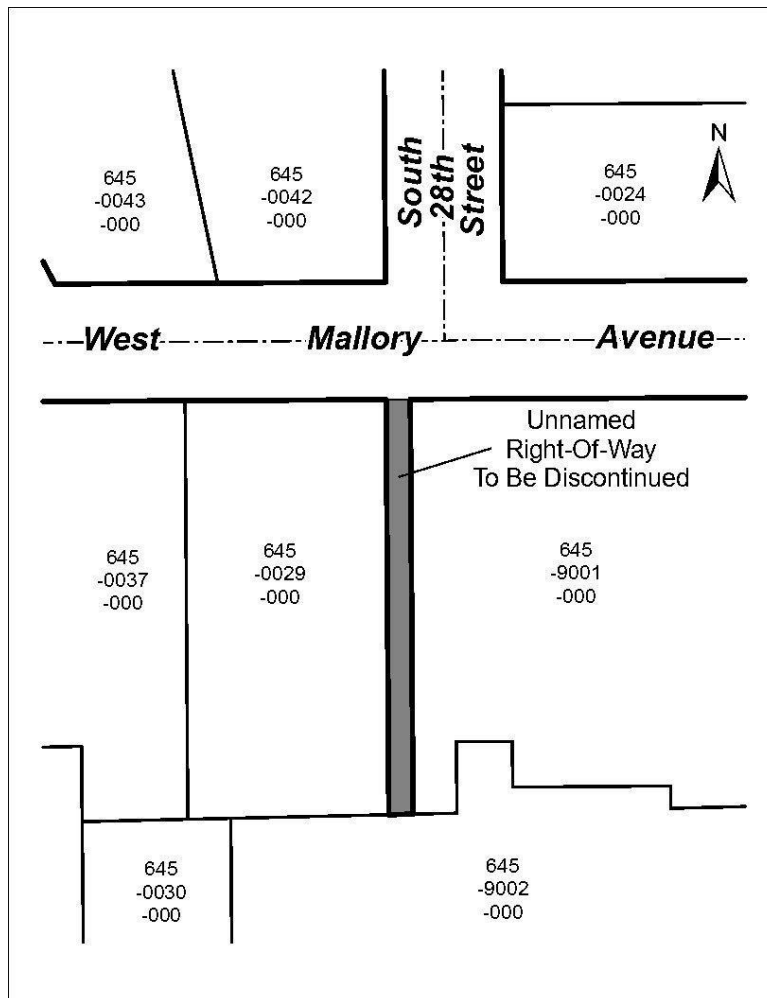


Exhibit B

RESOLUTION NO. ____

Resolution Discontinuing general right-of-way immediately east of 2801 W. Mallory Ave.

WHEREAS, the City owns excess general right-of-way, immediately east of 2801 W. Mallory Ave. (Tax Key No. 645-0029-000), 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 east of 2801 W. Mallory 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 the right-of-way, immediately east of 2801 W. Mallory Ave., 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; and,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield, that the general right-of-way immediately east of 2801 W. Mallory Ave., approximately 14.5 ft. x 247.5 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 east of 2801 W. Mallory Ave. (Tax Key No. 645-0029-000) so vacated and discontinued shall, upon passage and publication of this Resolution, forever vest in the owner of said land at 2801 W. Mallory Ave. (Tax Key No. 645-0029-000) as said lands immediately abut this vacation and discontinuance, and were part of the recorded subdivision plat from which the original right-of-way dedication was made, 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 March, 2024.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the ____ day of _____, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

cc: Engineering Division