

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, JANUARY 2, 2024

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:04 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 December 19, 2023 Common Council minutes

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

E. Mayor's Report

Mayor Neitzke went to agenda item F.

Mayor Neitzke spoke about the new countywide tax software and thanked the Finance Department staff for working through the significant hiccups and its downtime. He said that he appreciates the patience of the taxpayers.

He went to agenda item I.

F. Aldermanic Reports

G. Announcements

Mayor Neitzke said that the ice rink will not open until we have freezing weather and no snow.

H. Citizen Commentary

Mayor Neitzke circled back to agenda item E.

I. 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 member to the Zoning Board of Appeals for a term to expire 5/1/26 (formerly John Rivera)

Place on next agenda.

J. New Business

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

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

- 2. Approve an application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the Service Workshop for Performance event on January 13, 2024 from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. 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 Kastner, seconded by Alderperson Drzewiecki to approve agenda items J2 - J5.
Motion carried unanimously.

3. Approve an application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the 2024 New Models Preview Party event on January 20, 2024 from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. 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 J2.
4. Approve an application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the 2024 New Model Release Public Viewing event on January 27, 2024 from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. 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 J2.
5. Approve an application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the Annual Kill Winter Party 2024 event on February 3, 2024 from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. 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 J2.
6. Discussion and decision regarding the adoption of a Resolution relating to the construction of sound barriers along highways located within, and/or have an impact upon, the City of Greenfield which the Wisconsin Department of Transportation has, or will have, jurisdiction of. Said Resolution addresses both all potential locations where such barriers are necessary and appropriate, as well as specifically where project areas have been defined by the DOT, and funding has been budgeted by the State of Wisconsin. (Mayor Neitzke)
Alderperson Saryan said that she invited Senator Tim Carpenter for informational purposes and that he was present.

Mayor Neitzke played sounds from his driveway and said that the sheer noise from the freeway in neighborhoods is obnoxious. He spoke about the press conference, that they couldn't hear each other during it, and the sound barrier conference call.

Alderperson Akers played live sounds from her backyard and said her location was several blocks from the freeway and still noisy.

Mayor Neitzke replied that for 25 years they have been trying to get sound barriers on I-894, which Greenfield is on for its entire length. He said that 20 years ago there was funding, studies, information meetings, and that we were promised them. The funding went away, and the sound barriers never went in. State Representative Bob Donovan, Senator Bradley, and Senator Carpenter were all involved in a meeting for funding to put some of the barriers in place. Mayor Neitzke explained the situation with the Department of Transportation about the project area, funding, the public information meeting, that the DOT wants us to choose the barrier locations, inaccurate funding formulations, sound studies, the promised project, and defining where to put the barriers, including putting four panels to the west of 51st Street, the 51st Street Bridge overpass sound barriers, the neighborhood west of S. 60th Street by W. Armour Avenue, and the Shirley Crest neighborhood. The proposed noisewalls are between 45th Street and 51st Street and between 60th Street and 64th Street.

Mayor Neitzke talked about a statement in the resolution that states that there should be sound barriers from 27th or 35th Street, depending on where they tie in, to the north of the Hale.

Alderson Akers said that she would like to compare the more expensive areas surrounded by the freeway to the areas that lack of sound barriers.

Mayor Neitzke said that this is the only unimproved section of interstate highway that's left, other than I-94. The entire section should have sound barriers. The DOT needs to complete a sound study from 35th Street to, roughly, Oklahoma Avenue to determine where sound barriers are the most important. He spoke about an email he received from Paul Stassi, who lives by The Woods.

Alderson Kastner spoke about the Cold Spring Road Bridge, which had a sound barrier. They tore it down and reinforced the bridge to support the sound barrier, but never put the sound barrier up.

Mayor Neitzke spoke about attaching Exhibit A to the resolution, which would define the project area where we want to prioritize sound barriers.

Alderson Saryan read an email from Rich Regent, 4000 block of Layton Avenue, that said before construction, there were tree shrubs, lawns, and natural sound absorptive surfaces and homes along the block that was south of the freeway on Layton Avenue. Those softscape objects all provided free vehicle noise abatement. With the construction, those sound deadening objects were removed, and the area was leveled. Instead of considering neighborhood residents' concerns, the construction work removed sound abatement objects and replaced them with hard-surfaced parking lots, roads, vehicles, and buildings. Unfortunately, the noise absorption of that area remains greatly reduced, making it more noisy. Even the neighborhood deer tend to avoid going there. Not only is the constant drone of annoying noise from vehicles on the freeway heard, but freeway vehicles can now be seen.

Mayor Neitzke added that east of Loomis Road and west of 76th Street require sound barriers as well.

Alderson Bailey said that it's very loud by his constituents from 76th Street and 84th Street.

Mayor Neitzke spoke about the resolution: prioritizing locations, that DOT should perform a sound study of the entire area, and that they need to find funding for the rest of the sound barriers.

Alderson Kastner, Mayor Neitzke, and Jeff Katz, director of Neighborhood Services, discussed the cost if the city performed the sound study, and the firm declined the study but suggested other firms that might perform the study. Mayor Neitzke said that is why we should require the DOT to do the sound study, since they have all the engineering firms locked up that do sound studies.

There was discussion about which maps were Exhibit A and Exhibit B. Mayor Neitzke spoke about the priority areas: the four panels past 51st Street, 51st Street to Loomis Road, all the southern dots on the Project Scope Overview sheet, between 60th Street to 68th Street, and wherever feasible to protect the single-family homes at a point to be defined. The next most critical area is to the west of 68th Street to 74th Street, and then 60th Street to 68th Street on the north side of the freeway.

Mayor Neitzke and Mr. Katz discussed the upcoming I-894 construction project.

Alderson Akers, Alderson Saryan, and Alderson Kastner talked about how if they put sound barriers on the south side, then it would create more noise on the north side.

Motion by Alderson Kastner, seconded by Alderson Akers to approve as presented, attaching Exhibit A, which includes Exhibit B, for the areas in which barriers should be studied and, legally, should be installed. On a roll call vote, motion carried unanimously.

7. Approve an amendment to an existing license agreement with WE Energies, for the Powerline Trail Phase 2. (Katz)

Motion by Alderson Akers, seconded by Alderson Bailey to approve.

Under discussion, Mr. Katz said that they are going to construct it this summer, around May, and it should be done by September. It will be from 60th Street to 35th Street by Pondview Park.

On a roll call vote, motion carried unanimously.

8. Discussion and decision to update the job description of Accountant in the Finance Department. (P. Schafer)

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

9. Resolution approving an Amended and Restated Development Agreement by and between the City of Greenfield and Cobalt Loomis, LLC ("Developer"), for development within the area known as Loomis Crossing. (Porter)

Deb Tomczak, our counsel from Reinhart, was present.

Ms. Tomczak explained the financial model, that interest rates and construction costs have gone up, the previous Development Agreement was not financially feasible for the developer to move forward, the increment, the efforts between Ehlers and Cobalt to make sure it works and is financially feasible for both parties, the revaluation city-wide was good, the impact on the Tax Increment Districts, the new Developer Agreement, the South Phase, Cobalt's investments and the status in the project, the north area, Cobalt's covenants, the revenue, the cushion to cover debt and how it works, the donations from TID 6, which is 84th South, to TID 8, which is Loomis Crossing, Cobalt's good faith to continue construction, the acquisition funding, pursuing potential developments, and the modeling process.

Alderperson Akers and Ms. Tomczak discussed the TIF donations and said that the funds don't need to be given back.

Alderperson Kastner and Ms. Tomczak spoke about the corner parcels, Café Hollander, and the Feisty Loon at 84th South, which is what agenda item J10 is about. It's talking about taking back the 84th South Fourth and Fifth Amendments to the Developer Agreements. The Fourth Amendment was the corner parcel restaurants, and it's not financially feasible today, so they are rolling it back. The Fifth Amendment to the Development Agreement for 84th South also pulls back the 92nd Street apartments. It doesn't provide any incentives or development for the projects. Mayor Neitzke said that it was not feasible. Ms. Tomczak spoke about the process: that the interest rates and construction rates increased, that the revaluation declined the tax-assessed value, and that the property tax rate decreased.

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

Under discussion, Ms. Tomczak said that in TID 6, there are two existing municipal revenue obligations that have been issued and that those would be refinanced as part of this. Mayor Neitzke spoke about note anticipation notes (NANs), interest rates, and the financial model.

On a roll call vote, motion carried unanimously.

10. Resolution approving a Sixth Amendment to the Development Agreement by and between the City of Greenfield, Greenfield Development Partners, Inc. and Greenfield Development Partners Holdings, LLC (collectively, "Developer"), pertaining to development within Tax Incremental District No. 6. (Porter)

Ms. Tomczak spoke about taking the two amendments that were previously adopted and entered into 84th South to eliminate the restaurants at this point and time and to eliminate the apartment incentives on 92nd Street. She said that we can revisit those as they become financially viable.

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

Alderperson Drzewiecki spoke about the rates dropping in the future and that, until they do, it's too expensive for developers to develop.

Alderperson Akers and Mayor Neitzke talked about the sewer line from 92nd Street to 99th Street and the Powerline Trail Phase 4.

11. Common Council to go into closed session pursuant to Wis. Stat. § 19.85(1)(e) for deliberating and/or negotiating the investment of public funds or conducting other specified business when competitive or

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bargaining reasons require a closed session, specifically: reviewing a Real Estate Purchase and Sale Agreement for the redevelopment of Spring Mall. (11/29/23 F&HR S. Saryan)

No action taken; stayed in open session.

12. Adjourn closed session and reconvene into open session.

No action taken; stayed in open session.

13. Discussion and possible action regarding a Real Estate Purchase and Sale Agreement for the redevelopment of Spring Mall. (11/29/23 F&HR S. Saryan)

Ms. Tomczak explained the Request for Proposal responses they received, that they wanted a contract with the Mandel Group, the contingencies, the timeline, the extension fees, that they signed the contract, the deadlines, and that it is consistent with what was discussed last time.

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve and authorize the mayor and the city clerk to sign the agreement and staff to sign. On a roll call vote, motion carried unanimously.

The Council thanked Ms. Tomczak for all her work.

- K. Items for future agenda

NANs

Mayor Neitzke said that he authorizes the fire chief to execute the fire truck purchase. He spoke about the payments and the State Trust Fund Loan.

Mayor Neitzke authorized Randy Esch, the superintendent of Public Works, to put in the order for the single-axle trucks to be purchased for the Department of Public Works, as long as there isn't any financial commitment.

- L. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Bailey to adjourn at 8:17 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 2/05/2024

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3961

A RESOLUTION RELATING TO THE CONSTRUCTION OF SOUND BARRIERS ALONG INTERSTATE
HIGHWAYS IN THE CITY OF GREENFIELD

WHEREAS, the City of Greenfield, Wisconsin's 20th largest municipality by population, is dominated by the Interstate Highway System, with hundreds of thousands of City residents abutting or living within a few miles of Interstate highways having traffic counts exceeding 100,000 vehicles daily; and,

WHEREAS, the close proximity to Interstate highways has an immediate detrimental impact on City residents' health and safety, including sound and air pollution and vehicle containment issues; and,

WHEREAS, the State of Wisconsin DOT (WDOT) has jurisdictional control over the planning, design, construction, and maintenance of the state's Interstate highways; and,

WHEREAS, WDOT has long recognized the need for sound barriers in Greenfield, and has even planned for their installation in the past, but has never followed through on the necessary work; and,

WHEREAS, the legislature recently recognized the need for sound barriers along US 894 and provided \$7 million for the project, but WDOT has indicated that the funding is inadequate for the project area, despite WDOT having helped define it, and has asked Greenfield to help further limit the scope; and,

WHEREAS, while the City appreciates that current State funding is inadequate, and that significant sound studies are required to validate sound barrier construction, Greenfield strongly believes that sound barriers are obviously appropriate, and in fact necessary, along all Interstate highways in Greenfield to protect residents' health and safety, and that the necessary studies would certainly validate as much.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that all studies, planning, and engineering required to install sound barriers along all Interstate highways in Greenfield must be undertaken by the WDOT to protect Greenfield residents' health and safety; and,

BE IT FURTHER RESOLVED, that additional funding to construct sound barriers for the entire area recently defined by WDOT must be secured; as identified on Exhibit A hereto; and,

BE IT FURTHER RESOLVED that, until such additional funding is procured, the City believes that available funding should be spent on those areas of greatest need in the City, which are listed, in order of importance, on Exhibit B hereto.

Michael J. Neitzke, Mayor

This is to certify that the foregoing resolution as adopted by the Common Council of the City of Greenfield, Wisconsin, at a meeting held on the 2nd day of January, 2024.

Jennifer Goergen, City Clerk

RESOLUTION NO. 3962

Resolution approving an Amended and Restated Development Agreement by and between the City of Greenfield and Cobalt Loomis, LLC (“Developer”), for development within the area known as Loomis Crossing.

WHEREAS, Developer and the City entered into a Development Agreement dated as of May 4th, 2021, a First Amendment to Development Agreement dated November 1, 2022 and a Second Amendment to Development Agreement dated November 1, 2022 (collectively, the “Original Development Agreement”), pursuant to which Developer acquired all of the Property, demolished existing improvements, installed certain new public infrastructure, and prepared portions of the Property for redevelopment (the “Project”), and the City amended the project plan of Tax Increment District No. 6 (“District 6”) to allocate positive tax increments to District 8 to fund project costs to facilitate the development of the Project; and,

WHEREAS, adverse economic conditions and a City-wide revaluation (effective as of January 1, 2023) during the development of Property south of I-43/894 (the “South Phase”) have made the completion of the development of the South Phase financially infeasible and development of the North Phase currently infeasible as originally contemplated; and,

WHEREAS, the City desires to encourage economic development, expand its tax base, and create new jobs within the City, Tax Incremental District No. 8 (“District 8”) and the Property, all in furtherance of and in compliance with the TID Project Plan; and,

WHEREAS, the City finds that the development of the Property and the fulfillment of the terms and conditions of this Agreement are in the vital and best interests of the City and its residents and serve a public purpose in accordance with state and local law; and,

WHEREAS, the City further finds that disruption of redevelopment of the South Phase and delayed development of the North Phase will have significant adverse impacts on the City.

WHEREAS, the City and Developer have negotiated an Amended and Restated Development Agreement meeting the needs necessary to continue development within the Property; and,

WHEREAS, Wisconsin Statutes require that the provision of any incentives through a TID requires a development agreement between the City and the developer.

NOW, THEREFORE BE IT RESOLVED that the City of Greenfield hereby authorizes as follows:

1. An Amended and Restated Development Agreement by and between the City of Greenfield and Developer for development within the area known as Loomis Crossing in the form as attached is hereby approved subject to any revisions deemed non-material and necessary by the City Attorney to effectuate the purposes of the Development Agreement.

2. The Mayor, City Clerk and other necessary officers are hereby authorized and directed to execute and deliver the aforesaid Amended and Restated Development Agreement on behalf of the City of Greenfield.

3. The Mayor, City Clerk and other necessary officers are further authorized to execute any documents approved by the City Attorney which are, in the opinion of the City Attorney, reasonably contemplated by the Amended and Restated Development Agreement or necessary to effectuate the purposes of the same.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 2nd day of January, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3963

Resolution approving a Sixth Amendment to the Development Agreement by and between the City of Greenfield, Greenfield Development Partners, Inc. and Greenfield Development Partners Holdings, LLC (collectively, “Developer”), pertaining to development within Tax Incremental District No. 6.

WHEREAS, the project plan for District 6 was amended in 2022 to add an additional 23 acres at the northwest corner of I-43/894 and 92nd Street (“Added Land”); and,

WHEREAS, in connection with the 2022 project plan amendment, the parties entered into the Fourth Amendment to facilitate the development of two restaurant pads on the Available Pads, which were anticipated to be assessed at not less than \$4 million as of January 1, 2026, provided that a tax increment incentive of \$5 million would be made available; and,

WHEREAS, the parties also entered into the Fifth Amendment to facilitate the development of fifteen new multifamily buildings and two additional commercial buildings on the Added Land anticipated to yield positive excess tax increment, a portion of which could be transferred from District 6 to Tax Incremental District No. 8 (“District 8”); and,

WHEREAS, adverse economic conditions and a City-wide revaluation (effective as of January 1, 2023) render the development of the Available Pads as contemplated in the Fourth Amendment and the development of the Added Land as contemplated in the Fifth Amendment currently infeasible; and,

WHEREAS, accordingly, the parties have agreed to amend and supersede the Fourth Amendment and the Fifth Amendment to render such amendments null and void and of no further force and effect; and,

WHEREAS, the City has processed an additional amendment to the project plan for District 6 (“TID Amendment”) to authorize allocation of additional positive excess tax increments from District 6 to District 8 in accordance with the Projections as such Projections may be modified and in accordance with the Amended and Restated Development Agreement entered into as of January 2, 2024 by and between Cobalt Loomis, LLC and the City (“Loomis Agreement”); and,

WHEREAS, Wisconsin Statutes require that the provision of any incentives through a TID requires a development agreement between the City and the developer.

NOW, THEREFORE BE IT RESOLVED that the City of Greenfield hereby authorizes as follows:

1. A Sixth Amendment to the Development Agreement by and between the City of Greenfield and Developer pertaining to development within Tax Incremental District No. 6 in the form as attached is hereby approved subject to any revisions deemed non-material and necessary by the City Attorney to effectuate the purposes of the Development Agreement.
2. The Mayor, City Clerk and other necessary officers are hereby authorized and directed to execute and deliver the aforesaid Sixth Amendment to the Development Agreement on behalf of the City of Greenfield.

3. The Mayor, City Clerk and other necessary officers are further authorized to execute any documents approved by the City Attorney which are, in the opinion of the City Attorney, reasonably contemplated by the Sixth Amendment to the Development Agreement or necessary to effectuate the purposes of the same.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 2nd day of January, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk