

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, FEBRUARY 20, 2024

A. Call to Order & Roll Call

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

Present: Alderpersons Karl Kastner, Pamela Akers, Shirley Saryan

Excused: Andrew Drzewiecki, Bruce Bailey

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 Pastor Vik.

C. Pledge of Allegiance

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

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

E. Approval of the February 6, 2024 Common Council minutes

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

F. Mayor's Report

Mayor Neitzke said that thoughts and prayers go out to the two responding police officers and a firefighter who were killed out of state. He spoke about The Turf and the benefit on June 15 and thanked staff and supporters. This project isn't using tax dollars; it's using park fees, billboard revenue, a cell tower, and other funding sources.

G. Aldermanic Reports

Alderperson Akers and Mayor Neitzke discussed the Park and Recreation Banquet, which is on Friday, February 23, 2024.

H. Announcements

I. Citizen Commentary

Stanley Painter, 4408 S. 43rd Street, signed up for Citizen Commentary but wanted to comment on agenda item J1 regarding Scooters Coffee.

J. Public Hearings

1. Public Hearing on a Special Use Permit for proposed construction of Scooters Coffee, a new limited-service restaurant to be located at 4160 W. Loomis Rd., submitted by Davinder Toor, d/b/a Brew City Coffee, LLC. (Tax Key No. 600-9970-011) (PC-1/9/24 Kastner)

Mayor Neitzke explained the public hearing process.

The public hearing opened at 7:11 PM.

Kristi Porter, the Community Development Manager, presented the site information, description of business, hours of operation, parking, traffic flow, site improvements, building design, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Mayor Neitzke expanded upon the traffic concerns. Jeff Katz, director of Neighborhood Services, added that in 2025, 43rd Street will be redone. The mayor spoke about putting a traffic signal on 43rd Street and Cold Spring Road.

Mayor Neitzke introduced Stanley Painter, 4408 S. 43rd Street, who was registered to speak for informational purposes only. Mr. Painter and Mayor Neitzke discussed the traffic, the property line,

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43rd Street, Loomis Road, the other Scooters Coffee locations, the distance between the Scooters Coffee driveway and their neighbor's house, and the Loomis Road Starbucks' car stacking issues. Alderperson Akers said that Starbucks is busy all the time and that there's an issue with cars stacking onto Layton Avenue. Mayor Neitzke spoke about the grant funding and coordinating with the Department of Transportation on the stop lights at 43rd Street and Cold Spring Avenue. Mr. Painter stated that his main concern was the added traffic in front of his house during rush hour.

Clarice Kisch, 4424 S. 43rd Street, who was registered as speaking against, shared her concerns about the Scooters driveway location, the fence, the driveway closeness to their property, and the vehicle emissions. Mayor Neitzke spoke about the traffic, the fence, sidewalks, and obtaining grants for road repairs. Alderperson Akers and Mr. Katz discussed left arrows at the lights on 43rd Street and Cold Spring Road. Mrs. Kisch discussed the sidewalks, their cost, and the old George Webb lot zoning. There was a discussion about the Scooters driveway location and why it wasn't on Loomis Road.

Jim Ninko, 4411 S. 43rd Street, was registered as speaking against. He stated his concerns about traffic in the curb lanes and traffic.

There was a discussion about the landscaping, the fence plan, a cul-de-sac, and the parking lanes.

Pieter Gallagher, 4980 S. 43rd Street, who was registered as speaking against. He spoke about losing a local business to a corporate coffee shop and the traffic pattern regarding Starbucks.

Those that were registered against but not speaking were Rita Siudak, 4416 S. 43rd Street, and Tricia Painter, 4408 S. 43rd Street.

Motion by Alderperson Akers, seconded by Alderperson Kastner to close the public hearing at 8:06 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for proposed construction of Scooters Coffee, a new limited-service restaurant to be located at 4160 W. Loomis Rd., submitted by Davinder Toor, d/b/a Brew City Coffee, LLC. (Tax Key No. 600-9970-011) (PC-1/9/24 Kastner)
Place on next agenda.
- b. Approve Site, Landscaping, and Architectural Plans for proposed construction of Scooters Coffee, a new limited-service restaurant to be located at 4160 W. Loomis Rd., submitted by Davinder Toor, d/b/a Brew City Coffee, LLC. (Tax Key No. 600-9970-011) (PC-1/9/24 Kastner)
Place on next agenda.
2. Public Hearing on a Special Use Permit for Stasis Health & Wellness, a proposed massage therapy business to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6, submitted by Shannon Kamine, d/b/a Stasis Health & Wellness. (Tax Key No. 620-9965-001)

The public hearing opened at 8:09 PM.

Mrs. Porter 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.

The applicant was present and is in favor.

Motion by Alderperson Kastner, seconded by Alderperson Akers to close the public hearing at 8:10 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Stasis Health & Wellness, a proposed massage therapy business to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6, submitted by Shannon Kamine, d/b/a Stasis Health & Wellness. (Tax Key No. 620-9965-001) (PC-1/9/24

Kastner)

Motion by Alderperson Akers, seconded by Alderperson Kastner to approve agenda items J2a and J2b. On a roll call vote, motion carried unanimously.

- b. Approve a Site Plan Review for Stasis Health & Wellness, a proposed massage therapy business to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6, submitted by Shannon Kamine, d/b/a Stasis Health & Wellness. (Tax Key No. 620-9965-001) (PC-1/9/24 Kastner)

Approved under agenda item J2a.

3. Public Hearing on an Ordinance to amend Section 21.06.0103 of the Municipal Code pertaining to stormwater management plan requirements. (PC-2/13/24 Kastner)

The public hearing opened at 8:11 PM.

Mrs. Porter presented the existing ordinance's language and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Motion by Alderperson Akers, seconded by Alderperson Saryan to close the public hearing at 8:12 PM. Motion carried unanimously.

- a. Approve an Ordinance to amend Section 21.06.0103 of the Municipal Code pertaining to stormwater management plan requirements. (PC-2/13/24 Kastner)

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

K. Old Business

1. Appointments to various committees and commissions:

- a. Mayor appointments, confirmed by Council:

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

Place on next agenda.

2. Approve a Resolution for a Special Use Permit for a proposed liquor store at Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., submitted by Yash Patel, d/b/a Falcon One Inc. (Tax Key No. 563-9986-008) (PC-10/10/23 Kastner) (CC-12/05/23)

Mayor Neitzke said that the applicant or their representative was in the audience, the City Attorney's legal advice, that this is a combined use situation, read Section 21.03.0210 of the Municipal Code, spoke about the NAICS Code, and that there isn't a provision where it is permitted that both uses can be combined. Mrs. Porter confirmed that because the zoning code is silent so it's not permitted, which is what the City Attorney stated. Mayor Neitzke added that because it's not permitted, no action is required, or the action is to deny because zoning doesn't allow it, or to deny the resolution for a Special Use Permit as presented for the reasons provided.

Attorney Brian Randall, Amundsen Davis LLC, 111 E. Kilbourne Avenue, Milwaukee, said he represented the Special Use and the licensed applicant. He spoke about how, if it's denied, the remedy would be Act 67, which is to go to Circuit Court. He spoke about his recommendations and other places that had multiple uses. Mayor Neitzke said that there is no litigating here and stated the City Attorney's advice.

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

3. Approve a Site Plan Review for a proposed liquor store at Nexus Vape N Smoke, an existing business located at 3765 S. 108 St., submitted by Yash Patel, d/b/a Falcon One Inc. (Tax Key No.: 563-9986-008) (PC-10/10/23 Kastner) (CC-12/05/23)

Mayor Neitzke spoke about the Site Plan Review, the hours of operation in the resolution, and the window signage rules. He said that the original Special Use is in violation and that needs to be corrected. There was a discussion about the first review not being followed.

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve the Site Plan Review that was initiated as a result of the proposed liquor store, which was part and parcel looking at a Special Use Review for the existing business. Alderperson Kastner added that he is reaffirming the original, existing Special Use and the landscape review, which were ultimately reduced in the form of the initial, original Special Use resolution.

On a roll call vote, motion carried unanimously.

4. Approve application for a 2023-2024 Combination "Class A" fermented malt beverage and liquor license for Falcone One Inc, Kulwant Singh, Agent, for the property at 3765 S. 108th St. (Nexus Vape N Smoke). Retail shopping plaza unit number 3765 where alcohol will be sold and stored. Most alcohol will be in the front for display and in the back 2 rooms for backstocked. Records will be stored in the right office located at 3765 S 108th St. (Goergen)

Mayor Neitzke explained the distinction in the considerations made for both. He read some of the City Attorney's advice regarding an alcohol license, and stated that it didn't violate the attorney-client privilege.

Alderperson Kastner and Mayor Neitzke discussed the size of the vape shop, its existing condition, if it would make sense to deny it, potential spaces within the strip mall to expand their space, that the applicant wants both special uses and wants to operate as a combined liquor store and tobacco establishment, the current space, and the plan from Attorney Randall provided at the 12-5-2023 Common Council meeting.

Attorney Randall spoke about the application and the license qualifications. Mayor Neitzke talked about a special use business requesting a second special use. Attorney Randall talked about what's arbitrary, his recommendations, and the floor plan.

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

L. New Business

1. Claim received from Laura Thomas. (Goergen)
Referred to the City Attorney.
2. Claim for excessive assessment received from Piero Simoni. (Goergen)
Referred to the City Attorney.
3. Claim received from Rami McGee. (Goergen)
Referred to the City Attorney.
4. Summons & Complaint received from U.S. Bank National Association, as Trustee for First Franklin Mortgage Loan Trust re: Foreclosure of Mortgage 30404. (Goergen)
Referred to the City Attorney.
5. Resolution disallowing the claim of Arthur Marasco regarding alleged damages to his vehicle on January 12, 2024. (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve to disallow. On a roll call vote, motion carried unanimously.
6. Resolution appointing additional election inspectors for 2024-2025. (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve. On a roll call vote, motion

carried unanimously.

7. Approve application for a 2023-2024 operator license (Goergen)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve subject to all the terms and conditions. Motion carried unanimously.
8. Approve a change of agent from Anthony Ciardo to Robert Michael Kaminski, S69 W14352 Cornell Drive, Muskego, WI 53150, for the 2023-2024 "Class A" Combination Fermented Malt Beverage and Liquor Retailer's License held by Mega Marts LLC, 4279 S. 76th St. (Metro Market #887) (Goergen)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. Motion carried unanimously.
9. Approve a contract for the Konkel Park West Nature Shelter to Moore Construction Services in the amount of \$ 675,140. (S. Jaquish).
Mayor Neitzke thanked Mr. Katz and Scott Jaquish, the director of Parks and Recreation, for being creative in their bidding and finding ways to lessen the cost.

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.
10. Discussion and decision to approve entertainment and production contracts, subject to City Attorney review, for June TURF event and corresponding authorization of payment from Quality of Life Fund for payment of event expenditures in an amount not to exceed \$20,000. (Jaquish)
Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve.

Under discussion, Mayor Neitzke talked about the event on June 15th and that it's moving very quickly.

On a roll call vote, motion carried unanimously.
11. Approve fund transfers between capital improvement accounts. (Katz)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve. On a roll call vote, motion carried unanimously.
12. Approve an agreement with the Milwaukee Metropolitan Sewerage Commission (MMSD) for a project to make sanitary sewer lateral improvements in the city of Greenfield. (Katz)
Motion by Alderperson Akers, seconded by Alderperson Saryan to approve.

Under discussion, Mayor Neitzke spoke about the Green Luminary Award from MMSD regarding the Honey Creek project and the award ceremony.

On a roll call vote, motion carried unanimously.
13. Approve a contract for the project 2318 55th Street-Carpenter Avenue Improvements with Wolf Paving in the amount of \$ 341,609.80. (Katz)
Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve. On a roll call vote, motion carried unanimously.
14. Approve a contract for the project 2311 68th Street Concrete Replacement with A.W. Oakes & Son, Inc. in the amount of \$ 1,222,700.00. (Katz)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve.

Under discussion, Mr. Katz and Alderperson Kastner discussed whether they were new contractors and the grant money received.

On a roll call vote, motion carried unanimously.
15. Approve a contract for the project 2312 Mitchell Highlands Resurfacing Phase 2 with Payne & Dolan,

Inc. in the amount of \$ 645,977.50. (Katz)

Motion by Alderperson Kastner, seconded by Alderperson Akers to approve in the amount of \$645,978.00. On a roll call vote, motion carried unanimously.

16. Approve a Certified Survey Map for a proposed land combination of 4000 S. 92 St. and 9137 W. Waterford Ave., submitted by Donald and Sharon Berlin, property owners. (Tax Key Nos. 569-1057-005 and 569-1031-001) (PC-2/13/24 Kastner)

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

Under discussion, Mayor Neitzke said that it's the property that's being combined with a residential house, and it's the house that the city was instrumental in getting foreclosed and torn down many years ago. That neighborhood is kind of strange in many ways. It's a tiny lot. We made a curb cut large enough for a garage to be on this parcel. The owner combined this as a request into one CSM, and Mayor Neitzke would be very supportive in the future, in the event that there's improvement in this area with regard to the garage request. It would likely have to go before the Zoning Board of Appeals regarding having two garages. There was a discussion about having two garages on one parcel.

On a roll call vote, motion carried unanimously.

17. Approve a Special Use Review for proposed hours of operation change to Melt N Dip, located at 7820 W. Layton Ave., submitted by Heba Awadallah, d/b/a Melt N Dip, remaining open until 2:00am only during the month of Ramadan in 2024. (Tax Key No. 605-9956-005) (PC-2/13/24 Kastner)

Mayor Neitzke stated that the hours would be that they would remain open until 2:00 AM only during the month of Ramadan in 2024; it's not a permanent change, and to see how it goes this year.

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

18. Discussion and decision to approve the service agreement between IROL and the Greenfield Fire Department (D. Weber)

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

19. Approval of schedules of disbursements in the amount of \$725,283.93. (Schafer)

Motion by Alderperson Saryan, seconded by Alderperson Akers to approve agenda L19-L21. On a roll call vote, motion carried unanimously.

20. Approval of mileage reimbursements in the amount of \$569.43. (Schafer)

Approved under agenda item L19.

21. Accept January 2024 investments and reinvestments. (Schafer)

Approved under agenda item L19.

22. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(b) & (f), considering licensure, social or personal history, or medical information, for purposes of issuing a 2023-2024 operator license to the following:

- a. Gabrielle Nicole Hanley

Motion by Alderperson Akers, seconded by Alderperson Saryan to go into closed session at 9:05 PM. On a roll call vote, motion carried unanimously.

23. Adjourn closed session and reconvene into open session.

Motion by Alderperson Kastner, seconded by Alderperson Akers to adjourn closed session and reconvene into open session at 9:20 PM. Motion carried unanimously.

24. Decision re: 2023-2024 Operator's License for Gabrielle Nicole Hanley. (Goergen)

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

M. Items for future agenda

N. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Saryan to adjourn at 9:22 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 2/23/2024

SIGN UP SHEET
CITIZEN COMMENTARY OF COMMON COUNCIL AGENDA

TO OPERATE IN AN ORDERLY AND EFFECTIVE FASHION, THE COMMON COUNCIL IS GOVERNED BY RULES THAT ESTABLISH CLEAR PROCEDURES FOR TONIGHT'S MEETING.

SPEAKING BEFORE THE COMMON COUNCIL IS A PRIVILEGE AFFORDED UNDER THE RULES. THE COMMON COUNCIL BY ITS RULES, HAS ALLOTTED 30 MINUTES FOR CITIZEN COMMENTARY. WE ASK THAT ANYONE WISHING TO SPEAK BE RESPECTFUL AND COURTEOUS. THREATENING, DEMEANING, INSULTING, DISRUPTIVE AND DISRESPECTFUL COMMENTS AND/OR ACTIONS DURING THE MEETING WILL NOT BE TOLERATED AND THE INDIVIDUAL RESPONSIBLE WILL BE RULED OUT OF ORDER. WHEN ADDRESSING THE COMMON COUNCIL, STATE YOUR NAME AND ADDRESS FOR THE RECORD AND DIRECT ALL REMARKS TO THE COUNCIL.

THANK YOU FOR YOUR COOPERATION.

	<u>Name</u>	<u>Address</u>
1.	SPALCEY PAINTER	4408 S 43RD ST
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ORDINANCE NO. 3024

ORDINANCE TO AMEND SECTION 21.06.0103 OF THE MUNICIPAL CODE PERTAINING TO
STORMWATER MANAGEMENT PLAN REQUIREMENTS.

The Common Council of the City of Greenfield do ordain as follows:

PART I. Subsection 21.06.0103.E. of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

* * *

E. *Storm sewers.* When required by the City, the developer shall assume the cost of installing all required storm sewers.

* * *

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

PART IV. 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 20th day of February, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 3975

Special Use Permit for Stasis Health & Wellness, a proposed massage therapy business, to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6, submitted by Shannon Kamine, d/b/a Stasis Health & Wellness. (Tax Key No. 620-9965-001)

WHEREAS, Shannon Kamine, d/b/a Stasis Health & Wellness, 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 Stasis Health & Wellness, a proposed massage therapy business, to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on February 20, 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, Shannon Kamine, d/b/a Stasis Health & Wellness, resides at 4017 S. 1st St., Milwaukee, WI 53207.
2. The property is owned by J&J Investments of MKE, LLC, 11220 W. Carroll Circle, Franklin, WI 53132.
3. Stasis Health & Wellness will occupy approximately 120 sq. ft. of the multi-tenant commercial building located at 4958 W. Loomis Rd., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

That part of the Northeast $\frac{1}{4}$ of Section 26, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, State of Wisconsin, which is bounded and described as follows:

Commencing at point that is 176.5 feet East of and 124' North of the Southwest $\frac{1}{4}$ of said $\frac{1}{4}$ Section, said point being the point of beginning of lands to be described; thence North 183.40 feet to a point; thence East 176.50 feet to a point; thence South 226.40 feet to a point; thence Northwesterly 181.06 feet to the point of beginning. Excepting therefrom those parts take for public street purposes.

Tax Key No. 620-9965-001

Said land being located at 4958 W. Loomis Rd.

4. The applicant is proposing to establish a massage therapy business within the existing salon suite commercial building.
5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning

Ordinance of the City of Greenfield, which permits Offices of All Other Misc. Health Practitioners (massage therapists) 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 W. Loomis Rd. commercial corridor. Properties to the south, north, and east are developed as commercial. Properties to the west are developed as residential.

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 Shannon Kamine, d/b/a Stasis Health & Wellness to establish a proposed massage therapy business, to be located within Suites on Loomis at 4958 W. Loomis Rd., Suite 6, 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 January 9, 2024 and by the Common Council on February 20, 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 Stasis Health & Wellness will be 8:00am – 8:00pm, daily.
4. Off-Street Parking. A total of 3 off-street parking stalls are required for Stasis Health & Wellness. The entire multi-tenant commercial building requires a total of 42 off-street parking spaces. The property will provide 42 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.

Shannon Kamine, d/b/a Stasis Health & Wellness

Jasmine or Jesus Mercado, d/b/a J&J Investments of MKE

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 20th day of February, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3976

A RESOLUTION DISALLOWING THE CLAIM OF ARTHUR MARASCO REGARDING
ALLEGED DAMAGES TO HIS VEHICLE ON JANUARY 12, 2024

WHEREAS, Arthur Marasco submitted a claim on January 25, 2024; and

WHEREAS, the claimant alleged that, on or about January 12, 2024, the claimant's vehicle, while parked in front of a residence located at 4076 S. 57th Street, in the City of Greenfield, incurred damage when a section of a tree fell on it. There were two estimates of repair submitted with the claim, the higher of which is the sum of \$9,266.62.

WHEREAS, the City's Attorney's Office has reviewed the facts and circumstances relating to the claim and recommends that the Common Council disallow the claim.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that the claim of Arthur Marasco is disallowed.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a copy of this disallowance to claimant and claimant is hereby advised that legal action to collect on this claim be commenced within six (6) months of the date of disallowance or be barred.

Approved:

Michael J. Neitzke, Mayor

Date Approved:

This is to certify that the foregoing Resolution was adopted by the Common Council of the City of Greenfield, Wisconsin, at a meeting held on the 20th day of February, 2024.

Jennifer Goergen, City Clerk

RESOLUTION NO. 3977

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 Carolyn Little; and

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

Carolyn Little, 3661 S. 34th St., Greenfield, WI 53221

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of February, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk