

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, MARCH 5, 2024

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 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; Elaine Ekes, City Attorney.

B. Opening Prayer

An opening prayer was given by Chaplain Leggett.

C. Pledge of Allegiance

D. Approval of the February 20, 2024 Common Council minutes

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

Mayor Neitzke went to agenda item E1.

E. Mayor's Report

Mayor Neitzke spoke about Mrs. Porter's departure from the City, that she will be the Economic Development Director in Oak Creek and is glad to have worked with her over the years.

Mayor Neitzke went to agenda item M.

1. A Resolution To Memorialize And Approve The Execution And Submission Of A Ballot Related To The Second Amended Joint Chapter 11 Plan Of Reorganization Of Endo International PLC And Its Affiliated Debtors As Recommended By The Official Committee Of Opioid Claimants

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

F. Aldermanic Reports

G. Announcements

Alderperson Kastner complimented the Department of Public Works for doing a good job during the storm a couple of months ago, and Mayor Neitzke thanked them for continuing to pick up storm damage.

H. Citizen Commentary

I. Public Hearings

1. Public hearing on the discontinuance of general right-of-way immediately east of 2801 W. Mallory Ave. (PC-2/13/24 Kastner)

The public hearing opened at 7:05 PM.

Kristi Porter, Community Development Manager, presented the location, that the land would go back to the homeowner, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Dan Link, owner of Pet World, and Mrs. Porter discussed that it goes back to the homeowner because it was originally their land and the history.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to close the public hearing at 7:08 PM. Motion carried unanimously.

- a. Approve a Resolution discontinuing general right-of-way immediately east of 2801 W. Mallory Ave. (PC-2/13/24 Kastner)

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

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

J. 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 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) (CC: 2/20/24)

Mayor Neitzke said that agenda items J2 and J3 were placed here because the alderperson of the district wasn't available at the last meeting.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve agenda items J2 and J3 as presented and amended.

Under discussion, Mayor Neitzke spoke about the fence, that the applicant is present, the potential for more striping on the parking lane on 43rd Street, and that the driveway could not be moved.

Davinder Toor, the applicant and developer, spoke about the meeting with the neighbors, the traffic study, and the Landscape Plan.

Alderperson Akers and Mayor Neitzke discussed tapering the fence for visibility.

On a roll call vote, motion carried unanimously.

3. 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) (CC: 2/20/24)

Approved under agenda item J2.

4. Discussion and possible action on a motion to reconsider the Common Council's 2/20/24 Special Use Permit and Combination "Class A" alcohol license denials for Nexus Vape N Smoke. (PC-10/10/23 Kastner) (CC-12/05/23) (CC-2/20/24)

Mayor Neitzke said that it was recommended that it be reconsidered and placed on a future agenda. City Attorney Elaine Ekes confirmed and continued that she would like the opportunity to talk further with the Council regarding the applications. She recommended that someone who voted in the majority make a motion to reconsider the item and ask for another member of the body to second it and pass that motion. The second motion would be to postpone the item to a future agenda, which would be April 3, 2024.

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

Mayor Neitzke asked the applicant's attorney, who was present, which date they preferred. April 16th, 2024, was agreed upon.

Motion by Alderperson Drzewiecki, seconded by Alderperson Bailey to postpone to the April 16th, 2024, Common Council meeting. Motion carried unanimously.

K. New Business

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

1. Resolution disallowing the claim of Shawn Golla relating to property damage. (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Bailey to approve. On a roll call vote, motion carried unanimously.
2. Claim received from Adnan Assad. (Goergen)
Referred to the City Attorney.
3. Approve applications for 2023-2024 operator licenses (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve. Motion carried unanimously.
4. Approve application for a 2023-2024 "Class "B" Fermented Malt Beverage Retailer's License for Hasham Petroleum LLC, Shahzad Ahmad, Agent, for the property at 5235 W. Loomis Rd. (Hasham Citgo). Beer will be sold, served and stored in the restaurant area and records stored in the office located at 5235 W. Loomis Rd. If approved, business will surrender their 2023-2024 Class "A" Fermented Malt Beverage Retailer's License and "Class A" Liquor - Cider Only Retailer's License. (Goergen)
Attorney Ekes recommended that this item be postponed so they can request additional information and talk to the Council further. It should be postponed to the April 16th meeting.

Motion by Alderperson Akers, seconded by Alderperson Bailey to postpone until April 16th, 2024. Motion carried unanimously.
5. Approve a change of agent from Robert Vought to Dianna Figueroa, 1402 Summit Avenue, Racine, WI 53404, for the 2023-2024 "Class A" Combination Fermented Malt Beverage and Liquor Retailer's License held by Skogen's Foodliner, Inc, 4777 S. 27th St. (Festival Foods). (Goergen)
Motion by Alderperson Saryan, seconded by Alderperson Akers to approve. Motion carried unanimously.
6. 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 Women Riders Service Workshop on March 16, 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 Saryan, seconded by Alderperson Drzewiecki to approve agenda items K6 - K8 as presented. Motion carried unanimously.
7. 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 Grand American Launch Party on March 23, 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 K6.
8. 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 Spring Service Workshop on March 30, 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 K6.
9. Approve an Outdoor Special Event application for the House of Harley Pet Fest & Support the Troops Ride, to be located at 6221 W. Layton Ave, May 18, 2024. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Class "B" Retailer's License (beer),

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and Food. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve agenda items K9 - K11. Motion carried unanimously.

10. Approve an Outdoor Special Event application for the House of Harley 2024 Annual Law Enforcement WI COPS Charity Ride, to be located at 6221 W. Layton Ave, June 1, 2024. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Class "B" Retailer's License (beer), and Food. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Approved under agenda item K9.

11. Approve an Outdoor Special Event application for the House of Harley 2024 Annual Firefighter Charity Ride, to be located at 6221 W. Layton Ave, June 15, 2024. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Class "B" Retailer's License (beer), and Food. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Porter)

Approved under agenda item K9.

12. Discussion and decision to apply for a Milwaukee County Department of Transportation Special Event permit for the House of Harley event, to be located at 6221 W. Layton Avenue, July 24 – July 28, 2024. (Porter)

Mrs. Porter explained the OSE process when requesting to close Layton Avenue, where Layton Avenue would be closed, that it would come before the Council for the actual event, the alternate route, which is different this year.

Under discussion, Alderperson Akers and Mark McClain, representing House of Harley, discussed that businesses are being notified and that they will discuss it with King Dentistry.

Mayor Neitzke reiterated that this is for approving the permit issued by Milwaukee County regarding Layton Avenue.

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve. On a roll call vote, motion carried 4-1, with Alderperson Akers opposed. Those in favor were Alderpersons Drzewiecki, Bailey, Kastner, and Saryan.

13. Approve a Special Use Review for proposed hours of operation change to Qamaria Yemeni Coffee located at 4818 S. 76 St., Suite 7, submitted by Anas Alhurani, d/b/a Qamaria Greenfield, LLC, remaining open until 2:00am only during the month of Ramadan in 2024. (Tax Key No. 617-9983-014) (Porter)

Mayor Neitzke said that they requested that it be open until 2 AM only during the month of Ramadan 2024. This is an annual renewal process.

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

14. Approve an ordinance amending Section 8.07 of the Greenfield Municipal Code regarding no parking within 15 feet of an intersection where designated. (BPW-Ald. Bailey- 2/27/24)

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

15. Approve an amendment to Resolution No. 3317, establishing the annual Stormwater Utility Rate (BPW-Ald. Bailey- 2/27/24)

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

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Alderson Bailey and Alderson Akers discussed the rate.

On a roll call vote, motion carried unanimously.

16. Approve a contract for project #2325 Sanitary Sewer Lining with Visu-Sewer in the amount of \$ 403,785.00. (Katz)

Jeff Katz, director of Neighborhood Services, said that this is for the worst pipes scattered around Greenfield.

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

17. Approve a contract for project #2328 Sanitary Sewer Spot Repair with Mid City Corporation in the amount of \$ 102,075.00. (Katz)

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

18. Approve a Cost Sharing Memo of Understanding with the City of Milwaukee for a street improvement project on Howard Avenue. (Katz)

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

Mr. Katz said that this is from 43rd Street to 60th Street on Howard Avenue, and he said what the City of Milwaukee will be fixing.

On a roll call vote, motion carried unanimously.

19. Discussion and decision to transfer 2024 funds from the Community Development Authority account, the Plan Commission account, the Community Development account, and the Inspection Services account, to a project to be used in 2024. (2/28/24 F&HR S. Saryan)

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

20. Discussion and decision to approve the purchase of 2 single axle patrol trucks with dump body, plow, wing plow and salter and authorize City Clerk to sign Declaration of Official Intent. (2/28/24 F&HR S. Saryan)

Mayor Neitzke talked about how hard it is to obtain the trucks, that we need to commit to purchasing them, and that the payments aren't due until the end of the year.

Motion by Alderson Akers, seconded by Alderson Saryan to approve an amount up to \$650,000.00. On a roll call vote, motion carried unanimously.

21. Proceed as directed to authorize the City Attorney to communicate to West Allis that the Committee is in favor of the Southwest Suburban Health Department of Milwaukee County IGA Agreement, as well as the service Agreement - subject to further work required with respect to financial considerations and employment issues. (2/28/24 F&HR S. Saryan)

Attorney Ekes said that the Committee was in favor of the agreement, that there was sufficient notice on the agenda, and spoke about the agreements. She said that this should be the motion: motion to approve the agreement with the City of West Allis to establish the Southwest Suburban Health Department of Milwaukee County and to authorize the City Attorney to finalize the agreement substantially consistent with the recommendations of the Finance and Human Resources Committee that the City's allocation will be the levied amount of \$724,272, prorated for 2024, with future years at that amount plus the (net new construction percentage plus 1%), proration of revenues for permits and services for 2024, and receipt of employment offer letters; and to approve the form of Service Agreement between the new department and the City of West Allis, including the utilization of space at Greenfield City Hall. They recommended approval and to allow them to finalize it consistent with those

terms.

Motion by Alderperson Kastner, seconded by Alderperson Saryan to approve [the agreement with the City of West Allis to establish the Southwest Suburban Health Department of Milwaukee County and to authorize the City Attorney to finalize the agreement substantially consistent with the recommendations of the Finance and Human Resources Committee that the City's allocation will be the levied amount of \$724,272, prorated for 2024, with future years at that amount plus the (net new construction percentage plus 1%), proration of revenues for permits and services for 2024, and receipt of employment offer letters; and to approve the form of Service Agreement between the new department and the City of West Allis, including the utilization of space at Greenfield City Hall.]

Under discussion, Alderperson Kastner and Mayor Neitzke discussed removing "of Milwaukee County." Mayor Neitzke stated that the documents should reflect that removing "of Milwaukee County" is included. Attorney Ekes agreed. [Maker of the motion and seconder concurred.]

On a roll call vote, motion carried unanimously.

22. Discussion and decision to amend the Employee Classification ordinance effective March 5, 2024. (2/28/24 F&HR S. Saryan)

Mayor Neitzke said that this relates to seasonal and temporary employees in the Parks and Recreation department and that they don't use levied dollars.

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

Under discussion, Mayor Neitzke said that the Superintendent of Public Works should be coming forward with their employee classifications.

On a roll call vote, motion carried unanimously.

23. Approval of schedules of disbursements in the amount of \$29,418,252.50. (2/28/24 F&HR S. Saryan)
Motion by Alderperson Saryan, seconded by Alderperson Kastner to approve agenda items K23 - K24.

Under discussion, Mayor Neitzke spoke about the amount and the difficulty of recruiting people.

On a roll call vote, motion carried unanimously.

24. Approval of mileage reimbursements in the amount of \$839.85. (2/28/24 F&HR S. Saryan)
Approved under agenda item K23.

L. Items for future agenda

M. Adjourn

Mayor Neitzke circled back to agenda item E.

Motion by Alderperson Drzewiecki, seconded by Alderperson Akers to adjourn at 7:47 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 3/11/2024

ORDINANCE NO. 3025

AN ORDINANCE AMENDING SECTION 8.07 OF THE
MUNICIPAL CODE OF THE CITY OF GREENFIELD

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

PART I. Section 8.07 (6) of the Greenfield Municipal Code is hereby created to read as follows:

(6) Parking is not allowed within 15 feet of an intersection where designated by signs installed by the city.

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 5th day of March, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 3026

ORDINANCE AMENDING THE CITY OF GREENFIELD EMPLOYEE CLASSIFICATIONS

WHEREAS, the Common Council has previously adopted an Employee Classification, which was most recently amended by Ordinance No. 3012; and

WHEREAS, the Common Council wishes to amend the Classification Part V;

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

PART I. REGULAR EMPLOYEES: Regular employees are defined as employees that work forty (40) hours or more per week. Employees within this classification receive benefits pursuant to the governing ordinance or contract. Employees will be Civil Service or contract employees.

PART II. CONTRACT POSITIONS: Employees may be issued individual employment agreements, such as Department Heads, Managers, and/or Supervisors. Individual employment agreements shall specify work schedules, salary and benefits.

PART III. PART-TIME EMPLOYEES: Regular part-time employees are defined as employees that work ten (10) hours or more per week, but on average less than twenty-eight (28) hours per week. Employees within this classification receive limited benefits pursuant to the governing ordinance or salary resolution. Employees are not eligible for benefits; except those employees who meet eligibility for participation through the Wisconsin Retirement System as set forth by the Department of Employee Trust Funds.

PART IV. STUDENT INTERNS: Student interns are defined as interns who are also actively pursuing higher education in the area of their employment within the City. Student interns will be hired for a limited period of time for specific projects or jobs. Student interns may not be used to fill in for regular part-time and regular employee vacancies or absences.

The range of pay shall be prevailing minimum wage to \$12.00 per hour, except for special programs, as determined by the Director of Human Resources. There is no residency requirement. No other benefits contained in this Ordinance shall apply unless required by state or federal law.

PART V. NON-CLERICAL, PARK AND RECREATION EMPLOYEES: Park and Recreation employees will be generally hired for a limited period of time to work in City park and recreational facilities and should not exceed 600/1,200 hours per year without approval of the Human Resources Director. Seasonal Park and Recreation employees are exempt from the Civil Service and residency requirement.

Park and Recreation employees are not eligible for benefits; except those employees who meet eligibility for participation through the Wisconsin Retirement System as set forth by the Department of Employee Trust Funds.

The following is the wage schedule:

Position	Minimum	Maximum
Instructor I		
Leader I	\$11.00	\$12.00
Leader II	\$12.50	\$18.00
Coaches	\$11.00	\$17.00
Lifeguards	\$15.00	\$20.00
Special Events Assistant	\$11.00	\$20.00
Concession Staff	\$12.50	\$17.00
Admission Staff	\$12.50	\$20.00
Adult Sports Coordinator	\$11.00	\$18.00
Aquatic Site Coordinator	\$16.50	\$21.00
Site Coordinators	\$14.00	\$19.00
(Kids Connection, Summer Playgrounds, Enrichment)		
Parks Workers		
Parks Workers I	\$14.00	\$15.00
Parks Workers II	\$16.00	\$18.00
Instructor II		
Water Safety Instructors	\$16.00	\$21.50
Lifeguard Instructors	\$19.00	\$25.00
Recreation Assistant Coordinators	\$16.00	\$23.00
Instructor III		
Enrichment Instructor	\$20.00	\$25.00
Safety Instructor	\$19.00	\$25.00
Sports Camp Lead	\$18.00	\$25.00
Aquatic Instructor Trainer	\$23.00	\$30.00
Fitness Instructor	\$18.00	\$24.00
Event Specialist	\$20.00	\$28.00
Adult Sports Officials	\$25.00	\$33.00
Personal Trainers	\$22.00	\$30.00

PART VI. NON-CLERICAL, SEASONAL WORKER EMPLOYEES: Division of Public Works employees will be generally hired for a limited period of time to work in City assisting Public Works with a variety of tasks and should not exceed 600/1200 hours per year without approval of the Human Resources Director. Seasonal Division of Public Works employees are exempt from the Civil Service and residency requirement.

Division of Public Works employees are not eligible for benefits; except those employees who meet eligibility for participation through the Wisconsin Retirement System as set forth by the Department of Employee Trust Funds.

The following is the wage schedule:

Position	Minimum	Maximum
Seasonal Workers	\$14.50	\$16.50

PART VII. SEASONAL/CASUAL EMPLOYEES: Seasonal and casual employees will be hired for a limited period of time, less than 600 hours per year, to handle temporary or unusual increases in workload.

The starting rate of pay shall range from the state or federal minimum wage per hour to a maximum of \$12.00 per hour. The starting rate of pay will depend upon the employee's prior experience and the nature of the work to be performed. Due to the limited term of these employees, it is not anticipated that they would receive pay increases. There is no Civil Service requirement and no residency requirement. Employees are not eligible for benefits nor are they covered under the Wisconsin Retirement System.

PART VIII. TEMPORARY EMPLOYEES: Temporary employees are at-will employees and may be terminated at any time. Temporary employees will be hired to fill a specific vacancy for a limited period of time.

Temporary employees are paid in accordance with the appropriate starting rate of the position. Temporary clerical help shall be paid up to \$12.00/hour when used as fill in for vacations and sick leave, except those temporaries contracted through an employment agency, or those who were previously employed and can perform the functions of the job. Previously employed temporaries who can perform the functions of the job to which they are assigned may be paid a salary up to the minimum rate of the job if recommended by the Department Head and approved by the Director of Human Resources. Temporary employees are not eligible for fringe benefits. There is no Civil Service requirement and no residency requirement. No Department shall engage or hire a temporary employee without notification of, and approval by, the Human Resources Department.

PART IX. Hours of work for any of the above categories should not exceed the 600/1,200 hour limit without the approval of the Director of Human Resources. Employees must not meet eligibility for participation in the Wisconsin Retirement System.

PART X. All Department Heads are required to go through the Director of Human Resources or their appropriate Board/Commission to determine all new employees' hiring rate of pay and job classification. In cases of unexpected emergencies, only the Mayor may approve such hirings. Employees failing to follow this procedure will be subject to discipline up to and including termination.

PART XI. All employees covered herein are at-will employees and may be terminated at any time, except as may be required by the governing ordinance or contract. Nothing herein shall supersede any relevant salary resolution.

PART XII. All Ordinances or past provisions including rates of pay regarding employee classifications are hereby repealed if they are contrary to this Ordinance. Department Heads not complying with this procedure shall be subject to discipline up to and including termination.

PART XIII. 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 XIV: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART XV: 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 5th day of March, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Resolution No. 3978

**A RESOLUTION TO MEMORIALIZE AND APPROVE THE EXECUTION AND
SUBMISSION OF A BALLOT RELATED TO THE SECOND AMENDED JOINT
CHAPTER 11 PLAN OF REORGANIZATION OF ENDO INTERNATIONAL PLC AND
ITS AFFILIATED DEBTORS AS RECOMMENDED BY THE OFFICIAL COMMITTEE
OF OPIOID CLAIMANTS**

The Common Council of the City of Greenfield, Milwaukee County, Wisconsin do resolve as follows:

WHEREAS, in November 2019, the City of Greenfield engaged Phipps Ortiz Talafuse, LLC, previously operating under the name Phipps Deacon Purnell PLLC (the “Law Firm”) to pursue litigation against certain manufacturers, distributors and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the City’s expenditure of vast money and resources to combat the opioid epidemic; and

WHEREAS, on behalf of the City, the Law Firm filed a lawsuit against the Opioid Defendants; and

WHEREAS, Endo International PLC, an Opioid Defendant, filed for Chapter 11 bankruptcy in 2022; and

WHEREAS, as part of the Chapter 11 Bankruptcy proceedings, a Plan of Reorganization (the “Plan”) must be approved by the voting members of the Class; and

WHEREAS, the City was recently notified of its right (as a member of Class 6(B) Local Government Opioid Claims) to vote to accept or reject the Second Amended Joint Chapter 11 Plan of Reorganization of Endo International PLC and its Affiliated Debtors based on the claim that was submitted to the bankruptcy court as set forth in the attached Exhibit A; and

WHEREAS, Official Committee of Opioid Claimants has recommended to the claimant municipalities that a vote in favor of the Plan is the most prudent way to proceed on the bankruptcy claim against Endo International PLC; and

WHEREAS, the Law Firm, as litigation counsel, has recommended litigating municipalities opt into the releases and vote to approve the Plan based on the benefit to the municipality as well as the benefit to the broader class of claimants; and

WHEREAS, the Law Firm submitted the ballot on behalf of the City, voting to approve the plan and opt into the releases before the ballot deadline of February 22, 2024.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council hereby memorializes and fully approves of voting in favor of the Plan and opting into the releases related to the Second Amended Joint Chapter 11 Plan of Reorganization of Endo International PLC and its Affiliated Debtors, and the submission of the ballot on behalf of the City by the Law Firm.

Adopted by the Common Council of the City of Greenfield, Milwaukee County,
Wisconsin, this 5th day of March 2024.

CITY OF GREENFIELD

By: _____
Michael Neitzke
Mayor

Attest: _____
Jennifer Goergen
City Clerk

RESOLUTION NO. 3979

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 Av., 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;

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 5th day of March, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

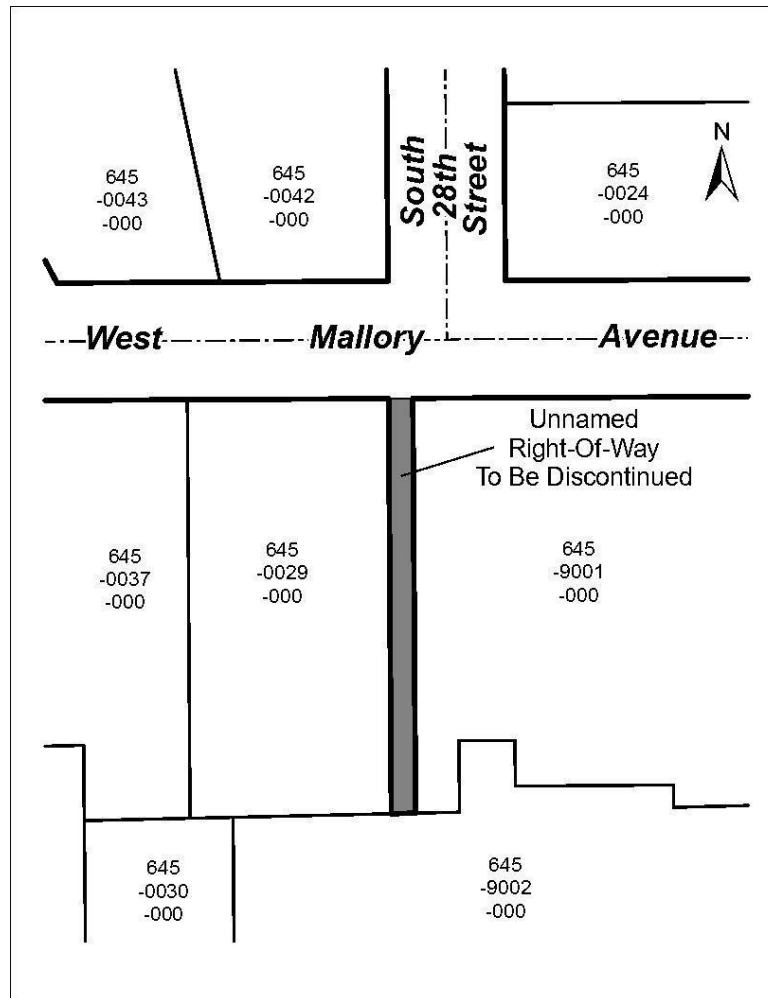
Jennifer Goergen, City Clerk

Exhibit A

Legal Description:

That part of the Southeast ¼ 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 ¼ Section; thence S 88°41'19" W, 80.01 feet to a point; thence N 00°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°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°22'47" E along the West line of said unnamed right-of-way, 247.63 feet to a point; thence S 88°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°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°41'35" E, on and along the Southerly right-of-way line of West Mallory Avenue, 14.47 feet to the point of beginning.



RESOLUTION NO. 3980

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)

WHEREAS, Davinder Toor, d/b/a Brew City Coffee, LLC., 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 Scooters Coffee, a new limited-service restaurant to be located at 4160 W. Loomis Rd.; 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, Davinder Toor, resides at 12033 W. Wilbur Ave., Greenfield, WI 53228.
2. The applicant has an accepted offer to purchase the property.
3. Scooter's Coffee will occupy approximately 678 sq. ft. of a newly-constructed building located at 4160 W. Loomis Rd., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3757, including easement, all being a part of the Southwest ¼ Section 24, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 600-9970-011

Said land being located at 4160 W. Loomis Rd.

4. The applicant is proposing to establish a limited-service restaurant within a newly-constructed commercial building.
5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits limited-service restaurants 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 and north are developed as commercial. Properties to the west are developed as residential. Properties to the east are undeveloped or developed as commercial.

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 Davinder Toor, d/b/a Brew City Coffee, LLC. to establish a proposed limited-service restaurant, to be located at 4160 W. Loomis Rd., 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 Scooter's Coffee will be 6:00am – 8:00pm, daily.
4. Off-Street Parking. A total of 7 off-street parking stalls are required for Scooter's Coffee. The property will provide 7 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 splays 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.

Davinder Toor, d/b/a Brew City Coffee, LLC.

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 5th day of March, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3981

A RESOLUTION DISALLOWING THE CLAIM OF SHAWN GOLLA RELATING TO
PROPERTY DAMAGE

WHEREAS, Shawn Golla submitted a claim with the City on January 4, 2024; and,

WHEREAS, the claimant alleged that, on or about December 27, 2023, the claimant incurred property damage when he fell out of his power wheelchair while traveling on the north side of Layton Avenue in the driveway between English Woods Apartments and JATC School when the chair rolled over pothole-type cracks; and,

WHEREAS, the City Attorney has reviewed the facts and circumstances relating to the claim and recommends that the Common Council disallow the claim, as it appears that the City of Greenfield does not have any maintenance responsibility for the location where the accident is alleged to have occurred.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that the claim of Shawn Golla, filed with the City on January 4, 2024, and relating to alleged loss occurring on December 27, 2023, is hereby 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 must 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 5th day of March, 2024.

Jennifer Goergen, City Clerk

RESOLUTION NO. 3982

RESOLUTION AMENDING RESOLUTION 3317 OF THE STORMWATER UTILITY RATES

WHEREAS, on December 16, 2009, the City of Greenfield Common Council adopted Resolution No. 3317 establishing Stormwater Utility rates in the form of three charges, including the Base Charge (BC), the Equivalency Charge (EC), and the Special Charge (SC);

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Greenfield that Resolution No. 3317 is hereby amended by revising the Equivalency Charge (EC) annual increase as the Consumer Price Index for all urban consumers (CPI-U) annually for the 12 months ending August 31st of each year, with a limit of 4%, wherever applicable.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of March, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk