

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, MAY 7, 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, Bruce Bailey

Excused: Andrew Drzewiecki

Also present: Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Christopher Geary, City Attorney.

B. Opening Prayer

An opening prayer was given by Chaplain Leggett.

C. Pledge of Allegiance

D. Approval of the April 16, 2024 Common Council minutes

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

E. Approval of the April 18, 2024 Special Common Council minutes

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

F. Mayor's Report

1. Appointment of Weed Commissioners

Mayor Neitzke appointed Michael Wist, John Nehm, and Officer Kummer as the Weed Commissioners.

G. Aldermanic Reports

Alderperson Akers said that the Farmer's Market was well attended on Sunday, May 5, 2024. Mayor Neitzke added that one of the neighboring municipalities isn't having a Farmer's Market this year due to low vendor participation. Ours is in the top three Farmer's Markets. He welcomed Paige [McGovern, Farmer's Market Coordinator] to the City.

Mayor Neitzke spoke about Little League starting, that this weekend is Arbor Day at Konkel Park, that the southwest shelter is under construction at Konkel Park, the improvements at The Turf, The Turf event on June 15th, Dan Jansen Fest that is happening on Memorial Day weekend, the Amp magnets showing events at Konkel Park are out, that public events are a cost-effective alternative to other events in a tight economy, and that Park and Recreation registrations have increased substantially.

Alderperson Akers said that there isn't a Farmer's Market during Dan Jansen Fest weekend.

Mayor Neitzke and Jeff Katz, the director of Neighborhood Services, discussed the Powerline Trail and the upcoming construction from 60th Street to Pondview Park. The trail south of Layton Avenue will be constructed in 2026 and will end at Hales Corners.

H. Announcements

I. Citizen Commentary

J. Old Business

1. Approve a Resolution for a Special Use Permit for VANEE Tattoo Studio, a proposed tattoo business to be located at 4629 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001) (PC-3/12/24 Kastner) (CC: 4/16/24)

Mayor Neitzke said that there was a public hearing at the last Common Council meeting, and it was recommended to give the applicant an opportunity to respond. The mayor said that, from his understanding, there hasn't been a formal response from the applicant.

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City Attorney, Christopher Geary stated that it could be laid over or action could be taken on it. Technically, the land use decision is supposed to be independent of the applicant. Regardless, there were accusations that were made, but she chose not to respond. He spoke about use and circumstance examples.

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

2. Approve a Site Plan Review for VANEE Tattoo Studio, a proposed tattoo business to be located at 4629 S. 108 St., submitted by Vanessa Ruelas, d/b/a VANEE Tattoo Studio and Salim Shelleh, d/b/a Forest Park Real Estate LLC. (Tax Key No. 609-0033-001) (PC-3/12/24 Kastner) (CC: 4/16/24)
No action taken.

K. New Business

1. Ordinance amending Section 1.18 of the City of Greenfield Municipal Code regarding City Attorney. (Goergen)

Mayor Neitzke explained that we've retained a city attorney and retained his firm, but this changes the ordinance to reflect the change in hiring a firm.

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

2. Resolution appointing the City Attorney and the City Prosecutor for the City of Greenfield. (Goergen)
Mayor Neitzke said that the City Attorney and the City Prosecutor have already been appointed under previous actions, and this is a resolution to reaffirm those appointments.

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

3. Ordinance amending sections 12.01 and 12.02 of the City of Greenfield Municipal Code relating to definitions and the Board of Health and reference throughout the code to the Greenfield Health Department. (Neitzke)

Mayor Neitzke said that the Code needed to be updated to reflect the new name and the new structure. It also allows for the appointment of three members, appointed by the mayor and confirmed by the Council, to the new consolidated Health Department Board of Health.

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

Under discussion, Attorney Geary said that there is verbiage in the ordinance that all the other ones are updated too. Mayor Neitzke said that there's protection in place in the ordinance as a catch-all.

On a roll call vote, motion carried unanimously.

4. Appointments to various committees and commissions:

- a. Mayor appointments, confirmed by Council.

- i. Three members to the Board of Health for two-year terms effective 5-16-2024 - 6-1-2026.

Mayor Neitzke appointed Pam Akers, Mary Kitten, and Richard Dettman as members to the Board of Health for terms effective from 5-16-2024 to 6-1-2026.

Motion by Alderperson Akers, seconded by Alderperson Kastner to confirm appointments.
Motion carried unanimously.

5. Ordinance amending section 3.12(8)(k) and (p) of the City of Greenfield Municipal Code relating to public pool inspection, re-inspection, and licensing fees. (Goergen)

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Mayor Neitzke explained that this was brought to us by the West Allis Health Department, which is going through the same motions, consistent with some recent state law changes, so that there is consistency in the fee structure.

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

Under discussion, Mayor Neitzke said that there is going to be a lot of marrying and divorcing in how the two communities respond to health issues. We've already worked through dog bite procedures, and they are trying to create consistency between the two communities while also being consistent with our past practices of reasonable licensing and permitting fees. The expectation is that services will be enhanced and that they won't decline.

On a roll call vote, motion carried unanimously.

6. Ordinance to amend Sections 12.01, 12.11(6), and 3.12(6)(a) of the City of Greenfield Municipal Code regarding dangerous and prohibited animals. (Goergen)

Mayor Neitzke explained that this relates to dog bites and the policy and procedures if there's a dangerous and prohibited animal.

Motion by Alderperson Akers, seconded by Alderperson Saryan to approve with the dangerous dog registration fee and the dangerous prohibited animal appeal fee to be \$25.00 each.

Under discussion, Mayor Neitzke stated that the fees should be \$25.00 for a dangerous dog registration fee and \$25.00 for a dangerous prohibited animal appeal fee to be added to the ordinance. This isn't to create a revenue stream; the point is to cover the costs and expenses.

On a roll call vote, motion carried unanimously.

7. Claim received from Dennis Phelps. (Goergen)

Mayor Neitzke said that he's taking agenda items K7 and K8 together.

Motion by Alderperson Kastner, seconded by Alderperson Bailey to approve to disallow agenda item K8. On a roll call vote, motion carried unanimously.

8. Resolution disallowing the claim of Dennis Phelps regarding alleged damage to the tire of his vehicle on April 3, 2024. (Goergen)

Approved to disallow under agenda item K7.

9. Claim received from Crystal Januchowski on behalf of Adoration Lutheran Church. (Goergen)

Mayor Neitzke said that he's taking agenda items K9 and K10 together.

Motion by Alderperson Kastner, seconded by Alderperson Bailey to approve agenda item K10.

There was a discussion of how to move or work around the piano for the upcoming elections.

On a roll call vote, motion carried unanimously.

10. Resolution allowing the claim of Adoration Lutheran Church relating to damage to piano. (Goergen)

Approved under agenda item K9.

11. Award bid for publishing legal notices. (Goergen)

Mayor Neitzke spoke about opening the bid on Tuesday, May 7, 2024, at noon. All the fees went up, and they don't publish many stories about Greenfield, and they miss publication dates, but it is required by state law. Unlike towns and villages that are not required to have an official newspaper, we do. He said that the Journal Sentinel's subscriptions and circulation have plummeted. He urged that folks in the legislature treat cities the same as they treat the notice of requirements with regard to towns and villages. They used to have the same kinds of obligations, but legislation was created to not require

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that. Notice is given in a number of different ways that are more effective than an official newspaper. If we don't adopt this, the existing contract remains in place until another one is cheaper.

There was a discussion about the contract to see how it is written, if it carries over or not, and if there is a contract since it's a state statute.

Mayor Neitzke spoke about the *Greenfield Observer*.

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

12. Resolution opting out of the extended closing hours during the RNC convention period as prescribed by 2023 Wisconsin Act 73 for all Class B Beer, Class B Liquor, Class C Wine Premises, and all producer's full-service retail outlets located within the City of Greenfield. (Neitzke)

Mayor Neitzke said it makes sense to keep all business hours as they are and not extend them.

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

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

Motion by Alderperson Akers, seconded by Alderperson Saryan to approve agenda items K13 and K14. Motion carried unanimously.

14. Approve applications for 2024-2025 operator licenses. (Goergen)

Approved under agenda item K13.

15. Approve a change of agent from Laurie McCloud to Brian Wheatley, 5422 Washington Rd. Unit 103, Kenosha, WI, for the 2023-2024 Class "A" Fermented Malt Beverage Retailer's License held by Walgreen Co., 4688 S. 108 St. (Walgreens #4827). (Goergen)

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

16. Approve application for a 2024-2025 "Class B" Fermented Malt Beverage and Liquor Retailer's License and Entertainment License for ACG Club LLC, Alysia L Moga, Agent, for the property at 4309 W. Grange Ave. (Corner Club). Alcohol sales occur at 4309 W. Grange. Liquor and beer storage 4311 W. Grange Ave. Patio in back SW corner of bldg for smokers. No basement under the bar located at 4309 W. Grange Ave. (Goergen)

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

17. Approve renewal applications for the following licenses to expire June 30, 2025: Class "A" Fermented Malt Beverage, "Class A" Liquor (Cider Only), Class "B" Fermented Malt Beverage, Combination "Class B" Fermented Malt Beverage & Liquor, Class C Wine, Combination "Class A" Fermented Malt Beverage & Liquor, Reserve Combination "Class B" Fermented Malt Beverage & Liquor, Dry Cleaning/Washing Machine, Entertainment, Pawnbroker/Secondhand Article Dealer, and Operator's Licenses (approval of all licenses should be subject to the City of Greenfield ordinances regarding code compliance and payment of all delinquent taxes and charges). (Goergen)

Motion by Alderperson Kastner, seconded by Alderperson Bailey to approve, subject to the City of Greenfield ordinances regarding code compliance and payment of all delinquent taxes and charges. Motion carried unanimously.

18. Approve application for a 2023-2024 Amusement Device Owner license received from Lightspeed Entertainment Inc., Jon Majdoch, Agent, 550 W. Red Pine Circle, to expire July 31, 2024 (Big Putts). (Goergen)

Motion by Alderperson Bailey, seconded by Alderperson Saryan to approve, subject to the City of

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Greenfield ordinances regarding code compliance and payment of all delinquent taxes and charges. On a roll call vote, motion carried unanimously.

19. Discussion and decision to approve a no-cost extension for the grant agreement between the City of Greenfield Fire Department and The State of Wisconsin Department of Health Services in regard to the Coverdell Stroke Program. (D. Weber)

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

20. Approve an Outdoor Special Event application for the First Weber Rummage Sale, to be located at 10521 W. Layton Ave., June 1, 2024. Application includes the following combination of licenses/ permits: Outdoor Special Event. (Vlach)

Jose Flores from First Weber was present. He explained that the event is a rummage sale fundraiser for the Salvation Army food pantry. Office members will volunteer their time. There are items that they are preparing to rummage. It would be from 9:00 AM to 2:00 PM and all the money raised would be for the Greenfield food pantry.

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

21. Approve an Outdoor Special Event application for The Ridge Food Truck Nights, to be located at 4500 S. 108th St., June 13, July 11, August 8, and September 12, 2024. Application includes the following combination of licenses/ permits: Outdoor Special Event and Food. (Vlach)

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

22. Approval of mileage reimbursements in the amount of \$213.79. (Schafer)

Motion by Alderperson Saryan, seconded by Alderperson Kastner to approve agenda items K22 - K24. On a roll call vote, motion carried unanimously.

23. Approval of schedules of disbursements in the amount of \$11,859,401.59. (Schafer)

Approved under agenda item K22.

24. Accept March 2024 Investments and Reinvestments. (Schafer)

Approved under agenda item K22.

L. Items for future agenda

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Bailey to adjourn at 7:37 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 5/9/2024

ORDINANCE NO. 3028

ORDINANCE AMENDING SECTION 1.18 OF THE CITY OF GREENFIELD MUNICIPAL
CODE REGARDING CITY ATTORNEY

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

PART I. Section 1.18 of the Municipal Code is hereby amended to read as follows:

“§1.18. Attorney.

- A. *City Attorney.* The City Attorney shall be appointed by the Mayor, subject to the confirmation of the Common Council and shall hold office at the pleasure of the Council. To the extent that the City appoints a law firm as its legal advisor, the City shall designate a member of that firm as the City Attorney. The City Attorney shall advise on those matters and perform those duties as may assigned by the City as prescribed in Sec. 62.09(12), Wis. Stat., and this Code. The City may also designate an assistant city attorney or attorneys, who shall have power to perform the City Attorney’s duties. In the case of the appointment of a law firm, such attorneys shall be compensated by the City in accordance with the contract for engagement. Unless and to the extent specifically requested by the **[Mayor, Human Resources Director or Council]**, the City Attorney shall have no responsibility for matters in which they have not been consulted or for which the City has engaged other attorneys.
- B. *Other attorneys.* The City, with the prior approval of the Common Council, may engage an attorney or law firm, on an on-going or a matter-specific basis, to handle specific matters that would otherwise be handled by the City Attorney. These attorneys may include, but are not limited to:
 - (1) *Prosecuting attorney.* The prosecuting attorney shall advise and represent the City in enforcing municipal ordinances in Municipal Court.
 - (2) *Labor and employment attorney.* The labor and employment attorney shall represent and advise the City in connection with labor and employment matters, including without limitation the negotiation of collective bargaining agreements, employee discipline, and the creation and enforcement of employee policies and contracts. The City labor and employment attorney shall keep the Common Council and staff informed of changes in federal and state labor and employment law that affect the City and shall promptly recommend any appropriate amendments to this Code resulting from such changes.
 - (3) *Specialized Counsel.* Specialized litigation or other specialized area of law such as environmental; or

- (4) *Conflict of Interest.* When the City Attorney has a conflict of interest.
- C. *Contract.* The City shall enter into a contract with any attorney approved by the Common Council that specifies the terms and conditions of the firm's and/or attorney's appointment or engagement.
- D. *Independent legal judgment.* When rendering legal advice and services, an attorney shall exercise independent legal judgment. No City official shall interfere with the exercise of an attorney's independent legal judgment or direct the conclusions of any legal opinion.
- E. *Delegation.* Unless otherwise instructed by the **[Mayor and/or Human Resources Director]**, any attorney at an engaged firm may work on an assigned matter.
- F. *Employee Benefits.* Any attorney engaged by the City shall not be entitled to City employment benefits unless specifically authorized by the Common Council.”

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 7th day of May, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 3029

ORDINANCE AMENDING SECTIONS 12.01 AND 12.02 OF THE
CITY OF GREENFIELD MUNICIPAL CODE RELATING TO DEFINITIONS AND
THE BOARD OF HEALTH AND REFERENCE THROUGHOUT THE CODE TO THE
GREENFIELD HEALTH DEPARTMENT

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

PART I. The following definitions contained in Section 12.01- Definitions of the Greenfield Municipal Code are hereby amended as follows:

12.01 – *Definitions.*

.....

“*Health Department.* The Southwest Suburban Health Department.

Health Officer; authorized representative. Includes the local health officer for the Southwest Suburban Health Department, Public Health Nurses, Environmental Health Specialist, and their designees.”

PART II. Section 12.02 – Board of Health. of the Greenfield Municipal Code is hereby amended to read as follows:

“12.02 – *Board of Health.*

.....

(1) State regulations.

(a) *Adopted.* The provisions of §§ 251.02 to 251.04, Wis. Stats., as they may be from time-to-time amended, are adopted by reference and incorporated into this section as if fully set forth herein.

(b) *Interpretation.* If the provision of the regulations set forth in subsection (a) conflict with the regulations set forth below, the provisions of this section shall govern.

(2) *Creation.* Pursuant to §§ 251.02 and 66.0301(2), Wis. Stats., effective April 1, 2024, a joint Board of Health has been established to administer the Southwest Suburban Health Department with authority within the City and shall take such measures as shall be most effectual for the preservation of the public health as provided under Wisconsin Statutes, Wisconsin Administrative Code and this Code.

- (3) *Composition.* Appointments to the joint Board of Health, consisting of three members appointed by the Mayor and confirmed by the Council, may be a city official, employee or citizen member.
- (4) *Appointment and term of office.*
 - (a) All members shall be appointed on the basis of their knowledge and interest in public health issues.
 - (b) Any citizen member appointed by the Mayor and confirmed by the Common Council, shall, after the initial appointment, be appointed during the month of June for a term of 2 years. Terms shall be staggered. If a vacancy on the Board occurs, the Mayor shall immediately fill the vacancy for the remainder of that term.
- (5) *Oath of office.* All Board members shall take the oath of office or affirmation upon confirmation of appointment.
- (6) *Dissolution.* The City of Greenfield Board of Health that existed prior to April 1, 2024 is hereby dissolved.”

PART III. References throughout the City’s Code of Ordinances to “the Greenfield Health Department” shall be replaced with “the Southwest Suburban Health Department.”

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 7th day of May, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 3030

ORDINANCE AMENDING SECTION 3.12(8)(k) and (p) OF THE CITY OF
GREENFIELD MUNICIPAL CODE RELATING TO PUBLIC
POOL INSPECTION, RE-INSPECTION, AND
LICENSING FEES.

WHEREAS, the City of Greenfield (the “City”) has become a member of the Southwest Suburban Health Department (“SWSHD”); and,

WHEREAS, as part of that transition, the SWSHD has taken over pool inspections within the City of Greenfield, although any fees paid for 2024 will remain with the City; and,

WHEREAS, in 2023, the Department of Agriculture, Trade, and Consumer Protection (“DATCP”) updated the Wisconsin Administrative Code sections related to public pools within the state of Wisconsin; and,

WHEREAS, to conform to the DATCP’s Administrative Code changes, SWSHD has updated its structure for public pool licensing and inspections, making the City’s current fee schedule inconsistent with the new SWSHD public pool structure; and,

WHEREAS, the City must amend its ordinances and fee schedule to reflect the structure and fees imposed by SWSHD necessitated by the Administrative Code updates.

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

PART I. Section 3.12(8)(k) of the Greenfield Municipal Code is hereby amended to read as follows:

“(k) Public Swimming Pool Permit (per pool, whirlpool, etc.)

1.	License Fees	
	a. Simple	\$375.00
	b. Simple with Features	\$400.00
	c. Moderate	\$450.00
	d. Moderate with Features	\$500.00
	e. Complex	\$550.00
	f. Complex with Features	\$650.00
2.	Pre-Inspection Fees	
	a. Simple	\$250.00
	b. Simple with Features	\$275.00
	c. Moderate	\$300.00
	d. Moderate with Features	\$325.00
	e. Complex	\$350.00
	f. Complex with Features	\$375.00
3.	Re-Inspection Fees	

	a. First Re-Inspection	\$200.00
	b. Second Re-Inspection	\$350.00
4.	Late Fee	\$150.00
5.	Operating without a License Consultation	\$750.00

”

PART II. Section 3.12(8)(p) of the Greenfield Municipal Code is hereby amended to read as follows:

“

(p)	Late Fee (for all licensing categories unless otherwise specified)	50% of License Fee (applicable to (b) – (j) and (l) – (p) above)
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”

PART III. 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 May 7, 2024.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO: 3031

AN ORDINANCE TO AMEND SECTIONS 12.01, 12.11(6), AND 3.12(6)(a) OF THE CITY OF GREENFIELD MUNICIPAL CODE REGARDING DANGEROUS AND PROHIBITED ANIMALS.

WHEREAS, the City's current dangerous animals ordinances lack sufficient continuity and clarity to be useful in certain situations; and,

WHEREAS, Greenfield has recently completed the merger of its health department with that of the City of West Allis for joint health department functions, which will occasionally include dealing with dog bite situations; and,

WHEREAS, it is therefore in the best interest of public health, safety, and welfare and for ease of enforcement for the City's dangerous animals ordinances to be similar in substance and process to the West Allis's dangerous animals ordinances.

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

PART I. The definition of "Dangerous animal" under Section 12.01 of the Municipal Code is amended to read as follows:

"Dangerous animal. Any animal, except a dog that is used by a law enforcement agency while the dog is performing law enforcement functions, meeting any of the following criteria:

- (a) When unprovoked, the animal causes injury to a person or domesticated animal;
- (b) When unprovoked and off the owner's property, the animal chases a person or domestic animal;
- (c) When unprovoked and off the owner's property, the animal attempts to bite, scratch, or injure a person or domestic animal;
- (d) The animal acts in a manner that would cause a reasonable owner to know that the animal is a threat to the safety, health, or welfare of the community; or,
- (e) The animal has been declared by another city, village, town, or county to be subject to special conditions under a standard similar to this definition."

PART II. The definition of "Prohibited dangerous animal" under Section 12.01 of the Municipal Code is amended to read as follows:

"Prohibited Animal. Any animal, except a dog that is used by a law enforcement agency while the dog is performing law enforcement functions, meeting any of the following criteria:

- (a) Without provocation, the animal kills a domestic animal;
- (b) Without provocation, the animal causes: death or a serious laceration warranting emergency medical intervention; fracture of a bone, including a broken nose; temporary loss of consciousness, sight or hearing; concussion; or, loss or fracture of a tooth to a person;
- (c) The animal has been declared by another city, village, town, or county to be subject to special conditions under a standard similar to this definition;
- (d) The animal has been declared a dangerous animal on two separate occasions;
- (e) The animal poses an imminent threat to public health or safety;
- (f) The animal poses an imminent threat to the health or safety of itself or its custodian;
- (g) The animal is rabid;
- (h) The animal is a wild animal hybrid;
- (i) The animal is trained, owned, or harbored for the purpose of animal fighting or attacking humans; or,
- (j) any exotic animal or any hybrid animal.

PART III. The definition of “Owner’s Property” under Section 12.01 of the Municipal Code is created to read as follows:

“Owner’s Property. Any land or structures where the owner of the animal, and any co-occupants of the owner's dwelling unit, reside and maintain exclusive possession. Owner’s property does not include areas that are under the shared possession of the occupants of separate units. Owner’s property includes individual apartments or condominiums but does not include common areas of apartment buildings or condominium developments.

PART IV. Section 12.11(6) of the Municipal Code is amended to read as follows:

“(a) **Harboring dangerous animals.** No person may harbor or keep a dangerous animal within the City, unless all provisions of this subsection, as well as the general provisions of this chapter, are complied with.

- (1) No person may bring into or keep in the City, an animal that a Wisconsin city, village, town or county has declared prohibited or that

has been banished from a city, village, town or county, or that has been ordered to be destroyed.

- a. An officer may declare such an animal to be a prohibited animal in the City, upon receipt of an official written declaration from the other city, village, town or county setting forth the grounds for the declaration, the name of the animal, if known, and a description of the animal.

- (2) Notwithstanding the provisions of this section, a law enforcement officer or humane officer may kill or tranquilize a vicious dog if he or she determines that it is necessary to take such immediate action to prevent real and imminent personal injury to any person, including himself or herself.

(b) **Orders against dangerous and prohibited animals.**

- (1) A law enforcement officer, health officer, or person contracting under Wis. Stat. 173.15 (1) who has reasonable suspicion that an animal is a dangerous animal or prohibited animal may issue an order declaring that animal to be dangerous or prohibited.

- a. No dog shall be deemed dangerous solely based upon its breed.
- b. No dog shall be deemed dangerous based solely upon attacking or menacing of any person or domestic animal in order to do any of the following:
 - i. Defend its owner, caretaker, or another person or animal, its young or its food, from a trespasser or an attack by a person or animal; or,
 - ii. Defend itself against any person, animal or trespasser that has provoked, tormented or abused it.”

- (2) A copy of the order shall be served upon the owner of the animal.

- (3) A copy of the order shall be delivered to the city clerk.

(c) **Mandatory conditions for dangerous animals.** The owner of an animal that is the subject of a dangerous animal order must comply with the following requirements unless the animal was taken into and remains in custody under Wis. Stat. 173.13, or unless such conditions are modified on appeal under this section.

- (1) Confinement or Restraint. The dangerous animal must be either confined or restrained as stated below:

- a. While indoors at the owner's property, the animal must remain contained within that residential unit.
- b. While outdoors at the owner's property, the animal must be either:
 - i. Enclosed within a continuous barrier that is at least 6 feet tall and sufficiently constructed and maintained to prevent the animal from escaping, or
 - ii. Leashed to an immovable object that allows the animal to be no more than 10 feet from that object and incapable of approaching within 6 feet of any right-of-way or sidewalk, but the animal may be so leashed only while the animal is supervised by a person who is at least 16 years of age, or
 - iii. Enclosed within a kennel or cage designed and maintained to prevent the animal from escaping.
- c. While outdoors and not at the owner's property, the animal must be:
 - i. Attached to a leash not more than 6 feet in length,
 - ii. Muzzled in a humane way by a device sufficient to prevent the animal from biting persons or other animals, and
 - iii. Under the control of a person who is over the age of 16 years old who is capable of maintaining control of the animal.

(2) Park Prohibition. The dangerous animal may not enter or remain in a park.

(3) Signage. Within 10 days after service of a dangerous animal order, the owner of a dangerous animal must display signage in prominent places near all entrances to the person's residence identifying that a dangerous animal is on the property. Such signage shall consist of lettering not less than 2 inches in height warning to beware of animal, or substantially similar language, with symbols or other warning sufficient to warn children of the presence of the dangerous animal.

- (4) **Registration.** Within 10 days after service of a dangerous animal order, the owner of a dangerous animal must register it with the City of Greenfield by paying the fee listed in the Fee Schedule and by providing all applicable licensing information, all applicable microchip information, owner name and contact information, a current photograph of the animal, and any other relevant information that the city may require about the animal upon request.
- (5) **Insurance.** Within 10 days after service of a dangerous animal order, the owner of a dangerous animal must provide the City a certificate of insurance that the owner has procured liability insurance that, to the satisfaction of the city attorney, provides coverage for personal injuries or damage done by the dangerous animal.
- (6) **Microchip.** Within 10 days after service of a dangerous animal order, the owner of a dangerous animal must provide the City proof that the dangerous animal has been microchipped by a licensed veterinarian so that the animal can be easily identified.
- (7) **Verification.** By December 31 of each year, the owner of a dangerous animal must provide verification to the City that they are aware of the requirement of this subsection and have complied with those requirements.

(d) **Discretionary conditions for dangerous animals.** The authorized person issuing a dangerous animal order may include the following discretionary requirements in the dangerous animal order, so long as the requirement reasonably promotes the safety, health, welfare, or peace of the community under the circumstances of the incident:

- (1) The animal is prohibited from any building where a juvenile lives.
- (2) The animal must be spayed or neutered within a specified number of days.
- (3) The animal must complete a behavioral training class specified in the order.
- (4) The animal must be quarantined.
- (5) The animal must at all times remain within a location specified in the order.

(e) **Prohibited Animals.** Any prohibited animal may not enter or remain in the City unless the animal was taken into and remains in custody under Wis. Stat. § 173.13. If the animal is declared to be prohibited, the owner shall

remove the animal from the City or have it humanely euthanized within the time period set forth in the order, but in any case, no longer than 10 days unless the order is timely appealed. Failure of the owner to comply with the order may result the seizure of the animal under Wis. Stat. § 173.13 and/or a civil action seeking an order for the humane euthanasia of the animal under Wis. Stat. § 174.02(3).

(f) **Appeal of order.**

(1) Commencing Appeal. An owner of a dangerous or prohibited animal may appeal an order under this section by filing a notice of appeal with the city clerk within 10 calendar days after service of the order in the manner required by the city clerk, or such shorter period as is allowed by the order for action on the animal. At the time of filing the appeal, the owner shall pay the fee listed in the Fee Schedule.

(2) Administrative Hearing.

- a. Appeals under this section shall be via Sections 24.10 through 24.13 of this Municipal Code, except as modified herein.
- b. While an appeal is pending, the animal is required to comply with the requirements of this section.
- c. After the hearing, the decision maker will issue a written decision to uphold, overturn, or modify the order. After considering the evidence presented, the decision maker shall have the discretion to impose any of the requirements in this section, to stipulate to alternative requirements with the owner that are reasonably related to protecting the public, to impose an expiration date for a dangerous animal order, or to modify an order in conformity with the evidence presented to and accepted by the decision maker.
- d. If the decision maker upholds or modifies the order, the city clerk shall provide the owner with a copy of the required restrictions and shall provide copies to the Police Department and/or Health Department for future inspections and enforcement.
- e. The owner or caretaker of any animal which is or has been declared dangerous or prohibited, shall not give, sell or in any way transfer ownership to any other person residing in the City.
- f. An appellant who does not receive the outcome sought on the appeal may seek judicial review pursuant to Wis. Stat. § 68.13.

The appellant’s deadline for appealing the final determination to circuit court shall be 10 days from receipt of the final determination.

(g) **Enforcement and penalty.**

- (1) Any person who violates this section shall forfeit for each violation an amount as indicated in Section 25.04 of this Municipal Code.
- (2) Every day that continuing violation exists shall be deemed a separate offense.
- (3) The provisions of this chapter shall be enforced by a law enforcement officer, health officer, or person contracting under Wis. Stat. 173.15(1).”

PART V. Subsections (6) and (7) of Section 3.12(6)(a) of the Municipal Code are created to read as follows:

3.12 - Fee schedules.

.....

(6) *Finance Department.*

.....

(a) Dog and Cat License Fees

.....

“(6) Dangerous animal registration fee... \$ 25.00

(7) Dangerous or prohibited animal order appeal fee... \$ 25.00”

PART VI. This ordinance shall take effect from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of May, 2024.

APPROVED:

ATTEST:

Michael J. Neitzke, Mayor

Jennifer Goergen, City Clerk

RESOLUTION NO. 3990

Resolution Appointing the City Attorney and the City Prosecutor for the City of Greenfield

WHEREAS, that on February 7, 2023, the City approved a Contract for Legal Services with Pruitt, Ekes & Geary, S.C., which contract is attached hereto as **Exhibit A**; and

WHEREAS, the Mayor appoints the members of the firm as follows: Christopher A. Geary shall be designated as the City Attorney; and Attorneys Timothy J. Pruitt, Elaine S. Ekes and Rebecca J. Shepro shall be designated as Assistant City Attorneys; and

WHEREAS, Pruitt, Ekes & Geary, S.C. shall act as the legal advisor to the City and shall be responsible for providing legal services to the City as may be requested from time-to-time as further set forth in Sec. 1.18 of the City's Code of Ordinances; and

WHEREAS, Attorney Greg Rogaczewski of Literski and Rogaczewski has been prosecutor for the City for many years and it is desired that he continue as the prosecuting attorney appointed by the Common Council. A contract for legal services for the prosecutor is attached hereto as **Exhibit B**.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Greenfield confirms the designation of the members of the firm Pruitt, Ekes & Geary, S.C. as follows: Christopher A. Geary as the City Attorney, and the designations of Timothy J. Pruitt, Elaine S. Ekes and Rebecca J. Shepro as Assistant City Attorneys.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Common Council of the City of Greenfield confirms the appointment of Attorney Greg Rogaczewski of Literski and Rogaczewski as Prosecutor for the City of Greenfield and approves his contract for legal services attached hereto as **Exhibit B**.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of May, 2024.

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

4275.001; 02/16/23

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3991

A RESOLUTION DISALLOWING THE CLAIM OF DENNIS PHELPS
REGARDING ALLEGED DAMAGE TO THE TIRE OF HIS VEHICLE
ON APRIL 3, 2024

WHEREAS, Dennis Phelps submitted a claim on April 12, 2024; and

WHEREAS, the claimant alleged that, on or about April 3, 2024, while driving his vehicle on Layton Avenue between 79th Street and 80th Street in the City of Greenfield, County of Milwaukee, it hit a pothole in the roadway causing a flat tire. Two estimates of repair were submitted with the claim, the higher of which is the sum of \$396.07.

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 because the location where the incident is alleged to have occurred is actually a County highway.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that the claim of Dennis Phelps 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 7th day of May, 2024.

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3992

A RESOLUTION ALLOWING THE CLAIM OF ADORATION LUTHERAN CHURCH
RELATING TO DAMAGE TO PIANO

WHEREAS, Crystal A. Januchowski, Office Manager of Adoration Lutheran submitted a claim with the City on or about April 18, 2024; and,

WHEREAS the claimant alleged that on or about April 2, 2024, at the Adoration Lutheran Church, which is a polling station for the City of Greenfield, the Department of Public Works moved a piano at the Church to set up for the polling station. The piano was allegedly moved in such a manner that the tuning was damaged. The claimant made a claim for \$237.38, the estimate for re-tuning the piano.

WHEREAS, the City Attorney has reviewed the facts and circumstances relating to the claim and recommends that, without admitting any negligence, the Common Council allow the claim, as set forth below; and,

WHEREAS, Wis. Stat. § 893.80 provides for the process by which the Common Council shall consider and handle claims made against the Council, the City and its officers, agents and employees; and,

WHEREAS, after considering the facts and circumstances of the claim, the Common Council desires to pay the claimed amount of the loss, as set forth below.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that the claim of Adoration Lutheran Church, filed on April 18, 2024, and relating to alleged loss occurring on April 2, 2024, is hereby allowed in an amount not to exceed **\$237.38**.

BE IT FURTHER RESOLVED that the City Finance Director is hereby authorized and directed to pay the claim to the claimant upon receipt of a signed release of claims from the claimant.

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 7th day of May, 2024.

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3993

A RESOLUTION OPTING OUT OF THE EXTENDED CLOSING HOURS DURING THE
RNC CONVENTION PERIOD AS PRESCRIBED BY 2023 WISCONSIN ACT 73 FOR ALL
CLASS B BEER, CLASS B LIQUOR, CLASS C WINE PREMISES, AND ALL
PRODUCER'S FULL-SERVICE RETAIL OUTLETS LOCATED
WITHIN THE CITY OF GREENFIELD

WHEREAS, in December of 2023 2023 Wisconsin Act 73 (the "Act") was enacted by the State; and

WHEREAS, the Act, among other provisions, extended the closing hours of any Class B Beer, Class B Liquor, Class C Wine premises and any producer's full-service retail outlets located in a "Southeast Wisconsin municipality," as defined by the Act, while Republican National Convention (the "RNC") is held in Milwaukee between July 15 – 18, 2024 (the "Convention Period"); and

WHEREAS, the Act also provides that a Southeast Wisconsin municipality may either opt out of the extended closing hours prescribed by the Act or may designate "any licensee holding a license issued by the southeast Wisconsin municipality ... as ineligible or disqualified for the extended closing hour specified in [the Act]," and the municipality is charged with establishing a process for that designation; and

WHEREAS, the City of Greenfield (the "City") is a Southeast Wisconsin municipality as defined by the Act by virtue of being located in Milwaukee County; and

WHEREAS, the City wishes to opt out of the extended closing hours established by the Act for all Class B Beer, Class B Liquor, Class C Wine premises and any producer's full-service retail outlets located in the City during the Convention Period for the RNC; and

NOW, THEREFORE, BE IT RESOLVED that the City hereby affirmatively opts out of the extended closing hours that would take effect during the Convention Period for the RNC, as established by the Act for all Class B Beer, Class B Liquor, Class C Wine premises and any producer's full-service retail outlets located in the City.

Approved:

Michael J. Neitzke, Mayor

Date Approved:

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 7th day of May, 2024.

Jennifer Goergen, City Clerk