

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON
TUESDAY, DECEMBER 2, 2014

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

- | | | |
|---------------|-----------------------|---------|
| 1. ROLL CALL: | Aldersperson Lubotsky | Present |
| | Aldersperson Bailey | Present |
| | Aldersperson Kastner | Present |
| | Aldersperson Akers | Present |
| | Aldersperson Saryan | Present |

ALSO PRESENT:	Jennifer Goergen	City Clerk
	Roger Pyzyk	City Attorney
	Chuck Erickson	Community Development Manager

2. An opening prayer was given by Chaplain Jim Leggett.
3. Pledge of Allegiance
4. It was moved by Aldersperson Kastner, seconded by Aldersperson Bailey, to approve the November 5, 2014 Council minutes, as recorded. Motion carried unanimously.
5. It was moved by Aldersperson Saryan, seconded by Aldersperson Kastner, to approve the November 18, 2014 Council minutes, as recorded. Motion carried unanimously.
6. Mayor's Report
 - a. On December 6, 2014 breakfast with Santa will be held at the Community Center from 10:00 a.m. to 12:00 noon. Those interested may register with the Park & Recreation Department before 6:00 p.m. Wednesday, December 3, 2014.
 - b. The annual Christmas Tree Lighting will begin at 12:00 noon at City Hall.
 - c. The Whitnall Rotary is having its annual craft fair at Whitnall High School on Saturday [December 6, 2014]
 - d. The Greenfield Library will have its annual cookie sale on December 13, 2014 from 10:00 a.m. to 3:00 p.m.

At this time, the Mayor moved to Item #8

7. Aldermanic Reports – None

At this time, the Council proceeded with Item #9

8. Announcements

Mayor Neitzke said the Greenfield Farmer's Market closed at the end of October.

At this time, the Council proceeded with Item #10

9. Citizen Commentary

The following addressed the Council:

Jehovah Holy-Spirit Jesus, 4523 South 23rd Street, Milwaukee, addressed the Common Council with regard to a situation where his mother was attacked.

Attorney Pyzyk noted the authority to issue charges for an alleged criminal act rests with the Police Department on an investigation or on referral if it's a hate crime, to the District Attorney's Office. The Common Council does not have the authority to direct the issuance of any charges.

At this time the Council proceeded with Item #12

10. Public hearing for approval of a Special Use to open a Denny's Restaurant at 4695 South 108th Street, Tax Key #609-0030-001

Chuck Erickson, Community Development Manager, presented diagrams of the property in question. One of the critical elements discussed by the Plan Commission was parking on the site itself. A cross-access easement has been entered into and, therefore, the required parking is available. A neighborhood information meeting was held. Mr. Erickson said he received an email from Barbara Clark, 4676 South 109th Street, dated November 17, 2014, a letter dated November 29, 2014, and an email dated December 2, 2014 regarding a variety of elements. An email was received from Bob Williams on behalf of the applicant addressing some of the questions and concerns from the earlier emails from Barbara Clark. A followup letter was also received from Mr. Hamann on behalf of the applicant. Mr. Erickson said the Plan Commission gave a unanimous recommendation approving the site, building, landscaping elements. The question of the special use specifically dealing with the proposed 24/7 operation did pass on a 3-2 vote.

The following addressed the Council for information only:

Michael Beckemeier, 4664 South 110th Street, asked what the capacity will be of the restaurant. He said if there is adequate parking, he doesn't have a problem with the proposal.

The following registered against, but did not speak:

Mark Schwebke, 4665 South 110th Street

The following addressed the Council against the proposal:

Barbara Clark, 4676 South 109th Street, said she believes the property should be zoned O-Office & Professional and not for a restaurant. She stated this is one of the buffer zones in the Zoning Code that occurred when she was an Alderperson. It was included to provide a transitional area between Commercial and Residential development. She said she believes the area could be upgraded if something else went in on the property. Ms. Clark said the restaurant is on the south end of her lot and the parking is on the east end of her lot. She said the building was placed on the lot illegally. She said Mr. Williams is aware that a variance was never received. She added that there has been nothing but excessive noise, garbage, odors, traffic, lighting, parking, and infestation of vermin. She explained that the Forum Restaurant across the street is not adjacent to a residential area. She said she and her husband, who is out of town, are against the proposal. She said a lot of people are not in attendance this evening. She said she has nothing against Denny's, but feels they could find a location somewhere else in the City. She asked if the Council would hold the public hearing over to the next meeting.

Bob Williams of TDI Associates, Inc., architect engineer, representing Denny's said there will be 114 seats in the restaurant. He added that with the cross-access easement for parking that currently exists, the City code for parking requirements is met. He stated that Denny's is enhancing the landscaping around the entire site and on the adjacent site.

Mr. Erickson stated there are approximately 45 parking stalls on the Denny's lot and approximately 40 stalls available due to the shared arrangement.

Attorney Tom DeMuth with Mallery & Zimmerman, representing the current owner of the property, said when his client acquired the property in January, 2014, his client's broker met with and talked with Mrs. Clark regarding her concerns. His client then applied for the Special Use. There have been a number of offers to have an open house to which one neighbor came. He said they hear that people are concerned, however, there is no one else in attendance this evening to voice their concerns. Attorney DeMuth urged the Council to make a decision this evening, if possible. He offered to speak to any additional questions regarding the operation. He said the process has followed what the City ordinances require and he believes everyone has had ample opportunity to respond.

Mrs. Clark responded by saying she never met with the gentleman so she doesn't know who the meeting was with. She stated she was not aware that the property was purchased until she heard about it through the grapevine. She said she had correspondence with Mr. Gallagher over the last weeks.

It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to close the public hearing. Motion carried unanimously.

After a discussion, it was moved by Alderperson Lubotsky to open a Denny's Restaurant at 4695 South 108th Street, Tax Key #609-0030-001.

Discussion was held regarding changing the proposed hours from a 24 hour operation to specific hours, including holidays.

After further discussion, it was decided no action would be taken this evening.

Final determination of the public hearing for approval of a Special Use to open a Denny's Restaurant at 4695 South 108th Street, Tax Key #609-0030-001 will be placed on the **NEXT AGENDA**, subject to the applicant submitting the exact hours and holidays along with the exact location of the dumpster.

11. Plan Commission Meeting held October 14, 2014

Item #7 Approve Site/Building/Landscaping, including the cross-easement and shared parking arrangement as presented, subject to Plan Commission and staff comments, for a Denny's Restaurant in the former Goody's Restaurant at 4695 S. 108th Street, Tax Key #609-0030-001, is to be placed on the **NEXT AGENDA**.

At this time, the Council proceeded with Item #9

12. City Clerk's Report:

a. Claim received from David Karpinski was referred to the City Attorney.

See action taken in Item #21a of these minutes.

b. Claim received from David Mecikalski was referred to the City Attorney.

See action taken in Item #21b of these minutes.

c. It was moved by Alderperson Saryan, seconded by Alderperson Akers, to renew the City's insurance package with the League of Wisconsin Municipalities Mutual Insurance for 2015 through R&R Insurance, and to accept terrorism insurance (Nautilus and Chubb) and property insurance with Chubb, worker's compensation with United Heartland, crime and public officials with CAN Surety, and storage tanks with Nautilus. On a roll call vote, the motion carried unanimously.

13. Appointments to various committees and commissions:

No appointment was made. Therefore, the following appointment is to be placed on the **NEXT AGENDA**:

Council appointments:

A.D. #5

One member to the Park & Recreation Board for a term to expire 5/31/16
(formerly Marge Oelschlaeger)

14. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve the issuance of an operator license to each of the following:

Fleischman, Leah G.-5270 S. 124th St.

Murphy, Shawn M.-10185 W. Cold Spring Rd.

Slate, Cassandra M.-3037 N. 56th St.

Hedman, Karen E.-S91 W31615 Marys Ct.

Perez, Mayra A.-3722 W. Greenfield Ave.

Slock, Winona K.-7085 W. Southridge Dr.

Motion carried unanimously.

15, 16, 17 & 18.

It was moved by Alderperson Saryan, seconded by Alderperson Akers, to approve the following:

Schedules of disbursements in the amounts of \$137,258.21, \$217,455.44 and \$57,834.57

Accept October 2014 financial statement

Investments and reinvestments in the amounts of \$8,404,104.30 and \$9,969,655.90

Mileage reimbursements in the amount of \$729.92

On a roll call vote, the motion carried unanimously.

19. Approve proposed agreement with Healthways/Silver Sneakers program.

Scott Jaquish, Director of Parks & Recreation, stated the Healthways/Silver Sneakers program creates an avenue as a Medicare Supplement for mainly seniors and their insurance premium, if they so choose. It is like a health and wellness provision. When they select that, the City would be allowed to be what is considered a flex site. It allows those that have that provision in their insurance to participate in fitness type recreation classes in a sense free and then the Park & Recreation Department would then register them and enroll them and receive monthly reimbursement for their participation at a per class rate. He added the Park & Recreation Department would provide the program as they do now. Mr. Jaquish said there are two ways in which the City would receive dollars. If someone from the community who does not partake in this insurance can enroll in the program and they pay the Park & Recreation Department directly as they do for any other recreational program. Those that have this type of insurance, or this supplement, would then enroll and the Park & Recreation Department would be reimbursed from the Healthways program for their participation. It is a newer supplement that is available and people are choosing this as an option in their health insurance premium and then it allows them to partake in fitness programs that, in a sense, historically has shown to lower the premiums which is the benefit to insurance companies.

After a discussion, the City Attorney asked that this item be placed on a **JANUARY, 2015 COUNCIL AGENDA.**

20. Department of Neighborhood Services Report:

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to re-approve the Final Plat called 'Greenfield Parkview Estates' at the southeast corner of South 35th Street and West Barnard Avenue for nine single-family lots and one Outlot for a storm retention basin, subject to Plan Commission, staff comments, with the understanding this project will now be done in a single-phase, Tax Key #622-9988-018. On a roll call vote, the motion carried unanimously.

21. City Attorney's Report:

- a. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Resolution No. 3494

RESOLUTION NO. 3494

IT IS HEREBY RESOLVED by the Mayor and Common Council of the City of Greenfield that the claim made by DAVID KARPINSKI, for damage done to his mailbox as a result of construction taking place in front of his house and mailbox, is hereby disallowed. 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.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

Motion carried unanimously.

- b. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to adopt Resolution No. 3495

RESOLUTION NO. 3495

IT IS HEREBY RESOLVED by the Mayor and Common Council of the City of Greenfield that the claim made by DAVID M. MECIKALSKI, for damage done to his car while traveling westbound on Cold Spring Road on November 12, 2014 while the 6500/6600 block of W. Cold Spring Road was under construction, is hereby disallowed. 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.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

Motion carried unanimously.

22. Items for future agenda – None

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

23. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to adjourn the meeting at 8:11 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

JG:slw

Distributed: December 16, 2014