MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, FEBRUARY 4, 2014

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

1. ROLL CALL:	Alderperson Lubotsky	Present
	Alderperson Pietrowski	Present
	Alderperson Kastner	Present
	Alderperson Akers	Present
	Alderperson Saryan	Present
ALSO PRESENT:	Jennifer Goergen	City Clerk
	Roger Pyzyk	City Attorney
	Rick Sokol	Director of Neighborhood Services
	Chuck Erickson	Community Development Manager

2. Pastor Steve Rogers asked for a moment of silence to honor Alderperson Kastner's father, Arthur Kastner, who passed away on January 26, 2014. Pastor Rogers then gave an opening prayer.

3. Pledge of Allegiance

4. It was moved by Alderperson Pietrowski, seconded by Alderperson Lubotsky, to approve the January 21, 2014 Council minutes, as recorded. Motion carried unanimously.

At this time, the Council proceeded with Item #9

5. Mayor's Report

Mayor Neitzke stated the Park & Recreation banquet was held Friday. He thanked everyone for attending.

6. Aldermanic Reports - None

7. Announcements

Mayor Neitzke stated he and a number of staff have been involved with Greenfield School District's Strategic Planning. He said he continues to be impressed with the new leadership of the Greenfield School District.

8. Citizen Commentary

The following addressed the Council:

Jim Palmar, 5001 South 68th Street, proposed a revenue making idea that was championed by Milwaukee County and that is a beer garden at Konkel Park. He said there is an excellent farmers market during the summer months and he believes it would add to the Sunday farmers market in addition to offering revenue for the City for the entire seven day week. He said Milwaukee County has several of them and they have been successful. He believes the City of Greenfield could run a successful beer garden and generate revenue for the City.

At this time, the Council proceeded with Item #10

9. Public hearing, requested by Ted Larsen – TCB Development Co., LLC, owner of 3.6 acres that includes 4040/4110/4142 West Layton Avenue, for approval of a rezoning from R-2 Single-Family Residential to Planned Unit Development – Commercial for two proposed projects: 1) construct a 15,000 sq. ft. single-story classroom/office building for Lakeland College; and 2) construct a 9,500 sq. ft. multi-tenant commercial building. This specific area is west of the parcels at 3910/4000/4010 West Layton Avenue, which were rezoned in 2009 at the request of Mr. Larsen to Planned Unit Development for a funeral home, Tax Key Nos. 600-9943-002, 600-9943-003, 600-9944, and 600-9945

Notice of public hearing was published in the City's official newspaper on January 16, 2014 and January 23, 2014.

Chuck Erickson, Community Development Manager, stated only the hearing will be held this evening. He said the submittal from the applicant is still incomplete in the sense that the Plan Commission has done a conceptual review but has not yet had a chance to do a formal recommendation on the actual submittal so the intent this evening is to hold the hearing and then at the end of the commentary and any questions that may come from the Council, to adjourn to a later date. Mr. Erickson said Mr. Larsen indicated he is hoping to have submittals ready to come back to the March Plan Commission meeting and hopefully come back to the Council shortly thereafter. Mr. Erickson presented diagrams of the property in question. Somerstone is the development team with which Mr. Larsen is working. Lakeland College has created satellite educational facilities throughout the State. Mr. Erickson said representatives are present this evening to provide additional commentary. He added that a funeral home layout was approved years ago as a Planned Unit Development and the intention is to proceed with Lot 2 as proposed, Lakeland College, and Lot 1 eventually for a retail strip center. The proposed layout as far as the engineering firm on behalf of the project has reviewed the zoning code in the sense that based on the proposed uses and physically the required parking stall counts and the green space ratio are met. The initial review by the Plan Commission is not that these are set in stone. The idea of greater shared parking, whatever the ramifications may be with the Department of Natural Resources perspectives on some of the issues on the site, whatever Milwaukee County may expect as far as something from the traffic impact analysis, may all have a bearing on site and layout features. Mr. Erickson stated the discussion amongst the Commission was such that this is a prime opportunity given the nature of the uses for a lot of shared parking, cross access easements to hopefully minimize more of the hard surface that is on the site as proposed. The layouts are done in a manner to identify that minimum requirements are met and in many cases exceeded. He added that the action by the Commission in December, 2013 was just to authorize the hearing process to proceed. There wasn't yet a formal recommendation on the materials that have been presented. Mr. Erickson said his perspective is that there was a general consensus that the nature of the uses work well within those particular areas, but there still are aspects to work through as far as the site as a whole and that will be part of the further review process as materials come forward from Mr. Larsen and his team.

The following addressed the Council for information only:

Steve Petrovich, 4658 South 43rd Street, explained his biggest concerns with the project are that there is no buffered area labeled which would be north of the proposed retail area. He would like there to be greenery or berms. The western parts of the plan indicate there will be buffered areas, landscaping. He is also concerned with traffic going westbound on West Layton Avenue. A lot of drivers like to cut over to get to West Loomis Road. Also, it is a challenge crossing over West Layton Avenue when approaching from the west. He said Mr. Larsen's group was considerate and has moved the parking that was west of the college a little farther to the east to help enlarge the buffer zone.

The following registered against, but did not speak:

Dorothy Schmidt, 4666 South 43rd Street

The following registered against the proposal:

Donald Schmidt, 4666 South 43rd Street, said the Council is aware that West Layton Avenue is a bear and is the biggest thing that the City will have to worry about. He added there are setbacks on the property lines west of the college on the north side of West Layton Avenue behind the retail center and he would like to see that setback at least with berms with shrubs enough to block out the parking lights. He also asked what would happen with the snow removal and where the garbage would be located so it wouldn't blow on another property.

Christine Hallen, 4676 South 43rd Street, said she has not seen any final plans for landscaping. There is a concern that the retail center is only 25 ft. from the property line with the loading zone that she believes would be 12 ft. from the property line with no landscape buffer around that at all. She believes that since a row of parking was deleted, the landscaping buffer on the west side of the college could probably be increased to 40 ft. from 20 ft. She said she is concerned with the loss of the trees. She said there is a heavily forested area with lots of wildlife, but that's going to be clear cut and that will be gone. Ms. Hallen said they enjoy where they live. Their backyards are like park areas and she would like as much as possible preserved. With regard to the retail space, she said she has a problem approving a building with no idea of who the tenants are going to be. The traffic is a major problem as there are so many accidents on the corner. As far as the dumpsters being on the back of their property as it is, the neighbors clean up garbage from businesses in the area.

The following registered in favor, but did not speak:

Jimmy Rosen, 19035 Capitol Drive, Brookfield, representing Lakeland College
John Thomsen, representing Somerstone & Ted Larsen

The following addressed the Council for information only:

Carole Robertson, Vice President & CFO of Lakeland College, Sheboygan, said they have been in the area for over 30 years. She said at the campus in Greenfield, they would offer several undergraduate programs as well as three masters degree programs. Currently, the West Allis location serves 400 students. Due to the fact that they offer blend ed which allows the student to not only attend in the classroom but also, if it suits their schedule, attend from home or away from home if they are on business, their students sometimes do not fill the classrooms. She said the Greenfield location would serve their needs. She said they feel strongly that they are always a good neighbor. There would be nine classrooms, student study space, and about 10 offices for staff. She said they do have appropriate green space around their campuses as well as appropriate escaping around parking lots, etc. She \ thanked the Council for their consideration. Ms. Robertson said they hope to be a neighbor that not only serves the neighborhood well, but the greater community going forward and educational needs. She indicated that Undergraduate Bachelor's Degrees will include Accounting, Business

Administration, Communications, Computer Science, Criminal Justice, Education, Healthcare Management, Marketing, Psychology, and Specialized Administration. Masters Degrees include Business Administration, Counseling, and Education, and several specializations within those masters degrees including one of their hallmark programs being Accounting with a Taxation emphasis.

Rich Haen, representing Lakeland College, Sheboygan, invited anyone with concerns regarding how the Lakeland campuses are kept in terms of snow removal or garbage to take a tour of any campus in the State including the main campus in Sheboygan. He said they are not the type of neighbor that will allow their garbage to blow around or to pile up snow.

Ted Larsen, 20905 Villa Court, Waukesha, representing TCB Development Co., said a neighborhood meeting was held. He said the concerns at that meeting are the same concerns he is hearing this evening. They have made changes to the parking giving a greater landscape buffer on the very west side. He said they have no problem showing the landscape plan to the neighbors when coming to that point such as what will be on the north side of the retail center. He said there is 25 ft. which is ample room to put in a berm or any bushes that the neighbors want. If the neighbors also want a wood fence installed behind the retail center, that is no problem. Mr. Larsen said the loading zone is mainly designed for a UPS truck, for example, to make a delivery discreetly behind the retail center and they will hand dolly down the sidewalk. He said they do not wish to be intrusive at all. There is no lighting on the north side of the retail center other than perhaps a little light above the service door that would have access to tenants. The dumpster off the loading area is designed for the retail center. It is going to be a fully enclosed mason brick nice looking dumpster. He said he has no problem with placing any bush the neighbors want around that dumpster. If any of the neighbors on South 43rd Street want the dumpster designed for the college on the very north side moved to the east side of the college, that can be done. Mr. Larsen said he and his family will own the funeral home and they are very conscious about the appearance of their properties as well as the college and they do not want garbage blowing away. If there is a concern, he asked that it be shared with him. He indicated the funeral home will not be built for some time. He said this spring he will work with the church, which is next door to where the funeral home will be built, as he would like to give the Pastor and his wife some privacy as their home is the closest to any of the lot lines. Mr. Larsen said it is his intent to put left hand turn lanes in the median on West Layton Avenue as when turning into the properties, those entrances and exits are completely lined up with the existing median cuts. If left hand turn lanes going eastbound on West Layton Avenue can be installed, the safety will greatly improve on West Layton Avenue versus making a left hand turn now with no turn lane. They also intend to pave the gravel shoulder in front of the entire property line so guests can properly turn into and leave the places of business.

Mayor Neitzke stated there has been contact with Milwaukee County with regard to the median cuts. Initially, the turn lanes were going to be shorter, however, the City is requesting the turn lanes be lengthened. He added that with regard to West Layton Avenue at South 43rd Street where the median cut is, there is discussion that in the future when the County does West Layton Avenue, to close the median and redirect some of the traffic that now goes down South 43rd Street to West Edgerton Avenue to West Loomis Road to get north and northeast. He believes that now redoing West Layton Avenue has been pushed off to 2018-2019 and no dollars allocated to that project.

Christine Hallen, 4676 South 43rd Street, asked if the City Forester has done a survey of the properties.

Mr. Erickson said the expectation is the developer would provide the tree survey and he would verify its authenticity.

Christine Hallen said the landscape plan had 34.4% and the requirement is 35 so she assumes that will be revised. Are there any areas of that wooded area that will be kept in place?

Chuck Erickson said it is not known how that will change until the landscaping plan is received. However, the discussion at the December Commission meeting was expanding upon the idea of shared parking, cross access easements. He added that to pick up a half a percent on green space is going to be pretty easy within the context of this overall site.

Mayor Neitzke said to keep in mind that with regard to parking, there is a vocational college in the City, on South 60th Street & West Layton Avenue, which doesn't have enough parking and it has created problems over the years.

Christine Hallen said she was just wondering if there's one area on the lot where some of the trees that are already there will be retained.

Mayor Neitzke indicated some of the oak trees, the bur oak trees and the white oak trees that are there are probably 150 years old and wondered if they can be incorporated into some of the landscape plan.

Steve Petrovich suggested moving the dumpster to the east side as Mr. Larsen said could be done if the neighbors desired. Mr. Petrovich said moving the dumpster would provide additional green space.

> It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to close the public hearing. Motion carried unanimously.

Mr. Erickson indicated that Council should not vote on the proposed rezoning until the Plan Commission has seen the greater detail plans that would be expected for such a proposal so it can formally forward a recommendation on the nature of the proposal.

Mayor Neitzke said there are individuals that are probably interested in moving forward on something. He asked if the Common Council is against the intended uses on the property?

Alderperson Kastner suggested that by voting for the intended use does not stop the Council from voting on the site and landscaping. The site and landscaping would need another vote as well.

Mr. Erickson said yes, but typically when looking at a Planned Unit Development designation, the particular details such as landscaping, lighting, utility, building materials are part and parcel of all of that consideration where the rezoning and site, building, and landscaping come together so it can all be considered uniformly concurrently. He said that has been the general practice with Planned Unit Development designations.

Mayor Neitzke said irrespective of that, nothing can be approved of the site unless there is a developer's agreement in place and approved site and landscaping plan so they may have the zoning change but they still have to come forward with a plan that complies with the requirements of the planned unit development which requires a developer's agreement.

Mr. Erickson reaffirmed that typically the Council action when looking at a planned unit development is to know the answer to what the landscaping, grading, utilities, brick will be. He said his suggestion is to defer any action to a later date until such time as the materials have come forward.

Alderperson Pietrowski asked why this wasn't a mixed use development area when going through the Smart Growth.

Mayor Neitzke said it is. He said the problem is there are two things that control a piece of property. They are the zoning and the land use plan. Statutes require both. The problem is when they are in conflict. So there can be something that is an intended use that is consistent with the Comprehensive Land Use Plan, but the zoning hasn't caught up to it which requires a public hearing. The opposite could occur as well. This could be zoned commercial, as it is suppose to be, but the Comprehensive Land Use Plan could have said it should be residential.

Mr. Erickson said the Land Use Plan and proposal fits. Mr. Erickson asked the City Attorney if the Council has to, when its closed the hearing, do anything as far as a reference to adjourning it so that it can be reopened at a later date.

Roger Pyzyk, City Attorney, explained the hearing has been closed. The decision would be adjourned for determination at a later meeting after the Plan Commission makes their recommendation.

Mr. Erickson said he thought the hearing could be reopened.

Attorney Pyzyk said the hearing is not going to be reopened. The hearing has been closed.

Alderperson Kastner said the item will be listed on a future Council agenda and will be voted on at that time.

Attorney Pyzyk added that will be in conjunction with the Plan Commission recommendation.

Mayor Neitzke asked how long after this hearing a vote needs to be taken.

Attorney Pyzyk said he doesn't believe there is a time limit. He said he informed Mr. Erickson it was a very unusual procedure to follow to put a public hearing on a Council agenda prior to receiving Plan Commission approval, but the public hearing had already been scheduled. He said he advised that this procedure not be followed again because it doesn't flow properly. Attorney Pyzyk said he doesn't believe there is a timeframe, but he thinks the people want to move forward. He suggested that immediately following the Plan Commission meeting where the rest of the items on this issue come up, it should come before the Council for a vote. It is understood the public hearing is not adjourned as the hearing was closed.

Therefore, final determination will be placed on a **FUTURE AGENDA** regarding the public hearing, requested by Ted Larsen – TCB Development Co., LLC, owner of 3.6 acres that includes 4040/4110/4142 West Layton Avenue, for approval of a rezoning from R-2 Single-Family Residential to Planned Unit Development – Commercial for two proposed projects: 1) construct a 15,000 sq. ft. single-story classroom/office building for Lakeland College; and 2) construct a 9,500 sq. ft. multi-tenant commercial building. This specific area is west of the parcels at 3910/4000/4010 West Layton Avenue, which were rezoned in 2009 at the request of Mr. Larsen to Planned Unit Development for a funeral home, Tax Key Nos. 600-9943-002, 600-9943-003, 600-9944, and 600-9945. *[Note: Public hearing was held February 4, 2014]*

The Council proceeded with Item #5

10. Plan Commission Meeting held January 14, 2014

Item #4 It was moved by Alderperson Kastner, seconded by Alderperson Pietrowski, to approve a Special Use Amendment and Site/Building Review for proposed alterations to Arby's at 4841 South 27th Street, subject to Plan Commission and staff comments, Tax Key #622-9988-014. Motion carried unanimously.

Item #5 Discussion/decision on the recommendation to deny the approval of a Certified Survey Map to combine two existing tax key parcels at 4900 South 68th Street and then re-split them to create two lots, each with 100' of frontage on South 68th Street and each sized at 1.5 acres, which meet and/or exceed R-2 Single-Family District requirements, subject to Plan Commission and staff comments, Tax Key Nos. 618-9982-002 and 618-9982-005.

The following addressed the Council:

Jim Palmar, 5001 South 68th Street, encouraged the Mayor and Common Council to listen to the concerns of the residents that abut the property in question.

Kris Kiefer, owner of 4900 South 68th Street, said he owns the property in question with his brother. The decision this evening is to divide the land in half. He said they meet all of the City requirements so they feel they have a right to divide the land. He understands the Mayor and Plan Commission denied their request simply because they didn't think it fit into the rest of the neighborhood. He said currently they have approximately 3 acres there and questioned if that fits into the neighborhood. It has been that way for many years. They are trying to downsize the lot to have it fit into the neighborhood more. Secondly, adjacent to the north of the property, there is an apartment complex with approximately 12-14 10,000 sq. ft. buildings that directly butt up to their property. Mr. Kiefer said they believe it would be a good transition from the apartment complex to single family houses. The idea is to split the land in half, keep it zoned residential, and move forward with their proposal. He asked that the Council not discriminate against them.

Ron Pietraszewski, 4921 South 67th Street, said he has lived on his property for 4-5 years and he doesn't want another CBRF (Community Based Residential Facility) placed there. If the land is divided, it will allow another CBRF to be placed there. He said there are federal laws that state nothing can be done about the existing CBRF being in a residential neighborhood. He said there is a State law that the homes have to be 2,500 ft. apart. The City just has to implement that law.

Mayor Neitzke said he wants to make it clear that the item being discussed this evening is a lot division. He said with regard to the law that Mr. Pietraszewski is referring to, there are two sections of Wisconsin Statutes. The first is with regard to the 2,500 ft. distance. He said he understands that law has been overturned in the courts. The other portion of that law refers to having two CBRFs that are adjacent and that is the discretion of the City to allow adjacent residences.

Mr. Pietraszewski said in his opinion, the owners are asking the City to give them preferential consideration because all of the residents in that area are opposed to it. They don't want the land split into two lots. He said the federal government doesn't care what the lot size is. He said, in his opinion, if the lot is allowed to be split, Castle Homes Inc. is asking for the City to treat it as a residential property but yet it is still a commercial property. He said if he owned the lot, he would have sold it due to all the discension and animosity that has occurred. He said if the lot is divided and a second CBRF is placed on the lot, a new precedence will be set for the City of Greenfield. That means they can buy the next lot and put another one in and pretty soon people that have CBRFs will have to be asked whether a residential home can be built in their area.

Laura Palmer, 4875 South 68th Street, said she wants whatever is ultimately built to fit into the neighborhood. There are undesirable options if the plan that has been presented doesn't go through that might impact some even worse.

Merry Kusz, 4931 South 68th Street, said her home is deemed a subdivision on her tax statement which states Edgerton Acres, Lot 1, Blk 1. She said in perspective, disregard the size of South 68th Street, the width. She said they are a subdivision. They fought the widening of South 68th Street 24 years ago and lost and now they have a major artery filtering through Southridge and just bringing more traffic in the area. This will add to the amount of traffic in the area and emergency vehicles. She said it was a quiet neighborhood at one time. She believes they are more concerned not with the content of building, who is going to be housed in it, what the building is earmarked for. They have nothing against the CBRFs. They have been a part of the neighborhood for the past 15 years and no one has ever complained. She said the bottom line is that it is still deemed a subdivision on her property tax statement and she asked the Council to take that into consideration. She said she has a large lot and she might want to build something next door as well. She said the size is a concern and whether it will comfortably fit in.

Terry Krell, 4914 South 68th Street, said the neighborhood has been through a lot for the last four or five years and he is frustrated by the whole deal. He said he would like to keep the facility no bigger than what it is now. He is concerned it will set a precedent and there will be clusters stacked up to one another.

Chris Hegeman, 4900 South 67th Street, said he feels that because the size of the building is much larger than the surrounding homes, that the decision to split the lot now is not good because it should be agreed with the neighbors about the size and design of the building. He feels the split could be done later after an agreement.

Kevin Kiefer, owner of 4900 South 68th Street, said they are great neighbors that take care of their property. He said they have a three acre parcel. He said there have been four or five neighborhood meetings to get insight to divide and develop the land. He said he believes that by splitting the land in half, they could preserve as many trees as possible and create the largest buffer between the neighbors versus clear cutting the land and putting in a cul-de-sac. He said they do have the frontage for the split. There is currently 200 ft. of frontage. He said they feel that would be the best for the neighborhood.

> It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve the Certified Survey Map combining the two existing parcels at 4900 South 68th Street and then re-split them to create two lots, each with 100' of frontage on South 68th Street each sized lot at 1.5 acres, which will meet or exceed the R-2 Single Family District requirement, subject to Plan Commission and staff comments, Tax Key Nos. 618-9982-002 and 618-9982-005.

Under discussion, Alderperson Pietrowski said he was reviewing Chapter 83.04(3) of the Wisconsin Administrative Code with the Department of Health Services. He said this is kind of an unusual circumstance for the simple fact that this is a new construction going in rather than an existing CBRF. Alderperson Pietrowski said it says that prior to initial licensing, there should be a Community Advisory Committee under Chapter 50.03(4)(g) in the State Statutes. He asked Attorney Pyzyk if he had ever heard of that.

Attorney Pyzyk said no and that is why, as the Mayor has stated very clearly, that is not being talked about this evening.

Alderperson Pietrowski said most of his items are going to address that because there was discussion at length at the Plan Commission on the issues as well. He said he thinks they are kind of salient issues for the fact that there is so much consternation amongst the neighbors. He said when Enlightenment Investments came in with their first plan, it was two 20 unit buildings with a zoning change of Institutional and they knew with the feel of the neighbors that that just wasn't going to happen. Alderperson Pietrowski said then they had the audacity to come back with a planned unit development and try to placate the neighbors saying no the City is going to have some hand in deciding whether to develop the second lot. He said the people are smart; they know what is being put in front of them. Enlightenment Investments is a for profit organization and everyone of the proposals that they have put in front of the City are proposals that give the biggest and best return on their investment. Alderperson Pietrowski said he thinks the problem is that Enlightenment Investments really hasn't been looking critically to their neighbors in their neighborhoods where these owners live, where the Kiefers live. Would they do this to their neighbors? He said he doesn't believe they used any tact in bringing any development of any sorts into here whether it is their single development on this divided lot that they proposed as well. Alderperson Pietrowski said he wanted to make a correction on page 5 of the the [January 14, 2014] Plan Commission minutes which state that he said it is a 6,822 sq. ft. proposal, however, he said 5,000 sq. ft. He said his hope is that Enlightenment Investment becomes enlightened to what is going on with their neighbors and adheres to their ideas. They need to be listened to. Alderperson Pietrowski said he is not supporting this.

During further discussion, Mayor Neitzke reiterated the only thing being reviewed now is a lot split.

Alderperson Lubotsky called for the question

> On a roll call vote, the motion carried with Alderpersons Lubotsky, Kastner & Saryan voting yes; Alderpersons Pietrowski & Akers voting no.

11. Appointments to various committees and commissions:

<u>Mayor appointments</u>:

(1) Mayor Neitzke appointed Don Carlson, 5082 West Colonial Court, as an alternate member to the Plan Commission for a term to expire May 1, 2015

The following appointments are to be placed on the **NEXT AGENDA**:

a. Mayor appointments, confirmed by Council:
(1) One member to the Board of Review for a term to expire 5/1/15 (formerly Don Holt)

(2) One member to the Board of Review for a term to expire 5/1/17 (formerly Allen Shutta)

(3) One alternate member to the Tree Commission for a term to expire 5/1/14 (formerly Lew Silva who was appointed a regular member at the 11/5/13 Council meeting)

(4) Three members to the Community Development Authority for a term to expire 2/19/18 (James Podewils; Patricia Nelson; Steven Pietroske)

b. Mayor appointments:
(1) One alternate member to the Zoning Board of Appeals for a term to expire 5/1/15 (formerly Donald Kopp)

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

Branski, Tyler S.-3252 S. 58th St.	Dorow, Scot A.-6440 S. Crabapple Ct.
Kinnard, Jennifer L.-2143 S. 99th St.	Kleineider, Karen M.-6612 S. 27th St.
Orchel, Sherry L.-2120 S. 58th St.	Orzechowski, Morgan K.-4840 Sutton Ln.
Schultz, Emily S.-5366 Root River Dr.	Turner, Loretta M.-4063 S. 65th St.
Unger, Melanie M.-2966 S. 92nd St.	Witt, Jessi L.-2438 E. College Ave.

Motion carried unanimously.

13. It was moved by Alderperson Kastner, seconded by Alderperson Pietrowski, to approve the issuance of a Parade License to Ragnar Events LLC for The Ragnar Relay Chicago 2014 race, a benefit for local charities and CARA as the official Chicago charity, with set up to begin at 6:00 p.m. on Friday, June 6, 2014 with the first runner expected to pass through the City of Greenfield at 7:30 p.m. on Friday, June 6, 2014 with the last runner and cleanup done by 5:00 a.m. on Saturday,June 7, 2014. The route of the relay is as follows: Runners will enter Greenfield heading south on Root River Parkway, cross West Morgan Avenue and proceed south on South 116th Street to the Oak Leaf Trail; Oak Leaf Trail south (crossing under West Beloit Road) to South 108th Street; Southbound on west side of South 108th Street on the sidewalk to West Cold Spring Road; cross South 108th Street at the traffic signal and proceed east on West Cold Spring Road and into Exchange 17 at Alan Kulwicki Park. Runners will leave the exchange chute heading east on West Cold Spring Road then turning south onto the Oak Leaf Trail to West Layton Avenue (crossing under West Layton Avenue). Runners will run along the east side of Root River Parkway to South 92nd Street and then south to STH-24/West Forest Home Avenue. Runners will leave Greenfield crossing STH-24/West Forest Home Avenue onto the Root River Parkway. An officer will be placed where South 92nd Street intersects with SR-24.

After a discussion, the motion carried unanimously.

14. It was moved by Alderperson Pietrowski, seconded by Alderperson Akers, to approve the issuance of a Temporary Class "B" Retailer's License to Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages at the following events to be held at House of Harley-Davidson, 6221 West Layton Avenue:

Name of Event	Type of Event	Date of Event	Indoor/Outdoor	Time of Event
HOGTOBERFEST	Fall Festival	October 4, 2014	Outdoor	10:00 a.m.-5:00 p.m.
The Great Pumpkin Toss	Discount Promotion	October 18, 2014	Indoor	9:00 a.m.-4:00 p.m.
Haunted Brew & View	Movie Night	October 25, 2014	Indoor	7:00 p.m.-10:00 p.m.
Men's Shopping Night	Customer Appreciation Event	December 11, 2014	Indoor	6:00 p.m.-9:00 p.m.

Motion carried unanimously.

15. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to approve the issuance of a Temporary "Class B" Retailer's License to Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages & wine during 'Ladies Shopping Night', an indoor customer appreciation event, on December 4, 2014 from 6:00 p.m. to 9:00 p.m. at House of Harley-Davidson, 6221 West Layton Avenue. Motion carried unanimously.

16. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve a maintenance agreement with Impact Networking for the Kyocera, subject to the City Attorney's approval. On a roll call vote, the motion carried unanimously.

17. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Resolution No. 3469.

RESOLUTION NO. 3469

Resolution to set the salaries and benefits of the City Attorney and City Prosecutor for 2014.

PART I. The wages and salaries of the following officers and employees shall be adjusted in accordance with the 2014 Non-Represented and Command Staff salary resolution.

NON-REPRESENTED EMPLOYEES	ANNUAL SALARY Eff. 1/1/14	ANNUAL SALARY Eff. 4/7/14 (2% increase)
City Attorney	$42,364	$43,211
City Prosecutor	$20,703	$20,703

SALARY COMPUTATION Salary is computed at an annual rate.

MILEAGE ALLOWANCE There shall be paid to each City officer or employee using his/her private automobile the sum of the IRS approved mileage rate for use of said vehicle on City business. Parking fees shall also be paid by the City. Mileage Report forms shall be turned in monthly to the Finance Department on forms provided by that department. Officers and employees covered by this resolution shall be entitled to mileage allowance as provided herein excluding such employees who are provided a city-owned vehicle.

PART II. <u>BENEFITS</u> The City Attorney/City Prosecutor shall receive health insurance, life insurance and retirement benefits, as long as he/she is employed in those positions. Retiree benefits shall not be provided beyond his/her last day of employment, except as required by law.

PART III. <u>PROBATIONARY EMPLOYEES</u>

Newly appointed employees shall serve a training period of employment for a minimum period of six (6) months or twelve (12) months (for department heads) following their date of hire. The appointing authority may extend the training period an additional six (6) months. During this training period of employment, employees may be terminated for any reason during the training period of employment without recourse.

PART IV. <u>NOTICE OF TERMINATION</u>

Employees subject to this resolution shall be required to provide the City with at least a one (1) month notice, in writing, upon termination of employment with the City. Failure to do so shall result in the loss of all prorated benefits.

PART V. <u>SAVINGS CLAUSE</u>

If any part(s) of this resolution is determined to be invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this resolution shall not be affected thereby and shall remain in full force and effect.

PART VI. <u>EQUAL OPPORTUNITY EMPLOYMENT</u>

It shall continue to be the policy of the City not to discriminate for or against any employee in employment, promotions or other conditions of employment because of age, race, color, creed, disability, veteran status, sex, national origin, ancestry, sexual orientation, arrest or conviction record, and any other legally protected class.

ADOPTED____________________, 2014	APPROVED____________________, 2014
______________________________	______________________________
Jennifer Goergen, City Clerk	Michael J. Neitzke, Mayor

On a roll call vote, the motion carried unanimously.

18. Discussion and decision regarding revising the Long-Term Debt Policy is to be placed on the **<u>NEXT FINANCE & HUMAN RESOURCES COMMITTEE AGENDA</u>**.

19, 20, 21. It was moved by Alderperson Saryan, seconded by Alderperson Pietrowski, to approve the following:

Schedules of disbursements in the amount of $2,600,525.77

Mileage reimbursements in the amount of $1,691.95

Investments and reinvestments in the amounts of $12,760,811.96 and $13,461,852.85

On a roll call vote, the motion carried unanimously.

22. After a discussion during which Chuck Erickson, Community Development Manager, addressed the Council, it was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to adopt Resolution No. 3470.

RESOLUTION NO. <u>3470</u>

RESOLUTION AMENDING RESOLUTION #3376 & #3429 LOOMIS ROAD & I-894 REDEVELOPMENT REIMBURSEMENT RESOLUTION

WHEREAS, the Greenfield Crossing Redevelopment Plan Reimbursement Resolution #3376 (passed 4/6/11) and Resolution #3429 (pasted 9/18/12) needs to be amended to increase the amount of internal funding from not to exceed $840,000 (initial amount), to not to exceed $860,000 (first amendment amount), to $1,185,000 per the breakdown below.

NOW, THEREFORE, BE IT RESOLVED that the City of Greenfield may fund certain professional fees, land acquisition costs, demolition/disposal, and other associated costs to effect the City's long-term interests at this Loomis Road & I-894 area through the use of internal funding or LOAN from the SANITARY SEWER FUND reserves under the following conditions.

1. In consideration of internal financing, the total funding level amount shall not exceed $1,185,000 ($860,000 + $325,000 = $1,185,000)
    - $143,000 – purchase of 4001/4025 W. Loomis Rd.; Tax Key #600-9960-004 (a.k.a. Cycle Empire parcel – back taxes).
    - $28,000 -- 2013 unpaid property taxes
    - <u>$154,000</u> – estimated building demolition/disposal/site restoration costs (i.e. bid advertising process will start Feb. 6th & 13th)

    $325,000

2. The Mayor and City Finance Director are authorized to designate qualifying professional fees and expenses pursuant to this resolution and the project.

3. The Finance Department shall make funding (LOAN) advances, as needed, in order to pay bills, for designated fees and expenses, under internal financing to not exceed the total approved funding, as noted in item #1 above.

4. The City Clerk is authorized to sign a revision to the Declaration of Official Intent (No. 2011-01) which had been signed when Resolution #3376 was approved.

5. Unless expressly authorized differently by Common Council action, the amount of internal financing, i.e. the total funding loan hereby approved by the Common Council, must be repaid to the SANITARY SEWER FUND by February 15, 2017. The repayment of the LOAN amount may be in the form of external debt financing or other financing alternatives.

ADOPTED____________________, 2014 APPROVED____________________, 2014

___________________________________ ___________________________________

Jennifer Goergen, City Clerk Michael J. Neitzke, Mayor

On a roll call vote, the motion carried unanimously.

23. It was moved by Alderperson Akers, seconded by Alderperson Kastner, to award street projects in the amount of $502,156.95 to Black Diamond Group for the City Hall Parking Lot, South 112th Street from West Cold Spring Road to West Beloit Road and West Plainfield from South 92nd Street to South 98th Street and the amount of $145,908.00 to Stark Asphalt for West Bottsford Avenue from South 68th Street to South 70th Street.

Under discussion, Rick Sokol, Director of Neighborhood Services, said the City Hall Parking Lot was bid with the others, but is treated separately in accounting.

Attorney Pyzyk clarified with Mr. Sokol that two contracts are being approved with road repairs.

On a roll call vote, the motion carried unanimously.

24. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to go into closed session pursuant to Wisconsin Statutes, Section 19.85(1)(g) at 8:27 p.m. for the following purpose:

> Confer with legal counsel with respect to litigation in which it is or is likely to
> Become involved in

On a roll call vote, the motion carried unanimously.

25. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to adjourn closed session and reconvene into open session at 9:04 p.m. [No vote taken on recording.]

26. No action was required regarding closed session.

27. Items for future agenda - None

28. It was moved by Alderperson Pietrowski, seconded by Alderperson Lubotsky, to adjourn the meeting at 9:05 p.m. Motion carried unanimously.

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Jennifer Goergen, City Clerk

JG:slw
Distributed: February 7, 2014