

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON
TUESDAY, SEPTEMBER 16, 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
	Rick Sokol	Director of Neighborhood Services

2. An opening prayer was given by Pastor Steve Rogers.

3. Pledge of Allegiance

4. It was moved by Aldersperson Bailey, seconded by Aldersperson Saryan, to approve the August 19, 2014 Council minutes, as recorded. Motion carried unanimously.

5. Mayor's Report

Mayor Neitzke said he will be issuing a proclamation stating the City of Greenfield joins the Muscular Dystrophy Association and the Greenfield Firefighters in recognizing September 23-25, 2014 as MDA Days in Greenfield.

6. Aldermanic Reports - None

7. Announcements

Mayor Neitzke said he will be presenting his budget to the Finance & Human Resources Committee on September 24, 2014. He added that last year the City received \$1,603,797 in Shared Revenue from the State. Next year the amount will be \$1,597,913.

8. Citizen Commentary - None

9. Board of Public Works Meeting held August 26, 2014

It was moved by Aldersperson Lubotsky, seconded by Aldersperson Kastner, to approve the following:

Item #9 Replacement of the yield sign with a stop sign on southbound South 45th Street at West Van Beck Avenue

Item #10 Three-way stop at South 74th Street and West Barnard Avenue

Item #11 Release of an existing Storm Water Management Maintenance Agreement and approve a new Storm Water Management Maintenance Agreement, related to development changes at the Community Bank property, 4131 West Loomis Road, Tax Key No. 600-1001

Item #12 Existing fence to remain, and for a proposed gazebo/ pergola to be constructed within a Permanent Municipal Purpose Easement along the side yard of Manuela Duarte, 3665 South 34th Street, Tax Key No. 553-0383

Motion carried unanimously.

10. Plan Commission Meeting held September 9, 2014

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve the following:

Item #4 Special Use Review to open Jersey Mike's Subs, 7925 West Layton Avenue, in the Sendik's Commons retail center at this same location, subject to Plan Commission and staff comments, Tax Key #616-8989-003

Item #5 Special Use Review for Gregg Des Rosier to be the new operator of the Pacific Produce Deli at 5455 South 27th Street, subject to Plan Commission and staff comments, Tax Key #645-9002

Item #10 Special Use Review for Milwaukee Auto Works at 3320 West Howard Avenue (i.e. auto repair), Tax Key #553-8999

Item #10a Special Use for the purposes of opening a business that buys/sells pre-owned video games, game systems, movies, music, and electronics in the 'Panera' building at 7828 West Layton Avenue, subject to Plan Commission and staff comments, Tax Key #605-9956-009. (Note: An email, dated September 12, 2014, was received from the existing owner of Mega Media Xchange at 4820 South 76th Street in which she indicates she is relinquishing her special use and Secondhand Article Dealer's license for that location which was a condition of the Plan Commission because a special use follows the property, not the owner.)

After a discussion during which Brad Wentlandt, Chief of Police, addressed the Council, on a roll call vote, the motion carried unanimously.

Item #9 Discussion/decision on the Plan Commission recommendation concerning the Temporary Use granted by the Common Council on May 28, 2014 to allow for a gravel parking area on the northerly portion of 4334 West Edgerton Avenue to be used by Al Huda Mosque at 5075 South 43rd Street, Tax Key #620-9915

Under discussion, Mohammed Imran, representing Al Huda, 5075 South 43rd Street, indicated they had asked for the pavement of the space behind 4334 West Edgerton Avenue to add approximately 20 spaces to help alleviate the parking issue of the Mosque. He added that last week one of the Board members suggested demolishing the house at 4334 West Edgerton Avenue and converting it into a parking lot. At the present time, they are looking to pave the existing gravel parking lot, but if the City would like the entire area to be converted into a parking lot, they are ready to do that or whatever the City would like done according to the code.

Don Kreuser, 4320 West Edgerton Avenue, said he supports the gravel parking lot and believes it has alleviated a lot of the prior problem. He said he also supports any modifications to the property next to his house that would accommodate future parking or request by the Common Council.

Alderman Kastner said he is the individual that suggested tearing down the house. He said the gravel parking lot, the design, and the way it is laid out does not meet the City code. He proposed that if the house were to be removed, then the setbacks from the neighboring yards could be adhered to, the drainage issue could then be addressed to get the drainage through the park and adequate draining could be installed so there isn't ponding, and the front could be buffered from the rest of the parking lot. The timeline on this is that in December the zoning will be voted on, but it would be appropriate not to approve the zoning until there is a site and landscaping plan that shows everything he just mentioned, prior to actually approving it. He said possibly the question before the Council is are they allowed to use the gravel parking lot and somebody's backyard until then.

Mayor Neitzke reiterated the only issue this evening is the status of the Temporary Use Permit. A public hearing will be held in the future.

Chuck Erickson, Community Development Manager, said the request that came out of the Plan Commission just relates to the gravel area.

Mayor Neitzke said the Council has three choices this evening which include rescinding the Temporary Use, extending the Temporary Use with conditions, or approve a permanent use which would require changing the zoning and the Comprehensive Land Use Plan.

A Board member of the Al Huda Mosque, indicated they may look at another location to separate some activities. He also indicated there are no plans to increase the size of the building at its present location and that the additional 22 parking spaces has helped with the parking problem.

Mayor Neitzke read an email received from Margaret Erhart, 4515 West Edgerton Avenue, in which she states that residents do not want paved backyards in their neighborhood. He added that there have been petitions and emails that he believes relate more to the Comprehensive Land Use Plan and the zoning issue that would be discussed at the public hearing than with regard to the Temporary Use.

After further discussion, it was moved by Alderman Lubotsky, seconded by Alderman Bailey, to extend the Temporary Use until May 1, 2015 [which allows a gravel parking area on the northerly portion of 4334 West Edgerton Avenue to be used by Al Huda Mosque at 5075 South 43rd Street, Tax Key #620-9915].

Under discussion, Alderperson Saryan said the overwhelming majority of her constituents do not want to change the land use and zoning from Residential to Institutional nor do they want a paved backyard in their neighborhood. She encouraged the Council to vote against it.

The City acknowledges the mosque is currently trying to cooperate in any way they can by having two services and they have parking lot attendants on the street trying to make sure that the parking problems are mitigated.

The City Attorney said as part of a Special Use the City can require that they have attendants with regard to traffic direction but cannot require that there be two services.

After additional discussion, on a roll call vote, the motion carried with Alderpersons Lubotsky, Bailey & Kastner voting yes; Alderpersons Akers & Saryan voting no.

11. Finance & Human Resources Committee Meeting held September 10, 2014

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

Item #3 Renewal of the Flexible Benefit Plan Agreement (Section 125 Plan) with Diversified Benefit Services, Inc. for the period January 1, 2015 through December 31, 2017

Item #4 Filling three Fire Lieutenant positions in the Fire Department that have been approved in the 2014 Budget

Item #6 Schedules of disbursements in the amounts of \$193,496.06; \$740,594.53; \$131,051.09; \$1,035,824.74; \$464,424.76; \$1,649,396.62 and (\$161.49)

Item #7 Mileage reimbursements in the amounts of \$720.69; \$880.00; \$1,236.76 and \$840.25

Item #8 Investments and reinvestments in the amounts of \$16,988,177.72 and \$10,467,877.84

Item #9 Accept July 2014 financial statement

On a roll call vote, the motion carried unanimously.

12. City Clerk's Report:

It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to adopt Resolution No. 3483.

RESOLUTION NO. 3483

RESOLUTION APPOINTING ADDITIONAL ELECTION OFFICIAL(S)
FOR 2014-2015

WHEREAS, Wis. Stats. 7.30(4)(a) require the governing body to appoint election officials no later than the last regular meeting in December of each odd-numbered year for the 2014-2015 election cycle; and

WHEREAS, appointments were made at that time, but it has become necessary to appoint additional election officials to fill open Election Inspector, Registrar, and/or Greeter positions at the polls;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield confirms the additional election official(s) for the 2014-2015 election cycle.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

On a roll call vote, the motion carried unanimously.

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

Belling, Laura L.-1941 Jefferson Ave.
Covelens, Taylor J.-7126 W. Lakefield Dr.
Miller, Amelia R.-10574 W. Cortez Cir.
Mishich, Cricket L.-4508 W. Morgan Ave.
Poulin, Shenandoah W.-3716 W. Lincoln Ave.
Schmidt, Carrie A.-11575 W. James Ave.

Bresette, Tammy M.-3912 W. Denis Ave.
Larson, Christopher H.-26322 Nordic Ridge Dr.
Miller, Rebecca A.-6205 W. Cleveland Ave.
Perleberg, Lacy L.-3621 S. 33rd St.
Rich, Brittany A.-2676 S. 69th St.
Spenneberg, Ryan C.-7701 W. Morgan Ave.

Motion carried unanimously.

14. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to enter into a contract with Wisconsin Department of Transportation for overtime reimbursement related to an upcoming Hale Interchange closure. On a roll call vote, the motion carried unanimously.

15. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to extend a lease for space in the Communications Room at the Library including additional compensation.

After a discussion, on a roll call vote, the motion carried unanimously.

16. Department of Neighborhood Services Report:

It was moved by Alderperson Bailey, seconded by Alderperson Akers, to adopt Preliminary Resolution No. 3484, Resolution No. 3485, Ordinance No. 2800, Ordinance No. 2801 & Resolution No. 3486.

a. PRELIMINARY RESOLUTION NO. 3484

PROJECT 2014 #09

WHEREAS, it is proposed to improve by the installation of concrete public sidewalks, on streets in the City of Greenfield as hereinafter described;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Greenfield;

1. That in the judgment of said Common Council, it is expedient and necessary for the best interest of said City and the property affected thereby, that:

IN

FROM

TO

South 74th Street (west side)	West Holmes Avenue	572 feet +/- north of West Holmes Avenue
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be improved by the installation of concrete public sidewalks.

2. That the Common Council declares its intention to exercise its police powers to levy special assessments under Section 66.0703, Wisconsin Statutes, upon property for the foregoing municipal purposes. The limits of the proposed assessment district are as follows:

Parcels of Real Estate Identified by Tax Roll Key Numbers as Follows:

617-9975-020	617-9977-004
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3. That the Common Council declares that all assessments may be paid in one (1) payment when work is contracted, or on the next succeeding tax roll, or in five (5) annual installments.

4. The total amount assessed against each parcel in the assessment district shall be upon a reasonable basis as determined by the Common Council.

5. That the City Engineer or his designee is hereby directed to prepare the report as described in Section 66.0703(4), Wisconsin Statutes. Said City Engineer or his designee shall file such report in the City Clerk's office in accordance with the provisions of Section 66.0703(7)(a), Wisconsin Statutes.

6. In accordance with S. 66.0703 (7)(b) of the Wisconsin Statutes, the affected property owners have provided a signed waiver of all special assessment notices and hearings required by S. 66.0703 of the Wisconsin Statutes, thereby waiving the requirements to publish a Notice of Public Hearing, and to conduct such public hearing by the Board of Public Works.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

RESOLUTION NO. 3485

FINAL RESOLUTION LEVYING SPECIAL ASSESSMENTS UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES AGAINST BENEFITING PROPERTY FOR THE INSTALLATION OF CONCRETE PUBLIC SIDEWALKS IN THE AREA OF SOUTH 74TH STREET, PROJECT 2014 #09

WHEREAS, The Common Council heretofore determined by Preliminary Resolution No. 3484, adopted September 16, 2014, pursuant to Section 66.0703, Wisconsin Statutes and the police powers of the City of Greenfield to levy and collect special assessments upon properties benefited by the installation of concrete public sidewalks in the area of South 74th Street, Project 2014 #09; and

WHEREAS, the City Engineer's office prepared the report of the special assessments to be levied, including a schedule of proposed assessments, and filed said report with the City Clerk; and

WHEREAS, the requirement to publish a notice of public hearing, and to conduct such hearing on said report by the Board of Public Works was waived by affected property owners as provided by law, and said waivers are on file; and

WHEREAS, the Common Council has previously considered and accepted the recommendation of the Board of Public Works and has been fully advised in these matters and is now ready to proceed with the work and to make the final levy of special assessments for the benefits conferred as set forth herein;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Greenfield, Milwaukee County, Wisconsin, that:

1. After due consideration of the report of the City Engineer's office and the recommendation of the Board of Public Works in the manner set forth in the preamble hereto, the Common Council hereby finds and determines that the properties set forth in said report and each of them are benefited by the installation of concrete public sidewalks, and the Common Council upon such consideration determines that the proposed assessments made were determined upon a reasonable basis.
2. Upon such findings and determinations, said report, including the proposed project plans and specifications, the statement of estimated project costs, the statement of benefits and the schedule of proposed assessments is hereby approved, and the Common Council directs that the City Engineer's office carry out said work or improvements in accordance with said report and that payment of said special assessments be made as hereinafter provided.
3. The proposed assessments set forth in said report are hereby assessed and levied against said properties as special assessments for the benefits incurred upon them by the installation of concrete public sidewalks in the area of South 74th Street, Project 2009 #22, and the owners of said properties are hereby ordered to pay such special assessments in the manner hereinafter provided.
4. The proceeds from such special assessments shall be used for paying the costs of the installation of concrete public sidewalks, concrete curb/gutter,.
5. The assessments are made pursuant to the police powers of the City of Greenfield and Section 66.0703, Wisconsin Statutes.
6. Each special assessment levied by this resolution shall be a lien on the property against which it is levied on behalf of the City of Greenfield, in accordance with Section 66.0703(13) Wisconsin Statutes.

7. Each property owner has the option to pay his or her assessment in one sum without interest on or before January 16, 2015; OR the entire amount plus interest computed at 3.45% from January 16, 2015 may be placed on your 2015 tax bill; OR in five (5) annual installments, as provided for by Section 66.0715(3) Wisconsin Statutes, with interest thereon at 3.45% per year on the unpaid balance beginning January 16, 2015. All assessments will be collected in installments except such assessments which are paid in full to the City of Greenfield on or before January 16, 2015. The first installment shall be entered in the 2015 tax roll as a special assessment on the property upon which the special assessment was levied and thereafter shall be treated in all respects as any other municipal tax, except as otherwise provided in Section 66.0715(3), Wisconsin Statutes. One of the subsequent installments shall be entered in a like manner and with like effect in each of the annual tax rolls thereafter until all are levied. Each property owner who is paying by installments may prepay his or her assessments together with accrued interest at any time without penalty. In the event a property owner fails to pay any installment in full at the time it is due, said owner will be deemed delinquent and his or her or its entire unpaid assessment, together with accrued interest through December 31 of the year said delinquency occurs, shall be extended upon the next succeeding tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special assessment, except as otherwise provided by statute.

8. All payments hereunder are to be made to the City of Greenfield.

9. The City Clerk is hereby authorized and directed to publish a copy of this resolution as a Class 1 notice in the Greenfield NOW and shall mail a copy of this resolution and a statement of final assessment against his or her property to every interested person whose tax key number appears on the assessment schedule and whose post office address is known or can, with reasonable diligence, be ascertained.

10. The City Clerk is hereby authorized and directed to publish the "Installment Assessment Notice" attached hereto and made a part hereof, as a Class 1 notice and mail a copy thereof to every interested person.

11. This resolution shall become effective upon passage and publication and notice in compliance with Sections 9 and 10 above.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

CITY OF GREENFIELD

INSTALLMENT ASSESSMENT NOTICE FOR THE INSTALLATION OF CONCRETE PUBLIC SIDEWALKS IN THE AREA OF SOUTH 74TH STREET,

PROJECT 2014 #09

NOTICE IS HEREBY GIVEN that a contract was let for the installation of concrete public sidewalks in the area of South 74th Street; and that amount of the special assessment therefore has been determined as to each parcel of real estate affected thereby and a statement of the same is on file with the City Clerk. Said assessments may be paid: [1] in one sum without interest on or before January 16, 2015; or [2] the entire amount plus interest computed at 3.45% from January 16, 2015 may be placed on your 2015 tax bill; or [3] in five (5) equal annual installments, as provided for by Section 66.0715(3), Wisconsin Statutes, with interest thereon at 3.45% per year on the unpaid balance beginning January 16, 2015. All assessments will be collected in installments as provided in said Paragraph 7 of the Final Resolution to which this notice is attached, except such assessments which are paid in full to the City of Greenfield on or before January 16, 2015.

Dated at Greenfield, Wisconsin this _____ day of _____, 2014

Jennifer Goergen, City Clerk

b. ORDINANCE NO. 2800

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

PART I. Section 8.04 of the Greenfield Municipal Code is hereby adopted to read as follows:

Ordinance 1031 which required all eastbound traffic on West Barnard Avenue at South 74th Street to “stop” before entering the intersection is hereby repealed.

and

At the intersection of South 74th Street and West Barnard Avenue all traffic shall be required to “stop” before entering said intersection.

PART II. The Superintendent of Public Works is hereby directed and authorized to place / remove the appropriate signs to control traffic as indicated above.

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.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

c. **ORDINANCE NO. 2801**

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

PART I. Section 8.04 of the Greenfield Municipal Code is hereby adopted to read as follows:

Ordinance 1690 which required all southbound traffic on South 45th Street to “yield” right-of-way to eastbound and westbound traffic on West Van Beck Avenue is hereby repealed.

And

At the intersection of South 45th Street and West Van Beck Avenue all southbound traffic on South 45th Street shall be required to “stop” before entering said intersection.

PART II. The Superintendent of Public Works is hereby directed and authorized to place / remove the appropriate signs to control traffic as indicated above.

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.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

d. **RESOLUTION NO. 3486**

**A RESOLUTION RELEASING AND EXTINGUISHING
A STORM WATER MANAGEMENT MAINTENANCE AGREEMENT**

BE IT RESOLVED, by the Mayor and the Common Council of the City of Greenfield that a “Storm Water Management Maintenance Agreement”, heretofore granted to the City of Greenfield on June 21st, 2011, as Document No. 10007110, which “Storm Water Management Maintenance Agreement” is described as follows, to-wit:

Tax Key No. 601-1001

Lot 1 of Certified Survey Map 7583, being a part of the Southwest ¼ of Section 24, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Be and the same is hereby released and extinguished.

ADOPTED _____, 2014

APPROVED _____, 2014

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

On a roll call vote, the motion carried unanimously.

17. City Attorney's Report:

- a. A resolution was introduced for the discontinuance and vacation of the remnant alley between South Tuckaway Drive, South 27th Street, and West Abbott Avenue as part of 'Tuckaway Manor' subdivision abutting Tax Key Nos. 645-0001-001, 645-0005, 645-0007 & 645-0008
- b. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to go into closed session pursuant to Wisconsin Statutes, Section 19.85(1)(b)(e)&(f) at 7:52 p.m. for the following:
 - (1) Considering licensure, social or personal history, or medical information for purposes of issuing an operator license to Angela Oliver
 - (2) Discuss redevelopment strategy for the 'Loomis Crossing' area (Loomis & I-894)

On a roll call vote, the motion carried unanimously.

- c. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to adjourn closed session and reconvene into open session at 8:27 p.m. Motion carried unanimously.
- d. No action was necessary regarding the issuance of an operator license to Angela Oliver as she did not attend the meeting, therefore, the item was not discussed in closed session.

18. Items for future agenda

Budget

19. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to adjourn the meeting at 8:30 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

JG:slw

Distributed: September 23, 2014