

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, MARCH 18, 2025

A. Call to Order & Roll Call

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

Present: Alderpersons Andrew Drzewiecki, Karl Kastner, Pamela Akers, Shirley Saryan, Bruce Bailey

Also present: Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Gina Vlach, City Planner; Anna Kissel, Planner

B. Opening Prayer

An opening prayer was given by Pastor Rogers.

C. Pledge of Allegiance

D. Approval of the March 4, 2025 Common Council minutes

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

E. Mayor's Report

Mayor Neitzke stated that this could be his last Common Council meeting and that voting started. Former Alderperson David Scherbarth, his opponent, was in attendance. Mayor Neitzke said that he's been mayor for 20 years. He encourages everyone to vote. April 1st is Election Day. If Mr. Scherbarth is the winner, he wishes him the best of luck in the endeavor. He reflected on being an alderperson for seven years before running for mayor and that the city has come a long way in 20 years. The Law Enforcement Center was rebuilt with safe and secure cells and the best technology; the library, which was the old Law Enforcement Center, was improved with the largest fundraiser in the city; there was a vote to convert the old library into the new Community Center; the building costs were offset by grants and billboard advertisements; the funds from renting the rooms go back into it; Konkel Park has greatly improved with the help of the Department of Public Works and generous donations; the amphitheater was installed by city employees; and the back half of the park has improved with trails and a pond. He spoke of the grant money used for Powerline Trail and thanked Jeff Katz, director of Neighborhood Services, for scouring for the grant funding.

Alderperson Akers stated that a Greendale resident said that Greenfield's roads and plowing are better. Mayor Neitzke spoke more about the history of Greenfield's roads and their improvements. He said that he is very proud of what we've managed to accomplish.

Mayor Neitzke introduced Anna Kissel, the new planner of Community Development. He said that he appreciates the department managers and that we have the most professional leadership that the city has ever had.

Mayor Neitzke continued to agenda item F.

Mayor Neitzke and Alderperson Akers discussed that four noise barrier walls will be installed around July. He listed Senators Tim Carpenter and Van Wanggaard and State Representatives Bob Donovan, Karen Kirsch, and Jessie Rodriguez, who helped put more funds into the budget for the rest of the sound barriers; however, the budget hasn't passed yet.

He spoke about the zip code process; HR672 has been introduced, and it was sponsored by Representative Scott Fitzgerald and Representative Bryan Steil to include Greenfield in the bill to have its own zip code. Last year there was a bill that made it through the House and the Senate but wasn't signed by the president, so it had to start as a new bill again. There was a discussion about the importance of having Greenfield-specific zip codes.

Mayor Neitzke went to agenda item G.

Mayor Neitzke spoke about Spring Mall's progress: there is one item remaining regarding one of the landowners and covenants.

He went to agenda item I.

Mayor Neitzke discussed modernizing the Civil Service Commission.

He continued to agenda item J.

F. Aldermanic Reports

Mayor Neitzke spoke about the clean-up of Towering Woods on Howard Avenue and the new Joan Stevens park.

Alderpersion Akers stated that the tree clearing on I-894 has started.

Mayor Neitzke went back to agenda item E.

G. Announcements

Alderpersion Saryan attended a kickoff meeting for the construction of 27th Street, from College Avenue to Layton Avenue. The project will improve approximately two miles of roadway. They will be resurfacing, replacing traffic signal equipment, and fixing curb ramps to meet ADA standards. It will start in April and will finish in mid-September.

There was a discussion about other projects, such as the construction on 43rd Street between Cold Spring Road and Howard Avenue, the resurfacing of 31st Street and Holmes Avenue, the street lighting upgrades on Edgerton Avenue between Loomis Road and 76th Street, Grange Avenue between 27th Street and 48th Street, and the entirety of 68th Street. WisDOT has started I-894, and it should be completed this summer. Forest Home Avenue is being resurfaced from Highway 100 to 45th Street. They are doing the freeway starting from 84th Street to Lincoln Avenue on I-894. 27th Street will also be resurfaced.

Mayor Neitzke gave an update about the TURF and that it's almost finished; Department of Public Works crews have been stabilizing the edges of the site, and the trees will be replanted along the park and freeways through a MMSD grant. Alderpersion Akers said that there's a lot of talk online anticipating its opening. The ribbon cutting will be around June 7th. He spoke about the sponsors.

H. Citizen Commentary

David Scherbarth, 4341 S. 60th Street, spoke about Layton Avenue between 60th Street and 76th Street, which Mayor Neitzke answered that at the beginning of 2026, Layton Avenue will be reconstructed between 60th Street and 68th Street, and that it won't be using taxpayer dollars.

Mr. Scherbarth asked about Spring Mall, and Mayor Neitzke circled back to agenda item E.

I. Old Business

1. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- i. Two members to the Civil Service Commission for terms to expire 5/1/27 (formerly David Podeszwa and Paul Leu)
Place on the next agenda.

Mayor Neitzke went back to agenda item E.

J. New Business

1. Adopt a Resolution approving settlement of the claim of Kassandra Saenz. (Geary)

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

Motion by Alderperson Akers, seconded by Alderperson Kastner to approve in the amount of \$2,000.00. Motion carried unanimously.

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

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

3. Approve application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the Bike Detailing Service Workshop event on March 22, 2025, from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve agenda items J3 and J4 as written and presented. Motion carried unanimously.

4. Approve application for a Temporary Class "B" Retailer's License received from Harley Owners Group - Milwaukee Chapter to sell fermented malt beverages indoors at the H-D National Spring Ready Set Ride Event on March 29, 2025, from 10:00 AM to 5:00 PM at 6221 W. Layton Ave. Requesting Council approval to allow unaccompanied underage individuals on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12. (Goergen)

Approved under agenda item J3.

5. Discussion and decision of an Outdoor Special Event application for DJs at the Polls, to be located at 7215 W. Cold Spring Rd. (Greenfield Community Center), on April 1, 2025. Application includes the following combination of licenses/ permits: Outdoor Special Event. (Vlach)

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

Under discussion, Mayor Neitzke stated under the terms of the OSE, we don't follow up with or supervise unless there's a complaint. He read Wisconsin Statute 5.35(5) regarding distraction of electors at a polling place. At face value, they want to have music on Election Day so that when people are waiting in line, people are happy. The problem is that music or DJing could possibly be construed as interference or a distraction for the electors, as well as first amendment issues. Internally, DJs at the Polls have provided a list of what they would do and how they would do it. However, if it's allowed, you open the door to anyone to have a special event at a polling place. Musicians can endorse politicians or parties or have influence on one side of the spectrum; any of those things could be interpreted as distracting, interfering, or promoting something at the election, and it's not appropriate. Jennifer Goergen, City Clerk, the City Attorney, and Mayor Neitzke requested more information but didn't receive any guidance. Mrs. Goergen answered yes to support not having to provide supervision over a DJ on Election Day. Mayor Neitzke said that he provided the DJs at the Polls March 18, 2025 letter and gave it to the alderpersons, along with the item number 5 committee worksheet, rules for Election Day conduct, and a copy of the statute.

Erin Anderson, Wisconsin project manager at DJs at the Polls, spoke about not trying to influence voters, that they are nonpartisan, and that they train their DJs to be professional and to play radio-friendly music. The set-up would be at least 100 feet away from the entrance and would not be a distraction or a disturbance. They want to keep it 100 percent nonpartisan and not answer questions about candidates. They want to create a sense of community. In November, they were in other municipalities.

Alderperson Kastner and Ms. Anderson discussed that they are based out of Philadelphia, Pennsylvania. She listed other states that they were in last year.

Aldersperson Bailey and Ms. Anderson spoke about the cities near Milwaukee that they were in, and there weren't any complaints.

Aldersperson Saryan and Ms. Anderson talked about being at Greenfield polling locations in November. They were asked to leave the Community Center. But they were at the Greenfield Public Library and Adoration Lutheran Church, and they didn't have any problems. Mayor Neitzke said that they were there without permits and didn't go through the permitting process. Aldersperson Saryan said that they haven't voted for this type of event before. Ms. Anderson said that they had a staff member who was supposed to have done the elected official outreach permits. She was not aware that they didn't have the correct permission. She explained the setup and equipment. There was a discussion about the genre of music played and that the DJs would read the crowd, that the music would be radio-friendly, and it would be a mix of all music. They hire, train, and pay their DJs.

Aldersperson Kastner and Ms. Anderson discussed if the DJs could self-promote. DJs at the Polls tell them not to promote anything and that they are not allowed to answer questions about their DJing services.

Mayor Neitzke said that he appreciates what they are trying to accomplish, but, legally, he can't control the speech or music of the DJ and he doesn't want to, because that gets into the First Amendment grounds if we give them permission for time, place, and manner to play at a polling place.

Ms. Anderson said that she has gotten approval from other city councils: Milwaukee, Oak Creek, Cudahy, Eau Claire, and Greendale.

Mayor Neitzke spoke about setting a precedent and that if it's approved, anyone can do an event during an election on voting day. OSEs are regulated by time, place, and manner. What they do and how they express themselves when they are there, the city wouldn't be able to shut it down. Aldersperson Saryan added that the city received complaints when there was a bake sale at a polling site. Mayor Neitzke added that music is subjective.

On a roll call vote, motion carried unanimously.

6. Adopt a Resolution declaring a prohibition on the holding of Outdoor Special Events at active polling sites during elections. (Geary)

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

7. Approve an Outdoor Special Event application for the Dan Jansen Family Fest event, to be located at 5151 W. Layton Ave. (Konkel Park), from May 22, 2025 through May 26, 2025. Application includes the following combination of licenses/permits: Outdoor Special Event, Temporary Operator's Licenses, Temporary Class "B" Retailer's License (beer), Food, and commercial building/plumbing/electrical. (Vlach)

Motion by Aldersperson Akers, seconded by Aldersperson Drzewiecki to approve. Motion carried unanimously.

8. Approve a Special Use Review for proposed temporary hours of operation change to Melt N Dip, located at 7820 W. Layton Ave., submitted by Heba Awadallah, d/b/a Melt N Dip (Tax Key No. 605-9956-005) (PC 3/11/25 Kastner)

Mayor Neitzke explained that Special Uses attach to the property, not to the business. The right to stay open during Ramadan attaches to the property. He suggests that they are done annually, because if they go out of business and something else replaces them, then that legal right flows with it. Gina Vlach, City Planner, added that it stays with the tenant space.

Mrs. Vlach said that each time they apply, it is a \$350 fee.

Aldersperson Kastner said that the Plan Commission recommendation was for five years, not to go on indefinitely. Mayor Neitzke suggested a motion to approve the Special Use for one year but waive the application fee for the existing user in use for the next four years. When they come in, they won't have to pay every time.

Motion by Aldersperson Kastner, seconded by Aldersperson Akers to approve agenda items J8 and J9 and approve Special Use Permits for one year but to waive the application fee for up to four more years if the same applicant applies at that location. On a roll call vote, motion carried unanimously.

9. Approve a Special Use Review for proposed temporary hours of operation change to Qamaria Coffee, located at 4818 S. 76th St., Suite 7, submitted by Anas Alhurani, d/b/a Qamaria Greenfield, LLC. (Tax Key No. 617-9983-014) (PC-3/11/25 Kastner)

Approved under agenda item J8.

10. Approve a Special Use Review and Site Plan Review for an ownership change to Mr. Chicken, an existing limited-service restaurant, located at 3322 W. Loomis Rd., submitted by Mustafa Almonsa, d/b/a Mr. Chicken USA, LLC. (Tax Key No. 553-0436-001) (PC 3/11/25 Kastner)

Mayor Neitzke thanked Mr. Chicken for the food that they brought to the Plan Commission and Common Council meeting.

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

11. Approve a Final Subdivision Plat for Parkview Estates, a proposed single-family development to be located at S. 35th St. and W. Barnard Ave., submitted by Raul Gonzalez, d/b/a First West Construction, LLC., and Calvin Klimeck, d/b/a Pioneer Engineering and Surveying, LLC. (Tax Key No. 622-9988-018) (PC 3/11/25 Kastner)

Mayor Neitzke said that this is the property near the middle school and was previously approved. It expired because of construction and interest rates, and now it's back for reaffirmation.

There was a discussion about the entrance to the subdivision and traffic.

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

12. Approve an amendment to a professional services agreement between the City of Greenfield and SAFEbuilt Wisconsin, LLC. (Katz)

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

13. Approval of 2025 Wisconsin Parks and Recreation Association Theme Park Ticket Agreement. (Jaquish)
Motion by Aldersperson Saryan, seconded by Aldersperson Kastner to approve. On a roll call vote, motion carried unanimously.

14. Accept investments and reinvestments for February 2025. (Schafer)

Motion by Aldersperson Saryan, seconded by Aldersperson Kastner to approve agenda items J14-J16. On a roll call vote, motion carried unanimously.

15. Approval of schedules of disbursements in the amount of \$1,186,380.08. (Schafer)
Approved under agenda item J14.

16. Approval of mileage reimbursements in the amount of \$499.00. (Schafer)
Approved under agenda item J14.

17. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(e)(f), to consider the following:
 - a. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (wages, insurance, or investing of public funds). (J. Foley)
 - b. Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations. (J. Foley)
Motion by Alderperson Akers, seconded by Alderperson Saryan to go into closed session at 7:58 PM. On a roll call vote, motion carried unanimously.
 18. Adjourn closed session and reconvene into open session.
Motion by Alderperson Akers, seconded by Alderperson Bailey to adjourn closed session and reconvene into open session at 8:28 PM. Motion carried unanimously.
 19. Decision regarding closed session item(s)
No action taken.
 20. Decision regarding Ratification of Resignation Agreement with a Building Inspector in the Department of Neighborhood Services (J. Foley)
Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve to ratify. On a roll call vote, motion carried unanimously.
- K. Items for future agenda
Bonds
- L. Adjourn
Motion by Alderperson Akers, seconded by Alderperson Bailey to adjourn at 8:29 PM. Motion carried unanimously.
- Jennifer Goergen, City Clerk
- Minutes transcribed by Trina Kaminski, Administrative Assistant
Distributed: 4/3/2025

CC 3-18-2025

SIGN UP SHEET
CITIZEN COMMENTARY OF COMMON COUNCIL AGENDA

TO OPERATE IN AN ORDERLY AND EFFECTIVE FASHION, THE COMMON COUNCIL IS GOVERNED BY RULES THAT ESTABLISH CLEAR PROCEDURES FOR TONIGHT'S MEETING.

SPEAKING BEFORE THE COMMON COUNCIL IS A PRIVILEGE AFFORDED UNDER THE RULES. THE COMMON COUNCIL BY ITS RULES, HAS ALLOTTED 30 MINUTES FOR CITIZEN COMMENTARY. WE ASK THAT ANYONE WISHING TO SPEAK BE RESPECTFUL AND COURTEOUS. THREATENING, DEMEANING, INSULTING, DISRUPTIVE AND DISRESPECTFUL COMMENTS AND/OR ACTIONS DURING THE MEETING WILL NOT BE TOLERATED AND THE INDIVIDUAL RESPONSIBLE WILL BE RULED OUT OF ORDER. WHEN ADDRESSING THE COMMON COUNCIL, STATE YOUR NAME AND ADDRESS FOR THE RECORD AND DIRECT ALL REMARKS TO THE COUNCIL.

THANK YOU FOR YOUR COOPERATION.

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COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 4057

A RESOLUTION APPROVING SETTLEMENT OF THE CLAIM OF KASSANDRA SAENZ

WHEREAS, the Claimant, Kassandra Saenz, submitted a claim for settlement, through her Attorney Kathryn P. Heyer of Sperling Law Offices LLC, with the City on March 17, 2023; and,

WHEREAS, the Claimant alleged that, on or about June 2, 2022, a City of Greenfield municipal utility van rear-ended her vehicle, while she was stopped at a stop light on West Forest Home Avenue in the City of Greenfield, and,

WHEREAS, the City Attorney and litigation counsel have reviewed the facts and circumstances relating to the claim and recommend that, without admitting any negligence, the Common Council approve a settlement of the claim for \$2,000; and,

WHEREAS, after considering the facts and circumstances of the claim, the Common Council desires to settle the claim, as set forth below.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that a settlement of the claim on behalf of Kassandra Saenz, received on March 17, 2023, and relating to alleged loss occurring on June 2, 2022, is hereby approved in an amount of **\$2,000.00**; and,

BE IT FURTHER RESOLVED that this settlement is in full and final satisfaction of all claims and damages Ms. Saenz may have relating in any way to the incident, whether known or unknown, including without limitation, any and all injury, medical bills, property damage, pain, and suffering; and,

BE IT FURTHER RESOLVED that the City Finance Director is hereby authorized and directed to pay the settlement amount 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 18th day of March, 2025.

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 4058

A RESOLUTION DECLARING A PROHIBITION ON THE HOLDING OF OUTDOOR SPECIAL
EVENTS AT ACTIVE POLLING SITES DURING ELECTIONS

WHEREAS, the City has recently been approached by a group desiring to hold an outdoor special event (OSE) at an active polling site on an election day while such site is being used as a polling place; and,

WHEREAS, City staff, including the City Police Department and City Clerk's office, have recommended against allowing such an OSE at the polling place during an election, out of concern that the OSE could interfere with or distract voters, could cause a disturbance if any voters do not appreciate the music being played, or believe the music to be politically-suggestive, could impede the smooth progress of voters or voter traffic into or out of the polling site, or could otherwise adversely impact on the efficient and incident-free holding of the election; and,

WHEREAS, under Wisconsin law, local election officials, are charged with ensuring that polling places operate smoothly and without "interference with and distraction of electors at polling places." Wis. Stat. § 5.35(5). Local election officials are also "primarily responsible for election administration in Wisconsin," and state law affords "discretion to municipal clerks in how best to conduct elections in their respect jurisdictions." *Priorities USA v. WEC*, 2024 WI 32, ¶¶ 27, 28, 412 Wis. 2d 594, 8 N.W.3d 429.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that no OSEs shall be held at active polling sites on an election day while such site is being used as a polling place; and,

BE IT FURTHER RESOLVED that City staff are directed to deny any application to hold an OSE that would be held in contravention of this Resolution.

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 18th day of March, 2025.

Jennifer Goergen, City Clerk

RESOLUTION NO. 4059

Special Use Permit for an ownership change to Mr. Chicken, an existing limited-service restaurant, located at 3322 W. Loomis Rd., submitted by Mustafa Almonsa, d/b/a Mr. Chicken USA, LLC. (Tax Key No. 553-0436-001)

WHEREAS, Mustafa Almonsa, d/b/a Mr. Chicken USA, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, for an ownership change to Mr. Chicken, an existing limited-service restaurant, located at 3322 W. Loomis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 18, 2025, at 7:00 p.m. or soon thereafter, in the Common Council Chambers, to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Mustafa Almonsa, d/b/a Mr. Chicken USA, LLC, resides at 1404 Milwaukee Ave., South Milwaukee, WI 53172
2. The property is owned by Haiffa Oil, LLC, 5979 S. Howell Ave., Milwaukee, WI .
3. Mr. Chicken will occupy approximately 1,800 sq. ft. of space within the commercial building located at 3322 W. Loomis Rd., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 25 through 28 of Block 14 in Lynndale No. 2, a recorded subdivision, being a part of the Southeast Vi of Section 13, Township 6 North, Range 21 East in the City of Greenfield, Milwaukee County, State of Wisconsin.

Tax Key No. 553-0436-001

Said land being located at 3322 W. Loomis Rd.

4. The applicant is proposing to establish a limited-service restaurant within the existing commercial building.
5. The aforesaid premise is zoned C2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits limited-service restaurants as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
6. The subject property is part of an area along the W. Loomis Rd. corridor that is developed for commercial uses. Properties to the north are developed as residential uses; properties to the east and west are developed as commercial uses; properties to the south are in the City of Milwaukee and are developed as multi-family uses.

7. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Mustafa Almonsa, d/b/a Mr. Chicken USA, LLC, for an ownership change to Mr. Chicken, an existing limited-service restaurant, located at 3322 W. Loomis Rd., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on March 11, 2025 and by the Common Council on March 18, 2025. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for Mr. Chicken, will be 10:00am to 12:00am (midnight), daily.
4. Off-Street Parking. The expanded Mr. Chicken requires 39 off-street parking spaces. The property will provide 26 off-street parking stalls. Common Council may waive the shortage.
5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light splay. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from by a four-sided board-on-board refuse enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
 - A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Mustafa Almonsa, d/b/a Mr. Chicken USA, LLC

Provided to applicant on the
_____ day of _____, 2025

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 18th day of March, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk