

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, MAY 20, 2025

A. Call to Order & Roll Call

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

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

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

B. Opening Prayer

An opening prayer was given by Pastor Rogers.

C. Pledge of Allegiance

D. Approval of the May 6, 2025 Common Council minutes

1. Approve correction to the May 6, 2025 Common Council minutes

Mayor Neitzke said that the minutes should be corrected to "J2. Appointment of Council President for a one-year term (currently Bailey). Motion by Alderperson Kastner, seconded by Alderperson Bailey to nominate Alderperson Kastner. On a roll call vote, motion failed 2-3, with Alderpersons Drzewiecki, Akers, and Saryan opposed. Those in favor were Alderpersons Kastner and Bailey."

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

E. Mayor's Report

Mayor Neitzke said that the Turf ribbon-cutting is on June 7th, 2025, at 11:15 AM. Parking will be limited, so he encouraged ride-sharing or getting dropped off. He spoke about the Greater Greenfield Lions car show on Saturday at Kulwicki Park. Dan Jansen Fest starts this weekend and is the number one supporter of our parks. He went to agenda item F.

Mayor Neitzke met with Roman Blenski, who runs the Historical Society. Mr. Blenski is looking for someone else to run it. Anyone who is interested should inform Mayor Neitzke. Cooper's Hawk and Starbucks at 84th South opened. He welcomed them and Chipotle to the city. There is one lot left at 84th South, and the TIF increased the lot value to close to 200 million.

F. Aldermanic Reports

Alderperson Bailey spoke about Arbor Day, that 8 trees were planted and their locations, that they are replacing the trees affected by the Emerald Ash Borer, and the number of pruned trees.

Mayor Neitzke went back to agenda item E.

Alderperson Drzewiecki said that the Greenfield Library is going fine-free for overdue materials as of June 1st. You will be fined for lost items.

G. Announcements

H. Citizen Commentary

Mayor Neitzke introduced Jeff Sponder, 4076 S. 60th Street. He spoke about the homeless being removed from the electric company's property and thanked the social worker, the items stolen from his yard, the graffiti on his shed, the alley should be a dead end and deeded to the homeowners, that there should be a stoplight on the Powerline Trail for pedestrians and bike riders, that there should be calming bumps and their locations, the motorized vehicles on the Powerline Trail, and the speeding on 60th Street.

Mayor Neitzke went to agenda item I.

A Boy Scout asked the Common Council about how they help the community for their merit badge. Mayor Neitzke and Alderperson Bailey explained their roles in the community. Alderperson Kastner and the Boy Scout discussed how to make the city better.

Mayor Neitzke went back to agenda item K16.

I. Public Hearings

1. Public Hearing on a Special Use Permit for Mystic Touch, a proposed psychic services office, to be located at 4535 W. Forest Home Ave., submitted by Donna Stevens, d/b/a Mystic Touch. (Tax Key No. 531-0000-300) (PC-5/13/25 Ald. Kastner)

The public hearing opened at 7:20 PM.

Donna Stevens was present.

Gina Vlach, City Planner, presented the site information, description of business, hours of operation, parking, site improvements, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Motion by Alderperson Drzewiecki, seconded by Alderperson Akers to close the public hearing at 7:21 PM. Motion carried unanimously.

- a. Approve a Resolution for a Special Use Permit for Mystic Touch, a proposed psychic services office, to be located at 4535 W. Forest Home Ave., submitted by Donna Stevens, d/b/a Mystic Touch. (Tax Key No. 531-0000-300) (PC-5/13/25 Ald. Kastner)
Motion by Alderperson Kastner, seconded by Alderperson Akers to approve agenda item I1a and I1b as presented.

Alderperson Kastner commended the planning department for instigating the improvements that the property owner made.

On a roll call vote, motion carried unanimously.

- b. Approve Site Review for Mystic Touch, a proposed psychic services office, to be located at 4535 W. Forest Home Ave., submitted by Donna Stevens, d/b/a Mystic Touch. (Tax Key No. 531-0000-300) (PC-5/13/25 Ald. Kastner)
Approved under agenda item I1a.

2. Public Hearing on a Special Use Permit for The Qahwa Coffee, a proposed limited-service restaurant, to be located at 6141 W. Layton Ave., submitted by Jowad Fares d/b/a The Qahwa. (Tax Key No. 618-9996-004) (PC-5/13/25 Ald. Kastner)

The public hearing opened at 7:22 PM.

The applicant was present.

Mrs. Vlach presented the site information, description of business, hours of operation, parking, and recommendations from the Plan Commission. There weren't any letters of objection or support received.

Motion by Alderperson Kastner, seconded by Alderperson Saryan to close the public hearing at 7:23 PM. Motion carried unanimously.

Mayor Neitzke went to agenda item J1ai.

- a. Approve a Resolution for a Special Use Permit for The Qahwa Coffee, a proposed limited-service restaurant, to be located at 6141 W. Layton Ave., submitted by Jowad Fares d/b/a The Qahwa. (Tax Key No. 618-9996-004) (PC-5/13/25 Ald. Kastner)

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

Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve agenda items I2a and I2b. On a roll call vote, motion carried unanimously.

Mayor Neitzke went to agenda item J2.

- b. Approve Site Review for The Qahwa Coffee, a proposed limited-service restaurant, to be located at 6141 W. Layton Ave., submitted by Jowad Fares d/b/a The Qahwa. (Tax Key No. 618-9996-004) (PC-5/13/25 Ald. Kastner)

Approved under agenda item I2a.

J. 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 circled back to agenda item I2a.

2. Daniels Palace, Rachel Daniels, Agent, requests an extension of the licensed premises of their Combination "Class B" Beer and Liquor License and Entertainment License for the Bags League to include: the front of the building, and it will have temporary fencing. Alcohol sales will be inside the building. The events will be at 3800 S. 108th Street on May 21, May 28, and June 4, 2025, from 6:00 PM to 9:30 PM. (Goergen) (CC: 4/30/25)

Mayor Neitzke said that originally, they requested 10:00 PM, but they were fine with keeping it until 9:30 PM.

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

K. New Business

1. Appointments to various committees and commissions:

- a. Council appointments:

- i. Confirmation of the Greenfield School District appointment to the Park & Recreation Board for a term to expire 5/31/26 (currently Nikki Cherek)
Mayor Neitzke reappointed Nikki Cherek.

Motion by Alderperson Saryan, seconded by Alderperson Akers to confirm the reappointment. Motion carried unanimously.

Nikki Cherek was reappointed to the Park & Recreation Board as the Greenfield School District Representative for a term to expire 5/31/26.

- ii. Confirmation of the Whitnall School District appointment to the Park & Recreation Board for a term to expire 5/31/26 (currently Quin Brunette)
Mayor Neitzke reappointed Quin Brunette.

Motion by Alderperson Kastner, seconded by Alderperson Saryan to confirm the reappointment. Motion carried unanimously.

Quin Brunette was reappointed to the Park & Recreation Board as the Whitnall School District Representative for a term to expire 5/31/26.

iii. A.D. #4

One member to the Park & Recreation Board for a term to expire 5/31/29 (currently Zachary Marshall)

Mayor Neitzke reappointed Zachary Marshall.

Motion by Alderperson Akers, seconded by Alderperson Saryan to confirm the reappointment. Motion carried unanimously.

Zachary Marshall was reappointed as a member to the Park & Recreation Board for a term to expire 5/31/29.

b. Mayor appointments, confirmed by Council:

i. At-large citizen member

One member to the Park & Recreation Board for a term to expire 5/31/29 (currently Patricia Forget)

Mayor Neitzke reappointed Patricia Forget.

Motion by Alderperson Akers, seconded by Alderperson Bailey to confirm the reappointment. Motion carried unanimously.

Patricia Forget was reappointed as a member to the Park & Recreation Board for a term to expire 5/31/29.

2. Claim received from Katy Hegyera. (Goergen)
3. Adopt a Resolution approving settlement of the claims of Progressive Universal Insurance Company and Katy Hegyera. (Geary)
Motion by Alderperson Akers, seconded by Alderperson Kastner to approve in the amount of \$4,331.63 for Progressive and \$1,779.90 for Hegyera. On a roll call vote, motion carried unanimously.
4. Approve applications for 2025-2026 operator licenses (Goergen)
Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve. Motion carried unanimously.
5. Approve application for a 2025-2026 Coin Operated or Automatic Dry Cleaning and/or Washing Machine License received from Zia LLC from Keyshan Sheikholeslami, Agent, for the property at 7860 W. Layton Ave. (Ogden Cleaners). (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve. Motion carried unanimously.
6. Approve renewal applications for the following licenses to expire June 30, 2026: Class "A" Fermented Malt Beverage, "Class A" Liquor (Cider Only), Combination "Class B" Fermented Malt Beverage & Liquor, Combination "Class A" Fermented Malt Beverage & Liquor, Pawnbroker/Secondhand Article Dealer, and Operator's Licenses (approval of all licenses should be subject to the City of Greenfield ordinances regarding code compliance and payment of all delinquent taxes and charges). (Goergen)
Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve. Motion carried unanimously.
7. Approve Architectural Plans for proposed exterior modifications for Rosen Honda, an existing business, located at 6141 S. 27th St., submitted by Stefan Cornils, d/b/a Sullivan designBUILD. (Tax Key No. 691-9841-014) (PC-5/13/25 Ald. Kastner)
Motion by Alderperson Saryan, seconded by Alderperson Akers to approve. Motion carried unanimously.

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8. Adopt a resolution verifying review and authorizing submittal of the Wisconsin Department of Natural Resources 2024 Compliance Maintenance Annual Report (CMAR). (Katz)
Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve. On a roll call vote, motion carried unanimously.
9. Approve a Temporary Easement Agreement Amendment with the Cobalt Loomis LLC which will allow the public access to the Turf Skatepark. (Katz)
Motion by Alderperson Drzewiecki, seconded by Alderperson Akers to approve.

Under discussion, Mayor Neitzke said that they are moving forward with the DOT regarding the approval of the relocated smaller park and ride lot, which Cobalt is responsible for building. It will serve as the parking lot for the Turf. The three parcels will be returned to the city. The parking lot will be installed this year.

On a roll call vote, motion carried unanimously.
10. Adopt a resolution to approve a temporary limited easement exhibit and relocation order for Project I.D. 2395-07-01 W. Howard Avenue Bridge over Miner Creek pending approval of the project Design Study Report. (Katz)
Motion by Alderperson Kastner, seconded by Alderperson Drzewiecki to approve.

Under discussion, Jeff Katz, director of Neighborhood Services, said that a state grant will fund the bridge replacement.

On a roll call vote, motion carried unanimously.

Mayor Neitzke spoke about federal funding that gets passed through the state and how federal funding cuts affect the city.
11. Discussion and decision to approve a contract revision with Vector Solutions to include the addition of Vector Scheduling (AC Krueger) (Konieczka)
Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to approve.

Under discussion, Mayor Neitzke stated that the fire department, the social worker, and the police department teamed up to fix the homeless situation.

On a roll call vote, motion carried unanimously.
12. Discussion and decision to enter into a Non-Disclosure Agreement with Catalis Tax & CAMA, Inc in response to WI ACT 235. (Schafer)
Mayor Neitzke stated that since judges are protected from disclosure, this allows our tax people to know.

Motion by Alderperson Akers, seconded by Alderperson Saryan to approve. On a roll call vote, motion carried unanimously.
13. Approval of schedules of disbursements in the amount of \$6,085,275.69. (Schafer)
Motion by Alderperson Saryan, seconded by Alderperson Drzewiecki to approve agenda items K13-K15. On a roll call vote, motion carried unanimously.
14. Approval of mileage reimbursements in the amount of \$33.70. (Schafer)
Approved under agenda item K13.
15. Accept investments and reinvestments for April 2025. (Schafer)
Approved under agenda item K13.

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16. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(b) & (f), considering licensure, social or personal history, or medical information, for purposes of issuing a 2025-2026 operator license to the following:

- a. Forest Sage Tims

Forest Tims was present.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to go into closed session at 7:41 PM. During the roll call vote, the motion was removed by Mayor Neitzke, who went back to Citizen Commentary, agenda item H.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to go into closed session at 7:52 PM. On a roll call vote, motion carried unanimously.

17. Adjourn closed session and reconvene into open session.

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to adjourn closed session and reconvene into open session at 8:04 PM. Motion carried unanimously.

18. Decision re: 2025-2026 Operator's License for Forest Sage Tims. (Goergen)

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

L. Items for future agenda

M. Adjourn

Motion by Alderperson Akers, seconded by Alderperson Drzewiecki to adjourn at 8:05 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 5/21/2025

CC 5-20-2025

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.

	<u>Name</u>	<u>Address</u>
1.	Jeff Sprunder	4076 S. 60 th St
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RESOLUTION NO. 4066

Special Use Permit & Site Review for Mystic Touch, a proposed psychic services office, to be located at 4535 W Forest Home Ave, submitted by Donna Stevens, d/b/a Mystic Touch.
(Tax Key No. 531-0000-300)

WHEREAS, Donna Stevens, d/b/a Mystic Touch, 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, to establish a psychic services office to be located at 4535 W. Forest Home Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 20, 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, Donna Stevens, d/b/a Mystic Touch, resides at 4085 N. Brookfield Rd., Brookfield, WI 53045.
2. The property is owned by SAM-Greenfield 2, LLC, 5552 S. 108th St. Ste. 105 Hales Corners, WI 53130.
3. Mystic Touch will occupy approximately 1,100 sq. ft. of the building located at 4535 W. Forest Home Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

The Northeasterly 12 feet of Lot 7 and Lot 6 in Block 1 of Forestdale Park, a recorded subdivision, all being a part of the Northeast ¼ of Section 14, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 531-0000-300

Said land being located at 4531-4535 W. Forest Home Ave.

4. The applicant is proposing to establish a psychic services office in 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 other personal services 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 W. Forest Home Ave. west of S. 44th St. that is developed for commercial uses. Properties to the northeast, northwest, and southwest are

developed for commercial uses. Properties to the southeast are developed for residential use and are located in the City of Milwaukee.

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 Donna Stevens, d/b/a Mystic Touch, to establish Mystic Touch, a proposed psychic services office, to be located at 4535 W. Forest Home Ave., 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 Review and all other applicable conditions approved by the Plan Commission on April 8, 2025 and by the Common Council on May 20, 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 any required 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 Mystic Touch will be 8:00am to 8:00pm, daily.

4. Off-Street Parking. A total of 4 off-street parking stalls are required for Mystic Touch, and 4 are required for the building's other tenant, for a total of 8 spaces required. The property will provide 8 off-street parking stalls.

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.

Donna Stevens, d/b/a Mystic Touch

Provided to applicant on the
_____ day of _____, 2025

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of May, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 4067

Special Use Permit & Site Review for The Qahwa, a proposed limited-service restaurant, to be located at 6141 W. Layton Ave., submitted by Jowad Fares d/b/a The Qahwa.
(Tax Key No. 618-9996-004)

WHEREAS, Jowad Fares d/b/a The Qahwa, 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, to establish a limited-service restaurant, to be located at 6141 W. Layton Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on May 20, 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, Jowad Fares d/b/a The Qahwa, resides at 5040 S. 23rd St., Milwaukee, WI 53222.
2. The property is owned by AB King Real Estate LLC, 17400 W. Small Rd. New Berlin, WI 53146.
3. The Qahwa will occupy approximately 3,200 sq. ft. of the building located at 6141 W. Layton Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 1891, being a part of the Northeast ¼ of Section 27, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 618-9996-004

Said land being located at 6121-6141 W. Layton Ave.

4. The applicant is proposing to establish a coffee shop in the existing commercial building.
5. The aforesaid premise is zoned C-2 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 W. Layton Ave. west of S. 60th St. that is developed for commercial uses. Properties to the north, east, and west are developed for commercial uses. Property to the south is developed for institutional use.
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 Jowad Fares d/b/a The Qahwa, to establish The Qahwa, a proposed limited-service restaurant, to be located at 6141 W. Layton Ave., 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 April 8, 2025 and by the Common Council on May 20, 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 any required 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 The Qahwa will be 7:00am to 12:00am (midnight), daily.
4. Off-Street Parking. A total of 48 off-street parking stalls are required for The Qahwa, and 22 are required for the building's other tenant, for a total of 70 spaces required. The property will provide 54 off-street parking stalls. The 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 spills from the property boundaries. Full-cut off fixtures and or house side shields must be utilized to minimize light spill. 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.

Jowad Fares d/b/a The Qahwa

Provided to applicant on the
_____ day of _____, 2025

City Planner

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of May, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 4068

A RESOLUTION APPROVING SETTLEMENT OF THE CLAIMS OF PROGRESSIVE
UNIVERSAL INSURANCE COMPANY AND KATY HEGYERA

WHEREAS, the claimants, Progressive Universal Insurance Company and its insured, Katy Hegyera, submitted claims with the City on January 14, 2025 and May 5, 2025, respectively, in the amounts of \$4,331.63 (less deductible) by Progressive for **vehicle repairs**, and \$1,779.90 by Hegyera for her **deductible** and **vehicle rental** during repair; and,

WHEREAS, the claimants alleged that, on or about November 21, 2024, a City of Greenfield vehicle driven by a City employee rear-ended her vehicle, while she was lawfully stopped at the intersection of 84th Street and Coldspring; and,

WHEREAS, the City Attorney, having reviewed the facts and circumstances relating to the claims, including documentatioan of claimed damages, recommends that, without admitting any negligence, the Common Council approve payment of the claims; and,

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

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield, that the claims of Progressive Universal Insurance Company and its insured, Katy Hegyera, submitted on January 14, 2025 and May 5, 2025, and relating to alleged loss occurring on November 21, 2024, are hereby approved in an amounts of **\$4,331.63 for Progressive** and **\$1,779.90 for Hegyera**; and,

BE IT FURTHER RESOLVED that this payment is in full and final satisfaction of any/all claims and damages Progressive Universal Insurance Company and its insured, Katy Hegyera, may have relating in any way to the incident, whether known or unknown, including without limitation, any and all property damage, 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 above amounts upon receipt of signed releases from the claimants.

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 20th day of May, 2025.

Jennifer Goergen, City Clerk

RESOLUTION NO. 4069

RESOLUTION VERIFYING REVIEW AND AUTHORIZING SUBMITTAL OF THE
2024 WISCONSIN DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR),

WHEREAS, Public sanitary sewer collection is a basic responsibility of local, county and state governments; and

WHEREAS, It is the responsibility of local, county and state governments to properly operate and manage wastewater collection systems so as to protect public safety and health; and

WHEREAS, Proper inspection, rehabilitation, and operation and maintenance of the sanitary sewer collection system would promote cost-effective performance of the system over its design life; and

WHEREAS, Revisions to Chapter NR 208, Wisconsin Administrative Code became effective January 2006 requiring permitted wastewater collection systems to submit a Compliance Maintenance Annual Report (CMAR) with a resolution verifying Common Council review, statement of corrective actions if necessary and authorization of submittal.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Greenfield hereby verifies its review and authorizes the submittal of the 2024 Compliance Maintenance Annual Report (CMAR) for the City of Greenfield.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Wisconsin Department of Natural Resources (DNR).

PASSED AND ADOPTED by the Common Council of the City of Greenfield on this 20th day of May, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

RESOLUTION NO. 4070

RESOLUTION APPROVING A TEMPORARY LIMITED EASEMENT EXHIBIT AND
RELOCATION ORDER FOR PROJECT I.D. 2395-07-01 WEST HOWARD AVENUE BRIDGE OVER
MINER CREEK PENDING APPROVAL OF THE PROJECT DESIGN STUDY REPORT

WHEREAS, the City of Greenfield is planning to improve the West Howard Avenue Bridge structure over Miner Creek; and

WHEREAS, to properly establish, construct and improve the West Howard Avenue Bridge structure over Miner Creek including the two box culverts, it is necessary to acquire certain temporary lands or interests; and

WHEREAS, a temporary limited easement exhibit and relocation order has been prepared which identifies the temporary lands and interests required; and

WHEREAS, the City of Greenfield will negotiate with and compensate the private property owners in order to acquire the temporary land and interests;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield approves the Temporary Limited Easement Exhibit and Relocation Order for Project I.D. 2395-07-01 West Howard Avenue Bridge over Miner Creek pending approval of the Project Design Study Report;

BE IT FURTHER RESOLVED the Temporary Limited Easement Exhibit and Relocation Order will be filed with the County Clerk within 20 days of approval;

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 20th day of May, 2025.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk