

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON TUESDAY, AUGUST 18, 2015

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

- | | | |
|---------------|-----------------------|---------|
| 1. ROLL CALL: | Aldersperson Lubotsky | Excused |
| | 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 Chaplain Jim Leggett.

3. Pledge of Allegiance

4. It was moved by Aldersperson Kastner, seconded by Aldersperson Bailey, to approve the July 21, 2015 Council minutes, as recorded. Motion carried unanimously.

5. It was moved by Aldersperson Akers, seconded by Aldersperson Saryan, to approve the August 11, 2015 Special Council minutes, as recorded. Motion carried unanimously.

6. Mayor's Report

Mayor Neitzke stated he has issued a proclamation proclaiming September 13-18, 2015 as Clement Manor Adult Day Services Week in the City of Greenfield

At this time, the Council proceeded with Item #7

Mayor Neitzke said that at the time he attended the grand opening of the St. Vincent de Paul store, there was a peaceful protest on the sidewalk. There was no concern whatsoever. That protest subsequently stopped and some of the members from the protest approached the area where the speeches were taking place. Mayor Neitzke said some of the members from the protest indicated they were present to get arrested which is why he called the police to come to make sure that the incident would not get out of hand. He added that it turned out that people were peaceful and did not get arrested.

At this time, the Council returned to Item #9

7. Aldermanic Reports - None

8. Announcements

Mayor Neitzke stated that Len Cich, a Greenfield School Board Member, passed away. Mr. Cich will be missed. He cared deeply about the community. Mayor Neitzke said he was a shining example of what makes a community strong. Alderperson Bailey added that Mr. Cich was a member of the Park & Recreation Board.

Mayor Neitzke said the mini golf tournament was held and was a success. The proceeds help the Parks & Recreation program.

Mayor Neitzke said today the Joint Review Board met with regard to the three Tax Incremental Financing Districts. The total economic value of the development near Steinhafel's after construction is estimated to be approximately \$116 million. There is a Tax Incremental Financing District associated with the Meijer's store on South 60th Street & West Layton Avenue which was requested by the City to try to make the necessary improvements to South 60th Street to improve access to Greenfield High School, pedestrian safety on West Layton Avenue, and landscaping improvements along the medians. The third Tax Incremental Financing District is I-894 & West Loomis Road.

9. Citizen Commentary

The following addressed the Council:

Jim Judziewicz, 6667 North 89th Street, said he is not speaking for or on behalf of St. Vincent de Paul. He said he attended the grand opening of the Greenfield St. Vincent de Paul store on July 18, 2015. He said Mayor Neitzke and Alderperson Lubotsky were present at the grand opening. He said there was a protest of 20-25 people. Mr. Judziewicz said he left the grand opening early but he was informed that after the Archbishop and the media left, at least a dozen uniformed Greenfield Police Officers started to deny access to the store and order certain people off the grounds for no good reason. He said on August 16, 2015 he went to the Greenfield Law Enforcement Center and the receptionist read from the computer what had occurred on July 18, 2015. There was a peaceful protest and a St. Vincent de Paul store manager requested the police periodically ride through the grounds. Mr. Judziewicz said he fails to understand why people were denied entrance to the store and asked to leave the property if there was a peaceful protest. He said if there are several police officers in front of a store, that doesn't do anything for the atmosphere of bringing people into the store. He added that if, in the future busloads of people are brought in from the inner city to give them a decent shopping experience, that unless the people are rowdy and carrying guns or something he asked that the police be kept out of it.

At this time, Mayor Neitzke returned to Item #6

Linda Strike, 4942 South 78th Street, said at last month's Council meeting she presented a petition signed by over 30 households in her neighborhood asking the Council to deny Goodwill Industries' request to open a retail store and donation center at 4940 South 76th Street. She said she and some of her neighbors are present this evening to applaud and thank the Council for their decision as they feel it was the right decision and vital to the well-being of their neighborhood and the long-term development of South 76th Street and South 74th Street. Neighborhoods are the backbone of the City.

10. Plan Commission Meeting held August 11, 2015

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

Item #5 Certified Survey Map to combine two lots into a single parcel as one of the conditions of earlier project approval for EZ Self Storage at 3645 West Loomis Road and 4121 South 35th Street, subject to Plan Commission and staff comments, Tax Key Nos. 575-8897-003 & 575-8997-005

Item #8 Site/Building Review and Special Use amendment to change the exterior of the existing body shop building at Braeger Ford, 4201 South 27th Street, to be comparable with the recently completed renovations and construction of the new main showroom/sales/service/office building, subject to Plan Commission and staff comments, Tax Key #576-9995-001

After a discussion, the motion carried unanimously.

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

Bowell, Terry R.-S69 W15013 Cornell Cir.
Cassel, Benjamin T.-2024 Ruben Dr.
Gillet, Lester L.-4826 N. 46th St.
Hoskins, Summer B.-8130 W. Forest Garden Ct.
Nawab, Walayat-1403 S. Sixth St.
Sigmund, Lauren S.-707A Monroe Av
Wear, Holly N.-12555 MacAlister Way

Case, Christopher J.-3223 S. 14th St.
Daniel, Dominique L.-2951 S. 96th St.
Halbrucker, Ashley M.-N52 W22500 Lisbon Rd.
Kumar, Sunita R.-3258 W. American Dr.
Sheldon, Ashley A.-7638 W. Waterford Ave.
Torres, Kevin D.-4289 S. Whitnall Ave.
Wells, Dana E.-2168 S. 76th St.

Motion carried unanimously.

12. It was moved by Alderperson Bailey, seconded by Alderperson Akers, to approve the request of Yee Yee Holeon & Holeon to extend their Combination "Class B" Beer & Liquor License to the parking lot at 7920 West Layton Avenue for their 30th Anniversary party held on September 20, 2015 from 12:00 p.m. to 8:00 p.m. There will be a small tent for live music, appetizers, and alcohol. The driveway will be roped off on the south end and the east end of the parking lot. Motion carried unanimously. (Lychee Garden)

13. It was moved by Alderperson Bailey, seconded by Alderperson Akers, to approve the issuance of an Entertainment License to Yee Yee Holeon & Holeon for the property located at 7920 West Layton Avenue (type of entertainment: live music and karaoke and live music outside on September 20, 2015). Motion carried unanimously. (Lychee Garden)

14. It was moved by Alderperson Bailey, seconded by Alderperson Kastner, to approve the request of Wendt LLC, James R. Wendt Sr., Agt., to extend his Combination "Class B" Beer & Liquor License and Entertainment License to the parking lot at 6031 West Layton Avenue to include local bands outside, a seating area located on the front portion of the lot under a 30 x 45 ft. tent, and beer/bar tents located in front of the building under a 10 x 10 ft. tent, from September 3, 2015 through September 6, 2015 from 11:00 a.m. to 10:00 p.m. and on September 7, 2015 from 9:00 a.m. to 5:00 p.m., for the Harley Davidson Milwaukee Rally events, with an agreement with the House of Harley that garbage cans will be placed, patrolled and emptied by the House of Harley staff and that House of Harley will provide 24 hour security to the lot at 6031 West Layton Avenue and all vendors in that lot. Metros will be placed by House of Harley on the west side lot line. Barricades will be placed on the driveway entrances on the West Layton Avenue side to prevent traffic from cutting through to South 60th Street and another partial barricade will be placed and staffed by the House of Harley on the South 60th Street driveway to prevent unauthorized parking, subject to Police Department review and staff review. Motion carried unanimously. (Wendt's Pub and Grill)

15. It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve the issuance of a Carnival License and request to waive fees received from Whitnall School District to hold a Whitnall School District Back-to-School Block Party with musical entertainment; food vendors; and games/inflatables; as well as various school and community organizations and business showcase/display at Whitnall High School Falcon Field, 5000 South 116th Street, on Saturday, September 19, 2015 from 12:00 noon to 6:00 p.m. Motion carried unanimously.

16. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to adopt Resolution No. 3519.

RESOLUTION NO. 3519

**RESOLUTION AMENDING RESOLUTION NO. 3497 TO SET THE SALARIES
AND BENEFITS OF NON-REPRESENTED AND COMMAND STAFF EMPLOYEES
OF THE CITY OF GREENFIELD FOR 2015**

RESOLVED, By the Common Council of the City of Greenfield, that the 2015 resolution to set the salaries and benefits of non-represented and command staff employees of the City of Greenfield for 2015 is amended as follows:

Effective January 12, 2015

	Step 1	Step 2	Step 3	Step 4	Step 5
Position	Start	6 Months	1 Year	2 Year	3 Year
	(Hourly)	(Hourly)	(Hourly)	(Hourly)	(Hourly)

Effective June 16, 2015, revise the five salary steps for the Assessment Clerk and Assessment Clerk w/Certification as follows:

Assessment Clerk	\$19.3432	\$19.4492	\$20.0632	\$20.3652	\$20.8207
Assessment Clerk w/Certification	\$19.9235	\$20.0328	\$20.6651	\$20.9762	\$21.4452

PART IX. SICK LEAVE BENEFITS

D. Grandfather Clause – Sick Leave Retirement Pay:

5. For Fire Command positions only, the City shall establish a reserve sick leave account, which shows the balance of sick leave on the date of appointment for promotions to the position of Chief, Assistant Chief, or Administrative Battalion Chief, which reflects the existing retirement pay provision in the Local 1963IAFF labor contract. Employees promoted shall receive retirement pay at the current rate of pay on the day of promotion, but it shall be paid out at the time of retirement under the WRS. Employees shall not be able to add to this reserve account but can use the sick leave days after exhausting the current sick leave account.

ADOPTED _____, 2015

APPROVED _____, 2015

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

On a roll call vote, the motion carried unanimously.

17 & 18.

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

Schedules of disbursement in the amounts of \$147,374.94; \$2,450.00; \$67,869.29; \$403,315.09; \$73,034.96; \$835,558.06; \$308,744.43 and \$4,420,697.77

Mileage reimbursements in the amount of \$529.08

On a roll call vote, the motion carried unanimously.

19. Director of Neighborhood Services Report:

- a. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to adopt Resolution No. 3520.

RESOLUTION NO. 3520

A RESOLUTION TO AMEND A PRIVATE PROPERTY
INFILTRATION AND INFLOW REIMBURSEMENT PROGRAM

WHEREAS, the City of Greenfield (“City”) is served by the Milwaukee Metropolitan Sewerage District (the “MMSD”); and

WHEREAS, the MMSD 2010 Capital Budget established a project (M03044, I/I Reduction on Private Property, Phase II) to serve as a funding mechanism to the participating municipalities for infiltration and inflow reduction efforts on private property; and

WHEREAS, the MMSD project provides over \$62,000,000 over 10 years for efforts to address private property infiltration and inflow into the sewerage system operated by the MMSD; and

WHEREAS, the City previously adopted Resolution 3423 on May 1, 2012 to establish a private property infiltration and inflow reimbursement program; and

WHEREAS, the City of Greenfield was previously approved to receive funding from MMSD in the amount of \$647,000, which includes funding for private property infiltration and inflow reduction efforts, the current remaining balance of which is estimated to be \$139,000; and

WHEREAS, the City of Greenfield is eligible to receive additional funds from MMSD, currently estimated in the amount of \$688,433 for the duration of the program estimated to be through 2017; and

WHEREAS, over the course of the MMSD program through 2020, the City anticipates being eligible for annual funding through the MMSD reimbursement programs; and

WHEREAS, the City hereby intends to continue its policy regarding its participation in this MMSD reimbursement program, and the method by which private property owners can receive reimbursement under this program.

NOW, THEREFORE, be it hereby resolved by the Common Council of the City of Greenfield, Milwaukee County, Wisconsin, that the following policies shall direct the City Administration of the MMSD program to reduce infiltration and inflow on private property within the City of Greenfield:

1. Application Process.

- a. Filing. Property owners may apply by filing an approved application form with the Director of Neighborhood Services. Applications should be filed in the calendar year in which the work will be performed, or in November or December of the immediately preceding calendar year.
 - b. Eligible Work. Reimbursement is available only for eligible work, as defined and regulated within the MMSD program, and as determined by the MMSD. The eligible work must be described in the application.
 - c. Cost Estimates. Applications should include written quotations from three qualified contractors, showing estimated costs of eligible work.
 - d. City of Greenfield Review. Applications will be considered on a first-come, first-served basis. The City shall approve only applications for eligible work that comply with the MMSD program rules, regulations and policies, subject to the additional limitations stated herein, and subject to payment approval as described in Section 8, below.
2. Televising. Before any lateral is replaced, repaired, or relined it must be televised and the televised results must be submitted to the City for review. The City will determine whether the work will be eligible for reimbursement after viewing the televising results.
3. Percentage of Cost Eligible for Reimbursement. In order to make reimbursement through MMSD available to as many City residents as possible, the City shall limit the reimbursement that any one property can receive to the following:

- a. Full cost of televising. The full cost of televising laterals shall be reimbursed through the MMSD program, up to a maximum of \$500 per property. Televising may be done by City crew/equipment or by an independent contractor.
 - b. Reimbursement for Sanitary Sewer Lateral Work. All eligible work completed on sanitary sewer laterals (repair, replace, reline) and foundation drain disconnections, including the installation of sump pumps new to the building, shall be reimbursed 100% up to a cost of \$6,000 and thereafter, shall be reimbursed at a rate of 75% to a total of \$12,000 per property.
 - c. Fifty Percent for All Other Work. All eligible work including redirecting existing storm water systems, modifying downspout and existing sump pump systems, or eliminating surface storm drainage which will contribute to I/I reductions in the sanitary sewer system shall be reimbursed at a rate of 50% to a maximum of \$6,000. No project otherwise eligible for fifty percent participation, but which has an estimated actual cost of less than \$200, shall be reimbursed under this program.
 - d. Percentages Based upon Estimates. The percentage of the cost that the City Director of Neighborhood Services may authorize for reimbursement shall be based upon the lowest cost estimate submitted by the property owner with the application, unless (1) the actual cost is less than the estimate, in which case the percentage shall be based upon the actual cost; or (2) the City Director of Neighborhood Services finds all estimates that are submitted are excessive, in which case he/she may notify the property owner that the reimbursement will be based upon a lower total price.
 - e. Exceptions. The City Director of Neighborhood Services shall have the authority to grant exceptions to the reimbursement limitations noted above upon request of the property owner, if it appears that the limit on reimbursement is unduly burdensome on an individual property owner due to unique circumstances affecting the lot, if the Director of Neighborhood Services finds there is a particularly strong public benefit that would be achieved by completing the work.
4. Subject to MMSD Funding. Reimbursement is available only when the City has funding available through the MMSD program. When the MMSD program funds are exhausted or eliminated or otherwise unavailable, reimbursement pursuant to this program will be suspended pending new allocation from the MMSD.
 5. After-the-Fact Applications. After-the-fact applications can be submitted to the City Director of Neighborhood Services for projects completed prior to formal application approval provided the project was commenced and completed in the calendar year in which the application is filed. The City may authorize reimbursement for such projects, if the City Director of Neighborhood Services finds that funding is available, the project would have been approved had the formal application been submitted prior to commencement of work, and proper documentation is provided.
 6. Property Owner Responsible; and No City Assumption of Risk. Although the Director of Neighborhood Services will review projects pursuant to the terms of this policy, ultimately all work conducted by private property owners, the means and methods of performing such work, the compliance with the MMSD program, the risk of funding being denied or unavailable, and all other risks, are the responsibility of the private property owner. Any approval of an application by the City shall not be interpreted as acceptance of any such risks or responsibilities.

7. Application Forms. The City Director of Neighborhood Services is authorized and directed to prepare application forms for private property owners to use, to further implement this policy. The application forms shall require the property owner's agreement to hold the City and MMSD harmless and indemnify the City and MMSD for all costs and risks arising from this work that is to be conducted on the private property.
8. Application for Payment. Applications that have been approved as described in Section 1 of this policy are eligible for payment of reimbursement, pursuant to all terms and conditions of the MMSD program rules, regulations and policies, and subject to the additional limitations stated herein. Applications for payment shall be filed with the City Director of Neighborhood Services as follows:
 - a. Filing. Property owners shall file an application for payment with the City Director of Neighborhood Services, which must be received by the City after the work is completed, and no later than six months after the initial application was conditionally approved by the City.
 - b. Documentation. The application for payment shall include complete documentation of the work, showing that the work was fully completed, and showing that the work was successful in accomplishing the purpose for which the work was completed. If the work involved televising, the application for payment shall include the televising video. For work that involves subgrade excavation, a complete photographic record shall be provided, demonstrating full and accurate completion of the subgrade facilities. Where subgrade facilities remain in place and connected to the system, the documentation shall demonstrate that all connections are tight and properly made, and that all pipe segments are properly connected, through clear photographic evidence. Where subgrade facilities are removed or disconnected, the photographic evidence shall clearly demonstrate the disconnection, and also demonstrate that the new discharge location is properly established and functional with photographic evidence of discharge in the new location. When required by code, a building permit shall be obtained and the building inspector shall be asked to make at least one site inspection during construction. A building inspector's written site report shall be used as additional documentation of satisfactory work. The City Director of Neighborhood Services may deny payment of reimbursement pursuant to this policy if there is not a clear record, as described herein, that the work was properly completed.
 - c. Actual Cost. The Application shall provide invoices to show the actual costs of the eligible work. Work completed by the property owner is not eligible for reimbursement. Standard building permit fees shall be included as an actual cost of the work.
 - d. Payment. Upon approval of the payment request, the City Director of Neighborhood Services shall provide written payment authorization and payment shall be made to the applicant.
9. Subject to Change. The City of Greenfield reserves the right to reconsider, amend, suspend, or terminate, its participation in this MMSD program, and this policy, from time to time as the City deems appropriate.
10. City Code Compliance Required and not Waived. Nothing herein shall be construed as limiting, modifying, revising, or affecting in any way the responsibilities of City private property owners as described in the Municipal Code, or the penalties for noncompliance.

SEVERABILITY.

The several sections of this resolution and the attachment hereto are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

EFFECTIVE DATE.

This resolution shall take effect immediately upon passage and posting or publication as provided by law.

ADOPTED _____, 2015

APPROVED _____, 2015

Jennifer Goergen, City Clerk

Michael J. Neitzke, Mayor

On a roll call vote, the motion carried unanimously.

- b. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve a Temporary Use Request from Halloween Express and Stein Garden & Gifts to use a portion of the Stein's parking lot at 3725 South 108th Street for a 60' diameter X 25' high 'Halloween Express Pumpkin Tent' from August 15, 2015 to November 7, 2015 for the purpose of doing retail sales of Halloween merchandise and to increase store traffic for Stein's regular and seasonal merchandise, Tax Key #563-9986-002.

After a discussion, the motion carried unanimously.

- c. After a discussion, it was moved by Alderperson Akers, seconded by Alderperson Saryan, to authorize the Mayor to sign an agreement with Wisconsin Department of Transportation regarding the installation of Emergency Vehicle Pre-emption (EVP) devices at two State highway intersections located within the City limits.

On a roll call vote, the motion carried unanimously.

At this time, the Council proceeded with Item #21

20. City Attorney's Report:

- a. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to go into closed session pursuant to Wisconsin Statutes, Section 19.85(1)(b)&(f) at 7:30 p.m. for the following:

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

Consider licensure, social or personal history, or medical information for purposes of issuing an operator license to Angela M. Oliver

On a roll call vote, the motion carried unanimously.

- b. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to adjourn closed session and reconvene into open session at 7:42 p.m. Motion carried unanimously.
- c. It was moved by Alderperson Bailey, seconded by Alderperson Akers, to approve the issuance of an operator license to Angela M. Oliver.

After a discussion, the motion carried unanimously.

At this time, the Council proceeded with Item #22

21. Items for future agenda

Budget

Tax Incremental Financing Districts (Meijer & Chapman sites)

At this time, the Council proceeded with Item #20

22. It was moved by Alderperson Akers, seconded by Alderperson Kastner, to adjourn the meeting at 7:43 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

JG:slw

Distributed: August 20, 2015