

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL  
ON TUESDAY, JANUARY 5, 2016

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

- |               |                       |         |
|---------------|-----------------------|---------|
| 1. ROLL CALL: | Aldersperson Lubotsky | Present |
|               | Aldersperson Bailey   | Present |
|               | Aldersperson Kastner  | Present |
|               | Aldersperson Akers    | Excused |
|               | Aldersperson Saryan   | Present |

|               |                  |                               |
|---------------|------------------|-------------------------------|
| ALSO PRESENT: | Jennifer Goergen | City Clerk                    |
|               | Roger Pyzyk      | City Attorney                 |
|               | Chuck Erickson   | Community Development Manager |

2. An opening prayer was given by Chaplain Jim Leggett.
3. Pledge of Allegiance
4. It was moved by Aldersperson Lubotsky, seconded by Aldersperson Saryan, to approve the December 15, 2015 Council minutes, as recorded. Motion carried unanimously.
5. Mayor's Report

Mayor Neitzke thanked Glenwood School second graders for a poster he received from them after their tour of the Law Enforcement Center, Fire Station, Department of Public Works, Library, and City during which they are each 'Mayor for a Minute'.

Mayor Neitzke also thanked the Elm Dale School second graders for the thank you letters they wrote to him.

Department of Public Works Foreman, John Laskoski, and members of the Department of Public Works have been working on the amphitheater [in Konkel Park]. Some concrete has been poured and the structure should arrive mid February and should start being erected.

6. Aldermanic Reports

Aldersperson Bailey thanked the Department of Public Works for the fine job they did in cleaning the City streets after the snow fall.

Mayor Neitzke thanked the Department of Public Works for the good job they did with the snow.

Aldersperson Lubotsky thanked the Fire & Police Departments for the job they did helping people after five cars repeatedly went off the interstate in the same area.

Mayor Neitzke said that while others are enjoying Christmas and New Years, the City's dispatchers, firefighters, and police officers, are working around the clock to provide protection. He said he is very appreciative for what they do.

7. Announcements - None

8. Citizen Commentary

The following addressed the Council:

Erik Boos, 4130 West Grange Avenue, asked for additional detail with regard to the property at 5380 South 43<sup>rd</sup> Street relating to a parcel that is to be divided with right-of-way in the area. (Mr. Boos was asked to contact Chuck Erickson, Community Development Manager.)

9. Public hearing for approval of a Special Use, requested by Central States Tower LLC/Verizon Wireless, to construct/install a new 125' monopole communications tower with a 12' x 25' equipment shelter within a 41' x 58' ground lease area on the rear or west side of the parcel at 4737 South 108<sup>th</sup> Street; property owned by William & Elizabeth Wos who also own/operate Bill's Auto Tech at this location; site also includes a 100' high cellular communication tower installed in 1994. Tax Key #612-8997-006.

Notice of public hearing was published in the City's official newspaper on December 24, 2015.

Chuck Erickson, Community Development Manager, presented diagrams of the property in question. Mr. Erickson stated there is currently a cell tower on the site. The proposal is to have a second tower just to the north of it. The existing tower cannot handle any more than the existing set of antennas. The second tower can accommodate other co-locates. The code requirement refers to physical separation between the two. Mr. Erickson indicated the State statutes list items that municipalities cannot use in considering applications. The recommendation of the Plan Commission was that it would be considered a major change and a public hearing is needed but the Commission is limited on what it can do given the requirements of the application, Wisconsin Statutes, federal case law, and FCC guidelines as well.

Mayor Neitzke stated in summary, a public hearing can be held but the City cannot object to anything because State law prohibits objection to most everything.

Ronald Zechel, Central States Tower LLC/Verizon Wireless, 544 East Ogden Avenue, Milwaukee, was present to answer any questions.

It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to close the public hearing. Motion carried unanimously.

Roger Pyzyk, City Attorney, asked why Mr. Zechel wants to erect a 125 ft. pole instead of a 100 ft. pole.

Mr. Zechel said Verizon was certified into the 115–120 range by their engineering because of the capacity issues. He said they tried every possible way to make the 100 ft. pole work. Due to structural issues, Verizon Wireless needs 115 ft. minimum to make its antennas work. That is certified by the State.

During further discussion, Mr. Zechel indicated they may look at other sites.

Aldersperson Kastner stated he would like them to pursue the school district.

Aldersperson Lubotsky clarified with the City Attorney that the City's zoning code is overridden by the State Statutes.

After further discussion, it was moved by Aldersperson Saryan, seconded by Aldersperson Kastner, to approve a Special Use, requested by Central States Tower LLC/Verizon Wireless, to construct/install a new 125' monopole communications tower with a 12' x 25' equipment shelter within a 41' x 58' ground lease area on the rear or west side of the parcel at 4737 South 108<sup>th</sup> Street which also includes a 100' high cellular communication tower installed in 1994, Tax Key #612-8997-006. On a roll call vote, the motion carried unanimously.

10. Plan Commission Meeting held November 10, 2015  
(action taken on Items 5 & 6 at 11/17/15 Council meeting)

Item #8 It was moved by Aldersperson Kastner, seconded by Aldersperson Lubotsky, to approve a Site/Building Review from Verizon Wireless/Central States Tower to construct/install a new 125' monopole communications tower with a 12'x25' equipment shelter within a 41'x58' ground lease area on the rear or west side of the parcel at 4737 South 108<sup>th</sup> Street which also includes a 100' high cellular communication tower installed in 1994 and currently owned by U.S. Cellular, Tax Key #612-8997-006. Motion carried unanimously.

11. Plan Commission Meeting held December 8, 2015  
(action taken on Items 4 & 5 at 12/15/15 Council meeting)

Item #6 Approval of Site/Building/Landscaping Review and Planned Unit Development for At Home to renovate/occupy the entire 120K sq. ft. former Kmart building at 4595 South 27<sup>th</sup> Street, subject to Plan Commission and staff comments, Tax Key #599-8922-005, is being **HELD** per applicant's request.

12. Legislative Committee Meeting held December 21, 2015

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

Item #6 Adopt an ordinance amending Chapter 12 of the Municipal Code relating to Health & Sanitation

Item #7 Amend Section 3.12 of the Municipal Code relating to annual permit fee and license fees with the fees relating to beekeeping permit fees being removed from the ordinance at this time

Motion carried unanimously.

Item #8 Creating an ordinance to amend Chapter 12 of the Municipal Code by amending and creating sections relating to bees and beekeeping was referred to the **NEXT COUNCIL AGENDA**.

13. City Clerk's Report:

- a. Claim received from Matthew & Joselyn Dietzler was referred to the **CITY'S INSURANCE CARRIER**
- b. Letter of resignation was accepted from Nancy Kostecki from the Fire & Police Commission and a Certificate of Appreciation is to be sent

14. Appointments to various committees and commissions:

No appointment was made. The following appointment is to be placed on the **NEXT AGENDA**:

Mayor appointments, confirmed by Council:

One member to the Fire & Police Commission for a term to expire 5/1/18

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

|                                              |                                                 |
|----------------------------------------------|-------------------------------------------------|
| Cruz, Jessica J.-3039 W. Ruskin Ct.          | Gimler, Michael R.-3432 S. 69 <sup>th</sup> St. |
| Lyon, Lisa S.-5728 N. 56 <sup>th</sup> St.   | Meyer, Jennifer L.-201 E. Jewell St.            |
| Salazar, Patricia J.-4710 W. Maple Leaf Cir. | Sanchez, Efren-2055 S. 34 <sup>th</sup> St.     |
| Schultz, Tory A.-W222 N7385 Willow View Dr.  | Talley, Jennifer J.-1775 New St.                |

Motion carried unanimously.

16. It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to approve a change of agent for Quantum Leap Restaurants Inc., 4638 South 76<sup>th</sup> Street, from Daniel A. Johnson to John L. Hartnell Jr., 8571 Ventana Drive (TGI Friday's). Motion carried unanimously.

17. It was moved by Alderperson Bailey, seconded by Alderperson Lubotsky, to approve the issuance of a Temporary Class "B" Retailer's License to St. John the Evangelist Parish to sell fermented malt beverages at a fish fry to be held February 12, 2016; March 4, 2016; and March 25, 2016 from 3:00 p.m. to 8:00 p.m. at 8500 West Cold Spring Road. Motion carried unanimously.

18. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to approve schedules of disbursements in the amounts of \$342,808.79; \$139,946.31; \$296,784.50 and \$78,950.14. On a roll call vote, the motion carried unanimously.

19. Department of Neighborhood Services Report:

It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to adopt Resolution No. 3534

RESOLUTION NO. 3534

RESOLUTION APPROVING A RIGHT-OF-WAY PLAT AND RELOCATION ORDER FOR PROJECT  
I.D 2980-00-00 WEST EDGERTON AVENUE FROM WEST LOOMIS ROAD  
TO SOUTH 27TH STREET.

WHEREAS, the City of Greenfield is planning to reconstruct West Edgerton Avenue from West Loomis Road to South 27th Street; and

WHEREAS, to properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain the portion of the street designated above, it is necessary to relocate or change and acquire certain lands or interests; and

WHEREAS, a right-of-way plat and relocation order has been prepared which identifies the lands and interests required; and

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the attached right-of-way plat and relocation order for Project I.D. 2980-00-00 West Edgerton Avenue from West Loomis Road to South 27th Street is approved, subject to minor modifications to be approved by the City Engineer; and

BE IT FURTHER RESOLVED that the City Engineer or his designee is hereby authorized and directed to negotiate for the acquisition of those lands and interests required, and in the event that said lands and interests cannot be obtained by negotiation, they may be acquired by condemnation.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5<sup>th</sup> day of January, 2016.

APPROVED:

\_\_\_\_\_  
Michael J. Neitzke, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

20. It was moved by Alderperson Saryan, seconded by Alderperson Lubotsky, to go into closed session pursuant to Wisconsin Statutes, Section 19.85(1)(c)&(e) at 7:34 p.m. for the following:

- a. Discussion and decision regarding negotiations the City has had with the Wisconsin Department of Transportation regarding the Loomis Park & Ride parcels
- b. Regarding retirement agreement of Richard Sokol

On a roll call vote, the motion carried unanimously.

21. It was moved by Alderperson Saryan, seconded by Alderperson Lubotsky, to adjourn closed session and reconvene into open session at 8:18 p.m. Motion carried unanimously.

22. It was moved by Alderperson Lubotsky, seconded by Alderperson Saryan, to proceed as directed [in closed session regarding negotiations the City had with the Wisconsin Department of Transportation regarding Loomis Park & Ride parcels]. On a roll call vote, the motion carried unanimously.

23. It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to approve the [retirement] agreement [of Richard Sokol] consistent with the approve as directed part as discussed in closed session. On a roll call vote, the motion carried unanimously.

24. City Attorney's Report:

a & b

It was moved by Alderperson Saryan, seconded by Alderperson Lubotsky, to adopt Ordinance No. 2835 & Ordinance No. 2836 (as revised)

#### ORDINANCE NO. 2835

#### AN ORDINANCE AMENDING CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF GREENFIELD RELATING TO HEALTH AND SANITATION

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

PART I. Section 12 is hereby amended as follows:

The current wording 'Department of Health and Family Services' and 'Department of Health and Social Services' as used throughout Chapter 12 are replaced with the title 'Department of Health Services'. The current wording of 'HFS' is replaced with 'DHS'

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5<sup>th</sup> day of January, 2016.

APPROVED:

\_\_\_\_\_  
Michael J. Neitzke, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Goergen, City Clerk

ORDINANCE NO. 2836

AN ORDINANCE AMENDING SECTION 3.12 OF THE MUNICIPAL CODE  
OF THE CITY OF GREENFIELD RELATING TO  
ANNUAL PERMIT FEE AND LICENSE FEES

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

PART I. Section 3.12 is hereby amended as follows:

- |                                                    |                    |
|----------------------------------------------------|--------------------|
| (8) (f) Public Swimming Pool Permit Pre-inspection | \$212.00           |
| (13) Weights and measures annual permit fee.       |                    |
| (a) Petroleum pump....                             | \$18.00 per nozzle |
| (b) Weights or measuring device....                | \$31.00 each       |
| (c) Timers on dryers....                           | \$13.00 each       |
| (d) Late Fee....                                   | \$160.00           |

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5<sup>th</sup> day of January, 2016.

APPROVED:

\_\_\_\_\_  
Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

- c. Ordinance amending Chapter 12 of the Municipal Code by amending and creating sections relating to bees and beekeeping is to be placed on the **NEXT AGENDA**.

25. Items for future agenda - None

26. It was moved by Alderperson Lubotsky, seconded by Alderperson Saryan, to adjourn the meeting at 8:20 p.m. Motion carried unanimously.

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Jennifer Goergen, City Clerk

JG:slw

Distributed: January 7, 2016