

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON WEDNESDAY, FEBRUARY 17, 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 |
| | Jeff Katz | Interim Director of Neighborhood Services |

2. An opening prayer was given by Pastor Tim Vik.

3. Pledge of Allegiance

4. It was moved by Aldersperson Lubotsky, seconded by Aldersperson Bailey, to approve the February 2, 2016 Council minutes, as recorded. Motion carried unanimously.

5. Mayor's Report

Mayor Neitzke stated the annual Park & Recreation Department banquet was held. He congratulated all Park & Recreation volunteers and employees.

6. Aldermanic Reports

Aldersperson Bailey announced that a Shorewest Realtor office is being constructed on the former Tam's site [at South 68th Street & West Layton Avenue] and that the area around South 84th Street & West Chapman Avenue looks different since the removal of homes. He added that a few homes on the corner near South 92nd Street & West Layton Avenue will remain a little longer than the rest of the homes. Steinhafel's will stay until they move to a new site further north.

7. Announcements - None

8. Citizen Commentary - None

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

Item #6 After a discussion, it was moved by Aldersperson Kastner, seconded by Aldersperson Lubotsky, to approve the 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 27th Street as presented, negotiated, finalized, subject to Plan Commission and staff comments, Tax Key #599-8922-005

Chuck Erickson, Community Development Manager, addressed the Council and also stated that Dane Ridenour, representing At Home, was present.

On a roll call vote, the motion carried unanimously.

Dane Ridenour, 1000 Civic Circle, Lewisville, Texas, said he was going to present the changes that were made since planning the zoning but it is summarized in the packets of the Council members. He thanked the Council and added that At Home is anxious to come to Greenfield. He said there is a little negotiation left with the lessee and the land owner.

10. Plan Commission Meeting held February 9, 2016

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

Item #4 Certified survey map to combine three parcels into one lot as a follow-up to the prior approval for the 22,000 sq. ft. new church building for Layton Avenue Baptist Church on approximately five acres at 9600 West Layton Avenue, subject to Plan Commission and staff comments, Tax Key Nos. 607-9970-002, 607-9970-003 & 607-9968

Item #5 Combine two parcels into one lot as a follow-up to the prior approval of a rezoning of the adjacent property at 11637 West Layton Avenue for the House of Wisdom, Tax Key Nos. 611-9000-002 & 611-9000-006

Item #7 Proposed site improvements which are in Greenfield for the Marcus Theatre Project on the northeast corner of Southridge Mall in Greendale, Tax Key #650-9000-010

On a roll call vote, the motion carried unanimously.

11. City Clerk's Report:

- a. Claim received from 4621 Forest Home, LLC for excessive assessment in 2015 of the property located at 4621 West Forest Home Avenue, Tax Key #531-1117-001, was referred to **ATTORNEY BRAITHWAITE OF CRIVELLO CARLSON**
- b. Claim received from Russ Darrow Group for excessive assessment in 2015 of the property located at 3520 South 108th Street, Tax Key #562-9997-001, was referred to **ATTORNEY SEIBEL OF SEIBEL LAW OFFICES**
- c. Claim received from Mary Neubauer was referred to **ATTORNEY EHRKE OF CRIVELLO CARLSON**

12. Appointments to various committees and commissions:

No appointment was made. Therefore, 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 (formerly Nancy Kostecki)

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

Carter, Jennifer L.-5610 S. 110th St.
Flores, Jessica C.-4221 S. Sixth St.
Sophos, Victoria-1109 S. 98th St.

Finnessy, Sarah M.-3900 E. Holmes Ave.
Promo, Heather-S56 W29572 Roanoke Dr.

Motion carried unanimously.

No action was taken on the application for an operator license submitted by Allyson Edwards. A closed session item is scheduled for the March 1, 2016 Council agenda with regard to her application.

14. It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to approve the issuance of a Temporary “Class B” Retailer’s License to Whitnall Falcon Booster Club to sell fermented malt beverages and wine at Falcon Fest to be held Saturday, April 23, 2016 from 5:00 p.m. to 10:00 p.m. in the Greenfield Community Center, 7215 West Cold Spring Road. Motion carried unanimously.

15. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve the 2016 Wisconsin Parks & Recreation Association Theme Park Ticket Agreement. On a roll call vote, the motion carried unanimously.

16 & 17. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to approve the following:

Schedules of disbursements in the amounts of \$662,643.94; \$136,572.91; \$1,290.00; \$18,161.36; \$31,205.73; \$30,630,932.17; \$54,294.26 and \$28,713.53

Mileage reimbursements in the amount of \$788.47

On a roll call vote, the motion carried unanimously.

18. Department of Neighborhood Services Report:

- a. After a discussion, it was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to reconsider the adoption of Resolution No. 3542, regarding storm sewer and street improvements and to levy special assessments on South 43rd Street from West Layton Avenue to West Grange Avenue and West Barnard Avenue from South 43rd Street to dead end west of South 43rd Street, Project 2014 #5, adopted at the February 2, 2016 Council meeting, due to an incorrect date included in the Installment Assessment Notice of September 30, 2017 instead of the correct date of September 29, 2017. Motion carried unanimously.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to readopt Resolution No. 3542.

RESOLUTION NO. 3542

FINAL RESOLUTION LEVYING SPECIAL ASSESSMENTS UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES AGAINST BENEFITING PROPERTY FOR THE INSTALLATION OF STORM SEWER, STORM SEWER SERVICE LATERALS, SANITARY SEWER MAIN, SANITARY SEWER SERVICE LATERALS, WATER MAIN, WATER SERVICE LATERALS, CONCRETE DRIVEWAY APPROACHES, CONCRETE OR ASPHALT DRIVEWAY REPLACEMENT, CONCRETE PUBLIC SIDEWALKS, CONCRETE SERVICE WALKS, CONCRETE CURB/GUTTER, CONCRETE OR BITUMINOUS CONCRETE (ASPHALT) PAVEMENT, STREET LIGHTING, AND STREET TREES, IN THE AREA OF SOUTH 43rd STREET, AND WEST BARNARD AVENUE, PROJECT 2014 #5

WHEREAS, The Common Council heretofore determined by Preliminary Resolution No. 3539 adopted January 19, 2016, pursuant to Section 66.0703, Wisconsin Statutes and the police powers of the City of Greenfield to levy and collect special assessments upon properties benefited by the installation of storm sewer, storm sewer service laterals, sanitary sewer main, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete public sidewalks, concrete service walks, concrete curb/gutter, concrete or bituminous concrete (asphalt) pavement, street lighting, and street trees, in the area of South 43rd Street, and West Barnard Avenue, Project 2014 #5; and

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

WHEREAS, notice of public hearing on said report was given by the City Clerk as provided by law, as shown by affidavits of mailing and publication and the records of file herein; and

WHEREAS, the Board of Public Works held a public hearing on Tuesday, the 26th day of January, 2016 in the Council Chambers, Room 100 at City Hall commencing at 6:30 p.m. and all persons desiring to be heard were heard; and

WHEREAS, the Board of Public Works has forwarded its recommendation to the Common Council; and

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

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

1. After due consideration of the report of the City Engineer's office and the recommendation of the Board of Public Works in the manner set forth in the preamble hereto, the Common Council hereby finds and determines that the properties set forth in said report and each of them are benefited by the installation of storm sewer, storm sewer service laterals, sanitary sewer main, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete

public sidewalks, concrete service walks, concrete curb/gutter, concrete or bituminous concrete (asphalt) pavement, street lighting, and street trees, and the Common Council upon such consideration determines that the proposed assessments made were determined upon a reasonable basis.

2. Upon such findings and determinations, said report, including the proposed project plans and specifications, the statement of estimated project costs, the statement of benefits and the schedule of proposed assessments is hereby approved, and the Common Council directs that the City Engineer's office carry out said work or improvements in accordance with said report and that payment of said special assessments be made as hereinafter provided.

3. The proposed assessments set forth in said report are hereby assessed and levied against said properties as special assessments for the benefits incurred upon them by the installation of storm sewer, storm sewer service laterals, sanitary sewer main, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete public sidewalks, concrete service walks, concrete curb/gutter, concrete or bituminous concrete (asphalt) pavement, street lighting, and street trees, in the area of South 43rd Street, and West Barnard Avenue, Project 2014 #5, and the owners of said properties are hereby ordered to pay such special assessments in the manner hereinafter provided.

4. The proceeds from such special assessments shall be used for paying the costs of the installation of storm sewer, storm sewer service laterals, sanitary sewer main, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete public sidewalks, concrete service walks, concrete curb/gutter, concrete or bituminous concrete (asphalt) pavement, street lighting, and street trees.

5. The assessments are made pursuant to the police powers of the City of Greenfield and Section 66.0703, Wisconsin Statutes.

6. Each special assessment levied by this resolution shall be a lien on the property against which it is levied on behalf of the City of Greenfield, in accordance with Section 66.0703(13) Wisconsin Statutes.

7. Each property owner has the option to pay his or her assessment [1] in one sum without interest on or before September 29, 2017; or [2] the entire amount plus interest computed at 3.00% from September 29, 2017 may be placed on your 2017 tax bill; or [3] in ten (10) annual installments, as provided for by Section 66.0715(3) Wisconsin Statutes, with interest thereon at 3.00% per year on the unpaid balance beginning September 29, 2017. All assessments will be collected in installments except such assessments which are paid in full to the City of Greenfield on or before September 29, 2017. The first installment shall be entered in the 2017 tax roll as a special assessment on the property upon which the special assessment was levied and thereafter shall be treated in all respects as any other municipal tax, except as otherwise provided in Section 66.0715(3), Wisconsin Statutes. One of the subsequent installments shall be entered in a like manner and with like effect in each of the annual tax rolls thereafter until all are levied. Each property owner who is paying by installments may prepay his or her assessments together with accrued interest at any time without penalty. In the event a property owner fails to pay any installment in full at the time it is due, said owner will be deemed delinquent and his or her or its entire unpaid assessment, together with accrued interest through December 31 of the year said delinquency occurs, shall be extended upon the next succeeding tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special assessment, except as otherwise provided by statute.

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

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

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

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

PASSED AND READOPTED by the Common Council of the City of Greenfield on the 17th day of February, 2016.

REAPPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

CITY OF GREENFIELD

INSTALLMENT ASSESSMENT NOTICE FOR THE INSTALLATION OF STORM SEWER, STORM SEWER SERVICE LATERALS, SANITARY SEWER MAIN, SANITARY SEWER SERVICE LATERALS, WATER MAIN, WATER SERVICE LATERALS, CONCRETE DRIVEWAY APPROACHES, CONCRETE OR ASPHALT DRIVEWAY REPLACEMENT, CONCRETE PUBLIC SIDEWALKS, CONCRETE SERVICE WALKS, CONCRETE CURB/GUTTER, CONCRETE OR BITUMINOUS CONCRETE (ASPHALT) PAVEMENT, STREET LIGHTING, AND STREET TREES IN THE AREA OF SOUTH 43rd STREET, AND WEST BARNARD AVENUE,

PROJECT 2014 #5

NOTICE IS HEREBY GIVEN that a contract was let for the installation of storm sewer, storm sewer service laterals, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete public sidewalks, concrete service walks, concrete curb/gutter, and concrete or bituminous concrete (asphalt) pavement, in the area of South 43rd Street, and West Barnard Avenue; and that amount of the special assessment therefore has been determined as to each parcel of real estate affected thereby and a statement of the same is on file with the City Clerk. Said assessments may

be paid: [1] in one sum without interest on or before September 29, 2017; or [2] the entire amount plus interest computed at 3.00% from September 29, 2017 may be placed on your 2017 tax bill; or [3] in ten (10) equal annual installments, as provided for by Section 66.0715(3), Wisconsin Statutes, with interest thereon at 3.00% per year on the unpaid balance beginning September 29, 2017. All assessments will be collected in installments as provided in said Paragraph 7 of the Final Resolution to which this notice is attached, except such assessments which are paid in full to the City of Greenfield on or before September 29, 2017.

Dated at Greenfield, Wisconsin this _____ day of _____, 2016

Jennifer Goergen, City Clerk

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

- b. It was moved Alderperson Kastner, seconded by Alderperson Saryan, to approve an exterior change for Roberto's Muffler & Brake at 4671 South 27th Street. Existing exterior colors would stay as is with the following two revisions: 1) upper smooth-face concrete block portion of the building would be painted 'black'; and 2) the small canopy/awning element at the northeast corner of the building would be painted 'black', Tax Key #599-8892.

During a lengthy discussion, Chuck Erickson, Community Development Manager, and Patricia Najera, 5575 South 23rd Street, Milwaukee, addressed the Council.

On a roll call vote, the motion carried with Alderpersons Kastner, Saryan & Mayor Neitzke voting yes; Alderpersons Lubotsky & Bailey voting no. (Note: Mayor Neitzke voted to break the tie vote.)

- c. It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to re-appoint the following to Business Improvement District Board #1 & #2 for three year terms from 2/17/16 to 2/17/19 as follows:

BID #1 (Howard to Grange)

Gregg Butts – 4811 South 76th Street
Jim Povlick – 2740 West Cold Spring Road

BID #2 (Ramsey to College)

Todd Reardon - 4100 South 27th Street
Tara Cavazos* - 5911 West Cold Spring Road

*Ad Hoc member

Motion carried unanimously.

- d. Roger Pyzyk, City Attorney, explained that at some point Mr. Fennelly started improving land owned by the City which Mr. Fennelly said was an honest mistake and he didn't realize the land was owned by the City. It initially started out that Mr. Fennelly should remove his improvements, but discussions continued for months. Mr. Fennelly then wanted to buy the land from the City. The City told him they are not in the business to sell land to him. Then Mr. Fennelly asked if there could be a swap of some kind. Discussions continued. Prior to his retirement, Mr. Sokol suggested the resolution which is before the Council this evening. Mr. Pyzyk said the reality is that the City,

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in the past, had maintenance work to do on the Wildcat Creek and its tributaries coming into it. The agreement before the Council involves Mr. Fennelly giving the City land which the City then gathers more access to the creek bed and in return the excess City land would be deeded over to Mr. Fennelly which would basically allow him to keep his fire pit and improvements in tact. Mr. Pyzyk said the City is receiving more land than Mr. Fennelly is receiving.

During a lengthy discussion, Thomas Gavinski, 12101 West Howard Avenue, and Sue Ann Bevsek, 12109 West Howard Avenue, addressed the Council. Ms. Bevsek stated the City has an easement on her property from years ago when improvements were done along the creek bed. She does not know if it is a temporary or permanent easement, however, she is of the impression it is a permanent easement.

It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to deny the Fennelly agreement. On a roll call vote, the motion carried unanimously.

e, f & g.

The following were **REMOVED** from the agenda because they coincided with #18d which was denied.

Adoption of resolution releasing and extinguishing a storm water drainage easement Doc. No. 6388270

Adoption of resolution releasing and extinguishing a storm water drainage easement Doc. No. 6388265

Adoption of resolution releasing and extinguishing a storm water drainage easement Doc. No. 6388264

h. It was moved by Alderperson Bailey, seconded by Alderperson Kastner, to adopt Ordinance No. 2842.

(This official notice is being published and placed in the minutes instead of publishing the full text of Ordinance No. 2842.)

CITY OF GREENFIELD
OFFICIAL NOTICE

ORDINANCE REPEALING AND RECREATING CHAPTER 30 OF THE MUNICIPAL CODE
RELATING TO POST CONSTRUCTION STORM WATER MANAGEMENT

NOTICE IS HEREBY GIVEN that the Common Council of the City of Greenfield, at their meeting of February 17, 2016 adopted Ordinance No. 2842 which is an Ordinance repealing and recreating Chapter 30 of the Municipal Code relating to Post Construction Storm Water Management.

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You are hereby further notified that the full text of Ordinance No. 2842 may be obtained in the office of the City Clerk, 7325 West Forest Home Avenue, in accordance with Sec. 62.11(4)(c), Wis. Stats., (414)329-5219.

Dated at Greenfield, Wisconsin, this ____ day of February, 2016.

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

- i. It was moved by Alderperson Bailey, seconded by Alderperson Lubotsky, to adopt Ordinance No. 2843.

(This official notice is being published and placed in the minutes instead of publishing the full text of Ordinance No. 2843.)

CITY OF GREENFIELD
OFFICIAL NOTICE

ORDINANCE REPEALING CHAPTER 31 OF THE MUNICIPAL CODE RELATING TO
CONSTRUCTION SITE EROSION AND RECREATING CHAPTER 31 OF THE MUNICIPAL CODE
RELATING TO CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

NOTICE IS HEREBY GIVEN that the Common Council of the City of Greenfield, at their meeting of February 17, 2016 adopted Ordinance No. 2843 which is an Ordinance repealing and recreating Chapter 31 of the Municipal Code relating to Construction Site Erosion and recreating Chapter 31 of the Municipal Code relating to Construction Site Erosion and Sediment Control.

You are hereby further notified that the full text of Ordinance No. 2843 may be obtained in the office of the City Clerk, 7325 West Forest Home Avenue, in accordance with Sec. 62.11(4)(c), Wis. Stats., (414)329-5219.

Dated at Greenfield, Wisconsin, this ____ day of February, 2016.

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

19. It was moved by Alderperson Lubotsky, seconded by Alderperson Saryan, to go into closed session pursuant to Wisconsin Statutes, Section 19.85(1)(e) at 8:17 p.m. to consider the following:

Employment of Appraisal Research Counselors

On a roll call vote, the motion carried unanimously.

20. It was moved by Alderperson Bailey, seconded by Alderperson Lubotsky, to adjourn closed session and reconvene into open session at 8:30 p.m. Motion carried unanimously.

21. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve the signing of the agreement with Appraisal Research Counselors for the matter indicated. On a roll call vote, the motion carried unanimously.

22. Items for future agenda

Moody's bonds for roads
Fiber project

23. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to adjourn the meeting at 8:34 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

JG:slw

Distributed: February 23, 2016