

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, FEBRUARY 7, 2017

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

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|---------------|-----------------------|-----------------------------------|
| 1. ROLL CALL: | Aldersperson Lubotsky | Present |
| | Aldersperson Bailey | Present |
| | Aldersperson Kastner | Present |
| | Aldersperson Akers | Present |
| | Aldersperson Saryan | Present |
| ALSO PRESENT: | Roger Pyzyk | City Attorney |
| | Jeff Katz | Director of Neighborhood Services |
| | Jennifer Goergen | City Clerk |

2. An opening prayer was given by Associate Chaplain Dustin Little.

3. Pledge of Allegiance

4. It was moved by Aldersperson Bailey, seconded by Aldersperson Kastner, to approve the January 17, 2017 minutes. Motion carried unanimously.

5. Mayor's Report –

Mayor Neitzke reported on the MMSD grant for \$2,500 for tree planting. The Mayor presented the 84 South project at the Whitnall Rotary Club on Monday. The Mayor read a letter submitted by Carol Chetney regarding the well run elections and great customer service in the Clerk's office. The Mayor reported that there will be four food truck Fridays each with their own theme – Blues, Jazz, Country and Oktoberfest. The Mayor reported that the Dare Solid Gold Car Show will be back at Konkel Park. He also mentioned that Cobalt provides large donations and marketing expertise for the events. Edgerton Avenue is closed between 27th and 43rd soon to be extended to Loomis. We Energies is replacing a gas line. This road will be reconstructed this year.

6. Aldermanic Reports

Aldersperson Lubotsky – February 19 is the Milwaukee Emergency Center for Animals luncheon and fundraiser. Veterinarian Lichtenberger provided the donation to purchase the police dog named Ocho. Tickets can be purchased at the Police Department for \$45.00. February 26 is the polar plunge for Special Olympics with check in from 10:00 a.m. to 12:00 p.m. The event begins at noon.

Aldersperson Bailey – The 2016 Forestry report shows that 259 trees were planted, 1,500 right of way trees were pruned, 150 dead trees removed, 400 trees were treated for the Emerald Ash Borer and are also maintaining treatment of an additional 400 ash trees for Emerald Ash Borer which took 150 trees from the city.

7. Announcements - None
8. Citizen Commentary:

Barbara Nelson, 6128 W. Woodview Court, said she is happy to see the events at House of Harley on the agenda tonight are indoor activities. She does not object to these two events, but doesn't know why they need to have alcohol sales inside of their retail establishment.

COMMON COUNCIL TO TAKE ACTION ON THE FOLLOWING COMMITTEE REPORTS:

9. City Clerk's Report:
 - a. Claim received from Dennis Arciszewski was referred to the **CITY'S INSURANCE COMPANY.**
 - b. Claim received from Maria Quezada was referred to the **CITY ATTORNEY.**
 - c. Claim received from Time Warner Cable was referred to the **CITY ATTORNEY AND THE CITY ASSESSOR'S OFFICE.**
10. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve the issuance of an operator's license to the following:

Burton, Sonja – 5715 S. 20th St.
Chen, Lijin – 4885 S. Katelyn Cir.
Clemens, Christopher J. – 10009 W. Washington St.
Cunningham, Kelly L. – 424 Cross Arm Dr.
Engnath, Katie M. – 6095 S. 39th St.
Jones, Lori A. – 2247 S. 68th St.
Laney, Sara A. – 2137 W. College Ave.
Lin, Xiameng – 7300 W. Southridge Dr.
Webber, Alicia – 6186 S. Racine Ave.

Motion carried unanimously.

11. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky to approve issuance of a Temporary "Class B" Retailer's License to Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages and wine at an indoor event, Ladies Shopping Night, to benefit Greenfield Fire Department on December 7, 2017 from 6:00 p.m. to 9:00 p.m. with DJ Music at 6221 West Layton Avenue. Motion carried unanimously.
12. It was moved by Alderperson Lubotsky, seconded by Alderperson Saryan to approve issuance of a Temporary Class "B" Retailer's License to Harley Owners Group – Milwaukee Chapter to sell fermented malt beverages at an indoor event, Not Your Mama's After Party – The Unofficial Mama Tried After Party on February 18, 2017 from 3:00 p.m. to 10:00 p.m. with live music at 6221 West Layton Avenue. Motion carried unanimously.

13. It was moved by Alderperson Kastner, seconded by Alderperson Bailey to approve issuance of a Temporary Class “B” Retailer’s License to St. John the Evangelist Parish to sell fermented malt beverages at their fish fry dinners to be held indoors on Friday, March 3, 2017 from 3:00 p.m. to 8:00 p.m., Friday, March 24, 2017 from 3:00 p.m. to 8:00 p.m., and Friday, April 14, 2017 from 3:00 p.m. to 8:00 p.m. at 8500 West Cold Spring Road. Motion carried unanimously.

14. Department of Neighborhood Services Report:

It was moved by Alderperson Kastner, seconded by Alderperson Akers to approve and assign the Milwaukee Water Works water main easement WE-965 A&B, related to 84 South Development, Tax Key No. 606-0053-002, 606-0053-003 & 606-0053-004.

On a roll call vote, the motion carried unanimously.

- 15, 16 & 17. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to approve the following:

Schedules of disbursements in the amounts of \$222,483.16; \$880,971.75; \$16,099.16; \$59,636.38; \$2,391.80; \$8,981.48/ \$15,758.09; and \$14,948.20.

Mileage reimbursements in the amount of \$976.60.

Investments and reinvestments in the amounts of \$12,456,635.04 and \$22,389,988.71.

On a roll call vote, the motion carried unanimously.

- 17a It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Resolution No. 3583:

RESOLUTION NO. 3583

**RESOLUTION AMENDING RESOLUTION # 3470, #3376 & #3429 LOOMIS ROAD
& I-894 REDEVELOPMENT REIMBURSEMENT RESOLUTION**

WHEREAS, the Greenfield Crossing Redevelopment Plan Reimbursement Resolution #3470 (passed 4/4/2014) Resolution #3429 (passed 9/18/2012) and Resolution #3376 (passed 4/6/2011) needs to be amended to change the loan repayment date.

NOW, THEREFORE, BE IT RESOLVED that the City of Greenfield may fund certain professional fees, land acquisition costs, demolition/disposal, and other associated costs to effect the City’s long-term interests at this Loomis Road & I-894 area through the use of internal funding or LOAN from the SANITARY SEWER FUND reserves under the following conditions.

5. Unless expressly authorized differently by Common Council action, the amount of internal financing, i.e. the total funding loan hereby approved by the Common Council, must be repaid

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

to the SANITARY SEWER FUND by February 15, 2020. The repayment of the LOAN amount may be in the form of external debt financing or other financing alternatives.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of February, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

18. It was moved by Alderperson Akers, seconded by Alderperson Kastner to adopt Resolution No. 3584.

After a roll call vote, motion carried unanimously.

RESOLUTION NO. 3584

**Close Loopholes that Shift a Greater Property Tax Burden
from Commercial to Residential Homeowners**

Whereas, homeowners in Wisconsin already pay 70% of the total statewide property tax levy; and

Whereas, that disproportionate burden is about to get much worse unless the Legislature addresses tax avoidance strategies that national chains like Walgreens, and big box retail establishments like Target and Lowe's are using across the country to gain dramatic reductions in their property tax bills at the expense of homeowners and other taxpayers; and

Whereas, a carefully-orchestrated wave of 100s of lawsuits in Wisconsin is forcing assessors to slash the market value of thriving national retail stores, shifting their tax burden to local mom and pop shops and homeowners; and

Whereas, Walgreens and CVS stores in Wisconsin have argued in communities across the state that the assessed value of their property for property tax purposes should be less than half of their actual sale prices on the open market; and

Whereas, in many cases the courts have sided with Walgreens and CVS, requiring communities to refund tax revenue back to the stores; and

Whereas, there are over 200 Walgreens stores located in Wisconsin's cities and villages; and

Whereas, Target, Lowe's, Meijer, Menards and other big box chains are using what is known as the "Dark Store Theory" to argue that the assessed value of a new store in a thriving location should be based on comparing their buildings to sales of vacant stores in abandoned locations from a different market segment; and

Whereas, the Republican-controlled Indiana state Legislature has on two occasions in the last two years overwhelmingly passed legislation prohibiting assessors from valuing new big box stores the same as nearby abandoned stores from a different market segment; and

Whereas, the Michigan state house overwhelmingly passed similar legislation in May of 2016.

Now, Therefore, Be It Resolved, that the common council of the City of Greenfield urges the Governor and the Legislature to protect homeowners and main street businesses from having even more of the property tax burden shifted to them by passing legislation clarifying that:

1. Leases are appropriately factored into the valuation of leased properties; and
2. When using the comparable sale method of valuation, assessors shall consider as comparable only those sales within the same market segment exhibiting a similar highest and best use rather than similarly sized but vacant properties in abandoned locations.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of February, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

20. City Attorney's report:

It was moved by Alderperson Akers, seconded by Lubotsky to go into closed session pursuant to Wisconsin Statutes, Section 19.85 (1) (g) to consider the following:

- (1) Discussion regarding Notice of Damages in the Action for Excessive Assessment (Target Corporation v. City of Greenfield).
- (2) Discussion regarding Settlement Agreement between Target Corporation and the City of Greenfield for 2014-2016.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky to adjourn closed session and reconvene into open session at 7:34. On a roll call vote, motion carried unanimously.

It was moved by Alderperson Kastner, seconded by Alderperson Saryan to approve the payment of claim for 2016 based on the Notice of Damages in the Action for Excessive Assessment (Target Corporation v. City of Greenfield) and its inclusion within the settlement agreement that follows.

It was moved by Alderperson Kastner, seconded by Alderperson Saryan to approve the Settlement Agreement between Target Corporation and the City of Greenfield for 2014-2016.

On a roll call vote, motion carried unanimously.

21. Items for future agenda – Bonding for 84 South Project.

22. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to adjourn the meeting at 7:38 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes prepared by Carrie Orlovsky, Deputy City Clerk
Distributed: February 24, 2017