MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, April 18, 2017

The meeting was called to order by Mayor Neitzke at 7:31 p.m.

1.	ROLL CALL:	Alderperson Lubotsky	Present
		Alderperson Bailey	Present
		Alderperson Akers	Present
		Alderperson Saryan	Present
		Alderperson Kastner	Present
	ALSO PRESENT:	Roger Pyzyk	City Attorney
		Jeff Katz	Director of Neighborhood Services
		Chuck Erickson	Community Development Manager
		Jennifer Goergen	City Clerk

2. An opening prayer was given during the opening ceremony.

3. Pledge of Allegiance was performed during the opening ceremony.

4. It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve the April 5, 2017 Council minutes, as recorded. Motion carried unanimously.

5. Mayor's Report - none

6. Aldermanic Reports - none

7. Announcements - none

8. Citizen Commentary

Joan Stevens, 4059 S. 99th St., presented flyers about volunteering or donating to Greenfield's 27th Annual Arbor Day Celebration on Saturday, May 6, 2017 at 10 am at Konkel Park. Trees will be placed at Konkel Park, near the Farmer's Market, the amphitheater, and along the roadway. Greenfield's Clean Up Green Up Day will be held on Saturday, May 13. Volunteers meet at Konkel Park between 9 a.m. to 10:30 a.m. to check in and obtain free litter bags, then disperse to clean up litter. Coupons can be earned to the Milwaukee County Zoo or county pools, and the event is held in cooperation with Keep Greater Milwaukee Beautiful.

At this time, the Mayor proceeded with Item #12.

9. 7:05 p.m. Public hearing for approval of a Special Use requested by Eyad Sulieman, Cloud 9 Vape/Black Stone LLC, to open a retail store for selling electronic cigarette products or 'vape store' at 3775 S. 108th Street within the Garden Mall; no smoking of the product(s) would occur within the building. Tax Key #563-9986-008.

The public hearing was opened at 7:42 p.m. Community Development Director Chuck Erickson said public hearing notices were sent to about 90 adjacent property owners and a notice was published in the Greenfield NOW on April 6, 2017. No one spoke for or against. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to close the public hearing. Motion carried unanimously.

It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve the Special Use, requested by Eyad Sulieman, Cloud 9 Vape/Black Stone LLC, to open a retail store for selling electronic cigarette products or 'vape store' at 3775 S. 108th Street within the Garden Mall; no smoking of the product(s) would occur within the building. Tax Key #563-9986-008. Motion carried unanimously.

10. 7:10 p.m. Public hearing for approval of a Special Use requested by Steve Evans, The Chakra Shop, 7406 W. Layton Avenue, for the purpose of adding 'Psychic Readings' to their retail business which currently sells candles, incense, oils, and spiritual gifts. Tax Key 604-9964-000.

The public hearing was opened at 7:44 p.m. Mr. Erickson said public hearing notices were sent to about 105 adjacent property owners. A notice was published in the Greenfield NOW on April 6, 2017.

The following registered in opposition to the Special Use:

Lois Winkler, 4621 S. Woodland Dr.

The following spoke in favor of the Special Use:

Eva Johns, 9813 S. 27th St., Franklin, said her previous location was on 5444 W. Forest Home Ave., but she could not keep up with the repairs at that location.

Steve Evans, 9813 S. 27th St., Franklin, said the tenant next to him is leaving, and they will use the last 2 spaces for handicapped parking spaces. They plan to have a permanent sign. The Mayor recommended they remove their banner sign and get a sign permit to install a permanent sign as soon as possible.

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

It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve the Special Use requested by Steve Evans, The Chakra Shop, 7406 W. Layton Avenue, for the purpose of adding 'Psychic Readings' to their retail business which currently sells candles, incense, oils, and spiritual gifts. Tax Key 604-9964-000. Motion carried unanimously. The Mayor noted the permanent sign and the handicapped parking spaces must be completed within 3 months.

At this time, the Mayor proceeded with Item #13.

11. **Plan Commission meeting held on April 11, 2017 (Kastner)**

Item #5 It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to approve a PUD Amendment/Site, Building, & Landscaping Review for the 'Zone D Area'; specific buildings: D-1A (10.5K s.f.) & D-1B (8K s.f.); on the south side of Sura Lane in the 8800 block of 84 South, consider this a minor change not needing an additional public hearing because what is being proposed is consistent with earlier reviews and approvals, subject to Plan Commission and staff comments. On a roll call vote, motion carried unanimously.

Item #6 It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve a Special Use to open a Café Zupas restaurant in one of the tenant spaces of the D1-B building of 84 South, subject to Plan Commission and staff comments. On a roll call vote, motion carried unanimously.

Item #7 It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to approve a Special Use Review to for Gilberto Padilla to open a take-out style restaurant called Don Lumbre's at 5442 W. Forest Home Avenue in the tenant space formerly used by the owners of the Eats & Treats Food Truck; subject to Plan Commission and staff comments. Tax Key #556-8988-001. On a roll call vote, motion carried unanimously.

Item #8 It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to approve a Special Use Amendment and Site, Building, Landscaping Review as part of a canopy face revision and signage changes at Mian's Hometown Gas at 5235 W. Loomis Road; subject to Plan Commission and staff comments. Tax Key #648-008-003. On a roll call vote, motion carried unanimously.

The Mayor then proceeded with Item #17a.

12**. Community Development Authority meeting held on April 18, 2017 (Kastner/Bailey)**

Item #3 It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve a Resolution authorizing the execution of a Cooperation and Development Agreement with respect to TID No. 6 (Chapman Cobalt Project); approving the assistance of the Community Development Authority in implementing the Project Plan for the TID; finding that the project area was blighted prior to the Project Plan developments in the TID; and related matters. On a roll call vote, the motion carried unanimously.

At this time, the Mayor proceeded with Item #23.

13. Appointment of Council President for a one year term

Alderperson Lubotsky nominated Alderperson Karl Kastner. A voice vote was taken on the nomination of Alderperson Karl Kastner for the position of Council President. Motion carried unanimously.

At this time, the Mayor proceeded with Item #14b.

14. 2017 Council Representative appointments to various committees and commissions:

a. Council appointments:

It was moved by Alderperson Kastner, seconded by Alderperson Akers, that the 2017 Council Representatives be as indicated to the following committees:

(1) Three members to the Finance & Human Resources Committee (Saryan, Bailey, Kastner)
(2) Three members to the Legislative Committee (Bailey, Lubotsky, Saryan)
(3) One member to the Park & Recreation Board (Saryan)
(4) One member to the Plan Commission (Kastner)

Motion carried unanimously.

At this time, the Mayor proceeded with Item #15a.

b. Mayor appointments, confirmed by Council:

It was moved by Alderperson Kastner, seconded by Alderperson Akers, to confirm the mayor's appointments of the 2017 Council Representatives as indicated to the following committees:

(1) One member to the Community Development Authority (Bailey) (appointment is for a 3 year term)
(2) One member to the Board of Health (Akers)
(3) One member to the Public Library Board (Lubotsky)
(4) Three members to the Board of Public Works (Lubotsky, Akers, Bailey)
(5) One member to the Tree Commission (Bailey) (appointment is for a 2 year term)

Motion carried unanimously.

At this time, the Mayor proceeded with Item #14a.

15. Appointments to various committees and commissions:

a. Council appointments:

It was moved by Alderperson Saryan, seconded by Alderperson Akers, to reappoint Richard Mrochinski, 4982 S. 37th St., as a member to the Board of Public Works for a term to expire 5/1/19. Motion carried unanimously.

b. Mayor appointments, confirmed by Council:

It was moved by Alderperson Akers, seconded by Alderperson Kastner, to confirm the Mayor's appointments as indicated to the following:

(1) Robert Sherwood, 12030 W. Black Oak Dr., David Shore, 12271 W. White Oak Dr., and Veronica Wallace-Kraemer, 9712 W. Plainfield Ave., as members to the Civil Service Commission for a term to expire 5/1/20

(2) Patsy Cashmore, 6100 W. Stonehedge Dr., #B128, as a member to the Fire & Police Commission for a term to expire 5/1/22

(4) Lew Silva, 4948 S. 65th St., and Michael Wendt, 12290 W. White Oak Dr., as members to the Tree Commission for a term to expire 5/1/19

(5) Audrey Ellison, 3473 S. 50th Pl., and Donald Kopp, 6102 W. Plainfield Ave., as members to the Zoning Board of Appeals for a term to expire 5/1/20

Motion carried unanimously.

The following appointment is to be placed on the **NEXT AGENDA**:

(3) One member to the Board of Review for a term to expire 5/1/22 (currently Donald Kopp)

c. Mayor appointments:

The Mayor reappointed Brian Weis, 8000 W. Cold Spring Rd., and Christine Hallen, 4676A S. 43rd St., as members to the Plan Commission for a term to expire 5/1/20.

The Mayor designated Audrey Ellison, 3473 S. 50th Pl., as Chairperson of Zoning Board of Appeals.

16. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to approve the issuance of an operator license to the following:

Abel, Carol Ann-3275 E. Howard Ave.
Biggs, Rebecca J.-5066 S. Packard Ave.
Burden, Rachel L.-922 Eales Ave.
Frymark, Laurie A.-4827 W. Van Beck Ave.
Marczewski, Chelbie J.-3455 S. Clement Ave.
Peplinski, Maureen J.-3526 S. 26th St.
Seebantz, Melissa L.-6804 Magnolia Ct.
Thomas, Scott L.-3317 Monarch Dr.
VanDermeer, Chelsea-W267 N2937 Peterson Dr.
Wacker, Kristin M.-4623 W. Wilbur Ave.

Motion carried unanimously.

17. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to approve the issuance of a Temporary “Class B” Retailer’s License for the Harley Owners Group-Milwaukee Chapter to sell fermented malt beverages and wine at an indoor event, “Haunted House of Harley,” on October 26, 2017 from 5 p.m. to 9 p.m. at 6221 W. Layton Avenue. Motion carried unanimously.

The Mayor then proceeded with Item #18.

17a. Department of Neighborhood Services Report:

It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve a term sheet authorizing an amendment to the TID No. 6 development agreement and providing for a “pay/go” grant to the 84 South project to pay for a portion of the costs of a central parking structure for the project (Erickson). On a roll call vote, the motion carried unanimously.

The Mayor then proceeded with Item #9.

18. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve the transfer of Station #2 Roof Replacement Account CE1327 to Fire Station Building Maintenance Account CE1523 (Cohn). On a roll call vote, motion carried unanimously.

19. It was moved by Alderperson Saryan, seconded by Alderperson Akers, to approve a Clinical/Field Affiliation Agreement for Emergency Medical Services Occupation between Waukesha County Technical College and the City of Greenfield (Cohn). Motion carried unanimously.

20 – 22. It was moved by Alderperson Saryan, seconded by Alderperson Lubotsky, to approve the following:

Approval of schedules of disbursements in the amounts of $1,310,222.01; $283,213.54; 1,449,283.80 and $92,300.66.

Approval of mileage reimbursements in the amount of $593.96.

Accept financial statements for December 2016 and January 2017.

On a roll call vote, the motion carried unanimously.

The Mayor then proceeded with Item #24.

23. City Attorney's Report:

It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve Resolution No. 3595.

RESOLUTION NO. 3595

A RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATION AND DEVELOPMENT AGREEMENT WITH RESPECT TO TID NO. 6 (CHAPMAN COBALT PROJECT); APPROVING THE ASSISTANCE OF THE COMMUNITY DEVELOPMENT AUTHORITY IN IMPLEMENTING THE PROJECT PLAN FOR THE TID; FINDING THAT THE PROJECT AREA WAS BLIGHTED PRIOR TO THE PROJECT PLAN DEVELOPMENTS IN THE TID; AND RELATED MATTERS

WHEREAS, the City of Greenfield, Wisconsin (the "City") is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin;

WHEREAS, pursuant to Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"), on August 11, 2015 the Common Council of the City adopted a resolution (a) creating Tax Increment District No. 6 (Chapman Cobalt Project) (the "TID" or the "District") encompassing property bounded by I-43 to the North, Layton Avenue to the South, 84th Street to the East and 94th Street to the West (the "Project Area") having 43 separate parcels including a former school building, a church, a farm field, a retail store and 37 single family homes and (b) adopting a Project Plan providing for property, right-of-way and easement acquisition, site preparation activities, utility improvements and streets and streetscape;

WHEREAS, the Project Area is a single property in need of redevelopment and not part of any redevelopment district;

WHEREAS, Fiduciary Real Estate Development, Inc., a Wisconsin corporation and/or its successors and assigns (the "Developer"), and Fred - Forte, LLC, a Wisconsin limited liability company (the "Owner"), have proposed the construction of a 284-unit apartment project (the "Project") within the Project Area; and

WHEREAS, the Community Development Authority of the City of Greenfield, Wisconsin (the "Authority") was created to carry out redevelopment projects within the corporate limits of the City pursuant to Sections 66.1333 and 66.1335 of the Wisconsin Statutes (the "Act"); and

WHEREAS, the Authority held a public hearing on April 18, 2017 to determine whether the Project Area was, at the time of adoption of the Project Plan, "blighted property" within the meaning of Section 66.1333(2m)(bm) of the Act and subsequently determined, in a resolution adopted on April 18, 2017 that the Project Area was "blighted property" at such time; and

WHEREAS, the City has been presented a proposed Cooperation and Development Agreement, to be entered into by and among the Developer, the Owner, the City and the Authority (the "Cooperation Agreement"), providing for Developer to construct the Project, the Authority to issue its Redevelopment Revenue Bond (Chapman Cobalt Project) (the "Bond") to provide financing for a portion of the costs of the Project and the City to transfer certain tax increment revenues to the Authority to be used to pay the principal and interest on the Bond; and

WHEREAS, it is in the public interest of the City to encourage and promote the development of projects such as the Project in order to realize public benefits such as, but not limited to, the rehabilitation of the Project Area and the provision of housing for residents of the City;

WHEREAS, the City finds that private acquisition and redevelopment with the assistance of the RDA is the preferred approach for redeveloping the Property.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield as follows:

1. <u>Declaration of Findings</u>.

(a) Based upon the findings set forth in the Project Plan including, without limitation, (i) that some of the sites in the Project Area remained vacant for several decades due to lack of adequate infrastructure, environmental contamination, obsolete platting and ownership by multiple parties and (ii) not less than 50% by area of the real property within the Project Area was in need of rehabilitation - conservation work within the meaning of Section 66.1337(2m)(a) of the Wisconsin Statutes, the Common Council hereby finds that the Project Area was, as of the date of the adoption of the Project Plan, a "blighted area" within the meaning of Section 66.1333(2m)(b) of the Wisconsin Statutes due to obsolete platting, diversity of ownership and deterioration of structures and site improvements which substantially impaired the sound growth of the City.

(b) The Common Council further finds that:

(i) the Project Area is in need of a "blight elimination, slum clearance and urban renewal project" within the meaning of Section 66.1333(2m)(h) of the Wisconsin Statutes consisting of undertakings and activities in the Project Area for the prevention of the development of blight involving rehabilitation or conservation in the Project Area;

(ii) private acquisition and redevelopment with the assistance of the Authority is the preferred approach for redeveloping the Project Area; and

(iii) a comprehensive rehabilitation plan is not necessary to determine the need for the Authority to assist private development in the acquisition and use of the Project Area or the relationship of such assistance to other property redevelopment by the Authority.

2. <u>Cooperation Agreement</u>. The City is hereby authorized to enter into the Cooperation Agreement in substantially the same form as presented to the Common Council. The form, terms and provisions of the Cooperation Agreement be, and they hereby are, in all respects approved. The Mayor and Clerk are, and each of them hereby is, authorized, empowered and directed to execute and to affix the official seal of the City to the Cooperation Agreement for and on behalf of the City, and thereafter to deliver the Cooperation Agreement, such Cooperation Agreement to be in substantially the same form as presented to the Common Council or with such changes therein as the Mayor and Clerk shall approve, their execution thereof to constitute conclusive evidence

of their approval of any and all changes in the Cooperation Agreement. The Cooperation Agreement shall constitute, and is hereby made, a part of this Resolution.

3. Other Documents. The Mayor, Clerk and all other officers of the City are hereby authorized to execute all documents and certificates and to take all such actions as may be necessary in connection with the execution and delivery of the Cooperation Agreement and the performance of the obligations of the City thereunder and to carry out and comply with the terms thereof and of this Resolution.

4. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining sections, paragraphs and provisions of this Resolution.

5. Conflicting Proceedings Superseded; Effective Date. All ordinances, resolutions or orders, or parts thereof, heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution shall be and the same are hereby superseded to the extent of such conflict, and this Resolution shall be in effect immediately upon its passage.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 18th day of April, 2017.

APPROVED:

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Michael J. Neitzke, Mayor

ATTEST:

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Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, the Mayor proceeded with Item #11 (Plan Commission Item #5)

24. Items for future agenda – Alderperson Lubotsky said she would like to start discussion on funding more police officers. Mayor Neitzke said this topic would first be considered at Finance Committee.

25. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky to adjourn the meeting at 8:07 p.m. Motion carried unanimously.

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Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: April 25, 2017