

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON TUESDAY, OCTOBER 17, 2017

The meeting was called to order by Mayor Neitzke at 7:05 p.m.

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

ALSO PRESENT:	Roger Pyzyk	City Attorney
	Jeff Katz	Director of Neighborhood Services
	Jennifer Goergen	City Clerk

2. An opening prayer was given by Pastor Steve Rogers.

3. Pledge of Allegiance

4. It was moved by Aldersperson Bailey, seconded by Aldersperson Lubotsky, to approve the October 3, 2017 Council minutes, as recorded. Motion carried unanimously.

5. Mayor's Report

Mayor Neitzke said the ICC and municipal officials statewide have been working to convince legislators that "dark store" legislation is needed to revise assessment procedures for big box stores. He urged people to contact their senators to urge passage of Senate Bills 291 and 292. Big box and mid box stores now can claim the value of their stores is equivalent to what the value would be if they were "dark," or closed. About 1/3 of Greenfield's tax base is commercial property. If that sector can successfully argue its properties are valued about 60% less than the city's valuation, the end result would be the tax burden shifting from commercial to residential property owners and small business owners, even with no increase in the tax levy, Mayor Neitzke said.

Parks and Recreation Director Scott Jaquish introduced Partners of Greenfield Parks and Recreation representatives Don Carlson and Pam Panich, who presented a \$10,000 donation check to the city's parks and recreation department. The money was raised from a mini golf tournament and concession stand sales. The money will be used for the Pavilion at Konkel Park.

Mayor Neitzke announced a second pavilion will be going in at Konkel Park. Water and sewer are being installed. The concept will be a permanent beer garden, near the Amp. The programming this year at Konkel Park was "incredibly well-attended" in good weather, and was supported by a \$25,000 donation from the 84 South development and Cobalt.

6. Aldermanic Reports - none

7. Announcements - none

8. Citizen Commentary – Joel Hassler of Von Hasle Jewelry Advisors spoke under agenda item #10 (Item 7).

9. Board of Public Works meeting held on September 26, 2017

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

Item #4 Approve a resolution to release and extinguish public utility easements in the '84 South' development.

Item #5 Approve an ordinance establishing the 2018 Service Charges for the Collection of Garbage, Refuse, Yard Wastes and Recycling Services.

Item #6 Approve the 2018 Special Assessment Rate Schedule.

Item #9 Approve an ordinance creating a parking restriction at 4729 West Cold Spring Road.

On a roll call vote, the motion carried unanimously.

10. Plan Commission Meeting held on October 10, 2017

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

Item #4 Approve a Certified Survey Map to re-split CSM #8855 for a change to the 'C-6' parcel at 8625 W. Sura Lane; subject to Plan Commission and staff comments. Tax Key #606-0053-002.

Item #5 Approve a PUD Amendment/Special Use/Site, Building, Landscaping Review for a new Outback Restaurant building at 8625 W. Sura Lane in the 'C-6' area within 84 South; subject to Plan Commission and staff comments. Tax Key #606-0053-002.

Item #6 Approve a Special Use to open Total Wine & More at 8700 W. Sura Lane within 84 South; subject to Plan Commission and staff comments. Tax Key #606-9980-010.

On a roll call vote, the motion carried unanimously.

Item #7 Approve a Special Use for Joel Hassler, Von Hasle Jewelry Advisors, 4811 S. 76th Street, Unit #120 as a 'Used Merchandise Store' with the following conditions:

- No walk-in jewelry sales/purchases are allowed because the applicant has committed to not being a retail jewelry operation but rather more of a wholesaler dealing only with jewelry stores, estates, financial institutions, and insurance agents.
- All elements of Mun. Code Chp. 13.15 (Pawnbroker, Second-hand Jewelry Dealers), including the NEWPRS regulations, must be followed.
- Consider this a minor change not needing a public hearing.

Tax Key #616-0034-001

Alderperson Lubotsky suggested Item #7 be tabled to allow the Police Department to provide input on this item. City Attorney Roger Pyzyk suggested instead the wording be to place the item on the next agenda.

Mayor Neitzke said he believes Mr. Hassler is well-respected in his industry after reviewing Mr. Hassler's Linked In profile and other online information. He asked if Mr. Hassler understood the NEWPRS regulations.

Mr. Hassler said he tried to implement those regulations at his business in Mt. Pleasant, but the police department there chose not to implement them.

Mayor Neitzke said he did see an email from the Police Department in response to this item on the Plan Commission agenda. There are a plethora of secondhand dealers in the city, and a desire from the public policy standpoint to limit that, however, he feels Mr. Hassler is reputable and has a nationwide reputation and the proposed restrictions provide a safeguard. This is not a typical jewelry store opening to buy gold. Mayor Neitzke asked if Mr. Hassler understood he would have to report purchases of secondhand jewelry under the NEWPRS regulations.

Mr. Hassler said absolutely. He has talked with Detective Fletcher about NEWPRS and was told the exact reporting steps under NEWPRS would be explained after Council approval. He has no issue with the concept.

Aldersperson Lubotsky said implementing NEWPRS would still require more police resources – and more police officers are not being added to the upcoming budget. She said we are at a critical mass point right now.

Mayor Neitzke said additional police officers would not be required to implement this.

Aldersperson Lubotsky asked the mayor to read the email from Chief Wentlandt. Aldersperson Kastner said the email pertained to an earlier meeting.

Aldersperson Lubotsky said she thinks the PD still has concerns about this item.

Mayor Neitzke said the item will be placed on the next agenda.

Other alderspersons asked about the proposed location. Mr. Hassler said it would be an office location, not a retail store, in the Associated Bank building, and he would not be selling retail from that location. Aldersperson Akers said she does not believe this would create a problem, from the police standpoint. Mayor Neitzke said the original concern was that this could be a secondhand jewelry store buying stolen merchandise from heroin addicts, but that this is not the type of business being proposed.

Aldersperson Lubotsky said staff also had concerns about the Special Use running with the land, meaning in the future potentially someone could run a secondhand jewelry business at that location.

Attorney Roger Pyzyk said the special use would run with that specific suite in the building, not the entire building, because the building and land operate as numerous commercial ventures. If in the future someone wanted to run a jewelry store in that specific suite, he would consider that a major change from the office that Mr. Hassler is proposing, and that major change would require a public hearing.

Mayor Neitzke said the effect of the restrictions attached to the special use would be to keep other jewelry businesses from being able to sell jewelry at retail at that location in the future.

Alderson Lubotsky said she did not want to take action tonight, because she wants to give the police department an opportunity to comment.

Mayor Neitzke asked Mr. Hassler if Detective Fletcher had concerns with his proposed business.

Mr. Hassler said Detective Fletcher wanted to know if there would be walk in jewelry sales; there would not. Detective Fletcher wanted to know if he would comply with NEWPRS; he would.

Aldersons Akers and Kastner said they were ready to take action. Alderson Saryan asked if the PD wanted to be at this Council meeting to comment. Alderson Lubotsky said yes, per a text she received at 6:56 p.m. from Assistant Chief Patrick, who said he didn't know this item was coming up at tonight's meeting, and if tabled, he would have a representative at a future meeting to comment.

Mayor Neitzke asked when the agenda was published. It was published Oct. 12. Alderson Kastner said he didn't know what would be gained by waiting 2 weeks. Mayor Neitzke predicted the PD would say that sales need to be reported and that they don't want more jewelry buyers that are buying from heroin addicts because that imposes a significant burden on the PD. He understands, but that is not what Mr. Hassler does.

Mr. Hassler said half of his business involves doing business with other jewelers, doing appraisal work, and traveling throughout the U.S. to appraise jewelry for other jewelry stores. Most jewelry stores do not have appraisers on staff and they hire people like Mr. Hassler to do that work. He said he has bought literally millions of dollars of jewelry over the last 18 years.

Alderson Lubotsky asked what he did with the jewelry he purchased.

Mr. Hassler said it goes to refiners or to other retail jewelry stores who would sell it.

Alderson Lubotsky asked if he would sell jewelry online. Mr. Hassler said no.

Alderson Akers said per an earlier email, the police department was concerned about retail jewelry sales, which is not what Mr. Hassler will be doing, so she sees no point in waiting to act on his proposal.

Alderson Lubotsky said monitoring the NEWPRS sales would still require more work from the police department which is understaffed.

Mayor Neitzke said the extra work would be done by Mr. Hassler. Discussion about NEWPRS ensued.

It was moved by Alderson Kastner, seconded by Alderson Akers, to approve Item #7 with the conditions specified on the Council agenda and in the Plan Commission minutes. On a roll call vote, the motion carried 3-2 with Aldersons Akers, Saryan and Kastner voting yes and Aldersons Lubotsky and Bailey voting no.

11. Finance & Human Resources Committee meeting held on October 11, 2017

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

Item #4 Approve renewal of agreement with Challenger Sports to host summer soccer camps for summer 2018-2020

Item #5 Schedules of disbursements in the amounts of \$775,128.61; \$479,024.57 and \$758,940.71

Item #6 Mileage reimbursements in the amount of \$609.90

On a roll call vote, the motion carried unanimously.

12. City Clerk's Report

City Clerk Jennifer Goergen reported a claim received from Barbara Maras was referred to the city's insurance company.

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

Roberts, Rebecca A. – 5344 Orchard Ln

Motion carried unanimously.

14. It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to approve issuance of a Reserve Combination "Class B" Beer & Liquor License to Wisconsin Fine Wines & Spirits LLC, Tony J. Rasmussen, Agent, for the property located at 8700 W. Sura Lane (Total Wine Spirits Beer & More) (25,000 SF building located at 8700 W. Sura Lane, Greenfield, WI, which includes a 106 SF Count Room, 514 SF Beer Cooler, 228 SF Fine Wine Cooler, and 900 SF Wine Education Center). On a roll call vote, the motion carried unanimously.

15. It was moved by Alderperson Akers, seconded by Alderperson Kastner, to approve the issuance of a Secondhand Jewelry Dealer license to VonHasle LLC dba Von Hasle Jewelry Advisers, Joel M. Hassler, Representative, for the property located at 4811 S. 76th Street, #120. On a voice vote, the motion carried 3-2, with Alderpersons Akers, Saryan and Kastner voting yes; and Alderpersons Lubotsky and Bailey voting no.

16. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to approve the issuance of a Temporary "Class B" Retailer's License to Evolution Wrestling Inc. to sell fermented malt beverages and wine at "Trivia Night" indoors on Saturday, October 21, 2017 from 6 p.m. to 11 p.m. at 8500 W. Cold Spring Avenue. Motion carried unanimously.

17. It was moved by Alderperson Akers, seconded by Alderperson Kastner, to approve the issuance of a Temporary Class "B" Retailer's License to Harley Owners Group- Milwaukee Chapter to sell fermented malt beverages at "Store and Pour" indoors on Friday, November 3, 2017 from 5 p.m. to 8 p.m. at 6221 W. Layton Avenue. Motion carried unanimously.

18. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve the issuance of a Temporary Class "B" Retailer's License to Harley Owners Group- Milwaukee Chapter to sell fermented malt beverages at "Store and Pour" indoors on Friday, November 10, 2017 from 5 p.m. to 8 p.m. at 6221 W. Layton Avenue. Motion carried unanimously.

19. Department of Neighborhood Services

- a. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to adopt Resolution No. 3608:

RESOLUTION NO. 3608

A RESOLUTION RELEASING AND EXTINGUISHING
PUBLIC UTILITY EASEMENTS

BE IT RESOLVED, by the Mayor and the Common Council of the City of Greenfield that the following "public utility easements", heretofore granted to the City of Greenfield, be and the same are hereby released and extinguished:

Document No.: 8009293 Recorded January 10th, 2001 Tax Key No. 606-0059

That part of the Southwest ¼ of Section 21, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said ¼ Section; thence South 88° 55' 53" West along the South line of said ¼ Section 1621.17 feet to a point; thence North 01° 04' 07" West 60.01 feet to a point; thence North 88° 55' 53" East and parallel to said South line 996 feet to a point of beginning of lands to be described; thence North 01° 04' 07" West 30 feet to a point, said point being the southwesterly corner of Lot 1, Block 6 of Chapman Subdivision, a recorded subdivision, thence North 88° 55' 53" East and parallel to said South line 131 feet to a point, said point being the southeasterly corner of said Lot 1; thence South 01° 04' 07" East 30 feet to appoint in the northerly right-of-way line of West Layton Ave; thence South 88° 55' 53" West along said northerly right-of-way line 131 feet to the point of beginning.

Document No.: 8009294 Recorded January 10th, 2001 Tax Key No. 606-0060

That part of Southwest ¼ of Section 21, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said ¼ Section; thence South 88° 55' 53" West along the South line of said ¼ Section 1621.17 feet to a point; thence North 01° 04' 07" West 60.01 feet to a point; thence North 88° 55' 53" East and parallel to said South line 865 feet to a point of beginning of lands to be described; thence North 01° 04' 07" West 30 feet to a point, said point being the southwesterly corner of Lot 2, Block 6 of Chapman Subdivision, a recorded subdivision; thence North 88° 55' 53" East and parallel to said south line 131 feet to a point in the northerly right-of-way line of West Layton Avenue; thence South 88° 55' 53" West along said northerly right-of-way line 131 feet to the point of beginning.

Document No.: 8009295 Recorded January 10th, 2001 Tax Key No. 606-0061

That part of the Southwest ¼ of Section 21, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said ¼ Section, thence 88° 55' 53" West along the South line of said ¼ Section 1621.17 feet to a point; thence North 01° 4' 07" West 60.01 feet to a point; thence North 88° 55' 53" East and parallel to said South line 734 feet to a point of beginning of lands to be described; thence North 01° 04' 07" West 30 feet to point, said point being the southwesterly corner of Lot 3, Block 6 of Chapman Subdivision, a recorded subdivision, thence North 88° 55' 53" East and parallel to said South line 131 feet to a point, said point being the southeasterly corner of said Lot 3; thence South 01° 04' 07" East 30 feet to a point in the northerly right-of-way line of West Layton Ave; thence South 88° 55' 53" West along said northerly right-of-way line 131 feet to the point of beginning.

Document No.: 8009296 Recorded January 10th, 2001 Tax Key No. 606-0062

That part of the Southwest ¼ of Section 21, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said ¼ Section; thence South 88° 55' 53" West along the South line of said ¼ Section 1621.17 feet to a point; thence North 01° 04' 07" West 60.01 feet to a point; thence North 88° 55' 53" East and parallel to said South line 603 feet to a point of beginning of lands to be described: thence North 01° 04' 07" West 30 feet to a point; said point being the southwesterly corner of Lot 4, Block 6 of Chapman Subdivision, a recorded subdivision, thence North 88° 55' 53" East and parallel to said South line 131 feet to a point in the northerly right-of-way line of West Layton Avenue; thence South 88° 55' 53" West along said northerly right-of-way line 131 feet to the point beginning.

Document No.: 8009297 Recorded January 10th, 2001 Tax Key No. 606-0063

That part of Southwest ¼ of Section 21, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said ¼ Section 1621.17 feet to a point; thence North 01° 04' 07" West 50.01 feet to a point; thence North 88° 55' 53" East and parallel to said South line 472 feet to the point of beginning of lands to be described: thence North 01° 04' 07" West 30 feet to a point; said point being the southwesterly corner of Lot 5, Block 6 of Chapman Subdivision, a recorded subdivision; thence North 88° 55' 53" East and parallel to said South line 131 feet to a point, said point being southwesterly corner of said Lot 5; thence south line of West Layton Ave; thence South 88° 55' 53" West along said northerly right-of-way line 131 feet to the point of beginning.

Document No.: 8009298 Recorded January 10th, 2001 Tax Key No. 606-0064

That part of the Southwest ¼ of Section 21, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said ¼ Section; thence South 88° 55' 53" West along the South line of said ¼ Section 1621.17 feet to a point; thence North 01° 04' 07" West, 60.01 feet to a point; thence North 88° 55' 53" East and parallel to said South line 341 feet to the point of beginning of lands to be described; thence North 01° 04' 07" West 30 feet to a point, said point being the southwesterly corner of Lot 6, Block 6 of Chapman Subdivision, a recorded subdivision; thence North 88° 55' 53" East and parallel to said South line 131 feet to a point, said point being the southeasterly corner of said Lot 6; thence South 01° 04' 07" East 30 feet to a point in the northerly right-of-way line of West Layton Ave; thence South 88° 55' 53" West along said northerly right-of-way line 131 feet to the point of beginning.

Document No.: 8009299 Recorded January 10th, 2001 Tax Key No. 606-0065

The part of the Southwest ¼ of Section 21, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said ¼ Section; thence South 88° 55' 53" West along the South line of said ¼ Section 1621.17 feet to a point; thence North 01° 04' 07" West 60.01 feet to a point; thence North 88° 55' 53" East and parallel to said South line 230 feet to the point of beginning of lands to be described: thence North 01° 04' 07" West 30 feet to a point; thence North 88° 55' 53" East and parallel to said South line 111 feet to a point, said point being the southeasterly corner of Lot 7, Block 6 of Chapman Subdivision, a recorded subdivision; thence South 01° 04' 07" East 30 feet to a point in the northerly right-of-way line of West Layton Avenue; thence South 88° 55' 53" West along said northerly right-of-way line 111 feet to the point of beginning.

Be and the same are hereby released and extinguished.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of October, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

- b. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Ordinance #2875:

ORDINANCE NO. 2875

**AN ORDINANCE AMENDING SECTION 12.12 OF THE HEALTH & SANITATION CODE
OF THE CITY OF GREENFIELD RELATING TO
RECYCLING, YARD WASTE, REFUSE AND SOLID WASTE**

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

PART I. Section 12.12 is hereby amended as follows:

(27)(b) There is hereby levied and imposed a special charge for services rendered in the form of garbage, rubbish, yard wastes and recycling collection and disposal and other related programs as follows:

1. Individual Collection (non-dumpster)

\$ 50.33 per annum per unit for recycling services

132.09 per annum per unit for garbage, refuse and yard waste services

\$182.42 per annum per unit for total special charge

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 12:00 AM on January 1, 2018.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of October, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

c. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt Ordinance #2876:

ORDINANCE NO. 2876

AN ORDINANCE AMENDING SECTION 8.08 OF THE
MUNICIPAL CODE OF THE CITY OF GREENFIELD

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

PART I. Section 8.08 of the Greenfield Municipal Code is hereby amended as follows:

No parking on the south side of the street; anytime; on West Cold Spring Road, from the centerline of South 48th Street, to a point 165 feet east of the centerline of South 48th Street.

PART II. The Superintendent of Public Works is hereby directed and authorized to place the appropriate signs to control traffic as indicated above.

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

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

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

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of October, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

20. Items for future agenda - budget

21. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to adjourn the meeting at 7:46 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: October 18, 2017