

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON TUESDAY, DECEMBER 5, 2017

The meeting was called to order by Mayor Neitzke at 7:01 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
	Jennifer Goergen	City Clerk

2. An opening prayer was given by Chaplain Jim Leggett.

3. Pledge of Allegiance

4. It was moved by Aldersperson Lubotsky, seconded by Aldersperson Akers, to approve the November 21, 2017 Council minutes. Regarding the 2018 budget, Mayor Neitzke asked Council if there were objections to taking \$930 for tree replacement from the community center roof fund instead of the City Hall entrance fund; no one objected. Mayor Neitzke said he believes the Council's intent was to take the \$930 "from the appropriate capital fund." Motion carried unanimously.

5. Mayor's Report – Breakfast with Santa is at 9:30 am on December 9 at the Greenfield Community Center. Registration information is available on the city's website or Facebook page. The Holiday Tree Lighting Ceremony at City Hall is Dec. 9 at noon and Aldersperson Saryan will attend. The Mayor thanked city staff for putting up the Christmas tree.

6. Aldermanic Reports – Aldersperson Lubotsky said the Greenfield Police and ARCW Wisconsin are sponsoring educational sessions for families and friends of individuals dealing with heroin and opioid addiction. Participants will receive free Narcan and drug training on how to use the drug to save a life. Sessions will be held at the Greenfield Police Department on January 18 and January 25 at 7 p.m. Registration is required, and can be done online at the Police Department's website.

Aldersperson Lubotsky also thanked Detective Fletcher and all those involved with the Associated Bank robbery for doing a great job and catching the suspect in such a timely manner.

7. Announcements – Mayor Neitzke said thoughts and prayers are with Aldersperson Saryan, whose mother recently passed away.

8. Citizen Commentary – none.

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

9. Legislative Committee meeting held on November 20, 2017

Item #4 Discussion and decision to adopt an ordinance repealing various sections of Section 13.01 of the Municipal Code pertaining to licenses required;

15. City Attorney's Report

- a. Ordinance repealing various sections of Section 13.01 of the Municipal Code pertaining to licenses required (Legislative 11/20/17)

and to adopt Ordinance No. 2877:

ORDINANCE NO. 2877

**AN ORDINANCE REPEALING VARIOUS SECTIONS OF 13.01
OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO LICENSES REQUIRED**

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

PART I. Section 13.01 of the Greenfield Municipal Code is hereby amended as follows:

Under Direct Sellers, subsections “a” and “b” that follow “(a) Door-to-door”, and “(b) Stands. Refer to section 21.04.0805”, are hereby repealed.

Following Entertainment, the words “and amusements” are repealed.

“Jukeboxes”, “(a) Distributor” and “(b) Owner operator” are repealed.

“Shows, circuses, carnivals, etc.” is repealed.

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 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

9. Legislative Committee meeting held on November 20, 2017

Item #5 Discussion and decision to adopt an ordinance repealing and recreating various sections of Section 13.03 of the Municipal Code pertaining to intoxicating liquors and fermented malt beverages;

15. City Attorney's Report

- b. Ordinance repealing and recreating various sections of Section 13.03 of the Municipal Code pertaining to intoxicating liquors and fermented malt beverages (Legislative 11/20/17)

and to adopt Ordinance No. 2878:

ORDINANCE NO. 2878

**AN ORDINANCE REPEALING AND RECREATING VARIOUS SECTIONS OF 13.03
OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO INTOXICATING LIQUORS AND FERMENTED MALT BEVERAGES**

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

PART I. Section 13.03 (3) of the Greenfield Municipal Code is hereby amended to include §§125.27 in the list of statutory references, and remove §§125.28.

PART II. Sections 13.03 (4) (a) and 13.03 (6) (a), (c), (e) and (g) of the Greenfield Municipal Code are hereby repealed and recreated as follows:

13.03 (4) Application.

(a) How made. Application for a license required by this section shall be made in writing on the form prescribed by the State Department of Revenue and shall be sworn to by the applicant as provided by § 887.01, Wis. Stats., and shall be filed with the City Clerk not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license if used for sales, service, consumption, and/or storage of alcohol beverages and records, including living quarters, if used, and including all rooms not separated by a solid wall or joined by connecting entrances. Alcohol beverages may be sold and stored only on the premises described.

13.03 (6) Restrictions on granting licenses.

(a) *Residence requirements.* Individuals, all natural persons in a partnership and the agents of corporations and limited liability companies are subject to the following residency requirement, per 125.04(5)(a)(2) Wis. Stats.:

i. 90 days continuously in this state prior to the date of application.

ii. The officers and directors of corporations and the members or managers of limited liability companies are not subject to the 90-day state residency requirement.

(c) *Issuance.* Chapter 125 Wis. Stats. adopted.

(e) *Distance from certain institutions.* No "Class A" or "Class B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, tribal school, as defined in s. 115.001(15m), hospital or church, except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. (Am. #2456; #2596) Prohibition does not apply to (a), (b), or (c) in §125.68(3).

(g) *Health regulations.* No retail Class B license shall be issued unless the premises conforms to the sanitary, safety, and health requirements of the State Building Code and the rules and regulations of the State Department of Agriculture, Trade and Consumer Protection applicable to restaurants, as set forth in § 125.68(5), Wis. Stats. The premises shall be connected with City water and sewage facilities, if available, properly lighted and ventilated, and equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and shall also conform to all ordinances of the City.

PART III. Section 13.03 (6) (h) of the Greenfield Municipal Code is hereby repealed.

PART IV. Section 13.03 (7) (b) of the Greenfield Municipal Code is hereby repealed and recreated as follows:

(b) All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, the name of the licensee, and shall expire on June 30 thereafter, unless revoked as provided by State law or City ordinance or by revocation by the City Council.

PART V. Section 13.03 (8) of the Greenfield Municipal Code is hereby repealed and recreated as follows:

(8) *License and Permit Framed, Posted.* Permits for the retail sale of alcohol beverages, and licenses for the sale of alcohol beverages, shall be enclosed in a frame having a transparent front which allows the license or permit to be clearly read. All licenses and permits shall be conspicuously displayed for public inspection at all times in the room or place where the activity subject to permit or licensure is carried on. No person shall post such license or be permitted to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license. Whenever a license or permit shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate license shall be issued by the City Clerk upon the payment of the fee of \$10.00.

PART VI. Sections 13.03 (9) (b), (d) and (e) of the Greenfield Municipal Code are hereby repealed and recreated as follows:

(b) *Employment of underage persons.* An underage person at least 18 years of age may sell, serve, or dispense alcohol beverages if he or she holds an operator's license, or is under the immediate

supervision of a licensee, approved agent for a corporation, someone with the privilege of an operator's license, a licensed operator or the holder of a manager's license. Wis. Stats. 125.32(2) and 125.68(2).

(d) *Health rules.* Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. All rules and regulations affecting the sanitation of Class B or Class C premises adopted by the Health Officer of the City pursuant to Ch. 141, Wis. Stats., are hereby adopted and made a part of this section.

(e) *Presence on premises of licensee, etc.* (Rep. & recr. #2189) There shall be, upon premises operated under a Class A, B or C fermented malt beverage or liquor license, an individual who is qualified to sell or serve alcohol beverages. Any person 18 or older who is serving alcohol beverages in an establishment with a Class A, B or C license must obtain an operator's license (commonly called a "bartender's license"), unless the person is under the "immediate supervision" (defined below) of one of the following:

1. The licensee.
2. Someone with the privilege of an operator's license. This includes members of the licensee's immediate family: i.e., those persons at least 18 years of age who are related to and reside in the common household of the licensee (individual or partner in a partnership). Family members who do not reside in the common household of the licensee may, like anyone else 18 or over, work under the immediate supervision of the licensee, the approved corporate or limited liability company's agent, someone with the privilege of an operator's license, a licensed manager, or a licensed operator, but they may not work alone or supervise others unless they are licensed.
3. The approved agent of a corporation or limited liability company.
4. A person with an operator's license.
5. A person with a manager's license. Wis. Stat. sec. 125.18.

"Immediate supervision" means must be able to see at all times the activities of those persons serving alcohol beverages. It is not enough for the person supervising merely to be on the premises.

PART VII. Section 13.03 (10) (d) of the Greenfield Municipal Code is hereby repealed and recreated as follows:

(d) Closing hour exceptions. Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, bowling centers, movie theaters, painting studios, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses, shall be permitted to remain open for the conduct of the regular business, but shall not be permitted to sell intoxicating liquor or fermented malt beverages during the hours prohibited in paragraph (c). Drugstores shall be permitted to remain open, but shall not be permitted to sell any intoxicating liquor or fermented malt beverages during the hours prohibited in paragraphs (b), (c) 1 and 2. Grocery stores licensed to sell fermented malt beverages shall be permitted to remain open, but shall not be permitted to sell fermented malt beverages during the hours prohibited in paragraphs (b), (c) 1 and 2.

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

PART IX. 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 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

9. Legislative Committee meeting held on November 20, 2017

Item #6 Discussion and decision to adopt an ordinance repealing and recreating Section 13.04 of the Municipal Code pertaining to regulating direct sellers

15. City Attorney's Report

- c. Ordinance repealing and recreating Section 13.04 of the Municipal Code pertaining to regulating direct sellers (Legislative 11/20/17)

and to adopt Ordinance No. 2879:

ORDINANCE NO. 2879

**AN ORDINANCE REPEALING AND RECREATING SECTION 13.04
OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO REGULATING DIRECT SELLERS**

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

PART I. Section 13.04 of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

13.04 - Regulating direct sellers.

- (1) *License required.* No direct seller shall engage in direct sales within the City without first obtaining a license from the City Clerk for that purpose as provided herein.
- (2) *Definitions.*

Charitable organization. Shall include any benevolent, philanthropic, patriotic, social service, welfare, educational, civic or fraternal, partnership, association or corporation.

Clerk. The City Clerk.

Direct seller. Any individual who, for him/herself or for a partnership, association or corporation, sells goods or services or takes sales orders for the later delivery of goods or services, at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods or services by a donor or prospective customer.

Goods. Shall include personal property of any kind and shall include goods provided incidental to services offered or sold.

Permanent merchant. A direct seller who, for at least one year prior to the consideration of the application of this provision to such merchant:

1. Has continuously operated an established place of business in the City.
2. Has continuously resided in this City and now does business from his residence.

Traveling Sales Crew. Two or more individuals who are employed as salespersons, or in related support work, who travel together in a group, and who are absent overnight from their permanent places of residence for the purpose of selling consumer goods or services from house to house, on any street, or in public places.

(3) *Exemptions.* (Am. #1438) The following shall be exempt from all provisions of this chapter, except subsection (7) governing the hours during which one shall be prohibited from calling upon a dwelling:

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- (b) Any person selling goods at wholesale to dealers in such goods.
- (c) Greenfield residents who sell, from their own property, agricultural products which are grown on their property. (Am. #1942)
- (d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business.
- (e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with, and specifically requested a home visit by, such person.
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- (g) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- (h) Any employee, officer or agent of a charitable organization who engages in direct sales for, or on behalf of, such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under § 202.11, Wis. Stats.

- (i) Any person exempt by Section 440.51 of the Wisconsin Statutes (statewide peddlers license for veterans).
 - (j) Minor children under the age of 18 operating stands on private property.
 - (k) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased for at least one year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in this City for at least one year prior to the date complaint was made.
 - (l) All vendors participating in the Greenfield Farmers Market approved by and licensed through the Greenfield Health Department. (Cr. #2770)
 - (m) Food establishments regulated under Health and Sanitation, Chapter 12 of the Greenfield Municipal Code.
- (4) License Required. No direct seller shall engage in such business within the City without first obtaining a permit from the Clerk.
- (a) Application. An applicant for a license under this section must file the application with the City Clerk which shall require the following information:
- 1. Name, including maiden or previous names, address and phone number (temporary and permanent) and email.
 - 2. Date of birth, city and state of birth, states previously resided in, driver's license/ID number and state of issuance, last four digits of the social security number, height, weight, color of hair and eyes.
 - 3. Name, address and phone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold and for whom an identification card is required. (Am. #2001)
 - 4. Temporary address and telephone number from which business will be conducted, if any.
 - 5. Answer whether selling door to door, at a specific location or special event, and indicate name of event, address of sales, dates and times.
 - 6. Brief description of the goods and any services offered.
 - 7. Proposed method of delivery of goods, if applicable.
 - 8. Name, model, year, and license number of any vehicle to be used by applicant in the conduct of his/her business.
 - 9. Last cities, villages, towns, not to exceed 3, where applicant conducted similar business.
 - 10. Place where applicant can be contacted for at least 7 days after leaving this City.
 - 11. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last 5 years; the nature of the offense and the date and place of conviction.
 - 12. Statement as to whether the definition of a traveling sales crew applies, 103.34 Wis. Stats.
 - 13. Provide WI Seller's Permit number and attach a copy to the application.

(b) Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required.
2. Proof of a Wisconsin Seller's Permit from the Wisconsin Department of Revenue when the sale of tangible personal property is involved, as required by § 77.52 of the Wisconsin Statutes.
3. Written permission from the property owner shall be obtained by sellers who locate their operation on private property, or are selling at a specific location or special event.
4. Each applicant, employee/agent on the application, and sellers on the supplemental list shall be required to submit a driver's license or picture identification card with this application. Once the license is issued, all sellers shall be required to wear a picture I.D. that bears the name and address of the seller when soliciting within the City.
5. Traveling sales crew sellers must present to the Clerk their original State of Wisconsin Department of Workforce Development (WI DWD) sales permits before the Direct Seller License may be issued. The Clerk must sign or stamp her signature, indicate "City of Greenfield" and write the date on each seller's WI DWD sales permit for the sellers listed on license application and supplemental list who have satisfactory background check results.

(c) At the time the application is filed, the fee prescribed in section 3.12(3) of this chapter shall be paid to the Clerk. If the license is granted, it shall be valid for a period of one year from the date of issuance, subject to subsequent refusal as provided in subsection (5)(b), unless sooner revoked.

1. The applicant shall sign a statement appointing the Clerk as his/her agent to accept service of process in any civil action brought against him/her arising out of any sale or service performed by him/her in connection with his direct sales activities, if the applicant cannot, after reasonable effort, be served personally.
2. The license period is one year from date of issuance; however, direct sellers who have applied for special events for specific dates may add additional separate events, additional dates, and different locations to his/her direct seller license within the one-year application period of the license at no charge. A new application must be filed for each additional event/request, and personal history search fees apply for each new seller added to the application or supplemental list.

(5) *Investigation.*

- (a) Upon receipt of an application and fee, the Clerk shall request the Chief of Police conduct a personal history search (background check) for the applicant and each seller included on the supplemental list. Results are forwarded to the Clerk for review. The Clerk shall issue the license if the results are satisfactory.
- (b) The Clerk must contact the applicant to file a corrected application if the answer to the question on the application does not match the record results provided by the Police Department. The City Clerk shall not license the applicant if there are concerns with the background check results; if complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or

ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with applicable provisions of subsection (5) (b).

- (c) The Clerk shall consult the City Attorney if there are concerns with an applicant's record as stated in (5) (b). The City Attorney shall review the record and determine whether to issue the license or involve the Common Council in the decision of issuing a license.
 - (d) If the City Attorney believes the Common Council should be involved in the decision, the Clerk shall contact the applicant to schedule his/her appearance at a Common Council meeting in closed session. Records of concern shall be discussed with the applicant and members of the Common Council at a Common Council meeting in closed session. The Common Council will decide whether or not a license may be issued to a seller.
 - (e) The City Clerk shall issue or not issue the license based on the Common Council's decision made in open session at a Common Council meeting.
- (6) *Appeal.* Any person denied a license may appeal the denial through the appeal procedure provided by ordinance or resolution of the City Council or, if none has been adopted, under the provisions of Chapter 68, Wis. Stats.
- (7) *Regulation of direct sellers.*
- (a) *Location and standards.*
 - 1. No sales or display activity shall be located on public land unless the direct seller license is part of an authorized Outdoor Special Event or other approved event, and the direct seller is authorized by the organizer of the event to participate in the event, and the direct seller provides proof of such.
 - 2. Detailed standards for temporary uses may apply, see Section 21.04.0805 of the City of Greenfield Zoning Code.
 - (b) *Prohibited practices.*
 - 1. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m., except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors," or words of similar meaning; calling at the rear door of any dwelling place or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises. (Am. #1438)
 - 2. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.
 - 3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

4. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100 foot radius of the source.
5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(c) *Disclosure requirements.*

1. After the initial greeting, and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel such transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in § 423.203(1) (a), (b), (c), (2) and (3), Wis. Stats.
3. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) *Records.* Upon receipt of an application and fee, the Clerk shall request the Chief of Police conduct a personal history search (background check) for the applicant and each seller included on the supplemental list. Results are forwarded to the Clerk for review. The City Clerk shall consult the City Attorney if there are concerns with an applicant's record. Records of concern shall be discussed with the applicant and members of the Common Council at a Common Council meeting in closed session. The Common Council will decide whether or not a license may be issued to a seller.

(9) *Revocation of license.*

- (a) A direct seller license may be revoked by the City Council, after notice and hearing, if the licensee made any material omission or materially inaccurate statement in the license application, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally on the licensee at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

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 5th day of

December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

9. Legislative Committee meeting held on November 20, 2017

Item #7 Discussion and decision to adopt an ordinance repealing and recreating Section 13.06 of the Municipal Code pertaining to Outdoor Special Events

15. City Attorney's Report

- d. Ordinance repealing and recreating Section 13.06 of the Municipal Code pertaining to Outdoor Special Events (Legislative 11/20/17)

and to adopt Ordinance No. 2880:

ORDINANCE NO. 2880

**AN ORDINANCE REPEALING AND RECREATING SECTION 13.06
OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO OUTDOOR SPECIAL EVENTS**

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

PART I. Section 13.06 of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

13.06 – Outdoor Special Events.

- (1) *Permit required.* (Am. #2869) No person shall maintain or operate any outdoor special event under tent or in the open, within the City, unless an Outdoor Special Event permit is filed timely for the event and approved by the City Council.
- (2) *Application.* (Am. #2869) An Outdoor Special Event permit application shall be filed with the Department of Neighborhood Services – Community Development Department. Staff from the departments specified on the application should review the application information for their respective departments and submit their approval to the Department of Neighborhood Services – Community Development Department upon satisfactory review. The Department of Neighborhood

Services – Community Development Department will schedule the Outdoor Special Event permit, and licenses to be issued as part of the outdoor special event, on the agenda for approval at a Common Council meeting.

- (a) All requirements of the application for an Outdoor Special Event permit are provided in the application form and must be met prior to approval of the event and/or issuance of the permit and other associated licenses.
- (3) *Hours.* No outdoor special event shall operate after 10:00 p.m. unless approved otherwise by the Common Council.
- (4) *Permit fees.* The outdoor special event fee is listed in section 3.12 (Fee Schedules) of the Municipal Code.

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 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

9. Legislative Committee meeting held on November 20, 2017

Item #8 Discussion and decision to adopt an ordinance repealing and recreating Section 13.07 of the Municipal Code pertaining to entertainment

15. City Attorney's Report

- e. Ordinance repealing and recreating Section 13.07 of the Municipal Code pertaining to entertainment (Legislative 11/20/17)

and to adopt Ordinance No. 2881:

ORDINANCE NO. 2881

AN ORDINANCE REPEALING AND RECREATING SECTION 13.07

OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO ENTERTAINMENT

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

PART I. Section 13.07 of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

13.07 – Entertainment.

(1) *Definitions.* When used in this section, and unless otherwise distinctly expressed, the following words and phrases shall have the meanings set out herein:

City Clerk. The City Clerk for the City of Greenfield.

Entertainment. Shall include, among others, the following: circuses, carnivals, shows, exhibitions, motion picture shows, shows of all kinds, all sporting contests and athletic events, including exhibitions, concerts, lectures, stage plays, bowling, dancing, golf, swimming, side shows, amusement parks and all forms of recreation therein, billiards, pool, operatic performances, theatrical performances and any other form of diversion, sport, pastime or recreation indoors or outdoors within the City.

Licensee. Any person who conducts or engages in the business of providing entertainment.

Person. Shall include an individual, firm, corporation, company, partnership, association, unincorporated association, and any person active in a fiduciary capacity.

(2) License required. No entertainment shall be provided without first obtaining an Entertainment License from the City Clerk's office.

(3) *Temporary entertainment license required.* Every person conducting or engaging in the business of providing temporary or transitory entertainment, shall be subject to the license requirement and fee imposed by this section. Such persons shall obtain a license from the City Clerk. An entertainment license associated with an outdoor special event permit must be applied for with the outdoor special event permit application and within that deadline.

(4) Application. An Entertainment license application shall be filed with the City Clerk. If entertainment is in conjunction with an outdoor special event, the application is filed with the outdoor special event application. All requirements of the application for an entertainment license are provided in the application form and must be met prior to approval of the event and/or issuance of the license. The entertainment license is placed on the Common Council agenda for review and approval by the Common Council.

(a) *Entertainment license fee.* See section 3.12(3) of this chapter. (Am. #2293)

(b) Personal History Search. Upon receipt of an application and fee, the Clerk shall request the Chief of Police conduct a personal history search (background check) for the applicant and all persons listed on the supplemental list. Results are forwarded to the Clerk for review.

(c) Applicants for entertainment involving shows, exhibitions, circuses, and carnivals must include a certificate of insurance of public liability insurance in the amounts of \$100,000/\$300,000/\$10,000 with an endorsement to the effect that the City shall be

indemnified and held harmless from any and all claims, damages or judgments, arising from the granting of the license.

- (c) Applicants for entertainment involving amusement rides, including coin-operated, and live animals used to give rides to customers, must have all rides registered every year with the Wisconsin Department of Safety and Professional Services, Division of Industry Services, prior to opening to the public and operating. The City of Greenfield Fire Department verifies state registration prior to opening to the public and operating.

(5) *Exclusions.* The fee prescribed in section 3.12(3) of the Greenfield Municipal Code shall not apply to events sponsored by charitable, educational or religious organizations, or to car shows where no entertainment or food service is provided; however, a license is still required and personal history search fees apply.

(6) *Extension of Premises application.*

- (a) Required for special outdoor events, events, or entertainment outside of the normal course of business, and for alcohol-licensed establishments to take alcohol and entertainment outside of their approved license premises description for a special event.
- (b) Not required for outdoor entertainment that is provided as part of the usual course of business, included on the entertainment license application, and approved as such.

(7) *Location restricted.*

- (a) No licensee shall keep or use any ponies, horses, livestock or other animals within 500 feet of any dwelling or eating place in this City.
- (b) No show or exhibition shall be permitted to operate within 500 feet of any adjoining residential dwelling in the City.

(8) *Food.* No food of any sort shall be served unless the food handlers have first obtained a license from the Health Officer.

(9) *Lien for unpaid fees.* A fee due and unpaid under this section shall be a debt due to the City. It shall be a personal obligation of the licensee and shall be a lien upon all of the property of the licensee. Such lien shall have priority over all other liens and obligations except those due to the State and the United States. Such lien shall be enforced by the City Clerk as any other lien would be enforced against a defaulting debtor.

(10) *Penalties for nonpayment.* A licensee who fails to remit the amount of the fee when due shall, in addition to all other penalties, pay 20 percent of the amount of the fee due. For each successive 7 days elapsing before payment, there shall be added an additional penalty of 10 percent.

(11) *Rules and regulations.* The City Clerk may adopt rules and regulations not inconsistent with this section for the purpose of carrying out and enforcing the payment of the fee herein imposed, and a copy of such rules and regulations shall be on file and available for public examination in the City Treasurer's office. Failure or refusal to comply with any rules and regulations promulgated under this subsection shall be deemed a violation of this section.

(12) *Closing hours.* Those activities licensed hereunder which are conducted wholly or partially out-of-doors shall be closed from midnight to 7 a.m. unless approved otherwise by the Common Council.

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 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

9. Legislative Committee meeting held on November 20, 2017

Item #9 Discussion and decision to adopt an ordinance amending various sections of Section 13.08 of the Municipal Code pertaining to amusement devices

15. City Attorney's Report

f. Ordinance amending various sections of Section 13.08 of the Municipal Code pertaining to amusement devices (Legislative 11/20/17)

and to adopt Ordinance No. 2882:

ORDINANCE NO. 2882

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF 13.08
OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO AMUSEMENT DEVICES**

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

PART I. Sections of 13.08 of the Greenfield Municipal Code are hereby amended to read as follows:

13.08 – Amusement Devices.

Amusement device. Any instrument, board, machine, article or other device used and operated solely for playing games of skill, or for entertainment, which shall include such devices as miniature

games of hockey, bowling, baseball, and basketball, also including jukeboxes or instruments reproducing music, wherein a consideration either in coin or other thing of value is necessary for its operation, and which does not have a coin tray or compartment for the paying out, delivering or emitting of money, coins, tokens, coupons, tickets, receipts, chips, merchandise or other things of value which may be redeemed or exchanged for money or other articles of value.

Owner-operator. Any person who owns and operates an amusement device in his/her own business establishment and is not actively engaged in the practice of distributing any amusement device.

(3) *License required.*

(a) *Distributor.* No distributor shall own, lease, install, place or operate any amusement device for use on any premises in the City without first having obtained a distributor's license and paid the license fee herein provided.

(b) *Owner-operator.* No owner-operator shall own and operate an amusement device without the license required by this section.

(4) *Possession without registration prohibited.* No person or lessee in the City shall have in his possession, or set up for use, any amusement device which has not been registered with the City Clerk and the registration fee paid as herein provided.

(5) *To whom granted.* Licenses shall be granted only to persons who the City Council shall deem proper.

(8) *Consent to inspection.* All applicants, by their application for a license hereunder, shall consent to a reasonable inspection of the records, devices and premises to determine ownership and character of amusement devices to be operated in their business establishment or to be distributed and registered.

(9) *Seizure.* The City Clerk or Chief of Police shall seize, or cause to be seized, any amusement device upon which is not affixed a registration symbol as herein required. The ownership or possession of any nonregistered amusement device is a violation of this section.

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 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

9. Legislative Committee meeting held on November 20, 2017

Item #10 Discussion and decision to adopt an ordinance amending, repealing, and renumbering various sections of Section 3.12 of the Municipal Code relating to fee schedules

15. City Attorney's Report

g. Ordinance amending, repealing and renumbering various sections of Section 3.12 of the Municipal Code relating to fee schedules (Legislative 11/20/17)

and to adopt Ordinance No. 2883:

ORDINANCE NO. 2883

**AN ORDINANCE AMENDING, REPEALING, AND RENUMBERING VARIOUS SECTIONS
OF 3.12 OF THE GREENFIELD MUNICIPAL CODE RELATING TO FEE SCHEDULES**

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

PART I. Section 3.12 (1) (b), (c), (e), (f), of the Municipal Code are hereby amended to read as follows:

(1) General fee schedule.

(b) The charge for data reports in an electronic format from Wisconsin's statewide voter list and election management system (WisVote) is a \$25.00 base fee per report; plus \$5.00 for the first 1,000 voter registration data records, or up to 1,000 voter registration data records; plus \$5.00 for each additional 1,000 voter registration data records, rounded to the nearest thousand. The maximum charge for an electronic report is \$12,500.00.

(c) An added charge of \$0.25 per page, plus the cost of postage and shipping applies for paper copies of WisVote reports.

(e) EL 3.50 Elections Administrative Code is adopted and incorporated herein by reference as if fully set forth herein.

(f) Digital Recording of Board, Committee or City Council Meeting.....\$5.00/CD

PART II. Section 3.12 (1) (g) of the Municipal Code is hereby repealed and the subsections that follow are renumbered.

PART III. Various sections of 3.12 (3) of the Municipal Code are hereby amended to read as follows:

AMSUEMENT DEVICES

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

1. Distributors.....\$150.00

2. Owner-Operator.....\$40.00/device

DIRECT SELLERS.....\$75.00

ENTERTAINMENT..... \$150.00

OUTDOOR SPECIAL EVENT

1. Events with less than 200 in attendance.....\$ 50.00

2. Events with more than 200 in attendance.....\$100.00

PART IV. The following sections of 3.12 (3) of the Municipal Code are hereby repealed:

JUKEBOXES

1. Distributors.....100.00

2. Owner-Operator.....30.00/jukebox

SHOWS, CIRCUSES, CARNIVALS, Etc.

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

PART VI. 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 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

9. Legislative Committee meeting held on November 20, 2017

Item #12 (from addendum) Discussion and decision to adopt an ordinance to create Section 10.35 of the Municipal Code relating to unmanned aerial vehicles

15. City Attorney's Report

h. Ordinance creating Section 10.35 of the Municipal Code relating to unmanned aerial vehicles (Legislative 11/20/17)

and to adopt Ordinance No. 2884:

ORDINANCE NO. 2884

**AN ORDINANCE TO CREATE SECTION 10.35
OF THE MUNICIPAL CODE
RELATING TO UNMANNED AERIAL VEHICLES**

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

Part I: Section 10.35 of the Municipal Code of the City of Greenfield, Wisconsin, is hereby created to read as follows:

10.35 – Unmanned Aerial Vehicles (UAV).

“Assistant Operator” means a single individual assisting the operator of the UAV.

“Autonomous Unmanned Aerial Vehicle” means a UAV which is launched or flown without the aid of an operator based on a pre-programmed flight plan or global positioning system.

"Unmanned Aerial Vehicle" means an aircraft without a human pilot onboard, that is controlled from an operator on the ground, and operates without the possibility of direct human intervention from within, or on, the aircraft.

“Operator” means the person controlling the flight of the unmanned aerial vehicle.

(1) Prohibited Operations

(a) No person shall launch or land a UAV outside of their visual line of sight. Visual line of sight means the operator's own natural vision or natural vision with correction of glasses or contact lenses and does not include the use of vision enhancement devices such as binoculars, telescopes or cameras.

(b) No person shall launch, land or operate a UAV within one-hundred (100) feet of any individual except the operator and assistant operator.

(c) No person shall launch or land a UAV from any private property without the consent of the property owner.

(d) No person shall launch, land or operate a UAV within five hundred (500) feet of any festival, event, picnic, protest or public assembly of more than one-hundred (100) persons.

(e) No person shall allow the launch or operation of an autonomous UAV.

(2) Reckless Operation

(a) No person shall launch, land or operate a UAV in a manner so as to endanger the safety of any person or property. The operation of a UAV while under the influence of intoxicants or any other drug constitutes Reckless Operation.

(b) No person shall operate a UAV in such a way as to harass, intimidate or otherwise cause a disturbance.

(3) Reasonable Time, Place and Manner of Operation

(a) No person shall launch, land or operate any UAV within five hundred (500) feet of any emergency vehicle which is operating its emergency lights or siren.

(b) No person shall launch, land or operate a UAV within five hundred (500) feet of any active law enforcement, firefighting or emergency response incident.

(c) No person shall launch, land or operate any UAV within five hundred (500) feet of a school while school is in session or during school-sponsored events without prior authorization of the principal of the school or district administration.

(d) No person shall launch, land, or operate a UAV within five hundred (500) feet of any law enforcement, jail or municipal lockup facility.

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 effective upon publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Alderperson Bailey said this ordinance was recommended to the Legislative Committee by Police Chief Brad Wentlandt. The Police Chief was concerned if there were a hostage situation or some other emergency, unmanned aerial vehicles – or drones - could compromise his operations. He was also

concerned about drones being flown around festivals. Chief Wentlandt told Alderperson Bailey that the media would not be affected by the ordinance, because they know the rules. Mayor Neitzke said this is proactive, cutting edge and he believes it is the right thing to do.

On a roll call vote, the motion carried unanimously.

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

9. Legislative Committee meeting held on November 20, 2017

Item #13 (from addendum) Discussion and decision to adopt an ordinance creating Section 11.08 of the Municipal Code relating to vehicle theft prevention

15. City Attorney's Report

i. Ordinance creating Section 11.08 of the Municipal Code relating to vehicle theft prevention (Legislative 11/20/17)

and to adopt Ordinance No. 2885:

ORDINANCE NO. 2885

**AN ORDINANCE CREATING SECTION 11.08 OF THE MUNICIPAL CODE
RELATING TO VEHICLE THEFT PREVENTION**

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

Part I: Section 11.08 of the Municipal Code of the City of Greenfield, Wisconsin, is hereby created to read as follows:

11.08 Motor Vehicle Theft Prevention

(1) Applicability.

(a) This section shall apply to any business engaged in the sale, service, rental or storage of motor vehicles and any business that maintains three or more fleet vehicles.

(2) Key Control and Security

(a) Operators shall take adequate measures to secure motor vehicle keys and key fobs by securing them in a locked safe, lockbox or locked cabinet during those hours when the business is not open to the public.

(b) During business hours, operators shall employ adequate key control procedures so as to prevent the easy access to vehicle keys by unauthorized persons.

(c) After-hours key drop boxes shall be constructed and secured in such a way as to prevent access to keys except by authorized personnel.

(d) Vehicle keys shall not be left in vehicles.

(3) Owner Liability for Investigation and Recovery

(a) In addition to any other penalties, the owner of any vehicle stolen due to the failure to comply with this section shall be responsible for the law enforcement costs of investigation and recovery of the vehicle.

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 effective upon publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Under discussion, Alderperson Bailey said this ordinance was also recommended to the Legislative Committee by Police Chief Wentlandt. It deals with motor vehicle theft prevention and key control. It requires businesses to take adequate measures to safeguard keys and key fobs by keeping them in a locked safe, lock box or locked cabinet when they are not open. It also prohibits keys from being left in vehicles. The intent is to reduce Police Department time spent on investigating motor vehicle thefts.

Alderperson Lubotsky said this will affect car dealerships, used car lots, automotive businesses, and body shops. The Police Department will spend time explaining the new ordinance requirements ahead of time to businesses who do not comply, so that they will have ample time to comply, she said.

Mayor Neitzke said in one instance, a business with vehicle keys locked up in one location still was broken into and had many cars stolen. The business understood it needed better security, and he doesn't think legislating solutions is always necessary. He also was concerned that if an employee were negligent in leaving a key in a car, he would want to make sure that law enforcement would still investigate and try to find the car, although he believes the Greenfield Police Department still would.

Alderperson Kastner said the Police Department has recommended this procedure for decades.

Mayor Neitzke said he would not veto the ordinance, because he supports the underlying purpose, but he would not like to see businesses held accountable for penalties for mistakes.

Aldersperson Lubotsky asked City Attorney Roger Pyzyk if it would be legal to charge businesses who violate the ordinance for the costs of an investigation for a stolen vehicle. He said the cost of an investigation could be charged.

Mayor Neitzke said he would not support sending the business a bill for an investigation. He said it would be “a huge problem” to him if the city sent a business a bill for “doing what the city is supposed to do,” or if the city charged back for someone violating the ordinance.

Aldersperson Akers asked if this ordinance should be reviewed further.

Attorney Pyzyk said it could be sent back to Legislative Committee for further review. Under the ordinance, there would be a citation issued for violations, so there would be a punitive penalty assessed. If there were a robbery of a vehicle, would a citation be issued for the cost of that investigation? Normally, that is not done, Attorney Pyzyk said.

Mayor Neitzke said an analogy is that if a bank were robbed, and its security cameras were not working, would the bank be charged for the investigation costs because the cameras were not working?

Aldersperson Lubotsky said the committee did not discuss how a citation would be collected if the ordinance was violated.

Attorney Pyzyk said ordinance violators would not go to jail, but there would be a citation penalty. The question is does the court have the authority to assess those types of costs onto a business, as opposed to bringing a civil proceeding – that is an issue.

Aldersperson Kastner said a business could argue, it’s your fault, police department, because you didn’t catch the thief before he got into my shop.

Attorney Pyzyk said the citation issue was not discussed at Legislative Committee.

Aldersperson Akers said it would be good to give the ordinance further review in Legislative Committee. She withdrew her motion to approve and adopt the ordinance. The ordinance was referred back to the **LEGISLATIVE COMMITTEE**.

10. Finance and Human Resources meeting held on November 29, 2017

Item #4 It was moved by Aldersperson Kastner, seconded by Aldersperson Lubotsky, to approve a fund transfer of \$200,000 for concrete street repair from general fund operations to the CIP project fund EN1804. On a roll call vote, motion carried unanimously.

Item #5 It was moved by Aldersperson Saryan, seconded by Aldersperson Akers, to approve revising the Employee Recognition Program. On a roll call vote, motion carried unanimously.

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

10. Finance and Human Resources meeting held on November 29, 2017

Item #6 Approve a resolution regarding the compensation of the Municipal Judge commencing

May 1, 2018

15. City Attorney's Report

- j. Resolution setting compensation of the Municipal Judge commencing May 1, 2018 (F & HR 11/29/17)

and to adopt Resolution No. 3610:

RESOLUTION NO. 3610

**RESOLUTION REGARDING THE COMPENSATION OF THE
MUNICIPAL JUDGE OF THE CITY OF GREENFIELD COMMENCING MAY 1, 2018**

WHEREAS, Effective May 1, 2018, the Municipal Judge shall receive \$26,016 per year paid annually; and

WHEREAS, It was previously determined that the Municipal Judge shall not receive medical and surgical insurance benefits; and

WHEREAS, The Municipal Judge is not eligible to participate in a Section 125 medical reimbursement plan (\$1,000/family or \$500/single) paid for by the City.

NOW, THEREFORE, BE IT RESOLVED, that the City will provide a Technology Expense Reimbursement up to \$1,000 dollars (one thousand dollars) to cover high speed internet and/or cell phone expenses. Consistent with how other expense reimbursements are handled, the Technology Expense Reimbursement would be pre-tax if monthly bills are submitted, or on an after tax basis if bills are not submitted.

This resolution shall take effect and be in force effective January 1, 2018.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

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

10. Finance and Human Resources meeting held on November 29, 2017

Item #7 Approve a resolution to set the salaries and benefits of the City Attorney and City

Prosecutor for 2018

15. City Attorney's Report

- k. Resolution setting salaries and benefits of the City Attorney and City Prosecutor for 2018
(F & HR 11/29/17)

and to adopt Resolution No. 3611:

RESOLUTION NO. 3611

Resolution to set the salaries and benefits of the City Attorney and City Prosecutor for 2018.

PART I. The wages and salaries of the following officers and employees shall be adjusted in accordance with the 2018 Non-Represented and Command Staff salary resolution.

<u>NON-REPRESENTED EMPLOYEES</u>	<u>ANNUAL SALARY Eff. 1/1/18</u>	<u>ANNUAL SALARY Eff. 1/8/18 (2% increase)</u>
City Attorney	\$45,857	\$46,774
City Prosecutor	\$20,703	\$20,703

SALARY COMPUTATION Salary is computed at an annual rate.

MILEAGE ALLOWANCE There shall be paid to each City officer or employee using his/her private automobile the sum of the IRS approved mileage rate for use of said vehicle on City business. Parking fees shall also be paid by the City. Mileage Report forms shall be turned in monthly to the Finance Department on forms provided by that department. Officers and employees covered by this resolution shall be entitled to mileage allowance as provided herein excluding such employees who are provided a city-owned vehicle.

PART II. BENEFITS The City Attorney/City Prosecutor shall receive health insurance, life insurance and retirement benefits, as long as he/she is employed in those positions. Retiree benefits shall not be provided beyond his/her last day of employment, except as required by law.

PART III. PROBATIONARY EMPLOYEES

Newly appointed employees shall serve a training period of employment for a minimum period of six (6) months or twelve (12) months (for department heads) following their date of hire. The appointing authority may extend the training period an additional six (6) months. During this training period of employment, employees may be terminated for any reason during the training period of employment without recourse.

PART IV. NOTICE OF TERMINATION

Employees subject to this resolution shall be required to provide the City with at least a one (1) month notice, in writing, upon termination of employment with the City. Failure to do so shall result in the loss of all prorated benefits.

PART V. SAVINGS CLAUSE

If any part(s) of this resolution is determined to be invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this resolution shall not be affected thereby and shall remain in full force and effect.

PART VI. EQUAL OPPORTUNITY EMPLOYMENT

It shall continue to be the policy of the City not to discriminate for or against any employee in employment, promotions or other conditions of employment because of age, race, color, creed, disability, veteran status, sex, national origin, ancestry, sexual orientation, arrest or conviction record, and any other legally protected class.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, the motion carried unanimously.

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

Item #8 Schedules of disbursements in the amounts of \$61,639.57; \$211,948.68 and \$372,884.32

Item #9 Mileage reimbursements in the amount of \$1,007.26

Item #10 Investments and reinvestments in the amounts of \$17,474,103.43 and \$15,098,165.94

Item #11 Accept October 2017 financial statement

On a roll call vote, the motion carried unanimously.

11. City Clerk's Report

A claim was received from Rene Meraz-Aguilera.

At this time, the Council proceeded with Item #15.1.

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

Braun, Danielle E. – 1955 Robins Run Marriotti, Jennifer – 310 E. Archer Ave.

Motion carried unanimously.

13. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve a request from Red Robin International Inc. dba Red Robin America's Gourmet Burgers, 7575 W. Edgerton Ave., for a change of agent from Jeffrey J. Kelly to James P. Vosters, 6760 W. English Meadows S. Motion carried unanimously.

14. Department of Neighborhood Services

- a. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to approve a storm sewer easement from Sunburst Apartments Inc. relating to the reconstruction of West Mangold Avenue, a private roadway. On a roll call vote, motion carried unanimously.
- b. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt Ordinance No. 2885 creating a handicapped parking restriction at 4657 S. 49th Street:

ORDINANCE NO. 2885

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:

Reserved parking for persons with disabilities; anytime; on South 49th Street, on the west side of the street: in front of 4657.

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.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 5th day of December, 2017.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

Mayor Neitzke asked the City Attorney to see if an ordinance could be adopted to allow enacting similar handicapped parking restrictions administratively in the future that would be valid for a two- or three-year time span. Attorney Pyzyk will discuss this with Department of Neighborhood Services Director Jeff Katz.

At this time, the Council proceeded with Item #16.

15. City Attorney's Report

- a-i. These items were acted upon with Agenda Item 9
- j. This item was acted upon with Agenda Item 10 (Item 6)
- k. This item was acted upon with Agenda Item 10 (Item 7)
- l. Discussion/decision regarding claim received from Rene Meraz-Aguilera

Mayor Neitzke said the claim was referred to the City Attorney and the City Attorney is seeking discretion to settle the case based on his conversations with the Police Department. Attorney Pyzyk said the city received an estimate in the \$7,200 range but he is asking for authority to settle in an amount not to exceed \$7,500 in case there is hidden damage and the vehicle repair cost is greater.

It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to authorize Attorney Pyzyk to settle the claim in an amount not to exceed \$7,500.

Alderperson Lubotsky asked why repair the car when the repair cost exceeds the blue book value for a 2008 model?

The Police Department is looking at that, Attorney Pyzyk said, but they recommend settling in an amount not to exceed \$7,500. This claim resulted from an innocent bystander's car being struck while the Police Department was chasing a car and executed a pit maneuver to stop it.

On a roll call vote, motion carried unanimously.

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

16. Items for future agenda – Mayor Neitzke asked alderpersons if they would be open to canceling the Dec. 19, 2017 Council meeting, if there are no pressing agenda items. He was told the city clerk needs to appoint election inspectors. He asked alderpersons if they would be agreeable to holding a short special council meeting if necessary; no objections were raised.

17. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adjourn the meeting at

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

7:37 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: December 8, 2017