

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON TUESDAY, APRIL 17, 2018

The meeting was called to order by Mayor Neitzke at 7:08 p.m.

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

ALSO PRESENT:	Roger Pyzyk	City Attorney
	Jeff Katz	Dir./Neighborhood Services
	Jennifer Goergen	City Clerk

2. An opening prayer was given.

3. Pledge of Allegiance

4. It was moved by Aldersperson Lubotsky, seconded by Aldersperson Akers, to approve the April 2, 2018 special Council minutes. Motion carried unanimously.

5. It was moved by Aldersperson Akers, seconded by Aldersperson Kastner, to approve the April 4, 2018 Council minutes. Motion carried unanimously.

6. Mayor's Report

- a. Mayor Neitzke proclaimed Saturday, May 5, 2018, as Arbor Day in the City of Greenfield. He announced the city is partnering with the Greenfield School District for Arbor Day, to be held at Glenwood School at Glenwood Woods.
- b. Mayor Neitzke proclaimed Saturday, May 12, 2018, as CleanUp GreenUp Day in the City of Greenfield, and thanked organizer Joan Stevens. To volunteer, contact the Parks and Recreation Department.
- c. Mayor Neitzke appointed Brian C. Sajdak as City Attorney effective May 1, 2018. Motion was made by Aldersperson Akers, seconded by Aldersperson Lubotsky, to confirm the appointment. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #6d.

*City Attorney Roger Pyzyk introduced Brian Sajdak, the new City Attorney as of May 1, 2018. He is currently a municipal attorney at another municipality. He has two other city attorneys in his firm. He started off as assistant corporation counsel in Waukesha County and has a very good background in municipal law.

At this time, Mayor Neitzke proceeded to Agenda Item #17.

- d. Mayor Neitzke appointed Gregory Rogaczewski as City Prosecutor effective May 1, 2018. Motion was made by Alderperson Akers, seconded by Alderperson Kastner, to confirm the appointment. Motion carried unanimously.

7. Aldermanic Reports – Alderperson Bruce Bailey said he, Alderperson Kastner and the mayor attended a ceremony last week in which Cobalt was given a Public Private Partnership of the Year award by the Milwaukee Business Journal for the 84 South development project.

8. Announcements - none

9. Citizen Commentary - none

10.-11. Mayor Neitzke announced he was combining the following two public hearings:

7:05 p.m. Public hearing on a proposed ordinance to adopt a Land Use Map amendment to the 2008 City of Greenfield Comprehensive Plan for the property located at 11800 W. Beloit Rd. from Single Family to Mixed Residential (Tax Key No. 565-9955-007)

7:10 p.m. Public hearing on a proposed ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 11800 W. Beloit Rd. from R-1 Single-Family Residential District to PUD Planned Unit Development District. (Tax Key No. 565-9955-007)

Kristi Johnson, Community Development Director, said Pearson Point LLC has submitted an offer to purchase the vacant 6.37-acre site on the south side of Beloit Road, near S. 118th Street. Ms. Johnson said the proposed Mixed Residential land use designation would allow a variety of housing types, focusing on multi-family, defined as apartment complexes, condominiums, townhouses, duplexes, etc. The developer's proposal is to build a 48-unit high-end market rate apartment development of 3 buildings, each containing 16 units, townhouse styles, with individual entrances, with 24 one-bedroom units and 24 two-bedroom units. The 3 buildings would be laid out in a circle style facing each other with an internal courtyard. A total of 111 parking spaces would be provided; 102 are required. Guest parking would be available in the interior courtyard; there is also a detention pond and a private path connecting to a public bike/walking path. Ms. Johnson showed elevations and gave additional details. One letter of objection to the land use map amendment has been received.

Ms. Johnson said the proposed rezoning to Planned Unit Development (PUD) would allow flexibility – so instead of one building per parcel, the three buildings would be permitted. The developer's proposal meets the PUD requirements in terms of density, open space, minimum lot size, setbacks, minimum dwelling unit size, and other requirements. One letter of objection to the rezoning was received.

Mayor Neitzke summarized an email from Kress Rossmann, 11767 W. Waterford Ave., who objected to the proposed development due to concerns about noise, increased crime and traffic, diminished quality of life, and potential development-related runoff and flooding from Wildcat Creek. He read another letter of objection from D. & R. Surwillo, residents of the Woodlands of Greenfield, who objected to an apartment complex adjacent to their residential area.

Linda Fraser, 11935 W. Beloit Rd., asked what the difference in traffic impact would be from 48 units versus 16 units. Beloit Road is “nearing saturation” and hasn’t been updated in a long time. She would rather see 4 family units in there instead of 16-unit buildings – 48 units “is way too much.”

Registering against the rezoning, but not speaking, were: Alma Perea, 11540 W. Cold Spring Rd.; Jenny Lind, 11629 W. Cold Spring Rd.; Christine Zimmerman, 11688 W. Willow Ct.; and D. Surwillo, 11684 W. Willow Ct.

Speaking against the rezoning were:

Dan Bergen, 11610 W. Cold Spring Rd., said he moved to Greenfield just over a year ago. He is concerned because there are already over 250 luxury apartments permitting cats and dogs within a one mile radius. He is also worried about losing beautiful wooded areas, and has concerns about water runoff and environmental impact. Perhaps the comprehensive plan should be reconsidered, if there is such a big demand for luxury apartments.

Mayor Neitzke said the comprehensive plan is revisited every 10 years, and invited Mr. Bergen to participate in the upcoming review.

Sam Lind, 11629 W. Cold Spring Rd., said he has lived in Greenfield since 2014. They looked at the R-1 zoning for single family homes near their home at that time, but they are not excited about multi-family development now being proposed.

Randy Zimmerman, 11688 W. Willow Ct., agreed with previous comments. He also is concerned about there being only one entrance to the apartment complex – when W. Beloit Road eventually is resurfaced, where will these residents park? There are already additional luxury apartments being built at the 84 South development near Layton Avenue and S. 84th Street – is there really that much demand for luxury apartments? Finally, how will the proposed development affect the resale value of his nearby condo?

Christy Bergen, 11610 W. Cold Spring Rd., said the nearby wooded areas and the residential zoning were a big part of why they moved to their Greenfield home. Many of her neighbors are new to the area, and likewise did not expect this type of change. She suggested the development be put on hold.

Victor Kryzanek, 11829 W. Beloit Rd., said he is very concerned about what type of approaches to the apartment complex are planned. The entrance would be about 120 feet from his driveway entrance. He is concerned about the increased traffic and his property value decreasing.

Registering in favor of the rezoning but not speaking was: Randall Krueger, 11821 W. Beloit Rd.

Raymond Chou, design architect and project manager for Pearson Point, spoke concerning the project. As a former landfill site, the property has been vacant for 9 years on the market without a single offer. In order to build marketable single family homes with basements, builders would need to “scrape down” 20-25 feet to reach virgin soil. Developers would lose “half a million dollars” to use the property for single family homes. That is why they are proposing to build apartment homes “slab on grade” instead without basements. Their first floor elevation is 19 feet below that of the neighbor to the west, and on average, about 15 feet below that of the other nearby properties. The impact to traffic on Beloit Road should be

fairly minimal – buyers primarily will be singles or couples, not large families. There will be a deceleration lane on Beloit Road for people to make a right turn into the property; there will be a “go around” for people making a left turn into the property.

Aldersperson Akers asked why luxury apartments instead of condos?

Mr. Chou said the market is still very soft for condominiums, and they couldn't sell the units for what it would cost to build them.

Aldersperson Lubotsky asked if there was a 250-foot buffer between the apartments and surrounding homes.

Mr. Chou said yes, and they are keeping 80 percent of the existing trees, even with the retention pond. Because of the low elevation, he believes only the tops of the roofs will be seen from W. Cold Spring Road.

Aldersperson Lubotsky asked if there was a demand for this type of housing.

Mr. Chou said per their marketing studies, yes. Greenfield offers many things that are attractive to millennials, and is convenient to the city. He further described the parking.

Jack Garczynski, 11914 W. Beloit Rd., said he has difficulty now getting access onto W. Beloit Road. There could be 100 or so more cars in the future trying to get in and out of the new apartment complex, onto a road with traffic going 40 mph, and it is a “huge safety issue.”

Jessica Turtenwald Arenz, 3562 S. 44th St., said the average income for millennials for a single person is \$55,000 and it is recommended that you should not spend more than 40% of your income on rent. If rent were to be in the \$1,200 range, this would be a very difficult draw for millennials.

Mayor Neitzke asked if the units would be have fire sprinklers. Mr. Chou said they could be exempt; they are examining recent law changes regarding this. They are exploring if they can split each building into two buildings and put a 2-hour wall in, to be exempt from the requirement. Regarding traffic, he said they had considered making an additional access from W. Cold Spring Road, but did not pursue that.

Robert Surwillo, 11684 W. Willow Ct., said he objected to the proposal because renters would be temporary residents who would not have a stake in the community and may not follow rules. The density would be too great, considering other existing apartments in the area, and occupancy will be less than what the developers think.

Motion by Aldersperson Kastner, seconded by Aldersperson Lubotsky, to close the public hearing. Motion carried unanimously.

Aldersperson Kastner said he cannot guarantee the best use for the property is single family, given the soil conditions, but he agrees with residents' request for less density. Therefore, he would like to see the developer come back with a plan for less density (fewer units). Aldersperson Akers said she would concur with Aldersperson Kastner since he has more knowledge of the history of this area.

Mayor Neitzke said historically, the center section was supposed to function like a buffer between the condominiums and the single family residences. The city needs to be “smartly developing” but not over developing. Mr. Chou was told early on that this would be a tough sell and that he needed to do a really nice job with the project, which he has. Mayor Neitzke discussed the road condition of W. Beloit Road but said the county does not have funding to update it.

Discussion ensued on whether a vote should be taken on any of the following: agenda items 14 (Item #2C), 24a, 24b, and 24c.

City Attorney Roger Pyzyk said if alderpersons want to table this, they should make a motion to do so; if the developer wants to bring back a revised plan, the same people (property owners within a 400 foot radius) should be notified of the date as were notified of tonight’s public hearings.

Motion was made by Alderperson Kastner, seconded by Alderperson Lubotsky, to place on the table the following: agenda items 14, 24a, 24b and 24c. Motion carried unanimously.

Alderperson Lubotsky asked if the city should request a traffic study on W. Beloit Road.

Mayor Neitzke said the big issues needing to be addressed include: density, traffic, and the character of the neighborhood.

12. 7:15 p.m. Public hearing on a proposed Special Use Permit for Nifty Thrifty, a proposed resale shop to be located at 5444 W. Forest Home Ave., submitted by Laura Wargolet, d/b/a Nifty Thrifty. (Tax Key No. 556-8988-001)

Ms. Johnson said the zoning permits this use. Donations would be dropped off by appointment only. Proposed hours are 10 am – 6 pm on Tuesday through Saturday; 10 am – 4 p.m. on Sunday. Off-street parking would be required. This would be the middle tenant of 3 tenants in the building. The 3 uses combined require 43 parking spaces, mostly due to the adjacent restaurants; 5 spaces are provided in the back of the property. The Council may waive the parking shortage as part of the Special Use Permit. Occupancy would not be granted until site improvements have been made: fixing a broken window, picking up trash, trimming overgrown brush, and removal of an awning.

Laura Wargolet, 5444 W. Forest Ave., registered in favor of the proposal.

Mayor Neitzke said new awnings should be installed -- instead of simply removing the existing awnings -- for the entire tax key parcel, as a condition of the special use. He stressed that people must not drop off donations; Ms. Wargolet said there would be signage prohibiting drop offs as well as reference to this on her website.

Alderperson Lubotsky asked why the dumpster is not enclosed. Ms. Johnson said there is insufficient space to do so. Alderperson Akers was concerned about the fencing.

Motion was made by Alderperson Akers, seconded by Alderperson Lubotsky, to close the public hearing. Motion carried unanimously.

At this point, Mayor Neitzke proceeded to Agenda Item #15 (Item 4A & 4B).

13. 7:20 p.m. Public hearing on a proposed Special Use Permit for O Yeah Chicken & More, a proposed restaurant to be located at 3322 W. Loomis Rd., submitted by Adnan Bin-mahfouz, d/b/a Halal Investments, LLC. (Tax Key No. 553-0436-001)

Ms. Johnson gave an overview of the project and reported that an agreement has been reached to add landscaping under a phased plan. This will also prohibit cars from cutting through the property.

Isidoro Lopez, 3325 W. Lynndale Ave., said he lives immediately behind the restaurant. He would like to see something done to prevent customers from exiting into the alley to the rear. Ms. Johnson said it would be cut off.

Motion by Alderperson Akers, seconded by Alderperson Lubotsky, to close the public hearing. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item 15 (Item #5A).

COMMON COUNCIL TO TAKE ACTION ON THE FOLLOWING COMMITTEE REPORTS:

14. Plan Commission meeting held on February 13, 2018 (Kastner)

Item #2C Approve the Site, Landscaping and Architectural Review of Pearson Point, a proposed multi-family development, to be located at 11800 W. Beloit Road, subject to plan commission and staff comments. Tax Key No. 565-9955-007 – **TABLED** (see Agenda Items 10 & 11)

15. Plan Commission meeting held on March 13, 2018 (Kastner)

Motion was made by Alderperson Lubotsky, seconded by Alderperson Akers, to approve the following, including incorporating comments from the public hearing (i.e., require installation of new awnings):

Item #4A & 4B Approve the Special Use Permit and approve the Site Plan for Nifty Thrifty, a proposed resale shop to be located at 5444 W. Forest Home Avenue, subject to Plan Commission and staff comments. Tax Key No. 556-8988-001.

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #23b.

Item #5A It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to approve the Special Use Permit for O Yeah Chicken & More, a proposed restaurant to be located at 3322 W. Loomis Road, subject to Plan Commission and staff comments. Tax Key No. 553-0436-001. On a roll call vote, the motion carried unanimously.

16. Plan Commission meeting held on April 10, 2018

Motion was made by Alderperson Lubotsky, seconded by Alderperson Akers, to approve the following:
Item #4 Approve Site and Landscaping Plan for O Yeah Chicken & More, a proposed restaurant to be located at 3322 W. Loomis Road, subject to Plan Commission and staff comments. Tax Key No. 553-0436-001.

Motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #23c.

17. Finance and Human Resources Committee meeting held on April 11, 2018

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

Item #3 Approve filling a second Operating Systems Analyst in the Information Technology Department and approve an updated organization chart

Item #4 Approve a resolution to set the salary and benefits of the City Attorney for 2018

Item #5 Approve a resolution to set the salary and benefits of the City Prosecutor for 2018

Item #7 Schedules of disbursements in the amounts of \$207,796.50; \$373,605.29; \$114,251.66; \$79,944.18 and \$1,486,454.59

Item #8 Mileage reimbursements in the amount of \$61.59

On a roll call vote, motion carried unanimously.

18. City Clerk's Report

- a. It was moved by Alderperson Akers, seconded by Alderperson Bailey to adopt Resolution No. 3636:

RESOLUTION NO. 3636

RESOLUTION APPOINTING ADDITIONAL ELECTION OFFICIALS
FOR 2018-2019

WHEREAS, Wis. Stats. 7.30(4)(a) require the governing body to appoint election officials no later than the last regular meeting in December of each odd-numbered year for the 2018-2019 election cycle; and

WHEREAS, appointments were made at that time, but it has become necessary to appoint additional Election Inspectors to fill open positions at the polls;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield confirms the additional Election Inspectors for the 2018-2019 election cycle.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of April, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

- b. City Clerk Jennifer Goergen reported that a Notice of Injury received from the law offices of Thomas E. Hayes on behalf of his clients, the Estate of Nicholas O'Brien, Stephanie Coolidge and J.O., the minor child of Nicholas O'Brien and Stephanie Coolidge, was referred to the city's insurance company.

19. It was moved by Alderperson Bailey, seconded by Alderperson Lubotsky, to re-appoint Karl Kastner as Council President for a one year term. Motion carried unanimously.

20. 2018 Council Representative appointments to various committees and commissions:

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, that the 2018 Council Representatives be as indicated to the following committees:

a. Council appointments:

- (1) Three members to the Finance & Human Resources Committee for a term to expire 4/15/19
(Bailey, Kastner, Saryan)
- (2) Three members to the Legislative Committee for a term to expire 4/15/19
(Bailey, Lubotsky, Saryan)
- (3) One member to the Park & Recreation Board for a term to expire 4/15/19
(Saryan)
- (4) One member to the Plan Commission for a term to expire 4/15/19
(Kastner)

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 of the 2018 Council Representatives as indicated to the following committees:

- (1) One member to the Board of Health for a term to expire 4/15/19 (Akers)
- (2) One member to the Community Development Authority for a term to expire 4/19/21 (Kastner)
- (3) One member to the Public Library Board for a term to expire 4/15/19 (Lubotsky)
- (4) Three members to the Board of Public Works for a term to expire 4/15/19 (Akers, Bailey, Lubotsky)
- (5) One member to the Tree Commission for a term to expire 4/20/20 (Bailey)

Motion carried unanimously.

21. Appointments to various committees and commissions:

It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to reappoint the following individuals as indicated:

a. Council appointments:

- (1) Richard Kasza, 4345 S. 36th St., as member to the Board of Public Works for a term to expire 5/1/20
- (2) A.D. #1
Denise Collins, 4439 S. 38th St., as member to the Park & Recreation Board for a term to expire 5/31/22
- (3) A.D. #2
Cheryl Bailey, 4281 S. 81st St., as member to the Park & Recreation Board for a term to expire 5/31/22
- (4) A.D. #3
Todd Fabos, 3881 S. River Ridge Blvd., as member to the Park & Recreation Board for a term to expire 5/31/22

Motion carried unanimously.

b. Mayor appointments, confirmed by Council:

It was moved by Alderperson Akers, seconded by Alderperson Bailey, to confirm the mayor's reappointment of the following individuals as indicated:

- (1) Paul Leu, 5385 S. Butterfield Way, and David Podeszwa, 4030 S. 119th St., as members to the Civil Service Commission for a term to expire 5/1/21

- (2) Francis Springob, 4328 S. 48th St., as member to the Fire & Police Commission for a term to expire 5/1/23
- (3) Jerome Wielichowski, 5642 S. 44th St., as member to the Board of Review for a term to expire 5/1/23
- (4) One member to the Tree Commission for a term to expire 5/1/18 (formerly Rebecca Thorpe) – new appointment not made
- (5) Joan Stevens, 4059 S. 99th St., as member to the Tree Commission for a term to expire 5/1/20
- (6) Terry Krell, 4914 S. 68th St., as alternate member to the Tree Commission for a term to expire 5/1/20
- (7) Michael Gierl, 5933 S. 35th St., as member to the Zoning Board of Appeals for a term to expire 5/1/21

Motion carried unanimously.

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

- (5) One member to Tree Commission for a term to expire 5/1/20 (formerly Rebecca Thorpe)

c. Mayor appointments:

The Mayor reappointed the following as indicated:

- (1) Donald Carlson, 5082 W. Colonial Ct., and Robert Krenz, 4235 S. 82nd St., as alternate members to the Plan Commission for a term to expire 5/1/21
- (2) Denise Kunz, 5021 S. 68th St., and David Schilz, 4268 S. 79th St., as alternate members to the Zoning Board of Appeals for a term to expire 5/1/21
- (3) Audrey Ellison, 3473 S. 50th Pl., as Chairperson of Zoning Board of Appeals

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

Medina, Nikolas, J. – 978 S. 61st St.
Zaborski, Jeffrey M. – 3803 S. 68th St.

23. Department of Neighborhood Services

- a. It was moved by Alderperson Akers, seconded by Alderperson Kastner, to approve a permanent storm sewer and drainage easement with GMRI Inc., 4735 South 74th St., Tax Key # 617-0081-000. On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #23d.

23b. Motion was made by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt Resolution No. 3634 as amended (Note: the language added to the resolution subsequent to the meeting, as a result of comments made during the meeting, is underlined and highlighted):

RESOLUTION NO. 3634

SPECIAL USE PERMIT FOR NIFTY THRIFTY, A PROPOSED RESALE SHOP TO BE LOCATED
AT 5444 W. FOREST HOME AVE., SUBMITTED BY LAURA WARGOLET, D/B/A NIFTY
THRIFTY (TAX KEY NO. 556-8988-001)

WHEREAS, Laura Wargolet, d/b/a Nifty Thrifty, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish a resale shop to be called Nifty Thrifty at 5444 W. Forest Home Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 17, 2018, at 7:15 p.m., in the Common Council Chambers to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Laura Wargolet, d/b/a Nifty Thrifty, resides at 10017 Saratoga Dr., Caledonia, WI 53108.
2. The property is owned by Henry G. Piano, who has offices at 777 N. Jefferson St. #710, Milwaukee, WI 53202.
3. Nifty Thrifty will lease the approximate 900 sq. ft. of the building located at 5444 W. Forest Home Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

That part of the Southwest $\frac{1}{4}$ of Section 14, Township 6 North, Range 21 East in the City of Greenfield, Milwaukee County, State of Wisconsin, which is bounded and described as follows:
Commencing at a point on the North line of said $\frac{1}{4}$ Section that is 27.72 feet East of the Northwest corner of the East 90 acres of the Northwest $\frac{1}{4}$ of said $\frac{1}{4}$ Section; thence South $33^{\circ}55'$ East, 274.37 feet to the point of beginning of lands to be described; thence continue South $33^{\circ}55'$ East, 161.23 feet to a point; thence North $50^{\circ}33'$ East, 63.78 feet to a point; thence North $33^{\circ}55'$ West, 154.56 feet to a point; thence South $55^{\circ}20'30''$ West, 63.49 feet to the point of beginning. Excepting those parts in the City of Milwaukee and those parts taken for public street purposes.

Tax Key No. 556-8988-001

Said land being located at 5442-46 W. Forest Home Ave.

4. The applicant is proposing to establish a resale shop selling lightly-used merchandise, plus crafts created by the applicant, with donations being dropped off by appointment only.
5. Approximately 900 sq. ft. of the multi-tenant commercial building (middle tenant space) will be utilized as a resale shop.
6. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits used merchandise stores as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
7. The subject property is part of an area along the W. Forest Home Ave. corridor that is developed for commercial uses. Properties to the north are in the City of Milwaukee and are developed as multi-family; properties to the east are developed as single-family; properties to the south are in the City of Milwaukee and are developed as commercial uses; properties to the west are developed as commercial uses.
8. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Laura Wargolet, d/b/a Nifty Thrifty, to establish a resale shop within the existing multi-tenant commercial building at 5444 W. Forest Home Ave., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan approved by the Plan Commission on March 13, 2018 and by the Common Council on April 17, 2018. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.
2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for the resale shop will be Tuesday – Saturday, 10:00am – 6:00pm and Sunday 10:00am – 4:00pm. Donations will be dropped off by appointment only.
4. Off-Street Parking. The proposed resale shop requires five (5) parking stalls. The two (2) restaurant uses, occupying the remainder of the multi-tenant commercial building require 38 off-street parking stalls. Five (5) off-street parking stalls are expected to be provided on site. With the approval and

signed execution of this resolution, the Common Council agrees to allow revised minimum parking requirements, in accordance with Sec. 21.06.020 of the Municipal Code.

5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty (20) percent of each window's area. Rope lighting shall not be allowed. All existing awnings shall be removed and new awnings shall be reinstalled/replaced on the building, with the approval of the Community Development Division, and within the regulations of the City of Greenfield's Signage Ordinance, prior to occupancy by Nifty Thrifty.
6. Store Operations. Signs shall be posted to indicate donation regulations. No items may be accepted for drop-off outside of the building. Donations may only be accepted during approved business hours.
7. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.
8. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
9. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.
10. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
11. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view by the existing fence/enclosure provided on site.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

14. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

15. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

16. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

17. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the

Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Henry G. Piano, property owner

Laura Wargolet, d/b/a Nifty Thrifty

Mailed to applicants on the
_____ day of _____, 2018

City Clerk

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of April, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #13.

- 23c. Motion was made by Alderperson Akers, seconded by Alderperson Lubotsky, to adopt Resolution No: 3635:

RESOLUTION NO. 3635

SPECIAL USE PERMIT FOR O YEAH CHICKEN & MORE, A PROPOSED RESTAURANT TO BE LOCATED AT 3322 W. LOOMIS RD., SUBMITTED BY ADNAN BIN-MAHFOUZ, D/B/A HALAL INVESTMENTS, LLC. (TAX KEY NO. 553-0436-001)

WHEREAS, Adnan Bin-mahfouz, d/b/a Halal Investments, LLC, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish a restaurant, O Yeah Chicken & More, at 3322 W. Loomis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 17, 2018, at 7:20 p.m., in the Common Council Chambers to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Adnan Bin-mahfouz, d/b/a Halal Investments, LLC, resides at 8168 S. River Ln., Franklin, WI 53132.
2. The property is owned by Frank M Kleczka, who resides at 4805 S. Sunnyside Dr., Milwaukee, WI 53208.
3. Halal Investments, LLC will lease the entire 1,944 sq. ft. of the existing building located at 3322 W. Loomis Rd., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows: Lots 25 through 28 of Block 14 in Lynndale No. 2, a recorded subdivision, being a part of the Southeast ¼ of Section 13, Township 6 North, Range 21 East in the City of Greenfield, Milwaukee County, State of Wisconsin.

Tax Key No. 553-0436-001

Said land being located at 3322 W. Loomis Rd.

4. The applicant is proposing to establish a restaurant with dine-in, carry-out and delivery options.
5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits full-service restaurants as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
6. The subject property is part of an area along the W. Loomis Rd. corridor that is developed for commercial uses. Properties to the north are developed as residential uses; properties to the east and west are developed as commercial uses; properties to the south are in the City of Milwaukee and are developed as multi-family uses.
8. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Adnan Bin-mahfouz, d/b/a Halal Investments, LLC, to establish a restaurant at 3322 W. Loomis Rd., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site and Landscaping Plan approved by the Plan Commission on April 10, 2018 and by the Common Council on April 17, 2018. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.

2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.
3. Hours of Operation. The allowable hours of operation for the restaurant will be Sunday – Thursday, 11:00am – 10:00pm and Friday – Saturday, 11:00am – 12:00am (midnight).
4. Off-Street Parking. The proposed restaurant requires 39 off-street parking stalls. Twenty-six (26) off-street parking stalls are expected to be provided on site. With the approval and signed execution of this resolution, the Common Council agrees to allow section minimum parking requirements, in accordance with Sec. 21.06.020 of the Municipal Code.
5. Signage. Signage shall be in compliance with the City’s Signage Ordinance. Any building window signage shall not exceed twenty (20) percent of each window’s area. Rope lighting shall not be allowed.
6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.
7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light splay.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view by the existing fence/enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.

15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a

hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Frank M Kleczka, property owner

Adnan Bin-mahfouz, d/b/a Halal Investments, LLC

Mailed to applicants on the
_____ day of _____, 2018

City Clerk

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of April, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #6c.*

23d. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to adopt Ordinance No. 2889:

ORDINANCE NO. 2889

AN ORDINANCE TO CORRECT ORDINANCE NO. 2887 ADOPTED THE CITY OF GREENFIELD
COMMON COUNCIL ON APRIL 4, 2018 AMENDING SECTION 21.04.0603 OF THE MUNICIPAL
CODE PERTAINING TO OFFICES OF ALL OTHER MISC. HEALTH PRACTITIONERS

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

PART I. Subsection 21.04.0600 of the Greenfield Municipal Code is hereby amended to read as follows:

* * *

Table 21.04.0603
PERMITTED AND SPECIAL USES IN THE
NONRESIDENTIAL ZONING DISTRICTS

		Zoning District Classification											HPO	AO	FW	FF	GF	PSW
NAICS12	INDEX ITEM DESCRIPTION	C-1	C-2	C-3	C-4	C-5	O	BP	M-1	I	PR	PUD	{a}	{b}	{c}	{c}	{c}	{d}
621399	Offices of All Other Misc. Health Practitioners (*massage therapists only)	S	S	S	S	S	S	S				S						

* * *

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 17th day of April, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

23e. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to adopt Ordinance No. 2890:

ORDINANCE NO. 2890

AN ORDINANCE TO REPEAL SUBSECTION 1.60(5)
AND TO CREATE SECTION 1.61 OF THE MUNICIPAL CODE
PERTAINING TO DESTRUCTION AND PRESERVATION OF PUBLIC RECORDS

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

PART I. Subsection 1.60(5) of the Greenfield Municipal Code is hereby repealed and Section 1.61 of the Greenfield Municipal Code is hereby created to read as follows:

1.61 DESTRUCTION AND PRESERVATION OF PUBLIC RECORDS.

- (1) Authorization. Pursuant to Section 19.21 of the Wisconsin Statutes, City officers are authorized to microfilm, electronically copy, scan, download to optical disk, or use any other electronic storage method and destroy the original copies of public records of the City in their custody, in accordance with the provisions and requirements of this action.
- (2) Storing and Preserving. The keeping and preservation of public records of the City by the use of microfilm, optical disc or electronic format, as provided in this section, shall be performed in accordance with the standards established in Section 16.61(7) of the Wisconsin Statutes, so far as the same may be applicable, and in accordance with the applicable standards of the Wisconsin Administrative Code.
- (3) Notice. Prior to the destruction of the original of any of the public records of the City with or without preserving of such original, by means set forth in subsection (2), at least sixty (60) days' written notice shall be given to the Common Council and to the State Historical Society. No records shall be destroyed if the original record is ordered preserved by ordinance or resolution of the Common Council. Records ordered to be preserved may be microfilmed, scanned, or otherwise electronically stored and used for reference.
- (4) Record Retention. Except as provided below, all records of the City may be microfilmed, scanned, or otherwise electronically stored and the original record destroyed after approval as required by subsection (3) above. Microfilm or electronic records generated from such records may be destroyed seven (7) years after payment or receipt of the sum involved in financial transactions or seven (7) years after the date of the original document, unless ordered to be preserved by the Common Council except as a different time is hereinafter provided.
 - (a) Original non-utility records required for an audit by the Department of State Audit may be destroyed after completion of the audit and microfilming or electronic copying.
 - (b) Microfilm or electronic copies of the original records of water stubs and receipts of current billings and customer ledgers may be destroyed two (2) years after payment or receipt of the sum involved in the transactions.

- (c) Records of the municipal water utility included in plant accounts and system improvements may be destroyed upon written approval of the State Public Service Commission, but not sooner than seven (7) years after payment or receipt of the sum involved in the applicable transaction.
- (d) Civil Service examinations may be destroyed following expiration of the eligibility list for the position for which the examination was taken.
- (e) Examinations for electrical licenses conducted by the Board of Electrical Examiners may be destroyed one year after the examinations have been graded.
- (5) State Regulations. This section shall not be construed to authorize the destruction or microfilming/electronic copying with destruction of the original of any public record before a period less than prescribed by statute or State Administrative Regulations. The custodian of any public record is authorized to destroy such record in accordance with the Department of Administration schedules as they may be from time to time amended.
- (6) Police Dispatch, Telephone and Radio Transmission Tapes.
 - (a) All audio tapes containing dispatch calls, telephone conversations and radio transmissions shall be maintained for a period of one hundred twenty (120) days after the date of recording.
 - (b) If the tapes contain material related to a pending criminal case or if the Police Department has received notice of a civil claim related to material on said tapes within one hundred twenty (120) days of the recording, the tapes shall be maintained until such matter is resolved or seven (7) years from the recording date, whichever is sooner.

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 17th day of April, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

23f. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve an Outdoor Special Event permit for the Greenfield 4th of July Celebration event, to be located at Konkel

Park, 5151 W. Layton Ave., July 4, 2018. Specific application is for the following combination of licenses/permits: Entertainment License (live music, community entertainment, children's entertainment (games, inflatables, etc), contests and more), Temporary Operator's License, Temporary Class "B" Retailer's License (beer), Parade License, Food, and Commercial Building/Electrical. Alderperson Lubotsky clarified that no fees would be charged for parking. Motion carried unanimously. Fees waived.

23g. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve an Outdoor Special Event permit for the Cruisin' Car Show, to be located at Kulwicki Park, 10777 W. Cold Spring Rd., May 26, 2018. Specific application is for the following combination of licenses/permits: Entertainment License (car show) and Food. Fees waived. Motion carried unanimously.

23h. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to approve an Outdoor Special Event permit for the Dan Jansen Fest, to be located at Konkel Park, 5151 W. Layton Ave., May 25-28, 2018. Specific application is for the following combination of licenses/permits: Entertainment License (bands, car show, rides, kids' show, softball), Temporary Operator's Licenses (2), Temporary Class "B" Retailer's License (beer), Food, and Commercial Building/Electrical. Motion carried unanimously.

23i. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to approve an Outdoor Special Event permit for the Harley Davidson Law Enforcement Ride to Benefit Concerns of Police Survivors event, to be located at 6221 W. Layton Ave., June 9, 2018. Specific application is for the following combination of licenses/permits: Application to Extend Licensed Premises for Entertainment & Beer, Temporary Class "B" Retailer's License (beer), Food, and Commercial Building/Electrical. Motion carried unanimously.

24. City Attorney's Report

- a. Approve and adopt an ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 11800 W. Beloit Road from R-1 Single-Family Residential District to PUD Planned Unit Development District – Tax Key #565-9955-007 – **TABLED** (see Agenda Items 10 & 11)
- b. Approve and adopt an ordinance to adopt a Land Use Map amendment to the 2008 City of Greenfield Comprehensive Plan for the property located at 11800 W. Beloit Road from Single Family to Mixed Residential – Tax Key # 565-9955-007 – **TABLED** (see Agenda Items 10 & 11)
- c. Approve and adopt a resolution to adopt a Land Use Map amendment to the 2008 City of Greenfield Comprehensive Plan for the property located at 11800 W. Beloit Road from Single Family to Mixed Residential – Tax Key # 565-9955-007 – **TABLED** (see Agenda Items 10 & 11)
- d. It was moved by Alderperson Bailey, seconded by Alderperson Lubotsky, to adopt Resolution No. 3637:

RESOLUTION NO. 3637

A RESOLUTION TO SET THE SALARY AND BENEFITS
OF THE CITY ATTORNEY FOR 2018

PART I. This resolution rescinds and replaces all previous Resolutions regarding the City Attorney in terms of employment.

PART II. 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.

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

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 III. BENEFITS: The City Attorney shall receive medical and surgical insurance benefits, or Opt Out alternative, and is eligible to participate in a Section 125 medical reimbursement plan.

PART IV. 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 V. 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 VI. 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 VII. 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 17th day of April, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

24e. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Resolution No. 3638:

RESOLUTION NO. 3638

A RESOLUTION TO SET THE SALARY AND BENEFITS
OF THE CITY PROSECUTOR FOR 2018

PART I. This Resolution rescinds and replaces all previous Resolutions regarding the City Prosecutor in terms of employment.

PART II. 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. 1/8/18</u>
City Prosecutor	\$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 III. The City Prosecutor is an 'At Will' position.

PART IV. The Mayor shall appoint the City Prosecutor, subject to the confirmation of the Common Council.

PART V. 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 17th day of April, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

24f. It was moved by Alderperson Bailey, seconded by Alderperson Akers, to adopt Resolution No. 3639:

RESOLUTION NO. 3639

IT IS HEREBY RESOLVED by the Mayor and Common Council of the City of Greenfield that the claim made by THE ESTATE OF NICHOLAS O'BRIEN, STEPHANIE COOLIDGE and J.O., THE MINOR CHILD OF NICHOLAS O'BRIEN AND STEPHANIE COOLIDGE, as presented by their attorney THOMAS E. HAYES, for an incident involving a City of Greenfield police officer on March 1, 2018, is hereby disallowed. The City Clerk is hereby directed to forward a copy of this disallowance to claimant and claimant is hereby advised that legal action to collect on this claim be commenced within six (6) months of the date of disallowance or be barred.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of April,

2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

25. a. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve entering into a Business Associate Agreement between the City of Greenfield (Greenfield Fire-Rescue) and CommuniCare Technology Inc. (Pulsara). On a roll call vote, motion carried unanimously.

b. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve entering into an Enterprise Subscription Agreement between the City of Greenfield (Greenfield Fire-Rescue) and CommuniCare Technology Inc. (Pulsara). On a roll call vote, motion carried unanimously.

c. Items for future agenda – City Attorney Roger Pyzyk thanked the mayor, alderpersons and administration for the opportunity to serve. He is proud of the fact that he has served as city attorney for the past 35 years. Prior to that, his uncle served as city attorney for 23 years. Greenfield has been incorporated as a city for 61 years, and he and his uncle have served for 58 of those years. He spoke about the progress the city has made and commended the citizen volunteers and city staff. In honor of the City Attorney's service, Mayor Neitzke presented Mr. Pyzyk with a brass compass.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adjourn the meeting at 9:00 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: April 24, 2018