

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON TUESDAY, AUGUST 21, 2018

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

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

ALSO PRESENT:	Brian Sajdak	City Attorney
	Jeff Katz	Director of Neighborhood Services
	Kristi Johnson	Community Development Manager
	Jennifer Goergen	City Clerk

2. An opening prayer was given by Chaplain Leggett.

3. Pledge of Allegiance

4. It was moved by Aldersperson Bailey, seconded by Aldersperson Akers, to approve the July 17, 2018 Common Council minutes. Motion carried unanimously.

5. It was moved by Aldersperson Bailey, seconded by Aldersperson Kastner, to approve the July 31, 2018 special Common Council minutes. Motion carried unanimously.

6. Mayor's Report – Mayor Neitzke issued a proclamation declaring retroactively the month of June as Whitnall High School 2018 Girls' Softball Champions Month.

7. Aldermanic Reports – Aldersperson Bailey said the Tree Commission will staff a booth at the Greenfield Farmer's Market to explain how to treat for the emerald ash borer.

8. Announcements – Mayor Neitzke announced Scott Jaquish, Director of Greenfield Parks and Recreation Department, was selected to receive the Professional Award of Merit, the highest professional award given by the Wisconsin Park and Recreation Association. He is the past recipient of the WPRA George Wilson Service Award and the WPRA President's Award, and under his leadership his department also has won many awards.

Mayor Neitzke announced International Brotherhood of Electrical Workers will be sponsoring the 2nd Annual Car Show at Konkel Park on September 9, 2018, and encouraged people to attend.

9. Citizen Commentary – Mary Heyn, 2336 S. 107th St., #1, West Allis, WI 53227 signed up to speak, but was deferred until her claim was addressed under Agenda Item #20d and #26f.

10. 7:05 p.m. Public hearing on ordinance to amend the Official Greenfield Zoning Map by rezoning the property located at 4200 S. 76th St. from C-3 Highway and Commercial Service Business District to C-4

Regional Business District, submitted by Joel Staffilino, d/b/a Brixmor Spring Mall, L.P. and Andrew Scott, d/b/a Dykema Gossett PLLC. (Tax Key No. 571-8984-008)

Community Development Manager Kristi Johnson said the majority of the Spring Mall property is zoned C-4, but a small portion on the southwest corner is zoned C-3, where a gas station was located many years ago. Brixmor is requesting to have all of the property zoned C-4.

No one spoke for or against the proposal.

It was moved by Alderperson Kastner, seconded by Alderperson Akers, to close the public hearing at 7:15 p.m. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #14.

11. 7:10 p.m. Public hearing on Special Use Permit for Planet Fitness, a proposed fitness center to be located at 4478 S. 108th St., submitted by David Church, d/b/a PF 108, LLC. (Tax Key No. 608-9995-012).

Ms. Johnson said Planet Fitness proposes to buy a portion of the Ridge Community Church building. The property is zoned Planned Unit Development (PUD), which permits health clubs as a Special Use, with a public hearing required. Planet Fitness would purchase approximately 23,000 square feet, owning it through a condominium plat, making it taxable; that portion of the building is currently vacant. The business model for Planet Fitness is to be open 24 hours per day, seven days per week. For parking, 575 parking spaces would be required under the municipal code for the church, St. Vincent de Paul, and the fitness center; 437 spaces are provided. The requirement for the additional spaces could be waived by Council. Ms. Johnson showed proposed architectural elevations. The applicant will replace dead ash trees and enclose dumpsters. Plan Commission recommends approval. No letters of objection have been received.

Mayor Neitzke mentioned lines for the north driveway were a concern, and needed to be marked clearly because the lines tend to wear off. He said he talked to Mark White, pastor of Ridge Community Church, regarding a path to Kulwicki Park from the northern part of the parking lot. Assuming the city gets some type of custody and control of Kulwicki Park, Mayor Neitzke said Mr. White reaffirmed that the path is “still on their radar” and they are willing to do it. When questioned, Mr. Anderson, property manager, indicated he was aware of the future path requirements for the Ridge.

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

At this time, Mayor Neitzke proceeded to Agenda Item #15 (Item #9A & 9B)

12. 7:15 p.m. Public hearing on Special Use Permit for Picturesque Massage Therapy, a new massage therapist business to be located at 4406 S. 68th St., #103, submitted by Dana Dewildt, d/b/a Picturesque Massage Therapy, LLC. (Tax Key No. 603-0148-000)

Ms. Johnson said the property, located at the southeast corner of S. 68th Street and W. Bottsford Avenue, is zoned C-1, which permits massage therapists as a special use. Hours of business will be by

appointment, but generally Monday through Friday, noon to 8 p.m., and Saturday, 10 a.m. to 4 p.m. Plan Commission recommends a refuse enclosure be constructed on the southeast corner of the parcel. For parking, 35 spaces are required by code; 44 spaces are provided. Plan Commission recommends approval. No letters of objection have been received.

Joe Lukitsche, owner of the building, said no one can see the dumpster, as there is a fence along the east side, and woods in the back. He does not want to enclose the dumpster because he is not on-site to do snow removal. If gates to a dumpster enclosure are blocked by snow, garbage pickup will not occur.

No one else spoke for or against the proposal.

Aldersperson Kastner said Plan Commission alleviated some requirements for this business, and he does not think enclosing the dumpster is too much to expect.

Mayor Neitzke and Aldersperson Akers said garbage service personnel will open the dumpster enclosure gates. Mayor Neitzke said city ordinances for 30+ years have required dumpster enclosures on commercial properties.

Mr. Lukitsche said he has paid over a half a million dollars in real estate taxes in the 45 years he has owned this site, of which about 33% has gone to the city. He was asked recently to provide flowers and landscaping by his building, which he feels is ridiculous, to improve curb appeal.

Mayor Neitzke pointed out the dumpster is visible from the street by showing it in a picture. The ordinance requires dumpsters be enclosed. They are trying to make the city look better and it is important.

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

At this time, Mayor Neitzke proceeded to Agenda Item #15 (Items 7A & 7B).

13. 7:20 p.m. Public hearing on Special Use Permit for American Indian Council on Alcoholism, a proposed social service business to be located at 6510 W. Layton Ave., Suite 101, submitted by Renee LaFleur, d/b/a American Indian Council on Alcoholism. (Tax Key No. 603-9942-004)

Ms. Johnson said this is zoned C-2 Community Commercial District, which requires a Special Use Permit for "other individual and family services." The American Indian Council on Alcoholism (AICA) proposes to lease just over 2,000 square feet in an existing multi-tenant building. Services are by appointment only, with classes scheduled occasionally, generally on Monday through Friday from 9 am to 8:30 p.m. and Saturdays between 11 a.m. and 7 p.m. AICA is a federally funded substance abuse prevention program for American Indians; this branch focuses on Milwaukee area clients. The location includes two office areas and open space for meeting areas. Two state-certified substance abuse counselors would be on staff, along with two part-time employees. Replacement of the dumpster enclosure and perimeter fencing is planned. Plan Commission recommends approval. No objections have been received.

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

At this time, Mayor Neitzke proceeded to Agenda Item #19 (Items 10A & 10B).

COMMON COUNCIL TO TAKE ACTION ON THE FOLLOWING COMMITTEE REPORTS:

14. Plan Commission meeting held on June 12, 2018

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

Item #9 Approve a Certified Survey Map to divide an existing parcel located at 4200 S. 76 Street, submitted by Joel Staffilino, d/b/a Brixmor Spring Mall, L.P. and Andrew Scott, d/b/a Dykema Gossett PLLC, subject to Plan Commission and staff comments. Tax Key No. 571-8984-008. (6/19/18 CC)

Item #10 Approve an ordinance to amend the official Greenfield Zoning Map by rezoning the property located at 4200 S. 76th St. from C-3 Highway and Commercial Service Business District to C-4 Regional Business District, subject to Plan Commission and staff comments. (Tax Key No. 571-8984-008)

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #26a.

15. Plan Commission meeting held on July 10, 2018

Item #4 Approve an ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other Personal Care Services, specifically makeup salons, permanent, and tanning salons. – to be placed on the **SEPTEMBER 18, 2018 AGENDA**

At this time, Mayor Neitzke proceeded to Agenda Item #16.

Item #7A & 7B It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve a Special Use Permit and Site and Landscaping Plans for Picturesque Massage Therapy, a new massage therapist business to be located at 4406 S. 68th St., #103, subject to Plan Commission and staff comments. (Tax Key No. 603-0148-000). On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #25b.

Item #9A & 9B It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve the Special Use Permit and Site, Landscaping, Architectural and Signage Appeal Plans for Planet Fitness, subject to Plan Commission and staff comments. (Tax Key No. 608-9995-012). On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #25a.

16. Board of Public Works meeting held on July 24, 2018

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

Item #4 – Approve an agreement allowing a fence in a permanent sanitary sewer easement in side/rear yard of John H. & Barbara A. Thiemann, 7728 West Plainfield Avenue, Tax Key # 570-1020-001

Item #5 – Approve an agreement with The Dominican Sisters of the Perpetual Rosary, 3980 West Kimberly Avenue, Tax Key No. 692-1237-000, to permit a fence to be installed in city storm drainage easements

Item #6 – Approve the adoption of an ordinance amending Section 8.04 of the Greenfield Municipal Code by rescinding Ordinance Number 2732

Item #7 – Approve the upgrade of the traffic signal at the intersection of South 60th Street and West Woodview Court to be an accessible pedestrian crossing

Item #8 – Disapprove the request to install speed bumps on South 69th Street at the intersection with West Holmes Avenue

Item #9 - Approve the adoption of a resolution to release and extinguish a municipal purpose easement in the '84 South' development

A brief discussion was held about the traffic signal under Item #7. Alderperson Lubotsky suggested maybe the nearby school could be asked to help share the cost.

On a roll call vote, motion carried unanimously.

17. Finance and Human Resources Committee meeting held on July 25, 2018

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

Item #3 - Approve agreement between the West Allis Health Department WIC Program and the Greenfield Health Department (D. Rausch)

Item #4 - Approve Grant Agreement with the State of Wisconsin Department of Health Services Division of Public Health, Bureau of Communicable Disease, and Greenfield Health Department for Tuberculosis (TB) Dispensary Program (D. Rausch)

Item #7 - Approval of schedules of disbursements in the amount of \$435,202.56

Item #8 - Approval of mileage reimbursements in the amount of \$66.50

Item #9 - Investments and reinvestments of \$20,033,796.80 and \$14,487,397.10

Item #10 - Accept Financial Statements

On a roll call vote, motion carried unanimously.

18. Finance and Human Resources Committee meeting held on August 8, 2018

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

Item #3 - Approve change of office hours for the Department of Parks and Recreation (S. Jaquish)

Item #4 - Approve revising the job description for the position of part-time Clerk-Typist within the Parks and Recreation Department.

Item #5 - Approve recruiting and hiring for the position of part-time Clerk-Typist within the Parks and Recreation Department.

Item #6 - Approval of schedules of disbursements in the amount of \$5,269,927.13.

Item #7 - Approval of mileage reimbursements in the amount of \$1,015.56.

On a roll call vote, motion carried unanimously.

19. Plan Commission meeting held on August 14, 2018

Item #5 It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to approve a Certified Survey Map to divide an existing parcel located at 48** S. 35 Street, subject to Plan Commission and Staff comments. Tax Key No. 622-9988-018. On a roll call vote, motion carried unanimously.

Item #8A & 8B It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve a Special Use Review and Site and Landscaping Plans for outdoor seating at Uncle Paulie's Brick Oven Pizzeria, 4395 S. 76 Street, subject to Plan Commission and Staff comments. Tax Key No. 605-9979-002. On a roll call vote, motion carried unanimously.

Item #9A & 9B It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve a Special Use Review, Site and Landscaping Plans for Shawarma House, a new restaurant tenant to be located at 7510 W. Layton Avenue, subject to Plan Commission and Staff comments. Tax Key No. 604-9966-001.

Mayor Neitzke said the color had not been picked yet for the roof color. Staff should provide aesthetic oversight regarding this. Bright yellow or bright red are not desired.

As part of Alderperson Kastner's motion, Mayor Neitzke suggested provision be granted to allow the applicant to erect a fence between it and the adjacent Monroe Muffler business, so long as it meets staff approval, as "sort of a variance of the existing code" as part of the Site and Landscaping Plan, because normally a fence cannot extend beyond the face of the building, and there are sight line issues. If the fence that the city staff approves does not meet with the applicant's approval, the applicant would need to return to Plan Commission for approval of its desired fence. [No objections were raised.]

Mayor Neitzke said at the Plan Commission meeting, it was noted that the neighbor to the east had illegal items for sale outside, which is in the process of being cleaned up.

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #19 (Item 11).

Item #10A & 10B It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve a Special Use Permit and Site and Landscaping Plans for American Indian Council on Alcoholism, a proposed social service business to be located at 6510 W. Layton Avenue, Suite 101, subject to Plan Commission and Staff comments. Tax Key No. 603-9942-004.

Mayor Neitzke noted he received one anonymous phone call from a concerned citizen about this item. This is not a methadone treatment program, it is therapy services, he said.

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #25c.

Item #11 It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve Site, Landscaping and Architectural Plans for exterior alterations to an existing multi-tenant commercial building located at 2741 W. Layton Avenue, subject to Plan Commission and Staff comments. Tax Key No. 622-9986-001. On a roll call vote, motion carried unanimously.

20. City Clerk's Report

- a. Summons and Complaint received from Thomas J. Dworschack vs. City of Greenfield – referred to the City Attorney.
- b. Summons and Complaint received from Wal-Mart Real Estate Business Trust vs. City of Greenfield – referred to Attorney Seibel at Seibel law offices.

Mayor Neitzke said Walmart is contending the 2018 value of its property – that they paid over \$7 million for, and that they spent millions of dollars improving before they even built the 150,000 square foot structure -- should be no more than \$5,350,000. They are comparing it to the value of the store next door that they sold to the church, upon which they placed so many restrictive covenants that basically only churches, secondhand retailers and fitness centers could fit in, the Mayor said. He thinks they probably invested over \$20 million into the new building. He said he wanted to thank Walmart for its “community spirit” in attempting to shift roughly \$15 million of taxable value to the other commercial properties and residents in Greenfield. He said if that is really what Walmart thinks the value is, the city should “eminent domain it” and pay them \$5.35 million for the property. Now, the city will have to spend a lot of taxpayer money to defend itself in the lawsuit, and if Walmart wins it, most residential property taxes will go up in Greenfield as a result, Mayor Neitzke said.

- c. Second Amended Notice of Injury and Claim for Damages 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 – referred to Attorney Bill Ehrke.
- d. Claim received from Mary Heyn – referred to City Attorney.

Mary Heyn said she formerly lived in Greenfield. She said a stone from a mower struck her car in May and damaged it. She is a retired Catholic school teacher living on a pension. She hopes the Council has the courage to have compassion, and not just go by the letter of the law, to reimburse her damages.

City Attorney Sajdak said he made a recommendation of denial. In this instance, just as with a pothole, if the city is not aware of it, and there is no obvious danger, the city has no liability. At the time of the incident, she stopped to discuss the complaint with another employee who was weed whacking and only mentioned the windshield. Later, when the claim was submitted, it was for the windshield as well as for a plastic part that was over the window, which is another reason for the recommendation of denial.

Aldersperson Kastner said he assumes she just had liability on the car, or the insurance company would have paid for it.

Ms. Heyn said she could not file a claim with insurance because she could not afford comprehensive coverage. John Paul's GMC repaired the damage.

Aldersperson Saryan asked if the trim damage came from the mower also. Ms. Heyn said yes, but she did not notice it immediately, so it was repaired after the windshield.

It was moved by Aldersperson Lubotsky, seconded by Aldersperson Bailey, to allow the claim in an amount not to exceed \$562.38, but only for the amount actually paid, with Ms. Heyn providing a receipt showing the amount paid. On a roll call vote, motion carried unanimously.

21. Appointments to various committees and commissions:

a. Mayor appointments, confirmed by Council:

- (1) One member to the Public Library Board for a term to expire 7/1/21 (formerly Susan Waldoch) – to be placed on the **NEXT AGENDA**

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

Boino, Joseph W.-2954 N. Pierce St.
Campbell, Armani J.-1145 N. Callahan Pl.
Chandler, Mary M.-8741 W. Oklahoma Ave.
Covelens, Nichole R.-3810 S. 51st St.
Cruz, Analisa A.-6812 W. Greyhawk Ct.
Frank, Kenneth R.-3342 S. 68th St.
Gambrel, Sabrina S.-1226 S. 111th St.
Gorzalski, Kyle D.-11105 W. Ohio St.
Jenels, Andrea L.-3646 S. 16th St.
Johnson, Amanda K.-2656 S. 99th St.
Kelly, Jeffrey J.-4290 S. Adell Ave.

Kreutz, Justin L.-2429 N. Weil St.
Lenarz, Cieanna M.-11200 W. Cleveland Ave.
Martinez, Jennifer E.-5618 S. 115th St.
Metcalf, Erin B.-770 Bridlewood Dr.
Millard, Amanda M.-2900 S. Austin St.
Patel, Manojkumar H.-4635 S. 20th St.
Promo, Heather-2101 Kensington Dr.
Velasquez, Kristine A.-9427 W. Morgan Ave.
Weber, Dakota S.-3609 S. 31st St.

Motion carried unanimously.

23. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to approve a 2018-2019 Secondhand Article Dealer license for Brew Town Trading Co., LLC, 4285 S. 76th St. Motion carried unanimously.

24. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to approve a Temporary “Class B” Retailer’s License for the West Allis, WI Chapter of SPEBSQSA, Inc., to sell fermented malt beverages and wine at a Heart of Harmony musical cabaret dinner event to be held indoors on October 13, 2018 from 1 p.m. to 10:30 p.m. at 6023 S. 27th St. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #25d.

25. Department of Neighborhood Services

- a. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve and adopt Resolution No. 3648:

RESOLUTION NO. 3648

SPECIAL USE PERMIT FOR PLANET FITNESS, A PROPOSED FITNESS CENTER TO BE LOCATED AT 4478 S. 108 ST., SUBMITTED BY DAVID CHURCH, D/B/A PF 108, LLC. (TAX KEY NO. 608-9995-012)

WHEREAS, David Church, d/b/a PF 108, 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 Planet Fitness at 4478 S. 108 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 21, 2018, at 7:10 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, David Church, d/b/a PF 108, LLC, has an offer to purchase the property through a condominium plat, located at 4478 S. 108 St., Greenfield, WI 53228.
2. The property is owned by The Ridge Community Church Corp., 4500 S. 108 St., Greenfield, WI 53228.
3. PF 108, LLC will own a portion of the multi-tenant commercial building through a condominium plat located at 4478 S. 108 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Unit 2 of The Ridge, a Commercial Condominium, being a part of the Southwest ¼ of Section 20, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 608-9995-012

Said land being located at 4478 S. 108 St.

4. The applicant is proposing to establish a fitness and recreational sports center/health club business within the existing multi-tenant commercial building.

5. The aforesaid premise is zoned PUD Planned Unit Development District under the Zoning Ordinance of the City of Greenfield, which permits fitness and recreational sports centers 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 S. 108 St. corridor that is developed for commercial uses. Properties to the north are developed as commercial and public park. Properties to the south and west are developed as commercial. Properties to the east are developed as public land/park.

7. 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 David Church, d/b/a PF 108, LLC, to establish a fitness and recreational sports center at 4478 S. 108 St., 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 and all other applicable conditions approved by the Plan Commission on July 10, 2018 and by the Common Council on August 21, 2018. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.

2. Amended Planned Unit Development (PUD) Agreement. The grant of this Special Use is subject to an executed Amended Planned Unit Development (PUD) Agreement being signed by the applicant and the City.

3. 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.

4. Hours of Operation. The allowable hours of operation for Planet Fitness will be 24 hours/day, seven (7) days/week.

5. Off-Street Parking. The proposed fitness and recreational sports center requires 105 parking stalls. The remaining multi-tenant commercial uses (The Ridge Community Church and St. Vincent De Paul), occupying the remainder of the multi-tenant commercial building require 440 off-street parking stalls, for a

total of 545 required off-street parking spaces. Four hundred thirty-two (432) off-street parking stalls, which includes 16 ADA stalls, are expected to be provided on site.

6. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.
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 spills from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light spill. Rope/LED trim lighting is not permitted.
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. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
13. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
14. 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.
15. 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.
16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

David Church, d/b/a PF 108, LLC

Provided to applicant on the
_____ day of _____, 2018

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of August, 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 #12.

- b. It was moved by Alderperson Akers, seconded by Alderperson Bailey, to approve and adopt Resolution No. 3649:

RESOLUTION NO. 3649

SPECIAL USE PERMIT FOR PICTURESQUE MASSAGE THERAPY, A NEW MASSAGE THERAPIST BUSINESS TO BE LOCATED AT 4406 S. 68 ST. #103, SUBMITTED BY DANA DEWILDT, D/B/A PICTURESQUE MASSAGE THERAPY, LLC
(TAX KEY NO. 603-0148-000)

WHEREAS, Dana DeWildt, d/b/a Picturesque Massage Therapy, 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 Picturesque Massage Therapy at 4406 S. 68 St. #103.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 21, 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, Dana DeWildt, d/b/a Picturesque Massage Therapy, LLC, owns Picturesque Massage Therapy, LLC, 4406 S. 68 St. #103 St., Greenfield, WI 53220.
2. The property is owned by Joseph Lukitsch, 11000 No. 77th Pl. #2085, Scottsdale, AZ 85260.
3. Picturesque Massage Therapy, LLC will lease unit #103 located at 4406 S. 68 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Lots 1, 2 and 3 in Block 12 in Crest Lawns, a recorded subdivision, and the west half of a vacated alley adjacent on the east, all being a part of the Southeast ¼ of Section 22, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 603-0148-000

Said land being located at 4406 S. 68 St.

4. The applicant is proposing to establish a massage therapy business within the existing multi-tenant commercial building.
5. The aforesaid premise is zoned ~~C-2 Community Commercial District~~ C-1 Neighborhood Commercial District under the Zoning Ordinance of the City of Greenfield, which permits massage therapists 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 located at the southeast corner of S. 68 St. and W. Bottsford Ave. that is developed as a mixture of residential and commercial uses. Properties to the north, east, south and immediate west are developed as residential; property to the northwest is developed as an elementary school.
7. 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 Dana DeWildt, d/b/a Picturesque Massage Therapy, LLC, to establish a massage therapy business at 4406 S. 68 St. #103, 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 and all other applicable conditions approved by the Plan Commission on July 10, 2018 and by the Common Council on August 21, 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 Picturesque Massage Therapy, LLC will be Monday – Friday, 12:00pm – 8:00pm; Saturday 10:00am – 4:00pm. Hours of operation will generally be by appointment only.
4. Off-Street Parking. The proposed massage therapy business requires one (1) parking stalls. The remaining multi-tenant commercial/office uses, occupying the remainder of the multi-tenant commercial building require 34 off-street parking stalls, for a total of 35 required off-street parking spaces. Forty-four (44) off-street parking stalls are expected to be provided on site.
5. Signage. Signage shall be in compliance with the City’s Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim 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. Rope/LED trim lighting is not permitted.
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.

Dana DeWildt, d/b/a Picturesque Massage Therapy, LLC

Joseph Lukitsch, owner, 4406 S. 68 St.

Provided to applicant on the
_____ day of _____, 2018

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of August, 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.

- c. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve and adopt Resolution No. 3650:

RESOLUTION NO. 3650

SPECIAL USE PERMIT FOR AMERICAN INDIAN COUNCIL ON ALCOHOLISM, A PROPOSED SOCIAL SERVICE BUSINESS TO BE LOCATED AT 6510 W. LAYTON AVE. SUITE 101, SUBMITTED BY RENEE LAFLEUR, D/B/A AMERICAN INDIAN COUNCIL ON ALCOHOLISM
(TAX KEY NO. 603-9942-004)

WHEREAS, Renee LaFleur, d/b/a American Indian Council on Alcoholism, 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 American Indian Council on Alcoholism at 6510 W. Layton Ave, Suite 102.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on August 21, 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, Renee LaFleur, d/b/a American Indian Council on Alcoholism, is employed by American Indian Council on Alcoholism, to be located at 6510 W. Layton Ave., Suite 102, Greenfield, WI 53220.
2. The property is owned by Midwest Property Management, LLC, 2363 S. 102 St., Suite 101, West Allis, WI 53227.
3. American Indian Council on Alcoholism will lease Suite 102 at 6510 W. Layton Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcels 1 and 2 of Certified Survey Map No. 1030, being a part of the Southeast ¼ Section 22, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, Wisconsin.

Tax Key No. 603-9942-004

Said land being located at 6510 W. Layton Ave.

4. The applicant is proposing to establish a social services business within the existing multi-tenant commercial building.

5. The aforesaid premise is zoned C-2 Community Commercial District under the Zoning Ordinance of the City of Greenfield, which permits other individual and family services 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. Layton Ave. corridor that is developed for commercial and multi-family uses. Properties to the north and east are developed as multi-family. Properties to the south are developed as a mixture of commercial and residential. Properties to the west are developed as commercial.

7. 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 Renee LaFleur, d/b/a American Indian Council on Alcoholism, to establish a social service business at 6510 W. Layton Ave., Suite 102., 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 and all other applicable conditions approved by the Plan Commission on August 14, 2018 and by the Common Council on August 21, 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 Planet Fitness will be Monday – Friday, 9:00am – 8:30pm, Saturday 11:00am – 7:00pm.

5. Off-Street Parking. The proposed social service business requires seven (7) parking stalls. The remaining multi-tenant commercial/office uses require 20 off-street parking stalls, for a total of 27 required off-street parking spaces. Sixty-three (63) off-street parking stalls, which includes four (4) ADA stalls, are expected to be provided on site.

6. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.

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. Rope/LED trim lighting is not permitted.

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. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.

13. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

Renee LaFleur, d/b/a American Indian Council on Alcoholism

Jean Ciszewski, d/b/a Midwest Property Management, LLC

Provided to applicant on the
_____ day of _____, 2018

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of August, 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 #15 (Item 4).

- d. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve a Temporary Use Permit for Spirit Halloween LLC to use a portion of Spring Mall space located at 4260 S. 76th St. [from August 28, 2018 – November 8, 2018]. Motion carried unanimously.
- e. It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to approve an Outdoor Special Event application for the Harley Morgan's Ride for Alopecia/Rock for Locks event, to be located at 6221 W. Layton Ave., Sept. 8, 2018. Application includes the following combination of licenses/permits: Temporary Class "B" Retailer's License for beer, *including request to allow underage unaccompanied persons on the licensed beer premises pursuant to Wis. Stat. 125.07(3)(a)12*; Extend Licensed Premises for entertainment (bounce house, animals, skateboard ramp, live music), Direct Seller Licenses, Food, and Commercial Building/Electrical. Motion carried unanimously.
- f. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve an Outdoor Special Event application for Friends Fest, an event to be located at Friends on Forest Home at 5614 W. Forest Home Ave., August 31, 2018 and September 1, 2018. Application includes the following combination of licenses/permits: Extend Licensed Premises (beer, live music, car show), Food, and Commercial Building/Electrical. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #26b.

26. City Attorney's Report

- a. It was moved by Alderperson Akers, seconded by Alderperson Kastner, to approve and adopt Ordinance No. 2904:

ORDINANCE NO. 2904

ORDINANCE TO AMEND THE OFFICIAL GREENFIELD ZONING MAP
BY REZONING THE PROPERTY LOCATED AT 4200 S. 76 ST. FROM C-3 HIGHWAY AND
COMMERCIAL SERVICE BUSINESS DISTRICT
TO C-4 REGIONAL BUSINESS DISTRICT
(TAX KEY NO. 571-8984-008)

WHEREAS, the Common Council of the City of Greenfield conducted a public hearing in the Common Council Chambers of City Hall at Greenfield, Wisconsin, on Tuesday, the 21st day of August, 2018, at 7:05 p.m. upon a proposal to rezone a portion of the property located at 4200 S. 76 St. from C-3 Highway and Commercial Service Business District to C-4 Regional Business District; and,

WHEREAS, Notice of said hearing has been duly published in the official City of Greenfield newspaper and a period of at least ten (10) days has expired after the last publication before said hearing, as required by State Statutes.

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

PART I. The Official Greenfield Zoning Map described in Section 21.04.0102 of the Municipal Code is hereby amended to provide that the following described land shall be and is hereby rezoned from C-3 Highway and Commercial Service Business District to C-4 Regional Business District to-wit:

That part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, 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 the Southwest corner of said $\frac{1}{4}$ Section; thence East on and along the South line of said $\frac{1}{4}$ Section 210 feet to a point; thence North 220 feet to a point; thence West 210 feet to a point; thence South on and along the West line of said $\frac{1}{4}$ Section 220 feet to the point of beginning.

Said land contains approximately 0.600 acres, more or less, including the respective rights-of-way and is located at:

4200 S. 76 St. (Tax Key No. 571-8984-008)

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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 21st day of August, 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 #11.

- b. Adopt an ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other Personal Care Services, specifically makeup salons, permanent, and tanning salons (PC 7/10/18) – to be placed on the **SEPTEMBER 18, 2018 AGENDA**
- c. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt Ordinance No. 2905:

ORDINANCE NO. 2905

AN ORDINANCE AMENDING SECTION 8.04 OF THE
MUNICIPAL CODE OF THE CITY OF GREENFIELD

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

PART I. Section 8.04 of the Greenfield Municipal Code is hereby amended by rescinding Ordinance Number 2732. A parking zone reserved for persons with disabilities will be removed in front of 3543 South 43rd Street, Tax Key 555-1062-000

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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 21st day of August, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

- d. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt Resolution No. 3651:

RESOLUTION NO. 3651

**A RESOLUTION RELEASING AND EXTINGUISHING
A MUNICIPAL PURPOSE EASEMENT**

BE IT RESOLVED, by the Mayor and the Common Council of the City of Greenfield that a portion of a public "Municipal Purpose Easement", heretofore granted to the City of Greenfield on August 11th, 2016 on Document No. 10592412, which "Municipal Purpose Easement" is described as follows, to-wit:

Adjacent Tax Key Numbers:

606-0053-005	606-0053-008
606-9980-003	606-9980-013

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

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

Commencing at the Southwest corner of said ¼ Section; thence North 88°55'35" East on and along the South line of said ¼ Section, 510.91 feet to a point; thence North 01°04'07" West, 60.01 feet to a point on the North right-of-way line of West Layton Avenue (CTH Y) and the point of beginning of lands to be described; thence North 01°04'07" West along the West right-of-way line of South 90th Street, 385.44 feet to a point on the North right-of-way line of South 90th Street; thence North 88°55'53" East along the North right-of-way line of South 90th Street, 60.00 feet to a point on the East right-of-way line of South

90th Street; thence South 01°04'07" East along the East right-of-way line of South 90th Street, 385.44 feet to a point on the North right-of-way line of West Layton Avenue (CTH Y); thence South 88°55'53" West along the North right-of-way line of West Layton Avenue (CTH Y), 60.00 feet to the point of beginning. Retaining therefrom the entire described area as a Municipal Purpose Easement.

ALSO

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

Commencing at the Southeast corner of said ¼ Section; thence due north along the East line of said ¼ Section, 275.00 feet to a point; thence South 88°55'53" West, 60.01 feet to a point on the West right-of-way line of South 84th Street and the former southerly right-of-way line of West Chapman Avenue, and the point of beginning of lands to be described; thence continue South 88°55'53" West on and along the former southerly right-of-way line of West Chapman Avenue, 173.88 feet to a point of curvature; thence Northwesterly along the former southerly right-of-way line of West Chapman Avenue and the arc of a curve (whose radius measures 402.40 feet, whose center lies to the Northeast, and whose chord bears North 75°57'01" West, 209.90 feet), a distance of 212.36 feet to a point on the former easterly right-of-way line of South 85th Street; thence North 77°36'26" East, 63.17 feet to a point on the former northerly right-of-way line of West Chapman Avenue; thence Southeasterly along the former northerly right-of-way line of West Chapman Avenue and the arc of a curve (whose radius measures 342.40 feet, whose center lies to the Northeast, and whose chord bears South 74°26'31" East, 196.14 feet), a distance of 198.93 feet to a point; thence North 88°55'53" East along the former northerly right-of-way line of West Chapman Avenue, 175.00 feet to a point on the Westerly right-of-way line of South 84th Street; thence due South along the Westerly right-of-way line of South 84th Street, 60.01 feet to the point of beginning.

Be and the same are hereby released and extinguished.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of August, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

- e. It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to adopt Resolution No. 3652:

RESOLUTION NO. 3652

IT IS HEREBY RESOLVED by the Mayor and Common Council of the City of Greenfield that the amended claim (Second Amended Notice of Injury and Claim for Damages) made by THE ESTATE OF NICHOLAS O'BRIEN, STEPHANIE COOLIDGE and J.O., THE MINOR CHILD OF NICHOLAS

O'BRIEN, 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 21st day of August, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

- f. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt a resolution allowing the claim of Mary Heyn up to a maximum of \$562.38, contingent upon obtaining a receipt from Mary Heyn showing the amount paid to repair the damage. The resolution, as later prepared by the City Attorney, follows:

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3653

A RESOLUTION ALLOWING THE CLAIM
OF MARY HEYN RELATING TO AUTOMOBILE DAMAGE

WHEREAS, Mary Heyn submitted a claim to the City on May 25, 2018 in which she alleged certain damage to her automobile resulting from an alleged stone/rock being thrown from a lawnmower and sought monetary damages for the same; and

WHEREAS, the City Attorney has reviewed the facts and circumstances relating to the claim and recommended that the Common Council disallow the claim; and

WHEREAS, Wis. Stat. § 893.80 provides for the process by which the Common Council shall consider and handle claims made against the Council, the City and its officers, agents and employees; and

WHEREAS, after hearing from the claimant and considering the facts and circumstances of the claim, the Common Council desires to pay the amount of the actual loss;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the claim of Mary Heyn dated May 25, 2018 relating to alleged damage to her automobile is hereby conditionally allowed in an amount not to exceed \$562.38.

BE IT FURTHER RESOLVED that the City Finance Director is hereby authorized and directed to pay the claim upon submission of proof of the actual cost of the repair and only up to the actual cost of the repair, not to exceed \$562.38.

Approved: _____
Michael J. Neitzke, Mayor

Date Approved: August 21, 2018

This is to certify that the foregoing resolution was adopted by the Common Council of the City of Greenfield, Wisconsin, at a meeting held on the 21st day of August, 2018.

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

- g. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to approve Resolution No. 3654, to be placed on the November 2018 election ballot:

STATE OF WISCONSIN CITY OF GREENFIELD MILWAUKEE COUNTY

RESOLUTION NO. 3654

A RESOLUTION AUTHORIZING A REFERENDUM FOR THE CITY
OF GREENFIELD TO ALLOW THE CITY TO EXCEED THE STATE
IMPOSED LEVY LIMIT BEGINNING WITH THE 2018 LEVY
(COLLECTED IN 2019) AND ON AN ONGOING BASIS

WHEREAS, the State of Wisconsin has imposed limits on town, village, city and county property tax levies under Wis. Stat. § 66.0602; and

WHEREAS, Wis. Stat. § 66.0602 limits the increase in 2018 to the local property tax levy to no more than the greater of (a) 0% of last year's actual levy or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed plus other exceptions like new debt service; and,

WHEREAS, the City of Greenfield actual levy in 2017 (collected in 2018) was \$24,173,612; and, based upon the percentage change in equalized value due to new construction less improvements removed plus new debt service, state law would limit the increase to \$708,343 for a total allowable 2018 (collected in 2019) city tax levy of \$24,881,955; and

WHEREAS, the City of Greenfield is presently served by 57 full-time sworn police officers and five additional police officers are required to maintain existing law enforcement services; and

WHEREAS, the City of Greenfield is presently served by 50 full-time Fire Department personnel and two additional personnel are required to enhance services; and

WHEREAS, the increased costs necessary to add the additional required personnel to support the City's public safety needs would exceed the City's maximum allowable levy; and

WHEREAS, the Common Council of the City of Greenfield, Milwaukee County believes it is in the City's best interest to exceed the state levy limit as described above by a greater percentage than allowed by statute in order to increase the number of sworn police officers and fire department personnel.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Greenfield, Milwaukee County, do hereby support an increase in the city tax levy for 2018 (collected in 2019) to exceed the state levy limit. The Common Council intends that the levy increase be applied on an ongoing basis thereafter by including it in the base used to calculate the limit going forward.

BE IT FURTHER RESOLVED that the Common Council directs that the question of increasing the city tax levy for 2018 (to be collected in 2019) by 6.96%, which would increase the city levy by \$1,683,343 over the past year's levy, for a city tax levy of \$25,856,955, shall be submitted to the electors in a referendum election to be held on November 6, 2018, in the following form:

Referendum Question

Under state law, the increase in the levy of the City of Greenfield for the tax to be imposed for the next fiscal year is limited to 2.93% which results in a levy of \$24,881,955. Shall the City of Greenfield be allowed to exceed this limit and increase the levy for the next fiscal year for the purpose of hiring five (5) new police officers and two (2) new fire department personnel by a total of 6.96%, which results in a levy of \$25,856,955?

The results of the referendum shall be binding upon the City of Greenfield and certified to the Wisconsin Department of Revenue, as required by Wisconsin Statutes Section 66.0602(4)(d); and,

BE IT FURTHER RESOLVED that the Common Council directs that the following Explanatory Statement of the vote be used where required:

Explanatory Statement and Effect of Vote

The City of Greenfield is presently served by 57 sworn police officers and 50 full-time Fire Department personnel. In order to add additional full-time staff to maintain current levels of service, the City's costs would exceed the maximum allowable levy.

A “yes” vote allows the Common Council to exceed the state-imposed levy limits to provide additional funding to pay for five (5) additional sworn police officers and two (2) additional fire department personnel. The increased levy would apply on an ongoing basis thereafter by including it in the base used to calculate the limit going forward.

A “no” vote does not allow the Common Council to exceed the state-imposed levy limits to provide additional funding to pay for five (5) additional sworn police officers and two (2) additional fire department personnel. The Police Department and the Fire Department would continue to be staffed in the same manner it is presently staffed.

BE IT FURTHER RESOLVED that the City Clerk shall provide the County Clerk with a certified copy of this Resolution so as to ensure that the referendum question can be placed on the November 6, 2018 election ballot for all wards within the City of Greenfield.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of August, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a related matter, Mayor Neitzke said the “Dark Store” referendum passed in West Allis by over 90%. A brief discussion ensued over whether to put a similar resolution on the ballot in November in Greenfield, but no action was taken.

On a roll call vote, motion carried unanimously.

27. Items for future agenda – Discussion ensued over how to get the word out about the public safety referendum. Alderperson Kastner wanted to see the information before it goes out for public release. Mayor Neitzke said alderpersons should talk to staff individually, if desired, but cautioned against discussing it with each other in violation of open meetings laws.

Mayor Neitzke said he will finish reviews of department budgets this week, and then a preliminary budget will be put together. Each department’s budget is expected to go up about 2.33%.

Alderperson Akers noted W. Layton Avenue will be shut down starting next week near House of Harley.

28. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adjourn the meeting at 8:41 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk