

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON
TUESDAY, SEPTEMBER 18, 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.

3. Pledge of Allegiance

4. It was moved by Aldersperson Lubotsky, seconded by Aldersperson Bailey, to approve the August 21, 2018 Common Council minutes. Motion carried unanimously.

Motion by Aldersperson Kastner, seconded by Aldersperson Akers, to reconsider the August 21, 2018 minutes. Motion carried unanimously. Aldersperson Lubotsky and Aldersperson Bailey consented to amend their motion to approve the August 21, 2018 Common Council minutes with the following correction to page 20564 to add the underlined language:

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 and on an ongoing basis 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?

City Attorney Brian Sajdak said this is a technical correction recommended by the Wisconsin Department of Revenue. On a roll call vote, the amended motion carried unanimously.

5. It was moved by Aldersperson Akers, seconded by Aldersperson Saryan, to approve the September 5, 2018 special Common Council minutes. Motion carried unanimously.

6. Mayor's Report – Mayor Neitzke said he attended an advisory council meeting at Clement Manor. They - like the city - are having a difficult time finding people to hire. Employees are cross trained, which the city has been trying to do also. A recent car show brought many visitors to the city. The budget will be presented at the Sept. 26, 2018 Finance Committee meeting, as well as some personnel decisions in closed session. Mayor Neitzke encouraged all alderpersons to attend.

At this time, Mayor Neitzke proceeded to Item #7.

*Mayor Neitzke said the Assessor's office has received a very broad open records request from the attorneys for Walmart. He cautioned alderpersons to remember that all communications including emails, texts and recorded voice mail messages can become public through open records requests.

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

7. Aldermanic Reports – Alderperson Akers said it is national suicide prevention awareness month. Alderperson Bailey announced the Tree Commission is sponsoring a photography contest of residents' favorite trees. He also noted the Milwaukee County Sheriff's Department is having an awards luncheon and Alderperson Lubotsky is being honored. Alderperson Lubotsky said during a recent 9/11 service at the War Memorial, she laid a wreath in the water in honor of first responders.

8. Announcements – none.

9. Citizen Commentary – none.

10. 7:05 p.m. Public hearing on ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to Other Personal Care Services, specifically makeup salons, permanent, and tanning salons.

Community Development Manager Kristi Johnson said uses in the 812199 code of the North American Industry Classification System (NAICS), known as "other personal care services," currently require a Special Use in commercially zoned districts, and this requires Plan Commission/Common Council approval. The proposal is to make some of the uses "permitted uses" instead – such as hair removal salons, ear piercing, hair replacement, hair weaving, color consulting services, permanent makeup services (micro blading), tanning salons and spray tanning salons. If categorized as "permitted uses," these applicants could apply to open under the occupancy permit process instead of requiring Council approval. Other uses in the "other personal care services" category – such as massage parlors, tattoo parlors, steam/Turkish baths, and day spas – would remain as Special Uses, requiring Plan Commission/Council approval.

Mayor Neitzke said he supports this proposal. The city is trying to limit the number of public hearings that are required, while still requiring hearings for the things that are deemed questionable by society.

No one spoke for or against the proposal.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to close the public hearing at 7:18 p.m. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #23a.

11. 7:10 p.m. Public hearing on Special Use Permit for Snappers Baseball Club, LLC, a proposed recreational sports club tenant, to be located at 4260 S. 76th St., submitted by Gregory Erchull, d/b/a Erchull Legal Group. (Tax Key No. 571-8984-008)

Ms. Johnson said the club proposes to lease just over 12,000 square feet on the southern end of Spring Mall for indoor baseball training. The private club has 11 teams and falls under the category of fitness and recreational sports centers, requiring a Special Use. It would not be open to the public; hours would be by appointment only. Sixty-two parking spaces are required for the club. A total of 675 parking spaces are required for the entire development, and 1,143 spaces are provided. Hours of operation would be from 8 a.m. to 11 p.m. and the club holds a 12-month lease. The Plan Commission recommends approval and no letters of objection have been received.

No one spoke for or against the proposal.

Mayor Neitzke said the club would be going into the former Sears location. There was concern at the Plan Commission level that this might hinder redevelopment plans for the site, but he believes the lease could be broken before its expiration if needed.

It was moved by Alderperson Akers, seconded by Alderperson Kastner, to close the public hearing at 7:20 p.m. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #14 (Item #6A & B).

12. 7:15 p.m. Public hearing on Special Use Permit for a proposed Verizon Wireless communication antenna, to be located at the YMCA located at 11311 W. Howard Ave., submitted by Keith Nyman, d/b/a Nyman Real Estate & Appraisal. (Tax Key No. 566-9997-001)

Ms. Johnson said the antenna would be installed in the southwestern portion of the parking lot. It is part of their initiative to get to 5G service. The property is zoned I Institutional District. The antenna would be installed on a new 30-foot light pole. She showed pictures of similar light poles with antennas. Plan Commission recommended approval; no objections have been received.

Mayor Neitzke said he forwarded information to alderpersons about a proposal by the Federal Communications Commission (FCC) to take regulatory control of these mini towers away from local governments. He thanked Verizon for complying with the existing rules, unlike one of its competitors.

No one spoke for or against the proposal.

It was moved by Alderperson Akers, seconded by Alderperson Saryan, to close the public hearing at 7:26 p.m. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #14 (Item #7A & 7B).

COMMON COUNCIL TO TAKE ACTION ON THE FOLLOWING COMMITTEE REPORTS:

13. 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. (CC 8/21/18)

No action was taken on this item. [See Agenda Item #23a].

14. Plan Commission meeting held on August 14, 2018

Item #6A & 6B It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve a Special Use Permit and Site Plans for Snappers Baseball Club, LLC, a proposed recreational sports club tenant, to be located within Spring Mall at 4260 S. 76th Street, 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 #22a.

Item #7A & 7B It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve a Special Use Permit and Site, Landscaping and Architectural Plans for a proposed Verizon Wireless communication antenna, to be located at the YMCA located at 11311 W. Howard Avenue, subject to Plan Commission and staff comments. Tax Key No. 566-9997-001.

Alderperson Kastner asked if the city has been contacted about putting in a gravel path to the corner intersection for safety reasons. Ms. Johnson said no.

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #22b.

15. Plan Commission meeting held on September 11, 2018

It was moved by Alderperson Kastner, seconded by Alderperson Akers, to approve the following, with the caveat that the flashing LED lights be removed [for Smoke World Vape]:

Item #4 Approve a Certified Survey Map to divide an existing parcel located at 7029 W. Chapman Avenue, subject to Plan Commission and staff comments. Tax Key No. 604-9931-000.

Item #5A & 5B Approve a Special Use Review and a Site Plan for Smoke World Vape, a proposed smokers' supply store, to be located within the existing multi-tenant commercial building at 4275 W. Layton Avenue, subject to Plan Commission and staff comments. Tax Key No. 621-9957-001.

For Item #4, Mayor Neitzke said the city has historically wanted this property owner (former Greenfield Alderperson Don Almquist) to put in 2 utility services; the subdivided lots do not meet all lot size requirements but are consistent with what is in that neighborhood.

On a roll call vote, motion carried unanimously.

16. Finance and Human Resources Committee meeting held on September 12, 2018

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

Item #3 Approve Public Health Intern (part-time) position job description within the Health Department

Item #4 Approve recruiting and hiring for the Public Health Intern (part-time), up to two positions

Item #5 Approve contract amendment between the State of Wisconsin Department of Health and Family Services and the Greenfield Health Department related to 2019 Consolidated Contract grant funding related to public health emergency preparedness

Item #6 Approve contract amendment between the State of Wisconsin Department of Health and Family Services and the Greenfield Health Department related to 2019 Consolidated Contract grant funding related to core public health services

Item #7 Approve contract allowing for the continuation of the Stockbox program

Item #7a Approve fund transfers between Engineering Division capital improvement accounts

Item #9 Approval of schedules of disbursements in the amount of \$881,947.22 and \$1,999,937.42

Item #10 Approval of mileage reimbursements in the amount of \$782.45 and \$855.04

Item #11 Approval of investments and reinvestments

Item #12 Accept July financial statements

On a roll call vote, motion carried unanimously.

17. City Clerk's Report

a. Resignation received from Denise Kunz from the Zoning Board of Appeals

b. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to adopt Resolution No. 3657:

RESOLUTION NO. 3657

RESOLUTION TO TEMPORARILY MOVE THE VOTING ROOM LOCATION AT WHITNALL HIGH SCHOOL (WARDS 9-12) FROM THE COMMUNITY BOARD ROOM TO THE MAIN GYM #162 FOR VOTING AND VOTER REGISTRATION FOR THE NOVEMBER 6, 2018 GENERAL ELECTION PURSUANT TO WIS. STATS. 5.25(3)

WHEREAS, pursuant to Section 5.25 (3) polling places shall be established at least thirty (30) days prior to an election; and

WHEREAS, the polling location for Wards 9-12 will remain at Whitnall High School, 5000 S. 116th Street; and

WHEREAS, the Community Board Room at Whitnall High School is too small to accommodate the high voter turnout anticipated for the November 6, 2018 General Election; and

WHEREAS, the voting and voter registration location will be moved to larger areas within the Whitnall High School building that can better accommodate voter turnout on Election Day; and

WHEREAS, the room for voting and voter registration will be the Main Gym #162 at Whitnall High School; and

WHEREAS, after the November 6, 2018 General Election is over, the voting location at Whitnall High School for future elections will resume in the Community Board Room, which is the usual voting location at Whitnall High School for Wards 9-12;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Greenfield that the voting and voter registration room be the Main Gym #162 for Wards 9-12 at Whitnall High School, for the November 6, 2018 General Election;

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 18th day of September, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

18. 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) (CC 6/19/18, CC 7/17/18, CC 8/21/18) – to be placed **ON THE NEXT AGENDA**

b. Mayor appointments:

(1) One alternate member to the Zoning Board of Appeals for a term to expire 5/1/21 (formerly Denise Kunz) – to be placed **ON THE NEXT AGENDA**

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

Jicha, Brianna L.-4773 S. 74th St.
Kleineider, Karen M.-6612 S. 27th St.
Kohlmann, Gary M.-W284 S3695 Partridge Ct.

Morgan, Jasmine A.-5202 W. Burnham St.
Muehlenberg, Scott A.-521 Brasted Pl.
Pape, Joseph P.-4035 S. 41st St.

Phelan, Rheannan N.-233 E. Pine Hollow Ln.
Schenk, Victoria L.-10248 W. Beloit Rd.
Schneider, Lauren J.-5210 S. Tuckaway Dr.

Talatzko, Miranda M.-7731 W. Plainsview Dr.
Towns, Jammie L.-11200 W. Cleveland Ave.
Wood, Owen M.-3228 W. Mulberry Dr.

Motion carried unanimously.

20. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve a change of agent from Jacqueline D. Stanley to Keith A. Nieze, 33905 31st St., Burlington, WI for Portillo's Hot Dogs LLC, 8705 W. Sura Ln. (Portillo's Hot Dogs). Motion carried unanimously.

21. It was moved by Alderperson Akers, seconded by Alderperson Kastner, to approve a Temporary Class "B" Retailer's License received from the Greenfield Firefighters Benevolence and Charities, to sell fermented malt beverages at a charity event to be held indoors on September 22, 2018 from 6 p.m. to 11 p.m. at 7215 W. Cold Spring Rd. Motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #22c.

22. Department of Neighborhood Services

- a. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to adopt Resolution No. 3655:

RESOLUTION NO. 3655

**SPECIAL USE PERMIT FOR SNAPPERS BASEBALL CLUB, LLC, A PROPOSED RECREATIONAL SPORTS CLUB TENANT, TO BE LOCATED WITHIN SPRING MALL AT 4260 S. 76 ST., SUBMITTED BY GREGORY ERCHULL, D/B/A ERCHULL LEGAL GROUP.
(TAX KEY NO. 571-8984-008)**

WHEREAS, Gregory Erchull, d/b/a Erchull Legal Group, 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 Snappers Baseball Club at 4260 S. 76 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 18, 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, Gregory Erchull, d/b/a Erchull Legal Group, representing Snappers Baseball Club, LLC, the lessee, has offices at 740 N. Plankinton Ave., Milwaukee, WI 53203.
2. The property is owned by Brixmor Spring Mall Limited Partnership, c/o Brixmor Property Group, 450 Lexington Ave., 13th Floor, New York, NY 10017.

3. Snappers Baseball Club, LLC will lease approximately 12,393 sq. ft. of the multi-tenant commercial building (Spring Mall) located at 4260 S. 76 St., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

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.

Tax Key No. 571-8984-008

Said land being located at 4260 S. 76 St.

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

5. The aforesaid premise is zoned C-4 Regional Business 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. 76 St. corridor that is developed for commercial uses. Properties to the north are developed as a utility corridor. Properties to the south and west are developed as commercial. Properties to the east are developed as residential.

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 Gregory Erchull, d/b/a Erchull Legal Group, to establish a fitness and recreational sports center at 4260 S. 76 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 Plan and all other applicable conditions approved by the Plan Commission on August 14, 2018 and by the Common Council on September 18, 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 Snappers Baseball Club will be 8:00am – 11:00pm, seven (7) days/week.
4. Off-Street Parking. The proposed fitness and recreational sports center requires 62 parking stalls. The remainder of the multi-tenant commercial building require 613 off-street parking stalls, for a total of 675 required off-street parking spaces. One thousand one hundred forty-three (1,143) 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.

Gregory Erchull, d/b/a Erchull Legal Group

John Hendrickson
Executive Vice President, President – Midwest, Brixmor Property Group

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 18th day of September, 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.

22b. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Resolution No. 3656:

RESOLUTION NO. 3656

SPECIAL USE PERMIT FOR A PROPOSED VERIZON WIRELESS COMMUNICATION ANTENNA, TO
BE LOCATED AT THE YMCA LOCATED AT 11311 W. HOWARD AVE., SUBMITTED BY KEITH
NYMAN, D/B/A NYMAN REAL ESTATE & APPRAISAL
(TAX KEY NO. 566-9997-001)

WHEREAS, Keith Nyman, d/b/a Nyman Real Estate & Appraisal, duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0703, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish a communication antenna at 11311 W. Howard Ave.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on September 18, 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, Keith Nyman, d/b/a Nyman Real Estate & Appraisal, agent of Verizon Wireless, has offices at 316 Water St., Lake Mills, WI 53551.
2. The property is owned by YMCA of Greater Waukesha County, Inc., 320 E. Broadway, Waukesha, WI 53186.
3. Verizon Wireless will construct a communication antenna in the parking lot at 11311 W. Howard Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

That part of the Northeast $\frac{1}{4}$ of Section 19, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin which is bounded and described as follows:

Commencing at a point at the Northwest corner of said $\frac{1}{4}$ Section; thence Southerly 602.35 feet to a point; thence Southeasterly along Easterly line of Wildcat Creek Heights, a recorded subdivision, to the centerline W Beloit Road (CTH T); thence Northeasterly along said centerline to its intersection with the centerline of S 112th Street; thence Northwesterly along the centerline of S 112th St to a point on the North line of said $\frac{1}{4}$ Section; thence West along said North line to the point of beginning. Excepting therefrom those parts taken for public street purposes.

Tax Key No. 566-9997-001

Said land being located at 11311 W. Howard Ave.

4. The applicant is proposing to construct a communication antenna, to be attached to a light pole within the YMCA parking lot.
5. The aforesaid premise is zoned I Institutional District under the Zoning Ordinance of the City of Greenfield, which permits commercial communication towers and antennas as a Special Use, pursuant to Sec. 21.04.0703, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.
6. The subject property is part of an area along W. Beloit Rd. that is developed for public or public-related uses. Properties to the north and east are developed as public park land. Properties to the south and west are developed as residential.
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 Keith Nyman, d/b/a Nyman Real Estate & Appraisal, on behalf of Verizon Wireless to construct a communication antenna at 11311 W. Howard 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. 21.04.0703 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 and all other applicable conditions approved by the Plan Commission on August 14, 2018 and by the Common Council on September 18, 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. Not applicable.
4. Off-Street Parking. Not applicable.
5. Signage. Not applicable.
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.

Keith Nyman, d/b/a Nyman Real Estate & Appraisal

Dale Moore, d/b/a Southwest YMCA

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 18th day of September, 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.

22c. It was moved by Alderperson Saryan, seconded by Alderperson Lubotsky, to approve an Outdoor Special Event Permit for Taptoberfest 4, an event to be located at The Brass Tap, 7808 W. Layton Ave., Oct. 5, 2018 – Oct. 7, 2018. Application includes the following combination of licenses/permits: Extend Licensed Premises (beer, live music, inflatables), Food, and Commercial Building. Motion carried unanimously.

22d. It was moved by Alderperson Bailey, seconded by Alderperson Kastner, to adopt Resolution No. 3658:

RESOLUTION NO. 3658

AUTHORIZING RESOLUTION FOR
A GRANT TO FUND
URBAN AND COMMUNITY FORESTRY

WHEREAS, the City of Greenfield is interested in obtaining a cost-share grant from Wisconsin Department of Natural Resources for the purpose of funding urban and community forestry projects specified in s. 23.097(1g) and (1r), Wis. Stats.;

WHEREAS, the City attests to the validity and veracity of the statements and representations contained in the grant application; and

WHEREAS, the City requests a grant agreement to carry out the project;

NOW, THEREFORE, BE IT RESOLVED, the City of Greenfield will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement;

BE IT FURTHER RESOLVED, the City will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers the Director of Neighborhood Services, its official or employee, to act on its behalf to:

1. Sign and submit the grant application
2. Sign a grant agreement between applicant and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement
4. Submit grant reimbursement request to the DNR
5. Sign and submit other required documentation

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 18th day of September, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Alderperson Bailey noted the money would be used to replace dead trees, primarily from the Emerald Ash Borer.

On a roll call vote, motion carried unanimously.

22e. Discussion and decision to award a contract for the Wildcat Creek Kulwicki Streambank Stabilization project (Katz)

Mayor Neitzke said the city received grants to help with the erosion between the bridge and Kulwicki Park and Highway 100. Internally, he has given authorization to go ahead with the project, because it is a long process. An agreement with Milwaukee County is expiring, but can be extended at the end of this year or early next year. He and Greenfield Parks & Recreation Director Scott Jaquish will be meeting with Guy Smith, the new Milwaukee County parks director, on Oct. 3, 2018, to discuss extending the contract. Mayor Neitzke believes Mr. Smith is willing to extend it. A long-term extension is desirable because there are commitments from the Ridge Community Church and others to help fund a path to provide access to the park and more parking. The city then also could start tackling bigger issues such as drainage and dead trees.

Mayor Neitzke said the city has asked the Milwaukee Metropolitan Sewerage District to take over jurisdiction of Wildcat Creek. If the city can get this in good shape, the MMSD is much more likely to take it over.

Department of Neighborhood Services Director Jeff Katz said the grant will pay for 100% of the erosion stabilization work.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to award a contract for the Wildcat Creek Kulwicki Streambank stabilization project to the low bidder, Applied Ecological Services, for an amount not to exceed \$73,550.92. On a roll call vote, motion carried unanimously.

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

23. City Attorney's Report

- a. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to adopt Ordinance No. 2906:

ORDINANCE NO. 2906

ORDINANCE TO AMEND SECTION 21.04.0603 OF THE MUNICIPAL CODE PERTAINING TO
OTHER PERSONAL CARE SERVICES

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	GFP	SW
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}
812199	Other Personal Care Services (*Baths, steam or Turkish; day spas; massage parlors; saunas; steam baths; tattoo parlors; Turkish bathhouses; Turkish baths)	S	S	S	S	S		S	S			S						

•		Zoning District Classification																
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}
812199	Other Personal Care Services (*Color consulting services; depilatory salons; ear piercing services; electrolysis salons; hair removal services; hair re placement services; hair weaving services; makeup salons, permanent; scalp treating services; sun tanning salons; tanning salons)	P	P	P	P	P		P	P			P						

* * *

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 18th day of September, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

Discussion ensued over whether associated Agenda Item #13 (Item #4) needed to be approved; City Attorney Brian Sajdak said it was unnecessary.

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

- b. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, for the Common Council to go into closed session at 7:46 p.m. pursuant to Wisconsin Statutes, Section 19.85(1)(b) & (f) for the following:

(1) Considering licensure, social or personal history, or medical information for purposes of issuing licenses and other related City licenses and permits involving the following:

An operator license to Mesha L. Bates

On a roll call vote, motion carried unanimously.

- c. It was moved by Alderperson Bailey, seconded by Alderperson Akers, to adjourn closed session at 8:02 p.m. and reconvene into open session. Motion carried unanimously.
- d. It was moved by Alderperson Bailey, seconded by Alderperson Saryan, to approve issuance of a 2018-2019 operator license to Mesha L. Bates. On a roll call vote, motion carried unanimously.

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

24. Items for future agenda - none

25. It was moved by Alderperson Bailey, seconded by Alderperson Lubotsky, to adjourn the meeting at 8:08 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: September 20, 2018