

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON TUESDAY, DECEMBER 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	Excused
	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 Pastor Steve Rogers.
3. Pledge of Allegiance
4. It was moved by Aldersperson Lubotsky, seconded by Aldersperson Bailey, to approve the December 4, 2018 Common Council minutes. Motion carried unanimously.
5. Mayor's Report –Mayor Neitzke welcomed attending Boy Scouts, and thanked the Greenfield High School choirs for singing at the holiday tree lighting ceremony.
6. Aldermanic Reports – none.
7. Announcements – Henderson's Ride for Hope will be at Konkell Park in June 2019, featuring former Green Bay Packers player William Henderson, music, and activities. Jansen Fest will sponsor the Moving Wall (a Vietnam Veterans Memorial replica) in 2019. Ethan's Run, a 5K run, will be held in 2019 to raise awareness of opioid addiction.
8. Citizen Commentary – none.

At this time, Mayor Neitzke proceeded with Agenda Item #10.

9. 7:10 p.m. Public hearing on Ordinance to amend Section 21.04.0800 of the Municipal Code pertaining to Accessory and Temporary Uses.

Mayor Neitzke announced people could sign up to speak; no one did so. It was moved by Aldersperson Kastner, seconded by Aldersperson Bailey, to close the public hearing at 7:13 p.m. Motion carried unanimously.

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

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

COMMON COUNCIL TO TAKE ACTION ON THE FOLLOWING COMMITTEE REPORTS:

10. Plan Commission meeting held on December 11, 2018

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

Item #4 Approve Site and Architectural Plans for construction of a garage at Fire Station No. 2, located at 4333 S. 92 Street, subject to Plan Commission and staff comments. Tax Key No. 607-9982-009.

Item #6 Approve Site, Landscaping and Architectural Plans for proposed new construction of Fresenius Kidney Dialysis Center, to be located at 5125 W. Morgan Avenue, subject to Plan Commission and staff comments. Tax Key No. 622-0006-000.

Item #9A & 9B Approve a Special Use Review and Site Plan for a proposed restaurant, El Chivolin, to be located at 4171 S. 76 Street, subject to Plan Commission and staff comments.

Item #11 Approve Site and Landscaping Plans for the demolition of a single-family house and proposed site design for commercial use of the property located at 4969 S. 27 Street, subject to Plan Commission and staff comments. Tax Key No. 622-0006-000.

Relating to Item #6, Alderperson Kastner asked if an agreement was reached concerning a fence. Kurt Klapperich, a CBRE representative for the seller and buyer, said the neighbors' consensus was for the chain link fence to come down on three sides, and for the area to be landscaped.

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #9.

11. Finance and Human Resources Committee meeting held on December 12, 2018

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

Item #3 Approve transferring unused 2018 funds from the Community Development Authority account and the Plan Commission account to a project to be used in 2019

Item #4 Approve contract to Administer the Retail Food and Recreational Programs for the Wisconsin Department of Agriculture, Trade and Consumer Protection

Item #5 Approve Data Use Agreement for Vital Records Data between the Wisconsin Department of Health Services, Division of Public Health, and the Greenfield Health Department

Item #6 Approve transferring funds from City Hall maintenance and operation accounts to capital accounts for replacing city hall exterior entrance doors and carpet

Item #7 Approve transferring up to \$50,000 from 2018 Station 1 Building Account funding to Capital Equipment – Fire Station Building Maintenance

Item #9 Approve disbursements in the amount of \$1,512,061.57

Item #10 Approve mileage in the amount of \$620.28

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #12.

Item #16 It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve an agreement to set the salaries and benefits of Sergeants in the City of Greenfield Police Department for 2019. On a roll call vote, motion carried unanimously.

Item #18 It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to approve Resolution No. 3667:

RESOLUTION NO. 3667

RESOLUTION TO SET THE SALARIES AND BENEFITS OF NON-REPRESENTED AND
COMMAND STAFF EMPLOYEES OF THE CITY OF GREENFIELD FOR 2019

RESOLVED, By the Common Council of the City of Greenfield, that the 2019 resolution to set the salaries and benefits of non-represented and command staff employees of the City of Greenfield for 2019 is approved.

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

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

Item #19 It was moved by Alderperson Lubotsky, seconded by Alderperson Saryan, to approve Resolution No. 3668:

RESOLUTION NO. 3668

RESOLUTION TO SET THE SALARY AND BENEFITS
OF THE CITY ATTORNEY FOR 2019

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

PART II. The wages and salaries of the following officers and employees shall be adjusted in accordance with the 2019 Non-Represented and Command Staff salary resolution.

	ANNUAL SALARY
<u>NON-REPRESENTED EMPLOYEES</u>	<u>Eff. 1/7/19 (2% increase)</u>
City Attorney	\$47,709

SALARY COMPUTATION Salary is computed at an annual rate.

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

PART III. BENEFITS: The City Attorney shall receive health insurance benefits, or Opt Out alternative, and is eligible to participate in a Section 125 medical reimbursement plan. The City Attorney will pay twelve and six/tenths percent (12.6%) per month toward the applicable single or family amount, based on the actual monthly premium costs of the health insurance, calculated to the nearest dollar. The City will provide an expense allowance up to \$6,400 dollars (six thousand four hundred dollars) annually. Consistent with how other expense reimbursements are handled, the expense allowance would be pre-tax if monthly bills are submitted, or on an after tax basis if bills are not submitted.

PART IV. PROBATIONARY EMPLOYEES

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

PART V. NOTICE OF TERMINATION

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

PART VI. SAVINGS CLAUSE

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

PART VII. EQUAL OPPORTUNITY EMPLOYMENT

It shall continue to be the policy of the City not to discriminate for or against any employee in employment, promotions or other conditions of employment because of age, race, color, creed, disability,

veteran status, sex, national origin, ancestry, sexual orientation, arrest or conviction record, and any other legally protected class.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 18th day of December, 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 with Agenda Item #16c.

12. City Clerk's Report

- a. It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve renewing the City's insurance package for 2019 through R & R Insurance; liability with the League of Wisconsin Municipalities Mutual Insurance (LWMMI), property and boiler and machinery with Chubb; workers comp with United Heartland, crime with Hanover, and storage tanks with Nautilus; and authorize the Mayor to sign paperwork for the self-insured retention and terrorism risk insurance (Nautilus and Chubb). On a roll call vote, motion carried unanimously.

Alderperson Kastner asked if a quote had been obtained to go up to \$10 million in coverage. City Clerk Jennifer Goergen said she and Finance Director Paula Schafer would do so before budgeting next year, as well as consider whether various deductible options were worthwhile after examining the number and dollar amount of claims the city incurs.

13. Appointments to various committees and commissions:

- a. Mayor appointments, confirmed by Council:

- (1) One member to the Zoning Board of Appeals for a term to expire 5/1/20 (formerly Donald Kopp) (CC 10/2/18, 10/16/18, 11/7/18, 11/20/18, 12/4/18) – to be placed on the **NEXT AGENDA**.
- (2) Two alternate members to the Board of Review for a term to expire 5/1/23 (newly created positions) (CC 11/7/18, 11/20/18, 12/4/18) – 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) (CC 9/18/18, CC 10/2/18, CC 10/16/18, CC 11/7/18, CC 11/20/18, 12/4/18) – to be placed on the **NEXT AGENDA**.

14. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to approve issuance of an

operator license to the following:

Alvarez Espinoza, Francisco – 1645 S. 32nd St.
Arenas, Claudia – 4955 W. Forest Home Ave.
Armstrong, Jacolyn R. – 10115 W. Cold Spring Rd.

Diefenbach, Joseph H. – 5431 S. Tuckaway Ct.
Kapp, Katherine E. – 1820 N. 59th St.
Lawson, Alexander R. – 8555 W. Waterford Ave.

Motion carried unanimously.

15. It was moved by Alderperson Bailey, seconded by Alderperson Kastner, to approve a change of agent for Walgreen Co., 4688 S. 108th St., on its Class “A” Fermented Malt Beverage License from Ronald Matthew Heite to Amy Streekstra, N88 W15130 Cleveland Ave. (Walgreens #04827). Motion carried unanimously.

16. It was moved by Alderperson Kastner, seconded by Alderperson Bailey, to approve a 2018-2019 “Class B” Fermented Malt Beverage and Liquor License for El Chivolin Restaurant LLC, Francisco Alvarez Espinoza, Agt., for the property located at 4171 S. 76th St. (used for consumption, storage in cooler, drink table areas, restaurant area) (El Chivolin Restaurant).

Mayor Neitzke noted the applicant would need to apply to Plan Commission if he desires to add an outdoor patio to the premises description in the future.

Motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #11 (Item #16).

16b. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve an extension of the Memorandum of Understanding between the City of Greenfield Health Department & City of Franklin Health Department for the Provision of Interim Health Officer. On a roll call vote, motion carried unanimously.

Attorney Greg Rogaczewski will provide legal review of the extension document, since City Attorney Brian Sajdak also represents the City of Franklin and would have a conflict of interest.

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

16c. It was moved by Alderperson Lubotsky, seconded by Alderperson Kastner, to adopt Resolution No. 3669:

RESOLUTION NO. 3669

RESOLUTION APPROVING 2019-2021 AGREEMENT BETWEEN THE CITY OF GREENFIELD AND THE POLICE SUPERVISORS’ ASSOCIATION

RESOLVED, By the Common Council of the City of Greenfield, that the 2019-2021 agreement between the City and the Police Supervisors’ Association, as attached, is approved.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 18th day of

December, 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 with Agenda Item #20.

17. Department of Neighborhood Services

- a. Adopt ordinance to amend Section 21.04.0800 of the Municipal Code pertaining to Accessory and Temporary Uses.

Mayor Neitzke said the ordinance affects portions of the municipal code dealing with carports and temporary structures, but the ordinance is primarily designed to remove decks from being classified as an accessory use. Properties are limited to having two accessory uses and many people reach that limit by having both a garage and a shed.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Ordinance No. 2920 “as presented and amended” [the amendments were not stated]:

ORDINANCE NO. 2920

ORDINANCE TO AMEND SECTION 21.04.0800 OF THE MUNICIPAL CODE PERTAINING TO
ACCESSORY AND TEMPORARY USES

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

PART I. SECTION 21.04.0801 of the Municipal Code is hereby amended as follows:

A. *Accessory uses and structures.* Accessory uses and structures are permitted in any zoning district but not until the principal use or structure is present or under construction on the lot or parcel. Residential accessory uses and structures shall not involve the conduct of any business, trade, or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; and private emergency shelters. Portable/temporary carports, or roofed, wall-less canopy-like structures, detached from a principal building, are not permitted accessory structures. Decks are not considered accessory structures, but do require permits.

* * *

B. *Location and maximum area.* No part of an accessory building shall be within the front yard. No part of an accessory structure shall be located within a required side yard or rear yard, except:

1. *Required minimum distance.* When an alley exists, no part of an accessory structure shall be closer than five (5) feet to the right-of-way line of said alley. When a side yard is on a corner lot, no part of an accessory structure shall be closer than the minimum corner lot side yard setback within that applicable zoning district.

* * *

3. *Area of garage.* In R-1, R-2 and R-2A single-family lots only one (1) of the accessory buildings may be a garage up to one thousand (1,000) square feet and in R-3 and R-3A single-family lots one (1) garage up to eight hundred (800) square feet. In R-4, R-4A and R-4B duplex lots both accessory structures may be garages up to six hundred (600) square feet or if single-family lot one (1) garage up to eight hundred (800) square feet. The one thousand (1,000) square foot garage may be seventeen (17) feet high in lieu of the fifteen (15) foot maximum height for eight hundred (800) square foot garages.

* * *

PART II. SECTION 21.02.0103 of the Municipal Code is hereby amended as follows:

* * *

An “accessory structure or use” includes, but is not limited to, the following:

- a. A child's playhouse [greater than fifty (50) square feet in area and/or six (6) feet in height], garden house, or private greenhouse;
- b. A garage, shed, or building for domestic storage or gardening/greenhouse use;
- c. Incinerators incidental to residential use;
- d. Storage of merchandise normally carried in stock on the same lot or parcel with any retail service or business use, unless such storage is excluded by the district regulations;
- e. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
- f. Off-street motor car parking areas, and loading and unloading facilities;
- g. Carports;
- h. Signs (other than advertising signs), in conformity with the provisions of an Ordinance known as the Sign Ordinance (Sign Code) heretofore adopted by the City of Greenfield and as amended from time to time;
- i. Public utility facilities—telephone, electric, gas, water, and sewer lines, their supports and incidental equipment;
- j. Gazebo. (Cr. #2430)

* * *

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

PART V. 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 December, 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 with Agenda Item #11.

17b. It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to adopt Resolution No. 3670:

PRELIMINARY RESOLUTION NO. 3670
PROJECT 2010 #8

WHEREAS, it is proposed to improve by the installation of storm sewer, storm sewer service laterals, sanitary sewer main, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete public sidewalks, concrete service walks, concrete curb/gutter, concrete or bituminous concrete (asphalt) pavement, street lighting, and street trees on various streets in the City of Greenfield as hereinafter described;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Greenfield;

1. That in the judgment of said Common Council, it is expedient and necessary for the best interest of said City and the property affected thereby, that:

<u>IN</u>	<u>FROM</u>	<u>TO</u>
West Morgan Avenue	South 43rd Street	West Forest Home Avenue
South 48th Street	West Morgan Avenue	90' south of West Morgan Avenue
South 49th Street	West Morgan Avenue	210' south of West Morgan Avenue

be improved by the installation of storm sewer, storm sewer service laterals, sanitary sewer main, sanitary sewer service laterals, water main, water service laterals, concrete driveway approaches, concrete or asphalt driveway replacement, concrete public sidewalks, concrete service walks, concrete curb/gutter, concrete or bituminous concrete (asphalt) pavement, street lighting, and street trees.

2. That the Common Council declares its intention to exercise its police powers to levy special assessments under Section 66.0703, Wisconsin Statutes, upon property for the foregoing municipal purposes. The limits of the proposed assessment district are as follows:

**Parcels of Real Estate Identified by
Tax Roll Key Numbers as Follows:**

530-1199-701	531-0293-001	531-1224-001	555-1009-000	555-1028-000	555-1043-000
530-8998-001	531-0629-002	531-1224-002	555-1010-000	555-1029-000	555-1048-000
530-8999-002	531-0629-004	531-1225-000	555-1011-000	555-1030-000	555-1049-000
531-0239-001	531-0629-005	531-1226-000	555-1012-000	555-1031-000	555-1050-000
531-0282-001	531-1116-000	531-1227-000	555-1013-000	555-1032-000	555-1053-000
531-0284-002	531-1155-000	531-1228-000	555-1018-000	555-1033-000	555-8992-003
531-0286-001	531-1219-000	531-1229-000	555-1019-000	555-1038-000	556-9000-008
531-0290-003	531-1220-000	531-1230-000	555-1020-000	555-1039-000	556-9000-009
531-0290-004	531-1221-000	531-1231-000	555-1021-000	555-1040-000	556-9000-011
531-0291-001	531-1222-000	555-1000-000	555-1022-000	555-1041-000	556-9000-012
531-0292-001	531-1223-000	555-1004-000	555-1023-000	555-1042-000	

3. That the Common Council declares that all assessments may be paid either: in one (1) payment by the established due date; or on the next succeeding tax roll with interest; or in ten (10) annual installments with interest.

4. The total amount assessed against each parcel in the assessment district shall be upon a reasonable basis as determined by the Common Council.

5. That the City Engineer or his designee is hereby directed to prepare the Report as described in Section 66.0703(4), Wisconsin Statutes.

Said City Engineer or his designee shall file in the City Clerk's office such Report and Notice shall be given and a Hearing conducted by the Board of Public Works in accordance with the provisions of Section 66.0703(7)(a), Wisconsin Statutes.

Said Notice shall be delivered or mailed to any person who has an owner's interest in said premise abutting on the proposed improvement, so far as their addresses are known.

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

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Mayor Neitzke said funding for this project is from the federal government, administered by the state. Funding was delayed several times, then pulled, but the city was fortunate to receive the money back. The Mayor thanked the City of Milwaukee for allowing Greenfield to complete this project.

On a roll call vote, motion carried unanimously.

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

18. City Attorney's Report

Council did not go into closed session, pursuant to Wisconsin Statutes, Section 19.85(1)(c), to consider the following [as no one felt there was a need for discussion]:

- a. Discussion of specific personnel problems as related to personnel matters (Mayor Neitzke)
- b. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (wages, insurance, or investing of public funds) (J. Foley)

19. No action necessary, due to explanation in Item #18.

20. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve an agreement between the City of Greenfield and Wisconsin Professional Police Association/Leer Division. On a roll call vote, motion carried unanimously.

21. It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to approve an agreement between the City of Greenfield and International Association of Fire Fighters AFL-CIO-Local 1963. On a roll call vote, motion carried unanimously.

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

22. Decision to follow Police & Fire Commission recommendation to appoint Acting Police Chief effective January 8, 2019 and set salary consistent with 2019 Non-Represented Resolution.

Mayor Neitzke said Police Chief Brad Wentlandt is retiring January 8, 2019; the Fire & Police Commission recommends appointing Dave Patrick as Acting Police Chief effective on that date and recommends the salary be set consistent with the 2019 Non-Represented Resolution, which has a salary range.

He and the Human Resources Director recommend increasing Mr. Patrick's current salary by roughly 5%, placing it around the middle of the salary range for Police Chief, effective January 8, 2019. The Fire & Police Commission will begin seeking a permanent replacement for Police Chief in January. If Mr. Patrick ultimately is appointed as Police Chief, the salary would be revisited. If another candidate is selected, his salary would return to its existing level (still including the normal pay increase for 2019).

It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to concur with the recommendation of the Fire & Police Commission and to set the salary at 5% above the Assistant Chief's current salary while he acts in the role of Acting Police Chief, effective January 8, 2019. On a roll call vote, motion carried unanimously.

Alderson Bailey said this is well deserved; Dave Patrick has been with the city nearly 30 years and is a very fine individual. Mayor Neitzke said Mr. Patrick has accepted the position of Acting Police Chief, subject to the setting of the salary this evening.

On a roll call vote, motion carried unanimously.

23. Items for future agenda – a 2019 bond issue; financial audit results; a constituent request for a referendum on the “Dark Store” assessment issue; constituent concerns about safety with fire trucks exiting onto S. 92nd St.

24. It was moved by Alderson Bailey, seconded by Alderson Saryan, to adjourn the meeting at 7:47 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

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