

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, OCTOBER 15, 2019

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

A. ROLL CALL:	Alderson Lubotsky	Present
	Alderson Bailey	Present
	Alderson Akers	Excused
	Alderson Saryan	Present
	Alderson Kastner	Present

ALSO PRESENT:	Kristi Johnson	Community Development Manager
	Jennifer Goergen	City Clerk

B. Opening Prayer – An opening prayer was given by Pastor Steve Rogers.

C. Pledge of Allegiance

D. It was moved by Alderson Saryan, seconded by Alderson Lubotsky, to approve the October 1, 2019 Common Council minutes. Motion carried unanimously.

E. Mayor's Report - none

F. Aldermanic Reports - none

G. Announcements – none

H. Citizen Commentary – Julie Rome, president of Dan Jansen Family Fest, thanked the Council and the Parks & Recreation Dept., the Dept. of Public Works, and the Fire and Police Departments for their support of the Moving Wall which came to Konkel Park this past summer. In appreciation, she presented plaques to the departments and to the Mayor, and challenge coins to each Alderson and the Mayor. Ms. Rome said over 40,000 people visited the Moving Wall in Greenfield.

Ms. Rome said Dan Jansen Family Fest is celebrating its 25th Anniversary, and over the years has helped Greenfield with many big projects, including the Moving Wall, park improvements, the fountain near the police and fire departments, and the Community Center. She introduced her board members to the Council. She then presented a \$7,000 donation to the city for an ice skating rink at Konkel Park and a \$20,000 donation to the Police Department to replace a canine unit.

I. Old Business

1. Appointments to various committees and commissions:

a. Council appointments:

i. A.D. #3

One member to the Park & Recreation Board for a term to expire 5/31/22 (formerly Michael McElligott) – to be placed on **NEXT AGENDA**

b. Mayor appointments, confirmed by Council:

i. One member to the Board of Review for a term to expire 5/1/21 (formerly Gregory Krog) – to be placed on **NEXT AGENDA**

ii. One alternate member to the Board of Review for a term to expire 5/1/24 (newly created position) – to be placed on **NEXT AGENDA**

iii. One member to the Zoning Board of Appeals for a term to expire 5/1/20 (formerly Donald Kopp) – to be placed on **NEXT AGENDA**

iv. One member to the Tree Commission for a term to expire 5/1/21 (formerly Michael Wendt) – to be placed on **NEXT AGENDA**

c. Mayor appointments:

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

J. New Business

1. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Ordinance No. 2942:

ORDINANCE NO. 2942

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 13
OF THE GREENFIELD MUNICIPAL CODE
CHANGING PERSONAL HISTORY SEARCH TO BACKGROUND CHECK

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

PART I. Various Sections of Chapter 13 of the Greenfield Municipal Code are hereby amended as follows:

The word “personal history search” is hereby changed to “background check” wherever it appears within Chapter 13 of the Greenfield Municipal Code.

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.

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

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

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

2.-3. It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to adopt Ordinance No. 2943 and Ordinance No. 2944:

ORDINANCE NO. 2943

**AN ORDINANCE REPEALING SECTION 13.02 (4) (c)
OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO ADDITIONAL FEES**

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

PART I. Section 13.02 (4) (c) of the Greenfield Municipal Code is hereby repealed:

(c) *Additional fees.* Whenever a personal history search is required prior to the issuance of a City license or permit, an additional \$8.00 for each personal history search to be conducted shall be collected by the City Clerk.

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 15th day of October, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

ORDINANCE NO. 2944

AN ORDINANCE AMENDING AND CREATING VARIOUS SECTIONS
OF 3.12 OF THE GREENFIELD MUNICIPAL CODE RELATING TO FEE SCHEDULES

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

PART I. Section of 3.12 (3) of the Municipal Code is hereby amended to read as follows:

6. Operators..... \$50.00

PART II. Section 3.12 (3) of the Municipal Code is hereby created to read as follows:

BACKGROUND CHECK..... \$10

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 15th day of October, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

4. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Ordinance 2945:

ORDINANCE NO. 2945

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 13
OF THE GREENFIELD MUNICIPAL CODE
REQUIRING THE CITY CLERK'S OFFICE CONDUCT BACKGROUND CHECKS

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

PART I. Various Sections of Chapter 13 of the Greenfield Municipal Code are hereby amended as follows:

13.03 (13) (a) *Application*. An operator's license as provided by §125.17, Wis. Stats., may be issued by the City Council upon payment of the fee in section 3.12(3). Written application shall be filed with the City Clerk. The applicant must file with their application evidence of having successfully completed a responsible beverage server training course within the past 2 years unless the applicant fulfills one of the requirements, per the statutes, and provided proof of such. The City Clerk's office conducts a background check on each applicant. No license shall be granted to a person under the age of 18.

13.04 (5) (a) *Investigation*. Upon receipt of an application and fee, the City Clerk's office conducts a background check for the applicant and each seller included on the supplemental list. The Clerk shall issue the license if the results are satisfactory.

13.04 (5) (b) The City Clerk's office must contact the applicant to file a corrected application if the answer to the question on the application does not match the background check results. The City Clerk shall not license the applicant if there are concerns with the background check results; if complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with applicable provisions of subsection (5)(b).

13.04 (8) *Records*. Upon receipt of an application and fee, the City Clerk's office shall conduct a background check for the applicant and each seller included on the supplemental list. The City Clerk shall consult the City Attorney if there are concerns with an applicant's record.

13.07 (4) (b) *Background Check*. Upon receipt of an application and fee, the City Clerk's office shall conduct a background check for the applicant and all persons listed on the supplemental list.

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.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

5. It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to adopt Ordinance No. 2946:

ORDINANCE NO. 2946

AN ORDINANCE AMENDING SECTION 13.03 (17) (a)
OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO OFF-PREMISES CONSUMPTION
BY CLASS B LICENSE HOLDERS

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

PART I. Section 13.03 (17) (a) of the Greenfield Municipal Code is hereby amended to read as follows:

- (a) Class B license holders are permitted to sell intoxicating liquor and/or fermented malt beverages in the original package or container in any quantity for consumption off the premises where sold. This paragraph does not apply to a winery that has been issued a "Class B" license.

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 15th day of October, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

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

Cannizzaro, Tina M.-4965 Sutton Ln.
Moralez, Brenna L.-714 W. Bruce St.

Rawlings, John T.-7321 W. Burleigh Rd.

Motion carried unanimously.

- 7.-10. It was moved by Alderperson Lubotsky, seconded by Alderperson Saryan, to approve issuance of Temporary Class “B” Retailers Licenses to the Harley Owners Group – Milwaukee Chapter to sell fermented malt beverages at the following events:

The Oktoberfest event to be held indoors on October 26, 2019 from 9 a.m. to 4 p.m. at 6221 W. Layton Ave.

The Store and Pour event to be held indoors on November 1, 2019 from 9 a.m. to 8 p.m. at 6221 W. Layton Ave.

The Store and Pour event to be held indoors on November 8, 2019 from 9 a.m. to 8 p.m. at 6221 W. Layton Ave.

and

to approve a change of agent from Keith A. Nieze to Thomas Montemurri, 1507 N. Marshall St., Milwaukee, WI for the Class “B” beer license held by Portillo’s Hot Dogs LLC, 8705 W. Sura Ln. (Portillo’s Hot Dogs), and to approve the request to amend its premises description to:

Patrons may only purchase beer at the bar/catering area, with the keg under the counter and properly labeled beer tap handles. There is no bar service to tables in the restaurant. Consumption of the beer is on the premises in the main dining room and the outdoor patio. The storage of beer inventory is in the walk in cooler on the premises. The records regarding alcohol will be kept at the corporate office at 2001 Spring Rd, Suite 400, Oak Brook, IL 60523 as well as an electronic copy at the premises.

Motion carried unanimously.

11. It was moved by Alderperson Bailey, seconded by Alderperson Saryan, to approve funding the demolition of the home at 9137 W. Waterford Ave and contracting with the lowest bidder, D&H Demolition, LLC and Environet, Inc., in an amount not to exceed \$25,000.

On a roll call vote, motion carried unanimously.

12.-14. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to approve the following Finance & Human Resources Committee items:

Approve fund transfers between Engineering Division capital improvement accounts.

Approve schedule of disbursements in the amount of \$3,010,575.13.

Approve mileage reimbursements in the amount of \$1,175.20.

On a roll call vote, motion carried unanimously.

15. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve a Certified Survey Map to combine two existing parcels located at Advanced Camping Sales, 6606 W. Layton Avenue, subject to Plan Commission and staff comments. (Tax Key Nos. 603-9944-000 and 603-9945-000). On a roll call vote, motion carried unanimously.

16. It was moved by Alderperson Saryan, seconded by Alderperson Lubotsky, to adopt Resolution No. 3710:

RESOLUTION NO. 3710

**RESOLUTION ACCEPTING OWNERSHIP, BY QUIT CLAIM DEED, FROM THE WISCONSIN DEPARTMENT OF TRANSPORTATION, TO THE CITY OF GREENFIELD, FOR 2.30 ACRES OF LAND, KNOWN AS "THE TURF PARCEL," LOCATED AT
4275, 4261 AND 4267 W. LOOMIS RD.
(PART OF TAX KEY NOS. 600-9956-003, 600-9955-003 AND 600-9955-004)**

WHEREAS, the Wisconsin Department of Transportation ("WisDOT") owns 2.30 acres of land located at 4275, 4261 and 4267 W. Loomis Rd. (Part of Tax Key Nos. 600-9956-003, 600-9955-003 and 600-9955-004) (the "Property"); and

WHEREAS, the Property includes the site of the former Turf Skate Park; and

WHEREAS, the Turf Skate Park was, in its day, the premier skateboarding destination in the Midwest, drawing appearances by numerous legendary skaters including Tony Alva, Jason Jessee, Lester Kasai, Mike Vallely, Lance Mountain and Tony Hawk; and

WHEREAS, based upon its historical significance, the City has interest in acquiring the Property for the purpose of creating a public park; and

WHEREAS, WisDOT and the City agree to the transfer of the Property to the City subject to the following terms:

- a. WisDOT shall transfer the Property to the City by quit claim deed for One Dollar (\$1.00).
- b. Should the Property be used for anything other than a park in the future, WisDOT shall have the option to repurchase the Property for One Dollar (\$1.00).

- c. The Property shall have no driveway access to Loomis Road.
- d. No park shall be opened upon the Property until an appropriate cross-access agreement with the property to the north and/or east of the Property.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield as follows:

1. That the Common Council of the City of Greenfield, hereby approves and accepts the transfer of the Property upon the terms substantially identified above.
2. That the City Attorney be and is hereby authorized to make such substantive changes, modifications, additions and deletions to and from the various provisions of the Quit Claim Deed, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.
3. That the Mayor and City Clerk are authorized, on behalf of the City of Greenfield, to execute any documents necessary to effectuate the transfer.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 15th day of October, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Mayor Neitzke said the Turf was “the Lambeau Field of skate parks” and efforts to restore it have been going on for 10 years. The DOT used the land for construction storage and staging, delaying the effort, but with receipt of the deed, the goal now is to privately raise money to create the skate park. Funding from the 27th Street Business Improvement District (BID) and Cobalt have funded preliminary planning/design work by the University of Wisconsin School of Urban Planning and Architecture. The Mayor said Tara Cavazos of the 27th Street BID has created a fundraising mechanism and social media effort to raise money. Mayor Neitzke described public support for the project, his excitement over obtaining the land, and donated the dollar to pay the DOT for the quitclaim deed.

On a roll call vote, motion carried unanimously.

K. Items for future agenda – budget, health insurance

L. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk