

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON
TUESDAY, NOVEMBER 19, 2019

A. Call to Order & Roll Call

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

Present: Alderperson Lubotsky, Alderperson Bailey, Alderperson Akers, Alderperson Saryan, Alderperson Kastner.

Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Kristi Johnson, Community Development Manager; Paula Schafer, Finance Director; and Sheryl Hartman, Deputy Clerk.

B. Opening Prayer

An opening prayer was given by Chaplain Timothy Vik.

C. Pledge of Allegiance

D. Motion by Alderperson Bruce Bailey, seconded by Alderperson Karl Kastner, to approve the November 5, 2019 Common Council minutes. Motion carried unanimously.

E. Mayor's Report

Mayor Neitzke welcomed a Boy Scout (Wyatt) working on his communications merit badge. The ice skating rink at Konkel Park is expected to open in mid-December. Check out the city's website for a listing of upcoming Christmas events. Be safe for hunting season.

F. Aldermanic Reports

Alderperson Bailey said the City Forester is working with the Department of Neighborhood Services on a notification process so residents will know in advance when trees will be planted in their neighborhoods. He said some 350 trees have been planted this fall. They are seeking funding for tree planting in conjunction with the Morgan Ave. road project.

Mayor Neitzke is meeting with the Beautification Committee and staff to work on being designated as a bird, bee and butterfly city.

G. Announcements

Alderperson Saryan said food donations can be given to the Salvation Army, or to First Weber Realtors, 10521 W. Layton Ave., Monday - Friday from 9 a.m. to 6 p.m., Saturday from 9 a.m. to noon. The Salvation Army will host a Coats for Kids distribution on November 22 and 23 from 9 a.m. to 3 p.m. at 5880 N. 60th St., Milwaukee. For more information, call 414-464-2940.

Mayor Neitzke said the city is continuing to collect leaves. Alderperson Akers said residents also can drop off their leaves at the Division of Public Works [4551 S. 52nd St].

Alderperson Lubotsky said Greenfield Hawk's drama is presenting "The Doctor In Wonderland" on Thursday, November 21, at 6 p.m.; Friday, November 22, at 7 p.m.; Saturday, November 23 at 7 p.m.; and Sunday, November 24, at 2 p.m. Tickets are \$5 at the

door.

H. Citizen Commentary

Nate Austin and Brian Jongetjes from John's Disposal Services Inc. signed up but did not speak.

I. Public Hearings

1. Public hearing on the proposed 2020 budget

Mayor Neitzke said this year's budget is flat across the board, except that money was shifted to create a full-time position to assist Kent Perleberg in the Parks and Recreation Department. Many actions are restricted by the levy limit. This year's levy limit could not increase by more than 2.47%, which would boost tax revenues by roughly \$707,000. But rising health insurance and a 2% wage increase used about \$680,000 of that. Approximately \$27,860 was available for new spending. Meanwhile, costs continue to go up. For instance, salt prices used to be \$30 - \$50 per ton and are now \$60 - \$80 per ton. Increases have to be absorbed in some way, for example through less overtime, or delaying hiring. The state under the Expenditure Restraint Program calculated the city could raise its spending by up to \$1.1 million, but with increased tax revenues of \$707,000, the city would fall short of that total by some \$400,000. If city goes over its levy limit, its state aids are reduced. If the city doesn't maximize the expenditures the state says the city should make, some \$650,000 in aid from the Expenditure Restraint Program is forfeited. Health insurance initially was projected at a very large increase. Thankfully, the city was able to find a comparable health insurance plan at less cost, Mayor Neitzke said.

Discussion followed about assessed property values for Kindred hospital, Spring Mall, and Walmart, and the "dark store" assessment issue.

Finance Director Paula Schafer distributed a handout showing revisions to the proposed budget, due to an increase in state transportation aid of \$128,000. There was no discernible impact on the budget.

No one spoke for or against the budget during the public hearing.

Motion by Alderperson Karl Kastner, seconded by Alderperson Shirley Saryan, to close the public hearing on the proposed 2020 Budget. Motion carried unanimously.

- a. Decision regarding 2020 budget and adoption of resolution levying property taxes
Motion by Alderperson Karl Kastner, seconded by Alderperson Bruce Bailey, to adopt the 2020 budget, including the amended pages due to the increased state transportation aid, and to adopt Resolution No. 3715:

RESOLUTION NO. 3715

WHEREAS, the City of Greenfield has prepared an Annual Budget for the 2020 fiscal year in accordance with the requirements of the City of Greenfield Municipal Code; and

WHEREAS, the Common Council has reviewed the proposed revenues from all sources and the proposed expenditures for all purposes and has directed that the proposed budget be adjusted accordingly; and

WHEREAS, a public hearing on the Annual Budget was held November 19, 2019 after due and proper notice of said hearing having been given in accordance with the provisions of Section 65.90, Wisconsin Statutes; and

WHEREAS, it is necessary to levy a property tax in the amount of \$26,563,943 (exclusive of the TIF levy) to fund the expenses of the City of Greenfield contained in the 2020 Annual Budget.

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

1. That the 2020 Annual Budget, a summary of which is attached hereto and made a part hereof, be and is hereby approved;
2. That the property tax is hereby levied in the amount of \$26,563,943 (exclusive of the TIF levy) on all taxable property within the City of Greenfield as returned by the Assessor in the year 2019, for the purposes as set forth in the budget.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of November, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

City of Greenfield
Proposed 2020 Budget
Statement of Revenues and Expenditures and Tax Levy

REVENUES/EXPENDITURES CATEGORY	Year Ending 12/31/17	Year Ending 12/31/18	Actual YTD 7/31/19	Est. Year Ending 12/31/19	2019 Budget	Proposed 2020 Budget	Percent Change
REVENUES							
GENERAL PROPERTY TAXES	16,507,363	16,772,928	18,066,278	18,067,484	18,067,484	18,144,790	0.43%
INTERGOVERNMENTAL REVENUES	3,601,964	3,813,718	1,056,573	3,946,071	3,237,913	3,378,240	4.33%
LICENSES & PERMITS	1,829,327	1,381,871	749,612	1,376,895	1,388,475	1,353,665	-1.08%
FINES, FORFEITURES & PENALTIES	658,517	634,504	388,370	663,000	663,000	733,000	10.56%
PUBLIC CHARGES FOR SERVICES	1,391,602	1,637,463	824,698	1,597,113	1,566,250	1,511,500	-3.50%
INTERGOVERNMENTAL CHARGES	1,162,492	1,175,702	499,052	1,250,782	1,249,533	1,266,573	1.36%
MISCELLANEOUS REVENUES	245,163	428,915	263,600	360,044	278,900	363,969	28.92%
OTHER FINANCING SOURCES	14,000	24,683	20,000	20,000	1,388,865	1,856,844	33.70%
TOTAL REVENUES	25,410,428	25,869,784	21,866,183	27,281,189	27,820,420	28,598,581	2.80%
EXPENDITURES							
GENERAL GOVERNMENT	3,496,693	3,641,328	1,994,406	4,197,376	4,227,102	4,179,818	-1.12%
PUBLIC SAFETY	16,355,208	17,100,571	9,434,516	17,773,257	17,766,217	18,512,634	4.20%
DEPT OF NEIGHBORHOOD SERVICES	3,413,212	3,802,626	2,414,026	3,839,176	3,770,576	3,821,562	1.35%
DEPT OF NEIGHBORHOOD SERVICES (Community Development)	105,105	110,763	104,589	197,935	197,935	194,047	-1.96%
HEALTH & HUMAN SERVICES	626,227	641,743	406,952	801,307	800,568	795,359	-0.65%
RECREATION & EDUCATION	914,713	986,040	501,723	1,043,023	1,043,022	1,080,161	3.58%
OTHER FINANCING USES	290,000	124,000	-	15,000	15,000	15,000	0.00%
TOTAL EXPENDITURES	25,201,158	26,407,071	14,856,212	27,867,074	27,820,420	28,598,581	2.80%

All Governmental Funds Combined	Estimated Fund Balance 1/1/20	2020 Total Revenue	2020 Total Expenditures	Other Financing Sources (Uses)	Estimated Fund Balance 12/31/20	Property Tax Contribution
General Fund	9,123,275	28,598,581	28,598,581	(1,526,370)	7,596,906	18,110,255
Special Revenue Funds	4,404,750	11,326,651	9,489,719	(8,500)	6,233,182	2,967,588
Enterprise Funds	25,025,013	6,369,637	6,369,637	(308,224)	24,716,789	-
Capital Project Funds	2,865,473	1,686,225	5,058,558	3,092,000	2,585,140	704,113
Debt Service Funds	365,785	6,802,621	6,843,121	35,500	360,785	4,781,997
TOTAL	41,784,296	54,783,715	56,359,616	1,284,406	41,492,801	26,563,943

On a roll call vote, motion carried unanimously.

Motion by Alderperson Karl Kastner, seconded by Alderperson Lubotsky, to reconsider. Motion carried unanimously. Motion by Alderperson Karl Kastner, seconded by Alderperson Lubotsky, to reaffirm. On a roll call vote, motion carried unanimously.

2. Public Hearing on a Resolution relative to the determination of a Special Use Permit for a proposed massage therapy business, Mei Li Spa, to be located at ~~3775~~ 3783 S. 108 St., submitted by Zhenbo Guo, d/b/a Mei Li Spa. (Tax Key No. 563-9986-008)

Community Development Manager Kristi Johnson said the property is zoned C4, in which a massage therapy business can be allowed as a special use. The applicant proposes to lease approximately 1200 square feet at 3783 S. 108th St. He originally considered a space at 3775 S. 108th St., but then changed to the 3783 S. 108th St. location on the same parcel. He would offer hot stone massage, Thai massage, acupuncture, Swedish massage, and facial massage, and would employ two people. Hours would be 10:00 a.m. – 7:00 p.m., seven days per week. Sixty-nine parking spaces are required for all businesses at the site; 150 spaces are provided. Plan Commission recommended approval. The property owner has repaved the front parking lot, and tenant improvements are being made, including to the existing refuse enclosures.

Mayor Neitzke read into the record an email he received November 18, 2019 from Janice Edwards, owner of Best Carpet, objecting to the massage business. She said a prior massage business at that location was a cover for a prostitution business. Van loads of girls would be taken in and out. She does not want this to happen again. She alleged the new applicant owns a massage business in another state that was shut down for prostitution. She said she was concerned for the safety of women and children in and near the building.

Ald. Kastner said this location has not been conducive to a massage parlor.

Mayor Neitzke said the question is, is this an appropriate use at this location?

The applicant, Zhenboo Guo, 222 25th Street, Chicago, said through a translator he just does proper massage. A massage parlor should be a legal entity. He never thought there would be illegal, illicit activities inside a massage parlor. He does not know why the other people did that. As far as he is concerned, everything needs to be legal. He would invite all public officials and police officers to come for a visit at any time, if the Special Use Permit is granted.

No one spoke for or against the proposal.

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

- a. Special Use Permit for a proposed massage therapy business, Mei Li Spa, to be located at ~~3775~~ 3783 S. 108 St., submitted by Zhenbo Guo, d/b/a

Mei Li Spa. Tax Key No. 563-9986-008. (PC-09/10/19-Johnson)

Aldersperson Lubotsky said this is a highly trafficked area and we had issues here before. Because of the history at this location, we do not need this element - if it were to go in the wrong direction - in the neighborhood or our business district. Her concern is people who obtained illegal services here before will think, hey, they are back in business. She said business owners in the area were very concerned about the age of the young girls who were being trafficked at this location previously.

Motion by Aldersperson Kastner, seconded by Aldersperson Lubotsky, to deny the Special Use Permit.

City Attorney Brian Sajdak said the question is not who, but what. With Special Uses, there cannot be any adverse impact. Specifically, per the code, it cannot have "a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or public health, safety, morals, comfort and general welfare, and not substantially diminish or impair property values within the neighborhood." Conditions or limitations can be imposed if potential harms and adverse impacts are identified. In this case, there could be conflicts between previous customers and the new business operator and his staff. If alderspersons cannot come up with conditions to mitigate potential harms, that would be a signal that denial would be appropriate.

Mayor Neitzke said in this location, the former nefarious activities could impact a similar business, even if it is legitimate.

Aldersperson Lubotsky said there have also been drug dealing and fights in the past.

On a roll call vote, the motion to deny the Special Use Permit carried unanimously.

- b. Site Plan Review for a proposed massage therapy business, Mei Li Spa, to be located at 3775 S. 108 St., submitted by Zhenbo Guo, d/b/a Mei Li Spa. Tax Key No. 563-9986-008. (PC-09/10/19-Johnson) – no action was taken

J. 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.**
- K. New Business
- 1. Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to approve the Amended Site, Landscaping and Architectural Plans for proposed new construction of a multi-tenant commercial building, Shops at Greenfield, to be located at 7611 and 7631 W. Holmes Avenue, subject to Plan Commission and staff comments, to accommodate up to four tenants, with it noted that the previously approved plans remain approved in addition to this proposal. Tax Key Nos. 616-0002-000 and 616-0001-001.

Mayor Neitzke said this allows the property to be marketed with a drive through, if needed.

Motion carried unanimously.
 - 2. Motion by Alderperson Karl Kastner, seconded by Alderperson Linda Lubotsky, to approve the Special Use Review and a Site Plan Review for an ownership change to Applebee's Bar + Grill, an existing business located at 5100 S. 76 Street, subject to Plan Commission and staff comments. Tax Key No. 650-8998-006. On a roll call vote, motion carried unanimously.
 - 3. Motion by Alderperson Pamela Akers, seconded by Alderperson Shirley Saryan, to approve the renewal of appointment of Kevin Scholz to Board of Directors to the South 27th Street Business District Association, District 2, his three-year term to expire February 17, 2021
and

4. Approve renewal of appointment of Troy Chowanec to Board of Directors to the South 27th Street Business District Association, District 2, his three-year term to expire February 17, 2021.

Motion to approve Agenda Items #K3 and #K4 carried unanimously.

5. Motion by Alderperson Akers, seconded by Alderperson Lubotsky, to approve the issuance of operator licenses to the following:

Bartkowski Gomez, Miguel G.-3172 S. Griffin Ave.

Berczyk, Savannah D.-W132 S6514 Saroyan Rd.

Bojagari, Radhika-N92 W17729 White Oak Cir.

Koutromanos, James-7972 S. Scepter Dr.

McHugh, Rhiannon D.-627-A S. 9th St.

Ouellette, Joseph S.-3718 S. 53rd St.

Motion carried unanimously.

6. Motion by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve issuance of a 2019-2020 "Class B" beer and liquor license to Wisconsin Apple LLC, Kent D. Billingsley, Agent, for the property at 5100 S. 76th St. (Applebee's Neighborhood Grill & Bar)(Restaurant and free standing bar). Motion carried unanimously.
7. Motion by Alderperson Pamela Akers, seconded by Alderperson Karl Kastner, to approve the acceptance of a 15 foot road reservation on the south side of West Cold Spring Road, as contained on Certified Survey Map No. 8081, Document No. 9643386, recorded on 8/28/2008, related to the Elizabeth Residence development. On a roll call vote, the motion was approved unanimously.
8. Motion by Alderperson Linda Lubotsky, seconded by Alderperson Shirley Saryan, to approve the request to construct a new private fence in a permanent City Sanitary Sewer Easement in the rear yard of 4629 W. Wilbur Ave., and to authorize the Mayor to execute an agreement with the applicant, 4629 Wilbur LLC, c/o Terry Nickasch, 2571 N. 66th St., Wauwatosa, WI 53213, Tax Key # 555-1231-000. On a roll call vote, motion carried unanimously.
9. Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers, to adopt Resolution No. 3716:

RESOLUTION NO. 3716

RESOLUTION IN SUPPORT OF
A SURFACE WATER GRANT
FOR THE HONEY CREEK

WHEREAS, The City of Greenfield is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources for the purpose of a planning study of the Honey Creek as described in the application; and

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

WHEREAS, a grant agreement is requested to carry out the project; and

NOW, THEREFORE, BE IT RESOLVED that the City will meet the financial obligations necessary to fully and satisfactorily complete the project;

BE IT FURTHER RESOLVED that the Director of the Department of Neighborhood Services is hereby authorized to act on behalf of the City of Greenfield to: sign and submit a grant application; obtain Common Council authorization to enter into a grant agreement with the DNR; submit quarterly and/or final reports to the DNR to satisfy the grant agreement, as appropriate; submit reimbursement requests to the DNR as specified in the grant agreement; and take other necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City will comply with all local, state and federal rules, regulations and ordinances relating to this project and the cost-share agreement.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of November, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

10. Motion by Alderperson Shirley Saryan, seconded by Alderperson Karl Kastner, to approve the schedules of disbursements in the amount of \$1,753,439.68

and

11. Approve mileage reimbursements in the amount of \$1,050.79.

Motion on agenda items #K10 and #K11 carried unanimously.

12. Motion by Alderperson Pamela Akers, seconded by Alderperson Shirley Saryan, to approve the Addendum to Administer the Retail Food and Recreational Programs for the Wisconsin

Department of Agriculture, Trade and Consumer Protection. On a roll call vote, motion carried unanimously.

13. Motion by Alderperson Akers, seconded by Alderperson Kastner, to go into closed session at 8:11 p.m. pursuant to Wisconsin Statutes, Section 19.85 (1)(b),(e),(f) and (g) for the following:
 - a. 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. (Neighborhood Services)
 - b. Considering licensure, social or personal history, or medical information for purposes of issuing a 2019-2020 operator license to John L. Hawke. (Sajdak)
 - c. Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Sajdak)

City Attorney Brian Sajdak said item #K13b did not need to go into closed session, because this is a renewal application and no new concerns have been reported.

At this time, Mayor Neitzke proceeded to Agenda Item #K15.

*On a roll call vote, motion carried unanimously.

- d. Motion by Alderperson Akers, seconded by Alderperson Saryan, to adjourn closed session and reconvene into open session at 8:36 p.m. Motion carried unanimously.
14. Discussion and decision regarding garbage and recycling contract.
No action was taken.

At this time, Mayor Neitzke proceeded to Agenda Item #K16.

15. Motion made by Alderperson Kastner, seconded by Alderperson Bailey, to approve issuance of an operator's license to John L. Hawke. Motion carried unanimously.

*At this time, Mayor Neitzke proceeded back to Agenda Item #K13.**

16. Motion by Alderperson Akers, seconded by Alderperson Lubotsky, to approve Resolution No. 3717:

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3717

A RESOLUTION OPTING OUT OF THE NATIONAL PRESCRIPTION
OPIATE LITIGATION NEGOTIATION/SETTLEMENT CLASS

WHEREAS, the abuse of opioids has reached an epidemic level resulting in significant costs to local municipalities who are on the front line in combating the problem in the form of increased expenditures related to public health and social service programs, increased demands on first responders, and increased pressures on public safety personnel; and

WHEREAS, the City of Greenfield is not immune to these costs; and

WHEREAS, the City previously retained the services of Phipps, Deacon & Purnell to represent the City in pursuing claims related to this matter; and

WHEREAS, in related litigation pending in the U.S. District Court for the Northern District of Ohio (In re National Prescription Opiate Litigation, MDL No. 2804), the Court certified a class of all counties and municipalities in the United States for purposes of negotiation and settlement of claims related to opioid abuse; and

WHEREAS, the Court has provided an opportunity to potential class members to opt out of the class; and

WHEREAS, upon the recommendation of counsel, the City believes that the best course of action is to opt out of the class given the extremely limited voice the City would have in any settlement negotiation;

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

1. That the City elects to opt out of the Negotiation/Settlement Class in the National Prescription Opiate Litigation.
2. That the Mayor and City Attorney are authorized and directed to communicate the City's election to opt out of the class to the Class Notice Administrator.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 19th day of November, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

L. Items for future agenda

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

Mayor Neitzke said he will be bringing an item up pertaining to property and casualty insurance and worker's comp insurance.

- M. Motion by Alderperson Akers, seconded by Alderperson Lubotsky, to adjourn at 8:38 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: November 21, 2019