

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON
TUESDAY, SEPTEMBER 21, 2021

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 7:00 pm

Present: Alderpersons Denise Collins, Bruce Bailey, Karl Kastner, Pamela Akers, Shirley Saryan

Also present: Brian Sajdak, City Attorney; Jeff Katz, Director, Neighborhood Services; Kristi Porter, Community Development Manager; Lisa Pelkey, Deputy Clerk

B. Opening Prayer

C. Pledge of Allegiance

D. Approval of the August 17, 2021 Common Council minutes

Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve.
Motion carried unanimously.

E. Mayor's Report

The budget will be presented to the Finance Committee at the end of October, with a public hearing in the middle of November. It has been an extremely challenging year with regard to the budget. Levy limits control the amount by which taxes can be raised each year, and that may or may not cover expenditures. If you can't raise the levy to cover expenditures, it becomes a problem. Mayor Neitzke stated he is fiscally conservative and the City is able to do very good things with our tax money, but the levy limits become an issue in times like these.

Mayor Neitzke thanked everyone for attending the car show at Konkell Park, including Rosen Nissan and the other sponsors that made it possible. There were 341 cars this year, 60-70 more than last year.

F. Aldermanic Reports

Alderperson Bailey announced Arbor Day, October 2nd at Elmdale School. Lift training was conducted and they are on schedule for tree replacements.

Alderperson Akers announced the Beautification Committee awards that were held on September 11th to recognize beautiful landscaping.

Alderperson Collins announced she cannot attend the October 19th Common Council meeting.

G. Announcements

H. Citizen Commentary

I. Public Hearings

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

1. Public Hearing on an Ordinance to adopt a Land Use Map amendment to the City of Greenfield Comprehensive Plan for the property located at 10375 and 10401 W. Oklahoma Ave. from Planned Business to Community Facilities. (Tax Key No. 524-8984-009) (PC-7/13/21 Kastner)

Kristi Porter, Community Development Manager, stated the applicants are proposing substantial improvements with a complete remodel to the existing building, converting it to a mosque. They have done something similar in a different state. The proposal includes major exterior alterations, demolition of the dental office, parking lot resurfacing, addition of exterior lighting and a new fence. The amendment from Planned Business to Community Facilities is necessary to allow a religious institution at this location. That land use directs and guides the Common Council as to what the zoning of that property can be. The rezoning public hearing will be held on September 27, 2021.

Motion by Alderperson Pamela Akers, seconded by Alderperson Shirley Saryan to close the public hearing. Motion carried unanimously.

Mayor Neitzke stated there are certain things the Common Council cannot discuss or contemplate when making this decision. One of them is property taxes and there is strict scrutiny mandated by the US Supreme Court. The use of the land on this piece of property is the only thing to be discussed.

- a. Approve an Ordinance to adopt a Land Use Map amendment to the City of Greenfield Comprehensive Plan for the property located at 10375 and 10401 W. Oklahoma Ave. from Planned Business to Community Facilities. (Tax Key No. 524-8984-009) (PC-7/13/21 Kastner)

Place on next agenda.

J. Old Business

1. Appointments to various committees and commissions:

- a. Council appointments:

- i. One member to the Board of Public Works for a term to expire 5/1/2022 (formerly Richard Kasza)

Place on next agenda.

- b. Mayor appointments, confirmed by Council:

- i. One member to the Board of Health for a term to expire 6/1/2022 (formerly Allen Owen)

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Place on next agenda.

- ii. One member to the Tree Commission for a term to expire 5/1/23 (formerly Lew Silva)

Place on next agenda.

K. New Business

1. Appointments to various committees and commissions:

- a. One alternate member to the Plan Commission for a term to expire 5/31/2025 (formerly Robert Krenz)

Place on next agenda.

2. Applications for an operator license (Goergen)

Motion by Alderperson Pamela Akers, seconded by Alderperson Denise Collins to approve. Motion carried unanimously.

3. Claim received from Erie Insurance Exchange. (Goergen)

Referred to Counsel.

4. Notice of Circumstance of Claim received from Gruber Law Offices LLC on behalf of Amanda Wienzierl. (Goergen)

Referred to Counsel.

5. Discussion and decision to adopt an ordinance amending Section 8.04 of the Greenfield Municipal Code regarding a parking zone reserved for persons with disabilities at 4627 South 46th Street. (Katz)

Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers to approve. On a roll call vote, motion carried unanimously.

6. Discussion and decision to authorize SEWRPC, on behalf of Greenfield, to submit revised Honey Creek Floodplain mapping to FEMA. (Katz)

Under discussion, Jeff Katz explained the revision of the location of the flood plain. Some parcels were removed, but a few new parcels were added. There are now 4 homes included in the revised flood plain. This revision has taken many years and was done using computer software with input from many agencies. The Honey Creek flows through many municipalities to the Menomonee River. The flood plain impacts residential loans and insurance, and can help the City qualify for FEMA relief if needed.

Motion by Alderperson Karl Kastner, seconded by Alderperson Pamela Akers to approve. On a roll call vote, motion carried unanimously.

7. Discussion and decision to adopt a resolution in support of applying for a grant from the Wisconsin Department of Natural Resources for protection and restoration of the Honey Creek. (Katz)

Mayor Neitzke stated we have received a couple new grants, \$250,000 each for improvements and a new trail. There will be a path from 60th to 105th, connecting with the Oak Leaf Trail. There is also a joint project with Milwaukee for a trail from 43rd to 60th taking us all the way to the lake.

Motion by Alderperson Denise Collins, seconded by Alderperson Pamela Akers to approve. On a roll call vote, motion carried unanimously.

8. Approve a Certified Survey Map for proposed recombination of 15 parcels located at 4000-4300 W. Layton Ave., 4365 & 4377 W. Loomis Rd., and 4650, 4658, 4666 & 4676 S. 43 St., submitted by Scott Yauck, d/b/a Cobalt Loomis, LLC. (Tax Key Nos. 601-9854-001, 601-9853-001, 600-0081-008, 600-9951-001, 600-9950-000, 600-9949-000, 600-9948-000, 600-9946-000, 600-9945-000, 600-9944-000, 600-9943-003, 600-9943-002, 600-9942-001, 600-9941-001, and 600-9939-001) (PC-9/14/21 Kastner)

There is a potential discrepancy with one of the lines on the CSM. This approval gives staff the authority to put the line in the right place.

Motion by Alderperson Denise Collins, seconded by Alderperson Karl Kastner to approve. On a roll call vote, motion carried unanimously.

9. Approve a Certified Survey Map for proposed recombination of three (3) parcels located at 5403 S. 42 St., 5380 S. 43 St., and 5404 S. 43 St., submitted by James Krukowski. (Tax Key Nos. 646-9948-001, 646-9948-002, and 646-9948-003) (PC-9/14/21 Kastner)

Motion by Alderperson Karl Kastner, seconded by Alderperson Shirley Saryan to approve. On a roll call vote, motion carried unanimously.

10. Approve Site, Landscaping and Architectural Plans for Church & Chapel Pre-Planning Center, a proposed funeral pre-planning office, to be located at 4200 W. Layton Ave., submitted by Fred Carlson, d/b/a i-design, and Ted Larson and Pam Larson, d/b/a Church and Chapel Real Estate, LLC. (Tax Key No. 600-9946-000) (PC-9/14/21 Kastner)

Under discussion, Alderperson Saryan asked for confirmation that there will not be a crematorium at this location. This will be an office building.

Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve. Motion carried unanimously.

11. Approve Site and Landscaping Plans for Boot Connection, an existing commercial building located at 4275 W. Layton Ave., submitted by Daniel Meier, d/b/a Lynch and Associates, and Brian Campbell, d/b/a Boot Connection. (Tax Key No. 621-9957-001) (PC-9/14/21 Kastner)

Motion by Alderperson Karl Kastner, seconded by Alderperson Denise Collins to approve. Motion carried unanimously.

12. Discussion and decision regarding revising the Emergency Service Dispatcher job description (9/8/21 F&HR S. Saryan)

Motion by Alderperson Shirley Saryan, seconded by Alderperson Karl Kastner to

- approve items 12-17. On a roll call vote, motion carried unanimously.
13. Discussion/decision regarding contract allowing for the continuation of the Stockbox program (9/8/21 F&HR S. Saryan)
Approved under agenda item K12.
 14. Approval of mileage reimbursements in the amount of \$237.14 (9/8/21 F&HR S. Saryan)
Approved under agenda item K12.
 15. Investments and reinvestments for July 2021 (9/8/21 F&HR S. Saryan)
Approved under agenda item K12.
 16. Approval of schedules of disbursements in the amount of \$11,021,790.95 (9/8/21 F&HR S. Saryan)
Approved under agenda item K12.
 17. Accept July 2021 financial statements (9/8/21 F&HR S. Saryan)
Approved under agenda item K12.
 18. Common Council to go into closed session pursuant to Wis. Stat. § 19.85 (1)(b) & (f), considering licensure, social or personal history, or medical information, for purposes of issuing a 2021-2022 operator license to the following:
 - a. Bao Quoc Vo
Applicant did not show for the second time, this item is being removed from the agenda.
 19. Common Council to remain in closed session pursuant to Wis. Stat. § 19.85 (1)(g), for the purpose of 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:
 - a. A Resolution Partially Allowing the Claim of Jessica Mendoza Relating to Basement Flooding Damage
 - b. A Resolution Partially Allowing the Claim of Craig and Sonia Moore Relating to Basement Flooding DamageMotion by Alderperson Pamela Akers, seconded by Alderperson Denise Collins to go into closed session. On a roll call vote, motion carried unanimously.
 20. Adjourn closed session and reconvene into open session.
Motion by Alderperson Shirley Saryan, seconded by Alderperson Denise Collins to adjourn closed session. Motion carried unanimously.
 21. Decision re: Operator License for Bao Quoc Vo
No decision required, removed from agenda.
 22. Decision re: A Resolution Partially Allowing the Claim of Jessica Mendoza Relating the Basement Flooding Damage
Motion by Alderperson Denise Collins, seconded by Alderperson Pamela Akers to approve. On a roll call vote, motion carried 4-1 with Alderperson Bailey against.

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23. Decision re: Resolution Partially Allowing the Claim of Craig and Sonia Moore Relating to Basement Flooding Damage

Motion by Alderperson Denise Collins, seconded by Alderperson Pamela Akers to approve. On a roll call vote, motion passed 4-1 with Alderperson Bailey against.

L. Items for future agenda

M. Adjourn

Motion by Alderperson Denise Collins, seconded by Alderperson Pam Akers to adjourn at 8:26 PM. Motion carried unanimously.

Lisa Pelkey, Deputy Clerk

Minutes transcribed by Lisa Pelkey, Deputy Clerk
Distributed: 9/23/2021

ORDINANCE NO. 2983

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

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

PART I. Section 8.04 of the Greenfield Municipal Code is hereby amended to read as follows:

A parking zone reserved for persons with disabilities is hereby created in front of 4627 South 46th Street, Tax Key 601-0310-001.

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

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

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21st day of September, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Published: September 29, 2021

RESOLUTION 3819 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 surface water protection and restoration of the Honey Creek (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 153 and 155); and

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

WHEREAS, a cost-sharing grant is required to carry out the project:

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 an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available; obtain Common Council authorization to enter into a grant agreement between the local government (applicant) and the Department of Natural Resources; Sign and submit reimbursement claims along with necessary supporting documentation; Sign and submit interim and final reports and other documentation as required by the grant agreement; Sign and submit an Environment Hazards Assessment Form, if required; and take 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 laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 21th day of September, 2021.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3820

A RESOLUTION PARTIALLY ALLOWING THE CLAIM OF
JESSICA MENDOZA RELATING TO BASEMENT FLOODING DAMAGE

WHEREAS, Jessica Mendoza submitted a claim to the City on October 29, 2020 in which she alleged certain damage to the basement of her home located at 3605 S. 46th Place in the City of Greenfield resulting from a sewer backup; and

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

WHEREAS, the City Attorney recommends a partial payment of the claim based on the depreciated value of the improvements in the home that were damaged and replaced and because the proposed repairs exceed the typical repair process; and

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

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

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the undated claim of Jessica Mendoza filed with the City on October 29, 2020 relating to alleged damage to her basement at 3605 S. 46th Place is hereby allowed in an amount not to exceed \$13,923.64.

BE IT FURTHER RESOLVED that the City Finance Director is hereby authorized and directed to pay the claim in an amount not to exceed \$13,923.64 upon receipt of a signed release of claims from Ms. Mendoza.

Approved:

Michael J. Neitzke, Mayor

Date Approved:

September 21, 2021

This is to certify that the foregoing resolution as adopted by the Common Council of the City of Greenfield, Wisconsin, at a meeting held on the 21st day of September, 2021.

Jennifer Goergen, City Clerk

COMMON COUNCIL
OF THE
CITY OF GREENFIELD

RESOLUTION NO. 3821

A RESOLUTION PARTIALLY ALLOWING THE CLAIM OF
CRAIG AND SONIA MOORE RELATING TO BASEMENT FLOODING DAMAGE

WHEREAS, Craig and Sonia Moore submitted a claim to the City on November 17, 2020 in which they alleged certain damage to the basement of their home located at 4640 W. St. Francis Avenue in the City of Greenfield resulting from a sewer backup; and

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

WHEREAS, the City Attorney recommends a partial payment of the claim based on the depreciated value of the improvements in the home that were damaged and replaced and also the lack of support for some of the claimed items; and

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

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

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the undated claim of Craig and Sonia Moore filed with the City on November 17, 2020 relating to alleged damage to their basement at 4640 W. St. Francis Avenue is hereby allowed in an amount not to exceed \$26,100.

BE IT FURTHER RESOLVED that the City Finance Director is hereby authorized and directed to pay the claim in an amount not to exceed \$26,100 upon receipt of a signed release of claims from Mr. and Ms. Moore.

Approved:

Michael J. Neitzke, Mayor

Date Approved:

September 21, 2021

This is to certify that the foregoing resolution as adopted by the Common Council of the City of Greenfield, Wisconsin, at a meeting held on the 21st day of September, 2021.

Jennifer Goergen, City Clerk