

CITY OF GLENDALE
5909 North Milwaukee River Parkway
Glendale, Wisconsin 53209

This meeting is in person, but will be broadcast over Zoom to
accommodate residents with COVID concerns.

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AGENDA—COMMON COUNCIL MEETING

Monday, January 9, 2023

6:00 p.m.

1. Roll Call and Pledge of Allegiance.
2. Public Comment. Glendale residents, business owners and property owners are invited to speak to the Council on items that are not on the agenda and are within the City's ability to regulate or control.
3. Consent Agenda:
 - a) Adoption of Minutes: Meeting held on December 12th, 2022
 - b) Approval: Accounts Payable
4. New Business: (The public may speak to the Council prior to the beginning of deliberations on these items, provided they have notified their respective Alderperson or the Mayor in advance of this meeting).
 - a) Proclamation: Recognizing Dennis Fisher, Steve Scheldroup and Officer Garrett Yahr for Heroically Performing Life-Saving Measures
 - b) Review: Update from Wisconsin Department of Transportation's I-43 N/S Project Team on the Project
 - c) Review: Regulations on Short-Term Rentals
 - d) Review and Possible Referral to Plan Commission: Ordinance Creating Section 13.1.18, "Home Occupations, "and Deleting Part (a) (45) of Section 13.1.200, "Home Occupation" of Chapter 1, "Zoning Code," of Title 13, "Zoning," of the Code of Ordinances of the City of Glendale
 - e) Review and Possible Referral to Plan Commission: Ordinance Amending Title 13 Zoning, Chapter 1 Zoning Code, Section 38 "S-1 SPECIAL (INSTITUTIONAL) DISTRICT," Subsection (d) "Front Yard requirements" of the Code of Ordinances of the City of Glendale
 - f) Review and Approval: Adoption of written procedures designed to foster public participation regarding an amendment of the Comprehensive Plan as required under Section 66.1001 of Wisconsin Statutes.
 - g) Review and Possible Referral to Plan Commission: Amendment to the Comprehensive Master Plan 2040: "Glendale Planning a Bright and Sustainable Future for the Hub of the North Shore" from a land use classification of Industrial to a land use classification of Planned Mixed Use, for Meta House, at 4160 N Port Washington Road, Tax Key Number 242-1198-004 and 242-1198-003.
 - h) Review and Possible Referral to Plan Commission: Map Amendment for Sprecher Property III, LLC at 727 W. Glendale Avenue, in the Planned Mixed Use Land Use Classification, B-1 "P" Business and Commercial District to a M-1 Warehouse, Light Manufacturing, Office and Service District, Tax Key Number 233-1170-002.

Upon reasonable notice, efforts will be made to accommodate the needs of
persons with disabilities.

- i) Review and Possible Referral to Plan Commission: Discussion and Consideration of Map Amendments for properties owned by the Milwaukee Metropolitan Sewage District and the City of Glendale from R-7 to the C-1 Zoning District for 6130 N. Sunny Point Road, 6411, 6435, 6459, 6477, 6515, 6521, 6573, 6583, 6593, 6595, and 6599 N. Sunny Point Lane, Single Family and Environmental Corridor land use classifications, Tax Key Numbers 162-0067-001, 134-0018-001, 134-0017-001, 134-0014-003, 134-0013-001, 134-0001-000, 134-0021-001, 134-0008-000, 134-0007-000, 134-0006-000, 134-0003-000, and 134-0005-000.
 - j) Review and Approval: Distribution Easement for Underground Electric and Communications on the North Shore Water Commission's Grounds
 - k) Review and Approval: Agreement for the Operation of the North Shore Municipal Court
 - l) Review and Approval: Resolution Designating Three (3) Polling Locations in the City of Glendale
 - m) Review and Approval: Ordinance Allowing for Expanded Issuance of Class "B" Fermented Malt Beverage Licenses and "Class B" Intoxicating Liquor Licenses to Establishments that do not Operate a Restaurant, and Expanding Exceptions to Limitations on "Other Businesses" on Class "B" Premises
5. Commission, Committee, Board and Staff Reports: (This is an Opportunity for Council Members to Report on their Respective Committees, Commissions, Boards of which they serve as a Member and Administrator update.)
6. Adjournment.

3A-3B
1/9/2023

CONSENT AGENDA

- a) [Adoption of Minutes: Meeting held on December 12, 2022.](#)
- b) [Approval: Accounts Payable](#)

SUBJECT: A Proclamation Recognizing Dennis Fisher, Steve Scheldroup, and Officer Garrett Yahr for Heroically Performing Life-Saving Measures

FROM: Karl Warwick, City Administrator

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS: Please find attached the Proclamation regarding this agenda item.

RECOMMENDATION: Staff recommends approval of the Proclamation.

ACTION REQUESTED: Motion to approve the Proclamation.

ATTACHMENTS: [Proclamation](#)



5909 North Milwaukee River Parkway
Glendale, WI 53209

SUBJECT: Update from Wisconsin Department of Transportation's I-43 N/S Project Team on the Project

FROM: Charlie Imig, Director of Public Works

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

Wisconsin Department of Transportation's (WisDOT) I-43 N/S Project Team will be at the meeting to give a verbal update on the project as it pertains to the City of Glendale.

RECOMMENDATION:

No action is being requested.

ACTION REQUESTED:

For informational purposes only.

ATTACHMENTS:

1. None

SUBJECT: Short-Term Rental Regulations

FROM: Karl Warwick, City Administrator

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	66.1014
Municipal Code:	N/A

BACKGROUND/ANALYSIS: There are several short-term rental properties in the City of Glendale actively posted on various short-term rental sites. The City is in receipt of several complaints regarding these types of properties. The complaints have primarily centered around the fact that there were “strange” people in the neighborhood or concerns about the number and movement of vehicles at a specific property. When investigating these complaints, staff uncovered that the properties were listed as short-term rentals.

While the City does not have many short-term rentals and the complaints have not involved anything criminal or disturbing the peace, staff is asking the City Council whether they wish to have Attorney Bayer draft an ordinance regulating short-term rental properties consistent with State Law as described below. Please remember that State Law limits our regulations to the following:

66.1014 Limits on residential dwelling rental prohibited.

- A political subdivision (City, Town or County) may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer. The City may prohibit short-term rentals that are less than 7 days in duration.
- If a residential dwelling is rented for periods of more than 6, but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days.
- The political subdivision may not specify the period during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.
- Any person who maintains, manages, or operates a short-term rental, as defined in s. 66.0615 (1) (dk), for more than 10 nights each year, shall do all of the following:

- Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. 97.01 (15k).
- Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

RECOMMENDATION:

1. Determine whether to direct Attorney Bayer to draft local regulations for short-term rentals.
2. Determine if the City desires to ban the rental of properties for periods of shorter than 7 days.
3. Determine if the City desires to limit the total number of days within a consecutive 365-day period that a dwelling unit may be rented. (Can be no fewer than 180 days).
4. Determine if the City desires to require a license be obtained for short-term rentals.

ACTION REQUESTED: Please see recommendation above.

ATTACHMENTS:

1. [Short-term Rental Guide from DATCP](#)
2. [State Bar of Wisconsin – Short-Term Rentals](#)

SUBJECT: Review and Possible Referral to Plan Commission for Zoning Text Amendment Regarding Home Occupations

FROM: Karl Warwick, City Administer
 John S. Fellows, Community Development Director

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	Ordinance Amending Title 13 Zoning, Chapter 1 Zoning Code 13.1.200 and creating Title 13 Zoning, Chapter 1 section 13.1.18.

BACKGROUND/ANALYSIS:

Request:

Currently, the regulations for Home Occupations are located within the definition section of the Zoning Code. This definition provides regulations within the definition section and provide ambiguity in some instances. Staff is proposing to create a stand along section for home occupations, providing specific details regarding a clearer definition, general requirement and performance criteria, specific requirements, permitted and prohibited home occupations.

This ordinance does not require a permit or any form of registration of such use. Staff believes that this ordinance can be enforced by complaints and requiring permits and registration would be time consuming and for both residence and staff.

Process / Schedule:

Amendment to this ordinance will follow the standard text amendment to the Zoning code as outlined in Section 13.1.182 of the municipal code. Staff anticipates the following schedule:

Common Council Initial review	January 9, 2023
Plan Commission Review and Recommendation	February 7, 2023
City Council Public Hearing	February 27, 2023
City Council Action	February 27, 2023.

RECOMMENDATION:

Staff recommends that City Council refer the request to the Plan Commission for a recommendation.

ACTION REQUESTED:

Motion to request review of the proposed text changes by the Planning Commission at their earliest convenience.

ATTACHMENT:

[Draft Ordinance Amending 13.1.200 and creating 13.1.18.](#)

SUBJECT: Discussion and Consideration of an Amendment to the S-1 Zoning District regarding Front Yard Requirements

FROM: John S. Fellows, Community Development Director

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	Ordinance Amending Title 13 Zoning, Chapter 1 Zoning Code, Section 38 "S-1 SPECIAL (INSTITUTIONAL) DISTRICT," Subsection (d) "Front Yard requirements" of the Code of Ordinances of the City of Glendale

BACKGROUND/ANALYSIS:

Request:

The S-1 Special (Institutional) District currently allows for decreased setbacks for structures that are not recreational or educational in nature. Staff is recommending that the same flexibility be provided to Front yard requirements within the S-1 District. The side yards and rear yards allow for a 10-foot setback. Staff is recommending that the 15-foot setback be established for front yard requirements. This flexibility will allow for reactional facilities elements such as fencing, security gates, and other features commonly found on a school property to be placed **at 15 feet rather than the 35 foot as currently required.**

Process / Schedule:

Amendment to this ordinance will follow the standard text amendment to the Zoning Code as outlined in Section 13.1.182 of the municipal code. Staff anticipates the following schedule:

Common Council Initial review	January 9, 2023
Plan Commission Review and Recommendation	February 7, 2023
City Council Public Hearing	February 27, 2023
City Council Action	February 27, 2023.

RECOMMENDATION:

Staff recommends that City Council refer the request to the Plan Commission for a recommendation.

ACTION REQUESTED:

Motion to request review of the proposed text changes by the Planning Commission at their earliest convenience.

ATTACHMENT:

[Draft Ordinance Amending 13.1.38](#)

SUBJECT: Discussion and consideration the adoption of written procedures designed to foster public participation regarding updates and amendment of the Comprehensive Plan as required under Section 66.1001 of Wisconsin Statutes.

FROM: John S. Fellows, Community Development Director

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

STATUTORY REFERENCE:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

Wisconsin Statutes:	66.1011
Municipal Code:	

BACKGROUND/ANALYSIS:

Request:

State Statutes require communities to adopt a public participation plan for the creation and amendment of a community’s comprehensive plan. In 2019, prior to the adoption of the current comprehensive plan the City of Glendale developed a public participation plan which is outlined in the attached document.

This document introduces the concept of amending the comprehensive plan, however the plan does not specifically address public participation strategies for amendments to the plan.

This proposal is designed to incorporate the participation methods as outlined in 2019 for updates, but also clearly define public participation methods for amendments to the adopted plan or adopted land use map.

RECOMMENDATION:

Staff recommends that City Council refer the request to the Plan Commission for a recommendation and adoption of a Plan Commission resolution.

ACTION REQUESTED:

Motion to request review of the proposed public participation plan by the Planning Commission for the adoption of a Resolution.

ATTACHMENT:

- [Attachment: 2019 Comprehensive Plan Public Participation Plan - Adopted](#)
- [Attachment: 2023 Comprehensive Plan Public Participation Plan – Draft](#)
- [Attachment: Draft Resolution City Council](#)
- [Attachment: Draft Resolution Plan Commission](#)

SUBJECT: Discussion and Consideration of an Amendment to the Comprehensive Master Plan 2040: “Glendale Planning a Bright and Sustainable Future for the Hub of the North Shore” from a land use classification of Industrial to a land use classification of Planned Mixed Use, for Meta House, at 4160 N Port Washington Road, Tax Key Number 242-1198-004 and 242-1198-003.

FROM: John S. Fellows, Community Development Director

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	66.1001 Comprehensive Planning
Municipal Code:	2.4.4 (e) City Plan Commission Duties
Comprehensive Master Plan 2040	Amendment to Map 5 Future Land Use Map on Page 52

BACKGROUND/ANALYSIS:

Request:

Meta House is looking to relocate to the properties located at Tax Key Number 242-1198-004 and 242-1198-003 generally known as 4160 N Port Washington Road. These facilities will consist of office, outpatient and inpatient facilities. The property is currently classified as Industrial with a zoning of M-1. The applicant is requesting a land use change to Map 5 on Page 52 of the comprehensive plan to Planned Mixed Use. The applicant is concurrently requesting to rezone to PD - Planned Development. The land use plan must be updated prior to any final rezoning action.

Process / Schedule:

Amendment to the Comprehensive Master Plan is anticipated to have the following schedule:

Common Council Initial review	January 9, 2023
Common Council Adoption of Public Participation Plan	January 9, 2023
Notification of Public Meetings	January 23, 2023
Public Meeting / Workshop	Approximately February 7, 2023
Plan Commission Action and recommendation to Common Council	Approximately February 7, 2023
Public Hearing at Common Council	Approximately February 27, 2023
Common Council Action	Approximately February 27, 2023
Document Updates	Approximately February 28, 2023

RECOMMENDATION:

Staff recommends that City Council refer the request to the Plan Commission for a public participation and a recommendation.

ACTION REQUESTED:

Motion to request the Plan Commission move forward with public participation and provide a recommendation on the proposed amendment at their earliest convenience.

ATTACHMENT:

[Attachment – Comprehensive Plan Amendment – 4160 N Port Washington Road](#)

SUBJECT: Discussion and Consideration of a Map Amendment for Sprecher Property III, LLC at 727 W. Glendale Avenue, in the Planned Mixed Use Land Use Classification, B-1 “P” Business and Commercial District to a M-1 Warehouse, Light Manufacturing, Office and Service District, Tax Key Number 233-1170-002.

FROM: John S. Fellows, Community Development Director

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	Zoning Map Amendment 13.1.34, 13.139, and 13.1.182

BACKGROUND/ANALYSIS:

Request:

The applicant is seeking to rezone 727 W Glendale Avenue from B-1 “P” to M-1 Warehouse, Light Manufacturing, Office and Service District. The applicant has indicated that the current occupants will remain which consist of warehousing for Sprecher Brewing, and A printing shop for Mandel Graphic Solutions. The site has approximately 20 parking spaces. They estimate that business hours will be M-F 6am to 6pm with 25 full-time employees and 40 part-time employees. Sprecher is requesting the zoning be returned to industrial zoning which more aligns with the construction of the building from 1953-1964 and will “enable Sprecher to plan for future development optionality.” At this time no modifications to the structures or site have been proposed.

Land Use:

The Planned Mixed Use land use classification is intended to facilitate a carefully controlled mix of commercial and residential uses on public sewer, public water, and other urban services and infrastructure. Planned Mixed Use areas are intended as vibrant urban places that should function as community gather spots. The category advises a carefully designed blend of planned commercial, light industrial, mixed residential, parks and open space, and community facilities land uses.

Current Zoning:

The current zoning is B-1 “P” This district is described as:

B-1, Sub-Area “P”—Permitted Uses. *The following uses are permitted within the B-1 sub-area “P” district upon review by the Plan Commission for conformance with the standards established in Sections 13.1.34(d), 13.1.34(e), 13.1.34(f), and 13.1.34(g):*

- A. Professional services and administrative offices*
- b. General corporate headquarters offices*

- c. Medical and dental offices*
- d. Sales offices*
- e. Financial, insurance and real estate offices*
- f. Specialty breweries with accessory retail sales*
- g. Any other uses found to be similar use by the Plan Commission or Community Development Authority upon review of application*

Note any use approval are to be approved by the Plan Commission.

Recommended Zoning to implement a Planned Mixed Use Land Use Classification

The Comprehensive Plan recommends that a Planned Development District be used to implement this type of mixed use. A more complicated process is to zone various areas of a Planned Mixed Land Use Classification into more traditional zoning districts such as residential, commercial, or industrial.

Proposed Zoning:

The intent of the M-1 Warehouse, Light Manufacturing, Office and Service District is intended to provide for the development of compatible groupings of warehouse, light manufacturing, and office uses. The physical and operational characteristics of uses in this District are based on performance standards which would not be detrimental to the public health, safety or welfare or detrimental to the surrounding area as a result of noise, vibration, external lighting, odor, particulate emissions, other visible emission, hazardous pollutants, traffic, physical appearance, or other similar factors. Note any change of use within the M-1 district occurs at the staff level.

- (b) Permitted Principal Uses. Except as herein provided, no building, structure, or land in this District shall be used, erected, altered, or enlarged except for the uses specified below:*
 - (1) Uses involving the manufacture and fabrication of goods within the confines of a building and in which any noise, vibration, heat, flash, or odor produced in any process is confined within the building, and in which the manufacture, fabrication, processing or operation does not regularly employ, use, or consume materials as defined in Section 5.4.2 of this Code of Ordinances.*
 - (2) Buildings for the storage of goods and materials, other than hazardous materials as defined in Section 5.4.2, where such goods or materials are stored inside a building, provided such building is not subdivided into more than three (3) multiple warehouse and storage facilities containing less than one thousand five hundred (1,500) square feet each and are available for sublease.*
 - (3) Uses providing a service in which noise, vibration, heat, flash, or odor produced on the premises by such service uses is confined within a building.*
 - (4) Business, professional, clerical, or general offices.*
 - (5) Indoor sports and recreational facilities, excepting and excluding any recreational activity involving the use of weaponry, provided adequate off-street parking is available for any customers, users, or employees not accommodated by onsite facilities.*
 - (6) Research laboratories.*

(c) *Permitted Accessory Uses.*

- (1) *Off-street parking and loading areas for facilities located wholly within the City of Glendale.*
- (2) *Sales of products integral to the service or manufacturing business, which sales promote the product as manufactured, and are limited to not more than 10% of gross receipts and 20% of the total interior building space on the premises. Such retail sales shall further be limited to not more than 40 hours per week, and shall not emit any noise, odor, or emissions of any nature, or spillover lighting as otherwise prohibited by the Glendale Code.*
- (3) *Garages or buildings used for the storage of vehicles used in conjunction with the operation of a warehouse or industrial use which are located wholly within the City of Glendale.*

Process / Schedule:

A Map Amendment will follow the standard map amendment as outlined in Section 13.1.182 of the municipal code. Staff anticipates the following schedule (Note schedule would shift if the plan commission chose to have a separate public hearing or if Council were to take action on a different night than the public hearing.)

Common Council Initial review	January 9, 2023
Plan Commission Review and Recommendation	February 7, 2023
City Council Public Hearing	February 27, 2023
City Council Action	February 27, 2023.

Review Comments:

Planning

1. Staff recommends approval of this current rezoning request as the area indicated within the Comprehensive Plan as planned mixed use would still be met with the area split between M-1 on the south and B-1 "P" on the northern parcels. If in the future a rezoning request were to be made for the northern parcels to be rezoned to M-1 the intent of the Planned Mixed Use land use classification would not be met. Staff at such time would recommend denial of such a rezoning or suggest alternative zoning or amendment to the comprehensive plan be amended. Note State Statutes require rezonings to concur with the land use plan after 2010.

Inspections

1. The property has outstanding permits and inspections for a loading dock
2. Work has been done on the building without permits
3. Occupancy of the building has change and occupancy inspections have not occurred for evaluation of current uses.

Fire

1. If any renovations or development happens, appropriate site access and water supply will need to be reviewed and approved.

2. Access to 727 is very limited and there is an exiting remote wall hydrant between the main building and the small building a the bottom of the triangle. The fire Department continues to struggle with the ownership of the property maintaining this connection.

Engineering/Public Works/Utilities

1. No comments currently. Modifications to the building or site in the future would require review and possible stormwater analysis.

Police:

1. No comments currently.

RECOMMENDATION:

Staff recommends that City Council refer the request to the Plan Commission for a recommendation.

ACTION REQUESTED:

Motion to request review of the proposed map changes by the Planning Commission at their earliest convenience.

ATTACHMENT:

[Attachments – 727 W. Glendale Avenue](#)

SUBJECT: Discussion and Consideration of Map Amendments for properties owned by the Milwaukee Metropolitan Sewage District and the City of Glendale from R-7 to the C-1 Zoning District for 6130 N. Sunny Point Road, 6411, 6435, 6459, 6477, 6515, 6521, 6573, 6583, 6593, 6595, and 6599 N. Sunny Point Lane, Single Family and Environmental Corridor land use classifications, Tax Key Numbers 162-0067-001, 134-0018-001, 134-0017-001, 134-0014-003, 134-0013-001, 134-0001-000, 134-0021-001, 134-0008-000, 134-0007-000, 134-0006-000, 134-0003-000, and 134-0005-000.

FROM: John S. Fellows, Community Development Director

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

STATUTORY REFERENCE:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

Wisconsin Statutes:	N/A
Municipal Code:	Ordinance Amending Title 13 Zoning, Chapter 1 Zoning Code

BACKGROUND/ANALYSIS:

Request:

Over the last decade, several parcels have been purchased through a program with the Milwaukee Metropolitan Sewage District (MMSD). At the time of purchase these properties included various residential structures that have been or are in the process of being removed. Under our agreement with MMSD, these properties have restrictions on them that limit uses and essentially prohibit redevelopment opportunities. Two similar parcels 134-0019-000 and 161-0092-000 were rezoned to C-1 to have the zoning map better represent development potential on these properties. These properties within the Comprehensive Land Use Map are classified as single family residential with environmental corridors.

Because these properties are within the floodplain or floodway and the structures were removed to prevent further flooding, staff is recommending that they be rezoned to C-1 or Conversation. As the City obtains additional properties over the years, staff will work to present similar zoning map amendments. Staff has also been working with MMSC to provide a plan for these properties such as additional forestation, trails and/or stormwater retention.

Process / Schedule:

An amendment to this ordinance will follow the standard map amendment to the Zoning Code as outlined in Section 13.1.182. Staff anticipates the following schedule:

Common Council Initial review	January 9, 2023
Plan Commission Review and Recommendation	February 7, 2023
City Council Public Hearing	February 27, 2023
City Council Action	February 27, 2023.

RECOMMENDATION:

Staff recommends that City Council refer the request to the Plan Commission for a recommendation.

ACTION REQUESTED:

Motion to request review of the proposed map changes by the Planning Commission at their earliest convenience.

ATTACHMENT:

[Attachment Map R-7 to C-1 Properties](#)

[Attachment: Draft Ordinance](#)

SUBJECT: Approval of Distribution Easement for Underground Electric and Communications on the North Shore Water Commission’s Grounds

FROM: Charlie Imig, Director of Public Works

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

The North Shore Water Commission (NSWC) received the attached paperwork from WE Energies, SPECTRUM MID-AMERICA, LLC and WISCONSIN BELL, INC. are requesting an easement on NSWC property. The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with WE Energies, SPECTRUM MID-AMERICA, LLC and WISCONSIN BELL, INC.

Eric Kiefer, NSWC Plant Manager, discussed the matter with the Commission’s attorney. There were no concerns raised and the recommendation was for each member community to take this up at their next Village Board/City Council meeting and consider approving/executing this document. As per the recommendation of NSWC’s attorney, Mr. Kiefer copied the signature sheet and crossed out several fields so that each sheet could be completed by each municipality.

Mr. Kiefer negotiated with WE Energies to receive a payment for the easement. He was told that WE Energies will pay a total of \$600 for the easement. Their intention is to pay \$200 to each member after each governing body signs and notarizes their signature page. Mr. Kiefer accepted this proposal, as advised by Attorney Fuchs.

The NSWC is asking that each of the three member communities approve the Distribution Easement. The Villages of Whitefish Bay and Fox Point will be placing this item on their respective Board’s agendas.

RECOMMENDATION:

Presented before you are the Distribution Easement for Underground Electric and Communications on the NSWC’s Grounds. Each of the NSWC communities need to approve this agreement.

ACTION REQUESTED:

Motion to approve the Distribution Easement for Underground Electric and Communications on the North Shore Water Commission’s Grounds.

ATTACHMENTS:

- [Distribution Easement for Underground Electric and Communications.](#)
- [Plant Manger’s Letter](#)

SUBJECT: Amendments to the North Shore Court Agreement

FROM: Karl Warwick, City Administrator

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS: The City of Glendale has been operating our court system under an intergovernmental agreement with the Villages of Bayside and Brown Deer for joint North Shore Court Services. The City of Glendale is the fiscal agent for the Court and houses the Court operations at the City Hall. While Brown Deer is a member of the North Shore Court, they do not participate financially in the operations of the Court; they simply pay of fee for the services.

The members of the Court have reviewed the agreement and are recommending several modifications based on current practice and the need for additional clarification on an item. The recommended modifications include.

1. Adding subsection 5 (b) Prosecutor. This section would provide terms to allow the parties to share in the cost of a municipal prosecutor. Currently, Glendale and Brown Deer share the cost for prosecution services, however the agreement did not include terms for this. The modified agreement would allow the Administrators of each municipality to enter into an agreement for this shared service.
2. Adding subsection 5 (f) Unanticipated Court Personnel Expenses. The agreement did not include language on providing compensation if a Court Clerk is unavailable for Court. The modified agreement states that if a member of the North Shore Court provides personnel more than two times in a calendar year, the Court receiving assistance shall provide compensation for those services. Assistance has been provided in the past without direction on whether or not to compensate the other municipalities or individual for assistance.
3. Modifying section 6 Forfeitures, Fees, Penalty Assessments and Costs. The agreement states that if revenues exceed expenditures, a distribution of funds shall occur at the end of the calendar year. The agreement was silent on how the funds would be distributed. The proposed agreement would distribute the surplus funds to Glendale and Bayside (currently) by the percentage of citations received per municipality in a calendar year.

RECOMMENDATION: Authorize the execution of the North Shore Municipal Court Agreement.

ACTION REQUESTED: Authorize Mayor Kennedy to execute the North Shore Court Agreement with the Village's of Bayside and Brown Deer.

ATTACHMENTS:

1. [Agreement for the Operation of the North Shore Municipal Court](#)



SUBJECT: Resolution Designating the Three (3) Polling Locations in the City of Glendale.

FROM: Megan Humitz, City Clerk

MEETING DATE: January 9, 2022

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	5.25
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

Following the November 8, 2022, General Election, staff learned that the current polling place for District 1 and District 3, Nicolet Union High School, would not be available as a polling place in 2023 and 2024. The school is currently undergoing a significant amount of interior and exterior renovations and will not be available to host elections for at least the next two years.

As a result, staff began the process of reviewing potential new polling places for District 1 and District 3. Staff is making a recommendation based on the requirements that will allow for assuring elections are appropriately conducted in accordance with the law and will not impair the voting rights of any person or unduly burden those involved in counting votes. Staff reviewed a number of potential polling locations and feel that the Bavarian Bierhaus provides the best polling location while Nicolet is under construction and unavailable as a polling location.

The following locations are the recommended polling places, with only a change to District 1 and District 3:

- District 1 and District 3 – The Bavarian Bierhaus
- District 2 and District 6 – City Hall
- District 4 and District 5 – Good Hope School

RECOMMENDATION:

Attached is the Resolution Designating the Three (3) Polling Locations in the City of Glendale for consideration.

ACTION REQUESTED:

Motion to approve the Resolution Designating the Three (3) Polling Locations in the City of Glendale.

ATTACHMENTS:

1. [Resolution](#)

SUBJECT: Liquor Code Amendment Regarding Restaurants

FROM: Karl Warwick, City Administrator

MEETING DATE: January 9, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	125.02
Municipal Code:	7.2.7

BACKGROUND/ANALYSIS: The City Code was previously written to prohibit the issuance of a Class B “Intoxicating Liquor License” to retail establishments that are not defined as a “Restaurant” as defined by State Law. The City Council recently approved an ordinance to allow up to three “Intoxicating Liquor License” be issued to establishments not defined as a “Restaurant” per the Wisconsin State Code, but not more than one per aldermanic district.

State Law does not restrict that Class B “Intoxicating Liquor Licenses” be issued to restaurants but does limit the number of these that can be issued. Glendale is permitted to issue up to 25 Class B “Intoxicating Liquor Licenses”. The City has issued 11, leaving 14 available. Glendale is also allowed to issue “Reserve” licenses in the event all Class B licenses are issued. The City has never issued a “Reserve” license. The City can also purchase additional licenses from communities that border Glendale and have not issued their maximum number of liquor licenses. There are communities surrounding Glendale that have not issued all their liquor licenses, so more could be available here. In summary, there are a significant amount of “Intoxicating Liquor Licenses” available.

Per Wisconsin State Code, a Class C “Wine” license can only be issued to a qualified person for a restaurant where alcoholic beverages account for less than 50% of revenue. This Statute did not permit the City from issuing a Class C “Wine” license to the paint and sip business in Bayshore.

There are several different liquor licenses, including:

Class “A”	Intoxicating Liquor License	Consumption Off-Premises All Liquor
Class “A”	Fermented Malt Beverage	Consumption Off-Premises Beer
Class “B”	Intoxicating Liquor License	Consumption On-Premises All Liquor
Class “B”	Fermented Malt Beverage	Consumption On-Premises Beer
Class “C”	Retail	Consumption On-Premises Wine
Class “B”	Fermented Malt Beverage	Consumption On-Premises Beer (Temporary)

With the business climate changing, more businesses are operating entertainment venues without a restaurant. The City's limitation on the issuance of Class B "Intoxicating Liquor License" would leave these businesses without the opportunity to have a full liquor license, which is a strong desire of these businesses. Without the availability of a full liquor license, these businesses would most likely look at other locations outside of Glendale for an "Intoxicating Liquor Licenses". Examples of these include movie theaters, bowling alleys, art studios, arcades, and social recreational sports, such as ax throwing, whirly ball, and cornhole.

State Law requires that person who enter a "bar" be 21 years of age or be accompanied by a parent. However, State statute allows for certain types of venues, like bowling alleys, movie theaters, and painting studios, to mix of age and underage patrons in the same space. Bowling alley where group of kids are bowling next to the group of adults ordering pitchers of beer is permitted under State Statute, just like kids would be permitted to paint next to a group of adults consuming wine. This is Wis. Stat. Sec. 125.32(3m).

RECOMMENDATION: Approve an ordinance removing the requirement that Class B Intoxicating Liquor Licenses can only be issued to Restaurants.

ACTION REQUESTED:

Motion to approve an ordinance eliminating the requirement that Class B, Intoxicating Liquor Licenses be defined as a Restaurant. Remove the requirement that Class B Intoxicating Liquor Licenses be limited to three, and not more than one per altermatic district.

ATTACHMENTS:

[Ordinance](#)