

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

Due to Wisconsin "Stay at Home" order, this meeting will be conducted via Zoom

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AGENDA—COMMON COUNCIL MEETING

Monday, April 13, 2020

6:00 p.m.

1. Roll Call and Pledge of Allegiance.
2. Consent Agenda:
 - a) Adoption of Minutes of Meeting held on March 23, 2020.
 - b) Approval of Accounts Payable.
3. New Business:
 - a) Bid Results for the 2020 Alley Reconstruction Project.
 - b) Bid Results for the 2020 Watermain Improvements and Reconstruction Project.
 - c) Bid Results for the 2020 Silver Spring Drive Reconstruction Project.
 - d) Ordinance Amending and Recreating Section 15.1.75 (b) of the Code of Ordinances of the City of Glendale Pertaining to Exceptions to Electrical Licenses.
 - e) Ordinance Amending and Recreating Section 8.1.6 of the City of Glendale Code Pertaining to Compliance.
 - f) Set public hearing - Discontinuance of a Public Way for the vacating of a public street at Bayshore Town Center.
 - g) Consideration to Reduce Current Restaurant Liquor License Renewals Due to COVID-19.
4. Commission, Committee, Board Reports: (This is an Opportunity for Council Members to Report on their Respective Committees, Commissions, Boards of which they serve as a Member.)
5. Adjournment.

*As the public will not be able to actively participate in this meeting, if you have any concerns or comments please contact your Alderperson.

– Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals.

2A–2B

04/13/2020

**CONSENT
AGENDA**

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

March 23, 2020

Regular meeting of the Common Council of the City of Glendale held in the Municipal Building, 5909 North Milwaukee River Parkway, Glendale, Wisconsin.

The meeting was called to order by Mayor Kennedy at 6:00 p.m.

Roll Call: Present: Mayor Bryan Kennedy, Ald. Tomika Vukovic, Jim Daugherty, John Gelhard, Richard Wiese, and Steven Schmelzling. Absent: Ald. JoAnn Shaw

Other Officials Present: Rachel Safstrom, City Administrator; Mark Ferguson, Police Chief.

PLEDGE OF ALLEGIANCE.

The members of the Common Council, City staff, and all those present pledged allegiance to the flag of the United States of America.

OPEN MEETING NOTICE.

Administrator Safstrom advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, March 19, 2020, of the date of this meeting; that the Agenda was posted on the official bulletin board of City Hall, the Glendale Police Department, and the North Shore Library; that copies of the Agenda were made available to the general public in the Municipal Building and the Police Department; and those persons who requested, were sent copies of the Agenda.

PUBLIC COMMENT.

Rob Cronwell, 7530 N. Applewood Lane commended the Council on use of Facebook Live for broadcasting the meeting. Mr. Cronwell inquired about using video conferencing for future meetings. Administrator Safstrom stated this would be discussed later in the meeting.

CONSENT AGENDA.

- I. File No.
Adoption of Minutes of Meeting held on March 9, 2020; Approval of Monthly Reports; 2020 Arbor Day Proclamation; and Resolution Authorizing the Director of Public Works to sign and submit the Recycling Grant application and annual reports to the WDNR.

Motion by Ald. Wiese, seconded by Ald. Vukovic, to adopt the minutes of meeting held on March 9, 2020, Approval of Accounts Monthly Reports, 2020 Arbor Day Proclamation; and Resolution Authorizing the Director of Public Works to sign and submit the Recycling Grant application and annual reports to the WDNR. Ayes: Ald., Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Absent: Ald. Shaw. Abstain: Ald. Vukovic. Motion carried.

NEW BUSINESS.

- II. File No.
Approval Bid Results for the Port Washington Road Intersection Reconstruction Project.

Administrator Safstrom stated three bids were received, reviewed and tabulated for the Port Washington Road Intersection Reconstruction Project. Upon confirmation of the bid documents, Forward Contractors LLC was the low bidder for this project.

Motion by Ald. Vukovic, seconded by Ald. Gelhard, to approve the Bid Results for the Port Washington Road Intersection Reconstruction Project. Ayes: Ald., Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Absent: Ald. Shaw. Abstain: None. Motion carried.

- III. File No.
Ordinance Amending Glendale Municipal Code Sections 9.4.3, 9.4.3(a)(3), and creating Section 9.4.3(a)(15) and 9.4.3(a)(16), Pertaining to Wireless Communication Systems; Use of Right-of-Way.

Administrator Safstrom stated City does not currently have fees associated with fiber boring under the Pertaining to Wireless Communication Systems; Use of Right-of-Way. Additionally, Staff time necessary for processing, reviewing, utility locating and inspecting the fiber boring Right-of-Way (ROW) permits averages from two to four people and from approximately one to several days. This all depends on type of work performed and the length of each project. The ordinance presented will be charged to contractors only. This is to allow for the City to recoup costs associated with the requests.

Motion by Ald. Schmelzling, seconded by Daugherty to approve the Ordinance Amending Glendale Municipal Code Sections 9.4.3, 9.4.3(a)(3), and creating Section 9.4.3(a)(15) and 9.4.3(a)(16), Pertaining to Wireless Communication Systems; Use of Right-of-Way as presented. Ayes: Ald., Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Absent: Ald. Shaw. Abstain: None. Motion carried.

- IV. File No.
Support of Proclamation to Declare a Glendale City Public Health Emergency Pertaining to the COVID-19 Pandemic.

Administrator Safstrom stated on Thursday, March 12, 2020, the Governor declared a Public Health Emergency. This started the 19 Milwaukee County municipalities began working together on action plans including the community specific declaration of a public emergency. The Proclamation by Mayor Kennedy and myself is in accordance with the City Emergency Operation Plan as well as the North Shore Emergency Operation Plan. This will assist in the City being eligible for FEMA funding to recover costs associated with procedural changes due to COVID-19.

Motion by Ald. Wiese, seconded by Ald. Daughter, to support the Proclamation to Declare a Glendale City Public Health Emergency Pertaining to the COVID-19 Pandemic

signed by Mayor Kennedy and Administrator Safstrom. Ayes: Ald., Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Absent: Ald. Shaw. Abstain: None. Motion carried.

V. File No. _____
Discussion and Potential adjustment of City Hall Operations.

Administrator Safstrom updated the Council as to the operational changes at City Hall due to COVID-19.

- o North Shore Health Department is the head of the Emergency Operation Center for the North Shore with the Assistance of Chief Whitaker.
- o North Shore Managers and Emergency Operation Coordinators are updated daily up to 6 days a week on the issue.
- o County-wide EOC has been enacted coordinated by Milwaukee County Office of Emergency Management.
- o You can see current statistics for Milwaukee County at the Milwaukee County OEM webpage.

The City of Glendale municipal buildings are closed to the public. Staff is available by appointment only for absentee voting or registration. On-line registration will be available again March 24- March 30. There are split shifts in many departments to ensure our essential functions continue. Staff has worked with the other North Shore Communities to have a unified voice throughout this process.

Election Day procedures are still be developed. Currentl, almost 3,000 or 34% of registered voters have requested absentee ballots. Unless the Governor puts out an order, we have to hold the elections. North Shore Health has agreed that we should keep three polling locations for social distancing reasons. We are struggling to get poll workers. We are short about 35 poll workers of the normal 42 poll workers needed. If each of you could recruit 4-5 people, we would be able to have our election. The poll worker should not have any underlying illness, they can't be sick in the past 2 weeks, or traveled out of state. Younger workers are ideal. They can be as young as 16 years old. Alderpersons are able to work the polls as well.

The next scheduled Council meeting is April 13. The City owns the software with Office 365 and may be able to use Microsoft Teams for video conferencing the meeting. Mrs. Safstrom stated she would schedule a test meeting for March 30 to ensure the Council is able to log into the meeting.

Multiple updates will continue through the upcoming weeks as they are received from the North Shore Health Department and Milwaukee County.

COMMISSION, COMMITTEE AND BOARD REPORTS.

There were several updates from Council members, on the activities of the various Commissions, Committees and Boards on which they serve.

ADJOURNMENT.

There being no further business, motion was made by Ald. Vukovic, seconded by Ald. Schmelzling, to adjourn the meeting. Ayes: Ald., Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 6:38 p.m., until Monday, March 23, 2020, at 6:00 p.m.

Rachel A. Safstrom
City Administrator

Recorded: March 24, 2020.



SUBJECT: Bid Results for the 2020 Alley Reconstruction Project
FROM: Charlie Imig, Director of Public Works
MEETING DATE: April 13, 2020

FISCAL SUMMARY:

Budget Summary:	Capital Improvement
Budgeted Expenditure:	\$350,000.00
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

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

BACKGROUND/ANALYSIS:

Four bids were received, reviewed and tabulated for the 2020 Alley Reconstruction Project. Upon confirmation of the bid documents, Forward Contractors was the low bidder for this project. The estimated construction engineering costs are \$24,000 for this project.

	<u>Base Bid</u>
1. Forward Contractors:	\$ 211,170.00
2. DC Burbach Inc:	\$ 228,780.50
3. LaLonde Contractors Inc:	\$ 243,662.63
4. Milwaukee General:	\$ 264,082.25

RECOMMENDATION:

Staff recommends that the City award a contract to the low responsible bidder, Forward Contractors for the Base Bid of \$211,170.00. Forward Contractors is an established contractor in the area and has performed well on other similar construction projects in the City.

ACTION REQUESTED:

Motion to accept the low base bid of \$211,170.00 and award of contract to Forward Contractors, for the 2020 Alley Reconstruction Project.

ATTACHMENTS:

- 1. None



SUBJECT: Bid Results for the 2020 Watermain Improvements and Reconstruction Project
FROM: Charlie Imig, Director of Public Works
MEETING DATE: April 13, 2020

FISCAL SUMMARY:

Budget Summary:	Capital Improvement
Budgeted Expenditure:	\$2,720,889.50
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

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

BACKGROUND/ANALYSIS:

Seven bids were received, reviewed and tabulated for the 2020 Watermain Improvements and Reconstruction Project. Upon confirmation of the bid documents, UPI, LLC was the low bidder for this project. The estimated construction engineering costs are \$140,000 for this project.

	<u>Base Bid</u>
1. UPI, LLC:	\$ 2,447,000.00
2. Willkomm Excavating:	\$ 2,470,531.00
3. Mid City Corporation:	\$ 2,487,625.20
4. Vinton Construction:	\$ 2,512,477.85
5. Globe Contractors:	\$ 2,527,992.50
6. MJ Construction:	\$ 3,047,915.00
7. Super Excavators:	\$ 3,807,598.00

RECOMMENDATION:

Staff recommends that the City award a contract to the low responsible bidder, UPI, LLC. for the Base Bid of \$2,447,000.00. UPI, LLC is an established contractor in the area and has performed well on other similar construction projects in the City.

ACTION REQUESTED:

Motion to accept the low base bid of \$2,447,000.00 and award of contract to UPI, LLC, for the 2020 Watermain Improvements and Reconstruction Project.

ATTACHMENTS:

1. None



SUBJECT: Bid Results for the 2020 Silver Spring Drive Reconstruction Project
FROM: Charlie Imig, Director of Public Works
MEETING DATE: April 13, 2020

FISCAL SUMMARY:

Budget Summary:	TID 8
Budgeted Expenditure:	\$800,000.00
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

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

BACKGROUND/ANALYSIS:

Four bids were received, reviewed and tabulated for the 2020 Silver Spring Drive Reconstruction Project. Upon confirmation of the bid documents, Zenith Tech Inc. was the low bidder for this project.

The bid amounts received are as follows, for the Silver Spring Drive Reconstruction Project. Bid Alternate 1 includes additional pavement markings near the intersection of Silver Spring Drive and Milwaukee River Parkway adding a right turn lane for east bound traffic on Silver Spring. The estimated construction engineering costs are \$52,000 for this project.

	<u>Base Bid</u>	<u>Bid Alternate 1</u>
1. Zenith Tech Inc:	\$ 730,725.21	\$1,432.50
2. LaLonde Contractors Inc:	\$ 751,328.78	\$1,361.75
3. Zignego Company Inc:	\$ 755,596.85	\$1,127.50
4. Super Western Inc:	\$ 766,314.50	\$1,472.00

RECOMMENDATION:

Staff recommends that the City award a contract to the low responsible bidder, Zenith Tech Inc., for the Base Bid plus Alternate 1 amount of \$732,157.71. Zenith Tech Inc. is an established contractor in the area and has performed well on other similar construction projects in the City.

ACTION REQUESTED:

Motion to accept the low base bid of \$732,157.71 and award of contract to Zenith Tech Inc., for the 2020 Silver Spring Drive Reconstruction Project.

ATTACHMENTS:

- 1. None

To: Mayor and Common Council

Re: Electrical License Requirements

From: John F. Fuchs, City Attorney

Date: April 3, 2020

City ordinance currently exempts from the requirement for an electrical license for minor repairs. State statute has an additional exception for an owner doing such repairs at his or her occupied residence. I have added that language to our ordinance. On occasion, we have had an owner wishing to do such a repair, and it puts the building inspector in a rather odd spot. Our ordinance has precluded taking advantage of the statute. Just because the person might put in an outlet without a license does not mean that installations can be done in a manner that is noncompliant with the electrical codes. However, we may not have any reason to know, or do an inspection, and remember the state passed a law precluding inspections on property transfers.

ORDINANCE NO. _____

An Ordinance Amending and Recreating Section 15.1.75 (b) of the Code of Ordinances of the City of Glendale Pertaining to Exceptions to Electrical Licenses

The Mayor and the Common Council of the City of Glendale, Milwaukee County, Wisconsin, do herewith ordain as follows, to-wit:

SECTION I

That Section 15.1.75(b) of the Code of Ordinances is hereby amended and recreated to provide as follows:

15.1.75 ELECTRICAL LICENCES

(b) No license shall be required for the making of minor repairs or if exempted from licensing requirements by operation of Section 101.862(4)(a) pertaining to residential property owners performing work in their occupied premises.

SECTION II

If any subsection, section or portions of this article or the sections of this ordinance as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not effect the validity of the remaining portions hereof.

SECTION III

All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

SECTION IV

This Ordinance shall take effect upon passage and publication as provided by law, and the City Clerk shall so amend the Code of Ordinances of the City of Glendale and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council of the City of Glendale, this _____ day of _____, A.D. 2020.

Bryan Kennedy, Mayor

Countersigned:

Megan Humitz, City Clerk

To: Mayor and Common Council

From: John F. Fuchs, City Attorney

Re: Health Orders and Enforcement

March 31, 2020

We have a very brief code section that requires compliance with local and state health laws when there are orders from the city health officer or director of inspections. We have recently had to deal with circumstances under which the governor is issuing orders. We need a broader enforcement tool. To that end, I am proposing we re-create that section to incorporate all the chapters of state statutes and the administrative code under which our health department might conceivably issue orders. In addition, we should have enforcement authority as to orders issued directly by state authorities. For example, if there is a public gathering in violation of the governor's most recent order, the police would like clearer authority under which to order disbursement or to even cite offenders if necessary. I have provided an ordinance to accomplish that objective.

ORDINANCE NO. _____

**An Ordinance Amending and Recreating Section 8.1.6 of the City of Glendale Code
Pertaining to Compliance**

The Mayor and Common Council of the City of Glendale, Milwaukee County, Wisconsin, do herewith ordain as follows, to-wit:

SECTION I

Section 8.1.6 is hereby amended and recreated to provide as follows:

8.1.6 COMPLIANCE

The applicable laws, rules, and definitions and regulations as set forth in Wisconsin Statutes Chapters 97, 125, 251, 252, 254, and Wisconsin Administrative Code Chapters ATCP 72, 73, 74, 75, 76, 78, 79, and SPS 390, and any future amendments thereof, are hereby incorporated herein and adopted by reference.

Any person who willfully violates or obstructs the execution of the provisions of or an order issued under, any of the foregoing provisions, or any state statute or rule, county or village ordinance, or order issued by an agent of the State or a local unit of government engaged in emergency management services, shall be subject to all penalties as provided in 1.1.7 of the Glendale Code.

SECTION II

All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

SECTION III

This Ordinance shall take effect upon passage and publication as provided by law, and the City Clerk shall so amend the Glendale Code and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Glendale this _____ day of _____, A.D. 2020.

Bryan Kennedy, Mayor

Countersigned:

Megan Humitz, City Clerk



SUBJECT: Set public hearing - Discontinuance of a Public Way for the vacating of a public street at Bayshore Town Center.

FROM: Rachel Safstrom, City Administrator

MEETING DATE: April 13, 2020

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	§66.1003
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

As part of the upcoming plans for the redevelopment of Bayshore Town Center, the developer has requested the streets of the development be private. In June, 2019 the Council went through this process. Though several engineers reviewed the information, a short portion of the streets were not included in the previous request. We must now proceed with the process to vacate the remaining portion of N. Bayshore Drive.

The City is the petitioner. Accordingly, the Resolution is a simple agenda item on this agenda. Staff will concurrently file the Lis Pendens, as attached. After the Council approves the initiating Resolution: Attached is a timeline for the process.

RECOMMENDATION:

On February 24, 2020 the resolution was introduced. At this meeting staff recommends approval of the public hearing date for Monday, June 24, 2019 at 6:00 p.m. Notices to property owners will be sent this week.

ACTION REQUESTED:

Motion to set public hearing for Monday, June 24, 2019 at 6:00 p.m. for the vacating public streets at Bayshore Town Center.

ATTACHMENTS:

1. Time Frame Summary

Time Frame Summary

Date	Action	Completed by
	Request for vacation filed with Clerk's Office	Applicant
2/24/2020	Common Council consideration of the right-way-vacation	Clerk's Office
	Preparation of resolution, public hearing notice, and notice of pendency (map and legal description if not provided by the applicant)	City Attorney, Clerk's Office, Engineering
	Request to vacate sent to secretary of transportation and commissioner of railroads as may be necessary	Clerk's Office
04/13/2020	Common Council introduction of the resolution to vacate certain right-of-way and to set the public hearing date (minimum of 40 days after introduction)	Clerk's Office
	Send Notice of Pendency to be recorded (day after introduction at Common Council)	Clerk's Office
04/14/2020	Notice served to property owners abutting ROW (via process server) (30 days prior to public hearing date)	Clerk's Office
04/14/2020	Notice mailed to property owners within 2,650 feet of ROW	Clerk's Office
	Notice sent to newspaper for publication (Class 3)	Clerk's Office
	Post notice at City Hall and place on City's website	Clerk's Office
	Public hearing published in paper 3 times	Clerk's Office
06/08/2020	Public hearing held by Common Council and action on resolution	Clerk's Office
	Resolution sent to newspaper for publication	Clerk's Office
	Public hearing at Common Council and adopt Resolution	Clerk's Office
	Record adopted Resolution	Clerk's Office
	Send property owners copy of recorded Resolution	Clerk's Office



SUBJECT: Consideration to Reduce Current Restaurant Liquor License Renewals Due to COVID-19.

FROM: Rachel Safstrom, City Administrator

MEETING DATE: April 13, 2020

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:

Since the declaration of public health emergency by the Governor, the restaurants have had to change their business model to be carry-out or delivery only. In some cases, these businesses are losing revenue by not being able to sell alcohol in the manor that they can in a normal environment.

Liquor license renewal notices will be going out to businesses in the next couple of weeks. These license rates are determined by the Council in accordance to State Statute. In working with Attorney Fuchs, it would be possible to reduce the renewal rate for restaurants.

Class "B" Retail Fermented Malt Beverage license - \$100.00
"Class B" Intoxicating Liquor License - \$500.00

RECOMMENDATION:

I am recommending reducing the renewal rate for a restaurant by 20%. Below is a list of restaurants that would be affected:

- | | |
|--------------------------|-------------------------|
| Bavarian Bierhaus | Royal Garden Restaurant |
| Buffalo Wild Wings | The Brick Pub & Grill |
| California Pizza Kitchen | The Cheesecake Factory |
| Johnson's Green 7 | The Glen Café |

This would be for the 2020-2021 renewal license only. The business must have been operating at the time of the Governor's order. Other licensing fees would not be amended.

ACTION REQUESTED:

Motion to reduce the liquor license renewal amount for 2020-2021 only as follows: Class "B" from \$100.00 to \$80.00 and "Class B" from \$500.00 to \$400.00.

ATTACHMENTS:

1. None.