

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes
September 9, 2019

Regular meeting of the Common Council of the City of Glendale held in the David Hobbs Honda for the People Community Room, located at Richard E. Maslowski Park, 2200 West Bender Road, Glendale, Wisconsin.

The meeting was called to order by Mayor Kennedy at 6:38 p.m.

Roll Call: Present: Mayor Bryan Kennedy, Ald. Tomika Vukovic, Jim Daugherty, John Gelhard, Richard Wiese, Ald. Steven Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; and Miranda Etzel, City Clerk.

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, September 5, 2019, 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.

Ginny Gerth, 6861 North Ironwood Lane, Glendale, Wisconsin, expressed gratitude with regard to the City's handling of a driveway of a home in her neighborhood being used as a parking lot for students attending Nicolet High School. Ms. Gerth inquired about the City's stance on dead trees in neighboring yards, and whether the City can force residents to take down trees. Administrator Safstrom asked Ms. Gerth to report dead trees to the Public Works Department, and explained that whether the City can force trees to be removed depends on the circumstance.

CONSENT AGENDA.

- I. File No.
 - a) Adoption of Minutes of Meeting held on August 26, 2019.
 - b) Accounts Payable.

Motion by Ald. Vukovic, seconded by Ald. Wiese, to approve Adoption of Minutes of Meeting held on August 26, 2019, and Accounts Payable. Ayes: Ald. Vukovic,

Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS.

- II. File No.
Review of Request from Craig Johansen, 1900 West Greenwood Road for a Variance of Natural Landscaping in the Right-of-Way.

Administrator Safstrom explained that the City has received a request from Craig Johansen regarding the keeping of natural landscaping in the terrace area of his property. The City Ordinance states:

Ordinance Section 8.1.9(d)(10)b states that Natural landscaping shall be set back no less than six (6) feet from the edge of any roadway, or no less than six (6) feet from the inner edge of any sidewalk, whichever setback is greater. Terrace and right-of-way areas shall be planted and maintained with Fescue, Bluegrass, or Ryegrass, or any combination thereof.

This issue was previously discussed at the August 12 meeting.

Robert Cronwell, 7530 North Applewood Lane, stated that he drives by 1900 West Greenwood Road, and that his view is not obstructed, further stating that the landscape in question has been in place for 25 years, and in his opinion, does not seem to cause a problem. City Administrator Safstrom explained that Dr. Mustafa Emir, City Engineer, stated in a memorandum that the ditches are part of the City's stormwater management system, and that the current natural landscape located at 1900 West Greenwood Road, prohibits proper flow of water.

Craig Johansen, co-owner of 1900 West Greenwood Road, explained that the landscape current in place contains indigenous plants, and has been part of the landscape of this property for more than 30 years. Mr. Johansen stated that he has read the Ordinance regarding sightlines/traffic views, and does not believe there is an issue. Mayor Kennedy countered that the landscape is growing in the drainage ditch, and that the MMSD has criteria for drainage. Mr. Johansen asked about the natural landscape at Kletzsch Park, to which City Administrator Safstrom explained that the natural landscape in ditches at Kletzsch Park are bioswales with more to the construction than just plants. The bioswales have piping below to direct the water to the storm sewers.

Ald. Wiese stated that where the asphalt portion of the driveway (the apron) ends is where the Johansens' property begins; the natural landscape is in the City's right-of-way.

Ald. Schmelzling stated when he drove by, he did not see much of a ditch. Administrator Safstrom explained that the ditch had been previously filled in.

Ald. Wiese stated that he has received complaints in the past, and wrote a memorandum to the City. He recommended that the Johansens take the plants and move them.

Viktoriya Johansen stated she spoke with a culturist, who explained that the roots of many of the plants are 3-6 feet. Mayor Kennedy suggested that the plants be trimmed back, so as not to be in the City's right-of-way. Administrator Safstrom stated that the plants may be taken out next year, with the implementation of the City's ditch maintenance program.

Ald. Wiese expressed empathy with the Johansen's situation, further stating that the ditch on one side of the driveway is typically deeper than the other.

Ald. Daugherty stated that there have not been issues with the plants in 30 years. Mr. Johansen stated that there has not been an issue with flooding.

Attorney Fuchs explained that the Council can grant a variance until such time as the City implements the ditching program for that street.

Ald. Gelhard reiterated that the City Engineer recommends not having any plants in the terrace area.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic, to allow a variance for natural landscaping in the terrace area of 1900 West Greenwood Road, until the City's implementation of its ditch maintenance program. Ayes: Ald. Vukovic, Daugherty, Schmelzling, and Shaw. Noes: Ald. Gelhard, and Wiese. Absent: None. Motion carried 4-2.

NEW BUSINESS.

III. File No.

Ordinance Creating Title 11, Chapter 2, Section 20 of the Glendale Municipal Code Pertaining to Electronic Smoking Devices, and Amending and Renumbering Current Title 11, Chapter 2, Section 20 as Title 11, Chapter 2, Section 21 Relating to Penalty.

Administrator Safstrom explained that Dr. Debesh Mazumdar is the City representative on the North Shore Health Department Board.

On August 15, 2019, the Board of Health unanimously passed a resolution of support for this policy given the alarming statistics showing an increase in the use of electronic cigarettes and vaping devices among youth, and the potential health impact of the vapor on users and bystanders. As a Board of Health member, Dr. Mazumdar has requested the City consider adopting such an ordinance to demonstrate our City's leadership around this important public health issue. Although the State of Wisconsin has not passed laws prohibiting electronic cigarettes or vaping devices, communities across Wisconsin are passing anti-vaping ordinances. A similar ordinance passed in the Village of Shorewood on July 15, 2019.

Robert Cronwell, 7530 North Applewood Lane, asked if Part "F" of the Ordinance includes City roads. Administrator Safstrom replied that it does not.

Ann Christensen of the North Shore Health Department, explained that this Ordinance expands where cigarette smoking is not allowed, to include electronic smoking devices.

Ald. Wiese asked if this Ordinance will prohibit sales of electronic cigarettes devices and equipment to those under the age of 18. Ms. Christensen stated that it does prohibit the selling of devices and equipment to those who are underage.

Dr. Mazumdar explained that these devices and their accessories have been marketed illegally to minors, erroneously marketing that electronic cigarettes are safer than tobacco cigarettes, when they are not. Ms. Christensen stated that the EPA is investigating the health hazards with regard to electronic cigarettes.

Motion was made by Ald. Wiese, seconded by Ald. Gelhard, to approve Ordinance Creating Title 11, Chapter 2, Section 20 of the Glendale Municipal Code Pertaining to Electronic Smoking Devices, and Amending and Renumbering Current Title 11, Chapter 2, Section 20 as Title 11, Chapter 2, Section 21 Relating to Penalty, upon correction. Ayes: Ald.

Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No.

Payment 11 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project.

Administrator Safstrom explained that the contract amount for the project is \$5,436,000.00. There are change orders in the amount of \$416,093.42, adjusting the contract to \$5,852,093.42. Additional change orders include over excavation costs for bad ground, various electrical revisions, millwork adjustments, and the stormwater management. The stormwater management was over \$100,000 in charges that were not included in the bid. This was separated out so we could utilize green infrastructure funding from MMSD. This payment is for work completed on the project.

Ald. Schmelzling asked if the storm water management cost of \$100,000 will all be covered by the MMSD. Administrator Safstrom explained the cost will be \$140,000, and all of it will be covered.

Motion was made by Ald. Shaw, seconded by Ald. Wiese, to approve Payment 11 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project in the amount of \$654,932.22. On Roll Call: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

V. File No.

Approval of Declaration of Termination and Release of City Rights—Bayshore Town Center.

Administrator Safstrom explained that in 1972, the City declared a portion of property under the Kohl's building to be reserved for the potential of a future road. This is no longer necessary. Bayshore Town Center owners are requesting the reservation be removed.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty, to approve Declaration of Termination and Release of City Rights as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VI. File No.

Recommendation from the Plan Commission for Review and Approval of a Certified Survey Map for 2510 West Good Hope Road.

Administrator Safstrom explained that previously dedicated Public Street Right-of-Way and Utility Easements are required by the City of Glendale to be legally vacated. The Plan Commission reviewed the map and recommended the Common Council approve the Certified Survey Map with the requirements of payment of the \$175 administration fee, making the required technical corrections to the document, and payment of City Engineer CSM technical review fees, and any other required fees.

Ald. Wiese inquired about a report previously provided by Dave Eastman, former Superintendent of the Department of Public Works, which stated in part that there is a water line on this land, necessary to flow north, to which Administrator Safstrom explained that in speaking with the current City Engineer, the water line is not a necessity.

Motion was made by Ald. Wiese, seconded by Ald. Gelhard, to approve the Certified Survey Map for 2510 West Good Hope Road with the requirement of payment of the \$175 administration fee, making the required technical corrections to the document, and payment of City Engineer CSM technical review fees, and any other required fees. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VII. File No. _____

Resolution Authorizing the Director of Public Works to sign and submit the Wisconsin Department of Natural Resources Urban Forestry Grant application and subsequent reports.

Administrator Safstrom explained that in September, City Staff plans to submit an Urban Forestry Grant application to the Wisconsin Department of Natural Resources in the amount of \$25,000. If approved in 2019, the 50/50 cost-share grant will assist the City with the costs to prepare a tree inventory, tree management plan and the removal of hazard public ash trees affected by the emerald ash borer in 2020.

Ald. Vukovic asked if this money will be coming from the General Fund. Administrator Safstrom stated that it will come out of Capital Improvement in 2020.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic to approve the Resolution authorizing the Director of Public Works to sign and submit the Wisconsin Department of Natural Resources Urban Forestry Grant application and subsequent reports. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VIII. File No. _____

Review of proposed changes to customer billing cycles for the Water Utility.

Administrator Safstrom explained that Glendale Water Utility has historically billed services quarterly to a different 1/3 of the City each month. With the many technological advances happening, now would be a good time to consider moving the entire City to the same quarterly billing cycle. Staff recommends billing at the end of March, June, September, and December.

Moving to a consolidated billing would change the months 2/3 of the customers have historically received a Water Bill. Those customers would be moved to the new billing cycle by getting a prorated bill for only 1 or 2 months of services and then not get another bill for 3 months. If approved, it is expected the first City-wide billing would be either December 2019 or March 2020.

No action was taken on this item.

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.

CLOSED SESSION.

Motion by Ald. Wiese, seconded by Ald. Schmelzling, to convene in Closed Session per Wis. Stat. §19.85(1)(g) 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 (Juvenile Detention Center) Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

A closed session of approximately 14 minutes was held. The Council discussed the Juvenile Detention Center.

Motion by Ald. Vukovic, seconded by Ald. Wiese to reconvene to open session and regular order of business. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

Action on Closed Session Items.

Motion by Ald. Schmelzling, seconded by Ald. Wiese for the Council to jointly sign a letter with Mayor Kennedy to Governor Evers requesting the State of Wisconsin follow the Statutes as it relates to the choosing a location for the juvenile detention center. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

ADJOURNMENT.

There being no further business, motion was made by Ald. Gelhard, seconded by Ald. Daugherty, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried and adjournment of the Common Council was ordered at 7:38 p.m., until Monday, September 23, 2019, at 6:00 p.m.

Miranda Etzel
City Clerk

Recorded: September 10, 2019.