

## CITY OF GLENDALE -- COMMON COUNCIL

October 10, 2016

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

The meeting was called to order by Mayor Bryan Kennedy at 4:30 p.m.

Roll Call: Present: Ald. Robert Whitaker, James Daugherty, John C. Gelhard, Richard Wiese, Izzy Goldberg and JoAnn Shaw. Absent: None.

Other Officials Present: Rachel Reiss, Deputy City Administrator; John Fuchs, City Attorney, Tom Czarnyszka, Police Chief, Shawn Lanser, Finance Director, and Andrew Wescott-Barten, Deputy 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.

The Deputy City Administrator advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, October 6, 2016, 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.

### REPORT OF THE SCHOOLS

Dr. Robert Kobylski and Larry Smalley shared updates on Nicolet High School and Glendale-River Hills Middle School.

Dr. Kobylski spoke to the Common Council regarding Nicolet High School. A summary of his remarks include:

Nicolet Union High School produced a robust share of National Merit Scholars, Scholastic Writing Winners, Visual Arts Awards, World Language Competition honors, and several other accolades. As a learning institution, Nicolet High School has also received a steady stream of awards and acknowledgments and it should not be a surprise that many staff members received awards and honors for their work with the students. He added that he was impressed with the commitment the citizens of Glendale have for the Nicolet High School District by passing the 2016-2017 referendum by a vote of 67 percent approval from Glendale residents.

Larry Smalley gave a summary of the Glendale River Hills School District budget. The tax rate for 2017 is expected to be \$7.27 per thousand for the Glendale River Hills portion of the tax bill. This rate is lower than it was for the 2012-2013 school year. Mr. Smalley stated of the students that have gone on to Nicolet High School from Glen Hills Middle School, 35-40% are on the honor roll each year. Mr. Smalley informed the Council that Glen Hills Middle School will be the 12<sup>th</sup> school in the state to be a majority minority population.

## REVIEW OF THE PROPOSED 2017 CITY BUDGET

The Council began their review of the proposed 2017 city budget. The Deputy City Administrator and Finance Director discussed with Council members the overall budget numbers, as well as their concerns for 2017 and beyond.

The City budget – general fund summary (Operation/maintenance), special revenue funds, and debt service was reviewed page by page, account by account. Department budgets were also reviewed.

The proposed 2017 budget for operations and maintenance totals \$ 13,019,925, an increase of \$204,461, or 1.6% from the 2016 budget. The total City budget as proposed, including TIF, Debt Service and Special Revenue Funds, is \$53,988,624. Assuming that no additional adjustments are made in the proposed budget, the tax levy will be \$12,490,225, an increase of \$20,984 or less that 0.17%.

Deputy Administrator Reiss stated in the past, employees would request out-of-state training throughout the year on a case by case basis from the Council. For 2017, out-of-state training will be identified in as the individual budgets are reviewed in lieu of individual requests.

Ms. Reiss informed the Council staff is still waiting for information from the State to be able to calculate expenditure restraint limits. It is anticipated this information will be available at the next budget review meeting.

The next meeting of the Council to discuss the budget will be Monday, October 24, 2016 at 4:30 p.m., at which time the Police Chief and the City Services Director will be present. The public hearing is scheduled for November 14, 2016 at 6:00 p.m.

## ADOPTION OF COUNCIL MINUTES.

Motion was made by Ald. Whitaker, seconded by Ald. Gelhard, approving the minutes of the meeting held on September 26, 2016. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

## PUBLIC COMMENT:

No public comment.

## COMMUNICATIONS, APPLICATIONS AND PETITIONS:

- I. File No \_\_\_\_\_  
Communication from Deputy City Administrator, re: Policy for Applications for payments, Changes and Claims for Construction Projects.

Deputy Administrator Reiss requested an addition to the policy presented. There have been instances in which the street, water, or sewer projects have had change orders that have exceeded the \$25,000. Delaying approval of these would delay the project and

potentially increase the additional costs. Ms. Reiss recommends adding: “The Administrator will report on and justify any expenditures exceeding normal purchase authority at the next Council meeting.” to the policy.

Based upon the recommendation of the Deputy City Administrator, motion was made by Ald. Goldberg, seconded by Ald. Whitaker, to approve policy for applications for payments, changes and claims for construction projects with the additional language requested. On Roll Call: Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

II. File No \_\_\_\_\_

Communication from Director of City Services, re: Bid results W. Bender Road Sidewalk and Flashing Beacon.

Ms. Reiss informed the Council this project was not included in the 2016 Capital Project borrowing; however, there are sufficient funds available in the capital project fund.

Based upon the recommendation of the City Services Director, motion was made by Ald. Whitaker, seconded by Ald. Gelhard, to award the W. Bender Road Sidewalk and Flashing Beacon to Forward Contractors for the amount of \$50,613.10. On Roll Call: Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

III. File No \_\_\_\_\_

Communication from City Services Director, re: Payment 1 to Scherrer Construction Company--Richard E. Maslowski Community Park

Based upon the recommendation of the City Service Director, motion was made by Ald. Wiese, seconded by Ald. Whitaker, to approve Payment 1 in the amount of \$480,682.80 to Scherrer Construction Company for work completed at Richard E. Maslowski Community Park. Ayes: Ald. Whitaker, Daugherty, Gelhard, Goldberg, Wiese and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No \_\_\_\_\_

Communication from iPic Entertainment, re: Second Amendment to Developers Agreement between Bayshore Town Center and the CDA.

iPic Entertainment is requesting an amendment to the Developer Agreement with Bayshore Mall. The amendment includes the removal of the bowling alley and replace them with two theatres that will not exceed 100 seats per theatre. Theatre seating would increase from 430 seats to a maximum of 630 seats. They are also requesting that the age restrictions identified in the Development Agreement be removed in order to encourage more families to use the facility at Bayshore Town Center. The facility would adhere to the restrictions for youth for Bayshore Town Center.

Based upon the recommendation of the CDA, motion was made by Ald. Gelhard, seconded by Ald. Whitaker, to approve amendment to Section i. of Exhibit M of the Second Amendment to Development Agreement Bayshore Mall N\K\A Bayshore Town Center LLC allowing for the removal of the bowling alley, the addition of two additional theaters with a

maximum capacity of 100 persons in each theater and the removal of the age restrictions for the multi-screen cinema. Ayes: Ald. Whitaker, Daugherty, Gelhard, Goldberg, Wiese and Shaw. Noes: None. Absent: None. Motion carried unanimously.

V. File No \_\_\_\_\_

Communication from City Treasurer, re: Lease of 5960 N. Port Washington Road for the sale of Christmas Trees.

Ms. Reiss informed the Council that Pat's County Line Market had rented this property from the City for several years for the sale of Christmas trees. Mr. Ottman of Ottman Christmas Trees wishes to continue the operation and had worked with Ms. Guidinger in the past. This fee is in addition to the permit for selling Christmas trees.

Based on the recommendation of the City Treasurer motion was made by Ald. Shaw, seconded by Ald. Goldberg, to approve the rental of 5960 N. Port Washington Road for the sum of \$700 to Ottam Christmas Trees to Sell Christmas Trees during the 2016 holiday season. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VI. File No \_\_\_\_\_

Communication from Finance Director, re: 2015 Financial Audit Report

Mr. Lanser informed the Council in prior years, the financial audit has been distributed with monthly reports. This year the report is placed on the agenda for the Common Council. Mr. Lanser stated the 2015 Financial Audit was good and there were no concerns to be identified.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard, to place the 2015 Financial Audit Report on file. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS.

VII. File No \_\_\_\_\_

Reconsideration City email addresses for the Mayor and Council.

Ald. Shaw requested the council members consider amending the new email addresses approved to include each Alderperson's and Mayor's full names within the email address. Ald. Shaw believes this would clarify who is sending and receiving the emails.

Ald. Wiese stated a concern with the changes this might bring with open records request laws. Attorney Fuchs advised the open records request laws would not change by going from a private email address to a public email address.

Motion was made by Ald. Shaw, seconded by Ald. Goldberg, to approve the council members be assigned Glendale domain email addresses as presented. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously

VIII. File No  
Bike lanes on Bender Road

This item was reviewed at the September 26, 2016 Council Meeting. At the meeting, there were questions as to the feasibility of bike lanes extending west of Green Bay Avenue to the Richard E. Maslowski Community Park. James Hensel, P.E, North Shore Engineering indicated in an email that even with the removal of parking lanes, the width of W. Bender Rad would not support bike lanes.

It would not be possible to add bike lanes through the intersection Green Bay Avenue and Bender Road at this time, due to the current traffic pattern. The intersection would need to be reconstructed if the Council wanted bike lanes.

In additional correspondence from Mr. Hensel he stated that on Bender Road, east of Green Bay Avenue, all parking would have to be prohibited in order to accommodate bike lanes. If the Council wants to proceed with bike lanes on Bender Road, staff advises scheduling a public hearing and notifying the affected property owners.

Motion was made by Ald. Whitaker, seconded by Ald. Gelhard, to set a public hearing on the bike lanes for Bender Road for November 28, 2016 at 6:00 p.m. Ayes: Ald. Whitaker, Gelhard, Goldberg . Noes: Ald. Daugherty, Wiese, Shaw. Absent: None. Due to a tie vote by the Council, Mayor Kennedy voted Aye to approve. Motion carried.

IX. File No  
Venue Naming Contest – Richard E. Maslowski Community Park

At the August 22, 2016 Common Council meeting, the Council approved the venue naming contest for the stage and amphitheater, beer garden and plaza, and the community room at Richard E. Maslowski Community Park. Submittals were received by residents and employees of the respective sponsors. Council members will submit their top three choices on names to staff. This information will be forwarded to the sponsors for final approval.

NEW BUSINESS.

X. File No  
Natural Landscaping Issues – 5690 N. Dexter Avenue

Attorney Fuchs advised the Council that there have been some challenges with the upkeep of natural landscaping in the right-of-way at 5690 N. Dexter Avenue. Mr. Fuchs recommends scheduling a hearing to review the permit.

Motion by Ald. Goldberg, seconded by Ald. Wiese to set a hearing to review the permit granted to Mr. and Mrs. Lutz in 2008 to establish the requested plantings and require the property owners to establish grass within the terrace area as required by Ordinance 6.2.8(b) and Ordinance Section 8.1.9 (d)(10) for November 28, 2016 at 6:00 p.m. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XI. File No  
Set Additional Council Meeting for October 31, 2016

Deputy Clerk Wescott-Barten stated Mr. Szymborski from GovHR has requested a special council meeting on October 31, 2016. Mr. Szymborski will be submitting a recruitment portfolio to Mr. Wescott-Barten on October 28, 2016 at which time it will be distributed to all the council members.

Motion was made by Ald. Whitaker, seconded by Ald. Wiese, to schedule an additional Common Council meeting on October 31, 2016 starting at 6:00 p.m. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XII. File No  
MMSD Milwaukee River Watercourse Management Plan information

Ms. Reiss informed the Council of the MMSD Milwaukee River Watercourse Management Plan. There are 387 properties in Glendale that may be affected. The implementation of alternatives would be in conjunction with the municipalities on a voluntary basis. The MMSD Commission is expected to review this plan at the end of October. As more information is available it will be distributed to the Council.

For informational purpose only.

XIII. File No  
Resolution requesting shoreline restoration upon removal of Estabrook Dam

Mayor Kennedy requested this resolution to restore the shoreline upon removal of Estabrook Dam. After speaking with the River Keepers group, there had been considerable restoration done after the removal of the dam at North Avenue. Glendale should encourage MMSD and the County to initiate shoreline restoration for properties which may have negative affects due to the removal of the dam.

Motion was made by Ald. Gelhard, seconded by Ald. Whitaker, to approve the resolution requesting shoreline restoration upon removal of Estabrook Dam. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

APPROVAL OF ACCOUNTS PAYABLE.

Motion was made by Ald. Whitaker, seconded by Ald. Shaw, to approve the accounts payable register dated October 5, 2016 for check numbers 37694 to 37757 totaling \$1,434,436.39 and prepaid checks, numbers 37541 to 37680 and 978 to 998 totaling \$12,633,205.33. On Roll Call: Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

COMMISSION, COMMITTEE AND BOARD REPORTS.

Several Council members briefly reported on the activities of the various

Commissions, Committees and Boards they serve on.

ADJOURNMENT.

There being no further business, motion was made by Ald. Gelhard, seconded by Ald. Whitaker, to adjourn the meeting. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously and adjournment of the Common Council was ordered at 6:40 p.m. until Monday, October 24, 2016 at 6:00 p.m.

Andrew Wescott-Barten  
Deputy City Clerk

Recorded: October 11, 2016