

CITY OF GLENDALE -- COMMON COUNCIL

October 24, 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, Colette Reinke, Assistant City Attorney, Tom Czarnyszka, Police Chief, Shawn Lanser, Finance Director, and Karen Couillard, 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 20, 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.

CONTINUED REVIEW OF THE PROPOSED 2017 CITY BUDGET

The Council reviewed updated budget sheets of the proposed 2017 city budget. The Deputy City Administrator, City Services Director and Police Chief discussed with Council members the updated budget numbers. Deputy City Administrator Reiss reviewed the revised pages and their effect on the expenditure restraint program.

City Services Director Dave Eastman discussed with Council members his department's proposed 2017 budget. The Public Works budget includes funds that could be available for sidewalk repairs. Sidewalks are inspected every 3 to 5 years. In prior years, the City issued notices to property owners to repair the sidewalks. There was discussion about the responsible parties for sidewalk repair and how that will be handled in the future. A potential policy will be placed on a future agenda. The Public Works budget includes the costs related to street lighting, traffic signals, snow plowing and ice removal.

Police Chief Tom Czarnyszka reviewed his department's budget requests for 2017. The proposed Police Department request column includes funds for three additional police officers. These officers are not included in the Administrator's recommendations. Each officer would be an increase of \$92,933. Included in the Police Department budget is a request for out-of-state training for forensic software which specializes in the evidence collection from mobile phones, GPS devices and tablets.

With the conclusion of the budget reviews for 2017, the Deputy City Administrator reminded the Council of the public hearing scheduled for the budget on November 14, 2016 at 6:00 p.m.

ADOPTION OF COUNCIL MINUTES.

Motion was made by Whitaker, seconded by Daugherty, approving the minutes of the meeting held on October 10, 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 City Services Director, re: Payment 3 and Final to UPI for the work completed on the reconstruction of W. Edward Lane.

Based upon the recommendation of the City Services Director, motion was made by Ald. Whitaker, seconded by Ald. Daugherty, to approve Payment 3 and Final to UPI for the work completed on the reconstruction of W. Edward Lane for the amount of \$133,634.14. 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: Payment 2 and Final to Buteyn-Peterson Construction Company for the work completed watermain replacement and street resurfacing of N. Atwahl Drive.

Based upon the recommendation of the City Services Director, motion was made by Ald. Gelhard, seconded by Ald. Whitaker, to approve Payment 2 and Final to Buteyn-Peterson Construction Company for the work completed watermain replacement and street resurfacing of N. Atwahl Drive for the amount of \$179,427.63. On Roll Call: Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

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

Request for Approval of Wine Taste Samples—Trader Joes

Trader Joe's formally requested permission to be able to give wine samples to their customers. Pursuant to Section 7.2.4 (a) of the Code of Ordinances such request must have Council approval and must be not more than 1 fluid ounce, they must be free of charge and for consumption only on premises. In addition Trader Joe's may not provide more than 2 wine samples per day to any one person and only between the hours of 3:00 p.m. and 6:00 p.m. Trader Joe's is aware of these restrictions and will comply. Staff recommends approval of this request.

Based upon the recommendation of the staff motion was made by Ald. Goldberg, seconded by Ald. Whitaker, to approve wine taste samples at Trader Joes. Ayes: Ald. Whitaker, Daugherty, Gelhard, Goldberg, Wiese and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No  
Request for Extended Retail Holiday Hours

Kohl's and Boston Store, Bayshore Town Center retailers, have expressed an interest in extending their hours of operation for Thanksgiving Day evening sometimes referred to as Black Friday. This day is typically the largest retailer day of the year. Currently, ordinances prohibit retail establishments from being open from 10:00 p.m. to 6:00 a.m. The Council permitted several stores to open earlier, provided they covered the cost of the additional Police protection. The Deputy City Administrator and Police Chief have determined that the hourly rate these retailers would be charged would be \$87.51 per hour, which would cover the cost, on an overtime basis, for additional officers at the Town Center during these hours.

Deputy City Administrator requested the Council allow her to authorize extended hours to for requests received from additional retail stores.

Motion was made by Ald. Whitaker, seconded by Ald. Gelhard, to approve the request from Kohl's and Boston Store, for extended hours on Thanksgiving Day evening, Black Friday, as well as various days close to Christmas, subject to payment of the Police related fees. In addition, Council moved to allow the Deputy City Administrator to approve extended hours to any additional retail stores as requests are received. Ayes: Ald. Whitaker, Daugherty, Gelhard, Goldberg, Wiese and Shaw. Noes: None. Absent: None. Motion carried unanimously.

V. File No  
Applications for permits to sell Christmas Tree

Two applications for permits to sell Christmas Trees have been received. Kenneth Ottman, Ottman Christmas Trees, 2769 N. 73<sup>rd</sup> Street, Milwaukee, WI for tress to be sold at 5960 N. Port Washington Rd from November 15 through December 31, 2106 and Village Outdoor Living, 6075 N. Green Bay Ave., Glendale, WI for tress to be sold at 6075 N. Green Bay Ave., from date of approval through December 31, 2016. Both of these applicants are renewal and have previously been permitted for these locations.

Motion was made by Ald. Whitaker, seconded by Ald. Goldberg, to approve applications for permits to sell Christmas trees from Kenneth Ottman (Ottman Christmas Trees) and Village Outdoor Living. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS.

VI. File No  
2017 Stormwater user Fees

The City's current stormwater user fee of \$70.00 per year per household does not provide sufficient funding for the increased stormwater maintenance activities and capital improvement projects. The Wisconsin Department of Natural Resources is requiring an annual

catch basin cleaning program and an intensive street sweeping program. In addition, the City must perform stormwater pollutant testing, conduct an annual inspection of all storm sewer outfalls, and establish an illicit discharge program.

Based on the recommendation of the City Services Director, motion was made by Ald. Wiese, seconded by Ald. Whitaker, to increase the annual equivalent residential stormwater user fee to \$80.00 per year per household to provide enough funding for the storm sewer maintenance program, street sweeping program, catch basin cleaning program, and storm sewer capital improvement projects. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VII. File No \_\_\_\_\_  
2017 Sanitary Sewer User Fees

The City's current local sanitary sewer rate of \$1.55 per 1000 gallons does not provide sufficient funding for the City's ongoing sanitary sewer main line repairs, operation/maintenance programs, private property infiltration/inflow control program, capacity management, operation, and maintenance (CMOM) program, and capital improvement projects. In order to fund these programs in 2017, it is recommended that an increase in the local sanitary sewer user fee to \$1.75 per 100 gallons. This will be the first increase since 2012 and will provide additional funding for the City's ongoing programs and capital improvement projects.

Motion was made by Ald. Goldberg, seconded by Ald. Whitaker, to increase the local sanitary sewer user fee to \$1.75 per 1000 gallons to provide enough funding for the City's ongoing sanitary sewer main lining program, operation/maintenance programs, CMOM program, private property sanitary sewer lateral repair program, and capital improvement projects. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously

VIII. File No \_\_\_\_\_  
Seventh Amendment to Development Agreement Bayshore Mall N/K/A Bayshore Town Center LLC

At the last Council meeting it was approved to amend Section 1. 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 removal of the age restrictions for the multi-screen cinema. The seventh amendment agreement is recommended for approval.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard, to approve the Seventh Amendment to development agreement Bayshore Mall N/K/A Bayshore Town Center LLC. 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.

NEW BUSINESS.

IX. File No \_\_\_\_\_  
Resolution to join the North Shore Environmental Health Consortium

The North Shore Health Department and the Department of Agriculture, Trade, and Consumer Protection (DATCP) recently notified staff that Glendale has been issuing licenses to food establishments, but does not hold a valid agent contract of status with DATCP. This is required under Wis. Stat. Sec. 97.41. The DATCP has requested that this be remedied as soon as possible.

Glendale currently issues licenses and performs inspections for food establishments through a contracted individual who does not have agent status and cannot obtain agent status as Sec. 97.41 specifically provides that DATCP can enter into agent agreements with local health departments. Staff has determined that the most efficient way to resolve the issue is to join the North Shore Environmental Health Commission (NSEHC). The DATCP has stated that they find this as a completely acceptable resolution.

Based on the recommendation of the staff motion was made by Ald. Gelhard and Ald. Whitaker to approve the resolution to join the North Shore Environmental Health Consortium. 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.

X. File No

Resolution, re: 2017 North Shore Fire Department Fees for Services Schedule.

Annual request from the North Shore Fire Board to approve the 2017 fees for services. Mayor Kennedy stated that the rates were moved to be more in line with the surrounding communities and on average were increased by 2%.

Motion by Ald. Whitaker, seconded by Ald. Gelhard to approve the Resolution approving the 2017 North Shore Fire Department Fees for Service Schedule. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XI. File No

Ordinance amending Title 7, Chapter 15 Section 4 (a)(1)b of the Code of Ordinances—Closing Hours for Restaurants

The Plan Commission reviewed a request by a local restaurant for extended closing hours for the sole purpose of off premises delivery. The establishment would still be closed to the general public. The Plan Commission felt it would be appropriate, subject to conditions and the review and revocation if it became a problem.

Ald. Shaw asked how this would be monitored, Mayor Kennedy stated the Plan Commission has required the business to be reviewed quarterly for the first year of business. Other establishments would be reviewed on a case by case basis.

Motion was made by Ald. Whitaker, seconded by Ald. Wiese, to adopt the ordinance amending Title 7, Chapter 15, Section 4 (a)(1)b of the Code of Ordinances of the City of Glendale pertaining to Closing Hours for Restaurants, with the elimination of the word “carryout”. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XII. File No  
Ordinance amending Title 9, Chapter 2 Section 3 of the Code of Ordinances—  
Residential Sewer User Charges

The City of Glendale has billed residential sewer usage based on a winter quarter water usage for residential customers. It was determined that this billing method provided a reasonable estimate of water usage that entered the sanitary sewer. In addition, the homeowner would not pay sanitary sewer usage in the non-winter quarters for irrigation, sprinkling and filling pools when the water does not enter the sanitary sewer. There are many situations in which this method is not equalized across all residents of the City and therefore it has been recommended by the Water Board to amend Section 9.2.3 and 9.2.6 of the Code of Ordinances pertaining to user charges and billing. The change would discontinue billing residential sewer usage based on a winter quarter usage, and bill residential sewer usage be based on water usage each quarter.

Ald. Shaw asked how residents with pools would be charged as this water does not go into the sanitary sewer. Finance Director Lanser stated that the residents can petition the Water Board and the billing clerk can credit sewer charges for pools, ice rinks and heavy watering or irrigation.

Ald. Gelhard stated that if this increase produces a substantial increase in revenue that an adjustment in the rate should be considered. Ms. Reiss stated that rates would be reviewed in 2018 during the budget process. At that time it may be determined if there needs to be an adjustment to the approved rate.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty, to adopt the ordinance amending Title 9, Chapter 2 Section 3 of the Code of Ordinances of the City of Glendale pertaining to Residential Sewer User Charges. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIII. File No  
Consideration of a recommendation from the Plan Commission for the request from  
Glen Hills Apartments to amend the developer agreement to allow a pet playground.

Glen Hills Apartments is requesting to amend the developer agreement to include a pet playground. The Plan Commission reviewed and approved the request with conditions. After a lengthy discussion it was determined that the approval of the fence would be granted with conditions, including the surrounding single family homes be notified, there are limited hours, which will be posted, that this area is for residents of the Glen Hills Apartments only and that in the event that issues or concerns arise, the permit could be revoked.

Based on the recommendation of the Plan Commission motion was made by Ald. Goldberg, seconded by Ald. Gelhard, to approve the request from Glen Hills Apartment to amend the developer agreement to allow a pet playground with the conditions of posting hours, informing neighbors, and signage indicating “for private use only”. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

RECEIPT OF MONTHLY DEPARTMENTAL REPORTS.

Motion was made by Ald. Whitaker, seconded by Ald. Daugherty, to place the monthly departmental reports on file. 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.

CLOSED SESSION

Motion was made by Ald. Whitaker, seconded by Ald. Gelhard, to convene in Closed Session per Section 19.85(1)(c) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted with respect to litigation in which the City is or is likely to become involved; (Riverbank area south of Hampton Avenue and Mediation of Leitner Health Insurance litigation)

REPORT OUT OF CLOSED SESSION.

Motion was made by Ald. Whitaker, seconded by Ald. Gelhard, to reconvene in Open Session. Ayes: Ald. Whitaker, Daugherty, Gelhard, Wiese, Goldberg 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. Whitaker, Daugherty, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously and adjournment of the Common Council was ordered at 7:00 p.m. until Monday, November 14, 2016 at 6:00 p.m.

Karen Couillard  
City Clerk

Recorded: October 25, 2016