

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

March 8, 2021

Regular meeting of the Common Council of the City of Glendale held via Zoom conference call.

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, Steven Schmelzling, and JoAnn Shaw.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; Charlie Imig, Director of Public Works; Todd Stuebe, Community Development Director; and Megan Humitz, 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, March 4, 2021, 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.

PRESENTATION BY DR. KABARA, SUPERINTENDENT OF NICOLET UNION HIGH SCHOOL REGARDING THE 2021 REFERENDUM.

Dr. Greg Kabara, Superintendent of Nicolet Union High School, provided a presentation on the 2021 Operational Referendum for Nicolet Union High School District. The presentation included information about Nicolet High School, details on what a non-recurring operational referendum would provide if approved, and how funds will be used to maintain current course offerings, programs, and class sizes. There have been two previous 5-year approved referendums from 2011-2016 and 2016-2022. In the event the referendum is not approved, there will be a significant decrease in revenue, with expenditures remaining the same. Four solutions were explored via a community survey, and the preferred option was the referendum to maintain the current programs and services. A tax impact chart indicated a \$17 annual impact per \$100,00, or an average \$1.42 per month. The presentation and chart are available on the Nicolet Union High School District website.

Mayor Kennedy requested clarification of the cost of the current expiring referendum. Dr. Kabara stated the previously approved referendum was for 3.15 million dollars.

Ald. Gelhard asked if the referendum passes, if it means the voters will not be asked to approve another referendum for another six years. Dr. Kabara stated this is correct from an operational standpoint. There is a potential for renovations for facility needs, however there would be studies done before a capital referendum would be proposed.

Ald. Schmelzling asked if there are any campaigns currently running for or against the referendum if residents were interested in participating. Dr. Kabara stated the District is only allowed to provide facts on the residents and can provide groups to connect with, but themselves cannot form groups to campaign in support of their own referendum.

PUBLIC COMMENT.

No public comment.

CONSENT AGENDA.

I. File No. _____

Adoption of Minutes of Meeting held on February 22, 2021 and Review and Approval of Accounts Payable.

Motion by Ald. Wiese, seconded by Ald. Shaw, to adopt the minutes of the meeting held on February 22, 2021, and approval of Accounts Payable. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

UNFINISHED BUSINESS.

II. File No. _____

Review and Approval Ordinance Creating Section 2.2.10(c) and 2.4.18 of the Code of Ordinances of the City of Glendale Pertaining to Virtually Conducting or Attending Meetings of the Common Council and City Boards, Committees or Commissions.

Administrator Safstrom stated in January 2021, staff was directed to work on an ordinance and process for allowing virtual attendance at Council meetings. The vendor that installed the City audio visual equipment has given a quote for upgrading the system to include integration to a Zoom conferencing platform. The ordinance allows for Council, Board and Committee members to attend meetings virtually via Zoom. Zoom would also allow the Council to live stream meetings. The amount necessary to accomplish this platform is \$8,689. This is not a budgeted expense for 2021. If approved by the Council, a budget resolution to amend the Capital Projects Budget will be at an upcoming meeting.

Ald. Schmelzling asked for more information regarding the cost breakdown, as he felt the price point seems high for a recently built facility. Administrator Safstrom stated the original switch provided did not have enough ports to allocate the necessary equipment, so a new switch is needed. It may be possible to sell or repurpose the current switch, which will offset some of the cost. Another portion of the cost is another new computer to run the system. The bulk of the total cost is in the equipment, and the remainder in a half day of labor. The COVID relief bill could potentially cover a portion of the costs.

Mayor Kennedy added the intention of allowing for virtual attendance at meetings will be for health issues and extenuating circumstances, and once meetings have returned to in-person, attendance will be expected in-person as well. The added technology will be beneficial for allowing for out of state interviews and related circumstances, which will save on travel expenses.

Ald. Wiese requested clarification if virtual attendance would be allowed if an alderperson is traveling on business. Administrator Safstrom stated this would be acceptable.

Motion by Ald. Wiese, seconded by Ald. Shaw, to approve Ordinance Creating Section 2.2.10(c) and 2.4.18 of the Code of Ordinances of the City of Glendale Pertaining to Virtually Conducting or Attending Meetings of the Common Council and City Boards, Committees or Commissions. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

III. File No. _____

Review and approval of Ordinance Amending Various Sections of Chapter 15.1 of the Code of Ordinances of the City of Glendale – Updating References to the State Statutes and The Administrative Code.

Administrator Safstrom stated staff has been working with the State of Wisconsin Department of Safety and Professional Services to ensure the City’s electrical ordinance is in compliance with state regulations. The State of Wisconsin requires the update to the ordinance, and there are minimal changes necessary.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to approve Ordinance Amending Various Sections of Chapter 15.1 of the Code of Ordinances of the City of Glendale – Updating References to the State Statutes and The Administrative Code. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No. _____

Review and Approval Assignment and Assumption Agreement with Direct Outdoor, LLC.

Attorney Fuchs stated the City of Glendale initially entered into an agreement with Direct Outdoor LLC in March 2020. The original agreement was not clear that access rights under the easement were being assigned but not the actual ownership, and that only the first sign was to be the subject of the assignment. The revision is exactly what was both discussed by the Council.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to approve Assignment and Assumption Agreement with Direct Outdoor, LLC. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No. _____

Recommendation from the Plan Commission for approval of Ordinance Creating Section 13.1.34(3)(a) Pertaining to Parking – Conditional Use in the Business and Commercial District, B-1, Sub-Area “B”.

Administrator Safstrom stated there was recently an application received for a Conditional Use Permit request. As part of the review process, staff reviewed the State Statutes. The current statutory requirement for notice of application is a Class 2 notice. The current code indicates a Class 1 notice. The revised ordinance identifies the change to match the State Statute.

Ald. Wiese raised the question regarding where traffic would be exiting the property submitting the application. Administrator Safstrom clarified this is a request for a zoning code text amendment and not approval of a specific plan.

Motion by Ald. Wiese, seconded by Ald. Daugherty, to Approve Ordinance Creating Section 13.1.34(3)(a) Pertaining to Parking – Conditional Use in the Business and Commercial District, B-1, Sub-Area “B”. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No.

Recommendation from the Plan Commission for approval of Certified Survey Map – Lexus of Milwaukee (Napleton) – 1415, 1433, and 1515 W. Silver Spring Drive.

Administrator Safstrom stated the proposed Certified Survey Map for 1415, 1433, and 1515 W. Silver Spring Drive shows that the parcels are being combined to a single parcel. This process was requested by the Plan Commission as part of their request for additional automobile storage on their property. The Plan Commission reviewed the map and recommended the Common Council approve the Certified Survey Map with the requirement for payment of the \$190 administration fee making the required technical corrections to the document and payment of City Engineer CSM technical review fees, and any other required fees if any.

Motion by Ald. Schmelzling , seconded by Ald. Gelhard, to Approve the Certified Survey Map – Lexus of Milwaukee (Napleton) – 1415, 1433, and 1515 W. Silver Spring Drive. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No.

Review and approval of Ordinance Amending Sections of Chapter 13.1.65 of the Code of Ordinances of the City of Glendale – Notice of Hearing on Application for Conditional Use Permit.

Administrator Safstrom stated there was an application received for a Conditional Use Permit request. As a part of the review process, staff reviewed the State Statutes. The current statutory requirement for notice of application is a Class 2 notice. The current code indicates a Class 1 notice. This ordinance matches the State requirements.

Motion by Ald. Shaw, seconded by Ald. Wiese, to Approve the Ordinance Amending Sections of Chapter 13.1.65 of the Code of Ordinances of the City of Glendale – Notice of Hearing on Application for Conditional Use Permit. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.

Review and Approval Ordinance Creating Section 8.1.9(c)(17) of the Code of Ordinances of the City of Glendale Pertaining to Disposal of Materials into Toilet Facilities and Sanitary Sewers.

Administrator Safstrom stated since starting the sanitary sewer inspection program in January of 2020, Sewer Staff has seen a dramatic increase in obstructed flow in the sanitary sewers. Some of these obstructions have been a direct or indirect result of wipes or cooking oils and grease.

Staff has had to flush/clean these sewer laterals and/or mainlines to remove the obstructions. Sometimes going back to the same locations close to a dozen times. The past two years, Sewer Staff has responded to approximately thirty-nine (39) lateral obstructions and eight (8) mainline obstructions. Considering this costs the City over \$200/hour to clear the obstructions, expenditures can add up quite quickly. This does not account for any further damage that would require a contractor to repair. Subsequently, Staff has been trying to be proactive by including notices with tips to avoid sewer backups on the City's website, in newsletters, social media posts and news flashes. Unfortunately, it seems by the continued reported obstructions, that the message is not being received or acted upon.

The recommended ordinance would allow for the City to enforce the disposal of acceptable materials into toilet facilities and sanitary sewers. Admittedly, there is not always definitive proof that a private lateral is contributing or causing an obstruction as not all of them are connected to a manhole.

Resident Rob Cronwell of 7530 N Applewood Ln, Glendale, requested the opportunity to raise concerns with the proposed ordinance. Mr. Cronwell is concerned over the language in section one regarding "washing dishes/dishwasher" as it seems over-encompassing and anyone would violate this on a regular basis, and just living daily life would violate this ordinance. Mayor Kennedy stated from his experience as the MMSD Commissioner, there is a difference in typical household usage than restaurants dumping gallons of grease and food waste down the drain. The typical actions of a resident in a home does not lead to the volumes and problems of clogging the drains of a restaurant.

Mr. Cronwell stated the ordinance does not make the distinction clear. Attorney Fuchs clarified the ordinance does not specify quantities because there are residents that put down a large quantity, so it is not exclusive to just restaurants. Administrator Safstrom indicated typically a resident will receive a warning letter and will not make the same mistake again. If a large quantity causes a problem, or a resident with a deep fryer does not realize they should not put grease and oil down the drain it provides the City with the opportunity to educate the resident and they will most likely not make the mistake a second time.

Ald. Schmelzling recommended amending the wording of the ordinance to state "compostable waste and soluble toilet papers" instead of human waste, as well as add the word excessive in front of the word "fats". Attorney Fuchs stated the argument against the phrase compostable waste is people would argue leaves and other items are also considered compostable waste, and therefore that phrase should be left out.

Ald. Vukovic raised the question of how something like this would affect a townhouse or multi-family unit and determining which unit is the offending unit. Attorney Fuchs stated multi-family buildings and those with short runs of private lines are a challenge, but if it is possible to determine exactly which residence a problem comes from, DPW will do so. There will not be fines issued without specific knowledge or the wrong person blamed for something another resident is responsible for doing.

Ald. Daugherty stated his concern regarding the sanitary sewer issue is ultimately the taxpayers are paying for the problems caused by problems they have not necessarily caused. There are some residents who are repeat offenders, and some who never cause an issue. He expressed his support of the addition of the word "excessive" to the verbiage.

Ald. Wiese raised the question regarding if the City has the authority to fine residents for damages if the ordinance is not passed. Attorney Fuchs stated there is no punishment in place at this time, and people are currently disposing of and flushing everything with no repercussions. Mayor Kennedy indicated there are many things that are disposed of that people believe are biodegradable, however not nearly as fast as they should and not by the time they reach the treatment plant. Ald. Daugherty added if something appears in a resident's lateral, it is clearly theirs and they should be responsible for the clean-up costs. Administrator Safstrom stated in the instance of an apartment building, the City will reach out the building owner.

Ald. Gelhard stated the information regarding fines and the ordinance should be included in the next newsletter to ensure all residents are aware.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to Approve the Ordinance Creating Section 8.1.9(c)(17) of the Code of Ordinances of the City of Glendale Pertaining to Disposal of Materials into Toilet Facilities and Sanitary Sewers with the amended verbiage. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: Shaw. Absent: None. Abstain: None. Motion carried.

IX. File No.

Review and Approval Ordinance Amending Section 7.4.3(h) of the Code of Ordinances of the City of Glendale Pertaining to Regulation of Transient Merchants - Exemptions.

Administrator Safstrom stated over the past few years, the Sprecher Outdoor Oasis has grown in popularity. This has been both a wonderful addition and challenge at the same time. Customers experience long wait times at special events such as Music in the Glen and Root Beer Bash. These event challenges will only continue to grow as MSOE athletic field grows in popularity. Originally the recommended ordinance would allow for the City to permit food trucks for these special events.

After creation of the proposed ordinance, Staff have begun looking into other options based on other communities, including tiered fees and procedures for food trucks and transient merchants. The current recommendation is to layover the ordinance for a future meeting, but with discussion from Council.

Ald. Wiese stated in looking at the Sprecher Outdoor Oasis, one of the goals from early on was to have food service and maintain revenue for the City. He raised the question if there is not ample staff, could this be remedied by hiring more people or brining in a portable system from Sprecher and staffing with our own staff instead of losing revenue to another entity. Administrator Safstrom stated Sprecher has diminished the portable systems with their new ownership, and the window systems in the Oasis were not set up to accommodate more staff, fill large orders and move around. The initial thought behind a larger fee for food truck was to make up for potential lost revenue. Attorney Fuchs added that a fee needs to be set, and cannot be formulized as a percentage of the revenue. Sprecher now offers a canned beer option, however a secondary serving area is still a difficult option with the small space in the Oasis. Ald. Wiese also expressed concern over closing off Bender Road to enter the park for the food trucks. Administrator Safstrom indicated directional signs would be utilized to maintain a safe flow of traffic.

Ald. Daugherty liked the idea of a tiered approach, but questioned if it will matter if the food truck is parked on a public or private space. Administrator Safstrom clarified the original ordinance provided was different, however that is why the discussion was requested.

Ald. Shaw asked if there would be a possibility for there to be one counter for food and one for drinks only at the Sprecher Outdoor Oasis. Her concern is losing parking spaces for the music acts at Music in the Glen if food trucks are allowed to park on Bender Road, which also would pose a safety hazard. Administrator Safstrom stated due to the nature of the small space in the Oasis, there is not much room to divide the area into separate food and beverage service.

Ald. Vukovic asked if there is a way to have a difference between event food trucks and those that want to be present in the City on a daily basis. Attorney Fuchs clarified once we have thoughts from the Council, we will sort them out into a clearer ordinance.

Ald. Schmelzling stated it is nice to have a variety of options by allowing the food trucks, however there are concerns over the impact on our own revenue and we should look at how to optimize our own setup if possible. If there is an event, a food truck should have to pay more for certain opportunities than other, in a tiered level based on the potential foot traffic. He also suggested determining how many food trucks should be allowed at an event. Ald. Schmelzling stated he does not have an issue with a truck on private property if the business wants to allow it there, however there is an underlying question of safety and quality and if the health department could be contacted in that event. Another concern is with the possibility of food trucks just showing up anywhere and poaching established businesses, and therefore there should be limitations on where they can be, events, etc. Administrator Safstrom stated one challenge that has been presented is food trucks don't want to pay because there are other events they can attend and do not need to pay and are able to keep their full revenue as well.

Administrator Safstrom requested members of the Council submit their thoughts to Staff to bring back to a future meeting for review.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to refer back to Staff the Ordinance Amending Section 7.4.3(h) of the Code of Ordinances of the City of Glendale Pertaining to Regulation of Transient Merchants - Exemptions. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

X. File No.

Review and Discussion on Home Occupation Ordinance 13.1.200(a).

Administrator Safstrom stated recently there have been questions regarding home occupations as it relates to allowable uses. The current language in the Municipal Code defines a Home Occupation as the maintenance of a business office, or professional services with customary accessory uses, by a member of a recognized profession in a residential district, which is permitted as a incidental or secondary use of a building being used as a private dwelling and carried 13-141 on by a member of the immediate family residing on the premises.

Attorney Fuchs stated the current ordinance is not much of an issue during a pandemic, as most residents occupy their home and others are unaware of what business is being done from the outside, such as taxes, etc. However, a business such as boarding of students or cooking from a food truck become a question of tolerance by neighbors, signage, vehicles, licenses for businesses, and where the line on what is acceptable is drawn. Attorney Fuchs recommends a discussion on whether or not the current ordinance should be changed. The current ordinance does provide that the only people conducting businesses in the residence should be those residing there, and not others coming into the residence.

Ald. Shaw raised the question on what qualifies as a home business that would be appropriate to monitor, such as someone running a home crafting Etsy shop from their basement, especially during a pandemic when many are out of work.

Mayor Kennedy also raised the question of someone teaching a yoga class from their home, which would potentially add a few additional cars parked on the street for a period of time and whether this would present a problem for residents.

Ald. Wiese stated he runs a home business, but has no other employees so that is a factor to consider for many others who work from home. However, for someone running a business such as a day care with high traffic, there may be more to consider.

Ald. Vukovich stated there are residences in her district with counters at the back doors to do business, however as they are residences nothing can be done about them. She also asked how anyone would be able to determine the difference between someone who potentially has a lot of friends over to visit, versus someone who styles hair in their residence in terms of volume of visitors.

Ald. Daugherty stated it should remain a complaint based system, as what people do in their house is their own business. Ald. Schmelzling was in agreement that the current complaint based system seems to work based, and it should remain if no nuisance is created.

Administrator Safstrom requested members of the Council submit their thoughts to Staff, although it sounds as though the current ordinance is satisfactory as it stands.

This item was discussed for informational purposes only.

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. Daugherty, seconded by Ald. Gelhard, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Schmelzling, Wiese, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 7:47 p.m., until Monday, March 22, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: March 9, 2021.