

CITY OF GLENDALE—COMMON COUNCIL  
April 22, 2019

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 6:00 p.m.

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

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; and Candice Green, Deputy City Clerk-Treasurer.

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 City Administrator advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, April 18, 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.

ADOPTION OF COUNCIL MINUTES.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty, to approve the minutes of the meeting held on April 8, 2019 as corrected. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

ANNUAL ORGANIZATION MEETING (Wis. Stat. §62.09)

- I. File No \_\_\_\_\_  
Annual Review of Council Operational Procedures (Ordinance 2-216(f))

The Council reviewed the Ordinance 2-216. This item was informational only.

- II. File No \_\_\_\_\_  
Election of Common Council President

State law requires the members of the Common Council to elect one of their members as Council President. The Council President acts in the absence of the Mayor, however the position has no appointive or veto authority.

Ald. Gelhard nominated Ald. Schmelzling. Ald. Vukovic nominated Ald. Wiese. Mayor Kennedy asked three times if there were any other nominations. No other nominations were received.

Motion was made by Ald. Wiese, seconded by Ald. Shaw to close nominations. In a roll call vote there were three votes for Ald. Wiese and two votes for Ald. Schmelzling. Ald. Richard Wiese was elected Council President for 2019-2020 by open vote.

III. File No \_\_\_\_\_  
2019-2020 Common Council Standing Committee Appointments

Motion was made by Ald. Shaw, seconded by Ald. Gelhard, to approve the appointments submitted by the Mayor as amended: Public Safety/Public Works Committee: Steve Schmelzling (Chair), James Daugherty, and John Gelhard; Legislative, Judiciary & Finance Committee: JoAnn Shaw (Chair), Richard Wiese, and Tomika Vukovic. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

IV. File No \_\_\_\_\_  
2019-2020 Appointments to Various City Committees, Commission and Boards

Motion was made by Ald. Wiese, seconded by Ald. Shaw, to confirm the appointments to the various City committees, commissions and boards as submitted. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

PUBLIC COMMENT:

Lynn Flanagan, 5725 N. Ames Terrace, indicated there has been a street light out on Ames Terrace. She has been unable to get a hold of the Public Works Department. She did contact WeEnergies via their website.

Rob Cronwell, 7530 N. Applewood Lane, questioned the 3-year term of the City Attorney's recent contract approval.

PUBLIC HEARING: Application for a land use amendment of properties located at 357 West Sugar Lane, 400 West Sugar Lane, and 405 West Sugar Lane from R7 Residential District to B-1, G2 Business and Commercial District.

A public hearing of approximately 10 minutes was held. Three residents spoke.

Lynn Becker, 357 W. Sugar Lane as the applicant, advocated for Council support in the rezoning.

Donna Neidhardt, 354 W. Sugar Lane expressed concerns with what potential development could be allowed. Mayor Kennedy stated any development would need to be reviewed and approved by the Plan Commission. This would include any screening from neighbor properties.

Hua Gao, 400 W. Sugar Lane indicated that he owns a neighboring property and was interested if there was a proposed development.

Motion by Ald. Gelhard, seconded by Ald. Vukovic, to close the public hearing. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

- V. File No \_\_\_\_\_  
Approval of Application for a land use amendment of properties located at 357 West Sugar Lane, 400 West Sugar Lane, and 405 West Sugar Lane from R7 Residential District to B-1, G2 Business and Commercial District.

Motion by Ald. Gelhard, seconded by Ald. Vukovic, approve the land use amendment and approve the ordinance rezoning 357 West Sugar Lane, 400 West Sugar Lane, and 405 West Sugar Lane from R7 Residential District to B-1, G2 Business and Commercial District. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

COMMUNICATIONS, APPLICATIONS AND PETITIONS:

- VI. File No \_\_\_\_\_  
Communication from the City Administrator, Rachel Safstrom, re: 2018 Annual Report.

Council members commended staff on the report presented.

Motion was made by Ald. Daugherty, seconded by Ald. Wiese, to place the 2018 Annual Report on File. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

- VII. File No \_\_\_\_\_  
Communication from Public Works Director, Charlie Imig, re: Bid Results for the Bender Trail—Oak Leaf Trail Connection.

Motion was made by Ald. Gelhard, seconded by Ald. Vukovic, to authorize staff contract with MUDTeCH, LLC for the Bender Trail—Oak Leaf Trail Connection in the amount of \$117,480.50. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

- VIII. File No \_\_\_\_\_  
Communication from Public Works Director, Charlie Imig, re: Bid Results for the CDBG 2019 Bender Sidewalk Project.

Administrator Safstrom indicated the bids were significantly over budget. Staff will review the options and present alternatives to the Council at a later date.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty, to reject all bid results for the CDBG 2019 Bender Sidewalk Project. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

- IX. File No  
Application for Pawnbroker, Secondhand Article & Secondhand Jewelry Dealers License from ecoATM, LLC, for the following locations: Pick ‘n Save, 6969 North Port Washington Road and Pick ‘n Save, 1735 West Silver Spring Drive.

Ald. Wiese questioned if the Police Chief had any concerns regarding these stations. Chief Ferguson stated there could be a concern of stolen phones being deposited in these stations for money. Ald. Vukovic indicated new technology requires a thumb print to finalize the transaction.

Motion was made by Ald. Gelhard, seconded by Ald. Daugherty, to approve Pawnbroker, Secondhand Article & Secondhand Jewelry Dealers License from ecoATM, LLC, for the following locations: Pick ‘n Save, 6969 North Port Washington Road and Pick ‘n Save, 1735 West Silver Spring Drive. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

UNFINISHED BUSINESS:

- X. File No  
Update to Council on Outcome of Anderson v. Schieffer, et al.;  
Case No. 2018CV001626.

Attorney Fuchs updated the Council on the process of the City’s insurance company Cities and Villages Mutual Insurance Company (CVMIC). The suit was filed in Federal Court. There are no caps on damages. In addition to potential high award, the court could award attorney fees. CVMIC had an opportunity to settle. The City is responsible for the retention amount of \$25,000. The City paid about \$22,000 for the legal fees. This is within the Administrator’s expense authority. The remaining \$3,000 of the retention will be applied to the settlement. The remaining amount of the settlement is paid by CVMIC.

The Council requested that any future claims be brought to them for discussion in a more timely fashion.

For Informational Purposes Only.

NEW BUSINESS:

- XI. File No  
Recommendation from the Legislative, Judiciary & Finance Committee—consideration of application for a Class “B” (beer) Retailer License authorizing the retail sale of beer consumption on or off the premises, and “Class C” (wine) Retailer License authorizing the retail sale of wine for consumption on or off the premises, filed by Fairfield Inn & Suites, located at 7035 North Port Washington Road.

Motion was made by Ald. Shaw, seconded by Ald. Wiese, to approve the application for a Class “B” (beer) Retailer License authorizing the retail sale of beer consumption on or off the premises, and “Class C” (wine) Retailer License authorizing the retail sale of wine for consumption on or off the premises, filed by Fairfield Inn & Suites, located at

7035 North Port Washington Road. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

- XII. File No  
Ordinance Amending Title 2, Chapter 4, Section 5(b) of the Glendale Code Pertaining to Music in the Glen Committee Appointment Term.

Similar to Fourth of July Committee, the activities for Music in the Glen are in full swing during the appointment time. It is being recommended that the Council approve an ordinance amending the term of the committee members to be October 1 – September 30 of each year. Essentially this would place new members on the Committee at the beginning for the planning season.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard, to approve an Ordinance Amending Title 2, Chapter 4, Section 5(b) of the Glendale Code Pertaining to Music in the Glen Committee Appointment Term. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

- XIII. File No  
Recommendation from Plan Commission—Review and Approval of Certified Survey Map for 4340 North Green Bay Avenue.

The Plan Commission reviewed the map and recommended the Common Council approve the Certified Survey Map with the requirements of 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.

Motion was made by Ald. Wiese, seconded by Ald. Shaw, to approve the Certified Survey Map for 4340 North Green Bay Avenue. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

- XIV. File No  
Recommendation from the Plan Commission to contract with Vandewalle & Associates, Inc., for the update of the City's Comprehensive Master Plan.

The Plan Commission requested staff issue a Request for Qualifications. Two firms responded to the request. Of the two firms, Vandewalle & Associates, Inc. from Milwaukee, Wisconsin, was chosen over the firm from Minneapolis, SRF Consulting Group.

It is anticipated this project will take 18-24 months. Funds are included in the 2019 Annual Program Budget to contract assistance with this project. It is anticipated additional funds will be included in the 2020 Annual Program Budget. Vandewalle & Associates indicates optional tasks. The Plan Commission may wish to engage in one or more of these tasks. The request for funds associated with the tasks would be reviewed by the Council at a later date.

Motion was made by Ald. Vukovic, seconded by Ald. Wiese, to authorize staff to contract with Vandewalle & Associates, Inc., for the updating of the Comprehensive Master Plan. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

XV. File No \_\_\_\_\_

Review and approval of Encroachments permit with WeEnergies for the City of Glendale Community Garden.

Administrator Safstrom explained the Community Gardens group will once again be maintaining gardens at the property owned by WeEnergies at the north end of North Sydney Place at the Oak Leaf Trail entrance. WeEnergies requires the City to enter into an annual agreement annually allowing access to the site. The community garden group has agreed to maintain the site. They are aware of the restrictions and are able to work within the constraints of the agreement.

Motion was made by Ald. Shaw, seconded by Ald. Gelhard, to approve the Encroachments permit with WeEnergies for the City of Glendale Community Garden. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

XVI. File No \_\_\_\_\_

Review of Application and Permit for Excavation and/or Performance within Public Right-of-Way Fee Increase.

The City of Glendale's Application & Permit for Excavation and/or Performance of Work Within Public Right-of-Way has associated fees as determined by the code of Ordinances. The fees have not been updated in many years.

Ald. Gelhard questioned the amount of the increases. In some cases the increases are triple. Ald. Wiese and Ald. Shaw also expressed concern with the increases.

Administrator Safstrom indicated that the fees should be designed to cover the City's staff expenses. In many cases, even \$75 will not cover the cost to review and approve the permits.

The members of Council requested more information on what each of the fees is for, and more justification for the cost increases.

Motion by Ald. Daugherty, seconded by Ald. Wiese to table the review of the Application and Permit for Excavation and/or Performance within Public Right-of-Way Fee Increase until the May 13, 2019 meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

XVII. File No \_\_\_\_\_

Review of the City of Glendale Ordinance Section 3.2—Special Assessments.

Administrator Safstrom stated that staff is working on updating the 5-year Capital Improvement Plan 2020-2024. The plan does not only indicate what expenses are anticipated, it also indicates how the projects will be funded. The current Ordinance Section 3.2 – Special Assessment indicates in 3.2.14 the specific capital projects that could be special assessed to owners. As the City has not done any repairs on alleys, it will be important for staff to know the Council's stance on special assessments for any capital projects.

There was no formal action on this item. There was a consensus of the Council that they would like the capital projects to be funded by debt service and not special assessments.

RECEIPT OF MONTHLY DEPARTMENTAL REPORTS.

Motion was made by Ald. Wiese, seconded by Ald. Gelhard, to place the monthly departmental reports on file. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. 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. Daugherty, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously and adjournment of the Common Council was ordered at 7:45 p.m. until Monday, May 13, 2019 at 6:00 p.m.

Rachel A. Safstrom  
City Administrator

Recorded: April 23, 2019