

CITY OF GLENDALE -- COMMON COUNCIL
June 11, 2018

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 Kennedy at 6:01 p.m.

Roll Call: Present: Ald. Tomika Vukovic, Jim Daugherty, John C. Gelhard, Richard Wiese, Steve Schmelzling and JoAnn Shaw. Absent: None

Other Officials Present: Rachel Reiss, City Administrator; Rebecca Boyle, Assistant City Attorney; Mark Ferguson, Interim Police Chief, 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 City Administrator advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, June 7, 2018, 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 May 14, 2018 with one typographical change. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Schmelzling. Noes: None. Abstain: Ald. Shaw. Absent: None. Motion carried unanimously.

PUBLIC HEARING.

Application to change zoning of 6701 and 6789 North Port Washington Road (Tax Key Parcels 1288966002 and 1328987) from S-1 Special (Institutional) District to PD-Planned Unit Development District-Mixed Use (Commercial Retail and/or Office (Medical), Residential, Hospitality).

Brian Adamson from ICAP Development, LLC and Tom Howald from Aldi were present to summarize the project planned for 6701 and 6789 North Port Washington Road and to answer any questions from citizens and council members.

Ald. Schmelzling asked if there will be a sidewalk along Port Washington Road, and how delivery trucks will get to the loading docks for Aldi. Mr. Adamson confirmed that there will be a sidewalk and explained the route for all deliveries to Aldi.

Theresa Seen, 1800 W. Woodbury Ln, stated her support for this project and the change in zoning.

Robert Cronwell, 7530 N. Applewood Ln, asked if a feasibility study had been done

on two grocery stores so close together. He also stated that there should be a set date for Phase 2 to begin. He would like to see a hard deadline set for submittal of Phase 2. Mr. Adamson stated that Pick N' Save was notified of the plans to build an Aldi at this location. He said they did not object to the plan. Mr. Adamson added that ICAP Development is in talks for Phase 2 and motivated to do the right project. A possible deadline was discussed.

Robin Cohn, 2228 W. Acacia Rd and Ellen Redeker, 6601 N. Alberta Ct, both stated their support of the project.

Ginny Gerth, 6861 N. Ironwood Ln, asked about the water that accumulates on the property. Mr. Adamson explained that they have designed underground storage systems that will meet all stormwater requirements.

Discussion ensued regarding the possibility of maintaining the tunnel until phase 2 of the project has started. It was explained that the Department of Transportation (DOT) owns the tunnel and requested Nicolet High School to close it upon sale of the property. The closing of the tunnel is scheduled to take place very soon.

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

Motion was made by Ald. Gelhard, seconded by Ald. Wiese to approve the Ordinance to Change the Use District of Certain Lands hereinafter described from S-1 Special Institutional to PD Planned Unit Development District, strike Section III(a) of the Planned Development Agreement and add a submittal date for preliminary plans of Phase 2 by 12/31/2019.

A motion was made by Ald. Schmelzling, seconded by Ald. Gelhard, that the tunnel remains open until Phase 2 plans are submitted.

Discussion ensued as to the viability of keeping the tunnel open after the agreement between the DOT and Nicolet High School has already been completed. Ald. Schmelzling withdrew his motion and Ald. Gelhard withdrew his second.

Motion was made by Ald. Gelhard, seconded by Ald. Wiese to approve the Ordinance to Change the Use District of Certain Lands hereinafter described from S-1 Special Institutional to PD Planned Unit Development District, strike Section III(a) of the Planned Development Agreement and add a submittal for preliminary plans of Phase 2 by 12/31/2019. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Schmelzling. Noes: Ald. Shaw. Absent: None. Motion carried with a 5 to 1 vote.

PUBLIC COMMENT:

No Public Comments.

COMMUNICATIONS, APPLICATIONS AND PETITIONS:

I. File No _____

Communication from Mayor Bryan Kennedy, re: Appointment of Steven McGaver to the Board of Appeals for a one year term.

Based upon the recommendation of the Mayor, motion was made by Ald. Gelhard, seconded by Ald. Schmelzling, to approve the appointment of Steven McGaver to the Board of Appeals for a one year term. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

II. File No

Communication from Public Works Director Charlie Imig, re: Payment 12 and FINAL to Scherrer Construction Company for work completed at Richard E. Maslowski Community Park.

Based upon the recommendation of the Public Works Director, motion was made by Ald. Wiese, seconded by Ald. Daugherty, to approve payment 12 and FINAL to Scherrer Construction Company in the amount of \$42,234.87. On Roll Call: Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

III. File No

Communication from Public Works Director Charlie Imig, re: Compliance Maintenance Annual Report and Glendale Resolution Number 17-26, authorizing the filing of the Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources.

Based on the recommendation of the Public Works Director, motion was made by Ald. Shaw, seconded by Ald. Gelhard, to approve the Compliance Maintenance Annual Report and Resolution Number 17-26, authorizing the filing of the Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No

Communication from Public Works Director Charlie Imig, re: Payment 2 and FINAL to NuGen Johnson, LLC. for work completed on Bender Bridge railing replacement project.

Based on the recommendation of the Public Works Director, motion was made by Ald. Vukovic, seconded by Ald. Shaw, to approve the Payment 2 and FINAL to NuGen Johnson, LLC. in the amount of \$5,025.51. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

V. File No

Communication from Interim Police Chief, Mark Ferguson, re: Out of State Training – Police Department Administrative Assistant.

City Administrator Reiss stated although this was not a planned budget expense for 2018, ver, there are sufficient funds in the Training and Education budget for the Police administration.

Ald. Wiese asked about the cost for travel. Acting Chief Ferguson stated that travel costs are also covered in the training budget.

Motion was made by Ald. Gelhard, seconded by Ald. Daugherty, to approve the attendance at the Pro Phoenix out of state training for the Police Department Administrative Assistant. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- VI. File No _____
Liquor Agent Appeal Request – Eric T. Grimm, Holiday Inn Riverfront.

Based on the recommendation of the Legislative & Judiciary Committee, motion was made by Ald. Shaw, seconded by Ald. Daugherty, to approve Eric T. Grimm to act as Liquor Agent for the Holiday Inn Riverfront. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS:

- VII. File No _____
Approval of the Comprehensive Outdoor Recreation Plan.

- VIII. File No _____
Approval to Designate Public Works Director Charlie Imig as the authorized representative for grant application.

- IX. File No _____
Approval of the Memorandum of Understanding with the Village of Whitefish Bay.

City Administrator Reiss explained the City is applying for a Wisconsin Department of Natural Resources Stewardship Grant as planned to build a bike trail extension from the Oak Leaf Trail to the Richard E. Maslowski Community Park. This grant requires an up-to-date Comprehensive Outdoor Recreation Plan. In addition, a Memorandum of Understanding with the Village of Whitefish Bay is required as the area directly west of the park is owned by the Village. The Village is willing to work with the City of Glendale on this project.

Ald. Schmelzling commented that the updated Comprehensive Outdoor Recreation Plan was done very well.

Motion was made by Ald. Wiese, seconded by Ald. Vukovic, to approve the Comprehensive Outdoor Recreation Plan as presented; to designate Public Works Director Charlie Imig as the authorized representative for the grant application and the Memorandum of Understanding as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- X. File No _____
Update on Consolidation of Polling Locations.

City Administrator Reiss stated due to the response from citizens and the Common Council at last month's meeting, staff has reviewed the options to consolidate the six existing polling locations. One option would be consolidating to three polling locations. A new option to combine two polling locations is utilizing Cardinal Stritch University. The University is very receptive to having a polling location at their facility. This would eliminate voting in schools. The three polling locations to consider are Cardinal Stritch University, Districts 1 and 3; City Hall Districts 2 and 6; Good Hope School, Districts 4 and 5. The second option is to continue serving the community with six polling locations. All locations would remain the same as they are currently. Staff would inform the School District that the City of Glendale would continue to utilize the schools as polling locations. Ms. Reiss added that the City Clerk has been in contact with the Milwaukee County Election Commission and they recommend waiting until the 2019 election cycle to implement any changes in polling locations. Following this recommendation

would give the Council members time to reach out to their constituents to see if the three polling locations are favorable.

Discussion ensued regarding the need to remove polling locations from schools, the legal authority of utilizing the schools and the feasibility of the three locations. Ald. Schmelzling asked if consideration should be given to the fact that Cardinal Stritch is a religious facility. Mayor Kennedy stated that he has been to the conference rooms at Cardinal Stritch University and he does not see an issue. Ald. Vukovic stressed the point that the number one priority should be the welfare of the children in the local public schools.

Bob Rosco, 7244 N. Seneca Ave., spoke on behalf of Larry Smalley, School District Administrator who was unable to attend the meeting. Mr. Rosco said the school board discusses the vulnerability of students each time a tragic incident occurs and he believes that the school board wants to have the polling locations removed from all schools in the district.

Motion was made by Ald. Vukovic, seconded by Ald. Wiese to direct staff to develop a formal proposal for three polling locations beginning with the 2019 Election cycle. Ayes: Ald. Vukovic, Gelhard, Wiese, Schmelzling and Shaw. Noes: Ald. Daugherty. Absent: None. Motion carried with a 5 to 1 vote.

NEW BUSINESS:

XI. File No _____

Ordinance Amending Title 1, Chapter 1, Section 7(g) pertaining to Permit Fee Schedules.

City Administrator Reiss stated when the new permit fee schedule was adopted in 2016, the penalty fees were adjusted to incorporate penalty fees up to quadruple the regular fees. At that time no standard was established as to how those fees would be assessed. The proposed amendment establishes standards outlining when each fee may be assessed.

Motion was made by Ald. Wiese, seconded by Ald. Schmelzling, to adopt the proposed amendment to Ordinance Section 1.1.7 relating to Permit Fee Schedules as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XII. File No _____

Ordinance Amending Title 15, Chapter 6, Section 13(b)(9) pertaining to Prohibited Lighting and Signs – Action Signs.

City Administrator Reiss explained the City recently received a request for an action sign. The City of Glendale has prohibited action signs with the exception of a provision allowing such a sign in a PUD in a Tax Incremental Financing District. That exception was done to accommodate Bayshore or any similar type of development. Staff is recommending that if visibility is essentially limited to the freeway, there is tax or payment in lieu of tax revenue, the signage is confined to M and PUD zoning districts, there is no negative affect on the aesthetics of residences or business, and there is proper maintenance, an exception should be allowed.

Motion was made by Ald. Vukovic, seconded by Ald. Schmelzling, to adopt the Ordinance Amending Title 15, Chapter 6, Section 13(b)(9) pertaining to Prohibited Lighting and Signs – Action Signs. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIII. File No
Ordinance Amending Title 8, Chapter 1, Section 9(d)(10)b. pertaining to Natural Landscaping setbacks.

City Administrator Reiss explained the ordinance amendment will clarify the types of vegetation that is permitted within the terrace and right-of-way areas.

Robert Cronwell, 7530 N. Applewood Ln, presented the council members with new wording to the ordinance that he recommends. He believes these changes would make the ordinance easier to understand.

A brief discussion ensued regarding clarification of vegetation and the locations mentioned in the proposed amendment. Assistant Attorney Boyle explained that the intent of the amendment is to keep the terrace and right-of-way areas clear for safe sight lines.

Motion was made by Ald. Wiese, seconded by Ald. Vukovic to replace Section 9b(10)b as submitted by Robert Cronwell.

Additional discussion resumed regarding explicitly allowing only grasses in the setback and a friendly amendment was moved by Ald. Schmelzling, seconded by Ald. Daugherty to layover the ordinance to the next meeting. Ayes: Ald. Vukovic, Daugherty, and Schmelzling. Noes: Ald. Gelhard, Wiese and Shaw. Mayor Kennedy voted against the motion, thereby breaking the tie. The motion did not carry.

Motion was made by Ald. Wiese, seconded by Ald. Vukovic to replace Section 9b(10)b as submitted by Robert Cronwell. Ayes: Ald. Vukovic, Daugherty, Gelhard, Weise and Shaw. Noes: Ald. Schmelzling. Absent: None. Motion carried with a 5 to 1 vote.

XIV. File No
Ordinance Amending Title 11, Chapter 2, Section 9(b)(7) pertaining to Construction or Repair of Buildings.

Assistant City Attorney Boyle explained the State changed the bill that recently passed regarding construction and repair work hours, eliminating weekends. Attorney Boyle recommends prohibiting noise on Sunday as allowed.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty, to adopt the Ordinance Amending Title 11, Chapter 2, Section 9(b)(7) pertaining to Construction or Repair of Buildings . Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XV. File No
Resolution Authorizing the Issuance and Sale of \$775,000 Taxable General Obligation Promissory Notes.

Mr. Fischer from Baird reviewed the issuance summary of the Bonds.

Motion was made by Ald. Wiese, seconded by Ald. Gelhard to approve the Resolution Authorizing the Issuance and Sale of \$775,000 Taxable General Obligation Promissory Notes. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XVI. File No
Resolution Authorizing the Issuance and Sale of \$9,730,000 General Obligation Promissory Notes.

Motion was made by Ald. Shaw, seconded by Ald. Wiese, to approve the Resolution Authorizing the Issuance and Sale of \$9,730,000 General Obligation Promissory Notes. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XVII. File No

Schedule Public Hearing for July 9, 2018: Application to change zoning of 6270, 6290, 6300, and 6310 North Port Washington Road from B-1, F2 District to B-1, F1 District which also permits retail commercial use.

City Administrator Reiss stated the Plan Commission held a public hearing regarding the change of zoning for 6270, 6290, 6300, and 6310 North Port Washington Road from B-1, F2 District to B-1, F1 District which also permits retail commercial use. The Plan Commission recommended the Common Council grant the requested zoning.

Based on the recommendation of the Plan Commission, motion was made by Ald. Daugherty, seconded by Ald. Gelhard to Schedule Public Hearing for July 9, 2018: Application to change zoning of 6270, 6290, 6300, and 6310 North Port Washington Road from B-1, F2 District to B-1, F1 District which also permits retail commercial use. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XVIII. File No

Request to change traffic signal at West Bender Road and Port Washington Road (Ald. Gelhard).

City Administrator Reiss received a request from Ald. Gelhard regarding the traffic signal at West Bender Road and Port Washington Road. This traffic signal does not have a dedicated arrow for left turn only. Staff recently had the green light time for the east and west bound traffic extended by 15 seconds. . Ald. Gelhard indicated there have been several complaints from residents of traffic back-ups when heading east on W. Bender Road to go north on Port Washington Road and he has requested that the City install a left turn arrow at that intersection. The approximate cost to install the signal is \$15,874.70. This is not in the 2018 Annual Program Budget.

Discussion ensued about traffic backups in this area and Council members agreed that intersection would benefit from the requested traffic signal. Ald. Schmelzling asked how long it would take to have the signals installed. Ms. Reiss said the initial quote stated 4 weeks.

Motion was made by Ald. Wiese, seconded by Ald. Vukovic to direct the City Administrator to return to the Common Council with a final quote for a dedicated arrow for left turn only at West Bender Road and North Port Washington Road. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIX. File No

Renewal of Contract with SAFEbuilt Wisconsin, LLC for Fuel Tank Inspection Services.

City Administrator Reiss explained this renewal contract is the same as in previous years. The contractor receives 90% of the permit fee and the City receives 10%. There are 13 permits for fuel tank inspections issued annually.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard to approve the contract with SAFEbuilt Wisconsin, LLC for fuel tank inspections as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XX. File No _____
2019 City Budget Preparation and Review Schedule.

Informational purposes only, no action taken.

XXI. File No _____
Fund Balance Policy.

As explained by City Administrator Reiss, the City has a fund balance target of at least 25% of General Fund expenditures. It has been recommended by the city auditors and Moody's Credit Rating service to establish a formal Fund Balance Policy. The proposed policy indicates that the City will commit to using less than 5 percent of fund balance toward the City's total budgeted revenues. The policy also indicates that the City will commit to a minimum fund balance equal or great than 25 percent of the budgeted General Fund expenditures. The 2018 General Fund Budget is within the recommended guidelines of this policy, utilizing 0.4% of fund balance for revenues. The 2018 anticipated ending year fund balance is 31 percent.

Motion was made by Ald. Wiese, seconded by Ald. Schmelzling, to approve the Fund Balance Policy as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XXI. File No _____
Public Health Services – North Shore Health Department Agreement.

XXII. File No _____
Public Safety Communications Services Agreement.

The Common Council reviewed the agreement for Public Health Services with the North Shore Health Department and the Public Safety Communication Services Agreement.

Motion was made by Ald. Wiese, seconded by Ald. Schmelzling to approve the Agreement for Public Health Services-North Shore Health Department and the Agreement for Public Safety Communications Services subject to Attorney review and agreement on the Liability. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

APPROVAL OF ACCOUNTS PAYABLE

Motion was made by Ald. Gelhard , seconded by Ald. Daugherty, to approve the accounts payable register dated June 7, 2018 for check numbers 41510 to 41548 totaling \$357,794.96, and for prepaid checks numbered 1528 to 1551 and 41329 to 41509 totaling \$7,160,182.01. On Roll Call: Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

COMMISSION, COMMITTEE AND BOARD REPORTS.

There were several updates from Council members 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. Schmelzling, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously and adjournment of the Common Council was ordered at 8:30 p.m. until Monday, June 25, 2018 at 6:00 p.m.

Karen L. Couillard, WCMC
City Clerk

Recorded: June 12, 2018