

**CITY OF GLENDALE COMMON COUNCIL**

Meeting Minutes

June 22, 2020

Regular meeting of the Common Council of the City of Glendale held in City Hall Council Chambers, 5909 North Milwaukee River Parkway, Glendale, Wisconsin.

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. Absent: None.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; 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, June 18, 2020, 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.

CONSENT AGENDA.

- I. File No. \_\_\_\_\_  
Adoption of Minutes of Meetings held on May 29, 2020 and June 8, 2020, Acceptance of Monthly Reports, Approval of Applications for Used Car Dealer and Secondhand/Pawnbrokers Licenses, Payment 17 and Final to Absolute Construction Enterprises for work completed on the City Hall/Police Garage Project, Payment 1 to Forward Contractors LLC for work completed on the 2020 Alley Reconstruction Project, and Payment 1 to UPI, LLC for work completed on the 2020 Watermain Improvements and Reconstruction Project.

Motion by Ald. Wiese, seconded by Ald. Schmelzling, to adopt the minutes of meetings held on May 29, 2020 and June 8, 2020, to accept Monthly Reports, to applications for Used Care Dealer and Secondhand/Pawnbrokers Licenses, Payment 17 and Final to Absolute Construction Enterprises, Payment 1 to Forward Contractors LLC, and Payment 1 to UPI, LLC. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

- II. File No. \_\_\_\_\_  
Recommendation from the Legislative, Judiciary, and Finance Committee for the Approval of the 2020 Renewal of Alcohol Beverage License Applications.

Administrator Safstrom stated the State of Wisconsin requires all Alcohol Beverage

Licenses be renewed every year on July 1. All licenses before the Council have been approved for location, and all background checks have been concluded by the City of Glendale Police Department. The Police Department has reviewed the surveillance cameras for curbside service at both Pick n Save locations and determined the cameras completely capture the appropriate parking spots.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to Approve the 2020 Renewal Alcohol Beverage License applications as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

III. File No. \_\_\_\_\_  
Applications for Temporary Class B Picnic Licenses Filed by Wisconsin Brewers Guild for Events Held at 5800 N Bayshore Drive.

Administrator Safstrom stated the Wisconsin Brewers Guild is seeking approval for Temporary Class "B" Picnic Licenses (fermented Malt Beverages) for events held at Bayshore Town Center on July 10-11, July 17-18, July 24-25, July 31-August 1, August 7-8, August 14-15, August 21-22, and August 28-29. All applications are on file with the Clerk's office, and the Police Department has completed their review and recommends approval.

Administrator Safstrom stated upon police department review of the applications, it was determined the Agent resides outside of the 25-mile radius requirement. The Council has the option to waive the radius requirement or require the entity to find a local Agent with approval contingent upon the background check. The Wisconsin Brewers Guild has previously applied for Temporary Class "B" Picnic Licenses with no issues, and intends to have representatives present at each event.

Ald. Schmelzling raised the concern regarding if the approval of the outside Agent is temporary only. Administrator Safstrom clarified this is a temporary approval by the Council, and the Clerk's office would have the authority to approve future applications. The previous licenses for the Wisconsin Beer Lover's Festival were issued to Welcome to Glendale.

Ald. Wiese questioned if the organization could apply for a regular liquor license. Administrator Safstrom stated this is not an option because the license is for events held in the Town Square or a mobile truck and therefore cannot be issued a regular license.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to approve the Temporary Class "B" Picnic Licenses as requested, and to waive the agent residency requirement for these licenses issued to the Wisconsin Brewers Guild for the remainder of 2020. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No. \_\_\_\_\_  
Renewal Application for Transient Merchant Permit filed by Aptive Environmental, LLC.

Administrator Safstrom stated the Application for Transient Merchant Permit filed by Aptive Environmental, LLC was reviewed and approved by the City of Glendale Police. This is a renewal application for door-to-door pest control for the period June 2, 2020 to December 1, 2020. In 2018, Aptive applied for, and was granted, a Transient Merchant Permit. There were several

reports of Aptive soliciting without permits, and without Council approval. In May 13, 2018, Council voted representatives from soliciting companies are required to carry a copy of the permit at all times while soliciting. In 2019, the Council denied the permit application.

Administrator Safstrom stated on June 17, 2020, staff received a report from Ald. Wiese of Aptive representatives soliciting without a permit at his home, after 9:00 p.m. After contacting the Aptive representative, it was indicated Aptive has not been active in the area.

A representative from Aptive Environmental, Julianna Zinck, was present to answer questions and provide an explanation on Aptive's solicitation efforts. Ms. Zinck explained there was a first year sales representative in the River Hills and Fox Point areas, where they had a valid permit, and that representative inadvertently crossed into Glendale. She stated Aptive only solicits in areas where they have at least 11 current customers in the neighborhood, and a route list could be provided to Council upon request. Additionally an app is used to determine a 5-mile radius of current customers. Aptive Environmental currently holds a permit in Fox Point, Shorewood, Bayside, and River Hills. The representative manages a sales team, and will provide her cell phone number to the City Administrator in the event of any issues.

Ald. Wiese stated his experience with the sales representative was not positive, as the representative was at the house after 9:00 p.m., was extremely persistent, and utilized seemingly deceptive sales techniques. After the incident, Ald. Wiese observed a flurry of activity regarding Aptive on the social media site Next Door, as well as indications Aptive was misrepresenting themselves in the neighborhood. Ald. Wiese shared several of these comments and concerns of constituents with the Council. The Aptive representative stated the sales representatives are told to cease activity by 8:00 p.m. and does not believe the company uses deceptive sales practices.

Ald. Gelhard stated he had an experience with a sales representative in which he believed the sales techniques to be deceptive. Ald. Schmelzling added in 2019, he had several complaints of sales when no permit was issued.

Attorney Fuchs stated upon approval of the Application for a Transient Merchant Permit, the issue can be brought back to the Council for reconsideration if any issues arise.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve the Application for a Transient Merchant Permit filed by Aptive Environmental, period June 2, 2020 to December 1, 2020. Ayes: Ald. Vukovic, Schmelzling, Shaw, and Kennedy. Noes: Daugherty, Gelhard, and Wiese. Absent: None. Abstain: None. Motion carried.

V. File No. \_\_\_\_\_  
Recommendation from the Community Development Authority to Approve Two Certified Survey Maps for 5800 N Bayshore Drive.

Administrator Safstrom stated Cypress Equities has submitted two Certified Survey Maps (CSM) to the City of Glendale that will divide the existing 5800 N Bayshore Drive into 17 lots. The first CSM divides the parcel into 10 lots. The second CSM will divide Lot 1 into 8 lots. Mayor Kennedy added the Boston Store parcel was broken into lots as part of the CSM, as the plan to raze the property has changed.

Administrator Safstrom stated the Community Development Authority reviewed the maps and recommended the Common Council approved the CSM's with the following requirements: 1)

The CSM's shall be recorded with the Milwaukee County Register of Deed's Office within 12 months after the date of final approval; 2) All monuments shall be erected, corners, and other points established in the field in their property places as indicated on the CSM's; 3) Payment of the \$605.00 (\$175 per CSM plus 17x\$15) administrative fee; 4) And payment of City Engineer CSM technical review fee, and other required fees if any.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to Approve Two Certified Survey Maps for 5800 N Bayshore Drive. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No. \_\_\_\_\_  
Initial Review of 2020-2024 Five Year Capital Improvement Plan.

Administrator Safstrom stated a copy of the planned Capital Improvement Program for the years 2021 through 2025 was provided to the Council. She requested Council review of the projects, particularly for the year 2021, in order that the final approval can be made and included in the projections for the 2021 Annual Program Budget. In prior years, the City attempted to keep the borrowing level consistent under \$4 million each year with the General Debt Service staying around \$2 million each year. This is not always feasible, as projects such as the Library renovation and Police Station renovation will increase the level of borrowings. Based on Council approval, engineering and design specifications will be prepared and various financing options will be reviewed with the City's financial advisor and bond underwriters. The final financing plan will be submitted for review and final approval in the second quarter of 2021.

Administrat Safstrom requested the Council review the capital program, as well as provide input and direction to the various policies/programs the City should consider in future years. There is the possibility of room to fund pieces of equipment for the Department of Public Works without borrowing. Upon approval of the 5-year Capital Improvement Plan, staff will be able to determine the proper revenue source for the anticipated expenses in 2021.

Ald. Gelhard raised the question regarding the termination date of the contract with Advanced Disposal. Adminsitrator Safstrom stated the end date is in 2025. Ald. Wiese questioned if the contract can be revisited in the interim. Administrator Safstrom does not recommend this, as there is a clause in the contract which provides Glendale with recycling revenue and does not charge for recycling if there is not revenue generated. Other communities are charged a fee for recycling. At this time, the City has requested Advanced Disposal adhere to the contract, and the City of Glendale will do so as well.

Ald. Schmelzling raised the question of whether the \$4 million debt service is the average. Administrator Safstrom stated in general the City tries to keep the debt service no higher than \$3 million, with the forecasted debt service going down in 2022 and 2023, then going up based on police department renovations in 2024, and then back down in 2025.

This item was for information purposes only.

VII. File No. \_\_\_\_\_  
Review and Approval of Town Hall Painting/Reroofing Project.

Administrator Safstrom stated in the 2020 Capital Projects Budget is \$37,000 for the repainting and reroofing of the Old Milwaukee Town Hall. These are two separate projects within

the budget. The City received three quotes for the roof and only response for the painting. It was determined that the sign on the lower roof has rooted and is not able to be salvaged. Additionally, the current building paint is lead based and will need to be safely scraped off with some necessary repairs made. The roof quotes are very competitive, with the low bid including a 30-year warranty. The signage is the main challenge, as the current sign is not the original sign. The higher cost quote is a wood sign made in similar style to the original. The proposed sign from Brilliant DPI is made of high density urethane and will be similar in construction to the North Shore Municipal Court sign. The total project cost is \$45,513, which is over the original budgeted amount of \$37,000. Since the City has not borrowed from the Capital Projects yet, the borrowing could be adjusted to include this.

Ald. Wiese raised the question of whether the roof would be replaced with similar product to the current roof. Administrator Safstrom confirmed it will be cedar shank. Ald. Daugherty added concern regarding the maintenance costs for the roof, or if that is included in the estimate. Administrator Safstrom will confirm this information with the construction company.

Ald. Schmelzling questioned if the bid is too high, even with a 30-year warranty. Administrator Safstrom assured the Council the bids were all comparable.

Ald. Schmelzling recommended amending the proposed repairs to not include the cost of painting, in an effort to obtain additional bids on this portion of the project.

Motion by Ald. Schmelzling, seconded by Ald. Daugherty, to accept the recommendation for repair of the historic Town Hall, without inclusion of the painting costs. Ayes: Ald. Schmelzling, Daugherty, and Gelhard. Noes: Wiese, Shaw, Vukovic, and Kennedy. Absent: None. Abstain: None. Motion failed.

Motion by Ald. Wiese, seconded by Ald. Shaw, to accept the recommendation for repair of the historic Town Hall as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

#### VIII. File No.

Application for Change of Zoning 5100 N Port Washington Road to Planned Unit Development – Potential Referral to Plan Commission.

Administrator Safstrom stated Jon Zimmerman has submitted a request to rezone 5100 N Port Washington Road to Planned Unit Development for a Jilly's Car Wash. The current zoning of the property is B-1 A-1, which would not allow for a car wash. Initial review of the request found that the proposed development does not fit within the scope of the land use plan current or proposed for the location. The location has been under review during the Comprehensive Master Plan 2040 as a potential redevelopment area. Traditionally, there has not been a zoning use available for a car wash in Glendale. However, the applicant contested that the City has allowed a car wash with approvals of the newer dealerships. The City must look at the primary use of the establishment.

Mr. Jon Zimmerman, owner of Jilly's Car Wash, was present to answer Council questions and provided background of Jilly's. Mr. Zimmerman owns the business with his wife Jill, and currently have locations in Elm Grove, Pewaukee, and Brookfield. The business has been established for 10 years, and typically a location maintains 3-5 employees on site. The car wash

requires guests to stay in their vehicle, and offers unlimited packages. The establishment of the business at this location would increase the property value by \$1 million, as well as clean up the area and resolve environmental issues. Jilly's Car Wash is environmentally friendly, has limited police and fire needs, and would only utilize the shared access road for entry and exit. The property would accommodate up to 28 vehicles at a time, and the operating hours would be 7:00 a.m. to 8:30 p.m. Mr. Zimmerman added opening the business would provide additional job opportunities, perfect for high school students.

Mayor Kennedy stated this area is one of seven for Master Plan redevelopment. Allowing the rezoning of the property would remove the option of making it a residential development. Mayor Kennedy added the property has been vacant forever, and this would be an opportunity to develop and include the property in the tax roll. He recommended sending the request to the Plan Commission for initial approval, and indicated it will be sent back and forth several times before final approval would occur.

Ald. Wiese questioned if approval would curtail any other future developments. Mayor Kennedy stated it would only remove the option for residential, but would still leave the property open for business development.

Ald. Daugherty raised the question regarding the noise level of the property, as there is a hotel near the property. Mr. Zimmerman stated he had a sound study completed in order to build the Pewaukee location, and it was determined the normal street noise is louder than the sound from the car wash. The car wash itself is contained within a 125 foot tunnel, and the motor is contained within an underground system.

Ald. Gelhard indicated he does not see a downside in sending the request to the Plan Commission.

Ald. Shaw stated the recommendation of a car wash was previously declined due to environmental issues, and would prefer consideration be made after conclusion of the Master Plan.

Ald. Vukovic requested clarification of the process in sending the request to the Plan Commission. Mayor Kennedy clarified the Commission would hear the proposal and determine if it should be sent back to the Common Council, which would then be followed by a public hearing. The process would take several months to complete before final approval.

Motion by Ald. Wiese, seconded by Ald. Gelhard, to recommend to the Plan Commission to review the application for request for rezone of 5100 N Port Washington Road to Planned Unit Development for a Jilly's Car Wash. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Absent: None. Abstain: Shaw. Motion carried.

IX. File No.  
Review and Potential Action for Intersection of Bender Road and Milwaukee River Parkway.

Administrator Safstrom stated Alderman Daugherty expressed concern regarding the intersection of Milwaukee River Parkway and Bender Road, which is a shared responsibility between the City of Glendale and Milwaukee County. In 2019, the City contracted Traffic Analysis and Design to review our most troubled intersections and apply for funding assistance to improve

them. This intersection did not make the top 40 list, but that does not mean it is not a troubled intersection.

Ald. Daugherty stated in speaking with residents, many people have had issues with this intersection. There is opposition to the installation of a roundabout, however he suggested adding turn lanes or high intensity crosswalks.

Administrator Safstrom stated Milwaukee River Parkway is a County road, which raises the issue of what entity is financially responsible for changes.

Mayor Kennedy recommended that Staff bring back the costs for a traffic analysis for this intersection to a future meeting, as well as determine if the Milwaukee County would agree to divide the costs of improvements. Administrator Safstrom will reach out to the County, as well as obtain cost estimates for inclusion in the 2021 Annual Program Budget.

No action was taken on this item.

- X. File No.  
Schedule a Joint Common Council / Plan Commission Public Hearing for Monday, August 3, 2020 at 6:00p.m. – Review of Comprehensive Master Plan 2040.

Administrator Safstrom stated the Plan Commission has been working over the past year to develop an updated Comprehensive Master Plan. The initial plan for approval included a Public Open House in April 2020. Since that time coincided with the pandemic, the Open House was delayed. Staff has worked with the consultant to develop an alternative to the Open House that would also adhere to the State requirements. A virtual open house will be offered from June 10- June 26, 2020. Information is posted on the City website with an opportunity to question or comment on the plan in an electronic form. Residents will be informed via Next Door and Facebook, and an advertisement is scheduled to be in the June 17 and June 24 editions of the North Shore NOW.

Administrator Safstrom stated the Plan Commission and Common Council will received a final draft of the Comprehensive Master Plan on July 7. A Joint Council/Plan Commission Public Hearing and Approval of the Plan would be scheduled for August 3, 2020.

Motion by Ald. Wiese, seconded by Ald. Gelhard, to schedule a joint public hearing for the Common Council and Plan Commission for Monday, August 3, 2020 at 6:00p.m. to review the Comprehensive Master Plan 2040. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

- XI. File No.  
Cooperation Agreement with Milwaukee County regarding the Federal Community Development Block Grant Program.

Mayor Kennedy stated the City has participated in the federally sponsored and funded Community Development Block Grant Program which is coordinated through Milwaukee County since 1978. Every three years, the federal government requires a renewal cooperation agreement between participating communities and the County. Despite the significant decrease in the funding amounts, the federal regulations and requirements continue to increase substantially. Additionally,

the use of federal money requires a variety of mandated construction requirements.

Mayor Kennedy added a small portion of the bike trail extension was the last project the City funded with this program. There were considerable challenges with the requirements of the project to use the funds. In speaking with the staff at Milwaukee County, it is important for the City of Glendale to approve the agreement to assure their population levels allow them to receive the Federal Funding. The City is not required to utilize the funding.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to approve the Cooperation Agreement with Milwaukee County as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XII. File No. \_\_\_\_\_

Review and Approval of Pay Increase for Election Inspectors and Chief Inspectors.

Administrator Safstrom stated the City of Glendale currently pays Election Inspectors an hourly rate of \$9.00, and Chief Inspectors an hourly rate of \$11.00. Due to the COVID-19 pandemic, it was necessary to offer a temporary increase for the April 2020 Election to \$20.00 and \$25.00 per hour, respectively, for Election Inspectors and Chief Inspectors. In an effort to recruit a larger pool of Election Day workers and retain those workers, it is essential to offer a pay increase.

Adminstrator Safstrom stated 2012 was the last pay increase for election workers, however the job has become more difficult and the laws have continued to change since that time. When the City of Glendale implements the use of Badger Books, it will add the element of technology use to the election worker requirements. Staff is recommending an increase to \$12.00 per hour for Election Inspectors and \$15.00 per hour for the Chief Election Inspectors.

Ald. Schmelzling raised the question of the overall impact on the City budget these increases will have. Administrator Safstrom stated the cost of this in addition to the buge for part-time pre-election help is approximately \$20,000 for a four-year election cycle.

Mayor Kennedy supported the increase in pay through the 2021 election cycle, with annual increases consistent with that of regular staff increases.

Motion by Ald. Shaw, seconded by Ald. Wiese, to authorize the pay increase for Election Inspectors to \$12.00 per hour and Chief Inspectors to \$15.00 per hour with annual increases beginning 1/1/2022 consistent with annual staff increases. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XIII. File No. \_\_\_\_\_

2021 City Budget Preparation and Review Schedule.

Administrator Safstrom stated over the years the Governor and Legislature have adopted many parameters which limit the City including the permanent tax levy limits and expenditure restraint program. Additionally, the City can anticipate potential reduction in State revenue, an increase to the North Shore Fire Department Budget, Police staffing issues and future vacancies

due to retirements, plus the normal inflationary cost increases for such items as fuel, utilities, street salt, and other consumer commodities.

Administrator Safstrom presented the proposed schedule to allow City staff the necessary time to prepare the 2021 City budget. The Council determined an early start time for October 25, 2020 for review of the 2021 Annual Program Budget.

This item was 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.

#### CLOSED SESSION.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to convene in Closed Session per Wis. Stats. §19.85(1)(e) for Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (discussion on North Shore Library agreement and potential relocation of facility). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 39 minutes was held. The Council discussed the North Shore Library Agreement and potential relocation of the facility.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, to reconvene to open session and regular order of business. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried.

#### ACTION ON CLOSED SESSION ITEMS.

No action was taken on items discussed during closed session.

#### ADJOURNMENT.

There being no further business, motion was made by Ald. Vukovic, seconded by Ald. Daugherty, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 8:05 p.m., until Monday, July 13, 2020, at 6:00 p.m.

Megan E. Humitz  
City Clerk

Recorded: June 23, 2020.