

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

June 10, 2019

Regular meeting of the Common Council of the City of Glendale held in the David Hobbs Honda for the People Community Room, located at Richard E. Maslowski Park, 2200 West Bender Road, Glendale, Wisconsin.

The meeting was called to order by Mayor Kennedy at 6:01 p.m.

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

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; Charlie Imig, Director of Public Works; and Miranda Etzel, 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 Wednesday, June 5, 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. Schmelzling, seconded by Ald. Wiese to approve the minutes of the meetings held on May 13, 2019. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Abstain: Ald. Shaw. Absent: None. Motion carried.

PUBLIC COMMENT.

Ginny Gerth, 6861 North Ironwood Lane, Glendale, Wisconsin, expressed concern with regard people speeding on Ironwood, and with regard to the driveway of a home in her neighborhood being used as a parking lot for students attending Nicolet High School. Attorney Fuchs stated he would reach out to Rabbi Schmotkin to try to resolve any possible issue(s).

COMMUNICATIONS, APPLICATIONS AND PETITIONS.

I. File No.
2020 City Budget Preparation and Review Schedule.

Administrator Safstrom stated that 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.

In addition, the City can anticipate potential reduction in State revenue, an increase in 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.

No action was taken on this item.

II. File No.
Communication from City Administrator Rachel Safstrom re Communication from the City Administrator—Request for use of City Property—5982 North Port Washington Road.

City Administrator Safstrom explained that the City has received a request to use the parcel located at 5982 North Port Washington Road for the sale of outdoor furniture. This site has been used in the past by Ottman Christmas Trees for the sale of trees during the Christmas holiday season.

Ald. Schmelzling asked what this property is zoned for. Ald. Wiese expressed concern regarding how it may appear that a truck is unloading.

Tom Daugherty, of Stratus Industries, provided a brief explanation of what Status Industries would be selling on the property. Mayor Kennedy asked if a tent/canopy would be on site; Ald. Gelhard asked if advertising would be on the outside of the truck, to which Mr. Daugherty stated in the affirmative to both questions.

Motion was made by Ald. Gelhard, seconded by Ald. Vukovic to approve the use of 5982 North Port Washington Road to Stratus Industries for June 22, 23, 29, and 30, with a fee of \$300.00. Ayes: Ald. Vukovic, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Abstain: Ald. Daugherty. Absent: None. Motion carried.

III. File No.
Communication from City Administrator Rachel Safstrom, re: Payment 8 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project.

Administrator Safstrom explained that the current contract amount for the project is \$5,574,363.35. There are no new change orders with this request. There will be change orders on the upcoming request. Specifically, there has been issues with bad ground where the parking lot is being constructed. This payment is for work completed on the project.

Based on the recommendation of City Administrator Safstrom, motion was made by Ald. Wiese, seconded by Ald. Gelhard to approve Payment 8 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project in the amount of \$628,387.00. On Roll Call: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No.

Communication from the Director of Public Works—Payment 1 to UPI, LLC, for work completed on 2019 Watermain Replacement Project: West Montclair Avenue, North Hyacinth Lane, North Alberta Lane, North Elm Tree Road and North Ironwood Lane.

Administrator Safstrom explained that this payment is for work completed on the 2019 Watermain Replacement Project. The contract amount for this project is \$897,812.00.

Motion was made by Ald. Daugherty, seconded by Ald. Schmelzling to approve Payment 1 to UPI, LLC, for work completed on the 2019 Watermain Replacement Project in the amount of \$346,117.30. On Roll Call: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

V. File No.

Renewal Application for Transient Merchant Permit filed by Aptive Environmental, LLC.

City Administrator Safstrom explained that an Application for Transient Merchant Permit filed by Aptive Environmental, LLC (“Aptive”) was reviewed and approved by the City of Glendale Police. This is a renewal Transient Merchant Permit Application, door-to-door pest control for the period June 11, 2019 to September 15, 2019.

In May 2018, Aptive applied for, and was granted, a Transient Merchant Permit. There have been several reports on Next Door of Aptive soliciting; Aptive has been soliciting without Council approval of a permit. In the Minutes from the May 13, 2018 Common Council meeting, Council voted that representatives from soliciting companies are required to carry a copy of the permit at all times while soliciting.

Ald. Wiese explained that he had received several complaints from Glendale residents. Ald. Gelhard stated he was solicited by the same group.

Ald. Wiese asked what the next steps are, if Aptive continues to solicit without a permit. Chief Ferguson explained that the Police should be called, and the solicitor and the company will receive a citation. Ald. Vukovic expressed concern with the employee receiving the citation. Chief Ferguson explained that a warning would be given to the employee for a first-time offense, and a citation would follow if the employee continued to solicit without a permit.

Motion was made by Ald. Wiese, seconded by Ald. Schmelzling to deny the Application for a Transient Permit filed by Aptive Environmental, LLC. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- VI. File No. _____
Renewal Application for Transient Merchant Permit filed by Fabian Seafood Company.

City Administrator Safstrom explained that an Application Transient Merchant Permit was approved by the City of Glendale Police. Fabian Seafood Company is a long-time annual Transient Merchant; there has never been any issue with this business. Fabian Seafood will operate out of the parking lot at Mobil, located at 7156 North Green Bay Avenue, from 12:00 p.m. to 3:00 p.m. daily.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard to approve the Application for a Transient Merchant Permit filed by Fabian Seafood Company for the period ending December 2019. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously

UNFINISHED BUSINESS.

- VII. File No. _____
Update on Sanitary Sewer Design and Construction—River Edge Subdivision.

City Administrator Safstrom explained that over the past two years, the City has been working with MMSD on the design of the sanitary sewer construction in the River Edge Subdivision.

Dr. Mustafa Emir, of Clark Dietz was available to answer questions, and gave a brief explanation on the scope of services, and proposed design engineering fees for the proposed sewer interceptor serving River Edge West, Kletzsch Park North, and Brantwood North neighborhoods in the City of Glendale. The design and installation of the sanitary sewer is funded by MMSD. It will be important to coordinate this work with other street reconstruction to minimize the disruption to residents.

Ald. Wiese requested a meeting with City Administrator Safstrom and Dr. Emir in July, to discuss this further.

No action was taken on this item.

- VIII. File No. _____
Bender Trail—Oak Leaf Trail Connection.

City Administrator Safstrom explained that in April 2019, the City received a single bid for the Community Development Block Grant project to finalize the Bender Trail connection to the Oak Leaf Trail. The bid was from MUDTeCH, LLC for \$146,780.

MUDTeCH, LLC, had been awarded the remainder of the project at the same meeting at an amount of \$117,480.50.

The requirements of the CDBG are such that it would increase the cost. Staff has asked MUDTeCH, LLC to submit a change order for the remaining portion that was not

approved. The amount of the change order would be \$24,505.75. With engineering, it would make the entire project approximately \$175,000.

Dr. Emir explained that the CDBG funds are being diverted to a sidewalk segment between two existing handicap access ramps at Richard E. Maslowski Community Park will be installed.

Motion made by Ald. Shaw, seconded by Ald. Daugherty, to accept the change order of \$24,505.75 for the completion of the Bender Trail connection to the Oak Leaf Trail. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IX. File No.
Development Agreement—New Land Enterprises, 2510 West Good Hope Road.

City Administrator Safstrom explained that on November 12, 2018, the Council referred the request from New Land Enterprises to rezone 2510 West Good Hope Road from R-3 Residence District to PD-Planned Unit Development District-Multi-Family Residential to the Plan Commission. The plan includes a 48 unit apartment building a 41 Townhome Garden Apartments configured as eight buildings. The Plan Commission reviewed the request, and recommended changes at their December meeting. On February 5, 2019, the Plan Commission held a public hearing. The Council held a public hearing on March 11, 2019.

Ald. Schmelzling inquired about the actual plans for this project. City Administrator Safstrom stated that the plans are on file at City Hall.

Motion was made by Ald. Wiese, seconded by Ald. Shaw to approve the Planned Development Agreement with New Land Enterprises, 2510 West Good Hope Road, as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

NEW BUSINESS.

X. File No.
Resolution Confirming Obligation to Contribute to North Shore Fire Department's Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department.

City Administrator Safstrom explained that North Shore Fire Department has been working to upgrade their aging facilities. As a part of this process, the Whitefish Bay Fire Station was identified as a high need for upgrade. The facility is owned by Whitefish Bay and the North Shore Fire Department is a tenant. As the owner, the updates associates with the structure are paid for by Whitefish Bay. The other upgrades are paid for according to the formula.

Due to the Fire Department not being able to issue General Obligation Debt, Whitefish Bay has offered to take on the full debt of the project with the anticipation of reimbursement per the formula from the other communities.

Ald. Gelhard asked when the formula will be next reviewed. City Administrator Safstrom stated she would need to confirm; however it is most likely in 2020 or 2021.

Motion was made by Ald. Wiese, seconded by Ald. Schmelzling to approve the Resolution Confirming Obligation to Contribute to North Shore Fire Department's Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XI. File No. _____
Intergovernmental Cooperation Agreement for StormGUARDen Installation with MMSD.

City Administrator Safstrom explained that the MMSD and consultant staff presented the opportunity for your municipality to have a StormGUARDen installed this summer free of charge. Staff met with MMSD to determine the best location for the StormGUARDen at Milwaukee Town Hall.

Ald. Wiese asked if the MMSD is attempting to sell the StormGUARDen to residents. City Administrator Safstrom stated these were given to all communities and at some point in the future, they will be for sale.

Motion was made by Ald. Gelhard, seconded by Ald. Vukovic to approve the Intergovernmental Cooperation Agreement for StormGUARDen Installation with MMSD. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XII. File No. _____
Intergovernmental Cooperation Agreement between Milwaukee Metropolitan Sewerage District and the City of Glendale for the Voluntary Acquisition of Properties within the Milwaukee River Floodplain.

City Administrator Safstrom explained that this agreement is in regard to properties that were approved to be purchased within in the floodplain for the removal of the structures. The attached agreement is to establish responsibilities for design, construction, and cost sharing for the voluntary acquisition and building removal of properties within the most recent Milwaukee River Federal Emergency Management Agency (FEMA) regulatory floodplain that have been identified for acquisition as part of the District's Milwaukee River Watercourse Management Plan. The intent is for the City to voluntarily purchase these properties and provide a flood or conservation easement to the District in exchange for cost reimbursement as listed in this Agreement.

Ald. Daugherty expressed concern, and wanted to ensure that residents understood that this program is voluntary. City Administrator Safstrom stated that letters went out to residents explaining that it is voluntary.

Ald. Gelhard asked if there is a program like this in other parts of the country. Attorney Fuchs explained that the MMSD is unique to Wisconsin; FEMA is on a national level.

Ald. Schmelzling expressed hope for a trail. City Administrator Safstrom explained that once the house is torn down, no structure can take its place.

Ald. Daugherty asked how this will affect the floodplain boundaries, now that the Estabrook Dam has been removed. City Administrator Safstrom stated that the draft map is being developed. The process will take up to two more years.

Motion was made by Ald. Vukovic, seconded by Ald. Wiese to approve the Intergovernmental Cooperation Agreement between Milwaukee Metropolitan Sewerage District and the City of Glendale for the Voluntary Acquisition of Properties within the Milwaukee River Floodplain. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIII. File No. _____

Recommendation from the Plan Commission to amend the contract with Vandewalle & Associates, Inc., for the update of the City's Comprehensive Master Plan.

City Administrator Safstrom explained that In November 2018, the Council forwarded the 2040 Glendale Vision Plan to the Plan Commission. The next step in the process is to update the Comprehensive Master Plan. This project will be overseen by the Plan Commission.

In April, the Council authorized the contracting of services with Vandewalle & Associates for the project. Principal Planner, Jolena Presti met with the Plan Commission on Wednesday, May 29. After speaking with staff, Ms. Presti updated the proposal and contract amount to coincide with additional services. The additional services include website/social media updates, outreach to the community, draft plan Open House for the public, and up to 9 monthly meetings with the Plan Commission. Previously it was only 3-4 meetings. The Plan Commission agreed these services will enhance the process and the final product

Ald. Daugherty expressed concern as to whether the City had considered other firms. City Administrator Safstrom explained that staff had sent out requirements for qualifications, two firms responded.

Ald. Vukovic asked if there were other plans that were not chosen. City Administrator Safstrom stated that staff sent out requirements for qualifications to eight (8) agencies.

Ald. Gelhard asked if there would be any more cost increases, and if any more changes will be brought to the Common Council, to which City Administrator Safstrom replied in the negative.

Motion was made by Ald. Schmelzling, seconded by Ald. Vukovic to to authorize staff to amend the contract with Vandewalle & Associates, Inc., for the updating of the Comprehensive Master Plan at an amount of \$75,620. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIV. File No.

Ordinance Amending Glendale Municipal Code Sections 6.2.2(c), 6.2.3(e), 6.2.3(f)(2), 6.2.6(c), 6.3.1(c), and creating Section 6.2.3(f)(3), Pertaining to Application & Permit for Excavation and/or Performance of Work within Public Right-of-Way Fees.

City Administrator Safstrom explained that at the May 13, 2019 Common Council meeting, the Director of Public Works, Charlie Imig, proposed raising the Application & Permit for Excavation and/or Performance of Work within Public Right-of-Way (ROW) fees.

The associated fees are determined by the code of Ordinances, which now need to reflect the updated fees.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic to approve Ordinance Amending Glendale Municipal Code Sections 6.2.2(c), 6.2.3(e), 6.2.3(f)(2), 6.2.6(c), and 6.3.1(c), Pertaining to Application & Permit for Excavation and/or Performance of Work within Public Right-of-Way Fees. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XV. File No.

Ordinance Amending Glendale Municipal Code Section 2.2.15—Consent Agenda.

City Administrator Safstrom explained that Mayor Kennedy has requested an amendment to the Common Council Agenda format for the addition of Consent Agenda. It is intended to preserve valuable meeting time for substantive and complex issues, while fulfilling the Council's role in approving certain matters which are actually quite routine, and have been fully addressed by the responsible staff member or committee. Items normally in Communications, Applications, and Petitions as well as Accounts Payable and Monthly Reports would be labeled as the Consent Agenda. An Alderperson would then make a motion for the Consent Agenda, and if seconded and favorably voted upon, all items are acted upon and would then be approved. If the Mayor or an Alderperson feels a particular item does warrant discussion, he or she merely asks in advance that the item be removed from the Consent Agenda, and then it is taken up separately.

Ald. Daugherty expressed concern with the possibility of not having adequate time to discuss any concerns prior to Council meetings. Mayor Kennedy explained that anything can be said at the meetings.

Ald. Wiese asked if roll call will continue for accounts payable. Attorney Fuchs explained that roll call is still present in Consent Agenda.

Ald. Vukovic expressed concern, stating that members of the Council may vote on items they do not fully understand. City Administrator Safstrom stated that her memos can include more detail.

Motion was made by Ald. Schmelzling, seconded by Ald. Daugherty to approve Ordinance Amending Glendale Municipal Code Section 2.2.15—Consent Agenda. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent:

None. Motion carried unanimously.

XVI. File No.
Initial Review of 2020-2024 Five Year Capital Improvement Plan.

City Administrator Safstrom explained that in prior years, the City attempted to keep the borrowing level consistent under \$4 million each year with the General Debt Service staying at around \$2 million each year. This is not always feasible. In 2021, the Library renovation project and in 2024, the Police Station renovation project increase the level of borrowings.

Based up 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 to the Common Council for review and final approval in the second quarter of 2020.

Ald. Wiese expressed concern with the River Edge project not being on this. City Administrator Safstrom explained that she is waiting on approval, and will likely be in 2021.

No action was taken on this item.

APPROVAL OF ACCOUNTS PAYABLE.

Motion was made by Ald. Vukovic, seconded by Ald. Gelhard to approve the accounts payable checks numbered 43884 to 43931, totaling \$96,801.87, and for prepaid checks numbered 1850 to 1896, and 43662 to 43860 totaling \$25,144,880.65. 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 on which they serve.

CLOSED SESSION.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty, to Closed Session per Wis. Stats. §19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (Glendale Chamber of Commerce) and 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 (Bayshore Town Center Developer Agreement). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Wiese and Shaw. Motion carried unanimously.

A closed session of approximately 44 minutes was held in which the Council discussed the Glendale Chamber of Commerce, as well as the Bayshore Town Center Developer Agreement.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty, 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 unanimously.

ADJOURNMENT.

There being no further business, motion was made by Ald. Vukovic, seconded by Ald. Shaw, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried and adjournment of the Common Council was ordered at 8:10p.m., until Monday, June 24, 2019, at 6:00 p.m.

Miranda Etzel
City Clerk

Recorded: June 11, 2019.