

# CITY OF GLENDALE COMMON COUNCIL

## Meeting Minutes

August 12, 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 6:00 p.m.

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

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 Thursday, August 8, 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.

### PUBLIC COMMENT.

No comments were made by the public.

### UPDATE FROM DR. KABARA, REGARDING NICOLET FIELDS PROJECT.

An update from Superintendent of Nicolet Union School District, Dr. Kabara, regarding the Nicolet Fields Project was provided. The fundraising has begun for the athletic fields. At this time, the current schedule is for the baseball field completion to be in July 2020; however, depending on funding there may be a request to delay the completion date. Ald. Wiese identified concerns expressed with regard to the ability of handicapped parking being available at the tennis courts. Mayor Kennedy asked Dr. Kabara to come back to the Council at a later date with an update on the Nicolet Fields Project. No action was taken on this informational item.

CONSENT AGENDA.

I. File No. \_\_\_\_\_

Motion by Ald. Wiese, seconded by Ald. Daugherty, to approve Adoption of Minutes of Meeting held on July 22, 2019; Approval of Accounts Payable; Payment 3 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; Payment 3 to MUDTeCH, LLC, for work completed on the Bender Trail—Oak Leaf Trail Connection Project; and Nicolet High School Homecoming Bonfire and Parade as requested. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

UNFINISHED BUSINESS.

II. File No. \_\_\_\_\_

Ordinance Amending Schedule J of Title 10, Chapter 1, Section 26 of the Glendale Code Pertaining to Parking Prohibited on the north side of West Civic Drive from North Green Bay Avenue to a point 575 feet easterly thereof.

Administrator Safstrom explained the request for additional no parking signs on the north side of said road on W. Civic Drive was approved by the Council; however, the distance was not identified correctly. This ordinance corrects the error.

Signage is in conformance with Wis. Stat. §349.13 and Glendale Municipal Code 10.1.26. Sign locations would need to be updated in Schedule J of Glendale Ordinance 10.1.26(97).

Motion was made by Ald. Shaw, seconded by Ald. Daugherty, to approve Ordinance Amending Schedule J of Title 10, Chapter 1, Section 26 of the Glendale Code Pertaining to Parking Prohibited on the north side of West Civic Drive from North Green Bay Avenue to a point 575 feet easterly thereof, at a cost of \$665.97. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

NEW BUSINESS.

III. File No. \_\_\_\_\_

Notice of Claim—Gary and Jessica Johnson, 190 West Clovernook Road.

Administrator Safstrom explained that the City has received a claim from Gary and Jessica Johnson stating loss of property due to damage caused by a City project. It was the recommendation of City staff that the claim be denied.

Ald. Gelhard asked what the Johnsons are alleging. Administrator Safstrom provided a brief explanation on the history of the home, and what the Johnsons are alleging. Ald. Daugherty asked if Mr. and Mrs. Johnson are the original owners, to which Administrator Safstrom replied in the negative.

Motion by Ald. Wiese, seconded by Ald. Gelhard, to deny the claim filed by Gary and Jessica Johnson. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

IV. File No. \_\_\_\_\_  
Notice of Claim—Angela Walmsley.

Administrator Safstrom explained that the City has received the attached claim from Angela Walmsley stating loss of property due to damage caused by a pothole.

Mayor Kennedy asked how long it typically takes the City to fill a pothole. Administrator Safstrom stated 1-2 days.

Patrick Walmsley provided an explanation of the incident in the Claim. Administrator Safstrom explained that since the pothole was on North Port Washington Road at Green Tree, the claim would be the responsibility of Milwaukee County. Mayor Kennedy offered to assist the Walmsleys with the process of contacting the County.

Motion was made by Ald. Vukovic, seconded by Ald. Shaw, to deny the claim filed by Angela Walmsley. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

V. File No. \_\_\_\_\_  
Review of Request from Craig Johansen, 1900 West Greenwood Road for a Variance of Natural Landscaping in the Right-of-Way.

City Administrator Safstrom explained that the City has received the request from Craig Johansen regarding the keeping of natural landscaping in the terrace area of his property. The City Ordinance states:

Ordinance Section 8.1.9(d)(10)b states that Natural landscaping shall be set back no less than six (6) feet from the edge of any roadway, or no less than six (6) feet from the inner edge of any sidewalk, whichever setback is greater. Terrace and right-of-way areas shall be planted and maintained with Fescue, Bluegrass, or Ryegrass, or any combination thereof.

Mayor Kennedy asked how far from the street the 2x4s are, to which City Administrator Safstrom stated three (3) feet.

Mrs. Johansen briefly explained that her and her husband purchased the home in 2012; it has been a habitat for monarch butterflies—which are endangered—and would like to keep the landscaping as it is. She also explained that the landscaping has been like this for approximately thirty (30) years; all of the surrounding neighbors were surveyed regarding the landscape, and all have given their approval.

Robert Cronwell, 7530 North Applewood Lane, stated that he drives by 1900 West Greenwood Road, and that his view is not obstructed.

Mayor Kennedy asked what would happen if We Energies came through and had to dig up the landscaping in the right-of-way. Administrator Safstrom explained that We

Energies would not be required to replace the landscaping.

Ald. Shaw asked who maintains the ditch, to which Administrator Safstrom asked for clarification on the word “maintain,” stating that the City is responsible for the drain.

Ald. Wiese expressed concern with the adjacent neighbor, and the weeds growing, and suggested that the right-of-way plants at 1900 West Greenwood moved to another location on the property. Mrs. Johansen stated she would like to create a better habitat.

Mayor Kennedy asked if the City has reached out to MMSD about this matter/ he explained that plants drink up water faster than grass, which is best practice for stormwater runoff.

Motion was made by Ald. Shaw, seconded by Ald. Daugherty, to layover a decision regarding the natural landscaping in the terrace area of 1900 west Greenwood Avenue until the September 9, 2019 Common Council Meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

VI. File No.

Payment 10 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project.

City Administrator Safstrom explained that contract amount for the project is \$5,436,000.00. There are change orders in the amount of \$236,868.31, adjusting the contract to \$5,672,868.31.

There are no change orders that are new on this request. Additional change orders are anticipated for bad ground found in the remaining portion of the parking lot construction. This payment is for work completed on the project.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic, to approve the approve Payment 10 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project in the amount of \$590,640.86. On Roll Call: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

VII. File No.

Review and Possible Action on Request for Democratic National Convention Security.

Chief Ferguson explained that the City of Milwaukee is hosting the Democratic National Convention July 13–16, 2020. The Milwaukee Police Department is tasked with providing security and has requested area agencies provide officers to assist with DNC activities and security from July 10–17, 2020. MPD will provide formal intergovernmental agreements and reimburse agencies for their overtime costs.

The City has 3 officers on the North Shore Mobile Field Force (crowd control) that will be assisting MPD, and Chief Ferguson would also like to offer 3 additional officers per day to assist with security. Total overtime expenditure for the entire week is estimated at \$32,212. All security expenses are budgeted by the DNC; however, past conventions have not always paid all expenses.

Ald. Daugherty asked if all municipalities provide support that is not reimbursed. Chief Ferguson stated that there will be a formal agreement in place to ensure wages are paid.

Ald. Wiese asked if the State will not grant an expenditure restraint. Ald. Gelhard asked if six (6) officers will be providing assistance with the DNC. Chief Ferguson stated that it will be six (6) officers per day, at an overtime rate, as this would be outside of their regular schedule.

Administrator Safstrom stated this could cause an issue with the Budget as it relates to expenditure restraint program. Though there is a reimbursement, the expenses would still be increased. If approved, this could delay other General Fund projects to stay within the restraints of the State of WI.

Motion was made by Ald. Wiese, seconded by Ald. Vukovic to approve the Police Department providing assistance to the Milwaukee Police Department for the 2020 Democratic National Convention. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

VIII. File No.

Ordinance Amending 10.1.14 and 10.1.15 of the Glendale Municipal Code to be able to place Stop Signs on North Crestwood Drive at West Acacia Road.

Administrator Safstrom explained that Alderman Schmelzling received a request from residents to install 4-way stop signs at the intersection of North Crestwood Drive and West Acacia Road for safety reasons. A recent injury accident, numerous children in the area, and citizen concerns of people not slowing for the yield sign prompted this request. Currently there are yield signs for traffic on North Crestwood Drive; there is no control for traffic on West Acacia Road. Staff review has determined that changing from a yield sign to a 4-way stop at this location would be appropriate. The estimated cost for the DPW to purchase 4 stop signs, 2 posts, and installation is \$810.00.

Signage is to be in conformance with Wis. Stat. §346.46(1), and Glendale Ordinance 10.1.14. Stop signs would need to be included in Schedule D of Glendale Ordinance 10.1.14. The current yield signs would need to be removed from Schedule E of Glendale Ordinance 10.1.15.

Motion made by Ald. Wiese, seconded by Ald. Gelhard, to approve the Ordinance Amending Schedule D of Glendale Municipal Code 10.1.14 and Schedule E of Glendale Ordinance 10.1.15 and approve the installation of stop signs at above intersection at a cost of \$810.00. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

IX. File No.

Update on Verizon Future Small Cell Infrastructure Enhancements in Glendale.

Public Works Director, Charlie Imig explained that he and Community Development, Director Todd Stuebe met with Verizon Representatives, initially, when they made first contact with us at the end of January. City Staff has met with Verizon representatives

three times. The discussion focused around the implementation of their 5G network, including installation of the small cells.

At that time, Staff was told that Verizon would work with the City to begin the implementation. Not long after, in the beginning of March, Mr. Imig received several construction prints and permit applications each for an average of approximately 6,000 feet of proposed buried fiber optic cable build in the City of Glendale.

As part of one of the meetings, City Staff was told that the first phase of installation for Glendale included fifty (50) small cells. The locations of these small cells were revealed; Mr. Stuebe and Mr. Imig were asked to weigh in on the proposed locations.

Due to State Statute, there is very little oversight the City is allowed to have regarding these installations.

Currently, Mr. Imig has approved the construction prints and permit applications for each of the buried fiber optic cable projects. Mr. Stuebe and Mr. Imig have also commented on all fifty of the small cell locations.

As well, there are eleven (11) locations slated for the Crestwood neighborhood. Verizon has told City Staff that the proposed placements of small cells on the We Energies light poles will not work. We were told that they are surrounded by trees; therefore, diminishing signal strength.

Verizon wants to place eight (8) new poles throughout Crestwood. Even though it would be in the City's right-of-way, the locations are still in residents' "yards." Verizon would like feedback on the types of poles and locational placement. The thought was to hold a public information meeting for that neighborhood.

Mayor Kennedy asked if the City has a say in the aesthetics of the small cells. Attorney Fuchs stated that regulations from the FCC are in affect. Ald. Wiese asked if the City will have small cells placed from other companies in the near future. Attorney Fuchs stated that the companies share towers. Ald. Wiese expressed concern with regard to the aesthetics and the numerous boxes which will be placed throughout the City.

Ald. Shaw stated she would like the City to have a Public Hearing regarding this topic, further expressing concern as to how leaves would prohibit signals, but not brick and mortar.

No action was taken on this item.

#### 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. Wiese, seconded by Ald. Shaw, 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 (Purchase/Sale of Property for Public Purposes and North Shore Library), and §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 Potential litigation (consideration of complaint against certain members of Glendale Police Department). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

A closed session of approximately 46 minutes was held. The Council discussed the Purchase/Sale of Property for Public Purposes, North Shore Library, and consideration of complaint against certain members of Glendale Police Department.

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

No Action was taken on Closed Session Items.

No Action was taken on closed session items.

#### ADJOURNMENT.

There being no further business, motion was made by Ald. Vukovic, seconded by Ald. Gelhard, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried and adjournment of the Common Council was ordered at 7:51 p.m., until Monday, August 26, 2019, at 6:00 p.m.

Miranda Etzel  
City Clerk

Recorded: August 13, 2019.