

CITY OF GLENDALE -- COMMON COUNCIL  
August 13, 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 6:02 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: City Administrator Rachel Reiss; City Attorney John Fuchs; and Interim Police Chief Mark Ferguson.

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, August 9, 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. Vukovic, seconded by Ald. Daugherty, to approve the minutes of the meeting held on July 23, 2018 as corrected. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Abstain: None. Absent: None. Motion carried unanimously.

PUBLIC COMMENT:

Ginny Gerth, 6861 N. Ironwood Lane, expressed concern with the opening of Green Tree Road east to Jean Nicolet. Ms. Gerth requested a Police Officer be placed at the top of her subdivision to detour traffic away from that area. Ms. Gerth also inquired when the City will be trimming street trees. Administrator Reiss indicated that tree trimming is a priority. Crews are working on trees throughout the City.

COMMUNICATIONS, APPLICATIONS AND PETITIONS:

I. File No \_\_\_\_\_  
Communication from City Administrator Reiss, re: Appointment of City Clerk.

Administrator Reiss stated that City Clerk Couillard resigned from office effective

August 8, 2018. The current Deputy Clerk/Treasurer Anna Voigt has been acting in the Clerk capacity since that time. Ms. Reiss was able to find a suitable replacement quickly. Ms. Miranda Etzel of Glendale will fill the position of City Clerk as of August 20, 2018.

Attorney John Fuchs stated for the record this is not an instance of trying to find someone to fill the position. Ms. Etzel has been looking for full-time employment and this opportunity arose.

Robert Cronwell, 7530 N. Applewood Ln, questioned why the ordinance was not followed for the recruitment of the City Clerk. Administrator Reiss stated the Council delegated the Office of Administrator the personnel functions. Ald. Gelhard questioned what was done to comply with the ordinance. Administrator Reiss reviewed with the Council the actions taken for recruitment of the position including posting on The League of Wisconsin Municipalities and Wisconsin Clerk's Association websites.

Motion was made by Ald. Shaw, seconded by Ald. Wiese, to approve the City Administrator's recommendation of Miranda Etzel as City Clerk effective August 20, 2018. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

## II. File No

Communication from Interim Police Chief Ferguson, re: Out of State Training Request.

Interim Police Chief Ferguson explained that Lt. Dan Brauer is a candidate for Federal Bureau of Investigation National Academy for Law Enforcement Administrators. This is a prestigious training for current and future police administrators.

Based on the recommendation from the Interim Police Chief, a motion was made by Ald. Wiese, seconded by Ald. Daugherty, to approve the request to allow Lt. Dan Brauer attend the Federal Bureau of Investigation National Academy for Law Enforcement beginning on October 1, 2018.. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

## III. File No

Communication from Interim Police Chief Ferguson, re: Authorization for use of City and Police Logo on NASCAR race vehicle.

Interim Chief Ferguson stated Mr. Braeger, of the Silver Spring House has requested the use of the City and Police Logos on a NASCAR race vehicle. Other logos on the vehicle include the Silver Spring House and Blue Lives Matter.

Ald. Gelhard questioned if there was any cost to have the logos on the vehicle. Interim Chief Ferguson stated there is no cost.

Ald. Vukovic expressed her love for the Police Department; however, she is disappointed that the City and Police logos would be next to a Blue Lives Matters logo. She stated this is offensive to the Black Lives Matter movement.

Motion was made by Ald. Wiese, seconded by Ald. Schmelzling, to authorize Mr. Braeger to utilize the City Logo and Police Logo on his NASCAR race car for the Road America August 25, 2018 race. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: Ald. Vukovic. Absent: None. Motion carried.

Motion was made by Ald. Schmelzling, seconded by Ald. Wiese, to direct staff to request that a Black Lives Matter logo be added to the vehicle or that the Blues Lives Matter logo be removed. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No

Communication from Interim Police Chief Ferguson, re: Acceptance of donation for a K-9 police vehicle.

Motion was made by Ald. Wiese, seconded by Ald. Schmelzling, accept the donation from Mr. David Braeger of \$29,013 for the purchase of a new K-9 police vehicle. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

V. File No

Communication from Director of Public Works, Charlie Imig, re: Payment 1 and Final to Michels Corporation for work completed on the sanitary sewer rehabilitation project.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard, to approve Payment 1 and Final to Michels Corporation for work completed on the sanitary sewer rehabilitation project. On Roll Call Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VI. File No

Communication from Director of Public Works, Charlie Imig, re: Payment 4 and Final to Buteyn-Peterson Construction Company for work completed on the N. Elm Tree, N. Ironwood Lane and W. Elmwood Lane water main replacement project.

Motion was made by Ald. Gelhard, seconded by Ald. Schmelzling, to approve Payment 4 and Final to Buteyn-Peterson Construction Company for work completed on the N. Elm Tree, N. Ironwood Lane and W. Elmwood Lane water main replacement project. On Roll Call Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VII. File No

Communication from Director of Public Works, Charlie Imig, re: Payment 1 to American Sewer Services Inc. for work completed on 2018 Roads Program Phase 1.

Ald. Gelhard indicated he has received many complaints from his neighbors regarding this project.

Motion was made by Ald. Schmelzling, seconded by Ald. Daugherty, to approve Payment 1 to American Sewer Services Inc. for work completed on 2018 Roads Program Phase 1. On Roll Call Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VIII. File No

Notice of Claim – Dennis O'Connor

Based upon the recommendation of the City Attorney, motion was made by Ald. Gelhard, seconded by Ald. Wiese to deny the claim filed by Attorney Nicole R. Messamore on behalf of Dennis O'Connor. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IX. File No  
Applications for Temporary Picnic Licenses filed by Bavarian Soccer Club

Administrator Reiss stated this license request was brought in with no time to have Council review prior to the event. There was a consensus of the Council to request an ordinance amendment on the next agenda to allow for staff to approve future license requests with stipulations.

Robert Cronwell, 7530 N. Applewood Ln, stated the City is not allowed to charge more than \$10 for an application fee. City Attorney Fuchs stated the additional \$10 was a penalty fee in addition to the application fee.

Motion was made by Ald. Vukovic, seconded by Ald. Wiese to approve the temporary Class "B" Picnic License filed by the Bavarian Soccer club, Inc. for July 28 - 29, 2018. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS:

X. File No  
Discussion of Nicolet contribution towards Richard E. Maslowski Community Park  
– Update on status from City Attorney.

Attorney Fuchs gave a history of the development of contribution amounts from Nicolet High School for the Richard E. Maslowski Community Park. City Staff and Nicolet Staff have gone through various exercises to determine the fair cost of Nicolet's contribution. Nicolet's attorney had indicated that the contribution amount they are willing to pay is \$928,000.

Administrator Reiss informed the Council that the City has been requested to participate in funding a sidewalk from Green Tree Road south on Jean Nicolet Road to the High School. The cost for the City would be \$20,000. Ald. Gelhard questioned this request as the Council was last informed that the sidewalk was a part of the project. Ms. Reiss stated that she and Dr. Kobylski were just informed the sidewalk is a part of the I-43 project, not the Green Tree Road Bridge project. This has been very surprising to all involved.

Ald. Schmelzling stated his disappointment with the Nicolet contribution. It seems the City is getting the short end of the deals and now we are being asked for more funding.

Mayor Kennedy stated Dominican High School was willing to give \$900,000 and Nicolet High School was willing to give \$750,000. Both had agreed when the cost was \$928,000.

Attorney Fuchs stated it is anticipated for the Intergovernmental Agreement to be on the next agenda.

Motion was made by Ald. Wiese, seconded by Ald. Shaw to direct staff to enter into the Intergovernmental Agreement a payment from Nicolet High School in the amount of \$928,000 to the City of Glendale within 6 months of July 1, 2018. Ayes: Ald. Vukovic, Wiese, and Shaw. Noes: Ald. Daugherty, Gelhard, and Schmelzling. Absent: None. Motion carried with Mayor Kennedy voting for the motion.

XI. File No

Layover from July 23, 2018 meeting Ordinance Amending Title 2, Chapter 4, Section 9(b)(1) of Glendale Code re Architectural Review Board Jurisdiction.

Motion was made by Ald. Daugherty, seconded by Ald. Wiese to approve Ordinance Amending Title 2, Chapter 4, Section 9(b)(1) of Glendale Code re Architectural Review Board Jurisdiction.. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XII. File No

Resolution scheduling an Election for an Advisory Referendum to protect local businesses, apartment owners, and homeowners from tax shifts by passing legislation to close the dark store and Walgreens property tax loopholes.

Motion was made by Ald. Gelhard, seconded by Ald. Vukovic to adopt a Resolution scheduling an Election for an Advisory Referendum to protect local businesses, apartment owners, and homeowners from tax shifts by passing legislation to close the dark store and Walgreens property tax loopholes as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

NEW BUSINESS:

XIII. File No

Review of recommendation from Legislative and Judiciary Committee – License Application for “New Silver Spring House”.

Based on the recommendation of the Legislative and Judiciary Committee motion was made by Ald. Shaw, seconded by Ald. Vukovic to approve the Class B Liquor License as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIV. File No

Authorization to contract with Clark Dietz, Inc. for Floodplain Administrator Services.

The City’s Floodplain Administrator was the Building Inspector. The Building Inspector was responsible for overseeing the contract with SafeBuilt, floodplain administration and property maintenance. The City does need to appoint a Floodplain Administrator; however, it is not a full-time position. Clark Dietz, current City Engineering Firm, has two employees on staff

who are Certified Floodplain Managers. The everyday tasks include review of building permits within the floodplain, write correspondence to residents regarding the permit requirements, and work with residents on questions they may have regarding floodplain issues. This will also cover working with MMSD to submit new information to FEMA for updated mapping. The estimated cost for a three month trial is \$5,280. The fees are billed on an hourly basis and the City will only be charged for the actual work necessary.

Additionally, a project that the Building Inspector had been working on is a grant from the WDNR to have up to three structures removed from the floodplain on Sunny Point Rd. This project was in the beginning stages and was anticipated to be funded by grants. Clark Dietz would be able to administer this grant to completion for approximately \$11,500. If the Council would like to continue with the grant process, I would recommend we implement the contract as presented in whole.

Ald. Gelhard requested that the Council approve any change orders for work in excess of \$11,500 on the grant.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling to approve the contract for Floodplain Management and Grant Administration with Clark Dietz, Inc. with the condition of any change orders in excess of \$11,500 for the grant work be approved by the Council prior to additional work completion. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIV. File No

Approval of Final Development Agreement with ICAP Development, LLC, - 6701 and 6789 North Port Washington Road

On June 11, 2018, the Common Council approved an ordinance rezoning 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). As a part of that discussion and motion, the developer ICAP is required to have the final development agreement approved by the Council. The agreement includes the required stipulation of submitting plans for Phase II of the project by December 31, 2019. The specific implementation plan for Phase I of this project was reviewed and approved by the Plan Commission at their August 7, 2018, meeting.

Brian Adamson, ICAP Development, LLC, gave a brief presentation on the project. Mr. Adamson indicated with the approval tonight, it is anticipated that the closing for the property would be August 30, 2018.

Motion by Ald. Wiese, seconded by Ald. Vukovic to approve the development agreement as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: Shaw. Absent: None. Motion carried.

XV. File No

Approval of Early Access Use and Agreement with Milwaukee School of Engineering, Inc. (MSOE)

Attorney Fuchs reviewed the proposed agreement. The agreement indicates that any costs MSOE incurs would not be reimbursable if there is no agreement with Nicolet High School. Ald. Wiese indicated he would like the Council to be able to review the plans for the fields. Ald. Gelhard expressed concern that if there is no agreement with Nicolet High School, this agreement automatically binds the City to MSOE.

Robert Cronwell, 7530 N. Applewood Ln, expressed concern that the City may be entering into a long term agreement with MSOE without any comments from the public.

Attorney Fuchs stated MSOE can't start any of the preliminary work without authorization from the Council.

Motion by Ald. Wiese, seconded by Ald. Daugherty to approve an agreement with MSOE for early Access and Use of 2200 W. Bender Road removing item number 6 of the presented agreement and requiring that MSOE come to the Council with plans for review.. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XVI. File No  
Discussion on September meeting dates that conflict with observed holidays (Ald. Wiese).

Administrator Reiss stated that the two Council meetings in September fall on significant Jewish Holidays. In the past, the Council would reduce the items on the agenda to ensure everyone could be home by sundown when the holiday begins. Another alternative would be to start the meetings earlier than 6:00 p.m.

Motion by Ald. Wiese, seconded by Ald. Schmelzling to start the September 10, 2018 meeting at 5:00 p.m. and that meeting end by 6:00 p.m. and the September 24 meeting to begin at 5 p.m. with no restrictive end time. 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. Shaw to approve the accounts payable check numbers 1612 and 41878 to 41938 totaling \$238,978.12 and for prepaid checks, numbers 1585 to 1610 and 41728 to 41865 totaling \$4,083,130.54. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Absent: Shaw. 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.

#### CLOSED SESSION.

A motion was made by Ald. Vukovic, seconded by Ald. Wiese to convene in Closed

Session at 8:17 p.m. per Section 19.85(1)(e) of the Wisconsin Statutes, deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business. (Outdoor Media Request possible acquisition of public lands and Possible acquisition of public property – Fox Point); and Section 19.85(1)(c) of the Wisconsin Statutes to consider the employment, promotion, compensation or performance evaluation data of City employees (Police Negotiations) Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

A closed session of approximately 45 minutes was held in which the Council discussed negotiations associated with purchase of property and police negotiations.

A motion was made by Ald. Gelhard, seconded by Ald. Wiese, 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.

#### ADJOURNMENT.

There being no further business, motion was made by Ald. Schmelzling, seconded by Ald. Vukovic, 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 8:54 p.m. until Monday, August 27, 2018 at 6:00 p.m.

Rachel A. Reiss  
City Administrator

Recorded: August 14, 2018