

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

April 10, 2023

Regular meeting of the Common Council of the City of Glendale held in City Hall, 5909 North Milwaukee River Parkway, Glendale, Wisconsin and via Zoom conference call.

The meeting was called to order by Mayor Bryan Kennedy at 6:00 p.m.

Roll Call: Present: Mayor Bryan Kennedy, Ald. Jim Daugherty, John Gelhard, Phillip Bailey, Steve Schmelzling, and JoAnn Shaw. Absent: Tomika Vukovic.

Other Officials Present: Karl Warwick, City Administrator; Nathan Bayer, City Attorney; John Fellows, Community Development Director; Charlie Imig, Director of Public Works; Mark Ferguson, Police Chief; Ken Smith, Planner; and 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.

City Administrator Warwick advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, April 6, 2023, 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 HEARING – 4160 N PORT WASHINGTON ROAD: Zoning Map Amendment from M-1 Warehouse, Light Manufacturing, Office and Services District, to PD Planned Development District and a General Development Plan for a Planned Development for 4160 N. Port Washington Road, Meta House, Tax Key Number 242-1198-004 and 242-1198-003.

Community Development Director, John Fellows, stated Meta House is looking to relocate to the properties located at Tax Key Number 242-1198-004 and 242-1198-003 generally known as 4160 N. Port Washington Road. Their facilities will consist of office, outpatient, and inpatient facilities. The property is currently classified as Industrial with a zoning of M-1. The applicant is requesting rezoning to PD - Planned Development. The applicant is also requesting approval of a general development plan for the Planned Development. The General Development Plan anticipates the reuse of the existing building while maintaining one tenant space on the far east side of the building. Under the Plan, there will be a new common lobby on the west side of the building and an “L”-shaped addition with a private secured courtyard for the inpatient services. The applicant plans to use the existing eastern parking lot while providing new parking on the west side of the property. The applicant has provided site plans, building elevations, landscaping, and lighting plans for the General Development Plan. A Specific Plan and Development Agreement will be presented after rezoning and the General Development Plan is approved.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council chambers that wished to speak for public comment. Hearing no public comment, Ald. Gelhard made the motion to close the public hearing, seconded by Ald. Schmelzling. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Bailey, seconded by Ald. Daugherty, to approve the Ordinance Approving a Zoning Map Amendment from M-1 Warehouse, Light Manufacturing, Office and Services District to PD Planned Development District and a General Development Plan for a Planned Development for 4160 N Port Washington Road, Meta House, Tax Key Number 242-1198-004 and 242-1198-003 was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain:

None. Motion carried.

PUBLIC HEARING – 727 W GLENDALE AVENUE: Zoning Map Amendment from B-1 “P” Business and Commercial District to a M-1 Warehouse, Light Manufacturing, Office, and Service District, for Sprecher Property III, LLC at 727 W. Glendale Avenue, in the Planned Mixed Use Land Use Classification, Tax Key Number 233-1170-002.

Community Development Director, John Fellows, stated the applicant is seeking to rezone 727 W. Glendale Avenue from B-1 “P” to M-1 Warehouse, Light Manufacturing, Office and Service District. The applicant has indicated that the current occupants will remain, which consist of warehousing for Sprecher Brewing, and a printing shop for Mandel Graphic Solutions. The site has approximately 20 parking spaces. They estimate business hours will be Monday to Friday 6am to 6pm with 25 full-time employees and 40 part-time employees. Sprecher is requesting the zoning be returned to industrial zoning which more aligns with the construction of the building from 1953 to 1964 and will “enable Sprecher to plan for future development optionality.” At this time, no modifications to the structures or site have been proposed.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council chambers that wished to speak for public comment. Hearing no public comment, Ald. Gelhard made the motion to close the public hearing, seconded by Ald. Daugherty. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to Approve the Ordinance Approving a Zoning Map Amendment from B-1 “P” Business and Commercial District to a M-1 Warehouse, Light Manufacturing, Office, and Service District, for Sprecher Property III, LLC at 727 W. Glendale Avenue, in the Planned Mixed Use Land Use Classification, Tax Key Number 233-1170-002 was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

PUBLIC HEARING: Zoning map amendments for properties owned by the Milwaukee Metropolitan Sewage District and the City of Glendale from R-7 to the C-1 Zoning District for 6130 and 6521 N. Sunny Point Road, 6411, 6435, 6459, 6477, 6515, 6573, 6583, 6593, 6595, and 6599 Sunny Point Lane, Single Family and Environmental Corridor land-use classifications, Tax Keys 162-0067-001, 134-0021-001, 134-0018-001, 134-0017-001, 134-0014-003, 134-0013-001, 134-0001-000, 134-0008-000, 134-0008-000, 134-0007-000, 134-0006-000, 134-0003-000, 134-0005-000.

Community Development Director, John Fellows, stated over the last decade, several parcels have been purchased through a program with the Milwaukee Metropolitan Sewage District (MMSD) to acquire properties within the floodway of the Milwaukee River. At the time of purchase, these properties included various residential structures that have been or are in the process of being removed. Under our agreement with MMSD, these properties have restrictions on them that limit uses and essentially prohibit redevelopment opportunities. Two similar parcels 134-0019-000 and 161-0092-000 were rezoned to C-1 to have the Zoning Map better represent development potential on these properties. These properties within the Comprehensive Land Use Map are classified as single family residential with environmental corridors. Because these properties are within the floodplain or floodway and the structures were removed to prevent further flooding, staff is recommending the parcels be rezoned to C-1 Conservancy Districts. As the City obtains additional properties over time, staff will work to present similar Zoning Map Amendments. Staff have also been working with MMSD to provide a plan for these properties such as additional forestation and stormwater retention.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council chambers that wished to speak for public comment. Hearing no public comment, Ald. Gelhard made the motion to close the public hearing, seconded by Ald. Bailey. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to Approve the rezoning request for

properties owned by the Milwaukee Metropolitan Sewage District and the City of Glendale from R-7 to the C-1 Zoning District for 6130 and 6521 N. Sunny Point Road, 6411, 6435, 6459, 6477, 6515, 6573, 6583, 6593, 6595, and 6599 Sunny Point Lane, Single Family and Environmental Corridor land use classifications, Tax Keys 162-0067-001, 134-0021-001, 134-0018-001, 134-0017-001, 134-0014-003, 134-0013-001, 134-0001-000, 134-0008-000, 134-0008-000, 134-0007-000, 134-0006-000, 134-0003-000, 134-0005-000 was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

PUBLIC HEARING: Zoning text amendment for the creation of Section 13.1.18, “Home Occupations,” and Deleting Part (a) (45) of Section 13.1.200, “Home Occupation” of Chapter 1, “Zoning Code,” of Title 13, “Zoning,” of the Code of Ordinances of the City of Glendale.

Community Development Director, John Fellows, stated the Common Council has discussed possible revisions to the Home Occupation Ordinance to better address concerns regarding homeowners working in their homes and have an Ordinance that is easier to understand for the public. The Council discussed the proposed draft at their meetings on January 9th and January 23rd. Based upon comments from the Council on January 23, at least several aldermen would like an Ordinance that better allows residents to perform work from home, but still allow enforcement of items that cause disruption to the residential neighborhood. The Common Council asked that the Plan Commission review this and make a recommendation to the Common Council. The Plan Commission recommended approval of the changes at their March 7, 2023, meeting. With a positive recommendation to the Council, a commissioner suggested one item for the Council to consider, and requested staff provide additional information. The suggestion and concern related to the number of vehicles allowed at a residential property for a home occupation.

Richard Trimborn, 420 W. Mall Road, runs Trimborn Landscaping business out of an address on Range Line Road, where he has operated for 15 years. He typically has six or seven vehicles in the driveway and has a six-car garage on the property. He is part owner of the property with his brother, and together they have made many improvements, however it is currently zoned residential. They have never had any complaints and don’t disturb anyone in the neighborhood, therefore he would like to request the property be rezoned or given an exception to this ordinance, since it is used for a business. Mayor Kennedy recommended speaking with Mr. Fellows regarding the process to have the property rezoned. Ald. Schmelzling stated it has always been known to have been operating as a business, and the logical step would be rezoning.

Glendale resident Patrick Olson, 7325 N. Pierron Road, stated his neighbor has a 3-D printing business and hobby, and is currently putting an addition on his home to expand that business. Mr. Olson has concerns there will be an increase in traffic that comes along with the home expansion.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council chambers that wished to speak for public comment. Hearing no public comment, Ald. Gelhard made the motion to close the public hearing, seconded by Ald. Daugherty. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to Approve the Zoning Text Amendment for the Creation of Section 13.1.18 “Home Occupations,” and Deleting Part (a) (45) of Section 13.1.200, “Home Occupation” of Chapter 1, “Zoning Code,” of Title 13, “Zoning,” of the Code of Ordinances of the City of Glendale was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

PUBLIC HEARING: Zoning text amendment for Title 13 Zoning, Chapter 1 Zoning Code, Section 38 “S-1 SPECIAL (INSTITUTIONAL) DISTRICT,” Subsection (d) “Front Yard requirements” of the Code of General Ordinances of the City of Glendale.

Community Development Director, John Fellows, stated the S-1 Special (Institutional) District currently allows decreased setbacks for structures that are not recreational or educational in nature. Staff recommends that

the same flexibility be provided to front yard requirements within the S-1 District. The side yards and rear yards allow for a 10-foot setback. Staff recommends the 15-foot setback be established for front yard requirements. This flexibility will allow for reactional facilities elements such as fencing, security gates, and other features commonly found on a school property to be placed at 15 feet rather than the 35-foot as currently required. The Plan Commission recommended at their March 7, 2023 meeting to amend the text of the S-1 as presented.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council chambers that wished to speak for public comment. Hearing no public comment, Ald. Daugherty made the motion to close the public hearing, seconded by Ald. Gelhard. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to Approve the zoning text amendment for Title 13 Zoning, Chapter 1 Zoning Code, Section 38 “S-1 SPECIAL (INSTITUTIONAL) DISTRICT,” Subsection (d) “Front Yard requirements” of the Code of Ordinances of the City of Glendale was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

PUBLIC COMMENT.

No public comment.

CONSENT AGENDA.

I. File No.

Adoption of Minutes from Meeting held on March 27, 2023 and Approval of Accounts Payable.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to Adopt Minutes from Meeting held on March 27, 2023 and Approve Accounts Payable was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No.

Permanent Stay of Outstanding Uncollectible Debt

Administrator Warwick stated the purpose of this item is to provide an explanation of the Court collection procedures and to come to a determination on possible guidelines to permanently stay outstanding debt, deemed “uncollectible” by the State Debt Collection Agency (SDC). “Uncollectable debts” are debts that the SDC has attempted to collect for a period of three years and determined that the debt is not collectable based on a set of factors described in this memorandum. “Outstanding debts” are debts owed to the North Shore Municipal Court (NSMC) and includes “uncollectable debts” and debts that the NSMC still can collect. The NSMC has an estimated \$5,035,448.46 in “outstanding debt” dating back to 1981. There currently are more than 2,000 debts with an unknown amount that is determined to be “uncollectable” by SDC. The amount that is determined to be “uncollectable” is unknown because SDC does not provide the NSMC with an overall summary report detailing “uncollectable debts”. A portion of this debt includes outstanding debt from the Village of Bayside, as they are part of the NSMC. We are unable to determine the amounts that are from Bayside tickets and the amounts from Glendale tickets.

The NSMC may order several different forms of punishment for defendants who fail to pay their debts to the Court. To date, SDC has proven to be a more effective collection method for the Court. However, once a debt is determined to be uncollectable by SDC, it is returned to the NSMC and is not permitted to be placed back into SDC for collection. When the Court’s fines are considered “uncollectable” by SDC, it leaves TRIP as a remaining collection method. Because TRIP is an intercept collection method, after SDC has failed to collect, it is generally not an effective collection method. Staff and the Court are looking for direction on how to treat “uncollectable” and certain “outstanding” debts associated with the NSMC.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to layover the approval of a Resolution Establishing Procedures for Outstanding and Uncollectable Court Debt to the May 22, 2023 Council meeting was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

IV. File No. _____

Budget Amendment for the Purchase of a Police Squad Vehicle and to Permit Various Financial Management Agreements

Administrator Warwick stated the 2023 Annual Program Budget was adopted on November 14, 2022. The Capital Improvement Budget includes \$109,00 for the purchase of two police squad vehicles. These purchases have been made. During the past six months, three police vehicles have been totaled in accidents. As a result, the City has received \$91,281.67 in compensation. Staff are proposing an \$80,000 budget amendment to a replacement vehicle that was totaled. With this purchase, the police fleet would be full. Staff are presenting this because a dealership has a police vehicle available for purchase, which is a rarity today. Staff are also asking for a budget amendment to fund internal audit support services and Interim Finance Director support services. The City Council approved the agreements for these services and the budget amendment would approve the funding for these services.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve the 2023 Budget Amendment for the purchase of a police vehicle and for financial support service agreements was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

V. File No. _____

Reaching Empower and Produce for a Father's Day Event at Maslowski Park

Administrator Warwick stated Mayor Kennedy was approached by leaders in the Milwaukee/Glendale religious community to support an event being organized by Reaching Empower and Produce, a nonprofit organization that unites families and supports character education in young people. They requested city partnership on a Father's Day event to be held at Maslowski Park. The purpose of the event is to unite families and to bring strong male role models to families where a father is not present. City partnership would allow the organization to use the amphitheater and community room, with the facility rental charge waived. The organization will still pay for an A/V specialist to run the park equipment. If the park director determines that an additional staff person would be needed to monitor the building, empty garbage, tidy the bathrooms, etc., then the organization would have to pay for that staff person, as well. The event will be held on Saturday, June 24. The park would be available for setup beginning at noon. The event would run 4 pm – 9 pm.

Motion by Ald. Bailey, seconded by Ald. Shaw, to approve the partnership with Reaching Empower and Produce for a Father's Day event at Richard E. Maslowski Community Park. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

VI. File No. _____

2023 Arbor Day Proclamation

Mayor Kennedy stated the provided Arbor Day Proclamation is required for the City's continued participation in the Tree City USA Award program. The City celebrates by planting a tree with students from Parkway Elementary. This year, Arbor Day is nationally recognized on April 28, 2023. At this time, an official date for Glendale's celebration has not yet been scheduled. Once the official date is selected, we will inform Council and the public.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, to approve the 2023 Arbor Day Proclamation was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

VII. File No.
Bid Results for the Catch Basin Cleaning Services Project

Director of Public Works, Charlie Imig, stated the City of Glendale has approximately 2,760 catch basins throughout the City. The Department of Public Works is responsible for these catch basins. A plan has been implemented to clean and inspect all catch basins. This will be accomplished in a three-year cycle with a combination of City personnel and private contractors. This bid proposal and specification is for the private contractor portion of cleaning and inspecting catch basins. The private contractors will only be cleaning and inspecting catch basins with sumps. This contract will be for two (2) years. The cost of this service will be divided into the next two years and the cost is included in the adopted 2023 budget. Three bids were received, reviewed, and tabulated for the Catch Basin Cleaning Services Project. Upon confirmation of the bid documents, Globe Contractors, Inc. was the low bidder for this project, at a base bid of \$166,400.00. Wisconsin Utility Exposure, Inc. came in with a base bid of \$222,400.00; MJM Pumping, LLC came in with a base bid of \$1,000,000.00.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to accept the low base bid of \$166,400.00 and award of contract to Globe Contractors, Inc. for the Catch Basin Cleaning Services Project was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

VIII. File No.
Resolution Authorizing the Director of Public Works to Sign and Submit the Recycling Grant Application and Annual Reports to the Wisconsin Department of Natural Resources (WDNR).

Director of Public Works, Charlie Imig, stated an updated resolution is required prior to submittal of the 2023 WDNR Recycling Grant Application.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to approve the updated resolution authorizing the Director of Public Works to sign and submit the recycling grant application and annual reports to the WDNR was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

COMMISSION, COMMITTEE, BOARD, AND STAFF REPORTS.

There were several updates from Council members, on the activities of the various Commissions, Committees and Boards on which they serve as a Member and an Administrator update.

ADJOURNMENT.

There being no further business, a motion was made by Ald. Shaw, seconded by Ald. Gelhard, to adjourn the meeting. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 7:23 p.m., until Monday, April 24, 2022, at 6:00 p.m.

Megan Humitz
City Clerk