

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

May 10, 2021

Regular meeting of the Common Council of the City of Glendale held via Zoom conference call.

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, Steve Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; Todd Stuebe, Community Development & Planning Director; Charlie Imig, Director of Public Works; 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.

Administrator Safstrom advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, May 6, 2021, 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.

Glendale resident, Robert Cronwell of 7530 N. Applewood Ln. inquired about the mask mandate and whether it was overturned with the end of the emergency declaration, as it was his understanding that the mask ordinance stated it was in effect pending a future order by the Common Council and therefore the ordinance should be removed completely. Mayor Kennedy stated that when the emergency declaration ended, the mask mandate ended as well. However, businesses have the right to continue to enforce mask wearing orders on their own. Additionally, he will have the City Administrator and City Attorney look into the ordinance and if necessary, bring it back to the next meeting to repeal the ordinance.

CONSENT AGENDA.

I. File No. _____

Adoption of Minutes of Meeting held on April 26, 2021, and Review and Approval of Accounts Payable.

Motion by Ald. Daugherty, seconded by Ald. Schmelzling, to adopt the minutes of the meeting held on April 26, 2021, approve Accounts Payable. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No.

Recommendation to forward to the Plan Commission a Petition to Rezone 6076 N. Port Washington Rd and 6100 N. Port Washington Rd from B1-F2 to B-1 F-1 – Ogden Cleaners.

Administrator Safstrom stated the applicant, Keyhan Sheikholeslami, owner of Ogden Cleaners has been informed by the Wisconsin Department of Transportation that they will need to relocate due to the construction of I-43 and expansion of Port Washington Road. They wish to continue their business in the City of Glendale at 6076 N. Port Washington Road. Currently, the zoning of the property does not allow for this use. At the same time, 6100 N. Port Washington Road (Valvoline) is a legal non-conforming use. Rezoning both properties will allow for full compliance for both businesses. It will also alleviate concerns of “spot zoning” in the City. Staff has reviewed the location and feels the Ogden Cleaners at 6076 N. Port Washington Road location will be a good fit.

Ald. Wiese raised the question regarding the current status of the building at 6076 N. Port Washington Road as a family dental office. Administrator Safstrom stated the dental office intends to relocate, which is currently a pending arrangement.

Motion by Ald. Wiese, seconded by Ald. Gelhard, to forward to the Plan Commission a Petition to Rezone 6076 N. Port Washington Road and 6100 N. Port Washington Road from B1-F2 to B-1 F-1 – Ogden Cleaners. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

III. File No.

Review and approval of Ordinance Amending 2.3.7 of the Code of Ordinances of the City of Glendale Pertaining to City Attorney.

Administrator Safstrom stated in review of this ordinance due to the next agenda item, it was discovered there is a contradiction within the language. An ordinance has been provided which removes the contradiction and identifies confirmation of the City Attorney by a 2/3 vote of the Council. A-E was previously amended, but the opening paragraph was not and looking to match the language to the rest of the ordinance.

Glendale resident, Robert Cronwell of 7530 N. Applewood Ln. raised a question regarding a three-year term limit to the City Attorney and the lack of that language in the ordinance. Mr. Cronwell requested the language dictating a term language be added to the ordinance. Administrator Safstrom stated the review committee will have to make this determination. Mayor Kennedy added the RFP states there is a 45-day notice by either party to get out of the contract, whether the City does a one or two-year term, so the City is not bound to a new City Attorney for an indeterminate amount of time; and while our past practice may have been 3 years, the ordinance does not need to state 3 years.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve the Ordinance Amending Section 2.3.7 of the Code of Ordinances of the City of Glendale Pertaining to

City Attorney. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No.

Review of Process for Appointment of City Attorney and confirmation of appointees to Review Committee.

Administrator Safstrom stated in April 2019, the Common Council renewed the contract with John Fuchs for general Council for the City with a three-year term. The term was anticipated to end April 30, 2022. Attorney Fuchs has submitted his termination notice as of December 31, 2021. Attorney Fuchs has served as City Attorney since 1987. Ordinance 2.3.7 identifies the procedure for appointment of a City Attorney, and specifically states the Council will appoint a committee which will include the Mayor, City Administrator, and 2 Alderpersons. Administrator Safstrom recommends the two Alderpersons to assist with the process to be Ald. Daugherty and Ald. Gelhard. The Committee will conduct initial screening of applications, review references and conduct interviews. Once the candidates are narrowed, the Common Council will review applications.

Mayor Kennedy stated his rationale for choosing Ald. Gelhard was that he himself is an attorney, and Ald. Daugherty is a CFO who has experience frequently working with attorneys.

Ald. Gelhard raised the question regarding whether staff will be advertising to fill this position. Administrator Safstrom stated the posting with the League of Wisconsin Municipalities, our City website, and with firms working in municipal law, as well as reaching out to those who have previously inquired.

Motion by Ald. Schmelzling, seconded by Ald. Vukovic, to confirm the appointments of Ald. Daugherty and Ald. Gelhard to a Review Committee to conduct the process of a search for a City Attorney. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Absent: None. Abstain: Shaw. Motion carried.

V. File No.

Review and Approval of Police Staff Out of State Training Request.

Administrator Safstrom stated annually at the time of budget any known out-of-state training is identified. As opportunities arise that are unknown at the time of budget, the Council is requested to approve. The United States Secret Service is offering an Advanced Mobile Device Examiner course at the National Computer Forensic Institute in Hoover, Alabama. All costs, including course fee, transportation, lodging, and meals are paid by the Secret Service. The training is limited to 25 people nation-wide and participants will be selected based on a nomination process. Detective Krenn has been nominated to attend this training, and is one of our Computer Forensic Investigators. This training would be very beneficial and enhance the unit's capabilities. Chief Ferguson is requesting permission to send Detective Krenn to the training should he be accepted through the nomination process. There is no anticipated overtime incurred with this request.

Ald. Wiese requested clarification as to what a Computer Forensic Investigator actually does. Chief Ferguson clarifies this position specializes in forensic analysis of cell phones, computers, and other technology. Attending this training will teach different ways to examine technology, and there will no additional expenses incurred on our end to purchase new equipment.

Motion by Ald. Shaw, seconded by Ald. Wiese, to authorize Detective Krenn to attend the Advanced Mobile Device Examiner training class in Hoover, Alabama in 2021. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: None. Absent: None. Abstain: Vukovic. Motion carried.

VI. File No.
Review and Approval of Wisconsin Department of Transportation Traffic Mitigation Grant/Agreement for 2021.

Administrator Safstrom stated the Wisconsin Department of Transportation would like to enter into an agreement with the Police Department to provide funds for traffic mitigation activities related to the I-43 URT project. Funds will be used to reimburse police overtime for traffic control assistance, speed enforcement on alternative routes, special event coordination, and other activities associated with the I-43 construction project. Funding amount is \$10,000 for 2021, additional contracts will be executed for services in 2022 and 2023. DOT will also be executing a similar agreement with the Milwaukee Police Department and the Milwaukee County Sheriff's Office for the same services. The Police Department will track overtime costs to determine if future funding allocations need to be revised.

Ald. Wiese raised the question regarding how much the overtime expenses for traffic control assistance typically cost. Administrator Safstrom indicated she is unsure of the exact amount, but estimated approximately \$50 per hour per officer.

Ald. Schmelzling inquired regarding what will happen in the event that excessive support is needed beyond what has been allocated and how this number has been determined. Administrator Safstrom stated these projects are done regularly and the estimates are usually fairly close to what is needed. Contact is maintained with the project manager, but problems are not anticipated.

Motion by Ald. Daugherty, seconded by Ald. Schmelzling, to approve the Agreement between the Wisconsin Department of Transportation and the Glendale Police Department for 2021 Traffic Mitigation related to the I-43 URT Project. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No.
Ordinance Amending Schedule J of Title 10, Chapter 1, Section 26 of the Glendale Code Pertaining to Parking Prohibited on the north and south side of West Mall Road from North Iroquois Road to North Port Washington Road.

Administrator Safstrom stated City Staff as well as Ald. Gelhard have been receiving complaints from residents on W. Mall Road regarding multiple vehicles parking on both sides of the street. The Department of Public Works had safety concerns and issues during the snow season as vehicles would park illegally overnight and make it challenging if not impossible to get a plow truck through the street. Residents have requested and understand the consequences of this request, as they will be unable to park on the street in this area. 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(55).

Ald. Schmelzling raised the question regarding what happens for those utilizing the street for parking when the City posts no parking in any given area, particularly where apartments are located. Administrator Safstrom stated it is possible that they will either move elsewhere or will adhere to their lease agreement as indicated. In the event it turns out another street is needed to be marked as no parking, the topic will be revisited.

Ald. Wiese inquired as to what will prohibit people from parking on the next north/south street. Administrator Safstrom stated the belief is that it will be a significantly further walk and people will be less likely to do so. The main reason for the no parking sign is to clear up the vision clearance issue with the snowplows in the area during the winter which is currently a big issue.

Ald. Gelhard stated when the hotel in the area was converted to apartment buildings, parking became an issue. He personally has addressed the parking problem with the apartment management, and nothing has been done to resolve the issues.

Motion by Ald. Gelhard, 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 and south side of West Mall Road from North Iroquois Road to North Port Washington Road. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.

Review and Approval Change of Equipment Purchase in the 2021 General Fund Budget – Bucket Truck.

Administrator Safstrom stated the 2021 Annual Program Budget was adopted November 9, 2020. In 2020, the Common Council approved the purchase of a Prentice Loader at \$90,000 for the Public Works Department. This piece of equipment was specifically purchased to assist with forestry operations. In 2022 there was \$225,000 approved for a bucket truck. After seeing a lack of loaders available and evaluating future needs, it was decided to pursue a bucket truck for the \$90,000 amount. Additionally, the monies approved for the bucket truck in 2022 would then be used to purchase a knuckle boom/grapple truck. This is an identical vehicle that several private tree care services and municipalities currently use. Forestry staff would be able to cut down trees, previously contracted out. This vehicle also has a dump bed that can haul the logs, eliminating the need for a Prentice loader. The bucket truck purchase this year, if approved, is a new cab and chassis with a completely refurbished bucket lift body. This would be through a State bid, allowing for the lowest pre-bid price. All totaled, Staff would be purchasing two

vehicles over the next two years, eliminating the need for a third. The existing bucket truck would either be traded in, lowering the purchase price of the knuckle boom/grapple truck or sold as surplus, whichever yields a greater return for the City. For all intents and purposes, our current bucket truck will be out of safety compliance in 2024, since replacement parts are no longer made for it.

Ald. Shaw raised the question on the trade-in value of the truck we currently own. Administrator Safstrom stated there is no trade-in value, however we may be able to get around \$1000 if we sell it for surplus cost.

Ald. Schmelzling inquired as to when our current bucket truck was purchased for the City. Mr. Imig stated he was unsure of the exact date, but it was in the late 1990s and has been inspected annually.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve change of equipment purchase in the 2021 General Fund Budget – Bucket Truck for up to \$90,000, replacing the previously approved Prentice loader. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No. _____
Review of City 2020-2021 Snow and Ice Operations.

Administrator Safstrom stated a recap of the 2020-2021 City snow and ice operation season was provided by the Director of Public Works, including a breakdown of metrics from the season. There were 14 events this season as compared to 22 events last season. The total snow accumulation was approximately 47 inches, compared to the average of 46.9 inches. Approximately 23,500 gallons of brine were used during the first full season of using brine for anti-icing. Approximately 1500 tons of salt were used compared to 1600 tons last season. The average full-scale snow and ice control operation each results in approximately 1300 miles driven by all the operators collectively. As part of snow and ice operations, mailboxes are sometimes knocked down by the snow being pushed from the roads. This season, 34 mailboxes were reported as being knocked down compared to 11 last season.

Administrator Safstrom indicated this topic is being brought to the Council now in case there are any policy changes that would be requested so they can be adjusted prior to the budget for the upcoming year. Those changes would not necessarily need to be decided at tonight's meeting, however it is an opportunity for Council members to reach out to her or to Mr. Imig.

Ald. Daugherty offered praise for excellent work done by DPW over the winter, and expressed that heard numerous compliments from his residents.

Ald. Wiese stated that in previous years residents had expressed some concern on long stretches of road with ice and snow, however this year there was more satisfaction and the pretreatment seemed to be very effective with the plowing. He raised the question regarding the potential for expansion of the brining equipment and the need for more equipment down the road. Mr. Imig stated that this will be reviewed during the budget, however we have adequate

equipment at this time, but may see a need down the road for a second vehicle to aid in anti-icing during smaller snowfalls.

Ald. Shaw requested clarification regarding when the City began plowing our own alleys and whether or not the alleys are treated. Mr. Imig stated it was approximately two years ago, and we do not treat the alleys as we have one person whose sole responsibility it is to plow the alleys and get them done in a timely manner.

This item was discussed for informational purposes only. No action was taken.

X. File No.
Review and potential action of Emergency Declaration.

Mayor Kennedy stated the Emergency Declaration ended on May 1, 2021, and asked the Council if any further discussion was needed regarding this topic.

Ald. Schmelzling requested a repeal of the mask ordinance as the City is no longer under the emergency declaration, and suggested in any future similar events to consider having clear end dates in mind for such things as ordinances.

This item was discussed for informational purposes only. No action was taken.

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. Gelhard, 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 (Possible sale of properties – 4182 N Hubbard St, 4172 N Hubbard St, 4134 N Hubbard St, 4100 N Hubbard St, 5746 N River Forest Dr, and 6035 N Jean Nicolet Rd and Potential purchase of property – 6751 N Green Bay Ave) and 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 (Moeckler v. Glendale). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 23 minutes was held. The Council discussed the possible sale of properties and Moeckler v. Glendale.

Motion by Ald. Shaw, 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.

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. Daugherty, seconded by Ald. Shaw, 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 7:25 p.m., until Monday, May 24, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: May 11, 2021.