

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

May 24, 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; Mustafa Emir, City Engineer; 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 20, 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.

No public comment.

CONSENT AGENDA.

I. File No. _____

Adoption of Minutes of Meeting held on May 10, 2021, Approval of Monthly Reports, and Payment 1 to Mid City Corporation for work completed on the 2021 Watermain Replacement Project.

Motion by Ald. Gelhard, seconded by Ald. Vukovic, to adopt the minutes of the meeting held on May 10, 2021, approve Monthly Reports, and approve Payment 1 to Mid City Corporation for work completed on the 2021 Watermain Replacement Project. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No. _____

Review and approval of three-year contract for Environmental Services – GZA GeoEnvironmental, Inc. – 2200 W. Bender Road.

Administrator Safstrom stated until 2021, the City of Glendale had utilized Ayres Associates Inc. as a contracted consultant for environmental services related to the Bender Road Landfill. As was done with other engineering and contracted services, Staff sent out a request for proposal for environmental services in April. Three proposals were received. Each of the firms received a list of six tasks that required subsequent pricing. Staff evaluated the proposals based on the following: qualifications and experience with similar work, past performances and references, understanding of Glendale, experience and diversity of the team, proximity of project manager to Glendale, and cost. The RFP cost results for the three-year contract for Environmental Services came in from three firms with excellent proposals – GZA GeoEnvironmental, Inc., Cedar Corporation, and Kapur, Inc. Staff is recommending the selection of GZA Geo Environmental, Inc. as they were the lowest bidder and have performed similar work for the City of Glendale previously. This work included work for hazardous material investigation, the DPW site investigation tank closure and removal, the new City Hall construction, soil analysis for watermain projects and sediment sampling for the leaf collection site. The three-year contract amount is \$39,000.00

Attorney Fuchs stated many area communities have worked with GZA GeoEnvironmental, Inc. and work under the agreement of Massachusetts law as specified in the contract, however it is his recommendation to have the language adapted to state Wisconsin law shall govern the agreement.

Ald. Wiese questioned why Ayres Associates Inc. did not submit an RFP at this time. Administrator Safstrom clarified Ayres Associates Inc. indicated they are not a local firm and it is a time consuming process, therefore they chose not to do so.

Ald. Shaw requested clarification if the motion to approve the contract will need to include the language adaptation or if that is purely a housekeeping item. Mayor Kennedy clarified it is a housekeeping item and Administrator Safstrom will address the issue with GZA GeoEnvironmental, Inc. for correction.

Motion by Ald. Daugherty, seconded by Ald. Wiese, to approve three-year contract for Environmental Services – GZA GeoEnvironmental, Inc. – 2200 W. Bender Road. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

III. File No. _____

Ordinance Repealing Title 8, Chapter 1, Section 20 of the Code of Ordinances of the City of Glendale Pertaining to Face Covering Requirements During the COVID-19 Pandemic.

Mayor Kennedy stated the directive comes from the Clerk's office as a result of the previous Council meeting, and cleans up the ordinances at this time. It was necessary to have an emergency order in place for the ordinance to be active, and without the order in place the ordinance becomes extraneous language. The City of Glendale currently has approximately 70% of eligible residents vaccinated, and overall the North Shore is leading the area in vaccination rates.

Motion by Ald. Schmelzling, seconded by Ald. Wiese, to approve the Ordinance Repealing Title 8, Chapter 1, Section 20 of the Code of Ordinances of the City of Glendale Pertaining to Face Covering Requirements During the COVID-19 Pandemic. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No. _____

Update and Discussion on City Owned Property 6035 N. Jean Nicolet Road.

Administrator Safstrom stated in 2010, the City received a donated piece of property. The Winston Family donated the property to be designated as “Winston Park” and use for park purposes. The City has been maintaining the lot with basic maintenance. Similar to Wingate Park, Staff is recommending the staff begin the process to budget for improvements such as a play structure, trash can, bench and signage for Winston Park.

Mayor Kennedy stated the Wingate tot lot area has a lot of trees which provide shade for the families and children, while this area is currently an open space. He recommended consideration of added trees to eventually provide some level of shade to this area as well.

Ald. Shaw stated a grant was received by previous administration for the Wingate tot lot for play equipment and a small island, however she did not have further details regarding the grant itself. Administrator Safstrom clarified City Staff will look into optional funding sources for items to be used at Winston Park.

Ald. Wiese recommended investing in trees sooner than later due to the time of growth to provide necessary shade for a park. Administrator Safstrom stated there have been numerous street trees removed due to the ash borer, and therefore the City will need to prioritize the street versus the park, however there is also an option to put out a call for donations from residents.

Ald. Schmelzling requested clarification regarding parking in the area of Winston Park. Administrator Safstrom stated it is more likely to be a neighborhood tot lot, where residents will walk or ride bikes, similar to Wingate Park.

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

V. File No. _____

Authorization to City Administrator to post City Lots for sale – 4182, 4172, 4134, and 4100 N. Hubbard Street.

Administrator Safstrom stated over the years, the City acquired several pieces of property on N. Hubbard Street. The addresses of 4182, 4172, 4134, and 4100 N. Hubbard Street have been vacant for many years. The area is maintained by Public Works staff. There has been illegal dumping on the properties several times a year. Staff recommends the City begin the process to formally find a development that would be suitable for the area. The final sale of the lots would be subject to Council approval.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to authorize the City

Administrator to post City Lots for sale – 4182, 4172, 4134, and 4100 N. Hubbard Street. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No.

Review and Approval for Second Amendment to the Development Agreement with Canterbury Court LLC – 2233, 2245, 2129, and 2105-19 West Mill Road.

Administrator Safstrom stated in 2008, the Canterbury Court Development was approved by the City of Glendale. Canterbury Court was a condominium development at 2233, 2245, 2129, and 2105-19 West Mill Road. In 2010, the developer requested the single building built to be allowed to be a rental unit. The anticipation at the time was the remaining buildings would be constructed as condominiums and the first building revert back to a condominium building. Recently the property was purchased by Rory Oppenheimer. Mr. Oppenheimer has submitted a request to complete the project; however, due to economic restraints would like them all to be apartments. A draft second amendment to the development agreement has been provided allowing for the request. All other items in the development agreement would remain as is, with the only change for the units to be apartments instead of condos.

Mr. Oppenheimer was present on the Zoom call and stated he is looking forward to further working to develop the Canterbury Court Development, and making an investment in the City of Glendale.

Glendale resident Erica Sander, 6415 N Atwahl Rd., stated she has five items she would like the Council to consider. First, Mr. Oppenheimer claims that apartments are more feasible in current climate but the current climate is hot for single family units and condos. Second, she wonders if he presented a business plan to the Council similar to the previous developer, as there are differences to the development other than structural. Next, she raised the question about market rate apartments and wonders if they are consistent with the neighborhood and maintain a balance with the 2040 plan for the neighborhood and whether there is a need for more apartments or if we could use condos. Additionally, Ms. Sander would like the 2040 document to be considered for planning for housing and neighborhoods. Lastly, she does not understand why this came to Common Council and not to the Plan Commission first, and argues it should have been vetted there first since it was not done in a reasonable amount of time.

Glendale resident Fred Cohn, 2228 W Acacia Rd., stated he has served on the Plan Commission and recalls when this item was first brought for review in 2008 with several meetings with the original developer. Mr. Cohn has several concerns including: are apartments beneficial financially as there are plenty of properties currently selling at a high price, will there be a rental office on site, and will there be a management company to oversee the property. Mr. Oppenheimer stated there will not be a specific unit designated at this time as a rental office or management office, however he personally is located locally and intends to be very hands on in his management approach.

Ald. Schmelzling raised several concerns regarding the potential Canterbury Court development. He inquired as to why the developer wanted to convert to apartments versus condos. Mr. Oppenheimer stated based on the costs of construction at this time, the costs will far

exceed what he would be able to sell them for at this time, but there will be no issues with occupying the units as rentals. Administrator Safstrom added when there was a market downturn in 2010, the original developer made a decision to switch from condos to apartments. Ald. Schmelzling inquired as to what other experience Mr. Oppenheimer has with development, as he purchased this property in 2020 and whether he will be utilizing an outside agency for rental management. Mr. Oppenheimer clarified that while he recently acquired this property, he does own several other units in Milwaukee and across Wisconsin and will be present and accounting for the activity on the property. Rental management is not new to him and he will be responsible for the management of the property. Ald. Schmelzling raised the question regarding how Mr. Oppenheimer will determine fair market rents and what will be used for comparison pricing, and what the target market will be. Mr. Oppenheimer stated the units will be priced similarly to what is in existence at this time on the site and in the area. The rental rates are slightly higher, but the units are larger with more upgrades and amenities than other available options in the area. Attorney Fuchs added that fair market does not necessarily mean in the area, it means what is comparable to what is offered. Ald. Schmelzling's final concern was in regards to a lack of a connective pedestrian crosswalk on the north side of the road, and whether there will be an opportunity to have this added now that an apartment complex will be developed. Mr. Oppenheimer stated this was not part of the original plans, and there is currently a sidewalk located on the other side of Mill Road. Administrator Safstrom added she does not have the plans in front of her, but the street in question is owned by Milwaukee County and therefore the City is limited as to what can be done without working through the County.

Mayor Kennedy raised the question to Mr. Oppenheimer regarding his timeline for groundbreaking and buildouts. Mr. Oppenheimer stated he would like to get started immediately, and ideally have the next building completed within the next 12 months next to the existing building, before moving on to another building.

Ald. Shaw asked for clarification regarding construction costs being more feasible if the caliber of the units are the same as apartments as they were for condos. Mr. Oppenheimer stated the current cost is \$175-225 per foot, making the total cost \$400,000 per unit for a larger unit. It is much easier to recoup the cost in an apartment, and would not likely be possible to recoup the costs in the sale of a condo. Ald. Shaw also inquired regarding any DNR testing that would need to be done on the soil before groundbreaking. Mr. Oppenheimer stated he is currently working with the DNR on all testing and ensuring remediation is completed before construction begins. All four parcels will be tested individually. Ald. Shaw asked if once the units are labeled as apartments if they could be converted to condos at some point. Attorney Fuchs stated it would not be practical to split-use the complex, and once the building would be condos, all units should be that way and if some units are rented, the building is not considered owner-occupied.

Ald. Vukovic requested clarification regarding the need to have this item return to Plan Commission before Common Council would approve the agreement. Attorney Fuchs stated the legal categorization for apartments or condos does not change, and remains multi-family residential. Since there was no change in the zoning categorization, there was no recommendation to return it to Plan Commission. Ald. Vukovic voiced her support for having apartments in Glendale, as having an affordable option is not necessarily easy in the area. She expressed that Bayshore was supposed to be condos, however they converted to apartments as the market did not support the condo option. The switch to condos allows the developer to

recoup more money, and the ongoing revenue strain will also provide a long term revenue impact.

Ald. Daugherty raised concern that he would like to see the item return to Plan Commission for review, as it has been a significant amount of time since it was initially reviewed.

Mayor Kennedy clarified the reason this item did not go to the Plan Commission prior to the Common Council was because the layout of parcels, the units, the materials being used, and all other items in the development are exactly the same as the original agreement. The only change to the plans is that the units will be called apartments instead of condos, and there were no other substantive changes. The Mayor and Administrator Safstrom therefore determined it did not merit a review by the Plan Commission, which would be looking at things such as parking, materials, façade, etc.

Ald. Wiese and Ald. Gelhard raised concern over the number of additional units being added, but only 33 parking spaces. Mr. Oppenheimer clarified there will be 40 additional units added, however each unit will have a two car garage. The 33 parking spaces are intended for visitor spaces. If there is a need for additional parking, that will be addressed as it arises.

Mayor Kennedy stated he has been to a unit on the Canterbury Court property, which currently has 8 existing units. It is a market rate opportunity in Glendale, and while the housing market is booming, there is a disparity for those who don't have the down payment but can afford a monthly payment and this would be a great opportunity for the City to offer housing stock options. The rental market is booming just as much as the housing market, and Glendale has much to offer including a desirable school district. Mayor Kennedy stated that preventing a significant development from finally being completed would be in the City's best interest when this project should have been completed a long time ago.

Ald. Schmelzling stated he would like to amend the motion to include a crosswalk. Mayor Kennedy clarified this motion cannot be made, as the road involved is a County-owned road and we do not have the jurisdiction to make motions involving County-owned property. Mayor Kennedy will recommend the City Administrator work with the County on the addition of a crosswalk, however that is the best option at this time.

Motion by Ald. Wiese, seconded by Ald. Shaw, to approve the Second Amendment to the Development Agreement with Canterbury Court LLC – 2233, 2245, 2129, and 2105-19 West Mill Road. Ayes: Ald. Vukovic, Gelhard, Wiese, and Shaw. Noes: Ald. Daugherty and Schmelzling. Absent: None. Abstain: None. Motion carried.

VII. File No.

Discussion and possible action on traffic safety concerns for the expansion of Port Washington Road and the Mount Royal Subdivision.

Administrator Safstrom stated in 2013, the City of Glendale worked with the Wisconsin Department of Transportation (WDOT) on the expansion of Port Washington Road from Bender Road to Daphne. Included in the design are the addition of two cul-de-sacs at Brentwood Lane

and Apple Tree Road. As a result, much of the current traffic from the Mount Royal Subdivision onto Port Washington Road will divert to Clovernook Lane. City Engineer, Mustafa Emir, has reviewed the plans. At the time of design, he was not the City Engineer. He has indicated there is not necessarily a “need” for the cul-de-sacs; however, at the same time it would be helpful for the Mount Royal Subdivision to have a centralized traffic-controlled intersection. Staff has requested the WDOT to review the plans and include a traffic control at Clovernook and Port Washington Road. The traffic study indicates it is not necessary at this time; however, the City of Glendale can approve the addition at the City’s cost. The cost for the traffic control is estimated at \$250,000 for installation. In addition, the City could save approximately \$100,000 to eliminate the cul-de-sacs. Any additional costs would be included in the 2022 Capital Improvement Budget.

Ald. Gelhard voiced his concern with expansion of Port Washington Road, that Clovernook will become a main thoroughfare. A speed clock was previously set up on the street and of the 104 cars that were monitored, the average speed was 51-65 mph, with a top speed of 89 mph. A traffic light would be a critical item for this particular junction, especially with more people using Port Washington Road, changes to the freeway, and new businesses being built up.

Glendale resident Andrea Burns, 305 W. Clovernook Ln., expressed concern regarding the impending traffic changes, as her residence is the corner house at the intersection of Clovernook Lane and Port Washington Road, which will soon be a very busy intersection. Ms. Burns has two young children and likes to walk through the residential neighborhood. She is concerned about the high volume of traffic which will be increasing with the expansion of Port Washington Road and I-43 moving closer to her residence. Ms. Burns vocalized the need to protect the safety of the children and the elderly neighbors in the area, and the efforts that should be done to divert traffic away from her subdivision possibly towards Bender Road or Green Tree.

Mayor Kennedy expressed that while he lives in Crestwood, which is substantially larger than the Mount Royal subdivision, the addition of cul-de-sacs have brought down the traffic flow in the neighborhoods. The changes to the freeway and Port Washington Road and the impact on the neighborhoods are eminent domain, and are out of the City’s control. However, the hope is that the cul-de-sacs will reduce the ins and outs of excessive traffic and minimize it to those who typically live in the neighborhood. Ms. Burns intersection was chosen for the stoplight as it is a centrally located intersection, and as the neighborhood only has 125 homes there are limited options to funnel traffic.

Ms. Burns asked the Council for the possibility of a stop sign at the intersection of Clovernook and Brentwood. Mayor Kennedy recommended Ms. Burns reach out to Ald. Gelhard so he can work with City Staff on an evaluation to have a stop sign considered for that intersection as well.

Ald. Wiese raised concern over the possibility that there will be two exits onto Green Bay Road and the four-lane road will converge into a two-lane road. Administrator Safstrom clarified it will remain a four-lane round all the way to Daphne.

Ald. Schmezling inquired as to the amount of cut-through traffic in a neighborhood as a result of cul-de-sacs. Administrator Safstrom stated she does not have a traffic count available,

and at this time the focus is about encouraging safe crossing with a green light at Port Washington Road and providing an exit point at Daphne.

Dr. Emir stated whenever there is a time that roads get bigger, it is important to protect residential character and Mount Royal subdivision is no different. The notion of a cul-de-sac is to isolate the neighborhood and help preserve the feeling of such as the freeway gets closer, keeping things insulated when the quality of life could be changing.

Ald. Shaw added she is grateful to be in a cul-de-sac, as it has helped preserve much of the quiet and some of the niceties in the neighborhood.

Ald. Daugherty stated Richard Maslowski was a proponent of more cul-de-sacs in the areas along Silver Spring and many residents were opposed at the time, however it has definitely made a big difference in a positive way over the long run.

Motion by Ald. Gelhard, seconded by Ald. Wiese, to authorize the City Administrator to work with the City Administrator to work with the Wisconsin Department of Transportation for the installation of traffic signals at Port Washington and Clovernook Lane was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.
Update and Discussion on American Rescue Plan Act.

Administrator Safstrom stated earlier this year we were notified that each municipality in the United States would receive Federal Funding through the American Rescue Plan Act. Funds are received in 2021 and 2022. Funds would need to be expensed by December 31, 2024. On May 10, 2021, the US Department of Treasury published additional guidance on the limitations of the broad categories in the Interim Final Rule. We still have not received final information on the total amount to be received. The last estimate is at \$1.26 million for Glendale. The Wisconsin Department of Revenue has also issued guidance on the funds as it relates to the Expenditure Restraint Program. Due to the guidance from the WDOR, the Council will be asked at a future meeting to create a Special Revenue Fund for these funds to be allocated and expenses tracked. Possible uses for the funds include public health expenditures, lead service lateral replacements, green infrastructure, and expenditures as related to infrastructure to protect from COVID spread. As more information becomes available, it will be brought back to the Council for review and approval. Staff will try to work through issues to determine the best course of action for the use of funding and will not ask for final approval from Council until a plan has been submitted to the Department of Treasury and has been approved for final costs.

Ald. Wiese raised the question regarding how each municipality amount to be received will be determined. Administrator Safstrom stated it is based on community size and several other variables that factor into a formula set by the federal government.

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. Wiese, to convene in 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 (Moeckler v. Glendale). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 19 minutes was held. The Council discussed Moeckler v. Glendale.

Motion by Ald. Wiese, seconded by Ald. Schmelzling, 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. Shaw, seconded by Ald. Daugherty, 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 7:59 p.m., until Monday, June 14, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: May 25, 2021.