

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

July 12, 2021

Regular meeting of the Common Council of the City of Glendale held in City Hall, 5909 North Milwaukee River Parkway, Glendale, Wisconsin.

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, Richard Wiese, Steve Schmelzling, and JoAnn Shaw. Absent: Ald. Tomika Vukovic.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; Charlie Imig, Director of Public Works; Todd Stuebe, Director of Community Development; 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, July 8, 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 HEARING: PETITION TO REZONE 6076 AND 6100 NORTH PORT WASHINGTON ROAD (TAX PARCELS 163-8993-000 AND 163-8992-000) FROM B-1, F-2 DISTRICT TO B-1, F-1 DISTRICT.

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 Rd (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. The proposed B-1, F1 District zoning classification will permit specialty retail uses in addition to the existing permitted uses. There was no public comment at either of the public hearing. The Plan Commission voted unanimously to recommend the Common Council approve the rezoning.

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. Wiese made the motion to close the public hearing, seconded by Ald. Shaw. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Wiese, seconded by Ald. Daugherty, to approve the Ordinance to Rezone 6076 and 6100 North Port Washington Road (Tax Parcels 163-8993-000 and 163-8992-000) from B-1, F2 District to B-1, F-1 District. Ayes: Ald. Daugherty, Gelhard, Wiese, 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 of Meeting held on June 28, 2021 and Approval of Accounts Payable.

Motion by Ald. Schmelzling, seconded by Ald. Shaw, to adopt the minutes of the meeting held on June 28, 2021 and Approve Accounts Payable. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

OLD BUSINESS.

II. File No. _____

Review and approval of 2022-2026 Five Year Capital Improvement Plan.

Administrator Safstrom stated a copy of the planned Capital Improvement Program for the years 2022 through 2026 was provided. It was requested that the Council review the projects, particularly for the year 2022, in order that the final approval can be made and included in the projections for the 2022 Annual Program Budget.

Added since the last meeting is the addition of 75 feet of watermain replacement on Good Hope Road. This will coincide with a Milwaukee County project so we do not have to dig it up in the future.

Also added since the last meeting was an update to the police squad pricing. The number of recommended squad cars remains at two squads annually, however a better price has been provided.

Ald. Schmelzling indicated his support of traffic control for Range Line Road and Gree Tree Road. He had questioned the need for a roundabout, but since it is not final there is time to review the situation. Administrator Safstrom clarified this would be a mini-roundabout, as it does not incur the same expense and is based on the space available at the intersection, but would provide the same benefits.

Motion by Ald. Wiese, seconded by Ald. Schmelzling, to approve the 5-Year Capital Improvement Program as presented. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

III. File No. _____

Review and approval of Stormwater Management Plan.

Administrator Safstrom stated a copy of the Stormwater Management Plan was provided. This is an update to the City's prior plan from the City Engineer. The plan identifies the goals of the prior plan as well as how the City achieved those goals. With additional regulations from the Wisconsin Department of Natural Resources, this plan identifies several new goals in addition to continuance of current practices. The document was presented at the last meeting, and with no questions or concerns identified, staff is requesting approval of the plan. The changes following the last meeting in the appendix were largely grammatical and amending contact phone numbers.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to approve the Stormwater Management Plan. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. None. Abstain: None. Motion carried.

NEW BUSINESS.

IV. File No.

Update and discussion of property located at 7113 N. Navajo Avenue.

Administrator Safstrom stated the request to discuss the property at 7113 N. Navajo Avenue came from Ald. Gelhard. The property is currently under a raze and repair order, and is with the Circuit Court. Ald. Gelhard stated the property has been under repair for three years. The building is uninhabitable, filled with mold, and has a building permit which lapsed July 2020 when construction was supposed to be completed. The City has fined the contractor \$3,600 for failure to complete the construction. The dumpster was removed from the property.

Attorney Fuchs stated a fine has been levied against the construction company working on the property, and that company currently has at least 20 LLCs. The court system uses the state collection process, and in order to collect, Attorney Fuchs is attempting to find the correct FEIN but as of today has yet been unable to discern the right ID number. The City has an ordinance that if a contractor is in debt to the City, they are unable to pull additional permits. The City Inspector has stated the building is irreparable and will not allow the current contractor to complete the work on the building. The owner of the property has listed the building for sale; however, Attorney Fuchs has not been able to get in contact with the broker as they will not return phone calls. If any sale is attempted, the title company will be informed that a lis pendens will be filed and they will be subject to litigation. Now that the lawsuit has been started, there are 45 days for it to be served, with 33 days still remaining. The City is seeking a raze order, because this would keep us under protection of court order and we could not be sued and will have legal finality, as well as allowing the costs to be on the tax bill. Attorney Fuchs advised these cases do not move quickly through the system. After receiving a response, it will be a few weeks before a scheduling conference is held, and then a summary judgement will potentially be issued 60 to 90 days later. If the judgement is granted in the City's favor and there are no issues of fact, the City will be able to proceed with razing the building. Attorney Fuchs highly recommends allowing the process to play out in the court system, as opposed to allowing staff to raze the building and potentially being subject to a lawsuit, as we would not be covered under protection of the courts or insurance coverage.

Ald. Gelhard stated there are residents present from the neighborhood wishing to speak. Glendale resident Kelly Schneider, 7048 N. Navajo Avenue, expressed several concerns about the building at 7113 N. Navajo Avenue. The neighborhood has a lot of children, and there are

contractors coming and going, often late at night, and residents are unsure of what activities are going on in the residence. There was an incident recently on the property when police were called to the property and it was determined that the workers on the property were felons with drug convictions and outstanding arrest warrants. The structure itself is unsafe, and there have been instances where gusts of wind have pushed lumber from the second floor, branches have fallen onto other properties including a neighboring gas meter, and the overall disregard for safety has put others in danger. Ms. Schneider expressed concern that neighbors would like to know what to expect and how long it will be before they see any results with the property, as the Raze and Repair order was issued on May 5, 2021, and whether or not there will be inspections done on the property in the interim. Attorney Fuchs stated it will be an additional 33 days for the property owner to provide a response, after which time dates will begin to be set. If a contractor would come to the property, they would be required to meet with the City inspector, meet the stipulations in place with the court, and if there were a breach of those stipulations, the City would get their order to raze the property. Attorney Fuchs stated the main issue is the property owner sent in the same contractor responsible for the current problems, and the City Inspector is skeptical the house is fixable at this point, let alone by the current contractor.

Glendale resident Mary Thompson, 7056 N. Navajo Avenue, stated she is extremely concerned for the safety of the neighborhood children. Her main concern, however, is how many different people have been contacted with the City and how long the process has taken in order to have action taken over the past two years. Ms. Thompson stated her call to City Inspection this month gave the impression that this was an unknown issue to anyone in the City. The grass on the property is extremely overgrown, there are large gaps in the foundation where the rain pours in to the basement, and numerous other hazards. Additionally, there have been a minimum of 20 different contractors on the property, which brings another safety issue into the neighborhood.

Glendale resident Tracy Niss, 7120 N. Navajo Avenue, echoes the sentiments of her neighbors. The property at 7113 N. Navajo Avenue is a safety concern and an eyesore. Ms. Niss has seen someone come to the property recently and mow the lawn, however she is unsure who they are or which company they are with. Administrator Safstrom stated this was a contracted company on behalf of the City, initiated due to the status of the property and the cost will be assessed back to the property.

Ald. Wiese raised the question of property ownership once the building is razed. Administrator Safstrom stated the property owner will still own the land. In the event the property owner defaults on taxes for seven years, the property would revert to Milwaukee County.

Ald. Daugherty stated he believes the best option is not to raze the property until there is a court order in place, even though this could take longer than anyone would like, as the protection of the court is a good idea for the City. Attorney Fuchs added there are no permits currently active, so if any residents in the neighborhood see construction activity on the property they are advised to contact the Police Department who will contact City Administration.

Ald. Schmelzling stated he is concerned with the overall safety of those in the neighborhood, particularly children who would be tempted to go to the property and would like to know if anything could be done to ensure no one goes on the property. Attorney Fuchs stated

the only option is to placard a building with uninhabitable signage. While this places the burden on the families in the neighborhood, it is the only legal option.

Mayor Kennedy stated this item was for discussion only, but that it appears the consensus is to allow for the process to go through the court system, even though everyone would like the house razed.

Ald. Shaw requested updates from staff on changes with the property. Administrator Safstrom will add this to weekly updates to the Council.

Item was discussed for informational purposes only. No action was taken.

V. File No. _____
Discussion and Possible Action on Traffic Safety Concerns for the W. Bender Road and N. Milwaukee River Parkway Intersection.

Administrator Safstrom stated the City of Glendale worked with Traffic Analysis & Design, Inc. (TADI) to conduct a safety study at the intersection of W. Bender Road and N. Milwaukee River Parkway. City staff also noted that stop sign running has been observed at this intersection, particularly eastbound and westbound. Stop sign running can result in severe injuries or fatalities, particularly if a non-motorist is struck. Based upon the results of the study, it is recommended to place stop ahead and stop signs on both sides of W Bender Road at the eastbound and westbound intersection approaches. Also, adding reflective post strips to increase recognition. As well, the "4-Way" plaques will be replaced with "All Way" plaques.

Mr. John Campbell, the TADI representative who wrote the report was present to answer questions from the Council.

Ald. Gelhard raised the question regarding the possibility of installing a flashing red light on the existing stop sign. Administrator Safstrom stated she will look into the cost. There is currently \$4000 recommended for the project. Additional funds may require consideration for a future budget.

Ald. Daugherty stated this intersection is challenging, and is especially dangerous for pedestrians and bicycles; however, he has found the striping on the road to have been a great improvement.

Ald. Schmelzling raised the question if it would make more sense to have Bender Road as an open passage and Milwaukee River Parkway as a two-way stop sign with flashing red lights. Administrator Safstrom stated it would likely result in a speed increase because it would provide a longer run of road, which would then become more dangerous. The current road striping slows the traffic, limiting the traffic from increasing to 45-50 mph speeds. Mr. Campbell added that the results of the traffic numbers in the field put this intersection securely at being best for an all-way stop. If it were to be a two-way stop, speeds would increase and traffic at the stop signs would find it difficult to cross traffic. The all-way stop reduces speeds for all, and forces drivers to pay attention and interact, making the goal to enhance the message for the need to stop.

Motion by Ald. Daugherty, seconded by Ald. Shaw, to authorize the Director of Public Works to install signage as recommended in the TADI report at W. Bender Road and N. Milwaukee River Parkway. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

VI. File No. _____

Resolution Authorizing the Director of Public Works to File Applications for Financial Assistance from State of Wisconsin Environmental Improvement Fund and authorization to dedicate American Rescue Plan Funding for lead lateral replacement.

Administrator Safstrom stated a memorandum was provided by City Engineer Mustafa Emir regarding lead service line replacement. Currently the City has 37 known lead laterals. Administrator Safstrom described the public portion of the lateral as being from the watermain in the street to the curb stop in the yard. The private portion of the lateral is from the curb stop to the home. Dr. Emir has begun the process for the private portion of the lateral replacement to be funded for these properties by WDNR. The City is also able to utilize ARPA funds for the public side of the replacement. These programs would be completed in 2021. A resolution is required prior to submittal of the Private Lead Service Line (LSL) Replacement Program request for financial assistance from State of Wisconsin Environmental Improvement Fund.

Ald. Wiese raised the question of the material of the watermain to the curb-stop. Administrator Safstrom stated it is now comprised of PVC, and was previously iron, but was not lead. The only lead is the lateral.

Ald. Schmelzling raised the question of overall cost saving in labor and staff. Administrator Safstrom stated she did not have the exact numbers, but confirmed we have the lowest costs in the area by far. Currently, we have 37 known lead laterals, and there are 800 properties that staff are not certain are not lead and as such, there is a possibility of the need to return to the Council again later and request additional funding.

Motion by Ald. Wiese, seconded by Ald. Daugherty, to approve the Resolution Authorizing the Director of Public Works to File Applications for Financial Assistance from State of Wisconsin Environmental Improvement Fund and authorization to dedicate American Rescue Plan Funding for lead lateral replacement. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Schmelzling, seconded by Ald. Daugherty, to allocate \$279,250 of the American Rescue Plan Funding for the public lead lateral replacement. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

V. File No. _____

Proclamation Honoring National Rail Safety Week – September 20, 2021 to September 26, 2021

Administrator Safstrom stated the City received a request from Canadian National Railway to declare National Rail Safety Week – September 20, 2021 to September 26, 2021, which is an annual request.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to approve the Proclamation Honoring National Rail Safety Week – September 20, 2021 to September 26, 2021. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

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.

ADJOURNMENT.

There being no further business, motion was made by Ald. Gelhard, seconded by Ald. Daugherty, to adjourn the meeting. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 6:54 p.m., until Monday, July 26, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: July 13, 2021.