

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

August 23, 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. 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; 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, August 19, 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 August 9, 2021, Approval of Monthly Reports, Confirmation of Plan Commission Appointments, and Approval of the Request from Nicolet High School regarding the Homecoming Bonfire and Parade.

Glendale resident Rob Cronwell, 7530 N Applewood Lane, raised concern regarding Ordinance 5.2.7 which does not allow for bonfires and therefore should either be amended, or the event should be moved elsewhere outside of the City. Mayor Kennedy stated that while there is a prohibition, the Council is allowing a one-time exception. Attorney Fuchs added the Council has the authority to allow an exception, and clarification to the ordinance regarding exceptions by the Council will be added at a future meeting.

Ald. Shaw requested clarification that a Nicolet staff member, such as the Facility Director, Brian Riels, will be on site during the bonfire. Administrator Safstrom stated that is her understanding.

Motion by Ald. Shaw, seconded by Ald. Wiese, to adopt the minutes of the meeting held on August 9, 2021, Approve Monthly Reports, Confirm Plan Commission Appointments, and Approve the Request from Nicolet High School regarding the Homecoming Bonfire and Parade. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

UNFINISHED BUSINESS.

II. File No.

Review and Discussion on Police Organizational Study Report from Matrix Consulting Group.

Chief Ferguson stated the police department organizational study by Matrix Consulting Group was completed and presented to the Common Council on August 9, 2021. The study was discussed, with no action taken, and to be placed on tonight's Council agenda for further discussion. Overall, Chief Ferguson believes the study was a positive representation of the police department. Many of the recommendations listed are items that the department has either already implemented or planned on implementing. Some of the recommendations involve reallocation of resources and does not address the impact on supervision levels and liability concerns. While staff has discussed these recommendations and looked for areas to increase efficiencies, these are topics that deserve further discussion. This agenda item is an opportunity to discuss the recommendations in more detail and for the Chief to answer any questions from Council.

Chief Ferguson expressed concern over the study's recommendation to move lieutenants into administrative functions, as they are considered part of the patrol and would take away from supervision and lead to issues with command training. Another area of concern with the study was the basis on one year of data from 2019, and how this was used to project workload availability and provide an accurate data analysis. Additionally, Glendale's detective bureau does not have a system to track data, and therefore it was not included in the overall numbers.

Mayor Kennedy asked the Chief for clarification on what happens in an FI stop and the justification for such a stop. Chief Ferguson stated an FI stop is a Field Interrogation stop, during which time an officer is on patrol and sees someone acting "unusual" and stops that person to speak with them, such as an individual looking into cars at a dealership at 2am. This type of stop differs from a call to dispatch for a suspicious person or circumstance, which has reasonable suspicion or probable cause.

Ald. Vukovic raised concerns over the FI stops and questioned what observations of someone would make them suspicious and lead to the need for an interrogation, and once an individual is questioned if they have done something does their stop remain an FI or convert to another category. Overall she would like to know the racial makeup of the people being stopped, in order to determine if we are intentionally making sure the city is safe for all residents and ensuring there is justification for the percentages of people being stopped. In the same line, she would like to know the overall racial makeup of all traffic stops. Chief Ferguson stated he would not be able to answer the exact reasons why individuals were stopped without looking into each case, but that suspicious behavior is treated as suspicious behavior and the police practice has nothing to do with race. If the interrogation leads to an arrest, the FI becomes what the subject was arrested for; if the stop results in the subject being told to move along, it remains an FI.

Ald. Schmelzling raised a question regarding the recommendation of a four-year rotation for squad cars and whether or not this had already been implemented, as well as the recommendation for additional detectives and if this would allow Glendale to do more investigations on things like car thefts and burglaries. Chief Ferguson stated the four-year squad rotation is slated to begin starting next year. Chief Ferguson does not believe more detectives are necessary, and instead believes the problem lies with identification and the vast majority of issues are small groups of people doing the same crime over and over until they are all caught and all evidence is on hand to resolve the problem.

Mayor Kennedy questioned if we stop unregistered vehicles solely for this offense, as he has observed many reckless vehicle stops with unlicensed cars. Chief Ferguson stated an unregistered vehicle is a violation, but is a lower priority, however a vehicle will still be stopped for it if observed.

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

NEW BUSINESS.

III. File No.

Recommendation from the Plan Commission to schedule a public hearing on Monday, September 27, 2021, at 6:00 p.m. for Petition to Rezone, 5201 North Port Washington Road (Tax Parcels 196-9000-001). Request submitted by Chick-fil-A to rezone the 5201 North Port Washington Road property from B-1, B District to PD-Planned Unit Development – Chick-fil-A Fast Service Drive-In Service Only District.

Mayor Kennedy stated Chick-fil-A requests to rezone the 5201 North Port Washington Road property to provide for the development of a Chick-fil-A fast service drive-in service only restaurant. The previous Plan Commission approval occurred Tuesday, July 2, 2002, when Plastic Surgery Associates was approved to make architectural improvements to an existing building and to operate a plastic surgery and laser surgery facility with ancillary retail sales of healthcare products. Historic prior uses located at the 5201 North Port Washington Road property have included a Denny's Restaurant, which was granted a Certificate of Occupancy that is dated October 27, 1983, and Barnaby's restaurant, with a Certificate of Occupancy dated March 10, 1971. The 5201 property is presently zoned B-1, B District and the PD-Planned Unit Development District will specifically permit the proposed Chick-fil-A use and occupancy, that will be a fast service drive-in service only restaurant. There will be a single place of ingress-egress to and from the 5201 North Port Washington Road property via the intersection of North Port Washington Road and West Henry Clay Street, and the northerly ingress-egress serving the property will be permanently closed.

The Plan Commission reviewed the proposal and held a public hearing. The Plan Commission is recommending the Common Council approve the rezoning. The next step is to hold a public hearing for the petition to rezone the property.

Ald. Wiese expressed concerns over the traffic on Port Washington Road and the volume of traffic in and out of the business. Ald. Vukovic stated during her conversations with the developers, traffic and volume were discussed and the plan for the business is to function quickly and adjust for any delays in getting customers in and out of the drive-through. As it is a drive-

through only location, 90% of the orders will be placed ahead of time on the app or by phone, which will be the first location in the Midwest. The planned location is not in a residential area, and is in a business area with low traffic. Ald. Schmelzling added the traffic study was completed and showed three drive-through cues, which indicates a clear attempt to address issues brought forth by the City. Administrator Safstrom added the traffic study shows the location will handle a high volume of in and out traffic, and the business is fully prepared what they are expecting. The Capitol drive location in Brookfield, in comparison, is the highest attended and highest grossing location in the Midwest, which is an anomaly. Mayor Kennedy recommended Administrator Safstrom advise the Chick-fil-A representatives Council members may have concerns with traffic which will need to be addressed at the public hearing.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to Schedule Public Hearing on September 27, 2021 at 6:00 p.m. for Petition to Rezone, 5201 North Port Washington Road. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No.

Recommendation from the Plan Commission for review and approval of Certified Survey Map (CSM), Glendale Partners, LLC (Brian Monroe), 4205 North Port Washington Road.

Administrator Safstrom stated a Certified Survey Map was provided for 4205 North Port Washington Road. The request from Glendale Partners, LLC has multiple refinements to the previously approved CSM. The requested changes include adding a small land area from the property to the north as well as two Outlots. One Outlot is contemplated to be for a mobile wireless antenna structure and the other is contemplated as a billboard placement. The Plan Commission reviewed the map and recommended the Common Council approve the Certified Survey Map with the requirement for payment of the administration fee making the required technical corrections to the document and payment of City Engineer CSM technical review fees, and any other required fees if any.

Ald. Wiese stated he has concerns regarding the billboards and cell tower numbers. Administrator Safstrom clarified this recommendation is only for the Certified Survey Map, and the other items will be brought to a future Council meeting.

Motion by Ald. Daugherty, seconded by Ald. Shaw, to approve the Certified Survey Map for 4205 North Port Washington Road, with the requirement for payment of the administration fee making the required technical corrections to the document and payment of City Engineer CSM technical review fees, and any other required fees if any. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No.

Review and approval of the 2021-2022 SRO Shared Services Agreement.

Administrator Safstrom stated the Police Department and Nicolet School District have a Shared Services Agreement where the Nicolet School Board pays 66% of wages and benefits for the School Resource Officer.

Ald. Shaw raised the question if there is a specific officer in mind for the SRO position. Chief Ferguson stated Officer Lorenz has been assigned to the position.

Ald. Vukovic stated her position on the matter of School Resource Officers is that officers and guns do not belong in schools, and therefore she does not support us having one at Nicolet.

Motion by Ald. Wiese, seconded by Ald. Gelhard, to approve the SRO Shared Services Agreement for September 1, 2021-June 15, 2022. Ayes: Ald., Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: Ald. Vukovic. Absent: None. Abstain: None. Motion carried.

VI. File No. _____
Review and approval of Digital Forensic Task Force Memorandum of Understanding.

Chief Ferguson stated the Police Department uses Cellebrite software to conduct forensic investigations of cell phones, tablets, and other mobile devices. The Greenfield Police Department has purchased advanced equipment and software that significantly expands investigative abilities beyond our current Cellebrite capabilities and has proposed a Digital Forensic Task Force. Glendale PD is one of several agencies in Milwaukee County interested in participating in this task force. Agencies that join this task force will get access to software and equipment that would normally be cost-prohibitive at a cost that is comparable to our current software expenses. Participation would significantly increase our investigative capabilities at roughly the same cost. If participation in this Task Force is approved, we would join the Task Force effective January 1, 2022, and cancel our Cellebrite software subscription. A Digital Forensic Task Force MOU between The City of Glendale and the City of Greenfield and a memorandum from one of our forensic investigators recommending participation in the Task Force has been provided.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve the Digital Forensic Task Force MOU between the City of Glendale and the City of Greenfield. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No. _____
Authorization to purchase the North Shore Fire Department's Tanker Tender Truck and Required Supplemental Equipment for the Department of Public Works.

Administrator Safstrom stated as part of the snow and ice control, DPW will again be using Anti-icing. Anti-icing is the snow and ice control practice of preventing the formation or development of bonded snow and ice by timely applications of a chemical freezing-point depressant.

Currently, DPW has a 1000-gallon anti-icing brine sprayer. This unit was used last season with several limitations. First, there was not a dedicated truck to which it was mounted. The unit was taken in and out of a truck that is regularly used for plowing and snow and ice operations. This limits the amount of time that can be used for anti-ice as the truck has to be changed out to be available for snow and ice operations. Second, the City could not be fully anti-iced during the regular work day, due to the total number of lane miles and limiting volume of the tank. The purchase of this equipment is not budgeted. Supplemental documents were provided for the tanker truck and all additional equipment necessary to make it fully function as an anti-icing vehicle. The total is \$48,250. In comparison to DPW's other brine truck, a new vehicle setup the same way will cost approximately cost almost four times that price at around \$200,000. Funding for the equipment will either be from the General Fund of the Capital Improvement Fund. More information on this will be presented at the next Council meeting.

Motion by Ald. Wiese, seconded by Ald. Daugherty, to authorize the purchase of the North Shore Fire Department's Tanker Tender Truck and required additional equipment in the amount of \$48,250 as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.
Review and approval of Fall Newsletter.

Administrator Safstrom stated the City publishes the newsletter three times a year, and this is the Fall issue. Ince approved, the newsletter will be printed and mailed to Glendale businesses and residents. In addition, the newsletter will be posted on the City's website and additional copies will be available for pickup at City Hall.

Ald. Gelhard recommended the addition of "burning or brush or yard waste is not allowed" to page four of the newsletter. Mayor Kennedy recommended adding a statement regarding the rules around pickup of yard waste and brush collection being as written in the contract with GFL. Administrator Safstrom noted Staff will make the changes prior to publication.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to approve the content of the 2021 Fall Newsletter as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.
Discussion on August 10, 2021, Storm Damage/Response.

Ald. Wiese requested a discussion of the August 10, 2021 storm damage and response. Ald. Wiese stated the City was hit pretty hard by the storm, especially at the northern end. He has heard numerous resident complaints regarding brush pick-up, tying of bundles, and drivers not collecting due to contract issues. He has also observed large amounts of uncollected brush, and residents who have not cut up their brush for pick-up. Ald. Wiese would like to know if we are not doing as much as other communities to assist residents in storm clean-up, such as chipping up brush and tree debris. He also would like to consider the possibility of bringing back some of the services back to in-house DPW, and would be interested in seeing a cost comparison for staff and

equipment within the city structure versus paying an outside company in order to possibly provide better services at a better cost, when our contract with GFL is up in December 2024. Ald. Wiese extended his appreciation to the Glendale police officers for their diligence at monitoring traffic during the power outages at the busy intersections following the storm.

Mayor Kennedy stated he would like to know what the cost to bring the services in house would be, and believes Administrator Safstrom had previously worked out an approximate cost. Administrator Safstrom stated she will bring the actual costs of staff and equipment back to Council in a 10-year comparison. The Village of Whitefish Bay did a cost estimate for garbage and recycling only, without yard waste/brush pick-up, and the cost was over \$600,000. The budget would also need to include tipping fees, employees, and GPS tracking for special pick-ups. Ald. Wiese indicated he would like to see the estimated costs to determine if we are currently getting the best deal on services or if we could do better. Mayor Kennedy added the City has often tried to privatize services, but sometimes it is not the most practical cost, and we are currently locked into the remainder of our contract.

Ald. Schmelzling stated the Village of Bayside collects less frequently, does not allow bundling, and charges extra for special pick-ups. The Village of Fox Point only collects brush in the fall. The Village of Shorewood only does brush pick-ups monthly and charges extra. While our services may not be ideal to some residents, it is offering something, however we should have some flexibility with our residents in the event of a large storm event. Administrator Safstrom stated it would be necessary to have a policy in place, especially for private property where it would technically be resident responsibility. We also are limited in resources, as we only have one chipper, and that chipper requires two staff members to operate. We have a DPW crew of 12, while Fox Point has 17.

Ald. Daugherty suggested looking at looking at options on what other cities are doing for struggling residents. It was observed that a lot of brush left behind is not near standards for brush pick-up, and there could potentially be a paying option for residents to make pick-up easier at a cost.

Ald. Vukovic voiced concern that the different districts have different types of areas, and therefore she would have an issue putting money into something that doesn't affect all City residents equally. For example, her district was less impacted by storm damage as it has less trees.

Ald. Shaw stated there needs to be some expectation on residents to do their own clean-up work following a major storm. An option is for insurance companies to provide recommendations to their customers on clean-up agencies to assist.

Ald. Gelhard stated it would be worth looking into bringing services back in house. In terms of post-storm complaints, he had several residents who wanted to know why police officers were not posted at intersections. Chief Ferguson clarified there were officers posted at Green Bay & Port Washington, Silver Spring & Milwaukee River Parkway, and Range Line & Good Hope, however putting officers at an intersection does not necessarily make the intersection function. Signs were posted at intersections and squads were stationed to monitor the traffic flow.

Ald. Schmelzling stated he received great feedback regarding the cleanup of City roads. He recommended encouraging residents to help their neighbors, including with bundling of brush if possible.

Ald. Shaw made a recommendation for City staff to look back at the contract clause from 2010 to determine how special pick-ups were handled of large items following a flood. Administrator Safstrom stated it was a previous contract, but is something she will look into.

Ald. Vukovic suggested the option of a special dumpster drop-off for storm debris.

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. Schmelzling , seconded by Ald. Daugherty , 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 (North Shore Library Agreement). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 33 minutes was held. The Council discussed the North Shore Library Agreement.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, 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. Vukovic, seconded by Ald. Gelhard, 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 7:48 p.m., until Monday, September 13, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: August 24, 2021.