

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes
September 29, 2021

Special 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 7:00 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; and John Fuchs, City Attorney.

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 Tuesday, September 28, 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.

NEW BUSINESS.

I. File No.

Discussion and Possible action on Resolution Conditionally Approving an Amended and Re-Stated Joint Library Agreement for the North Shore Library.

Mayor Kennedy stated last week the Village of Fox Point approved a re-stated resolution for a joint library agreement for the North Shore Library. Earlier this evening, the Village of River Hills approved a similar resolution, and the Village of Bayside is still in the process of making a decision.

Administrator Safstrom stated in August 2020, the City of Glendale Common Council voted to give notice to leave the North Shore Library in 2023. After more than a year of discussion, Glendale made the decision to leave the joint library and move forward with a plan to provide library service that will better meet the needs of its residents. In September 2020, the Glendale Library Review Committee was formed. This committee was charged with determining the library needs of the community. In the spring of 2021, the City conducted an on-line survey and reviewed results. Shortly after the survey was conducted, the City received information that the Village of Bayside may have an opportunity for there to be a new North Shore Library with the new facility in Bayside. The Resolution conditionally approves a new agreement pending further clarification and agreement on the Capital funding and timeline for construction of a facility. The resolution provides clarification of a fiscal agent, identification of a community coordination counsel, provides administrators as resources to managers, and defines ownership of assets. The time challenges of the resolution are due the time necessity of the developer in needing to know if there is a commitment from four communities or less than four for the purposes of proceeding with development plans.

Mayor Kennedy indicated he just received information that the Village of Bayside has also approved the resolution for a joint library agreement for the North Shore Library.

Glendale resident Alan Godshaw, 610 W. Riverview Drive, stated as important of an issue as the library is, he does not feel the citizens of Glendale know enough about the process and where the facility should be. He stated he feels this should be an item for a referendum and citizens should get to vote on the options in the 2022 election.

Glendale resident Rob Cronwell, 7530 N. Applewood Lane, questioned why the Council is rushing so fast on an artificial deadline to pass an agreement if it doesn't take effect until next year. There are lots of conditions that need to be met before everyone signs the document and it seems it is only being done to meet the cost-sharing agreement, and not to focus on what residents want and can afford. Mr. Cronwell stated residents have not been given a choice between a Glendale library and a library in Bayside, and if the agreement is signed this would mean moving to Bayside which is too far to travel for some residents. It seems to Mr. Cronwell that residents want a library within the City. He would like to see a referendum in the spring to give citizens the option to pay for a library, and if that fails, we could then ask to join the North Shore or Brown Deer libraries later.

Ald. Gelhard stated after the last Council meeting, he sent an email residents in his District and received responses from 15 residents, of which 14 were in favor of a standalone library and one was in favor of moving to Bayside. He raised concerns that if we sign the resolution we will be locked into an agreement until 2045 and would be unable to give notice until 2042. If our residents do not use the facility, we are paying for a facility that we are not benefitting from and will be unable to leave. In addition, Ald. Gelhard stated his concern around build out expenses and what Glendale will be asked to contribute to this in Bayside, as there are not clear details indicated in the agreement on all expenses and he doesn't want to see us in a rent situation, since there will be larger expenses with a larger facility.

Ald. Daugherty raised concerns that we do not have enough input from the community and have only heard from those who either want a Glendale library or who don't care either way, but not from anyone who wants a Bayside location. He also expressed concern over the length of the agreement and that we could be saddling future Council members with this problem. He stated that if this one of the major issues faced by the City, we seem to be pushing it through very quickly.

Ald. Wiese surveyed the residents in his district and received 20-30 responses from his residents. With his district located at the northern end of the City, most residents stated they would go to Brown Deer if there was not a location in Glendale, and half of the respondents stated they hoped the library would remain in Glendale. He expressed concerns about the statements of the timeline and preliminary budget in the resolution, and is uncomfortable that the Council hasn't seen a defined budget of where the money will be spent on the library yet

Ald. Schmelzling stated if the resolution is put in the public's perspective, they have only seen the agreement for two days. Although there was a public hearing, it was before an agreement was available for discussion. He feels the Council is racing on this, and that the item should be laid over, reviewed by the library review committee, or let go to referendum to see what happens at that time and then dealt with if the referendum fails. Ald. Schmelzling stated since the North Shore Library was given 35 years of free rent, it would seem fair that Glendale should have no capital costs going into the agreement. In his search for community feedback

through door knocks and email, it was a split between those who would like a new library in Glendale and those who would be willing to go to Bayside.

Ald. Shaw stated her constituents have been divided between having a Glendale library and going with the Bayside option. However, she trusts the City leadership to make the best decision. She expressed it has also been a challenge for communities to cooperate, but the North Shore Library existed since 1984. As far as finances, she trusts the City Administrator, Deputy City Administrator, and City Attorney to negotiate and make appropriate decisions on agreements. She added it is not cheap to do things independently, which is why we have other joint agreements.

Ald. Vukovic stated her District is the furthest out from the current North Shore Library. She sees benefits to both having a Glendale library and having an outside library, however having only heard from small numbers of people reaching out to the alder people there are over 12,000 total residents in Glendale. When it comes to finances, we will be paying into a system whether it is in Glendale or Bayside. To build in Glendale would be an estimated 6-10 million dollars, and the current usership is 44% of adults and children. If we didn't build or join at all, we would still have to pay into the federated library system. Ald. Vukovic did not have a single constituent reach out to her regarding this situation. Her main concern is the length of time of the agreement, and she would much prefer to see a 5–10-year agreement, with a clause for 3, as there is a bit of a trust factor with the other communities based on how things have worked in the past for Glendale with some of these communities.

Administrator Safstrom stated one of the items that came out of the discussions was Glendale's request to have a term in the agreement and for it not to be perpetual. The 20 years was a number that was originally associated with the idea that capital costs could be paid back over 20 years. Attorney Fuchs added this was a result of a drafting issue. The initial draft made the agreement a perpetual agreement with a three-year notice provision allowing a municipality to leave at the end of a term, however there isn't a way to leave at the end of "forever". Instead, the 20-year term was inserted, allowing the three-year notice to be given prior to the expiration of the 20-year term. Administrator Safstrom questioned what an acceptable term for the Council would be if this could be amended in the agreement. Ald. Schmelzling and Vukovic both expressed an interest in seeing it closer to a five-year term, or five-years from completion of the library.

Ald. Wiese stated in consideration of the cost of this project, it is something to think about in terms of decades. This could potentially be a facility that could be brought to Glendale for the long-term and needs to be considered as this.

Mayor Kennedy stated he fully supported leaving the existing North Shore Library. He commended the Library Review Committee that was formed for their tremendous work, and their proposal to have a Glendale library, until the Bayside proposal was brought forth. Mayor Kennedy added, collaboration is the heart of everything in the North Shore – the Fire Department, Dispatch, Municipal Court, the Health Department, IT Services, and the School District. Relying on other communities for resources has allowed us to pool money and provide better services. From a cost comparison standpoint to doing a referendum for a new library, this is the easiest solution to consider. Mayor Kennedy clarified the proposal before Council tonight is to approve a resolution that states if all other conditions are met by December 31, 2021, then the Council would again vote to approve or deny the existing library agreement. If at that time, they vote down the agreement, there is no other option than a Glendale standalone library. This resolution is a 90-day window to determine if a timeline and capital agreement can be reached

with the other three communities, however, nothing will be signed until December 31, 2021. If the resolution is not signed tonight, this takes the North Shore Library agreement off the table permanently and only leaves the option of a standalone Glendale library. If the agreement is not signed on December 31, 2021, City staff will be prepared to take the item to referendum and have it ready for the first council meeting in January. Mayor Kennedy stated he feels this is the responsible thing to do for residents and to keep the long-term relationships in the North Shore going.

Ald. Shaw stated if this item goes to referendum and the public needs to be asked to support an additional estimated \$60-\$75 on their taxes, it should be considered that there are a large portion of senior and other residents with fixed incomes.

Ald. Schmelzling made the motion to have the Library Review Committee review the resolution. Mayor Kennedy ruled this motion out of order, as the committee has already weighed in on this issue. Ald. Schmelzling questioned if this was out of order and if the committee had seen the contract. Mayor Kennedy clarified tonight's meeting is not signing an agreement, it is solely signing a resolution stating it will allow the Mayor to consider signing an agreement at a later date. Administrator Safstrom added if we do not vote on the resolution at this time, we have made the decision we do not wish to be a part of the process and the other communities will move forward without Glendale.

Ald. Daugherty raised the question of whether the preliminary budget was included in the resolution and stated there are too many unknown conditions in the agreement. Mayor Kennedy clarified the preliminary budget is stated; however the capital budget is not included, and in terms of the actual library agreement it has not yet been finalized and is not yet ready for signatures. Mayor Kennedy reiterated that a no vote tonight would mean we are no longer party to any future conversations regarding a North Shore Library, and signing the resolution would allow us to continue to have those. Come December, if the agreement does not meet the terms agreed upon and we do not wish to sign off, then we would go to referendum for a Glendale library process.

Ald. Vukovic stated that she does not believe that not signing this agreement would take our option for other share agreements in the North Shore off the table, as we have had many good faith efforts. She has trust in the City Administrator and City Attorney and the work that is done and asked if there is still a possibility for any amendments to the agreement. Administrator Safstrom stated it is not a guarantee, however she can make the request. Attorney Fuchs added the biggest point to note in the resolution is item 2c, which states all municipalities must agree to a timeline and preliminary budget, which is the simplest way to look at the agreement in terms of the December 31, 2021 signing deadline.

Ald. Gelhard stated that while it seems less expensive to go with the Bayside arrangement, we will be paying for an option the residents will not be using, and it will not be a good outcome.

Ald. Wiese stated that while shared services are great, three of the seven north shore communities have their own library and therefore we can't use that comparison for the libraries. He stated the City of Glendale is organized as a strong Council set up where the Council members are the decision makers, and therefore he requested that two items be modified – items 2d and 3. In Item 2d, he would like have language amended to read “all such assurance shall demonstrate terms to the satisfaction of the Common Council, in a form approved by the City Attorney.” And in Item 3, he would like the language amended to read “Upon authorization of

the Common Council, the Mayor and City Clerk are authorized and directed to execute the Agreement upon satisfaction of all conditions stated in Section 2, above.” Mayor Kennedy clarified that Ald. Wiese is asking to have the City Administrator and Mayor removed as the negotiators in item 2d and stated Administrator Safstrom has done all previous work with the City Managers and Mayor Kennedy with the Village Presidents to this point, and then taken the information to the Common Council. However, now they would like to have Council take over negotiations and have to appoint a member to do so going forward. Ald. Gelhard agreed the Common Council should be decision maker and agreed that what Ald. Wiese is proposing makes sense. Ald. Vukovic stated her disagreement with Ald. Wiese and Gelhard, stating City business is handled by the City Administrator and voted upon by the Common Council, and cited that ordinance does not state the Council oversees negotiations. The Common Council is meant to vote for or against items, and use amendments to change things, voting collectively to make decisions. Ald. Wiese agreed to acquiesce on item 2d.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve the Resolution Conditionally Approving an Amended and Re-Stated Joint Library Agreement for the North Shore Library.

Motion by Ald. Wiese, seconded Daugherty, to amend the language of the Resolution Conditionally Approving an Amended and Re-Stated Joint Library Agreement for the North Shore Library in item 3 to read “Upon authorization of the Common Council, the Mayor and City Clerk are authorized and directed to execute the Agreement upon satisfaction of all conditions stated in Section 2, above.” Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Schmelzling. Noes: Ald. Shaw. Absent: None. Motion carried.

Ald. Schmelzling stated the financial portion of the resolution seems to be a big out for the final agreement, but it seems to be the expectation should be Glendale should not be paying towards the library versus paying huge operating costs for a library not even located in Glendale.

Motion by Ald. Schmelzling, seconded by Ald. Wiese, to amend the amended Resolution Conditionally Approving an Amended and Re-Stated Joint Library Agreement for the North Shore Library Agreement and add item E to read “Once negotiations have produced a final agreement/site plan that the draft must be referred to the Library Review Committee for a recommendation.” Ayes: Ald. Gelhard, Wiese, and Schmelzling. Noes: Ald. Vukovic, Daugherty, Shaw, and Mayor Kennedy. Absent: None. Motion failed.

Ald. Vukovic stated while she understands the Library Review Board has expertise on libraries, they are not versed in capital budgets and finance and that is the purpose of our entire City staff and City Attorney. Ald. Shaw added we should have trust in the developer and the recommendations from other city administration as well. Mayor Kennedy stated it is not necessarily a bad thing to have other eyes review the agreement, however we will not have site plans available until after funds have been raised. Administrator Safstrom stated the North Shore Library Board will be responsible for determining the actual design and function of the library itself.

Ald. Wiese restated his concern over the 20-year term and again asked for the likelihood of a 5-year term in the agreement and what the chance would be that other communities would be willing to change this or if it would affect their participation in the agreement. Administrator Safstrom stated she had been informed by the Village of Bayside they do not have the intention of changing the terms of the agreement. Attorney Fuchs stated if the length of the term is going

to be discussed when negotiating a timeline or budget, it should be remembered that it will be unlikely to see anything less than an 8-10 year term and the shorter the term the more expensive it will be.

Ald. Schmelzling did a rough estimate on calculates on tax bills and noted that Glendale's taxes are higher than our neighboring communities, which is something to consider. Administrator Safstrom added a reminder that those are assessed values, when comparing community tax rates it is more appropriate to compare equalized values.

Mayor Kennedy called for a roll call vote on the amended Resolution Conditionally Approving an Amended and Re-Stated Joint Library Agreement for the North Shore Library. Ayes: Ald. Vukovic, Daugherty, Schmelzling, and Shaw. Noes: Ald. Gelhard and Wiese. Absent: None. Motion carried.

Ald. Daugherty requested the review of the agreement by the Library Review Committee be placed on the next Common Council agenda.

ADJOURNMENT.

There being no further business, motion was made by Ald. Vukovic, 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 8:29 p.m., until Monday, October 11, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: September 30, 2021.