

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

January 24, 2022

Regular meeting of the Common Council of the City of Glendale held in City Hall, 5909 North Milwaukee River Parkway, Glendale, Wisconsin and via Zoom conference call.

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: Shawn Lanser, Deputy City Administrator; Nathan Bayer, City Attorney; Mark Ferguson, Police Chief; Todd Stuebe, Director of Community Development; Charlie Imig, Director of Public Works; Mustafa Emir, City Engineer; 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.

Deputy Administrator Lanser advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, January 20, 2022, 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 January 10, 2022, Approval of Monthly Reports, Removal and Appointment of Members to the Convention and Visitors Bureau, and Appointment of Member to North Shore Fire Rescue Board of Directors and North Shore Water Commission.

Motion by Ald. Daugherty, seconded by Ald. Shaw, to adopt the minutes of the meeting held on January 10, 2022, approve Monthly Reports, approve Removal and Appointment of Members to the Convention and Visitors Bureau, and approve Appointment of Member to North Shore Fire Rescue Board of Directors and North Shore Water Commission. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No. _____

Recommendation of the Legislative, Judiciary & Finance Committee for approval of an Application to Change Agent for Aldi Store #42, located at 6825 N. Port Washington Road, Glendale, WI 53217.

Mayor Kennedy stated the State of Wisconsin requires any business selling alcohol to have an Alcohol Beverage License. The License requires an agent be named to be responsible for all sales. Aldi Store #42, located at 6825 N. Port Washington Road has requested a change of agent. All background checks have been concluded by the City of Glendale Police Department. All applications are on file in the Clerk's office. Staff recommends approval of the change of agent to T. Schmitz.

Motion by Ald. Gelhard, seconded by Ald. Wiese, to approve the Application to Change Agent for Aldi Store #42, located at 6825 N. Port Washington Road, Glendale, WI 53217. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

III. File No. _____

Review and Approval of Proposal for the Feasibility Study of two potential Glendale Library Sites.

Mayor Kennedy stated the Common Council, at its December meeting, gave direction to City staff to obtain proposals on a feasibility study for the two identified Glendale library sites. Kueny Architects returned with a proposal that was significantly less than Zimmerman Architectural Studios. The staff recommendation is to go with the lowest bid. Mayor Kennedy raised the question if money should be spent on a study while the City is in a relationship with other communities working toward a fundraising goal. Currently, the fundraising committee is meeting weekly and is moving forward rather aggressively, which would allow this decision to be held off for a while or could move forward.

Ald. Wiese and Ald. Gelhard expressed that they would like to have the study completed in case the fundraising goals are not met, so there would not be a time crunch at a later date and an alternative option would be available. Ald. Schmelzling added that since the Council does not have visibility into the fundraising progressing, it is good for there to be another option. The proposals given were very different. There may be a need to look further into additional costs not provided in the initial Kueny Architects proposal at a later date.

Motion by Ald. Shaw to propose delaying the motion to accept the low bid until June 2022. Motion failed for lack of a second.

Deputy City Administrator Lanser acknowledged the Council members perspectives on not wanting to fall behind if fundraising falls through, and wondered if Council would be willing to wait another one to two months to make their decision on the study. Mayor Kennedy added that weekly updates are provided by the fundraising committee, and they are making quick and significant progress, so there may be a benefit to delaying the decision at least a month.

Motion by Ald. Shaw to propose delaying the motion to accept the low bid until March 2022. Motion failed for lack of a second.

Motion by Ald. Wiese, seconded by Ald. Daugherty, to accept the low bid and award of contract to Kueny Architects in the amount of \$7,259 for the Feasibility Study of two sites for consideration as a potential Glendale Library was approved. Ayes: Ald. Daugherty, Gelhard, Wiese, and Schmelzling. Noes: Ald. Shaw. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, to amend the motion to not approve any change orders without Council approval. Ayes: Ald. Daugherty, Gelhard, Wiese, and Schmelzling. Noes: Ald. Shaw. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Ald. Gelhard stated he was confused by the amendment to the motion, as he believed all change orders to contract awards required Council approval. Mayor Kennedy clarified that without an amendment the City Administrator can make changes up to a certain percentage per the contract and change orders take place all the time without Council approval. Ald. Schmelzling added there is an hourly rate included in the contract, which implies additional hours if go beyond the designated amount, which is prudent, and having an amendment in place would then require Council approval versus City Administrator approval.

IV. File No.

Review and Possible Approval to Submit Wisconsin Department of Transportation's, Transportation Alternatives Program (TAP) Grant for Proposed Trail Connection from Zip Line Trail, along southside of W. Good Hope Road, east to N. Milwaukee River Parkway for the 2024-2028 Program Cycle.

Mr. Imig stated over the past few years there has been a growing concern regarding a trail, along the southside of W Good Hope Road, to connect the Zip Line Trail to N Milwaukee River Parkway. Additionally, this proposed connection is identified in the City's Connecting Glendale 2020 Bicycle and Pedestrian Plan. Recently, DPW and Engineering staff met with a Traffic Analysis and Design, Inc. (TADI) representative to discuss this connection. TADI has been involved with several City traffic safety programs and the subsequent grant application preparations and submissions. The Wisconsin Department of Transportation's (WisDOT), Transportation Alternatives Program (TAP) grant would pay, if approved, 80 percent of the improvements while the City would be responsible for the remaining 20 percent. The grant pays for the design as well. The approximate cost for the project, currently, is around \$3 million. Therefore, the City would be responsible 20 percent of that amount, or \$600,000. WisDot's deadline for the next 2022-2026 TAP grant period is January 28, 2022. Subsequently, staff is recommending targeting the next grant period of 2024-2028. That deadline for application submission is January of 2024. The project requires a large sum of money, and there are numerous other projects which should be prioritized first for funding within the City.

Dr. Emir stated that in addition to the initial costs of the project, the City would be responsible for completely owning the facility in its entire length on a county right-of-way with all maintenance to include snow plowing, weed control, etc., as well as any operational issues that it entails. When looking at the 5-year capital plan, the money is not available for everything this

would entail, and this would require a large influx of funding. Instead, it would be best to include the City's portion in the 2025/2026 5-year Capital Improvement Plan, and then appropriately begin planning to apply for the 2024 Grant.

Ald. Wiese stated the area in question falls in the fourth and fifth aldermanic districts. This issue was brought before the Council in 2007, and residents had hoped for a pathway beyond Brown Deer Park. At the time, traffic studies were requested and it was determined to be cost prohibitive and against the WisDOT permissions to cross Good Hope Road, due to traffic concerns. Dr. Emir clarified the Oak Leaf Trail currently crosses Good Hope Road and Brown Deer Road from North to South, and while the trails are not impossible, they are a sizeable municipal investment and require a need for increasing fulltime employees to take care of the facilities. Adding this area to the City of Glendale would quadruple the City's ownership of trails, and would therefore increase the need for a Parks Department as of maintenance.

Ald. Schmelzling questioned what the wait time is if we do not apply for the grant now and wait for the next application period, as well as why the City would be responsible for all maintenance as opposed to the businesses along the area. Since the grant is sizeable, it would be beneficial to see the City receive this and help the bike and pedestrian plan be implemented to help residents find alternate paths across Glendale. Dr. Emir clarified the next application period will be January 2024 for fund distribution in January 2025. As far as the maintenance issue, Dr. Emir stated it is largely a political issue who is responsible for maintaining the trails.

Ald. Shaw requested Deputy City Administrator Lanser's input on the financial aspect of the project. Deputy City Administrator Lanser stated Mr. Imig's comments were correct, and the best plan would be the 5-year Capital Improvement Plan, with a 2024 Grant application. This would allow for staffing, as well as funding in the budget for new equipment, preparation and planning.

Staff was recommended to delay application for WisDOT's 2024-2028 Transportation Alternatives Program (TAP) grant-proposed trail connection from ZIP Line Trail, along southside of W. Good Hope Road, east to N. Milwaukee River Parkway until January 2024.

V. File No. _____

Review and Approval Proposal for Tax Incremental Financing Services and Project Pro Forma Analysis and Developer Negotiations.

Deputy City Administrator Lanser stated the City of Glendale has received preliminary development interest in the property located at the southeast corner of Civic Drive and N. Green Bay Road. The development of the property would require some public infrastructure improvements. The developer has also inquired about the need for possible financial assistance. Both types of costs are reimbursable by a tax incremental district (TID). Due to the technical nature of developing a TID, its project plan and a financial analysis of the development's proforma, a proposal from Ehlers, Brookfield, WI was requested. Community Development Authority's legal counsel, John Fuchs is supportive of the City hiring a consultant to assist.

Ald. Schmelzling raised concern as this is a proposed development that the Council has only heard small details about, and therefore he is reluctant to have the City take on the cost. Instead he raised the question if there is a way to pass on the costs to future tenants, property owners, or the developer. Mayor Kennedy clarified that the costs are reimbursable for the first year

of the TIF cost, and he suspects this will go forward and be approved but more details cannot be provided as it was not noticed for discussion; however, no borrowing would be involved. Mayor Kennedy stated this will be saving the City money in the long run, as the consultant will be charged for the proposal as opposed to paying hourly attorney fees.

Ald. Daugherty concurred with Ald. Schmelzling's concerns regarding being asked to give money with no understanding as to why this is being done right now.

Deputy City Administrator Lanser clarified for the Council on beginning TIDs, there is typically a situation where the Joint Review Board has input when the districts have not been grouped together yet, and it has been a long time since Glendale has created a new TID. Mayor Kennedy added that while he cannot disclose anything without a formal proposal and only initial discussions, the item can be placed on a closed session agenda for a future meeting for clarification.

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

VI. File No. _____
Review and Approval of Documents from Public Administration Associates, LLC for City Administrator Recruitment.

Mayor Kennedy stated in December 2021, the Common Council hired Public Administration Associates, LLC (PAA) to conduct the recruitment of the City Administrator position. At the January 10, 2022 meeting, the Common Council finalized their recruitment strategy for this position. In response to the January discussion by the Common Council, PAA has drafted a Community Profile, Position Announcement, and Draft Script for the Glendale City Administrator.

Public Administration Associates, LLC representatives Kevin Brunner and Dave Bretl were present to answer questions from the Council members.

Ald. Schmelzling informed PAA of a necessary change to be made to the website listing on the position profile.

Motion by Ald. Shaw, seconded by Ald. Wiese, to approve the community profile, position announcement and video script, as revised, for the City Administrator recruitment. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

COMMISSION, COMMITTEE, BOARD, AND STAFF REPORTS.

There were several updates from Council members, on the activities of the various Commissions, Committees and Boards on which they serve as a Member and Administrator update.

CLOSED SESSION.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to convene in Closed Session per Wis. Stats. §19.85(1)(c) to consider the employment, promotion, compensation, or performance evaluation data (Personnel Performance Review) and Wis. Stats. §19.85(1)(g) to confer 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 (6801 N. Ironwood Lane). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 58 minutes was held. The Council discussed the Personnel Performance Review of the previous City Administrator and the property at 6801 N. Ironwood Lane.

Motion by Ald. Schmelzling, seconded by Ald. Wiese, to reconvene to open session and regular order of business. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Motion carried.

ACTION ON CLOSED SESSION ITEMS.

Motion by Ald. Gelhard, seconded by Ald. Wiese, to direct the City Attorey to file in Circuit Court a Nuisance Lawsuit regarding 6801 N. Ironwood Lane. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Motion carried.

ADJOURNMENT.

There being no further business, motion was made by Ald. Shaw, seconded by Ald. Gelhard, 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 7:50 p.m., until Monday, February 14, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: January 25, 2022.