

**CITY OF GLENDALE COMMON COUNCIL**

Meeting Minutes

March 28, 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. Tomika Vukovic, Jim Daugherty, John Gelhard, Richard Wiese, Steve Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Darrell Hofland, Interim City Administrator; Nathan Bayer, City Attorney; Mark Ferguson, Police Chief; Todd Stuebe, Director of Community Development; John Fellows, Incoming Director of Community Development; Charlie Imig, Director of Public Works; John Fuchs, CDA Attorney; 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.

Interim City Administrator Hofland advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, March 24, 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 February 14, 2022, Approval of Monthly Reports, and Approval of 2022 Arbor Day Proclamation.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to adopt the minutes of the meeting held on March 14, 2022, approve Monthly Reports, and approve 2022 Arbor Day Proclamation. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No. \_\_\_\_\_

A Proclamation Designating April as “Women’s History Month” in the City of Glendale.

Mayor Kennedy stated the proclamation provided is to acknowledge and celebrate the contribution of women and this proclamation calls upon the people of the City of Glendale to observe March as Women’s History Month with appropriate programs, ceremonies, and activities.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to approve the proclamation designating the month of March as “Women’s History Month” in the City of Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

III. File No. \_\_\_\_\_

North Shore Health Department’s Request for Environmental Health Consortium Fee Increase.

Interim City Administrator Hofland stated the North Shore Environmental Health Consortium (NSEHC) is a program of the North Shore Health Department. The NSEHC conducts inspections and issues licenses for all food establishments, temporary events, farmers’ markets, public pools, and hotels. The NSEHC also investigates public health-related complaints for these licensed establishments. The NSEHC is a fee-funded program and has not had a fee increase in three years. The NSEHC operates as an agent under contract for the Department of Agriculture, Trade and Consumer Protection (DATCP) and reimburses DATCP a percentage of the fees. Recently the North Shore Health Department has been notified that the DATCP is increasing their reimbursement fee 1% in 2023 and again in 2024 respectively. After review, the NSEHC recommends a 5% increase for all program fees. The increase is designed to help maintain services and cover program costs. A graph for comparison with other local agencies was provided to Council.

Ald. Gelhard questioned if all North Shore communities have to approve the increase in order for it to go into effect. Mayor Kennedy confirmed all seven communities have to adopt the fee increase, and if any do not the North Shore Health Consortium will have to reevaluate and restart the approval process.

Ald. Daugherty questioned how far into the approval process the Consortium currently is. Brad Simmerly, Senior Environmental Specialist, stated it has already passed the Board of Health and the Village of Brown Deer, which is the fiscal agent.

Ald. Schmelzling stated the increase doesn’t seem excessive, and inquired how the costs are relative to the increase. Mr. Simmerly stated the program is fee-funded. A typical increase has been 3%, however the Department of Agriculture increasds their fees and those were incorporated into the total fee increase to be covered for this year and next year.

Motion by Ald. Gelhard, seconded by Ald. Shaw, to approve the North Shore Environmental Health Consortium fee increase of 5% for 2022 program fees. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No. \_\_\_\_\_

Presentation of Feasibility Study of Two Potential Glendale Library Sites.

Mayor Kennedy stated the representatives of Kueny Architects were not prepared to present this item at tonight’s meeting, and will instead present at the April 11, 2022 meeting.

V. File No.

Joint Resolution of the Common Council and the Community Development Authority Requesting Extension of the Life of Tax Incremental Financing District (TID) No. 8 per Wisconsin Statute Section 66.1105(7)(am)4.a.

Glendale resident Robert Cronwell, 7530 N Applewood Lane, stated he noticed in the resolution that incremental revenues are recommended for the life of TID 8, but he doesn't understand the difference in the numbers. He is concerned that the City is giving \$11.4 million to the owner of Bayshore when the City has a development agreement in place and there is nothing in the original agreement indicating there would be an extension provided. It seems the City is getting nothing out of this agreement. Mayor Kennedy stated \$32 million was the renegotiated amount from several years ago, and \$9 million is the additional amount. Community Development Authority (CDA) Attorney Fuchs will provide a brief presentation to the Council for clarification.

CDA Attorney Fuchs stated when Bayshore went back to their lender, pre-COVID, the City had a meeting with the new ownership group, Cypress Equities, and reached a new development agreement. The basis of the agreement was the application of various security funds, bonding, and stabilization funds which left a balance of \$43 million. If the \$43 million is paid, the City would be cooperative in Cypress Equities' ability to rehabilitate their assets and the \$43 million was treated as a project cost, and whether it would be recouped in the life of the TID or not was unknown at the time. The concept of rehabilitating a mall became more difficult due to COVID and the decline of the brick and mortar retail concept, and therefore recouping the project costs became more difficult when looking over the TID increment projections. Cypress Equities approached the City of Glendale with their TID extension request in light that the TID was negatively impacted by the increase in State funding of technical colleges and, more specifically, the reduction of the Milwaukee Area Technical College's property tax levy. The matter needs to be considered by the Common Council and the CDA, before the Joint Review Board reviews the extension request. City staff is supportive of Cypress Equities' request to extend the TID by three more years.

Ald. Schmelzling stated in looking at the incremental revenue projection sheet, there has been 9.5% growth and 14.4% in the last two years. If the development continues to grow, he questioned when development is anticipated to be completed. Kirk Williams, Managing Director of Cypress Equities, stated that 15% was used as an estimate for the next two years. Development has been delayed due to extenuating circumstances during COVID-19. Ald. Schmelzling added it is important for residents to see continued development at Bayshore, otherwise the TID extension will not benefit anyone. Mayor Kennedy stated significant tax base growth will come from the new construction being added in the residential units, restaurants, and businesses.

Mayor Kennedy stated in 2002, TID 8 was created for the development project commonly known as Bayshore. Following an economic downturn and abandonment of the property in 2017 by the owner/developer, the developer's lender took title of the property in lieu of foreclosure. The City, the CDA and Bayshore entered into an Amended and Restated Development Agreement effective as of August 1, 2019 pursuant to which Bayshore's owner/developer agreed to defease \$58.6 million in bonds previously issued by the City and CDA in consideration of the City and CDA's agreement to, among other things, pay all future tax increment from TID 8 to the owner/developer. Subsequently, an amendment to TID 8 project plan was approved which recognized, as eligible TID expenditures, the payoff of all Glendale outstanding debt associated with the TID - \$41.7 million. The amendment also extended the life of TID 8 to August 26, 2033

and added additional property to TID 8 (formerly portions of soon-to-be closed TID No. 6). In 2013, a law – Wisconsin Act 145 was approved which provided property tax relief aid to technical colleges. Consequently, the State legislature approved 66.1105(7)(am)4.a which allows for municipalities to request the Joint Review Board to extend the life of a TID an additional three years if the annual and total amount of tax increments over the remaining life of a TID were adversely impacted by Wisconsin Act 145 and provides supporting documentation.

An analysis by Bradley Viegut, Managing Director, Baird, identifies a \$1+ million negative impact to date on TID 8 due to Act 145. An analysis by Cypress Equities, developer of Bayshore, identified a projected shortfall of TID 8 being able to cover its project cost within the current calendar year 2033 closure.

Motion by Ald. Wiese, seconded by Ald. Schmelzling, to approve the Resolution Authorizing Technical College Extension for Tax Incremental District No. 8. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No.

Resolution Authorizing the Director of Public Works to Sign and Submit the Recycling Grant Application and Annual Reports to the Wisconsin Department of Natural Resources (WDNR).

Interim City Administrator Hofland stated the updated resolution required prior submittal of the 2022 WDNR Recycling Grant Application.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to approve the updated resolution authorizing the Director of Public Works to sign and submit the recycling grant application and annual reports to the WDNR. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No.

Ordinance Repealing and Replacing Section 3, “Excavations of and in Streets, Alleys, Public Ways, and Grounds,” of Chapter 2 “Streets and Sidewalks,” of Title 6, Public Works,” of the Code of Ordinances of the City of Glendale.

Mr. Charlie Imig stated the Common Council approved amending this ordinance at the May 13, 2019 meeting. Since that time, permit frequency, staff regulation, inspection and administrative time has changed, as well as a need to align with City Ordinance 9.4.3. Specifically, City Ordinance 9.4.3 pertains to fiber boring; however, Staff has recently received several right-of-way permit applications for non-fiber related boring projects. Currently, an approved permit does not adequately account for those types of projects. Additionally, another part of the ROW permits are the deposits. These are required to ensure the work performed is in accordance with City Ordinances. Also, the deposits hold the contractor accountable and provide for a means to remedy inferior work, should the City have to intervene. Staff is recommending that the deposits be adjusted to better align with the specific type of surface, where the work will occur and City Ordinance 9.4.3. Finally, in City Ordinance 6.2.3, there are certain responsibilities and duties, within the same Section, assigned to both the City Engineer and the Director of Public works. Staff is of the opinion that it is necessary for consistency, to change those references solely to the Director of Public Works.

Ald. Schmelzling stated it is rare to see the fees go down, and he appreciated staff for monitoring and tracking this. Mr. Imig noted the fees have begun to level off, and more frequent in-house reviews have been done to monitor them.

Motion by Ald. Shaw, seconded by Ald. Wiese, to approve the Ordinance Repealing and Replacing Section 3, "Excavations of and in Streets, Alleys, Public Ways and Grounds," of Chapter 2, "Streets and Sidewalks," of Title 6, Public Works," of the Code of Ordinances of the City of Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.

Ordinance Repealing and Replacing Section 3, "Permit," of Chapter 4, "Wireless Communication Systems; Use of Right of Way," of Title 9, Public Utilities," of the Code of Ordinances of the City of Glendale.

Mr. Charlie Imig stated the Common Council approved amending this ordinance at the March 23, 2020 meeting. Since that time, permit frequency, staff regulation, inspection and administrative time has changed, as well as a need to align with City Ordinance 6.3.2. Specifically, Staff time necessary for processing, reviewing, utility locating and inspecting the fiber boring Right-of-Way (ROW) permits have averaged lower from the previous applications. Subsequently, a change in the fees per plan pages is necessary. Additionally, another part of the ROW permits are the deposits. These are required to ensure the work performed is in accordance with City Ordinances. Also, the deposits hold the contractor accountable and provide for a means to remedy inferior work, should the City have to intervene. Staff is recommending that the deposits be adjusted to better align with the specific type of surface, where the work will occur and City Ordinance 6.3.2. The proposed fees and deposits were previously reviewed and compared to several other municipalities. All have ordinances, fees and deposits in place to account for staff time and protect the integrity of their communities.

Motion by Ald. Shaw, seconded by Ald. Wiese, to approve the Ordinance Repealing and Replacing Section 3, "Permit," of Chapter 4, "Wireless Communication Systems; Use of Right of Way," of Title 9, Public Utilities," of the Code of Ordinances of the City of Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No.

Review and Approval of Revisions to the City of Glendale Employee Handbook.

Interim City Administrator Hofland stated the current Employee Handbook was approved by the Council on September 9, 2013, and last revised July 2021 for a paid time off (PTO) policy to replace the traditional vacation and sick leave policy. The current PTO policy identifies the use of 1-hour increment for PTO. Employees and supervisors have requested more flexibility than the 1-hour increment. The request is to revise the PTO policy to change the 1-hour increment to a quarter-hour increment.

Ald. Vukovic questioned if the policy would allow for 15-minute increments or 1-hour plus 15 minutes. Interim Administrator Hofland clarified it will be 15-minute increments. He believes this will be a positive change for all staff.

Motion by Ald. Gelhard, seconded by Ald. Shaw, to approve the revision to Article VI, Section E.4.c. of the City of Glendale Employee Handbook for paid time off policy increments. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: Ald. Vukovic. Motion carried.

X. File No.

Review and Approval of MMSD's Requests for Grazing Goat Pilot to Eradicate Invasive Buckthorn and Reforestation Plan at 6459 Sunny Point Lane.

The City of Glendale has partnered with Milwaukee Metropolitan Sewerage District (MMSD) in the past on several projects. Recently, the City was contacted by MMSD, as part of their Reforestation Program, to assist the City in the eradication of noxious weeds/vegetation along the Milwaukee River. Over the winter, MMSD performed a forestry mow on the city-owned property located at 6459 Sunny Point Lane. The property has significant invasive buckthorn. MMSD has proposed to the City a grazing goat pilot to the property this spring to continue to work on controlling the invasive vegetation. Once the invasive control measures are complete, MMSD would work to create a restoration plan for the property and then implement as part of its Reforestation Program.

The grazing goat pilot consists of the following:

- June/July 2022- Set up a temporary electric fence around the 6459 Sunny Point Lane property. The goats and fence are supplied by a licensed goat grazing company. There would be approximately 10-15 goats kept in the fenced in pen. The goats would be checked on twice daily by MMSD's Fresh Coast Ambassador group and/or the contracted Shepherd. The first grazing would take approximately 1-2 weeks. After the initial grazing, the goats would be removed.
- July/August 2022- Site will be allowed to regrow. The site will be free of goats for 6-8 weeks to allow for invasives to re-sprout.
- September 2022- MMSD would repeat the 1-2 week grazing with the goats.
- October-December 2022- MMSD will develop a reforestation restoration plan for the site.
- Spring 2023- MMSD would implement the reforestation plan for the site.
- Summer 2023- MMSD Fresh Coast Ambassadors and planting contractor would check on the site to ensure proper growth.

In addition, MMSD has offered to host a small neighborhood information session about their 2022-2023 projects affecting this property.

Ms. Bre Plier, a representative from MMSD, was present to answer questions regarding the pilot project utilizing the goats. The goat grazing project intends to demonstrate these invasive species eradication projects can be completed through nonchemical means.

Mayor Kennedy requested clarification on the timeline on the project, as the goats are not allowed to free roam, how long will they be on site to complete the process. Ms. Plier stated the setup will be comparable to that of Rotary Park in Mequon, with a 1.5 acre lot surrounded by a

battery operated electric fence. The goats will remain on premise for one and a half to two weeks, followed by a six to ten week break and then brought back for a regrazing period. Since buckthorn is very aggressive, having the goats on site after allowing a period of resprouting will help the die off and reduce the regrowth each time.

Ald. Daugherty stated the neighbors in the area are very happy with the project. The fish passage project is quite impressive so far, with everything having been very well planned out and developed nicely.

Ald. Vukovic stated she would like to make it clear this is not a change to City ordinance, and is only an allowance for MMSD to have goats for this project and does not allow for residents to have goats.

Ald. Gelhard questioned how confident MMSD is they will be able to keep the coyotes away from the goats. Ms. Plier stated the project has been going for three years in Mequon, and there has been no reported goat loss to date.

Ald. Schmelzling questioned if the fence will be signed so people are not tempted to touch it. Ms. Plier confirmed this, as well as having MMSD staff on site twice daily to care for the goats and notifying residents of the program. Ald. Daugherty added this is private property, and therefore anyone close enough to the fence and goats would be trespassing.

Ald. Shaw questioned if there will be concerns over noise or smell from the goats on site. Ms. Plier stated goats are not very loud, and there will not be enough goats to cause a smell. MMSD has spoken with the resident nearest to the property and she is very comfortable with the project.

Ald. Wiese questioned if the noxious weeds/vegetation can be respread through goat elimination. Ms. Plier stated all larger fruiting trees have already been eliminated from the property, so there are no seeded fruits the goats can eat or that will resprout. Goats also typically do not eat things growing below 4-6" in height and prefer leafy greens, and will not eat from the ground.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve the MMSD goat grazing pilot and authorize a reforestation plan for City-owned property at 6459 Sunny Point Lane. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. 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 (Performance Evaluation Data of an Employee and Review of City Administrator Applications). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 154 minutes was held. The Council discussed Performance Evaluation Data of an Employee and Review of City Administrator Applications.

Motion by Ald. Shaw, seconded by Ald. Wiese, 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 closed session items.

ADJOURNMENT.

There being no further business, motion was made by Ald. Shaw, seconded by Ald. Vukovic, 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 9:35 p.m., until Monday, April 11, 2022, at 6:00 p.m.

Megan Humitz  
City Clerk