

CITY OF GLENDALE COMMON COUNCIL
Meeting Minutes
April 8, 2019

Regular meeting of the Common Council of the City of Glendale held in the Nicolet High School Gymnasium, located at 6701 North Jean Nicolet Road, Glendale, Wisconsin.

The meeting was called to order by Mayor Kennedy at 5:30 p.m.

PROCLAMATION COMMENDING THE NICOLET BOYS' BASKETBALL TEAM AND COACHES FOR THEIR FIRST-EVER STATE CHAMPIONSHIP.

Mayor Kennedy presented and signed a Proclamation to the Nicolet Boys' Basketball Team and their Coaches commending their first-ever State Championship.

Mayor Kennedy and members of the Common Council convened to the Nicolet High School Community Room for the remainder of the meeting, where the meeting was called to order by Mayor Kennedy at 6:30 p.m.

Roll Call: Present: Ald. Tomika Vukovic, Jim Daugherty, John C. Gelhard, Richard Wiese, Steve Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: City Administrator Rachel Safstrom; Police Chief Mark Ferguson; City Attorney John F. Fuchs; and City Clerk Miranda Etzel.

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, April 4, 2019, 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.

PRESENTATION BY THE NICOLET FEAR ROBOTICS TEAM.

Nicolet FEAR Robotics Team gave a presentation on the building of robotics, and competing with other schools. Several members of the Nicolet FEAR Team were available to answer questions, and provide a demonstration of robotics which were built by the Nicolet FEAR Team.

No action was taken on this informational item.

A short recess took place from 6:55 p.m. to 6:57 p.m.

ADOPTION OF COUNCIL MINUTES.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty to approve the minutes of the meetings held on March 25, 2019. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Abstain: Ald. Schmelzling. Absent: None. Motion carried.

PUBLIC COMMENT.

Carol Pierner, 5505 North Shasta Drive, expressed concern regarding children playing in the street, due to the community garden boxes in Dexter Park. Mayor Kennedy explained that the boxes belong to the Community Garden's Group. Mayor Kennedy stated that he has requested the Community Gardner's Group to move the boxes to a different location, and that it is not appropriate for the City to move the boxes, as they do not belong to the City.

COMMUNICATIONS, APPLICATIONS AND PETITIONS.

I. File No.

Communication from City Administrator; re: Reappointment of City Attorney.

Administrator Safstrom stated that Per Municipal Code Section 2.3.7(e) the Reappointment of the City Attorney at the end of his term to a new term of office may be accomplished by a vote of two-thirds (2/3) of the members-elect of the Common Council. Attorney Fuchs' term expires April 30, 2019. Attorney Fuchs has served as City Attorney since 1987.

Ald. Schmelzling expressed concern regarding the timeframe of which this topic was brought to light. He asked how many hours Attorney Fuchs typically spends working with the City per week. Administrator Safstrom stated that the City utilizes approximately 20-30 hours per week, which is less than \$75-100 per hour.

Ald. Daugherty inquired how the three-year timeframe works with Attorney Fuchs being "semi-retired." Attorney Fuchs explained that he initially began the downsizing of his firm in 2004, and from there, continued to downsize over the years. He stated that he would be willing to have his contract run from January 1, 2019 to December 31, 2021, as opposed to the May 1, 2019 start date.

Ald. Wiese stated that he has worked with Attorney Fuchs for more than 10 years, and feels the City would be at a great loss without him.

Ald. Vukovic believes that Attorney Fuchs has the City's best interests in mind.

Mayor Kennedy stated that despite a number of items where he and Attorney Fuchs did not see eye-to-eye, Attorney Fuchs still sat down and spoke with him about things. Mayor Kennedy expressed support for Attorney Fuchs.

Ald. Gelhard asked if the City will be required to pay more to Attorney Fuchs, if the flat-fee amount is exceeded. Attorney Fuchs explained that he works on the flat-fee basis, and keeps track of time as a way to gauge how much time is spent versus the amount he charges.

Ald. Schmelzling inquired about the possibility of changing the Ordinance which dictates the contract term of the City Attorney. Attorney Fuchs explained that a Motion to Amend would need to be brought to the table in order for his contract to retroactively dated.

Ald. Daugherty asked if the Motion is to appoint Attorney Fuchs or his firm. Attorney Fuchs explained that the Council would appoint him individually, and he would then designate Attorney Boyle as Assistant Attorney.

Ald. Shaw expressed gratitude with Attorney Fuchs, stating that he has been there for good and bad.

Ald. Schmelzling stated that he would like to see an item to be put on the next Agenda, to change the aforementioned Ordinance. Administrator Safstrom explained that if this item is approved tonight any Ordinance change would not take effect until Attorney Fuchs' next term (i.e. beginning in 2021).

Based on the recommendation of Administrator Safstrom, motion was made by Ald. Wiese, seconded by Ald. Shaw to approve the reappointment of the City Attorney to a three-year term, at an annually fee rate of \$145,600. On Roll Call: Ayes: Ald. Vukovic, Gelhard, Wiese, and Shaw. Noes: Ald. Daugherty, Schmelzling. Absent: None. Motion carried 4-2.

II. File No. _____

Communication from City Administrator Rachel Safstrom, re: Payment 6 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project.

Administrator Safstrom explained that the contract amount for the project is \$5,436,000.00. There are change orders in the amount of \$89,403.91 adjusting the contract to \$5,525,403.91. The additional change orders are winter conditions, replacement of sump pump crock/controls, electrical revisions and HVAC change. This payment is for work completed on the project.

Based on the recommendation of City Administrator, Rachel Safstrom, motion was made by Ald. Schmelzling, seconded by Ald. Gelhard to approve Payment 6 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project in the amount of \$673,345.70. On Roll Call: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

UNFINISHED BUSINESS.

III. File No. _____

Communication from Ald. Schmelzling re: Discussion and Possible Action re: Proposed Youth Detention Facility on North Teutonia Avenue.

Ald. Schmelzling proposed a Resolution Requesting Transparency from the State of Wisconsin Regarding the Department of Corrections' Juvenile Detention Center Site Selection, expressed concern with regard to many items previously discussed at the March 25, 2019 Common Council meeting. Ald. Schmelzling requested that a Public Hearing be held for Glendale Residents.

Mayor Kennedy explained that he sent a letter to Secretary Carr, and to the Deputy Secretary, Amy Pechacek; Governor Evers was copied on the letter. To date, no response has been received. He later sent an email directly to Governor Evers; no response has been received to date. Mayor Kennedy also reached out to local news stations. He further explained the position of the Council. There was a committee selected of 25 persons. The Committee

unanimously selected 73rd/Mill; Teutonia/Mill was never a recommendation. 73rd/Mill was a late addition recommended by Mayor Barrett, Mayor for the City of Milwaukee. Mayor Kennedy stated that Ald. Chantia Lewis held a meeting, in which incorrect information was provided to her constituents and to Direct Supply.

Ald. Schmelzling asked what the City can do. Mayor Kennedy explained that the City can intervene when the land sale takes place, to lobby to the members of the Milwaukee County Council to not approve the land sale; the City can lobby to the DNR to not approve construction at 73rd/Mill. Mayor Kennedy went on to say that currently there is nothing the City can legally do, as there is not yet a land sale.

Mayor Kennedy addressed the items Ald. Schmelzling listed in his April 2, 2019 email to Administrator Safstrom, Mayor Kennedy, and Attorney Fuchs regarding the Juvenile Detention Center.

Ald. Vukovic stated that she has attended meetings, and has further information regarding the Juvenile Detention Center. She has spoken with Senator Taylor, who explained that Teutonia was on a list of County sites. The City of Milwaukee stopped giving the County access to that site. The State then decided they wanted Teutonia/Mill. Ald. Vukovic explained that the Center could only be stopped through money. The Center should be pushed to become a County facility, instead of a State facility; Glendale will have a vested interest if it is a County Facility. Ald. Vukovic stated that the City will not get anywhere telling the State what to do, but that the City needs to keep pushing.

Ald. Gelhard suggested that if this Center goes forward as a State facility, perhaps Senator Darling, who is also part of the State's Joint Finance Committee, can hold-up the funding of this Center.

Attorney Fuchs suggested that the City work with Attorney Harrington to look at the site proposed at Teutonia/Mill, as a meaningful environmental threat.

Motion was made by Ald. Schmelzling, seconded by Ald. Daugherty to approve the Resolution No. 19-15 Requesting Transparency from the State of Wisconsin Regarding the Department of Corrections' Juvenile Detention Center Site Selection, with amendments. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: Ald. Vukovic. Absent: None. Motion carried 5-1.

APPROVAL OF ACCOUNTS PAYABLE.

Motion was made by Ald. Wiese, seconded by Ald. Gelhard to approve the accounts payable checks numbered 43613 to 43661, totaling \$ 292,370.44, and for prepaid checks numbered 1820 to 1849 and 43436 to 43612 totaling \$7,400,022.42. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: 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. Wiese, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese,

Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried and adjournment of the Common Council was ordered at 7:45 p.m., until Monday, April 22, 2019, at 6:00 p.m.

Miranda Etzel
City Clerk

Recorded: April 9, 2019.