

# CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

April 25, 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, Phillip Bailey, Steve Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Darrell Hofland, Interim City Administrator; Nathan Bayer, City Attorney; Mark Ferguson, Police Chief; John Fellows, Director of Community Development; Jessica Ballweg, Human Resources Specialist; 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, April 21, 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.

## ANNUAL ORGANIZATIONAL MEETING (WIS. STAT. §62.09).

- I. File No.  
Annual Review of Council Operation Procedures (Ordinance 2.2.16(f)).

The Council reviewed the Ordinance 2.2.16(f). This item was for informational purposes only.

- II. File No.  
Election of Common Council President.

State Law requires the members of the Common Council to elect one of their members as Council President. The Council President acts in the absence of the Mayor, however the position has no appointive or veto authority.

Ald. Daugherty nominated Ald. Gelhard, who accepted the nomination. Ald. Shaw nominated Ald. Vukovic, who accepted the nomination. Mayor Kennedy asked three times if there were any other nominations. No other nominations were received.

Motion was made by Ald. Shaw, seconded by Ald. Vukovic to close nominations. In a roll call vote, there were three votes for Ald. Gelhard, and three votes for Ald. Vukovic. In a second roll call vote, there were three votes for Ald. Gelhard, and three votes for Ald. Vukovic. In a paper ballot vote, there were three votes for Ald. Gelhard, and three votes for Ald. Vukovic. In a

second paper ballot vote, there were three votes for Ald. Gelhard, and three votes for Ald. Vukovic. Ald. Vukovic withdrew herself from consideration for Common Council President, and Ald. Gelhard was elected Council President for 2022-2023 by open vote.

III. File No.  
2022-2023 Common Council Standing Committee Appointments.

Motion was made by Ald. Gelhard, seconded by Ald. Shaw, to approve the appointments submitted by the Mayor. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No.  
Appointments to Various City Committees, Commissions and Boards.

Mayor Kennedy stated Shaun Storey is a new appointments to the Plan Commission. Mary Viergutz stepped down after serving 20 years on the Police Commission, and will be replaced by Nancy Yarbrough. The North Shore Library Board no longer has a position reserved for superintendent of schools, and; therefore, Dr. Greg Kabara has been appointed as a Glendale resident position in order to remain compliant with the state statutes. The other committees, commissions and boards have remained largely the same from the previous appointments.

Motion was made by Ald. Gelhard , seconded by Ald. Schmelzling, to confirm the appointments to the various City committees, commissions and boards as submitted. Ayes: Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

PUBLIC COMMENT.  
No public comment.

CONSENT AGENDA.

V. File No.  
Adoption of Minutes of Meetings held on March 28, 2022, April 9, 2022, April 11, 2022, and April 18, 2022, Approval of Monthly Reports, Resolution Setting the Time and Date of the First 2022 Board of Review Meeting, and Payment 1 to Visu Sewer, Inc. for work completed on the 2022 Glendale Sewer Lining & Manhole Rehabilitation Project.

Motion by Ald. Daugherty, seconded by Ald. Bailey, to approve Adoption of Minutes of Meetings held on March 28, 2022, April 9, 2022, April 11, 2022, and April 18, 2022, Monthly Reports, Resolution Setting the Time and Date of the First 2022 Board of Review Meeting, and Payment 1 to Visu Sewer, Inc. for work completed on the 2022 Glendale Sewer Lining & Manhole Rehabilitation Project. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

VI. File No.  
Resolution in Support of Democracy and Nonpartisan Election Administration.

Mayor Kennedy stated the resolution was brought forward by himself and Ald. Vukovic. It is to recognize and support the City Clerk's office, election inspectors, and Wisconsin's system of non-partisan election administration led by the Wisconsin Election Commission.

Motion by Ald. Vukovic, seconded by Ald. Schmelzling, to approve the Resolution in Support of Democracy and Nonpartisan Election Administration. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No. \_\_\_\_\_

Resolution Honoring Alderman Wiese for His Fifteen Year of Service to Glendale.

Mayor Kennedy stated the resolution provided is to recognize and thank Alderman Richard Wiese for his 15 years of service to the City of Glendale as an Alderman. Ald. Daugherty added it is likely that without Ald. Wiese's work as co-chair on the development of Maslowski Park the park would not have come to fruition.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve the Resolution Honoring Richard Wiese for his Fifteen Years of Service to Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No. \_\_\_\_\_

Recognition of Officers Involved in the Milwaukee River Rescue on April 10, 2022.

Mayor Kennedy stated several Glendale Police Officers are being recognized for their involvement in the April 10 Milwaukee River rescue: Officer Andrew Reischl, Officer Robert Wilson, and Officer Jaimie Byrnes, Sergeant Eric Guse, Detective Samuel Krenn, and Officer Nicholas Smith.

On Sunday, April 10, 2022, at approximately 1:51 p.m., Glendale squads were dispatched to the area of Hampton Avenue near the Milwaukee River for a vehicle that had traveled into the river and was submerged. Officer Wilson and Officer Byrnes arrived a short time later and found the vehicle was submerged in 10-12 feet of water, about 30-40 yards offshore. Without hesitating, Officer Byrnes and Officer Wilson removed their police equipment and entered the water to attempt a rescue of anyone who was in the vehicle. Officer Byrnes and Officer Wilson were unable to enter the vehicle and came back to shore. Officer Reischl arrived on scene and had access to a window punch. Officer Reischl and Officer Wilson swam out to the vehicle. Officer Reischl was unable to break a window but was able to push the driver's side front window down and pulled the driver of the vehicle out through the window opening. The officers fought a very strong current that carried them 10-15 feet to the south of where they started. Officer Byrnes and Detective Krenn entered the water as Officer Reischl and Officer Wilson swam with the victim back towards shore. The officers were able to get the victim to shore and turned him over to officers on shore. The victim was extremely cold due to the temperature of the water and was pulseless. Officer Smith and Sergeant Guse moved the victim to an open area and Officer Smith began chest compressions. Officer Smith gave compressions to the point of exhaustion. Sergeant Guse then gave compressions to the point of exhaustion. Detective Krenn then took over compressions before turning the patient over to North Shore Fire/Rescue and Milwaukee Fire Department. The victim

soon had a pulse again and was transported to Froedtert Hospital. The victim has been released from the hospital.

Officer Byrnes, Officer Wilson, and Officer Reischl went above and beyond the call of duty during this incident and performed a courageous act while facing personal hazard to life and safety. Sergeant Guse, Detective Krenn, and Officer Smith also played a role in saving this subject's life. Their professionalism, their teamwork, and their ability to act quickly reflect their dedication to this profession, their dedication to the community, and their dedication to the Glendale Police Department. Officer Andrew Reischl, Officer Robert Wilson, and Officer Jaimie Byrnes received Valor awards for their actions. Sergeant Eric Guse, Detective Samuel Krenn, and Officer Nicholas Smith received lifesaving awards for their actions.

Mayor Kennedy stated the actions of the officers are a positive reflection of the caliber of officers working for the City of Glendale and extended his gratitude.

Chief Robert Whitaker extended his appreciation for the efforts of the officers on behalf of himself and the staff of the North Shore Fire/Rescue.

This item was for discussion purposes only. No action was taken.

IX. File No.

Application for Temporary Picnic License filed by Glendale Little League.

Interim Administrator Hofland stated the Glendale Little League is seeking approval for a Temporary Class "B" Picnic Licenses for the Glendale Little League Family Fun Day, held at 1401 West Civic Drive, on June 4, 2022, from 11:00 a.m. to 5:30 p.m. All applications are on file in the Clerk's office. The Police Department has completed their review. The Clerks' Office is requesting Council consider approval of this application, as the Glendale Little League has submitted a request for a Temporary Class "B" Picnic License in 2021 and was in violation of their license compliance for serving "vodka lemonade" drinks. In addition, it was determined the this was not the organization's first violation of their license. Prior to issuance of this license, it is necessary for the Council to waive the prohibition of the sale and distribution of alcoholic beverages on City property for Glendale Little League events.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to the Temporary Class "B" Picnic License for the Glendale Little League Family Fun Day, held at 1401 West Civic Drive, on June 4, 2022, from 11:00 a.m. to 5:30 p.m.. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, Shaw, and Mayor Kennedy. Noes: None. Absent: None. Abstain: None. Motion carried.

Ald. Vukovic wants a stipulation on the license approval that there will be a suspension of licensing privileges to the applicant for five years if there are any violations to the laws of the liquor license this year, as these are also state law violations.

City Attorney Bayer stated there is no requirement to renew on due process law, and the City has the authority to place the condition to suspend a license if an applicant is caught in violation of the terms of the license. In terms of a Temporary Class B license, the applicant is the organization itself.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to the amend the approval of the Temporary Class “B” Picnic License for the Glendale Little League Family Fun Day, held at 1401 West Civic Drive, on June 4, 2022, from 11:00 a.m. to 5:30 p.m. to include the agreement the that the applicant as a condition of receiving a picnic liquor license for this years event understands that if there’s any violation for serving anything other than fermented malt beverages/wine as stated in the application, the applicant agrees it will not be eligible for a license for the next 5 years. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, Shaw, and Mayor Kennedy. Noes: None. Absent: None. Abstain: None. Motion carried.

X. File No.

Specific Implementation Plan (SIP): Discussion and possible action for a specific implementation plan for a Planned Unit Development District for Devo Properties / River Park Apartments, 1616 W Bender Road, Tax Key Number 1619-974-000.

Mr. John Fellows stated River Park Apartments, LLC (Greg Devorkin) has acquired the vacant 1616 West Bender Road property, former home to several nursing home businesses dating back to the mid-1960s. Devo Properties, LLC (also Greg Devorkin) has petitioned the City of Glendale to rezone the property from S-1 Special (Institutional) District to PD-Planned United Development District-Multi-Family Residential for the purpose of transforming the property to a multi-family residential setting. A general development plan was approved by the City on February 14, 2022. Planned Unit Development District requires a three-part process that include a rezoning/general development plan approval, followed by a specific implementation plan, followed by a development agreement.

The existing building will remain but will be converted into apartment living units with the exterior repaired and enhanced, repair to the parking lot, and revitalizing the landscape beautification. In the submittal materials the project is generally presented to include 50 to 55 apartment living units and there is discussion of adding garages. The apartments will include studios, one-bedroom (about 875 square-feet), and two-bedroom (about 1,100 square-feet). The submittal states that there are 103 parking spaces (about two parking spaces per unit with 50 apartments); however, qualifies that figure with the addition of the future garages. The anticipated total investment is stated to be greater than \$5,000,000. Construction will start in Spring 2022 with occupancy to commence in mid-2023. The specific development plan submittal includes a detailed site plan, architectural drawings, landscaping plan and lighting plan. At their April 12 meeting, the Plan Commission reviewed and recommended Council approval of the implementation plan for the development. The next step will be a development agreement before the Common Council, which will hopefully be brought forth at the May 9 meeting.

Ald. Schmelzling raised the question of whether painting brick is bad idea structrually. Mr. Fellows stated it is not necessarily a structural issue, but can be a maintenance issue. It is often done to help with water infiltration on older brick, and is also a current aesthetic trend.

Ald. Vukovic questioned if the apartment complex will be market rate apartments or senior living. Mr. Fellows stated he is not aware of any federal programs at the complex, and it is not a senior living facility but will be available for all ages.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve the specific development plan for a Planned Unit Development District for Devo Properties / River

Park Apartments, 1616 West Bender Road, Tax Key Number 1619-974-000, subject to the six conditions provided. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XI. File No.

Certified Survey Map: Discussion and possible action for a proposed Certified Survey Map (CSM) to assemble the lands into a singular tax parcel for Wisconsin Department of Transportation and Chick-fil-A, 5201 North Port Washington Road and Environs, Tax Key Number 1969-000-001.

Mr. John Fellows stated a Certified Survey Map (CSM) is proposed for the lands that include 5201 North Port Washington Road and Environs, comprising a total of 1.009 acres or 43,967 square feet of land, in order to create one parcel from an existing parcel and excess right of way owned by the WisDOT. The purpose of combining this land will allow for the driveway to align with the intersection. Plan Commission at their April 12 meeting recommend approval of the CSM, subject to the requirements of payment of the \$105 administrative fee, making any required technical corrections to the document as indicate by the City Engineer, payment of City Engineer CSM technical review fees, and other required fees, if any

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to approve a CSM for WisDOT and Chick-fil-A, 5201 North Port Washington Road and Environs, Tax Key Number 1969-000-001 with requirements of payment of the \$105 administrative fee, making any required technical corrections to the document as indicate by the City Engineer, payment of City Engineer CSM technical review fees, and other required fees, if any. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XII. File No.

Review and Approval of Johnson Control's Request for Open Burn Permit to Maintain the Prairie at 5757 N Green Bay Avenue.

Mr. Hofland stated David J. Frank Landscaping, on behalf of Johnson Controls, is requesting Common Council approval for an Open Burn Permit to maintain the prairie at 5757 N Green Bay Road. The date of the open burn is Saturday, April 30, 2022. The last Open Burn Permit was approved by the Common Council at their March 16, 2016 meeting. The North Shore Fire/Rescue will approve the permit, contingent upon the Common Council's approval.

Mr. Hofland stated approval for the open burn typically occurs every two years, however the motion could allow for a five-year permit, instead of requiring annual approval. Coordination would then take place with staff on an annual basis to ensure a safe burn.

Ald. Gelhard clarified if the burn only takes place one time per year. Mayor Kennedy stated it takes place once every other year, in order to maintain the growth of the prairie.

Motion by Ald. Daugherty, seconded by Ald. Bailey, to approve the Open Burn Permit at 5757 N Green Bay Road for five years for the purpose of maintaining a prairie at 5757 N Green Bay Road with a scheduled burn date of April 30, 2022. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XIII. File No.

Request to Approve Police Department Participation in the Speed Grant and to Approve Participation in Seatbelt and OWI Grants.

Chief Ferguson stated the police department has participated in the North Shore Traffic Safety Task Force for many years. This program is administered by the River Hills Police Department in which WI DOT supplies grants to fund overtime costs associated with speed, seatbelt, and Operating While Impaired enforcement. The grant funding for speed enforcement includes \$5,000 and runs from June 1, 2022 – August 31, 2022. The seatbelt and OWI grants will become available in the fall. Overtime costs for all three of the grant opportunities was accounted for in the 2022 budget under revenue account 43523, Public Safety Grant. Total amount for all three traffic grants is \$39,400.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to approve the police department to participate in the speed grant and approve the police department in the seatbelt and OWI grants when they become available. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: Ald. Vukovic. Motion carried.

XIII. File No.

Review and Approval of Memorandum of Understanding between Milwaukee Metropolitan Sewerage District for Invasive Species Removal and Reforestation at 6459 North Sunny Point Lane.

Interim Administrator Hofland stated The City of Glendale received an offer from Milwaukee Metropolitan Sewerage District (MMSD) to remove invasive species and reforest the city-owned property located at 6459 North Sunny Point Lane. At its April 11 meeting, the Common Council agreed to allow MMSD to utilize goat grazing as a pilot program to control buckthorn, an invasive vegetation, and reforest the property which is upstream from Kletzsch Dam Fish Passage Project. The memorandum of understanding (MOU) describes MMSD's plan to coordinate with the city on the removal of invasive species and reforest the property. In return for MMSD's assistance, the City of Glendale agrees in the MOU to grant MMSD access to the property to perform goat grazing and reforestation and grant any permits or licenses at no cost, provide timely input to MMSD on the restoration plan, and provide to MMSD at no cost an 11-year conservation easement on the property to begin at the conclusion of MMSD's reforestation of the property.

Interim Administrator Hofland added the adjacent vacant lot at 6477 N Sunny Point Lane will also be included in the Memorandum of Understanding but was not listed on the original document.

Ald. Vukovic requested clarification the 11-year conservancy as related to the goats. Interim Administrator Hofland stated the conservancy is for 11 years, but the goat portion of the reforestation will only be for two years.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve the Memorandum of Understanding with the Milwaukee Metropolitan Sewerage District for the removal of invasive species and reforestation of the city-owned properties located at

6459 and 6477 North Sunny Point Lane. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XIV. File No.

Resolution Approving an Intermunicipal Agreement Authorizing the Connection of a Glendale Property to City of Milwaukee Water and Sanitary Sewer Facilities and Services.

Interim Administrator Hofland stated Outreach Community Health Center, Inc. owns the property at 210 West Capitol Drive, City of Milwaukee, near the far southern end of the City of Glendale. The property owner is proposing an addition to its existing building and portions of the addition lie within the City of Glendale. The Glendale portion of the property where the addition will be construction does not access to City of Glendale water and sanitary sewer facilities or services. The City of Milwaukee has indicated its willingness to provide these services to the building addition. Previously on February 9, the Common Council acted on a similar resolution which also contained stormwater drainage in addition to water and sanitary sewer facilities and services. Based upon further review, it has been determined that stormwater drainage facilities and services are available from the City of Glendale.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to approve the Resolution Approving an Intermunicipal Agreement Authorizing the Connection of a Glendale Property (Parcel No. 2421197001) located at 210 West Capitol Drive to City of Milwaukee Water and Sanitary Sewer Facilities and Services and rescind the related Intergovernmental Agreement approved on February 9, 2022. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XV. File No.

Review and Approve Creation of Administrative Services Manager Position and 2022 Classification Structure Placement.

Ms. Jessica Ballweg stated The City of Glendale is considering the reclassification of the current Administrative Assistant to the Police Chief position at Pay Grade 5 to the new position of Administrative Services Manager at Pay Grade 6 of the 2022 Classification Structure. It was recommended during the Police Organization Study to make the Administrative Assistant the supervisor over records and desk clerks. The current employee has accepted the challenge of the new assignments in addition to her regular Police Department duties as of September 2021. Discussion between the Interim City Administrator, Deputy City Administrator, Chief of Police, and Human Resources Staff led to the recommendation to create the Administrative Services Manager position at an exempt Pay Grade 6. Based on the current employee's additional duties, position expectations and qualifications, City Staff is recommending the salary adjustment to Step 6 of Pay Grade 6 (\$61,619), effective January 1, 2022 and salary adjustment to Step 7 of Pay Grade 6 (\$62,389), effective on the anniversary date of the employee's new responsibility – September 27, 2022. The employee's current salary is \$59,847. Budget impact in 2022 for the recommended change is \$2,243 including salary and benefits.

Ald. Schmelzling stated he is happy to see the police organizational study recommendations leading to positive changes.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to approve the creation of

an Administrative Services Manager position with Pay Grade 6, Step 6 placement, effective January 1, 2022 and anniversary increase to Step 7 on September 27, 2022. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, 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. Gelhard, seconded by Ald. Bailey, to convene in Closed Session per Wis. Stats. §19.85(1)(c) to consider the employment, promotion, compensation, or performance evaluation data (Compensation Strategy for Police Department Management and Union Staff). Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 49 minutes was held. The Council discussed Performance Evaluation Data of an Employee and Review of City Administrator Applications.

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

#### ACTION ON CLOSED SESSION ITEMS.

Mayor Kennedy commented that the City has wage compression issues in the Police Department between the top pay of an hourly union police officer and salaried management staff. The City is working to reduce this issue.

Motion by Ald. Schmelzling, seconded by Ald. Bailey, to authorize the Glendale Police Department salary compression adjustments for:

- Sergeant positions with 2022 Wage Scale Step 12 - \$97,932 of Pay Grade 15 placement on their 2022 anniversary and an additional anniversary step in 2023 to Step 13 of Pay Grade 15, and
- Captain positions starting pay of Step 12 - \$109,245 of Pay Grade 17 with a two (2) step anniversary increase program.

Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

#### ADJOURNMENT.

There being no further business, motion was made by Ald. Vukovic, seconded by Ald. Schmelzling, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 7:50 p.m., until Monday, May 9, 2022, at 6:00 p.m.

Megan Humitz  
City Clerk