

# CITY OF GLENDALE COMMON COUNCIL

## Meeting Minutes

May 13, 2019

Regular meeting of the Common Council of the City of Glendale held in the David Hobbs Honda for the People Community Room, located at Richard E. Maslowski Park, 2200 West Bender Road, Glendale, Wisconsin.

The meeting was called to order by Mayor Kennedy at 6:00 p.m.

Roll Call: Present: Ald. Tomika Vukovic, Jim Daugherty, John Gelhard, and Steve Schmelzling. Absent: Ald. Richard Wiese, and JoAnn Shaw.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; Charlie Imig, Director of Public Works; and Miranda Etzel, 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.

Administrator Safstrom advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, May 9, 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.

### ADOPTION OF COUNCIL MINUTES.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic to approve the minutes of the meetings held on April 22, 2019. Ayes: Ald. Vukovic, Daugherty, and Gelhard . Noes: None. Abstain: Ald. Schmelzling. Absent: Ald. Wiese, and Shaw. Motion carried.

### PUBLIC COMMENT.

Robert Cronwell, 7530 North Applewood Lane, Glendale, Wisconsin, inquired about the soft-opening date of the Sprecher Brewing Outdoor Oasis.

### COMMUNICATIONS, APPLICATIONS AND PETITIONS.

- I. File No.  
Communication from City Administrator, Rachel Safstrom; re: Cancellation of May 27, 2019 Council Meeting.

Administrator Safstrom stated that due to the Memorial Day holiday, City Offices are closed Monday, May 27, 2019. It is recommended that the May 27, 2019 Common Council meeting be cancelled. If necessary, the Mayor can schedule a special meeting.

Based on the recommendation of Administrator Safstrom, motion was made by Ald. Daugherty, seconded by Ald. Gelhard to cancel the Monday, May 27, 2019 Common Council meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

II. File No.

Communication from City Administrator Rachel Safstrom, re: Payment 7 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project.

Administrator Safstrom explained that the current contract amount for the project is \$5,574,363.35. There are no new change orders with this request.

A discussion ensued regarding the possible opening date, at which time City Administrator Safstrom explained that nothing significant was changed, but had to do with a storm water pond, which will be funded by MMSD, and bid out separately.

Based on the recommendation of City Administrator Safstrom, motion was made by Ald. Schmelzling, seconded by Ald. Vukovic to approve Payment 7 to Absolute Construction Enterprises for work completed on the City Hall / Police Garage Project in the amount of \$675,738.54. On Roll Call: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

UNFINISHED BUSINESS.

III. File No.

Amended and Supplemental Planned Development Agreement with Odyssey Glendale Hotel, LLC, for Hampton Inn and Suites.

City Administrator Safstrom explained that in 2017, the City of Glendale entered into a Development Agreement with Odyssey Glendale Hotel, LLC for the construction of the Fairfield Inn and Suites, and Residence Inn at 7035 and 7065 N. Port Washington Road, respectively. A new Certified Survey Map for the area has been approved, as well as a new Specific Implementation Plan to include an additional hotel, Hampton Inn and Suites.

Ald. Schmelzling expressed concern regarding the lack of sidewalk in front of the development. Mayor Kennedy stated that he would reach out to the Developer to see if the Developer would be able to include a sidewalk.

Motion was made by Ald. Schmelzling, seconded by Ald. Daugherty to approve the Amended and Supplemental Planned Development Agreement with Odyssey Glendale Hotel, LLC, for Hampton Inn and Suites. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

IV. File No.  
Attorney Engagement for the City's dispute of the proposed Juvenile Detention Center—6600 N. Teutonia Avenue, Milwaukee.

City Administrator Safstrom explained that at the April 8, 2019 Council meeting, the Common Council had requested staff look into options for the dispute of the proposed Juvenile Detention Center at 6600 North Teutonia Avenue, Milwaukee. Mayor Kennedy, Attorney Fuchs, and City Administrator Safstrom met with Attorney Arthur Harrington of Godfrey & Kahn, S.C. to review the situation. They asked Attorney Harrington to write a letter to the Department of Corrections on behalf of Council requesting information on the environmental process that may have taken place as a part of reviewing the Teutonia Avenue location.

A discussion ensued regarding City Administrator Safstrom's spending authority, whether this is the best approach, and that Attorney Harrington has already spent many hours preparing for this—which was not billed. City Administrator Safstrom explained that when the City is close to spending \$25,000, she intends to report back to the Common Council with an update.

Based on the recommendation of City Administrator, Rachel Safstrom, motion was made by Ald. Vukovic, seconded by Ald. Schmelzling to approve the engagement letter with Attorney Arthur Harrington, of Godfrey & Kahn, S.C., for the City's dispute of the proposed Juvenile Detention Center at 6600 North Teutonia Avenue, Milwaukee at a cost not to exceed \$25,000. On Roll Call: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

V. File No.  
Amended Development Agreement with Glendale Partners, LLC—4300 N. Green Bay Road.

City Administrator Safstrom explained that Glendale Partners, LLC owns a vacant parcel at the south end of Glendale near the Home Depot. Access to this property is limited. The property owners had previously come to the City requesting a road be extended through their property from Port Washington Road and eventually extended to North Green Bay Avenue.

In 2017, the City of Glendale entered into a Development Agreement with Glendale Partners for the construction of a road and the application for a Wisconsin Economic Development Corporation Idle Site Redevelopment Grant. Since that time, the City and Glendale Partners have been working through challenges with WDOT. As a result, Glendale Partners has been unable to begin the project which has delayed payment.

A discussion ensued with regard to grant money that was given to the City. Administrator Safstrom will be working with WEDC on a potential extension of the grant.

Based on the recommendation of City Administrator, Rachel Safstrom, motion was made by Ald. Daugherty, seconded by Ald. Vukovic to approve the Amended Development Agreement—4300 North Green Bay Road. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

VI. File No. \_\_\_\_\_  
Traffic Safety Program—Intersection Safety Screening Study and Grant Amendment.

City Administrator Safstrom explained that at the June 25, 2018 Council meeting, the Council approved entering into an agreement for an Intersection Safety Screening Study with Traffic Analysis and Design, Inc. (TADI).

In September 2018, the following projects were approved for grant submittal:

Grant 1:

- Hwy 57 (Green Bay Avenue) and Silver Spring Drive
- City Wide Street Lighting Improvements
- Silver Spring Road and Bridgewood Road  
(this would be the City intersections grant application)

Grant 2:

- Hwy 57 (Green Bay Avenue) and Hwy PP (Good Hope Road)  
(this intersection is highly traveled by pedestrians)

Grant 3:

- Port Washington Road and Silver Spring Drive  
(begin the process of the traffic study and apply for the grant in April of 2018)

Based on the recommendation of City Administrator, Rachel Safstrom, motion was made by Ald. Vukovic, seconded by Ald. Daugherty, to authorize the agreement for Traffic Analysis and Design, Inc. to proceed with the amended scope as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

VII. File No. \_\_\_\_\_  
Application & Permit for Excavation and/or Performance of Work Within Public Right-of-Way Fee Increase.

City Administrator Safstrom explained that the City of Glendale's Application & Permit for Excavation and/or Performance of Work Within Public Right-of-Way (ROW) has associated fees as determined by the code of Ordinances. The fees generated through this Application & Permit were reviewed and compared to several neighboring and other Milwaukee County municipalities. As part of the fee review, it was noted that the City of Glendale's fees are low and have not been increased for several decades.

Glendale staff and time necessary for processing ROW permits averages from two people and from approximately one to several hours. Depending on type of permit request and work being done, it may take a couple of days to receive and then inspect the submitted materials. Staff time is not covered by the current fee structure.

Concern was expressed by Ald. Gelhard, Ald. Schmelzling, and Ald. Daugherty regarding some of the fee increases indicating that the taxes should cover the costs.

Motion made by Ald. Vukovic, seconded by Ald. Schmelzling, to approve the Application & Permit for Excavation and/or Performance of Work Within Public Right-of-Way Fee Schedule, as presented.

Ald. Gelhard expressed concern with the significant increase of some of the fees.

Motion was made by Ald. Gelhard, seconded by Ald. Daugherty, amend the motion for the fee schedules of driveway, sidewalk, and street privilege from \$75 to \$50, each. Ayes: Ald. Daugherty, Gelhard, and Schmelzling. Noes: Ald. Vukovic. Absent: Ald. Wiese, and Shaw. Motion carried 3-1.

The amended motion to approve the Application & Permit for Excavation and/or Performance of Work within Public Right-of-Way Fee Schedule with the driveway, sidewalk, and street privilege at \$50 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion approved.

#### NEW BUSINESS.

##### VIII. File No.

Easement Agreement with the Village of Whitefish Bay and We Energies; Agreement Addendum for the construction of the connecting trail between Richard E. Maslowski Community Park and the Milwaukee County Oak Leaf Trail.

City Administrator Safstrom explained that the bike trail extension from the Oak Leaf Trail to the Richard E. Maslowski Community Park goes over land owned by the Village of Whitefish Bay. Staff has been in regular contact with the Village staff regarding this process. Monday, May 6, 2019, the Village of Whitefish Bay approved the Easement Agreement.

The City also needs to approve an addendum to the existing trail license that Glendale currently has with We Energies. The addendum grants us permission to connect the new trail to the Oak Leaf Trail which is located on We Energies property.

Motion was made by Ald. Gelhard, seconded by Ald. Schmelzling to approve the Permanent Trail Easement with the Village of Whitefish Bay, as presented, and to approve the Glendale Recreation Trail Addendum as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

##### IX. File No.

Ordinance Amending Schedule E of Title 10, Chapter 1, Section 15 of the Glendale Code Pertaining to Yield Intersections at North Beech Tree Drive and West Bernard Lane & West Sue Lane and North Crestwood Drive.

City Administrator Safstrom explained that Ald. Schmelzling received requests from residents for a yield sign on North Beech Tree Drive at West Bernard Lane for safety reasons. The intersection is currently uncontrolled and sight lines are poor. Staff review has determined that a yield sign would be appropriate. The cost for the DPW to purchase 2 signs, posts and installation is \$612.28.

A review of the subdivision indicated that yield signs on West Sue Lane at North Crestwood Drive would also be appropriate. Total cost to place yield signs at both intersections is \$1,224.56.

Signage is in conformance with Wis. Stat. §346.18(6), and Glendale Ordinance 10.1.15. Sign locations would need to be included in Schedule E of Glendale Ordinance 10.1.15.

Motion was made by Ald. Schmelzling, seconded by Ald. Daugherty to approve Ordinance Amending Schedule E of Glendale Ordinance 10.1.15 and approve the installation of yield signs at North Beech Tree Drive at its intersection with West Bernard Lane, and on West Sue Lane at its intersection with North Crestwood Drive, at a cost of \$1,224.56. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

- X. File No. \_\_\_\_\_  
Approval of Distribution Easement Electric—We Energies—2200 West Bender Road.

City Administrator Safstrom explained that the construction of the ball fields at 2200 W. Bender Road continue, it is necessary for the additional of electric utility services. In order to proceed with the services, the City needs to authorize an easement.

Ald. Schmelzling expressed concern was regarding the possible disruption of the future baseball field. Administrator Safstrom stated the easement had been reviewed by the City Engineer as well as the project manager for MSOE to ensure there is no disruption.

Motion was made by Ald. Gelhard, seconded by Ald. Daugherty to approve the Distribution Easement Electric—We Energies—2200 West Bender Road. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

- XI. File No. \_\_\_\_\_  
Update to the Council regarding the timeline and process for the Bayshore Town Center Redevelopment Project.

City Administrator Safstrom provided a verbal update to the Council regarding the timeline and process for the Bayshore Town Center Redevelopment Project.

No action was taken on this item.

- XII. File No. \_\_\_\_\_  
Resolution to Initiate Discontinuance of a Public Way and set public hearing for Monday, June 24, 2019 for the vacating public streets at Bayshore Town Center.

City Administrator Safstrom explained that as part of the upcoming plans for the redevelopment of Bayshore Town Center, the developer has requested the streets of the development be private.

The City is the petitioner. Accordingly, the Resolution is a simple agenda item on this agenda. Staff will concurrently file the Lis Pendens, as attached. After the Council approves the initiating Resolution:

- A hearing date is selected at least 40 days after the date the Resolution is introduced (June 24).
- Notice of Public Hearing (accompanied by a map) must be served (in a manner provided for the Service of Summons in Circuit Court) to all property owners abutting the proposed right-of-way, to be vacated at least 30 days prior to the hearing date (we can get admission of service from Bayshore).
- Notice of Public Hearing must be mailed to all property owners within 2,650 feet of the right-of-way to be vacated within the City's corporate limits.
- Notice of Public Hearing and map must be sent to the newspaper for publication (Class 3 notice under ch. 985). Post notice in at least 3 public places or one public place and the City's website.
- Public hearing is placed on the Common Council Agenda and held on the date previously set. The Common Council may act on the Resolution following public comment.
- If approved, the Resolution is published in the newspaper, and recorded with the Milwaukee County Register of Deeds.

A discussion ensued regarding parking meters, the privatization of the streets within Bayshore, and whether the Chief had any concerns regarding the privatization.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard to approve Resolution to Initiate Discontinuance of a Public Way as amended. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard to set a public hearing for Monday, June 24, 2019 at 6:00 p.m., for the vacating public streets at Bayshore Town Center. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

XIII. File No.  
2019 Private Property Inflow and Infiltration (PPII) Reduction Program.

City Administrator Safstrom explained that in 2010, MMSD began the PPII program. This program is funded fully by MMSD for investigation of sanitary sewer as well as construction on private laterals to reduce problems within the system. The City can apply for and receive funding annually for this program. If the funds are not used, they accumulate for future years. The last project the City completed was in 2017. The proposal for 2019 is to allow for the City to do a full investigation of the system to determine if there are areas of need.

Motion was made by Ald. Schmelzling, seconded by Ald. Gelhard to approve 2019 PPII Reduction Program Work Plan and authorize the City Administrator to contract with MMSD for reimbursement of funds to complete the Work Plan. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried.

APPROVAL OF ACCOUNTS PAYABLE.

Motion was made by Ald. Gelhard, seconded by Ald. Vukovic to approve the accounts payable checks numbered 43884 to 43931, totaling \$96,801.87, and for prepaid checks numbered 1850 to 1896, and 43662 to 43860 totaling \$25,144,880.65. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. 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.

CLOSED SESSION.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard, to convene in Closed Session per Wis. Stats. §19.85(1)(g) Conferring 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 (Turner vs. Ferguson, et al.; Harris vs. Shorewood, et.al.), and Wis. Stats. §19.85(1)(e) for Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Bayshore Town Center Developer Agreement). Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese and Shaw. Motion carried unanimously.

A closed session of approximately 50 minutes was held in which the Council discussed the Turner vs. Ferguson, et al.; Harris vs. Shorewood, et al., cases, as well as the Bayshore Town Center Development Agreement.

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

ADJOURNMENT.

There being no further business, motion was made by Ald. Gelhard, seconded by Ald. Daugherty, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, and Schmelzling. Noes: None. Absent: Ald. Wiese, and Shaw. Motion carried and adjournment of the Common Council was ordered at 7:50 p.m., until Monday, June 10, 2019, at 6:00 p.m.

Miranda Etzel  
City Clerk

Recorded: May 14, 2019.