

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

June 24, 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 Common Council President, Alderman Wiese at 6:01 p.m.

Roll Call: Present: Ald. Tomika Vukovic, Jim Daugherty, John Gelhard, Richard Wiese, and JoAnn Shaw. Mayor Kennedy arrived at 6:50 p.m. Absent: None.

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, June 20, 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.

PUBLIC HEARING: Order/Resolution Discontinuing Streets—5800 N Bayshore Drive, Glendale, Wisconsin, and Utility Easement Agreement.

A public hearing of approximately 3 minutes was held. Two residents spoke.

Rob Cronwell, 7530 North Applewood Lane, asked if the parking structure at Bayshore will also be vacated. Administrator Safstrom explained that the parking garage is currently under a special assessment, and that once it is paid off, the City will give it over to the Developer; it was always the intention of the City to give the garage to the Developer once it is paid off. Mr. Cronwell inquired as to the process of the street vacation once everything is finalized.

Carol Pierner, 5505 North Shasta Drive, asked how much it cost the City to build the roads within Bayshore. Attorney Fuchs explained that the roads were paid with borrowed funds—paid for by revenue from TIF #8; no money was taken from the general fund.

Motion by Ald. Vukovic, seconded by Ald. Gelhard, to close the public hearing. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

I. File No. _____
Order/Resolution Discontinuing Streets—5800 North Bayshore Drive, Glendale, Wisconsin and Utility Easement Agreement

Administrator Safstrom stated 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. Staff filed the Lis Pendens, as indicated at the May 13, 2019 Council meeting. All legal notices were completed timely for the Public Hearing. The Council will hold a public hearing at this meeting. After the public hearing, the Council will make a determination on the Order Discontinuing Streets.

If approved, the Order/Resolution Discontinuing Streets is published in the newspaper, and recorded with the Milwaukee County Register of Deeds.

Ald. Gelhard asked if there is an advantage to the City giving back the streets to the Developer. Deborah Tomczyk, Attorney for Bayshore Development, explained that this gives the Developer more flexibility, and allows them to save time.

Ald. Vukovic asked if every time someone wants to build a road, if approval is required. Administrator Safstrom stated that permission is not required for repairs, but that in order for new roads to be built, the plans must first go through the Community Development Authority (“CDA”).

Ald. Schmelzling asked if the Police Department and Fire Department will have access to fire hydrants after the vacating of streets. Attorney Fuchs explained that when plans for new roads are submitted, the plans must first get approval.

Ald. Vukovic asked if the Police Department will still have authority within Bayshore after the streets are vacated by the City. Attorney Fuchs stated that all laws are still enforceable, according to Wisconsin Statutes and City Ordinances.

Motion by Ald. Daugherty, seconded by Ald. Vukovic, to approve the Order/Resolution Discontinuing Streets, as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

Motion by Ald. Daugherty, seconded by Ald. Vukovic, to approve the Utility Easement Agreement, as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

PUBLIC COMMENT.

No comments were made by the public.

CONSENT AGENDA.

II. File No. _____

Ald. Gelhard requested that items A and C be taken separately.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to approve the placing of Monthly Department Reports on file, and to approve Payment 1 to MUDTeCH, LLC, for work completed on the Bender Trail/Oak Leaf Trail in the amount of \$35,298.84. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

III. File No. _____

Adoption of Minutes of Meeting held on June 10, 2019.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic to approve the minutes of the meetings held on June 10, 2019, upon correction. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No. _____

2019 Used Vehicle Dealer's and Secondhand/Pawnbroker's License Applications.

Administrator Safstrom explained that Applications for Renewal of Used Vehicle and Parts Dealer's and Pawnbrokers, Secondhand Article & Secondhand Jewelry Dealer's Licenses, for the period beginning July 1, 2019 and ending June 30, 2020, are submitted for review. All Police Department background checks have been completed and approved.

Ald. Gelhard inquired about a possible fee increase for Secondhand Dealer Applications.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic to approve the Renewal Applications for all Used Vehicle and Parts Dealer's, and Pawnbrokers, Secondhand Article & Secondhand Jewelry Dealers Licenses, for the period beginning July 1, 2019 and ending June 30, 2020, as submitted. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS.

V. File No. _____

Review and Approval of the Tax Incremental Financing District #8 Project Plan.

Recommendation to the Joint Review Board to extend the Tax Incremental Financing District #8 life for Four Years.

Recommendation to the Joint Review Board to extend the Tax Incremental Financing District #8 to expand the boundaries of the TIF to include the entire Bayshore Town Center Property.

Review and Approval of the Development Agreement between the City of Glendale and Bayshore Shopping Center Property Owner, LLC.

City Administrator Safstrom explained that over the past few months, the City has gone through the required processes to amend the Tax Incremental Financing District #8 Project Plan Amendment #2, to extend the life of Tax Incremental Financing District #8, expand the boundaries, and work out a new development agreement.

The Amendment to the Project Plan as well as the Development Agreement includes provisions that will pay off the CDA debt related to TIF #8. These documents also incorporate an incentive program for the developer to redevelop the site and invest in Glendale's future.

Motion was made by Ald. Vukovic, seconded by Ald. Shaw to approve the Tax Incremental Financing District #8 Project Plan Amendment #2. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

Motion was made by Ald. Vukovic, seconded by Ald. Shaw to recommend the Joint Review Board to extend the Tax Incremental Financing District #8 life for Four (4) Years. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

Motion was made by Ald. Vukovic, seconded by Ald. Shaw to recommend the Joint Review Board to extend the Tax Incremental Financing District #8 to expand the boundaries of the TIF to include the entire Bayshore Town Center property. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

Motion was made by Ald. Vukovic, seconded by Ald. Shaw to approve the Development Agreement between the City of Glendale and Bayshore Shopping Center Property Owner, LLC. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VI. File No.
Review and Approval of 2020-2024 Five Year Capital Improvement Plan.

City Administrator Safstrom explained that this is the planned Capital Improvement Program for the years 2020 through 2024. In prior years, the City attempted to keep the borrowing level consistent under \$4 million each year with the General Debt Service staying at around \$2 million each year. This is not always feasible. You will note in 2021, the Library renovation project and in 2024, the Police Station renovation project increase the level of borrowings.

Questions were asked and answered regarding the Bender Road traffic calming project. Administrator Safstrom stated that this project will be starting this year, will start before school starts, but after the Fourth of July Celebration.

Ald. Schmelzling asked about plow truck maintenance, in lieu of replacement. Administrator Safstrom explained that the plow trucks the Department of Public Works currently have are 20-28 years old, and require a significant amount of repairs, which are more costly than replacing the vehicles. Ald. Schmelzling asked about the cost of a backhoe loader. Administrator Safstrom stated that the cost of the backhoe loader was inadvertently left off of the Five-Year Capital Improvement Program.

Ald. Wiese asked what the brine maker is for. Director of Public Works, Charlie Imig, explained that the trucks have equipment on them to make brine—a solution to help dissolve snow and ice—which is less costly than purchasing salt.

Motion was made by Ald. Shaw, seconded by Ald. Schmelzling to approve the 2020-2024 Five-Year Capital Improvement Plan, as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously

VII. File No.

Renewal Alcohol Beverage License Applications for the period July 1, 2019 through June 30, 2020.

City Administrator Safstrom explained that the State of Wisconsin requires all Alcohol Beverage Licenses be renewed every year on July 1. All licenses before the Committee have been approved for location, and all background checks have been concluded by the City of Glendale Police Department.

The Bavarian Bierhaus, Pick ‘n Save #880 (1735 West Silver Spring Drive), and Silver Spring House have State-mandated Fire and Life Safety violations per the North Shore Fire Department. It is anticipated these violations will be corrected prior to receiving their license beginning July 1. If the violations are not corrected, the license will not be issued and the establishment will not be able to sell alcohol until the violations are rectified.

Ald. Vukovic asked what happens to licenses that are not renewed. City Clerk Etzel explained that if written notice is provided abnegating a license, the license goes back into the reserve immediately. If a license is not renewed, it goes back into the reserve after it expires on June 30. Ald. Shaw asked if the License for Sprecher’s, formerly in Bayshore, will stay in the licenses specifically reserved for Bayshore. Administrator Safstrom and Attorney Fuchs answered in the affirmative.

Ald. Gelhard what will happen to the three (3) aforementioned places with unabated violations. Attorney Fuchs stated their licenses will be issued upon rectification of violations.

Ald. Wiese expressed concern with the provisional approval of an alcohol license to the three (3) aforementioned applicants, specifically with how the City can monitor whether the establishment is selling alcohol without approval. Administrator Safstrom explained that an Officer of the Glendale Police Department will go to the establishment, to ensure alcohol is not sold without a license.

Motion was made by Ald. Shaw, seconded by Ald. Daugherty to approve the 2019 Renewal Alcohol Beverage Licenses applications to the Common Council for approval—with the Bavarian Bierhaus, Pick ‘n Save #880 (1735 West Silver Spring Drive), and Silver

Spring House contingent upon rectification of violations. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VIII. File No. _____
Resolution Assessing Glendale Yards Street Design Costs and Termination of Development Agreement.

Attorney Fuchs provided a brief explanation of the Resolution Authorizing and Levying a Special Assessment Against Benefited Property Associated with the Redevelopment of the Parcel known as the Glendale Yards. In short, the Development Agreement was restructured to become a Termination Agreement so that the City can be paid, the property owner can then assert their entitlement to compensation for losses they incur in paying us both interest on what we borrowed and the cost of design, and money will be paid to us by way of special assessment, with interest.

Motion made by Ald. Gelhard, seconded by Ald. Schmelzling, to approve the Resolution Authorizing and Levying a Special Assessment Against Benefited Property Associated with the Redevelopment of the Parcel known as the Glendale Yards, and Termination of Development Agreement. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

NEW BUSINESS.

IX. File No. _____
Resolution Designating the Public Depositories for the City of Glendale and Glendale Water Utility, Authorizing Withdrawal of City and Utility Funds of the City of Glendale.

City Administrator Safstrom explained that per State Statute and Municipal Code, the City of Glendale needs to pass a Public Depository Resolution authorizing City officials to deposit and expend funds on behalf of the City. With the retirement of the City Treasurer, it is found that this information was out of date.

Ald. Wiese asked if a position could simply be listed. Administrator Safstrom stated the banking institutions require specific named people be approved by the resolution.

Ald. Shaw asked if there was a specific dollar amount tied to the counter-signing of checks. Administrator Safstrom explained that all checks require a counter-signature; the counter-signature can be electronic.

Motion was made by Ald. Shaw, seconded by Ald. Schmelzling to approve the Resolution Designating the Public Depositories for the City of Glendale and Glendale Water Utility, Authorizing Withdrawal of City and Utility Funds of the City of Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- X. File No.
Compliance Maintenance Annual Report and Glendale Resolution authorizing the filing of the Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources.

City Administrator Safstrom explained that the City of Glendale's sanitary sewer system is regulated by a WPDES (Wisconsin Pollution Discharge Elimination System) permit. As a condition of the permit, the City of Glendale is required to submit a sanitary sewer Compliance Maintenance Annual Report to the Wisconsin Department of Natural Resources each year.

Motion was made by Ald. Shaw, seconded by Ald. Daugherty to approve the Compliance Maintenance Annual Report and Resolution, authorizing the filing of the Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- XI. File No.
Intergovernmental Cooperation Agreement with MMSD regarding the Sanitary Sewer Design and Construction—River Edge Subdivision.

City Administrator Safstrom explained that over the past two years, the City has been working with MMSD on the design of the sanitary sewer construction in the River Edge Subdivision.

Ald. Gelhard asked if the MMSD pays for everything in full. Administrator Safstrom explained that the MMSD pays for the sanitary sewer construction, as well as a portion of the roads, however, water, curbs, and gutters are paid for by the City.

Ald. Schmelzling asked if this Agreement is final. Administrator Safstrom stated that the Agreement is not final until it is approved.

Motion was made by Ald. Gelhard, seconded by Ald. Vukovic to approve the Intergovernmental Cooperation Agreement with MMSD regarding the Sanitary Sewer Design and Construction—River Edge Subdivision, as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

At 6:51 p.m., Mayor Kennedy took over as chair of the Common Council meeting.

- XII. File No.
Ordinance Creating Title 7, Chapter 2, Section 20, of the Glendale Municipal Code Pertaining to Designating a Premier Economic Development District, and Authorizing the Issuance of Additional Liquor Licenses within Said District.

City Attorney Fuchs explained that a municipality may, by ordinance, enacted by at least a two-thirds vote of the governing body, designate a geographic area within the municipality as a Premier Economic Development District (PEDD). A municipality designating

a PEDD may issue up to two (2) reserve “Class B” licenses (liquor, typically for a restaurant), above the usual statutory quota and limit. The City of Glendale is not currently in excess of that quota/limit, but with the redevelopment of Bayshore, we should create the most optimal capacity available within the confines of State Regulation. A municipality may not designate more than one (1) PEDD.

Ald. Daugherty asked if the City already has something in mind, or if this is just in case, to which Attorney Fuchs stated that this is just in case.

Ald. Schmelzling asked if this is a one-time opportunity; Mayor Kennedy asked if this PEDD will only be used for Bayshore. Attorney Fuchs answered in the affirmative to both questions, and further explained to Ald. Schmelzling that two (2) licenses are allowed per District.

Ald. Vukovic asked if the City can pull from the license pool not reserved for Bayshore, in order to grant a license to an establishment in Bayshore. Attorney Fuchs answered yes.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty to approve the Ordinance Creating Title 7, Chapter 2, Section 20, of the Glendale Municipal Code Pertaining to Designating a Premier Economic Development District, and Authorizing the Issuance of Additional Liquor Licenses within Said District. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIII. File No.

Ordinance Amending Glendale Municipal Code Section 3(f)(3), Pertaining to Deposits, and Repealing Title 15, Chapter 1, Section 43.

City Administrator Safstrom explained that at the May 13, 2019 Common Council meeting, the Director of Public Works, Charlie Imig, proposed raising the Application & Permit for Excavation and/or Performance of Work within Public Right-of-Way (ROW) fees.

On June 10, 2019, the Common Council approved Ordinance 1639, which put the updated fees into play. The Street Deposit fees, and fee for boring monitoring wells are under Municipal Code 15.1.43, whereas they should be under 6.2.3(f)(3). This Ordinance will correct 6.2.3(f)(3), and repeal conflicting information under 15.1.43.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic to approve Ordinance Amending Glendale Municipal Code Sections 6.2.3(f)(3), Pertaining to Deposits, and Repealing Glendale Municipal Code 15.1.43. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XIV. File No.

Ordinance Amending Schedule J of Title 10, Chapter 1, Section 26 of the Glendale Code Pertaining to Parking Prohibited on the north side of West Civic Drive from North Green Bay Avenue to a point 240 feet easterly thereof.

City Administrator Safstrom explained that City staff received a request from a business on West Civic Drive for additional no parking signs on the north side of said road for safety reasons. It was reported that cars trying to exit the parking lot, on the north side of West

Civic Drive, cannot see the westbound traffic. To safely exit, the caller said the cars need to enter most of the west bound lane to clear traffic. Additionally City staff has had issues trying to drive westbound on West Civic Drive toward North Green Bay Avenue in larger vehicles. With cars parked on the north side of West Civic Drive, it is extremely difficult and unsafe to navigate past them and the median. Staff review has determined that additional no parking signs, further east along the north side of W Civic Drive to a point 575 feet easterly thereof, would be appropriate to alleviate the safety issues. The cost for the DPW to purchase 5 additional signs, posts and installation is \$665.97.

Signage is in conformance with Wis. Stat. §349.13 and Glendale Municipal Code 10.1.26. Sign locations would need to be updated in Schedule J of Glendale Ordinance 10.1.26(97).

Ald. Wiese asked if this pertains to only one (1) side of the road. Mr. Imig stated that it does—parking is currently not allowed on the south side of the street—this Ordinance will prohibit parking on the north side.

Motion was made by Ald. Daugherty, seconded by Ald. Vukovic to Ordinance Amending Schedule J of Title 10, Chapter 1, Section 26 of the Glendale Code Pertaining to Parking Prohibited on the north side of West Civic Drive from North Green Bay Avenue to a point 575 feet easterly thereof, at a cost of \$665.97. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XV. File No.

Ordinance Amending Title 2, Chapter 1, Section 2, of the Glendale Code, Pertaining to the Official Newspaper of the City of Glendale.

City Administrator Safstrom explained that Section 2.1.2 erroneously states that the official newspaper of the City of Glendale is the Glendale Herald. The Glendale Herald was the official paper of Glendale from 1950 until approximately 2009, when it became the Glendale Now. In approximately 2016, the Glendale Now became the North Shore Now.

Motion was made by Ald. Shaw, seconded by Ald. Gelhard to approve Ordinance Amending 2.1.2, of the Glendale Code, Pertaining to the Official Newspaper of the City of Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

XVI. File No.

Ordinance Amending Title 6, Chapter 4, Section 1; Amending Title 6, Chapter 4, Section 2; Amending Title 6, Chapter 4, Section 3; Amending Title 6, Chapter 4, Section 4; Amending Title 6, Chapter 4, Section 5; Amending Title 6, Chapter 4, Section 6; Repealing Title 6, Chapter 4, Section 11; and Amending Title 6, Chapter 4, Section 12 of the Glendale Code Pertaining to Trees and Shrubs.

City Administrator Safstrom explained that many parts of Chapter 6.4 pertaining to trees and shrubs have not been updated. Currently, the code does not allow for the City to intervene with diseased trees on private property. In 2019, the City has removed about 100 ash trees since the first of the year. This disease also affects private property.

Motion by Ald. Daugherty, seconded by Ald. Vukovic to table the Ordinance Amending Section 6.4.1; Amending Section 6.4.2; Amending Section 6.4.3; Amending Section 6.4.4; Amending Section 6.4.5; Amending Section 6.4.6; Repealing Section 6.4.11; and Amending Section 6.4.12 of the Glendale Code, Pertaining to Trees and Shrubs to the next meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese and Shaw. Noes: None. Absent: Ald. Schmelzling. Motion carried unanimously.

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 by Ald. Gelhard, seconded by Ald. Wiese, 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 (Juvenile Detention Center), 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 (Glendale Chamber of Commerce, North Shore Library Agreement). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

A closed session of approximately 45 minutes was held. The Council discussed the Juvenile Detention Center, Glendale Chamber of Commerce and the North Shore Library Agreement.

Motion by Ald. Daugherty, seconded by Ald. Vukovic 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 unanimously.

ADJOURNMENT.

There being no further business, motion was made by Ald. Wiese, seconded by Ald. Vukovic, 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 8:30p.m., until Monday, July 8, 2019, at 6:00 p.m.

Miranda Etzel
City Clerk

Recorded: June 11, 2019.