

# CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

April 12, 2021

Regular meeting of the Common Council of the City of Glendale held via Zoom conference call.

The meeting was called to order by Mayor 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: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; Charlie Imig, Director of Public Works; Todd Stuebe, Community Development Director; 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.

Administrator Safstrom advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, April 8, 2021, 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.

Glendale resident, Joan Tarachow of 1600 W Green Tree Rd, stated she received a postcard survey regarding the Glendale Public Library. She expressed that it would be nice if the library would provide the quantity and quality of books the current North Shore Library does, the media that now exists at the North Shore Library, could offer all programs currently offered from children through adult age, and all other services that are currently offered would be available. However, while Ms. Tarachow feels it would be nice to have all of these things in a new library it will not be possible because they will be starting from scratch, whereas the North Shore Library is already well-established. She also is concerned that once Glendale leaves the North Shore Library, they will no longer be able to continue with their current offerings, as we will not be a contributing partner. Ms. Tarachow expressed concern that it is a lose-lose proposition for the people of Glendale.

Glendale resident, Robert Cronwell of 7530 N Applewood Ln, inquired about the discussion during Closed Session at the March 22, 2021 Council meeting and whether there is any current litigation between the City and the North Shore Library. Mayor Kennedy clarified there is no current litigation, and there were questions about legalities, which were presented to Staff and the City Attorney. Mr. Cronwell asked inquired what makes the City believe litigation is likely. Mayor Kennedy and Attorney Fuchs stated that while they discussed strategies and the potential for litigation as a strategy, they cannot disclose any further details than the reason for being in

closed session.

CONSENT AGENDA.

I. File No.

Adoption of Minutes of Meeting held on March 22, 2021 and Review and Approval of Accounts Payable.

Motion by Ald. Wiese, seconded by Ald. Shaw, to adopt the minutes of the meeting held on March 22, 2021 and approval of Accounts Payable. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, and Shaw. Noes: None. Absent: None. Abstain: Ald. Schmelzling. Motion carried.

NEW BUSINESS.

II. File No.

Resolution of Appreciation for Ann Christensen.

Mayor Kennedy stated Ann Christiansen, Director of the North Shore Health Department, has given notice. Her last day is April 16, 2021. The seven communities are approving a resolution to commend Ann and show their appreciation for the work that she accomplished. Ann has been a truly valuable resource during her tenure and especially over the past 13 months during the pandemic.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to Approve the Resolution of Appreciation for Ann Christensen. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

III. File No.

Review and Acceptance of Tree Donation from Mr. Mark Crawford.

Administrator Safstrom stated the Public Works Department was contacted by Mark Crawford, a Glendale resident that lives adjacent to the open space/park area on W Montclair Avenue. Mr. Crawford would like to donate twenty-five (25) Chinkapin Oak (*Quercus muehlenbergii*) trees to be planted in the open space/park area. The trees will be knee high. Chinkapin oak is native to the Midwest, where it is often found as a specimen planting or as a grouping of tree for parks and large areas. Staff has previously cut down several hazard trees in this open space/park area creating a need for new trees. Mr. Crawford has also volunteered to put together a group to plant the trees and cover the planted areas with wood chips. City staff will assist by digging the holes for the trees and supplying wood chips. Additionally, Staff will determine best locations for the plantings. The cost for City Staff to assist with this project is estimated at around \$250. The Public Works Department has sufficient funds to cover these costs. The Public Works Department will send out an official thank you letter to Mr. Crawford for his donation.

Ald. Schmelzling raised the question regarding the total value of the donation. Administrator Safstrom clarified the estimated revenue of the saplings is \$450.

Motion by Ald. Daugherty, seconded by Ald. Shaw, to Approve the donation of twenty-five (25) Chinkapin Oak (*Quercus muehlenbergii*) trees from Mr. Mark Crawford for the Public Works Department. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

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

Recommendation from Legislative, Judiciary & Finance Committee to Approve the Application for Class “B” (beer) Retailer License, and “Class C” (wine) Retailer License Filed by Prime Time Events LLC for The Tap Yard – Bayshore, located at 5689 North Bayshore Drive.

Glendale resident, Robert Cronwell of 7530 N Applewood Ln, raised the question regarding the safety of beverages being purchased in the bar and taken into the yard as part of the premise to ensure that no underage persons are in the area. Administrator Safstrom stated Bayshore management has assured the City the yard will be utilized for events only, and during this time there will onsite security to ensure there no issues with underage drinking.

Administrator Safstrom stated the Legislative, Judiciary & Finance Committee postponed the approval of a Class “B” (beer) Retailer License, and “Class C” (wine) Retailer License Filed by Prime Time Events LLC for the Tap Yard – Bayshore, located at 5689 North Bayshore Drive due to a publication error. Therefore Staff recommends postponing approval of the Class “B” (beer) Retailer License, and “Class C” (wine) Retailer License until the April 26, 2021 meeting.

Motion by Ald. Shaw, seconded by Ald. Wiese, to postpone approval of the Class “B” (beer) Retailer License, and “Class C” (wine) Retailer License Filed by Prime Time Events, LLC for The Tap Yard – Bayshore, located at 5689 N. Bayshore Drive until April 26, 2021. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No. \_\_\_\_\_

Recommendation from Legislative, Judiciary & Finance Committee for approval of an Application to Change Agent for Pick ‘n Save #876, located at 6969 N. Port Washington Road, Glendale, WI 53209.

Administrator Safstrom stated the State of Wisconsin requires any business selling alcohol to have an Alcohol Beverage License. The License requires an agent be named to be responsible for all sales. Pick ‘n Save #876, located at 6969 N. Port Washington Road has requested a change of agent. All background checks have been concluded by the City of Glendale Police Department. All applications are on file in the Clerk’s office. Staff recommends approval of the change of agent to N. Payne.

Mayor Kennedy requested clarification on the process if a current agent leaves prior to a change of agent approval by Council, would the business be required to stop selling alcohol. Attorney Fuchs stated that due to turnover, they are encouraged to notify the Clerks office as soon as practical of a change, and are required to do complete new paperwork within 10 days of the person leaving their position, in order to get the paperwork on the next Council meeting agenda for approval.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve the Application to Change Agent for Pick ‘n Save #876, located at 6969 N. Port Washington Road, Glendale, WI 53209. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No. \_\_\_\_\_  
Review and Approval of Bid for the 2021 Alley Reconstruction Project.

Administrator Safstrom stated four bids were received, reviewed, and tabulated for the 2021 Alley Reconstruction Project. Upon confirmation of the bid documents, All-Ways Contractors, Inc. was the low bidder for this project. The estimated construction engineering costs are \$42,000 for this project. Additionally, the City will receive funding for this project from MMSD Green Infrastructure Partnership Program. It is anticipated that funding will be available for installation of green infrastructure reimbursed to the City of Glendale in an amount of \$70,198.00. Staff recommends that the City award a contract to the low responsible bidder, All-Ways Contractors, Inc. in the amount of \$287,670.00. All-Ways Contractors, Inc. is an established contractor in the area and has performed well on other similar construction projects in the City.

Ald. Gelhard raised the question of what projects All-Ways Contractors, Inc. has done for the City previously. Mr. Charlie Imig, Director of Public Works, stated All-Ways Contractors, Inc. has been a sub-contractor on several projects in the past, but this will be the first time as a general contractor. Administrator Safstrom added they have gone through an approval process in order to be eligible as a contractor with the City.

Motion by Ald. Wiese, seconded by Ald. Schmelzling, to accept the low bid and alternates and award of contract to All-Ways Contractors, Inc. for the base bid amount of \$287,670.00 for the 2021 Alley Reconstruction Project.. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No. \_\_\_\_\_  
Review and Approval of Bid for the 2021 Mount Royal Drainage Program.

Administrator Safstrom stated one bid was received and reviewed for the 2021 Mount Royal Drainage Program. Upon confirmation of the bid documents, All-Ways Contractors, Inc. was the low bidder for this project. The estimated construction engineering costs are \$40,800 for this project. In January, the Engineer estimated the total project cost for the project to be \$240,000. Staff recommends that the City award a contract to All-Ways Contractors, Inc., in the amount of \$195,677.00. All-Ways Contractors, Inc. is an established contractor in the area and has performed well on other similar construction projects in the City.

Ald. Wiese, Ald. Schmelzling, and Ald. Daugherty all raised the question if it was unusual for only one contractor to respond to a bid. Administrator Safstrom stated we are unaware of what other contracts are available at the same time in other communities which

contractors may be interested in. There are also certain projects which typically only will receive two bids.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to accept the low bid and award of contract to All-Ways Contractors, Inc. for the base bid amount of \$195,677.00 for the 2021 Mount Royal Drainage Program. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No. \_\_\_\_\_  
Review and Approval of Bid for the 2021 Sidewalk Program.

Administrator Safstrom stated two bids were received, reviewed, and tabulated for the 2021 Sidewalk Program. Upon confirmation of the bid documents, Beardsley Concrete was the low bidder for this project. Bid Alternate 1 includes additional sidewalk squares to be added as determined in the field. Bid Alternate 2 includes curb ramps at the locations of the north side of the 575 W River Woods Parkway driveway entrance on N. Port Washington Road and the east/west directional ramp at the northeast corner of N. Green Bay Avenue and W. Green Tree Road. Both Bid Alternates are recommended as these are necessary repairs and fall underneath the approved budget. The estimated construction engineering costs are \$7,200 for this project. Staff recommends that the City award a contract to the low responsible bidder, Beardsley Concrete for the based bid, alternate 1 and alternate 2 in the amount of \$34,563.75. Beardsley Concrete is an established contractor in the area and has performed well on other similar construction projects in the City.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to accept the low bid and award of contract to Beardsley Concrete for the total bid amount of \$34,563.75 for the 2021 Sidewalk Program. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No. \_\_\_\_\_  
Review and Approval Ordinance Amending Section 8.4.7(d) of the Code of Ordinances of the City of Glendale Pertaining to Food Establishment Licensing.

Review and Approval Ordinance Amending Chapter 7.4 of the Code of Ordinances of the City of Glendale Pertaining to Regulation of Transient Merchants.

Administrator Safstrom stated last month Staff identified challenges with the request of food truck vendors and transient merchant permits. There have been requests from businesses to allow food truck events. The City would also like to offer food truck options for large events at the Richard E. Maslowski Community Park. Staff has recommended two ordinances. The first ordinance identifies the licensing of a Mobile Retail Vendor. This change is recommended by the North Shore Health Consortium.

The second ordinance restricts food trucks to private business events on their property (i.e. Bavarian Bierhouse and Bayshore) or City of Glendale community events. There is no charge for the food trucks or other transient vendors for the private business on their property or non-profit events. Technically, the current ordinance would require vendors at a school

fundraiser to have a permit. This new ordinance makes it clear they are exempt. The annual registration fee for food trucks would be for City events. The fee will cover the cost of any street cleaning, barricades, or garbage collection necessary. All other transient merchant fees will continue to be \$500 per year. We have added a “per sales person” fee for door-to-door sales. This ordinance does not change the regulations not allowing food trucks on city streets that is not a City event. That is to alleviate concerns of a food truck (which does not pay property taxes) parking across from a restaurant that does pay property taxes and taking from that business.

Ald. Wiese requested clarification on the process for door-to-door salespersons, as he has received numerous complaints from residents stating salespersons do not show permits or claim only supervisors have permits. Attorney Fuchs stated this ordinance is only an amendment, and the text of the existing ordinance states that the salespersons should have been carrying proof of a valid permit at all times, and therefore if they do not do so they should be reported to the City and will be fined.

Ald. Shaw raised the question in the event that a school invites food truck vendors or merchants onto their property, will there need to be written documentation showing they have been invited or is verbal verification sufficient. Administrator Safstrom stated verbal verification would be sufficient, and any disputes between the school and a vendor should be handled by the school administration.

Ald. Schmelzling asked for clarification regarding businesses that do retail sales and would like a food truck to service their staff, for instance at a company picnic. Additionally, he questioned the use of the term “churches” in the ordinance, wondering if that limits the scope to only churches and not other places of worship. Administrator Safstrom stated the ordinance was written in this way to alleviate anything from happening on personal or residential property, and so far the City has not received requests for food trucks from other types of businesses. In the event that other businesses would like this to happen, changes to the ordinance can be brought back to a future Council meeting. Attorney Fuchs addressed the question of the term “churches” and stated that the term is used in most federal and state laws, as well as for zoning purposes, and encompasses synagogues, temples, and other places of worship, and should be kept as such to be uniform.

Motion by Ald. Daugherty, seconded by Ald. Shaw, to approve Ordinance Amending Section 8.4.7(d) of the Code of Ordinances of the City of Glendale Pertaining to Food Establishment Licensing. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

Motion by Ald. Shaw, seconded by Ald. Wiese, to approve Ordinance Amending Chapter 7.4 of the Code of Ordinances of the City of Glendale Pertaining to Regulation of Transient Merchants. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XI. File No.

Update on COVID-19 Information and Common Council Meeting Format.

Administrator Safstrom gave a brief review of the funds anticipated to be received from the Federal Government. The Council will review the projects or items these funds would be applied to. Administrator Safstrom stated the North Shore Health Department has provided information on current cases which has been shared with the Council. As a point of reference, the information given to Council in February was also provided in the memo. There is a significant reduction in active cases since February.

A survey was done of the Council on vaccination, however not many responses were received. Staff is requesting the Council determine the best option for returning to in-person Council meetings. Staff has begun the process for broadcasting meetings from the Council Chambers on Zoom; however, final installation of equipment is not complete. It may be possible to order plexiglass shields to place between Council members as a protective action for in-person meetings. If desired, staff would look to have those ordered as soon as possible.

Ald. Wiese raised the question regarding the likelihood of the North Shore backing down on the mask mandate, or to consider waiting to return to in-person meetings until the mandate has been lifted. Administrator Safstrom stated there is currently concern of the variant affecting neighboring states, and the Health Department is waiting to see what the impact is on Wisconsin and the hospital resources. They anticipate having an update in two to three weeks on this. Mayor Kennedy indicated there are promising numbers in our area and the decline has given hope there may be an end to the pandemic status in the future. As people continue to shop and engage in other daily behaviors wearing masks while we are under a mandate, it does not appear necessary to put in-person meetings on hold until the mandate has been lifted.

Mayor Kennedy stated his hope was to return to in-person meetings at the Council meeting in two weeks, on April 26<sup>th</sup>, however there is a public hearing scheduled that has already been noticed as being held via zoom but could be done both virtually and in-person.

Ald. Schmelzling raised concern that the public would not be able to hear the Council through masks or if only one computer would be hooked up, and if the technology was not adequate at the time meetings resumed in-person, but were broadcast virtually. He would like to know that the residents have access to hearing everyone, and the decision to return is not rushed. Ald. Vukovic echoed these concerns and raised the question regarding the time for completion of the technology installation in the Council chambers. Administrator Safstrom stated an installation date has not been set, however the process will only take one day, plus a day for training and a day for a mock meeting. Attorney Fuchs indicated it would be best to wait to be sure that those who appear electronically can hear what is going on, especially in a combination meeting setting and if things are technologically ready, the meetings should not return to in-person. Ald. Daugherty also agreed that until the technology is right, the return should not be rushed, as it is hard to hear people with a mask on, and the meetings will be ineffective for the public.

Mayor Kennedy confirmed the consensus appears to be return to in-person meetings for June, which will give the City staff time to order shields for the Council chambers and have the appropriate technology installed. The in-person date will be reevaluated at the end of May.

No action was taken.

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. Schmelzling, 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 7:06 p.m., until Monday, April 26, 2021, at 6:00 p.m.

Megan Humitz  
City Clerk

Recorded: April 13, 2021.