

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes
November 8, 2021

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, Richard Wiese, Steve Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; Todd Stuebe, Director of Community Development; 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, November 4, 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 HEARING: 2022 ANNUAL PROGRAM BUDGET AND 2021 AMERICAN RESCUE PLAN FUND

Administrator Safstrom stated the Council received the 2022 Proposed Annual Program Budget and the 2021 American Rescue Plan Fund on October 4, 2021. The Council held a review session of the document on Monday, October 25, 2021. There have been no revisions to the document since the review session.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council Chambers that wished to speak for public comment. Hearing no public comment, Motion by Ald. Daugherty to close the public hearing, seconded by Ald. Schmelzling. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

Motion by Ald. Wiese, seconded by Ald. Shaw, to approve the Resolution Adopting the 2021 American Rescue Plan Fund, 2022 City Budget, and Establishing the 2021 City Tax Levy. Ayes: Ald. Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

PUBLIC HEARING: FINAL RESOLUTION FOR THE OUTREACH COMMUNITY HEALTH CENTERS PROJECT

Administrator Safstrom stated the Common Council reviewed the initial request on September 13, 2021. This resolution pertains to the request of Outreach Community Health Centers, Incorporated located at 210 W. Capitol Drive, asking that the City consider the Final Resolution to benefit the Company through a conduit issuance of industrial development revenue bonds to finance the multi-jurisdictional expansion project in the City of Glendale. A portion of the project is in the City of Milwaukee. The City's Bond Counsel, Rebecca Speckhard, has reviewed all the documents.

Ald. Wiese questioned if the land for expansion is to the east of the currently owned property. Administrator Safstrom clarified the land is actually located to the west of the current property.

Ald. Gelhard raised a question for the City Attorney if the City of Glendale can be financially liable for anything in regards to this project. Attorney Fuchs stated the City is a necessary conduit, however the financial obligations remain with Outreach Community Health Centers, Inc. and not the City of Glendale.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council Chambers that wished to speak for public comment. Hearing no public comment, Motion by Ald. Gelhard to close the public hearing, seconded by Ald. Daugherty. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to approve the Final Resolution for the Industrial Revenue Bond – Outreach Community Health Center Project. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

PRESENTATION: MILWAUKEE METROPOLITAN SEWERAGE DISTRICT TO PRESENT INFORMATION ON THE KLETZSCH PARK DAM AND FISH PASSAGE PROJECT.

Kevin Shafer and Beth Wentzel from MMSD were present to provide information on the Kletzsck Park Dam and Fish Passage Project, which is proposed to be on the East Bank of the Milwaukee River. Ms. Wentzel discussed the importance of a fish passage at Kletzsck Park, which would open a larger portion of the Milwaukee River to allow for reproduction of lake sturgeon and other vital species in the river. The project would also make other tributaries available again and reconnect the upper river and tributaries. The project was initially managed by Milwaukee County Parks; however, it was tabled in early 2020 and taken over by MMSD in late 2020. The project will include minor dam repair and maintenance, but no park amenities. The project area being considered includes one parcel owned by Glendale, one parcel owned by MMSD, and one parcel owned by Milwaukee County Parks. The concept is a fish passage channel, which includes resting pools and rock lined ripples in a nature-like fishway, very similar to a structure currently located by the Mequon-Thiensville dam that has been very effective. Construction could start as early as fall 2022 on the project. MMSD has had meetings with landowners on the east side of the river, Friends of Kletzsck Park, County Supervisors, City Staff and Alderpersons, and will be holding a virtual community meeting on November 15th at 5:30pm with more information to be found at mkewaterwaypartners.org.

Ald. Daugherty questioned what the dam repairs would entail, and expressed concern over the gate function, as they have not been opened in a long time. Ms. Wentzel stated the project would involve some tree removal, minor masonry on the dam itself, and repair of the gate structures to make them operable per DNR requirements.

Ald. Wiese raised the question of fishing in the area below dam and how fishing in the waterway and fish passage will be prevented. Ms. Wentzel stated there have been conversations with the DNR and the intention is to have the area designated as a refuge area, as well having DNR warden presence to enforce laws and ensure fishing does not happen where prohibited.

Ald. Vukovic asked if this presentation is a formality or if the project is already a completed agreement. Mayor Kennedy clarified the presentation is a proposal only and still would need to go on to the Plan Commission and is for informational purposes only at this point.

Ald. Daugherty raised the question if the land belongs to the City of Glendale, would the City have to maintain it going forward and pay costs on the project. Administrator Safstrom stated if MMSD purchases the land, the City would relinquish it completely and no longer be responsible for upkeep or cost.

Ald. Wiese questioned if there is any public access or nature trails for the public to observe the fish passages. Ms. Wentzel stated MMSD does not intend to promote public access to this project, and the land is surrounded by private land with no public access directly to the project.

Ald. Schmelzling stated there is currently a repair order on the dam, so it seems that would be an obligation be fixed. He expressed he is happy to see this project moving forward and would like to share the information on the project and future meetings with his constituents. Administrator Safstrom will forward the public meeting links from MMSD to Council members for distribution.

PUBLIC COMMENT.

No public comment.

CONSENT AGENDA.

I. File No.

Adoption of Minutes of Meetings held on October 25, 2021 and November 3, 2021, Approval of Accounts Payable, Payment 1 to Beardsley Concrete for work completed on the 2021 Sidewalk Program, and Payment 2 and FINAL to Stark Pavement Corporation for work completed on the 2021 Roadway Resurfacing Project.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to adopt the minutes of the meetings held on October 25, 2021 and November 3, 2021, Approve Accounts Payable, Approve Payment 1 to Beardsley Concrete for work completed on the 2021 Sidewalk Program, and Approve Payment 2 and FINAL to Stark Pavement Corporation for work completed on the 2021 Roadway Resurfacing Project. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No.

Review and Approval Municipal General Obligation Loan for 2021 Capital Improvements Program.

Administrator Safstrom stated the City Capital Projects Fund is funded primarily by debt issuance to fund the approved projects. The total borrowing for 2021 is \$4,625,000. The tax levy portion of this borrowing is \$3,355,000. The remaining portion is to fund Utility projects. The structure of the borrowing is 10 years of equal debt payments at a 3% interest rate. It is recommended the Common Council approve the resolution for the City of Glendale to receive a Wisconsin Board of Commissioners of Public Lands Municipal General Obligation Loan in the amount of \$4,625,000 for the 2021 capital improvement program.

Motion by Ald. Daugherty, seconded by Ald. Wiese, to approve the Resolution to receive a Wisconsin Board of Commissioners of Public Lands Municipal General Obligation Loan in the amount of \$4,625,000. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

III. File No.

Review and Approval of Planned Development Agreement – Chick-fil-A at 5201 N. Port Washington Road.

Administrator Safstrom stated the Plan Commission and Common Council held public hearings to review the rezoning request for 5201 N. Port Washington Road - Planned Unit Development – Chick fil A. The Plan Commission and Common Council voted to recommend the Common Council approve the rezoning. The Plan Commission reviewed and approved the Specific Implementation Plan at their November 2, 2021, meeting. The final step in the process is for review and approval of the Planned Development Agreement, which has been reviewed by the Developer as well as the City Attorney.

Ald. Gelhard expressed continued concern over the potential for long lines, particularly after reading an article which indicated 30% of Chick-fil-A customers turn around and leave because the lines are too long to wait.

Motion by Ald. Daugherty, seconded by Ald. Shaw, to approve the Planned Development Agreement – Chick-fil-A at 5201 N. Port Washington Road. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No.

Application for Change of Zoning 1616 West Bender Road from S-1 Special to Planned Unit Development for a Multi-Family Residential Facility – Referral to Plan Commission.

Administrator Safstrom stated a request was received from Devo Properties LLC to rezone 1616 West Bender Road to Planned Unit Development for a Multi-Family Residential Facility. Current zoning of the property is S-1 Special District. Mr. Greg Devorkin from Devo Properties LLC was present to answer any questions regarding the facility from the Council.

Ald. Schmelzling and Ald. Wiese expressed they are happy to see the new development and reuse of an existing facility.

Motion by Ald. Daugherty, seconded by Ald. Schmelzling, to approve referral of the application for change of zoning 1616 West Bender Road from S-1 Special to Planned Unit Development for a Multi-Family Residential Facility to Plan Commission. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No. _____

Review and possible approval to begin process to dissolve the Estabrook Corporate Park Owners Association, Inc.

Administrator Safstrom stated in 1990, the City developed Estabrook Corporate Park. As a part of the process, there was also an Owner's Association created. The documents creating the Association as well as the amendments were provided to the Council. As the area is fully developed and the City no longer owns any property in the development, the Association usefulness seems to have ended. Staff is recommending that the Common Council authorize the City Attorney to begin the process to dissolve the Estabrook Corporate Park Owners Association, Inc.

Mayor Kennedy questioned if the deed restrictions will no longer be in place once the Owners Association is dissolved. Attorney Fuchs clarified the deed restrictions will remain; however, the rules of the Owners Association will no longer be in place.

Motion by Ald. Gelhard, seconded by Ald. Shaw, to authorize the City Attorney to begin the process to dissolve the Estabrook Corporate Park Owners Association, Inc. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No. _____

Out-of-State Travel Request – Mayor Kennedy

Mayor Kennedy stated out-of-state travel for staff and Alderpersons on City time or with City funding is approved by the Council. Mayor Kennedy has been invited to speak at the ICSC/Centerbuild convention in Scottsdale, Arizona from December 1-3, 2021. He will be talking about the public-private partnership that enabled Bayshore redevelopment. There is sufficient funding in the Mayor/Council Allowances budget for 2021. The requested funds will be used to cover airfare and car rental.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to authorize Mayor Kennedy to expend up to \$650 for travel to Scottsdale, Arizona. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No. _____

Resolution Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.

Administrator Safstrom stated currently the City has 37 known lead laterals. Each service has a public portion which the City is responsible for and the private portion which is usually the homeowner responsibility. As was approved by the Common Council at the July 12, 2021, meeting, the City has begun the process for the private portion of the lateral replacement to be funded for these properties by WDNR. A resolution is required prior to execute the Principal Forgiven Financial Assistance Agreement that contains the terms and conditions of the SDWLP award for the Project. Staff recommends approval of the Resolution.

Motion by Ald. Wiese, seconded by Ald. Daugherty, to approve the Resolution Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No. _____

Review and Approval of Winter Newsletter.

Administrator Safstrom stated the City publishes the newsletter three times a year. This is the Winter issue. Once approved, the newsletter will be printed and mailed to Glendale businesses and residents. In addition, the newsletter will be posted on the City's website and additional copies will be available for pickup at City Hall.

Ald. Wiese questioned if the wording for bulk item pick-up should be rephrased for residents to better understand the rules regarding 4-ft. or less of carpeting. Administrator Safstrom indicated residents are required to call for a bulk item pickup and can receive clarification at that time, and the newsletter wording has been the same for several years.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, to approve the content of the 2021-2022 Winter Newsletter as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No. _____

Approval of Resolution to Divide the City of Glendale into Wards Pursuant to Wisconsin Statutes Section 5.15(4).

Approval of Ordinance Amending Section 2.1.3 – Aldermanic Districts of the Glendale Municipal Code.

Administrator Safstrom stated Common Council held a special meeting on Wednesday, November 3 to adopt the Ward Map and request a minor change to the Milwaukee County tentative Supervisory District Map. In order to finalize the process, the Common Council must approve a Resolution to Divide the City of Glendale into Wards Pursuant to Wisconsin Statutes Section 5.15(4) as well as an Ordinance Amending Section 2.1.3 – Aldermanic Districts of the Glendale Municipal Code.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to approve the Resolution to Divide the City of Glendale into Wards Pursuant to Wisconsin Statutes 5.15.(4). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

X. File No.

Approval of Ordinance Amending Section 2.1.3 – Aldermanic Districts of the Glendale Municipal Code.

Motion by Ald. Wiese, seconded by Ald. Shaw, to approve the Ordinance Amending Section 2.1.3 – Aldermanic Districts of the Glendale Municipal Code. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XI. File No.

Discussion on Potential Referendum for a possible Glendale Library.

Administrator Safstrom stated on September 29, the Common Council approved a Resolution conditionally approves a new agreement pending further clarification and agreement on the Capital funding and timeline for construction of a facility. If the conditions fail to be met, the Council has stated the necessity for a referendum to allow for a tax levy increase to fund the operations of a Glendale Library. The City is able to increase levy to pay additional debt expenses for the capital costs of the facility. Information related to referendums from the League of WI Municipalities was provided, along with a draft operational budget based on the current North Shore Library programming and expenses.

Administrator Safstrom added something to consider is what would happen in the instance the referendum for either the operational or capital would pass, but the other would fail. It would be crucial for the wording of the referendum questions to be very specific, and they cannot be included in the same question.

Ald. Daugherty stated it is important for residents to understand both sides of the discussion, when considering the referendum versus joining the Bayside library.

Mayor Kennedy questioned what the \$600,000 difference between the two options would do to the tax levy. Administrator Safstrom could not state the exact amount.

Ald. Schmelzling clarified the referendum would have two questions, to support operational costs and to assume a level of capital borrowing. Administrator Safstrom stated one question is operational and the other is capital, however the most important part is the accuracy of the wording as the question will be asked without having anything in place, such as a building, location, or renovation costs, and is therefore entirely hypothetical. The capital would have a sunset date on the tax levy increase; whereas, the operational would be an indefinite increase.

Mayor Kennedy indicated most cities going to referendum already have a building, location, and other facility factors in place, whereas the City of Glendale will not have any of those items at the time of a referendum.

This item was for discussion and informational purposes only. 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.

CLOSED SESSION.

Motion by Ald. Shaw, seconded by Ald. Wiese, to convene in Closed Session per 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 (Police Union Negotiations) 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 (Potential Sale of Property – 5335 N. Edgewater Lane). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 27 minutes was held. The Council discussed the Police Union Negotiations and Sale of Property – 5335 N. Edgewater Lane.

Motion by Ald. Daugherty, seconded by Ald. Wiese, 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.

ACTION ON CLOSED SESSION ITEMS.

Motion by Ald. Wiese, seconded by Ald. Shaw, to approve the 2022-2024 agreement with the Glendale Professional Police Officers Association Local 212. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

ADJOURNMENT.

There being no further business, motion was made by Ald. Shaw, seconded by Ald. Gelhard, 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 7:29 p.m., until Monday, November 22, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: November 9, 2021.