

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes
November 22, 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; Charlie Imig, Director of Public Works; Mustafa Emir, City Engineer; 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 18, 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 Stephen Needham, 6933 N. Elm Tree Road expressed concerns regarding a property at 6801 N. Ironwood Lane, which is now serving as a residential home care facility or treatment home run by Browns Living or Lakeland Care. Many neighbors have contacted the Police Department with complaints. Neighborhood residents are becoming afraid to walk around the area and are intimidated by the behavior of the residents of the facility. Browns Living LLC was contacted by Mr. Needham and was dismissive of the behavior, including the auto thefts of their own employee's vehicles. When Lakeland Care was contacted, they advised the residents in the neighborhood to lock their doors and call police if they are scared. One employee expressed to Mr. Needham that she was afraid of physical violence from the facility residents. Mr. Needham has contacted the Police Department, Alderman Gelhard, Nicolet High School, and numerous neighbors, and is willing to gather information to share with the City if it will help eliminate the public nuisance from the neighborhood.

Mayor Kennedy stated there have been other group home issues in other neighborhoods in Glendale, and unfortunately the City has not ability to regulate them as they are state regulated. Attorney Fuchs stated the problem is at the state level as they are the regulatory agency. Municipal court is not an available source of remedy, and the owners are often aware the State will not likely follow-up with much action. A potential option that has been discussed with Ald. Gelhard is to begin putting pressure on the State and file a lawsuit through the circuit court as a public nuisance. Since the home is definitely a problem and the ownership is not exaggerated, if it is a sustainable circuit court action, he will ask the Council for authorization to file a lawsuit and go forward from

there. Administrator Safstrom will have the item placed on the next Council agenda.

Ald. Gelhard stated he has contacted Browns Living as a result from a neighborhood resident, Steven Sellars, who lives behind the home on Elm Tree Rd. Unfortunately, Ald. Gelhard did not get much traction from the facility and has since circulated a website for making complaints to the Department of Health and Human Services.

Glendale resident Ginny Gerth, 6861 N. Ironwood Lane, expressed concerns regarding the property at 6801 N. Ironwood Lane being in violation of the chronic nuisance premise law, which means more than 3 visits from the police in 180 days. Ms. Gerth has a listing of calls for service and stated the residents have become prisoners in their own homes because one resident habitually leaves his residence and makes their neighborhood dangerous. The main resident of concern at 6801 N. Ironwood Lane moved into the property in June 2021 and has been a continual offender since that time. There have been cases of stolen autos from the facility and when caretakers voice concerns, they are transferred to new locations. In addition, the house has begun to fall into disrepair.

CONSENT AGENDA.

I. File No.

Adoption of Minutes of Meetings held on November 8, 2021, Approval of Monthly Reports, Review and Approval of Fourth of July Committee Appointments, Payment 2 and FINAL to All-Ways Contractors for work completed on the 2021 Alley Reconstruction Project, Payment 1 and FINAL to All-Ways Corporation for work completed on the 2021 Mt Royal Drainage Project, and Payment 4 to Mid City Corporation for work completed on the 2021 Watermain Replacement Project.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to adopt the minutes of the meeting held on November 8, 2021, Approve Monthly Reports, Approve Fourth of July Committee Appointments, Approve Payment 2 and FINAL to All-Ways Contractors for work completed on the 2021 Alley Reconstruction Project, Approve Payment 1 and FINAL to All-Ways Corporation for work completed on the 2021 Mt Royal Drainage Project, and Approve Payment 4 to Mid City Corporation for work completed on the 2021 Watermain Replacement Project. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

UNFINISHED BUSINESS.

II. File No.

Update from City Attorney on 7113 N. Navajo Avenue.

Attorney Fuchs stated the case regarding 7113 N. Navajo Avenue has been held over by the court until December 9, 2021. The owner, Olga Chigrinets, is the controlling owner of Advanced Builders, LLC and there is a mortgage which makes the lender a party of interest who has started a foreclosure. The court will not issue a raze order without giving all parties with an interest an opportunity to be heard.

Ald. Gelhard questioned if the original property owner is still named in the legal action. Attorney Fuchs clarified she is named and will not be eliminated, and instead the lender has now been included as a party in the action.

III. File No.

Update from City Attorney Estabrook Corporate Park Owners Association, Inc.

Attorney Fuchs stated the Estabrook Corporate Park Owners Association, Inc. was discussed at the November 8, 2021 Council meeting. The Association is somewhat obsolete and inconvenient. The initial thought was to dissolve the Owners Association, which would still keep the deed restriction in place. However, at the time the Owners Association was created in 1990, the attorney implemented a prohibition of tax exempt use. The prohibition is not in place due to the deed restriction, but due to the Owners Association. Therefore, it is in the best interest of the City to leave the prohibition of tax exempt use in place and in order to do so must leave the Owners Association in place, despite it being a minor inconvenience.

This item was discussed for informational purposes only.

IV. File No.

Discussion on Potential Referendum for a possible Glendale Library.

Administrator Safstrom stated at the last meeting, the Council requested additional information on what a tax rate increase looks like for operating and debt. A chart that shows the Operating and Debt Service was provided to Council. The debt service annual amount is based on \$10 million, borrowing at 5%. While it is known that the borrowing rates are increasing, it is still an estimated guess. The assessed tax rate on the current library is .268 and will increase to 1.02, which means a \$75 increase on taxes on a home valued at \$250,000 for operating only and an additional \$110 increase for taxes for debt service only. The operating increase is indefinite.

Ald. Gelhard questioned if we are anticipating setting up referendum question with these numbers in place. Administrator Safstrom stated we do not know the costs of a building, interior furnishings, renovations, media, etc. and therefore these numbers are completely based on other libraries and initial collections. An option of a “not to exceed” number had also been discussed at the last Council meeting. Currently, building costs are unpredictable and it is unlikely they will go down soon.

Ald. Vukovic questioned if the City is looking at prices right now, are we also considering a possible price bump for the future. There are estimated land prices based on what everything could potentially cost but is there concern costs could be substantially higher. Administrator Safstrom clarified \$10 million is likely a good guess based on information received from other communities in recent renovations.

Ald. Schmelzling stated round numbers seems to be the best way to go at this time, and in terms of bonding for capital 5% is a conservative and reasonable amount. Clarification on was requested on whether bonding would need to exist on both operating and capital, and if this adds to the tax base. Administrator Safstrom stated the tax levy could be increased for debt service without referendum, however the consensus at the last Council meeting seemed to be on a referendum for both items. For the next 20 years, there would be higher taxes due to the bonding terms.

NEW BUSINESS.

V. File No.

Update from City Attorney and possible action regarding Robert Cronwell vs. City of Glendale.

Attorney Fuchs stated a case was filed by Robert Cronwell vs. City of Glendale. The case is very simple and stemmed from a liquor license application filed by Nicholas Marking of Prime Time Events, of which Mr. Cronwell requested a copy. Staff provided the requested materials, and redacted Mr. Marking's personal information to include his personal phone, email, and date of birth. The redaction of personally identifying information (PII) is considered allowable. Attorney Fuchs has reached out to Mr. Cronwell's attorney and is awaiting a response. In a conversation Attorney Fuchs had with Mr. Marking, Mr. Marking was willing to allow his personal information to be provided to the plaintiff if it would save the taxpayers money. Attorney Fuchs stated City staff has long avoided giving out PII, as this can subject a person to absentee voter fraud as well as takes away the privacy of the subject of the request and the requestor and opens the door for malicious behavior. The recommendation would be to keep the policy as is and wait for the circuit court to rule on the case, which would not go to trial but would instead be briefed out. Attorney Fuchs is looking for a consensus from the Council on this case.

Mayor Kennedy questioned if there are other circuit court rulings of redacting PII and if those rulings have been upheld or cut down. Attorney Fuchs stated there are numerous substantial rulings, ranging from the federal level down to the local level, however he is unsure if there is a case as minor as this. Many cases are based on where the information was obtained, such as from a driver's license. Mayor Kennedy stated there is a policy in place and with systemic problems of identity theft and protections against voter fraud, we should not change our policy of protecting information and should not settle this case.

Ald. Vukovic stated as an elected official her information is public record, and she is aware it is publicly accessible. However, this is a private sector person attempting to do his job, and there should not be an expectation that his home address and personal information are shared information with the public. We should have a duty to protect private information, as long it is not something that is affecting anything related to his job. The staff that need to have access to his information, such as the City Clerk and Police Department, have that access. Public records requests are meant to stop government maleficence and requesting information such as PII is not doing anything of the sort.

Ald. Gelhard questioned if Mr. Cronwell has representation. Attorney Fuchs stated he does have an attorney, and there is no risk if we lose because it is not a trial case and would instead need to prepare a brief and complaint for the court.

Ald. Schmelzling raised the question regarding the licensing paperwork and whether it is required to collect the date of birth and other information which is later redacted in a records request. Attorney Fuchs stated this information is required to do a background check and maintain contact information for the agent, however the question remains if this information needs to be shared with the public. Ald. Schmelzling stated he understands this information could be used for bad reasons and puts an individual at a risk for fraud, and therefore we should see if our policy holds up in circuit court.

Ald. Daugherty stated it would be an opportunity to determine if our rules stand up in court, and a determination of the balancing act between what information is private and what is public. Ald. Wiese and Shaw concurred.

VI. File No.

Review and possible action regarding WRAP Restraint System Grant.

Chief Ferguson stated the Charles E. Kubly Foundation is a public charity devoted to improving the lives of those with depression. The Foundation learned of the police department's interest in purchasing additional WRAP restraint systems and encouraged the Police Department to apply for a grant. A grant application for the purchase of six (6) WRAP Restraint Systems, valued at \$8,922.72, was submitted and notification was received that the grant has been approved. Funds would be deposited in the police Crime Prevention special revenue fund and the purchase of the equipment would be made from that same fund. There are no matching funds or other requirements associated with this grant. Chief Ferguson stated the Department currently has two WRAP systems; the new systems purchased through the grant would allow us to have a WRAP system in each marked squad. As part of this grant application, we would make the WRAP Restraint System available to other North Shore agencies through mutual aid requests. The WRAP Restraint System consists of an ankle restraint, leg wrap, chest harness, and helmet that keeps the person secured in an upright and seated position. The system is designed to safely restrain individuals that are combative or in crisis and reduces the propensity for injury while increasing the ability to transport or provide medical care. The currently owned systems have been used approximately 10 times since they were purchased and have been a great tool in reducing the need for force during transport.

Motion by Ald. Wiese, seconded by Ald. Shaw, to approve the Charles E. Kubly Foundation grant and purchase of six (6) WRAP Restraint Systems. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No.

Review and possible action on Mount Royal Subdivision Landscape Options.

Administrator Safstrom stated the Wisconsin Department of Transportation has authorized a project on I-43 which includes the expansion of Port Washington Road. This expansion has an effect on the Mount Royal Subdivision. This past summer, there was a meeting of WDOT officials and residents. The residents were requesting a sound barrier wall on the east side of Port Washington Road. It was explained this was not an option for the area. Staff recognizes the challenges of mature trees and homes being removed from the area. The City Engineer has reviewed options and recommended that a fence and additional shrubs be installed to alleviate some of the expected change.

Ald. Wiese stated if it is an option between a fence and trees, it would seem that trees are the better way to go, and also asked if residents would be okay with this project if the City opts to move forward. Dr. Emir stated it is important to realize when looking at a set of plans it can be a challenge to visualize the final product. The properties indicated will be much closer than people had visualized to the sidewalk, and any time additional work is done there is less and less vegetation in the area. The City will begin discussions of what is happening in the area. It is

anticipated that most residents will be in favor of the project, as their back patios will be at the sidewalk, which is an unexpected change and the fence and trees will be a welcome addition.

Ald. Daugherty added when residents move to an area they don't necessarily plan on changes such as this, and anything that can be done to revitalize the landscape is a positive change.

Ald. Schmelzling clarified the project will include both a fence and tree line, and not one or the other. Administrator Safstrom stated the project will include both.

Motion by Ald. Gelhard, seconded by Ald. Wiese, to direct staff to include sufficient funding in the 5-year capital improvement program for landscaping for Mount Royal subdivision as a result of the I-43 project. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No. _____
Review of City Snow Removal and Salting Policy

Administrator Safstrom stated based on the expected snowfall this season, the Director of Public Works has provided a reminder of the City's long-standing snow removal and salting policy. As in previous years, the main streets are always plowed first to allow for easy access for emergency vehicles.

Mr. Imig stated the second brine truck will likely not be online this year due to supply chain issues. The conversion process was started on the vehicle into a brine truck, however there are still parts missing.

Ald. Shaw requested clarification on whether Green Bay Avenue between Silver Spring and Good Hope is a county or city road, for the purposes of brining. Mr. Imig stated the road is a City of Glendale maintained road.

This item was discussed for informational purposes only.

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. Daugherty, to convene in Closed Session per Wis. Stats. §19.85(1)(c) to consider the employment, promotion, compensation, or performance evaluation data (City Administrator Recruitment and Non-represented Employee Evaluations). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 49 minutes was held. The Council discussed the City Administrator Recruitment and Non-represented Employee Evaluations.

Motion by Ald. Schmelzling, 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.

ACTION ON CLOSED SESSION ITEMS.

The Council requested City Administrator Safstrom schedule interviews for the Interim City Administrator for the December 6, 2021 Council meeting.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to pay Deputy Administrator Lanser for the 19 unused 2021 vacation days. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

Motion by Ald. Wiese, seconded by Ald. Schmelzling, to approve the 2022 Wage Scale with a 3% increase as well as the proposed schedule of employee compensation as presented. 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. Daugherty, 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 8:03 p.m., until Monday, December 6, 2021, at 6:00 p.m.

Megan Humitz
City Clerk

Recorded: November 23, 2021.