

## CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

August 14, 2023

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. Jim Daugherty, John Gelhard, Steve Schmelzling, and JoAnn Shaw. Absent: Ald. Tomika Vukovic and Ald. Phillip Bailey.

Other Officials Present: Karl Warwick, City Administrator; Nathan Bayer, City Attorney; Mark Ferguson, Police Chief; John Fellows, Community Development Director; Charlie Imig, Director of Public Works; Jessica Ballweg, Director of Human Resources; 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.

City Administrator Warwick advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, August 10, 2023, 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 – VACATING AN UNIMPROVED PORTION OF THE WEST FAIRFIELD COURT PUBLIC RIGHT-OF-WAY TO THE UNION PACIFIC RAILWAY DUE TO WISDOT’S INTERSTATE 43 HIGHWAY WIDENING.

Mayor Kennedy stated as part of the I-43 widening project, WisDOT intends to build the modified I-43 within the current Union Pacific Railroad’s train track embankment within the rail right-of-way (ROW). WisDOT intends to rebuild Union Pacific’s embankment within the City of Glendale’s W. Fairfield Court ROW. Union Pacific prefers “a permanent real estate right over property that supports our track infrastructure” so the corporation may have the “rights to use, alter, maintain, etc. the track infrastructure in the future.” Wis. Stat. § 62.23(5) requires any prospective abandonment of a public ROW to be reviewed by that municipality’s Plan Commission to determine if the abandonment is in the public interest. Upon the Planning and Architectural Review Commission’s recommendation of approval or disapproval, the draft resolution vacating the ROW would be considered by the Glendale Common Council. Further, Wis. Stat. § 66.1005(1), relating to the reversion of land titles, states, “When any highway or public ground acquired or held for highway purposes is discontinued. . .[it] shall belong to the owner or owners of the adjoining lands. . .” If approved, the City of Glendale would vacate approximately 0.237 acres (10,323 sq. ft.) of unimproved (non-paved) right-of-way, leaving three feet of land in the ROW between the proposed new Union Pacific ROW and the existing curbline on W. Fairfield Court. The ROW abandonment would give Union Pacific control over the land supporting its tracks, ultimately spurred by WisDOT’s highway widening. The Planning and Architectural Review Commission and Glendale Common Council must determine if the right-of-way vacation allowing for Union Pacific to fully control a new embankment created due to the loss of land from I-43 widening is in the public interest. The Planning and Architectural Review Commission recommended approval at the June 2023 meeting.

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, Ald. Shaw made the motion to close the public hearing, seconded by Ald. Daugherty. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve Resolution to Discontinue a Portion of Unimproved Right-of-Way on West Fairfield Court was approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

## PUBLIC COMMENT.

Glendale residents Bethany Bailey, 6660 N Elm Tree Road, and Aspen Verink, 535 W Daphne Road, shared concerns over the speeds in their neighborhood, particularly on W Daphne Road and requested a radar detector for monitoring. Additionally, they inquired about the parking on N Jean Nicolet Road following the completion of construction, and whether there will be pickup and drop off lanes for students. Due to the increase in traffic during the construction phases, they have requested that future detours point vehicle traffic to busier roads and not through their neighborhood. Ms. Bailey and Ms. Verink also requested clarification regarding the signage in the neighborhood which does not specify which streets in the subdivision are included in the one-hour parking restriction and does not include restrictions for summer events, only for school times and athletic events. Lastly, a request was made for a crosswalk at N Elm Tree and W Daphne Rd for a safer crossing path for neighbors and students. Mayor Kennedy indicated he has passed on the concerns to the appropriate staff who will reach out to address the signage concerns in the neighborhood.

Glendale resident Daniel Hess, 2055 W Green Tree Road, raised concern over the lack of Glendale signage at two of the entrances into the City, coming south from Fox Point on N Port Washington Road and from River Hills on W Green Tree Road. Additionally, he requested a stop sign at W Green Tree Road and N Atwahl Drive to increase pedestrian safety in the neighborhood. Ald. Schmelzling stated the T-intersection would not be the best interest and would become more risky, but other traffic calming efforts will be done at that intersection for pedestrian safety.

## CONSENT AGENDA.

### I. File No.

Adoption of Minutes of Meetings held on July 24, 2023 and Approval of Accounts Payable.

Motion by Ald. Schmelzling, seconded by Ald. Daugherty, to Adopt the Minutes of Meeting held on July 24, 2023 and Approve Accounts Payable were approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

## NEW BUSINESS.

### II. File No.

Consideration of a recommendation from the Planning and Architectural Review Commission and directing staff to schedule a public hearing for a map amendment from B-1 "A-1" Local Business District to PD Planned Development District, and a general development plan for Phoenix JCR Glendale Industrial Investors LLC, at 5055 North Lydell Ave Residence District and the Mixed-Use Development Land Use Classification and a current B-1 A-1 zoning classification, Tax Key Number 203-8995-004.

Administrator Warwick stated the applicant, Phoenix JCR Glendale Industrial Investors LLC, is seeking to rezone 5055 North Lydell Avenue from B-1 "A-1" to PD – Planned Development. The property owner has owned the building for several years and has unsuccessfully been able to attract uses to the site which are permitted under the B-1 "A-1" standards. The applicant seeks to redevelop the property with modifications to the site, buildings and uses and a PD – Planned Development District will provide them with the flexibility to allow the objectives of the City of Glendale's Comprehensive Plan to be more fully implemented. In addition, a rezoning to PD will align with the Comprehensive Plan recommendations. The applicant is in discussions with various users for the site and is asking the City to begin the process to amend the zoning map to assure the potential users that their use would be permitted, and this would also expedite the zoning map amendment and development plan process if an end user is interested in the site so that the approval process can be streamlined. The land use plan provides for the classifications of Mixed-Use Development, while the existing Zoning Code provides for a B-1 "A-1" classifications with a limited number of uses. Rezoning to PD will allow for better alignment between the land use and zoning policies.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to give authorization to direct staff to schedule a public hearing for a map amendment from B-1 "A-1" Local Business District to PD Planned Development District, and a general development plan for Phoenix JCR Glendale Industrial Investors LLC, at 5055 North Lydell Ave Residence District and the Mixed-Use Development Land Use Classification and a current B-1 A-1 zoning classification, Tax Key Number 203-8995-004 was approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

III. File No. \_\_\_\_\_

Consideration of a recommendation from the Planning and Architectural Review Commission and directing staff to schedule a public hearing from a zoning map amendment from R-7 Residence District to R-7A Residence District at 902 W Eula Court in the R-7 Residence District and Residential Land Use Classification, Tax Key Number 223-1047-000.

Administrator Warwick stated the applicant is requesting a zoning map amendment for 902 W. Eula Court from R-7 Residence District to R-7A Residence District. The original platting of the property was two narrow lots. In 1939, a structure was built on the two lots with the house straddling both lots. In 2020, the house was razed and has been vacant land ever since. The applicant is requesting the change of zoning to allow for two separate home structures to be built upon the one parcel and to be developed as condominiums. The current 80-foot lot is not typical of the pattern of development in the neighborhood. One single family home on this 80-foot lot would appear inconsistent with the rest of the streetscape. The land use plan provides for the classifications of single family as well as two family land use classifications. The current Zoning Code provides for an R-7 district that allows only single family on lots with a minimum width of 60ft. In addition, the code provides for the R-7A district to have a minimum width of 60ft. With a lot of 80 feet, it is not able to be subdivided. A minimum of 120 feet is required to be able to create two new lots. The R-7 district states that one-single family structure may be constructed on a lot, while the R-7A allows for a single-family semi-detached structure, which the applicant desires to construct. Currently, there are two properties on W. Eula Court that have a land use classification of single-family and a zoning of R-7A. In addition, there are similar properties along the north side of W. Glendale Avenue. The Planning and Architectural Review Commission held a public hearing and recommended approval of the rezoning from R-7 to R-7A at the August 9, 2023, meeting.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to give authorization to direct staff to schedule a public hearing for a zoning map amendment from R-7 Residence District and Residential Land Use Classification, Tax Key Number 233-1047-000 was approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

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

Discussion, consideration, and action regarding an Agreement Governing Nicolet Union High School District Planning and Management of Vegetation in the Right of Way along Daphne Rd.

Administrator Warwick stated Nicolet High School received approval of a landscaping plan from the Planning and Architectural Review Commission (PARC) for screening of the soccer fields. This screening is parallel to Daphne Rd and is located within the public right of way. This agreement indicates that the installation, maintenance, and replacing is the responsibility of Nicole Union High School. In addition, the agreement does allow for the city to access this area to maintain, replace, repair, etc. utilities that are in the general area with Nicolet responsible for the reestablishment of the buffer. Nicolet Union High School has reviewed and signed the agreement.

Motion by Ald. Gelhard, seconded by Ald. Shaw, to approve the Agreement Governing Nicolet Union High School District Planning and Management of Vegetation in the Right of Way along Daphne Road was approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

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

Pavement Marking Quotes for the 2023 Traffic Calming Project

Administrator Warwick stated the 2023 adopted budget includes \$100,000 for traffic calming, which was planned for various areas in Districts 1 and 5. The five-year capital plan also including funding for multiple years for traffic calming. The City Council previously rejected the bids for this work because of the high bid and directed staff to include this project as part of a larger project next year to reduce the cost. The Common Council also directed staff to obtain quotes for the pavement markings part of this project and for a portion of Sunny Point. Pavement marking quotes were requested from Century Fence Company, Crowley Construction Company and Brickline Inc. Century Fence Company and Crowley Construction Company submitted quotes; however, Brickline, Inc. stated they were already booked for the season and did not submit. The request for quotes had three specific locations including Range Line Road,

Green Tree Road and Sunny Point Road, as evidenced in the attached plan sets. All three locations requested white edge (fog) lines to provide 10-to-11-foot drive lanes with the intention to retain side street parking, similar to how N Range Line Road from W Mill Road to W Green Tree Road was striped in 2021. In addition to the edge lines, bike sharrows and yellow center line pavement marking lines were requested as specified below. If the City Council would like to move forward with this project or parts of it, below is a breakdown of costs from the lowest cost provider, Century Fence. The total cost of the Range Line and Green Tree traffic calming (2023 traffic calming project) totals \$41,675. The cost for the Sunny Point portion of the project is \$10,925. The pavement markings on Green Tree and Range Line are consistent with the City's traffic calming plan and would complete the pavement marking program previously started in the area on Range Line north of Green Tree. The City Council directed staff to obtain costs to install pavement markings on Sunny Point, north of Bender. Due to the narrow width of this section of the road, staff does not recommend that pavement marking be applied in this area. The road narrows 22 foot wide from curb to curb making it difficult to delineate a separation of bicyclists and vehicles. If anything, staff recommends streets sign stating, "May Use Full Lane". This sign is recommended by the Manual of Uniform Traffic Control Devices (MUTDC) for indicating that bikes may be sharing the road with vehicles.

Motion by Ald. Schmelzling, seconded by Ald. Daugherty, to approve the authorization to execute an agreement with Century Fence Company for pavement markings on W Green Tree and N Range Line, not to exceed \$41,67 was approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

VI. File No.  
Consideration of the Uses of ARPA Funds.

Administrator Warwick stated the City of Glendale received funds from the Federal Government as part of the recovery effort from the COVID-19 pandemic. These funds were termed American Rescue Plan or ARPA Funds. The City has \$1.5 million in unallocated ARPA funds available for eligible expenditures. Funding is required to be obligated by December 31, 2024, and jurisdictions have until December 31, 2026, to fully expend their funds. Spending should be used for costs incurred after March 3, 2021. There are designated eligible uses of these funds. The Department of Treasury has defined the eligible uses include parks improvements that improve the health of a disproportionately impacted neighborhoods or communities. The final rule includes enumerated eligible uses in disproportionately impacted communities for developing neighborhood features that promote improved health and safety outcomes, such as parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, projects that increase access to healthy foods, streetlights, neighborhood cleanup, and other projects to revitalize public spaces. As a result of this information and based on the amount of funds available, staff is providing potential eligible projects for consideration, including, but not limited to: Creation of a neighborhood park, skate park, undetermined bike/pedestrian improvements, undetermined watermain replacements, and Silver Spring bike/pedestrian improvements. The City received a \$4 million earmark to rebuild Silver Spring Drive. Details on this project will be provided at the August 28<sup>th</sup> Common Council meeting. There is a possibility that with the earmark and other revenue for the project, the City may still have to contribute City funds. The Common Council could determine to allocate the ARPA Funds towards the pedestrian improvements on Silver Spring Drive to reduce the City's expenses towards this project. If the Common Council wishes to consider this as an option, it will be presented in the funding formula for the project. Not listed is the possibility of creating a walkway and dog park on the property owned by the Village of Fox Point off Green Bay. The property was formally a landfill, so the uses are limited, but this project would provide a pedestrian path system and a way for residents to get out of the neighborhood and onto Green Bay Road. There is no cost estimate on this project as the concept is relatively new.

Glendale resident Mark Kostic, 747 W Monrovia Avenue, representing self and son and several members of the North Shore and National Interscholastic Cycling Association (NICA), and are supportive of improvements to Kletzsch Park but don't want to see a pedestrian trail through a bike path. They would like to see funds earmarked for bike trails and a bike park, as well as a partnership created with the various bike organizations.

Fox Point resident, Jennine Pufahl, 910 E Calumet Road, coaches mountain biking at Nicolet with husband and encourages the inclusivity of a class at Nicolet that includes cycling. She stated this is done at River Glen and would like to see the trails preserved for cycling at the park and not turned into something else, and would even love to see the paths and tracks expanded for greater use. Ms. Pufahl clarified that a pump track is a condensed area which can be used for the practice of various cycling skills at different levels, and there are limited tracks of this nature available.

Glendale resident Brian Swanson, 1820 W Wayside Drive, stated the current trail is a valuable resource and does not want to see it paved over, but would like to see it maintained and improved upon in its current form.

Ald. Schmelzling stated he would like to see the community improved, and not see the money utilized on a long-term capital project such as watermain replacements. He wouldn't find something like the skate park to be beneficial to the community but would find the bike and pedestrian improvements to be useful. Ald. Daugherty and Gelhard echoed Ald. Schmelzling's comments that the money should be directed towards bike and pedestrian improvements, which are something the community can enjoy. Mayor Kennedy stated that the special meeting held a few months back was to avoid a claw back for unallocated funds, but after that meeting the provision was rescinded and it was determined the funds could be reallocated.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to approve authorization to direct staff to schedule a listening session regarding the use of ARPA funds for September 2023 was approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

VII. File No. \_\_\_\_\_  
Adoption of the Five-Year Capital Improvement Plan.

Administrator Warwick stated On July 10<sup>th</sup>, the Common Council approved the Capital Improvement projects for 2024. At that meeting, a discussion took place regarding the schedule for alley rehabilitation, particularly the fact that two years of alley rehabilitations appeared had been unintentionally neglected from the Capital Improvement Plan. After careful examination of the plan and the condition of all alleys in the City, staff is presenting a 5-year alley rehabilitation schedule with the CIP Plan for adoption. These were the only modifications to the CIP Plan since then. The Supplemental Capital Improvement Plan now includes projects specific to each aldermanic district and projects have generally not been included in this section as the information is being collected from each alderperson, as well as the establishment of goals related to Capital Improvements and the funding of these projects. Approval of the Supplemental Plan has not been proposed, at this point.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to approve the 2024-2028 Capital Improvement Program was approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

VIII. File No. \_\_\_\_\_  
Ordinance: Repealing Section 2.4.5, "Music in the Glen Committee" and Amending Section 2.4.14, "Glendale Days Committee," Creating a New "Citywide and Maslowski Park Activities Committee."

Mayor Kennedy stated the City Code includes two sections establishing a Music in the Glen Committee and a Glendale Days (Fourth of July) Committee. The proposed ordinance amendment would essentially eliminate both committees, combine powers in a combined committee, with new responsibilities to plan additional events and activities in the City of Glendale.

Motion by Ald. Schmelzling, seconded by Ald. Daugherty, to approve the Ordinance Repealing Section 2.4.5, "Music in the Glen Committee" and Amending Section 2.4.14, "Glendale Days Committee," Creating a New "Citywide and Maslowski Park Activities Committee" was approved, with housekeeping changes to language. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

IX. File No. \_\_\_\_\_  
Ordinance: Amending Section 10.1.13(b), Schedule C "Stops at Crosswalks Through Streets" to include Stop Signs at the Intersection of W. Clovernook Lane and N. Bittersweet Lane and Amending Section 10.1.26 Schedule J "Parking Prohibited," to prohibit parking on the south side of Daphne from N. Elm Tree to N. Jean Nicolet Road and to prohibit parking on both sides of N. Sunny Point Road from W. Glen River Road to W. Fairfield Court.

Administrator Warwick stated the Common Council tentatively approved the concept and cost for new no Parking regulations on Sunny Point and new Stop Signs at the Intersection of W. Clovernook Ln. and N. Bittersweet Lane. Attached is the ordinance amending the City Code to formally approve these new regulations. The Ordinance would also prohibit parking on the south side of Daphne from Elm Tree to Jean Nicolet. This section is currently listed as NO PARKING 7:30 to 4:30 on School Days and during Athletic Events. Due to the construction of Nicolet High School, the main drop off is currently on Daphne. As a result, traffic is not able to flow thru the area with vehicles parked on both sides of Daphne. Staff is proposing to codify this regulation so enforcement can be performed. If, after construction is completed, the Common Council desires to return the regulations to the current regulations, the City Code could be modified at that point.

Glendale residents Bethany Bailey, 6660 N Elm Tree Road, Aspen Verink, 535 W Daphne Road, Jamin Hoffman, 611 W Daphne Road, stated they strongly urge the Council to vote for no parking on both sides of W Daphne Road, as it would keep the road open for traffic and emergency vehicles as well as allow for more visibility for those driving and backing out of driveways.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve the Ordinance Amending Section 10.1.13(b), Schedule C “Stops at Crosswalks Through Streets” to include Stop Signs at the Intersection of W. Clovernook Lane and N. Bittersweet Lane and Amending Section 10.1.26 Schedule J “Parking Prohibited,” to prohibit parking on the south side of Daphne from N. Elm Tree to N. Jean Nicolet Road and on both sides of North Sunny Point Road from West Glen River Road to West Fairfield Court was approved. Ayes: Ald. Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Abstain: None. Motion carried.

#### COMMISSION, COMMITTEE, BOARD, AND STAFF REPORTS.

There were several updates from Council members, on the activities of the various Commissions, Committees and Boards on which they serve as a Member and an Administrator update.

#### ADJOURNMENT.

There being no further business, a motion was made by Ald. Daugherty, seconded by Ald. Schmelzling, to adjourn the meeting. Ayes: Daugherty, Gelhard, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic and Ald. Bailey. Motion carried and adjournment of the Common Council was ordered at 7:29 p.m., until Monday, August 28, 2023, at 6:00 p.m.

Megan Humitz  
City Clerk