

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes
September 11, 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. Tomika Vukovic, Jim Daugherty, John Gelhard, Steve Schmelzling, Phillip Bailey, and JoAnn Shaw. Absent: None.

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; Kenneth Smith, Planner; Jessica Ballweg, Director of Human Resources; 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.

City Administrator Warwick advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, September 7, 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 COMMENT.

Glendale resident Robert Cronwell, 7530 N Applewood Lane, raised the question on whether or not a hockey rink was potentially in the works at Maslowski Park through Nicolet High School, as he would expect that an MOU would have to come before the Common Council. Administrator Warwick stated the Milwaukee Winter Club has made the proposal with Nicolet High School, and the City could potentially be involved, however it is in the early negotiation stages, and nothing has been finalized in a document and would come before Council when the details have been set.

PUBLIC HEARING: ZONING MAP AMENDMENT 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 233-1047-000/

Mayor Kennedy 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.

Mayor Kennedy opened the public hearing.

Glendale resident Helen Olinske, 900 W Glendale Avenue, raised concerns because she owns several properties and believes that townhouses lead to drugs, fighting, and other problems in neighborhoods. Ms. Olinske also stated she feels townhouses are an unattractive addition to the area and are the reason other owners have sold properties.

Glendale resident Craig Kurtz, 1012 W Eula Court, owns the property at 902 W Eula Court and knew the property was a double-wide lot at the time of purchase, making it 80-feet wide. He stated he would submit that the problems with other rental properties are the conditions of the owners, not problems with the nature of rentals. He also stated there are several other properties on the street which are two-family residences and are all on single 40-foot lots. His intention if allowed by zoning to R-7A would be to have two single-family homes which conform with the rest of the homes in the neighborhood. Mr. Kurtz already owns three other properties on W Eula Court, so he has an interest in the neighborhood, as well as residing there himself.

Mequon resident Robert Wagner, 7344 W Heron Pond Drive, stated he owns 906 W Eula Court, where his handicapped daughter resides with her child. He does not have an issue with a single-family home but would not approve of a multi-family residence.

Glendale resident Dan Nehmer, 910 W Eula Court, stated he doesn't understand why it is a hardship if he knew when he purchased the property that it was two lots, why he would think he could put two buildings on the lot; and is also concerned the owner could sell the lot to someone else who could build an exceptionally high structure on the lot if it were rezoned. Mayor Kennedy stated the rezoning would not allow for a building to be built that would exceed the allowable dimensions of the City, whether it was a single-family home or a duplex.

Mayor Kennedy asked if there was a request to divide the property into two lots. Community Development Director, John Fellows, stated the smallest lot in Glendale is 60-feet, which can't be split, so the best option was to evaluate the ordinance and place two houses on the lot to keep with the pattern of 40-foot lots per house. When previous zoning was put in place, communities adopted model ordinances and everything was adapted to the model, but it didn't consider existing conditions. A variance could not be done because it needs to be proven, and the reason cannot be monetary, so this was the best option given there are already other lots in the neighborhood that are zoned R-7A. In addition, there are several properties on 40-foot lots with multi-family residences.

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

Ald. Daugherty stated he would like to see the ordinance changed so that all of the zoning would match.

Ald. Vukovic stated this is her aldermanic district, and this would not change the look or feel of the neighborhood at all. She has not heard any concerns from residents regarding this issue. As a renter herself, she is offended to hear the bias statements regarding renters, as all renters are not the same and much of the problem with renters falls on the property owner.

Ald. Schmelzling stated he is in support of the rezoning, as one of the homes will be at the street and the other would be at the back closer to the river, and with a larger lot it would be conforming to the look of the other properties in the neighborhood but with a larger yard, as well the other smaller lots with two homes.

Motion by Ald. Vukovic, seconded by Ald. Gelhard, to approve the 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 233-1047-000 was approved. Ayes: Ald. Vukovic, Gelhard, Bailey, and Schmelzling. Noes: Ald. Daugherty and Ald. Shaw. Absent: None. Abstain: None. Motion carried.

PUBLIC HEARING: ZONING MAP AMENDMENT FOR 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.

Mayor Kennedy 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 purpose of the PD Planned Unit Development District and the regulations applicable to the same are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within a PD planned unit development district. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this chapter and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public service and to encourage and facilitate preservation of open lands.

Mayor Kennedy opened the public hearing.

Whitefish Bay resident Christine Wittwer, 5112 N Lydell Avenue, stated she does not understand why the parking lot will now be placed in front of the building, when previously the entrance and parking were in the back. This is unfair to homeowners across the street, as it will change the entire appearance. Mayor Kennedy stated there will be a visitor parking on Lydell, however the employee entrance will remain in the back of the property. Additionally, there will be large buffer with landscaping and stormwater.

John Peret of Phoenix Investors was present to answer additional questions. As the lot is parsed, there will be two buildings on the structure, and the civil plan will drive more landscaping and buffers which will limit parking on the northwest side. On the east side, there will be landscaping, and a buffer fence and this area will be staging and for visitors. Much of the planning will also depend on the final tenants in the building. Community Development Director, John Fellows, stated there were several conditions in the staff report for the general development plan, and one of those was a more robust landscaping plan.

Whitefish Bay resident Shannon Grass, 5116 N Kent Ave, requested clarification regarding the two garage bay doors in the plans and what the intended use of those doors would be. Mayor Kennedy stated those doors are part of the current building and were used for entrance and exit. Mr. Peret stated the interior spatial layout has not been finalized, and the plan is subject to change. The internal configuration will not be finalized until the tenants’ needs and functionality have been determined.

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

Ald. Gelhard and Ald. Daugherty stated they would like to see more of a buffer on Lydell Avenue to screen the homeowners from the parking lot, as well as additional landscaping efforts.

Ald. Vukovic provided a reminder this a vote for rezoning, and the other issues can be addressed at a later date.

Motion by Ald. Vukovic, seconded by Ald. Bailey, to approve the Zoning Map Amendment – 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. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

CONSENT AGENDA.

I. File No. _____

Adoption of Minutes of Meeting held on August 28, 2023, Approval of Accounts Payable, Approval of Denial of Claim – First Citizens Bank, Approval of Proclamation for Wisconsin School Board Week – October 1-7, 2023.

Motion by Ald. Gelhard, seconded by Ald. Shaw, to Adopt the Minutes of Meeting held on August 28, 2023, Approve Accounts Payable, Approve Denial of Claim – First Citizens Bank, and Approve a Proclamation for Wisconsin School Board Week – October 1-7, 2023 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. None. Abstain: None. Motion carried.

UNFINISHED BUSINESS.

II. File No. _____

Resolution – Approving the 2023 North Shore Library Agreement

Mayor Kennedy stated on May 8th, 2023, the Common Council approved a revised North Shore Library Agreement, primarily to increase the number of Library Board members from 9 to 10 and increase the number of Library Board members from Glendale from 4 to 5. Both Bayside and Fox Point adopted this agreement as presented. After this, River Hills attorney reviewed the agreement and made several minor amendments that clarified representation, and updated wording to be consistent throughout the agreement.

Motion by Ald. Shaw, seconded by Ald. Bailey, to approve the Resolution Adopting the Amended Restated Fox Point, Bayside, Glendale and River Hills 2023 Joint Library Agreement was approved, as presented was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. None. Abstain: None. Motion carried.

III. File No. _____

Appointments to Library Board and the Citywide and Richard E. Maslowski Community Park Activities Committee.

Administrator Warwick stated a letter was provided from Mayor Kennedy recommending appointments to the Library Board and the Citywide and Richard E. Maslowski Community Park Activities Committee.

Motion by Ald. Schmelzling, seconded by Ald. Daugherty, to approve the confirmation of Mayor Kennedy’s appointments to the Library Board and the Citywide and Richard E. Maslowski Community Park Activities Committee was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. None. Abstain: None. Motion carried.

NEW BUSINESS.

IV. File No.
September Schedule of Council Meetings

Mayor Kennedy stated due to the Jewish Holiday, Yom Kippur, beginning at sundown September 23 and lasting through September 25, it is recommended to cancel the second Council meeting in September. As prescribed by the Code of Ordinances, the Mayor and City Administrator have the ability to call a second meeting in September on another date, if necessary.

Motion by Ald. Daugherty, seconded by Ald. Schmelzling, to approve cancellation of the September 25, 2023 Common Council Meeting was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. None. Abstain: None. Motion carried.

III. File No.
Review and Approval of Fall Newsletter.

City Administrator Warwick stated the City publishes the newsletter three times a year and past practice is to have the Common Council review and approve the City's newsletter. 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.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, to approve the Content of the 2023 Fall Newsletter, as presented was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. None. Abstain: None. Motion carried.

IV. File No.
Authorization to Execute the 2023-2024 School Resource Office Shared Services Agreement

City Administrator Warwick stated the Police Department and Nicolet School District have a Shared Services Agreement where the Nicolet School Board pays 66% of wages and benefits for the School Resource Officer. Payments are based on a monthly amount when school is in session. Provided was an SRO Shared Services Agreement for the 2023-2024 school year. Under the Agreement, the City will receive funding from the Nicolet School District for an officer assigned to Nicolet High School from for the 2023 – 2024 school year. These funds offset the SRO salary and go into the General Fund Revenue to offset the cost of this police officer. Nicolet School District has already approved the agreement.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to approve the School Resource Officer Shared Services Agreement between City of Glendale Police Department and Nicolet School District for the 2023-2024 School Year was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: Ald. Vukovic. Absent: Ald. None. Abstain: None. Motion carried.

V. File No.
Authorization to Execute – Design Engineering Agreement with Clark Dietz, not to Exceed \$658,000 for the Silver Spring Drive Reconstruction Project

Mayor Kennedy stated the Common Council previously authorized staff to negotiate an agreement with Clark Dietz for Design Engineering Services for the Silver Spring Reconstruction Project from 27th Street to the Milwaukee River. The agreement for these services was provided which includes full design engineering service, coordination of public hearing process, submitting eligible grant applications, and receiving all permit approvals. The cost is \$658,000. The next steps in the process will be to approach the City of Milwaukee for formal approval of their approximate 30% cost share of the entire project, including \$197,000 of the design engineering cost.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to Authorize the City Administrator to execute a design services engineering agreement with Clark Dietz, not to exceed \$658,000 for design engineering work for the Silver Spring Drive Reconstruction Project, was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard,

Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. None. Abstain: None. Motion carried.

VI. File No. _____

Resolution Authorizing the submittal of a State Grant Application and Appropriation for the City of Glendale and Metropolitan Milwaukee Sewage District ICA funds for Municipal Flood Control Grant Project for municipal flood control grant program for the 2024 application period.

John Fellows, Community Development Director, stated the City of Glendale has participated in the Wisconsin Department of Natural Resources Municipal Flood Control Grant program for many years. This grant program is biannual. The next grant cycle is October 2023 with an application deadline of March 15, 2023. The City of Glendale's partnership with Metropolitan Milwaukee Sewage District agreement reimburses the City for expenditures through the ICA Agreement, which was executed in 2019. This relationship has allowed the City to combine grant programming from the DNR and the funding through the MMSD to purchase structures within the floodway along the Milwaukee River with little to no cost to the City. This program has been focused on the Sunny Point area of the Milwaukee River. In recent discussions, MMSD and City staff are recommending expanding this program to other areas of the floodway along the Milwaukee River. This is strictly a voluntary program and inquiries into the opportunity in no way obligate a property owner to participate in the program or sell your property. Neither the State nor the City of Glendale will use its eminent domain authority to acquire any property. In fact, the use of eminent domain power is explicitly prohibited where federal or state funds are employed for such mitigation projects.

Glendale resident Patricia Matusiak, 1124 W Riverview Drive, stated she wants to know what the written legal assurances are that no eminent domain power will be used if City/private funds for Milwaukee River adjacent property and what is the actual plan for the property acquired since the basic flood elevation level is now four-ten feet lower since the removal of the Estabrook Dam and how will it be communicated to residents. Mayor Kennedy stated the City of Glendale cannot eminent domain because federal funds are involved. If a resident receives a letter, they indicate if they want to sell at full market value and federal funds and MMSD funds are used to purchase. The property is then demolished and turned into greenspace. The process is entirely voluntary.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to approve the Resolution authorizing the submittal of a State Grant Application and Appropriation for the City of Glendale and Metropolitan Milwaukee Sewage District ICA funds for Municipal Flood Control Grant Project for municipal flood control grant program for the 2024 application period was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. None. Abstain: Ald. Vukovic. Motion carried.

VII. File No. _____

Ordinance Amending Section 10.1.26 Schedule J "Parking Prohibited", to prohibit parking on the west side of N. Jean Nicolet Road from W. Daphne Road to the City limits northerly thereof, and Amending Section 10.1.27 Schedule K "Parking Prohibited During Certain Periods at Nicolet High School", to restrict parking on the west side of North Jean Nicolet Road between West Daphne Road and West Acacia Roads.

Administrator Warwick stated provided was an ordinance amending the Glendale Code or Ordinances 10.1.26, Schedule J to prohibit parking on the west side of N. Jean Nicolet Road from W. Daphne Road to the City limits northerly thereof. This also requires a change to 10.1.27 Schedule K, Parking Prohibited During Certain Periods at Nicolet High School, restricting the parking on the west side of N. Jean Nicolet Road between W. Daphne Road and W. Acacia Road, instead of W. Green Tree Road. Staff is proposing to codify this regulation so enforcement can be performed.

Glendale resident Joseph Wildt, 6530 N Elm Tree Drive, spoke in support of the ordinance change, stating he and his wife have noticed that there is a lot of parking on any night but particularly on Friday nights when there are school events. He stated often there are vehicles parked on the sidewalk, which is especially unsafe and believes someone could get hurt. Mr. Wildt added he was informed there is ample parking available in the school lot for events, so that should not be an issue.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve an Ordinance Amending Section 10.1.26 Schedule J "Parking Prohibited", to prohibit parking on the west side of N. Jean Nicolet Road from W. Daphne Road to the City limits northerly thereof, and Amending Section 10.1.27 Schedule K "Parking Prohibited

During Certain Periods at Nicolet High School”, to restrict parking on the west side of North Jean Nicolet Road between West Daphne Road and West Acacia Roads was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. None. 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.

CLOSED SESSION.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to convene in Closed Session per Wis. Stats. §19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is involved (Glendale vs. WE Energies, Public Service Commission Docket 6630-CC-237934). Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 29 minutes was held. The Council discussed the case Glendale vs. WE Energies, Public Service Commission Docket 6630-CC-237934

Motion by Ald. Shaw, seconded by Ald. Vukovic, to reconvene to open session and regular order of business. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

ACTION ON CLOSED SESSION ITEMS.

Mayor Kennedy stated that a retainer agreement was discussed to employee Godfrey and Kahn as legal counsel for the City of Glendale to assist in the case against WE Energies and the Public Service Commission, not to exceed an amount of \$50,000.

Motion by Ald. Shaw, seconded by Ald. Bailey, to authorize the City of Glendale to retain Godfrey and Kahn as Legal Counsel for the City of Glendale, specifically for the case Glendale vs. WE Energies, Public Service Commission Docket 6630-CC-237934, not exceed \$50,000, was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

ADJOURNMENT.

There being no further business, a motion was made by Ald. Bailey, seconded by Ald. Schmelzling, to adjourn the meeting. Ayes: Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried and adjournment of the Common Council was ordered at 7:59 p.m., until Monday, October 9, 2023 at 6:00 p.m.

Megan Humitz
City Clerk