

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes
December 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, Phillip Bailey, Steve Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Karl Warwick, City Administrator; Mark Ferguson, Police Chief; John Fellows, Community Development Director; and Megan Humitz, City Clerk.

PLEDGE OF ALLEGIANCE.

The members of the Common Council, City staff, and all those present pledged allegiance to the flag of the United States of America.

OPEN MEETING NOTICE.

City Administrator Warwick advised that in accordance with the Open Meeting Law, the local news media was advised on Wednesday, December 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, stated he was in Municipal Court recently for a citation and he wanted to commend Judge Lipscomb on the work he does in being both empathetic and fair in consequences for all those appearing in the courtroom.

Glendale resident Chris Hemmerly, 6881 N Ironwood Lane, had requested a “No engine braking” sign in his neighborhood in October and was hoping for an update on his request. Administrator Warwick stated he would follow-up with Charlie Imig, Director of Public Works, as this is a request that needs to go through WisDOT.

CONSENT AGENDA.

I. File No. _____

Adoption of Minutes of Meeting held on November 27, 2023, Approval of Payment 2 and FINAL to All-Ways Corporation for work completed on the 2022 Crestwood Drainage Program, Approval of Accounts Payable, and Denial of Claim: Taraangela Wright.

Motion by Ald. Daugherty, seconded by Ald. Schmelzling, to Adopt the Minutes of Meeting held November 27, 2023, Approve Payment 2 and FINAL to All-Ways Corporation for work completed on the 2022 Crestwood Drainage Program, Approve of Accounts Payable, and Denial of Claim: Taraangela Wright was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No. _____

Appointment of Election Inspectors, Chief Inspectors, and Special Voting Deputies for the 2024-2025 term.

Clerk Humitz stated pursuant to Wis. Stat. §7.30(4)(a) and §6.875(4), Election Inspectors and Special Voting Deputies must be appointed by the Common Council no later than the last regular meeting in December of

each odd-numbered year. Staff recommends the approval of Chief Inspectors, Election Inspectors, and Special Voting Deputies, as follows:

Chief Election Inspectors:

Eliot Strickon, Marge Maliborski, Warren Dugan, Connor Goggans, Tiffany Kelly

Election Inspectors:

Alison Enders, Amanda Koehler, Anne Bartels, Beth Woodward, Brian Neu, Bryan Karan, Candice Haight, Carol White, Carole Himmelfarb, Charlene Sellers Rizzo, Christine Mortensen, Cynthia Sharon, Cynthia Slater, Dave Dorner, David Cross, David Daniels, David Perez, Dennis O'Connell, Diane Wais, Donna Moeckler, Eileen Manger, Elaine Parsons Herro, Emily Bear, Gail Firer, Gavin Humitz, Gerald Hiley, Gina Teper, Gretchen Kroll, Hannah Brazee, James Brunner, James Thomson, Jamie Lambert, Janice Bushe, Jay Harris, Jeanne Godfrey, Jeanne Thompson, Jennifer Fojtik, Jennifer Froemming, Jerry Reick, Jo Rodgers, Joan Rocamora, Johnny Johnson, Joyce Storer, Judith Dorner, Judith Ormond, Judy Kaiser, Karen Estrada, Kari Williams, Katelyn Nicolet, Katherine Bailey, Katherine Tarnowski, Kathy Drury, Keith Frankforter, Ker Liu, Kim Wintersberger, Laura Emir, Lee Carey, Linda Moore, Lisa Donegan, Lorie Wertheimer, Marc Cohen, Margaret Cooper, Margie Groh, Marianne Burish, Martin Strouse, Mary Hanin, Mary Lerner, Matthew Martin, Miriam Meurer, Nancy Proctor, Nathan Petrashek, Pamela Scott, Patricia Thomson, Paula Pfeil, Philip Tabakow, Poornima Pradeep, Rachael Badt, Robert Rieck, Sara Lubar, Sarah Acker, Sharon Blomquist, Shawn McMahon, Sherry Payne, Stephen Chojnacki, Steve Schmelzling, Steven Werlin, Sue Daugherty, Susan Campbell, Susannah Cartland, Thomas Content, Timothy McCalister, Todd Schantz, Tom Bass, Tom VanDemortel, Tony Romansky

Special Voting Deputies:

Dave Dorner, Sara Lubar, Marge Maliborski, Joan Rocamora

Motion by Ald. Bailey, seconded by Ald. Vukovic, to Appoint Election Inspectors, Chief Inspectors, and Special Voting Deputies for the 2024-2025 term was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, and Shaw. Noes: None. Absent: None. Abstain: Ald. Schmelzling. Motion carried.

III. File No.

Authorization for the execution of the 5-year agreement with Accurate Appraisal for Assessment Services.

City Administrator Warwick stated The City's 5-year assessment services agreement with Accurate Appraisal, LLC expires at the end of 2023. This agreement is an annual cost of \$54,000 that includes an interim market update (full reassessment) of properties once in the first year of the agreement. Staff negotiated a revised 5-year agreement with Accurate, after issuing an RFP for these services, with the Village of Brown Deer. The RFP returned two proposals from Accurate and Affiliated. We encouraged several other firms to submit proposals, but we were not successful in obtaining additional proposals. Both communities reviewed the proposals and interviewed the companies to determine the best fit.

The proposal from Accurate included a fixed annual cost for services of \$60,000 with a full reassessment every other year beginning in 2024 for a total of three reassessments. The proposal from Affiliated was an annual cost of \$87,000 with a full reassessment no sooner than 2025, but every other year after that. Staff felt that the cost differential in the proposals and the ability to have a full reassessment in 2024 provided benefits to entering into an agreement with Accurate. While the agreement is for a term of five years, the agreement provides the City with the ability to terminate the agreement annually and/or upon a violation of any term(s) of the agreement.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to authorize the execution of the 5-year agreement with Accurate Appraisal for Assessment Services was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No.

Consideration of a request to schedule a public hearing for a general and specific development plan for a Planned Development District for 4160 N. Port Washington Road, in a PD Planned Development District, Planned Mixed Use land use classification, Tax Key Numbers 242-1198-004 and 242-1198-003.

City Administrator Warwick stated the Common Council at its meeting on April 10, 2023 approved a general development agreement and rezoning of this parcel to a PD Planned Development District for prospective property buyer, Meta House, a 501(c)(3) nonprofit dedicated to treating women with substance abuse. The Planning and Architectural Review Commission at its meeting on May 2, 2023 recommended the Common Council approve Meta House's Development Agreement with the City. The Common Council, at its May 22, 2023 meeting, postponed consideration for the Development Agreement pending a payment in lieu of taxes (PILOT) agreement with Meta House. Meta House later requested a delay of Common Council consideration of the Development Agreement until July 24, 2023. Finally, on July 19, 2023, a Meta House representative informed the City it was no longer pursuing purchase of the subject property due to a breakdown in negotiations with the property owner. Due to the way Article D – PD Planned Development District is written within Title 13 - Zoning, the property has a PD zoning classification without any uses allowed due to the lack of an approved Specific Development Plan and a Development Agreement. To enable land uses, the property owner, Beerline Crossing LLC, seeks to have the Plan Commission and Common Council approve a revised General Development Plan, Specific Development Plan and then enter into a Development Agreement to reenable uses on the property. For General and Specific Development Plans, the applicant desires to leave the building, site, and landscaping unchanged. The applicant has indicated that some exterior remodeling will occur in the future based upon the future projected uses. Specifics of these changes are not being presented. The applicant is aware that no exterior changes are being granted. The applicant is aware that an amendment to the PD and Development agreement will need to occur in the future of any site changes, new buildings, exterior renovations and similar. The Planning and Architectural Review Commission held a public hearing on November 7, 2023 and provided a positive recommendation to Council for approval. Adoption of the General and Specific Development Plans and a corresponding development agreement with the indicated uses would allow the indicated uses. Other uses not listed would need be required to return to the Planning and Architectural Review Board and possibly Common Councils for approval.

Motion by Ald. Shaw, seconded by Ald. Bailey, to authorize direction to staff to schedule a public hearing for a general and specific development plan for a Planned Development District for 4160 N. Port Washington Road, in a PD Planned Development District, Planned Mixed Use land use classification, Tax Key Numbers 242-1198-004 and 242-1198-003 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No.

Consideration of scheduling a public hearing regarding 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.

Community Development Director, John Fellows, stated the applicant, Phoenix JCR Glendale Industrial Investors LLC, has requested a postponement for consideration of scheduling a public hearing regarding 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 to the January 8, 2024 Common Council meeting.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to postpone Consideration of scheduling a public hearing regarding a regarding 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 to the January 8, 2024 Common Council meeting was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No.

Ordinance Establishing Title 3, Chapter 1, Section 17 – Criteria for Determining the Qualifications of Responsible Bidders on City Contracts

City Administrator Warwick stated the City of Glendale previously established regulations on Responsible Bidders Program in 2020. This program was adopted outside of the City Code and titled “Responsible Bidding Process”. This process requires bidders on City projects to pre-register and pre-qualify, and bidders to complete paperwork to demonstrate their qualifications to complete the project for their licenses, financial capabilities, personnel, substance abuse program, equipment, bonding capabilities, and previous job references. The City uses this information to qualify bidders for City projects. This program has been in place for more than two-years and staff recently evaluated the program to determine its effectiveness and whether modifications should be made to these procedures. After a review of the regulations, staff is recommending the following amendments: Codify regulations in an ordinance; Require Public Works Contract estimated to be more than one-million dollars be awarded to Contractors with a Registered Apprenticeship Program; Require the contractor to sign an affidavit swearing compliance with the criteria, in lieu of reviewing compliance standards provided by the contractor; Require compliance with State, local and federal regulations (when applicable) such as prevailing wages, health insurance, safety program, substance abuse program; Permit the City Administrator to overall reject all bids; and Permit the City Administrator to reject a bid for non-compliance with these standards.

Motion by Ald. Daugherty, seconded by Ald. Bailey, to approve Ordinance Establishing Title 3, Chapter 1, Section 17 – Criteria for Determining the Qualifications of Responsible Bidders on City Contracts was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No.

Ordinance Amending Title 3, Chapter 1, Section 10 – Purchases by the City Administrator for Purchasing, Contracts, and Change Orders.

City Administrator Warwick stated in 2017, the Common Council adopted a City Purchasing Manual, not in the City Code. The Manual established requirements for purchasing and execution of agreements. Staff reviewed this policy to determined that modifications should be made to enhance the purchasing procedures for the City since there are common purchasing elements that were not included in the Manual. After reviewing the current manual, staff is recommending the following amendments: Amends the City Code section 3.1.10, “Purchases by the City Administrator” to create “Purchasing, Contract and Change Order Policy”; Increase the threshold from \$2,500 to \$3,000 for the requirement to obtain competitive price comparisons for contracts/purchases; Maintains the requirement to obtain competitive price comparisons for purchases and contracts between \$3,000 to \$25,000; Maintains the requirements to follow State Law for the bidding of projects; Permits the City Administrator to purchase items and execute agreements included in the budget provided all City and State requirements are met; Permits the City Administrator to purchase items and execute agreements up to greater than 2% of the budgeted amount, or greater than \$2,000 of the budgeted amount; Permits the City Administrator to make purchases or execute agreements that exceed the budgeted amount for routine operating expenses that are required for the City to continue to operate such as office supplies, fuel, natural gas, electricity, salt, etc.; Creates procedures for contract and engineering change orders; Modify procedures for emergency contracts to be consistent with the procedures for contract and engineering change orders; Maintains the exception for bidding on joint purchasing or sole source agreements; Maintains regulations on local purchasing; and Eliminates unneeded regulations and procedures or items that are located elsewhere in the Code.

Motion by Ald. Schmelzling, seconded by Ald. Bailey, to approve Ordinance Amending Title 3, Chapter 1, Section 10 – Purchases by the City Administrator for Purchasing, Contracts, and Change Orders was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.

Ordinance Amending Title 7, Chapter 1, Section 25 “Keeping of domestic animals and fowls of the Code of Ordinances of the City of Glendale”.

Community Development Director, John Fellows, stated in 2018, the Common Council adopted an ordinance regulating the Chickens keeping of chickens in residential areas in Glendale. Staff has reviewed the ordinance based on feedback from residents and is recommending two modifications to the regulations:

1. Clarify that accessory structures such as a shed or a detached garage are not included in required distance requirements from chicken coops, like residential structures are.

“(8) No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot, excluding accessory structures as defined in Section 13.1.200.”

2. There have been several requests to convert existing accessory structures, such as sheds to a coop. The ordinance as adopted did not anticipate this as an option. Staff recommends adding section (d) (11) to permit this.

“(11) Conversion of accessory units such as a shed to a Chicken coop shall meet the construction standards of noted in 1-10 above.”

Motion by Ald. Daugherty, seconded by Ald. Vukovic, to approve Ordinance Amending Title 7, Chapter 1, Section 25 “Keeping of domestic animals and fowls of the Code of Ordinances of the City of Glendale” was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, and Schmelzling. Noes: Ald. Shaw. Absent: None. Abstain: None. Motion carried.

IX. File No.

Ordinance Amending Title 15, Chapter 6 “Regulation of Signs, Billboards and Other Advertising Medium” of the Code of Ordinances of the City of Glendale.

Community Development Director, John Fellows, stated the Common Council requested staff to modify the sign ordinance to allow for additional standards and regulations related to Digital Billboards. While making these amendments, staff proposes amending the Code allowing corporate and institutional campus signage standards for directional signage for properties over 10 acres. There have been several requests for directional signs for corporate larger campuses and the current standard only allows for entry and exit signs and has a square footage amount that does not allow for readable multi line signs. Staff has also taken the opportunity to correct grammatical issues and provide clarification language on several sections. At the October 2023 meeting council directed staff to revise the ordinance to not modify the number of digital display structures, panels, or locations. The attached revised ordinance provides general classifications related to digital billboards, provides language for directional signage for large properties.

Motion by Ald. Bailey, seconded by Ald. Vukovic, to approve Ordinance Amending Title 15, Chapter 6 “Regulation of Signs, Billboards and Other Advertising Medium” of the Code of Ordinances of the City of Glendale was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: 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) (c) to consider the employment, promotion, compensation, wage ranges or performance evaluation data of public employees, in all departments over which the Council has jurisdiction or exercises responsibility (City Administrator Performance Review) and per Wis. Stat. Sec. 19.85(1)(g) to confer with legal counsel for the City who will render oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is involved (An update and strategy in the case of City of Glendale v. Linda Reed). Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 78 minutes was held. The Council discussed the City Administrator's Performance Review and the case of the City of Glendale v. Linda Reed.

Motion by Ald. Bailey, seconded by Ald. Schmelzling, 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.

No action was taken on closed session items.

ADJOURNMENT.

There being no further business, a motion was made by Ald. Vukovic, seconded by Ald. Gelhard, to adjourn the meeting. Ayes: Ald. 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, January 8, 2023, at 6:00 p.m.

Megan Humitz
City Clerk