

CITY OF GLENDALE
5909 North Milwaukee River Parkway
Glendale, Wisconsin 53209

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AMENDED 1-6-2024

AGENDA—COMMON COUNCIL MEETING

Monday, January 8, 2024

6:00 p.m.

1. Roll Call and Pledge of Allegiance.
2. Public Comment. Glendale residents, business owners, and property owners are invited to speak to the Council on items that are not on tonight's agenda but are within the City's ability to regulate or control.
3. Consent Agenda:
 - a) Adoption of Minutes: Meeting held on December 11, 2023
 - b) Approval: Accounts Payable
4. Public Hearing:
 - a) Public Hearing: An Ordinance amending Title 13, Chapter 1 "Zoning Code," Section 13.1.34 "B-1 Business and Commercial District."
 - b) Review and Possible Action: An Ordinance amending Title 13, Chapter 1 "Zoning Code," Section 13.1.34 "B-1 Business and Commercial District."
 - c) Public Hearing: Consideration of a request 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.
 - d) Review and Possible Action: Consideration of a request 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.
5. New Business: (The public may speak to the Council prior to the beginning of deliberations on these items, provided they have notified their respective Alderperson or the Mayor in advance of this meeting).
 - a) Presentation: Update from Wisconsin Department of Transportation's I-43 Projects

- b) Review and Possible Action: Recommendation from Legislative, Judiciary & Finance Committee to Approve the Application for Class “B” Beer Retailer License, and “Class B” Liquor Retailer License Filed by Wisconsin Athletic Club, LLC for WAC North Shore, located at 7601 N Port Washington Road.
 - c) Review and Possible Action: Extinguish the Pilot Agreement with Lubavitch of Wisconsin, Inc. and relinquish the right to receive payments in lieu of taxes on the property located at 6789 to 6799 North Green Bay Avenue moving forward.
 - d) Review and Possible Action: Extinguish the Memorandum of Understanding with Ohr Ha Torah, Inc. and relinquish the right to receive payments in lieu of taxes on the property located at 7020 North Green Bay Avenue and 7420 North Berwyn Avenue moving forward.
 - e) Review and Possible Action: Extinguish the Pilot Agreement for Payment in Lieu of Taxes with Torah Academy of Milwaukee, Inc. and relinquish the right to receive payments in lieu of taxes on the property located at 6800 North Green Bay Avenue moving forward.
 - f) Review and Possible Action: Resolution – Proclaiming May 11, 2024, as World Migratory Bird Day
 - g) Review and Possible Action: Resolution - 2023 Budget Amendments
 - h) Review and Possible Action: Ordinance - Repealing Section 7.19.1(c) of the Code of Ordinances of the City of Glendale Pertaining to Rummage Sale Permits.
 - i) *Review and Possible Action: Resolution - Requesting that the City of Milwaukee and the State of Wisconsin Immediately take action to ensure that the City of Milwaukee Sales Tax is not applied to Purchases Occurring in at Residents and Businesses Located in the City of Glendale
 - j) *Review and Possible Action: Direct the City Attorney to Seek Relief Through the Court System or any other means to Cease Imposition of the City of Milwaukee 2% Sales Tax in the City of Glendale and refund all Improperly Collected Taxes.
6. Commission, Committee, Board and Staff Reports: (This is an Opportunity for Council Members to Report on their Respective Committees, Commissions, Boards of which they serve as a Member and for Staff and Administrator updates)
7. Closed Session: The Common Council will convene in Closed session pursuant to Wis. Stat. Sec. 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, more specifically, the case Glendale vs. WE Energies, Public Service Commission Docket 6630-CC-237934

The Common Council will 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, (Review of Salary Adjustments) over which the Council has jurisdiction or exercises responsibility.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities.

*The Common Council of Glendale currently holds meetings in person at City Hall, or an alternative physical location as allowed by the City Ordinance. As a courtesy to citizens, Council meetings will also be made available live on the Zoom virtual platform for viewing and possible participation. However, the City cannot guarantee the technology supporting the virtual viewing option will operate perfectly and continuously. The only way to guarantee the ability to offer public comment, or view the meeting uninterrupted, is to appear in person. If the Zoom platform fails, the meeting will continue as scheduled.

The Common Council will convene in Closed Session pursuant to 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).

8. Reconvene to Open Session and Regular Order of Business.
9. Possible Action on Closed Session Items: Approval of Recommended Salary Adjustments
10. Adjournment.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities.

*The Common Council of Glendale currently holds meetings in person at City Hall, or an alternative physical location as allowed by the City Ordinance. As a courtesy to citizens, Council meetings will also be made available live on the Zoom virtual platform for viewing and possible participation. However, the City cannot guarantee the technology supporting the virtual viewing option will operate perfectly and continuously. The only way to guarantee the ability to offer public comment, or view the meeting uninterrupted, is to appear in person. If the Zoom platform fails, the meeting will continue as scheduled.

3A-3B
1/8/2024

CONSENT AGENDA

- a) [Adoption of Minutes: Meeting held on December 11, 2023](#)
- b) [Approval: Accounts Payable](#)

SUBJECT: An Ordinance amending Title 13, Chapter 1 “Zoning Code,” Section 13.1.34 “B-1 Business and Commercial District.”

FROM: John Fellows, Community Development Director
Ken Smith, Planner

MEETING: Common Council

MEETING DATE: January 8, 2023

FISCAL SUMMARY:

Budget Summary:	n/a
Budgeted Expenditure:	n/a
Budgeted Revenue:	n/a

STATUTORY REFERENCE:

Wisconsin Statutes:	n/a
Municipal Code:	§ 13.1.34(c)(20)

SUMMARY

- Around 2000 the City desired to remove its perceived fast food image
- In 2002 the B-1 zoning subdistricts were created
- The B-1 M Subdistrict along Capitol Drive does not allow restaurants
 - This disadvantages Glendale parcels compared to Milwaukee and Shorewood
- Staff recommend allowing sit-down restaurants in the B-1 M Subdistrict

BACKGROUND:

The B-1 Zoning District dates to at least as early as 1951. It dates to 2002 in its current form, the Plan Commission approved creation of the 23 subdistricts named “A” through “P” in August 2002 and revised that December. The impetus for the change occurred shortly after the 2000 Census and the then-community visioning project, “Glendale 2021 – Our Vision.” The City at the time wanted to end its image as merely a place for fast food. Staff and policymakers examined Glendale’s business districts and wanted to overhaul the commercial zoning codes. It appears as if the B-1 District has not changed in that time.

The various B-1 subdistricts each reflect individual commercial districts within the City. The B-1 M subdistrict, described in Section 13.1.34(c)(20) of the Glendale Code of General Ordinances, consists of three parcels along the southern boundary of Glendale with the City of Milwaukee, just north of the Capitol Drive right-of-way. Those parcels have structures which cross the municipal boundary and reside in both municipalities. As can be seen on Glendale’s [Zoning Map](#), within Glendale the B-1 M area is surrounded by parcels zoned M-1.

Much of Capitol Drive to the east and west of Glendale's portion within the City of Milwaukee allow for restaurants, as do portions of the E. Capitol Drive business district in the Village of Shorewood. A tenant at 100 E. Capitol Drive is interested in opening a sit-down restaurant concept which as previously stated is currently not allowed in the B-1 M subdistrict.

ANALYSIS:

Glendale's B-1 M subdistrict does not permit any restaurants, putting those commercial parcels at a competitive disadvantage with neighboring City of Milwaukee parcels in the broader Capitol Drive business district.

For the structure containing Outpost Foods at 100 E. Capitol Drive, the southern-most 15 feet of the structure reside in Milwaukee, and the remainder in Glendale. This has created confusion whereby tenants believe certain uses are acceptable based on the City of Milwaukee's zoning but they may not be in the City of Glendale. The parcels at 208 and 230 E. Capitol Drive have their structures and majority-tax increment in the City of Milwaukee with their rear parking lots in Glendale.

RECOMMENDATION:

Staff recommend policymakers allow sit-down restaurants in the B-1 M subdistrict through a Zoning Text Amendment, adding the same use language for sit-down restaurants as in the B-1 B subdistrict which is along N. Port Washington Road from W. Silver Spring Drive to W. Henry Clay Street ([Section 13.1.34\(c\)\(3\)](#)). This additional use would be more consistent with uses in the broader business district along Capitol Drive in the City of Milwaukee and Village of Shorewood.

As there already is a tenant with a signed lease, staff recommend policymakers amend the zoning text as quickly as possible under Wisconsin Statutes and the Glendale Code of General Ordinances.

~~November 13 — Common Council — Initial Review and Referral~~

~~December 5 — Planning and Architectural Review Commission — Recommendation to Common Council~~

January 8 – Common Council Public Hearing and Legislative Determination

ACTION REQUESTED:

Motion to recommend the Common Council adopt the zoning text amendment of the B-1 M subdistrict.

ATTACHMENTS:

1. [Ordinance – Zoning Text Amendment](#)
2. [Attachment – B-1 M Zoning Subdistrict](#)

SUBJECT: Consideration of a request 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.

FROM: John Fellows, AICP; Director of Community Development
Ken Smith, MPA, M.S.; Planner

Meeting: Common Council

MEETING DATE: January 8, 2024

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	§§ 5.4.2 , 13.1.39 ; Title 13, Article D – PD Planned Unit Development District

BACKGROUND

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 reenale 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. The Common Council requested a Public Hearing for January 8, 2024.

The applicant is requesting the following uses:

Warehouse tenant: First Stage Milw. Construction of stage sets. 8-12 employees M-F 7:00am-6:00pm

2nd Floor tenant: Health & Performance Collaborative, LLC. Exercise and physical therapy. 10-20 therapists and clients it varies on days and times 7 days a week 6:00am-7:00pm

1st Floor building space: Proposed Office use for Milwaukee Police Department's Command Headquarters for the RNC October '23-July '24. 200+ officers at any time to accommodate the rotation of 4,000 visiting officers. 24-7, 7 days/week. The applicant requested to modify this request after the October PARC meeting to be just offices.

1st Floor building space: Proposed Climate controlled storage after July'24. 1-3 employees from 7:00am-7:00pm. 24hr access 365 days.

1st Floor Building space: Proposed EV (Electric Vehicle) Factory repair center after July'24. 5-15 employees M-F 7:00am-6:00pm

The proposed uses will not generate any noise, odors, glare, potential fire hazards, or smoke. The current fire sprinkler is set up for office use in the vacant space. Other proposed uses will require a sprinkler system designed for their different use(s).

No proposed food services.

Maximum Facility use: The Milwaukee Police Command Headquarters may exceed 200+ based on specific need. Other users and uses will not exceed current, or proposed employee or clients.

The applicant requests the following signage. Current Multi-tenant monument. Additional signage requests would follow City of Glendale sign application and codes.

The application is requesting the following temporary fencing: The Milwaukee Police Department will require temporary fencing and it will be removed by July 24.

The applicant is proposing the following on site security. Each tenant and business are required to have their own monitored security systems.

The applicant is proposing the following timetable for space modification for use of vacant space and Lot 2:

- Milwaukee Police Department will require 1-2 months to reconfigure space for their temporary command headquarters. Ready for occupation 1 January '24. Revised to just offices.
- Climate Controlled Storage would require selective demo and compartmentalization based on approved plans. 6-9 months anticipated operational by early '25.
- EV Factory service center would require selective demo and remodeling based on approved plans. 6-9 months anticipated operational by early '25.
- Lot 2 new construction 9-12 months based on approved plans late '25 or early '26.
- Vacant Lot 2: To remain vacant. The applicant will return to amend the general and specific development plan and development agreement if they decide to move forward with such a project.

ANALYSIS:

Adoption of the General and Specific Development Plans and a corresponding development agreement with the above 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.

Plans and specifications for the temporary fence will need to be provided prior to the recommendation of the specific development plan by the Planning and Architectural Review Commission.

RECOMMENDATION:

Staff recommends approval of general and specific development plan subject to Common Council entering into a development agreement with the property owner per Title 13, Article D of the municipal code.

ACTION REQUESTED:

To approve a general and specific development plan subject to Common Council entering into a development agreement with the property owner per Title 13, Article D of the municipal code.

ATTACHMENTS:

[Attachment – 4160-4190 N. Port Washington Road.](#)

SUBJECT: Recommendation from Legislative, Judiciary & Finance Committee to Approve the Application for Class “B” Beer Retailer License, and “Class B” Liquor Retailer License Filed by Wisconsin Athletic Club, LLC for WAC North Shore, located at 7601 N Port Washington Road.

FROM: Megan Humitz, City Clerk

MEETING DATE: January 8, 2024

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	Chapter 125
Municipal Code:	7.2

BACKGROUND/ANALYSIS:

The State of Wisconsin requires any business selling alcohol to have an Alcohol Beverage License. All other licenses have been approved for the current location and all background checks have been concluded by the City of Glendale Police Department.

The Legislative, Judiciary & Finance Committee held a meeting on January 8, 2024. The Legislative, Judiciary & Finance Committee recommended the approval of a Class “B” Beer Retailer License, and “Class B” Liquor Retailer License filed by Wisconsin Athletic Club, LLC for WAC North Shore located at 7601 N Port Washington Road.

Wisconsin Athletic Club, LLC for WAC North Shore, meets all the statutory requirements to be issued a Class “B” Beer and “Class B” Liquor license. Proposed agent, C. Misko, was approved by the Police Department.

RECOMMENDATION:

All applications are on file in the Clerk’s office. The appropriate background checks were completed by the Police Department.

Staff recommends approval of the Class “B” Beer Retailer License, and “Class B” Liquor Retailer License.

ACTION REQUESTED:

Motion to approve the Class “B” Beer Retailer License, and “Class B” Liquor Retailer License Filed by Wisconsin Athletic Club, LLC for WAC North Shore, located at 7601 N Port Washington Road.

ATTACHMENTS:

None.

SUBJECT: Pilot Agreements for Property Tax Payments in Lieu of Tax
FROM: Karl Warwick, City Administrator
MEETING DATE: January 8th, 2023

FISCAL SUMMARY:

Budget Summary:	NA
Budgeted Expenditure:	NA
Budgeted Revenue:	\$17,192

STATUTORY REFERENCE:

Wisconsin Statutes:	10.11(4)
Municipal Code:	

BACKGROUND/ANALYSIS: The City of Glendale previously adopted three agreements with not-for-profit organizations, that are traditionally except from property taxes, to require these organizations pay to the City of Glendale property taxes equivalent to the assessed value only for the City's mill rate. The agreements do not require property tax collection for any other "eligible" government. Below is a summary of the agreements. Some of the agreements have amendments, however, I'm simply including the information from the date of adoption of the original agreement.

Name: Lubavitch of Wisconsin, Inc
Physical Address: 6789 North Green Bay Avenue
Zoning: PD
Current Tax Amount: \$3,694
Adopted: July, 2016

Name: Ohr Ha Torah *
Physical Address: 7020 North Green Bay Avenue and 7420 North Berwyn Avenue**
Zoning: B-4 and R-3, respectfully
Current Tax Amount: \$3,752
Adopted: May, 2012

*Agreement approved by Common Council as a Memorandum of Understanding.

**7420 North Berwyn was tax-exempt prior to the adoption of this agreement.

Name: Torah Academy of Milwaukee
Physical Address: 6800 North Green Bay Avenue
Zoning: S-1
Current Tax Amount: \$9,746
Adopted: July, 2007

Based on my reading of the agreements, the purpose of the agreements was to compensate the City for the loss of revenue when converting a tax-paying business to a use that would not pay property taxes.

The revenue received was meant to cover the cost of police and fire protection services and other essential services provided by the City.

Mayor Kennedy has asked that this item be presented to the Common Council for consideration as there are other not-for-profit organizations, including other religious institutions that are fully exempt from property taxes and were never presented with similar Pilot Agreements. If these are extinguished, the City would have a remaining Property Tax Pilot Agreement with the Village of Whitefish Bay for taxes on their public works facility in Glendale.

RECOMMENDATION: Consider approval of the motions to extinguish the above referenced Pilot Agreements.

ACTION REQUESTED:

1. Motion to extinguish the Pilot Agreement with Lubavitch of Wisconsin, Inc. and relinquish the right to receive payments in lieu of taxes on the property located at 6789 to 6799 North Green Bay Avenue moving forward.
2. Motion to extinguish the Memorandum of Understanding with Ohr Ha Torah, Inc. and relinquish the right to receive payments in lieu of taxes on the property located at 7020 North Green Bay Avenue and 7420 North Berwyn Avenue moving forward.
3. Motion to extinguish the Pilot Agreement for Payment in Lieu of Taxes with Torah Academy of Milwaukee, Inc. and relinquish the right to receive payments in lieu of taxes on the property located at 6800 North Green Bay Avenue moving forward.

ATTACHMENTS:

1. [Pilot Agreement between Lubavitch, Inc. and the City of Glendale](#)
2. [Memorandum of Understanding Between Ohr Ha Torah, Inc. and the City of Glendale](#)
3. [Pilot Agreement Between the Torah Academy of Milwaukee and the City of Glendale](#)

SUBJECT: 2024 World Migratory Bird Day Resolution

FROM: Charlie Imig, Director of Public Works

MEETING DATE: January 8, 2024

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

The attached World Migratory Bird Day Resolution is required for the City's continued participation in the Bird City Wisconsin Award program. The actual date for World Migratory Bird Day is May 11, 2024. The Friends of Kletzsch Park will coordinate Glendale's World Migratory Bird Day celebration on date to be determined.

RECOMMENDATION:

This is an annual Resolution required to be adopted in January. The City has participated in World Migratory Bird Day since 2015. Staff recommends the continued support of World Migratory Bird Day Resolution.

ACTION REQUESTED:

Motion to approve the 2024 World Migratory Bird Day Resolution as presented.

ATTACHMENTS:

1. [2024 World Migratory Bird Day Resolution.](#)

SUBJECT: Review and Approval: Budget Amendments for 2023 Budget
FROM: Karl Warwick, City Administrator
MEETING DATE: January 8, 2023

FISCAL SUMMARY:

Budget Summary:	Various Budget Amendments
Budgeted Expenditure:	
Budgeted Revenue:	

STATUTORY REFERENCE:

Wisconsin Statutes:	
Municipal Code:	

BACKGROUND/ANALYSIS: The 2023 Annual Program Budget was adopted on November 14, 2022. At the April 10th Common Council meeting, a budget amendment was approved for \$80,000 to purchase a police vehicle that was totaled, with the insurance revenue covering the cost of the vehicle replacement. A Budget Amendment was also approved, on November 22 reducing the cost of Public Works vehicle replacements from \$450,000 to \$325,000 as a result in the shift of when certain vehicles will arrive and purchasing replacement brine equipment to keep up with demand.

This proposed budget amendment encompasses all year end adjustments that were made during the year and approved as Estimated Year End figures in the adopted 2024 budget. The summary of the proposed budget amendments included in the Resolution are:

1. Creation of Creation of a Finance Division in the General Fund with a Budget of \$722,283.
2. Reduction in General Fund Administration expenditures by \$408,923, moving "Finance" expenditures to Finance.
3. Increase in Finance Expenditures:

Item	Original Budget	Proposed Budget
Audit Support Services	\$125,000	\$125,000
Financial Support Services	\$80,000	\$80,000
Audit Fees	\$40,000	\$148,360

- Audit Support Services represents the agreement with Jefferson Wells to facilitate the completion of 2021 and 2022 financial audits.
 - Financial Support Service represents the agreement with Lauterbach and Amen for financial management services.
 - Audit Fee represents additional expenses as the result of the completion of 3 audits in 2023. Budget included expenses for one audit.
4. Increase in North Shore Fire – Capital Outlay from \$70,259 to \$202,587 to represent the actual cost for this capital outlay.

5. Creation of a line item for Plan Review and Inspections Previous Years of \$116,689. This cost represents unpaid expenditures for building plan review and inspection services that were unpaid from 2019 to 2022.
6. Increase in Proprietary Fun Expenditures:

Item	Function	Original Budget	Proposed Budget
Utility Management	Water	\$0	\$50,000
Leak Detection	Water	\$0	\$23,500
Utility Bill Printing, Management and Software	Water/Sanitary/Storm	\$0	\$36,000
Sanitary Sewer Repairs	Sanitary	\$115,000	\$350,000
Engineering	Sanitary	\$7,500	\$60,000

- Increase in \$50,000 represents the agreement with City Water for utility management services to ensure compliance with DNR requirements (new expense).
- Increase in \$23,500 represents the agreement for water leak detection services (new expense).
- Increase in \$36,000 for utility bill printing, contractual utility billing management and finance software cost for utility billing. Since this is a combined line item, utility bill printing is included here, but did not occur in 2023. Software costs were paid from this account, however there was not an identified line item for it. Contractual utility billing management replaces the employee for this, and the position remains unfilled.
- Sanitary sewer repairs increased by \$235,000 for higher than anticipated emergency sanitary sewer repairs.
- Engineering in the Sanitary Sewer Function increased by \$52,500 to fund the engineering work required to make these emergency sanitary sewer repairs.

RECOMMENDATION: Approve the Resolution, approving the Budget Amendments for the 2023 Budget.

ACTION REQUESTED: Approve the Resolution, approving the Budget Amendments for the 2023 Budget.

ATTACHMENTS:

1. [Resolution](#).

SUBJECT: Review and approval of Ordinance Repealing Section 7.19.1(c) of the Code of Ordinances of the City of Glendale Pertaining to Rummage Sale Permits.

FROM: Megan Humitz, City Clerk

MEETING DATE: January 8, 2024

FISCAL SUMMARY:

Budget Summary:	General Fund Revenue
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	7.19.1

BACKGROUND/ANALYSIS:

For many years, the City of Glendale Ordinances has required a Rummage Sale Permit from any resident offering property for sale at a residential property. Permits have not been issued for rummage sales for many years and City staff do not feel it necessary to continue to require a permit for this purpose.

Rummage sales are subject to the restrictions set forth in the Code of Ordinances, including hours of operation, location, number of rummage sales in a year (3), number of days permitted and signage. There have been no complaints in recent years of excessive rummage sales in the City. The remainder of the ordinance will remain as is, and excessive rummage sales will be handled on a complaint basis.

RECOMMENDATION:

Staff recommends that the subsection requiring a permit for a rummage sale be repealed.

ACTION REQUESTED:

Motion to approve the Ordinance Repealing Section 7.19.1(c) of the Code of Ordinances of the City of Glendale Pertaining to Rummage Sale Permits.

ATTACHMENTS:

1. [Ordinance](#).

SUBJECT: Resolution Regarding Milwaukee Specific Sales Tax
FROM: Karl Warwick, City Administrator
MEETING DATE: January 8th, 2024

FISCAL SUMMARY:

Budget Summary:	NA
Budgeted Expenditure:	NA
Budgeted Revenue:	NA

STATUTORY REFERENCE:

Wisconsin Statutes:	2023 Wis. Act 12
Municipal Code:	NA

BACKGROUND/ANALYSIS: The State recently allowed the City of Milwaukee to collect a 2% sales tax at locations within the City of Milwaukee, beginning January 1, 2024. As a result of shared zip codes, many of the communities that share zip codes with the City of Milwaukee have seen the 2% Milwaukee-specific sales tax appear on bills in their communities. Examples include, residential streaming service bills, bills for parts home repairs, receipts at restaurants and receipts at various grocery stores.

Mayor Kennedy and I have checked the sale tax rates at various businesses and the Milwaukee-specific sales tax has appeared at some locations in the City of Glendale.

RECOMMENDATION: Mayor Kennedy is asking the Common Council to adopt the attached Resolution seeking the immediate halting of the Milwaukee-specific sales tax at locations in the City of Glendale and requesting the City of Milwaukee return all improperly collected sales tax.

Milwaukee County communities experiencing these same sales tax issues are initiating similar actions.

ACTION REQUESTED: Approved Resolution requesting that the City of Milwaukee and the State of Wisconsin Immediately take action to ensure that the City of Milwaukee sales tax is not applied to purchases occurring in at residents and businesses located in the City of Glendale

ATTACHMENTS:

1. [Resolution](#)

SUBJECT: Direct City Attorney to Seek Relief to Cease the Imposition of the City of Milwaukee Specific 2% Sales Tax in the City of Glendale and refund all Improperly Collected Taxes

FROM: Karl Warwick, City Administrator

MEETING DATE: January 8, 2024

FISCAL SUMMARY:

Budget Summary:	NA
Budgeted Expenditure:	NA
Budgeted Revenue:	NA

STATUTORY REFERENCE:

Wisconsin Statutes:	2023 Wis. Act 12
Municipal Code:	NA

BACKGROUND/ANALYSIS: The Milwaukee-specific 2% sales tax is being applied to locations in the City of Glendale since it was imposed on January 1, 2024. The collection of any City of Milwaukee-specific sales tax in the City of Glendale is improper and illegal, and should it occur, that sales tax collection needs to immediately be halted.

RECOMMENDATION: Direct the City Attorney to seek relief through the court system or any other means to cease the imposition of the City of Milwaukee Specific 2% Sales Tax in the City of Glendale and refund all improperly collected taxes.

ACTION REQUESTED: Direct City Attorney to seek relief regarding the Milwaukee-specific sales tax.

ATTACHMENTS:

1. None