

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

January 22, 2024

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; Jessica Ballweg, Deputy City Administrator; Charlie Imig, Director of Public Works; 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 Thursday, January 18, 2024, 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.

No public comment.

CONSENT AGENDA.

I. File No. _____

Adoption of Minutes of Meeting held on January 8, 2024 and Approval of Monthly Reports

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to Adopt the Minutes of Meeting held January 8, 2024 and Approve Monthly Reports was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

OLD BUSINESS.

II. File No. _____

Consideration of a request for a general and specific development plan and development agreement 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.

Community Development Director, John Fellows, 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. The Common Council requested a Public Hearing for January 8, 2024. 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.

The applicant provided written correspondence on January 10 and 16, 2024 stating that they request that the Milwaukee Police Department use be removed from the general, specific, and development agreement approvals. They have also indicated that they are no longer seeking approval through a general, specific, and general development agreements for an EV repair center. Staff has modified the development agreement to remove these uses. The applicant has also asked that a public sidewalk not be required at this time. Staff have modified the development agreement so that a sidewalk is only required if an addition or site modifications are made in the future. For more specifics see Section II L of the development agreement. Similarly, the applicant has requested that performance bond not be required. Staff has drafted the agreement in such away so that a performance bond is not required with the current uses, however a performance bond will be required with the amending of the agreement or approvals of any future uses, modifications, etc. For more specifics see Section II S of the development agreement.

Motion by Ald. Bailey, seconded by Ald. Daugherty, to approve the development agreement as presented, subject to the developer providing appropriate documents for exhibits to staff prior to signatures and recording was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: Ald. Vukovic. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

III. File No. _____

Review and approval of Contract Addendum No. 2 – Environmental Services for 2024-2026 with GZA GeoEnvironmental, Inc.

Director of Public Works, Charlie Imig, stated on May 24, 2021 the Council approved a three-year contract for Environmental Services – GZA GeoEnvironmental, Inc. for environmental services related to the Bender Road Landfill. The scope of services includes semiannual groundwater sampling, gas monitoring, annual site visit to examine monitoring infrastructure, routine maintenance of the monitoring points, as well as the submittal of the monitoring data to the WDNR. The thought was to then, in 2021, contract for three years to lock in a better rate. GZA has helped to identify and address potential high readings, as well as help the City gain WDNR approval for the planting of trees at Richard E. Maslowski Community Park. GZA has also performed and continues to perform work for hazardous material investigation, the DPW above ground storage tank (AST) WDNR reporting, and any required soil analysis for watermain projects and sediment sampling for the leaf collection site.

Motion by Ald. Daugherty, seconded by Ald. Schmelzling, to approve contracting with GZA GeoEnvironmental, Inc. for a three-year contract in the amount of \$42,400 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No.

Memorandum of Understanding –Outlining Procedures for Provision of Emergency Water Supply to the Village of Shorewood when the Primary Source of Water Supply is Unable to Meet Demand.

Director of Public Works, Charlie Imig, stated the Village of Shorewood Public Works Department has an upcoming Spring, 2024 water meter vault replacement project scheduled with the City of Milwaukee Water Department. While that project is underway, the Village of Shorewood desires to approve a memorandum of understanding (MOU) with the North Shore Water Commission (NSWC) to provide potable (drinking) water, in the event of an emergency. The Village of Shorewood is asking the three NSWC communities to approve the proposed MOU. The Villages of Whitefish Bay and Fox Point will be placing this item on their respective Board's agendas. The proposed MOU is an update to the agreement approved by North Shore Water Commission member communities in 2020.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to approve the Memorandum of Understanding Outlining Procedures for Provision of Emergency Water Supply when the Primary Source of Water Supply is Unable to Meet Demand was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No.

Funding Agreement M10005GL02 - Reimbursement for the Private Property Infiltration and Inflow (PPII) Reduction Program, not to Exceed \$880,000 with the Milwaukee Metropolitan Sewerage District.

Director of Public Works, Charlie Imig, stated in 2010, MMSD (District) began the PPII program. This program is funded fully by the District for investigation of sanitary sewers and construction on private laterals to reduce infiltration into the sanitary sewer system. In accordance with Funding Agreement, the District shall reimburse the Municipality in an amount not to exceed \$880,000 for approved PPII costs incurred through the work described in Attachment. The City Engineer created the work plan which consists of construction activity for full private sewer lateral reconstruction/replacement in two designated sub-sewer sheds in Glendale. It also includes a 275-foot sanitary sewer main extension to remove 3 additional laterals from the 30' deep Metropolitan Interceptor Sewer (MIS).

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve Funding Agreement M10005GL02 Private Property Infiltration and Inflow (PPII) Reduction Agreement and authorize the City Administrator to contract with MMSD for reimbursement of funds to complete the work plan was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No.

Allocation of \$2,890 in Budgeted Expenses from the Asset Forfeiture Fund for Police Interview Camera

Chief Ferguson stated City Hall, the Police Department, and DPW use Genetec cameras and electronic access control for building security and secure access. The system was installed by Engineered Security Solutions during the completion of the City Hall building. The Police Department would like to purchase a camera for our interview room in the Municipal Lockup. The cost for the camera and installation is \$2,890.00. The Police Department would use funds from their Justice Asset Forfeiture account to pay for the camera. \$17,000 in undetermined funds were approved in the Budget in this fund. Staff are requesting to allocate \$2,890 of the \$17,000 budgeted expenses for this purpose.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to approve the purchase of an interview room camera for \$2,890.00 for the Police Department using funds from the Police Department's Justice Asset Forfeiture account was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No.

Allocation of \$11,025 in Budgeted Expenses from the Asset Forfeiture Fund for a Portable Police Speed Trailer

Chief Ferguson stated the Police Department has 12 speed signs mounted in various locations throughout the City. The Department routinely receives complaints of speeding on streets without a permanent speed sign and would like to purchase a portable speed sign to address these concerns. The Police Department would like to purchase a Stalker Speed Awareness Monitor for \$11,025.00. The Department would use funds from their Justice Asset Forfeiture account to pay for the camera. The Stalker Speed Awareness Monitor is mounted on a trailer that can be towed by one of our Tahoe squad cars. Data retrieval is through a thumb drive, no additional software costs are required.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to approve the purchase of a Stalker Speed Awareness Monitor for \$11,025.00 using funds from the Police Department's Justice Asset Forfeiture account was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.

Agreement and Payment – for City Hall and Police Department Security Camera Support Services with Engineered Security Solutions

Administrator Warwick stated City Hall, the Police Department, and DPW use Genetec cameras and electronic access control for building security and secure access. The system was installed by Engineered Security Solutions during the completion of the City Hall building. Engineered Security Systems has provided notice that the City has not paid annual software and support fees since installation. They are requesting payment of \$6,750.00 for software and support catch up that would make the City compliant through 2024. Support fees for 2025 and beyond would be \$2,810 annually. The City was unaware of unpaid software and support.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to approve payment of software and support catch up fees of \$6,750.00 from an account designated by the City Administrator and authorization to execute an annual agreement for these services was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No.

Agreement – Amendment to the Attorney Services Agreement with Crivello, Nichols & Hall, S.C., expiring December 31, 2024.

City Administrator Warwick stated in 2021, the Glendale Common Council approved a three-year agreement with Nathan Bayer for City Attorney Services, which expires at the conclusion of this year. The City Code establishes that the term of the City Attorney shall be three years. The agreement began January 1, 2022, and expires December 31, 2024. The agreement locked in the attorney hourly rate of \$170 and a paralegal hourly rate of \$95. Attorney Bayer has asked that Glendale reconsider the agreement with an attorney hourly rate of \$195 in 2024. The amended agreement also states that if the City were to retain Attorney Bayer beyond the agreement, the hourly rate would be \$205. With the high levels of inflation, staff felt it important to lock in the rates for this service for a two-year period. Attorney Bayer also represents Shorewood and Brown Deer, and these rates are slightly lower than his rates in those communities.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve the amended agreement with Crivello, Nichols & Hall, S.C. for City Attorney services was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

X. File No.

Agreement – Design and Construction Engineering for the City’s 2024 Road Resurfacing, Watermain Replacement, Pedestrian Improvements, Alley Rehabilitation Program, with Clark Dietz, not to Exceed \$620,000.

Administrator Warwick stated in 2023, the Common Council approved a five-year capital improvement plan. The projects approved were placed in the 2024 approved budget. The cost for these projects includes the cost to design and to oversee the construction. 2024 projects itemized include: Watermain replacement program, Alley Rehabilitation Program, Road Resurfacing Program, Sidewalk/Bike Path Projects (ARPA), and Traffic calming projects. The total cost of design and construction engineering is \$620,000.

Motion by Ald. Bailey, seconded by Ald. Schmelzling, to authorize the City Administrator to execute a design and construction engineering agreement with Clark Dietz, for 2024 Capital Improvement Projects, not to exceed \$620,000 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XI. File No.

Planned Development District for a general and specific 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 Planned Development zoning classification, Tax Key Number 203-8995-004.

Community Development Director, John Fellows, stated in July of 2023 Phoenix JCR Glendale Industrial Investors, LLC sought to rezone 5055 North Lydell Avenue from B-1 “A-1” to PD – Planned Development with a plan of operation for corporate offices. The applicant originally sought to rezone from B-1 “A-1” to PD – Planned Development with a plan of operation for corporate offices. Corporate offices are generally defined as primarily office uses. The applicant went through the general development plan process and received approval from the Common Council following a public hearing from the PARC with a positive recommendation of approval and a Common Council Public Hearing and approval. The next step for the applicant was to apply for approval of a Specific Development Plan and follow up with a development agreement. The applicant has now modified their plan, and the process for this re-zoning request must start over again.

The applicant is now requesting a modification to the original plan for a regional center, which includes a display area, waiting room and associated offices, services bays, car wash and detailing facility, parts storage, and public spaces for customers. A Regional Center here will differ from a Corporate Center because a Corporate is primarily simply offices. The minimum and maximum number of employees for the new business will be 30-50. Operating times will be Monday through Saturday from 7am -7pm (to be defined). Phoenix will apply for a shared monument sign to be placed on N Port Washington, but additional signage will be said tenants’ responsibility. The current timetable for completing building construction and anticipated opening date would be in late 2024. More information is detailed in the attached plan of operation. For uses in the existing southern portion of the property will remain, corporate offices, minor back warehouse areas, and vacancies. The applicant anticipates future users and tenants would appear before the Planning and Architectural Review Commission for approval for a business use approval and any exterior architectural or site changes. The applicant has modified the application from being a corporate headquarters to a regional center on the northern portion of the property and, corporate offices, minor back warehouse areas, and vacancies. As such a new general development plan and specific development plan are required to be approved by the Common Council. In addition, a development agreement will be required as a final action by Council.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve authorization to direct staff to refer the item to the Planning and Architectural Review Commission and hearing on March 5, 2024 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, and Shaw. Noes: Ald. Schmelzling. Absent: None. Abstain: None. Motion carried.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve authorization to direct staff to schedule a public hearing for the March 11, 2024 Common Council meeting was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, and Shaw. Noes: Ald. Schmelzling. Absent: None. Abstain: None. Motion carried.

XII. File No.

Ordinance – Amending Title 13, Chapter 4, “Historic Preservation Zoning Designation,” amending Title 2, “Boards, Commissions, and Committees,” Chapter 4, Section 4, “Planning and Architectural Review Commission,” and creating Title 2, Chapter 4, Section 6, “Historic Preservation Commission” of the Code of General Ordinances of the City of Glendale.”

Community Development Director, John Fellows, stated this amendment to the Code of General Ordinances is a technical amendment which seeks to order the legal provenance of its commissions and improve the organization within the Glendale Ordinances. This amendment further updates language reflecting amendments to the Wisconsin Statutes since these sections were codified. The State of Wisconsin enables municipalities to have plan commissions (Wis. Stat. § 62.23(1)) and historic preservation commissions (Wis. Stat. § 62.23(7)(em)) under “Chapter 62: Cities” of the Wisconsin Statutes. In March 2023, the Common Council renamed the Plan Commission to the Planning and Architectural Review Commission when it abolished the Architectural Review Board (ARB) in Ordinance 23-04, splitting the ARB’s duties between the Commission and staff. This amendment in part would clarify that the Planning and Architectural Review Commission is a city plan commission pursuant to Wis. Stat. §§ 62.23(1-2). When the City of Glendale created an ordinance designating the Plan Commission also as a historic preservation commission pursuant to Wis. Stat. §62.23(7)(em), the Historic Preservation Commission was established in the Zoning Code within Title 13, rather than Title 2, “Boards, Commissions, and Committees.” This amendment updates the municipal language to reflect current Wisconsin Statutes and enables the Historic Preservation Commission to be under Title 2, rather than Title 13. The Zoning Code as amended would retain its existing historic preservation zoning language. Aside from reorganizing how the Code of General Ordinances is written, there are minor substantive changes to the Ordinances.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve the Ordinance amending Sections 2.4.4(c), 2.4.6, 13.4.4, 13.4.5, and 13.4.6 of the Code of General 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.

XIII. File No.

Underground Distribution Easement – WE Energies under Civic Drive for an Electrical Box for Fire Station 82.

Mayor Kennedy stated We Energies is requiring that the City of Glendale approve an easement to install new electrical lines for the North Shore Fire Station 82 in Glendale. The easement would permit WE Energies to install underground electrical facilities under Civic Drive (temporary easement) and along Civic Drive into the City’s property, adjacent to Station 82. The location of the easement is described in Exhibit A. The new electrical box would be installed on City property, per the enclosed rendering. An easement is not required for this; however, I submitted a letter to WE Energies indicating that the City permits the installation of this electrical box on our property to serve Fire Station 82.

Motion by Ald. Shaw, seconded by Ald. Bailey, to authorize the City Administrator to execute an Underground Distribution Easement agreement with WE Energies to serve North Shore Fire Station 82 was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

XIV. File No.

Ordinance Amending Title 13, Chapter 1, "Zoning Code," Section 182, "Procedure for changes or amendments" of the Code of General Ordinances of the City of Glendale.

Community Development Director, John Fellows, stated preparing an amendment to the B-1 M Business and Commercial District led Staff to scrutinize the notice requirements within the Zoning Code. Upon examination of Section 13.1.182(c), Staff noticed that any text amendment to a zoning district would require notification of all property owners within that zoning district, and all landowners within 200 feet of affected properties. Were the Common Council to desire modifying the text of the R-7 Residential District in Section 13.1.30 of the Zoning Code, for example, that would require notifying perhaps a majority of Glendale residents, but certainly the landowners owning more than 50 percent of Glendale's land area. To properly follow Glendale's Ordinance would create an administrative burden and cost.

Staff propose to change the ordinance requiring direct owner notification only for zoning map amendments. Zoning text amendments would continue following the statutory requirement of a Class 2 Notice prior to a public hearing. Direct notification of property owners via US Mail is not required under Wisconsin Statutes, only public notices. This amendment to the Ordinances would also enable the City Clerk and Community Development Director or designee to forward rezoning petitions directly to the Plan Commission to streamline the rezoning process while also granting the City Clerk and Community Development Director the discretion to refer a petition to the Council for forwarding to the Plan Commission.

Motion by Ald. Bailey, seconded by Ald. Schmelzling, to approve the ordinance Amending Section 13.1.182 of the Code of General Ordinances of the City of Glendale was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

XV. File No.

Ordinance Repealing Sections 7.2.14(b) Regarding Employment of Minors and 7.2.14(f) Clubs Regarding the Sale of Alcohol at Clubs.

City Administrator Warwick stated the City of Glendale ordinances currently state no retail Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, except for hotels and restaurants. Family members may work on the licenses premises but are not permitted to sell or dispense alcoholic beverages. There are several businesses in Glendale which employee "underage employees," but can possess a Class "B" license and sell alcoholic beverages. The Code also states that "clubs" shall not sell or give away any intoxicating liquors except to bona fide members or guests invited by members. With the expansion of athletic facilities in Glendale, and most of those facilities hosting leagues, this limits the clubs' ability to sell alcohol. Staff recommends the subsections related to employment of minors and clubs be repealed.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve the Ordinance Repealing Sections 7.2.14(b) and 7.2.14(f) of the Code of Ordinances of the City of Glendale Pertaining to Conditions of Licenses of Fermented Malt Beverages and Intoxicating Liquor was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. 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. Shaw, seconded by Ald. Gelhard, to adjourn the meeting. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: Ald. Vukovic. Absent: None. Motion carried and adjournment of the Common Council was ordered at 7:03 p.m., until Monday, February 12, 2023, at 6:00 p.m.

Megan Humitz
City Clerk