

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, February 8, 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 24, 2024, Approval of Accounts Payable, and Denial of Claim: Allstate Insurance Co a/s/o Lucille Brown.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to Adopt the Minutes of Meeting held January 24, 2024, Approve Accounts Payable, and Approve Denial of Claim: Allstate Insurance Co a/s/o Lucille Brown was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No.

Service Request Software Launch

Administrator Warwick stated the 2024 City Budget included funds for a Service Request system. The City has implemented the Service Request system with the City's website provider, Civic Plus, using their product SeeClickFix. SeeClickFix will include a link from our website and also includes an app that allows residents to submit service requests and to receive emergency notifications. The app also provides links directly to other relevant services such as registering to vote, viewing Council videos, link to the City's Facebook Page, and a link to City Payments. This program includes three components including a Service Request System, Emergency Notification System, and a Work Order System.

This item was for discussion purposes only. No action was taken.

III. File No.
Payment in Lieu of Taxes Agreement Template

Administrator Warwick stated at the January 8th Common Council meeting, staff was directed to provide the Common Council options for a “Master Pilot Agreement” for future Property Tax Pilot Agreements. Property Tax Pilot Agreements have permitted the City to receive the City’s portion of the property taxes when a property was moved to a tax-exempt status, typically triggered by a required action by the City for a map or text amendment or a PUD. Based on the records available, staff located three Pilot Agreements that were presented at the January 8th meeting. These agreements were approved in 2007, 2016, and 2021. Glendale also receives a property tax pilot payment (\$1,008) from the Village of Whitefish Bay for their Public Works facility in Glendale, under a Pilot Agreement. The context for situations involving Pilot agreements was provided as background. If a tax-exempt use is undertaken in a zoning district that permits that use, the entity operating will be exempt from taxes and the City would not be in any position to bargain for a Pilot because the property owner has the right to operate that use without action by the City. Hence, the organization cannot be required to enter into a Pilot Agreement. Contrast the preceding example with a situation where a property owner seeks to operate a tax-exempt use in a zoning district, such as a business district, where that use is not permitted. The City is under no legal obligation to change the zoning or grant a PUD to permit the use. Under this circumstance each side can and do bargain for many elements of the development, including the payment of property taxes:

1. The City has an option to take procedural steps to allow the use (text amendment, map amendment, PUD) in exchange for a Pilot Agreement. The City can withhold the approval based on other development conditions of the property as well.
2. The property-owner or operator has the option to enter into a Pilot agreement (or complete other required development items) in exchange for the City’s action to permit the proposed use. In this situation, the parties’ bargain and come to an agreement on a fair and equitable Pilot agreement.

Staff prepared options for the Common Council to review if a “Master Pilot Agreement” is desired. These options include:

1. Types of potential “Pilot Organizations”
Staff has listed several potential organizations that could trigger a property to become tax exempt. Counsel advises that to avoid equal protection issues, any global Pilot policy should be uniform and non-discriminatory. No such policy should designate one specific category of non-profit organization as always exempt from a Pilot request and designate another category that would always be subject to a Pilot. The Common Council is being asked to determine whether they desire to establish a “Master Pilot Agreement” and continue to enter into this type of agreement in the future.
2. Situations that Trigger a Pilot Agreement
If the Common Council desires to establish a “Master Pilot Agreement”, the Common Council will need to determine which situations trigger the establishment of an Agreement. Three options were provided. The final option would require the organization’s voluntary participation since a required action by the City to trigger this requirement is not present.
3. Payment in Lieu of Taxes
The Common Council is being asked to determine the policy by which the amount of property taxes to be collected is determined. A combination of these options has been used in our existing Pilot Agreements.

After a lengthy discussion regarding the options, Mayor Kennedy recommended Staff bring the framework back to a future meeting for a “Master Pilot Agreement” policy.

This item was for discussion purposes only. No action was taken.

IV. File No.

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.

Ald. Shaw stated 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. Proposed agent, C. Misko, was approved by the Police Department. All applications are on file in the Clerk’s office, and the application meets all statutory requirements. The Legislative, Judiciary & Finance Committee held a meeting on February 12, 2024. The Legislative, Judiciary & Finance Committee recommended 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.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, 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 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No.

Review and Approval of the 2024-2028 Capital Improvement Program

Administrator Warwick stated on July 10th, 2024, the Common Council approved the 5-year Capital Improvement Plan. In reviewing the plans for design engineering, we noticed that the Common Council was presented with the wrong version of the CIP Plan. The provided CIP Plan represents the final version of the plan. The plan includes modifications to the road resurfacing and watermain replacement plan throughout the five-year program. There were modifications made for the later years of the alley rehabilitation program.

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

VI. File No.

Design and Construction Engineering Service for 2024 Projects

Administrator Warwick stated in accordance with the revised Capital Improvement Program, the enclosed agreement represents design and construction engineering services for: Road Resurfacing Program, Watermain replacement program, Alley Rehabilitation Program, Sidewalk/Bike Path Projects (ARPA), and Traffic calming projects. Modifications were made for the 2024 rehabilitation projects for road resurfacing and watermain replacement. The total cost of design and construction engineering is \$592,000, which is a reduction from the previously approved agreement.

Motion by Ald. Daugherty, seconded by Ald. Shaw, to approve the authorization to the City Administrator to execute a design and construction engineering agreement with Clark Dietz, for 2024 Capital Improvement Projects, not to exceed \$592,000 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No.

Review and Approval of Agreement between the Milwaukee Metropolitan Sewerage District and the City of Glendale for the Reforestation of 6459, 6477, 6573, and 6593 North Sunny Point Lane.

Administrator Warwick stated the City of Glendale received an offer from Milwaukee Metropolitan Sewerage District (MMSD) to remove invasive species and reforest the city-owned properties located at 6459, 6477, 6573, and 6593 North Sunny Point Lane. At its April 25, 2022, meeting, the Common Council approved a Memorandum of Understanding with Milwaukee Metropolitan Sewerage District (MMSD) for Invasive Species Removal and Reforestation at 6459 North Sunny Point Lane. Under the agreement, 89 trees (and supplies) of a specific size and species will be planted on these properties. In return for MMSD's funding assistance up to \$25,000, Glendale agrees to grant MMSD access to the property to perform goat grazing and reforestation, to grant permits or licenses at no cost, provide timely input to MMSD on the restoration plan, and provide MMSD an 11-year conservation easement to begin at the conclusion of the reforestation project. Glendale is required to make the purchase and maintain the trees.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve the Agreement between the Milwaukee Metropolitan Sewerage District and the City of Glendale for the Reforestation of 6459, 6477, 6573, and 6593 North Sunny Point Lane was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.

Review and approval of Ordinance Amending Section 9.2.6(a) of the Code of Ordinances of the City of Glendale Pertaining to Sewer User Charges and Regulations – Billing

Mayor Kennedy stated the City of Glendale ordinance currently states User, LCR, and ICR charges are billed on a quarterly basis and payment must be made within 20 days after being mailed by the City. The City is requesting amending the billing period to 30 days, to be consistent with all other billing cycles.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to approve the Ordinance Amending Section 9.2.6(a) of the Code of Ordinances of the City of Glendale Pertaining to Sewer User Charges and Regulations Billing 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.

ADJOURNMENT.

There being no further business, a motion was made by Ald. Bailey, 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 7:08 p.m., until Monday, February 26, 2023, at 6:00 p.m.

Megan Humitz
City Clerk