

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

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AGENDA—COMMON COUNCIL MEETING

Monday, February 12, 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 January 24, 2024
 - b) Approval: Accounts Payable
 - c) Denial of Claim: Allstate Insurance Co a/s/o Lucille Brown
4. 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) Review: Service Request Software Launch
 - b) Review: Payment In Lieu of Taxes Agreement Template
 - c) 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.
 - d) Review and Possible Action: Approval - Revised 5-Year Capital Improvement Plan, modifying the Road Resurfacing, Watermain Replacement and Alley Schedule
 - e) Review and Possible Action: 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 \$592,000
 - f) Review and Possible Action: Agreement with the Metropolitan Sewerage District and the City of Glendale for the Reforestation of 6459, 6477, 6573 and 6593 North Sunny Point Lane
 - g) Review and Possible Action: Ordinance - Amending the Due Date for Utility Bills from 20 days to 30 Days
5. 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)
6. 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-3C
2/12/2024

CONSENT AGENDA

- a) Adoption of Minutes: Meeting held on January 22, 2024
- b) Approval: Accounts Payable
- c) Denial of Claim: Allstate Insurance Co a/s/o Lucille Brown

SUBJECT: Service Request Software
FROM: Karl Warwick, City Administrator
MEETING DATE: February 12th, 2024

FISCAL SUMMARY:

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

STATUTORY REFERENCE:

Wisconsin Statutes:	NA
Municipal Code:	NA

BACKGROUND/ANALYSIS: 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:

1. **Service Request System**

Permits residents and staff to enter requests for service, such as pothole, dead animal, streetlight out, etc. Requests can be entered on the City's website or directly through the app. If residents call or come to the City Hall, staff will enter requests. All requests are tracked and managed to completion, with the ability to communicate through your request.

2. **Emergency Notification System**

Residents who download the app and enable notifications, will receive emergency notifications, such as a closed road, watermain break, disruption of a City service or police emergencies. The notifications can be narrowed to an Aldermanic District.

3. **Work Order System**

Allows work orders to be assigned to staff. Tracks hours and equipment used to track hours/expenses for work orders. Allows the City to track these expenses for reimbursement for tree maintenance activities and insurance claims for repairs to streetlights hydrants, etc.

The service request system will generate reports that will be provided to the Comon Council monthly with all other reports.

RECOMMENDATION: None

ACTION REQUESTED: None

ATTACHMENTS:

1. None

SUBJECT: Template: Property Tax Pilot Agreements
FROM: Karl Warwick, City Administrator
MEETING DATE: February 12th, 2024

FISCAL SUMMARY:

Budget Summary:	NA
Budgeted Expenditure:	NA
Budgeted Revenue:	\$18,200

STATUTORY REFERENCE:

Wisconsin Statutes:	10.11(4)
Municipal Code:	

BACKGROUND/ANALYSIS: 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 is 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 City 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.

RECOMMENDATION: Review the options for Property Tax Pilot Agreements.

ACTION REQUESTED:

1. Determine whether to establish a “Master Pilot Agreement” or establish a policy not permitting Pilot Agreements.
2. If the Common Council elects to establish a “Master Pilot Agreement”, determine situations that trigger a “Master Pilot Agreement” and the amount of property taxes to be paid in the agreements.
3. Provide direction to staff on the existing Pilot Agreements

ATTACHMENTS:

1. [Payment in Lieu of Taxes](#)

EXISTING PILOT AGREEMENTS

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

Name: Village of Whitefish Bay
Physical Address: 5111 Lydell Avenue
Zoning: B1-A1
Current Tax Amount: \$1008
Adopted: Unknown

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: February 12, 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: Review and Approval of the 2024-2028 Capital Improvement Program

FROM: Karl Warwick, City Administrator

MEETING DATE: February 12th, 2024

FISCAL SUMMARY:

Budget Summary:	Capital Projects Fund
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

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

BACKGROUND/ANALYSIS:

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 enclosed 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.

RECOMMENDATION:

Recommend the Common Council approve the Revised 2024-2028 Capital Improvement Program per attachment.

ACTION REQUESTED:

Motion to approve the Revised 2024-2028 Capital Improvement Program as recommended.

ATTACHMENTS:

- [Revised Capital Improvement Plan](#)

SUBJECT: Design and Construction Engineering Service for 2024 Projects
FROM: Karl Warwick, City Administrator
MEETING DATE: February 12th, 2024

FISCAL SUMMARY:

Budget Summary:	
Budgeted Expenditure:	\$592,000
Budgeted Revenue:	

STATUTORY REFERENCE:

Wisconsin Statutes:	
Municipal Code:	

BACKGROUND/ANALYSIS: In accordance with the revised Capital Improvement Program, the enclosed agreement represents design and construction engineering services for:

1. Road Resurfacing Program
2. Watermain replacement program
3. Alley Rehabilitation Program
4. Sidewalk/Bike Path Projects (ARPA)
5. 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.

RECOMMENDATION: Authorize the City Administrator to execute a design and construction engineering agreement with Clarke Dietz, for 2024 Capital Improvement Projects, not to exceed \$592,000.

ACTION REQUESTED: Authorize the City Administrator to execute a design and construction engineering agreement with Clarke Dietz, for 2024 Capital Improvement Projects, not to exceed \$592,000.

ATTACHMENTS:

1. [Agreement for Design and Construction Engineering Services with Clarke Dietz.](#)

SUBJECT: 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

FROM: Karl Warwick, City Administrator

MEETING DATE: February 12, 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 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.

RECOMMENDATION:

Staff recommends the Common Council approve the Agreement with MMSD for the Reforestation of 6459, 6477, 6573, and 6593 North Sunny Point Lane.

ACTION REQUESTED:

Motion 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.

ATTACHMENTS:

1. [Intergovernmental Cooperation Agreement](#)

SUBJECT: 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

FROM: Megan Humitz, City Clerk

MEETING DATE: February 12, 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:

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 billing period to 30 days, to be consistent with all other billing cycles.

RECOMMENDATION:

Staff recommends that the subsection related to billing due dates be amended.

ACTION REQUESTED:

Motion 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

ATTACHMENTS:

1. [Ordinance](#).