

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

This meeting is in person, but will be broadcast over Zoom

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AGENDA—COMMON COUNCIL MEETING

Monday, January 13, 2025

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 December 9<sup>th</sup>, 2024
  - b) Approval: Accounts Payable
  - c) Review and Possible Action: *Resolution* – Proclaiming May 4, 2025, as World Migratory Bird Day
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 and Possible Action: *Ordinance* - Repealing and Replacing Section 7.4.7 regarding Transient Merchant Food Establishments
  - b) Review and Possible Action: *Resolution* - Initiating the Discontinuance of a Public Right-of-way
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)

Closed Session: 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, over which the Council has jurisdiction or exercises responsibility (City Administrator Performance Review).
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-3B  
1/13/2025

# CONSENT AGENDA

1. [Adoption of Minutes: Meeting held December 9th, 2024](#)
2. [Approval: Accounts Payable](#)
3. [Review and Possible Action: Resolution – Proclaiming May 4, 2025, as World Migratory Bird Day](#)

**SUBJECT:** Ordinance Update – Transient Food Merchants

**FROM:** Karl Warwick, City Administrator

**MEETING DATE:** January 13<sup>th</sup>, 2025

**FISCAL SUMMARY:**

Budget Summary:	
Budgeted Expenditure:	
Budgeted Revenue:	

**STATUTORY REFERENCE:**

Wisconsin Statutes:	
Municipal Code:	7.4.7

**BACKGROUND/ANALYSIS:** Several months ago, the Common Council approved an ordinance amendment for the entire section 7.4 that includes solicitors, and transient merchants. This update was meant to update solicitor regulations and staff did not focus on the solicitor section of the code. Following this update, staff noticed that a transient merchant was operating that prompted a review of the code to determine whether the operation was permitted and whether a permit is required. In review section 7.4.7, identifying the circumstances when a transient food merchant is permitted and whether a permit is required was not clear. Staff has updated section 7.4.7 of the City to clarify circumstances when transient food merchants are permitted, when a permit is required and when they are prohibited.

The regulations generally remained the same. Clarifications were made to the section on the regulations for transient food merchants at retail parking lots and at retail establishments, such as Bayshore and the Bavarian. Transient food merchants are permitted:

1. Retail parking lots permitted to operate and during times that retail sales are permitted
2. Retail locations permitted to make retail sales and during times that retail sales are permitted
3. City events approved by the Common Council
4. City property when sponsored by the City
5. On the property of not-for-profit entities

Permits are not required when administered by the City or a not-for-profit entity.

Transient merchant food sales are prohibited on public streets and in the right-of-way.

**RECOMMENDATION:** Consider adoption of an ordinance amending section 7.4.7 of the City code related to Transient Food Merchants.

**ACTION REQUESTED:** Consider adoption of an ordinance amending section 7.4.7 of the City code related to Transient Food Merchants.



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**ATTACHMENTS:**

1. [Ordinance Transient Merchant – REDLINE](#)
2. [Ordinance Transient Merchant](#)

**SUBJECT:** Consideration of a Resolution – Authorizing the Vacation and Discontinuance of An Unimproved Portion of the Right of Way Reserved/Created by CSM 8771

**FROM:** Meredith Perks, City Planner

**Meeting:** Common Council

**MEETING DATE:** January 13, 2025

**FISCAL SUMMARY:**

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

**STATUTORY REFERENCE:**

Wisconsin Statutes:	Wis. Stat. §§ <a href="#">62.23(5)</a> , <a href="#">66.1005(1)</a>
Municipal Code:	N/A

**BACKGROUND:**

The City previously approved the creation of a right-of-way area around various properties near 2510 Good Hope Road, per the attached exhibit. Originally, the City’s right-of-way (ROW) extended into the property known as 2510 Good Hope Road. To permit the development of a project, the City approved the vacation of a portion of this right-of-way following a noticed public hearing on November 11, 2024. The City needs to consider the vacation of a remaining portion of the right-of-way that connects the parcel to Range Line Road.

To vacate property, the City must adopt a Resolution initiating the vacation of the right-of-way, with a public hearing no sooner than 40 days after the adoption of this Resolution. A Class 3 Public Notice is required for the public hearing. The proposed public hearing would take place on February 24, 2025.

Wis. Stat. § 62.23(5) requires any prospective discontinuance of a public ROW to be reviewed by that municipality’s Plan Commission (CDA in this case) to determine if the abandonment is in the public interest. Upon the CDA’s recommendation of approval or disapproval, the draft resolution vacating the ROW would be considered by the Glendale Common Council at a public hearing no less than 40 days after the introduction of this Resolution.

Further, Wis. Stat. § 66.1005(1), relating to the reversion of land titles, states, “When any highway or public ground acquired or held for highway purposes is discontinued. . .[it] shall belong to the owner or owners of the adjoining lands. . .” If approved, this portion of unimproved right-of-way will revert to the property owner for the construction of a private access drive to the residential development.

**ANALYSIS:**

If approved by the Common Council at the future public hearing, the City of Glendale would vacate an unimproved (non-paved) right-of-way.

The ROW abandonment would revert back to the owner of the surrounding property, in this case 2510 Good Hope, LLC.

The Community Development Authority (CDA) and Glendale Common Council must determine if the right-of-way vacation is in the public interest.

**ACTION REQUESTED:**

Motion to approve a Resolution, initiating the discontinuance of a public way.

**ATTACHMENTS:**

1. [Resolution](#)
2. [Lis Pendens](#)