

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY, OCTOBER 15, 2013, 6:30 P.M.

- A. Call to Order and Roll Call
- B. Citizen Comment Period
- C. Approval of Minutes
  - 1. Approval of regular Committee of the Whole meeting of September 30, 2013.
  - 2. Approval of regular meeting of October 1, 2013.
  - 3. Approval of special meeting of October 7, 2013.
- D. Hearings
- E. Organizational Business
  - 1. Boards and Commissions Appointment
    - a. Kevin Mineard, Economic Staffing and Duties Task Force-Dist. #4.
- F. Letters and Petitions
  - 1. Letters from James Luckey, President of Franklin Historical Society:
    - a. Request for the City to donate street light poles and installation at the Historical Society village.
    - b. Request for the City to transport the Wendt Family barn to Lions Legend Park for the Franklin Historical Society to begin reconstruction.
- G. Reports and Recommendations
  - 1. Donation from the Historical Society of asphalt paving of the handicapped accessible pathways around the historical buildings in Lions Legend Park and authorization that a path lighting project in this same area be considered a project co-sponsored by the City of Franklin.
  - 2. Memorandum of Understanding Between the City of Franklin and the Franklin Historical Society, Inc. for the Reconstruction of the Historic Wendt Family Barn in Lions Legend Park.
  - 3. Donations from Kwik Trip, Inc. in the amount of \$500 to the Police Department and \$500 to the Fire Department.
  - 4. Resolution in Opposition to Senate Bill 301 and Assembly Bill 385 Mandating the Expenditure of Room Tax Revenues Essentially for Only Tourism Promotion and Development (Mayor Taylor).
  - 5. Resolution granting limited, specific authorization for disbursements in advance of review of voucher listings.
  - 6. Authorization to purchase a software upgrade to the City payroll processing system from "contingency" appropriations of the Capital Outlay Fund.
  - 7. Authorization to accept proposal from Perspective Design, Inc. for architectural and engineering services for building upgrades and repairs to the Lions Legend Park pavilion at 8050 S. Legend Drive.

8. Release of escrow deposit for the development of the Franklin Square (Woodland Trails) Condo project located along south Cobblestone Way north of W. Ryan Road.
9. Release of Letter of Credit for the development of the Sacred Heart at Monastery Lake Project located on the east side of S.T.H. 100 just south of W. Rawson Avenue.
10. Ordinance to prohibit parking, from 7:30 a.m. to 2:30 p.m. on regular school days, on the north side of W. Drexel Avenue from S. 51st Street to 150 feet west.
11. Resolution awarding bid to the lowest bidder for S. 35th Street and S. 36th Street from W. Madison Boulevard to W. Marquette Avenue, W. Marquette Avenue from S. 35th Street to S. 36th Street and the easement between S. 36th Street and S. 37th Place south of W. Madison Boulevard sanitary sewer lining project.
12. Resolution authorizing officials to execute an Engineering Services Agreement with Visu-Sewer, Inc. for the private property closed circuit televising and dye water flooding of laterals in the Rawson Homes Subdivision for S. 35th Street and S. 36th Street from W. Madison Boulevard to W. Marquette Avenue, W. Marquette Avenue from S. 35th Street to S. 36th Street and the easement between S. 36th Street and S. 37th Place south of W. Madison Boulevard.
13. Resolution authorizing officials to execute an Intergovernmental Agreement with the Milwaukee Metropolitan Sewerage District (MMSD) for the private property infiltration and inflow (PPII) elimination in the Rawson Homes Subdivision for S. 35th Street and S. 36th Street from W. Madison Boulevard to W. Marquette Avenue, W. Marquette Avenue from S. 35th Street to S. 36th Street and S. 37th Place south of W. Madison Boulevard and authorize staff to accept the extension of unit costs of the PPII.

H. Licenses and Permits

1. Miscellaneous Licenses.

I. Bills

1. Vouchers and Payroll approval.

J. Adjournment

\*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

\*\*Notice is given that a majority of the Forward Franklin Economic Development Comm. may attend this meeting to gather information about an agenda item over which the Forward Franklin Economic Development Comm. has decision-making responsibility. This may constitute a meeting of the Forward Franklin Economic Development Comm. per State ex rel. Badke v. Greendale Village Board, even though the Forward Franklin Economic Development Comm. will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

October 17	Plan Commission	7:00 p.m.
October 22	Special Primary Election Assembly District 21 (Franklin Wards 12 and 15B only)	
November 4	Committee of the Whole	6:30 p.m.
November 5	Common Council	6:30 p.m.



APPOINTMENTS-  
CONTINUED

E.1.e. Alderman Skowronski moved to approve the Mayoral appointment of Bruce Kaniewski, District 2, to the Forward Franklin Economic Development Commission, term expires 6/30/14 (to fill unexpired 2-year term). Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.f. Alderman Schmidt moved to approve the Mayoral appointment of Matthew Cool, District 5, to the Economic Staffing and Duties Task Force. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

ORD. 2013-2116  
CHILD SEX OFFENDERS

G.1. Alderman Taylor moved to adopt Ordinance 2013-2116, AN ORDINANCE CREATING SECTION 167-9 OF THE FRANKLIN MUNICIPAL CODE PROHIBITING CHILD SEX OFFENDERS FROM PARTICIPATING IN PUBLIC HOLIDAY CELEBRATIONS INVOLVING CHILDREN. Seconded by Alderman Dandrea. All voted Aye; motion carried.

DONATIONS

G.2. Alderman Skowronski moved to accept the following donations: \$1,000 from the Milwaukee County DARE Officer's Association to the Police Department; \$200 from Franklin Noon Lions Club, \$200 from Marko Gerovac, Sr., and \$250 from Kenneth R. Sweeney Water Well Drilling & Pumps Inc. to the Fair Commission. Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2013-2117  
IMPACT FEES FOR  
PARKS AND  
RECREATIONAL  
FACILITIES

G.3. Alderman Taylor moved to adopt Ordinance 2013-2117, AN ORDINANCE TO AMEND §92-9 OF THE MUNICIPAL CODE PERTAINING TO IMPACT FEES FOR PARKS, PLAYGROUNDS, AND OTHER RECREATIONAL FACILITIES. Seconded by Alderman Schmidt.  
Alderman Wilhelm moved to amend the motion to include City Attorney review of Table 2 for the interpretation of interest accrued. Seconded by Alderman Skowronski. All voted Aye; motion carried.  
On the vote for the main motion as amended, all voted Aye. Motion carried.

RES. 2013-6914  
CSM 7700-7760 S.  
LOVERS LANE RD.

G.4. Alderman Schmidt moved to adopt Resolution No. 2013-6914, A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8000, BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 5762, CERTIFIED SURVEY MAP NO. 377 AND LANDS IN THE SOUTHWEST ¼ AND NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 8, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (SBI WYNDHAM, LLC., OWNER/APPLICANT)(7700-7760 SOUTH LOVERS LANE ROAD. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2013-6915  
BID AWARD FOR  
INSTALLATION OF  
VICTORY CREEK  
BITUMINOUS TRAIL

G.5. Alderman Wilhelm moved to adopt Resolution No. 2013-6915, A RESOLUTION AWARDED BID TO THE LOWEST BIDDER FOR THE INSTALLATION OF VICTORY CREEK BITUMINOUS TRAIL BEGINNING AT INTERSECTION OF W. VICTORY CREEK DRIVE AND S. BRIDGE STREET AND ENDING AT THE 4500 BLOCK OF W. MARQUETTE AVENUE TO Western Contractors in the amount of \$193,195 as amended and subject to technical corrections by the City Attorney. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Wilhelm moved to direct the Director of Administration to assure all permits, fees, and notices related to the Pleasant View/Victory Creek Trail project are properly executed and returned in a manner prior to deadlines. Seconded by Alderman Taylor. All voted Aye; motion carried.

S. 27TH ST. SIDEWALK  
WIDTH AND UTILITIES

G.6. Alderman Taylor moved that utilities in S. 27th Street from W. College Avenue to W. Drexel Avenue be placed underground. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

Alderman Taylor then moved to direct staff to inform the State Department of Transportation that the City requests that the S. 27th Street sidewalk width be 6 feet from W. College Avenue to W. Drexel Avenue. Seconded by Alderman Mayer.

Alderman Schmidt moved to call the question. Seconded by Alderman Mayer. All voted Aye; motion carried.

On the main motion for 6 foot width of sidewalks on S. 27th Street, all voted Aye. Motion carried.

RES. 2013-6916  
INTERGOVERNMENTAL  
JURISDICTIONAL  
TRANSFER AGREEMENT

G.7. Alderman Taylor moved to adopt Resolution No. 2013-6916, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL JURISDICTIONAL TRANSFER AGREEMENT BETWEEN MILWAUKEE COUNTY AND THE CITY OF FRANKLIN FOR THE TRANSFER OF S. NORTH CAPE ROAD (CTH J) FROM 870 FEET NORTH OF W. HIGH VIEW DRIVE TO W. FOREST HOME AVENUE (CTH OO) AND THE TRANSFER OF S. 68TH STREET (CTH A) FROM W. RYAN ROAD (STH 100) TO 1,285 FEET SOUTH OF W. PUETZ ROAD. Seconded by Alderman Dandrea.

Alderman Skowronski moved to call the question. Seconded by Alderman Schmidt. All voted Aye; motion carried.

On the main motion to adopt Resolution No. 2013-6916, all voted Aye. Motion carried.

RES. 2013-6917  
ENGINEERING  
SERVICES AGREEMENT  
HIMALAYAN  
CONSULTANTS, LLC.

G.8. Alderman Skowronski moved to adopt Resolution No. 2013-6917, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH HIMALAYAN CONSULTANTS, LLC FOR THE PRELIMINARY ENGINEERING FOR THE RECONSTRUCTION OF S. NORTH CAPE ROAD (CTH J) FROM 870 FEET NORTH OF W. HIGH VIEW DRIVE TO W. FOREST HOME AVENUE (CTH OO). Seconded by Alderman Mayer. All voted Aye; motion carried.

ESCROW DEPOSIT

G.9. Alderman Wilhelm moved to release escrow deposit for the Berkshire Certified Survey Map by Rick J. Przybyla as recommended by the Engineering Department. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2013-6918  
REPLACEMENT  
HOLDING TANK  
AGREEMENT  
BTL HOLDINGS, LLC

G.10. Alderman Taylor moved to adopt Resolution No. 2013-6918, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A REPLACEMENT HOLDING TANK AGREEMENT WITH BTL HOLDINGS, LLC, 3310 W. ELM ROAD, TAX KEY NO. 951-9996-015. Seconded by Alderman Dandrea. All voted Aye; motion carried.

SPECIAL ASSESSMENT  
INTEREST RATES

G.11. Alderman Taylor moved to place on file the Finance Committee recommendation dated 9/24/13 on interest rates for special assessments. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2013-2118  
AMEND ORD. 2012-2096  
MODIFYING BUDGET  
OF CAPITAL  
IMPROVEMENT FUND

G.12. Alderman Dandrea moved to adopt Ordinance 2013-2118, AN ORDINANCE TO AMEND ORDINANCE 2012-2096 (AN ORDINANCE ADOPTING THE 2013 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN), AS AMENDED, TO MODIFY THE BUDGET OF THE CAPITAL IMPROVEMENT FUND AMENDING THE PROJECT LINE ITEMS TO PROVIDE \$20,000 IN TOTAL APPROPRIATIONS FOR THE FRANKLIN HISTORICAL SOCIETY BARN PROJECT, TO PROVIDE AN INCREASED APPROPRIATION OF \$48,720 FOR THE PLEASANT VIEW/VICTORY CREEK TRAIL PROJECT INCREASING THE TOTAL APPROPRIATION TO \$242,160, TO ESTABLISH A \$104,777 APPROPRIATION FOR THE 51ST STREET SIDEWALK PROJECT, AND THE ESTABLISH A \$27,000 APPROPRIATION FOR THE NORTH CAPE ROAD TRAIL PROJECT. Seconded by Alderman Mayer. All voted Aye; motion carried.

FLEXIBLE SPENDING  
PROGRAM

G.13. Alderman Dandrea moved to modify the eligibility requirement of the Flexible Spending Program (Section 125 Plan) such that the requirement that the employees are regularly scheduled to work 20 or more hours per week applies to employees hired, for their current term of employment, after January 1, 2007. Seconded by Alderman Schmidt. All voted Aye; motion carried.

COMMITTEE OF THE  
WHOLE  
RECOMMENDATIONS

G.14.A. No action was taken on a 9/30/2013 Committee of the Whole concept review for a proposed self storage mini warehousing development (6951 S. Lovers Lane Road) (Alex Simic, applicant).

G.14.B. No action was needed on the 9/30/2013 Committee of the Whole review of Mayor's Recommended 2014 Budget (including all funds, departments, revenues, expenditures, and activities).

G.14.C. At the Common Council meeting of September 17, 2013, a motion was made by Alderman Wilhelm and seconded by Alderman Taylor to reconsider the action taken at the Common Council meeting of September 3, 2013 upon agenda item G.7. to table an Ordinance to amend the Municipal Code to provide for additional Aldermanic positions for the membership of the Forward Franklin Economic Development Committee. On the vote to reconsider the motion, all voted Aye. Motion carried.

Alderman Taylor moved to deny an Ordinance to Amend the Municipal Code to Provide for Additional Aldermanic Positions for the Membership of the Forward Franklin Economic Development Committee (Mayor Taylor). Seconded by Alderman Dandrea. All voted Aye; motion carried.

POTENTIAL CLAIMS  
COMPENSATION FOR  
RYAN CREEK  
INTERCEPTOR

G.15. Alderman Taylor moved to authorize the City Attorney's office to settle the potential claims for the Ryan Creek Interceptor pursuant to the recommendation of the City Attorney's office, City staff, and the City's appraisal consultant, and to authorize the Mayor and City Clerk to execute any necessary settlement agreements and releases to accomplish the same. Seconded by Alderman Schmidt. All voted Aye; motion carried.

MISCELLANEOUS  
LICENSES

H.1. Alderman Taylor moved to grant the following licenses:

Operator License to Hein, Lindsay N., 7337 Brunn Dr.; Maule, Kayla M., 8448 Woodmere Sq., Wind Lake; Nersesian, Marna S., 7845 S. Scepter Dr. #15; Perszyk, John R., 7624 S. 74th St.; Teigeiro, Alex G., 8335 S. River Terrace Dr. and Williams, Samuel A., 422 Lawrence Ave., Grayslake, IL;

LICENSES-  
CONTINUED

Also moved to hold Operator License for Ormond, Mariah R., 1608 ½ East St. Upper, Racine and Bailey, Brett W., 4636 S. Racine Ave., New Berlin, both subject to appearing before the License Committee. Seconded by Alderman Dandrea. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

- I.1. Alderman Taylor moved to approve net general checking account City vouchers in the range of Nos. 148724 through 148904 dated October 1, 2013 in the amount of \$1,351,829.90. Seconded by Alderman Skowronski. On roll call, all voted Aye. Motion carried.
- Alderman Skowronski moved to approve net payroll dated October 4, 2013 in the amount of \$324,064.40 and payment of the various payroll deductions in the amount of \$189,983.31 plus any City matching payments, where required. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.
- Alderman Taylor moved to approve check No. 148905 in the net amount of \$97,737.00. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Skowronski moved to adjourn the meeting at 8:40 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

CITY OF FRANKLIN  
SPECIAL COMMON COUNCIL MEETING  
OCTOBER 7, 2013  
MINUTES

- |  |   |
|--|---|
| ROLL CALL  | I. The special meeting of the Common Council was held on October 7, 2013 and called to order at 6:00 p.m. by Mayor Tom Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Mark Dandrea, Daniel Mayer, Kristen Wilhelm, Steve Taylor, and Doug Schmidt. Excused was Alderman Ken Skowronski. Also present were City Engineer John M. Bennett, City Attorney Jesse Wesolowski and City Clerk Sandi Wesolowski.   |
| CITIZEN COMMENT  | II. Citizen comment period was opened at 6:01 p.m. and closed at 6:05 p.m.  |
| SPECIAL EXCEPTION<br>NATURAL RESOURCE<br>PROVISIONS<br>(PLEASANT VIEW/<br>VICTORY CREEK TRAIL) | III.A. Alderman Wilhelm moved to adopt the Standards, Findings, and Decision of the City of Franklin Common Council as updated, upon the application of the City of Franklin for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance (Pleasant View/Victory Creek Trail Development Project); immediately south of and east of Pleasant View elementary School, (4601 W. Marquette Avenue) and east of Pleasant View Neighborhood Park. Seconded by Alderman Schmidt. All voted Aye; motion carried. |
| RESOLUTION<br>AWARDING BID FOR<br>PLEASANT VIEW/<br>VICTORY CREEK<br>BITUMINOUS TRAIL          | III.B. A Resolution awarding bid to the lowest bidder for the installation of Victory Creek bituminous trail beginning at the intersection of W. Victory Creek Drive and S. Bridge Street and ending at the 4500 block of W. Marquette Avenue (Pleasant View/Victory Creek Trail construction) was adopted by the Common Council on October 1, 2013; therefore, no action was needed at this time.  |
| ADJOURNMENT  | IV. Alderman Taylor moved to adjourn the meeting at 6:10 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.  |

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CITY OF FRANKLIN  
COMMITTEE OF THE WHOLE MEETING  
SEPTEMBER 30, 2013  
MINUTES

ROLL CALL

- I. The Committee of the Whole meeting was held on September 30, 2013 and called to order at 6:30 p.m. by Mayor Tom Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Mark Dandrea, Daniel M. Mayer, Kristen Wilhelm, Steve Taylor, Doug Schmidt, and Alderman Skowronski. Also present were City Engineer John M. Bennett, Director of Administration Mark Luberda, City Attorney Jesse Wesolowski and City Clerk Sandi Wesolowski.

CONCEPT REVIEW

- II.A. A concept review was presented for a proposed self storage mini warehousing development (6951 S. Lovers Lane Road)(Alex Simic, applicant).

MAYOR'S  
RECOMMENDED 2014  
BUDGET

- II.B. At 6:46 p.m. Mayor Tom Taylor passed the gavel to Council President Steve Taylor, who then chaired the meeting. Alderman Skowronski moved to tentatively approve the Mayor's recommended 2014 budget to incorporate the changes presented to the Capital Improvement Fund and including increasing the impact fee revenue for the North Cape Trail to the maximum allowable amount. Seconded by Alderman Schmidt. All voted Aye; motion carried.

MEMBERSHIP OF  
FORWARD FRANKLIN  
ECONOMIC DEV COMM

- II.C. An Ordinance to amend the Municipal Code to provide for additional Aldermanic positions for the membership of the Forward Franklin Economic Development Committee; (referred to this meeting at the September 3, 2013 Common Council meeting upon agenda item G.7.); this item is subject to a motion made and seconded, at the September 17, 2013 Common Council meeting upon agenda item G.3., to reconsider the referral of and therefore this item, with discussion and action upon the motion to occur at the October 1, 2013 Common Council meeting.

ADJOURNMENT

- III. Alderman Taylor moved to adjourn the Committee of the Whole meeting at 8:15 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>10/15/13</b>
<b>ORGANIZATIONAL BUSINESS</b>	<b>Boards and Commissions Appointment</b>	<b>ITEM NUMBER</b> <i>E.1.</i>

Economic Staffing and Duties Task Force  
Kevin Mineard

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CITY OF FRANKLIN

2013 APR 24 AM 8:55

City of Franklin  
9229 West Loomis Road  
Franklin, Wisconsin 53132

**VOLUNTEER FACT SHEET**

Thank-you for your interest in serving on a City Board, Commission, or Committee. In order that consistent information be provided to the Common Council, you are asked to complete the following:

**PERSONAL:**

Name Kevin Mineard  
Address 8050 S. 35<sup>th</sup> ST  
Phone Number 414-423-0834  
E-Mail KMINEARD@YAHOO.COM  
Length of Time a Franklin Resident 8 YEARS  
Alderman or District Number Steve Taylor

**AREA OF INTEREST:** Please check the line next to the Board, Commission or Committee or area of greatest interest. If listing more than one, please prioritize your top three choices (3 being least priority).

- |   |  |
|---|--|
| <input type="checkbox"/> Architectural Review Board           | <input type="checkbox"/> Civic Celebrations Commission               |
| <input type="checkbox"/> Community Development Authority      | <input checked="" type="checkbox"/> Finance Committee                |
| <input type="checkbox"/> Environmental Commission             | <input type="checkbox"/> Forward Franklin Economic Development Comm. |
| <input type="checkbox"/> Fair Commission                      | <input type="checkbox"/> Board of Health                             |
| <input type="checkbox"/> Fire and Police Commission           | <input type="checkbox"/> Parks Commission                            |
| <input type="checkbox"/> Library Board                        | <input type="checkbox"/> Plan Commission                             |
| <input type="checkbox"/> Personnel Committee                  | <input type="checkbox"/> Board of Review                             |
| <input type="checkbox"/> Board of Public Works                | <input type="checkbox"/> Board of Water Commissioners                |
| <input type="checkbox"/> Technology Commission                | <input type="checkbox"/> Waste Facility Siting Committee             |
| <input type="checkbox"/> Board of Zoning and Building Appeals | <input type="checkbox"/> Waste Facilities Monitoring Committee       |

Why are you interested in joining this (these) particular Board and/or Commission?

continue serve on the Finance Committee

**VOLUNTEER OR WORK EXPERIENCE**

(Begin with your most recent employment and continue with all past 10 years of employment. Please attach additional paper or include resume, if available.)

Company Name: SNAP-ON INCORPORATED	Address: 2801 80TH ST KENOSHA, WI 53143	Telephone: 262-656-5892
Date started: MAY - 2005	Starting Position: SENIOR FINANCIAL ANALYST	
Date left: PRESENT	Position upon leaving: DIRECTOR OF FINANCE / DIVISION CONTROLLER	
Description of duties:		

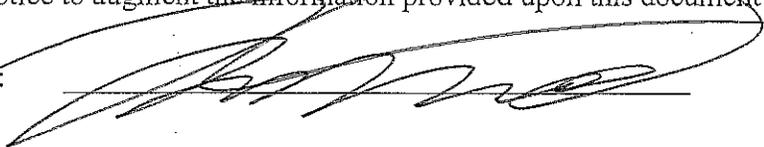
Company Name: E & Y	Address: ONE WACKER DR CHICAGO, IL	Telephone: _____
Date started: SEPT - 01	Starting Position: STAFF	
Date left: MAY - 05	Position upon leaving: SENIOR AUDITOR	
Description of duties:		

Company Name:	Address:	Telephone:
Date started:	Starting Position:	
Date left:	Position upon leaving:	
Description of duties:		

**ADDITIONAL EXPERIENCE OR QUALIFICATIONS:** List any other experience, skills, or other qualifications, including hobbies, which you believe should be considered in evaluating your qualifications for volunteering.

CPA  
MBA From Kellogg School of Management

I am aware that all of the information provided and this document itself is a public record which will be released to a requestor; that I authorize such release and that I waive any right to any notice of such release and/or any right of notice to augment the information provided upon this document upon such request or release.

Signature:  Date: 4-23-13

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F.I.

Franklin Historical Society  
P.O. Box 320012  
Franklin, WI 53132

office/fax: 414-421-6539

Sept. 26, 2013

Honorable Thomas Taylor  
Mayor of Franklin, Wisconsin  
9229 West Loomis Road  
Franklin, Wisconsin 53132

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2013 SEP 27 AM 7:41

The Franklin Historical Society is planning a major upgrade of our historical village. These upgrades include asphaltting the current pathways, adding a new asphalted pathway from the chapel to the new smokehouse and to the cabin with a small stone bridge over a dip in the landscape where a prairie garden currently is, installing the wiring for the building of the barn and an outlet for a future Christmas tree lighting for the city.

Along the pathways we will be installing nine street lights which will be turned on during FHS events such as our Christmas services.

Electric service to these lights, to our cabin for lighting and to the chapel for an electric heating system will be provided by Mr. Steve Rekowski of Pieper Electric.

Pieper Electric is doing this project for cost donating several thousands of dollars in kind service for the FHS. Pieper will obtain the permit.

Suburban Asphaltting will be doing the pathways at a considerable discount for the FHS and will obtain the permit.

The FHS request of the City of Franklin is to donate the nine street light poles that are currently listed as out of service and install the poles only with a five foot base in the positions currently staked out. The lighting heads for the poles will be provided by the FHS and installed by Pieper.

James Luckey

President FHS

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F.2.

Franklin Historical Society  
P.O. Box 320012  
Franklin, WI 53132

office / fax: 414-421-6539

Sept. 26, 2013

Honorable Thomas Taylor  
Mayor of Franklin, Wisconsin  
9229 West Loomis Road  
Franklin, Wisconsin 53132

The Franklin Historical Society wants to begin the reconstruction of the historic Wendt family barn in Lions Legend park this fall. The barn was carefully disassembled by the FHS last fall. The City of Franklin agreed to transport and store the barn for the FHS in the city's yard on Ryan Rd.

The FHS now requests of the city after the permit for the reconstruction is obtained is for the city to transport the barn to Lions Legend park for the FHS to begin its reconstruction.

James Luckey

President FHS

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<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>10/15/13</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p> <p><i>[Signature]</i></p>	<p>Donation from the Historical Society of asphalt paving of the handicapped accessible pathways around the historical buildings in Lion Legends Park and authorization that a path lighting project in this same area be considered a project co-sponsored by the City of Franklin</p>	<p><b>ITEM NUMBER</b></p> <p><i>G.I.</i></p>

The Historical Society has continued to pursue enhancements to the area comprising the historical structures located in the Lions Legend Park. The attached map and documentation shows some enhancements they are pursuing at this time. Other issues shown on the site plan would be addressed by the Historical Society in the future. Two issues should be addressed at this time.

1) Pathway Paving: The bold-outlined paths are the handicapped accessible paths previously installed by the City with CDBG funding. The Historical Society indicates that for safety, ease of maintenance, and to protect the floors of their buildings, they desire to overlay the paths with asphalt. They have obtained bids and funding for the project. Since the pathways are City property from the prior project, the best way to allow for the Historical Society to pave these pathways is to have the City accept a donation of the installation of an asphalt overlay on these paths.

Engineering has reviewed their strategy and recommends that the DPW scrape and remove 1 inch of the stone material, which will be retained as it has some value. This will provide room for a 1.75 inch overlay that will generally fit within the side framing of the path and should not cause any landscaping or drop-off issues.

2) Path Lighting: The Historical Society wishes to have lighting installed along the pathways and near the structures at the locations shown on the site plan by the pink dots. The lighting will be a residential-type street light as shown on the attached document. It would be operated by a switch from inside a building and only turned on when an evening function occurs. As of the writing of this document, the Historical Society is in the process of confirming with Engineering and DPW that there are not any problems with the installation of the lights at these locations and the location of wiring as shown. Based on earlier discussion, no problems are anticipated; nonetheless, approval at this time should be contingent upon sign-off by the City Engineer. Power for the lighting will come from an upgrade to the electrical panel in the Chapel which will then feed the lights and include an extension to provide electricity to the Town Hall for future installation of a heating unit.

Planning staff indicates that, unless otherwise directed by the Common Council, the lighting installation would be a minor site plan review requiring only an application and planning staff approval. As the lighting is on City property, staff requests authority to make this a City sponsored project along with the Historical Society. This action would eliminate application and permit fees charged to the Historical Society for this project on City-owned land. In this manner, the light fixtures would remain the property of the Historical Society, as are the structures themselves, thereby making their future maintenance a Historical Society responsibility.

**COUNCIL ACTION REQUESTED**

Motion to accept the donation of asphalt paving for the handicapped accessible pathways in a manner acceptable to the City Engineer and to authorize that the path lighting project be considered a project co-sponsored by the City in relation to the minor site plan application and any required building permits.

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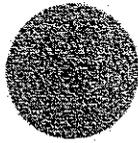


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# LEGEND

OCT. 10, 2013  
Submitted by  
D. Schmidt &  
J. Luckay

## PHASE 1 - 2013



HISTORICAL LAMPPOSTS



RESURFACING OF EXISTING PATHS (ASPHALT)

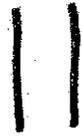


POWER LINE TRENCHING



POWER BOX

## PHASE 2 - 2014



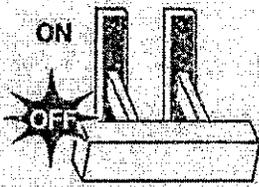
NEW ASPHALT PATH



WALKING BRIDGE OVER SWALE

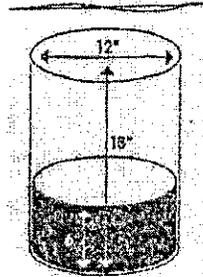
# Patriot LIGHTING.

LAMP POST W/OUTLET KIT INSTALLATION Menards sku# 3563560



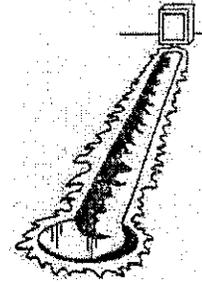
**1**

Turn off power supply to post.



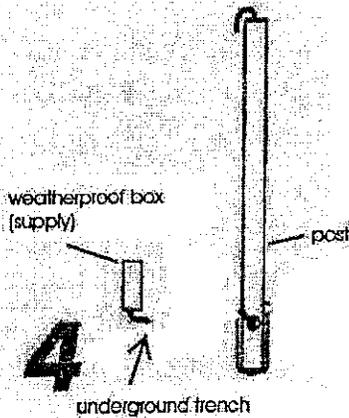
**2**

Dig a hole 12" diameter by 18" deep. Fill in 6" with gravel.



**3**

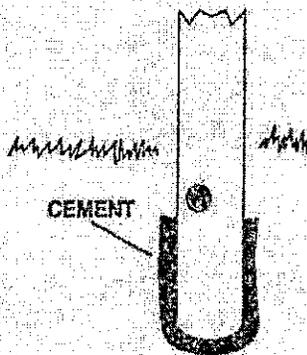
Dig a trench from power source to lamp post hole.



**4**

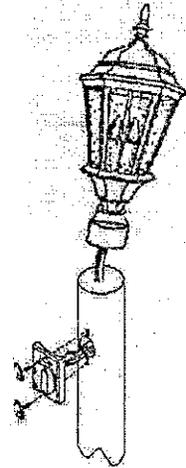
Make power connection through a weatherproof box and run line through trench to lamp post hole. Feed line from the inlet hole at post base to the top of the post.

Check with local authorities for specific electrical code requirements for your location.



**5**

Place post at the center of the hole then fill with concrete to just below the wire inlet hole at the post base.



**6**

#### Outlet kit Installation

1. Connect black outlet wire to black power supply & post top wire. Connect white outlet wire to white power supply & post top wire. Connect green outlet wire to power supply & fixture ground.
2. Screw the outlet kit to the lamp post.

#### Post light Installation

Wire supply lines to post light following manufacturer's instructions.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>October 15, 2013</p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>Memorandum of Understanding Between the City of Franklin and the Franklin Historical Society, Inc. for the Reconstruction of the Historic Wendt Family Barn in Lions Legend Park</p>	<p><b>ITEM NUMBER</b></p> <p><i>G. 2.</i></p>

Attached is a draft copy of the above pursuant to the direction of the Common Council at its August 6, 2013 regular meeting upon the subject of the request by the Historical Society for a funding contribution to its proposed historic barn reconstruction project in Lions Legend Park, the terms of which are set forth in the Society's July 31, 2013 letter contained in the agenda packet for that meeting. Also attached is a copy of the 1993 Lease Agreement between the City and the Society pertaining to the historical buildings in Lions Legend Park, which is referenced in the draft memorandum. There is a blank for the completion date of the subject phase of the proposed project, awaiting input from the Society.

**COUNCIL ACTION REQUESTED**

A motion to approve the Memorandum of Understanding Between the City of Franklin and the Franklin Historical Society, Inc. for the Reconstruction of the Historic Wendt Family Barn in Lions Legend Park, as presented at the October 15, 2013 Common Council meeting.

MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF FRANKLIN AND THE FRANKLIN HISTORICAL SOCIETY, INC.  
FOR THE RECONSTRUCTION OF THE  
HISTORIC WENDT FAMILY BARN IN LIONS LEGEND PARK

*Draft 10/11/13*

WHEREAS, the Franklin Historical Society, Inc. (the "Society") has undertaken a project to create a unique historical barn museum of the City of Franklin's farming history, to be located within Lions Legend Park among the other historical buildings currently located there pursuant to a Lease Agreement with the City dated March 8, 1993; and

WHEREAS, the Society received a donation of the historic Wendt family barn, which has been disassembled and is in storage pending the second planned phase of the Society's project to reassemble the Wendt family barn in Lion's Legend Park, with the planned third phase being to provide for its interior design and the display of the many historical farming artifacts the Society now has in its possession; and

WHEREAS, because of its fundraising campaign for the project, the Society is currently within \$20,000.00 of completing phase two and has requested the funding of such amount from the City to complete phase two and to earlier enhance the historical attractions within Lions Legend Park which have been of substantial benefit and interest to the Citizens of the City, especially families and those engaged and enrolled in the education of the children in the City's elementary and secondary schools; and

WHEREAS, the City of Franklin Common Council recognizes the public purpose and value of the unique historical barn museum project to be installed and created upon public property in a City Park and has adopted budget provisions to assist the project with the Society's requested funding contribution, subject to the terms and provisions of this Memorandum of Understanding.

NOW, THEREFORE, it is hereby understood and agreed, by the undersigned, in consideration of all of the terms and conditions of this Memorandum and other good and valuable consideration, as follows:

1. The Society shall apply for and obtain all governmental approvals, permits, licenses and the like, required for and applicable to the historical barn museum project to be developed, including, but not limited to City Site Plan approval and building permit, prior to the commencement of the reassemblage and reconstruction of the Wendt family barn in Lion's Legend Park.
2. Prior to the commencement of the reassemblage and reconstruction of the Wendt family barn in Lion's Legend Park, the Society shall provide a certificate of insurance evidencing it being insured by an authorized insurance carrier against all liability in any way arising from or pertaining to its use or activities as set forth in this Memorandum, whatsoever, in the minimum limit amount of \$1,000,000, naming the City of Franklin as an

additional insured, which certificate shall be filed with the office of the City Clerk.

3. The Society agrees that its use and activities as set forth herein and all matters in any way related thereto shall be in compliance with all applicable governmental laws, statutes, decisions, codes, rules, orders, and ordinances, be they Federal, State, County or Local. To the fullest extent permitted by law, the Society shall defend, indemnify and hold harmless the City, the City's officers, employees, agents, boards, commissions and agencies from and against all costs, losses, and damages caused by the negligent or intentional and wrongful acts of the Society, its officers, directors, employees, agents and consultants with respect to this Memorandum.
4. The Society is an independent contractor and all persons furnishing services to the Society are employees of, or independent subcontractors of, and/or volunteers of the Society and not of the City of Franklin.
5. Upon completion of the reassemblage and reconstruction of the Wendt family barn in Lion's Legend Park project, in compliance with all of the terms of this Memorandum, and the certification thereof in writing by the City Building Inspector and City Planning Manager delivered to the Office of the City Clerk, the City shall pay to the Society the sum of \$20,000.00; provided, however, that the foregoing completion and certification thereof occurs on or before \_\_\_\_\_. In the event of the untimely completion of the project so as to not allow for certification to occur on or before the aforesaid date, the obligation of the City to provide the payment under this paragraph 5. shall be null and void.
6. All terms of the Lease Agreement between the City and the Society dated March 8, 1993, not inconsistent with this Memorandum, shall apply to the historical barn museum project and use, excepting specifically that upon compliance with paragraph 5. above and payment thereunder, the subject historical barn structure shall be the property of the City of Franklin.

Franklin Historical Society, Inc.

By: \_\_\_\_\_  
James J. Luckey, President

Dated: \_\_\_\_\_

City of Franklin

By: \_\_\_\_\_  
Thomas M. Taylor, Mayor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Calvin A. Patterson, Director of Finance and Treasurer

Dated: \_\_\_\_\_

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
MARCH 2, 1993

- ROLL CALL
- A. Mayor Klimetz called the regular Common Council meeting to order at 7:15 p.m. on March 2, 1993 in the Council Chambers of Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin.
- B. Present were: Mayor Klimetz, Aldermen Mayer, Radloff, Sievert, Waltenberger, Roberts and Thomas. Also present were City Engineer Bennett, City Planning & Zoning Administrator Kaniewski, City Attorney Wesolowski, Business Administrator Payne and City Treasurer Crain.
- BRIARWOOD AREA SANITARY SEWER F-1. Alderman Roberts moved to direct staff to send out a second survey to the Briarwood area, said survey to be accompanied by a cover letter that explains that this is a new survey of the area and that any survey results received after a specific cutoff date will not be considered a vote by the Council. Seconded by Alderman Sievert. Upon roll call the vote was: Aldermen Mayer, Radloff, Sievert, Roberts and Thomas voting "Aye" and Alderman Waltenberger voting "No", motion carried.
- RES. 93-3935 F-2. Alderman Radloff moved to adopt Resolution No. 93-3935, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR RENEWAL OF SPECIAL USE FOR PAYNE & DOLAN, INC. (ASPHALT PAVEMENT MIXING PLANT). Seconded by Alderman Waltenberger, motion carried. Alderman Sievert "abstained".
- RES. 93-3936 F-3. Alderman Thomas moved to adopt Resolution No. 93-3936, RESOLUTION APPROVING A PRELIMINARY PLAT FOR FRANKLIN PLAZA SUBDIVISION. Seconded by Alderman Roberts, motion carried.
- RES. 93-3937 F-3. Alderman Thomas moved to adopt Resolution No. 93-3937, A RESOLUTION CONTINGENTLY APPROVING THE FINAL PLAT FOR FRANKLIN PLAZA SUBDIVISION. Seconded by Alderman Sievert, motion carried.
- RES. 93-3938 F-4. Alderman Mayer moved to adopt Resolution No. 93-3938, A RESOLUTION CONTINGENTLY APPROVING THE RESUBMITTED FINAL PLAT FOR RIVER TERRACE NORTH. Seconded by Alderman Radloff, motion carried.
- RES. 93-3939 F-5. Alderman Mayer moved to adopt Resolution No. 93-3939, A RESOLUTION APPROVING A CERTIFIED SURVEY MAP OF A PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, RICHARD & SUZETTE LARSON. Seconded by Alderman Sievert, motion carried.
- LEASE AGREEMENT - F-6. Alderman Waltenberger moved to approve and authorize execution of the lease agreement for

COMMON COUNCIL MEETING

3/2/93

PAGE TWO

HISTORICAL  
SOCIETY

lease of land to the Franklin Historical Society.  
Seconded by Alderman Mayer, motion carried.

RES. 93-3940  
HOLDING TANK  
AGREEMENT-  
BERGSTROM

F-7.

Alderman Mayer moved to adopt Resolution No. 93-3940, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH KATE BERGSTROM REQUIRING A PERFORMANCE BOND FOR THE MAINTENANCE OF A HOLDING TANK AT 7242 S. 68TH STREET, TAX KEY NO. 757-9991 and direct the Plumbing Inspector to issue any & all permits required to carry out the intent of the agreement. Seconded by Alderman Sievert. Upon roll call the vote was: Aldermen Mayer, Sievert, Waltenberger and Thomas voting "Aye" and Aldermen Radloff and Roberts voting "No", motion carried.

MOBILE  
SALES OFFICE

F-8.

Alderman Radloff moved to deny the Wimmer Bros. request for a mobile sales office in the Southwood East Subdivision. Seconded by Alderman Roberts. Upon roll call the vote was: Aldermen Mayer, Radloff, Sievert, Waltenberger and Roberts voting "Aye" and Alderman Thomas voting "No", motion carried.

EXTENSION  
OF WATER -  
HALQUIST STONE  
& LANDSCAPING SUPPLY

F-9.

Alderman Sievert moved to authorize the Mayor and Business Administrator to sign Addendum Number 11 to the Oak Creek Water Service Agreement dated August 30, 1973, Halquist Stone and Landscaping Supply. Seconded by Alderman Waltenberger, motion carried.

TAX  
OVERPAYMENT

F-10.

Alderman Radloff moved to authorize and direct the refund of \$263.57 to Travel Arrangements, Inc. for overpayment of personal property tax in 1990 and 1991. Seconded by Alderman Roberts, motion carried.

SANITARY  
SEWER REQUEST-  
W. RAWSON AVE.

F-11.

Alderman Mayer moved to direct the City Engineer to survey the area property owners on the south side of W. Rawson Avenue to ascertain whether or not the majority of the area residents wish to have sanitary sewer installed. Seconded by Alderman Roberts, motion carried.

RES. 93-3941  
MUTUAL AID  
FIRE SERVICE

F-12.

Alderman Mayer moved to adopt Resolution No. 93-3941, A RESOLUTION AUTHORIZING AND DIRECTING THE PROPER AUTHORITIES TO ENTER INTO A MUTUAL AID FIRE SERVICE AGREEMENT WITH CERTAIN OF THE MUNICIPALITIES OF THE COUNTY OF MILWAUKEE. Seconded by Alderman Radloff, motion carried.

RES. 93-3942  
1993 TREE  
PLANTING BIDS

F-13.

Alderman Roberts moved to adopt Resolution No. 93-3942, RESOLUTION AWARDED CONTRACT TO LOW BIDDER FOR PLANTING OF STREET TREES AT VARIOUS LOCATIONS IN THE CITY FOR 1993 to Breezy Hill Nursery in

**LEASE AGREEMENT BETWEEN THE CITY OF FRANKLIN  
AND THE FRANKLIN HISTORICAL SOCIETY**

This indenture, made this 8<sup>th</sup> day of March, 1993, by and between the City of Franklin, a municipal corporation, 9229 W. Loomis Road, Franklin, Wisconsin 53132 (hereinafter "lessor"), and, the Franklin Historical Society, a Wisconsin non-profit corporation, 8050 Legend Park Drive, Franklin, Wisconsin 53132, C/O 7575 South 51st Street, Franklin, Wisconsin 53132, (hereinafter "lessee").

**W I T N E S S E T H :**

**1. Description of Premises and Term.** That the Lessor does hereby lease, demise and let unto the Lessee the following described premises situated in the City of Franklin, County of Milwaukee and State of Wisconsin, more particularly described as follows:

(See attached Exhibit A)

Said described premises being limited to lands described and not the improvements thereon, the specific historic buildings and structures currently located thereon, being the personal property of Lessee, to hold for the term of one year, beginning on the 1st day of April, 1993 and ending on the 31st day of March, 1994, provided that Lessor deliver to Lessee a written notice evidencing Lessor's intent to so terminate this lease at least thirty (30) days prior to the expiration of the one year term hereof. Should Lessor fail to timely deliver such notice, this lease shall be automatically renewed for a one year term and thereafter additional one year terms annually, unless Lessor delivers to Lessee written notice of its intention to terminate this lease upon the expiration of any such renewal term, at least thirty (30) days prior to the expiration thereof.

**2. Rent.** In consideration of the mutual covenants and promises set forth herein, Lessee shall pay rent to Lessor in the sum of \$1.00 per year, due and payable on the execution hereof and upon the first day of any renewal term thereafter.

**3. Condition and Use of Premises.** Lessee has examined and knows the condition of said premises and has received the same in good order and repair; that no other representations as to the condition or repair thereof have been made by Lessor or its agents prior to or at the execution of this Lease that are not herein expressed or endorsed hereon. Lessee shall keep the said premises in a clean and tenantable condition. Lessee shall obey all lawful orders, rules and regulations of the health officers of the City

of Franklin and all ordinances, statutes, rules, regulations and orders however applicable to the subject premises, as they may be amended or created from time to time. The lands herein leased and every part thereof shall, during said term, be used only for the purpose of supporting the historical structures located thereon; for the viewing of said historical structures and the contents thereof by the public and/or private groups and only under the supervision of Lessee at times when such persons may be allowed entry to the structures; and for such assemblies and purposes which are in conformity with the historic interest and preservation purposes for which Lessee was incorporated. Lessee will not permit said premises to be used for any immoral or unlawful purpose and Lessee shall make no alterations in or to said premises without the consent of Lessor first had and obtained in writing, under penalty of forfeiture under this lease and damages. Lessee shall keep the said premises in as good repair as same are in at the commencement of said term, reasonable use and wear thereof and damage by accidental fire or other accident, not happening through the neglect of Lessee, only excepted.

4. Utilities. Lessee shall pay all gas bills and Lessor shall pay all electric bills at the time such bills become due and payable during the term of this lease and any renewal thereof.

5. No Assignability. Lessee shall not assign this lease nor let or under-let said premises or any part thereof.

6. Maintenance Obligation of Lessor. Lessor's maintenance obligation to the demised premises shall be limited to grass mowing as may be seasonally required to maintain the premises to that extent in an aesthetically pleasing fashion.

7. Insurance. Lessor shall maintain property and liability insurance covering said premises and Lessee shall maintain liability insurance covering said premises as it currently has in effect.

8. Lessor Access. Lessor shall have access to the subject premises at all reasonable times for all reasonable needs of Lessor.

9. Conditions. Provided always, and these presents are upon the express condition that if the Lessee does or shall neglect to fail to perform and observe any or either of the covenants or conditions hereinbefore contained, which on his part are to be performed, the Lessor lawfully may, immediately, or at any time thereafter, and while such neglect or default continues, evict the said Lessee and those claiming under it and remove its effects, without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant; and such expulsion and removal, whether by the direct act of the Lessor or its assigns or through the medium of legal proceedings for that purpose instituted, shall not affect the liability of Lessee for the past rent due or future rent to accrue, under this lease, but the same





The purpose of this description is to delineate a part of lands owned by the City of Franklin known as "Legend Park" that contain the buildings owned and maintained by the Franklin Historical Society and is intended to be used in conjunction with a Lease Agreement and shall not be used for any title transactions.

DESCRIPTION OF LAND FOR LEASE AGREEMENT

That part of the NW 1/4 of the NW 1/4 of Section 16, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the NW Corner of the NW 1/4 of Section 16;

Thence, S. 00°27'23" W. along the West line of the NW 1/4 of Section 16, 1288.04 feet to the NW corner of Parcel 1 of C.S.M. NO. 4347;

Thence, N. 88°33'01" E. along the North line of said Parcel 1, 494.31 feet to a point on the East Right-of-Way line of Legend Drive; Said point also being the NW corner of Lot 31 of Forest Hill Village(a recorded Subdivision) and the Point of Beginning of lands to be described;

Thence, continuing N. 88°33'01" E. along the North line of said Lot 31, 180.00 feet;

Thence, N. 01°26'59" W., 240.00 feet;

Thence, S. 88°33'01" W., 200.12 feet to a point on the easterly curved Right-of-Way of Legend Drive, a public street;

Thence, southerly 223.50 feet along the arc of said curve, whose center lies to the Southeast, whose radius is 508.50 feet, whose chord bears S. 05°24'05" E., 221.71 feet to a point of reverse curve on the easterly Right-of-Way line of said Legend Drive;

Thence, southerly 19.44 feet along the arc of said reverse curve, whose center lies to the Southwest, whose radius is 263.00 feet, and whose chord bears S. 15°52'33" E., 19.43 feet to the Place of Beginning. Above description contains 1.098 acres more or less. Said Certified Survey Map No. 4347 being a map duly recorded July 1, 1983 at the Register's Office of Milwaukee County on Reel 1543, Images 608 through 610 inclusive and as Document No. 5630552. Aforementioned Forest Hill Village being a Subdivision duly recorded October 4, 1979 at the Register's Office of Milwaukee County on Reel 1248, Image 519 through 520 inclusive and as Document No. 5354093.

EXHIBIT A

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>10/15/2013</p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>Donations from Kwik Trip, Inc. in the amount of \$500 to the Police Department and \$500 to the Fire Department</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>6.3.</i></p>

Kwik Trip, Inc. has donated \$500 to the Police Department (donations) and \$500 to the Fire Department (to be used for fire education and prevention activities in the community).

**COUNCIL ACTION REQUESTED**

Motion to accept the donations from Kwik Trip, Inc. in the amount of \$500 to the Police Department and \$500 to the Fire Department.

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<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>October 15, 2013</p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>A Resolution in Opposition to Senate Bill 301 and Assembly Bill 385 Mandating the Expenditure of Room Tax Revenues Essentially for Only Tourism Promotion and Development (Mayor Taylor)</p>	<p><b>ITEM NUMBER</b></p> <p><i>G. 4.</i></p>

Attached is a copy of a League of Wisconsin Municipalities Legislative Memo to the Assembly Committee on Tourism dated October 2, 2013, referencing AB 385, Room Tax Law Changes. Also attached are copies of AB 385 and its companion bill SB 301, and a draft resolution in opposition to the proposed legislation. The room tax revenues received by the City for general fund purposes in 2012 was \$183,324. The Common Council adopted a like resolution in opposition to similar proposed legislation at its regular meeting on March 20, 2012. That proposed legislation was not adopted.

**COUNCIL ACTION REQUESTED**

A motion to adopt A Resolution in Opposition to Senate Bill 301 and Assembly Bill 385 Mandating the Expenditure of Room Tax Revenues Essentially for Only Tourism Promotion and Development.



122 W. Washington Avenue  
Suite 300  
Madison, Wisconsin 53703-2715

608/267-2380  
800/991-5502  
Fax: 608/267-0645

E-mail: [league@lwm-info.org](mailto:league@lwm-info.org)  
[www.lwm-info.org](http://www.lwm-info.org)

To: Assembly Committee on Tourism  
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities  
Date: October 2, 2013  
Re: **AB 385, Room Tax Law Changes**

The League of Wisconsin Municipalities strongly opposes AB 385, making several significant but unnecessary modifications to the room tax law designed to benefit the lodging and tourism industry at the expense of municipal property taxpayers. The bill makes the following changes harmful to municipalities:

1. Eliminates municipal discretion to spend room tax revenues directly on tourism promotion and development. Under current law, the required expenditure on tourism promotion or development may be spent directly by the municipal governing body or forwarded to a local tourism entity or commission. AB 385 mandates that municipal governing bodies must forward room tax revenues designated for tourism promotion and development to a tourism entity or commission, a body not directly accountable to taxpayers.
2. Requires municipalities that retain more than 30 percent of the room tax revenue under ordinances adopted prior to 1994 to reduce the amount retained to no more than 30 percent over a six-year period. This will require communities that have retained, in some cases, up 90-100 percent of room tax revenue for their general fund, to forgo that revenue. Municipalities will be unable to replace the room tax revenue with property taxes because of levy limits. This bill will create a hole in some municipal budgets.
3. Authorizes DOR to impose a \$3,000 penalty on communities that fail to file an annual room tax report with the agency. While we are not opposed to the reporting requirements, we are concerned about creating a \$3,000 penalty for communities that may inadvertently fail to file the report.

Municipalities are frustrated by the state's recent tendency to interfere with matters of local control. This bill continues that pattern. Given the severe financial stress municipalities are under, it doesn't make sense to reduce a source of revenue that some municipalities use to pay off convention center debt, to pay for police and fire services provided to hotels, or to pay for other municipal services necessary for tourism to thrive. We urge you to vote against recommending passage of AB 385. Thanks for considering our concerns.

*STRONG COMMUNITIES MAKE WISCONSIN WORK*

LRB-2963/1

MES:jld:ph

## 2013 - 2014 LEGISLATURE

**2013 ASSEMBLY BILL 385**

September 23, 2013 - Introduced by Representatives BIES, BALLWEG, BROOKS, CLARK, GENRICH, KLEEFISCH, MURSAU, MURTHA, A. OTT, PETERSEN, SWEARINGEN and THIESFELDT, cosponsored by Senators OLSEN, COWLES, GUDEX, HANSEN, HARSDORF, LASEE, LEHMAN and TIFFANY. Referred to Committee on Tourism.

1           **AN ACT** *to amend* 66.0615 (1) (a), 66.0615 (1) (f), 66.0615 (1)  
                   (fm) (intro.), 66.0615  
 2                   (1m) (a), 66.0615 (1m) (c) 1., 66.0615 (1m) (c) 2. a., 66.0615  
                   (1m) (d) 1., 66.0615  
 3                   (1m) (d) 2., 66.0615 (1m) (d) 3. and 66.0615 (1m) (d) 7.; and *to*  
                   **create** 66.0615  
 4                   (1) (fi), 66.0615 (1m) (d) 8., 66.0615 (1m) (d) 9., 66.0615 (1m)  
                   (dm) and 66.0615  
 5                   (4) and (5) of the statutes; **relating to:** changes to the local  
                   room tax.

***Analysis by the Legislative Reference Bureau***

Under current law, a city, village, or town (municipality) and a local exposition district may impose a room tax. The room tax is a tax on the privilege of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators, and other persons who furnish accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations.

Generally, the maximum room tax that a municipality may impose is 8 percent. A single municipality that imposes a room tax may create a

commission, which is defined as an entity to coordinate tourism promotion and tourism development (tourism). If two or more municipalities in a zone impose a room tax, they must create a commission. Current law defines a zone as an area made up of two or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

Current law requires a commission to contract with an organization to provide staff, development, or promotional services for the tourism industry in a municipality if a tourism entity does not exist in that municipality. A tourism entity

---

is defined under current law as a nonprofit organization that existed before January 1, 1992, and provides staff, development, or promotional services for the tourism industry in a municipality. The bill changes the definition of tourism entity to be a nonprofit organization that spends at least 51 percent of its revenue on tourism promotion and development and provides destination marketing staff and services for the tourism industry in a municipality. Also, under the bill, a tourism entity must have come into existence before January 1, 2013, unless such an entity does not exist in the municipality on January 1, 2013.

Under the bill, the majority of the members of a commission, and the majority of the members of the governing body of a tourism entity that spends between 51 percent and 70 percent of its revenue on tourism promotion and tourism development, must be owners or operators of restaurants, tourist attractions, or lodging facilities that collect the room tax and that are located in the municipality for which the room tax is collected, except that this membership requirement for a tourism entity does not generally apply to an entity that receives room tax revenue solely under contract with a commission. Also under the bill, the governing body of a tourism entity must include at least one owner or operator of a

lodging facility in  
the municipality for which the room tax is collected.

Under current law, a municipality that first imposes a room tax after May 13, 1994, must spend at least 70 percent of the amount collected on tourism; the expenditure may be spent directly by the municipality or forwarded to the commission for its municipality or zone. The 30 percent or less of the room tax revenue that is not spent on tourism may be retained by the municipality and used for any other purpose. If a municipality collected a room tax on May 13, 1994, it may retain up to the same percentage of the room tax that it retained on that date, even if that percentage is more than 30 percent.

Under this bill, any revenue that is not retained by the municipality must be forwarded to a tourism entity or a commission, although the person collecting the room tax may retain 3 percent of the tax collected, or a higher percentage if authorized by the municipality, to cover the person's processing fees if the person pays the tax to the municipality as prescribed by the municipality. Also under the bill, a municipality that retains more than 30 percent of the room tax must reduce the amount that it retains to no more than 30 percent. The reduction must be made in equal amounts over a six-year period beginning on January 1, 2015.

The bill requires municipalities annually to certify and report to the Department of Revenue (DOR) the amount of room tax revenue collected, and the room tax rate imposed, by the municipality in the previous year as well as a detailed accounting of amounts that were forwarded to a commission or tourism entity and such an accounting for amounts of at least \$1,000 expended by a commission or tourism entity. DOR is required to collect the reports and make them available to the public. In addition, the report must identify the members of a commission or tourism entity, and their business or employment affiliation, if any.

This bill authorizes a tourism entity or tourism organization to file a written

complaint with a municipality alleging that the municipality is not allocating or

---

using room tax revenue as required by the statutes. A municipality that receives such a complaint must reply in writing within 60 days of receipt of the complaint.

If the complainant is unsatisfied by the reply, or if the municipality fails to reply, the complainant may submit to the municipality a written request for mediation. If both parties agree to mediation, they may jointly choose the mediator or agree that one party shall pick the mediator. The cost of the mediator is paid by the party that picks the mediator or, if the parties jointly pick the mediator, the municipality pays if the mediator finds that the municipality is not complying with the room tax statute and the complainant pays if the mediator finds that the municipality is in compliance. If the mediator is unable to determine compliance, the parties split the cost of mediation.

The mediator must provide both parties with a written decision on the allegations alleged in the complaint within 60 days of the end of the mediation. If the mediator finds that the municipality is not complying with the room tax statute, he or she must recommend actions the municipality may take to be in compliance. The mediator's decision and findings are not binding on the parties.

If the parties follow the mediator's decision, the complainant may not file suit against the municipality alleging the same issues raised in the complaint during the municipality's fiscal year in which the decision is provided to the parties. If the municipality does not agree to mediation, or does not follow the mediator's recommendations on how to comply with the room tax statute, the complainant may file a suit against the municipality to enforce compliance with the room tax statute.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1                   **SECTION 1.** 66.0615 (1) (a) of the statutes is amended to read:  
2                   66.0615 (1) (a) "Commission" means an entity created by one  
3                   municipality or  
4                   by 2 or more municipalities in a zone, to coordinate tourism promotion  
5                   and tourism  
6                   development for the zone.

7                   **SECTION 2.** 66.0615 (1) (f) of the statutes is amended to read:  
8                   66.0615 (1) (f) "Tourism entity" means a nonprofit  
9                   organization that came into  
10                  existence before January 1, 1992, ~~and provides staff, development or~~  
11                  ~~promotional~~  
12                  2013, spends at least 51 percent of its revenues on tourism promotion  
13                  and tourism  
14                  development, and provides destination marketing staff and services  
15                  for the tourism

16                  industry in a municipality, except that if no such organization exists  
17                  in a  
18                  municipality on January 1, 2013, a municipality may contract with  
19                  such an  
20                  organization if one is created in the municipality.

21                  **SECTION 3.** 66.0615 (1) (fi) of the statutes is created to read:  
22                  66.0615 (1) (fi) "Tourism organization" means a statewide  
23                  organization that  
24                  represents any of the following:

- 25                         1. Tourism entities.
- 26                         2. The lodging industry.
- 27                         3. An owner or operator, or a group of owners or operators, of  
28                         a lodging facility  
29                         that collects a room tax.
- 30                         4. Tourism businesses.

31                  **SECTION 4.** 66.0615 (1) (fm) (intro.) of the statutes is  
32                  amended to read:

33                  66.0615 (1) (fm) (intro.) "Tourism promotion and tourism  
34                  development" means  
35                  any of the following that are significantly used by transient tourists  
36                  and reasonably  
37                  likely to generate paid overnight stays at more than one  
38                  establishment on which a  
39                  tax under sub. (1m) (a) may be imposed, that are owned by different  
40                  persons and  
41                  located within a municipality in which a tax under this section is in  
42                  effect; or, if the  
43                  municipality has only one such establishment, reasonably likely to

generate paid  
overnight stays in that establishment:

**SECTION 5.** 66.0615 (1m) (a) of the statutes, as affected by  
2013 Wisconsin Act  
20, is amended to read:

66.0615 (1m) (a) The governing body of a municipality may  
enact an ordinance,  
and a district, under par. (e), may adopt a resolution, imposing a tax  
on the privilege  
of furnishing, at retail, except sales for resale, rooms or lodging to  
transients by  
hotelkeepers, motel operators and other persons furnishing  
accommodations that

are available to the public, irrespective of whether membership is  
required for use  
of the accommodations. A tax imposed under this paragraph may be  
collected from  
the consumer or user, but may not be imposed on sales to the federal  
government and  
persons listed under s. 77.54 (9a). A tax imposed under this paragraph  
by a  
municipality shall be paid to the municipality within a time frame  
prescribed by the  
municipality and may, with regard to any tax revenue that may not be  
retained by  
the municipality, shall be forwarded to a tourism entity or a  
commission if one is  
created under par. (c), as provided in par. (d), except that before the  
person collecting  
the tax pays it to the municipality within the time frame prescribed  
by the  
municipality, the person may retain 3 percent of the tax collected, or a  
higher  
percentage if the municipality has a higher percentage in effect on the  
effective date  
of this paragraph ... [LRB inserts date], to cover the person's  
processing costs.

Except as provided in par. (am), a tax imposed under this paragraph  
by a  
municipality may not exceed 8%. Except as provided in par. (am), if a  
tax greater  
than 8% under this paragraph is in effect on May 13, 1994, the  
municipality  
imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

**SECTION 6.** 66.0615 (1m) (c) 1. of the statutes is amended to  
read:

66.0615 (1m) (c) 1. If a commission is created by a single  
municipality, the  
commission shall consist of 4 to 6 members. ~~One~~ At least one of the

commission

20 members shall represent the Wisconsin hotel and motel industry.  
 21 Members shall be  
 22 appointed under subd. 3. A majority of the members of a commission  
shall be owners  
 23 or operators of restaurants, tourist attractions, or lodging facilities  
that collect the  
 24 room tax described in this section, and that are located in the  
municipality for which  
 25 the room tax is collected.

**SECTION 7.** 66.0615 (1m) (c) 2. a. of the statutes is amended to read:

1 66.0615 (1m) (c) 2. a. If the commission is created by more than one  
 2 municipality in a zone, the commission shall consist of 3 members  
 3 from each  
 4 municipality in which annual tax collections exceed \$1,000,000, 2  
 5 members from  
 6 each municipality in which annual tax collections exceed \$300,000 but  
 7 are not more  
 8 than \$1,000,000 and one member from each municipality in which  
 9 annual tax  
 10 collections are \$300,000 or less. A majority of the members of a  
 11 commission shall be  
 12 owners or operators of restaurants, tourist attractions, or lodging  
 13 facilities that  
 14 collect the room tax described in this section and that are located in  
 15 the  
 16 municipalities for which the room tax is collected. Except as provided  
 17 in subd. 2. b.,  
 18 members shall be appointed under subd. 3.

**SECTION 8.** 66.0615 (1m) (d) 1. of the statutes is amended to read:

12 66.0615 (1m) (d) 1. A municipality that first imposes a room  
 13 tax under par. (a)  
 14 after May 13, 1994, shall spend at least 70% of the amount collected  
 15 on tourism  
 16 promotion and tourism development. Any amount of room tax  
 17 collected that must  
 18 be spent on tourism promotion and tourism development shall either  
 19 be spent  
 20 ~~directly by the municipality on tourism promotion and development or~~  
 shall be  
 forwarded to the commission for its municipality or zone if the  
 municipality has  
 created a commission, or forwarded to a tourism entity.

**SECTION 9.** 66.0615 (1m) (d) 2. of the statutes is amended to read:

20 66.0615 (1m) (d) 2. ~~If~~ Subject to par. (dm), if a municipality  
 collects a room tax

21 on May 13, 1994, it may retain not more than the same percentage of  
22 the room tax  
23 that it retains on May 13, 1994. If a municipality that collects a room  
24 tax on May 1,  
25 1994, increases its room tax after May 1, 1994, the municipality may  
retain not more  
than the same percentage of the room tax that it retains on May 1,  
1994, except that  
if the municipality is not exempt under par. (am) from the maximum  
tax that may

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1 be imposed under par. (a), the municipality shall spend at least 70% of  
2 the increased  
3 amount of room tax that it begins collecting after May 1, 1994, on  
4 tourism promotion  
5 and tourism development. Any amount of room tax collected that  
6 must be spent on  
7 tourism promotion and tourism development shall either be spent  
8 directly by the  
9 municipality on tourism promotion and development or shall be  
10 forwarded to the  
11 commission for its municipality or zone if the municipality has created  
12 a commission,  
13 or forwarded to a tourism entity.

8 **SECTION 10.** 66.0615 (1m) (d) 3. of the statutes is amended to  
read:

9 66.0615 (1m) (d) 3. A commission shall use the room tax  
10 revenue that it  
11 receives from a municipality for tourism promotion and tourism  
12 development in the  
13 zone or in the municipality.

12 **SECTION 11.** 66.0615 (1m) (d) 7. of the statutes is amended to  
read:

13 66.0615 (1m) (d) 7. Notwithstanding the provisions of subs.  
14 1. and 2., any  
15 amount of room tax revenue that a municipality described under s.  
16 77.994 (3) is  
17 required to spend on tourism promotion and tourism development  
18 shall be forwarded  
19 to, and spent by, the municipality's tourism entity, unless the  
20 municipality creates  
21 a commission and forwards the revenue to the commission.

18 **SECTION 12.** 66.0615 (1m) (d) 8. of the statutes is created to  
read:

19 66.0615 (1m) (d) 8. The governing body of a tourism entity  
20 shall include at least  
21 one owner or operator of a lodging facility that collects the room tax  
described in this  
section and that is located in the municipality for which the room tax  
is collected.

22 Subdivision 4., as it applies to a commission, applies to a tourism  
entity.

23 **SECTION 13.** 66.0615 (1m) (d) 9. of the statutes is created to  
read:

24 66.0615 (1m) (d) 9. With regard to a tourism entity that  
spends at least 51  
25 percent, but not more than 70 percent, of its revenues on tourism  
promotion and

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1 tourism development, a majority of the members of the tourism  
entity's governing  
2 body shall be owners or operators of restaurants, tourism attractions,  
or lodging  
3 facilities which collect the room tax described in this section, and  
which are located  
4 in the municipality for which the room tax is collected. This  
subdivision does not  
5 apply to a tourism entity that receives room tax revenue solely under  
contract with  
6 a commission under par. (b).

7 **SECTION 14.** 66.0615 (1m) (dm) of the statutes is created to  
read:

8 66.0615 (1m) (dm) Beginning with the room tax collected on  
January 1, 2015,  
9 by a municipality that collected a room tax on May 13, 1994, as  
described in par. (d)  
10 2., and retained more than 30 percent of the room tax collected for  
purposes other  
11 than tourism promotion and tourism development, such a  
municipality shall reduce  
12 the amount retained that exceeds 30 percent by one-sixth on January  
1, 2015,  
13 January 1, 2016, January 1, 2017, January 1, 2018, January 1, 2019,  
and January  
14 1, 2020, so that on and after January 1, 2020, the municipality retains  
not more than  
15 30 percent of the room tax collected for purposes other than tourism  
promotion and  
16 tourism development.

17 **SECTION 15.** 66.0615 (4) and (5) of the statutes are created to  
read:

18 66.0615 (4) (a) Annually, on a form created and provided by  
the department of  
19 revenue, every municipality that imposes a tax under sub. (1m) shall  
certify and  
20 report to the department all of the following:

21 1. The amount of room tax revenue collected, and the room  
tax rate imposed,  
22 by the municipality in the previous year.  
23

2. A detailed accounting of the amounts of such revenue that were forwarded in the previous year for tourism promotion and tourism development, specifying the commission or tourism entity that received the revenue. The detailed accounting

shall include expenditures of at least \$1,000 made by a commission or a tourism entity.

3. A list of each member of the commission and each member of the governing body of a tourism entity to which the municipality forwarded room tax revenue in the previous year, and the name of the business entity the member owns, operates, or is employed by, if any.

(b) The department of revenue shall collect the reports described in par. (a) and shall make them available to the public.

(c) The department of revenue may impose a penalty of not more than \$3,000 on a municipality that does not submit to the department the reports described in par. (a). A municipality may not use room tax revenue to pay a penalty imposed under this paragraph. The penalty shall be paid to the department of revenue.

(5) (a) A tourism entity or a tourism organization may file a written complaint with municipality alleging that the municipality is not allocating or using the room tax revenue it receives as required under this section. The complaint shall be filed on a form prepared by the department of revenue and shall specify the statute with which the municipality is not complying, and how it is not complying. A municipality that receives such a complaint shall provide the complaining party with a written response to the complaint not later than 60 days after the municipality receives the complaint.

(b) If the complainant is not satisfied with the municipality's response, or if the municipality does not respond within the time period prescribed in par. (a), the complainant may submit to the municipality a written request for mediation.

(c) If both parties agree to mediation, the parties shall either agree on a mediator or the parties may stipulate that one party will choose the mediator. If one

party chooses the mediator, that party shall pay all costs associated with the mediation. If the parties jointly choose the mediator, the costs associated with the mediation shall be paid by one of the following:

1. The complainant, if the mediator finds that the municipality is in compliance with this section.

2. The municipality, if the mediator finds that the municipality is not in compliance with this section.

3. Both parties, equally, if the mediator is not able to determine whether the municipality is in compliance with this section.

(d) Not later than 60 days after the mediation is concluded, the mediator shall provide both parties with a written decision on the complaint filed by the complainant. If the mediator upholds the allegations in the complaint, his or her written findings shall specify how the municipality is not complying with this section and shall recommend actions the municipality should take to comply with this section. The mediator's written decision and findings are not binding on the parties.

(e) If the parties voluntarily follow the mediator's written decision and findings the complainant may not commence an action in circuit court, during the municipality's fiscal year in which the written decision is provided to the parties, that alleges the same issues as the complainant raised in the complaint filed under par.

(a).

(f) If a municipality does not agree to a request for mediation under par. (b), or if the mediator's written decision under par. (d) finds that the municipality is not complying with this section and the municipality refuses to follow the mediator's

nonbinding written findings and recommendations, the complainant may commence

an action in circuit court to enforce compliance with the requirements of this section.

3

**(END)**



A single municipality that imposes a room tax may create a commission, which is defined as an entity to coordinate tourism promotion and tourism development (tourism). If two or more municipalities in a zone impose a room tax, they must create a commission. Current law defines a zone as an area made up of two or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

Current law requires a commission to contract with an organization to provide staff, development, or promotional services for the tourism industry in a municipality if a tourism entity does not exist in that municipality. A tourism entity

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is defined under current law as a nonprofit organization that existed before January 1, 1992, and provides staff, development, or promotional services for the tourism industry in a municipality. The bill changes the definition of tourism entity to be a nonprofit organization that spends at least 51 percent of its revenue on tourism promotion and development and provides destination marketing staff and services for the tourism industry in a municipality. Also, under the bill, a tourism entity must have come into existence before January 1, 2013, unless such an entity does not exist in the municipality on January 1, 2013.

Under the bill, the majority of the members of a commission, and the majority of the members of the governing body of a tourism entity that spends between 51 percent and 70 percent of its revenue on tourism promotion and tourism development, must be owners or operators of restaurants, tourist attractions, or lodging facilities that collect the room tax and that are located in the municipality for which the room tax is collected, except that this membership requirement for a tourism entity does not generally apply to an entity that receives room tax revenue solely under contract with a commission. Also under the bill, the governing body of a tourism entity must include at least one owner or operator of a

lodging facility in  
the municipality for which the room tax is collected.

Under current law, a municipality that first imposes a room tax after May 13, 1994, must spend at least 70 percent of the amount collected on tourism; the expenditure may be spent directly by the municipality or forwarded to the commission for its municipality or zone. The 30 percent or less of the room tax revenue that is not spent on tourism may be retained by the municipality and used for any other purpose. If a municipality collected a room tax on May 13, 1994, it may retain up to the same percentage of the room tax that it retained on that date, even if that percentage is more than 30 percent.

Under this bill, any revenue that is not retained by the municipality must be forwarded to a tourism entity or a commission, although the person collecting the room tax may retain 3 percent of the tax collected, or a higher percentage if authorized by the municipality, to cover the person's processing fees if the person pays the tax to the municipality as prescribed by the municipality. Also under the bill, a municipality that retains more than 30 percent of the room tax must reduce the amount that it retains to no more than 30 percent. The reduction must be made in equal amounts over a six-year period beginning on January 1, 2015.

The bill requires municipalities annually to certify and report to the Department of Revenue (DOR) the amount of room tax revenue collected, and the room tax rate imposed, by the municipality in the previous year as well as a detailed accounting of amounts that were forwarded to a commission or tourism entity and such an accounting for amounts of at least \$1,000 expended by a commission or tourism entity. DOR is required to collect the reports and make them available to the public. In addition, the report must identify the members of a commission or tourism entity, and their business or employment affiliation, if any.

This bill authorizes a tourism entity or tourism organization to file a written

complaint with a municipality alleging that the municipality is not allocating or

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using room tax revenue as required by the statutes. A municipality that receives such a complaint must reply in writing within 60 days of receipt of the complaint.

If the complainant is unsatisfied by the reply, or if the municipality fails to reply, the complainant may submit to the municipality a written request for mediation. If both parties agree to mediation, they may jointly choose the mediator or agree that one party shall pick the mediator. The cost of the mediator is paid by the party that picks the mediator or, if the parties jointly pick the mediator, the municipality pays if the mediator finds that the municipality is not complying with the room tax statute and the complainant pays if the mediator finds that the municipality is in compliance. If the mediator is unable to determine compliance, the parties split the cost of mediation.

The mediator must provide both parties with a written decision on the allegations alleged in the complaint within 60 days of the end of the mediation. If the mediator finds that the municipality is not complying with the room tax statute, he or she must recommend actions the municipality may take to be in compliance. The mediator's decision and findings are not binding on the parties.

If the parties follow the mediator's decision, the complainant may not file suit against the municipality alleging the same issues raised in the complaint during the municipality's fiscal year in which the decision is provided to the parties. If the municipality does not agree to mediation, or does not follow the mediator's recommendations on how to comply with the room tax statute, the complainant may file a suit against the municipality to enforce compliance with the room tax statute.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

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8                   66.0615 (1) (f) "Tourism entity" means a nonprofit  
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generate paid  
overnight stays in that establishment:

**SECTION 5.** 66.0615 (1m) (a) of the statutes, as affected by  
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66.0615 (1m) (a) The governing body of a municipality may  
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higher  
percentage if the municipality has a higher percentage in effect on the  
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of this paragraph ... [LRB inserts date], to cover the person's  
processing costs.

Except as provided in par. (am), a tax imposed under this paragraph  
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municipality may not exceed 8%. Except as provided in par. (am), if a  
tax greater  
than 8% under this paragraph is in effect on May 13, 1994, the  
municipality  
imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

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66.0615 (1m) (c) 1. If a commission is created by a single  
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 Members shall be  
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 members from  
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 are not more  
 5 than \$1,000,000 and one member from each municipality in which  
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 10 forwarded to the  
 11 commission for its municipality or zone if the municipality has created  
 12 a commission,  
 13 or forwarded to a tourism entity.

8 **SECTION 10.** 66.0615 (1m) (d) 3. of the statutes is amended to  
 read:

9 66.0615 (1m) (d) 3. A commission shall use the room tax  
 10 revenue that it  
 11 receives from a municipality for tourism promotion and tourism  
 12 development in the  
 13 zone or in the municipality.

12 **SECTION 11.** 66.0615 (1m) (d) 7. of the statutes is amended to  
 read:

13 66.0615 (1m) (d) 7. Notwithstanding the provisions of subds.  
 14 1. and 2., any  
 15 amount of room tax revenue that a municipality described under s.  
 16 77.994 (3) is  
 17 required to spend on tourism promotion and tourism development  
 18 shall be forwarded  
 19 to, and spent by, the municipality's tourism entity, unless the  
 20 municipality creates  
 21 a commission and forwards the revenue to the commission.

18 **SECTION 12.** 66.0615 (1m) (d) 8. of the statutes is created to  
 read:

19 66.0615 (1m) (d) 8. The governing body of a tourism entity  
 20 shall include at least  
 21 one owner or operator of a lodging facility that collects the room tax  
 described in this  
 section and that is located in the municipality for which the room tax  
 is collected.

22            Subdivision 4., as it applies to a commission, applies to a tourism  
entity.

23            **SECTION 13.** 66.0615 (1m) (d) 9. of the statutes is created to  
read:

## RESOLUTION NO. 2013-\_\_\_\_

A RESOLUTION IN OPPOSITION TO SENATE BILL 301 AND ASSEMBLY BILL  
385 MANDATING THE EXPENDITURE OF ROOM TAX REVENUES  
ESSENTIALLY FOR ONLY TOURISM PROMOTION AND DEVELOPMENT

---

WHEREAS, the current 1,852 local governments in the State of Wisconsin in recent times have been required by the State of Wisconsin to provide the services necessary for their residents under "levy limits" and the like, having to annually budget for services in their communities, following numerous public meetings and substantial resident citizen and local elected official and local government staff time spent, attempting to value and cost and pick and chose those necessary services to be provided under the ceiling created by "levy limits" and other State mandates, while at the same time balancing the public hearing input and what the residents of the community who have made that community their home and who elected those in their home community responsible want their hard earned and then paid tax dollars to provide; and

WHEREAS, the Common Council having reviewed the proposed Senate Bill 301 and Assembly Bill 385 pending before the State of Wisconsin Legislature, which essentially require local municipalities to expend room tax revenues received only for the purposes of lodging and tourism, for hereinafter, despite the fact that some if not most of those municipalities have been utilizing such revenues for decades and decades for the provision of services and to meet those needs of their citizens as was determined reasonable and necessary by the local community and the people who live there; and

WHEREAS, the Common Council also having reviewed the League of Wisconsin Municipalities October 2, 2013 memo to the Assembly Committee on Tourism in reference to AB 385, Room Tax Law Changes, and having concurred with the statements and recommendation set forth therein.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Common Council hereby declares its opposition to Senate Bill 301 and Assembly Bill 385, as is necessary to protect and promote the health, safety and welfare of the City of Franklin, and the freedom of the Citizens of the City of Franklin to determine their own public needs and goals.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to send a certified copy of this Resolution to Wisconsin Governor Walker, Wisconsin State Senate President Michael Ellis and Wisconsin State Assembly Speaker Robin Vos.

RESOLUTION NO. 2013-\_\_\_\_\_

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Introduced at a regular meeting of the Common Council of the City of Franklin  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Passed and adopted at a regular meeting of the Common Council of the City of  
Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Thomas M. Taylor, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

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