

CITY OF FRANKLIN
COMMON COUNCIL MEETING**
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, SEPTEMBER 17, 2013, 6:30 P.M.

- A. Call to Order and Roll Call
- B. Citizen Comment Period
- C. Approval of Minutes
 - 1. Approval of regular meeting of September 3, 2013.
- D. Hearings
- E. Organizational Business
 - 1. Boards and Commissions Appointment
 - a. Gary Grobner, Board of Water Commissioners-Dist. #6.
- F. Letters and Petitions
- G. Reports and Recommendations
 - 1. Consent Agenda
 - a. Resolution for acceptance of a water main easement for Convenience Store Investments (Kwik Trip) located at 10750 S. Speedway Drive.
 - b. Donation from Children's Community Health Plan in the amount of \$100 to the Police Department.
 - c. Donations from Lemke's Lawn & Landscape Supplies in the amount of \$250, and W. Bros. Trucking, Inc. in the amount of \$200 to the Fair Commission.
 - 2. Presentation of the Mayor's 2014 recommended budget and review of the budget preparation timetable.
 - 3. Forward Franklin Economic Development Committee Request for Common Council Consideration of and Direction for the Committee's Purposes and Duties' Tasks and Goals.
 - 4. Resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Certified Survey Map for property located at 11321 W. St. Martins Road (New Hope Community Church Inc., owner).
 - 5. 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 General Fund and the Capital Improvement Fund amending the project line items for the police video system upgrade to \$141,000 and to provide for a transfer from the General Fund to the Capital Improvement Fund of \$24,610.
 - 6. 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 General Fund – Building Inspection Department adding \$14,000 in Personnel Expenditures and \$14,000 in Permit Fee Revenues for the purpose of hiring a limited-term, part-time Assistant Building Inspector and increasing overtime appropriations.
 - 7. City of Franklin employee Flexible Spending Section 125 Plan revisions.

Franklin Common Council

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- 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., and Plan Comm. may attend this meeting to gather information about an agenda item over which the Forward Franklin Economic Development Comm., and Plan Comm. has decision-making responsibility. This may constitute a meeting of the Forward Franklin Economic Development Comm., and Plan Comm. per State ex rel. Badke v. Greendale Village Board, even though the Forward Franklin Economic Development Comm., and Plan 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:

September 19	Plan Commission	7:00 p.m.
September 30	Committee of the Whole	6:30 p.m.
October 1	Common Council	6:30 p.m.

- EMERGENCY REPAIR OF FIRE ENGINE 3 G.3. Alderman Wilhelm moved to authorize the emergency repair of Fire Engine 3, with oversight by the Fire Chief, for an amount not to exceed \$30,000 and to direct the Finance Department to prepare a budget modification if necessary. Seconded by Alderman Mayer. All voted aye; motion carried.
- ORD. 2013-2113
AMEND ORD. 2012-2096
MODIFYING BUDGET G.4. Alderman Wilhelm moved to adopt Ordinance No. 2013-2113, AN ORDINANCE TO AMEND ORDINANCE 2012-2096 (AN ORDINANCE ADOPTING THE 2013 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN) TO MODIFY THE BUDGET OF THE CAPITAL IMPROVEMENT FUND AMENDING THE PROJECT LINE ITEMS TO PROVIDE \$105,000 IN TOTAL APPROPRIATIONS FOR THE ENTIRE REPLACEMENT OF THE ROOF ON FIRE STATION NO. 1 AND TO PROVIDE A TRANSFER FROM THE GENERAL FUND OF \$38,000. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2013-6906
AMENDING TIF 3 G.5. Alderman Skowronski moved to adopt Resolution No. 2013-6906, A RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN AND BOUNDARIES OF TAX INCREMENTAL DISTRICT NO. 3, CITY OF FRANKLIN, WISCONSIN. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.
- FFEDC DINNER SPONSOR G.6. Alderman Wilhelm moved to authorize the City of Franklin to become a dinner sponsor, for the purpose of economic development, for the Citizens for Community Development Golf and Networking Fundraiser, and to fund the same at a cost of \$500. Seconded by Alderman Dandrea. On roll call, Aldermen Schmidt, Wilhelm, and Dandrea voted Aye; Aldermen Skowronski and Mayer voted No. Motion carried.
- FFEDC MEMBERSHIP G.7. Alderman Wilhelm moved to table to the September 30, 2013, Committee of the Whole, an ordinance to amend the Municipal Code to provide for additional aldermanic positions for the membership of the Forward Franklin Economic Development Committee. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.
- RES. 2014-6907
LAND COMBINATION
(RITZOW) G.8. Alderman Mayer moved to adopt Resolution No. 2013-6907, A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 753-9996-003 AND 753-9998-002 (APPROXIMATELY NORTH OF WOELFEL ROAD, EAST OF SOUTH LOVERS LANE ROAD AND SOUTH OF WEST RAWSON AVENUE)(GERALD R. RITZOW AND KATHERINE L. RITZOW, APPLICANT). Seconded by Alderman Skowronski. All voted Aye; motion carried.

RES. 2013-6908
CONSERVATION
EASEMENT-
SWEENEY

G.9. Alderman Skowronski moved to adopt Resolution No. 2013-6908, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 11241 AND 11255 WEST ST. MARTINS ROAD (KENNETH R. SWEENEY AND CHERYL R. SWEENEY, OWNERS). Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2013-6909
SPECIAL USE-
SOLE SERENITY
YOGA, LLC

G.10. Alderman Skowronski moved to adopt Resolution No. 2013-6909, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A YOGA THERAPY PHYSICAL FITNESS FACILITY USE UPON PROPERTY LOCATED AT 9733 W. ST. MARTINS ROAD (SOLE SERENITY YOGA, LLC, APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. 2013-6910
AWARDING BID FOR
SEWER AND WATER
MAIN - S. 76TH ST.

G.11. Alderman Schmidt moved to adopt Resolution No. 2013-6910, A RESOLUTION AWARDING BID TO THE LOWEST BIDDER FOR THE INSTALLATION OF WATER MAIN AND SANITARY SEWER ON THE WEST SIDE OF S. 76TH STREET FROM W. FAITH DRIVE TO W. PUETZ ROAD to Reeseman's Excavating & Grading, Inc. in the amount of \$605,051.20. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2013-6911
SPECIAL ASSESSMENTS
FOR SEWER AND
WATER MAIN - S. 76TH
ST.

G.12. Alderman Dandrea moved to adopt Resolution No. 2013-6911, A FINAL RESOLUTION DIRECTING THE INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR EXTENSION OF SANITARY SEWER AND WATER MAIN ON THE WEST SIDE OF S. 76TH STREET IN VARIOUS LOCATIONS FOR W. PUETZ ROAD TO W. FAITH DRIVE. Seconded by Alderman Schmidt. All voted Aye; motion carried.

CHANGE ORDER NO. 1
W. RYAN RD. SEWER
EXTENSION

G.13. Alderman Skowronski moved to authorize the City Engineer to sign Change Order No. 1 for the extension of sanitary sewer on W. Ryan Road from S. 112th Street to the west City limit for a reduction of \$16,512 with Globe Contractors, Inc., reducing the cost from \$408,460 to \$391,948. Seconded by Alderman Mayer. All voted Aye; motion carried.

SURVEY RESULTS FOR
SEWER EXTENSION

G.14. Alderman Skowronski moved to direct staff to proceed and bring back to Council the extension of sanitary sewer on S. 76th Street and W. Ryan Road. Seconded by Alderman Mayer. Motion carried on a voice vote; Alderman Wilhelm voted No.

BRIDGE PANELS FOR
VICTORY CREEK/
PLEASANT VIEW TRAIL

G.15. Alderman Wilhelm moved to authorize staff to purchase the prefabricated timber transverse panels for the Victory Creek/Pleasant View Trail from Wheeler Lumber, LLC, at a cost of \$14,990 delivered to the site. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

AT&T UTILITIES IN
RECONSTRUCTION OF
S. 27TH ST.

G.16. Alderman Wilhelm moved to authorize the expenditure of \$5,000 for AT&T to complete preliminary engineering and cost estimate with the understanding that said payment would be credited to the underground cost if the project proceeded including underground utilities and funded by existing Tax Incremental Finance District 3 for the proposed reconstruction of S. 27th Street from W. College Avenue to W. Drexel Avenue. Seconded by Alderman Dandrea. All voted Aye; motion carried.

BUSINESS
IMPROVEMENT
DISTRICT-
S. 27TH STREET

G.17.A. Alderman Dandrea moved to direct staff to work with Historic 41 BID (Business Improvement District) to explore the possibility of extending the current Historic 41 BID. Seconded by Alderman Schmidt. All voted Aye; motion carried.

70/30 GOAL

G.17.B. Alderman Dandrea moved to accept the 70/30 goal. Seconded by Alderman Mayer.
Alderman Wilhelm moved to call the question. All voted Aye; motion carried.
On the main motion, all voted Aye. Motion carried.

It was then moved by Alderman Dandrea to support the recommendations of the Community Development Authority and the Plan Commission in regard to the 70/30 Goal which includes the method of calculation as set forth in the June 12, 2013 memo prepared by the Director of Administration. Seconded by Alderman Schmidt. All voted Aye; motion carried.

MISCELLANEOUS
LICENSES

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

Operator License to Christine M. Ogorzelec, 23627 82nd St., Salem; Ashley L. Trad, 10554 W. Cortez Cir. #2 and Angelina Galindo, 2920 S. 9th St., Milw.;

Also moved to hold Operator License for Mariah R. Ormond, 1608 ½ East St. Upper, Racine subject to appearing before the License Committee; Shannon M. Trapman, S69W15062 Cornell Cir., Muskego subject to appearing before the License Committee; Paul E. Andler, 15801 W. Mayflower Dr., New Berlin; Alyssa M. Blackburn, 641 Alber Dr., Waterford; Samuel GE Bratz, 15137 Washington Ave., Union Grove; Kevin D. Butler, 10080 S. Shepard Ave., Oak Creek; Peggy S. Counter, S98W13259 Loomis Rd., Muskego; Robert A. Cutting, 4380 S. Placid Dr., Greenfield; Melissa A. Conway, S64W13012 Kipling

LICENSES-
CONTINUED

Ct., Muskego; Mitchell C. Dolata, 3118 El Camino Way, Waterford; Shawn T. Fettig, 10398 S. Charity Cir., Oak Creek; Eric J. Goldschmidt, 7126 W. Tripoli Ave., Milw.; Jill A. Haefer, 8160B S. Forest Hill Cir.; Nicole A. Hahn, 6941 S. 111th St.; Linda J. Hart, S75W14150 Restfull Ln., Muskego; Torie J. Jordan, S80W14420 Schultz Ln., Muskego; Steven G. Lippel, 10145 Plumtree Cir. #203, Hales Corners; Brian P. Malloy, 13790 W. Thomas Dr., New Berlin; Danielle N. Martin, 4141 S. 60th St., #43, Greenfield; Steven A. Mehring, 222 S. Jefferson St., Waterford; Christina M. Mullins, 7520 S. Kent St.; Dana Sue Napierala, 3264 S. 55th St., Milw.; Doan X. Nguyen, 3252 S. 108th St. #4, Milw.; Terese M. Reed, 3548 S. 80th St., Milw.; Rochelle A. Russo, 1571 W. Iona Terr., Milw.; Michael P. Sadowski, 7118 S. Tifton Dr.; Judith M. Schieble, 7115 S. 47th Pl.; Jacob J. Senk, 6923 W. Imperial Dr. and Bridget A. Zimmerman, 7337 S. Cambridge Dr.;

Also moved to hold Class A Combination Change of Agent to Walgreens, 7130 S. 76th St., William R. Dedynski, Agent;

Also moved to hold People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to New Hope Community Church, fees waived: St. Martins Fair Permit, Temporary Entertainment & Amusement at St. Martins Fair on 9/1 & 9/2/13. Seconded by Alderman Skowronski. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman Skowronski moved to approve net general checking account City vouchers in the range Nos. 148418 through Nos. 148572 in the amount of \$755,670.76. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.
It was moved by Alderman Mayer to approve net payroll dated September 6, 2013, pursuant to the employment contracts and standard payroll procedures and calculations of the amounts on file in the Department of Finance. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Schmidt moved to adjourn the meeting at 8:30 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/17/13
ORGANIZATIONAL BUSINESS	Boards and Commissions Appointments	ITEM NUMBER <i>E.1.</i>

Several terms of offices on various Boards and Commissions have or will be expiring. The Mayor may have appointments for Council confirmation:

Board of Water Commissioners

Gary Grobner, term expires 9/30/18

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APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>Slw</i> Reports & Recommendations	SUBJECT: Resolution for acceptance of a water main easement for Convenience Store Investments (Kwik Trip) located at 10750 W. Speedway Drive	9/17/13 ITEM NO. <i>G.I.a.</i>

As part of the development of Convenience Store Investments (Kwik Trip), a water main extension needs to be installed. An easement is needed to allow the City access and maintenance rights to the utility. This easement provides for the rights of grantor and grantee.

RECOMMENDATION

Motion to adopt Resolution 2013-_____, a resolution accepting this permanent water main easement.

JMB/db

STATE OF WISCONSIN; CITY OF FRANKLIN; MILWAUKEE COUNTY

RESOLUTION NO. 2013 - _____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A WATER MAIN EASEMENT FOR CONVENIENCE STORE INVESTMENTS
(KWIK TRIP)
LOCATED AT 10750 W. SPEEDWAY DRIVE

WHEREAS, an easement is required to construct, maintain and operate a water main at the Convenience Store Investments (Kwik Trip) and;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that it would be in the best interest of the City to accept such easement and therefore the Mayor and City Clerk are hereby authorized and directed to execute the easement accepting it on behalf of the City.

BE IT FURTHER RESOLVED, that the City Clerk is directed to record said easement with the Register of Deeds for Milwaukee County.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013 by Alderman _____.

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 _____

ML/db

WATER MAIN EASEMENT

THIS EASEMENT, made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and Convenience Store Investments, a Wisconsin limited partnership, owner, (including heirs, executors, administrators, successors and assigns of above owner(s) as may be or may become applicable), hereinafter called "Grantor," (If more than one grantor is listed above, said language herein referring thereto shall be interpreted in the plural and refer jointly and severally to such grantors).

WITNESSETH

WHEREAS, Grantor is the owner and holder of record Title to certain real property described on Exhibit "A" which is attached hereto and incorporated herein (the Property); and

WHEREAS, the City desires to acquire a permanent non-exclusive easement with the right of entry in and across a portion of the Property hereinafter described with the right to build and construct and/or operate, maintain, repair, reconstruct, and inspect as may be or may become applicable underground water main facilities and appurtenances thereto, including fire hydrants ("Facilities"). All Facilities shall be located and constructed underground of the Easement Property (as hereinafter defined) except for the fire hydrants which shall be located above ground as depicted on Exhibit B.; and

WHEREAS, the initial construction and installation of the Facilities shall be made by Grantor at Grantor's expense and the Facilities shall be the property of the city and be deemed dedicated to the City upon the City's inspection and approval of the Facilities as installed, subject to the terms and conditions set forth below:

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described and the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described does hereby grant unto the City a permanent non-exclusive easement in that part of the Property, more particularly described on Exhibit C attached hereto (the "Easement Area").

UPON CONDITION

1. That said Facilities shall be maintained and kept in good order and condition by the City. Responsibility for maintaining the ground cover and landscaping within the easement area shall be that of the Grantor (including heirs, executors, administrators, successors and assigns).
2. That in and during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of said Facilities, so much of the surface or subsurface of the property as may be disturbed, will at the expense of the City be replaced in substantially the same condition as it was prior to such disturbance; except that the City will in no case be responsible for replacing or paying for replacing any aesthetic plantings or improvements other than ordinary lawns or standard walks, roadways, driveways and parking lot surfacing which were required to be removed in the course of doing the above work. However, the City shall save harmless the Grantor from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work involved in constructing and/or maintaining of said Facilities; provided that if above loss, damage, injury or liability results from the joint negligence of parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses with under law the City is entitled to raise excepting the defense of so-called "sovereign immunity."
3. That no building structure may be placed within the limits of the Easement Area by the Grantor. Other improvements including walks, pavements for driveways and parking lot surfacing may be constructed or placed within the Easement Area.
4. That, in connection with the construction by the grantor of any structure or building abutting said Easement Area, the Grantor will assume all liability for any damage to the Facilities in the above described property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or person other than the Grantor, arising out of the construction by the Grantor of any structure or building abutting the said Easement Area, and shall reimburse the City for the full amount of such loss or damage.

5. That no charges will be made against said lands for the cost of maintenance or operation of said Facilities upon the afore-described Easement Area. Whenever the Grantor makes application for a service connection, the regular and customary service connection charge in effect at the time of the application shall be charged and paid. The Grantor shall be responsible for the routine maintenance of land on which the easement is located.
6. All conditions pertaining to the "Maintenance of Water Service Piping" as set forth in Chapter 5.12 of the "Rules and Regulations Governing Water Service" dated and subsequent amendments thereto shall apply to all water services which are within the Easement Area and also within the limits of any adjoining easements; except that the City of Franklin Water Works, a utility owned by the City of Franklin shall in no case be responsible for maintaining at its expense any portion of said water services outside of the Easement Area and outside the limits of any adjoining easements regardless of any statement to the contrary in said "Rules and Regulations Governing Water Service."
7. The Facilities shall be accessible for maintenance by the City at all times. The Grantor shall submit plans for approval to the City Engineer for any underground installation within the Easement Area, which approval shall not be unreasonably withheld, conditioned or delayed.
8. That the Grantor shall submit plans for all surface alterations of plus or minus 0.50 foot or greater within the limits of said easement. Said alterations shall be made only with the approval of the City Engineer of the City of Franklin, which approval shall not be unreasonably withheld, conditioned or delayed.
9. The City and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.
10. The City and Grantor each hereby waives all rights of subrogation that either has or may hereafter have against the other for any damage to the Easement Area or any other real or personal property or to persons covered by such party's insurance, but only to the extent of the waiving party's insurance coverage; provided, however, that the foregoing waivers shall not invalidate any policy of insurance now or hereafter issued, it being hereby agreed that such a waiver shall not apply in any case which would result in the invalidation of any such policy of insurance and that each party shall notify the other if such party's insurance would be so invalidated.
11. Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
12. This easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor or their respective successors and assigns.
13. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
14. If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
15. This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
16. It is understood that in the event the above described Real Estate may become portions of public streets; in which event, in the proceedings for the acquisition of the property needed for such streets by purchase, dedication or by condemnation, said lands shall be considered the same as though this easement had not been executed or any rights granted thereby exercised.
17. That the Grantor shall submit as-built drawings of the installed facilities on mylar for approval to the City Engineer, which approval shall not be unreasonably withheld, conditioned, or delayed.

IN WITNESS WHEREOF, the Grantor has hereunto set its hands and seals

ON THIS DATE OF: JUNE 3, 2013

CONVENIENCE STORE INVESTMENTS
COMPANY NAME

By: [Signature]
Thomas E. Reinhart, Secretary
Convenience Store Investments, Inc.,
General Partner

STATE OF WISCONSIN
COUNTY OF LA CROSSE

Before me personally appeared on the 3RD day of June, 2013, the above named

Thomas E. Reinhart, Secretary of Convenience Store Investments, Inc., General Partner of Convenience Store Investments, a Wisconsin limited partnership, to me known to be the person(s) who executed the foregoing EASEMENT and acknowledged the same as the voluntary act and deed of said company.

[Signature]
NOTARY PUBLIC
My commission expires 10-27-13

CITY OF FRANKLIN

By: Thomas M. Taylor, Mayor

By: Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN
COUNTY OF MILWAUKEE

On this _____ day of _____, 2013 before me personally appeared Thomas M. Taylor and Sandra L. Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. _____ adopted by its Common Council on _____, 201__.

Notary Public
My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents
Date: _____
Manager of Water Works of Franklin

Approved as to form only
Date: _____
City Attorney

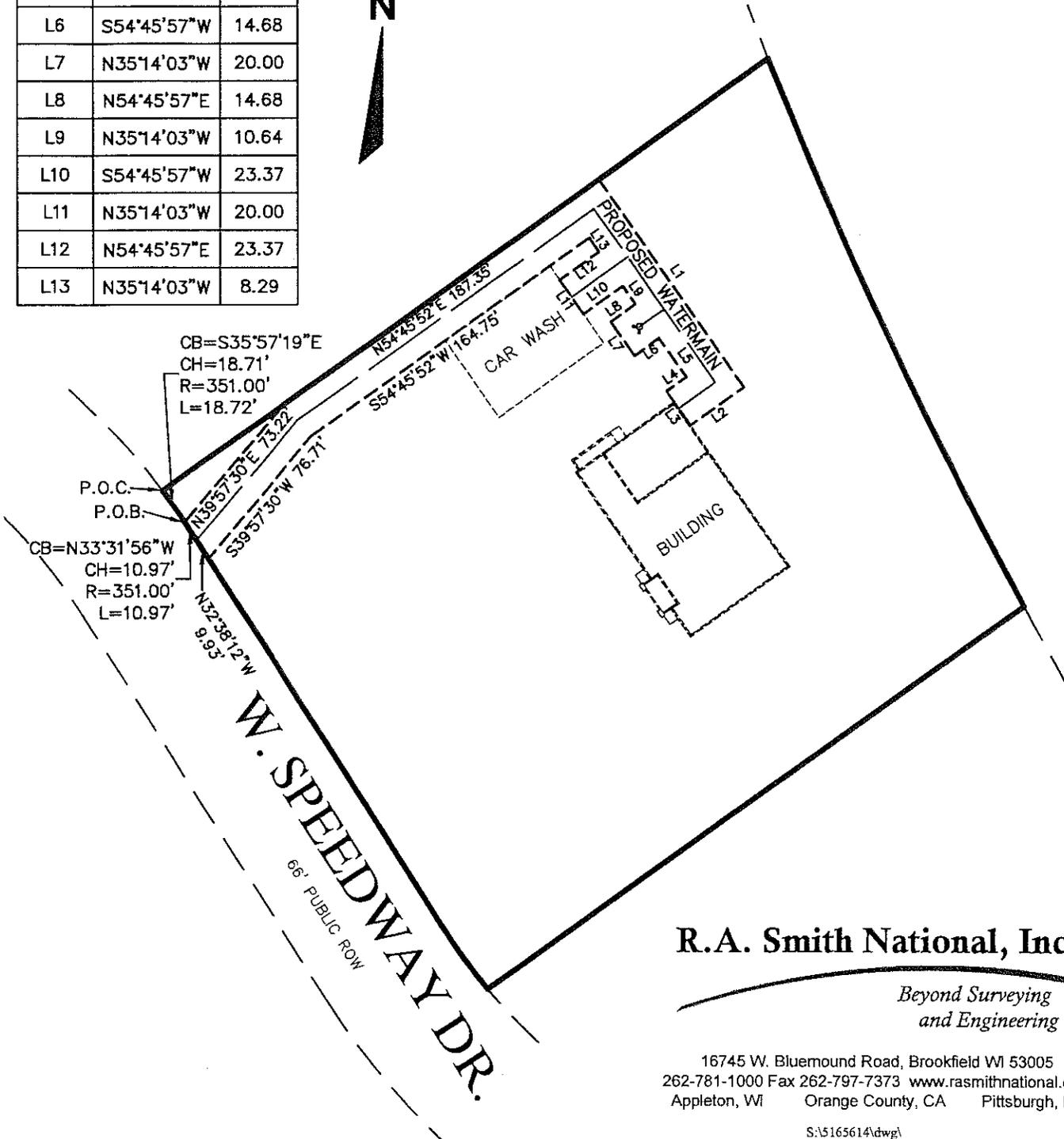
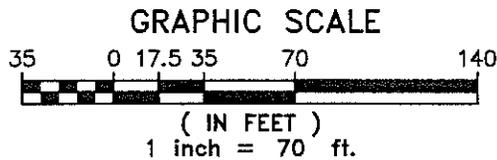
EXHIBIT A

Lot 1 of Certified Survey Map No. 8519, recorded February 21, 2013 as Doc. No. 10219102; said map being a division of Lots 2 and 3 of Certified Survey Map No. 7721, being a part of the Southeast Quarter of the Northeast Quarter of Section 6 and part of the Southwest Quarter of the Northwest Quarter of Section 5, all in Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

WATERMAIN EASEMENT

KWIK TRIP STORE 857

Line Table		
Line #	Direction	Length
L1	S35°14'03"E	121.76
L2	S54°45'57"W	31.70
L3	N35°14'03"W	20.00
L4	N54°45'57"E	11.70
L5	N35°14'03"W	22.83
L6	S54°45'57"W	14.68
L7	N35°14'03"W	20.00
L8	N54°45'57"E	14.68
L9	N35°14'03"W	10.64
L10	S54°45'57"W	23.37
L11	N35°14'03"W	20.00
L12	N54°45'57"E	23.37
L13	N35°14'03"W	8.29



R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
Appleton, WI Orange County, CA Pittsburgh, PA

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PX101a50.dwg\165614

SHEET 1 OF 1

EXHIBIT B

R.A. Smith National, Inc.

WATERMAIN EASEMENT KWIK TRIP STORE 857

Part of Lot 1, Certified Survey Map No. 8519, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 6 and Part of the Southwest 1/4 of the Northwest 1/4 of Section 5, all in Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwesterly corner of said Lot 1, said point lying on the Northerly line of West Speedway Drive; thence Southeasterly 18.72 feet along said North line and the arc of a curve whose center lies to the Southwest, whose radius is 351.00 feet and whose chord bears South 35°57'19" East 18.71 feet to the point of beginning of the lands to be described; thence North 39° 57' 30" East 73.22 feet to a point; thence North 54° 45' 52" East 187.35 feet to a point; thence South 35° 14' 03" East 121.76 feet to a point; thence South 54° 45' 57" West 31.70 feet to a point; thence North 35° 14' 03" West 20.00 feet to a point; thence North 54° 45' 57" East 11.70 feet to a point; thence North 35° 14' 03" West 22.83 feet to a point; thence South 54° 45' 57" West 14.68 feet to a point; thence North 35° 14' 03" West 20.00 feet to a point; thence North 54° 45' 57" East 14.68 feet to a point; thence North 35° 14' 03" West 10.64 feet to a point; thence South 54° 45' 57" West 23.37 feet to a point; thence North 35° 14' 03" West 20.00 feet to a point; thence North 54° 45' 57" East 23.37 feet to a point; thence North 35° 14' 03" West 8.29 feet to a point; thence South 54° 45' 52" West 164.75 feet to a point; thence South 39° 57' 30" West 76.71 feet to a point on the aforesaid North line; thence North 32°38'12" West along said North line 9.93 feet to a point; thence Northwesterly 10.97 feet along said North line and the arc of a curve whose center lies to the Southwest, whose radius is 351.00 feet and whose chord bears North 33°31'56" West 10.97 feet to the point of beginning.

Containing 8,249 square feet.

Prepared by: John P. Casucci
Dated: May 6, 2013
Project Number: 5165614

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>9/17/13</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Donation from Children's Community Health Plan</p>	<p>ITEM NUMBER</p> <p><i>G.I.B.</i></p>

The City of Franklin Police Department has received a donation from Children's Community Health Plan to be used for the purchase of materials and supplies for the Annual National Night Out.

COUNCIL ACTION REQUESTED

Motion to accept the donation from Children's Community Health Plan made to the Police Department.

Check Date: 8/1/2013

Check No. 004715

Invoice Number	Invoice Date	Co. & Purchase Order//Description	Gross Amount	Discount Available	Paid Amount
AUG.5.2013	07/25/13	CCH / DONATION	100.00	0.00	100.00

If there are any questions or concerns, please contact Accounts Payable @ (414)266-3835.

Vendor Number 0000035083	Vendor Name CITY OF FRANKLIN		Total Discounts \$0.00	
Check Number 004715	Check Date 8/1/2013	Total Amount \$100.00	Discounts Taken \$0.00	Total Paid Amount \$100.00

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

CHILDREN'S COMMUNITY HEALTH PLAN
 PO BOX 1997
 MILWAUKEE, WI 53201-1997

MARSHALL & ILSLEY BANK
 P.O. BOX 2045
 Milwaukee, WI 53201

004715
 12-5/750

Date: 8/1/2013

Pay To The Order Of

****ONE HUNDRED AND XX / 100 DOLLAR****

Pay Amount \$100.00***

CITY OF FRANKLIN
 POLICE DEPARTMENT
 9455 W LOOMIS RD
 FRANKLIN WI 53132

** Void after 120 days **

Peggy Gray
 Authorized Signature

⑈004715⑈ ⑆07500005⑆ 00499⑆61186⑈

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/17/13
Reports and Recommendations	Donations from Lemke's Lawn & Landscape Supplies in the amount of \$250, and W. Bros. Trucking, Inc. in the amount of \$200 to the Fair Commission	ITEM NUMBER <i>G.I.C.</i>

The City of Franklin Fair Commission has received donations from Lemke's Lawn & Landscape Supplies in the amount of \$250, and W. Bros. Trucking, Inc. in the amount of \$200 to be used for the promotion of the St. Martin's Fair.

COUNCIL ACTION REQUESTED

Motion to accept the donation of \$250 from Lemke's Lawn & Landscape Supplies, and \$200 from W. Bros. Trucking, Inc. to the Fair Commission to be used for the promotion of the St. Martin's Fair.

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APPROVAL <i>Slw</i> 	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/17/2013
REPORTS & RECOMMENDATIONS	Presentation of the Mayor's 2014 Recommended Budget and Review of the Budget Preparation Timetable	ITEM NUMBER <i>G. 2.</i>

The Mayor's 2014 Recommended Budget will be presented to the Common Council for it to forward to the Committee of the Whole in accordance with Section 13-2, "Preparation of Budget" of the City of Franklin Municipal Code.

The Director of Administration will present an "overview of [the] budget and major budget initiatives" as set forth in the 2014 Budget Preparation Timetable as adopted by the Common Council. The presentation will primarily consist of a PowerPoint presentation on the budget and review of the budget timetable.

Note that the budget timetable indicates that following the presentation, Aldermen will "determine or identify additional materials or information needed for 9/30 budget discussions." This will enable staff to prepare advance information as may be requested and also inform department heads as to who is expected to be in attendance. A copy of the budget timetable is attached for your convenience.

A copy of the Mayor's 2014 Recommended Budget document will be provided at the meeting.

COUNCIL ACTION REQUESTED

Motion to forward consideration of the Mayor's 2014 Recommended Budget to the Committee of the Whole.

Provide other direction to staff, as appropriate, relative to additional materials or information needed for the September 30th budget discussions.

City of Franklin
2014 Annual Budget
BUDGET PREPARATION TIMETABLE
February 19, 2013

Schedule

Monday, September 16	Distribution of Mayor's Recommended Budget to Common Council
Tuesday, September 17	Common Council Meeting Agenda Item: Presentation on overview of budget and major budget initiative. Aldermen determine or identify additional materials or information needed for 9/30 budget discussions.
Wednesday September 18 To Monday, September 30	Aldermen may contact department heads with budget questions
Monday, September 30	Committee of the Whole Agenda Item: Review of Mayor's Recommended Budget.
Monday, October 7	Alternate day for additional Committee of the Whole meeting and budget discussion
Thursday, October 10	Preparation of Public Hearing Notice
Tuesday, October 15	Regular Common Council Meeting, available for discussion of any budget topic as may be needed.
Thursday, October 17	Publication of Preliminary Budget and Hearing Notice
Monday, November 4	Public Hearing on the Proposed Annual Budget
Tuesday, November 5	Common Council Meeting: Adoption of Annual Budget

Note: Subsequent actions that affect the Common Council's regular meeting schedule may impact this calendar.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">September 17, 2013</p>
<p style="text-align: center;">REPORTS AND RECOMMENDATIONS</p>	<p style="text-align: center;">Forward Franklin Economic Development Committee Request for Common Council Consideration of and Direction for the Committee's Purposes and Duties' Tasks and Goals</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.3.</i></p>

At its August 26, 2013 meeting, the Forward Franklin Economic Development Committee adopted a motion to request that the Common Council at its September 17, 2013 meeting, consider, identify and assign future tasks and goals for the FFEDC. §10-8. of the Municipal Code, provides as follows:

§ 10-8. Forward Franklin Economic Development Committee.

A. Purpose. The purpose of the Forward Franklin Economic Development Committee is to promote and enhance the City of Franklin; to actively pursue, within the goals and guidelines of the Common Council of the City of Franklin, Wisconsin, commercial and industrial business development/investment for relocation into the City of Franklin to achieve a balanced tax base; to work with the business community in the retention and expansion of the businesses already within the City; and to promote the City in various manners as an excellent place to live and do business.

B. Composition. The Committee shall be comprised of seven members, one of whom shall be an Alderman; and one of whom shall be a member of the Board of Directors of Citizens for Community Development, Inc., who has been nominated for appointment and confirmation consideration for Committee membership by such Board of Directors. A quorum of the Committee shall be a majority of the members. The members of the Committee shall be appointed by the Mayor, confirmed by the Common Council and shall serve without compensation.

C. Terms of office. The Common Council member shall serve during his/her term of elected office and the term of the Common Council member shall expire, without regard to the qualification of any successor, upon the expiration of the term of elected office during which the Common Council member was appointed, or earlier upon the vacancy of such office. The initial terms of the remaining six members shall be as follows: three members shall serve for one year and three members shall serve for two years, from July 1 in the year of their appointment. Additionally, the Citizens for Community Development, Inc., member term shall serve only during his/her term(s) of Board of Directors membership office and the term of the Citizens for Community Development, Inc., member shall expire, without regard to the qualification of any successor, upon the date that such member no longer holds such Board of Directors membership office. Thereafter, each regular non-Aldermanic appointment shall be made for a term of two years.

D. Organization.

(1) Meetings. Meetings shall be held monthly (at a minimum) and at the call of the Chairman or a majority of the Committee members appointed and shall be open to the public.

(2) Standing and special committees. The Chairman may appoint standing and special committees.

(3) Minutes. Minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions and recommendations made; and a copy shall be filed with the City Clerk as a public record.

E. Duties.

(1) Assist the Community Development Authority to determine types and locations of commercial and manufacturing zoning throughout the City, for report and recommendation to the Plan Commission and Common Council, as the Common Council may determine appropriate or necessary from time to time.

(2) Determine and target, with direction from the Common Council and input from City staff, specific industries, businesses and commercial developments for the various parcels zoned for such uses throughout the City and determine the economic impact of such developments compared to various other types of developments such as condominiums, single-family homes, apartments and the like. The economic evaluation

Forward Franklin Economic Development Committee

September 17, 2013

should consider tax benefits and job growth, as well as the potential costs associated with various developments such as costs for roads, police and fire services, schools and other public facilities and services.

(3) Act as a liaison to developers of commercial, industrial and retail business developments throughout the City. Assist and guide businesses and developers through the various procedures and departments.

(4) Develop and implement a retention program to retain existing businesses in the City.

(5) Develop and implement a plan to solicit businesses for relocation to the City.

(6) Work with City departments to enhance services to the business community.

(7) Determine local, state and federal tax incentives and other inducements for attracting quality businesses and developments.

(8) Develop a comprehensive marketing strategy to include promotional materials, public relations efforts, surveys and the enhancement of the City's existing web site from a marketing perspective.

F. The Community Development Authority is hereby charged with the duties as set forth under Subsection E above, as may be otherwise required under § 66.1335(4), Wis. Stats., and with the oversight of the Forward Franklin Economic Development Committee, accordingly.

G. The Forward Franklin Economic Development Committee Chairman or designee shall appear at Community Development Authority meeting(s) as may be directed by the Authority Chairman, to report upon the activities of the Committee.

H. The Forward Franklin Economic Development Committee shall be the successor to all rights, duties, interests and obligations of the Economic Development Commission and the Franklin Industrial Commission as may be set forth in all other actions, ordinances and resolutions of the City of Franklin adopted prior to the effective date of this section (July 1, 2011) and all other agreements and documents executed and actions taken pursuant thereto, including, but not limited to Ordinance No. 85-864, creating Planned Development District No. 7, as amended, and the Franklin Industrial Park Deed Restrictions and Protective Covenants/Architectural Controls, as adopted and amended by Resolution No. 88-3189 and Resolution No. 90-3473, as amended.

COUNCIL ACTION REQUESTED

As the Common Council deems appropriate.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">09/17/13</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 11321 WEST ST. MARTINS ROAD (NEW HOPE COMMUNITY CHURCH INC., OWNER)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.4.</i></p>

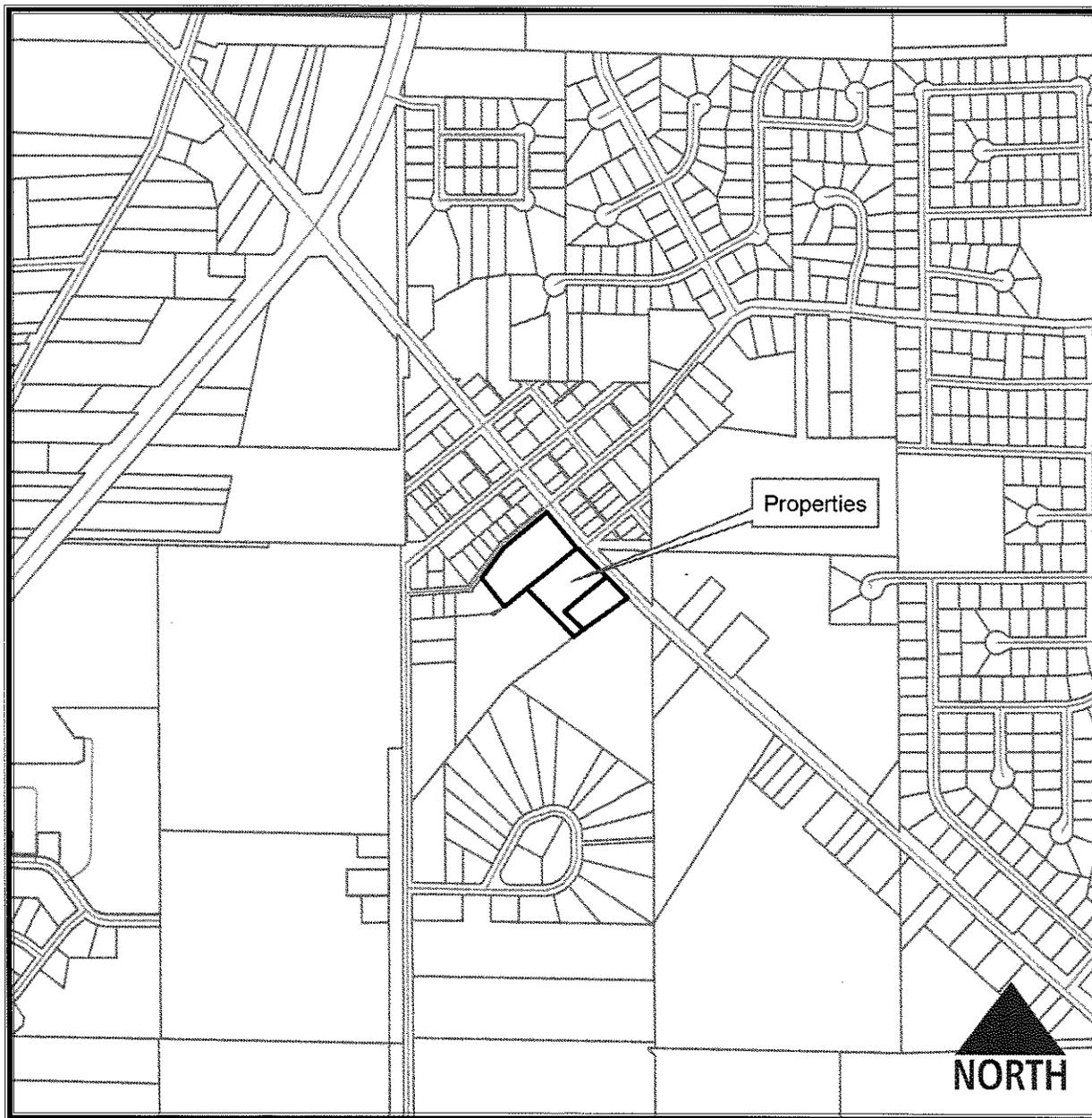
City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Certified Survey Map for property located at 11321 West St. Martins Road (New Hope Community Church Inc., Owner), subject to technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

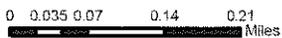
A motion to adopt Resolution No. 2013-_____, a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Certified Survey Map for property located at 11321 West St. Martins Road (New Hope Community Church Inc., Owner), subject to technical corrections by the City Attorney.



11241, 11255 & 11321 West St. Martins Road



Planning Department
(414) 425-4024



This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

RESOLUTION NO. 2013-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 11321 WEST ST. MARTINS ROAD (NEW HOPE COMMUNITY CHURCH, INC., OWNER)

WHEREAS, the Plan Commission having approved a 4 Lot Certified Survey Map upon the application of New Hope Community Church, Kenneth R. Sweeney and Cheryl R. Sweeney, on January 29, 2013, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0702Q. and §15-9.0309D. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by New Hope Community Church, Inc., in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT ***
NEW HOPE COMMUNITY CHURCH, INC.
RESOLUTION NO. 2013-_____

Page 2

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

COPY

New Hope Community Church, Inc.

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and New Hope Community Church, Inc., a Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, Southwest 1/4 of the Southeast 1/4 of Section 7, and part of the Northwest 1/4 of the Northeast 1/4 of Section 18, Town 5 North, Range 21 East, described as Lot 1 in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, Wetland Buffers and wetlands, and refer to Natural Resource Investigation by SEWRPC Delineation dated May 6, 2013 which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the conservation easement on, over, and across the protected property, desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement; and

WHEREAS, the Grantee is willing to accept this conservation easement subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby;

WHEREAS, U.S. Bank NA, mortgagee of the Protected Property ("Mortgagee"), consents to the grant of this Easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as "Mortgage Holder Consent".

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee a conservation easement in perpetuity on, over, and across the protected property.

Grantee's rights hereunder shall consist solely of the following:

1. To view the protected property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant.

And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, on, over, or across the protected property, the Grantor, without the prior consent of the Grantee, shall not:

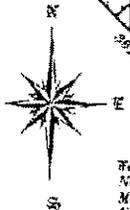
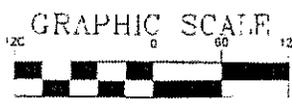
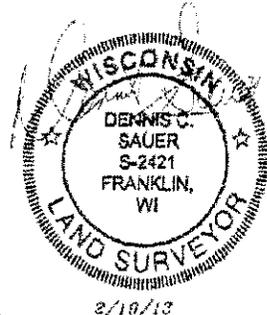
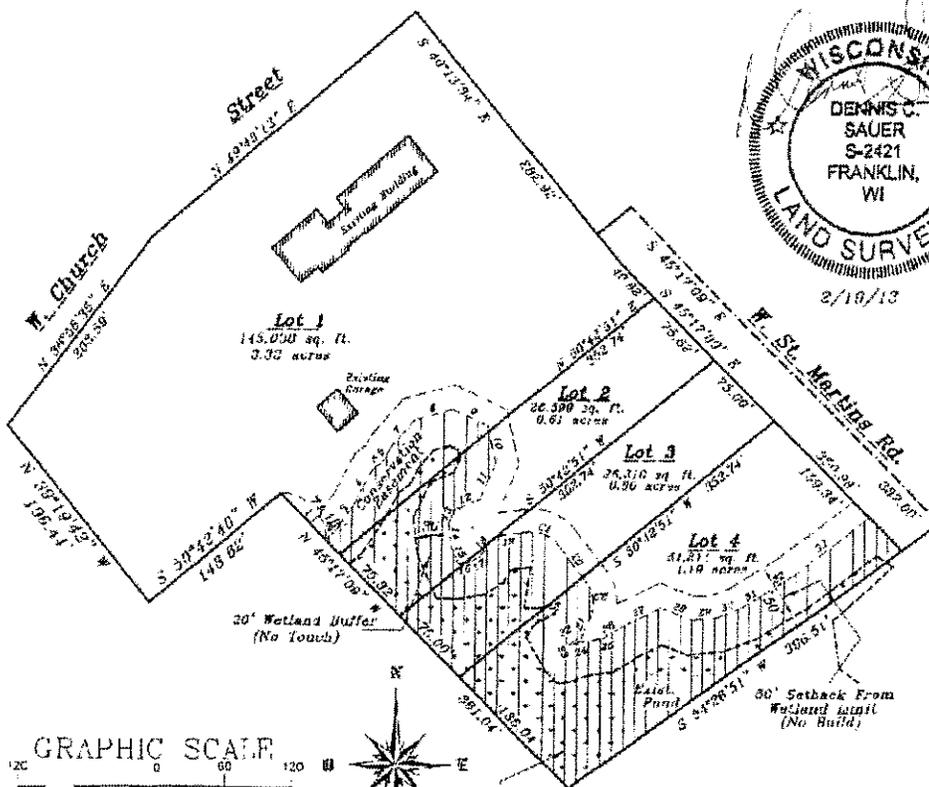
Exhibit A

Job No. 103780

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 of the Southeast 1/4 of Section 7,
and part of the Northwest 1/4 of the Northeast 1/4 of Section 18, Town
5 North, Range 21 East, in the City of Franklin, Milwaukee County,
Wisconsin.

Conservation Easement



Wetlands Delineated By SERRPC On
November 2, 2010 And Surveyed By
Metropolitan Survey Service, Inc. On
November 4, 2010

Curve	Length	Radius	Chord	Chd. Bearing
C1	31.31'	30.00'	29.91'	S 08°35'27" E
C2	22.58'	30.00'	30.93'	S 08°15'07" E

CONSERVATION LINE TABLE			CONSERVATION LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
1	58.50	S45°17'09"E	17	9.11	N57°13'31"E
2	13.66	N47°20'50"E	18	19.79	N34°34'35"E
3	26.65	N30°30'44"E	19	20.46	N81°30'27"E
4	33.38	N28°11'28"E	20	39.92	S38°11'21"W
5	12.65	N53°33'07"E	21	19.15	S22°46'54"W
6	10.85	N23°36'47"E	22	12.55	S83°50'40"W
7	24.63	N41°28'08"E	23	1.25	S22°57'28"E
8	34.23	N74°44'50"E	24	7.90	N08°45'28"E
9	34.09	S85°18'28"E	25	19.37	N81°47'35"E
10	32.31	S17°05'04"E	26	21.31	N69°00'23"E
11	34.98	S28°03'03"W	27	37.00	N63°41'33"E
12	22.81	S67°51'43"W	28	30.21	S69°32'17"E
13	13.02	S28°00'04"W	29	22.19	N83°29'57"E
14	18.24	S06°33'47"E	30	23.00	N87°42'15"W
15	17.57	S24°25'35"E	31	18.46	N58°08'28"E
16	11.18	N80°37'06"E	32	29.79	N57°57'43"E
			33	98.76	N53°07'41"E

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APPROVAL <i>slw PR</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/17/2013
REPORTS & RECOMMENDATIONS	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 General Fund and the Capital Improvement Fund Amending the Project Line Items for the Police Video System Upgrade to \$141,000 and to Provide for a Transfer from the General Fund to the Capital Improvement fund of \$24,610	ITEM NUMBER <i>G.5.</i>

Common Council approved the changes needed in the Police Video System Upgrade at the September 2, 2013 meeting. That request noted the need to amend the Capital Improvement fund for the increased cost.

During 2012, \$85,982 was transferred from the Capital Improvement fund to the General Fund to recognize the cost of Dept of Public Works costs on the 51st Street sidewalk project. \$38,000 of that transfer was returned Capital Improvement Fund earlier this year in relation to another 2013 Capital project.

To properly fund the Police Video System upgrade, \$24,610 should be transferred from the General Fund back to the Capital Improvement fund and the appropriation for the Police Video system should be increased by \$24,610 (\$141,000 less the prior appropriation of \$116,390). The net result is that the funds remain available where intended and the full accounting of the capital projects remain more consistent with accounting practices.

Please recognize, however, that staff anticipates the Capital Improvement Fund will experience some revenue shortages this year which will likely require some additional fund transfers from available fund balances. This issue is being put together at this time and will be taken to the Finance Committee soon for a recommendation to the Common Council.

None the less, given the essential nature of this Police Video project, its prior approval, and staff's desire to complete the project, staff recommends a budget modification for authorizing the Police Video System project so that it can move forward at this time.

COUNCIL ACTION REQUESTED

Motion to approve Ordinance No. 2013-____, 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 General Fund and Capital Improvement Fund Amending the Project Line Items for the Police Video System Upgrade to \$141,000 and to Provide for a Transfer from the General Fund to the Capital Improvement fund of \$24,610

A STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2013-_____

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 GENERAL FUND AND THE CAPITAL IMPROVEMENT FUND AMENDING THE PROJECT LINE ITEM FOR THE POLICE VIDEO SYSTEM UPGRADE TO \$141,000 AND TO PROVIDE FOR A TRANSFER FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENT FUND OF \$24,610

WHEREAS, the 2013 budget anticipated a Police Video System upgrade costing \$116,390

WHEREAS, the Police Department has obtained bids for the equipment costing \$141,000, and

WHEREAS, the Technology Committee has recommended the project as outlined by the Police Department, and

WHEREAS, a transfer from the General Fund is required to restore the funding previously identified for the Police Video System and to ensure sufficient revenues to offset the added appropriations, and

WHEREAS, the total system will cost \$141,000 and staff recommends approval.

NOW, THEREFORE, be it resolved by the Common Council that Ordinance 2012-2096 (an Ordinance adopting the 2013 budgets and tax levy for the City of Franklin), as amended be amended to increase the 2013 Capital Improvement Fund appropriation for the Police Video System by \$24,610 to a total of \$141,000 and the Transfer from General Fund of \$24,610 to a total of \$62,610 and to increase the 2013 General Fund Transfer to the Capital Improvement Fund by \$24,610.

Introduced at a regular meeting of the Common Council of the City of Franklin this 17th day of September, 2013.

Passed and adopted by the Common Council of the City of Franklin this 17th day of September, 2013.

APPROVED:

ATTEST:

Thomas M. Taylor, Mayor

Sandra L. Wesolowski, Director of Clerk Services

AYES___NOES___ABSENT___

<p style="text-align: center;">APPROVAL</p> 	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 9/17/2013</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">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 General Fund - Building Inspection Department Adding \$14,000 in Personnel Expenditures and \$14,000 in Permit Fee Revenues for the Purpose of Hiring a Limited- Term, Part-Time Assistant Building Inspector and Increasing Overtime Appropriations</p>	<p style="text-align: center;">ITEM NUMBER <i>G.6.</i></p>

Construction and permit activity has picked up significantly during 2013. Coupled with prior reductions in staff that eliminated 40% of the Inspection Department since 2006, the Department finds itself in a nearly untenable position. Despite overtime and weekend hours, the Department is in a position of having significant difficulty in meeting the service delivery expectations placed upon them. This is particular disconcerting at this time as the School District and Wheaton Franciscan both have significant, labor-intensive projects in the works that require a significant amount of regular attention. We desire to be highly responsive to the larger business concerns without putting off other business and residential inspections. Therefore, more staff support is essential.

The good news is that permit fee revenues are up. In fact, the Department is expected to meet its entire budgeted revenue amount for the year before the end of September. As such, there will be more than enough revenue generated by the Department to fully fund the requested staff addition and overtime. Given that staffing was reduced when permit fees were reduced, it is reasonable to request for staffing to be reinstated in response to an increase of permits and permit fees that have accelerated the workload.

The request is to hire a Limited-Term, Part-Time employee who would work 19 hours per week (on average) for the remainder of the year. There would be no benefits associated with the position other than the statutory payroll roll-ups (FICA, workers comp). In total, the cost of this position would be restricted to \$9,000. Additionally, an increase in overtime of \$5,000 is requested to support the added work and evening inspections that have been required for certain larger projects. Those amounts would be allocated by the Finance Department to the necessary, individual Personnel Services line items within the Department's budget.

The Department still has an individual who was previously laid off who remains on the Reinstatement List for this position. As such, we have an experienced person trained in our system available to serve in this LTE role, and we understand he is interested in doing so.

Although the funding addresses an LTE through the end of 2013, it is expected the 2014 budget will address this issue going forward past the end of this year. This ordinance constitutes a budget modification; therefore, a two-thirds majority is required for approval. Once the budget is established, that will provide sufficient authority for the Mayor to authorize filling the vacancy.

COUNCIL ACTION REQUESTED

Motion to approve Ordinance No. 2013-_____ "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 General Fund-Building Inspection Department Adding \$14,000 in Personnel Expenditures and \$14,000 in Permit Fee Revenues for the Purpose of Hiring a Limited-Term, Part-Time Assistant Building Inspector and Increasing Overtime Appropriations."

ORDINANCE NO. 2013-_____

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 GENERAL FUND – BUILDING INSPECTION DEPARTMENT ADDING \$14,000 IN PERSONNEL EXPENDITURES AND \$14,000 IN PERMIT FEE REVENUES FOR THE PURPOSE OF HIRING A LIMITED-TERM, PART-TIME ASSISTANT BUILDING INSPECTOR AND INCREASING OVERTIME APPROPRIATIONS

WHEREAS, the 2013 budget anticipated a level of Building Inspection Department revenues based, in part, on anticipated workload and authorized staffing, and

WHEREAS, permits and workload have significantly increased during the first three quarters of 2013, and

WHEREAS, in order to maintain the service levels expected of building permit applicants, particularly given some large permits recently issued (such as the school addition), it is necessary to add additional staff availability; to which end it is recommended a limited-term, part-time employee be funded and authorized averaging 19 hours per week through 2013, costing \$9,000, and additional overtime appropriations, costing \$5,000, be funded and authorized, and

WHEREAS, the Building Inspection Department will generate sufficient revenues to fully fund the requested increase in staff support and such additional revenue should be recognized in the budget.

NOW, THEREFORE, be it resolved by the Common Council that Ordinance 2012-2096 (an Ordinance adopting the 2013 budgets and tax levy for the City of Franklin), as amended, be further amended to modify the budget of the General Fund – Building Inspection Department adding \$14,000 in personnel expenditures and \$14,000 in permit fee revenues for the purpose of hiring a limited-term, part-time Assistant Building Inspector and increasing overtime appropriations.

BE IT FURTHER RES OLVED that the Finance Department is directed to allocate the appropriations to the individual personnel line items in accordance with the related Council Action Sheet and standard personnel accounting procedures.

Introduced at a regular meeting of the Common Council of the City of Franklin this 17th day of September, 2013.

Passed and adopted by the Common Council of the City of Franklin this 17th day of September, 2013.

APPROVED:

ATTEST:

Thomas M. Taylor, Mayor

Sandra L. Wesolowski, Director of Clerk Services

AYES ___ NOES ___ ABSENT ___

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/17/2013
REPORTS & RECOMMENDATIONS	Flexible Spending Section 125 Plan Revisions	ITEM NUMBER <i>G.7.</i>

The City has been offering a Flexible Spending Program (Section 125 Plan) to its employees for many years. The program allows employees to elect to put money into a fund to be reimbursed for unreimbursed medical costs (or dependent care costs) on a pre-tax basis.

The City has limited this benefit to \$2,000 per year. The IRS recently placed a limit on flexible spending accounts for unreimbursed medical accounts of \$2,500. Due to the increased insurance deductibles and out-of-pocket maximums that the City has instituted in the past few years, several employees have asked the City to consider raising the \$2,000 maximum. Additionally, changes in participation requirements are recommended for consideration as a result of the impact of Acts 10 and 32.

Attached is a memo from the HR Coordinator to the Personnel Committee regarding the above mentioned increase change to the City's Flexible Spending Program (Section 125 Plan) as well as consideration of a change to the eligibility and participation requirements of the plan. The Personnel Committee will be addressing this item at their September 16th meeting. The Director of Administration will apprise the Common Council at their meeting of September 17th of the Personnel Committee's action on this item.

COUNCIL ACTION REQUESTED

Motion to increase the maximum deduction allowed for unreimbursed medical costs of the Flexible Spending Program (Section 125 Plan) from \$2,000 to \$2,500 per year,

AND

Motion to modify the participation requirement of the Flexible Spending Program (Section 125 Plan) to cover only employees that are scheduled to work 20+ hours per week and to modify eligibility requirements so that employees become eligible the first of the month after 6 months of employment.



Date: 9/6/2013

To: Personnel Committee Members

From: Dana Zahn, HR Coordinator

RE: Flexible Spending Plan

The City has been offering a flexible spending program (Section 125 Plan) to its employees for many years. The program allows employees to elect to put money into a fund to be reimbursed for unreimbursed medical costs (or dependent care costs) on a pre-tax basis.

The City has limited this benefit to \$2,000 per year as there is some risk on the City's part in offering this benefit. IRS rules allow an employee to seek reimbursement of his/her medical costs as soon as the cost is incurred. If the employee fails to make all of their deposits throughout the year, the City is liable for the missing deposits.

Example: An employee elects to withhold \$75 from each paycheck for unreimbursed medical costs (\$1800/year). If the employee has a serious medical issue at the start of the year he can immediately seek reimbursement of up to \$1800 in unpaid medical costs. He continues to have \$75 deducted from each of his paychecks. If the employee elects to quit employment at the end of June, he would have only contributed \$900 to his unreimbursed medical fund. Because he used the full \$1800, the City will be liable to pay the additional \$900.

Due to the increased insurance deductibles and out-of-pocket maximums that the City has instituted in the past few years, several employees have asked us to consider raising our \$2000 maximum. The IRS recently placed a limit on flexible spending accounts for unreimbursed medical accounts of \$2,500.

Although there is risk to the City of employees leaving employment mid-year, the City also receives forfeiture checks on occasion from the plan. If an employee does not incur enough medical bills during the year to seek full reimbursement, or for some reason fails to ask for their reimbursement, the amount left over in our account is reimbursed to the City. By IRS rules this money cannot be given back to the employee, but the City can use the forfeitures to pay for administrative costs of the plan. Over the past 5 years the City has received more back in forfeitures than it has paid out due to employees leaving the plan. Please see the table below to view City history over the past 5 years:

<u>Year</u>	<u>Loss to City</u>	<u>Forfeitures paid to City</u>	<u>Net Gain or Loss</u>
2013	\$1,109.80 definite losses with an additional \$820.64 of potential losses	\$5.94 known forfeiture + unknown additional forfeitures	Unknown until April of 2014
2012	\$ 527.40	\$6,310.74	\$5,783.24
2011	0	\$1,256.97	\$1,256.97
2010	0	\$ 848.27	\$ 848.27
2009	\$ 634.62	\$ 910.27	\$ 275.65
Total 2009 -2012	\$1,162.02	\$9,326.25	\$8,164.13

In addition to the above plan change, consideration should be given to the eligibility and participation requirements. Our current plan allows for all employees to participate in the Flexible Spending Plan. There is no minimum hours worked requirement. Non-represented employees are eligible the 1st of the month following the date of hire and represented employees are eligible the first of the month after 180 days of employment. Due to the recent elimination of four of our labor agreements, these employees have all become (or will become in the case of the Teamsters) non-represented employees. I would recommend that all employees become eligible for the flexible spending plan on the 1st of the month after 6 months employment. The risk to the City of an employee quitting/terminating is reduced after completion of their 1st 6 months of employment.

Most of our employees do not receive City benefits unless they are scheduled to work at least 20 hours per week. We tend to have a higher turnover rate in jobs that do not receive benefits, such as our Library Shelves, Library Assistants and our Treasury Cashiers. I would recommend limiting eligibility to the Flexible Spending Plan to employees that work 20 or more hours per week. Unfortunately, this would cause one current PT Librarian to be ineligible for the benefit and the Elected Officials would no longer be eligible (although none are currently utilizing the benefit).

Recommended motions:

1. Motion to recommend to Common Council to increase the maximum deduction allowed for unreimbursed medical accounts from \$2000 to \$2500/year.
2. Motion to recommend to Common Council to modify the participation requirement to cover only employees that are scheduled to work 20+ hours/week and to modify eligibility requirements so that employees become eligible the 1st of the month after 6 months of employment.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/17/2013
LICENSES AND PERMITS	MISCELLANEOUS PERMITS	ITEM NUMBER H.1.

See attached list from meeting of September 27, 2013.

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee

Agenda*

Alderman's Room

September 17, 2013 – 5:30 pm

1.	Call to Order & Roll Call	Time		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - New 2013-14 5:35 p.m.	Ormond, Mariah R 1608 1/2 East St Upper Racine, WI 53402 Walgreen – 27 th St			
Operator -Renewal 2013-14 5:40 p.m.	Trapman, Shannon M S69W15062 Cornell Cir Muskego, WI 53150 Squirrel Haus			
Operator - New 2013-14 5:45 p.m.	Conway, Melissa A S64W13012 Kipling Ct Muskego, WI 53150 Kwik Trip			
Operator - New 2013-14 5:50 p.m.	Mehring, Steven A 222 S Jefferson St Waterford, WI 53185 Hideaway Pub & Eatery			
Operator - New 2013-14	Andler, Paul E 15801 W Mayflower Dr New Berlin, WI 53151 Kwik Trip			
Operator - New 2013-14	Blackburn, Alyssa M 641 Alber Dr Waterford, WI 53185 Chili's Grill & Bar			
Operator - New 2013-14	Bratz, Samuel G E 15137 Washington Ave Union Grove, WI 53182 Kwik Trip			
Operator -New 2013-14	Butler, Kevin D 10080 S Shepard Ave Oak Creek, WI 53154 Kwik Trip			
Operator -New 2013-14	Counter, Peggy S S98W13259 Loomis Rd Muskego, WI 53150 Kwik Trip			
Operator - New 2013-14	Cutting, Robert A 4380 S Placid Dr Greenfield, WI 53220 Kwik Trip			
Operator -New 2013-14	Dolata, Mitchell C 3118 El Camino Way Waterford, WI 53185 Kwik Trip			
Operator -New 2013-14	Fettig, Shawn T 10398 S Charity Cir Oak Creek, WI 53154 Kwik Trip			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator -New 2013-14	Fuchs, Katelynn M 504 Southtowne Dr Y102 South Milwaukee, WI 53172 Discount Cigarettes & Liquor			
Operator -New 2013-14	Goldschmidt, Eric J 7126 W Tripoli Ave Milwaukee, WI 53220 Kwik Trip			
Operator - New 2013-14	Haefer, Jill A 8160B S Forest Hill Cir Franklin, WI 53132 Kwik Trip			
Operator -New 2013-14	Hahn, Nicole A 6941 S 111 th St Franklin, WI 53132 Kwik Trip			
Operator - New 2013-14	Hart, Linda J S75W14150 Restfull Ln Muskego, WI 53150 Kwik Trip			
Operator - New 2013-14	Jordan, Torie J S80W14420 Schultz Ln Muskego, WI 53150 Kwik Trip			
Operator - New 2013-14	Kaurich, Shannon L S83W22935 Mardith Ave Big Bend, WI 53103 Kwik Trip			
Operator - New 2013-14	Lippel, Steven G 10145 Plumtree Circle, #203 Hales Corners, WI 53130 Walgreen – S 76 th St			
Operator -New 2013-14	Maldonado Diaz, Jose M 10927 W Wildwood Ln West Allis, WI 53227 Walgreen – S 76 th St			
Operator - New 2013-14	Malloy, Brian P 13790 W Thomas Dr New Berlin, WI 53151 Kwik Trip			
Operator - New 2013-14	Martin, Danielle N 4141 S 60 th St, #43 Greenfield, WI 53220 Kwik Trip			
Operator - New 2013-14	Mullins, Christina M 7520 S Kent St Franklin, WI 53132 Kwik Trip			
Operator - New 2013-14	Napierala, Dana Sue 3264 S 55 th St Milwaukee, WI 53219 Eric's Setback			
Operator - New 2013-14	Naumann, Lynette J 3780 E County Line Rd Oak Creek, WI 53154 Walgreen – S 76 th St			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - New 2013-14	Nguyen, Doan X 3252 S 108 th St., #4 Milwaukee, WI 53227 St. Martin of Tours			
Operator - Renewal 2013-14	Reed, Terese M 3548 S 80 th St Milwaukee, WI 53220 Romey's Place			
Operator - New 2013-14	Russo, Rochelle A 1571 W Iona Terrace Milwaukee, WI 53221 Eric's Setback			
Operator - New 2013-14	Russo, Rochelle A 1571 W Iona Terrace Milwaukee, WI 53221 Eric's Setback			
Operator - Renewal 2013-14	Sadowski, Michael P 7118 S Tifton Dr Franklin, WI 53132 St James Catholic Church			
Operator - New 2013-14	Schieble, Judith M 7115 S 47 th Pl Franklin, WI 53132 Kwik Trip			
Operator - New 2013-14	Schlapp, Michael J 9651 W Beloit Rd, #13 Milwaukee, WI 53227 Walgreen – S 76 th St			
Operator - New 2013-14	Senk, Jacob J 6923 W Imperial Dr Franklin, WI 53132 Rock Sports Complex			
Operator - New 2013-14	Wojciechowski, Christopher P 2340 S 52 nd St West Allis, WI 53219 Hanley's Grille & Bar			
Operator - New 2013-14	Zimmerman, Bridget A 7337 S Cambridge Dr Franklin, WI 53132 Rock Sports Complex			
Class A Combination Change of Agent 2013	Walgreens 7130 S. 76 th Street Franklin, WI 53132 William R. Dedynski, Agent			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	New Hope Community Church Fee Waivers: St Martins Fair Permit, Temporary Entertainment & Amusement Licenses. Date of the Event(s): 9/1 & 9/2, 2013 Location: St Martins Fair			
Temporary Class B Beer	St. Martin of Tours Church Person in Charge: Diane Winkowski Location: 7963 S. 116 th St Event Date: September 21 , 2013			

Type/ Time	Applicant Information	Approve	Hold	Deny
Temporary Entertainment & Amusement	St. Martin of Tours Church Person in Charge: Diane Winkowski Location: 7963 S. 116 th St Event: Vietnamese Fall Dance Event Date: September 21, 2013			
Temporary Entertainment & Amusement	Victory of the Lamb Church Person in Charge: Ben Kuerth Location: Lions Legend Park, 8050 S Legend Dr Event: Fall Festival Event Date: October 5, 2013			
3.	Adjournment	Time		

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

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APPROVAL <i>Slw CAP</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/17/2013
Bills	Vouchers and Payroll Approval	ITEM NUMBER <i>I.1.</i>

Attached is a list of vouchers dated September 17, 2013 Nos. 148573 through Nos. 148723 totaling \$1,134,501.14.

Included in this listing is \$ (2,100.00) in library fund and \$ 197,257.23 in payroll deductions and City matching payments on the September 6th payroll. The net general checking account city vouchers for September 17, 2013 are \$ 939,343.91.

The net payroll dated September 20, 2013 is \$ XXX,XXX.XX with payroll deductions of \$ XXX,XXX.XX. There were no property tax payments.

The following additional requested items are provided for approval due to printer error:

<u>CHECK #</u>	<u>DATE</u>	<u>VENDOR</u>	<u>DESC</u>	<u>AMOUNT</u>	<u>INVC DATE</u>	<u>ACCT #</u>
148583	9/17/13	Adair Floor – Void	Carpet	(1,366.00)	3/25/13	01.181.0000.5559
148584	9/17/13	Air Supply – Void	Element	(179.55)	8/22/13	01.331.0000.5559
148585	9/17/13	Allen Precision - Void	Flagging Tape	(84.97)	8/28/13	01.321.0000.5329
148724	9/17/13	Adair Floor	Carpet	1,366.00	3/25/13	01.181.0000.5559
148725	9/17/13	Air Supply	Element	179.55	8/22/13	01.331.0000.5559
148726	9/17/13	Allen Precision	Flagging Tape	<u>84.97</u>	8/28/13	01.321.0000.5329
		TOTAL		0.00		

COUNCIL ACTION REQUESTED

Motion approving net general checking account City vouchers in the range Nos. 148573 through Nos. 148723 in the amount of \$ 939,343.91 dated September 17, 2013 and check Nos. 148724 through Nos. 148726 in the net amount of \$ 0.00.

Motion approving net payroll dated September 20, 2013 in the amount of \$ XXX,XXX.XX and payment of the various payroll deductions in the amount of \$ XXX,XXX.XX plus any City matching payments, where required.