

APPROVED DECEMBER 5, 2017

CITY OF FRANKLIN COMMON COUNCIL MEETING NOVEMBER 21, 2017 MINUTES

- ROLL CALL
- A.1. The regular meeting of the Common Council was held on November 21, 2017 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Mike Barber and Alderman John R. Nelson. Excused was Alderman Steve F. Taylor. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT
- B.1. Citizen comment period was opened at 6:31 p.m. and closed at 6:32 p.m.
- MAYORAL ANNOUNCEMENTS
- B.2. Mayor Olson and Alderman Barber noted a Mayoral Proclamation declaring the month of November 2017 “Pancreatic Cancer Awareness Month” in the City of Franklin.
- MINUTES
NOVEMBER 7, 2017
- C.1. Alderman Dandrea moved to approve the minutes of the regular Common Council Meeting of November 7, 2017 as presented at this meeting. Seconded by Alderman Nelson. All voted Aye; motion carried.
- MINUTES
NOVEMBER 14, 2017
- C.2. Alderman Dandrea moved to approve the minutes of the Special Common Council Meeting of November 14, 2017 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.
- DONATION TO POLICE DEPARTMENT
- G.1. Alderman Barber moved to accept \$1,000 donation from the Southeastern Wisconsin DARE Officers Association for deposit into the DARE Donation account. Seconded by Alderman Nelson. All voted Aye; motion carried.
- FRANKLIN CIVIC CELEBRATIONS COMMISSION REPORT
- G.2. Alderman Barber moved to accept and place on file the summary from the 2017 Civic Celebrations event, and allow John Bergner to execute contracts and agreements for the July 3 and 4, 2018 Franklin Civic Celebration event. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2017-7326
CONSTRUCTION OF PUBLIC STREET & SIDEWALK AT 7333 S. 27TH ST. (ZILBER LTD., APPLICANT)
- G.3. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7326, A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC STREET AND SIDEWALK UPON LANDS IN PART SUPPORTING NATURAL RESOURCE FEATURES LOCATED AT 7333 SOUTH 27TH STREET (ZILBER LTD., APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.

- RES. 2017-7327
DEV. AGREEMENT FOR
MULTIFAMILY AND
COMMERCIAL DEV. AT
7333 S. 27TH ST.
- G.4. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7327, A RESOLUTION FOR APPROVAL OF THE DEVELOPMENT AGREEMENT FOR THE MULTIFAMILY HOUSING AND COMMERCIAL DEVELOPMENT LOCATED AT 7333 SOUTH 27TH STREET, subject to addressing mitigation, demolition, and correction to reflect a singular street. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2017-7328
CONSTRUCTION OF
PUBLIC STREET AT 9733
S. 76TH ST. (NEUMANN
DEVELOPMENTS, INC.,
APPLICANT)
- G.5. Alderman Nelson moved to adopt Resolution No. 2017-7328, A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC STREET UPON LANDS IN PART SUPPORTING NATURAL RESOURCE FEATURES LOCATED AT APPROXIMATELY 9733 SOUTH 76TH STREET (NEUMANN DEVELOPMENTS, INC., APPLICANT), as amended. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2017-7329
SUBD. DEV.
AGREEMENT FOR PARK
CIRCLE CONDOS AT
9733 S. 76TH ST.
- G.6. Alderman Nelson moved to adopt Resolution No. 2017-7329, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT FOR PARK CIRCLE CONDOS LOCATED AT APPROXIMATELY 9733 SOUTH 76TH STREET, as amended. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2017-7330
AMEND RES. 2017-7246
FOR SPECIAL USE AT
3709 W. COLLEGE AVE.
(HERMAN & KITTLE
PROPERTIES, INC.,
APPLICANT)
- G.7. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7330, A RESOLUTION TO AMEND RESOLUTION NO. 2017-7426 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A TWO-STORY, 48 UNIT MULTI-FAMILY SENIOR INDEPENDENT LIVING APARTMENT COMPLEX DEVELOPMENT USE LOCATED AT 3709 WEST COLLEGE AVENUE TO ALLOW FOR CONSTRUCTION OF THE LAKEVIEW AT FRANKLIN TWO-STORY, 48 UNIT SENIOR INDEPENDENT LIVING APARTMENT COMPLEX (HERMAN & KITTLE PROPERTIES, INC., APPLICANT) as amended. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2017-7331
CONTRACT WITH RA
SMITH FOR
INTERSECTION
EVALUATION OF W.
DREXEL AVE & S. 51ST
ST.
- G.8. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7331, A RESOLUTION FOR PROFESSIONAL SERVICES CONTRACT WITH RA SMITH FOR THE INTERSECTION EVALUATION OF W. DREXEL AVENUE AND S. 51ST STREET NOT TO EXCEED THE AMOUNT OF \$8,000 from Contingency appropriations of the Capital Improvement Fund, and further, subject to technical corrections and legal review. Seconded by Alderman Barber. All voted Aye; motion carried.

- RES. 2017-7332
CHANGE ORDER
03/FINAL TO LUNDA
CONSTRUCTION CO.
FOR REPLACEMENT OF
BRIDGE ON W. ST.
MARTINS RD.
- G.9. Alderman Nelson moved to adopt Resolution No. 2017-7332, A RESOLUTION FOR CHANGE ORDER 03/FINAL TO LUNDA CONSTRUCTION COMPANY TO REDUCE THE TOTAL CONTRACT AMOUNT BY \$222.29 TO \$591,947.75 FOR REPLACEMENT OF THE BRIDGE ON W. ST. MARTINS ROAD OVER TESS CORNERS CREEK BETWEEN S. NORTH CAPE ROAD AND S. SCHERREI DRIVE. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2017-7333
PURCHASE OF FUEL
MANAGEMENT SYSTEM
FROM BADGER OIL
EQUIPMENT CO.
- G.10. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7333, A RESOLUTION TO AUTHORIZE THE PURCHASE OF A FUEL MANAGEMENT SYSTEM FROM BADGER OIL EQUIPMENT CO. IN THE AMOUNT OF \$13,690 as amended. Seconded by Alderman Barber. All voted Aye; motion carried.
- AGREEMENT WITH
BAKER TILLY LLP FOR
2017 ANNUAL
FINANCIAL
STATEMENTS
- G.11. Alderman Dandrea moved to direct the Mayor, City Clerk and Director of Finance & Treasurer to execute the Audit Agreement between Baker Tilly LLP and the City of Franklin for Audit of the 2017 Annual Financial Statements subject to technical corrections by the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2017-7334
DESIGNATING 2017
CAPITAL
IMPROVEMENT FUND
APPROPRIATIONS
- G.12. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7334, A RESOLUTION TO AUTHORIZE DESIGNATING 2017 CAPITAL IMPROVEMENT FUND APPROPRIATIONS FOR REPLACEMENT OF A CITY HALL TELEPHONE AND VOICE MAIL SYSTEM UPGRADE, A POLICE DEPARTMENT SQUAD CAR AND ASSOCIATED RADIO, AND A DRUG VAULT VENTILATION SYSTEM WITH APPROPRIATIONS TO COME FROM SAVINGS FROM THE POLICE COMMUNICATIONS CENTER PROJECT. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- HEALTH & INSURANCE
PLANS, CLAIM
ADMINISTRATION
SERVICES, STOP-LOSS
COVERAGE AND
BROKER SERVICES FOR
2018
- G.13. Alderman Barber moved to authorize the Director of Administration to execute Health and Dental Plan and Claim Administration Services documents with United Health Care, specific and aggregate stop-loss coverage with Sun Life, and broker services with Diversified for fees and premiums not to exceed those rates as provided in the "Summary of Partially Self-Funded Premiums for City of Franklin" with the bottom line "Total Estimated Maximum Cost" of \$3,964,619.76, and to confirm continuation of voluntary long-term disability insurance and life and accidental death and dismemberment insurance coverage with The Hartford at no additional cost increases. Seconded by Alderman Nelson. All voted Aye; motion carried.

LICENSES AND
PERMITS

- H. Alderwoman Wilhelm moved to approve the following:
Hold Operator license application from Sierra Kisting, S63W18485 Martin Dr., Muskego, pending contact with Clerk's Office;
Grant Operator licenses to Brittany Acker, 9335 Caddy Ln., Caledonia; Paramjeet Kaur, 185 W. Rainbow Ridge Dr., #301, Oak Creek; Marek Larson, 512 Rawson Ct., South Milwaukee; Kerri McCracken, 3025 E. Somers Ave., Cudahy; Eric Melster, 4220 Taylor Ave., Racine; Ann Moehlenpah, 3573 W. Hilltop Ln.; Joseph Radomski, 1231 Thrush Ln., Waukesha; Cheryl Sadowski, 7030 W. Hollow Ln.; Jason Schepker, 4461 S. 49th St., Greenfield, subject to update of his application related to background.
Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I. Alderman Barber moved to approve the following: City vouchers with an ending date of November 16, 2017 in the amount of \$1,133,255.34; Payroll dated November 9, 2017 in the amount of \$388,803.91 and payments of the various payroll deductions in the amount of \$236,386.01, plus City matching payments; and Estimated Payroll dated November 24, 2017 in the amount of \$374,000.00 and payments of the various payroll deductions in the amount of \$419,000.00, plus City matching payments. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

LOWE'S HOME
CENTERS V. CITY OF
FRANKLIN, MILW.
COUNTY CIRCUIT
COURT, CASE NO.
16CV8356: CLAIM OF
EXCESSIVE
ASSESSMENT

- G.14. Alderman Barber moved to enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried

Upon re-entering open session at 7:18 p.m., Alderman Dandrea moved to approve the settlement in the Lowe's v. City of Franklin lawsuit involving the tax assessment for 2016, 2017 and 2018. The agreed assessed value for 2016 would be \$8,292,420; the agreed assessed value for 2017 would be \$8,000,000; and the agreed assessed value for 2018, absent the construction of improvements, would be \$7,255,867. In addition, it is noted that the refund for 2016 has been initially calculated at \$34,183.51 and the refund for 2017, if necessary, will be calculated based on the 2017 tax rate. Seconded by Alderman Barber. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting at 7:20 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.