

# APPROVED NOVEMBER 7, 2017

## CITY OF FRANKLIN COMMON COUNCIL MEETING OCTOBER 17, 2017 MINUTES

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|-----------------------------------|--------|--|
| ROLL CALL                         | A.1.   | The regular meeting of the Common Council was held on October 17, 2017 and called to order at 6:45 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 (arrived at 6:55 p.m.), 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 6:47 p.m. and closed at 7:05 p.m.   |
| GFOA CERTIFICATE                  | B.2.a. | Mayor Olson presented the Certificate of Achievement for Excellence in Financial Reporting awarded to the City of Franklin by the Government Finance Officers Association.   |
| ARBOR DAY<br>PROCLAMATION         | B.2.b. | Mayor Olson noted a Mayoral Proclamation designating Arbor Day on May 6, 2017.   |
| MINUTES<br>OCTOBER 2, 2017        | C.1.   | Alderwoman Wilhelm moved to approve the minutes of the regular Committee of the Whole Meeting of October 2, 2017 as corrected and presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.  |
| MINUTES<br>OCTOBER 3, 2017        | C.2.   | Alderman Barber moved to approve the minutes of the regular Common Council Meeting of October 3, 2017 as presented at this meeting. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.   |
| MAYORAL<br>APPOINTMENT            | E.     | Alderwoman Wilhelm moved to confirm the Mayoral appointment of Thomas J. Riha as Franklin City Forester, effective November 1, 2017. Seconded by Alderman Mayer. On roll call, all voted Aye; motion carried.  |
| DONATIONS TO POLICE<br>DEPARTMENT | G.1.   | Alderwoman Wilhelm moved to accept \$50 donation from the Chester W. Grobschmidt, Sr. Citizens Center and a \$1,000 donation from the Franklin High School Gridiron Club with funds to be deposited into the Police Canine Donation account. Seconded by Alderman Dandrea. All voted Aye; motion carried.  |

- ORD. 2017-2294  
CHANGE FUTURE LAND  
USE MAP AT 7333 S.  
27TH ST. (ZILBER LTD.,  
APPLICANT)
- G.2. Alderwoman Wilhelm moved to adopt Ordinance No. 2017-2294, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 7333 SOUTH 27TH STREET FROM MIXED USE TO RESIDENTIAL MULTI-FAMILY USE, AREAS OF NATURAL RESOURCE FEATURES USE AND COMMERCIAL USE (APPROXIMATELY 18.0644 ACRES) (ZILBER LTD., APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2017-7308  
CSM AT 7333 S. 27TH ST.  
(ZILBER LTD,  
APPLICANT)
- G.3. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7308, A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP (WHICH INCLUDES THE DEDICATION OF A FUTURE PUBLIC ROAD), BEING A PART OF LOT 2 OF CERTIFIED SURVEY MAP NUMBER 7905, LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (ZILBER LTD., APPLICANT) (7333 SOUTH 27TH STREET). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2017-7309  
SPECIAL USE AT 7333 S.  
27TH ST. (ZILBER, LTD,  
APPLICANT)
- G.4. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7309, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT USE UPON PROPERTY LOCATED AT 7333 SOUTH 27TH STREET (ZILBER LTD., APPLICANT), as amended. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2017-7310  
SPECIAL USE AT 7251 S.  
27TH ST. (O'REILLY  
AUTOMOTIVE STORES,  
INC., APPLICANT)
- G.5. Alderwoman Wilhelm moved to adopt Resolution No. 2017-7310, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN AUTO PARTS RETAIL STORE UPON PROPERTY LOCATED AT 7251 SOUTH 27TH STREET (O'REILLY AUTOMOTIVE STORES, INC., APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2017-7311  
SPECIAL USE FOR  
WOODLAND PRAIRIE  
CONDOS AT 6700-6799 S.  
PRAIRIEWOOD LN.  
(RICK & RON
- G.6. Alderman Nelson moved to adopt Resolution No. 2017-7311, A RESOLUTION TO AMEND RESOLUTION NO. 2006-6217 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR WOODLAND PRAIRIE CONDOMINIUMS (FORMERLY CARLETON CREEK CONDOMINIUMS) LOCATED AT 6700-6799 SOUTH

- DEVELOPMENT, LLC,  
APPLICANT) PRAIRIEWOOD LANE TO REDUCE THE NUMBER OF  
CONDOMINIUM UNITS FROM 44 UNITS TO 32 UNITS (RICK  
& RON DEVELOPMENT, LLC, APPLICANT). Seconded by  
Alderman Barber. All voted Aye; motion carried.
- RES. 2017-7312 G.7. Alderman Nelson moved to adopt Resolution No. 2017-7312, A  
HOLDING TANK RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
AGREEMENT - VERNON EXECUTE A HOLDING TANK AGREEMENT WITH VERNON  
& LOIS SCHWEITZER, AND LOIS SCHWEITZER (10100 SOUTH 76TH STREET) (TAX  
10100 S. 76TH ST. KEY NO. 933-9994-000). Seconded by Alderman Mayer. All  
voted Aye; motion carried.
- AGREEMENT WITH G.9. Alderwoman Wilhelm moved to approve the Memorandum of  
GREENFIELD HEALTH Understanding for a Subcontracting Agreement of the Dispensary of  
DEPT. Tuberculosis Clinical Services of the Division of Public Health,  
Bureau of Communicable Diseases, between the Cities of Greenfield  
Health Department, and the Franklin Health Department. Seconded  
by Alderman Mayer. All voted Aye; motion carried.
- ORD. 2017-2295 G.12. Alderman Barber moved to adopt Ordinance No. 2017-2295, AN  
ADDITIONAL PARKING ORDINANCE TO AMEND § 245-5.D. OF THE MUNICIPAL  
RESTRICTIONS ON S. CODE TO ESTABLISH ADDITIONAL PARKING  
PRESERVE WAY RESTRICTIONS ON S. PRESERVE WAY FROM S. 51ST  
STREET TO S. RIVER LANE. Seconded by Alderman Dandrea.  
All voted Aye; motion carried.
- CONTRACT WITH VISU- G.13. Alderman Dandrea moved to authorize the City Engineer to execute  
SEWER, INC. FOR a contract with Visu-Sewer to proceed with the emergency repair of  
EMERGENCY REPAIR the Ryan Creek Interceptor at the cost of \$24,750.00; to authorize  
OF RYAN CREEK such an “exception as to public emergency” as addressed by § 62.15,  
INTERCEPTOR SEWER Wis. Stats., with said exception being only for the purpose of this  
MAIN contract and terminating upon completion of the contracted repairs;  
and to direct the City Engineer to place this matter on the agenda of  
the next meeting of the Board of Public Works for their subsequent  
ratification of the declaration of an emergency. Seconded by  
Alderman Mayer. Upon voice vote, Alderman Dandrea, Alderman  
Mayer, Alderman Barber, and Alderman Nelson voted Aye;  
Alderwoman Wilhelm Abstained. Motion carried.
- RES. 2017-7313 G.14. Alderman Nelson move to adopt Resolution No. 2017-7313, A  
WAIVE WATER RESOLUTION TO WAIVE WATER EXTENSION TO SERVE 3  
EXTENSION AT 11800 LOTS IN THE 11800 BLOCK OF W. RYAN ROAD AT THIS  
BLOCK OF W. RYAN RD. TIME AND REQUIRE THE PROPERTY OWNERS OF CSM  
8907 TO CONNECT TO PUBLIC WATER WITHIN ONE YEAR  
OF CONSTRUCTION OF A PUBLIC WATER MAIN

EXTENDED TO THE PROPERTIES. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2017-7314  
CHANGE ORDER NO. 01  
TO DOME  
CORPORATION FOR  
CONSTRUCTION OF  
SALT STORAGE BARN

G.15. Alderman Barber moved to adopt Resolution No. 2017-7314, A RESOLUTION FOR CHANGE ORDER NO. 01 TO DOME CORPORATION OF NORTH AMERICA IN THE AMOUNT OF \$9,200 FOR CONSTRUCTION OF SALT STORAGE BARN. Seconded by Alderman Dandrea.

Alderwoman Wilhelm moved to amend the main motion to add authorization for staff to use up to \$30,000 for other miscellaneous expenditures related to the project. Seconded by Alderman Barber. All voted Aye; motion carried.

On the vote for the main motion as amended, all voted Aye. Motion carried.

ORD. 2017-2296  
AMENDING MUNICIPAL  
CODE APPROVAL OF  
WATER VOUCHERS

G.16. Alderwoman Wilhelm moved to adopt Ordinance No. 2017-2296, AN ORDINANCE AMENDING CITY OF FRANKLIN MUNICIPAL CODE § 207-5.K. REGARDING APPROVAL OF WATER VOUCHERS. Seconded by Alderman Dandrea. All voted Aye; motion carried.

PROPOSED 2018  
BUDGET

G.18. No action was needed on the proposed 2018 Budget as discussed at the Special Committee of the Whole meeting held on October 17, 2017.

LICENSES AND  
PERMITS

H.1. Alderwoman Wilhelm moved to approve the following:  
Grant Reserve Class B Combination license and Entertainment & Amusement licenses, subject to inspections compliance, to Rock Snow Park LLC, Agent David Schmidt, 7900B W. Crystal Ridge Rd.,  
Grant Operator license to Nikki Deja, 9106 W. Waterford Sq. S., Greenfield; Louis Guzzo, 4 W. Clarendon Dr., Round Lake Beach, Illinois; Stephanie Sauer, 10234 W. Deerwood Ln., Franklin; and  
Hold Operator application for appearance from Sierra Kisting, S63W18485 Martin Dr., Muskego.  
Seconded by Alderman Nelson. All voted Aye; motion carried.

OPERATOR LICENSE  
SUSPENSION UPON  
HEARING FOR  
KIMBERLY LEANNAIS

H.2. Alderwoman Wilhelm moved to adopt the License Committee Report, Findings of Fact, Conclusions of Law and Recommendation as to Action and award a 2017-2018 operator's license to Kimberly D. Leannais and subsequently suspend the same for ten (10) days, commencing on October 18, 2017. Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

- I. Alderman Dandrea moved to approve the following:  
City vouchers with an ending date of October 12, 2017 in the amount of \$983,381.08; Payroll dated October 13, 2017 in the amount of \$380,628.27 and payments of the various payroll deductions in the amount of \$229,822.83, plus City matching payments; and Estimated Payroll dated October 27, 2017 in the amount of \$370,000.00 and payments of the various payroll deductions in the amount of \$485,000.00, plus City matching payments and Property tax refunds with an ending date of October 12, 2017 in the amount of \$2,718.81. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

The meeting was recessed at 7:27 p.m. and reconvened at 7:45 p.m.

SEWRPC TRAFFIC  
STUDY AT S. 51ST ST.  
AND W. DREXEL AVE.

- G.8. Alderwoman Wilhelm moved to table at the call of the City Engineer the Southeastern Wisconsin Traffic Study for South 51st Street and West Drexel Avenue. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2017-2297  
AMEND ORD. 2016-2240  
TO PROVIDE  
APPROPRIATIONS FOR  
FENCING,  
RECONSTRUCTION OF  
S. 27TH ST.

- G.10. Alderwoman Wilhelm moved to adopt Ordinance No. 2017-2297, AN ORDINANCE TO AMEND ORDINANCE NO. 2016-2240, AN ORDINANCE ADOPTING THE 2017 ANNUAL BUDGETS FOR TID3 FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2017, TO PROVIDE APPROPRIATIONS FOR FENCING IN CONNECTION WITH THE WISCONSIN DEPARTMENT OF TRANSPORTATION RECONSTRUCTION OF SOUTH 27TH STREET. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2017-7315  
STATE/MUNICIPAL  
AGREEMENT FOR S.  
27TH ST.  
CONSTRUCTION COSTS

- G.11. Alderman Barber moved to adopt Resolution No. 2017-7315, A RESOLUTION AUTHORIZING THE EXECUTION OF A STATE/MUNICIPAL AGREEMENT FOR S. 27TH STREET CONSTRUCTION COSTS (STH 241) IN THE AMOUNT OF \$104,150. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2017-2298  
CHANGE MAXIMUM  
TIME FOR WATER  
EXTENSION POTENTIAL  
COST REIMBURSEMENT  
TO DEVELOPER

- G.17. Alderman Dandrea moved to adopt Ordinance No. 2017-2298, AN ORDINANCE TO AMEND §207-23.C.(2)(B) OF THE MUNICIPAL CODE TO CHANGE THE MAXIMUM TIME FOR WATER EXTENSION POTENTIAL COST REIMBURSEMENT TO DEVELOPER FROM 15 YEARS TO 10 YEARS TO BE CONSISTENT WITH THE PUBLIC SERVICE COMMISSION OF WISCONSIN WATER MAIN EXTENSION RULE AND TO AMEND §207-26.C.(2)(B) OF THE MUNICIPAL CODE TO CHANGE THE MAXIMUM TIME FOR SANITARY SEWER

SERVICE EXTENSION POTENTIAL COST REIMBURSEMENT TO DEVELOPER FROM 15 YEARS TO 10 YEARS TO BE CONSISTENT WITH THE WATER EXTENSION PROVISION. Seconded by Alderman Mayer. All voted Aye; motion carried.

ZILBER LTD. MIXED  
USED DEVELOPMENT  
AT 7333 S. 27TH ST AND  
7273 S. 27TH ST.;  
TID 3 DEVELOPMENT  
AGREEMENT WITH TI  
INVESTORS OF  
FRANKLIN  
APARTMENTS, LLC

G.19. Alderwoman Wilhelm moved to enter closed session at 8:05 p.m. pursuant to Wis. Stat. § 19.85(1)(e), to consider the terms and negotiation of a Development Agreement with TI Investors of Franklin Apartments, LLC for the Zilber Mixed Use Development at 7333 South 27th Street and 7273 South 27th Street, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Upon re-entering open session at 8:17 p.m., Alderwoman Wilhelm moved to approve a Development Agreement with Zilber LTD. regarding a proposed mixed-use development at 7333 South 27th Street as presented to the Common Council, subject to technical changes by the Director of Economic Development, Director of Finance & Treasurer, and City Attorney. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

DEVELOPMENT  
AGREEMENT-PUBLIC  
IMPROVEMENTS  
RETURN TO  
DEVELOPER

G.20. Alderwoman Wilhelm moved to enter closed session at 8:20 p.m. pursuant to Wis. Stat. § 19.85(1)(e), to deliberate upon Development Agreements Public Improvements Return on Developer Investment Provisions, Public Utilities Infrastructure Contributions in Aid of Construction Refund Timelines Provisions, Public Improvement Dedication Requirements and Cost Recoupment Provisions, for competitive and bargaining reasons, and also Pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering oral or written advice concerning strategy to be adopted by the body with respect to in alternative situations potential litigation in which it is likely to become involved, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

No action was taken upon re-entering open session at 8:34 p.m.

WHOLESALE PUBLIC  
WATER SUPPLY TO  
FRANKLIN 2024

- G.21. Alderman Barber moved to enter closed session at 8:35 p.m. pursuant to Wis. Stat § 19.85 (1)(e) to deliberate upon information, terms and provision of the potential provision of public water supply to the City of Franklin as related to the City, the Franklin Municipal Water Utility and its customers in 2024 and beyond; and the potential negotiation of terms in relation thereto, including, but not limited to potential amendments to the Agreement for Oak Creek to Provide Water at Wholesale to Franklin, potential agreement terms with alternate public water supply sources, and the investing of public funds and governmental actions in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

No action was taken upon re-entering open session at 8:59 p.m.

ADJOURNMENT

- J. Alderwoman Wilhelm moved to adjourn the meeting at 9:00 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.