

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, NOVEMBER 7, 2017 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
  - 1. Citizen Comment Period.
  - 2. Mayoral Announcements:
    - (a) A Proclamation in Recognition of Jerome H. Schaefer.
    - (b) A Proclamation Designating Jerry Schaefer Day.
    - (c) Letter from Wisconsin Taxpayers Alliance and Public Policy Forum Regarding Their Merger.
- C. Approval of Minutes:
  - 1. Special Committee of the Whole Meeting of October 17, 2017.
  - 2. Regular Common Council Meeting of October 17, 2017.
- D. Hearings.
- E. Organizational Business.
  - Mayoral Appointment of Adam Burckhardt, 7541 S. 72<sup>nd</sup> Street, Ald. Dist. 5, Plan Commission (1 year unexpired term expiring 4/30/18).
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Franklin Civic Celebrations Commission Request for Spending Authority for 2018 and Summary of 2017 Activities.
  - 2. City of Franklin Drug-Free Communities Year 1 Report.
  - 3. An Ordinance to Amend Chapter 138 of the Municipal Code to Reflect Statutory and Administrative Rule Reference Updates Relating to the Merger of the Wisconsin Department of Health Services/Food Safety and Regulatory License Section with the Wisconsin Department of Agriculture, Trade and Consumer Protection, and Adoption of Their Regulations.
  - 4. A Resolution Approving Second Amendment to Antenna Site Location Agreement for a Cellular Phone Antenna on the Water Tower Located At 8901 W. Drexel Avenue.
  - 5. Fairways of Franklin Median Strip on S. 35<sup>th</sup> Street South of W. Ryan Road.
  - 6. A Resolution to Amend Agreement for Professional Design Services of the Root River Park Path with JSD Professional Services, Inc. for \$2,243.50.
  - 7. A Resolution to Waive Water Main Service Extension to Serve a Lot on the 5000 Block of W. Minnesota Avenue.
  - 8. A Resolution for Acceptance of a Storm Sewer Easement and a Water Main Easement for TI Investors of Franklin II, LLC Located at 4620 W. Oakwood Park Drive.

Common Council Meeting Agenda

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9. A Resolution to Acquire Water Main Easement from 5801 W. Franklin Drive (Zeta Company LLP), Tax Key 931-0006-001.
10. A Resolution to Acquire Water Main Easement from 5695 W. Franklin Drive (C P Properties, LLP), Tax Key 899-0016-001.
11. A Resolution to Acquire Water Main Easement from 5251 W. Franklin Drive (S & C Electric Company), Tax Key 931-0013-002.
12. A Resolution to Acquire Water Main Easement from 10125 S. 52<sup>nd</sup> Street (Bridgestone Capital, LLC), Tax Key 931-0013-003.
13. A Resolution to Acquire Water Main Easement from 10155 S. 57<sup>th</sup> Street (Franklin Properties, LLC), Tax Key 931-0008-001.
14. A Resolution to Acquire Water Main Easement from 10179 S. 57<sup>th</sup> Street (GHN Franklin, LLC), Tax Key 931-0008-002.
15. An Ordinance to Amend Ordinance 2016-2240 Adopting the 2017 Annual Budgets for the City of Franklin for the General, Solid Waste, Capital Outlay, Capital Improvement, and TID 3 Funds for the City of Franklin to Provide Additional Personnel Service Appropriations for Overtime, Employees Benefits and Reclassifying Contingency Appropriations to Police Safety Equipment Purchases and to Carry Forward Street Lighting Appropriations from 2016 into 2017.
16. September 2017 Monthly Financial Report.
17. Report on Removal of Investment in the Other Post Employee Benefit Trust Upon Review by Finance Committee.
18. Authorize the Director of Administration to Execute the Necessary Agreement with Paragon Development Systems (PDS) for Services and Equipment for the “Wireless Access Points with Monitoring” 2017 IS Capital Project.
19. Carpeting Replacement Project in the City Clerk’s Area of Franklin City Hall and Consideration of Asbestos Abatement.
20. Contract with Liechty & Associates, Inc. for Design of an HVAC System Replacement for Franklin City Hall.
21. Schedule Committee of the Whole and Common Council Meetings for January, February, March and April 2018.
22. Lowe’s Home Centers v. City of Franklin, Milwaukee County Circuit Court, Case No. 16CV8356: Claim of Excessive Assessment. The Common Council may 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.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of November 7, 2017.

I. Bills.

Request for Approval of Vouchers and Payroll.

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J. Adjournment.

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

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

[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:

November 9	Plan Commission Meeting	7:00 p.m.
November 14	Special Common Council Meeting	6:30 p.m.
November 21	Common Council Meeting	6:30 p.m.
November 23 & 24	City Hall Closed	

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B.2.a.

A PROCLAMATION IN RECOGNITION OF JEROME H. SCHAEFER

WHEREAS, Jerome H. "Jerry" Schaefer was hired as a truck driver in the interest and furtherance of public works by the City of Franklin on February 1, 1975; and

WHEREAS, Jerry was promoted to Heavy Equipment Operator a few years later on August 8, 1979, Jerry being a hands-on public hard worker from day one; and

WHEREAS, Jerry and his family were back then and remain to this day true long-time Franklin residents, interested in maintaining and protecting public lands and property and the public interest for the People, to continue and enhance the benefits of the City of Franklin as a great place to live, work and play; and

WHEREAS, nearly three decades ago, on November 18, 1988, Jerry was promoted to Superintendent of Public Works of the City of Franklin Department of Public Works, and over the span of those years, Jerry's dedication and hard work have simply been Super; and

WHEREAS, this Superintendent of Public Works works for the People and has a natural born care and concern for their health, safety and welfare; and

WHEREAS, Jerry's duties include overseeing the Department which maintains and improves the public infrastructure, including the City's 170.84 miles of City streets, 48 miles of sidewalk, 16 parks which encompass some 173 acres of land and 7 miles of bike trails and 15 recreational facilities, over 10,000 curbside trees, over 90 miles of storm sewers, 5,700 catch basins and manholes, 168 vehicles, public right-of-way lands, and 5 Highway Department buildings; and

WHEREAS, among his duties Jerry has also served as the appointed City Forester, and he knows that when those leaves turn to Fall colors and start falling, white flakes then soon fall from the sky; Jerry has acquired a bit of a certain snowplower view of Winter over the past 42 years, always having to work on a moment's notice day and night; however, that duty created view is about to change; and

WHEREAS, Jerry is retiring from his 24/7 Duty as the head of the Department of Public Works on November 1, 2017; while Jerry was on the road from his first day of work for the City, he will now be on the road again as Jerry has more than earned a time off happy and joyful life with his family and friends henceforth and forward into the future.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor, and I, Mark A. Dandrea, Common Council President, of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin and the staff of City government, Thank you for your wonderful caring hard work for the People. Thank you, Jerry.

Presented to the City of Franklin Common Council this 17th Day of October, 2017.

Mark A. Dandrea, Common Council President

Stephen R. Olson, Mayor

B.2.b.

STATE OF WISCONSIN    CITY OF FRANKLIN    MILWAUKEE COUNTY

A PROCLAMATION DESIGNATING JERRY SCHAEFER DAY

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WHEREAS, Jerome H. "Jerry" Schaefer was hired as a truck driver by the City of Franklin on February 1, 1975 and after 42 years of public service, Jerry retired from his 24/7 Duty as the head of the Department of Public Works on November 1, 2017; and

WHEREAS, it was planned and determined to be good prior to and upon the presentation of A Proclamation in Recognition of Jerome H. Schaefer to the City of Franklin Common Council on the 17th day of October, 2017, that this Proclamation shall follow.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor, and I, Mark A. Dandrea, Common Council President, of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin and the staff of City government, hereby designate the first calendar day during the consecutive Fall, Winter and Spring seasons commencing in 2017 and concluding in 2018, immediately following the first calendar day upon which the result of a singular event continuous snow fall occurred which result provided for the accumulation upon the ground within the City of Franklin of 4 inches or more of snow, to be "Jerry Schaefer Day."

Presented to the City of Franklin Common Council this 7th Day of November, 2017.

\_\_\_\_\_  
Mark A. Dandrea, Common  
Council President

\_\_\_\_\_  
Stephen R. Olson, Mayor



**PUBLIC POLICY FORUM**  
IMPARTIAL RESEARCH. INFORMED DEBATE.

B.2.c.

October 30, 2017

Mr. Mark Luberda  
City of Franklin  
9229 W. Loomis Rd.  
Franklin, WI 53132-9630

Dear Mark:

We are writing to share some very exciting news: The **Wisconsin Taxpayers Alliance** and **Public Policy Forum** are joining forces! We will combine nearly 190 years of collective tradition, expertise, and credibility to create one of the country's premier independent government research organizations.

The merger will permit us to develop a more effective, more visible platform to better educate, inform, and engage policymakers, citizens, taxpayers, and the media. We will retain our focus on issues important to state government, local government, schools, Metro Milwaukee, and all of Wisconsin. We will also continue to provide impartial data and analysis to enable government leaders and the public to make informed decisions.

This merger, which has been unanimously endorsed by both organizations' leadership teams and governing boards, is both timely and strategic. It will enable us to collaborate and share knowledge among a larger team of researchers, as well as to diversify our funding base, increase organizational efficiencies, and expand our audience reach.

What won't change, however, is our shared mission to provide informed, objective, and nonpartisan analyses of critical issues that affect our economy and quality of life in Wisconsin. That mission has guided both organizations throughout their venerable histories and will remain evident in all we do.

As a true merger, our new board will be comprised of equal representation from each previous organization. For our leadership team, current PPF president Rob Henken will serve as the organization's president, while current WISTAX research director Dale Knapp will oversee the combined research operation. WISTAX president Todd Berry is retiring but will advise the team as we finalize the merger, which will be completed in 2018.

We will move forward thoughtfully and deliberately, ensuring we maximize the potential of the new organization while creating a seamless transition for our stakeholders. We will still deliver the in-depth reports, newsletters, speeches to business and civic groups, informational

presentations to policymakers, robust civic education projects, and media interviews you have come to expect from our organizations. At the same time, we will explore new ways to engage current and new audiences so we can be even more effective in promoting good government in Wisconsin.

On behalf of our respective organizations, thank you very much for your support over the years. We pledge to continue to earn that support. Please do not hesitate to contact us with any questions you may have. In the meantime, the press release announcing our merger and a brief question-and answer document are available on our respective websites, [wistax.org](http://wistax.org) and [publicpolicyforum.org](http://publicpolicyforum.org).

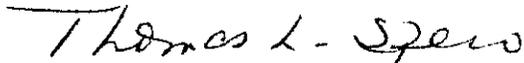
Sincerely,



Todd Berry, President, WISTAX



Rob Henken, President, Public Policy Forum



Thomas Spero, Chairman, WISTAX



Andrew Schiesl, Chairman, Public Policy Forum

CITY OF FRANKLIN  
COMMITTEE OF THE WHOLE  
OCTOBER 17, 2017  
MINUTES

The special meeting of the Committee of the Whole was called to order at 6:00 p.m. by Mayor Steve Olson. 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 was Dir. of Administration Mark Lubberda and City Clerk Sandra Wesolowski.

Mayor Olson passed the gavel to Council President Mark Dandrea, who then chaired the meeting and stated he would be voting as Alderman.

Alderman Nelson vacated his seat at 6:11 p.m. and returned at 6:13 p.m.

Alderman Mayer moved to remove the following items as potential adjustments to the Proposed 2018 Budget (as listed on the attachment in the information packet for this meeting):

- Item 7.a, b, c, d (Administration: Other Professional Services -\$5,000; Police: Auto Maintenance -\$1,500; Police: Uniforms -\$1,500; Economic Development: Conferences and School -\$2,500)
- Item 8. (Eliminate two lead dispatcher reclassifications -\$13,100)
- Item 9. (Building permit revenue increase \$7,500)
- Item 10. (Discontinue Dive Team initiation effort -\$4,000)
- Item 11. (Engineering professional services, eliminate increase -\$6,000)
- Item 15. (Eliminate proposed vehicle allowance for the Assistant Fire Chief -\$4,000)

Seconded by Alderman Barber. All voted Aye; motion carried.

Alderman Barber moved to remove from the potential adjustment to the Proposed 2018 Budget, Item 5. Eliminate COPS funding -\$56,567 until the end of October, 2018. Motion died due to the lack of a second.

Alderman Barber moved to remove from the potential adjustment to the Proposed 2018 Budget, Item 13. Freeze Police Officer vacancy -\$96,370. Seconded by Alderman Mayer. At 6:33 p.m., Alderman Mayer vacated his seat. Upon voice vote for the motion, all voted Aye. Motion carried.

Alderman Barber moved to further amend the Mayor's proposed 2018 Budget to incorporate the following items from the potential adjustments to the Proposed 2018 Budget, along with the corresponding reduction in property taxes of \$96,351: Item 1 (State Aids: Adjust to reflect updated reporting from state); Item 2. (Correct Health Department Sanitarian status); Item 3 (Eliminate Engineering Tech II to III reclassification). Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Barber moved to tentatively amend the proposed 2018 Budget to incorporate additional appropriations of \$110,000 for debt service payments into the Debt Service Fund, which action has no 2018 property tax levy impact. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Barber moved to adjourn the meeting at 6:39 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
OCTOBER 17, 2017  
MINUTES

- 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 Luberd, 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  
PROCLAMATION                B.2.b.        Mayor Olson noted a Mayoral Proclamation designating Arbor Day on May 6, 2017.
- MINUTES  
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  
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  
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  
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.
- 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

(RICK & RON  
DEVELOPMENT, LLC,  
APPLICANT)

CONDOMINIUMS) LOCATED AT 6700-6799 SOUTH 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  
HOLDING TANK  
AGREEMENT - VERNON  
& LOIS SCHWEITZER,  
10100 S. 76TH ST.

G.7. Alderman Nelson moved to adopt Resolution No. 2017-7312, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A HOLDING TANK AGREEMENT WITH VERNON AND LOIS SCHWEITZER (10100 SOUTH 76TH STREET) (TAX KEY NO. 933-9994-000). Seconded by Alderman Mayer. All voted Aye; motion carried.

AGREEMENT WITH  
GREENFIELD HEALTH  
DEPT.

G.9. Alderwoman Wilhelm moved to approve the Memorandum of Understanding for a Subcontracting Agreement of the Dispensary of 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  
ADDITIONAL PARKING  
RESTRICTIONS ON S.  
PRESERVE WAY

G.12. Alderman Barber moved to adopt Ordinance No. 2017-2295, AN ORDINANCE TO AMEND § 245-5.D. OF THE MUNICIPAL CODE TO ESTABLISH ADDITIONAL PARKING 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-  
SEWER, INC. FOR  
EMERGENCY REPAIR  
OF RYAN CREEK  
INTERCEPTOR SEWER  
MAIN

G.13. Alderman Dandrea moved to authorize the City Engineer to execute a contract with Visu-Sewer to proceed with the emergency repair of the Ryan Creek Interceptor at the cost of \$24,750.00; to authorize such an "exception as to public emergency" as addressed by § 62.15, Wis. Stats., with said exception being only for the purpose of this 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  
WAIVE WATER  
EXTENSION AT 11800  
BLOCK OF W. RYAN RD.

G.14. Alderman Nelson move to adopt Resolution No. 2017-7313, A RESOLUTION TO WAIVE WATER EXTENSION TO SERVE 3 LOTS IN THE 11800 BLOCK OF W. RYAN ROAD AT THIS 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 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.

<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COMMON COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>11-07-2017</b></p>
<p><b>ORGANIZATIONAL BUSINESS</b></p>	<p><b>Board and Commission Appointments</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>E.</i></p>

Mayoral appointment of Adam Burckhardt, 7541 S. 72<sup>nd</sup> Street, Ald. Dist 5, Plan Commission (1 year expired term expiring 4/30/18).

**COUNCIL ACTION REQUESTED**

Motion to confirm Mayoral appointment of Adam Burckhardt, 7541 S. 72<sup>nd</sup> Street, Ald. Dist 5, Plan Commission (1 year expired term expiring 4/30/18).

## Shirley Roberts

---

**From:** volunteerfactsheet@franklinwi.gov  
**Sent:** Saturday, July 22, 2017 2:28 AM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** Adam Burckhardt  
**PhoneNumber:** 4146171735  
**EmailAddress:** [adamb@starfireusa.com](mailto:adamb@starfireusa.com)  
**YearsasResident:** 12  
**Alderman:** Mike Barber, District 5  
**ArchitecturalBoard:** 0  
**CivicCelebrations:** 0  
**CommunityDevelopmentAuthority:** 1  
**EconomicDevelopmentCommission:** 1  
**EnvironmentalCommission:** 0  
**FinanceCommittee:** 0  
**FairCommission:** 0  
**BoardofHealth:** 0  
**FirePoliceCommission:** 0  
**ParksCommission:** 0  
**LibraryBoard:** 0  
**PlanCommission:** 1  
**PersonnelCommittee:** 0  
**BoardofReview:** 0  
**BoardofPublicWorks:** 0  
**QuarryMonitoringCommittee:** 0  
**TechnologyCommission:** 0  
**TourismCommission:** 0  
**BoardofZoning:** 0  
**WasteFacilitiesMonitoringCommittee:** 0  
**BoardWaterCommissioners:** 0  
**CompanyNameJob1:** Starfire Systems, Inc.  
**TelephoneJob1:** 414-448-0100  
**StartDateandPositionJob1:** 3/01/12 Project Manager  
**EndDateandPositionJob1:**  
**CompanyNameJob2:** Starfire, Inc.  
**TelephoneJob2:** 414-483-5959  
**StartDateandPositionJob2:** 06/1998  
**EndDateandPositionJob2:** 2/12  
**CompanyNameJob3:**

**TelephoneJob3:**

**StartDateandPositionJob3:**

**EndDateandPositionJob3:**

**Signature:**

Adam J Burckhardt

**Date:**

07212017

**Signature2:**

Adam J Burckhardt

**Date2:**

07212017

**Address:**

7541 S 72nd St.

**PriorityListing:**

Community Development Authority Economic Development  
Commission Plan Commission

**WhyInterested:**

I am very concerned with the direction of our city. I feel that the connections that I have to our community as a younger citizen with small children provides me with a perspective that will benefit a sector of our city that is underrepresented. I believe that this demographic deserves to be a part of the decisions of our community. Because there is no geographic representation of this group, we hope our influence can be asserted via the boards and commissions our community has provided.

**CompanyAddressJob1:**

9825 South 54th St Starfire Systems, Inc.

**DescriptionofDutiesJob1:**

Provide oversight and management of various projects and service engagements within the community and Wisconsin as a whole.

**AddressJob2:**

3550 s Iowa Ave St. Francis, WI 53235

**DescriptionofDutiesJob2:**

Increasing responsibility from Warehouse Assistant to Operations Manager. Occasional leave of absence required for military training and deployment.

**AddressJob3:**

**DescriptionofDutiesJob3:**

**AdditionalExperience:**

Military experience, including decorations for leadership, discipline, and good conduct.

**ClientIP:**

70.92.171.31

**SessionID:**

qpys1h45iwnylr55blsyp5v2

[See Current Results](#)

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<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>11/07/2017</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p>Franklin Civic Celebrations Commission Request for Spending Authority for 2018 and Summary of 2017 From Activities-John Bergner, Chairman to Speak on Behalf of Civic Celebrations Commission to the Common Council</p>	<p><b>ITEM NUMBER</b></p> <p><i>G.1.</i></p>

Attached are reports from John Bergner, Chairman of the Civic Celebrations Commission, requesting authority from the Common Council for the Commission to sign and execute contracts and agreements for the 2018 Franklin Civic Celebration. The event is planned for 2 days, July 3 and 4, 2018.

**COUNCIL ACTION REQUESTED**

Place Summary from 2017 Civic Celebrations on file and allow John Bergner to sign and execute contracts and agreements for the 2018 Franklin Civic Celebration.



# Franklin Civic Celebrations Commission

## Request for Spending Authority 2018

October 24, 2017

I, John Bergner, Chairman of the Franklin Civic Celebrations Commission request authority to enter into contracts and agreements for the 2018 Franklin Civic Celebration. The dates and times will be:

- Tuesday, July 3<sup>rd</sup> - 11:00am to 11:00pm
- Wednesday, July 4<sup>th</sup> - 10:00am to 9:30pm

With your approval, I request authority to spend the following amounts for 2018:

	2018 Requested	2017 Actual
1. ENTERTAINMENT	\$22,000	\$32,060
2. FIREWORKS-2 days	\$16,000	\$15,200
3. RENTALS	\$17,000	\$17,474
4. PARADE (Bleachers, Flags)	\$ 9,000	\$ 7,771
5 ICE CREAM	\$ 1,600	\$ 1,555
6. PRINTING	\$ 500	\$ 478
7. SUPPLIES	\$ 2,400	\$ 2,771
8. MISC.	<u>\$ 1,300</u>	<u>\$ 1,968</u>
<b>Totals:</b>	<b>\$69,800</b>	<b>\$79,277</b>

*\*The 2017 Festival was a 4 day event and the 2018 Festival is a 2 day event.*

*Note: Police and DPW cost are not included in any of the amounts.*

*Need approval to begin festival on Tuesday morning, July 3 at 11:00 am while city hall open for business.*



City of Franklin

A Thriving Community in Southeastern W

# 2017 FRANKLIN CIVIC CELEBRATION

## INCOME STATEMENT

<b>INCOME</b>	<b>2016</b>	<b>2017</b>
1. DONATIONS	\$20,375.00	\$23,775.00
2. TICKET SALES	\$71,689.80	\$73,800.00
3. FOOD (NET)	\$15,867.54	\$16,717.61
4. CITY FUNDS	\$13,000.00	\$13,000.00
5. CARNIVAL COMMISSION	\$20,105.00	\$23,478.00
6. NON FOOD/ LICENSES	\$0.00	\$600.00
7. HELICOPTER RIDES	\$791.00	\$934.20
8. ATM RENTAL	\$0.00	\$228.50
9. AQUA RIDES	\$0.00	\$1,160.00
10. CASH FROM TICKET SALES:		
PAID TO BADGER BAND	\$1,175.00	\$1,040.00
PAID TO IDOL SINGERS AND DJ	\$0.00	\$550.00
<b>TOTAL INCOME</b>	<b>\$143,003.34</b>	<b>\$155,283.31</b>

<b>EXPENSES</b>	<b>2016</b>	<b>2017</b>
1. ENTERTAINMENT	\$28,455.00	\$32,060.00
2. MUSIC ON MOVE-FREE KIDS RIDES	\$2,575.00	\$0.00
3. POLICE AND DPW	\$31,250.62	\$37,196.96
4. PARADE ( INCLUDES BLEACHERS,FLAGS)	\$11,202.87	\$7,771.36
5. FIREWORKS	\$26,000.00	\$15,200.00
6. ICE CREAM	\$2,661.65	\$1,555.20
7. BEER, ICE, SODA	\$18,667.10	\$18,205.65
7A. WINE	\$0.00	\$1,469.20
8. SUPPLIES,SERVICES, SHIRTS	\$2,094.17	\$2,771.03
9. RENTALS (TENTS,TABLES,CHAIRS,TOILETS)	\$16,803.21	\$17,473.61
10. TICKETS,PRINTING	\$1,057.00	\$477.67
11. T-SHIRTS-HOC	\$0.00	\$1,668.00
12. SIGNS,BANNERS	\$0.00	\$300.00
13. BACKGROUND CHECKS	\$560.00	\$448.00
14.GOLF CARTS	\$390.00	\$740.00
15.MEMBERSHIPS	\$80.00	\$0.00
16. POSTAGE	\$369.11	\$229.72
<b>TOTAL EXPENSES</b>	<b>\$142,159.73</b>	<b>\$137,566.40</b>
<b>NET INCOME</b>	<b>\$843.61</b>	<b>\$17,716.91</b>

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>11/07/2017</b>
<b>Reports and Recommendations</b>	City of Franklin Drug-Free Communities Year 1 Report	<b>ITEM NUMBER</b> <i>G.2.</i>

The federal Substance Abuse and Mental Health Services Administration awarded the City of Franklin a Drug-Free Communities (DFC) Support Program Grant in August 2016. This is a \$125,000 per year grant and it annually renews for 5 years. The City of Franklin is the fiscal agent for the DFC grant and the City of Franklin employs the support staff from the grant funds. Franklin Area Parents and Students United (FAPSU) is the community-based organization fulfilling detailed work plan.

The purpose of this agenda item is to present and to place on file the DFC Year 1 Annual Report. The first 10-month period was extraordinarily busy for the coalition coordinator, Lauren Lube MPH, CHES and the executive committee including a coalition name change—Volition Franklin.

Year 1 grant activities ended on September 29, 2017. Year 1 grant allocations were slightly under budget. The grant allows the coalition to carry 10% (\$12,500) into the Year 2 budget.

**COUNCIL ACTION REQUESTED**

The Director of Health & Human Services and DFC Coalition Coordinator request that the Common Council accept and place on file the Year 1 Drug-Free Communities Report.



2016-2017 DFC Fiscal Year 1 Final Report Summary

Volition Franklin (formerly FAPSU) is a community coalition working within Franklin, Wisconsin. Our mission is preventing and reducing alcohol, tobacco, and other drug use by youth through implementing policies and changing the culture to create a healthy community. Our primary goals are to educate and empower parents and families to reduce youth alcohol use, and prescription drug misuse. We are focusing on activities structured around bringing families together and promoting healthy choices among youth.

As a coalition, we strive to provide information to community members, enhance skills such as decision making and resilience in our youth, and provide support for those who may need it by acting as a catalyst between community members and resources that may be helpful to them. We work to assess an ever changing physical environment to promote health by completing environmental scans related to alcohol, tobacco and other drugs, and making appropriate changes when necessary. We also focus on policy and strive to modify or change different local policies whenever may be most beneficial to community members. Our membership base is intentional, bringing together all sectors of the community to utilize different strengths as we combat substance misuse locally and focus our prevention efforts.

Volition is a unique coalition because we have different sectors and passionate individuals from our community around the table willing to work together. We have high readiness and resources. After successfully receiving five years of federal funding, we are more prepared than ever to collaborate, build relationships, and to educate our community members to make healthy decisions and decrease youth substance misuse within our community!

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## **Light and Unite Red**

January 23-27, 2017

Light and United Red is a Milwaukee County wide campaign. The Light and Unite Red campaign is a week in January to shine a light upon the dangers of substance use and highlight efforts to prevent misuse. For this campaign, Volition organized the following activities within Franklin, with our messages reaching over 1,000 youth and adult community members:

- The outdoor school message board displayed a message encouraging students to wear red on the Friday of Light and United RED week to help bring awareness to the topic and open the door to start conversations about alcohol or drug misuse
  - The class wearing the most red won a Volition sponsored pizza party
- High School and Middle School Announcements shared facts about substance misuse throughout the week
- Gold block teachers at the High School level were encouraged to share a Drug Fact quiz that was linked on the Saber Slate, the High School Newspaper
- Volition youth hosted games at lunch at the High School
- Volition middle school youth created Memes pertaining to substance misuse and hung them around the school
- Volition presented the purpose of Light and Unite Red to the Franklin Common Council and Mayor Steve Olson signed a proclamation proclaiming January 23-27, 2017 Light and Unite Red Week in the City of Franklin.
- The city website advertised Light and Unite RED
- The evergreen tree outside of city hall was illuminated with red lights, and a banner was hung
- There was a message on the sign outside Station 1 Firehouse in Franklin
- City Employees were given Light the Way tip sheets providing information about starting the conversation at home, and resources for parents, teens, and educators. City Hall employees were also encouraged to wear red on Friday
- The Volition Facebook Page shared posts of the student created memes
- The senior lunch hosted in Franklin City Hall displayed informational table tents



**TRIVIA: TEST YOUR KNOWLEDGE**



1. True or False? Alcohol can have negative effects on an individual's liver, brain, and heart.
2. True or False? 2% of Franklin High School students reported having taken an over-the-counter drug to get high at least one time
3. True or False? 30% of Franklin High School students report having at least one drink of alcohol in their lifetime
4. True or False? The number of drug overdose deaths in Milwaukee County in 2015 surpassed the amount of automobile related deaths?

**Multiple Choice:**

5. How many Franklin Area High School students reported being offered, sold, or given an illegal drug on school property in the last 12 months?  
A) 0% B) 3% C) 4% D) 7%
6. How many students reported ever taking a prescription drug without a doctor's prescription?  
A) 0% B) 1% C) 15% D) 19%

1: True, 2: True, 3: True, 4: True, 5: D, 6: C  
(Franklin HS FRBS, 2016) (<https://nlhsenior/health.gov/>)

**UPCOMING EVENTS**

- Addiction Information Resource Fair: January 23, 2017
- MInI- Conference: What you need to know about prescription pain medication: March 21, 2107
- Stairway to Heroin : April 25, 2017
- Prescription Drug Drop Off: ANYTIME

**MONITOR PRESCRIPTIONS and DISPOSE of UNUSED MEDICATIONS**



Two reasons youth reported misusing prescription drugs include:



62% easy to get from parents' medicine cabinet.  
52% easily available.  
(National Institute on Drug Abuse)

PLEASE DISPOSE OF UNUSED MEDICATIONS. Prescription drug drop boxes are available at our [local police department](#).

A secure dropbox is located at 9455 W. Loomis Road Franklin, WI.

**LIGHT AND UNITE RED WEEK**

**What:** Light and Unite RED Week is a week shining a light upon the dangers of substance abuse and highlight the efforts to prevent it  
**When:** January 23-27, 2017

**Why:** Mayor Olson declared January 23-27th the week of Light and Unite Red Week in the City of Franklin. Individuals across the nation as well as here in Franklin are affected by substance abuse. Franklin Area Parents and Students United (FAPSU) is our coalition working here in our community to decrease substance misuse and improve the health of our community members. It is important to educate ourselves on how to curb this growing public health issue!

**How:** What can you do? The tree outside of city hall will be lit with Red lights during the week of the 23rd-27th to draw attention to this important topic. FAPSU will be hosting events throughout the year, and also is a coalition always welcoming community support and volunteers.

If you are interested in volunteering for any upcoming events hosted by FAPSU or would like to learn more about our coalition feel free to call Lauren Luba, Drug Free Community Grant Coordinator at 414-427-7526





**PARENTS LIGHT THE WAY**  
for a lifestyle without substance abuse

**National Drug and Alcohol Fact Week (January 23 – 29, 2017)**

Teens who continue to learn about the risks of drugs at home are up to **50 percent** less likely to use drugs than those who are not taught about the dangers.

**Recognize the signs:**

- o Fatigue, red or glazed eyes
- o Sudden mood changes
- o Withdrawing from family
- o Decreased or obsessive interest in school work

**Talk openly with your teens!**

- o Remind them it's illegal
- o Share the negative side effects
- o Keep medicines in a safe place
- o Properly dispose of any unused prescription medicines.

Teens most often get prescription medicines from friends or their parents' medicine cabinet.

For more information visit [www.lightunitered.org](http://www.lightunitered.org)



**TEENS LIGHT THE WAY**  
for a lifestyle without substance abuse

**National Drug and Alcohol Fact Week (January 23 – 29, 2017)**

*Prescription drug abuse: using a medication in a different way than how it should be used, including using greater amounts than prescribed, is dangerous and illegal*

**Together, we can prevent substance abuse!**

**Learn the facts:** Do you know the danger of drug and alcohol abuse? Find out! Take our quiz at [www.lightunitered.org](http://www.lightunitered.org) and see how you score.

**Share with your friends:** Follow us online and use #lightunitered

**Get help:** Our community has resources available to help you prevent substance abuse, provide treatment or assist you in your recovery. Talk to a parent, teacher, guidance counselor, or other trusted adult for help. Don't know where to start? **Dial 2-1-1.**

For more information visit [www.lightunitered.org](http://www.lightunitered.org)



**EDUCATORS LIGHT THE WAY**  
for a lifestyle without substance abuse

**National Drug and Alcohol Fact Week (January 23 – 29, 2017)**

Nearly 1 in 5 teens reports abusing prescription drugs to get high.

**Recognize the signs:**

- o Fatigue, red or glazed eyes
- o Sudden mood changes
- o Decreased or obsessive interest in school work
- o Extreme changes in groups of friends or hangout locations

**Talk openly with your students and their parents!**

- o Remind students drug abuse is illegal and share the negative side effects
- o Alert parents if you are concerned about their child. Give parents resources for talking with their teens.
- o Provide a safe environment for students to talk about abuse issues.
- o Hold interactive discussions to dispel myths and share the facts.

For more information visit [www.lightunitered.org](http://www.lightunitered.org)

## Stairway to Heroin

April 25, 2017

Stairway to Heroin was hosted at the Saber Center on April 25, 2017. The coalition promoted this event in many ways. 20 vendors participated in the resource fair, and 90 community members attended the event.

- An email was sent to Light and United RED network of organizations informing them of the event
- Flyers were shared with interested organizations at the February Light and Unite Red Meeting
- Franklin Public Schools sent out an email correspondence to all parents of 7-12<sup>th</sup> grade students on Tuesday April 11<sup>th</sup> announcing the upcoming event
- The Volition Franklin Facebook page promoted the event with a 14 day ad: targeting men and women, ages 15-58 who live within 30 miles of Franklin WI which reached 1,527 individuals
- The flyer went out in the City Newsletter to approximately 13,000 homes
- Representative Ken Skowronski included it in his e-update on March 9, 2017
- Flyers were given to members to distribute at the March 2017 coalition membership meeting
- Information regarding the event was included in the Feb, and March 2017 coalition newsletters sent to 156 members on the mailing list
- 20 organizations attended the resource fair and each were sent an electronic copy of the flyer as well as encouraged to invite community members to the event

Vendor organizations include:

- Rhythm of Life Chiropractic/ Milwaukee Wellness Champions, <http://www.mychiroforlife.com/>
- Rosecrance, [www.rosecrance.org](http://www.rosecrance.org)
- Hales Corners Lutheran Church, [www.hcl.org](http://www.hcl.org)
- AIDS Resource Center of Wisconsin (ARCW)- Prevention Department, <http://www.arcw.org/>
- Hales Corners Health Department, [http://www.halescorners.org/index.asp?Type=B\\_BASIC&SEC=%7B2A588459-636E-4FAA-8B09-B3778E15131F%7D](http://www.halescorners.org/index.asp?Type=B_BASIC&SEC=%7B2A588459-636E-4FAA-8B09-B3778E15131F%7D)
- Tobacco-Free Suburban Milwaukee and Ozaukee, <https://www.dhs.wisconsin.gov/tobacco/index.htm>
- Wisconsin Poison Center, <http://www.wisconsinpoison.org/Poison-Home>
- South Milwaukee Unite Against Drug Abuse Coalition, <http://smwi.org/south-milwaukee-unite-drug-abuse-coalition/>
- CJ Lomas Recovery Foundation, [www.cjomasrecoveryfoundation.org](http://www.cjomasrecoveryfoundation.org)
- Rogers Memorial Hospital, <https://rogersbh.org/>
- Franklin Youth initiative, <http://www.franklinyouthinitiative.com/home>
- FAPSU (Volition Franklin), [www.fapsu.org](http://www.fapsu.org)
- Your Choice, <http://www.yourchoice-live.org/>

- Children's Community Health Plan, <http://www.chw.org/>
- Starting Point, <http://www.startingpointwi.org/>
- Meta House
- MKE Co Drug enforcement agency
- Conspire! To Hire
- Aurora
- Moving Beyond Addiction

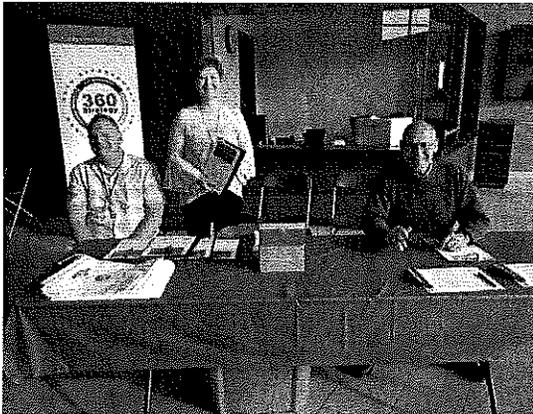
A survey was distributed and 62 individuals responded.

When asked, on a scale of one to five, with five being very useful, how useful is the information you learned tonight?"

19.4% identified usefulness as a 4/5 and 80.6% identified a 5/5 for usefulness

53.2% strongly agree, and 41.9% agree that after the presentation, they feel more knowledgeable about the risks and behaviors associated with substance use.

Attendees were primarily parents making up 50.8%, 16.4% were family members, 4.9% teachers, 11.5% counselors, 8.2% medical, 14.8% students, and 19.7% other (to include chaplain, elected official, graduate student, coalition members, recovering addicts, public health professionals, veteran, and vendors)



## National Prevention Week

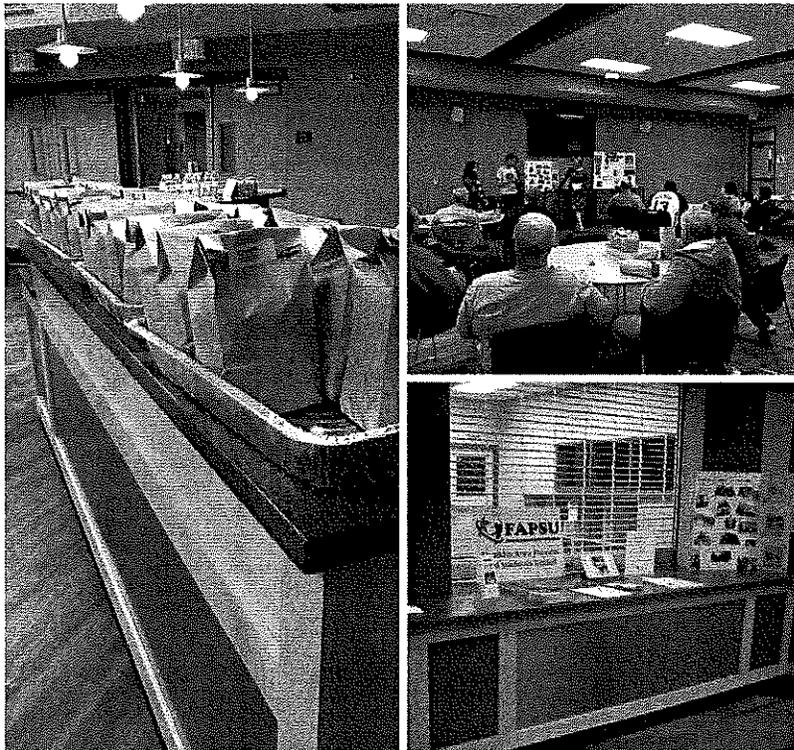
May 15-19, 2017

The Substance Abuse and Mental Health Services Administration (SAMHSA) hosts a National Prevention Week Annually. This is a health observance dedicated to increasing public awareness of, and action around, mental and/or substance use disorders. Volition partook in two main community activities for the 2017 Prevention Week, the I Choose Campaign and Generation Found, reaching over 100 community members through both events.

### Generation Found

May 15, 2017

Volition cohosted a movie night with SouthBrook Church and Moving Beyond Addiction as a coalition faith summit. This event kicked off National Prevention week May 15<sup>th</sup>-20<sup>th</sup> with a film, Generation Found which focuses on one community coming together to ignite a youth addiction recover revolution in their hometown. The event was advertise through word of mouth, flyers printed and distributed at SouthBrook, as well as on the coalition Facebook page.



## I Choose

May 15-19, 2017

During National Prevention Week Volition facilitated an "I Choose" Project. This was a project inviting people to take a photo of themselves, their family, or friends holding a sign with a written statement expressing why they choose prevention. Images from this project were utilized in a slideshow before and after the Faith Summit, and prior to the showing of the Generation Found film. They were also shared on the coalition's social media page.

The coalition had over 40 participants/ participant groups including:

- Addiction to Recovery Staff
- Aurora Healthcare Staff
- Board of Health
- City of Franklin Clerks office employees
- FAPSU (Volition) Coalition Coordinator
- Franklin Health Department Nurses
- Community Parents
- FAPSU (Volition) Executive Board
- Forest Park Middle School Students
- Franklin Police Department
- Franklin Youth
- Franklin Health Department
- Franklin School Board President
- Old National Bank Staff
- Representative Ken Skowronski
- Mitchell Airport Rotary Club
- Franklin High School teachers and staff



## 6<sup>th</sup> Grade Camping Trip

May 24-26, 2017

The coalition collaborated with Nick Campbell, 6<sup>th</sup> grade physical education teacher at Franklin Public Schools, to be a part of the annual 6<sup>th</sup> grade camping trip. The camping trip was scheduled May 24-26<sup>th</sup> at Camp Whitcomb Mason, in Hartland WI. The main focus of the trip is on 21st century skills as well as a transition to middle school. 6th grade students from all five Franklin, WI elementary schools were arranged into groups where they spent 3 days and 2 nights making friends and acquaintances while participating in learning activities. Volition focused on decision making skills with approximately 300 students.

- To create a meaningful and educational experience for nearly 300 students this trip is very structured. Students participated in 10 learning activities over the course of the trip. Each learning activity was 60 minutes long with a 10-minute transition built in to move to the next location. There were two sides at Camp, the James side and the Friendship side. Students were separated into learning groups which consisted of approximately 15-18 individuals.
- Volition Franklin participated in the decision making lesson and assisted a teacher volunteer with a variety of activities:
  - First activity: one student decides to be the risk taker. They have the option to reach into one of three bags. Each bag contains either \$20, a mouse trap, or candy. The rest of the students were divided into four groups and had to ask the risk taker 1-2 questions before he/she made a decision on which bag to reach into. Each group had to ask questions based on emotionally, objectively, creatively, or experiential questions. Afterwards, the entire class completed a worksheet about what they want their middle/high school self to look like and wrote down how they will reach that goal. (example: get good grades to stay on the team, go to practice every day)
  - Second activity: the electric maze (below). This activity debriefed and took a drug/alcohol tone- talk about how not all attention (the buzzer) is good attention. Everyone could be a leader, both inside the maze and outside. All choices eventually get you to the end of the maze and if you make a wrong choice, try again until it's a right one. This activity should be completed in about 15 minutes, then have time to debrief.

# Parents Who Host Lose the Most

May 30, 2017, June 10, 2017

Parents Who Host Lose the Most is a public awareness program educating communities and parents about the health and safety risks of serving alcohol at teen parties. Approximately 700 community members were reached.

For the 2017 Parents Who Host Lose the Most campaign, Volition Franklin completed two main projects: A sticker shock campaign and car canvassing at graduation.

## Sticker Shock

May 30, 2017

- Student volunteers went to a local alcohol retailer, and completed a sticker shock project, putting stickers drawing attention to the campaign on alcohol packaging. 350 stickers were placed on alcohol boxes.
- A survey was also administered at the alcohol retailer to gather data on the awareness campaign. Individuals who walked into the area where alcohol was sold were approached with survey, verbally administered
- Parents Who Host information flyers were left near the alcohol area of the establishment

## Graduation

June 10, 2017

- Coalition members canvassed cars parked in the parking lot at the Franklin High School Graduation. The flyers on each car educated on tips to protect children and educate about teen parties. Over 275 flyers were left on cars in the parking lot.



**Parents Who Host Lose the Most** Parents play a major role in their children's choices about alcohol, tobacco and other drugs. A survey of parents and teens found one-third of teen partygoers have been to parties where teens were drinking alcohol, smoking marijuana, or using cocaine, ecstasy or prescription drugs while a parent was present. By age 17, nearly half of teens have been at such parties.

You can protect your children by following these guidelines when hosting teen parties:

- Host safe, alcohol-free activities and events for youth
- Refuse to supply alcohol to children or allow drinking in your home or on your property
- Be at home when your teenager has a party
- Make sure your teenager's friends do not bring alcohol into your home
- Talk to other parents about not providing alcohol at youth events
- Report underage drinking

Follow these guidelines when allowing your teen to attend another student's party:

- Call the parent in charge to verify the occasion and location of the party and ensure there will be adult supervision
- Make certain that the host will not be serving or allowing alcohol
- If the activity seems inappropriate, express concern and keep your child home

Our youth deserve to live and grow to adulthood in an environment where alcohol is not misused. Let's be unified in our message, and host alcohol-free parties with fun and healthy activities to show our youth that we care about their future.

More information about *Parents Who Host, Lose the Most: Don't be a party to teenage drinking* and Drug Free Action Alliance is available at [www.DrugFreeActionAlliance.org](http://www.DrugFreeActionAlliance.org).



**Parents Who Host, Lose the Most: Don't be a party to teenage drinking** is a registered trademark of Drug Free Action Alliance. This flyer was developed in part, under grant number SP021486-01, from the Office of National Drug Control Policy and Substance Abuse and Mental Health Services Administration, Department of Health and Human Services. The views, policies, and opinions expressed are those of the authors and do not necessarily reflect those of ONDCP, SAMHSA, or NIDA.

## Outdoor Movie Night

June 16, 2017

The Outdoor Movie Night was an event cohosted with the Franklin Health Department free of charge to attendees. The event started at 7:30PM with games being offered, and the film beginning at dusk around 9:00pm. There were nearly 100 individuals who attended, the majority being teenagers and adults which was the target population for this film. Attendees were given a survey to fill out regarding the event, and surveys were then collected.

This was Volition Franklin's first fundraising effort. A coalition volunteer facilitated the 50/50 raffle. The event also offered a great opportunity to talk with community members, discuss Volition Franklin, and spread the word about the coalition. Marcus theaters donated popcorn for 100 people.

AAA also donated two hours of their time to attend the event. They had a table with resources about driving under the influence, provided "drunk goggled" to see how driving impaired can affect one's ability to be safe, as well as provided a quick introduction and presentation prior to the start of the film.



## National Night Out

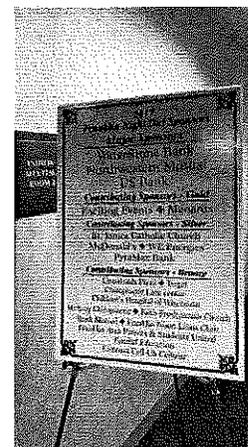
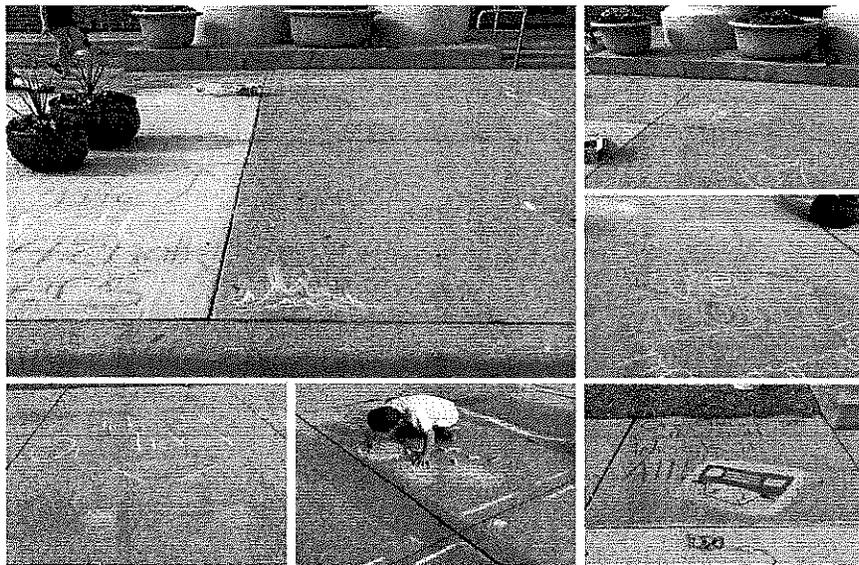
July 31, 2017

National Night Out is a Franklin community event to focus attention on crime prevention, personal safety, and various services provided by businesses in the Franklin area. Volition reached over 400 individuals with coalition messaging and resources.

- Volition had a table at the annual National Night Out event at the Franklin Public Library
- Prior to the event the coalition hosted their first Chalk Art Contest from 4:00PM-5:30PM, encouraging participants to draw prevention messages which were judged on two main criteria  
1. Creativity, 2. Messaging.
  - The contest was advertised by hanging a flyer at many local businesses to include:
    1. 7- Eleven
    2. Amstar
    3. Andys on Ryan Road
    4. Hodach Citgo
    5. Kwik Trip on Rawson
    6. Kwik Trip on Speedway Dr.
    7. Pick 'n Save on Lovers Lane
    8. Pick 'n Save on 76<sup>th</sup> Street
    9. Sendik's
    10. Target
    11. Walmart
    12. Walgreens on 76<sup>th</sup>
    13. Walgreens on 27<sup>th</sup>
    14. Innovative Fitness Facebook Page
    15. FAPSU (Volition) Facebook Page
    16. Sent to all members inviting participation
    17. Franklin Public Library
    18. Franklin City Hall
    19. City of Franklin's Clerk Office
    20. Cousins Subs Lovers Lane
    21. Rhythm of Life Chiropractic
    22. Yo Fresh Frozen Yogurt Lovers Lane
  - The winner (judged by a Volition Franklin member) won a voucher for a 2 foot long Cousins sub, two movie tickets, and two free popcorn coupons. The winner was announced on a white board at the coalition's table, and the participant received their prize the night of the event.
- During National Night Out, Volition Franklin handed out a flyer of where residents could drop off their unused prescription pain medications, and what could and could not go in the dropbox
  - Coalition members also collected information utilizing a one page survey in regards to perception of alcohol in Franklin. Surveys were administered by coalition volunteers to

any individual who came near the Volition table. Surveys were handed to participants on a clip board for completion

1. Survey participants could enter their name for a chance to win three movie tickets, and three popcorn tickets (2 winners) or a two foot long sub from cousins subs (1 winners drawn)
  - On this entry sheet individuals also had the option to select if they would like to be added to the coalition mailing list, and had 37 individuals added to the mailing list from this event
- The coalition volunteers also facilitated a game “Duck Away From Underage Drinking”. For this game, individuals choose a rubber duck and if it was marked they received a price (dose of reality cup with free cousins sub coupon) if their duck was not marked, and received a dum dum lollypop that had a messaged on a sticker “don’t be a sucker for underage drinking” and/or a Marquette Basketball player card with Opioid facts on one side



# Adult Health and Wellness Day

September 27, 2017

Adult Health and Wellness Day is a health fair geared towards older adults within Franklin. The coalition had a table at the event. At the table, information was distributed about the coalition and a medication drop off was offered and reached over 500 individuals.

- Two Franklin Police Officers volunteered their time for the coalition from 9:00AM-2:00PM to collect medication at this event.
  - Seven cardboard boxes of prescription medications were collected and disposed of appropriately by the Franklin Police Department
- Three coalition members volunteered at the table.
  - Information was shared on the drug drop box
  - A hand out with what can and cannot be put in the drug drop box at the police department was distributed as well as plastic baggies to limit barriers in dropping off prescriptions.
  - A survey with two main goals as administered to see what the current level of knowledge was among the senior health fair attendees, and to educate them about the severity of the opioid epidemic in the senior population. Each participant also received education materials.

Drop your unused prescription pills into the prescription drop box at the Franklin Police Department  
9455 W Loomis Rd



FRANKLIN POLICE DEPARTMENT  
9455 W LOOMIS RD  
FRANKLIN, WI 53120

FRANKLIN POLICE DEPARTMENT  
9455 W LOOMIS RD  
FRANKLIN, WI 53120

YES Accepted

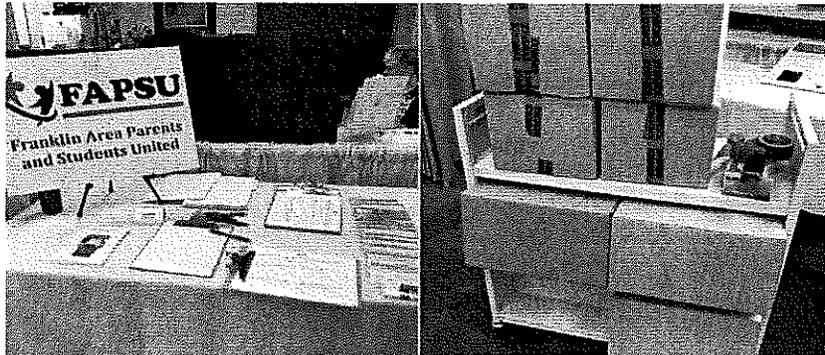
- Prescription
- Over the counter medications
- Vitamins
- Samples
- Medications for pets
- Disinfectants
- Liquid medications (in original container only)

NO Not Accepted

- Needles (Sharps)
- Eye Drops
- Thermometers
- Bloody or infectious waste
- Medication from businesses or clinics
- Hydrogen Peroxide
- Animal care
- Soaps, shampoos, lotions
- Household waste (Paints, Pesticides, oil, gas)

**FAPSU**  
Franklin Area Parents and Students United

The Franklin Area Parents and Students United (FAPSU) is a 501(c)(3) non-profit organization. We are a coalition of parents and students who are committed to the health and well-being of our children. We are currently accepting donations of unused prescription drugs for disposal. The drugs should be in their original packaging and not expired. For more information, please contact us at 920.835.1234 or visit our website at [www.fapsu.org](http://www.fapsu.org).



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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>11/07/2017</b>
<b>Reports and Recommendations</b>	<b>Ordinance to Amend Chapter 138 of the Municipal Code</b>	<b>ITEM NUMBER</b> <i>G.3.</i>

In July 2016 the WI Department of Health Services\Food Safety and Regulatory License Section was merged into the WI Department of Agriculture, Trade, and Consumer Protection (WI DATCP). For many years the City of Franklin Health Department has been the local inspection agent for both regulatory state departments and held a separate contract with each agency. Upon completion of the merger, the statewide statutory and administrative rule references were changed to reflect one regulatory agency and one contract with all local health departments that serve as agent cities for the State of Wisconsin.

In 2017 one contract with WI DATCP was completed. The contract further requires a local ordinance amendment to reflect current statutory and administrative rule changes as well as regulatory authority. Attached is the proposed ordinance amendment for the Common Council's consideration.

The WI DATCP food section chief has reviewed the ordinance amendment. The city environmental health staff has reviewed the ordinance amendment. The Board of Health reviewed and recommended Common Council approval of the ordinance amendment at its September 11, 2017 meeting.

The purpose of this agenda item is Common Council approval of the proposed ordinance amendment.

**COUNCIL ACTION REQUESTED**

Motion to approve the ordinance to amend chapter 138 of the municipal code to recognize the combining of state regulatory authorities and to adopt the regulation of these authorities.

Health Department-WW

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 138 OF THE MUNICIPAL CODE TO RECOGNIZE THE COMBINING OF STATE REGULATORY AUTHORITIES AND TO ADOPT THE REGULATION OF THESE AUTHORITIES

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**WHEREAS**, the Common Council of the City of Franklin has determined that it is in the best interest of the City's health, safety and welfare and morals to amend Chapter 138 to reflect the changes to and combining of state regulatory authorities.

**WHEREAS**, Upon the recommendation of the Health Department Director, the Common Council having found and determined that creation of such an ordinance is necessary to protect the public health, safety and welfare.

**NOW THEREFORE**, at a regular of the Common Council of the City of Franklin, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, a quorum of the members of the Common Council being present and a majority voting in favor thereof, the Common Council does hereby ordain as follows:

SECTION 1. Chapter 138 of the Municipal Code of Ordinances is hereby amended to read as follows (additions in double underline, deletions in ~~strikethrough~~):

**§ 138-1 Authority and purpose.**

This chapter is adopted pursuant to that authority provided by §§ 97.41, 97.615, 125.68(5), ~~251.04(3), 254.47, 254.69(1) and 254.69(2)~~, Wis. Stats.; and ~~ATCP Ch. 72, 73, 74, 75 Appendix, 76, 78, 79, and DSPS 390~~; and by ~~Wisconsin Administrative Code Chapters DHS 172, 175, 178, 192, 195, 196, 197 and 198, and Comm 90, Wis. Adm. Code~~. The purpose of this chapter is to protect and improve the public health and to authorize the City of Franklin and the local public health department ~~to become designated as an agent of the State Department of Health Services and Department of Agriculture Trade and Consumer Protection~~ for the purpose of establishing permit fees, issuing permits, and making investigations or inspections of hotels, motels, ~~restaurants~~, retail food establishments, tourist rooming houses, bed-and-breakfast establishments, campgrounds, recreational and educational camps, and public swimming pools, ~~food vending machines, their operators, vending machine commissaries, schools, and national lunch and breakfast programs.~~

**§ 138-2 Applicability.**

The provisions of this chapter shall apply to the owner, operator or agents thereof of any hotel, motel, tourist rooming house, ~~restaurant~~, retail food establishment, bed-and-breakfast establishment, campground, recreational and educational camp, public swimming pools, ~~vending machine commissaries~~ or vending machines, school and national lunch and breakfast programs in the City of Franklin.

**§ 138-3 Regulations, rules, and laws adopted by reference.**

The applicable laws, rules, and regulations as set forth in Chs. ~~66, 0417, 93, 97, 125, 251, and 254~~, Wis. Stats.; ~~Chapters DHS 172, 175, 178, 192, 195, 196, 197 and 198, Wis. Adm. Code~~, and any applicable City ordinances; ~~ATCP 72, 73, 74, 75 and Appendix, 76, 78, 79, DSPS 390 and Comm 90~~ and memoranda of understanding between the Department of Agriculture, Trade and Consumer Protections and the ~~Department of Health Services~~ the Department of Public Instruction are hereby adopted by reference and a copy of each shall be on file and open to public inspection in the offices of the City of Franklin Health Department.

**§ 138-4 Definitions.**

All definitions as set forth in Chs. ~~93, 97, 125, 251, and 254~~, Wis. Stats.; Wisconsin Administrative Code Chapters ~~DHS 172, 175, 178, 192, 195, 196, 197 and 198; and ATCP 72, 73, 74, 75 and appendix~~,

ORDINANCE NO. \_\_\_\_\_

PAGE 2

76, 78, 79, DSPS 390; and Comm 90; and the Wisconsin Food Code are incorporated in this chapter.

B. As used in this chapter, the following terms shall have the meanings indicated:

**DEPARTMENT**

The City of Franklin Health Department.

**DUPLICATE PERMIT FEE**

A fee for the replacement of the original permit.

**FOOD**

A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption or chewing gum.

**RETAIL FOOD ESTABLISHMENT**

An operation ~~A permanent, temporary or mobile processing facility~~ that stores, prepares, serves, vends, sells or otherwise provides food for human consumption. The term "retail food establishment" includes a "restaurant" ~~as defined in § 254.61(5), Wis. Stats.; a "retail food establishment" as defined in a § 97.30, Wis. Stats., and a "temporary restaurant" as defined in § 254.61(5m), Wis. Stats.~~

**GOVERNING BODY**

The City of Franklin Common Council.

**LATE FEE**

A fee for failure to pay established fees by June 30 or the due date if different.

**LICENSED ESTABLISHMENT**

An establishment that has a current and valid license that is required under this chapter.

**PERMIT/LICENSE**

The document issued by the regulatory authority that authorizes a person to operate an establishment. The words "permit" and "license" as used throughout this chapter shall be interchangeable. The City of Franklin will assess a fee each year for a permit/license.

**PREINSPECTION FEE**

A fee for consultative services ~~offered~~ required to persons intending to operate a new hotel, tourist rooming house, bed-and-breakfast establishment, restaurant, retail food store, ~~vending machine commissary~~; swimming pool, campground or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed-and-breakfast establishment, restaurant, retail food store, ~~vending machine commissary~~; swimming pool and campground.

**REINSPECTION FEE**

A fee for the reinspections needed to address compliance issues with the statutes and administrative codes.

**§ 138-5 Enforcement and right to enter premises.**

The Department or authorized agent is authorized to enter, during reasonable hours, upon any premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this chapter. In the event an owner refuses to allow an inspection, the City's agent may seek a special inspection warrant to conduct the inspection, and the failure to permit the inspection will result in a denial of a new license or reissuance of a license and may result in revocation of an existing license.

**§ 138-6 Obstruction of health department employees.**

No person may assault, restrain, threaten, intimidate, impede, interfere with or otherwise obstruct the Department or authorized agent in the performance of his or her duties under this chapter, nor shall the operator give false information with the intent to mislead the Department or authorized agent.

**§ 138-7 Food dealer's license and permit.**

- A. No person, partnership, association or corporation may operate a business as enumerated in §138-2 establish a food operation or food manufacturer, and offer for sale, distribute, or sell food within the City of Franklin, without first having obtained a current and valid food dealer's license.
- B. Licenses shall not be transferable from person to person or from premises to premises with the exceptions referenced in ATCP 75.104(3), of a license issued under the provisions of 254, Wis. Stats. A license issued under the provisions of Ch. 97, Wis. Stats., may only be transferred to the spouse of the licensee.
- C. No permit shall be granted to any person under this chapter without a preinspection by the Department or authorized agent of the premises for which the permit shall be granted.
- D. No permit shall be issued until all license and service fees have been paid.

**§ 138-8 License exemption.**

- A. Exemption from this license pursuant to Wis. Stat. §97.30(2)(b) and ATCP 75.03(9) are hereby adopted and incorporated herein by reference. Exemption from this license does not exclude any person handling food for public consumption from inspection and compliance with requirements of the chapter.
- B. ~~The governing body may waive the permit/license fee for the following:~~
  - (1) ~~If a food and or drink establishment under the provisions of Ch. 254, Wis. Stats., is a church, religious, fraternal, youth or patriotic organization, service club and civic organization that occasionally, which means three or fewer days in a twelve-month period, prepares, serves or sells meals to the general public.~~
  - (2) ~~If a food or drink establishment under the provisions of Ch. 97, Wis. Stats., is a church, religious, fraternal, youth or patriotic organization, service club and civic organization that prepares, serves or sells meals to the general public less than 12 days during a twelve-month period.~~
  - (3) ~~Any person selling agriculture products which such person has grown.~~
  - (4) ~~Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter.~~
  - (5) ~~Any food service provided solely for needy persons.~~

**§ 138-9 Application.**

All applicants must apply on forms furnished by the Department. All applications for permits shall be made in writing and shall list the true, legal names of the owners or operators of the business, whether person, firm, partnership or corporation, and address. All corporations applying for licensure shall be registered with the State of Wisconsin, and the name of the registered agent shall be placed on the application. The agent's name and address shall be kept current. The applicant shall provide documents which reflect the aforementioned registration to the Department. The Department shall either approve the application or deny the permit within 30 days after receipt of a complete application.

**§ 138-10 Appeals.**

Any person refused or denied a license may appeal the denial through the appeal procedure provided under the provisions of §§ 68.07 through 68.16, Wis. Stats.

**§ 138-11 Inspection and reinspection; inventory and sale of milk products.**

- A. As a condition of license renewal, all establishments licensed under this chapter shall consent to an annual inspection and reinspection. License renewal may be withheld pending inspection, reinspection and compliance with these regulations. One copy of the inspection report shall be given to the owner, operator or employee of the establishment and another copy shall remain on file at the Health Department.
- B. If, upon the reinspection, the order or directive is found not to have been complied with and additional reinspections are required, a fee shall be assessed to the responsible party for each additional reinspection to compensate for the costs of such reinspections. Payment is due on written demand from the Department.
- ~~C. Operators in charge of retail food establishments shall maintain an effective and constant inventory system and shall use the system to properly rotate the milk and milk products. Such operators shall remove all outdated milk and milk products and prevent their sale to the customer.~~

**§ 138-12 Procedure for issuing new or renewal licenses.**

The Department shall issue a license to each applicant for a new or renewal license that meets all the requirements of this chapter and has paid to the City the fee required in the City Administrative Fee Schedule.

**§ 138-13 Insufficiency of funds; nonpayment of fees.**

- A. If funds are found to be insufficient, or for any other reason the funds are not honored, the license will be null and void. Upon notification, the permit must be submitted to the Department for retainment until the time of reissuance. A license will not be issued until all applicable fees, late fees and processing charges are paid.
- B. Any individual or corporation that owes the City for unpaid fines, unpaid property taxes, late fees, or license fees relating to a current or previous licensed establishment shall pay all such outstanding fees, before a license is issued.

**§ 138-14 Posting of licenses.**

Each license shall be posted in a conspicuous place visible to the public on the licensed establishment premises.

**§ 138-15 Changes to be reported.**

- A. A licensee shall notify the Department whenever there is a change in any information that is reported in the application form. The licensee shall make this notification in writing within five days after the change occurs.

- B. The owner of any premises for which a license has been granted shall promptly notify the Department in writing of his/her intention to cease operations.

**§ 138-16 Suspension of license.**

- A. Whenever the Health Department or authorized agent finds a condition in a licensed establishment which is determined to be a direct and immediate hazard to public health, the permit may be suspended without notice or warning.
- B. A permit may also be suspended, with prior notice, pending correction of violations that constitute a health hazard that is serious, but not an immediate threat to the public health, or for recurring or repeated violations.
- C. A written notice to the licensee, his agent or employee in charge of the licensed premises shall cite such conditions, specifying the corrective action to be taken and specifying the time period within which such action shall be taken, and such order shall state that the license is immediately discontinued.
- D. Upon notification of suspension, the permit must be submitted to the Department for retainment until the time of reissuance.

**§ 138-17 Reinstatement of suspended license.**

The license holder whose license has been suspended may, at any time, make application for reinstatement of the license. Within one week after the receipt of satisfactory application, accompanied by a signed statement by the applicant that the violations have been corrected, the Health Department or designee shall make a reinspection and thereafter as many additional reinspections deemed necessary to assure that the applicant has complied with the requirements. If the findings indicate compliance, the Health Department may reinstate the license.

**§ 138-18 Revocation of license.**

- A. For serious or repeated violations of any requirements of this chapter or for interference with the Health Officer or designee in the performance of his/her duties, the Health Officer or authorized agent may permanently revoke the license issued under this chapter. Prior to such actions, the Health Officer shall notify the license holder in writing, stating the reasons for which the license is revoked.
- B. When a license is revoked, the owner/operator shall turn over the license to the Health Officer or designee and cease operations immediately.
- C. The license of any establishment shall be automatically revoked when the business is not operated for a period of 120 consecutive days, excluding seasonal businesses, unless otherwise ordered by the Health Officer or authorized agent. When closed for such a period, except for extensive renovation or refurbishing, the establishment shall be considered a new establishment and shall not be reopened until granted a new permit in accordance with this section.

**§ 138-19 Appeals.**

Any person whose license has been revoked may appeal the revocation through the appeal procedure provided under the provisions of §§ 68.07 through 68.16, Wis. Stats.

**§ 138-20 Reapplication for revoked license.**

- A. A person whose license has been revoked may, at any time, make reapplication for a revoked license. Within one week after the receipt of satisfactory application, accompanied by a signed statement by the applicant that the violations have been corrected, the Health Department or designee shall make a preinspection and thereafter as many additional reinspections as deemed necessary to assure himself that the applicant has complied with the requirements. The governing

body must approve the reinstatement of a revoked license.

- B. Upon revocation, all variances and grandfather clauses shall be rescinded. Reapplication for licensure shall be as a new establishment.

**§ 138-21 Construction or alteration of food establishments.**

- A. No person shall erect, construct, enlarge or alter a food establishment without first submitting plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving approval of submitted plans from the City of Franklin. Such plans shall include a floor plan, equipment plan and specifications, wall, floor and ceiling finishes, and plans and specifications for food service kitchen ventilation and plumbing. Submitted plans shall give all information necessary to show compliance with applicable Wisconsin building codes and health codes. Submitted plans shall be retained by the City of Franklin.
- B. At the option of the City of Franklin, plans need not be submitted to execute minor alterations to a food establishment. Approved plans shall not be changed or modified unless approval of such changes or modifications shall have first been obtained from the City of Franklin.

**§ 138-22 Recreational and educational camps.**

The City does hereby incorporate and adopt ~~Ch. DHS 175~~, ATCP 78, Wis. Adm. Code, to apply to any recreational or educational camp located within the City.

**§ 138-23 Campgrounds.**

The City does hereby incorporate and adopt ~~Ch. DHS 178~~ ATCP 79, Wis. Adm. Code, to apply to any campgrounds within the City.

**§ 138-24 Swimming pools.**

The City does hereby incorporate and adopt ~~Ch. DHS 172~~, Wis. Adm. Code, ATCP 76 to apply to any public swimming pool located within the City.

**§ 138-25 Hotel, motel and tourist rooming houses.**

[Amended 11-17-2009 by Ord. No. 2009-1988]

- A. Wisconsin Administrative Code incorporated. The City does hereby incorporate and adopt ~~Ch. DHS 195~~ ATCP 72, Wis. Adm. Code, to apply to any hotel, motel and tourist rooming houses located within the City.
- B. Registration and security.
  - (1) Registration. Every owner, keeper or proprietor of any lodging house, rooming house, motel or hotel shall keep a register wherein all guests, roomers or lodgers shall inscribe their names upon their procuring lodging, a room or accommodations. Said owner, keeper or proprietor shall verify the credit card signature of each guest, roomer or lodger making payment by way of credit card, with the signature inscribed upon the hotel register. If the signature as inscribed on the register does not appear to reasonably match the signature on the credit card, further identification shall be requested of the type requested of persons paying in cash. Said owner, keeper or proprietor shall require identification of any guest, roomer or lodger paying in cash, at the time of registration, and in a valid and current format showing the person's name and date of birth, and may be, but is not limited to, a driver's license, state-issued picture identification card, or such other form as will reasonably assure that the registrant is, in fact, the person under whose name such lodging, room or accommodation is, in fact, being procured, and shall maintain a photocopy of such identification or transpose the identifying information in the registration ledger. For any guest, roomer or lodger taking occupancy

through a prearranged reservation in the name of a corporation, business, association or any other entity, the owner, keeper or proprietor shall request identification of the specific guest, roomer or lodger at the time of registration as will reasonably assure such person to be the person for whom the lodging, room or accommodations have been procured. Before furnishing any lodging for hire to any person in any lodging house, or before furnishing any accommodations to any guest of any motel or hotel, the proprietor, manager or owner thereof shall require the person to whom such lodgings are furnished, or room is rented or accommodations furnished, to inscribe his or her name and permanent address in such register, kept for that purpose as hereto before provided, and shall set opposite said name the time that said name was so inscribed and the room occupied by such lodger, roomer or guest.

- (2) Management staff required. Every owner, keeper or proprietor of any lodging house, rooming house, motel or hotel shall, at all times during which the premises accommodate guests, roomers or lodgers, maintain on duty a responsible management person. Such management representative shall be an individual capable of assisting and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety, and shall be conversant in the English language.
- (3) Law enforcement access. All information required to be procured and kept pursuant to Subsection B(1) of this section shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of common law, probable cause, statutory right, or warrant.
- (4) Access to 911 required. Every owner, keeper, or proprietor of any lodging house, rooming house, motel or hotel shall keep and maintain in each and every rental unit, a telephone equipped for outgoing calls, and which telephone will allow any person therein to place a call to 911, the Franklin Police Department or the Franklin Fire Department. The existence of a minor dialing requirement, such as dialing 9 to obtain an outside line, shall not be deemed a violation of this section. However, under no circumstances shall prepayment, prior authorization or any other procedure of any nature which in any way impedes effective, immediate, and direct placement of such emergency phone call be required.
- (5) Misrepresentation prohibited. No person shall procure or provide lodging in any lodging house, rooming house, motel or hotel, or any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.
- (6) Lodging restriction. No owner, keeper, or proprietor of any lodging house, rooming house, motel or hotel shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit.
- (7) Occupancy restriction. No owner, keeper, or proprietor, guest or resident of any lodging house, rooming house, motel or hotel shall allow to congregate within any room or single rental unit a number of persons which is greater than three times the number of persons for whom sleeping accommodations are provided within the single room or rental unit.
- (8) Enforcement. Notwithstanding anything to the contrary in this chapter, a violation of this section shall also be punishable under § 1-19 of the Code of the City of Franklin and may be enforced by the City of Franklin Police Department. In addition to any forfeiture under § 1-19 of the Code of the City of Franklin for violation of this section, notwithstanding anything to the contrary in this chapter, the City may institute an action or proceeding to enjoin a violation, and such violation shall constitute

the basis for revocation of any and all licenses and permits wherein the City is the issuing authority.

**§ 138-26 Vending machines.**

The City does hereby incorporate and adopt Ch. DHS 198, Wis. Adm. Code ATCP 75 and Appendix, to apply to any vending machine located within the City.

**Comment [1]:** Editor's Note: See also Ch. 249, Vending Machines.

**§ 138-27 Violations and penalties.**

No person shall violate any provisions of this chapter.

- A. Enforcement. The Health Officer or authorized agent designee shall enforce any provision of this chapter.
- B. Enforcement procedure.
  - (1) Inspection. If, upon inspection, the Health Department or authorized agent finds that any licensed or unlicensed establishment is conducted or managed in violation of the ordinances or regulations of the City, laws of the state or regulations of any agency of the state prescribing standards of health or sanitation, the Health Department or authorized agent shall serve a written order upon the licensee, his agent or employee in charge of the licensed premises or the person responsible for the violation, notifying him of such violations.
  - (2) Exceptions to written order. In extreme cases where a violation poses an immediate health hazard as determined by the Department or designee or in the case of repeating occurrences of the same violation by the same person, the actions specified in Subsection B(3)(g) can be initiated immediately.
  - (3) Noncompliance with order. If a person does not comply with a written order from the Department or designee, the person may be subject to one or more of the following actions and/or penalties:
    - (a) The issuance of a citation.
    - (b) Reinspection fee.
    - (c) Suspension of license.
    - (d) Revocation of license.
    - (e) Commencement of legal action against the person seeking a court-imposed forfeiture and/or imprisonment.
    - (f) Commencement of legal action against the person seeking an injunction to stop, abate the violation and/or correct the damage created by the violation.
    - (g) Any other action authorized by this chapter or by other applicable laws as deemed necessary by the Health Officer or authorized agent.
- C. The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section.

**§ 138-28 Fees.**

- A. The fees for licensure and for services and activities performed by the Health Department in carrying out its responsibilities under this code shall be determined by ordinance of the Common Council,

as may be modified from time to time as it so shall determine, and shall be set forth in Chapter 169 of this code.

B. Fees to accompany application. License fees imposed under this chapter shall accompany the license application. If a license is granted, the Department shall issue the applicant a receipt for the license fee.

C. No proration. There will be no proration for license fees.

D. Refunds. No license fee paid shall be refunded, unless a refund is requested prior to a preinspection for a new establishment.

~~E. Preinspection:~~

~~(1) Preinspection fees shall be charged as enumerated in Administrative Fee Schedule.~~

~~(2) Preinspection fees shall include all consultation prior to the establishment doing business.~~

~~(3) Preinspection fees may be applicable for all new operations and changes in operation.~~

~~(4) Preinspection fees are not refundable.~~

~~F. Late fees:~~

~~(1) A late fee, as enumerated in the Administrative Fee Schedule, shall be charged for all licenses issued under provisions of this chapter.~~

~~(2) This shall apply when an application is not renewed before the expiration date, unless waived by the governing body if the applicant presents extraordinary circumstances.~~

~~(3) A late fee shall also apply to a new establishment or any establishment with a new operator doing business before obtaining the required licenses, as provided for in this chapter.~~

~~G. Duplicate license fee. A duplicate license fee as enumerated in the Administrative Fee Schedule shall be charged to duplicate any license provided for in this chapter.~~

~~H. License fees: license fees, as enumerated in the Administrative Fee Schedule.~~

~~I. All fees shall be accounted for separately and applied to the revenues.~~

~~J. Reinspection. A reinspection fee shall be charged as enumerated in the Administrative Fee Schedule.~~

**§ 138-29 Expiration dates.**

A. All licenses issued under provisions of this chapter shall expire, unless otherwise ordered by the Department or authorized agent, on June 30.

B. The licenses shall expire at 12:00 midnight of the last effective day of the license, unless otherwise provided by this chapter or state laws.

**§ 138-30 Renewal.**

A. ~~The Department, prior to the expiration date, shall furnish renewal notices.~~ It is the responsibility of the owner/operator to ~~complete the application form~~ apply and pay the appropriate fee before the expiration date of such license.

ORDINANCE NO. \_\_\_\_\_

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B. Uncooperative, habitual violators may be refused license renewal in the discretion of City of Franklin Health Department officials.

**§ 138-31 Conflicts in interpretation.**

If a conflict arises between this chapter and other City ordinances, state or federal regulations, the stricter rule shall apply.

**§ 138-32 Penalty for violation.**

Any person, partnership, firm or corporation who or which fails to comply with the order of the Health Officer or its designee or who violates § 138-6 shall be subject to a forfeiture of not less than \$50 and not more than \$500 per day for each day the condition ordered corrected continues uncorrected after the expiration of the time period stated in the order or violation of § 138-6, together with the costs of the

SECTION 2. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Passed and Adopted by the Common Council of the City of Franklin \_\_\_\_\_, 2017.

\_\_\_\_\_  
Steve Olsen, Mayor

\_\_\_\_\_  
Sandra Wesolowski, City Clerk

Date published: \_\_\_\_\_.

action.

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<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>11/7/2017</p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>Resolution Approving Second Amendment to Antenna Site Location Agreement for a Cellular Phone Antenna on the Water Tower Located At 8901 W. Drexel Avenue</p>	<p><b>ITEM NUMBER</b></p> <p><i>G.A.</i></p>

BACKGROUND

A lease consultant with AT&T has approached the City regarding renewal and amendment of the current contract cell site at the City's water tower at 8901 West Drexel Avenue.

Staff has reviewed all current lease contracts, contacted neighboring communities for their experience with similar contracts and brought possible terms before the Board of Water Commissioners and the Council previously.

ANALYSIS

After negotiations between the City Attorney's office and the lease consultant and AT&T directly, the proposed resolution accepts the attached lease. The primary lease term amendments are:

1. \$30,000 annual rental with a 20% escalator every 5 years. This is reasonable and consistent with other leases within the City and surrounding communities.
2. Adds Paragraph 3 related to 911 service. This is a standard paragraph being added to leases based upon the fact that 911 regulations are driven in part by the FCC. We were able to negotiate language that made this paragraph apply only to 911 service that the City mandates locally.
3. Adds Paragraph 7 related to Rental Stream Offers. This is a standard paragraph being added to leases based upon concerns that if the City would sell its rights to collect the rents payable, it may not maintain the tower to the same level. This paragraph allows AT&T to match any such offer with the hope that it gives them more control over the maintenance.

FISCAL NOTES

City owns the land so any revenue is split between the City General Fund and the Water Utility.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution Approving Second Amendment to Antenna Site Location Agreement for a Cellular Phone Antenna on the Water Tower Located At 8901 W. Drexel Avenue.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2017-\_\_\_\_\_

RESOLUTION APPROVING SECOND AMENDMENT TO ANTENNA SITE  
LOCATION AGREEMENT FOR A CELLULAR PHONE ANTENNA ON  
THE WATER TOWER LOCATED AT 8901 W. DREXEL AVENUE

---

WHEREAS, The City and AT&T Wireless have an existing lease agreement for cellular antenna equipment located on the City's water tower located at 8901 W. Drexel Avenue; and

WHEREAS, AT&T has identified the lease as one that they would like to amend to address certain terms they would like to add; and

WHEREAS, the Board of Water Commissioners and the Council previously recommended acceptance of these terms subject to City Attorney negotiation of the specifics and provided that the rental payment was set at \$30,000 annually with a 20% escalator every 5 years; and

WHEREAS, the City Attorney and AT&T representatives have finalized the specifics of the various terms;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Second Amendment to Antenna Site Location Agreement for the AT&T lease at 8901 W. Drexel Avenue be approved in the form as attached subject to any typographical or technical changes deemed necessary and appropriate by the City Attorney.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute the same.

Introduced by Ald. \_\_\_\_\_ at a regular meeting of the Common Council of the City of Franklin the 7th day of November, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 7th day of November, 2017.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

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

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

Cell Site No.: W10042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
Market: IL / WI  
Address: 8901 West Drexel Avenue

## SECOND AMENDMENT TO ANTENNA SITE LOCATION AGREEMENT

THIS SECOND AMENDMENT TO ANTENNA SITE LOCATION AGREEMENT ("Second Amendment"), dated as of the latter of the signature dates below (the "Effective Date"), is by and between the City of Franklin Water Utility, a Wisconsin municipal corporation, having a mailing address of 9229 W. Loomis Rd, Franklin, WI 53132 (hereinafter referred to as "Landlord"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company, successor by merger to Milwaukee SMSA Limited Partnership, having a mailing address of 575 Morosgo Drive NE, Atlanta, GA 30324 (hereinafter referred to as "Tenant").

**WHEREAS**, Landlord and Tenant (or its respective predecessor-in-interest) entered into an Antenna Site Location Agreement dated December 4, 1990, as amended by an Amendment to Antenna Site Location Agreement and Amendment to Memorandum of Agreement dated August 8, 1995 (hereinafter, collectively, the "Lease"), whereby Landlord leased to Tenant certain Leased Premises, therein described, that are a portion of the Property located at 8901 West Drexel Avenue, Franklin, WI 53132; and

**WHEREAS**, the term of the Lease will expire on December 3, 2015, and the parties mutually desire to renew the Lease, memorialize such renewal period and modify the Lease in certain other respects, all on the terms and conditions contained herein; and

**WHEREAS**, Landlord and Tenant desire to amend the Lease to extend the term of the Lease; and

**WHEREAS**, Landlord and Tenant desire to amend the Lease to adjust the Base Annual Rent in conjunction with the modifications to the Lease contained herein; and

**WHEREAS**, Landlord and Tenant desire to amend the Lease to modify the notice paragraph thereof; and

**WHEREAS**, Landlord and Tenant desire to amend the Lease to permit Tenant to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services; and

**WHEREAS**, Landlord and Tenant, in their mutual interest, wish to amend the Lease as set forth below accordingly.

**NOW THEREFORE**, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree that the recitals set forth above are incorporated herein as if set forth in their entirety and further agree as follows:

1. **Extension of Term.** The term of the Lease shall be extended to provide that the Lease has a new initial term of five (5) years ("**New Initial Term**") commencing on December 4, 2015

Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
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("New Term Commencement Date"). The Lease will automatically renew, commencing on the expiration of the New Initial Term, for up to two (2) separate consecutive additional periods of five (5) years each (each such 5 year additional period is hereinafter referred to as an "**Additional Extension Term**" and each such Additional Extension Term shall be considered an Extension Term under the Lease), upon the same terms and conditions of the Lease, as amended herein, without further action by Tenant unless Tenant notifies Landlord in writing of Tenant's intention not to renew the Lease at least sixty (60) days prior to the expiration of the then current Additional Extension Term. The New Initial Term, the Additional Extension Term are collectively referred to as the "**Term**".

2. **Rent.** Commencing on December 4, 2015, the current Base Annual Rent payable under the Lease shall be Thirty Thousand and No/100 Dollars (\$30,000.00) payable annually in advance on December 4th of each year and shall continue during the Term, subject to adjustment as provided herein. Paragraph 5.1 of the Lease shall be deleted in its entirety and replaced as follows: Commencing on December 4, 2020, and upon the commencement of each Additional Extension Term exercised thereafter, the Base Annual Rent will increase by twenty percent (20%) over the Base Annual Rent paid prior to such commencement.

3. **Emergency 911 Service.** In the future, without the payment of additional Rent, or any other consideration, and at a location mutually acceptable to Lease and Tenant, Landlord agrees that Tenant may add, modify and/or replace equipment in order to be in compliance with any current or future local mandated application, including but not limited to emergency 911 communication services.

4. **Charges.** All charges payable under the Lease such as utilities and taxes shall be billed by Landlord within eighteen (18) months from the date the charge occurs or one year after the end of the calendar year in which the charge occurs, whichever is longer ; any charges beyond such period shall not be billed by Landlord, and shall not be payable by Tenant. The foregoing shall not apply to Base Annual Rent which is due and payable without a requirement that it be billed by Landlord. The provisions of this subsection shall survive the termination or expiration of the Lease.

5. **Acknowledgement.** Landlord acknowledges that: 1) this Amendment is entered into of the Landlord's free will and volition; 2) Landlord has read and understands this Second Amendment and the underlying Lease and, prior to execution of this Second Amendment, was free to consult with counsel of its choosing regarding Landlord's decision to enter into this Second Amendment and to have counsel review the terms and conditions of this Second Amendment; 3) Landlord has been advised and is informed that should Landlord not enter into this Second Amendment, the underlying Lease between Landlord and Tenant, including any termination or non-renewal provision therein, would remain in full force and effect.

6. **Notices.** Paragraph 22 of the Lease is hereby deleted in its entirety and replaced with the following:

"**NOTICES.** All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized

Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
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Address: 8901 West Drexel Avenue

overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows:

If to Tenant:

New Cingular Wireless PCS, LLC  
Attn: Network Real Estate Administration  
Re: Cell Site # WI0042  
Cell Site Name: FRANKLIN (WI); Fixed Asset No.: 10011899  
575 Morosgo Drive NE  
Atlanta, GA 30324

With a required copy of the notice sent to the address above to AT&T Legal at:

New Cingular Wireless PCS, LLC  
Attn: AT&T Legal Department  
Re: Cell Site # WI0042  
Cell Site Name: FRANKLIN (WI); Fixed Asset No: 10011899  
208 S. Akard Street  
Dallas, Texas, 75202-4206

A copy sent to the Legal Department is an administrative step which alone does not constitute legal notice.

And as to Landlord:

City of Franklin Water Utility  
c/o Glen Morrow, City Engineer  
9229 W. Loomis Rd.  
Franklin, WI 53132

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein."

7. **Rental Stream Offer.** If at any time after the date of this Second Amendment, Landlord receives a bona fide written offer from a third party seeking an assignment or transfer of the Rent payments associated with the Lease ("**Rental Stream Offer**"), Landlord shall immediately furnish Tenant with a copy of the Rental Stream Offer. Tenant shall have the right within sixty (60) days after it receives such copy to match the Rental Stream Offer and agree in writing to match the terms of the Rental Stream Offer. Such writing shall be in the form of a contract substantially similar to the Rental Stream Offer. If Tenant chooses not to exercise this right or fails to provide written notice to Landlord within the sixty (60) day period, Landlord may assign the right to receive Rent payments pursuant to the Rental Stream Offer, subject to the terms of the Lease.

Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
Market: IL / WI  
Address: 8901 West Drexel Avenue

8. **First Amendment to Memorandum of Agreement.** Either party will, at any time upon fifteen (15) days prior written notice from the other, execute, acknowledge and deliver to the other a recordable First Amendment to Memorandum of Agreement substantially in the form of the Attachment 1. Either party may record this memorandum at any time, in its absolute discretion.

9. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Lease and this Second Amendment, the terms of this Second Amendment shall control. Except as expressly set forth in this Second Amendment, the Lease otherwise is unmodified and remains in full force and effect. Each reference in the Lease to itself shall be deemed also to refer to this Second Amendment.

10. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Lease.

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Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
Market: IL / WI  
Address: 8901 West Drexel Avenue

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute this Second Amendment on the dates set forth below.

LANDLORD:  
City of Franklin Water Utility,  
a Wisconsin municipal corporation

TENANT:  
New Cingular Wireless PCS, LLC,  
a Delaware limited liability company

By: AT&T Mobility Corporation  
Its: Manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]





Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
Market: IL / WI  
Address: 8901 West Drexel Avenue

**Attachment 1**

**First Amendment to Memorandum of Agreement**

Document Number	Document Title
	<b>FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT</b>
<b>THIS DOCUMENT PREPARED BY, and WHEN RECORDED RETURN TO:</b>	
Michael Fraunces, President Md7, LLC 10590 West Ocean Air Drive Suite 300 San Diego, CA 92130	
	Parcel ID Number: 802-9995-001
SPACE ABOVE FOR RECORDER'S USE	

Re: Cell Site #: WI0042  
Cell Site Name: FRANKLIN (WI)  
Fixed Asset Number: 10011899  
State: WI  
County: Milwaukee

**First Amendment to Memorandum of Agreement**

This First Amendment to Memorandum of Agreement is entered into on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Franklin Water Utility, a Wisconsin municipal corporation, having a mailing address of 11402 West Church Street, Franklin, WI 53132 ("**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, successor by merger to Milwaukee SMSA Limited Partnership, having a mailing address of 575 Morosgo Drive NE, Atlanta, GA 30324 ("**Tenant**").

1. Landlord and Tenant's predecessor in interest, Milwaukee SMSA Limited Partnership, entered into a certain Antenna Site Location Agreement dated December 4, 1990, as amended by that certain Amendment to Antenna Site Location Agreement and Amendment to Memorandum of Agreement dated August 8, 1995, and as further amended by that certain Second Amendment to Antenna Site Location Agreement dated \_\_\_\_\_, 20\_\_\_\_ (collectively, the "**Lease**") for the purpose of installing, operating and maintaining a communications facility and other improvements. A Memorandum of Agreement reflecting the Lease was recorded on August 30, 1991, in Reel 2614 Image 463, in the public records of Milwaukee County, State of Wisconsin.

Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
Market: IL / WI  
Address: 8901 West Drexel Avenue

2. The parties have agreed that the original term of the Lease shall continue for an additional term of five (5) years, commencing on December 4, 2015, with two (2) successive automatic five (5) year options to renew.
3. The portion of the land being leased to Tenant (the "**Leased Premises**") is located on the Property owned by Landlord which is described in **Exhibit 1** annexed hereto.
4. This First Amendment to Memorandum of Agreement is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Lease, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this First Amendment to Memorandum of Agreement and the provisions of the Lease, the provisions of the Lease shall control. The Lease shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Lease.

[NO MORE TEXT ON THIS PAGE - SIGNATURES TO FOLLOW ON NEXT PAGE]

Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
Market: IL / WI  
Address: 8901 West Drexel Avenue

**IN WITNESS WHEREOF**, the parties have executed this First Amendment to Memorandum of Agreement as of the day and year first above written.

**LANDLORD:**  
City of Franklin Water Utility,  
a Wisconsin municipal corporation

**TENANT:**  
New Cingular Wireless PCS, LLC,  
a Delaware limited liability company

By: AT&T Mobility Corporation  
Its: Manager

By: \_\_\_\_\_  
(MUST USE BLACK INK)

By: \_\_\_\_\_  
(MUST USE BLACK INK)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

[ACKNOWLEDGEMENTS APPEAR ON NEXT PAGE]

Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
Market: IL / WI  
Address: 8901 West Drexel Avenue

**LANDLORD ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

(MUST USE BLACK INK)

I CERTIFY that on \_\_\_\_\_, 201\_\_, \_\_\_\_\_  
[name of representative] personally came before me and acknowledged under oath that he or she:

- (a) is the \_\_\_\_\_ [title] of the **City of Franklin Water Utility**, a Wisconsin municipal corporation, the corporation named in the attached instrument,
- (b) was authorized to execute this instrument on behalf of the corporation and
- (c) executed the instrument as the act of the corporation.

\_\_\_\_\_  
Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Cell Site No.: WI0042  
Cell Site Name: FRANKLIN  
Fixed Asset No.: 10011899  
Market: IL/WI  
Address: 8901 West Drexel Avenue

## Exhibit 1 to First Amendment to Memorandum of Agreement

### Legal Description

Street Address: 8901 West Drexel Avenue, Franklin, WI 53132

Parcel ID Number: 802-9995-001

That certain Leased Premises (and access and utility easements) on a portion of the real property described as follows:

That part of the Northwest 1/4 of the Northwest 1/4 of Section 16 and that part of the Northeast 1/4 of the Northeast 1/4 of Section 17, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4 of Section 16; thence South 00° 27' 23" West, along the West line of said Northwest 1/4 of Section 16, 1324.01 feet to a point; said point being the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 16 and said point also being known as the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of Section 17; said point also being the point of beginning of lands to be described; thence South 88° 11' 53.5" West along the South line of the Northeast 1/4 of the Northeast 1/4 of Section 17, 325.30 feet to a point on the Easterly curved right of way line of W. Loomis Road (S.T.H. "36"); thence Northeasterly along the Easterly curved line of said right of way (whose center lies to the Southeast, having a radius of 2764.72 feet, with a chord of 459.92 feet, bearing North 25° 47' 46" East) a distance of 460.64 feet to a point of tangency; thence North 30° 34' 02" East along the Easterly right of way line of W. Loomis Road (S.T.H. "36"), 1009.95 feet to a point on the South right of way line of W. Drexel Avenue; thence North 88° 38' 02" East along the South right of way of W. Drexel Avenue, 367.37 feet; thence South 01° 21' 58" East, 181.50 feet; thence North 88° 38' 02" East, 120.00 feet; thence North 01° 21' 58" West, 181.50 feet to a point on the South right of way line of W. Drexel Avenue; thence North 88° 38' 02" East along the South right of way line of W. Drexel Avenue, 440.72 feet to a point on the East line of the Northwest 1/4 of the Northwest 1/4 of Section 16; thence South 00° 27' 24.5" East along the aforementioned East line, 1262.08 feet to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 16; thence South 88° 33' 01" West along the South line of the Northwest 1/4 of the Northwest 1/4 of Section 16, 1326.94 feet to the point of beginning.

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> 11/7/2017
<b>Reports &amp; Recommendations</b>	<b>FAIRWAYS OF FRANKLIN MEDIAN IN S. 35<sup>TH</sup> STREET SOUTH OF W. RYAN ROAD</b>	<b>ITEM NO.</b> <i>G.5.</i>

**BACKGROUND**

A representative from Fairways of Franklin has requested that instead of continuing to maintain a vegetated median in S. 35<sup>th</sup> Street, on the south side of W. Ryan Road, the homeowners be allowed to concrete the median.

This item was discussed at the October 10, 2017, Board of Public Works meeting and a motion was made to: *Recommend to Common Council to use DPW to fill in median with concrete, as time is available.*

**ANALYSIS**

Staff has examined the site and finds that the vegetation is not currently well kept. According to the Franklin Planning Department, the median is not required to be maintained with vegetation and landscaping since the subdivision sign is not in the median.

Staff found much correspondence regarding the size and configuration of this median in the files and recommended that this issue appear before the Common Council to give all interested parties an opportunity for input since replacing the vegetation with concrete is a fix that is difficult to reverse.

**OPTIONS**

Table; or Deny; or

Allow homeowners to replace vegetation with concrete in the median; or

Instruct Staff to use DPW resources to replace vegetation with concrete in the median..

**RECOMMENDATION**

Motion to instruct Staff to use DPW resources to replace vegetation with concrete in the median.

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