

# APPROVED JANUARY 7, 2020

## CITY OF FRANKLIN COMMON COUNCIL MEETING DECEMBER 3, 2019 MINUTES

### ROLL CALL

- A. The regular meeting of the Common Council was held on November 19, 2019 and called to order at 6:31 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, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber, and Alderman John R. Nelson. Alderman Dan Mayer is excused. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and Deputy City Clerk Shirley Roberts.

### CITIZEN COMMENT

- B. Citizen comment period was opened at 6:32 p.m. and closed at 6:33 p.m.

### MINUTES NOVEMBER 19, 2019

- C. Alderwoman Wilhelm moved to approve the minutes of the regular Common Council meeting of November 19, 2019 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.

### HEARINGS 2025 COMP MASTER PLAN 8429 & 8459 W. FOREST HILL AVE.

- D. A public hearing was called to order at 6:34 p.m. regarding a proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property generally located at 8429 and 8459 West Forest Hill Avenue, from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use (Franklin Public Schools, Applicant, Ronald S. Pesche and Susan D. Pesche, property owners). The public hearing was closed at 6:36 p.m.

### MAYORAL APPOINTMENTS

- E.1. Alderman Dandrea moved to confirm the following Mayoral Appointments: James Schubilski, 7342 S. Cambridge Dr., (Ald. Dist. 2), 5-year term to the Board of Water Commissioners, expiring 09/30/24; and  
Tourism Commission:
- a) Hotel/Motel Industry Member: Lance A. Schaefer, Everest Hospitality, LLC, 6901 S. 76<sup>th</sup> St. (Ald. Dist. 2), 1-year term expiring 12/31/2020.
  - b) Shaun Marefka, 7644 S. Mission Ct. (Ald. Dist. 2), 1-year term expiring 12/31/2020.
  - c) Amy Schermetzler, 4227 W. Central Ave. (Ald. Dist. 4), 1-year term expiring 12/31/2020.
  - d) Mark Wylie, 7468 Carter Circle S. (Ald. Dist. 5), 1-year term expiring 12/31/2020.

e) Ann Adamski, 7825 S. Stonebrook Ct. (Ald. Dist. 3), 1-year term expiring 12/31/2020.

Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

Alderman Barber moved to confirm the Inspectors of Election and alternates for 2020 and 2021 as listed on the action request form dated 12/03/2019. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye; motion carried.

ORD. 2019-2401  
AMEND THE 2025  
COMP MASTER PLAN  
TO CHANGE FUTURE  
LAND USE AT 8429 &  
8459 W. FOREST HILL  
AVE. (FRANKLIN  
PUBLIC SCHOOLS,  
APPLICANT)

G.1. Alderman Dandrea moved to adopt Ordinance No. 2019-2401, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTIES LOCATED AT 8429 AND 8459 WEST FOREST HILL AVENUE FROM RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO INSTITUTIONAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE (APPROXIMATELY 13.974 ACRES) (FRANKLIN PUBLIC SCHOOLS, APPLICANT, RONALD S. PESCHE AND SUSAN D. PESCHE, PROPERTY OWNERS). Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2019-2402  
AMEND UDO TO  
REZONE 8429 & 8459  
W. FOREST HILL AVE.

G.2. Alderman Dandrea moved to adopt Ordinance No. 2019-2402, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE TWO PARCELS OF LAND FROM R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT TO I-1 INSTITUTIONAL DISTRICT (8429 AND 8459 WEST FOREST HILL AVENUE) (APPROXIMATELY 13.974 ACRES) (FRANKLIN PUBLIC SCHOOLS, APPLICANT, RONALD S. PESCHE AND SUSAN D. PESCHE, PROPERTY OWNERS). Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7558  
MODIFY JOHNS  
DISPOSAL CONTRACT

G.3. Alderman Taylor moved to adopt Resolution No. 2019-7558, A RESOLUTION TO MODIFY JOHNS DISPOSAL SERVICES, INC. CONTRACT TO PROVIDE WEEKLY RECYCLING AND AUTOMATED GARBAGE SERVICES subject to technical corrections by City Attorney and City Engineer. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2019-7559  
JSA ENVIRONMENTAL  
AGREEMENT

G.4. Alderman Nelson moved to adopt Resolution No. 2019-7559, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL

FACILITY TO DECEMBER 31, 2020, WITH JSA ENVIRONMENTAL, INC. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7560  
SPECIAL USE FOR DAY  
CARE AT 7760 S.  
LOVERS LANE RD.  
(STEVEN PAGNOTA,  
MANAGING MEMBER  
OF BRADFORD  
FRANKLIN, LLC,  
APPLICANT)

G.5. Alderman Dandrea moved to adopt Resolution No. 2019-7560, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR DAYCARE FACILITY USE UPON PROPERTY LOCATED AT 7760 SOUTH LOVERS LANE ROAD (STEVE PAGNOTA, MANAGING MEMBER OF BRADFORD FRANKLIN, LLC), authorizing the special use, with the condition that the applicant receive a text amendment change to the Unified Development Ordinance (to allow for a waiver of the cross-access requirement). Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7561  
SPECIAL USE FOR  
REPLACEMENT  
BRIDGE 6361 S. 27TH  
ST. (DAVID  
STEINBERGER,  
PRESIDENT FOR  
FRANKLIN MOBILE,  
LLC, APPLICANT)

G.6. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7561, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR REPLACEMENT OF AN EXISTING FAILED BRIDGE AND ASSOCIATE CULVERT WITHIN A SHORELAND, FLOODWAY, AND WETLANDS AREA ASSOCIATED WITH THE EAST BRANCH OF THE ROOT RIVER LOCATED ON A PRIVATE ROAD REFERRED TO AS WEST WESTMOOR AVENUE, IN THE FRANKLIN MOBIL HOME PARK, PROPERTY LOCATED AT 6361 SOUTH 27<sup>TH</sup> STREET (DAVID STEINBERGER, PRESIDENT FOR FRANKLIN MOBILE, LLC, APPLICANT), with the elimination of provisions 5 and 6. Seconded by Alderman Taylor. All voted Aye; motion carried.

AMENDMENT NO. 1  
SERVICE CONTRACT  
WITH SOUTHWEST  
INSPECTION

G.7. Alderman Taylor moved to approve and authorize execution of Amendment No. 1 to the Service Contract between the City of Franklin and Southeast Inspection Management Services, LLC. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2019-7562  
AMEND SITE PLAN  
AND TERMS OF PDD  
NO. 37 (THE ROCK  
SPORTS COMPLEX/  
BALLPARK COMMONS)

G.8. Alderman Dandrea moved to adopt Resolution No. 2019-7562, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO AMEND SITE PLAN RESOLUTION NO. 2019-001 A RESOLUTION APPROVING A SITE PLAN FOR CONSTRUCTION OF BUILDING C1, A 3-STORY RETAIL/OFFICE BUILDING; TO AMEND STANDARDS. FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS DATED JANUARY 9, 2018; AND TO AMEND THE TERMS OF PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS). Seconded by Alderman Nelson. Alderman Dandrea, Alderwoman Wilhelm,

Alderman Barber, Alderman Nelson voted Aye; Alderman Taylor Abstained. Motion carried.

QUARRY SURVEY  
SERVICES CONTRACT  
WITH LYNCH &  
ASSOCIATES

- G.9. Alderwoman Wilhelm moved to authorize that \$6,400 of General Fund Contingency appropriations be used to fund the Quarry Survey Services contract with Lynch & Associates, which contract was previously approved at the November 19, 2019 meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

QUARRY MONITORING  
COMMITTEE  
RECOMMENDATIONS

- G.10. No action taken regarding recommendations from the Quarry Monitoring Committee.

RES. 2019-7563  
CHANGE ORDER NO.1  
ZIGNEGO COMPANY  
INC., S. 51ST ST. & W.  
DREXEL AVE.

- G.11. Alderman Taylor moved to adopt a Resolution authorizing Change Order No. 1 of the South 51st Street and West Drexel Avenue intersection project to Zignego Company Inc. in the amount of \$173,859.73 savings and additional 140 calendar days. Seconded by Alderman Barber.

Alderman Taylor withdrew his motion without objection.

Alderwoman Wilhelm moved to adopt Resolution No. 2019-7563, A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 OF THE SOUTH 51ST STREET AND WEST DREXEL AVENUE INTERSECTION PROJECT TO ZIGNEGO COMPANY INC. IN THE AMOUNT OF \$173,859.73 SAVINGS AND ADDITIONAL 140 CALENDAR DAYS. Seconded by Alderman Barber. All voted Aye; motion carried.

BID FOR THE 2020  
LOCAL ROAD  
PROGRAM AND S. 68TH  
ST. IMPROVEMENTS

- G.12. Alderwoman Wilhelm moved to direct staff to solicit contractors per compliance with applicable public works bidding requirements for the 2020 Local Road Program and South 68th Street Vertical Sight Curve Improvements. Seconded by Alderman Barber. All voted Aye; motion carried.

DEVELOPER  
GUARANTEE WATER  
IMPACT FEES

- G.13. Alderwoman Wilhelm moved to direct staff to proceed with the preparation of a bond, to be executed by the developer, the terms thereof to be negotiated between staff and the developer, with the assistance of Special Counsel and City Bond Counsel, to be returned to the Common Council for its consideration at a special meeting at the call of the Chair. Seconded by Alderman Dandrea. Alderman Dandrea, Alderwoman Wilhelm, Alderman Barber, Alderman Nelson voted Aye; Alderman Taylor Abstained. Motion carried.

- RES. 2019-7564  
RUEKERT & MIELKE  
NEW WATER MODEL
- G.14. Alderman Dandrea moved to adopt Resolution No. 2019-7564, A RESOLUTION TO AUTHORIZE RUEKERT & MIELKE TO CREATE A NEW WATER MODEL FOR FRANKLIN WATER UTILITY IN THE AMOUNT OF \$26,000. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.
- OCTOBER 2019  
FINANCIAL REPORT
- G.15. Alderman Taylor moved to receive and place on file the October 2019 Monthly Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.
- 2020 PROPERTY &  
CASUALTY COVERAGE
- G.16. Alderman Taylor moved to authorize the Director of Administration to renew and execute the City's casualty insurance plans with R & R Insurance/League of Wisconsin Municipalities Mutual Insurance (LWMMI), Chubb, Hanover and ACE American Insurance Company for the upcoming 2020 year, as noted above, including the addition of the Cyber Insurance Policy through Chubb for an annual premium of \$3,958, and to further authorize release of premium payments in accordance with or as required by said policy documents. Seconded by Alderman Barber. All voted Aye; motion carried.
- VOUCHERS AND  
PAYROLL
- H.1. Alderman Barber moved to approve the following:  
City vouchers with an ending date of December 2, 2019 in the amount of \$981,747.50; and payroll dated November 22, 2019 in the amount of \$428,572.65 and payments of the various payroll deductions in the amount of \$437,990.45, plus City matching payments; and estimated payroll dated December 6, 2019 in the amount of \$400,000.00 and payments of the various payroll deductions in the amount of \$235,000.00 plus City matching payments; and approval to release payments to Knight Barry in the amount of \$1,780,412.10. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.
- LICENSES AND  
PERMITS
- I.1. Alderman Taylor moved to approve the following license recommendations from the License Committee meeting of December 3, 2019:  
Grant Class B Combination license in compliance to Honey Butter Café, LLC, Agent Debbie Koutromanos, 7221 S. 76th St.; grant license subject to a surrender of the license of Pantheon, 7621 W. Rawson Avenue and provision of a valid lease for the new premises and compliance with all State and City of Franklin regulations;  
Grant Operator license with warning letter to Ashleigh Ponga, 6062 S 36th St, Greenfield;  
Grant Operator Licenses to Kendrick W Hoehn, 1008 Montclair Dr, Racine; Nisa Razo, 1826 S 18th St, Milwaukee; Amanda L Smith, S97 W13776, Muskego;

Grant the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to the following:

- 1) Franklin Health Department, Park Permits, Bike Safety Event; 06/06/20 and Movie Night 06/20, Lions Legend Park;
- 2) Franklin Historical Society, Park Permit, year-round, Lions Legend Park, pending receipt of Certificate of Insurance;
- 3) Franklin Noon Lions Club, Civic Celebration, Temporary Class B, Operator Licenses, Labor Day Fair Permit; 07/03 - 07/05/20 and 09/06 - 09/07/20 Civic Celebration and St Martins Fair;
- 4) Franklin Lions Club, Meetings & Fundraisers for St Martins Fair Permit, Park Permits, Temporary Class B Beer and Operator's Licenses; 04/11/20, 07/14/20, 07/28/20, 08/11/20, 09/06-09/07/20;
- 5) Franklin Police Citizens Academy Alumni, St Martins Fair Permit, 09/06 - 09/07/20;
- 6) Franklin Public Library Foundation, Park Permit & Temporary Class B, Summer, 2020; November, 2020 & December, 2020;
- 7) Knights of Columbus, Arts & Craft Fair, Extraordinary Entertainment and Special Event License; 09/06/2020;
- 8) Root River Church, St Martins Fair, St Martins Fair Permit; 09/06 - 09/07/20;
- 9) VFW Post 10394, St Martins Fair; Temporary Entertainment & Amusement, Temporary Class B Beer, St Martins Fair Permit; 09/06 - 09/07/20, pending receipt of Certificate of Insurance;
- 10) Xaverian Missionaries, Annual Mission Festival; Extraordinary Event License, Temporary Class B Beer and Wine License, Operator License and Sign Permits. 06/27 - 06/28/20.

Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

CLOSED SESSION  
S. 76TH ST. & W. RYAN  
RD. DEVELOPMENT

- G.17. Alderman Barber moved to enter closed session at 8:06 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreements(s) for, including, but not limited to the propert(ies) at the Northeast corner of South 76<sup>th</sup> Street and West Ryan Road, 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 reentering open session at 8:33 p.m., no action was taken on this item.

CLOSED SESSION  
W. ELM RD.  
TKN: 979-9997-000  
DEVELOPMENT

- G.18. Alderman Barber moved to enter closed session at 8:35 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms related to potential development and proposal and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of a potential development agreement for the development of property located on the south side of West Elm Road in the approximately 3500 block area where West Elm Road to be extended to the west, consisting of approximately 79.79 acres and bearing Tax Key No. 979-9997-000, and to reenter open session at the same place thereafter to act on such matters discusses therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Upon reentering open session at 8:51 p.m., no action was taken on this item.

CLOSED SESSION  
3617 W. OAKWOOD RD.  
& 3548 SOUTH COUNTY  
LINE RD.  
DEVELOPMENT

- G.19. Alderman Taylor moved to enter closed session at 8:53 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential property acquisition(s) and public improvements and development(s) and agreement(s) for the Tax Incremental District No. 4 Franklin Corporate Park, including, but not limited to the properties located at 3617 West Oakwood Road (Tax Key No. 950-9997-001) and 3548 South County Line Road (Tax Key No. 979-9999-000), and the investing of public funds and governmental actions in relation thereto and to effect such acquisitions(s) and development(s), and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 9:07 p.m., no action was taken on this item.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:10 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.