

APPROVED MARCH 3, 2020

CITY OF FRANKLIN COMMON COUNCIL MEETING FEBRUARY 17, 2020 MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on February 17, 2020 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber, and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:31 p.m. and closed at 6:45 p.m.

MINUTES FEBRUARY 4, 2020

- C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of February 4, 2020 as presented at this meeting. Seconded by Alderman Nelson. All voted Aye; motion carried.

MAYORAL APPOINTMENTS

- E. Alderman Barber moved to confirm the following Mayoral Appointment: Amy Marzofka, 7950 S. 61st Street, Ald. Dist. 5, Board of Health (2-year unexpired term expiring 04/30/2020). Seconded by Alderwoman Wilhelm. All vote Aye; motion carried.

W. MARQUETTE AVE. ROAD EXTENSION

- G.1. Alderwoman Wilhelm moved to commence the extension of W. Marquette Avenue to S. 51st Street as a City public works improvement; while awaiting the end-of-February Wisconsin Department of Transportation grant announcement, negotiate developer donations of street right-of-way and street engineering design specifications, estimated per the grant application at \$216,650. In furtherance of the subdivision developments by the developers, Council determination at Final Plat shall be to deny access to W. Marquette Avenue, and with any future access request and approval, a City Engineer's Report for special assessments pursuant to Wisconsin Statutes and Municipal Code shall be applied to each new benefitting lot. The previously required 6-foot land dedication shall be adhered to, avoiding the buffer tree line while accommodating curb and gutter and a south-side sidewalk from S. 49th Street to Pleasant View School; and approval to advertise for bid in coordination with the Aldermanic District Representative is granted by the Common Council to meet a project completion timeline of Fall 2020. Seconded by Alderman Nelson.

Alderwoman Wilhelm moved to amend the motion to include “for curb, gutter, roadway and sidewalk” to the last sentence following ‘approval to advertise for bid’. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderwoman Wilhelm moved to call the question. Seconded by Alderman Nelson.

On roll call for the main motion as amended, Alderman Nelson, Alderman Taylor and Alderwoman Wilhelm voted Aye; Alderman Barber, Alderman Mayer and Alderman Dandrea voted No. Motion failed due to the lack of a majority vote.

Following determination there was no vote on the motion to call the question, Mayor Olson called for a voice vote on the motion to call the question. All voted Aye; motion carried.

As the prior vote on the main motion was invalid due to the absence of a vote on the motion to call the question, Mayor Olson called for a roll call vote on the main motion as amended. Alderman Nelson and Alderwoman Wilhelm voted Aye; Alderman Barber, Alderman Taylor, Alderman Mayer, and Alderman Dandrea voted No. Motion failed due to the lack of a majority vote.

Alderwoman Wilhelm left the room at 8:00 p.m.

Alderwoman Wilhelm returned at 8:02 p.m.

Alderman Taylor then moved to table the extension of W. Marquette Avenue to S. 51st Street until the City receives information regarding the Wisconsin Department of Transportation grant. Seconded by Alderman Mayer. All voted Aye; motion carried.

AGREEMENT FOR
LAW ENFORCEMENT
SERVICES FOR THE
2020 DNC

G.2. Alderman Mayer moved to approve and authorize City officials to sign the Intergovernmental Agreement for Law Enforcement Services for the 2020 Democratic National Convention. Seconded by Alderman Taylor. All voted, Aye; motion carried.

AGREEMENT WITH
MILWAUKEE FOR
EMERGENCY SERVICES
FOR THE DNC

G.3. Alderman Mayer moved to approve an Intergovernmental Agreement with the City of Milwaukee, which would allow for reimbursement of wages for Franklin Fire Department employees who may volunteer to assist with Emergency Services staffing at the Democratic National Convention. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

HISTORICAL SOCIETY BARN DONATION G.4. Alderman Taylor moved to suspend the regular order of business to allow Jim Luckey to speak. Seconded by Alderman Mayer. All voted Aye; motion carried.

Alderman Taylor moved to return to the Common Council at their meeting of March 3, 2020, with a cost estimate, Memorandum of Understanding for Maintenance, Operations and Ownership relating to acceptance from the Franklin Historical Society to the City of Franklin of the Barn Museum building in Lions Legend Park. Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2020-7592 RYANWOOD MANOR WATER EASEMENTS G.5. Alderwoman Wilhelm moved to adopt Resolution No. 2020-7592, A RESOLUTION FOR ACCEPTANCE OF EASEMENTS FOR RYANWOOD MANOR SANITARY SEWER, WATER MAIN, STORM DRAINAGE, AND STORM WATER MANAGEMENT ACCESS ON THE NORTHWEST CORNER OF SOUTH 76TH STREET AND WEST OAKWOOD ROAD. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2020-7593 CONSERVATION EASEMENT AT S. SCEPTER DR. AND W. CHURCH ST. (BODNER PROPERTY MANAGEMENT, LLC, APPLICANT) G.6. Alderwoman Wilhelm moved to adopt Resolution No. 2020-7593, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A SPECIAL USE FOR FIVE 8-UNIT MULTI-FAMILY RESIDENTIAL APARTMENT BUILDINGS (40 UNITS) USE UPON PROPERTY LOCATED AT APPROXIMATELY SOUTH SCEPTER DRIVE AND WEST CHURCH STREET (WILLIAM BODNER, MANAGING MEMBER, BODNER PROPERTY MANAGEMENT, LLC, APPLICANT), subject to review and approval by the Department of City Development and technical corrections by the City Attorney. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2020-7594 LANDSCAPE BUFFERYARD EASEMENT AT S. SCEPTER DR. AND W. CHURCH ST. (BODNER PROPERTY MANAGEMENT, LLC, APPLICANT) G.7. Alderwoman Wilhelm moved to adopt Resolution No. 2020-7594, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE APPROVAL OF A SPECIAL USE FOR FIVE 8-UNIT MULTI-FAMILY RESIDENTIAL APARTMENT BUILDINGS (40 UNITS) USE UPON PROPERTY LOCATED AT APPROXIMATELY SOUTH SCEPTER DRIVE AND WEST CHURCH STREET (WILLIAM BODNER, MANAGING MEMBER, BODNER PROPERTY MANAGEMENT, LLC, APPLICANT), subject to review and approval by the Department of City Development and technical corrections by the City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried.

- RES. 2020-7595
CONDO PLAT FOR
10504 W. CORTEZ CIR.
(NISENBAUM HOMES &
REALTY, INC,
APPLICANT)
- G.8. Alderman Nelson moved to adopt Resolution No. 2020-7595, A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR THE CORTEZ CONDOMINIUMS DEVELOPMENT AT 10504 WEST CORTEZ CIRCLE (GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY, INC., APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.
- PAYMENTS TO TI
INVESTORS OF
FRANKLIN
APARTMENTS LLC
- G.9. Alderwoman Wilhelm moved to authorize the scheduled \$360,005 Municipal Revenue Obligation principal and interest payment on March 2, 2020 and a \$400,000 prepayment on the Municipal Revenue Obligation due to TI Investors of Franklin Apartments LLC on that same date. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2020-7596
PUBLIC RIGHT-OF-WAY
W. STATESMAN WAY
- G.10. Alderwoman Wilhelm moved to adopt Resolution No. 2020-7596, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT THE ROADWAY AND INFRASTRUCTURE OF THE DEDICATED PUBLIC RIGHT-OF-WAY PER THE RECORDED CERTIFIED SURVEY MAP NO. 9014 WITH STREET NAME WEST STATESMAN WAY. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- ORD. 2020-2417
PARKING
RESTRICTIONS W.
ROBINWOOD LN./
S. MISSION DR.
- G.11. Alderman Mayer moved to adopt Ordinance No. 2020-2417, AN ORDINANCE TO REMOVE REFERENCES TO: THE EAST SIDE OF SOUTH MISSION DRIVE FROM §245-5.F.; THE WEST SIDE OF SOUTH MISSION DRIVE FROM §245-5.D.(4); AND THE NORTH SIDE OF WEST ROBINWOOD LANE FROM §245-5.F.; THEN ADD ALL THREE LOCATIONS PLUS THE SOUTH SIDE OF WEST ROBINWOOD LANE, 50 FEET EAST AND 50 FEET WEST OF CENTERLINE OF SOUTH MISSION DRIVE RIGHT-OF-WAY TO §245-5.D.(6) FROM 8:00 A.M. TO 9:30 A.M. AND 3:00 P.M. TO 4:00 P.M. ON SCHOOL DAYS, as amended and subject to technical corrections. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2020-7597
AGREEMENT
W/EHLERS-AMEND THE
BOUNDARY OF TID 6
- G.12. Alderman Nelson moved to adopt Resolution No. 2020-7597, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH EHLERS & ASSOCIATES, INC. FOR TAX INCREMENTAL DISTRICT SERVICES AND AMENDMENT PROFESSIONAL SERVICES in the amount of \$15,000 for all three phases of Tax Incremental District No. 6 amendment, with Phases 2 and 3 planned for upon Council review of Feasibility Phase 1, or other action as deemed appropriate by the Common Council. Seconded by Alderman Taylor. All voted Aye; motion carried.

- RES. 2020-7598
REIMBURSE LOOMIS &
RYAN, INC. & VICTORY
OF THE LAMB RE: TID 6
WATER MAIN
INSTALLATION
- G.13. Alderman Nelson moved to adopt Resolution No. 2020-7598, A RESOLUTION TO REIMBURSE LOOMIS & RYAN, INC. FOR OVERSIZING WATER MAIN INSTALLED AS PART OF TAX INCREMENTAL DISTRICT NO. 6 AND THE RYAN MEADOWS SUBDIVISION, ALSO DIRECT STAFF TO MAKE INITIAL PARTIAL PAYMENT OF \$38,443.77 TO LOOMIS & RYAN, INC. IN 2020. IN ADDITION, REIMBURSE VICTORY OF THE LAMB AS PART OF THE DEVELOPMENT AGREEMENT ADOPTED IN RESOLUTION 2015-7123 FOR THE FULL AMOUNT OF OVERSIZING A WATER MAIN \$19,410.83. Seconded by Alderman Taylor. All voted Aye; motion carried.
- MMSD EXTENSION ON
S. 27 ST. FROM W.
OAKWOOD RD. TO W.
SOUTH COUNTY LINE
RD.
- G.14. Alderman Taylor moved to direct the Mayor to send a letter of support to the Milwaukee Metropolitan Sewerage District for extension of metropolitan interceptor sewer on South 27th Street from West Oakwood Road to West South County Line Road. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- WISDOT HWY 100,
W. RAWSON AVE. TO
W. COLLEGE AVE.
- G.15. Alderman Nelson moved to table the Wisconsin Department of Transportation Highway 100 (from W. Rawson Avenue to W. College Avenue) stock pile issue, content-sensitive solution elements, sidewalks, and crosswalks until after the February 27, 2020 Wisconsin Department of Transportation public information meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RELOCATE LIGHTING
ON W. RAWSON AVE.
- G.16. Alderman Mayer moved to authorize staff to direct WE Energies and Pro-Electric, if needed, to relocate lighting to accommodate Milwaukee County's reconditioning project of West Rawson Avenue for not to exceed \$20,000 from the 2020 contingency funds. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Mayer, Alderwoman Wilhelm, Alderman Barber, and Alderman Nelson voted Aye; Alderman Taylor voted No. Motion carried.
- PROPOSAL WITH
INDUSTRIAL ROOFING
SERVICES, INC.
- G.17. Alderman Barber moved to authorize the Director of Inspection Services to execute all four proposals with Industrial Roofing Services, Inc. for Visual Hardscape Surveys (\$9,050), Visual Roof Surveys (\$9,050), Visual Window & Wall Surveys (\$9,825), and Visual HVAC Mechanical Surveys (\$9,850) of the multiple City facilities as outlined in each proposal (all totaling \$37,775) using General Fund contingency appropriations, which shall be accepted with the preparation by City staff of the City standard form services agreement, with provisions relevant to the proposals, for execution and delivery by the Mayor, the Director of Finance and Treasurer and the City Clerk. Seconded by Alderman Nelson. All voted Aye; motion carried.

ORD. 2020-2418
BUDGET
AMENDMENTS

G.18. Alderman Barber moved to adopt Ordinance No. 2020-2418, AN ORDINANCE TO AMEND ORDINANCE 2019-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE GENERAL FUND, DEVELOPMENT FUND, CAPITAL OUTLAY FUND, EQUIPMENT REPLACEMENT FUND, STREET IMPROVEMENT FUND, CAPITAL IMPROVEMENT FUND, TAX INCREMENTAL DISTRICT NO. 4, TAX INCREMENTAL DISTRICT NO. 5, TAX INCREMENTAL DISTRICT NO. 6, TAX INCREMENTAL DISTRICT NO. 7 FUND, AND SANITARY SEWER FUNDS FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2020 TO APPROVE BUDGET ENCUMBRANCES FROM THE 2019 BUDGET AS AMENDMENTS TO THE 2020 BUDGET. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

2021 ANNUAL
BUDGET PREPARATION
SCHEDULE

G.19. Alderman Barber moved to adopt the 2021 Annual Budget Preparation Timetable, dated February 17, 2020, as presented, subject to any future regular meeting schedule changes if so made by the Common Council. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Taylor moved to approve the following license recommendations from the License Committee meeting of February 17, 2020:

Grant Class B Combination license in compliance with all State and Municipal regulations to JAX on 27th, Agent William C Rushman, 6357 S. 27th St., subject to payment, surrender of former owner's license, providing City water results and recommendation of approval of zoning compliance application requesting opening time of 7:00 a.m.; and

Grant Operator Licenses to Alexis A Albrecht, 5891 Tower Rd., #3, Greendale; Marc D Barbeau, 4235 Erie St. #410; Gavin L Ingebrigtsen, 7131 Madison Ct.; Amber M Ishaque, 9031 W Lisbon Ave.; Linda Rueth, N114 W15141 Vicksburg Ave., Germantown; Kimberly Schultz, 4040 S Kinnickinnic Ave., #15, St Francis.

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 February 13, 2020 in the amount of \$2,245,667.55; and Payroll dated February 14, 2020 in the amount of \$384,239.53 and payments of the various payroll deductions in the amount of \$210,852.47 plus City matching payments; and estimated

payroll dated February 28, 2020 in the amount of \$386,000.00 and payments of the various payroll deductions in the amount of \$526,000.00, plus City matching payments; property tax vouchers with an ending date of February 13, 2020 in the amount of \$16,257,998.40; and the release payment to Chicago Title Insurance Company in the amount of \$10,000.00; the release of payment to Loomis & Ryan LLC in the amount of \$38,443.77; and the release of payment to Victory of the Lamb Church in the amount of \$19,410.83. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
TID 6 MIXED-USE

G.20. Alderman Nelson moved to enter closed session at 8:40 p.m. pursuant to Wis. Stat. § 19.85(1)(e), to deliberate upon the Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses Project Development, and a Second Amendment to Tax Assessment Agreement (Tax Incremental District No. 6) between the City of Franklin and Strauss Investments, LLC, the negotiation of provisions and terms and the investing of public funds 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. All voted Aye; motion carried.

RES. 2020-7599
TAX ASSESSMENT
AGREEMENT SECOND
AMENDMENT TID 6
STRAUS INVESTMENTS,
LLC

Upon reentering open session at 9:03 p.m., Alderman Nelson moved to adopt Resolution No. 2020-7599, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SECOND AMENDMENT TO TAX ASSESSMENT AGREEMENT (TAX INCREMENTAL DISTRICT NO. 6) WITH STRAUSS INVESTMENTS, LLC. Seconded by Alderman Taylor. All voted Aye; motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 9:04 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.