

APPROVED JANUARY 21, 2020

CITY OF FRANKLIN COMMON COUNCIL MEETING JANUARY 7, 2020 MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on January 7, 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 Mike Barber, and Alderman John R. Nelson. Excused was Alderman Steve F. Taylor. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Lubberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT B.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:57 p.m.
- W. MARQUETTE AVE.
EXTENSION LETTERS F. Alderwoman Wilhelm moved to refer to the City Attorney to develop a fair and equitable plan for the extension of West Marquette Avenue and return to the last Common Council meeting in February 2020. Seconded by Alderman Barber. All voted Aye; motion carried.
- Alderwoman Wilhelm, seconded by Alderman Mayer, moved to suspend the regular order of business to allow Liz Charewicz to speak. All voted Aye; motion carried.
- Alderwoman Wilhelm moved to return to the regular order of business. Seconded by Alderman Nelson. All voted Aye; motion carried.
- Letters from Pack 538, Den 3 Wolves and parents regarding West Marquette Avenue extension were placed on file.
- MARK LUBERDA
PROCLAMATION B.2.(a) Mayor Olson and Council President Dandrea presented a Proclamation in Recognition of the Service of Mark W. Lubberda.
- JOEL DIETL
PROCLAMATION B.2.(b) Mayor Olson and Council President Dandrea presented a Proclamation in Recognition of the Service of Joel E. Dietl.
- MINUTES
DECEMBER 3, 2019 C.1. Alderman Barber moved to approve the minutes of the regular Common Council meeting of December 3, 2019 as corrected at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- MINUTES
DECEMBER 17, 2019 C.2. Alderman Barber moved to approve the minutes of the regular Common Council meeting of December 17, 2019 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.

HEARINGS
PUBLIC SCHOOL
IMPACT FEES

- D. A public hearing was called to order at 7:42 p.m. regarding a proposed Ordinance to amend §92-9. of the Municipal Code pertaining to impact fees for the purpose of exempting public schools from application of each of the various impact fees, suspending the automatic annual rate increases for each of the various impact fee rate increases imposed under §92-9.L., and incorporating required statutory increases, primarily pursuant to 2017 Wisconsin Act 243. The public hearing was closed at 7:47 p.m.

ORD. 2020-2404
IMPACT FEES

- G.2. Alderman Mayer moved to adopt Ordinance No. 2020-2404, AN ORDINANCE TO AMEND §92-9. OF THE MUNICIPAL CODE PERTAINING TO IMPACT FEES FOR THE PURPOSE OF EXEMPTING PUBLIC SCHOOLS FROM APPLICATION OF EACH OF THE VARIOUS IMPACT FEES, SUSPENDING THE AUTOMATIC ANNUAL RATE INCREASES FOR EACH OF THE VARIOUS IMPACT FEE RATE INCREASES IMPOSED UNDER §92-9.L., AND INCORPORATING REQUIRED STATUTORY INCREASES, PRIMARILY PURSUANT TO 2017 WISCONSIN ACT 243. Seconded by Alderman Barber.

Alderman Mayer moved to amend the main motion to table Ordinance No. 2020-2404. Seconded by Alderman Barber.

Alderman Mayer withdrew his motions and Alderman Barber withdrew his seconds.

It was then moved by Alderwoman Wilhelm to adopt Ordinance No. 2020-2404, AN ORDINANCE TO AMEND §92-9. OF THE MUNICIPAL CODE PERTAINING TO IMPACT FEES FOR THE PURPOSE OF INCORPORATING STATUTORY AMENDMENTS, PRIMARILY PURSUANT TO 2017 WISCONSIN ACT 243 as amended and subject to technical corrections. Seconded by Alderman Barber. All voted Aye; motion carried.

CONSENT AGENDA

- G.1. Alderman Dandrea moved to approve the following consent agenda items:

POLICE DEPT.
DONATIONS

- G.1.(a) Accept the following donations for the Franklin Police Department for deposit into their respective accounts: Walmart in the Amount of \$5,000 to be deposited in the Police Donations-General Account; Elaine Sievert in the amount of \$200 to be deposited in the Police Donations, K9 Account.

RES. 2020-7570
WATER MAIN
EASEMENT 8225 W.
FOREST HILL AVE.

- G.1.(b) Adopt Resolution No. 2020-7570, A RESOLUTION FOR ACCEPTANCE OF A WATER MAIN EASEMENT FOR 8225 W. FOREST HILL AVENUE (FOREST PARK MIDDLE SCHOOL), TAX KEY NO. 838-9978-000.

- RES. 2020-7571
WATER MAIN
EASEMENT
10155 S. 57TH ST. G.1.(c) Adopt Resolution No. 2020-7571, A RESOLUTION TO AUTHORIZE STAFF TO EXECUTE AND RECORD THE ATTACHED WATER MAIN EASEMENT FROM 10155 S. 57TH STREET (FRANKLIN PROPERTIES, LLC), TAX KEY NO. 931-0008-001.
- RES. 2020-7572
WATER MAIN
EASEMENT
5801 W. FRANKLIN DR. G.1.(d) Adopt Resolution No. 2020-7572, A RESOLUTION TO AUTHORIZE STAFF TO EXECUTE AND RECORD THE ATTACHED WATER MAIN EASEMENT FROM 5801 W. FRANKLIN DRIVE (ZETA COMPANY LLP), TAX KEY NO. 931-0006-001.
- RES. 2020-7573
WATER MAIN
EASEMENT
5695 W. FRANKLIN DR. G.1.(e) Adopt Resolution No. 2020-7573, A RESOLUTION TO AUTHORIZE STAFF TO EXECUTE AND RECORD THE ATTACHED WATER MAIN EASEMENT FROM 5695 W. FRANKLIN DRIVE (CP PROPERTIES, LLP), TAX KEY NO. 899-0016-001.
- RES. 2020-7574
WATER MAIN
EASEMENT
10179 S. 57TH ST. G.1.(f) Adopt Resolution No. 2020-7574, A RESOLUTION TO AUTHORIZE STAFF TO EXECUTE AND RECORD THE ATTACHED WATER MAIN EASEMENT FROM 10179 S. 57TH STREET (GHN FRANKLIN, LLC), TAX KEY NO. 931-0008-002.
- RES. 2020-7575
WATER MAIN
EASEMENT
5251 W. FRANKLIN DR. G.1.(g) Adopt Resolution No. 2020-7575, A RESOLUTION TO AUTHORIZE STAFF TO EXECUTE AND RECORD THE ATTACHED WATERMAIN EASEMENT FROM 5251 W. FRANKLIN DRIVE (S & C ELECTRIC COMPANY), TAX KEY NO. 931-0013-002.
- RES 2020-7576
WATER MAIN
EASEMENT
10125 S. 52ND ST. G.1.(h) Adopt Resolution No. 2020-7576, A RESOLUTION TO AUTHORIZE STAFF TO EXECUTE AND RECORD THE ATTACHED WATER MAIN EASEMENT FROM 10125 S. 52ND STREET (BRIDGESTONE CAPITAL, LLC) TAX KEY NO. 931-0013-003.

Approval of the Consent Agenda was seconded by Alderman Barber. All voted Aye; motion carried.

- ORD. 2020-2405
AMEND UDO TO
REZONE TO R-3
9132 S. 92ND ST. G.3. Alderman Nelson moved to adopt Ordinance No. 2020-2405, AN ORDINANCE TO AMEND THE UNIFIED ORDINANCE (ZONING MAP) TO REZONE A PORTION OF A CERTAIN PARCEL OF LAND FROM C-1 CONSERVANCY DISTRICT TO R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT (9132 SOUTH 92ND STREET) (APPROXIMATELY 1.94 ACRES) (MATT TALBOT RECOVERY SERVICES, INC., APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

- RES. 2020-7577
AWARD S. 68TH ST.
VERTICAL
ALIGNMENT
IMPROVEMENTS
PROJECT
- G.4. Alderman Barber moved to adopt Resolution No. 2020-7577, A RESOLUTION TO AWARD THE S. 68TH STREET VERTICAL ALIGNMENT IMPROVEMENTS PROJECT TO THE WANASEK CORPORATION FOR \$298,430. Seconded by Alderman Mayer. All voted, Aye; motion carried.
- RES. 2020-7578
AWARD 2020 LOCAL
STREET
IMPROVEMENT
PROGRAM
- G.5. Alderman Barber moved to adopt Resolution No. 2020-7578, A RESOLUTION AWARDED CONTRACT TO THE LOW BIDDER, STARK PAVEMENT CORPORATION, IN THE AMOUNT OF \$1,000,000, FOR THE 2020 LOCAL STREET IMPROVEMENT PROGRAM. Seconded by Alderman Mayer. All voted, Aye; motion carried.
- RECRUITMENT OF
DIR. OF ADMIN AND
PLANNING MANAGER
- G.6. Alderman Barber moved to authorize the Mayor to execute professional services proposals with GovHR USA for recruitment of a Director of Administration and a Planning Manager, incorporating an Addendum addressing boilerplate language, which are subject to change as determined by the City Attorney, and to authorize release of each initial payment as set forth in the proposal. Seconded by Alderman Dandrea.
- Alderwoman Wilhelm moved to amend the motion for Phase I to include: One-on-one or group interviews will be conducted with *each* elected official *unless declined*, appointed officials... Seconded by Alderman Nelson. All voted Aye; motion carried.
- On the main motion to authorize execution of the proposal as amended, all voted Aye; motion carried.
- DEPT. OF ADMIN. AND
PLANNING AND
ZONING ASSIGNMENT
OF RESPONSIBILITIES
- G.7. Alderwoman Wilhelm moved to accept the update on the on-going operations in the Department of Administration and in Planning and Zoning and assignment of responsibilities. Seconded by Alderman Barber. All voted Aye; motion carried.
- DESIGNATE ASSOC.
PLANNER AS INTERIM
ZONING ADMIN.
- G.8. Alderwoman Wilhelm moved to designate the Associate Planner as the Interim Zoning Administrator as such duties pertain to administration and enforcement of the Unified Development Ordinance. Seconded by Alderman Barber. All voted Aye; motion carried.
- TRANSFER OF DEPT.
OF ADMIN. LAPTOP TO
M. LUBERDA UPON
SEPARATION
- G.9. Alderman Mayer moved to authorize the transfer of ownership of the existing Department of Administration laptop computer to Mark Luberdia upon separation as the Director of Administration. Seconded by Alderman Barber. All voted Aye; motion carried.

- ORD. 2020-2406
APPROPRIATIONS FOR
STATION SPECIFIC
ALERTING SYSTEM
- G.10. Alderman Mayer moved to adopt Ordinance No. 2020-2406, AN ORDINANCE TO AMEND ORDINANCE 2019-2398, AND ORDINANCE ADOPTING THE 2020 ANNUAL BUDGET FOR THE CAPITAL IMPROVEMENT FUND TO PROVIDE FOR CARRY FORWARD OF APPROPRIATIONS FOR THE STATION SPECIFIC ALERTING SYSTEM. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.
- PURCHASE SOFTWARE
AND HARDWARE AND
INSTALLATIONS FROM
US DIGITAL DESIGNS
- G.11. Alderman Mayer moved to authorize execution of a contract with US Digital Designs for an amount not to exceed \$184,126.43 for purchase of software and hardware and software installation and programming for a fire station alerting system, subject to technical corrections. Seconded by Alderman Nelson. All voted Aye; motion carried.
- REVISED RATES OF
SERVICE FOR
INSPECTION
- G.12. Alderman Barber moved to approve the revised rates of service for street and utility construction inspection of years 2020 and 2021. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- ORD. 2020-2407
PUBLIC SAFETY
SERVICES DURING THE
DNC
- G.13. Alderman Mayer moved to adopt Ordinance No. 2020-2407, AN ORDINANCE TO AMEND ORDINANCE 2019-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE GENERAL FUND TO PROVIDE APPROPRIATIONS FOR PUBLIC SAFETY SERVICES DURING THE 2020 DEMOCRATIC NATIONAL CONVENTION. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.
- ORD. 2020-2408
RECLASSIFY
APPROPRIATIONS TO
QUARRY MONITORING
SERVICES
- G.14. Alderman Barber moved to adopt Ordinance No. 2020-2408, AN ORDINANCE TO AMEND ORDINANCE 2019-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE GENERAL FUND TO RECLASSIFY \$6,400 OF CONTINGENCY APPROPRIATIONS TO QUARRY MONITORING SERVICES. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.
- ORD. 2020-2409
CARRYOVER UNUSED
2019 APPROPRIATIONS
FOR INSP. SVCS.
- G.15. Alderwoman Wilhelm moved to adopt Ordinance No. 2020-2409, AN ORDINANCE TO AMEND ORDINANCE 2019-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE GENERAL FUND TO CARRYOVER \$78,300 OF UNUSED 2019 APPROPRIATIONS FOR THE INSPECTION DEPARTMENT. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- ORD. 2020-2410
CARRYOVER UNUSED
2019 APPROPRIATIONS
FOR PLANNING DEPT.
- G.16. Alderman Dandrea moved to adopt Ordinance No. 2020-2410, AN ORDINANCE TO AMEND ORDINANCE 2019-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE GENERAL FUND TO CARRYOVER \$44,000 OF UNUSED

2019 PLANNING DEPARTMENT APPROPRIATIONS. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

NOV. 2019
FINANCIAL REPORT

G.17. Alderman Dandrea moved to receive and place on file the November 2019 Monthly Financial Report. Seconded by Alderman Mayer. All voted Aye; motion carried.

COMMITTEE OF THE
WHOLE
RECOMMENDATIONS

G.18.(a) Upon Recommendation of the Committee of the Whole, Alderman Mayer moved to direct the Mayor and Fire Chief and any additional staff to continue efforts to improve efficiency and services to our constituents via the methods and options described in the Wisconsin Policy Forum report “Got Your Back” and any additional opportunities that may occur within the budget and authority in existence, and bring back any items that would exceed current authorities or budgets. Seconded by Alderman Dandrea. All voted Aye; motion carried.

G.18.(b) Upon Recommendation of the Committee of the Whole, Alderman Nelson moved to refer the landfill complaint monitoring, tracking and handling to staff and Alderman Nelson for improvements. Seconded by Alderman Mayer. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Nelson moved to approve the following license recommendations from the License Committee meeting of January 7, 2020:

Hold Operator License applications for appearance of Ema I Cavaliere, 4119 108th St., Franksville; and Jessica L Neu, 3539 80th St., Franksville;

Grant Operator Licenses to Heather A Bandle, 11430 W Swiss St., Apt B; Jeanne E Howell, S45W25670 Red Oak Ct., Muskego; Pamela J Jablonski, 10500 W Pallottine Dr., Greenfield; Jennifer N Knight, 4536 W Hilltop Ln.; Michelle M Rocha, 8457 S Breaburn Dr., Oak Creek; Erica A Schwebe, 2610 S 78th St., West Allis; Molly A Tengel, 731 60th St., Caledonia; Laken L Williams, 7409 S 46th St.; Walter Wolley, 7112 S 47th Pl.;

The Police Incident Reports from May 1, 2019 thru December 31, 2019 were reviewed and placed on file with request for appearance from Dairyland Retail Group, LLC, Agent Elizabeth Evans, 7610 W Rawson Ave.; Ryan Fuel LLC, Agent Kavita Khullar, 5120 W Ryan Rd.; Wisconsin CVS Pharmacy LLC, Agent Samantha Jo Klaphake, 5220 W Rawson Ave.; Ultra Mart Foods, LLC, Agent Ricky Kloth, 7201 S 76th St.; The Bowery, LLC, Agent Roger Hein, 3023 W Ryan Rd.; Irish Cottage of Franklin LLC, Agent Jenny Jennings, 11433 W Ryan Rd.; Iron Mike’s Bar LLC, Agent Michael

Pues, 6357 S 27th St.; The Landmark of Franklin LLC, Agent Lorie Beth Knaack-Helm, 11401 W Swiss St.

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

VOUCHERS AND
PAYROLL

- I. Alderman Dandrea moved to approve the following: City vouchers with an ending date of January 3, 2020 in the amount of \$5,531,498.97; Payroll dated December 20, 2019 in the amount of \$417,169.33 and payments of the various payroll deductions in the amount of \$441,306.07 plus City matching payments; and estimated payroll dated January 3, 2020 in the amount of \$383,664.17 and payments of the various payroll deductions in the amount of \$207,726.14 plus City matching payments; and estimated payroll dated January 17, 2020 in the amount of \$455,000.00 and payments of the various payroll deductions in the amount of \$241,000.00 plus City matching payments; and property tax vouchers with an ending date of December 30, 2019 in the amount of \$44,721,827.29; and the release of payment to Wesolowski, Reidenbach & Sajdak for legal services, not to exceed \$30,000; and the release of payment to “RE/MAX Realty for the benefit of Wendt Family Trust and Lorraine C. Wendt Survivor’s Trust” in the amount of \$5,000.00; and the release of payment to First American Title Insurance Company in the amount of \$10,000.00. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
TID 4 FRANKLIN
CORPORATE PARK

- G.19. Alderman Barber moved to enter closed session at 8:59 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 acquisitions for the development of public improvements for the Tax Incremental District No. 4 Franklin Corporate Park: Agreement for Purchase and Sale of Real Estate, and Counter-offer for 7.1 +/- acres of the property located at 3617 West Oakwood Road (Tax Key No. 950-9997-001); and Agreement for Purchase and sale of Real Estate, and Counter-offer for 8.61 +/- acres of the property located at 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, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. All voted Aye; motion carried.

Upon reentering open session at 9:14 p.m., Alderman Dandrea moved to authorize the execution and delivery by the City of the Agreement for Purchase and Sale of Real Estate upon the appraised price obtained by the City, for the approximately 7.1 +/- acres of the property located at 3617 West Oakwood Road, and to accept and deliver the Seller’s Counter-Offer thereto with a change of the date

for delivery thereof to the date of City acceptance delivery, in form and content as presented within the meeting agenda packet for this meeting. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Barber moved to authorize the execution and delivery by the City of the Agreement for Purchase and Sale of Real Estate upon the appraised price obtained by the City, for the approximately 8.61 +/- acres of the property located at 3548 South County Line Road, in form and content as presented within the meeting agenda packet for this meeting, and with regard to the Seller's Counter-Offer thereto as presented within the meeting agenda packet for this meeting, to authorize the execution and delivery of a Counter-Offer to Seller's Counter-Offer, as discussed in closed session and to proceed accordingly. Seconded by Alderman Nelson. All voted Aye; motion carried.

ADJOURNMENT

J. Alderman Barber moved to adjourn the meeting at 9:17 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.