

APPROVED MAY 19, 2020

CITY OF FRANKLIN COMMON COUNCIL MEETING MAY 5, 2020 MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on May 5, 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 (by telephone), Alderwoman Shari Hanneman, Alderman Mike Barber (by telephone), 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.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:34 p.m.
- MAYORAL
ANNOUNCEMENT B.2. An update was provided by Health Services Director Courtney Day relating to the Coronavirus Disease (COVID-19).
- MINUTES
APRIL 21, 2020 C. Alderman Dandrea moved to approve the minutes of the regular Common Council meeting of April 21, 2020 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.
- CLOSED SESSION
DIRECTOR OF ADMIN.
POSITION G.23. Alderman Nelson moved to enter closed session pursuant to Wis. Stat. §19.85(1)(c) and (f), to consider employment, promotion, compensation or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility and to consider financial, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories and may re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Hanneman. Alderman Nelson withdrew his motion.
- DIRECTOR OF ADMIN.
APPOINTMENT G.24. Alderman Barber moved to confirm the appointment of Margaret (Peggy) A. Steeno as Director of Administration for the City of Franklin. Seconded by Alderwoman Hanneman. All voted Aye; motion carried. Unanimous vote.
- MAYORAL
APPOINTMENT
WEED COMMISSIONER E.1. Alderwoman Wilhelm moved to confirm the following Mayoral Appointments: Gene Ninnemann as Weed Commissioner with a weed cutting fee of \$90 per hour for the calendar year 2020.

- MAYORAL APPOINTMENT PARKS COMMISSION E.2. David Bartels, 8489 S. Golden Lake Court, Ald. Dist. 1, to Parks Commission for 3-year term expiring 4/30/2023. Seconded by Alderman Mayer. On roll call, all voted Aye; motion carried.
- RES. 2020-7618 BALLPARK COMMONS CHALLENGE TOWER G.1. Alderman Barber moved to adopt Resolution No. 2020-7618, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE INSTALLATION OF A CHALLENGE TOWER/AERIAL ROPE COURSE UPON PROPERTY LOCATED AT 7011 SOUTH BALLPARK DRIVE, WITHIN PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) (MICHAEL R. SCHMITZ, OWNER OF ROCK SNOW PARK, LLC, APPLICANT). Seconded by Alderman Dandrea. Alderman Mayer vacated his seat at 6:55 p.m. and returned at 7:02 p.m. On the vote to adopt Resolution No. 2020-7618, all voted Aye. Motion carried.
- LAW ENF. FACILITY WATER HEATER REPLACEMENT G.2. Alderwoman Wilhelm moved to approve the purchase and installation of two water heaters at the Franklin Law Enforcement Center at a cost not to exceed \$19,000. Seconded by Alderman Barber. All voted Aye; motion carried.
- LAW ENF. FACILITY RETAINING WALL G.3. Alderwoman Wilhelm moved to authorize Perry Brumm LLC to construct a retaining wall behind the Law Enforcement Facility at 9455 West Loomis Road for \$15,900. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2020-7619 TID 6 PROJECT PLAN AND BOUNDARY AMENDMENT G.4. Alderman Nelson moved to deny a Resolution Approving an Amendment to the Project Plan and Boundaries of Tax Incremental District No. 6, City of Franklin, Wisconsin. Seconded by Alderwoman Wilhelm. On roll call, Alderman Mayer, Alderwoman Wilhelm, and Alderman Nelson voted Aye; Alderman Dandrea, Alderwoman Hanneman, and Alderman Barber voted No. Motion failed due to the lack of a majority vote.

Alderwoman Dandrea then moved to adopt Resolution No. 2020-7619, A RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN AND BOUNDARIES OF TAX INCREMENTAL DISTRICT NO. 6, CITY OF FRANKLIN, WISCONSIN. Seconded by Alderman Barber. On roll call, Alderman Barber, Alderwoman Hanneman, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Nelson and Alderman Mayer voted No. Motion carried.

- RES. 2020-7620
PROJECT PLAN AND
ESTABLISH TID 8
BOUNDARIES
- G.5. Alderwoman Hanneman moved to adopt Resolution No. 2020-7620, A RESOLUTION APPROVING THE PROJECT PLAN AND ESTABLISHING BOUNDARIES FOR AND THE CREATION OF TAX INCREMENTAL DISTRICT NO. 8, CITY OF FRANKLIN, WISCONSIN. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- RES. 2020-
WAIVE INTEREST AND
PENALTIES FOR LATE
PROPERTY TAX
PAYMENTS
- G.6. Alderman Mayer moved to table to May 19, 2020 Common Council meeting for further discussion, a Resolution granting selective waiver of interest and penalties associated with late payment of May 31, 2020 tax levy installment to those Franklin property tax payers adversely impacted by the public health emergency, and setting a final due date for the 2019 tax levy of October 1, 2020. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2020-7621
SPECIAL USE
ARBY'S
7621 W. RAWSON AVE.
- G.7. Alderman Mayer moved to adopt Resolution No. 2020-7621, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO OPERATE AN ARBY'S RESTAURANT WITH A DRIVE THROUGH OUT OF AN EXISTING 3,288 SQUARE FOOT RESTAURANT BUILDING LOCATED AT 7621 WEST RAWSON AVENUE (STACY CARISCH, CARISCH, INC., APPLICANT). Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- ORD. 2020-2431
AMEND UDO
PAVILION DEV. CO.
- G.8. Alderman Nelson moved to adopt Ordinance No. 2020-2431, AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE TABLE 15-3.0603, STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 7539 "AUTOMOTIVE REPAIR SHOPS, NOT ELSEWHERE CLASSIFIED", TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT. (MIKE GRACE, PAVILION DEVELOPMENT COMPANY, APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2020-7622
SPECIAL USE
PAVILION DEV. CO.
- G.9. Alderman Nelson moved to adopt Resolution No. 2020-7622, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO OPERATE AN AUTOMOTIVE MINOR REPAIR (PRIMARY USE) AND TIRE RETAIL SALES AND INSTALLATION (ACCESSORY USE) BUSINESS UPON PROPERTY LOCATED AT 10800 WEST SPEEDWAY DRIVE (PAVILION DEVELOPMENT COMPANY, APPLICANT), as amended. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2020-2432
AMEND UDO
CROSS ACCESS FOR
PEDESTRIAN AND
VEHICULAR
CIRCULATION
TKN: 794-9999-009

G.10. Alderman Mayer moved to adopt Ordinance No. 2020-2432, AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE §15-3.0307 CC CITY CIVIC CENTER DISTRICT, SUBSECTION A.9., TO EXEMPT THE PROPERTY IN THE NORTHEASTERN CORNER OF THE DISTRICT, SUCH PROPERTY BEARING TAX KEY NO. 794-9999-009 FROM THE REQUIREMENTS FOR CROSS ACCESS FOR BOTH PEDESTRIAN AND VEHICULAR CIRCULATION WITH THE ADJACENT PARCEL(S) TO THE EAST OF THE SUBJECT PROPERTY. (STEVE PAGNOTTA, BRADFORD FRANKLIN LLC, APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2020-7623
WAIVE AND RELEASE
FLOATING ACCESS
EASEMENT
9651 W. DREXEL AVE.

G.11. Alderman Mayer moved to adopt Resolution No. 2020-7623, A RESOLUTION AUTHORIZING THE WAIVER AND RELEASE IN PART OF THE FLOATING ACCESS EASEMENT UPON LAND WITHIN THE SHOPPES AT WYNDHAM VILLAGE, PREVIOUSLY APPROVED BY RESOLUTION NO. 2007-6339, SOLELY FOR THE PROPERTY LOCATED AT 9651 WEST DREXEL AVENUE (STEVE PAGNOTTA, BRADFORD FRANKLIN LLC, APPLICANT, FRANKLIN-WYNDHAM, LLC, PROPERTY OWNER). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2020-7624
LANDSCAPE
EASEMENT
9651 W. DREXEL AVE.

G.12. Alderman Mayer moved to adopt Resolution No. 2020-7624, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR A DAYCARE FACILITY (9651 WEST DREXEL AVENUE) (STEVE PAGNOTTA, APPLICANT), subject to review and approval by the Department of City Development and technical corrections by the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2020-7625
APPROVE 2 LOT AND 2
OUTLOT CSM
3617 W. ELM RD.

G.13. Alderwoman Hanneman moved to adopt Resolution No. 2020-7625, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT AND 2 OUTLOT CSM, BEING LOT 3 OF CSM NO. ____, BEING A PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 36, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (JHB PROPERTIES, LLC, OWNER) (3617 WEST ELM ROAD). Seconded by Alderman Dandrea. All voted Aye; motion carried.

- APPROVAL TO ALLOW CONSTRUCTION AND TEMPORARY OCCUPANCY S. 76TH ST./W. FAITH DR. G.14. Alderman Mayer moved to approve a request from Creative Homes to change prior approval that would allow construction and temporary occupancy for a model home from Lot 3 to Lot 7, after rough-grade certification of stormwater pond, of Faithway Reserve (South 76th Street and West Faith Drive) and change the approval to Alesci Homes, and/or assignees, contingent upon successful cleanup of the erosion sediment control on the south property. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2020-7626 VANDEWALLE & ASSOC. PARKLAND ACQUISITION SVCS. G.15. Alderwoman Hanneman moved to adopt Resolution No. 2020-7626, A RESOLUTION TO AUTHORIZE VANDEWALLE & ASSOCIATES, INC. TO PROVIDE SUPPORT FOR PARKLAND ACQUISITION SERVICES FOR A NOT-TO-EXCEED FEE OF \$25,000. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2020-2433 AMEND BUDGETS G.16. Alderwoman Hanneman moved to adopt Ordinance No. 2020-2433, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE GENERAL FUND, CAPITAL OUTLAY FUND, EQUIPMENT REPLACEMENT FUND, STREET IMPROVEMENT FUND, CAPITAL IMPROVEMENT FUND AND DEVELOPMENT FUND TO REFLECT A LANDFILL SITING REVENUE SHORTFALL OF \$1,085,000 AND A \$943,000 MMSD GRANT RESOURCE TO THE CAPITAL IMPROVEMENT FUND. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.
- BS&A SOFTWARE PURCHASE G.17. Alderman Mayer moved to authorize purchase of BS&A's Community Development and Citizen Call to Action Software including execution of the Software Licenses and Services Agreement and to authorize the Director of IT to execute the necessary documents. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2020-2434 CARRY FORWARD UNUSED APPROPRIATIONS FOR INSP. SVCS. G.18. Alderman Barber moved to adopt Ordinance No. 2020-2434, AN ORDINANCE TO AMEND ORDINANCE 2019-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE GENERAL FUND TO CARRYFORWARD \$78,300 OF UNUSED 2019 PERSONNEL APPROPRIATIONS IN THE INSPECTION SERVICES DEPARTMENT. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.
- COVID-19 EXPENDITURES G.19. Alderman Mayer moved to place on file the report on expenditures related to the COVID-19 Public Health Emergency through April 29,

2020. Seconded by Alderman Nelson. All voted Aye; motion carried.

DONATIONS
POLICE AND FIRE
DEPTS.

G.20. Alderman Mayer moved to accept the following donations for the Franklin Police Department for deposit into their account: Jedd Miller in the amount of \$5 and Lorraine Swiner in the amount of \$500; and the following donations for the Franklin Fire Department for deposit into their respective accounts: Fire Prevention, Various Donors in the amount of \$995 and from Robert Healy for \$125 and for Fire Safety Schools; from Ascension in the amount of \$400 and from Dash Medical Gloves, Inc. for \$250. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

MARCH, 2020
FINANCIAL REPORT

G.21. Alderman Barber moved to receive and place on file the March, 2020 Financial Report. Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2020-7627
OFFICIAL NEWSPAPER

G.22. Alderman Mayer moved to adopt Resolution No. 2020-7627, A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER. Seconded by Alderman Barber. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I. Alderman Dandrea moved to approve the following: City vouchers with an ending date of May 1, 2020 in the amount of \$4,120,516.86; and Payroll dated April 24, 2020 in the amount of \$430,775.91 and payments of the various payroll deductions in the amount of \$434,041.08 plus City matching payments; and estimated payroll dated May 8, 2020 in the amount of \$405,000.00 and payments of the various payroll deductions in the amount of \$238,000.00, plus City matching payments; and property tax disbursements with an ending date of April 30, 2020 in the amount of \$1,445.71. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

LICENSES AND
PERMITS

H. Alderman Nelson moved to approve the following license recommendations from the License Committee meeting of May 5, 2020:

Hold for appearance the Operators' License applications of Destanie M Evans, 726 Marquette Ave., #2, South Milwaukee and Halina Grochowski, 1111 W Rosewood Trl., Oak Creek;

Grant 2019-2020 Operator licenses to Antonio D Marte Santiago, 200 Rainbow Ridge Dr., #912, Oak Creek; Sandra M Zimmer, 2620 S 108th St., Franksville;

Grant 2020-2021 Operator licenses to: Jayson L Doepke, 2126 W Forest Home Ave., Milwaukee; Marcus Drewek, 2957 S 51st St., Milwaukee; Ethan R Fisher, 8221 Fairmont Ln., Greendale; Louis G Guzzo, 4 W Clarendon Dr., Round Lake Beach, IL; Patti Hartung, 664 Shirley Dr., Franksville; Austin J Korth, 8481 S 5th Ave., Trlr #4B, Oak Creek; Kimberlee Laughery, 1333 S 115th St., West Allis; Marcia Lonzaga, 753 N 116th St., Wauwatosa; Laura A Martinez, 3742 E Obrien Rd., Oak Creek; Jane M Michel, 3720 7 Mile Rd., Caledonia; Ann C Moehlenpah, 3573 W Hilltop Ln.; Jeanne A Rainwater, 7561 S 75th St.; Bobette A Sakiewicz, 9205 S Orchard Park Circle, #2A, Oak Creek; Oscar A Sastre Colon, 3221 S 36th St., Milwaukee; Judy A Schneider, 8418 W Tuckaway Shores Dr.; Linda M Steeves, 9265 S 92nd St.; Danielle E Zielinski, 9880 S Glenmoor Ct., Oak Creek;

Grant 2020-2021 Amusement Device Operators license to: American Entertainment, Owner, Kenneth J Grothman, W337 S5059 Hwy GG, Dousman; Games R Us Inc, Steven Murphy, Owner, W144 S6315 College Ct, Muskego; National Entertainment Network, James F Sevalt, Owner, 325 Interlocken Pkwy B, Broomfield, CO.; Red's Novelty Ltd, Agent Jay Jacomet, 1921 S 74th St., West Allis;

Grant 2020-2021 Day Care licenses pending satisfactory inspections to: Academy of Preschool Learning, Inc, Manager Nadeen Balsis, 9501 W Drexel Ave.; Faith Academy Child Care Development Center, Manager Jennifer Finch, 7700 W Faith Dr.; Ingenious, Inc, Manager Banmeet K Dadwal, 7260 S 76th St.; Jubilee Christian Day Care, Manager Tanya L Soich, 6855 S 50th St.; Mrs. Rikki's Structured Daycare, Manager Rochelle S Boyce, N9027 W Miramar Dr., East Troy; and

Grant 2020-2021 Mobile Home license pending satisfactory inspections and payment of property taxes to Franklin Mobile, LLC, Manager David Steinberger, 6361 S 27th St.

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

ADJOURNMENT

J. Alderman Barber moved to adjourn the meeting at 8:44 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.