

APPROVED APRIL 21, 2015

CITY OF FRANKLIN
COMMON COUNCIL MEETING
APRIL 7, 2015
MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on April 7, 2015 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, Alderwoman Janet Evans, Alderman Doug Schmidt and Alderwoman Susanne Mayer. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski and Deputy City Clerk Shirley Roberts.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:32 p.m. and closed at 6:50 p.m.

MAYOR
ANNOUNCEMENTS

- B.1. Mayor Olson noted a Mayoral Proclamation to Eagle Scout Alexander Mathers.
B.2. Mayor Olson presented a Mayoral Proclamation to Eagle Scout Ryan M. Simmons.
B.3. Mayor Olson announced that Kwik Trip will be having their Grand Opening on April 8, 2015 from 9:00-11:00 a.m. at their new location on S. 51st Street and W. Rawson Avenue.
B.4. Mayor Olson noted the anticipated Opening of Hampton Inn is on June 5, 2015.

APPROVAL OF
MINUTES

- C.1. Alderwoman Evans moved to approve the minutes of the regular meeting of March 17, 2015 as amended. Seconded by Alderman Schmidt. All voted Aye; motion carried.
C.2. Alderwoman Evans moved to approve the minutes of March 23, 2015 Special Council meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.
C.3. Alderwoman Wilhelm moved to approve the minutes of March 26, 2015 Special Council meeting as amended. Seconded by Alderman D. Mayer. On roll call, Alderman Dandrea, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderwoman Evans voted No. Motion carried.
C.4. Alderman Dandrea moved to approve the minutes of April 1, 2015 Special Council meeting. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

HEARINGS

- D.1. The public hearing was called to order at 7:12 p.m., regarding a proposed Resolution which proposes the vacation of approximately 0.467 acres of right-of-way in an undeveloped cul-de-sac at the west end of West Allwood Drive adjacent to property located at 10819, 10835, 10847 and 10836 West Allwood Drive and was closed at 7:15 p.m.
- D.2. The public hearing was called to order at 7:18 pm, regarding a proposed Resolution which proposes the vacation of approximately 1.8290 acres of right-of-way which extends approximately 60 feet along West Whitnall Edge Road between South 108th Street and West Forest Home Avenue adjacent to Property located at 6421, 6431-6435 and 6455 South 108th Street, 11131 West Forest Home Avenue and property adjacent to West Forest Home Avenue bearing Tax Key No. 704-9980-002 located in the City of Franklin, Milwaukee County, Wisconsin Drive and was closed at 7:18 p.m.

LETTERS AND
PETITIONS

- F. Alderman D. Mayer moved to suspend the regular order of business to allow citizens to speak. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
- Alderwoman S. Mayer moved to place on file a letter and petitions from Angeline Benning regarding Community Based Residential Facility at South 92nd Street and West St. Martins Road. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- Alderwoman S. Mayer moved to direct staff to request Wisconsin Department of Natural Resources and Army Corps of Engineers for a wetland delineation concurrence and navigability determination, and that no further action by staff that propels this project along shall be taken before these documents come back before the Common Council. Seconded by Alderman D. Mayer.
- Alderwoman Wilhelm moved to call the question. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- On the voice vote for the main motion, all voted Aye; motion carried.
- Alderwoman Wilhelm vacated her seat at 8:11 p.m. and returned at 8:17 p.m.
- *Alderwoman Wilhelm moved to have the City Attorney look into the possibility of changing the determination of the water going down the site at the CBRF. Seconded by S. Mayer. All voted Aye; motion carried.
- Alderwoman S. Mayer moved that with any future Community Based Residential Facilities that are introduced into the City of Franklin that the Alderman of the District be notified by phone call and that a community development review meeting be held

so that everyone can be brought up to speed and direction given on how to proceed with this, with responsibility of letters to be written by City staff and sent to residents within 1,000 feet with the Alderman aware of the letter and who it will be sent to. Alderwoman Wilhelm seconded. All voted Aye; motion carried. Alderman Dandrea moved to return to the regular order of business. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Mayor Olson recessed the meeting at 9:04 p.m. and reconvened the meeting at 9:13 p.m. with all Aldermen in attendance.

RES. 2015-7076
VACATE RIGHT-OF-
WAY AT W ALLWOOD
DRIVE

G.1. Alderman D. Mayer moved to adopt Resolution 2015-7076, A RESOLUTION TO VACATE APPROXIMATELY 0.467 ACRES OF RIGHT OF WAY IN AN UNDEVELOPED CUL-SE-SAC AT THE WEST END OF WEST ALLWOOD DRIVE ADJACENT TO PROPERTY LOCATED AT 10189, 10835, 10847 AND 10836 WEST ALLWOOD DRIVE. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2015-7074
AMEND RESOLUTIONS
FOR SPECIAL USE
(HILLER FORD &
DEALERSHIP
PROPERTIES, INC.)

G.2. Alderwoman S. Mayer moved to adopt Resolution 2015-7074, A RESOLUTION TO AMEND RESOLUTION NOS. 88-3175, 95-4217, 99-4875, 99-4933, 2004-5733 (NOT RECORDED), AND 2004-5736, IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTIES LOCATED AT 6381, 6411, 6455 AND 6421 SOUTH 108TH STREET TO ALLOW FOR BUILDING EXPANSION AND REMODELING OF THE HILLER FORD NEW AND USED CAR DEALERSHIP SHOWROOM OFFICES AND SERVICE RIGHTING AREA, AN ADDITION TO THE EXISTING BODY SHOP, CONSTRUCTION OF A USED VEHICLE SALES BUILDING AND ASSOCIATED PARKING AND LANDSCAPING CHANGES (HILLER FORD, INC. AND DEALERSHIP PROPERTIES, INC., APPLICANTS), subject to striking 6455 from Condition No. 4 and corrections to tax key numbers. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2015-7075
CERTIFIED SURVEY
MAP (HILLER FORD,
INC. & DEALERSHIP
PROPERTIES INC.)

G.3. Alderwoman S. Mayer moved to adopt Resolution 2015-7075, RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (HILLER FORD, INC. AND DEALERSHIP PROPERTIES, INC., APPLICANTS)

(APPROXIMATELY 6381, 6411, 6421 AND 6455 SOUTH 108TH STREET), with a technical corrections of a 2-lot Certified Survey Map and the addition Tax Key No. 704-9976-004 to be included in the first whereas in the Resolution. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2015-7073
VACATE RIGHT-OF-
WAY ALONG
WHITNALL EDGE ROAD

G.4. Alderwoman Evans moved to adopt Resolution No. 2015-7073, A RESOLUTION TO VACATE APPROXIMATELY 1.8290 ACRES OF RIGHT-OF-WAY WHICH EXTENDS APPROXIMATELY 60 FEET ALONG WHITNALL EDGE ROAD BETWEEN SOUTH 108TH STREET AND WEST FOREST HOME AVENUE ADJACENT TO PROPERTY LOCATED AT 6421, 6431-6435 AND 6455 SOUTH 108TH STREET, 11131 WEST FOREST HOME AVENUE AND PROPERTY ADJACENT TO WEST FOREST HOME AVENUE BEARING TAX KEY NO. 704-9980-002. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

*STATUS UPDATE ON
QUARRY MONITORING
COMMITTEE
RECOMMENDATIONS

G.5. *Alderwoman Wilhelm move to direct applicable departments to continue to work on previously Council-approved recommendations from the Quarry Monitoring Committee and report back in three months with a status update, pertaining to items detailed in the Council packet for this meeting. Seconded by Alderman Schmidt. All voted Aye; motion carried.

LEGAL OPINION ON
“BIANNUAL”

G.6. No action was necessary on the Legal Opinion from the City Attorney upon the meaning of “biannual” with regard to the text of Planned Development District No. 23 Section Z [“every two (2) years”].

SENIOR TRAVEL
PROGRAM

G.7. *Alderwoman S. Mayer moved to direct the Director of Administration to inform the Senior Travel Program Director that the Senior Travel Program does not need to adhere to the Community Development Block Grant Program requirements and that \$10,000 is set aside for the Travel Program, and to direct the Director of Administration and Health Director to work with Milwaukee County to explore other senior-based programming options for the \$5,000 of potential CDBG funding. Seconded by Alderwoman Evans. All voted Aye; motion carried.

PARK DEVELOPMENT
AND PARK IMPACT FEE
EXPENDITURE OPTIONS

G.8. Alderwoman S. Mayer moved that the park development and park impact fee expenditure options be tabled until May 5, 2015. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

Alderman D. Mayer moved to table all items non-essential items on the remainder of the agenda. Motion died due to the lack of a second.

STATUS OF KAYLA'S
PLAYGROUND AT
FRANKLIN WOODS

- G.9. Alderwoman Evans moved to suspend the regular order of business to allow citizens to speak. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
Alderwoman Evans moved to return to the regular order of business. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
Alderwoman Evans moved to authorize the Mayor sign a contract with Graef with authorization to proceed with the items as presented by the City Engineer on the Graef spreadsheet, in an amount not to exceed \$55,000. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2015-2170
TO CREATE CHAPTER
238 OF MUNICIPAL
CODE

- G.10. Alderwoman Wilhelm moved to adopt Ordinance No. 2015-2170, AN ORDINANCE TO CREATE CHAPTER 238 OF THE MUNICIPAL CODE RELATING TO (licensing, monitoring and video surveillance of) PAWNBROKERS, SECOND-HAND ARTICLE DEALERS AND SECOND-HAND JEWELRY DEALERS. Seconded by Alderman Schmidt. All voted Aye; motion carried.

*State of Wisconsin vs.
Wofford, Jr.*, Milwaukee
County Circuit Court Case
No. 95CF950391, March
26, 2015

- G.11. Alderman D. Mayer moved to direct and authorize the City Attorney to take all reasonable and necessary legal and equitable measures to uphold and ensure the continued validity of the City of Franklin sex offender residency restriction ordinances, including, but not limited to: to contest the March 26, 2015 Order in *State of Wisconsin vs. Wofford, Jr.*, Milwaukee County Circuit Court Case No. 95CF950391; and to cooperate with other municipalities and to enter into an agreement or agreements on behalf of the City for mutual representation, cost sharing, and such other matters necessary or convenient to preserve and protect the validity and enforceability of the Franklin ordinances. Seconded Alderman Dandrea. On roll call, all voted Aye. Motion carried. Vote recorded as unanimous.

OPPOSING
LEGISLATION TO
ELIMINATE PROPERTY
TAX ON PERSONAL
PROPERTY

- G.12. *Alderman Schmidt moved to table to April 21, 2015, A RESOLUTION OPPOSING LRB-1183/LRB-2009 THAT WOULD ELIMINATE THE PROPERTY TAX ON PERSONAL PROPERTY AND THE COMPUTER STATE AID PAYMENTS MADE TO LOCAL GOVERNMENTS. Seconded by Alderwoman Evans. All voted Aye; motion carried.

- PURCHASE OF SALT G.13. *Request for authorization for the City to participate in State contract for purchase of 500 tons of salt will be placed on the April 21, 2015 Common Council agenda.
- CONTRACT WITH
INSPIRON LOGISTICS G.14. Alderman Schmidt moved to allow the contract with Inspiron Logistics for an Emergency Notification System to automatically renew in accordance with the terms of the contract and for the same annual rate of \$9,600 and to authorize release of payment for the period 4/22/15 through 4/21/16. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- PART-TIME BUILDING
INSPECTOR G.15. Alderwoman S. Mayer moved to authorize Building Inspection to retain an additional part-time building inspector during 2015 to an extent that it does not exceed current budgeted appropriations under the condition that an email policy set by the Director of Administration related to a hold on addressing Aldermanic complaints be rescinded. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- LANDSCAPE
MAINTENANCE ACCESS
EASEMENT (AVIAN
ESTATES SUBDIVISION) G.16. A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE MAINTENANCE ACCESS EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL FOR AVIAN ESTATES SUBDIVISION LOCATED AT W. AVIAN CT. OFF OF W. PUETZ ROAD will be placed on the April 21, 2015 Common Council agenda.
- RES. 2015-7077
2015 BITUMINOUS AND
AGGREGATE
MATERIAL CONTRACTS G.17. Alderwoman Evans moved to adopt Resolution No. 2015-7077, A RESOLUTION AWARDDING 2015 BITUMINOUS AND AGGREGATE MATERIAL CONTRACTS. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- DONATION G.18. Alderwoman S. Mayer moved to accept the gift card donation of \$25 to the Department of Public Works from the Franklin Rolling Dice Riders. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- AGREEMENT WITH
MILWAUKEE COUNTY
FOR PURCHASE OF NEW
ELECTION EQUIPMENT G.19. Alderwoman Wilhelm moved to authorize proper City officials to execute the Intergovernmental Agreement for the purchase of New Election Equipment with Milwaukee County, subject to review by the City Attorney. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- SUMMER MEETING
SCHEDULE FOR 2015 G.20. The scheduling of Common Council meetings during June, July and August, 2015 will be placed on the April 21, 2015 Common Council agenda.

- UPDATE ON TRANSFER OF MMSD GREENSEAMS LAND G.21. Alderwoman Wilhelm vacated her seat at 11:02 p.m. and returned at 11:03 p.m.
Alderwoman Wilhelm moved to direct staff to prepare a letter to Milwaukee Metropolitan Sewerage District that City of Franklin is interested in accepting the greenseams parcels contingent upon final review of each parcel's obligations, conditions and restrictions by the City Attorney and to provide a copy of the letter to the Common Council. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- CLASSIFICATION AND COMPENSATION STUDY GUIDANCE REFERRED TO NEXT MEETING G.22. Alderwoman Wilhelm moved to table Item (c) to the April 21, 2015 Common Council meeting, with Items (a) and (b) at the call of the Chair:
(a) Presentation on Remote Application and Data Collection for the Geographic Information System (GIS) in the Field.
(b) Discussion Concerning and Consideration of Replacement of the Unified Development Ordinance's Use of the Standard Industrial Classification System and Potentially Including a Comprehensive Update or Replacement of the City of Franklin Unified Development Ordinance.
(c) Discussion to Provide Guidance to the Classification and Compensation Study Consultant on Pay Philosophy and Pay Plan Structure.
Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
- LICENSES AND PERMITS H.1. Alderman Dandrea moved to approve the following:
Grant Class B Combination license to Michael L. Pues, 6357 S. 27th Street, subject to current licensee surrendering his license to the City;
Grant Operators' licenses for 2014-2015 to Alysia Moga, 5885 Tower Rd., #1, Greendale, with a warning letter from the City Clerk; Wendy Beierle, 9221 S. 96th St.; Randy Beres, 6945 Darnell Ln., Greendale; Zoe Gaspar, 6099 Sycamore St., Greendale; Justin Strzok, 8900 W. Puetz Rd.; Jeffrey Allen Torzala, 5994 S. 32nd St., Greenfield; and grant Operators' licenses for 2015-2016 to Desirea Hart, 2588A S. Burrell St., Milwaukee; Kristin Kowalski, 11210 W. 6 Mile Rd., Franksville; and deny Operator's license to Connor Connell, 1916 W. Timber Ridge Ln., #4110, Oak Creek, due to arrest and conviction record substantially related to licensed activity; and
Grant Mobile Home Court license for 2015-2016 to Franklin Mobile, LLC, David Steinberger, Manager, 6361 S. 27th St.; and Hold application for 4/21/2015 meeting for a PUBLIC grant from Franklin Lacrosse Club for park permit fees
Seconded by Alderwoman Evans. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I.1. Alderman D. Mayer moved to approve net general checking account City vouchers in the range of Nos. 155862 through 156061 in the amount of \$959,005.98 dated March 13, 2015 through April 2, 2015. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve net payroll dated April 3, 2015 in the amount of \$346,620.23 and payments of the various payroll deductions in the amount of \$191,449.62 plus any City matching payments where required. Seconded by Alderwoman Evans. On roll call, all voted Aye; motion carried.

Alderman D. Mayer moved to approve net payroll dated April 17, 2015 estimated at \$345,000.00 and payments of the various payroll deductions estimated at \$356,000.00 plus any City matching payments where required. Seconded by Alderwoman S. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve property tax refunds and settlements in the range of Nos. 14850 through Nos. 14853 in the amount of \$538.34 dated March 12, 2015 through April 2, 2015. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderwoman Evans moved to adjourn the meeting at 11:35 p.m. Seconded by Alderman D. Mayer. All voted Aye; motion carried.