

APPROVED SEPTEMBER 4, 2018

CITY OF FRANKLIN COMMON COUNCIL MEETING AUGUST 21, 2018 MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on August 21, 2018 and called to order at 6:30 p.m. by Council President Mark Dandrea 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. Excused was Mayor Steve Olson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Lubberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

Acting Mayor Dandrea stated he will be voting as Mayor.

CITIZEN COMMENT

- B.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:42 p.m.

SEPTEMBER ICC MEETING

- B.2. Acting Mayor Dandrea noted that Franklin will host the Intergovernmental Cooperation Council meeting on September 10, 2018 at the Indian Community School.

MINUTES AUGUST 7, 2018

- C. Alderwoman Wilhelm moved to approve the minutes of the regular Common Council Meeting of August 7, 2018 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

CONSENT AGENDA

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

DONATIONS

- (a) Accept \$150 donation from the Franklin Lioness Club to the Health Department, to be used for future programs offered to children.
(b) Accept the donation in the amount of \$276 from Midwest Speleo Cave from the entrance donations at National Night Out to be turned over to the City of Franklin Food Pantries.
Approval of the above consent items was seconded by Alderman Mayer. All voted Aye; motion carried.

CREATION OF POSITION OF POLICE RECRUIT

- G.2. Alderman Mayer moved to approve continuing the process of creating the position of Police Recruit, both civilian and sworn (whichever is viable). The position with job description, pay and other details will be submitted to the Personnel Committee and Common Council when completed for review and approval. Seconded by Alderman Barber. All voted Aye; motion carried.

- REVISION OF JOB DESCRIPTION FOR PATROL OFFICER G.3. Alderwoman Wilhelm moved to approve the revised job description for Police Patrol Officer as presented. Seconded by Alderman Taylor. All voted Aye; motion carried.
- PURSUIT INTERVENTION TECHNIQUE (PIT) TRAINING G.4. Alderwoman Wilhelm moved to approve increasing the overall size of the City's fleet by retaining two vehicles, that may otherwise be sold or used by other City departments, for the purpose of training Police Department personnel in pursuit intervention technique (PIT). Seconded by Alderman Taylor. All voted Aye; motion carried.
- TID 6 FEASIBILITY ANALYSIS G.5. Alderman Nelson moved to proceed with the Tax Incremental District No. 6 Mixed-Use District Project Plan development, with technical changes by the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.
- SPECIAL EXCEPTION NRPP FOR MILW. CO., APPLICANT AND BPC COUNTY LAND LLC, PROPERTY OWNER G.6. Alderwoman Wilhelm moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of the Milwaukee County Department of Administrative Services, Applicant, BPC County Land, LLC, Property Owner, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2018-7405 PRELIMINARY PLAT AT 7711 AND 7725 S. 76TH ST. AND 7700 W. FAITH DR.)(RICK J. PRZYBYLA, APPLICANT) G.7. Alderman Mayer moved to adopt Resolution No. 2018-7405, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR FAITHWAY PRESERVE SUBDIVISION (AT 7711 AND 7725 SOUTH 76TH STREET AND 7700 WEST FAITH DRIVE) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT). Seconded by Alderman Nelson. On roll call, Alderman Mayer, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderwoman Wilhelm voted No. Motion carried.
- EXEMPTION OF IMPACT FEE AT 7853 S. RIDGEWOOD DR. (BRADLEY SCHMIDT, APPLICANT) G.8. Alderman Nelson moved to adopt a finding that a building permit for a single-family home issued for 7853 S. Ridgewood Drive to Bradley Schmidt shall be exempt from impact fees under Chapter 92 of the Municipal Code and a finding that the project does not bear a rational relationship to the need for new, expanded or improved public facilities required to serve such development based upon the reasons provided in the Council Action sheet and subject to the building permit being issued prior to the second anniversary of the razing of the prior home on the property. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2018-7406
LOCAL LEVY LIMIT FOR
PUBLIC SAFETY AND
SCHEDULING
REFERENDUM

G.9. Alderman Barber moved to adopt Resolution No. 2018-7406, A RESOLUTION PROPOSING TO INCREASE THE LEVY BEYOND THE AMOUNT THAT IS ALLOWED UNDER THE “LOCAL LEVY LIMIT” STATUTE FOR THE PURPOSE OF ENHANCING PUBLIC SAFETY DEPARTMENT SERVICES AND SCHEDULING AN ELECTION FOR A REFERENDUM TO EXCEED THE LEVY LIMIT FOR PUBLIC SAFETY EXPENSES, as included in the Council packet as Resolution “C”. Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.

ADVISORY REFERENDUM
TO PASS LEGISLATION
RELATED TO “DARK
STORE” AND
WALGREENS V. CITY OF
MADISON

G.10. Alderman Taylor moved to deny a Resolution Scheduling an Election for an Advisory Referendum that Recommends the State Legislature Protect Local Businesses, Apartment Owners, and Homeowners From Property Tax Burden Shifts By Passing Legislation to Close Property Tax Loopholes Related to the “Dark Store” and Walgreens V. City of Madison Commercial Property Valuation and Taxation Interpretations. Seconded by Alderwoman Wilhelm. On roll call, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

BUSINESS APPRECIATION
EVENT UPDATE

G.11. Alderwoman Wilhelm moved to receive and file the update on the business appreciation event organized by the Franklin Economic Development Commission to be held on October 25, 2018. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Mayer vacated his seat at 8:20 p.m.

RES. 2018-7407
STORM SEWER AND
WATER MAIN
EASEMENTS FOR PARK
CIRCLE CONDOS

G.12. Alderman Nelson moved to adopt Resolution No. 2018-7407, A RESOLUTION FOR ACCEPTANCE OF A STORM SEWER AND WATER MAIN EASEMENT FOR PARK CIRCLE CONDOS AKA THE GLEN AT PARK CIRCLE (NEUMANN COMPANIES, INC.) 9700 BLOCK OF S. 76TH STREET. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2018-7408
INTERGOVERNMENTAL
AGREEMENT WITH
WAUKESHA FOR S. 60TH
ST. SEWER PROJECT

G.13. Alderman Taylor moved to adopt Resolution No. 2018-7408, A RESOLUTION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH CITY OF WAUKESHA WATER UTILITY FOR THE S. 60TH STREET SEWER PROJECT, subject to legal and technical corrections, and negotiation with Waukesha. Seconded by Alderman Nelson.

Alderman Mayer returned to his seat at 8:24 p.m.

Upon voice vote to adopt Resolution No. 2018-7408, four Ayes and one No (Alderwoman Wilhelm voted No). Motion carried.

RES. 2018-7409
GREELEY AND HANSEN
CONTRACT FOR IND.
PARK LIFT STATION
ABANDONMENT AND
SEWER EXTENSION

G.14. Alderman Taylor moved to adopt Resolution No. 2018-7409, A RESOLUTION TO EXECUTE A CONTRACT WITH GREELEY AND HANSEN FOR THE DESIGN OF A INDUSTRIAL PARK LIFT STATION ABANDONMENT AND SEWER EXTENSION, AND AUTHORIZE PHASE 1 OF SERVICES FOR \$4,425, pending legal review and technical revisions, on Option A. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2018-7410
RIGHT OF ENTRY
AGREEMENT WITH
WASTE MANAGEMENT
OF WISCONSIN, INC. AT
10627 S. 27TH ST. AND
3001 W. ELM RD.

G.15. Alderman Taylor moved to adopt Resolution No. 2018-7410, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A RIGHT OF ENTRY AGREEMENT BETWEEN WASTE MANAGEMENT OF WISCONSIN, INC. AND CITY OF FRANKLIN, FOR THE PROPERTY LOCATED AT 10627 SOUTH 27TH STREET AND 3001 WEST ELM ROAD. Seconded by Alderman Mayer. All voted Aye; motion carried.

LICENSES AND PERMITS

H. Alderman Taylor moved to approve the following:
Grant Operator licenses to Daniel Kesich, 4200 S. Vermont Ct., #2, St. Francis; David Kunze, 8740 W. Elm Ct., Franklin; Beverly Marek, 8730 W. Hawthorne Ct., Franklin; Amy Pluskota, 3578 S. 14th St. Upper, Milwaukee; Julie Wiltzius, 4889 S. 72nd St., Greenfield;
Grant Extraordinary & Special Event license to Mulligan's Irish Pub & Grill (Brain Francis) for Car Show & Halfway to St. Patrick's Day Party on 9/15/2018;
Grant Extraordinary & Special Event license subject to having additional portable toilets and Temporary Class B Beer License to Knights of Columbus Trinity #4580 (David Kunze) for their Arts & Crafts Fair on 9/2/2018;
Grant Temporary Class B Beer & Wine license to the Franklin Public Library Foundation (Jennifer Loeffel) for their Meet & Mingle with John Gurda on 9/20/2018;
Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to Franklin Public Library Foundation for a Temporary Class B permit on 9/20/2018;
Grant Temporary Entertainment & Amusement license to American Legion Wiley Herda Post 192 (Gretchen Davies) for a Raffle Game at St. Martins Fair on 9/2/2018.
Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I. Alderman Barber moved to approve the following:
City vouchers with an ending date of August 16, 2018 in the amount of \$2,669,704.74; Payroll dated August 17, 2018 in the amount of \$386,830.85 and payments of the various payroll deductions in the amount of \$223,775.08 plus City matching payments; and Estimated Payroll dated August 31, 2018 in the amount of \$400,000.00 and payments of the various payroll deductions in the amount of

\$402,000.00, plus City matching payments; and property tax payments and settlements with an ending date of August 16, 2018 in the amount of \$3,315,140.83; the release of payment to Ewald Automotive Group in the amount of \$41,501.00; and the release of payment to BPC Master Developer Manager, Inc. (via Knight-Barry) of \$2,236,474.90. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:35 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.