

APPROVED DECEMBER 18, 2018

CITY OF FRANKLIN COMMON COUNCIL MEETING DECEMBER 4, 2018 MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on December 4, 2018 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, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
- Alderman Taylor requested a Moment of Silence in Honor of George H.W. Bush.
- CITIZEN COMMENT B.1. Citizen comment period was opened at 6:31 p.m. and closed at 7:20 pm.
- ARCHITECTURAL BOARD RESIGNATION B.2. Mayor Olson noted a resignation letter from Vance Werner, Jr. from the Architectural Review Board after 21 years of service.
- MINUTES
NOVEMBER 13, 2018 C.1. Alderman Dandrea moved to approve the minutes of the regular Common Council meeting of November 13, 2018, as presented. Seconded by Alderman Mayer. All voted Aye; motion carried.
- MINUTES
NOVEMBER 19, 2018 C.2. Alderman Taylor moved to approve the minutes of the special Common Council meeting of November 19, 2018, as presented. Seconded by Alderman Barber. All voted Aye; motion carried.
- MINUTES
NOVEMBER 28, 2018 C.3. Alderman Mayer moved to approve the minutes of the special Common Council meeting of November 28, 2018, as presented. Seconded by Alderman Barber. All voted Aye; motion carried.
- DONATIONS TO POLICE AND FIRE DEPARTMENTS G.1. Alderman Mayer moved to approve the following consent agenda items:
- G.1.(a) Accept a donation from Walmart Store #1551 to the Police Department in the amount of \$1,500; and a donation from Daniel and Sandra Hay in the amount of \$3,000 to be deposited into the Police Donation Account; and
- G.1.(b) Accept a donation from Daniel and Sandra Hay to the Fire Department in the amount of \$3,000 to be used for educational supplies and safety equipment.
- Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

- QUARRY MONITORING G.2. Alderman Taylor moved to direct staff to review and address all of the suggested potential review recommendations from the Quarry Monitoring Committee and return to the Common Council when appropriate upon sufficient fact finding, with an update no later than February 1, 2019. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- POLICE POSITIONS G.3. Alderman Nelson moved to approve the elimination of one patrol officer position and add one detective position to the Police Department and direct staff to find the necessary \$8,400 difference. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2018-7442 SMART AGREEMENT G.4. Alderman Taylor moved to adopt Resolution No. 2018-7442, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBURBAN MUTUAL ASSISTANCE RESPONSE TEAMS AGREEMENT TO PROVIDE FOR GOVERNMENTAL LAW ENFORCEMENT AGENCIES' MUTUAL AID AMONG SOUTHEASTERN WISCONSIN COUNTIES, CITIES, VILLAGES AND TOWNS. Seconded by Alderman Mayer. All voted Aye; motion carried.
- S. 68TH ST. ROAD IMPROVEMENTS G.5. Alderman Barber moved to adopt the Scoping Phase report for S. 68th Street improvements; select the recommendation for a absolute minimum alternative cross-section; select two vertical curves just south of W. Drexel Avenue and just north of Terrace Drive for lowering; and direct staff to finalize professional services contract for Phase 2 of detail design of S. 68th Street from W. Loomis Road to W. Puetz Road with Lakeside Engineering and return to Common Council for execution. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer and Alderman Taylor voted No. Motion carried.
- RES. 2018-7443 LANDFILL MONITORING AGREEMENT WITH JSA ENVIRONMENTAL G.6. Alderman Taylor moved to adopt Resolution No. 2018-7443, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL FACILITY TO DECEMBER 31, 2019, WITH JSA ENVIRONMENTAL, INC. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- RES. 2018-7444 AMEND SPECIAL USE FOR HOPPE WOODWORKS, INC. G.7. Alderman Taylor moved to adopt Resolution No. 2018-7444, A SPECIAL USE AMENDMENT TO AMEND RESOLUTION NO. 97-4563 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR HOPPE

WOODWORKS, INC., LOCATED AT 2791 WEST SOUTHLAND DRIVE TO ALLOW FOR CONSTRUCTINO OF AN APPROXIMATELY 1,100 SQUARE FOOT DETACHED STORAGE BUILDING/GARAGE AND REMOVAL OF APPROXIMATELY 300 SQUARE FEET OF THE EXISTING PARKING LOT WHICH WILL BE REPLACED WITH GREENSPACE (JOHN L. HOPPE, PRESIDENT OF HOPPE WOODWORKS, INC., APPLICANT). Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2018-7445
RYANWOOD MANOR
SUBD. DEVELOPMENT
AGREEMENT

- G.8. Alderman Taylor moved to suspend the regular order of business and allow Steve DeClene to speak. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Taylor moved to return to the regular order of business. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Nelson moved to adopt Resolution No. 2018-7445, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF RYANWOOD MANOR SUBDIVISION PHASE I, with the content of the agreement to include the work in process draft agreement content provided to the Common Council at this meeting, subject to changes thereto approved by the City Engineer, the Planning Manager and the City Attorney, with such staff approval authority to include changes to the resolution content, and the Subdivision Development Agreement approval also being subject to the approval of a Final Plat for Ryanwood Manor Subdivision. Seconded by Alderman Mayer. All voted Aye; motion carried.

RES 2018-7446
ADDITIONAL
FINANCIAL ANALYSIS
WITH EHLERS, INC.
BALLPARK COMMONS

- G.9. Alderman Taylor moved to authorize staff to contract Ehlers, Inc. for up to \$17,000 to conduct additional financial analysis of potential changes to Tax Increment District No. 5, a district associated with the Ballpark Commons development proposal. Seconded by Alderman Dandrea. All voted Aye; motion carried.

FRANKLIN
CORPORATE PARK
DOCUMENT

- G.10. Alderman Taylor moved to authorize the Mayor to prepare a final document based on the draft for use in attracting developers and businesses to the future Franklin Corporate Park. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Mayer vacated his seat at 9:05 p.m.

UNCONTROLLED
INTERSECTIONS ON
PRIVATE ROADS

- G.11. Alderman Dandrea moved to table the subject of uncontrolled intersection liability on private roads. Seconded by Alderman Taylor. All voted Aye; motion carried. (Alderman Mayer Absent)

- LED STREET LIGHT PROJECT G.12. Alderman Taylor moved to authorize staff to prepare a light emitting diodes (LED) Street Light project and bid said project, returning to the Common Council to award the bid. Seconded by Alderman Barber. All voted Aye; motion carried. (Alderman Mayer Absent)
- RES. 2018-7447
MMSD AGREEMENT
FOR LOAD
INITIATIVES G.13. Alderman Dandrea moved to adopt Resolution No. 2018-7447, A RESOLUTION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT TO RECOGNIZE JOINT TOTAL MAXIMUM DAILY LOADS IMPLEMENTATION INITIATIVES. Seconded by Alderman Taylor. All voted Aye; motion carried. (Alderman Mayer Absent)
- 2019 AUDIT
AGREEMENT WITH
BAKER TILLY LLP G.14. Alderman Dandrea moved to direct the Mayor, City Clerk and Director of Finance & Treasurer to execute the Audit Agreement between Baker Tilly LLP and the City of Franklin for an audit of the 2018 annual financial statements subject to technical corrections by the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried. (Alderman Mayer Absent)
- Alderman Mayer returned to his seat at 9:08 p.m.
- LIFT STATION
ABANDONMENT
AGREEMENT WITH
GREELEY AND
HANSEN LLC G.15. Alderman Taylor moved to table at the call of the City Engineer, a Resolution to Amend Professional Services Contract with Greeley and Hansen LLC for the Design of Industrial Park Lift Station Abandonment and Sewer Extension for an Additional \$95,510. Seconded by Alderman Nelson. All voted Aye; motion carried.
- OFFICE 2019 LICENSES G.16. Alderman Taylor moved to authorize the Information Technology Director to order Office 2019 licenses for approximately \$42,857.15, using existing Information Services Capital Outlay appropriations as described in the Council Action Sheet, and to direct the Director of Finance and Treasurer to prepare a budget modification at his convenience in 2019 to re-appropriate the \$19,373 of the Email Backbone Upgrade project within the 2019 budget. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- COUNCIL CHAMBER
SOUND SYSTEM AND
PROJECTOR
PROPOSAL WITH
HEARTLAND
BUSINESS SYSTEMS G.17. Alderman Barber moved to authorize the Director of Administration to execute the proposal with Heartland Business Systems (HBS) for a Flexible Services Block of hours to design and prepare plans and specifications to replace the Common Council Chamber sound system and projector, and to direct the Director of Finance and Treasurer to incorporate in early 2019 the remaining 2018 appropriations into a budget modification for re-appropriation, or carryover, into the 2019 budget. Seconded by

Alderman Nelson. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

MOU WITH
GREENFIELD FOR
HEALTH OFFICER
SERVICES

- G.18. Alderman Taylor moved to authorize the Director of Administration to prepare and for the Mayor to execute an addendum to the Memorandum of Understanding with the City of Greenfield Health Department that extends the duration of the agreement to act as Interim Health Officer for the City of Franklin through the hiring process period for a new Health Officer and until such time that the City of Franklin appoints a new Health Officer. Seconded by Alderman Nelson. All voted Aye; motion carried.

SOIL TESTER
AGREEMENT WITH
RACINE COUNTY

- G.19. Alderman Taylor moved to approve the 2019 Professional Services Agreement between the City of Franklin and Racine County for services to verify a certified soil tester's soil and site evaluation at designated properties when needed and to authorize the Director of Administration to execute such agreement. Seconded by Alderman Barber. All voted Aye; motion carried.

2019 CASUALTY
INSURANCE

- G.20. Alderman Taylor moved to authorize the Director of Administration to renew and execute the City's casualty insurance plans with R&R Insurance/League of Wisconsin Municipalities Mutual Insurance (LWMMI), Chubb, Hanover, and ACE American Insurance Company for the upcoming 2019 year, as noted on the Council Action Sheet and with increasing the liability limit to \$10m; not renewing the Umbrella policy with American Alternative; and to further authorize release of premium payments in accordance with or as required by said policy documents. Seconded by Alderman Nelson. All voted Aye; motion carried.

HEALTH BENEFIT
PROGRAM STOP-LOSS
COVERAGE

- G.21. Alderman Taylor moved to approve Sun Life and Sun Life's "Renewal Option 1" for stop-loss coverage for 2019's health benefits program, which increases the City's individual specific deductible to \$70,000; and to authorize the Director of Administration to execute renewal documentation as necessary, as recommended by the Personnel Committee. Seconded by Alderman Barber. All voted Aye; motion carried.

WAGE ADJUSTMENT
FOR WRS AFFECTED
EMPLOYEES

- G.22. Alderman Barber moved to authorize implementation of a 1.55% preliminary wage adjustment for non-represented employees who join WRS effective 1/01/2019 and would suffer a commensurate reduction in take-home pay in accordance with the implementation guidelines set forth in the Council Action Sheet. Seconded by Alderman Mayer. All voted Aye; motion carried.

CONTRIBUTION TO
EMPLOYEES FOR
HIGH-DEDUCTIBLE
HEALTH PLAN

G.23. Alderman Mayer moved to authorize payment of the \$750/\$1,500 (single/family) employer contribution to the eligible employee High-Deductible Health Plan (HDHP) Health Savings Accounts (HAS) prior to the end of January of 2019 provided the HAS is initially available and at the convenience of the Finance Department thereafter, and, for new employees in 2019 who remain employed for more than 30 calendar days who select the HDHP with an HAS or an existing employee with a qualifying event who switches health plans during the year, to authorize payment of an employer contribution prorated based upon the number of months the employee will be covered by the HDHP, and to authorize the Director of Administration to make such related changes to the Employee Handbook as he determines is necessary. Seconded by Alderman Nelson. All voted Aye; motion carried.

RETIREE HIGH-
DEDUCTIBLE HEALTH
PLAN

G.24. Alderman Mayer moved to direct the Director of Administration to incorporate the recommended language that clarifies the impact on the City and retiree shares in the event of a change in plan type, either from single to family or from HDHP to PPO, etc. to the end of the Retiree Health Insurance portion of the Employee Handbook as recommended by the Personnel Committee. Seconded by Alderman Dandrea. All voted Aye; motion carried.

PENSION PLAN
MODIFICATIONS

G.25. No action was taken on the proposed Pension Plan modifications to the City of Franklin Defined Contribution Retirement Plan and the City of Franklin Defined Benefit Retirement Plan scheduled for approval at the December 18, 2018, Common Council meeting.

COMPUTERS FOR
DETECTIVES

G.26. Alderman Dandrea moved to authorize the Information Technology Director to order 6 additional more aggressive HP desktop computers from PDS for the Police Department Detectives at a total cost of \$4,914 using the remaining balance of the 2018 Capital Outlay funds for the Windows 10 Desktop Replacement Project. Seconded by Alderman Barber. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Taylor moved to grant the following licenses:
Hold for Appearance the Operator's License application for Nicole M. Schilcher, 10509 W South County Line Rd., Franksville; and
Approve the following PUBLIC (People Uniting for the Betterment of Life and Investment in the Community Grants:
(1) Franklin Health Dept. Bike Safety Event, Family Movie Night for Fee Park Permits for June 8, 2019 (Bike Safety Event), June 14, 2019 (Movie Night), at Lions Legend Park 1; and
(2) Franklin Lions Club – Meetings & Fund Raisers, St Martins Fair Permit, Park Permits, Temporary Class B Beer, and Operator's License for 04/20/19, 7/9/19, 7/23/19, 8/13/19 9/1-9/2/19 at St.

Martins Fair and Lions Legend Park 1; and

(3) Franklin Police Department National Night Out, Temporary Entertainment & Amusement, Food License on 8/5/19 at Franklin Public Library, 9151 W. Loomis Rd.; and

(4) St. Martin Of Tours Church Fundraisers & Fair, Labor Day Fair Permit, Temporary Class B Beer & Wine, Temporary Entertainment & Amusement, and Operators' Licenses on 02/03/19, 02/16/19 or 04/16/19, 04/27/19, 09/01/19, 09/02/19 and 09/19 or 10/19 at St. Martins Fair and St. Martin of Tours Church or School, 7963 S. 116th St.; and

(5) VFW Post 10394 (Franklin/Hales Corners), St Martins Fair, Temporary Entertainment & Amusement, Temporary Class B Beer, St. Martin's Fair Permit on St. Martins Fair Mondays and September 1 & 2, 2019 at Post Property, 11300 W. Church St.; and

(6) Xaverian Missionaries Annual Mission Festival, Extraordinary Event License, Temporary Class B Beer and Wine License, Operator Licenses, Temporary Food Licenses, and Sign Permits on 6/22-6/23/19 at Xaverian Missionaries, 4500 Xavier Dr.

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

VOUCHERS AND
PAYROLL

- I. Alderman Dandrea moved to approve City vouchers with an ending date of December 3, 2018 in the amount of \$4,094,831.94; and payroll dated November 23, 2018 in the amount of \$402,937.43 and payments of the various payroll deductions in the amount of \$392,609.45 plus City matching payments; and estimated payroll dated December 7, 2018 in the amount of \$414,000.00 and payments of the various payroll deductions in the amount of \$214,000.00 plus City matching payments. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
MENARD, INC. v. CITY
OF FRANKLIN

- G.27. Alderman Taylor moved to enter closed session at 9:17 p.m. pursuant to Wis. Stat. 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to Menard, Inc. v. City of Franklin, Milwaukee County Circuit Court, Case Nos. 16-CV-8734 and 17-CV-12923 (Consolidated) and Case No. 18-CV-008640: Claims of Excessive Property Assessment for 2016, 2017, and 2018, 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. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 9:37 p.m.

ADJOURNMENT

- J. Alderman Nelson moved to adjourn the regular meeting of the Common Council at 9:37 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.