

APPROVED JUNE 19, 2018

CITY OF FRANKLIN COMMON COUNCIL MEETING JUNE 5, 2018 MINUTES

- ROLL CALL
- A. The regular meeting of the Common Council was held on June 5, 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 Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT
- B.1. Citizen comment period was opened at 6:31 p.m. and closed at 6:38 p.m.
- BALLPARK COMMONS
GROUNDBREAKING
- B.2.(a) Mayor Olson noted the Ballpark Commons Groundbreaking Ceremony on June 7, 2018 at 2:00 p.m.
- ECONOMIC
DEVELOPMENT DIR.
- B.2.(b) Mayor Olson noted the start date of June 18, 2018 for Ms. Calli Berg as Director of Economic Development.
- HEALTH & HUMAN
SERVICES DIR.
- B.2.(c) Mayor Olson noted the hiring procedure and timing for Health and Human Services Director position.
- MINUTES
MAY 15, 2018
- C. Alderman Taylor moved to approve the minutes of the regular Common Council Meeting of May 15, 2018 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.
- BD. AND COMM.
APPOINTMENTS
- E. Alderman Taylor moved to confirm the Mayoral appointments to the following Boards and Commissions:
1. John Bergner, 8501 S. Parkland Dr. to the Civic Celebrations Commission for a 3 year term expiring 6/30/2021.
 2. Robert Knackert, 9049 S. 83rd St. to the Civic Celebrations Commission for a 3 year term expiring 6/30/2021.
 3. Randy Grass, 9056 W. Elm Ct., Unit F to the Civic Celebrations Commission for a 3 year term expiring 6/30/2021.
 4. Douglas Clark, 8173 S. 100th St. to the Civic Celebrations Commission for a 3 year term expiring 6/30/2021.

5. Michael Karolewicz, 8208 W. Coventry Dr. to the Library Board for a 3 year term expiring 6/30/2021.
6. Madelyn Kempen, 7855 S. Scepter Dr., Apt. 13 to the Library Board for a 3 year unexpired term expiring 6/30/2019
7. Wayne Hustad, 10320 W. St. Martins Rd., to the Board of Health for a 2 year unexpired term expiring 4/30/2019.
8. Robert Goetsch, 4037 W. Forest Hill Ave to the Economic Development Commission for a 2 year term expiring 6/30/2020.
Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.

CONSENT AGENDA
ORD. 2018-2326
RESISTING OR
OBSTRUCTING AN
OFFICER
DONATION
QUOTE FOR PLANNED
REMOTE SITE LAYER 3
SWITCH UPGRADE
ORD. 2018-2327
SIGNS AND
BILLBOARDS

- G.1. Alderman Barber moved to approve the following consent agenda items:
- (a) Adopt Ordinance 2018-2326, AN ORDINANCE TO AMEND THE FRANKLIN MUNICIPAL CODE AS IT PERTAINS TO RESISTING OR OBSTRUCTING AN OFFICER.
 - (b) Receive \$531.00 donation from Heritage Funeral Homes to be deposited into the Police K9 Donation account.
 - (c) Authorize the Director of Administration to execute the necessary quote with Paragon Development Systems (PDS) in the amount of \$20,929 to complete the planned Remote Site Layer 3 Switch Upgrade Project as budgeted.
 - (d) Adopt Ordinance 2018-2327, AN ORDINANCE TO AMEND CHAPTER 210: SIGNS AND BILLBOARDS TO PROVIDE FOR AN ADDITIONAL ONE-YEAR SUSPENSION OF A REQUIREMENT FOR MASTER SIGN PROGRAMS AND TO EXPAND THE EXCEPTION APPERTAINING TO SIGNS FOR THE LEASE, SALE, NEW OR PENDING BUSINESS OR COMMERCIAL OCCUPANCY OF ANY BUILDING OR LAND TO NEW RESIDENTIAL SUBDIVISIONS.
Approval of the above consent items was seconded by Alderman Mayer. All voted Aye; motion carried.

STANDARDS, FINDINGS
AND DECISION FOR
THE ROCK SPORTS
COMPLEX LLC

- G.2 Alderman Taylor moved to suspend the regular order of business to allow the Applicants to speak. Seconded by Alderman Barber. All voted Aye; motion carried.
- Alderman Taylor moved to revise the Ballpark Commons Mitigation Plan to remove the mitigation along S. 76th Street, and that a comparable area of existing woodlands be restored and enhanced, for Department of City Development review and approval, to be used for City of Franklin tree

replacement. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to amend condition number 15 of the Standards, Findings and Decision of the City of Franklin Common Council upon the application of The Rock Sports Complex LLC for a Special Exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance dated January 9, 2018 to allow use of a personal guaranty for certain required mitigation in the amount of \$264,603. Seconded by Alderman Nelson. All voted Aye; motion carried.

CONCEPT REVIEW FOR
REVISION OF PRELIM.
PLAT AT S. 76TH ST.
AND W. OAKWOOD RD.
(NEUMANN DEV. INC.,
APPLICANT)

G.3. No action was taken following a presentation of a concept review by the applicant regarding the proposed revision to the Preliminary Plat Oakwood at Ryan Creek single-family residential subdivision development upon property located at the northwest corner of South 76th Street and West Oakwood Road (Neumann Developments, Inc., Applicant).

UPDATE FOR RAWSON
HOMES DRAINAGE
AND WATER MAIN
RELAY PROJECT

G.4. Alderwoman Wilhelm moved to direct staff to request a funding status commitment from the Milwaukee Metropolitan Sewerage District and verify any additional available project funding for Rawson Homes Drainage and Water Relay Project. Seconded by Alderman Taylor. All voted Aye; motion carried.

REJECT ALL BIDS FOR
RAWSON HOMES
DRAINAGE AND
WATERMAIN RELAY
PROJECT AND RE-BID
WITH DIRECTION

G.5. Alderwoman Wilhelm moved to reject all bids for the Rawson Homes Drainage and Water Main Relay projects and to direct staff to provide an updated project cost estimate, schedule a pre-bid meeting to rebid the projects by October 2018, with an update to the Council prior to the bid release, and further to re-establish the budget appropriation as needed to award the contract. Seconded by Alderman Nelson. On roll call, Alderman Nelson, Alderwoman Wilhelm, and Alderman Mayer voted Aye; Alderman Barber, Alderman Taylor, and Alderman Dandrea voted No. Mayor Olson broke the tie by voting No. Motion failed.

Alderman Taylor then moved to reject all bids. Seconded by Alderman Dandrea. All voted Aye; motion carried. Alderman Taylor then moved to direct Engineering staff to return to the second Common Council meeting in November, 2018, with an update and any alternatives. Seconded by Alderman Mayer. All voted Aye; motion carried.

INVOICES FOR
RAWSON HOMES
DRAINAGE & WATER
MAIN RELAY PROJECT

G.6. Alderman Barber moved to place on file the details on invoicing from Ruckert Mielke for the Rawson Homes Drainage and Water Main Relay project. Seconded by Alderman Nelson. All voted Aye; motion carried.

DESIGN OF S. 68TH ST.
FROM W. LOOMIS RD.
TO W. PUETZ RD.

G.7. Alderman Barber moved to direct staff to finalize professional services contract for Phase 1 of 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 Taylor. Upon voice vote, five Ayes, one No (Alderman Wilhelm). Motion carried.

RES. 2018-7380
ACCEPT GRANT FROM
THE 2018 WIS. RPCS
AND DNR GREAT
LAKES BASIN TREE
PLANTING

G.8. Alderman Mayer moved to adopt Resolution No. 2018-7380, A RESOLUTION TO ACCEPT A \$7,500 GRANT FROM THE 2018 BAY-LAKE, EAST CENTRAL WISCONSIN, AND NORTHWEST WISCONSIN REGIONAL PLANNING COMMISSIONS (RPCS) AND WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) GREAT LAKES BASIN TREE PLANTING GRANT PROGRAM. Seconded by Alderman Barber. All voted Aye; motion carried.

INDUSTRIAL PARK
SEWERAGE LIFT
STATION
ABANDONMENT AND
SEWER MAIN EXT.

G.9. Alderman Taylor moved to direct staff to negotiate with City of Waukesha Great Lakes Water Alliance (GWA) and finalize professional services contract with Greeley & Hansen for design of Industrial Park Lift Station abandonment and sewer extension, and return to Common Council for execution. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Mayer, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Wilhelm voted No. Motion carried.

STATUS OF OVERTIME
BUDGET FOR DEPT. OF
PUBLIC WORKS

G.10. Alderman Taylor moved to acknowledge that the Highway Overtime budget is expected to be at least \$2,000 in the deficit at the end of the year and address a budget modification as needed at the end of the year. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

CONTRACT WITH
RUEKERT & MIELKE,
INC. FOR ENGINEERING
SERVICES IN AREA D

G.11. Alderman Taylor moved to contract Ruckert Mielke, Inc. for professional services task order related to engineering in Area D, roughly between W. Oakwood and S. South County Line Roads and S. 27th and S. 42nd Streets. Seconded by Alderman Mayer. All voted Aye; motion carried.

- STATUS OF RENTAL AGREEMENT WITH AMERICAN TOWER
- G.12. Alderman Taylor moved to direct staff to continue analysis of a best option for City's consideration of a rental agreement with American Tower and return to Common Council with a recommendation. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2018-2328
AMEND ORD. 2017-2301
TO MOVE
CONTINGENCY
EXPENDITURES
- G.13. Alderman Taylor moved to adopt Ordinance 2018-2328, AN ORDINANCE TO AMEND ORDINANCE 2017-2301, AN ORDINANCE ADOPTING THE 2018 ANNUAL BUDGETS FOR THE GENERAL FUND, CAPITAL, OUTLAY FUND AND CAPITAL IMPROVEMENT FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2018 TO MOVE CONTINGENCY EXPENDITURES TO DESCRIPTIVE ACCOUNTS. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- 2019 BUDGET
DEVELOPMENT ISSUES
- G.14. At 8:25 p.m. Mayor Olson vacated his seat and passed the gavel to Council President Dandrea, who then chaired the meeting.
At 8:25 p.m. Alderman Mayer vacated his seat.
At 8:30 p.m. Mayor Olson returned to his seat and then chaired the meeting.
At 8:32 p.m. Alderman Mayer returned to his seat.
- Alderman Taylor moved to receive and file the presentation on the 2019 Budget Development Issues. Seconded by Alderman Mayer. All voted Aye; motion carried.
- MOODY'S RATING OF
CITY DEBT
- G.15. No action was taken on information provided relating to Moody's bond rating of City debt.
- UPDATE OF IMPACT
FEES STUDY
- G.16. At 8:50 p.m. Alderwoman Wilhelm vacated her seat.
Alderman Taylor moved to direct staff to commission an updated Impact Fee study by the first Common Council meeting in September, 2018 to be completed within nine months and directing staff to provide the necessary inputs for the study's completion. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- ORD. 2018-2329
AMEND MUNICIPAL
CODE RELATED TO
WATER UTILITY CASH
ACCOUNT
- G.17. Alderman Taylor moved to adopt Ordinance No. 2018-2329, AN ORDINANCE TO AMEND §207-10.C.(2) OF THE FRANKLIN MUNICIPAL CODE RELATED TO THE WATER UTILITY CASH ACCOUNT. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- APRIL FINANCIAL REPORT G.18. Alderman Taylor moved to receive and place on file the April 2018 Monthly Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.
- REVISED ANTI-HARASSMENT POLICY G.19. Alderman Taylor moved to approve the revised Anti-Harassment Policy and related applications within the Employee Handbook. Seconded by Alderman Nelson. All voted Aye; motion carried.
- AGREEMENT WITH CITY OF GREENFIELD FOR INTERIM HEALTH OFFICER G.20. Alderman Taylor moved to authorize the Mayor, relying upon the recommendations of the Director of Administration and/or City Labor Counsel, to execute a Memorandum of Understanding with the City of Greenfield and or its Health Department for its Director to serve as the City of Franklin's interim Health Officer and to evaluate any deviations from the agreement attached hereto as may subsequently be authorized by the City of Greenfield, and to authorize said agreement provided he determined that it does not substantively affect un-insured liabilities or deviate substantially from the draft document as presented. Seconded by Alderman Barber. All voted Aye; motion carried.
- GOVERN TECHNICAL SUPPORT TO THE IT DIRECTOR G.21. Alderman Dandrea moved to authorize Mr. Fred Baumgart to serve as a limited-term, part-time employee, in accordance with the Employee Handbook, providing Govern technical support to the IT Director, as managed by the IT Director within the scope and extent of the adopted IT Department Budget appropriations. Seconded by Alderman Mayer. All voted Aye; motion carried.
- ADVISORY REFERENDUM BALLOT PROTECTING BUSINESSES, APARTMENT AND HOMEOWNERS FROM TAX SHIFTS G.22. Alderman Dandrea moved to adopt A RESOLUTION SETTING FORTH THE DATE AND FORM OF A QUESTION FOR AN ADVISORY REFERENDUM BALLOT REGARDING THE STATE ENACTMENT OF LEGISLATION PROTECTING LOCATION BUSINESSES, APARTMENT OWNERS AND HOMEOWNERS FROM TAX SHIFTS (MAYOR OLSON). Seconded by Alderman Barber.

Alderwoman Wilhelm returned to her seat at 8:55 p.m.

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

NOTICE OF CLAIM AND
NOTICE OF INJURY
ENRIQUE FERREIRA,
TERESA FERREIRA
AND GERARDO
FERREIRA

G.23. Alderman Taylor moved to deny the Notice of Claim and Notice of Injury on behalf of Enrique Ferreira, Teresa Ferreira, and Gerardo Ferreira pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the attorney representing the City that the investigation revealed that there are too many questions and issues, including but not limited to unsubstantiated damages and application of discretionary immunity per Wis. Stat. §893.80, making acceptance of the claim or settlement considerations premature as discussed in the Council Action Sheet. Seconded by Alderman Barber. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Taylor moved to approve the following:
Grant Class A Combination license to Mega Marts, LLC, Agent Haley Dixon, 7780 S Lovers Lane Rd.;
Grant Extraordinary Entertainment & Special Event License to Country Lanes Bowling Alley (Robert Sczerzen) for their Car Show on 6/9/2018 at 9am-6pm;
Grant Extraordinary Entertainment & Special Event License to Main Talent Entertainment for The Midwest Original Music Festival (Brian Krasowski) at the Croatian Park on Friday, 8/24/18 through Sunday, 8/26/18 subject to music ending at 11 pm on Friday & Saturday and at 10 pm on Sunday;
Grant 2017-18 and 2018-19 Operator license to Angela Damask, 3260 S 7th St., Milwaukee; Nicole Zignego, W304N2358 N Westwind Dr., #5A, Pewaukee;
Grant 2017-18 and 2018-19 Operator license with a warning letter from the City Clerk to Shawn Hinkel, 2023 S 96th St., West Allis; Oscar Sastre Colon, 3221 S 36th St., Milwaukee;
Grant 2018-19 Operator license with a warning letter from the City Clerk to Stacie Trippler, 5331 N 37th St., Milwaukee;
Grant Class B Combination, Entertainment & Amusement licenses, subject to satisfactory inspections, to Iron Mike's Bar LLC, Agent Mike Pues, 6357 S. 27th St.;
Grant Class B Combination, Entertainment & Amusement and Bowling licenses, subject to satisfactory inspections, to Root Group LLC, Agent David Church, 7220 W Rawson Ave.;
Grant Class B license, subject to satisfactory inspections and fee payment, to QT Pizza LLC, Agent Susan Toetz, 7119 S 76th St;
Grant Class B Beer and Class C Wine, subject to satisfactory inspections, to Jiang Saya Enterprises, Inc, Agent

Viengsavanh Sayavongsa, 6509B S 27th St.;

Grant Amusement Device Operator license to Games R Us Inc, Owner Steven Murphy, W144 S6315 College Ct., Muskego;

Grant Auto Salvage license, subject to satisfactory inspections, to Al's Auto Salvage, Owner Albert Schill; 10942 S 124th St.;

Grant Day Care license, subject to satisfactory inspections, to Academy of Integrity, Manager LaQueesha Blockton, 3900 W Ryan Rd.;

Grant 2017-18 and 2018-19 Operator licenses to Kirsten Auger, 2652 S Moorland Rd., New Berlin; Colton Borreson, 1381 W Birdsong Dr., Apt A01, Oak Creek; Patricia Dickerson, 711 W Vliet St., #314,

Milwaukee; Michael Haubrich, 2660 11th Pl, #405, Kenosha; Stephanie Hoover, 10701 W Grange Ave, #26, Hales Corners; Christopher Kempken, 2933 W Drexel Ave., #507, Franklin; Evan Modglin, S96W13105 Linksway Ct., Muskego; Jacob Nordstrum, 5207 W Donges Ln., Brown Deer; Mary Olszewski, 11355 W Rawson Ave., Franklin; Joseph Schauer, 8520 W Euclid Ave., Milwaukee; Wendy Swenarski, 6370 Scenic Dr East, West Bend;

Hold 2017-18 and 2018-19 Operator license applications for appearance from Evan Bautch, 7318 S 69th St., Franklin; and Rita Heishman, 8217 S Four Oaks Dr., Franklin;

Grant 2018-19 Operator Licenses to Jefferson Calimlim, 632 W Mitchell St., #5, Milwaukee; Monica Chance, 2436 S 61st St., West Allis; Berenice Pachecho Rodriguez, 2827 W Parnell Ave, #209, Milwaukee; Sherry Standley, 2200 W Kilbourn Ave, #420, Milwaukee; Qyinn Applin, 4521 W Ramsey Ave., #65, Greendale; Leesa Bearder, 9644 S 31st St., Franklin; Larry Behrendt, 6631 S 51st St., Franklin; Joseph Cauley, 1813 S 70th St., West Allis; Carolyn Christensen, 3800 Spruce St., Racine; Shane Clapsaddle, 234 N Broadway, #608, Milwaukee; Arturo Contreras, 805 S 94th St., West Allis; Kristin Dombrowski, 5440 S Tuckaway Ct, #6, Greenfield; Cali Dunn, 2208 S 93rd St., #4, West Allis; Matthew Fannin, S79W18997 Janesville Rd., Muskego; Amanda Fellows, 5411 Nicholson Rd., Franksville; Jennacy Frey, 3440 Britton Ridge, Union Grove; Stephen Gostomski, 2064 S 87th St., West Allis; Patricia Greer, 1702 E Eden Pl., St Francis; Jody Haase, 2431 W Carroll Ave., Oak Creek; Andrew Hushek; 5315 W Arizona St., Milwaukee; Yuzeng Jiang, 1325 Sunnyridge Rd., Apt #2, Pewaukee; Traci Krueger, 5836 S 37th Ct., Milwaukee; Aaron Lambert, 5037

Sycamore St., Greendale; Dawn Luce, 2840 21st St, #28, Kenosha; Lauren Nerby, 3203 W Minnesota Ave., Franklin; Christine Ogorzelec, 23627 82nd St., Salem; Eugenia Parks-Conway, 2151 S 24th St., Milwaukee; Sue Reynolds, 5443 Mulberry Dr., Greendale; Syed Rizvi, 7164 S Madison Ct., Franklin; Haley Rosploch, 9213 S 8th Ave, Oak Creek; Christine Rozewicz, 8123 S Legend Dr., Unit A, Franklin; Scott Schilling, 3521 S Chase Ave., Milwaukee; Jennifer Schrank, 8029 W Euclid Ave., Milwaukee; James Seehausen, 1220 Michigan Ave., South Milwaukee; Sarah Walkington, 2231 N Himount Blvd., Milwaukee; Veronica Wright, 10255 W Plum Tree Cir, #106, Hales Corners; Kenneth Young, 11401 W Swiss St., Franklin; Alyssa Zacher, 595 E Shepard Hills Dr., Oak Creek;

Grant Extraordinary Entertainment & Special Event license to American Diabetes Association for the Tour De Cure (Heidi Dietrich) Bike ride through Franklin on July 13, 2018 from 7:30 am – 3 pm;

Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to the Forest Park Middle School for Park Permit at Vernon Barg Pavilion on June 7, 2018.

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

VOUCHERS AND
PAYROLL

- I. Alderman Dandrea moved to approve the following:
City vouchers with an ending date of June 1, 2018 in the amount of \$1,203,346.96; Payroll dated May 25, 2018 in the amount of \$380,611.12 and payments of the various payroll deductions in the amount of \$389,522.19 plus City matching payments; and Estimated Payroll dated June 8, 2018 in the amount of \$399,000.00 and payments of the various payroll deductions in the amount of \$210,000.00, plus City matching payments; and property tax refunds with an ending date of May 31, 2018 in the amount of \$3,003,225.01. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:07 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.