

# APPROVED NOVEMBER 13, 2018

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
NOVEMBER 5, 2018  
MINUTES

- ROLL CALL                    A.        The regular meeting of the Common Council was held on November 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 6:33 p.m.
- UNISON MERGER              B.2.(a)    Mayor Olson noted the merger of Milwaukee's Interfaith and SET as UNISON.
- APPRECIATION FROM FIRE DEPT.            B.2.(b)    Mayor Olson noted a letter of appreciation from the City of Franklin Fire Department to Kristin Anderson for assisting in updating and revising the City's Emergency Operations Plan.
- MINUTES  
OCTOBER 16, 2018            C.        Alderman Dandrea moved to approve the minutes of the regular Common Council meeting of October 16, 2018 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2018-7430  
STORM WATER  
FACILITIES MAINT.  
AREA OF BALLPARK  
DR./W. LOOMIS RD.            G.1.        Alderman Taylor moved to adopt Resolution No. 2018-7430, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE STORM WATER FACILITIES MAINTENANCE AGREEMENTS FOR A NORTH STORMWATER POND, A SOUTH STORMWATER POND, AND A BIOFILTRATION POND UPON PROPERTIES APPROXIMATELY IN THE AREA ADJOINING BALLPARK DRIVE, SOUTH BALLPARK DRIVE, AND WEST LOOMIS ROAD. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2018-7431  
PILOT AGREEMENT  
WITH FRANKLIN RE,  
LLC (BALLPARK  
COMMONS)                    G.2.        Alderwoman Wilhelm moved to adopt Resolution No. 2018-7431, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A PAYMENT IN LIEU OF TAXES AGREEMENT BETWEEN FRANKLIN RE, LLC AND THE CITY OF FRANKLIN FOR THE PROPERTY LOCATED AT 7220 BALLPARK DRIVE, FRANKLIN, WISCONSIN 53132 (TAX KEY NO. 754-9007-000) (BALLPARK COMMONS). Seconded by Alderman Mayer. All voted Aye; motion carried.

- RES. 2018-7432  
FIRST AMENDMENT  
TO TID 5 DEV.  
AGREEMENT  
(BALLPARK  
COMMONS)
- G.3. Alderman Taylor moved to adopt Resolution No. 2018-7432, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A FIRST AMENDMENT TO TAX INCREMENTAL DISTRICT NO. 5 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FRANKLIN AND BPC MASTER DEVELOPER, LLC, DEVELOPER (BALLPARK COMMONS) as amended. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2018-7433  
RELEASE OF  
SATISFACTION AND  
MORTGAGE  
(BALLPARK  
COMMONS)
- G.4. Alderman Dandrea moved to adopt Resolution No. 2018-7433, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A PARTIAL SATISFACTION AND RELEASE OF MORTGAGE UPON THE SENIOR HOUSING DEVELOPMENT PROPERTY (LOT 2 OF CERTIFIED SURVEY MAP NO. 9078 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN, ON OCTOBER 16, 2018 AS DOCUMENT NO. 10820171, TAX KEY NO. 754-9007-000; SOUTH OF WEST RAWSON AVENUE AND WEST OF WEST LOOMIS ROAD) (BALLPARK COMMONS). Seconded by Alderman Barber. All voted Aye; motion carried.
- MUTUAL ASSISTANCE  
MILW. CO. FIRE  
DEPTS.
- G.5. Alderman Mayer moved to approve the Agreement for Mutual Assistance among Milwaukee County Fire Departments to provide for potentially more rapid response times within areas of adjoining communities in Milwaukee County. Seconded by Alderman Barber. All voted Aye; motion carried.
- EOP AND EMERGENCY  
MANAGER  
DESIGNATION
- G.6. Alderwoman Wilhelm moved to approve the updated Emergency Operations Plan. Seconded by Alderman Barber. All voted Aye; motion carried.
- Alderwoman Wilhelm moved to approve the Designation of the Fire Chief as Emergency Manager. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2018-2343  
AMEND MUNICIPAL  
CODE TO ADD NO  
PARKING ON SCHOOL  
DAYS (S. 35TH ST.)
- G.7. Alderman Taylor moved to adopt Ordinance No. 2018-2343, AN ORDINANCE TO MODIFY THE MUNICIPAL CODE SECTION 245-5.F. TO ADD NO PARKING ON SCHOOL DAYS DURING THE TIMES 8:40-9:10 A.M. AND 3:40-4:10 P.M. ON BOTH SIDES OF S. 35TH STREET 25 FEET NORTH AND SOUTH OF W. HILLTOP LANE RIGHT OF WAY AND ALSO ON BOTH SIDES OF W. HILLTOP LANE 25 FEET WEST OF S. 35TH STREET RIGHT OF WAY. Seconded by Alderman Barber. All voted Aye; motion carried.

- SUBDIVISION DEV.  
AGREEMENT  
RYANWOOD MANOR
- G.8. Alderman Nelson moved to refer to staff a Resolution Authorizing Certain Officials to Execute a Subdivision Development Agreement with the Developer of Ryanwood Manor Subdivision Phase I. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RAWSON HOMES  
DRAINAGE
- G.9. Alderwoman Wilhelm moved to direct staff to continue to work with the Milwaukee Metropolitan Sewerage District and secure funding, and return to Council with the Rawson Homes Drainage and Water Main Relay project. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2018-7434  
REIMBURSEMENT TO  
PARK CIRCLE LLC  
FOR SANITARY  
SEWER AND  
OVERSIZING COSTS  
OF WATER MAIN
- G.10. Alderman Taylor moved to adopt Resolution No. 2018-7434, A RESOLUTION TO REIMBURSE PARK CIRCLE LLC FOR INSTALLATION OF A SANITARY SEWER FROM THE CAPITAL IMPROVEMENT FUND CONTINGENCY IN THE FULL AMOUNT OF \$17,788 AND ALSO FOR THE OVERSIZING COSTS OF A WATER MAIN FROM THE WATER IMPACT FEE FUND IN THE AMOUNT OF \$80,085 IN FIVE ANNUAL PAYMENTS AT 20% PER PAYMENT. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.
- AGREEMENT WITH  
RUEKERT-MIELKE,  
INC. FOR IMPACT FEE  
REVIEW AND UPDATE
- G.11. Alderman Barber moved to approve the Professional Services Agreement between the City of Franklin and Ruekert-Mielke, Inc. to perform a review and update of the City of Franklin's impact fees and impact fee studies and to authorize the City Attorney to approve technical or non-substantive changes prior to execution and to have staff return with any substantive changes. Seconded by Alderman Mayer. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Wilhelm, Alderman Mayer, and Alderman Dandrea voted Aye; Alderman Taylor voted No. Motion carried.
- RES. 2018-7435  
AGREEMENT WITH  
BROWN AND  
CALDWELL  
RE: STORMWATER
- G.12. Alderman Taylor moved to adopt Resolution No. 2018-7435, A RESOLUTION TO EXECUTE BROWN AND CALDWELL PROFESSIONAL SERVICES AGREEMENT FOR STORMWATER REVIEWS AND OTHER ON-CALL SERVICES. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2018-7436  
CITY'S BRANDING  
AND MARKETING  
THIEL BRAND DESIGN
- G.13. Alderman Barber moved to adopt Resolution No. 2018-7436, A RESOLUTION TO ENTER INTO CONTRACT WITH THIEL BRAND DESIGN AND THE TOURISM COMMISSION TO PROVIDE BRANDING AND MARKETING SERVICES TO THE CITY OF FRANKLIN, subject to technical corrections, and further that the Tourism Commission and the Economic

Development Commission provide two acceptable logos to the Common Council. Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2018-2344  
PUBLIC CONSTR.  
PROJECT BIDS

G.14. Alderwoman Wilhelm moved to adopt Ordinance No. 2018-2344, AN ORDINANCE TO CREATE §19.11 LETTING OF BIDS FOR PUBLIC CONSTRUCTION PROJECTS, OF THE MUNICIPAL CODE OF THE CITY OF FRANKLIN. Seconded by Alderman Nelson. All voted Aye; motion carried.

PUBLIC WORKS  
SURPLUS EQUIPMENT  
BIDS

G.15. Alderman Taylor moved to accept the highest bids received on the Wisconsin Surplus auction website and sell the following surplus equipment: Fox brand V-box salt spreader with hydraulic chain drive to Dave Bartel Trucking, Inc. in the amount of \$872; Swenson brand V-box salt spreader to Dave Bartel Trucking, Inc. in the amount of \$615; and Fox brand V-box salt spreader with hydraulic chain drive to Dave Bartel Trucking, Inc. in the amount of \$922. Seconded by Alderman Nelson. All voted Aye; motion carried.

SEPT. 2018 FINANCIAL  
REPORT

G.16. Alderman Taylor moved to receive and place on file the September 2018 Monthly Financial Report. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND  
PERMITS

H. Alderman Taylor moved to approve the following licenses:  
Grant Operator licenses with a warning letter from the City Clerk to Justin Agner, W136S7681 Fairfield Dr., Muskego and Rachel Olson, 5206 W. Oakwood Rd., Franklin;  
Hold Operator license application for appearance from Rachel Werther, 10180 W. Oakwood Rd., Franklin;  
Grant Extraordinary Entertainment & Special Event license to the Arthritis Foundation for the Jingle Bell Run (Leah Delaney) on December 1, 2018 at the Franklin High School, Drexel/Puetz Rd & Oak Leaf Trail;  
Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to St. Paul's Lutheran School for a Park Permit for Picnic on 5/30/2019;  
Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to Franklin Park Concerts for Park Permits, Band Shell Fees and Temporary Entertainment & Amusement License for free concerts on 6/23/19, 7/14/19, 7/28/19, 8/11/19, and 8/25/19.  
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 November 2, 2018 in the amount of \$3,241,029.65; and payroll dated October 26, 2018 in the amount of \$382,928.42 and payments of the various payroll deductions in the amount of \$388,862.81 plus City matching payments; and property tax payments and settlements with an ending date of November 1, 2018 in the amount of \$245.52. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION

- G.17. Alderman Nelson moved to enter closed session at 8:20 p.m. pursuant to Wis. Stat. 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of properties to be used for public park purposes in the City pursuant to the May 1, 2018 Common Council action upon the Parks Commission recommendation to move forward with park land acquisition necessary steps (and which Common Council action also changed the status of the Neighborhood Park Land Acquisition project in the 2018 Capital Improvement Fund to an “approved project”), and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 8:38 p.m., Alderman Nelson moved to direct the City Attorney to proceed as discussed in closed session. Seconded by Alderman Mayer. On roll call, Alderman Mayer, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Dandrea voted No. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the regular meeting of the Common Council at 8:39 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.