

APPROVED FEBRUARY 4, 2020

CITY OF FRANKLIN COMMON COUNCIL MEETING JANUARY 21, 2020 MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on January 21, 2020 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 Mike Barber and Alderman John R. Nelson. Excused was Alderman Steve F. Taylor. Also present were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:31 p.m. and closed at 6:31 p.m.
- MINUTES
JANUARY 7, 2020 C. Alderman Dandrea moved to approve the minutes of the regular Common Council meeting of January 7, 2020 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.
- CONSENT AGENDA G.1. Alderwoman Wilhelm requested to remove Item G.1.(d) from the consent agenda.
- Alderman Mayer moved to approve the following consent agenda items:
- POWERLOAD COT
FOR FIRE DEPT. G.1.(a) Approve Fire Department authorization to purchase and install a Stryker PowerLoad Cot System upgrade for Med 113, at a cost not to exceed the approved 2020 Capital Outlay request of \$26,850.
- SIDEWALK SNOW
VEHICLE G.1.(b) Authorize the Operations Supervisor to execute a quotation and purchase order with Waldschmidt's Town & Country for a Ventrac Sidewalk Snow Vehicle 2100CC Sidewalk Snow Vehicle with attachments for \$29,622.99 and to authorize release of the check.
- RES. 2020-7579
SURVEY EQUIPMENT G.1.(c) Adopt Resolution No. 2020-7579, A RESOLUTION TO AUTHORIZE STAFF TO PURCHASE SURVEY EQUIPMENT FROM SEILER GEOSPATIAL DIVISION FOR \$6,088.72.
- 2/18/2020 AND
4/07/2020 COUNCIL
MEETINGS G.1.(e) Reschedule Common Council Meeting of February 18, 2020 to February 17, 2020 and April 7, 2020 to April 6, 2020 due to Spring Elections.

- POLICE DEPT.
DONATION G.1.(f) Accept the donation of \$3,000 from Daniel and Sandra Hay for deposit into the Police Donation Account.
- POLICE, FIRE & PARKS
DONATIONS G.1.(g) Acknowledge and accept donations received during October, November and December 2019 to the Police, Fire and Parks as included on the Common Council Action Sheet.
- Approval of the consent agenda was seconded by Alderman Nelson. All voted Aye; motion carried.
- DPW EQUIPMENT G.1.(d) Alderman Barber moved to authorize staff to solicit bids for the replacement equipment now and the capital outlay funds when available. The Board of Public Works would review and approve when appropriate. Seconded by Alderman Mayer. All voted Aye; motion carried.
- BALLPARK COMMONS
UPDATE G.2. No action was taken on an update regarding Ballpark Commons provided by the Director of Economic Development, with a request by Alderman Nelson that the developer appear at the next Common Council meeting.
- REGISTERED
SANITARIAN TO FULL
TIME G.3. Alderman Barber moved to authorize the transition of the part-time Registered Sanitarian position to a full-time position beginning March 1, 2020. Seconded by Alderman Nelson. All voted Aye; motion carried.
- ORD. 2020-2411
CH. 169 UPDATE G.4. Alderman Barber moved to adopt Ordinance No. 2020-2411, AN ORDINANCE TO AMEND §169-1. OF THE MUNICIPAL CODE, "LICENSES REQUIRED" TO UPDATE THE HEALTH DEPARTMENT LICENSE CATEGORIES AND FEES AS REFERRED TO BY §138-28. OF THE MUNICIPAL CODE, "FEES". Seconded by Alderman Mayer. All voted, Aye; motion carried.
- FRANKLIN SENIOR
CITIZEN UPDATE G.5. Alderman Dandrea moved to receive and place on file the Franklin Senior Citizens, Inc. program update. Seconded by Alderman Nelson. All voted, Aye; motion carried.
- SENIOR TRAVEL 2019
YEAR END UPDATE G.6. Alderman Mayer moved to accept and file the Senior Travel Program 2019 year-end report and for the City to pay the full Senior Travel expenditures for 2019 totaling \$15,000, which includes the shortfall amount of \$1,550, from the "Recreation" Senior Citizen Travel account, and to send a letter indicating that such overages may not be covered in the future without prior approval. Seconded by Alderman Nelson. All voted Aye; motion carried.

- ORD. 2020-2412
AMEND UDO
SPECIAL USE B-2,
B-3 & B-4
- G.7. Alderman Mayer moved to adopt Ordinance No. 2020-2412, AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 7999 “AMUSEMENT AND RECREATION SERVICES, NOT ELSEWHERE CLASSIFIED”, TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE B-2 GENERAL BUSINESS DISTRICT, B-3 COMMUNITY BUSINESS DISTRICT AND THE B-4 SOUTH 27TH STREET MIXED-USE COMMERCIAL DISTRICT, (LINDA B. SCHERRER, RYT200 (REGISTERED YOGA TEACHER AT THE 200 HOUR LEVEL), RMT (REIKI MASTER TEACHER), CERTIFIED ESSENTIAL OILS COACH (ANCIENT APOTHECARY & YOUNG LIVING OILS), OWNER OF INNER WISDOM & WELLNESS, LLC, APPLICANT, BETTY BUSS, PROPERTY OWNER. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2020-7580
SPECIAL USE
7127 S. 76TH ST.
- G.8. Alderman Mayer moved to adopt Resolution No. 2020-7580, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A YOGA, REIKI AND ESSENTIAL OILS, MEDITATION AND MINDFULNESS INSTRUCTION STUDIO USE UPON PROPERTY LOCATED AT 7127 SOUTH 76TH STREET (FRANKLIN VILLAGE MULTI-TENANT BUILDING) (LINDA B. SCHERRER, RYT200 (REGISTERED YOGA TEACHER AT THE 200 HOUR LEVEL), RMT (REIKI MASTER TEACHER), CERTIFIED ESSENTIAL OILS COACH (ANCIENT APOTHECARY & YOUNG LIVING OILS), OWNER OF INNER WISDOM AND WELLNESS, LLC, APPLICANT, BETTY BUSS, PROPERTY OWNER). Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2020-7581
SIGN FOR THE GLEN
AT PARK CIRCLE
CONDO DEV.
- G.9. Alderman Nelson moved to adopt Resolution No. 2020-7581, A RESOLUTION AUTHORIZING THE INSTALLATION OF A MONUMENT SIGN WITHIN THE 30 FOOT LANDSCAPE PLANTING BUFFER PLAT RESTRICTION IN THE GLEN AT PARK CIRCLE CONDOMINIUM DEVELOPMENT. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2020-7582
SIGN FOR RYANWOOD
MANOR
- G.10. Alderman Nelson moved to adopt Resolution No. 2020-7582, A RESOLUTION AUTHORIZING THE INSTALLATION OF A MONUMENT SIGN WITHIN THE STORMWATER MANAGEMENT ACCESS EASEMENT PLAT RESTRICTION IN

THE RYANWOOD MANOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. Seconded by Alderman Mayer. All voted Aye; motion carried.

- ORD. 2020-2413
AMEND UDO SPLIT
OF NEW LOTS (CITY OF
FRANKLIN,
APPLICANT)
- G.11. Alderman Nelson moved to adopt Ordinance No. 2020-2413, AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE §15-3.0103.A.3. SPLIT ZONING OF NEWLY CREATED LOTS NOT ALLOWED, TO PROVIDE FOR AND EXCEPT CERTAIN MINOR LAND DIVISIONS INVOLVING AN ESTABLISHED RESIDENTIAL USE NOT CURRENTLY INTENDED FOR REDEVELOPMENT. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- ORD. 2020-2414
AMEND UDO MINOR
LAND DIVISIONS
(CITY OF FRANKLIN,
APPLICANT)
- G.12. Alderman Nelson moved to adopt Ordinance No. 2020-2414, AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE §15-3.0501.C. EXCLUSIONS (WHEN NATURAL RESOURCE PROTECTION AND SITE INTENSITY AND CAPACITY CALCULATIONS ARE NOT REQUIRED), TO PROVIDE FOR AND EXCLUDE CERTAIN MINOR LAND DIVISIONS INVOLVING AN ESTABLISHED RESIDENTIAL USE NOT CURRENTLY INTENDED FOR REDEVELOPMENT. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- IMPACT FEE AND 2019
YEAR-END ACTIVITY
REPORT
- G.13. Alderman Nelson moved to accept and place on file the report from the Director of Administration on Impact Fee Administration and 2019 year-end activity. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- CAPITAL
IMPROVEMENT PLAN/
HVAC INSPECTION
APPROVAL
- G.14. Alderman Barber moved to authorize the staff to prepare any revisions to the proposal presented and to obtain a completed proposal for HVAC inspections with Industrial Roofing Services, Inc., and to return the same to the Common Council for approval, acknowledging that as much as \$32,000 to \$40,000 in the General Fund contingency appropriation would be required. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2020-7583
S. 116TH ST. TRAIL IN
WISDOT TAP
- G.15. Alderman Nelson moved to adopt Resolution No. 2020-7583, A RESOLUTION OF SUPPORT FOR THE S. 116TH STREET TRAIL IN WISDOT 2020-2024 TRANSPORTATION ALTERNATIVES PROGRAM (TAP), and authorize Staff to submit. Seconded by Alderman Mayer. All voted Aye; motion carried.
- S. 116TH ST. WETLAND
DELINEATION AND
DPW WORK
- G.16. Alderman Nelson moved to authorize staff to proceed with efforts to delineate wetlands, make application to Wisconsin Department of Natural Resources, and if allowed, have Staff prepare and obtain

property owner waivers and authorize Department of Public Works to perform needed work on private property (8531 and 8635 S. 116th Street) for the purposes of attempting to alleviate flooding on S. 116th Street. Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2020-7584
RAWSON HOMES
DRAINAGE
IMPROVEMENTS &
WATER MAIN RELAY

G.17. Alderwoman Wilhelm moved to adopt Resolution No. 2020-7584, A RESOLUTION TO AUTHORIZE EXECUTION OF A FINAL CHANGE ORDER NO. 3 FOR RAWSON HOMES DRAINAGE IMPROVEMENT AND WATER MAIN RELAY IN THE AMOUNT OF -\$167,607.23. Seconded by Alderman Dandrea. All voted Aye; motion carried.

SOLICIT SURFACE
PAVING BIDS FOR
RAWSON HOMES
NEIGHBORHOOD

G.18. Alderwoman Wilhelm moved to direct staff to solicit contractors per compliance with applicable Public Works bidding requirements for the surface paving of Rawson Homes Neighborhood. Seconded by Alderman Barber. All voted Aye; motion carried.

PLEASANT VIEW
MASTERPLAN WITH
GRAEF

G.19. Alderwoman Wilhelm moved to return to the Common Council meeting of February 17, 2020, a Resolution to Authorize Graef-USA Inc. to Create a Pleasant View Park Masterplan Update, with renegotiated items in the previous Common Council motion and a change with the recommended neighborhood meeting date. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderwoman Wilhelm vacated her seat at 7:12 p.m.

RES 2020-7585
SUBD. DEV.
AGREEMENT WITH
RYAN MEADOWS
DEVELOPER

G.20. Alderman Nelson moved to adopt Resolution No. 2020-7585, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF RYAN MEADOWS, subject to amendments to the Agreement to more specifically provide for the costs of oversizing the water main public improvement and the terms of payment thereof, and also in addition to the reference in the title primarily of subdivision development for Ryan Meadows, that it also reference 'and for the Tax Incremental District No. 6 Development Agreement public improvements' which are also provided for within this Agreement, and that such changes be approved by the City Engineer, Director of Finance and Treasurer and City Attorney. Seconded by Alderman Dandrea. All voted Aye; motion carried.

CITY HALL HVAC,
ROOF, FASCIA UPDATE
AND COUNCIL
CHAMBERS IMPR.

G.21. Alderman Barber moved to authorize the Director of Inspection Services to approve a change order with Selzer-Ornst for removal of paneling and repair of the walls in the Common Council Chambers for \$10,013; and to authorize Bob Tesch, the Operations Supervisor, to

approve a proposal with Stu's Flooring for replacing base board (cove base) in the City Hall common areas for \$1,599 and a proposal for floor maintenance and resurfacing for an amount not-to-exceed \$2,500. Seconded by Alderman Nelson. All voted Aye; motion carried.

ORD. 2020-
PARKING
RESTRICTIONS
W. ROBINWOOD LN./
S. MISSION DR.

G.22. Alderman Mayer moved to table at the call of the Alderman of the District, an Ordinance to Add to the Municipal Code Section 245-5.D.(4), Establishing Parking Restrictions on South Side of W. Robinwood Lane, 50 Feet East and 50 Feet West of Centerline of S. Mission Drive Right-of-Way. Seconded by Alderman Barber. All voted Aye; motion carried.

FINANCIAL REPORT
ON TID 4 FOR 2019

G.23. Alderman Barber moved to accept and place on file the Director of Finance & Treasurer's report on Tax Increment District No. 4 for calendar year 2019. Seconded by Alderman Dandrea. All voted Aye; motion carried.

TID 4 ASSESSMENT
FOR INFRASTRUCTURE
IMPR.

G.24. Alderman Dandrea moved to direct staff to proceed on improvements for Tax Increment District No. 4 without consideration of assessments for any infrastructure improvements in TID 4 for benefited properties. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2020-7586
AWARD STAAB
CONSTRUCTION CORP.
THE FRANKLIN CORP.
PUMPING STATION
WORK

G.25. Alderman Barber moved to adopt Resolution No. 2020-7586, A RESOLUTION TO AWARD THE BASE BID OF FRANKLIN CORPORATE PARK, WASTEWATER PUMPING STATION TO STAAB CONSTRUCTION CORP. IN THE AMOUNT OF \$867,000, contingent on purchase of all property and acquisition of all permits, and subject to any changes upon review by the Legal Services Department with regard to the property acquisition and obtaining of permits, with such changes to possibly be included in the Resolution. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2020-7587
AWARD SUPER
EXCAVATORS
S. HICKORY ST.
UTILITY IMPR.

G.26. Alderman Nelson moved to adopt Resolution No. 2020-7587, A RESOLUTION TO AWARD THE BASE BID OF FRANKLIN CORPORATE PARK, S. HICKORY STREET CORRIDOR UTILITY IMPROVEMENTS TO SUPER EXCAVATORS, INC. IN THE AMOUNT OF \$4,058,768, contingent on purchase of all property and acquisition of all permits, and subject to any changes upon review by the Legal Services Department with regard to the property acquisition and obtaining of permits, with such changes to possibly be included in the Resolution. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- RES. 2020-7588
AUTHORIZE TASK
ORDER NO. 7 FOR
S. HICKORY ST.
UTILITY IMPR.
- G.27. Alderman Nelson moved to adopt Resolution No. 2020-7588, A RESOLUTION TO AUTHORIZE TASK ORDER NO. 7 TO RUEKERT & MIELKE'S CONTRACT FOR FRANKLIN CORPORATE PARK, PHASE 1 DATED NOVEMBER 4, 2014, FOR CONSTRUCTION SERVICES RELATED TO S. HICKORY STREET CORRIDOR UTILITY IMPROVEMENTS AND PUMP STATION PROJECTS FOR AN HOURLY, TIME AND MATERIALS CONTRACT FOR \$413,750, subject to any changes upon review by the Legal Services Department with regard to the property acquisition and obtaining of permits, with such changes to possibly be included in the Resolution. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2020-7589
AWARD TERRACON
S. HICKORY ST.
UTILITY IMPR.
- G.28. Alderman Dandrea moved to adopt Resolution No. 2020-7589, A RESOLUTION TO AUTHORIZE TERRACON A CONTRACT FOR CONSTRUCTION OBSERVATION AND TESTING SERVICES RELATED TO S. HICKORY STREET CORRIDOR UTILITY IMPROVEMENTS AND PUMP STATION PROJECTS FOR AN HOURLY, TIME AND MATERIALS CONTRACT FOR \$40,000, subject to any changes upon review by the Legal Services Department with regard to the property acquisition and obtaining of permits, with such changes to possibly be included in the Resolution. Seconded by Alderman Barber. All voted Aye; motion carried.
- REQUEST TO BID ELM
RD. IMPR.
- G.29. Alderman Dandrea moved to authorize staff to solicit for construction of Franklin Corporate Park, W. Elm Road. Seconded by Alderman Barber. All voted Aye; motion carried.
- VOUCHERS AND
PAYROLL
- H. Alderman Barber moved to approve the following:
City vouchers with an ending date of January 16, 2020 in the amount of \$4,775,684.16; and Payroll dated January 17, 2020 in the amount of \$488,434.02 and payments of the various payroll deductions in the amount of \$389,358.15 plus City matching payments; and estimated payroll dated January 31, 2020 in the amount of \$400,000.00 and payments of the various payroll deductions in the amount of \$414,000.00 plus City matching payments; property tax vouchers with an ending date of January 16, 2020 in the amount of \$36,461,849.94; and use of investment funds for tax settlements of \$39,820,199.36; approval to release payment to Stark Pavement in the amount of \$218,981.77; approval to release payment to Knight Barry for TID 5 in the amount of \$736,105.73; and approval to release payment to Knight Barry for TID 7 in the amount of \$805,899.50; and approval to release payment to Loomis & Ryan, Inc. for TID 6 in the amount of \$1,349,996.40. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

LICENSES AND
PERMITS

- I. Alderman Nelson moved to approve the following license recommendations from the License Committee meeting of January 21, 2020:

Hold for appearance the Operators' License applications of Ema I Cavaliere, 4119 108th St., Franksville; Rebekah L Shallow, 6125 S Martin Rd., New Berlin; Daniel J Stachnik, 5650 W Wahner Ave., #207, Brown Deer; and

No action was needed on the review of Police incident reports of Class A Beer and Intoxicating Liquor license establishments of Dairyland Retail Group, LLC, Agent Elizabeth Evans, 7610 W Rawson Ave.; Ryan Fuel LLC, Agent Kavita Khullar, 5120 W Ryan Rd.; Wisconsin CVS Pharmacy LLC, Agent Samantha Jo Klaphake, 5220 W Rawson Ave.; and Ultra Mart Foods, LLC, Agent Ricky Kloth, 7201 S 76th St.; and

Grant Operators' Licenses to Genine M Behning, 2362 S 75th St., West Allis; Tammy M Bresette, 3912 W Denis Ave., Milwaukee; Alexander M Donahoe, S81 W17311 Joel Dr., Muskego; Mary E Furey, 3333 5th Ave. #6I, South Milwaukee; Elena Hubred, 5131 S 60th St., Greendale; Sarah L Jasinski, 2460 S 18th St., Milwaukee; Michael R Klamecki, 12251 W Beloit Rd., #3, Greenfield; Mary C Pitcher, 7955 S Mission Dr.

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

CLOSED SESSION
TID 4 W. ELM RD.
LAND ACQUISITIONS

- G.30. Alderman Barber moved to enter closed session at 7:44 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential property acquisition for Elm Road roadway improvements for the Tax Incremental District No. 4 Franklin Corporate Park and the investing of public funds and governmental actions in relation thereto and to effect such acquisition, 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. All voted Aye; motion carried.

Upon reentering open sessions at 8:13 p.m., Alderman Barber moved to authorize staff to negotiate and enter into purchase agreements consistent with the terms identified during closed session and to authorize appropriate City officials to execute and deliver the same. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

CLOSED SESSION
PURCHASE AND SALE
OF 3548 W. SOUTH
COUNTY LINE RD.

- G.31. Alderman Barber moved to enter closed session at 8:15 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential property acquisition for the development of public improvements for the Tax Incremental District No. 4 Franklin Corporate Park and the investing of public funds and governmental actions in relation thereto and to effect such acquisition, 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. All voted Aye; motion carried.

Upon reentering open session at 8:25 p.m., Alderman Barber moved to authorize the execution and delivery by the City of such Agreement for Purchase and Sale of Real Estate documents for 8.61 +/- acres of the property located at 3548 South County Line Road, in furtherance of the terms authorized by the Common Council at its meeting on January 7, 2020, with such minor changes as discussed in closed session at this meeting and approved by the City Engineer, Director of Finance and Treasurer and City Attorney, and to authorize the Mayor, City Clerk and Director of Finance and Treasurer to execute and deliver such Agreements and acceptance of any Counter-offers thereto. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting at 8:26 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.