

APPROVED MARCH 1, 2016

CITY OF FRANKLIN COMMON COUNCIL MEETING FEBRUARY 16, 2016 MINUTES

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| ROLL CALL | A. | The regular meeting of the Common Council was held on February 16, 2016 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 Taylor, Alderman Doug Schmidt and Alderwoman Susanne Mayer. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Lubarda, City Attorney Jesse A. Wesolowski and Deputy City Clerk Shirley Roberts. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:30 p.m. and closed at 6:30 p.m. |
| ACCEPT CHECK FOR KAYLA'S PLAYGROUND | B.2.(a) | Mayor Olson received fundraising proceeds presented by Mrs Michelle Runte from Kayla's Krew/Penfield Children's Center for the benefit of Kayla's Playground. |
| RES. 2016-7170
CASH DONATION FROM
KAYLA'S
KREW/PENFIELD
CHILDREN'S CENTER | G.1. | Alderman Dandrea moved to adopt Resolution No. 2016-7170, A RESOLUTION ACCEPTING CASH DONATION FROM KAYLA'S KREW/PENFIELD CHILDREN'S CENTER IN THE AMOUNT OF \$36,044.41 FOR THE BENEFIT OF KAYLA'S PLAYGROUND MAINTENANCE AND ENHANCEMENT. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried. |
| PROCLAMATION
SHIRLEY BIRD | B.2.(b) | Mayor Olson presented a Proclamation Honoring the Outstanding Service of Shirley Bird as Tour Director of the Franklin Senior Travel Program. |
| DIR. OF INFORMATION
TECHNOLOGY | B.2.(c) | Mayor Olson introduced James Matelski, Director of Information Technology for the City. |
| MINUTES
FEBRUARY 2, 2016 | C.1. | Alderwoman Wilhelm moved to approve the minutes of the regular Common Council meeting of February 2, 2016 as amended. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| MOMENT OF SILENCE | | Mayor Olson requested a moment of silence in memory of Norman J. Pollman, former Chief of Police. |
| ORD. 2016-2205
AMEND BUDGET FOR
SENIOR TRAVEL | G.16. | Alderwoman S. Mayer moved to take Item G. 16. out of agenda order. Seconded by Alderman Schmidt. All voted Aye; motion carried. |

Alderwoman S. Mayer moved to rollover the balance of \$455 from 2015 Senior Travel Program Fund and to also include appropriations of \$3,545 for a total of \$4,000 as an addition for the 2016 travel program. Seconded by Alderwoman Wilhelm.

As that motion was determined to require a budget amendment and would not be appropriate as listed on the agenda, Alderwoman S. Mayer then moved to adopt Ordinance No. 2016-2205, an Ordinance to Amend Ordinance 2015-2198, an Ordinance Adopting the 2016 Annual Budgets for the General Fund for the City of Franklin for Fiscal Year 2016 to Appropriate Additional Funds for the Senior Travel Program as presented and including the amount of \$4,000 as listed as Option 3 in the Common Council meeting documents. Seconded by Alderwoman Wilhelm.

Alderman D. Mayer moved to suspend the regular order of business to allow Basil Ryan to speak. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman D. Mayer moved to return to the regular order of business. Seconded by Alderman Taylor. All voted Ayes, motion seconded.

Alderwoman S. Mayer moved to call the question to adopt Ordinance No. 2016-2205. Seconded by Alderman Taylor. All voted Aye; motion carried.

On the roll call to adopt Ordinance No. 2016-2205, Alderwoman S. Mayer, Alderwoman Wilhelm and Alderman D. Mayer voted Aye; Alderman Schmidt, Alderman Taylor and Alderman Dandrea voted No. Motion died due to a lack of majority vote.

Alderwoman S. Mayer then moved to adopt Ordinance No. 2016-2205, an Ordinance to Amend Ordinance 2015-2198, an Ordinance Adopting the 2016 Annual Budgets for the General Fund for the City of Franklin for Fiscal Year 2016 to Appropriate Additional Funds for the Senior Travel Program as presented and including the amount of \$2,000. Seconded by Alderman D. Mayer.

Alderman Taylor moved to amend the motion to direct the Director of Administration to evaluate the current program structure and service alternatives to ensure the manner in which the program is operated and the City's relationship with the program are all appropriate, including considering all risk

management components, and to return with review by August 16, 2016. Motion died due to the lack of a second.

Alderman Taylor moved to amend the motion to direct the Director of Administration to evaluate the current program structure and service alternatives to ensure the manner in which the program is operated and the City's relationship with the program are all appropriate, including considering all risk management components, and to return with review by August 16, 2016. Seconded by Alderwoman Wilhelm. On roll call Alderwoman S. Mayer, Alderman Schmidt, Alderman Taylor, Alderwoman Wilhelm voted Aye; Alderman Dandrea voted No; and Alderman D. Mayer Abstained. Motion to amend the main motion carried.

Upon roll call vote for the main motion, as amended, to adopt Ordinance No. 2016-2205, AN ORDINANCE TO AMEND ORDINANCE 2015-2198, AN ORDINANCE ADOPTING THE 2016 ANNUAL BUDGETS FOR THE GENERAL FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2016 TO APPROPRIATE ADDITIONAL FUNDS FOR THE SENIOR TRAVEL PROGRAM AS PRESENTED AND INCLUDING THE AMOUNT OF \$2,000 and to direct the Director of Administration to evaluate the current program structure and service alternatives to ensure the manner in which the program is operated and the City's relationship with the program are all appropriate, including considering all risk management components, and to return with review by August 16, 2016, Alderwoman S. Mayer, Alderman Schmidt, Alderman Taylor, Alderwoman Wilhelm, Alderman Mayer voted Aye; Alderman Dandrea voted No. Motion carried.

DONATION TO THE FIRE DEPARTMENT G.2.

Alderwoman Wilhelm moved to accept the \$900 donation from Richard and June Cemka to the Fire Department, to be used towards partially funding a future additional cardiac monitor/defibrillator. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

PURCHASE OF TWO ADDITIONAL AMBULANCE-BASED LAPTOPS G.3.

Alderwoman Wilhelm moved to authorize the Information Systems Department to purchase two additional ambulance-based laptops from the total 2016 Information Systems Capital Outlay appropriations. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES 2016-7171
CONSERVATION
EASEMENT AT 9132 S.
92ND ST. (MATT TALBOT
RECOVERY SERVICES,
INC.)

- G.4. Alderwoman S. Mayer motion to table until she receives an accurate document. Seconded by Wilhelm.
Alderwoman S. Mayer then moved to amend the motion to adopt Resolution No. 2016-7171, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN AND NATURAL RESOURCE PROTECTION PLAN FOR A 5 TO 8 BEDROOM STATE LICENSED COMMUNITY BASED RESIDENTIAL FACILITY DEVELOPMENT LOCATED AT 9132 SOUTH 92ND STREET (MATT TALBOT RECOVERY SERVICES, INC., APPLICANT), subject to working with staff on the following contingencies:
1. Changing the date of the Conservation Easement Agreement referring to the natural resource protection plan to be the most current date;
 2. Add a note on the exhibit for the Conservation Easement Agreement indicating there are wetlands setbacks;
 3. Update map or table with that map shows the current up to date mature woodland acreage to be protected. Confirming that it is at least 70 percent, 30 percent they can cut down;
 4. Talk to applicant to determine if there could be a change to the Conservation Easement Agreement to help save some woods between S. 92nd Street and building, and have 30 percent be elsewhere; and subject to technical corrections by City Attorney. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

FRANKLIN WOODS
PARK CONTRACT WITH
WILLKOMM

- G.5. Alderman Taylor moved to receive and file Franklin Woods Park Contract with Willkomm Excavating & Grading, Inc. Seconded by Alderman Schmidt. All voted Aye; motion carried.

ENGAGE EHLERS &
ASSOCIATES, INC. FOR
TID SERVICES FOR
BALLPARK COMMONS

- G.6. Alderman Taylor moved to authorize certain officials to execute an agreement with Ehlers & Associates, Inc. for Tax Incremental District services related to Ballpark Commons, a proposed Mixed-Use Development (to be located at and in the vicinity of The Rock Sports Complex and southwest of the intersection of W. Rawson Avenue and Old Loomis Road)(Zimmerman Ventures, LLC, Developer) up to \$9,450 subject to technical corrections by the City Attorney. Seconded by Alderman Schmidt. All voted Aye; motion carried.

AMEND MUNICIPAL
CODE "REGULATIONS
GOVERNING PARKS"

- G.7. Alderwoman Wilhelm moved to adopt an Ordinance to Amend §183-48. of the Municipal Code, "Regulations Governing Parks", pursuant to the recommendation of the Park Commission as amended to change park hours to 7:00 a.m. to 9:00 p.m. Seconded by Alderman Schmidt. Upon a voice vote, four Ayes

(Alderman D. Mayer, Alderwoman Wilhelm, Alderman Schmidt and Alderwoman S. Mayer) and two Noes (Alderman Dandrea and Alderman Taylor). Motion carried.

Alderwoman Wilhelm moved to reconsider the motion to adopt the Ordinance to amend §183-48. of the Municipal Code. Seconded by Alderman Taylor. On roll call Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderman D. Mayer voted No. Motion to reconsider carried.

Upon roll call vote to adopt the Ordinance to amend §183-48. of the Municipal Code to amend park hours from 7:00 a.m. to 9:00 p.m., Alderman Schmidt and Alderman D. Mayer voted Aye; Alderwoman S. Mayer, Alderman Taylor, Alderwoman Wilhelm and Alderman Dandrea voted No. Motion failed.

Alderwoman Wilhelm moved to table the Ordinance indefinitely. Motion died due to the lack of a second.

Alderwoman S. Mayer moved to change the hours from 7:00 a.m. to dusk. Motion died due to the lack of a second.

Alderman Taylor moved to receive the Ordinance to amend §183-48. of the Municipal Code, "Regulations Governing Parks" and place on file. Seconded by Alderwoman Wilhelm. All voted Aye, motion carried.

RES. 2016-7172
SUB. DEV. AGREEMENT
WITH VILLAS OF
FRANKLIN PHASE III

G.8. Alderman Taylor moved to adopt Resolution No. 2016-7172, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF VILLAS OF FRANKLIN (FRANKLIN OAKS SUBDIVISION) PHASE III CONDOMINIUMS LOCATED WEST OF S. 27TH STREET AND SOUTH OF W. DREXEL AVENUE. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2016-7173
RIGHT OF USE OF W.
PINE LANE AND
CONNECTION TO SEWER
AND WATER

G.9. Alderwoman S. Mayer moved to table to the March 1, 2016 Common Council meeting a Resolution granting a request for right of use of W. Pine Lane right-of-way west of South 111th Street and connection to municipal sewer and water. Seconded by Alderwoman Wilhelm. On roll call, Alderman D. Mayer, Alderwoman Wilhelm and Alderwoman S. Mayer voted Aye; Alderman Dandrea, Alderman Taylor and Alderman Schmidt voted No. Mayor Olson broke the tie voting No. Motion failed.

Alderman Taylor moved to adopt Resolution No. 2016-7173, A RESOLUTION GRANTING A REQUEST FOR RIGHT OF USE OF W. PINE LANE RIGHT-OF-WAY WEST OF S. 111TH STREET AND CONNECTION TO MUNICIPAL SEWER AND WATER contingent upon satisfaction of the Alderwoman of District being brought up to date on Item G. 9. Seconded by Alderman Schmidt. All voted Aye; motion carried.

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| RES. 2016-7174
AGREEMENT WITH
VILLAGE OF HALES
CORNERS FOR
IMPROVEMENT OF W.
COLLEGE AVE. | G.10. | Alderman Taylor moved to adopt Resolution No. 2016-7174, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE VILLAGE OF HALES CORNERS FOR THE IMPROVEMENT OF A PORTION OF W. COLLEGE AVENUE. Seconded by Alderman D. Mayer. All voted Aye; motion carried. |
| RES. 2016-7175
CHANGE ORDER NO. 4
WATER & WASTEWATER
OPERATIONS & MAINT.
FACILITY | G.11. | Alderman D. Mayer moved to adopt Resolution No. 2016-7175, A RESOLUTION AUTHORIZING STAFF TO EXECUTE CHANGE ORDER NO. 4 TO MIRON CONSTRUCTION CO., INC. IN THE AMOUNT OF \$33,105.59. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| TEMPORARY W.
CHURCH ST. AS 2-WAY
AND NO PARKING FROM
S. 116TH ST. TO W. ST.
MARTINS RD. | G.12. | Alderman D. Mayer moved to table to the March 1, 2016 meeting a Resolution to temporarily designate W. Church Street as two-way traffic and no-parking from S. 116 th Street to W. St. Martins Road. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| MAILBOXES FOR 10010-
11839 W. ST. MARTINS
RD. | G.13. | Alderman D. Mayer moved to provide new residential mailboxes for 10010-11830 W. St. Martins Road. Seconded by Alderman Dandrea. Upon voice vote, five Ayes and one No (Alderman Taylor). Motion carried. |
| REVISED RATES FOR
STREET & UTILITY
CONST. INSPECTION | G.14. | Alderman D. Mayer moved to approve the revised rates of service for street and utility construction inspection for years 2016 and 2017. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| AMEND RULES &
PROCEDURES FOR BD.
OF PUBLIC WORKS | G.15. | Alderman Taylor moved to table to the March 1, 2016 meeting a Resolution to amend Article III and V of the Administrative Rules and Procedures for the Board of Public Works Commission, Officers and Quorum. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| TIMETABLE FOR 2017
BUDGET | G.17. | Alderman Taylor moved to adopt the 2017 Annual Budget preparation timetable dated February 16, 2016. Seconded by Alderman D. Mayer. All voted Aye; motion carried. |

- LICENSES AND PERMITS H.1. Alderman Dandrea moved to approve the following:
Grant Change of Agent for Kwik Trip #857, Candida Christman with a warning letter from the City Clerk;
- Grant Operator's license to Tori Hanson, 1303 N Cass St., #207, Milwaukee, with a warning letter from the City Clerk; Ashley Allen, 4809 W. College Ave., #106, Greendale; Ethan Durand, 608 Mohr Circle, Waterford; Alketa Lazaj, 3867 E Van Norman Ave, Cudahy; and Alexis Steltz, 12045 W. St. Martins Rd., Franklin.
- Seconded by Alderman Schmidt. All voted Aye; motion carried.
- VOUCHERS AND PAYROLL I.1. Alderman D. Mayer moved to approve net general checking account City vouchers in the range of Nos. 159618 through 159778 in the amount of \$2,728,787.67 dated February 2, 2016 through February 11, 2016. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.
- Alderman D. Mayer moved to approve net payroll dated February 5, 2016 in the amount of \$352,968.72 and payments of the various payroll deductions in the amount of \$196,897.62 plus any City matching payments where required. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.
- Alderman Dandrea moved to approve net payroll dated February 19, 2016 estimated at \$378,000.00 and payments of the various payroll deductions estimated at \$382,000.00 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.
- Alderman Schmidt moved to approve property tax refunds in the range of Nos. 16288 through Nos. 16349 in the amount of \$24,770.11 dated February 4, 2016 through February 11, 2016. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.
- Alderman Dandrea moved to approve payment to Cudahy Roofing in the amount of \$67,482.00. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.
- ADJOURNMENT J. Alderman D. Mayer moved to adjourn the meeting at 9:03 p.m. Seconded by Alderman Taylor. All voted Aye; motion carried.