

APPROVED NOVEMBER 1, 2022

CITY OF FRANKLIN
COMMON COUNCIL MEETING
OCTOBER 18, 2022
MINUTES

ROLL CALL

- A. The regular meeting of the Franklin Common Council was held on October 18, 2022, and was called to order at 6:30 p.m. by Mayor Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Ed Holpfer, Alderwoman Michelle Eichmann, Alderwoman Kristen Wilhelm, Alderwoman Shari Hanneman, Alderman Mike Barber, and Alderman John R. Nelson. Also in attendance were Dir. of Administration Peggy Steeno, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:32 p.m. and was closed at 6:47 p.m.

MINUTES
OCTOBER 4, 2022

- C. Alderwoman Wilhelm moved to approve the minutes of the regular Common Council meeting of October 4, 2022, as amended at Item G.10. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2022-7915
DEVELOPMENT
AGREEMENT WITH
SUBDIVIDER OF
CAPE CROSSING AT
12200 W. RYAN RD.

- G.1. Alderman Nelson moved to adopt Resolution No. 2022-7915, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE SUBDIVIDER OF CAPE CROSSING SUBDIVISION, 12200 W. RYAN ROAD, TKNS 890-9991-001 AND 890-9991-002, subject to potential changes to the agreement, with the final form and content to be approved by the City Engineer and the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2022-2519
AMEND UDO TO
REZONE TO R-3
SUBURBAN/ESTATE
SINGLE-FAMILY
RESIDENCE DISTRICT
(8979 S. 42ND ST.)
SARTLER
APPLICANTS

- G.2. Alderwoman Hanneman moved to adopt Ordinance No. 2022-2519, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT (SPECIFICALLY LOCATED AT 8979 SOUTH 42ND STREET) (APPROXIMATELY 1.507 ACRES) (CHRISTIAN S. SARTLER AND KAREN R. SARTLER, APPLICANTS), approval not in effect until Applicant obtains approval of a Conservation Easement, with any approved Natural Resource Special Exception for the property to be part of the property, subject to technical corrections by the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

- CONSULTING
PLANNING SERVICES
AGREEMENT WITH
WRAYBURN
CONSULTING, LLC
- G.3. Alderwoman Wilhelm moved to authorize a Consulting Services Agreement with Wrayburn Consulting, LLC, for general planning services; utilizing 2022 budgeted personnel funds in the planning division budget; and authorize the Mayor to execute and administer the appropriate, related contract. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- PARKS MARKETING
MATERIALS
- G.4. Alderwoman Hanneman moved to approve and endorse the Parks marketing material, subject to technical corrections. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2022-7916
STORM WATER
AGREEMENT AND
EASEMENT FOR 5500
W. OAKWOOD DR.
- G.5. Alderwoman Hanneman moved to adopt Resolution No. 2022-7916, A RESOLUTION FOR ACCEPTANCE OF A STORM WATER FACILITIES MAINTENANCE AGREEMENT AND A STORM WATER MANAGEMENT ACCESS EASEMENT FOR 5500 W. OAKWOOD PARK DRIVE, TKN 931-0005-000. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7917
STORM WATER
AGREEMENT AND
EASEMENT FOR 2855
W. FOREST HILL AVE.
- G.6. Alderman Holpfer moved to adopt Resolution No. 2022-7917, A RESOLUTION FOR ACCEPTANCE OF A STORM WATER FACILITIES MAINTENANCE AGREEMENT AND A STORM WATER MANAGEMENT ACCESS EASEMENT FOR 2855 W. FOREST HOME AVENUE, TKN 832-9898-002. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- LIBRARY 2020-2024
STRATEGIC PLAN
- G.7. Alderman Barber moved to accept and place on file the presentation by Director Loeffel on the 2020-2024 Strategic Plan activities of Franklin Public Library. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- RES. 2022-7918
CHANGE ORDER 3
FOR 2023 ASPHALT
WORK TO BUTEYN-
PETERSON CONST.
CO. FOR S. HICKORY
ST.
- G.8. Alderman Barber moved to adopt Resolution No. 2022-7918, A RESOLUTION TO AWARD CHANGE ORDER NO. 3 FOR 2023 ASPHALT WORK TO BUTEYN-PETERSON CONSTRUCTION CO., INC. FOR THE FRANKLIN CORPORATE PARK-SOUTH HICKORY STREET IMPROVEMENTS IN THE AMOUNT OF \$30,238.45. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- AMEND MUN. CODE
WATER MAIN
LATERAL SPECIAL
ASSESSMENTS
- G.9. Alderwoman Wilhelm moved to table for two months, an Ordinance to Amend §207-21 of the Municipal Code Regarding Special Assessments of Water Main Laterals. Seconded by Alderman Nelson. All voted Aye; motion carried.

- RES. 2022-7919
CHANGE ORDER 1
2022 STREET
PROGRAM MAINT.
TO SCOTT CONST.,
INC.
- G.10. Alderman Nelson moved to adopt Resolution No. 2022-7919, A RESOLUTION TO ISSUE CHANGE ORDER NO. 1 FOR THE 2022 LOCAL STREET PREVENTATIVE MAINTENANCE PROGRAM TO SCOTT CONSTRUCTION, INC. IN THE AMOUNT OF \$6,569.82. Seconded by Alderman Barber. All voted Aye; motion carried.
- DIR. OF INSPECTION
SERVICES
- G.14. No action was taken at this time regarding the appointment of the Director of Inspection Services for the City of Franklin.
- APPOINTMENT OF
DIRECTOR OF CLERK
SERVICES, KAREN
KASTENSON
- G.15. Alderman Barber moved to confirm the appointment of Karen Kastenson as the Director of Clerk Services for the City of Franklin pending successful completion of a background check and pre-employment drug screen. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.
- 2023 EMPLOYEE
BENEFIT-RELATED
COVERAGES,
EARNERS, AND
PREMIUM SHARES
- G.11. Alderman Barber moved to approve the 2023 employee benefit-related coverages, earners, and premium shares, as outlined herein, including: health insurance, wellness, health and wellness supplementary programs, and dental insurance; and authorize the Director of Administration to execute the appropriate related contracts. Seconded by Alderman Nelson. All voted Aye; motion carried.
- AMEND 2023
MAYOR'S
RECOMMENDED
BUDGET
- G.12. Alderman Holpfer moved to adjust the 2023 Proposed Budget to allocate \$50,000 of the \$1,500,000 budgeted for the Local Road Program to be specifically used for Curb and Gutter Repair, and carry over any unspent Curb and Gutter Repair funds from the 2022 Budget, if that work does not get done this year, to be used with the \$50,000 for Curb and Gutter Repair in 2023. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- Alderman Barber then moved to amend the 2023 Mayor's Recommended Budget for revenues and expenditures as detailed herein and on the attached schedules, to be included in the 2023 Proposed Budget for the Public Hearing scheduled for November 15, 2022. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.
- RD. 2022-2520
AMEND ORD. 2021-
2486, 2022 ANNUAL
BUDGET STREET
IMPROVEMENT
FUND
- G.13. Alderman Nelson moved to adopt Ordinance No. 2022-2520, AN ORDINANCE TO AMEND ORDINANCE NO. 2021-2486, AN ORDINANCE ADOPTING THE 2022 ANNUAL BUDGET FOR THE CAPITAL IMPROVEMENT FUND TO TRANSFER \$260,000 OF ENGINEERING CAPITAL FUNDS TO THE STREET IMPROVEMENT FUND. Seconded by Alderwoman Eichmann.

Alderman Nelson withdrew his motion and Alderwoman Eichmann withdrew her second.

Alderwoman Wilhelm moved to adopt Ordinance No. 2022-2520, AN ORDINANCE TO AMEND ORDINANCE NO. 2021-2486, AN ORDINANCE ADOPTING THE 2022 ANNUAL BUDGET FOR THE CAPITAL IMPROVEMENT FUND TO TRANSFER \$260,000 OF CAPITAL IMPROVEMENT FUNDS TO THE STREET IMPROVEMENT FUND. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

LICENSE COMM.
RECOMMENDATIONS

H. Alderwoman Eichmann moved to approve the following licenses:

Grant Reserve Class B Combination, Entertainment & Amusement to Staybridge Suites, Vicki Jesson, 9575 S 27th St;
Grant Extraordinary Entertainment & Special Event to Race Day Events – Elf Run/Winter Run Series, Max Noll, Whitnall Park to South of West College Ave, 11/20/22;
Grant Extraordinary Entertainment & Special Event to Wheel & Sprocket – Fat Bike Event; Amelia Kegel, 7044 S Ballpark Dr & Kegel/Alpha Trail; 11/19/22 pending route clearance with the Engineering and Police Departments;
Grant Extraordinary Entertainment & Special Event to Rock Sports Complex – APFC MMA Midwest Indoor Invitation, Paul Cimoch, 7095 S Ballpark Dr – Mosh Performance Center, 11/18/22 contingent upon seating arrangements by Inspection Services Department;
Grant 2022-23 Operator License to: Kaylee Nicla, Isabella Pantoja, Amrish Patel, Nicole Salas, Agyapal Singh, Adaira Walker, and Hadi Johnson;
Hold 2022-23 Operator License to Eric Zoromskis for appearance;
Table the Fireworks Display Process to a future meeting;
Refer the approved License Committee Administrative Rules and Regulations to the City Attorney for review and return with his comments, along with preparation of the document for approval; and
No action was required Alcohol License Statistics.

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

CLOSED SESSION
*FF&E, LLC V. CITY OF
FRANKLIN BOARD OF
REVIEW.*

G.16. *FF&E, LLC v. City of Franklin Board of Review*, Milwaukee County Circuit Court Case No. 20-CV-6955, and Corresponding 2022 Assessment. Alderman Holpfer moved to enter closed session at 8:40 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 the subject litigation, and to reenter open session at the same place thereafter to act on such

matters discussed therein as it deems appropriate. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 9:05 p.m., Alderman Holpfer moved to proceed as discussed in closed session. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
*SAM'S REAL ESTATE
BUSINESS TRUST V.
CITY OF FRANKLIN*

- G.17. *Sam's Real Estate Business Trust v. City of Franklin*, Milwaukee County Circuit Court Case No. 21-CV-5567, and Corresponding 2022 Assessment. Alderwoman Hanneman moved to enter closed session at 9:06 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 the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 9:19 p.m., Alderwoman Wilhelm moved to proceed as discussed in closed session. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
*WAL-MART REAL
ESTATE BUSINESS
TRUST V. CITY OF
FRANKLIN*

- G.18. *Wal-Mart Real Estate Business Trust v. City of Franklin*, Milwaukee County Circuit Court Case No. 21-CV-5568, and Corresponding 2022 Assessment. Alderwoman Hanneman moved to enter closed session at 9:20 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 the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 9:25 p.m., Alderman Barber moved to proceed as discussed in closed session. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
CODE OF CONDUCT
COMPLAINTS

- G.19. Alderman Barber vacated his seat at 9:27 p.m. and returned at 10:27 p.m. Alderwoman Hanneman vacated her seat at 10:27 p.m. and returned at 11:11 p.m.

Common Council Consideration of Code of Conduct Complaints. Alderman Nelson moved to enter closed session at 9:28 p.m. pursuant to Wis. Stat. § 19.85(1)(f), considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect

upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Eichmann. On roll call, Alderman Holpfer, Alderwoman Eichmann, Alderwoman Wilhelm, Alderwoman Hanneman, and Alderman Nelson voted Aye; Alderman Barber Absent. Motion carried.

The Common Council reentered open session at 11:11 p.m.

ADJOURNMENT

- J. Alderman Holpfer moved to adjourn the regular meeting of the Common Council at 11:11 p.m. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.