

# APPROVED SEPTEMBER 20, 2022

## CITY OF FRANKLIN COMMON COUNCIL MEETING SEPTEMBER 6, 2022 MINUTES

- ROLL CALL                    A.        The regular meeting of the Franklin Common Council was held on September 6, 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 Wilhelm, Alderwoman Hanneman, Alderman 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.1.        Citizen comment period was opened at 6:31 p.m. and was closed at 6:34 p.m.
- MINUTES  
AUGUST 16, 2022        C.1.        Alderman Barber moved to approve the minutes of the regular Common Council meeting of August 16, 2022, as presented. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- MINUTES  
AUGUST 25, 2022        C.2.        Alderman Barber moved to approve the minutes of the special Common Council meeting of August 25, 2022, as presented. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- MAYORAL  
APPOINTMENTS        E.        Alderwoman Eichmann moved to confirm the following Mayoral appointments:
- Ann Adamski, 7825 S. Stonebrook Ct., Ald. Dist. 3 - Civic Celebrations Commission (3 year term expiring 6/30/25); 2. Angela Christie, 10610 W. Candlestick Ln., Ald. Dist. 2 - Civic Celebrations Commission (3 year unexpired term expiring 6/30/25); Kristen Stanley, 10728 S. 92nd St., Ald. Dist. 1 - Parks Commission (3 year unexpired term expiring 04/30/23); Owen Poborsky, 2933 W. Drexel Ave., Unit 506, Ald. Dist. 4 - Parks Commission (3 year unexpired term expiring 04/30/23); and Leary Peterson, 9231 S. 41st St., Ald. Dist. 4 - Board of Water Commissioners (5 year term expiring 09/30/27). Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.
- No action was taken the Mayoral appointment of Ann Kaminski to the Environmental Commission for a 3-year term expiring 4/30/2025.

- RES. 2022-7894  
LICENSE PLATE  
READER  
AGREEMENT
- G.2. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7894, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT FOR AUTOMATIC AGREEMENT FOR AUTOMATIC LICENSE PLATE READER (ALPR) CAMERA SYSTEMS WITH FLOCK GROUP, INC. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- PURCHASE OF  
POLICE CAPITAL  
OUTLAY EQUIP.
- G.3. Alderman Barber moved to approve the purchase of an Undercover ALPR System in the amount of \$16,885 and Squad ALPR System in the amount of \$10,500 from the Police Capital Outlay Equipment Budget. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- FIREWORKS  
DISPLAY PERMIT  
PROCESS
- G.4. Alderman Nelson moved to refer the fireworks display permitting process to the License Committee for at this time on information relating to the current fireworks display permitting process as presented by the Fire Chief. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- ACCEPT FEMA  
GRANT
- G.5. Alderwoman Wilhelm moved to authorize the Fire Department to accept a Federal Emergency Management Administration (FEMA) Assistance for Firefighters (AFG) Grant to replace the aging diesel exhaust source-capture systems at the City's three fire stations. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES. 2022-7895  
CONDOMINIUM  
PLAT FOR  
WOODFIELD TRAIL  
12000 W. LOOMIS  
RD.
- G.6. Alderman Nelson moved to adopt Resolution No. 2022-7895, A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR WOODFIELD TRAIL, A CONDOMINIUM AT 12000 WEST LOOMIS ROAD (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT) (BOOMTOWN, LLC, PROPERTY OWNER). Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2022-7896  
CONSERVATION  
EASEMENT  
12000 W. LOOMIS  
RD.
- G.7. Alderman Nelson moved to adopt Resolution No. 2022-7896, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A SPECIAL USE UPON PROPERTY LOCATED AT 12000 WEST LOOMIS ROAD (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT, BOOMTOWN, LLC, PROPERTY OWNER), subject to technical corrections by the Department of City Development and the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

- RES. 2022-7897  
CONSERVATION  
EASEMENT  
RYAN MEADOWS  
SUBD.
- G.8. Alderman Nelson moved to adopt Resolution No. 2022-7897, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A SITE PLAN UPON PROPERTY GENERALLY LOCATED WITHIN RYAN MEADOWS SUBDIVISION, SOUTHEAST OF THE DEAD END OF SOUTH MONARCH DRIVE (ESAPP INDIANA, APPLICANT, LOOMIS & RYAN, INC., PROPERTY OWNER). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7898  
SPECIAL USE  
BY JAX INC.,  
APPLICANT
- G.9. Alderwoman Hanneman moved to adopt Resolution No. 2022-7898, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO OPERATE AN INDUSTRIAL, SYNTHETIC AND FOOD-GRADE LUBRICANTS FOR MACHINERY AND PROCESS PACKAGING BUSINESS (BY JAX INC., APPLICANT, ALLMAN EQUITIES-FRANKLIN, LLC, PROPERTY OWNER). Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- ROCK SPORTS  
COMPLEX  
CHALLENGE  
TOWER
- G.10. Alderman Nelson moved to approve the Building Permit/Plan, as detailed in the Common Council Request for Action Sheet for this meeting and to include an annual inspection review, for the proposed Rock Sports Complex Challenge Tower. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2022-7899  
WIS. ELECTRIC  
POWER CO.  
EASEMENT  
TKN 704-9967-003
- G.11. Alderman Nelson moved to adopt Resolution No. 2022-7899, A RESOLUTION TO GRANT AN UNDERGROUND DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER COMPANY FOR CITY OF FRANKLIN OWNED PARCEL BETWEEN WEST FOREST HOME AVENUE AND THE SERVICE ROAD NORTH OF W. RHODER AVENUE BETWEEN OUTLOT 1 AND PARCEL 2 OF CSM #3148 (TKN 704-9967-003). Seconded by Alderman Barber. All voted Aye; motion carried.
- CONTRACT WITH  
FEMA FOR IPAWS  
TO EXPAND  
EMERGENCY  
ALERTS
- G.12. Alderman Barber moved to authorize the City to contract with the Federal Emergency Management Agency (FEMA) for integration of its Integrated Public Alert and Warning System (IPAWS) with the City's Wireless Emergency Notification System (WENS) Vendor, Inspiron Logistics, to expand emergency alerts in the City of Franklin. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

- RES. 2022-7900  
CHANGE ORDERS  
FOR FRANKLIN  
CORPORATE PARK  
S. HICKORY ST.  
IMPROVEMENTS
- G.13. Alderwoman Hanneman moved to adopt Resolution No. 2022-7900, A RESOLUTION TO AWARD CHANGE ORDER NO. 1 FOR A DRAIN TILE AND DRIVEWAY ACCESS AND CHANGE ORDER NO. 2 FOR ASBESTOS WORK TO BUTEYN-PETERSON CONSTRUCTION CO., INC. FOR THE FRANKLIN CORPORATE PARK – SOUTH HICKORY STREET IMPROVEMENTS IN THE AMOUNTS OF \$15,139.10 AND \$4,000 RESPECTIVELY. Seconded by Alderman Barber. All voted Aye; motion carried.
- COLLECTION  
SERVICES  
AGREEMENTS
- G.14. Alderman Barber moved to authorize the execution of agreements to engage Certified Recovery, Inc. to provide collection services for ambulance billing and other City accounts receivables. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- JULY 2022  
FINANCIAL  
REPORT
- G.15. Alderman Holpfer moved to receive and place the July 2022 monthly financial report on file. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2022-2517  
AMEND ANNUAL  
BUDGET
- G.16. Alderwoman Wilhelm moved to adopt Ordinance No. 2022-2517, AN ORDINANCE TO AMEND ORDINANCE NO. 2021-2486, AN ORDINANCE ADOPTING THE 2022 ANNUAL BUDGET FOR THE GENERAL FUND TO TRANSFER \$3,000 OF UNRESTRICTED CONTINGENCY TO THE PARKS MAINTENANCE BUDGET AND APPROPRIATE \$1,732 OF DONATIONS RECEIVED FOR A BENCH. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- 2022 POPULATION  
ESTIMATE
- G.17. Alderwoman Hanneman moved to direct the Director of Clerk Services to submit a challenge to the correctness of the annual preliminary population estimate of January 1, 2022, of 35,895. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- TRICK OR TREAT  
OBSERVANCE
- G.18. Alderwoman Hanneman moved to establish Monday, October 31, 2022, from 4:00 p.m. to 7:00 p.m. for the Halloween Trick or Treat observance in the City of Franklin. Seconded by Alderman Eichmann. On roll call, all voted Aye. Motion carried.
- LICENSES AND  
PERMITS
- H. Alderwoman Eichmann moved to approve the following licenses:  
  
Grant Operators' Licenses to Joseph M Bellino Jr, Luke Capstran, Reyna A Contreras, Brandie L Jaskie, Joseph Osvatic, Anita M Pennoyer, Mark L Rozenburg, and Michael J Swiderski; and Hold Operators' License applications of Hanna J Wallace and Andrea M Herber for appearance.

Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

CIVIC  
CELEBRATIONS  
EVENTS

- G.1. Alderman Barber moved to place on file the summary from the 2022 Civic Celebrations event, and further moved to refer the 2023 Franklin Independence Day event back to the Civic Celebrations Committee for review and recommendation back to the Common Council. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

- I. Alderman Barber moved to approve City vouchers with an ending date of September 1, 2022 in the amount of \$2,888,521.08; and Property Tax disbursements with an ending date of September 1, 2022 in the amount of \$3,361,820.24; and payroll dated August 26, 2022 in the amount of \$454,965.69 and payments of the various payroll deductions in the amount of \$542,339.54, plus City matching payments; and estimated payroll dated September 9, 2022 in the amount of \$420,000 and payments of the various payroll deductions in the amount of \$240,000, plus City matching payments. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

CLOSED SESSION  
*3151 W. ELM ROAD,  
LLC v. CITY OF  
FRANKLIN*

- G.19. Alderman Holpfer moved to enter closed session at 8:05 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 3151 W. Elm Road, LLC v. City of Franklin, Milwaukee County Circuit Court, Case No. 20-CV-3637, and to re-enter 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 8:10 p.m., Alderman Barber moved to direct staff and legal counsel to proceed as discussed in closed session. Seconded by Alderman Holpfer. All voted Aye; motion carried.

CLOSED SESSION  
TID 6 POTENTIAL  
AMENDMENT

- G.20. Alderman Barber moved to enter closed session at 8:11 p.m. pursuant to Wis. Stat 19.85(1)(e), to deliberate upon a Potential Amendment to Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses (of an approximate 164-acre site generally located north and south of West Loomis Road, south of West Ryan Road, west of South 113th Street, east of South 124th Street, and north of West Oakwood Road) Project Development Agreement, the negotiation of Agreement terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, 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 8:40 p.m., Alderman Holpfer moved to proceed as discussed in closed session to complete and return with the Tax Incremental District No. 6 Development Agreement at the September 20, 2022 Common Council meeting. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

CLOSED SESSION  
POTENTIAL DEV.  
AGREEMENT FOR  
TID 8

G.21. Alderwoman Hanneman moved to enter closed session at 8:42 p.m. pursuant to Wis. Stat. 19.85(1)(e), for competitive and bargaining reasons, to deliberate and consider terms relating to a Tax Incremental District No. 8 Potential Development Agreement between the City of Franklin and SFT Franklin Oakwood, LLC, Spec Industrial Buildings Mixed Use Development (Public and Private Property Improvements), and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of the potential development agreement for the development of property located at 3303 W. Oakwood Road, consisting of approximately 17.445 acres, 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 8:54 p.m., Alderwoman Hanneman moved to proceed as discussed in closed session to complete the Tax Incremental District No. 8 Development Agreement and return to the Common Council. Seconded by Alderman Holpfer. All voted Aye; motion carried.

ADJOURNMENT

J. Alderwoman Wilhelm moved to adjourn the regular meeting of the Common Council at 8:55 p.m. Seconded by Alderman Eichmann. All voted Aye; motion carried.