

# APPROVED FEBRUARY 20, 2023

## CITY OF FRANKLIN COMMON COUNCIL MEETING FEBRUARY 07, 2023 MINUTES

- ROLL CALL                    A.        The regular meeting of the Franklin Common Council was held on February 07, 2023, 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 Shari Hanneman, Alderman Mike Barber, and Alderman John R. Nelson. Also in attendance were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson. Alderwoman Kristen Wilhelm was not present.
- Mayor Olson asked for a moment of silence for fallen Milwaukee Police Officer Peter Jerving.
- CITIZEN COMMENT        B.        Citizen comment period was opened at 6:32 p.m. and was closed at 6:45 p.m.
- MINUTES  
JANUARY 17, 2023        C.        Alderman Barber moved to approve the minutes of the regular Common Council meeting of January 17, 2023, as presented. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- 2023 POLICE CAPITAL  
& OPERATING  
BUDGET ITEMS        G.1.     Alderman Barber moved to authorize the release of funds and to approve the purchases of the Police Department 2023 Capital & Operating Budget items. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- AGREEMENT WITH  
CITY OF WAUKESHA  
FOR FIBER OPTIC  
CABLE AND  
INTERNET NETWORK  
CONSTRUCTION        G.2.     Alderwoman Hanneman moved to authorize the appropriate staff/officials to execute an Intergovernmental Cooperation Agreement between the City of Franklin and the City of Waukesha for Fiber Optic Cable Location and Use for the Fiber Internet Network Construction Project for the City of Franklin municipal business operations as approved by the Common Council back on March 15, 2022; and to further authorize staff to proceed with the bidding phase for construction of the project. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- MEMORANDUM OF  
UNDERSTANDING  
WITH FRANKLIN  
SCHOOL DISTRICT  
FOR FIBER INTERNET  
NETWORK                G.3.     Alderwoman Hanneman moved to authorize the appropriate staff/officials to execute a Memorandum of Understanding between the City of Franklin and the Franklin School District in sharing the cost burden while maintaining a secure private network for the Fiber Internet Network Construction Project for the City of Franklin municipal business operations as approved by the Common Council back on March 15, 2022; and to further authorize staff to proceed with

the bidding phase for construction of the project. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

PURCHASE OF  
RAPID7 INSIGHT IDR  
MDR ELITE CLIENT

G.4. Alderman Holpfer moved to authorize the purchase and payment of Rapid7 Insight IDR MDR Elite Client through CDWG for the period January 1 through December 31, 2023 at a total cost of \$77,280 being charged to General Fund Sundry Contractors IT Budget, Account Number 01-0144-5299. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

SHARE PARK GIS  
LAYER WITH PRO-  
WEST & ASSOCIATES,  
INC. AND WI DEPT OF  
TOURISM

G.5. Alderman Barber moved to authorize the City GIS Office to prepare and share the City's "Park" GIS layer, and any other appropriate layers, with Pro-West & Associates, Inc. for use in the Wisconsin Department of Tourism's Wisconsin Office of Outdoor Recreation Asset Collection Project and for the Mayor to further execute the attached "Data Release Agreement for the Wisconsin Department of Tourism's Office of Outdoor Recreation" for this purpose. Seconded by Alderman Holpfer. All voted Aye; motion carried.

ORD. 2023-2528  
AMEND ORD. 2022-  
2521 - ADOPTING 2023  
ANNUAL BUDGETS

G.6. Alderman Barber moved to approve Ordinance No. 2023-2528, AN ORDINANCE TO AMEND ORDINANCE 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGETS FOR THE SANITARY SEWER FUND TO PROVIDE \$1,022,930.00 OF MILWAUKEE METROPOLITAN SEWERAGE DISTRICT FUNDS FOR PRIVATE PROPERTY INFLOW AND INFILTRATION PROJECTS. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2023-7937  
CLARK DIETZ, INC.  
TO PROVIDE INFLOW  
& INFILTRATION  
INVESTIGATIVE  
WORK ON S. 27<sup>TH</sup> ST.

G.7. Alderman Barber moved to adopt Resolution No. 2023-7937, A RESOLUTION AUTHORIZING CLARK DIETZ, INC. TO PROVIDE PRIVATE PROPERTY INFLOW AND INFILTRATION INVESTIGATIVE WORK FOR MANUFACTURED HOME COMMUNITIES AT 6361 S. 27<sup>TH</sup> STREET (TKN 714-9993-004) AND 6405 S. 27<sup>TH</sup> STREET (TKN 714-9994-001) IN THE AMOUNT OF \$50,240. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2023-7938  
CLARK DIETZ, INC.  
TO PROVIDE  
PROFESSIONAL  
DESIGN SERVICES  
FOR SUMP PUMP  
DISCHARGE LINES

G.8. Alderman Barber moved to adopt Resolution No. 2023-7938, A RESOLUTION AUTHORIZING CLARK DIETZ, INC. TO PROVIDE PROFESSIONAL DESIGN SERVICES FOR PRIVATE PROPERTY SUMP PUMP DISCHARGE LINES IN THREE NEIGHBORHOODS IN THE AMOUNT OF \$226,440. Seconded by Alderman Nelson. All voted Aye; motion carried.

- REDUCE LIBRARY CUSTODIAL STAFFING IN CITY BUDGET
- G.9. Alderman Holpfer moved to hold over removing one of the Library part-time custodial positions expenditure from the Municipal building table of organization and 01-0181 Personal Services salary and Benefit budget accounts as of February 13, 2023 and also remove the reimbursement from the Library to the Municipal Buildings Allocated Payroll cost Budget Account 01-0181-5199 for one of the City part-time custodial employee positions until the February 20, 2023 Common Council meeting. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- SHREDDING EVENT ON MAY 13, 2023
- G.10. Alderman Barber moved to hold over directing Staff to coordinate a Shredding Event with Stericycle for \$2,400 plus Staff overtime and other expenses until the February 20, 2023 Common Council meeting. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES. 2023-7939 CLIFTON LARSON ALLEN, LLC AS AUDITORS FOR 2022, 2023, 2024
- G.11. Alderman Barber moved to adopt Resolution No. 2023-7939, A RESOLUTION APPOINTING CLIFTON LARSON ALLEN, LLC AS AUDITORS FOR THE CITY OF FRANKLIN 2022, 2023 AND 2024 FINANCIAL STATEMENTS with a base annual fee of \$53,400 and authorize certain officials to sign the engagement contracts for these years subject to technical corrections by the City Attorney. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2023-7940 AMEND RES. 2023-7936 AMENDMENT 7 TO RUEKERT & MIELKE, INC. FOR STORM WATER OPTIONS FOR ELM ROAD PROJECT
- G.12. Alderman Barber moved to adopt Resolution No. 2023-7940, A RESOLUTION TO AMEND "RESOLUTION 2023-7936, A RESOLUTION TO AUTHORIZE AMENDMENT 7, TO TASK ORDER 5 TO RUEKERT & MIELKE, INC. FOR FEASIBILITY OF STORM WATER OPTIONS FOR ELM ROAD PROJECT FOR A PROFESSIONAL FEE OF \$49,795 BY INCREASING THE FEE BY \$760 TO ACCOMMODATE ADDITIONAL INSURANCE REQUIREMENTS. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- MOVE STAFF AND BUDGET FOR SECRETARIAL POSITION FROM ENGINEERING TO PLANNING
- G.13. Alderman Barber moved to remove a .5 authorized Secretary position and expenditure from the Engineering table of positions and 01-0321 Personal Services Salary and Benefits budget accounts as of February 13, 2023 and add it to the Planning table of positions and 01-0621 Personal Services Salary and Benefit budget accounts. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- FINANCE CLERK AND ACCOUNTANT POSITIONS
- G.14. Alderman Barber moved to approve consolidation of the .48 Finance Clerk position and the 1 FTE Accountant position to allow for the hiring of 1 full-time AP Accountant at the Salary Grade 4 pay grade. Seconded by Alderman Holpfer. All voted Aye; motion carried.

- RES. 2023-7941  
SERVICE  
AGREEMENT WITH  
PRIMADATA, LLC  
AND BAYSIDE  
PRINTING, LLC
- G.15. Alderman Barber moved to adopt Resolution No. 2023-7941, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE SUBDIVIDER OF PLEASANT VIEW RESERVE SUBDIVISION PHASE II-A, LOCATED AT W. MARQUETTE AVENUE AND S. 49th COURT. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2023-7942  
PARTIAL 2022  
PROPERTY TAX  
RESCISSION FOR  
#744-1001-000
- G.16. Alderman Holpfer moved to adopt Resolution No. 2023-7942, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION FOR 2022 FOR PARCEL #744-1001-000. The City Attorney stated on the record with regard to the resolution that states the reduction was due to being assessed improperly. This reduction is due to a settlement agreement. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2023-7943  
PARTIAL 2022  
PROPERTY TAX  
RESCISSION FOR  
#714-0003-002
- G.17. Alderman Nelson moved to adopt Resolution No. 2023-7943, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION FOR 2022 FOR PARCEL #714-0003-002. The City Attorney stated on the record with regard to the resolution that states the reduction was due to being assessed improperly. This reduction is due to a settlement agreement. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES. 2023-7944  
PARTIAL 2022  
PROPERTY TAX  
RESCISSION FOR  
#934-0106-000
- G.18. Alderman Holpfer moved to adopt Resolution No. 2023-7944, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR PARCEL #934-0106-000; AND DIRECT STAFF TO FILE THE CHARGEBACK REQUEST WITH THE DOR AND SEEK COMPENSATION FROM THE OTHER TAXING AUTHORITIES. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2023-7945  
PARTIAL 2022  
PROPERTY TAX  
RESCISSION FOR  
#934-0016-000
- G.19. Alderman Nelson moved to adopt Resolution NO. 2023-7945, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR PARCEL #934-0106-000; AND DIRECT STAFF TO FILE THE CHARGEBACK REQUEST WITH THE DOR AND SEEK COMPENSATION FROM THE OTHER TAXING AUTHORITIES. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2023-7946  
PARTIAL 2022  
PROPERTY TAX  
RESCISSION FOR  
#934-0028-000
- G.20. Alderman Nelson moved to adopt Resolution No. 2023-7946, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR PARCEL #934-0028-000; AND DIRECT STAFF TO FILE THE CHARGEBACK REQUEST WITH THE DOR AND SEEK COMPENSATION FROM

THE OTHER TAXING AUTHORITIES. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

- RES. 2023-7947  
PARTIAL 2022  
PROPERTY TAX  
RESCISSION FOR  
#797-9998-000
- G.21. Alderman Nelson moved to adopt Resolution No. 2023-7947, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR PARCEL #797-9998-000; AND DIRECT STAFF TO FILE THE CHARGEBACK REQUEST WITH THE DOR AND SEEK COMPENSATION FROM THE OTHER TAXING AUTHORITIES. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- COW  
RECOMMENDATIONS:
- FIRE DEPT.  
INFORMATION ON  
FORE & EMS  
SERVICES
- STATUS OF REWRITE  
OF UDO
- ORD. TO REPEAL  
CHAPTER 165 OF  
MUNICIPAL CODE  
AND RENAME  
CHAPTER 129
- AMEND §207-21  
WATER MAIN  
LATERALS
- WI STATE-LOCAL  
GOVERNMENT  
OPIOID BANKRUPTCY  
MOU
- UNUSED 2022  
APPROPRIATIONS  
FOR USE IN 2023
- G.22. Upon recommendation from the Committee of the Whole Meeting of February 6, 2023:
- (a) No action was taken on the information provided by the Fire Department Administration on information about historic, current, and future provision of Fire and EMS Services in Franklin, for discussion and future decision-making by the Common Council.
  - (b) No action was taken on the Status update on the rewrite of the Unified Development Ordinance (UDO).
  - (c) Alderman Nelson moved to table An Ordinance to Repeal Chapter 165 of the Municipal Code and to Repeal and Recreate Chapter 129 of the Municipal Code and to Rename Chapter 129 From "Filling and Grading" to "Land Disturbing Construction Activities until the February 20, 2023 Council Meeting. Seconded by Alderman Barber. All voted Aye; motion carried.
  - (d) No action was taken on an Ordinance to Amend §207-21 of the Municipal Code Regarding Special Assessments of Water Main Laterals.
- G.23. No action was taken on a Resolution Approving and Authorizing the Execution and Delivery of a Wisconsin State-Local Government Opioid Bankruptcy Memorandum of Understanding.
- G.24. Alderwoman Eichmann moved to authorize the carry forward of unused 2022 appropriations, for use in 2023, in the amount of \$10,000 for Election Supplies/Printing and direct staff to prepare a 2022 Budget modification for the same, for Council consideration. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

LICENSES AND  
PERMITS

H. Alderwoman Hanneman moved to approve the following licenses:

Grant 2022-2023 Operator License to the following: April Gagliano, Jacob McCown, & Amy Rendall;

Grant "Class A" Beer & Liquor Change of Agent to: Kwik Trip #857, Michael Roberts, 10750 W Speedway Dr;

Grant 2022-2023 Day Care License Renewal to: KinderCare, 6350 S 108<sup>th</sup> St, Theresa Castronovo, Manager;

Approve the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to Franklin Police Department – National Night Out – Temporary Entertainment & Amusement, Food License, 8/7/2023, 6 - 9 p.m.; Franklin Public Library, 9151 W Loomis Rd;

Approve the Amendment to Public Grant Application for Opening Hours of Civic Celebration Event on 7/1/2023 changing opening hour from 3 p.m. to noon (Operating Hours will be noon to 11 p.m.), John Bergner, Chairman of Civic Celebration Commission;

Grant Temporary Entertainment & Amusement to the following:

- 1) Rainbow Valley Rides, Inc – 4<sup>th</sup> of July Festivities, Ronald Kedrowicz, 9229 W Loomis Rd, 6/30-7/2/2023
- 2) Civic Celebration Committee – Independence Celebration, John Bergner, 9229 W Loomis Rd, 6/30-7/2/2023 (Fireworks to be permitted thru FPD)

Grant Temporary "Class B" Beer & Wine to: Civic Celebration Committee-Independence Day Celebration, John Bergner, 9229 W Loomis Rd, 6/30-7/2/2023;

Hold Fireworks Display Process until next meeting; and  
Hold Extraordinary Events Discussion until next meeting.

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

VOUCHERS AND  
PAYROLL

I. Alderman Holpfer moved to approve City vouchers with an ending date of February 2, 2023, in the amount of \$3,685,198.71 and Property Tax disbursements with an ending date of January 30, 2023 in the amount of \$22,485,072.55 and payroll dated January 27, 2023 in the amount of \$516,145.44 and payments of the various payroll deductions in the amount of \$591,395.42, plus City matching payments and estimated payroll dated February 10, 2023 in the amount of \$435,000 and payments of the various payroll deductions in the amount of \$245,000, plus City matching payment. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

CLOSED SESSION  
BPC COUNTY LAND,  
LLC. V. CITY OF  
FRANKLIN

- G.25. Alderman Holpfer moved to enter closed session at 7:12 p.m. pursuant to Wis. Stats. As *BPC County Land, LLC v City of Franklin*, Milwaukee County Circuit Court Case Nos. 2019-CV-8963 and 2021-CV-5581 are litigation matters which are in process and pending at this time, a motion to enter closed session 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 7:47 p.m., no action was taken.

Mayor Olson requested taking a seven-minute recess at 7:47 p.m. Mayor Olson reconvened the meeting at 7:54 p.m.

CLOSED SESSION  
CODE OF CONDUCT

- G.26. Alderman Barber moved to enter closed session at 7:55 p.m. pursuant to Wis. Stat. § 19.85(1)(1) 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; all voted Aye. Motion carried.

Upon reentering open session at 8:09 p.m., no action was taken.

ADJOURNMENT

- J. Alderman Holpfer moved to adjourn the meeting of the Common Council at 8:09 p.m. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.