

# APPROVED FEBRUARY 7 2023

## CITY OF FRANKLIN COMMON COUNCIL MEETING JANUARY 17, 2023 MINUTES

- ROLL CALL                    A.        The regular meeting of the Franklin Common Council was held on January 17, 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 Kristen 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 Karen Kastenson.
- CITIZEN COMMENT        B.1.     Citizen comment period was opened at 6:31 p.m. and was closed at 6:35 p.m.
- MINUTES  
JANUARY 3, 2023        C.        Alderman Barber moved to approve the minutes of the regular Common Council meeting of January 3, 2023, with correction to item G.7. the motion should have included “subject to legal and technical correction.” Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2023-7931  
PROCLAMATION  
NAMING  
CONFERENCE ROOM  
TO LUTHER W.  
GRAEF, P.E.            G.1.     Alderman Nelson moved to adopt Resolution No. 2023-7931, A RESOLUTION NAMING THE CONFERENCE ROOM IN THE JOHN M. BENNETT, P.E. UTILITY OPERATIONS CENTER (5550 W. AIRWAYS AVENUE) THE "LUTHER W. GRAEF, P.E. CONFERENCE ROOM". Seconded by Holpfer. On a Roll, all voted Aye. Motion carried.
- MAYORAL  
ANNOUNCEMENT        B.2.     Mayor Olson presented a Proclamation Naming the Conference Room in the John M. Bennett, P.E. Utility Operations Center (5550 W. Airways Avenue) The "Luther W. Graef, P.E. Conference Room."
- HEARING: AMEND  
2025 FUTURE LAND  
USE MAP, WETLAND  
TREEHOUSE LLC,  
APPLICANT;  
RAWSON LOOMIS  
LLC, OWNER            D.        A public hearing was called to order on December 20<sup>th</sup> and held open until this meeting on a proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at 8301 West Old Loomis Road, from Commercial Use and Areas of Natural Resource Features Use to Mixed Use (Wetland Treehouse LLC, applicant; Rawson-Loomis LLC, property owner). The property which is the subject of this application bears TKN 755-9997-000, consisting of approximately 51.61 acres of land. The public hearing was closed at 6:44 p.m.

- ORGANIZATIONAL BUSINESS
- E. Alderman Barber moved to approve the following Mayoral Appointments:
- TOURISM COMMISSION APPOINTMENTS
- Tourism Commission:
1. Hotel/Motel Industry Member: Lance A. Schaefer, Everest Hospitality, LLC, 6901 S. 76th St., Aid. Dist. 2 - Tourism Commission for a 1-year term expiring 12/31/2023.
  2. Shaun Marika, 7644 S. Mission Ct., Ald. Dist. 2 -Tourism Commission for a 1-year term expiring 12/31/2023.
  3. Edward Holpfer, 8058 S. 77th Street, Aid. Dist. 1 - Tourism Commission for a 1-year term expiring 12/31/2023.
  4. Mark Wylie, 7468 Carter Circle S., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2023.
  5. Jeffrey Kuderski, 7468 Carter Circle S., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2023.
- Seconded by Hanneman. On roll call, all voted aye. Motion carried.
- ENVIRONMENTAL COMMISSION RECOMMENDATION FOR “NO MOW MAY”
- G.2. Alderwoman Wilhelm moved to have the Environmental Commission look at recommending landscaping with Wisconsin native species including options for trees and shrubs and bring those recommendations back to the Council, and review the native mowing practices on City lands. Seconded by Alderman Nelson. All voted Aye; motion carried.
- FIRE DEPARTMENT FORD E-450 TYPE III AMBULANCE
- G.3. Alderwoman Wilhelm moved to authorize the Fire Department to purchase a Ford E-450 Type III Ambulance, with additional expenditure for Mobile Radio, and Various Hardware and Mounting Brackets, not to exceed \$286,000, as was appropriated in the Approved 2023 Equipment Replacement Fund. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- LEAGUE OF WISCONSIN MUNICIPALITIES MUTUAL INSURANCE
- G.4. No action was taken following a presentation of the League of Wisconsin Municipalities Mutual Insurance (LWMMI) by Matt Becker, CEO.
- ORD. 2023-2525 AMEND UDO PDD 8 TWIN OAKS OF TUCKAWAY – PROFESSIONAL SERVICES (DENNIS AND LORI SAUER, APPLICANTS)
- G.11. Alderman Holpfer moved to adopt Ordinance No. 2023-2525, AN ORDINANCE TO AMEND SECTION 15-3.0413 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 8 (TWIN OAKS OF TUCKAWAY) TO REVISE THE DISTRICT TO ADD PROFESSIONAL SERVICES AS A PERMITTED USE (DENNIS D. SAUER AND LORI J. SAUER, APPLICANTS) (GENERALLY AT 8482 SOUTH 76TH STREET). Seconded by Alderman Nelson. All voted Aye; motion carried.

POLICE SERGEANTS MAXIMUM ACCRUAL LEVEL G.5. Alderman Holpfer moved to suspend the rules and let Sergeant Hintz speak to this item. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

Alderman Nelson moved to approve the request to raise the maximum accrual level for compensatory time for the Police Sergeants from 110 hours to 200 hours to mirror the Police Union accrual level effective immediately. Seconded by Alderwoman Wilhelm. On a Roll Call, vote recorded as 3 ayes being Alderwoman Eichmann, Alderwoman Wilhelm, Alderman Nelson and 3 noes' being Alderman Holpfer, Alderwoman Hanneman and Alderman Barber. This motion fails due to lack of majority.

HEALTH DEPT. SANITARIAN POSITION G.6. Alderwoman Hanneman moved to approve the Director of Health and Human Services to increase the .1 FTE Sanitarian position to a .4 FTE Sanitarian position beginning January 18, 2023 due to this position being fully funded by a Workforce Development Grant. Seconded by Alderman Barber. All voted Aye; motion carried.

MEMORANDUM OF UNDERSTANDING WITH WEST ALLIS HEALTH FOR WIC PROGRAM G.7. Alderman Barber moved to authorize The Director of Health and Human Services to sign and continue the Memorandum of Understanding with the West Allis Health Department to provide screening and consultation services for Franklin residents enrolled in the Women, Infants and Children (WIC) program. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

2022 HEALTH DEPT. ANNUAL REPORT G.8. Alderman Barber moved to accept and place on file the 2022 Franklin Health Department Annual Report. Seconded by Alderman Nelson. All voted Aye; motion carried.

RESCHEDULING OF COMMON COUNCIL MEETING G.9. Alderwoman Eichmann moved to reschedule the Common Council meeting of July 4, 2023 to July 5, 2023 due to the meeting falling on the Fourth of July and City offices being closed for the holiday. Seconded by Alderman Nelson. All voted Aye; motion carried.

SHREDDING EVENT ON MAY 13, 2023 G.10. Alderwoman Wilhelm moved to direct Staff to coordinate a Shredding Event with Stericycle on May 13, 2023 for \$2,400 plus Staff overtime and other expenses. Seconded by Alderwoman Eichmann. All voted Aye; motion carried. Alderwoman Wilhelm withdrew the original motion and Alderwoman Eichmann withdrew the second to the motion.

Alderwoman Wilhelm moved to have staff look into other contractors and send the standard form City Terms Services Contract to them and the current contractor and make sure all concerns of liability are addressed and bring back to the Council at its next meeting on February 7, 2023. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

- 2023 LOCAL STREET IMPROVEMENT PROGRAM G.12. Alderman Holpfer moved to authorize Staff to advertise for bids for contracts of the 2023 Local Street Improvement Program including the library parking lot as an alternate bid option. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- W. MINNESOTA AVE. AND S. 50<sup>TH</sup> ST. WATER MAIN EXTENSION PROJECT WITH WILLKOMM EXCAVATING AND GRADING, INC. G.13. Alderwoman Wilhelm moved to approve the substitution of alternative insurance coverage provision in the contract for the W. Minnesota Avenue and S. 50 Street Water Main Extension project with Welkom Excavating and Grading, Inc. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2023-7932 TEMPORARY EASEMENT AT POLICE DEPT. FOR WI DOT ON LOOMIS RD. G.14. Alderman Holpfer moved to adopt Resolution No. 2023-7932, A RESOLUTION TO SIGN A WAIVER OF APPRAISAL FOR A TEMPORARY LIMITED EASEMENT IN FRONT OF THE FRANKLIN POLICE DEPARTMENT (9455 W. LOOMIS ROAD) (TKN 801-9999-001) FOR A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON W. LOOMIS ROAD (STH 36) FROM STH 100 TO S. 51ST STREET. Attorney Wesolowski stated for the record with the agreement of the City Engineer consent to this particular temporary easement and waiver of appraisal subject matter is due to the specific facts hereof. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES. 2023-7933 DEVELOPMENT AGREEMENT WITH SUBDIVIDER OF PLEASANT VIEW RESERVE G.15. Alderwoman Wilhelm moved to adopt Resolution No. 2023-7933, 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 and to bring back Resolution 2021-7763 for clarification and any revisions for consistency as necessary. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2023-7934 TARGET PARKING PICK-UP SIGNS AT 7800 S. LOVERS LANE G.16. Alderwoman Eichmann moved to adopt Resolution No. 2023-7934, A RESOLUTION AUTHORIZING THE INSTALLATION OF THE TARGET PARKING PICK-UP SIGNS WITHIN THE 20-FOOT PUBLIC WATERMAIN EASEMENT UPON LOT 2 OF THE CSM NO. 8000, 7800 S. LOVERS LANE ROAD, TKN 794-9999-004, (TLC SIGN, APPLICANT). Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2023-7935 AMEND RES. 2022-7815-SPECIAL USE FOR FOOD G.17. Alderwoman Hanneman moved to adopt Resolution No. 2023-7935 , A RESOLUTION TO AMEND RESOLUTION NO. 2022-7815, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW A 310,485

PROCESSING  
OPERATION AT W.  
OAKWOOD RD. AND  
S. 27TH ST. (SAPUTO  
CHEESE USA, INC.  
APPLICANT)

SQUARE FOOT "OFFICE/LIGHT INDUSTRIAL FLEX SPACE" TO DEVELOP A FOOD PROCESSING OPERATION, INCLUDING THE PROVISION OF MATERIALS DELIVERY, PROCESSING, PACKAGING AND DISTRIBUTION OF FOOD PRODUCTS, WITH SUPPORTING OFFICE AND EMPLOYEE WELFARE FACILITIES UPON PROPERTY LOCATED ON THE EASTERN HALF OF THE PARCEL AT THE INTERSECTION OF WEST OAKWOOD ROAD AND SOUTH 27TH STREET (LOT 2 OF CERTIFIED SURVEY MAP NO. 9362) (BY SAPUTO CHEESE USA INC., APPLICANT, HSA COMMERCIAL, INC., D/B/A HSA COMMERCIAL REAL ESTATE, PROPERTY OWNER), TO EXTEND THE TIME FOR COMMENCEMENT OF THE SPECIAL USE DEVELOPMENT. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2023-7936  
AMENDMENT 6 TO  
RUEKERT & MIELKE,  
INC. FOR S. HICKORY  
ST. CONSTRUCTION

G.18. Alderwoman Hanneman moved to adopt Resolution No. 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 subject to technical corrections by the City Engineer. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2023-2526  
AMEND CODE § 222-  
3.B. DRIVEWAY FEES

G.19. Alderwoman Wilhelm moved to adopt Ordinance No. 2023-2526, AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 222-3.B. "FEES" TO REMOVE CONFLICTING FEE FOR DRIVEWAYS with technical corrections by City Engineer. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

ORD. 2023-2527  
AMEND CODE § 245-3.  
B. STOP SIGNS AT W.  
HILLTOP LANE AND  
42<sup>ND</sup> ST.

G.20. Alderwoman Hanneman moved to adopt Ordinance No. 2023-2527, AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-3. B. STOPS REQUIRED TO ADD TWO STOP SIGNS ON EASTBOUND AND WESTBOUND LEGS OF W. HILLTOP LANE AT THE INTERSECTION OF S. 42ND STREET. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

UNUSED 2022  
APPROPRIATIONS  
FOR USE IN 2023  
BUDGET

G.21. Alderman Barber moved to authorize the carry forward of unused 2022 appropriations, for use in 2023, in the amount of \$2,917,899, and direct staff to prepare a 2023 Budget modification for the same, for Council consideration. Seconded by Alderwoman Hanneman. On a Roll Call, all voted Aye. Motion carried.

2022 NEW HOUSING  
FEE REPORT

G.22. Alderman Nelson moved to receive and place the New Housing Fee Report for 2022 on file. Seconded by Alderman Barber. All voted Aye; motion carried.

TAX ASSESSMENT  
AGREEMENT (TID

G.23. Alderman Barber moved to consent to the assignment of the Tax Assessment Agreement from Strauss Investments, LLC to Cellco

NO. 6) FROM  
STRAUSS  
INVESTMENTS, LLC  
TO CELLCO  
PARTNERSHIP

Partnership, doing business as Verizon Wireless, and to authorize the Mayor and City Clerk to execute and deliver the Assignment and Assumption of Tax Assessment Agreement. Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I. Alderman Barber moved to approve City vouchers with an ending date of January 12, 2023, in the amount of \$ 3,254,064.76 and Property Tax disbursements with an ending date of January 12, 2023 in the amount of \$ 45,492,725.86 and payroll dated January 13, 2023 in the amount of \$ 502,337.35 and payments of the various payroll deductions in the amount of \$ 294,916.44, plus City matching payments and estimated payroll dated January 27, 2023 in the amount of \$ 460,000 and payments of the various payroll deductions in the amount of \$ 475,000, plus City matching payments and approval to release payment to American Power Equipment in the amount of \$ 3,325.39 and approval to release payment to Varitech Industries in the amount of \$ 19,980.00. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

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

G.27 Alderman Holpfer moved to enter closed session at 8:35 p.m. pursuant to Wis. Stats. §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, *BPC County Land, LLC v. City of Franklin*, Milwaukee County Circuit Court Case Nos. 2019-CV008963 and 2021-CV-005581, 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 9:15 p.m., Alderman Holpfer moved to direct staff to proceed as directed in closed session. Seconded by Nelson. All voted Aye; motion carried.

CLOSED SESSION  
FRANKLIN  
COMMUNITY  
ADVOCATES, ET AL.  
V. CITY OF  
FRANKLIN AND  
STRAUSS BRANDS,  
LLC

G.24. Alderman Barber moved to enter closed session at 9:17 p.m. pursuant to Wis. Stats. §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, *Franklin Community Advocates, et al v City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031, 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 9:35 p.m., Alderman Barber moved to direct staff and legal counsel to proceed as directed in closed session accept the withdrawal of the special use application under current facts

and circumstances. Seconded by Alderwoman Hanneman. On a roll call; all voted Aye. Motion carried.

CLOSED SESSION  
FRANKLIN  
COMMUNITY  
ADVOCATES, ET AL.  
V. CITY OF  
FRANKLIN

- G.25. Alderman Holpfer moved to enter closed session at 9:38 p.m. pursuant to Wis. Stats. §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, *Franklin Community Advocates, et al v City of Franklin*, Milwaukee County Circuit Court, Case No. 22-CV-523, 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 9:53 p.m., no action was taken.

CLOSED SESSION  
TID NO. 8  
SAPUTO CHEESE

- G.26. No action taken.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting of the Common Council at 9:54 p.m. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.