

APPROVED MAY 16, 2023

CITY OF FRANKLIN
COMMON COUNCIL MEETING
May 2, 2023
MINUTES

ROLL CALL

- A. The regular meeting of the Franklin Common Council was held on May 2, 2023, and was called to order at 6:30 p.m. by Mayor Nelson 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, Alderman Yousef Hasan, Alderwoman Courtney Day, Alderman Mike Barber, and Alderman Jason Craig. Also in attendance were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:31 p.m. and was closed at 7:12 p.m.

MINUTES APRIL 18, 2023

- C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of April 18, 2023, as presented. Seconded by Alderman Craig. All voted Aye; motion carried.

MAYORAL AND ALDERMANIC BOARDS AND COMMISSIONS APPOINTMENTS

- E. Alderman Holpfer moved to confirm the following Mayoral and Aldermanic appointments:
1. Deborah Davis, 9460 S. 96th St, Ald. Dist. 1 – Board of Health (2 year unexpired term expiring 4/30/24).
 2. James Rydlewicz, 9901 W. Rawson Ave., Ald. Dist. 2 – Board of Health (2 year unexpired term expiring 4/30/24).
 5. Justin Lockridge, 7108 W. Rawson Ave, Ald. Dist. 2 – Economic Development Commission (1 year unexpired term expiring 6/30/23).
 6. Justin Lockridge, 7108 W. Rawson Ave, Ald. Dist. 2 – Economic Development Commission (1 year term expiring 6/30/24).
 7. Dale Wikel, 3755 W. Sharon Ln., Ald. Dist. 5 – Personnel Committee (3 year term expiring 4/30/26).
 8. Tom Traynor, 7951 S. 43rd St., Ald. Dist. 5 – Personnel Committee (3 year term expiring 4/30/26).
 9. Mohammed Nowman, 4455 W. Woodland Dr., Ald. Dist. 3 – Finance (1 year term expiring 4/30/24).
 10. Dianna Peccarelli, 8018 S. Forest Meadows Dr., Ald. Dist. 1 – Alderwoman Eichmann appointment to Board of Review (3 year term expiring 4/20/26).

Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

CIVIC CELEBRATIONS
COMMISSION NEW
EVENT – HOME FOR
THE HOLIDAYS

G.1. Alderman Barber moved to approve the Saturday after Thanksgiving Franklin Civic Celebrations Commission market event for 2023 and 2024, and to allow Mira Kresovic to execute contracts and agreements with vendors for the November 25, 2023, and November 30, 2024 market event.

- (a) Request for use of Lions Legend Park.
- (b) Request for Common Council to move the municipal tree lighting to the Saturday after Thanksgiving.

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

RES. 2023-7972
ENHANCEMENT OF
FENCE WITHIN
EASEMENT AT LOT 36
MISSION RIDGE
(SCHMIDT, BRIAN &
KAREN, APPLICANTS)

G.2. Alderwoman Eichmann moved to adopt Resolution No. 2023-7972, A RESOLUTION AUTHORIZING THE ENHANCEMENT OF AN EXISTING FENCE WITHIN THE DRAINAGE EASEMENT UPON LOT 36 OF MISSION RIDGE ADDITION NO. I (4733 WEST VANDERHEYDEN DRIVE) (TKN 740-0057-000) (SCHMIDT, BRIAN & KAREN, APPLICANTS). Seconded by Alderman Hasan. All voted Aye; motion carried.

COW
RECOMMENDATIONS:

G.3. Alderman Barber moved to direct items (a)-(c) back to staff for further clarification and bring back to the Common Council. Seconded by Alderman Craig. All voted aye; motion carried.

Recommendation from the Committee of the Whole Meeting of May 1, 2023:

UDO NOISE
REGULATIONS

(a) Overview and Presentation by the Department of City Development Staff of the Unified Development Ordinance Noise Regulations.

ENFORCEMENT
PROCEDURES

(b) Enforcement Procedures Regarding Unified Development Ordinance Section 15-3.1107 “Noise.”

TEMPORARY USES
AND EXTRAORDINARY
EVENTS

(c) Overview and Presentation by Department of City Development Staff Regarding Temporary Uses and Extraordinary Entertainment and Special Events Regulations and Permits.

ACCEPT PUBLIC
DONATIONS AND
SPEND ON FFD EMS
SPECIALTY
EQUIPMENT

G.4. Alderwoman Eichmann moved to accept \$1,640.00 in Public Donations and to Spend the Donations Towards Franklin Fire Department’s Emergency Medical Service (EMS) Specialty Equipment. Seconded by Alderman Hasan. All voted Aye; motion carried.

- RES 2023-7973
AFFIDAVIT OF
CORRECTION
FAITHWAY RESERVE
LOT 8 – SIDE YARD
SETBACK (RICK J.
PRZYBLA, APPLICANT)
- G.5. Alderman Holpfer moved to adopt Resolution 2023-7973, A RESOLUTION APPROVING AN AFFIDAVIT OF CORRECTION FOR FAITHWAY RESERVE SUBDIVISION, LOT 8, TO CORRECT THE SIDE YARD SETBACK ON THE RECORDED PLAT, PROPERTY LOCATED AT 7780 WEST FAITH DRIVE (TKN 792-0272-000) (RICK J. PRZYBLA, APPLICANT). Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES 2023-7974
CONDITIONAL
APPROVAL OF
CERTIFIED SURVEY
MAP - AT 3617 W
OAKWOOD RD
(STEWART M.
WANGARD, MEMBER
OF OAKWOOD
INDUSTRIAL LLC,
APPLICANT)
- G.6. Alderwoman Day moved to adopt Resolution 2023-7974, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING THAT PART OF THE NE 1/4 OF THE SE 1/4 OF THE NW 1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 21 EAST, SITUATED IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (STEWART M. WANGARD, MEMBER OF OAKWOOD INDUSTRIAL LLC, APPLICANT) (AT 3617 WEST OAKWOOD ROAD). Seconded by Alderman Holpfer. All voted Aye; motion carried.
- AWARD FIBER OPTIC
RING PROJECT TO
TURNKEY NETWORK
SOLUTIONS
- G.7. Alderman Holpfer moved to hold over a resolution to award the 2023 City of Franklin fiber optic ring project to Fiber Optic Management LLC OBA Turnkey Network Solutions, in the amount of \$961,819.64 until May 16, 2023. Seconded by Alderman Barber. All voted Aye; motion carried.
- MEMORANDUM OF
AGREEMENT FOR
WEIGHTS AND
MEASURES
INSPECTION - DATCP
- G.8. Alderman Holpfer moved to approve city officials to execute the Memorandum of Agreement for Weights and Measures Inspection with the Wisconsin Department of Agriculture, Trade and Consumer Protection for July 1, 2023 through June 30, 2024 at a cost of \$750 per day for 9 days, subject to review by the City Attorney. Seconded by Alderman Hasan. All voted Aye; motion carried.
- RES 2023-7975
WATER MAIN
EASEMENT – 5040 W
RAWSON AVE
- G.9. Alderman Hasan moved to adopt Resolution 2023-7975, A RESOLUTION TO ACCEPT A WATER MAIN EASEMENT FROM 5040 W. RAWSON AVENUE, KWIK TRIP, INC., TKN 740-9988-008. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

- RES 2023-7976
STORM WATER
FACILITIES
MAINTENANCE
AGREEMENT AND
ACCESS EASEMENT -
9966 S MONARCH DR.
- G.10. Alderman Craig moved to adopt Resolution 2023-7976, A RESOLUTION FOR ACCEPTANCE OF A STORM WATER FACILITIES MAINTENANCE AGREEMENT AND A STORM WATER MANAGEMENT ACCESS EASEMENT FOR RISE FRANKLIN WI LLC, 9966 S. MONARCH DRIVE, TKN 891-9014-000. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES 2023-7977
CONSERVATION
EASEMENT FOR FINAL
PLAT-TESS CREEK
ESTATES SUBDIVISION
– 11595 AND 11600 W
FOREST HOME AVE
(FOREST HOME
INVESTORS)
- G.11. Alderman Craig moved to adopt Resolution 2023-7977, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A FINAL PLAT FOR THE TESS CREEK ESTATES SUBDIVISION UPON PROPERTY LOCATED AT 11595 AND 11600 WEST FOREST HOME AVENUE (FOREST HOME INVESTORS, LLC, PROPERTY OWNER). Seconded by Alderwoman Eichmann All voted Aye; motion carried.
- RES 2023-7978
LANDSCAPE
BUFFERYARD
EASEMENT FOR FINAL
PLAT FOR TESS CREEK
ESTATES SUBDIVISION -
11595 AND 11600 W
FOREST HOME AVE
(FOREST HOME
INVESTORS, LLC,
PROPERTY OWNER)
- G.12. Alderman Craig moved to adopt Resolution 2023-7978, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE APPROVAL OF A FINAL PLAT FOR THE TESS CREEK ESTATES SUBDIVISION UPON PROPERTY LOCATED AT 11595 AND 11600 WEST FOREST HOME AVENUE (FOREST HOME INVESTORS, LLC, PROPERTY OWNER). Seconded by Alderwoman Day. All voted Aye; motion carried.
- PAYMENT TO
ACCELERATE
PROFESSIONAL
TALENT SOLUTIONS
FOR CONTRACTING
FEE
- G.13. Alderman Barber moved to authorize payment to Accelerate Professional Talent Solutions for their contracting fee. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES 2023-7979
DESIGNATING
OFFICIAL NEWSPAPER
- G.14. Alderman Hasan moved to adopt Resolution 2023-7979, A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER. Seconded by Alderman Barber. All voted Aye; motion carried.
- 2023 EVENT SERVICE
AGREEMENT –
SERVICE SANITATION
- G.15. Alderman Holpfer moved to approve the 2023 Event Service Agreement with Service Sanitation in the amount of \$16,854 with funding from the St. Martins Fair Fund, subject to review and approval

– ST MARTINS FAIR
FUND

by the City Attorney with the copy as amended. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES 2023-7980
EXECUTE
STATE/MUNICIPAL
FINANCIAL AND
MAINTENANCE
AGREEMENTS FOR WI-
DOT PROJECT – S
LOVERS LN RD

G.16. Alderwoman Eichmann moved to adopt Resolution 2023-7980, A RESOLUTION TO EXECUTE STATE/MUNICIPAL FINANCIAL AGREEMENT AND A STATE/MUNICIPAL MAINTENANCE AGREEMENT FOR IMPROVEMENTS RELATED TO A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON S. LOVERS LANE (USH 45) FROM W. ST. MARTINS ROAD TO W. RAWSON AVENUE (CTH BB) IN THE AMOUNT OF \$307,500. Seconded by Alderman Craig. All voted Aye; motion carried.

RES 2023-7981
REVISE
STATE/MUNICIPAL
FINANCIAL
AGREEMENT FOR WI-
DOT PROJECT – S
LOVERS LN RD

G.17. Alderman Craig moved to adopt Resolution 2023-7981, RESOLUTION TO REVISE STATE/MUNICIPAL FINANCIAL AGREEMENT FOR IMPROVEMENTS RELATED TO A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON S. LOVERS LANE (USH 45/STH 100) FROM W. RAWSON AVENUE (CTH BB) TO W. COLLEGE AVENUE IN THE NEW AMOUNT OF \$483,756. Seconded by Alderwoman Day. All voted Aye; motion carried.

RES 2023-7982
PARTIAL PROPERTY
TAX RESCISSION AND
REFUND TKN 754-9008-
000

G.18. Alderwoman Eichmann moved to adopt Resolution 2023-7982, RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR TKN 754-9008-000. Seconded by Alderwoman Day. All voted Aye; motion carried.

RES 2023-7983
REVIEW,
CONSIDERATION AND
EVALUATION PROCESS
OF CODE OF CONDUCT
AND ETHICS ELECTED
AND APPOINTED
OFFICIALS POLICY

G.19. Alderman Barber moved to adopt Resolution 2023-7983, A RESOLUTION FOR THE REVIEW, CONSIDERATION AND EVALUATION PROCESS OF THE CITY OF FRANKLIN CODE OF CONDUCT AND ETHICS ELECTED AND APPOINTED OFFICIALS POLICY TO SET A MORATORIUM UPON THE APPLICATION AND ENFORCEMENT THEREOF UNTIL THE PROCESS HAS BEEN COMPLETED. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Craig moved to remove Hills Has Eyes, and bring back to the License Committee for clarification of when the last ticket will be sold, when the music/noise will be ending and for clarification of hours on May 16, 2023, and then bring back to the Common Council. Seconded Alderman Holpfer. On a roll call vote 5-1 Alderwoman Eichmann voted no. Motion carried.

Alderman Craig moved to approve the following licenses:

Special License Committee Meeting 5/1/23:

Grant 2023-24 Operator License to: Stella Nastulski & Haley Pyan;
Grant 2022-23 & Renewal 2023-24 Operator License to: Sudepp Mann, Joshua Semanski, Kiara Taylor, Gwen Ulfig, & Salma Wahhab;
Grant 2023-24 Renewal Operator License to: Geraldine Arteaga, Amy Balcerzak, Michael Bartolone, Brandon Bhatti, Joshua Bishop, John Braovac, Tammy Bresette, William Canales, Tyler Cherek, Susan De George, Jennifer Deputy, Milan Djurina, Marcus Drewek, Catherine Erwin, Christopher Ewig, Heidi Fisher, Peggy Flores, Corie Graf, Jenna Haley, Hydin Heisel;
Grant 2022-23 & Renewal 2023-24 Operator License upon Correction of Application to: Melissa Soares, Jennifer Englund, Jennifer Craycraft, & Rachel Nondahl.

License Committee Meeting 5/2/23:

Grant Extraordinary Entertainment & Special Event & Temporary Class B Beer to the following: Scottish Festivals, Inc, Highland Games, David Berger, Croatian Park, 9100 S 76th St, 6/3/23; Xaveraian Missionaries-Annual Festival, Fr. Alejandro Rodriguez, Xaverian Missionaries, 4500 W Xavier Dr, 6/24 & 6/25/23;
Grant Extraordinary Entertainment & Special Event to the following: Root River Center-Outdoor Live Music Event; David Church, 7220 W Rawson Ave, 6/2 & 6/3/23; Rock Sports Complex-Summer Concert Series'23, Paul Cimoch, 7900 S Ballpark Dr, Every Saturday 6/4-9/30/23 & Tuesday 7/4/23 & Sunday 9/3/23;
Approved Amendment to Public Grant Application for Franklin Health Department 2023 Events to: Change date of Outdoor Movie Night from 8/25 to 8/5/23, Ellen Henry, Franklin Health Department;
Grant 2023-2024 Amusement Device Operator License to the following: American Entertainment Services, Inc., W337 S5059 Hwy GG, Dousman, WI 53118, Kenneth Grothman; National Amusement Systems, 2740 S 9th Pl, Milwaukee, WI 53215, Janis Thein; National Entertainment Network, LLC, 246 S Taylor Ave, Unit 200, Louisville, CO 80027, Nicholas Miceli; Red's Novelty Ltd, 1921 S 74th St, West Allis, WI 53219, Jay Jacomet; Reggie's Amusements, LLC 4918 S Packard Ave, Cudahy, WI 53110, Reginald Zeniecki; Wisconsin P & P Amusement, 12565 W Lisbon Rd, Brookfield, WI 53005, Michael Weigel;
Grant 2023-24 Auto Salvage License to: DBA Al's Auto Salvage, Al's Auto Salvage Inc, 10942 S 124th St, Albert Schill;
Grant 2023-2024 Day Care License to the following: DBA Discovery Days of Franklin, Cadence Education, LLC, 9758 S Airways Ct, Andrea Bustillos; DBA Faith Academy, Faith Community Church, Inc, 7260 S 76th. Jane Zimmerman; DBA Jubilee Christian School,

Jubilee Faith Center, Inc, 3639 W Ryan Rd, Tanya Soich; DBA Falk Park KinderCare Learning Center, Kindercare Learning Centers LLC, 7363 S 27th St, Michelle Swikert; DBA LMN's Operation Playground, L & T Norgel, LLC, 11224 W Forest Home Ave, Lisa Norgel; Grant 2023-2024 Entertainment & Amusement License to the following: DBA Innovative Health & Fitness, Innovative Health & Fitness Building, LLC, 8800 S 102nd St, Scott Cole; DBA Oakwood Park Golf Course, Milwaukee County Parks, 3600 W Oakwood Rd, Joshua Zuba; DBA Whitnall Park Golf Course, Milwaukee County Parks, 6751 S 92nd St, Joshua Zuba;

Grant 2023-24 Mobile Home License to the following: DBA Badger Mobile Home Park, Badger MHP, LLC, 6405 S 27th St, Renee Peters; DBA Franklin Mobile Estates, Franklin Mobile, LLC, 6361 S 27th St, David Steinberger;

Grant 2023-24 Renewal Operator License to the following: Carinn Hoffmann, Matthew Holtz, Shane Jaskie, Yannie Jin, Kevin Kais, Jenel Karow, Navdeep Kaur, Taylor Klafka, Miranda Krasinski, Apolonia Kust, Colleen Lesser, Michael Lloyd, Amanda Losiniecki, Sara Maglio, Nadiya Mashkina, Brianna Mayer, Ciara McMillan, Susan Mylnczak, Tyler Okrzesik, Derek Olszewski, Lori Otto, Andrew Page, Amrish Patel, Allison Planton, Joseph Pollack, Kristen Rinke, Agyapal Singh, Hollie Smith, Jessica St. Louis, Nadine Stork, Mckenna Surma, Stacie Trippler, Kathleen Varga, Juan Villa, Adaira Walker, Michael Williams, Erika Wotnoske, Raquel Zalewski;

Grant 2023-24 Operator License to: Mitchell Haskey & Indrit Katroshi;

Grant 2022-23 & Renewal 2023-24 Operator License to the following: Angelina Alvarez, Ashtyn Lindl, & Jack Wilka;

Grant 2023-24 Renewal Operator License to the following: Ryan Blum, Tadeusz Cieslak, Nicholas Cihler, April Gagliano, Xavier Marlow-Fowler, Jane Michel, Savannah Perelgut, Denise Popp, Richard Rabiega, Amy Rendall, Nicole Salas, Brian Sawinski, Rebekah Shallow, Katelyn Thousand, Theofania Topetztes, & Isaiah Vargas;

Grant 2023-24 Operator License to Jazmin Vespalec upon Correction of Application; and

Grant 2022-23 & Renewal 2023-24 Operator License to Brittany Griffin upon Correction of Application.

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

VOUCHERS AND
PAYROLL

- I. Alderman Holpfer moved to approve City vouchers with an ending date of April 27, 2023, in the amount of \$2,681,782.99 and property

tax disbursements with an ending date of April 26, 2023, in the amount of \$4,705,028.90, and payroll dated April 21, 2023 in the amount of \$484,599.97 and payments of the various payroll deductions in the amount of \$471,387.61, plus City matching payments and estimated payroll dated May 5, 2023 in the amount of \$445,000 and payments of the various payroll deductions in the amount of \$241,000, plus City matching payments. Seconded by Alderman Barber. On roll call; all voted Aye. Motion carried.

Mayor Nelson called for a five-minute recess at 8:07 p.m. Resumed into open session at 8:15 p.m.

CLOSED SESSION-
APPOINTMENT OF
DIRECTOR OF
ADMINISTRATION –
KELLY HERSH

- G.20. Alderman Craig moved to enter closed session at 8:16 p.m., pursuant to Wis. Stats §19.85(1)(c) and (f), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility and to consider financial, social or personal histories of specific persons 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 and may re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Holpfer. On a roll call; all voted Aye. Motion carried.

Ms. Hersh exited closed session at 8:48 p.m.

Alderwoman Eichmann vacated her seat at 9:13 p.m.

Alderwoman Eichmann returned to her seat at 9:17 p.m.

Returned to open session at 9:44 p.m.

Alderman Barber moved to confirm the appointment of Kelly Hersh as the Director of Administration for the City of Franklin pending final completion of her background check and of pre-employment drug screen, and subject to the execution of an employment agreement which shall include an up to one year probation term, which agreement shall be prepared by City labor counsel, with starting salary to be \$124,000, and upon successful completion of the one year probationary term, to be \$128,000. Seconded by Alderman Craig. On roll call, all voted Aye. Motion carried.

CLOSED SESSION-
COMMON COUNCIL
CONSIDERATION OF
CODE OF CONDUCT

- G.21. Alderman Craig moved to enter closed session at 9:48 p.m., pursuant to Wis. Stats §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

COMPLAINTS

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 Alder Barber. On a roll call; all voted Aye. Motion carried.

Mr. Pelkey joined the closed session at 9:57 p.m.

Mr. Pelkey left the closed session at 10:03 p.m.

Returned to open session at 10:14 p.m.

Alderwoman Day moved to take no action. The matter is closed. Seconded by Alderman Barber. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting of the Common Council at 10:15 p.m. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.