

APPROVED APRIL 16, 2024
CITY OF FRANKLIN
COMMON COUNCIL MEETING
APRIL 3, 2024
MINUTES

- ROLL CALL
- A. The regular meeting of the Franklin Common Council was held on April 3, 2024, and was called to order at 6:30 p.m. by Mayor John R. Nelson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Holpfer, Alderwoman Eichmann, Alderman Hasan, Alderwoman Day, Alderman Barber and Alderman Craig. Also in attendance were Director of Administration Kelly Hersh, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Shirley Roberts.
- CITIZEN COMMENT
- B.1. Citizen comment period was opened at 6:33 p.m. and was closed at 6:44 p.m.
- MINUTES
MARCH 19, 2024
- C. Alderman Holpfer moved to approve the minutes of the Common Council meeting of March 19, 2024 as presented. Seconded by Alderman Barber. All voted Aye; motion carried.
- MAYORAL
APPOINTMENTS TO
BOARDS/COMMISSIONS
- E. Alderwoman Eichmann moved to confirm the following Mayoral appointments:
- E.1. Steve Suhaysik, 4610 W. Drexel Ave., Ald. Dist. 3-Environmental Commission (3-year unexpired term expiring 4/30/2025).
- E.2. Jesse M. Valdez, 8557 S. Parkland Dr., Ald. Dist. 4-Environmental Commission (3-year unexpired term expiring 4/30/2025).
- E.3. Catherine Kosler, 8205 W. Drexel Ave., Dist. 1-Parks Commission (3-year unexpired term expiring 4/30/2026).
- Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- HISTORICAL SOCIETY
HONORING THE
DECLARATION OF
INDEPENDENCE
- G.1. Alderman Barber moved to propose honoring the 250th signing of the Declaration of Independence at the 2026 Fourth of July Celebration and honor all three requests: (1) Installing a liberty tree with a marker sign on the Franklin Historical Society's historic village of buildings in Lions Legend Park. (2) A resolution from the City of Franklin honoring Benjamin Franklin as one of the founding fathers of the United States. (3) Placing a plaque in front of City Hall honoring Benjamin Franklin. Seconded by Alderwoman Day. All voted Aye; motion carried.
- PURCHASE
INSPECTION SERVICES
- G.2. Alderman Barber moved to approve the purchase of a 2024 Chevrolet Equinox in the amount of \$26,476 to replace Vehicle #776

- VEHICLE with funding provided by the 2024 Fund 42 Equipment Replacement Fund (42.0231.5811 Inspection Services Auto Equipment). Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- FEMA/SAFER GRANT FOR FIREFIGHTER POSITIONS G.3. Alderwoman Eichmann moved to request Council approval to apply for a Federal Emergency Management Administration (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant for Fiscal Year 2023, in order to fund six firefighter/paramedic full-time employees for a period of 36 months. Seconded by Alderman Barber. On a roll call, all voted Aye. Motion carried.
- ORD. 2024-2603 AMEND ORD. 2023-2569 2024 ANNUAL BUDGETS CAPITAL OUTLAY FUND FOR 20023 FIRE DEPT IMPROVEMENTS G.4. Alderman Barber moved to adopt Ordinance No. 2024-2603, AN ORDINANCE TO AMEND ORDINANCE 2023-2569, AN ORDINANCE ADOPTING THE 2024 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY FUND TO CARRYFORWARD \$234,700.00 OF UNUSED 2023 FIRE DEPARTMENT BUILDING IMPROVEMENTS APPROPRIATIONS FOR THE EXHAUST SOURCE CAPTURE REPLACEMENT AT ALL THREE FIRE STATIONS. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.
- RES. 2024-8127 AMEND RES. 2023-7959 SPECIAL USE – CAR WASH AT 5484 S RAWSON AVE., JILLY'S, LLC, APPLICANT G.5. Alderman Barber moved to adopt Resolution No. 2024-8127, A RESOLUTION AMEND RESOLUTION NO. 2023-7959, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE DEVELOPMENT OF A SINGLE-STORY BUILDING HOUSING OFFICES AND A CAR WASH FACILITY (JILLY'S CAR WASH), WITH ADJACENT PARKING FOR VACUUM STALLS AS WELL AS GENERAL PARKING, THREE SEPARATE PAY STATIONS, LANDSCAPING AND LIGHTING UPON PROPERTY LOCATED AT 5484 WEST RAWSON AVENUE (BY JONATHAN J. ZIMMERMAN, PRESIDENT, JILLY'S, LLC, APPLICANT, DEVO PROPERTIES/RAWSON LLC, PROPERTY OWNER), TO EXTEND THE TIME FOR COMMENCEMENT OF THE SPECIAL USE DEVELOPMENT. Seconded by Alderman Hasan. All voted Aye; motion carried.
- RES. 2024-8128 AMEND RES. 2003-5502 SPECIAL USE – 5801 W. FRANKLIN DR., ALLIS ROLLER LLC, PROPERTY OWNER G.6. Alderman Holpfer moved to adopt Resolution No. 2024-8128, A RESOLUTION TO AMEND RESOLUTION NO. 2003-5502 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR 5801 WEST FRANKLIN DRIVE (ALLIS ROLLER LLC, PROPERTY OWNER). Seconded by Alderwoman Day. All voted Aye; motion carried.

- ORD. 2024-2604
AMEND MUNICIPAL
CODE TO ADD AN EX-
OFFICIO NON-VOTING
PARKS MEMBER
- G.7. Alderman Barber moved to adopt Ordinance No. 2024-2604, AN ORDINANCE TO AMEND MUNICIPAL CODE § 10-7A, PARKS COMMISSION MEMBERSHIP BY ADDING A FRANKLIN PUBLIC SCHOOL DISTRICT COMMUNITY EDUCATION AND RECREATION DEPARTMENT MEMBER AS AN EX-OFFICIO, NON-VOTING MEMBER OF THE PARKS COMMISSION. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES. 2024-8129
BUSINESS
DEVELOPMENT GUIDE
TO PROMOTE CITY
- G.8. Alderman Barber moved to adopt Resolution No. 2024-8129, A RESOLUTION APPROVING A BUSINESS DEVELOPMENT GUIDE FOR MARKETING AND PROMOTING THE CITY OF FRANKLIN, WI. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2024-8130
AGREEMENT WITH CP2,
INC. FOR STRATEGIC
PLANNING SERVICES
- G.9. Alderman Barber moved to adopt Resolution No. 2024-8130, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH CP2, INC. FOR PROFESSIONAL STRATEGIC PLANNING SERVICES. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- ORD. 2024-2605
MODIFY §207-15K(2)(i),
TO DEFER SPECIAL
ASSESSMENTS FOR
WATER TOWER
- G.10. Alderwoman Eichmann moved to adopt Ordinance No. 2024-2605, AN ORDINANCE TO MODIFY SECTION 207-15K(2)(i) OF THE FRANKLIN MUNICIPAL CODE TO DEFER ASSESSMENTS FOR WATER LINES CONSTRUCTED FOR A WATER TOWER TO SERVE THE CITY OF FRANKLIN, subject to City Attorney technical corrections. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2024-8131
PRELIM. RES. FOR
PUBLIC HEARING FOR
WATERMAIN ON S.
LOVERS LANE RD.
- G.11. Alderwoman Eichmann moved to adopt Resolution No. 2024-8131, A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS GRANTED BY SECTION 207-15 OF THE MUNICIPAL CODE, AND SECTION 66.0701 OF THE STATE STATUTES AND ESTABLISH A PUBLIC HEARING DATE FOR THE COST OF A WATERMAIN ON S. LOVERS LANE ROAD FROM W. ST. MARTINS ROAD TO 7910 S. LOVERS LANE ROAD. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2024-2606
AMEND ORD. 2023-2569
ANNUAL BUDGETS FOR
ARPA FUND TRANSFER
TO WATER UTILITY
FUND
- G.12. Alderman Barber moved to adopt Ordinance No. 2024-2606, AN ORDINANCE TO AMEND ORDINANCE 2023-2569, AN ORDINANCE ADOPTING THE 2024 ANNUAL BUDGETS FOR THE ARPA FUND TO RE-APPROPRIATE THE TRANSFER OF \$18,100 FROM THE CAPITAL IMPROVEMENT FUND TO THE WATER UTILITY FUND.

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

RES. 2024-8132
PRELIM. RES. FOR
PUBLIC HEARING FOR
PATHWAY ON W.
LOOMIS RD.

G.13. Alderwoman Eichmann moved to suspend the rules to allow Kristen Wilhelm to speak. All voted Aye; motion carried.

Alderwoman Day moved to go back into regular session. All voted Aye; motion carried.

Alderwoman Day moved to adopt Resolution No. 2024-8132, A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS GRANTED BY SECTION 207-15 OF THE MUNICIPAL CODE, AND SECTION 66.0701 OF THE STATE STATUTES AND ESTABLISH A PUBLIC HEARING DATE FOR THE COST OF A PATHWAY ON W. LOOMIS ROAD (STH 36) FROM W. ST. MARTINS ROAD (STH 100) TO W. RAWSON AVENUE (CTH BB) and direct staff to return with a budget amendment for this project taking funds from the Fund Balance project. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Mayor Nelson called a recess at 8:28 p.m.

Mayor Nelson reconvened at 8:37 p.m.

PUETZ PATHWAY
AGREEMENTS

G.14. Alderwoman Eichmann moved to direct staff to proceed with the solicitation and selection of a design consultant for the Puetz Pathway and return with a contract after all agreements necessary for funding the design are secure. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2024-8133
MASTER ENERGY
SERVICES AGREEMENT

G.15. Alderman Barber moved to adopt Resolution No. 2024-8133, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A MASTER ENERGY SERVICES AGREEMENT WITH JOHNSON CONTROLS, INC. TO DEVELOP AN ENERGY SAVING PERFORMANCE CONTRACT TO IMPLEMENT ENERGY EFFICIENCY, SAFETY, SECURITY AND RENEWABLE ENERGY MEASURES AT VARIOUS CITY BUILDINGS AND INFRASTRUCTURE. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2024-8134
RATIFY OFFER TO
PURCHASE PROPERTY
AT 9619 S. 60TH ST.
WITH MALLORY
IMPROVEMENT CORP.

G.16. Alderman Holpfer moved to adopt Resolution No. 2024-8134, A RESOLUTION RATIFYING AN OFFER TO PURCHASE BETWEEN THE CITY OF FRANKLIN AND MALLORY IMPROVEMENT CORP FOR THE SALE OF THE PROPERTY LOCATED AT 9619 S. 60th STREET (TKN 898-9997-011). Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2024-2607
AMEND ORD. 2023-2569
ANNUAL BUDGETS FOR
SUMP PUMP PROJECT

G.17. Alderwoman Eichmann moved to adopt Ordinance No. 2024-2607, AN ORDINANCE TO AMEND ORDINANCE 2023-2569, AN ORDINANCE ADOPTING THE 2024 ANNUAL BUDGETS FOR THE SANITARY SEWER FUND TO PROVIDE ADDITIONAL \$915,839 APPROPRIATIONS FOR THE CONSTRUCTION OF THE 2024 SUMP PUMP PROJECT FULLY FUNDED BY THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

MOU WITH FRANKLIN
SCHOOL DISTRICT FOR
FRANKLIN HIGH
SCHOOL TRAFFIC
SIGNAL PROJECT

G.18. Alderman Barber moved to authorize the memorandum of understanding between the City of Franklin and the Franklin School District to partner on local traffic calming and pedestrian safety enhancements (Franklin High School traffic signal project), subject to technical corrections. Seconded by Alderman Craig. On a roll call, Alderwoman Eichmann, Alderman Hasan, Alderwoman Day, Alderman Barber and Alderman Craig voted Aye, Alderman Holpfer voted no, motion carried.

AMEND §55-1 TO
REMOVE POSITION OF
PLANNING MANAGER
FROM CITY OFFICIALS

G.19. Alderman Barber moved to adopt Ordinance No. 2024- , AN ORDINANCE TO AMEND §55-1 OF THE MUNICIPAL CODE TO REMOVE THE POSITION OF PLANNING MANAGER FROM THE CODIFIED LISTING OF CITY OFFICIALS; UNCLASSIFIED SERVICE. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Alderwoman Day made a motion at 9:44 p.m. to suspend the rules to allow Kristin Wilhelm to speak. All voted Aye; motion carried.

At 9:46 p.m. motion was made to go back into regular session. All voted Aye; motion carried.

Alderwoman Eichmann withdrew her second.

Alderman Barber withdrew his motion.

Alderman Holpfer moved to bring this back in 60 days to allow for clarification. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

FINALIZATION OF TID
#4

G.20. Alderman Holpfer moved to accept the final TID #4 Audit, and authorize the Director of Finance & Treasurer to distribute all of the TID #4 remaining funds to all applicable taxing jurisdictions in conjunction with the closure of Tax Incremental Finance District #4. Seconded by Alderman Barber. (Option 2) All voted Aye; motion carried.

- FINALIZATION OF TIF #4
- G.21. Alderman Barber moved to accept final designation of the City of Franklin portion of TIF District #4 tax increment proceeds. Seconded by Alderman Craig. All voted Aye; motion carried.
- RES. 2024-8135
AMENDMENT 1 TO
CONTRACT WITH
CLARK DIETZ, INC. 2024
SUMP PUMP PROJECT
- G.22. Alderwoman Eichmann moved to adopt Resolution No. 2024-8135, A RESOLUTION TO EXECUTE AMENDMENT 1 TO CONTRACT WITH CLARK DIETZ, INC. FOR CONSTRUCTION SERVICES RELATED TO THE 2024 SUMP PUMP PROJECT IN THE AMOUNT OF \$62,770. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2024-2608
AMEND ORD. 2023-2569
ANNUAL BUDGETS FOR
TID #4
- G.23. Alderman Barber moved to adopt Ordinance No. 2024-2608, AN ORDINANCE TO AMEND ORDINANCE 2023-2569, AN ORDINANCE ADOPTING THE 2024 ANNUAL BUDGETS FOR THE TID #4 FUND TO PROVIDE ADDITIONAL \$2,056,807 APPROPRIATIONS FOR THE FINAL DISTRIBUTION OF REMAINING FUNDS TO ALL APPLICABLE TAXING JURISDICTIONS. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.
- ORD. 2024-2609
AMEND MUNICIPAL
CODE § 207-12 –
EASEMENTS FOR
WATER SERVICE PIPES
- G.24. Alderman Hasan moved to adopt Ordinance No. 2024-2609, AN ORDINANCE TO AMEND MUNICIPAL CODE §207-12 TO REQUIRE EASEMENTS FOR WATER SERVICE PIPES WITH A DIAMETER OF 6 INCHES AND LARGER. Seconded by Alderman Barber. All voted Aye; motion carried.
- DPW VEHICLE AND
EQUIPMENT SURPLUS
- G.25. No action taken after presentation of the results of Department of Public Works sale of surplus vehicles and equipment.
- ORD. 2024-2610
AMEND ORD. 2023-2569
ANNUAL BUDGETS FOR
SANITARY SEWER
FUND FOR DPW
CAMPUS UTILITIES
- G.26. Alderman Barber moved to adopt Ordinance No. 2024-2610, AN ORDINANCE TO AMEND ORDINANCE 2023-2569, AN ORDINANCE ADOPTING THE 2024 ANNUAL BUDGETS FOR THE ARPA FUND TO RE-APPROPRIATE THE TRANSFER OF \$85,000 FROM THE CAPITAL IMPROVEMENT FUND TO SANITARY SEWER FUND AND PROVIDE \$85,000 APPROPRIATIONS IN THE SANITARY SEWER FUND TO SUPPORT THE DESIGN OF THE DPW CAMPUS UTILITIES. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.
- 2024 EVENT SERVICE
AGREEMENT WITH
SERVICE SANITATION
FOR ST MARTINS FAIR
- G.27. Alderwoman Eichmann moved to approve the 2024 Event Service Agreement with Service Sanitation in the amount of \$17,349.00 with funding from the St. Martins Fair Fund, subject to review and approval by the City Attorney. Seconded by Alderman Craig. All voted Aye; motion carried.

ORD. 2024-2611
AMEND ORD. 2023-2569
ANNUAL BUDGETS FOR
COMMUNITY BENCH
AT SENIOR CENTER

G.28. Alderman Holpfer moved to adopt Ordinance No. 2024-2611, AN ORDINANCE TO AMEND ORDINANCE 2023-2569, AN ORDINANCE ADOPTING THE 2024 ANNUAL BUDGETS FOR THE DONATIONS FUND TO PROVIDE \$1,338.77 OF FURNITURE/FIXTURE APPROPRIATIONS FOR THE DONATION AND INSTALLATION OF THE COMMUNITY BENCH AT THE SENIOR CENTER. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

MRO PRINCIPAL
PAYMENT TO VELO
VILLAGE APARTMENTS

G.29. Alderwoman Day moved to authorize the scheduled \$816,000 MRO principal payment on April 3, 2024 and provide Velo Village Apartments, LLC with a formal letter stating the challenge of future projected MRO annual payments. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Mayor Nelson called a recess at 10:16 p.m.

Mayor Nelson reconvened at 10:22 p.m.

MISCELLANEOUS
LICENSES

H. Alderwoman Eichmann moved to approve the following licenses of the License Committee Meeting of April 3, 2024:

Grant 2023-24 Operator License to: Angela Martinez, Mandy Mayrand, April Ritter, & Charleen Zinda; and
Grant 2024-25 Operator License to: Ann Adamski, John Bergner, Daniel Crass, David Fifarek, & Dennis Fons.

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

VOUCHERS AND
PAYROLL

I. Alderman Holpfer moved to approve City vouchers with an ending date of March 28, 2024, in the amount of \$ 3,620,968.54, and payroll dated March 22, 2024 in the amount of \$ 471,589.13 and payments of the various payroll deductions in the amount of \$482,713.70, plus City matching payments, and estimated payroll dated April 5, 2024 in the amount of \$ 470,000 and payments of the various payroll deductions in the amount of \$ 255,000, plus City matching payments. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
TID NO. 5 DEVEL.
AGREEMENT
SHORTFALL AND
PAYMENT IN LIEU OF
TAXES

G.30. Alderman Holpfer moved to enter closed session at 10:23 p.m. pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon the Tax Incremental District No. 5 Development Agreement shortfall and payment in lieu of taxes and related agreements provisions, the negotiation of provisions and 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 Alderman Hasan. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 11:53 p.m., Alderman Craig moved to direct legal counsel to proceed as discussed in closed session. Seconded by Alderwoman Day. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Craig moved to adjourn the meeting of the Common Council at 11:54 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.