

# APPROVED NOVEMBER 15, 2022

## CITY OF FRANKLIN COMMON COUNCIL MEETING NOVEMBER 1, 2022 MINUTES

- ROLL CALL
- A. The regular meeting of the Common Council was held on November 1, 2022 and called to order at 6:30 p.m. by Mayor Steve 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 Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Also in attendance were Dir. of Administration Peggy Steeno, Dir. of Finance & Treasurer Denise Gilbert, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT
- B. Citizen comment period was opened at 6:30 p.m. and closed at 6:45 p.m.
- MINUTES  
OCTOBER 18, 2022
- C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of October 18, 2022, as amended and presented at this meeting. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- CANCEL HOLDING  
TANK AGREEMENT  
7407 S. 27TH ST.
- G.3. Alderwoman Wilhelm moved to cancel the Holding Tank Agreement dated May 11, 1993 for the property located at 7407 S. 27th Street and to authorize the execution and recording with the Office of the Milwaukee County Register of Deeds of the Certification of Service by Municipal Sewer and cancellation of City of Franklin Holding Tank Agreement in the form and content as included in the Council packet for this meeting, with any changes as approved by the Director of Inspection Services and the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.
- CANCEL HOLDING  
TANK AGREEMENT  
9801 S. 27TH ST.
- G.4. Alderman Holpfer moved to cancel the Holding Tank Agreement dated February 13, 1997 for the property located at 9801 South 27th Street and to authorize the execution and recording with the Office of the Milwaukee County Register of Deeds of the Certification of Service by Municipal Sewer and cancellation of City of Franklin Holding Tank Agreement in the form and content as included in the Council packet for this meeting, with any changes as approved by the Director of Inspection Services and the City Attorney. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- CLOSED SESSION  
COLLECTIVE
- G.1. Alderman Barber moved to enter closed session at 6:45 p.m. pursuant to Wis. Stats. 19.85(1)(c) and (e), to discuss collective bargaining

BARGAINING  
STRATEGY  
FRANKLIN POLICE  
OFFICERS  
ASSOCIATION

strategy in regard to negotiations with the Franklin Police Officers Association, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as the Common Council deems appropriate. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 8:23 p.m., Alderman Barber moved to direct staff to proceed as discussed in closed session. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

FIRE DEPT. GRANT  
AND PURCHASE OF  
ICE/WATER RESCUE  
SUITS

G.2. Alderman Barber moved to authorize the Fire Department to apply for and accept the Kelmann Cares grant funding in the amount of \$1,000 with an appropriation of \$356; and to purchase two First Watch ice/water rescue suits, at a total cost not to exceed \$1,356. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2022-7920  
TAX ASSESSMENT  
AGREEMENT TID 6  
RISE FRANKLIN WI,  
LLC

G.5. Alderman Nelson moved to adopt Resolution No. 2022-7920, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TAX ASSESSMENT AGREEMENT AS PART OF TAX INCREMENTAL FINANCING DISTRICT NO. 6 WITH RISE FRANKLIN WI, LLC, with the negotiated changes by the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

DENY POLICE SGTS.  
COMPENSATORY TIME  
REQUEST

G.6. Alderman Barber moved to refer to the Police and Fire Commission for review and recommendation, 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. Seconded by Alderman Holpfer. On roll call, Alderman Barber, Alderwoman Hanneman, and Alderman Holpfer voted Aye; Alderman Nelson, Alderwoman Wilhelm, and Alderwoman Eichmann voted No. Mayor Olson broke the tie by voting in the Affirmative. Motion carried.

2023 BUDGET

G.7. No action was taken at this time regarding the 2023 Proposed Budget (Public Hearing to be held on November 15, 2022).

WISDOT  
S. 27TH ST. PROJECT

G.8. No action was taken at this time on the inclusion of sidewalks, lighting, and other design elements in the Wisconsin Department of Transportation project for S. 27th Street (STH 241) from W. Elm Road to W. Villa Drive as outlined on the Common Council action sheet for this meeting and detailed by the City Engineer.

- RES. 2022-7921  
AUTHORIZE FENCE  
WITHIN EASEMENT  
9307 S. 35TH ST.
- G.9. Alderwoman Hanneman moved to adopt Resolution No. 2022-7921, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 5-FOOT DRAINAGE EASEMENT UPON LOT 1 IN BLOCK 15 OF SOUTHWOOD EAST (9307 S. 35TH STREET) (TAX KEY NO. 879-0220-000) (KEVIN AND LINDA WANDTKE, APPLICANTS). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7922  
WE ENERGIES WORK  
ORDER
- G.10. Alderman Nelson moved to adopt Resolution No. 2022-7922, A RESOLUTION FOR AUTHORIZATION TO WE ENERGIES FOR WORK ORDER FOR LIGHTING AT W. SUNNYBROOK ROAD AND W. FOREST HOME AVENUE. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- AMEND MUNICIPAL  
CODE LAND  
DISTURBING  
CONSTRUCTION
- G.11. Alderwoman Wilhelm moved to table to the February 6, 2023 Committee of the Whole 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”. All voted Aye; motion carried.
- WAL-MART REAL  
ESTATE BUS. TRUST  
SETTLEMENT  
AGREEMENT
- G.12. Alderman Holpfer moved to approve and execute the proposed Settlement Agreement between Wal-Mart Real Estate Business Trust and the City of Franklin for Parcel No. 714-0003-002 for the City to issue to Wal-Mart Real Estate Business Trust a partial refund of property taxes in the amount of \$3,706.92, based on an assessed value of \$10,461,000 for the tax year 2021, and authorize a reduction in the assessed value of the property, for the 2022 tax year, decreasing it from \$11,511,000 to \$10,461,000; and direct staff to process payment of the 2021 tax refund within 30 days of the date the Agreement is signed by both parties, adjust the 2022 tax bill as authorized, and process the chargeback per the statutory process in 2023 after the Board of Review amends the value. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- SAM’S REAL ESTATE  
BUSINESS TRUST  
SETTLEMENT  
AGREEMENT
- G.13. Alderman Holpfer moved to approve and execute the proposed Settlement Agreement between Sam’s Real Estate Business Trust and the City of Franklin for Parcel No. 714-0004-001 for the City to issue to Sam’s Real Estate Business Trust a partial refund of property taxes in the amount of \$4,928.70, based on an assessed value of \$6,645,700 for the tax year 2021, and authorize a reduction in the assessed value for the property, for the 2022 tax year, decreasing it from \$7,541,900 to \$7,281,300; and direct staff to process payment of the 2021 tax refund within 30 days of the date the Agreement is signed by both

parties, adjust the 2022 tax bill as authorized, and process the chargeback per the statutory process in 2023 after the Board of Review amends the value. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

FF&E, LLC  
SETTLEMENT  
AGREEMENT

- G.14. Alderwoman Hanneman moved to approve and execute the proposed Settlement Agreement between FF&E, LLC, and the City of Franklin for Parcel No. 744-1001-000 for the City to issue to FF&E, LLC, a partial refund of property taxes in the amount of \$16,609.30, based on an assessed value of \$7,550,000 for the tax year 2020, and authorize the reduction in the assessed value for the property, for the 2022 tax year, decreasing it from \$8,400,000 to \$7,650,000; and direct staff to process payment of the 2020 tax refund within 30 days of the date the Agreement is signed by both parties, adjust the 2022 tax bill as authorized, and process the chargeback per the statutory process in 2023 after the Board of Review amends the value. Seconded by Alderman Barber. All voted Aye; motion carried.

LICENSES AND  
PERMITS

- H. Alderman Shari Hanneman moved to approve the following:
- Hold 2022-2023 Reserve Class B Combination License Until Next Meeting to: Ryan Fuel LLC, DBA Andy's On Ryan Rd, Agent Kavita Khullar, 5120 W Ryan Rd;  
Grant New 2022-2023 Operator License with Letter to Eric Zoromskis;  
Grant New 2022-2023 Operator License to Kaitlyn Smith;  
Grant the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) to: Franklin Civic Celebration Committee for Independence Celebration, Operator's Licenses, Temporary Class "B" Beer & Wine License, Temporary Entertainment & Amusement License, Soda License, and Park Permits; 6/30/2023-7/2/23, Franklin City Hall, Lions Legend Park I & II; and  
Schedule Date for Meeting to Review Fireworks Process on 11/10/22 at 4:00 p.m.

Seconded by Michelle Eichmann. All voted Aye; motion carried.

CLOSED SESSION  
CODE OF CONDUCT  
COMPLAINTS

- G.15. Code of Conduct Complaints. Alderman Holpfer moved to enter closed session at 9:55 p.m. pursuant to Wis. Stat. 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 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 Alderman Barber. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 10:34 p.m.

ADJOURNMENT

- J. Alderwoman Eichmann moved to adjourn the meeting at 10:34 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.