

**APPROVED 10/4/2022**  
CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
SEPTEMBER 20, 2022  
MINUTES

- ROLL CALL                    A.        The regular meeting of the Franklin Common Council was held on September 20, 2022, 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 Sandra Wesolowski.
- CITIZEN COMMENT        B.1.     Citizen comment period was opened at 6:32 p.m. and was closed at 6:52 p.m.
- MAYORAL  
ANNOUNCEMENT  
RES. 2022-7901  
RECOGNITION OF  
GAIL SUMI AND  
CURT WITYNSKI            B.2.     Alderwoman Wilhelm introduced and moved to adopt Resolution No. 2022-7901, A RESOLUTION IN RECOGNITION AND HONOR OF GAIL SUMI AND CURT WITYNSKI OF THE LEAGUE OF WISCONSIN MUNICIPALITIES FOR THEIR YEARS OF SERVICE AS LEAGUE WORKERS TO THE HUNDREDS OF CITIES AND VILLAGES IN THE STATE AND FOR THE MILLIONS OF PEOPLE DWELLING THEREIN. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- MINUTES  
SEPTEMBER 6, 2022        C.1.     Alderman Barber moved to approve the minutes of the regular Common Council meeting of September 6, 2022, as presented. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- MINUTES  
SEPTEMBER 14, 2022     C.2.     Alderman Holpfer moved to approve the minutes of the special Common Council meeting of September 14, 2022, as presented. Seconded by Alderman Barber. All voted Aye; motion carried.
- MAYORAL  
APPOINTMENTS            E.        Alderwoman Hanneman moved to confirm the Mayoral appointments of Saralyn Emmons, 9339 S. 44th Ct., Ald. Dist. 4, to the Personnel Committee for a 3-year unexpired term expiring 4/30/2024; and Thomas P. Klusman, 4606 W. Woodward Dr., Ald. Dist. 4, to the Police and Fire Commission for a 5-year unexpired term expiring 4/30/2026. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- TRICK OR TREAT  
OBSERVANCE                G.1.     Alderwoman Wilhelm moved to reconsider action taken on September 6, 2022, to establish October 31, 2022, from 4:00 p.m. to 7:00 p.m. as Halloween Trick or Treat observance in the City of Franklin. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

On the vote for the motion to establish October 31, 2022, from 4:00 p.m. to 7:00 p.m. as Halloween Trick or Treat observance in the City of Franklin. All voted No; motion failed.

Alderman Hanneman then moved to establish the date of Sunday, October 30, 2022, from 4:00 p.m. to 7:00 p.m. for Halloween Trick or Treat observance in the City of Franklin. Seconded by Alderman Eichmann. On roll call, all voted Aye. Motion carried.

CIVIC  
CELEBRATIONS  
EVENTS

G.2. Alderman Holpfer moved to select Option B, three full day event the weekend before July 4, 2023, consisting of Friday, June 30, Saturday, July 1, and Sunday, July 2, 2023, as outlined in the Common Council Request for Action Sheet included in the packet for this meeting, and to allow John Bergner to execute contracts and agreements for the 2023 Franklin Civic Celebration event. Seconded by Alderman Wilhelm. On roll call, all voted Aye. Motion carried.

TID 6 PROJECT  
DEVELOPMENT  
AGREEMENT  
AMENDMENT WITH  
BEAR  
DEVELOPMENT, LLC  
AT LOOMIS AND  
RYAN ROAD

G.3. Alderman Holpfer moved to approve the Project Development Agreement Amendment with Bear Development, LLC; Loomis and Ryan, Inc. Developers for Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses of an approximate 233-acre site generally located north and south of West Loomis Road, south of West Ryan Road, west of South 112th Street, east of South 124th Street, and north of West Oakwood Road, with the finalizations of the exhibits and technical corrections to be made by the Director of Administration and City Attorney in advance of final execution. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

RES. 2022-7902  
TID 6 PROJECT  
DEVELOPMENT  
AGREEMENT

G.4. Alderman Nelson moved to adopt Resolution No. 2022-7902, A RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN AND BOUNDARIES OF TAX INCREMENTAL DISTRICT NO. 6, CITY OF FRANKLIN, WISCONSIN. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7903  
AMEND RES. 2021-  
7788 TO AMEND RES.  
2020-7681  
SPECIAL USE FOR  
STRAUSS BRANDS  
LLC TO EXTEND  
COMMENCEMENT  
FOR SPECIAL USE  
DEVELOPMENT

G.5. Alderman Barber moved to adopt Resolution No. 2022-7903, A RESOLUTION TO AMEND RESOLUTION NO. 2021-7788, A RESOLUTION TO AMEND RESOLUTION NO. 2020-7681, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MEAT PROCESSING FACILITY USE UPON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOMIS ROAD AND THE NEW MONARCH DRIVE (LOT 83 OF RYAN MEADOWS SUBDIVISION) (STRAUSS BRANDS LLC, APPLICANT), TO EXTEND THE TIME FOR COMMENCEMENT OF THE SPECIAL USE DEVELOPMENT. Seconded by Alderman Hanneman. On roll call, Alderman Holpfer, Alderman Hanneman, and Alderman Barber voted Aye; Alderman Eichmann,

Alderman Wilhelm, and Alderman Nelson voted No. Mayor Olson broke the tie by voting in the affirmative. Motion carried.

RES. 2022-7904  
FINAL PLAT VILLAS  
AT CAPE CROSSING  
AT 12200 W. RYAN  
RD., CAPE CROSSING,  
LLC, APPLICANT

G.6. Alderman Nelson moved to adopt Resolution No. 2022-7904, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR THE VILLAS AT CAPE CROSSING/THE ESTATES AT CAPE CROSSING SUBDIVISION (AT 12200 WEST RYAN ROAD) (CAPE CROSSING, LLC, APPLICANT). Seconded by Alderman Barber. Alderman Nelson withdrew his motion and Alderman Barber withdrew his second.

Alderman Nelson then moved to adopt Resolution No. 2022-7904, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR THE VILLAS AT CAPE CROSSING/THE ESTATES AT CAPE CROSSING SUBDIVISION (AT 12200 WEST RYAN ROAD) (CAPE CROSSING, LLC, APPLICANT) with Condition No. 10 amended to provide that wetland setbacks and wetland buffers, under current times and circumstances, shall not enter into the W-3 wetland area exempted by the Wisconsin Department of Natural Resources with the terms and provisions of the condition to be as approved by staff. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderman Wilhelm moved that in regard to Item 17 for the Cape Crossing final plat, Outlot 4 dedication, that staff recognize the need for further review and conditions and bring it back to the Common Council for discussion and recommendation within 60 days. Seconded by Alderman Nelson. All voted Aye; motion carried.

PURCHASE OF  
RAPID7 SECURITY  
INFORMATION &  
EVENT  
MANAGEMENT

G.7. Alderman Wilhelm moved to authorize the purchase of Rapid7 InsightIDR MDR Elite Client through CDW-G for the period October 2022 through December 2022 at a total cost of \$19,275 being charged to General Fund Sundry Contractors IT Budget, Account Number 01-0144-5299, and the 2023 cost will be included in the 2023 budget; and the Rapid7 Services Agreement is hereby approved subject to changes to the Agreement form as may be approved by the Director of Administration, the IT Director, and the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7905  
2023 GRANT  
APPLICATION FROM  
WI DNR FOR  
CATASTROPHIC  
STORM EVENTS

G.8. Alderman Wilhelm moved to adopt Resolution No. 2022-7905, A RESOLUTION TO SUBMIT A 2023 GRANT APPLICATION REQUEST FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES URBAN FORESTRY GRANT PROGRAM AND UNSPECIFIED AMOUNTS FOR YET TO BE DETERMINED CATASTROPHIC STORM EVENTS. Seconded by Alderman Barber. All voted Aye; motion carried.

- RES. 2022-7906  
INSTALLATION OF  
FENCE IN STORM  
DRAINAGE  
EASEMENT 9138 S.  
29TH ST.
- G.9. Alderwoman Hanneman moved to adopt Resolution No. 2022-7906, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 20-FOOT PUBLIC STORM DRAINAGE EASEMENT UPON LOT 4 IN BLOCK 19 IN SOUTHWOOD EAST ADD'N. NO. 1 (9138 S. 29TH STREET) (TKN 879-0293-000) (JUAN DANIEL & LINDSEY B. APONTA-MORA, APPLICANTS). Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2022-7907  
DEV. AGREEMENT  
KARLY AND JACOB  
MUTTER 8973 W.  
LAKE POINTE DR.
- G.10. Alderwoman Eichmann moved to adopt Resolution No. 2022-7907, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH KARLEY J. BLAKE MUTTER AND JACOB W. MUTTER FOR 8973 W. LAKE POINTE DRIVE (TKN 839-9996-007). Seconded by Alderman Nelson. All voted Aye; motion carried.
- PLANNING SERVICES  
AGREEMENT WITH  
FOTH  
INFRASTRUCTURE  
AND ENVIRONMENT  
LLC
- G.11. Alderwoman Hanneman moved to authorize a Consulting Services Agreement with Foth Infrastructure and Environment LLC for general planning services; utilizing 2022 budgeted personnel finds in the planning division budget; and authorize the Mayor to execute and administer the appropriate, related contract. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7908  
ACCEPT WATER  
MAIN EASEMENTS  
AT 6868 S. BALLPARK  
DR.
- G.12. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7908, A RESOLUTION TO ACCEPT WATER MAIN EASEMENTS AND, UPON APPROVAL OF THE CITY ENGINEER, VACATE AN EXISTING WATER MAIN EASEMENT FOR SLEEP INN & MAINSTAY SUITES HOTEL AT 6868 SOUTH BALLPARK DRIVE (TKN 744-1010-000). Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2022-7909  
RECREATIONAL  
TRAIL EASEMENT AT  
6868 S. BALLPARK  
DR.
- G.13. Alderman Nelson moved to adopt Resolution No. 2022-7909, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A PUBLIC RECREATIONAL TRAIL EASEMENT AT 6868 SOUTH BALLPARK DRIVE (TKN 744-1010-000). Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- LICENSE COMM.  
RECOMMENDATIONS
- H. Alderwoman Wilhelm moved to approve the following licenses:
- Grant 2022-23 Class B Beer License to Splatter Paint Studio LLC, DBA Splatter Paint Studio, Sajia Randolph, Agent, 11217 W Forest Home Ave, #2 Pending Inspections;
- Grant Extraordinary Entertainment & Special Event to Gujarati Samaj of Wisconsin Inc – Navratri Celebration, Jalpesh Kanu Patel, 7095 S Ballpark Dr, 10/1/2022 and 10/8/2022;
- Following a Review by the License Committee, the recommendation regarding Hotel/Motel Licensing, Building Code, Health and Zoning Issues and Enforcement Plan/Letter was approved to send the letter from the Mayor as presented, and for department heads to provide

comments and impedances per the Municipal Code to the License Committee and have that sent out for comments to the License Committee;

Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council (Referred from 9/6/22 Common Council Meeting) was referred to the 10/4/22 License Committee with the City Clerk to provide documents including Wisconsin Law and permit examples from other municipalities; Hold 2022-23 Operator's License for appearance to Hanna Wallace; Denied 2022-23 Operator's License to Molina Jewell based on arrest or conviction record substantially related to the license activity; and Grant 2022-23 Operator's License to: Andrea Herber, Alyssa Dama, Kian Dillon, Amber Helm, Jessica Hendren, Natalie Scanlan, and Maren Wendt.

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

3151 W. ELM ROAD,  
LLC V. CITY OF  
FRANKLIN

G.14. Alderman Holpfer moved to approve and accept the Full and Final Settlement Agreement and Release of All Claims with respect to *3151 W. Elm Road, LLC v City of Franklin*, Milwaukee County Circuit Court, Case No. 20-CV-3637, in such form and content as presented to the Common Council at this meeting, including the execution and delivery thereof by the Releasing Parties. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

TID 8 DEV.  
AGREEMENT SFT  
FRANKLIN  
OAKWOOD, LLC

G.15. Alderwoman Hanneman moved to approve the Project Development Agreement for Tax Incremental District No. 8 between the City of Franklin and SFT Franklin Oakwood, LLC, Spec Industrial Buildings Mixed Use Development at 3303 W. Oakwood Road bearing Tax Key No. 951-9994-002. Seconded by Alderman Holpfer. All voted Aye; motion carried.

PUBLIC PARK  
PURCHASE IN  
SOUTHWEST AREA  
OF FRANKLIN

G.16. Alderwoman Hanneman moved to authorize the purchase of property for a public park in the southwest area of the City of Franklin, and direct staff to draft a budget amendment for the same to be returned to the Common Council on October 4, 2022; and further to authorize the execution of all necessary agreements and documentation to finalize the purchase. Seconded by Alderman Holpfer. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I. Alderwoman Holpfer moved to approve City vouchers with an ending date of September 15, 2022, in the amount of \$1,056,244.20; Property Tax disbursements with an ending date of September 15, 2022, in the amount of \$3,716.42; payroll dated September 9, 2022, in the amount of \$430,882.63 and payments of the various payroll deductions in the amount of \$235,227.07, plus City matching payments; estimated payroll dated September 23, 2022, in the amount of \$460,000 and payments of the various payroll deductions in the amount of \$445,000

plus City matching payments; and approval to release payment to Hudock Law Group IOLTA in the amount of \$51,500. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

CLOSED SESSION            G.17    Alderman Holpfer moved to enter closed session at 9:27 p.m. pursuant to Wis. Stat. § 19.85(1)(f), to consider financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary 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 Hanneman. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 10:25 p.m.

ADJOURNMENT            J.        Alderman Holpfer moved to adjourn the meeting of the Common Council at 10:25 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.