

# APPROVED MARCH 7, 2023

## CITY OF FRANKLIN COMMON COUNCIL MEETING FEBRUARY 20, 2023 MINUTES

- ROLL CALL                    A.        The regular meeting of the Franklin Common Council was held on February 20, 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 Shari Hanneman, Alderman Mike Barber, and Alderman John R. Nelson. Also in attendance were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski joined at 6:41 p.m., and City Clerk Karen Kastenson.
- CITIZEN COMMENT            B.        Citizen comment period was opened at 6:31 p.m. and was closed at 6:33 p.m.
- MINUTES  
FEBRUARY 7, 2023            C.        Alderman Barber moved to approve the minutes of the regular Common Council meeting of February 7, 2023, as presented. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- PRESENTATION  
FROM  
NORTHWESTERN  
MUTUAL                        G.1.     No action was taken on the information provided by Northwestern Mutual representatives on their decision to move employees and operations from the Franklin campus.
- LICENSES AND  
PERMITS                        H.        Alderwoman Hanneman moved to approve the following licenses:  
  
Approve the Extraordinary Entertainment & Special Event Permit to Mulligan’s Irish Pub & Grill – St. Patrick’s Day Party, Brian Francis, 8933 S 27th Street, 3/17/2003;  
Grant 2022-2023 Operator License to Nicholas A. Cihler;  
Denied 2022-2023 Operator License to Nicole L. Stankowski due to habitual law offender;  
Grant “Class B” Beer & Liquor Change of Agent to Milwaukee Burger Company, Jessica Cullen, 6421 S 27th Street;  
Approve the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to Franklin Lioness Club – St. Martin’s Fair, St Martin’s Fair Permit, Temporary Class “B” Beer and Wine License and Operator Licenses, St. Martin’s Labor Day Fair; 9/3/23 – 9/4/23;  
Hold discussion of fireworks display process for clarification and update from city attorney; and  
Hold discussion of extraordinary events for Committee of the Whole meeting on March 6, 2023.  
  
Seconded by Alderman Barber. All voted Aye; motion carried.

- CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDS G.2. Alderman Barber moved to approve the awarded Coronavirus Emergency Supplemental Funds: State, County, Local, and Tribal Criminal Justice (2020) Grant of \$17,500. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- PURCHASE OF TWO LTO-9 TAPE DRIVES AND CLEANING CARTIRDGES G.3. Alderman Holpfer moved to authorize the purchase of two LTO-9 tape drives and cleaning cartridges from CDW-G at a total cost of \$13,018.22 as budgeted for in the 2023 Information Services Computer Equipment Capital Outlay Budget – Account 41-0144-5841. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- ORD. 2023-2529 AMEND ORD. 2005-1838 - ADOPTING 2023 ESTABLISHING BENEFITS, SPECIAL PAY & CONDITIONS OF EMPLOYMENT FOR FULL TIME NON-REPRESENTED FIRE DEPARTMENT COMMANDERS G.4. Alderman Nelson moved to adopt Ordinance No. 2023-2529, AN ORDINANCE TO AMEND ORDINANCE NO. 2005-1838, AN ORDINANCE ESTABLISHING BENEFITS, SPECIAL PAY PRACTICES AND CONDITIONS OF EMPLOYMENT FOR ALL FULL TIME NON-REPRESENTED FIRE DEPARTMENT COMMANDERS OF THE CITY OF FRANKLIN, TO REMOVE THE RESIDENCY REQUIREMENT FOR THE FIRE CHIEF. Seconded by Alderwoman Eichmann. On a roll call, all voted Aye. Motion carried.
- \$750.00 DONATION FROM CARMA LABORATORIES, INC. G.5. Alderwoman Wilhelm moved to accept a \$750 donation from Carma Laboratories Inc. and to spend the Donation Funding on Franklin Fire Department’s Public Education Initiatives. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2023-2530 AMEND ORD. 2021-2486 - ADOPTING 2022 ANNUAL BUDGETS G.6. Alderwoman Wilhelm moved to adopt Ordinance No. 2023-2530, AN ORDINANCE TO AMEND ORDINANCE 2021-2486, AN ORDINANCE ADOPTING THE 2022 ANNUAL BUDGETS FOR THE GENERAL FUND TO TRANSFER \$43,500 OF UNRESTRICTED CONTINGENCY TO THE FIRE DEPARTMENT EQUIPMENT MAINTENANCE ACCOUNT. City Attorney Wesolowski added to the motion with regard to the ordinance a change to the statutory citation in Section 2 to §65.90(5)(ar) with regard to notice on the City’s website. Seconded by Alderman Holpfer. On a roll call; all voted Aye. Motion carried.
- FEMA SAFER GRANT FOR FISCAL YEAR 2022 G.7. Alderman Barber moved to approve to apply for a Federal Emergency Management Administration (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant for fiscal year 2022, in order to fund up to six Firefighter-Paramedic FTEs for a period of 36 months with the total award expected to be between \$2.5M and \$2.7M. Seconded by Alderwoman Hanneman. On a roll call vote, all voted Aye. Motion carried.

- APPROPRIATION FROM EXISTING ESCROWED STATE GRANT FUNDING TO COVER COST OVER-RUN ON REPAIR OF AMBULANCE 114
- G.8. Alderwoman Eichmann moved to approve for an appropriation of an additional \$5,628.17 from existing escrowed State Grant Funding to cover unanticipated cost over-run on repair of Ambulance 114 for engine block replacement. Seconded by Alderman Barber. All voted Aye; motion carried.
- REPEAL FRANKLIN ORD. 2006-1873
- G.9. Alderwoman Wilhelm moved to approve to Repeal Franklin Ordinance No. 2006-1873, which requires the fire department to charge fees for required annual fire inspections of all multi-family occupancies, businesses and non-profits. Seconded by Alderman Barber. All voted Aye; motion carried.
- 2022 QUARRY MONITORING REPORTS
- G.10. Alderman Nelson moved to receive and place on file the 2022 Quarry Monitoring Reports. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- TO REPEAL CHAPTER 165 OF MUNICIPAL CODE AND RENAME CHAPTER 129
- G.11. No action taken on an update to Item D from the February 6, 2023 Committee of the Whole Meeting, “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.’” Item dies for lack of motion.
- AGREEMENT WITH MILWAUKEE CO. FOR INCLUSION OF CITY INFRASTRUCTURE IN THE W. FOREST HOME AVE. PROJECT
- G.12. Alderman Nelson moved to table a Resolution to enter into an Agreement with Milwaukee County for Inclusion of City Infrastructure in the W. Forest Home Avenue (CTH 00) project from Hi View Drive to W. Speedway Drive and Direct Staff to Include Expenditures in the 2024 Budget until the March 7, 2023 Council meeting. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES. 2023-7948 DEDICATE A GREEN INFRASTRUCTURE TEN-YEAR MAINTENANCE COVENANT
- G.13. Alderwoman Hanneman moved to adopt Resolution No. 2023-7948 A RESOLUTION TO DEDICATE A GREEN INFRASTRUCTURE TEN-YEAR MAINTENANCE COVENANT FOR HICKORY STREET BIOSWALES (PUBLIC RIGHT-OF-WAY BETWEEN W. OAKWOOD ROAD AND W. ELM ROAD). Seconded by Alderman Barber. All voted Aye; motion carried.
- EMERGENCY VEHICLE PRE-EMPTION AND LIGHTING EQUIPMENT
- G.20. Alderwoman Hanneman moved to table a Resolution approving to enter an agreement with Milwaukee County for emergency vehicle pre-emption equipment and lighting equipment at W. Forest Home Avenue (CTH 00) intersection with W. St. Martins Road and a supplemental agreement to add lighting equipment to existing emergency vehicle pre-emption equipment at W. Forest Home Avenue (CTH 00) intersection with W. Rawson Avenue (CTH BB) until the March 7, 2023 Council meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

- SHREDDING EVENT WITH PROSHRED SECURITY      G.14.      Alderwoman Wilhelm moved to direct staff to finalize an agreement and coordinate a Community Document Shredding Event with ProShred Security with potential date September 23, 2023. Seconded by Alderman Nelson. All voted Aye; motion carried.
- REDUCE LIBRARY CUSTODIAL STAFFING IN CITY BUDGET      G.15.      Alderwoman Wilhelm moved to table the removal of one of the Library part-time custodial positions expenditure from the Municipal Buildings table of organization and 01-0181 Personal Services Salary and Benefits budget accounts as of (date to be determined) and also remove the reimbursement from the Library to the Municipal Building Allocated Payroll Cost Budget Account 01-0181-5199 for one of the City part-time custodial employee positions until the Library Director brings this item back to Council. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2023-7949 PARTIAL 2022 PROPERTY TAX RESCISSION FOR #714-004-001      G.16.      Alderwoman Hanneman moved to adopt Resolution No. 2023-7949, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION FOR 2022 FOR PARCEL #714-0004-001; AND DIRECT STAFF TO FILE THE CHARGEBACK REQUEST WITH THE DOR AND SEEK COMPENSATION FROM THE OTHER TAXING AUTHORITIES and subject to and pending review and approval of the property tax rescission by the Board of Review. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2023-7950 US BANK AS TRUST INVESTMENT MANAGER      G.17.      Alderman Barber moved to adopt Resolution No. 2023-7950, A RESOLUTION APPOINTING US BANK AS TRUST INVESTMENT MANAGER AND TO PROVIDE TRUST ADVISORY SERVICES FOR THE CITY OF FRANKLIN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST ACCOUNT. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- ORD. 2023-2531 AMEND ORD. 2022-2521 - ADOPTING 2023 ANNUAL BUDGETS      G.18.      Alderwoman Hanneman moved to adopt Ordinance No. 2023-2531, AN ORDINANCE TO AMEND ORDINANCE 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGET FOR THE GENERAL OPERATING FUND TO TRANSFER \$30,380 IN EXPENDITURES FROM THE ENGINEERING PERSONAL SERVICES SALARY AND BENEFIT ACCOUNTS TO THE PLANNING PERSONAL SERVICES SALARY AND BENEFITS ACCOUNTS. City Attorney Wesolowski added to the motion with regard to the ordinance a change to the statutory citation in Section 2 to §65.90(5)(ar) with regard to notice on the City's website. Seconded by Alderman Barber. On a roll call, all voted Aye. Motion carried.
- RES. 2023-7951 GOVERNMENT OPIOID BANKRUPTCY MEMORANDUM OF UNDERSTANDING      G.19.      Alderman Barber moved to adopt Resolution NO. 2023-7951, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A WISCONSIN STATE-LOCAL GOVERNMENT OPIOID BANKRUPTCY

MEMORANDUM OF UNDERSTANDING. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2023-7952  
DEVELOPMENT  
AGREEMENT SAPUTO  
CHEESE USA, INC.

G.21. Alderman Barber moved to adopt Resolution NO. 2023-7952, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TAX INCREMENTAL DISTRICT NO. 8 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FRANKLIN AND SAPUTO CHEESE USA, INC. Seconded by Alderwoman Hanneman. On a roll call, all voted Aye. Motion carried.

DEVELOPMENT  
AGREEMENT SAPUTO  
CHEESE USA, INC.

G.22. Alderman Barber moved to adopt a Resolution authorizing certain officials to execute a development agreement for public infrastructure improvements with Saputo Cheese USA, Inc., located at 2895 W. Oakwood Road, TKN 951-9994-003, subject to potential changes to the agreement, with the final form and content to be approved by the City Engineer and City Attorney. Seconded by Alderwoman Hanneman. All voted Aye; motion carried. The original motion was withdrawn by Alderman Barber. Alderwoman Hanneman withdrew her second.

Alderman Holpfer tabled until the City Engineer brings the item back to the Council. Seconded by Alderman Barber. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I. Alderman Barber moved to approve City vouchers with an ending date of February 16, 2023, in the amount of \$1,656,828.73 and Property Tax disbursements with an ending date of February 16, 2023 in the amount of \$31,119.14 and payroll dated February 10, 2023 in the amount of \$442,630.59 and payments of the various payroll deductions in the amount of \$230,709.09, plus City matching payments and estimated payroll dated February 24, 2023 in the amount of \$440,000 and payments of the various payroll deductions in the amount of \$505,000, plus City matching payments. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

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

G.23. Alderwoman Eichmann moved to enter into closed session at 8:10 p.m. pursuant to Wis. Stats. As *BPC County Land, LLC v City of Franklin*, Milwaukee County Circuit Court Case Nos. 2019-CV-8963 and 2021-CV-5581 are litigation matters which are in process and pending at this time, a motion to enter closed session pursuant to Wis. Stat. § 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, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

Mayor Olson called for a five-minute recess. Reconvened in closed at 8:15.

Upon reentering open session at 8:32 p.m., no action was taken.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting of the Common Council at 8:32 p.m. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.