

APPROVED NOVEMBER 21, 2023

CITY OF FRANKLIN
COMMON COUNCIL MEETING
NOVEMBER 7, 2023
MINUTES

- ROLL CALL
- A. The regular meeting of the Franklin Common Council was held on November 7, 2023, and was called to order at 6:30 p.m. by Mayor John 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 Director of Administration Kelly Hersh, Assistant City Engineer Tyler Beinlich, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson.
- CITIZEN COMMENT
- B.1. Citizen comment period was opened at 6:31 p.m. and was closed at 7:00 p.m.
- MAYORAL ANNOUNCEMENT
- B.2. Volition Franklin – Received Blue Ribbon Award.
- MINUTES
OCTOBER 17, 2023
- C.1. Alderman Barber moved to approve the minutes of the Common Council meeting of October 17, 2023, as presented. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- SPECIAL COMMON COUNCIL MINUTES
OCTOBER 25, 2023
- C.2. Alderwoman Eichmann moved to approve the minutes of the Special Common Council meeting of October 25, 2023, as presented. Seconded by Alderwoman Day. All voted Aye; motion carried.
- MAYORAL APPOINTMENTS
- E. Alderman Hasan moved to confirm the Mayoral appointment of:
1. Gary Grobner, 11436 W. Shields Dr, Ald. Dist. 6-Board of Water Commissioners (5-year term expiring 09/30/28). Seconded by Alderwoman Eichmann. On a roll call; all voted Aye. Motion carried.
- Alderman Holpfer moved to confirm the Mayoral appointment of:
2. Michael Shawgo, 10250 W. Ryan Rd., Ald. Dist. 4-Plan Commission (1-year unexpired term expiring 04/30/24). Seconded by Alderman Hasan. On a roll call; all voted Aye. Motion carried.
- LETTERS AND PETITIONS
- F. Frank Ornelas Petition Regarding Speed Issues on Puetz Road.
- UPDATE TO NOISE ISSUES AT THE ROC BALLPARK COMMONS
- G.1. Mayor to provide an update as to the solutions to noise issues at the ROC Ballpark Commons.

- RES. 2023-8055
SALE OF \$2,350,000
GO NOTES
- G.2. Alderman Hasan moved to adopt Resolution No. 2023-8055, A RESOLUTION AWARDDING THE SALE OF \$2,350,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2023B. Seconded by Alderman Barber. On a roll call; all voted Aye. Motion carried.
- RES. 2023-8056
SALE OF \$5,975,000
GO NOTES
- G.3. Alderman Holpfer moved to adopt Resolution No. 2023-8056, A RESOLUTION AWARDDING THE SALE OF \$5,975,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2023A. Seconded by Alderman Barber. On a roll call; all voted Aye. Motion carried.
- RES. 2023-8057
3 LOT CSM AT 9410 S
76TH STREET AND 7520
W RYAN RD (ALEX
SCHELER, CARMA
LABORATORIES, INC,
APPLICANT, CARMA
LABORATORIES, INC,
PROPERTY OWNER)
- G.4. Alderman Holpfer moved to adopt Resolution No. 2023-8057, A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF ALL OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; AND ALSO INCLUDING THE NORTH 120 FEET OF THE SOUTH 180 FEET OF THE EAST 200 FEET OF THE WEST 260 FEET OF THE SOUTHWEST 1/4 OF SECTION 22, IN TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (BY ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES, INC, PROPERTY OWNER) (9410 S. 76TH STREET AND 7520 W. RYAN RD). Seconded by Alderwoman Eichmann. On a roll call; all voted Aye. Motion carried.
- ORD. 2023-2565
AMEND UDO TO
REZONE CSM NO._____
9410 S 76TH STREET
AND 7520 W RYAN RD
(ALEX SCHELER,
CARMA
LABORATORIES, INC,
APPLICANT, CARMA
LABORATORIES, INC,
PROPERTY OWNER)
- G.5. Alderman Holpfer moved to approve Ordinance 2023-2565, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE LOT 1 OF CERTIFIED SURVEY MAP NO._____ FROM R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT AND B-3 COMMUNITY BUSINESS DISTRICT TO M-1 LIMITED INDUSTRIAL DISTRICT, AND LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NO._____ TO B-3 COMMUNITY BUSINESS DISTRICT (PROPERTY LOCATED AT 9410 S. 76TH STREET AND 7520 W. RYAN RD) (BY ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES, INC, PROPERTY OWNER) Seconded by Alderman Hasan. On a roll call; all voted Aye. Motion carried.
- RES. 2023-8058
SPECIAL USE FOR
OFFICES OF
MANUFACTURING
FACILITIES AT 9410 S.
76TH STREET (CARMA
- G.6. Alderman Holpfer moved to adopt Resolution No. 2023-8058, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR OVERNIGHT PARKING FOR VEHICLES EXCEEDING 8,000 POUNDS MANUFACTURED GROSS VEHICLE WEIGHT AS PART OF THE DEVELOPMENT OF A SINGLE-STORY BUILDING

LABORATORIES, INC,
APPLICANT)

HOUSING OFFICES AND MANUFACTURING FACILITIES (CARMA LABORATORIES), UPON PROPERTY LOCATED AT 9410 S. 76TH STREET (BY ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES, INC, PROPERTY OWNER). Seconded by Alderwoman Eichmann. On a roll call; all voted Aye. Motion carried.

RES. 2023-8059
RA SMITH TO PROVIDE
TRAFFIC SIGNAL AND
ROADWAY DESIGN AT
51ST ST AND S.
PRESERVE WAY

G.7. Alderman Barber moved to adopt Resolution No. 2023-8059, A RESOLUTION FOR RA SMITH, INC. TO PROVIDE TRAFFIC SIGNAL AND ROADWAY DESIGN IMPROVEMENTS SERVICES FOR A TRAFFIC SIGNAL AT S. 51 ST STREET AND S. PRESERVE WAY FOR \$43,500.

AND

Direct Staff to discuss the draft memorandum of understanding at the Board of Public Works and return with a proposed draft version.

Seconded by Alderman Craig. On a roll call; all voted Aye except Alderwoman Day and Alderman Holpfer who both voted No. Motion carried 4-2.

ANNUAL TOURISM
COMMISSION REPORT

G.8. No action was taken after the presentation of the annual report from the Tourism Commission.

FIRE DEPARTMENT
AGREEMENT WITH
STRYKER FOR SERVICE
OF LUCAS DEVICES

G.9. Alderman Barber moved to approve the Fire Department to enter a Long-term Preventive Maintenance and Service Agreement for its Four LUCAS Mechanical CPR Compression Devices. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

\$2500 DONATION FROM
WALDERA'S TOWING
FOR DIVE TEAM

G.10. Alderman Holpfer moved to accept a \$2,500.00 Donation from Waldera's Towing, to be used toward purchase items and equipment supporting the Dive Team. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

PENDING CHANGES TO
TAX PAYMENT
COLLECTION OPTIONS

G.11. Alderman Holpfer moved to review and place on file the Pending Changes to Tax Payment Collection Options. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2023-8060
REVISE
STATE/MUNICIPAL
FINANCIAL
AGREEMENT FOR WI
DOT PROJECT ON S.
LOVERS LANE FROM

G.12. Alderman Craig moved to adopt Resolution No. 2023-8060, A 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 \$593,350. Seconded by Alderman Holpfer. All voted

W. RAWSON AVE. TO
W. COLLEGE AVE.

Aye; motion carried.

RES. 2023-8061
WI DOT -
TRANSPORTATION
ALTERNATIVES
PROGRAM (TAP) 2024-
2028 AWARD CYCLE-W.
PUETZ RD. PATHWAY

G.13. Alderman Holpfer moved to adopt Resolution No. 2023-8061, A RESOLUTION SUPPORTING WISCONSIN DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ALTERNATIVES PROGRAM (TAP) 2024-2028 AWARD CYCLE FOR THE W. PUETZ ROAD PATHWAY. Seconded by Alderman Craig. All voted Aye; motion carried.

RES. 2023-8062
REQUESTING AREA
WITHIN THE CITY
RECEIVE A FRANKLIN
POSTAL ADDRESS
DESIGNATION

G.14. Alderman Barber moved to adopt Resolution No. 2023-8062, A RESOLUTION REQUESTING AN AREA WITHIN THE CITY OF FRANKLIN RECEIVE A FRANKLIN POSTAL ADDRESS DESIGNATION and direct staff to deliver the resolution to applicable officials as appropriate. Seconded by Alderman Holpfer. All voted Aye; motion carried.

ASSESSMENT FOR
LOOMIS PATHWAY
ALONG E/S SIDE FROM
W. LOOMIS RD. TO W.
RAWSON AVE.

G.15. Alderman Barber moved to direct Staff to schedule a neighborhood meeting for property owners along the route for assessment for Loomis Pathway along East/South Side of W. Loomis Road from W. St. Martins Road to W. Rawson Avenue. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RECOMMENDED
CHANGES TO 2024
MAYOR'S
RECOMMENDED
BUDGET

G.16. Alderman Hasan moved to amend the 2024 Mayor's Recommended Budget to increase Fire Department Wages/Benefits expenditures by \$3,800 and decrease Fire Department Vehicle Support by \$3,800. Seconded by Alderwoman Eichmann. On roll call; all voted Aye. Motion carried.

Alderman Barber moved to amend the 2024 Mayor's Recommended Budget to increase Capital Improvement Fund expenditures by \$250,000. Seconded by Alderman Craig. On roll call; all voted Aye except for Alderman Holpfer who voted No. Motion carried 5-1.

Alderman Hasan moved to amend the 2024 Mayor's Recommended Budget to increase TID 7 - Debt Service revenue by \$29,251 and increase TID 7 - Debt Service expenditures by \$72,233. Seconded by Alderman Craig. On roll call; all voted Aye. Motion carried.

Alderman Hasan moved to amend the 2024 Mayor's Recommended Budget to increase TID 7 - Capital Project expenditures by \$29,251. Seconded by Alderman Barber. On roll call; all voted Aye. Motion carried.

Alderman Craig moved to amend the 2024 Mayor's Recommended

Budget to increase Street Improvement expenditures by \$147,800. Seconded by Alderman Holpfer. On roll call; all voted Aye. Motion carried.

Alderman Barber moved to amend the 2024 Mayor's Recommended Budget for resources and expenditures by Fund and appropriation unit as detailed on the attached schedule be included in the Proposed 2024 City of Franklin, WI Budget for the Public Hearing scheduled for November 28, 2023. Seconded by Alderman Craig. On roll call; all voted Aye. Motion carried.

Mayor Nelson called for a five-minute recess at 9:35 p.m.

Mayor Nelson returned to Open Session at 9:42 p.m.

RES. 2023-8063
DECK INSTALLATION
WITHIN PUBLIC
UTILITY EASEMENT AT
8482 S. 76TH ST (QUAIL
HAVEN LLC,
APPLICANT)

G.17. Alderman Holpfer moved to adopt Resolution No. 2023-8063, A RESOLUTION AUTHORIZING THE INSTALLATION OF A DECK WITHIN THE 44-FOOT PUBLIC UTILITY EASEMENT UPON PARCEL 2 OF THE CSM NO. 6424 PART OF THE TWIN OAKS OF TUCKAWAY, EXPANSION LAND BEING A PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. (8482 S. 76TH STREET) (TKN 837-9998-014) (QUAIL HAVEN LLC, APPLICANT) contingent upon getting Exhibits A and B signed by the property owner. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

STATUS UPDATE ON
UDO REWRITE

G.18. No action was taken after the presentation of the status update on the Unified Development Ordinance (UDO) Rewrite.

2024 PROPOSED
BUDGET

G.19. Alderman Craig moved to receive and place on file the 2024 Proposed Budget. Seconded by Alderwoman Day. All voted Aye; motion carried.

BUDGET AMENDMENT
REQUEST FOR
MAINTENANCE STAFF
NEEDS

G.20. Alderman Barber moved to authorize staff to transfer the necessary expenses to cover our lead custodian's retirement from the Severance Payments fund account 01-0199-5114 to the Maintenance Personnel account 01-0181-5111 and to start the new hire on November 20, 2023, allowing time for a training period before our new lead custodian takes over at City Hall and our new hire is at the Police Department alone. Seconded by Alderwoman Day. All voted Aye; motion carried.

PPII PROJECTS FOR WILLOW POINTE ESTATES AND LAKE POINTE ESTATES

G.21. Alderwoman Eichmann moved to direct staff to bid out Private Property Infiltration and Inflow Projects for Willow Pointe Estates and the Lake Pointe Estates. Seconded by Alderman Craig. All voted Aye; motion carried.

DONATIONS FOR JULY-SEPTEMBER, 2023

G.22. Alderman Barber moved to acknowledge and accept donations received for July - September, 2023 from various Franklin residents and businesses. Seconded by Alderman Holpfer. All voted Aye except Alderwoman Eichmann who Abstained; motion carried 5-0-1.

POLICE CHIEF TO QUALIFY FOR RETIREE INSURANCE HEALTH

G.23. Alderman Barber moved to include the Police Chief as an eligible position to qualify for retiree health insurance and to authorize Human Resources to incorporate the change into the Employee Handbook. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

MISCELLANEOUS LICENSES

H. Alderwoman Eichmann moved to approve the following licenses of the Special License Committee Meeting of October 19 and License Committee Meeting of November 7, 2023:

Grant 2023-24 Operator License to: Lynn Bagniewski, Jenifer Drzewiecki, John Hushek, Alyssa Minturn, Ashton, Morris, Holly Pesch, & Anja Ubiparipovic;

Approve the PUBLIC (People Uniting for the Betterment of Life and Investment In the Community) Grant to: Fleet Reserve Association Branch 14 –St Martin’s Fair, License Fees–St. Martin’s Fair, St. Martin’s Labor Day Fair, 9/1-9/24; Franklin Civic Celebration Committee for Independence Celebration, License Fees–Temporary Entertainment & Amusement, Temporary Class B Beer & Wine, Operator’s; Park Permits, Franklin City Hall, Lions Legend Park I & II, 7/3-7/7/24; Franklin Noon Lions Club-Civic Celebration & St. Martin’s Fair, License Fees-Temporary Class B Beer, Peddler’s Operators, Food, Civic Celebration; St. Martin’s Labor Day Fair, 7/3-7/7/24; 9/1-9/2/24;

Grant Temporary Class B Beer & Wine License to St Martin of Tours Church-Fall Harvest Fest, Jennifer Drzewiecki, 7963 S 116th St, 11/11/23; and

Grant Temporary Entertainment & Amusement to Civic Celebration Committee-Home for the Holidays Event, Mira Kresovic, Franklin City Hall, Lions Legend Park I, 11/25/23.

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 November 2, 2023, in the amount of \$2,804,161.74, and payroll dated October 20, 2023, in the amount of \$488,346.36 and payments of the various payroll deductions in the amount of \$516,193.59, plus City

matching payments, and payroll dated November 3, 2023, in the amount of \$476,668.48 and payments of the various payroll deductions in the amount of \$263,818.69, plus City matching payments and estimated payroll dated November 17, 2023 in the amount of \$464,000 and payments of the various payroll deductions in the amount of \$495,000, plus City matching payments. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION –
CITY PERSONNEL
PERFORMANCE
EVALUATION

- G.24. Alderman Craig moved to enter closed session at 10:22 p.m., pursuant to Wis. Stat. §19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governing body has jurisdiction or exercises responsibility, 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 Wis. Stat. §19.85(1)(g), conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved, 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.

Upon re-entering open session at 10:59 p.m., No action taken.

CLOSED SESSION –
CITY PERSONNEL
PERFORMANCE
EVALUATION OF
DIRECTOR OF
ADMINISTRATION

- G.25. Alderman Barber moved, with regard to City personnel performance evaluation of Director of Administration, to enter closed session at 11:00 p.m. pursuant to Wis. Stat. §19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governing body has jurisdiction or exercises responsibility, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

Upon re-entering open session at 11:35 p.m., No action taken.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting of the Common Council at 11:36 p.m. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.