

# APPROVED SEPTEMBER 19, 2023

## CITY OF FRANKLIN COMMON COUNCIL MEETING SEPTEMBER 5, 2023 MINUTES

- ROLL CALL
- A. The regular meeting of the Franklin Common Council was held on September 5, 2023, and was called to order at 6:30 p.m. by Mayor 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, Alderwoman Michelle Eichmann, Alderman Yousef Hasan, Alderman Alderwoman Courtney Day, Alderman Mike Barber, and Alderman Jason Craig. Also in attendance were Director of Administration Kelly Hersh, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson.
- CITIZEN COMMENT
- B. Citizen comment period was opened at 6:30 p.m. and was closed at 6:38 p.m.
- MINUTES  
AUGUST 15, 2023
- C. Alderman Holpfer moved to approve the minutes of the Common Council meeting of August 15, 2023, as presented. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORGANIZATIONAL -  
MAYORAL  
APPOINTMENT
- E. Alderwoman Eichmann moved to confirm the following Mayoral appointments: Kristin Kurutz, 6768 S. 35th St., Ald. Dist. 3 - Mayor Appointment for Board of Review for a 3-year term expiring 04/20/26. Seconded by Alderwoman Day. On a roll call; all voted Aye. Motion carried.
- CIVIC CELEBRATIONS  
COMMISSION REPORT  
AND SPENDING  
AUTHORITY FOR 2024
- G.1. Alderman Holpfer moved to accept and place on file the summary from the 2023 Civic Celebrations event, and allow John Bergner to execute contracts and agreements for the 2024 Franklin Civic Celebration event. Seconded by Alderman Barber. All voted Aye; motion carried.
- WEST ELM ROAD  
UNDERGROUND  
STORAGE FEASIBILITY  
REPORT
- G.2. Alderwoman Day moved to Select the Traditional Wet Detention Alternative. If this option is chosen, Staff will advise Milwaukee County of the choice and start working on a lease. Seconded by Alderman Hasan. On a roll call; all voted Aye except Alderman Holpfer voted no; motion carried 5-1-0.

- FIRE DEPARTMENT APPROVAL/EXTENSION OF THE MILWAUKEE COUNTY EQUIPMENT SHARING AGREEMENT G.3 Alderman Barber moved to approve Fire Department continued participation in the “Milwaukee County Equipment Sharing Agreement”. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- PURCHASE ADDITIONAL FIREFIGHTING HOSE AND RELATED HARDWARE G.4. Alderwoman Eichmann moved to approve Fire Department purchase of additional firefighting hose and related hardware with existing appropriation in the 2023 Capital Improvement Fund 41-0221-5815, at a cost not to exceed \$36,000. Seconded by Alderman Hasan. All voted Aye; motion carried.
- AUTHORIZE BUDGET AMENDMENT REQUEST FOR MUNICIPAL COURT STAFFING NEEDS G.5. Alderwoman Day moved to authorize staff to transfer the necessary expenses to cover Kari Kowalski's unexpected disability retirement from the Severance Payments fund account 01-0199-5114 to the Municipal Court Personnel account 01-0121-5111 to provide Amanda Baumgart with a 7.5% pay increase aligning with the workload Amanda has already put forth and will be expected to do as Kari's successor. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2023-8036 DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF WOODFIELD TRAIL CONDOMINIUMS, 12000 W. LOOMIS ROAD G.6. Alderman Craig moved to adopt Resolution No. 2023-8036, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF WOODFIELD TRAIL CONDOMINIUMS, LOCATED AT 12000 W. LOOMIS ROAD (TKN 891-9011-000) with the change of the Developers name from Boomtown, LLC to Loomis & Ryan Inc. throughout the entire Development Agreement. Seconded by Alderman Hasan. All voted Aye; motion carried.
- RES. 2023-8037 EXECUTE AGREEMENT WITH CARL COLLECTIVE FOR MARKETING MATERIALS DEVELOPMENT PROFESSIONAL SERVICES G.7. Alderman Barber moved to adopt Resolution No. 2023-8037, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH CARL COLLECTIVE (TROZZOLO CREATIVE RESOURCES INC.), FOR MARKETING MATERIALS FOR DEVELOPMENT PROFESSIONAL SERVICES subject to minor technical changes by the City Attorney. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2023-8038 INSTALLATION OF A FENCE WITHIN THE 20- G.8. Alderman Barber moved to adopt Resolution No. 2023-8038, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 20-FOOT SANITARY EASEMENT UPON

FOOT SANITARY  
EASEMENT UPON LOT  
14 IN BLOCK 11 IN  
SOUTHVIEW ESTATES  
ADDITION NO.1

LOT 14 IN BLOCK 11 IN SOUTHVIEW ESTATES ADDITION NO. 1, BEING A RE-DIVISION OF THE OUTLOT 1, BLOCK 6, AND OUTLOT 1, BLOCK 7, SOUTHVIEW ESTATES, AND A PART OF THE SW 1/4 OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (7534 SOUTH 69TH STREET) (TKN 791-0182-000) (GLENN AND JANET MITTELSTADT, APPLICANT).  
Seconded by Alderwoman Eichmann.

RES. 2023-8039  
EXECUTE A  
STATE/MUNICIPAL  
FINANCIAL  
AGREEMENT &  
MAINTENANCE  
AGREEMENT FOR S.  
27<sup>TH</sup> ST FROM ELM RD  
TO W. VILLA DR

G.9. Alderwoman Day moved to adopt Resolution No. 2023-8039, A RESOLUTION TO EXECUTE A STATE/MUNICIPAL FINANCIAL AGREEMENT AND A STATE/MUNICIPAL MAINTENANCE AGREEMENT FOR S. 27TH STREET (STH 241) FROM W. ELM ROAD TO W. VILLA DRIVE (ID 2265-09-71) FOR \$3,546,990 and to direct staff to hold off on an Engineers Report for special assessments until a full accounting of Park Impact Fees are completed.  
Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2023-8040  
MEMORANDUM OF  
AGREEMENT WITH  
THE WIDOT FOR 116<sup>TH</sup>  
STREET TRAIL

G.10. Alderman Holpfer moved to adopt Resolution No. 2023-8040, A RESOLUTION TO ENTER A MEMORANDUM OF AGREEMENT WITH THE WISCONSIN DEPARTMENT OF TRANSPORTATION FOR 116<sup>TH</sup> STREET TRAIL (ID 2976-00-02).  
Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

ADD AN ASSOCIATE  
PLANNER POSITION TO  
THE PLANNING  
DEPARTMENT

G.11. Alderman Barber moved to authorize Staff to add an Associate Planner position to the Planning Department.  
Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

CONTINUED  
DISCUSSION OF W.  
PUETZ ROAD  
PATHWAY FROM S.  
76<sup>TH</sup> ST TO W. ST.  
MARTINS RD

G.12. Alderman Holpfer moved to direct staff to start with project development for Grant applications (80% Transportation Alternative Program due on October 31, 2023).  
Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2023-8041  
IMPOSING  
CONDITIONS AND  
RESTRICTIONS FOR  
THE APPROVAL OF A  
SPECIAL USE FOR A  
SPORTS TRAINING  
FACILITY – 6814 S.  
112<sup>TH</sup> ST

G.13. Alderman Craig moved to adopt Resolution No. 2023-8041, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A SPORTS TRAINING FACILITY USE UPON PROPERTY LOCATED AT 6814 S. 112TH STREET, (BION STRENGTH AND CONDITIONING LLC, APPLICANT).  
Seconded by Alderman Barber. All voted Aye; motion carried.

DISCUSSION  
REGARDING MEETING  
TIME CHANGE FOR  
PLAN COMMISSION

G.14. Alderman Hasan moved to change the Plan Commission meeting start time. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

ESTABLISH 2023 TRICK  
OR TREAT

G.15. Alderwoman Eichmann moved to establish Saturday, October 28<sup>th</sup>, 2023, from 4-7 pm, for the Halloween Trick or Treat observance in the City of Franklin. Seconded by Alderman Hasan. On a roll call; all voted Aye except Alderman Craig voted no. Motion carried 5-1-0.

CONFIRMATION OF  
THE APPOINTMENT OF  
JUSTIN LIGOCKI AS  
THE DIRECTOR OF  
INSPECTION SERVICES

G.16. Alderman Barber moved to confirm the appointment of Justin Ligocki as the Director of Inspection Services for the City of Franklin. Seconded by Alderwoman Eichmann. On a roll call; all voted Aye. Motion carried.

MISCELLANEOUS  
LICENSES

H. Alderwoman Eichmann moved to approve the following licenses:

License Meeting of September 5, 2023:

Grant 2023-24 Operator License to: Bryce Hedges, Kamyla Held, Sandra Kolb, Daniel Luna, Max McCoy, Samantha Piszczek, Liam Rodriguez, Megan Rongholt, Lyanna Tibbits, & Raven Trammel.

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 August 31, 2023, in the amount of \$2,577,908.25, and payroll dated August 25, 2023, in the amount of \$685,086.57 and payments of the various payroll deductions in the amount of \$538,480.15, plus City matching payments, and estimated payroll dated September 8, 2023, in the amount of \$465,000 and payments of the various payroll deductions in the amount of \$250,000, plus City matching payments. Seconded by Alderman Craig. On roll call; all voted Aye. Motion carried.

CLOSED SESSION -  
*BPC COUNTY LAND, LLC  
V CITY OF FRANKLIN,*  
MILWAUKEE COUNTY  
CIRCUIT COURT CASE  
NOS. 20 19-CV-8963  
AND 2021-CV-55 81

G.17. Alderman Holpfer moved to enter closed session at 7:58 p.m., 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 Alderwoman Eichmann. On roll call; all voted Aye. Motion carried.

Mayor Nelson proceeded into a five-minute recess.

Resumed into closed session at 8:05 p.m.

Upon re-entering open session at 8:15 p.m.,

Alderman Craig moved to proceed as discussed in closed session. Seconded by Alderman Hasan. On a roll call; all voted Aye. Motion carried.

CLOSED SESSION -  
*VELO VILLAGE*  
*APARTMENTS, LLC V*  
*CITY OF FRANKLIN,*  
MILWAUKEE COUNTY  
CIRCUIT COURT CASE  
NO. 2023-CV-5465

- G.18. Alderman Holpfer moved to enter closed session at 8:17 p.m., 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 Alderwoman Eichmann. On roll call; all voted Aye. Motion carried.

Upon re-entering open session at 8:24 p.m.,

Alderman Barber moved to direct staff to proceed as discussed in closed session. Seconded by Alderman Day. All voted Aye; motion carried.

CLOSED SESSION -  
CITY PERSONNEL  
PERFORMANCE  
EVALUATION

- G.19. Alderman Barber moved to enter closed session at 8:26 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 Alderwoman Eichmann. On roll call, all voted Aye; motion carried.

Upon re-entering open session at 9:55 p.m. Alderman Holpfer moved to direct staff to proceed as discussed in closed session. Seconded by Alderman Craig. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Craig moved to adjourn the meeting of the Common Council at 9:56 p.m. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.