

The Facebook page for the Economic Development Commission (<https://www.facebook.com/forwardfranklin/>) will be live streaming the Common Council meeting so that the public will be able to watch and listen to the meeting.

CITY OF FRANKLIN
SPECIAL COMMON COUNCIL MEETING
FRANKLIN CITY HALL – HEARING ROOM
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY MAY 28, 2020 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Reports and Recommendations:
 - 1. A Resolution to Amend a Resolution in Ratification of a Proclamation Declaring a Public Health Emergency in Response to the Coronavirus Disease 2019 (COVID-19), as Amended, to Extend the Time Period of the Public Health Emergency for Forty (40) Days.
 - 2. Granting a Waiver of Interest and Penalties Associated with Late Payment of the May 31, 2020 Tax Levy Installment and Setting a Final Due Date for the 2019 Tax Levy of October 1, 2020.
- D. Adjournment.

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>May 28, 2020</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>A Resolution to Amend A Resolution in Ratification of A Proclamation Declaring A Public Health Emergency In Response To The Coronavirus Disease 2019 (Covid-19), As Amended, to Extend the Time Period of the Public Health Emergency for Forty (40) Days</p>	<p>ITEM NUMBER</p> <p><i>C.1.</i></p>

A copy of the above-entitled Resolution is annexed hereto.

COUNCIL ACTION REQUESTED

A motion to adopt A Resolution to Amend A Resolution in Ratification of A Proclamation Declaring A Public Health Emergency In Response To The Coronavirus Disease 2019 (Covid-19), As Amended, to Extend the Time Period of the Public Health Emergency for Forty (40) Days.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

draft 5/26/20

RESOLUTION NO. 2020-____

A RESOLUTION TO AMEND A RESOLUTION IN RATIFICATION OF A
PROCLAMATION DECLARING A PUBLIC HEALTH EMERGENCY
IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19), AS AMENDED, TO
EXTEND THE TIME PERIOD OF THE PUBLIC HEALTH EMERGENCY FOR
FORTY (40) DAYS

WHEREAS, the Mayor issued a Proclamation Declaring a Public Health Emergency on March 16, 2020, which was ratified and confirmed by the Common Council by Resolution No. 2020-7605 on March 17, 2020, as amended by the Common Council by Resolution No. 2020-7609 on March 24, 2020 and by Resolution No. 2020-7615 on April 21, 2020; and

WHEREAS, while recognizing that Wisconsin Department of Health Services issued Emergency Orders and COVID-19 Public Health Plan for Milwaukee County Order #1 are no longer in effect, the Common Council substantially recognizes that a Public Health Emergency continues to exist; and

WHEREAS, under this continuing Public Health Emergency, the Common Council strongly urges all to follow the public health recommendations and guidelines of the Franklin Health Department, the Wisconsin Department of Health Services, the World Health Organization, the United States Department of Health and Human Services and the Centers for Disease Control and Prevention.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the March 16, 2020 Proclamation Declaring a Public Health Emergency, and Resolution No. 2020-7605 adopted by the Common Council on March 17, 2020 incorporating same, as amended by the Common Council by Resolution No. 2020-7609 on March 24, 2020 and by Resolution No. 2020-7615 adopted by the Common Council on April 21, 2020, be and the same is hereby amended to provide and declare that the duration of the Public Health Emergency is hereby extended for forty (40) days from the date hereof, to July 7, 2020 at 11:59 p.m., subject to any future amendments by way of Proclamation or Resolution as may be declared or adopted by the Mayor and/or the Common Council, respectively.

BE IT FURTHER RESOLVED, that all of the Declarations and Resolveds in the aforesaid Proclamation and Resolutions, not pertaining to the time of duration of the Public Health Emergency as amended hereunder, shall remain in full force and effect.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

RESOLUTION NO. 2020-____
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APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2020-7605

**A RESOLUTION IN RATIFICATION OF A PROCLAMATION
DECLARING A PUBLIC HEALTH EMERGENCY
IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19)**

WHEREAS, COVID-19, a novel strain of the coronavirus, was detected in December, 2019, and has subsequently spread throughout numerous countries and the United States, including Wisconsin; and

WHEREAS, international organizations, the federal, state, and local governments are all working together to contain COVID-19; and

WHEREAS, citing the World Health Organization's declaration of a Public Health Emergency of International Concern, and the United States Department of Health and Human Services declaration of a Public Health Emergency, the Governor of the State of Wisconsin has proclaimed that a Public Health Emergency exists for the State of Wisconsin, by Executive Order #72 on March 12, 2020; and

WHEREAS, the City of Franklin has been working to protect the community from the spread of this disease, and to prepare for the impacts it may have; and

WHEREAS, in order to protect the health and well-being of residents and visitors, the City of Franklin must avail itself of all resources needed to respond to and contain the presence of COVID-19; and

WHEREAS, the Mayor issued A Proclamation Declaring a Public Health Emergency in Response to the Coronavirus Disease 2019 (COVID-19) on March 16, 2020, pursuant to Wis. Stat. § 323.14(4)(b), as the Common Council at the time was unable to meet promptly, with such situation addressed in provision no. 6. of the Proclamation, authorizing Common Council member attendance a meeting of the Common Council by way of telephone communication during the period of Public Health Emergency.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, as follows:

1. The actions of the Mayor of the City of Franklin in issuing A Proclamation Declaring a Public Health Emergency in Response to the Coronavirus Disease 2019 (COVID-19), and the provisions of the Proclamation, be and the same are hereby ratified and confirmed, and the terms and provisions of the Proclamation are incorporated herein.
2. The City of Franklin Emergency Manager and the Incident Commander for the Public Health Emergency are hereby authorized and directed, working with

Federal, State and other local authorities, to take all reasonable and necessary steps to prevent exposure to and/or spread of the COVID-19 coronavirus within the City of Franklin, including but not limited to those duties specified within the City's Municipal Code, ordinances, resolutions, the City of Franklin Emergency Operations Plan, Franklin's Comprehensive Emergency Management Program, and Chapter 323 of the Wisconsin Statutes.

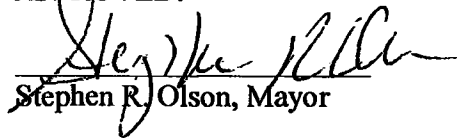
3. In addition to the emergency powers incorporated herein and enumerated above, if the Common Council is unable to meet promptly, the Mayor is hereby authorized and directed to take such actions as may be necessary and expedient to continue regular operations of the City of Franklin, including:
 - i) authorizing purchases and accepting bids which would otherwise require approval of the Common Council, provided such purchases and/or bids otherwise meet all Statutory and Municipal Code requirements; and
 - ii) approving register of payments for invoices, payroll and other payments; and
 - iii) authorizing temporary budget adjustments and transfers.

Any actions taken under this authorization shall be presented to the Common Council for ratification as soon as practicable.

Introduced at a regular meeting of the Common Council of the City of Franklin this 17th day of March, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 17th day of March, 2020.

APPROVED:


Stephen R. Olson, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2020-7609

A RESOLUTION TO AMEND A RESOLUTION IN RATIFICATION OF A
PROCLAMATION DECLARING A PUBLIC HEALTH EMERGENCY
IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19), TO PROVIDE FOR
CITY BOARDS, COMMISSIONS AND COMMITTEES MEMBERS MEETINGS
ATTENDANCE BY WAY OF TELEPHONE AND/OR
ELECTRONIC AUDIO AND/OR VIDEO COMMUNICATION

WHEREAS, the Mayor issued a Proclamation Declaring a Public Health Emergency on March 16, 2020, which was ratified and confirmed by the Common Council by Resolution No. 2020-7605 on March 17, 2020; and

WHEREAS, provision 6. of the Proclamation incorporated into Resolution No. 2020-7605 provides in part: “that during the period of Public Health Emergency proclaimed hereunder, Common Council members may individually attend a meeting of the Common Council by way of telephone communication, and such telephone attendance is hereby authorized”; and

WHEREAS, under current ongoing circumstances, it is necessary to additionally include and authorize City Boards, Commissions and Committees meetings attendance by members by way of telephone communication, and also to authorize meetings attendance in addition thereto by way of electronic audio and/or video communication.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that in addition to provision 6. of the March 16, 2020 Proclamation Declaring a Public Health Emergency, and Resolution No. 2020-7605 adopted by the Common Council on March 17, 2020 incorporating same, Resolution No. 2020-7605 be and the same is hereby amended to additionally provide that during the period of Public Health Emergency, Common Council members may individually attend a meeting of the Common Council, and members of all City Boards, Commissions and Committees may individually attend a meeting of the respective Board, Commission or Committee, by way of telephone and/or electronic audio and/or video communication, provided that at a minimum, each member’s meeting attendance includes audio communication ability by, to and from the member.


Introduced at a regular meeting of the Common Council of the City of Franklin this 24th day of March, 2020.

RESOLUTION NO. 2020-7609


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Passed and adopted at a regular meeting of the Common Council of the City of Franklin
this 24th day of March, 2020.

APPROVED:


Stephen R. Olson, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Ald. Mayer)

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2020-7615

A RESOLUTION TO AMEND A RESOLUTION IN RATIFICATION OF A PROCLAMATION DECLARING A PUBLIC HEALTH EMERGENCY IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19), AS AMENDED, TO PROVIDE FOR CITY COMMON COUNCIL, BOARDS, COMMISSIONS AND COMMITTEES MEETINGS ATTENDANCE BY THE PUBLIC BY WAY OF TELEPHONE AND/OR ELECTRONIC AUDIO AND/OR VIDEO COMMUNICATION AND TO EXTEND THE TIME PERIOD OF THE PUBLIC HEALTH EMERGENCY FOR FORTY (40) DAYS

WHEREAS, the Mayor issued a Proclamation Declaring a Public Health Emergency on March 16, 2020, which was ratified and confirmed by the Common Council by Resolution No. 2020-7605 on March 17, 2020; and

WHEREAS, the City Department of Information Services and the IT Director have been working towards providing the capability of providing the availability of public meetings attendance by the public by way of telephone and/or electronic audio and/or video communication methods, devices and equipment, the City not having been equipped for such purpose at the time of the start of the Emergency; and

WHEREAS, the Secretary-designee of the Wisconsin Department of Health Services issued Emergency Order #28 Safer at Home Order on April 16, 2020, providing in part at Subsection 2.b. Safe Business Practices:

- i. All businesses, including Essential Businesses and Operations, shall:
 1. To the greatest extent feasible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e. work from home). ****; and

WHEREAS, Emergency Order #28 also extended the duration of the prior Order(s) to 8:00 a.m. on Tuesday, May 26, 2020; and

WHEREAS, the Common Council having considered City operations as an Essential Operations need and the current state of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that in addition to provision 6. of the March 16, 2020 Proclamation Declaring a Public Health Emergency, and Resolution No. 2020-7605 adopted by the Common Council on March 17, 2020 incorporating same, Resolution No. 2020-7605 be and the same is hereby amended to additionally provide that during the period of Public Health Emergency, the public may individually attend a meeting of the Common Council, and meetings of all City Boards, Commissions and Committees by way of telephone and/or electronic audio and/or video communication, by way of such methods, devices and equipment available and determined to be

RESOLUTION NO. 2020-7615

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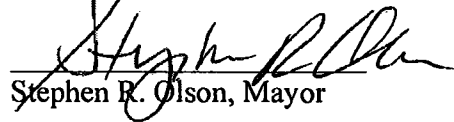
reasonable for such purposes by the City Department of Information Services and the IT Director.

BE IT FURTHER RESOLVED, that the duration of the Public Health Emergency as set forth in Section 5. of the March 16, 2020 Proclamation is hereby extended for forty (40) days from the date hereof, to June 1, 2020.


Introduced at a regular meeting of the Common Council of the City of Franklin this 21st day of April, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 21st day of April, 2020.

APPROVED:


Stephen R. Olson, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE May 28, 2020
REPORTS & RECOMMENDATIONS	Granting A Waiver of Interest and Penalties associated with Late Payment of the May 31, 2020 Tax Levy installment and setting a final due date for the 2019 Tax Levy of October 1, 2020	ITEM NUMBER <i>C.2.</i>

Background

State Statute 74.12(1)(a) requires Franklin to set Real Estate tax bill installment due dates by August 15 prior to the tax levy adoption. Franklin has set installment dates of Jan 31, March 31 and May 31 for tax bills.

The Public Health Emergency, and various Governor orders has caused many residents and property taxpayers to lose employment creating financial hardships in meeting 2019 tax levy property tax payment installments. The Emergency has also adversely impacted Franklin commercial properties in a like manner.

The number of current tax accounts has declined from 1,633 accounts owing \$4,336,522 that are due May 31, 2020 under the installment method of payment to 1,036 owing \$2,666,330 as of May 26, 2020. The total tax levy was \$100,160,688. The City may retain any interest and penalty it collects, the County keeps any interest and penalty it collects for all the time the amounts are past due.

To provide some relief to property taxpayers, the Wisconsin Legislature in Act 185 recently signed into law provided in Section 105: (25) that:

for property taxes payable in 2020, after making a general or case-by-case finding of hardship, a taxation district may provide that an installment payment that is due and payable after April 1, 2020, and is received after its due date shall not accrue interest or penalties if the total amount due and payable in 2020 is paid on or before October 1, 2020.

A taxation district may not waive interest and penalties as provided in this subsection unless the county board of the county where the taxation district is located first adopts a resolution authorizing such waiver and establishing criteria for determining hardship, and the taxation district subsequently adopts a similar resolution.

The Treasurer received numerous requests for relief of interest and penalty upon the 2019 tax levy installments due March 31 during March. Act 185 only provides for relief for Franklin's May 31 installment on those accounts which were current on April 1, 2020. The number of requests has significantly declined in May, 2020.

The WI Counties Association provided an update to their members that says:

If the county adopts the authorizing resolution on May 28th, but the municipality does not adopt the corresponding resolution until June 5, any payments not made by May 31 are considered delinquent and the property taxpayer will be charged interest and penalty (as applicable) retroactive to February 1, 2020.

Based upon the advice of the Wisconsin Counties Association, the City of Franklin must adopt an authorizing resolution after Milwaukee County adopts their authorizing resolution, but prior to June 1, 2020 in order to provide a deferral of the May 31, 2020 tax installment to October 1, 2020.

Milwaukee County is considering two Resolutions that will provide this relief either in blanket form or on an individual hardship basis. The Milwaukee County Board is scheduled to discuss the issue at a May 28, 2020 County Board of Supervisor's meeting at 9 am.

Attached are two DRAFT Resolutions, one for a blanket waiver of interest and penalty for May 31, 2020 installments until October 1, 2020 and the other an individual hardship resolution basis, providing similar relief.

The City of Franklin's Resolution must mirror any Resolution Milwaukee County Board of Supervisors might adopt.

COUNCIL ACTION REQUESTED

Motion adopting Resolution 2020-xxxx, a Resolution granting a waiver of interest and penalties associated with late payment of the May 31, 2020 installment of the 2019 Tax Levy to those Franklin property taxpayers and setting a final due date for the 2019 tax levy of October 1, 2020

Or

Motion adopting Resolution 2020-xxxx, a Resolution granting a limited waiver of interest and penalties associated with late payment of the May 31, 2020 installment of the 2019 Tax Levy to those Franklin property taxpayers and setting a final due date for the 2019 tax levy of October 1, 2020

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2020-_____

A RESOLUTION GRANTING A WAIVER OF INTEREST AND PENALTIES ASSOCIATED WITH LATE PAYMENT OF THE MAY 31, 2020 INSTALLMENT OF THE 2019 TAX LEVY TO THOSE FRANKLIN PEROPERTY TAXPAYERS AND SETTING A FINAL DUE DATE FOR THE 2019 TAX LEVY OF OCTOBER 1, 2020

WHEREAS, the City of Franklin mailed the 2019 tax levy property tax bills in December, 2019 with installment dates of January 31, March 31 and May 31, 2020; and

WHEREAS, a Public Health Emergency was declared by Wisconsin Governor Anthony Evers on March 12, 2020 adversely impacting Franklin residents with job layoffs and other loss of income causing significant stress in making the May 31, 2020 installment; and

WHEREAS, the Public Health Emergency closed non-essential businesses and otherwise reducing revenues to Franklin businesses adversely impacting their ability to meet the May 31, 2020 installment due date of the 2019 tax levy; and

WHEREAS, the Wisconsin Legislature in April 2020 enacted Act 185 providing for relief of interest and penalties on tax accounts that are current with installment payments on April 1, 2020 for future installments extending the future installment due date to October 1, 2020; and

WHEREAS, there are 1,036 Franklin taxpayer accounts owing \$2,666,330 as May 26, 2020 for May 31, 2020 installments of the 2019 tax levy that are potentially eligible for relief; and

WHEREAS, Milwaukee County Board of Supervisors has adopted a resolution providing for such relief enabling the City of Franklin to provide similar relief.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin that:

1. Interest and penalties for property taxes payable in 2020 for an installment payment that is due and payable after April 1, 2020 may be waived as provided in Section 105(25) of Act 185 for all property taxpayers in the City of Franklin.
2. The terms of Section 6.06 – Interest and Penalty on Overdue and Delinquent Taxes, Milwaukee County Code of General Ordinance (MCGO), which imposes a penalty on delinquent property tax payments, are hereby modified for purposes of implementing the terms of Section 105(25) of Act 185.
3. The City of Franklin agrees to upgrade in 2020 to the new LandNav software so that the provisions of the law can be properly administered.

Introduced at a regular meeting of the Common Council of the City of Franklin this ___th day of May, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ___th day of May, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2020-_____

A RESOLUTION GRANTING A LIMITED WAIVER OF INTEREST AND PENALTIES ASSOCIATED WITH LATE PAYMENT OF THE MAY 31, 2020 INSTALLMENT OF THE 2019 TAX LEVY TO THOSE FRANKLIN PEROPERTY TAXPAYERS AND SETTING A FINAL DUE DATE FOR THE 2019 TAX LEVY OF OCTOBER 1, 2020

WHEREAS, the City of Franklin mailed the 2019 tax levy property tax bills in December, 2019 with installment dates of January 31, March 31 and May 31, 2020; and

WHEREAS, a Public Health Emergency was declared by Wisconsin Governor Anthony Evers on March 12, 2020 adversely impacting Franklin residents with job layoffs and other loss of income causing significant stress in making the May 31, 2020 installment; and

WHEREAS, the Public Health Emergency closed non-essential businesses and otherwise reducing revenues to Franklin businesses adversely impacting their ability to meet the May 31, 2020 installment due date of the 2019 tax levy; and

WHEREAS, the Wisconsin Legislature in April 2020 enacted Act 185 providing for relief of interest and penalties on tax accounts that are current with installment payments on April 1, 2020 for future installments extending the future installment due date to October 1, 2020; and

WHEREAS, there are 1,036 Franklin taxpayer accounts owing \$2,666,330 as May 26, 2020 for May 31, 2020 installments of the 2019 tax levy that are potentially eligible for relief; and

WHEREAS, the Milwaukee County Board of Supervisors adopted a resolution providing for such relief enabling the City of Franklin to provide similar relief.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin that:

1. Interest and penalties for property taxes payable in 2020 for an installment payment that is due and payable after April 1, 2020 may be waived as provided in Section 105(25) of Act 185 for all property taxpayers in the City of Franklin that completes a form that shall be signed by an individual or business that self-certifies to the following:
 - a. "I attest, under penalty of law, that I, my immediate family, or my business have experienced financial hardship due to the COVID-19 public health emergency such that paying my property taxes at this time would place significant financial strain on myself, my immediate family, or my business. I therefore request a deferment of those taxes, interest and penalty free, until October 1, 2020" and
 - b. I attest, under penalty of law, that as of January 1, 2020, I was an owner of the property described above and that as of that date I used at least 25 percent of the property as my primary residence and/or owner-occupied business. I understand that I must notify the county treasurer within 30 days of the date on which I no longer use the property as my primary residence or owner-occupied business.
2. The terms of Section 6.06 – Interest and Penalty on Overdue and Delinquent Taxes, Milwaukee County Code of General Ordinance (MCGO), which imposes a penalty on

delinquent property tax payments, are hereby modified for purposes of implementing the terms of Section 105(25) of Act 185.

3. The City of Franklin agrees to upgrade in 2020 to the new LandNav software so that the provisions of the law can be properly administered.

Introduced at a regular meeting of the Common Council of the City of Franklin this __th day of May, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ___th day of May, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___