

# APPROVED NOVEMBER 2, 2020

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
OCTOBER 20, 2020  
MINUTES

- ROLL CALL                    A.            The regular meeting of the Common Council was held on October 20, 2020 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderwoman Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Also present were Dir. of Administration Peggy Steeno, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT        B.            Citizen comment period was opened at 6:34 p.m. and closed at 8:32 p.m.
- MINUTES  
OCTOBER 6, 2020        C.            Alderman Nelson moved to table the minutes of the regular Common Council Meeting of October 6, 2020 to the November 2, 2020 Common Council meeting. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- CONSENT AGENDA        G.1.        Alderman Dandrea moved to approve the following consent agenda items:
- DPW SURPLUS  
EQUIPMENT                G.1.(a)     No action was required on the results of the Department of Public Works sale of surplus equipment.
- RES. 2020-7677  
RYANWOOD  
MANOR  
PEDESTRIAN  
ACCESS & BICYCLE  
PATH                        G.1.(c)     Adopt Resolution No. 2020-7677, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A PEDESTRIAN ACCESS AND BICYCLE PATH EASEMENT FOR RYANWOOD MANOR LOCATED AT APPROXIMATELY S. 76<sup>TH</sup> STREET AND W. OAKWOOD ROAD (NOW KNOWN AS RYANWOOD MANOR SUBDIVISION).
- OAKES ESTATES  
SUBDIVISION  
LIGHTS                     G.1.(d)     Installation of Lights for Oakes Estates Subdivision.  
  
Approval of the Consent Agenda items was seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- NO PARKING-W.  
STATESMAN WAY         G.1.(b)     Alderwoman Wilhelm moved to table to the November 2, 2020 Common Council meeting an Ordinance to Modify the Municipal Code Section 245-5.D.(4) Designating Parking Restrictions on Both Sides of W. Statesman Way from S. 27th Street to S. 31st Street. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderwoman Wilhelm vacated her seat at 8:37 p.m. and returned at 8:39 p.m. Alderman Mayer vacated his seat at 8:39 p.m. and returned at 8:41 p.m.

BEAR DEV. UPDATE G.1.1. No action was taken on the update by S.R. Mills, Bear Development/Tax Incremental District No. 6.

RES. 2020- STRAUSS BRANDS, LLC MEAT PROCESSING G.2. Alderman Dandrea moved to adopt 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). Seconded by Alderwoman Hanneman. On roll call, Alderman Dandrea and Alderman Barber voted Aye; Alderman Mayer, Alderwoman Wilhelm, Alderwoman Hanneman, and Alderman Nelson voted No. Motion failed.

Alderman Nelson then moved to deny the 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), based upon the following criteria: Failure to comply with the General Standards required by the Unified Development Ordinance for granting a special use permission approval for this development. Under Division §15-3.0701 Special Use Standards and Regulations. General Standards. No Special Use Permit shall be recommended or granted pursuant to Ordinance unless the applicant shall establish the following: No undue adverse impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort and general welfare and not substantially diminish and impair property values within the community or neighborhood. No interference with surrounding development. The proposed use and development will be constructed, arranged, and operated so as to not dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations. Seconded by Alderman Mayer.

Alderwoman Wilhelm, seconded by Alderman Nelson, moved to amend the main motion to insert the following Special Use conditions that have not been met: Adequate public facilities for police and fire protection (submitting of the Police report and the letter from the Fire

Chief); Additional considerations of alternative location; Public benefit, the necessity and desirable interest of the public or what it contributes to the general welfare of the neighborhood or community, the desire of interest of the public is not there; and Traffic circulation due to no traffic study.

The vote on the amendment was as follows: Alderman Nelson, Alderwoman Wilhelm, Alderman Mayer voted Aye; Alderman Barber, Alderwoman Hanneman, and Alderman Dandrea voted No. Mayor Olson broke the tie by voting in the affirmative. Motion carried.

On the main motion as amended, the roll call vote was as follows: Alderman Mayer, Alderwoman Wilhelm, and Alderman Nelson voted Aye; Alderman Dandrea, Alderwoman Hanneman, and Alderman Barber voted No. Mayor Olson broke the tie by voting No. Motion failed.

Alderman Dandrea then moved to table the Resolution to the January 19, 2021, Common Council meeting. Seconded by Alderman Barber. On roll call, Alderman Dandrea and Alderman Barber voted Aye; Alderman Mayer, Alderwoman Wilhelm, Alderwoman Hanneman, and Alderman Nelson voted No. Motion failed.

Alderwoman Wilhelm moved to deny the 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), based upon the following criteria: Failure to comply with the General Standards required by the Unified Development Ordinance for granting a special use permission approval for this development. Under Division §15-3.0701 Special Use Standards and Regulations. General Standards. No Special Use Permit shall be recommended or granted pursuant to Ordinance unless the applicant shall establish the following: No undue adverse impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort and general welfare and not substantially diminish and impair property values within the community or neighborhood. No interference with surrounding development. The proposed use and development will be constructed, arranged, and operated so as to not dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations. Seconded by Alderman Nelson. On roll call, Alderman

Mayer, Alderwoman Wilhelm, Alderwoman Hanneman, and Alderman Nelson voted Aye; Alderman Dandrea and Alderman Barber voted No. Motion carried.

RES. 2020-7678  
CONSERVATION  
EASEMENT  
3617 W. ELM RD.

G.3. Alderwoman Hanneman moved to adopt Resolution No. 2020-7678, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A CERTIFIED SURVEY MAP (CSM) FOR PROPERTY LOCATED AT APPROXIMATELY 3617 W. ELM ROAD, (SCOTT BILLER, JHB PROPERTIES, LLC, OWNER), APPLICANT), subject to review and approval by the Department of City Development and technical corrections by the City Attorney. Seconded by Alderman Nelson. Alderwoman Wilhelm abstained. All voted Aye; motion carried.

2021 BUDGET

G.4. No action was taken on the Mayor's 2021 Proposed Budget.

RES. 2020-7679  
ACQUISITION OF  
PROPERTY

G.5. Alderman Mayer moved to adopt Resolution No. 2020-7679, A RESOLUTION FOR ACQUISITION OF PROPERTY FOR PUBLIC PARK LOCATED IN THE 8100 BLOCK ON THE EAST SIDE OF SOUTH LOVERS LANE ROAD BEARING TAX KEY NOS. 801-9984-000, 801-9985-000, 801-9986-000 AND 801-9987-000 FOR \$325,000. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

EMS BILLING  
AGREEMENT

G.6. Alderman Mayer moved to approve an extension of the agreement with EMS Medical Billing Associates for Emergency Medical Service User Fee Billing Services, through December 21, 2021. Seconded by Alderman Nelson. All voted Aye; motion carried.

ORD. 2020-2451  
INSPECTION  
SERVICES VEHICLE

G.7. Alderwoman Hanneman moved to adopt Ordinance No. 2020-2451, AN ORDINANCE TO AMEND ORDINANCE 2019-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGET FOR THE EQUIPMENT REPLACEMENT FUND TO PROVIDE THE APPROPRIATION FOR REPLACEMENT INSPECTION SERVICES VEHICLE IN THE AMOUNT OF \$30,168. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

HP BACKUP  
SERVERS AND  
LICENSES

G.8. Alderman Dandrea moved to authorize the IT Director to purchase two HP backup servers and licenses through Heartland Business Systems and CDW-G, at a total cost of \$18,969, as budgeted for in the 2020 Information Services Capital Outlay budget. Seconded by Alderman Barber. All voted Aye; motion carried.

- MICROSOFT AND BITDEFENDER LICENSES      G.9.      Alderman Dandrea moved to authorize the IT Director to purchase Microsoft and Bitdefender licenses under the existing CARES Act Funding, Routes to Recovery: Local Government Aids Grant Program and the Health Department COVID-19 Contact Tracing Grant for the estimated total cost of \$11,289.48. Seconded by Alderman Mayer. All voted Aye; motion carried.
- HRA AND HSA PLANS 2021      G.10.      Alderman Mayer moved to approve Associated Bank as the administrator of the Health Reimbursement Arrangement (HRA) and Health Savings Account (HSA) plans for 2021; authorize the Director of Administration to execute the appropriate, related contracts and update the Employee Handbook as needed. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2020-7680 TID 8 DEVELOPMENT AGREEMENT      G.11.      Alderwoman Hanneman moved to adopt Resolution 2020-7680, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TAX INCREMENTAL DISTRICT NO. 8 DEVELOPMENT AGREEMENT AND A DEVELOPMENT AGREEMENT FOR TAX INCREMENTAL DISTRICT NO. 8 RELATED PUBLIC IMPROVEMENTS BETWEEN THE CITY OF FRANKLIN, JHB PROPERTIES, LLC AND ZS ENTERPRISES, LLC, SPEC AND/OR COMMERCIAL BUILDINGS MIXED USE DEVELOPMENT. Seconded by Alderman Barber. All voted Aye; Wilhelm abstained.
- LICENSES AND PERMITS      H.      Alderman Nelson moved to approve the following:
- Grant 2020-2021 Operator licenses to: Rachel Marinez, 2561 S. 13th St., Milwaukee; Frank D'Acquisto, 3322 S. 9th St., Milwaukee; Nicholas Istines, 17285 Ely Ct., Brookfield; Elizabeth Karampelas, 1435 S. Rock Pl., New Berlin; Lori Kochan, 508 W. Main St., Waterford; Owen Rangel, 8024 S. Chapel Hill Dr., Franklin; Stephanie Sanders, 7986 S. Scepter Dr., Franklin; Jaiden Thiem, 6722 Crocus Court Apt.2, Greendale; Jennifer Wall, 11021 W. Denis Ave., Hales Corners;
- Hold the Operator License application of Amanda Holterman, S110W14718 Union Church Dr., Muskego, for appearance;
- Grant Change of Agent to Pick 'n Save #6431, Joey D Merchan, 8164 S. Legend Dr., Franklin.
- Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

- I. Alderman Dandrea moved to approve the following: City vouchers with an ending date of October 15, 2020 in the amount of \$1,044,190.91; Payroll dated October 9, 2020 in the amount of \$405,916.90 and payments of the various payroll deductions in the amount of \$235,147.95 plus City matching payments; Estimated payroll dated October 23, 2020 in the amount of \$419,000.00 and payments of the various payroll deductions in the amount of \$455,000.00, plus City matching payments; Property Tax disbursements with an ending date of October 15, 2020 in the amount of \$618.18; and Approval to release payment to Ray Stadler Construction in the amount of \$64,668.00. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

EMPLOYEE  
COMPLAINT

- G.12. Alderman Barber made a motion to enter into closed session at 12:19 a.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 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, to strategize on how to address employee complaint, 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.

Upon reentering open session at 12:43 a.m., Alderman Barber moved to direct staff to proceed as discussed in closed session. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Nelson moved to adjourn the meeting at 12:44 a.m. Seconded by Alderman Mayer. All voted Aye; motion carried.