

APPROVED SEPTEMBER 7, 2021

CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 17, 2021
MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on August 17, 2021 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 Dan Mayer, Alderwoman Kristen Wilhelm, Alderwoman Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson and Aldermanic District 1 seat remained vacant. 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.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:34 p.m.
- MAYORAL
ANNOUNCEMENTS B.2. (a) A Proclamation in Recognition of Mark A. Dandrea was presented to former Alderman Dandrea by Mayor Olson.
(b) Irene Yank, Franklin High School Senior in Environmental Studies, presented a report on the unique Natural Resource features at the Conservancy for Healing and Heritage.
(c) A letter of appreciation from the Conservancy for Healing and Heritage for contribution of mulch for the Conservancy's Lake and Nature Trails was placed on file.
- APPROVAL OF
MINUTES C.1. Alderwoman Hanneman moved to approve the amended minutes of the regular Common Council Meeting of July 20, 2021 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

C.2. Alderman Barber moved to approve the minutes of the regular Common Council Meeting of August 3, 2021 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORGANIZATIONAL
BUSINESS E. Alderman Barber moved to confirm the following Mayoral Appointments:

1. Jack Takerian, 8605 River Terrace Dr., Ald. Dist. 4, Board of Water Commissioners for a 5-year term expiring 09/30/2025.
2. Matt Cool, 8820 S. 68th St., Ald. Dist. 1, Community Development Authority for a 4-year term expiring 08/30/2025.
3. Jeffrey E. Kuderski, 8135 W. High St., Ald. Dist. 1, Tourism Commission for a 1-year unexpired term expiring on 12/31/2021.

Seconded by Alderwoman Hanneman. On roll call, all voted Aye.
Motion carried.

CONSENT AGENDA G.1. Alderman Barber moved to approve the following Consent Agenda items:

RES 2021-7759 (b) Adopt Resolution No. 2021-7759, A RESOLUTION TO
DNR FORESTRY AUTHORIZE SUBMITTAL OF A 2021 GRANT
GRANT PROGRAM APPLICATION REQUEST FROM THE WISCONSIN
DEPARTMENT OF NATURAL RESOURCES URBAN
FORESTRY GRANT PROGRAM AND UNSPECIFIED
AMOUNTS FOR YET TO BE DETERMINED
CATASTROPHIC STORM EVENTS;

DPW VEHICLE (c) Authorize Department of Public Works to purchase one (1)
Used Multi-Use Municipal Snow Removal Vehicle;

RES 2021-7760 (d) Adopt Resolution No. 2021-7760, A RESOLUTION
MILLIMAN-BENEFIT ENGAGING MILLIMAN, INC. TO PERFORM ACTUARIAL
PLAN STUDY ON THE CITY OF FRANKLIN OTHER POST
EMPLOYMENT BENEFIT PLAN FOR 2021 AND 2022;

TRICK OR TREAT (e) Establish Sunday, October 31, 2021, from 4:00 p.m.-7:00 p.m.
for the Halloween Trick or Treat observance in the City of
Franklin; and

STREET CLOSURE- (f) Approve street closures on S. Legend Drive between the
OUTDOOR MOVIE- southern Franklin Public Library entrance and the Schlueter
HEALTH DEPT. Parkway intersection on Friday, August 20, 2021, in
conjunction with the City of Franklin sponsored Franklin
Outdoor Movie Night.

Approval of the Consent Agenda items was seconded by Alderwoman
Hanneman. All voted Aye; motion carried.

SPECIAL COUNCIL (a) Alderman Barber moved to approve scheduling a Special
MTG. SCHEDULED Common Council meeting, or "Roundtable Workshop," with
consultants on Thursday, August 26, 2021, at 3:00 p.m.
Seconded by Alderwoman Hanneman. All voted Aye; motion
carried.

RES. 2021-7761 G.3. Alderwoman Wilhelm motion to approve Resolution No. 2021-7761, A
LANDSCAPE RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
BUFFERYARD 2 LOT ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND
CSM (MLG AS PART OF THE APPROVAL OF A 2 LOT CERTIFIED SURVEY
DEVELOPMENT, MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY
INC.) MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11
OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION
NO. 1. (MLG DEVELOPMENT, INC.) (GENERALLY EAST OF

THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK). Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2021-7762
CONSERVATION
EASEMENT 2 LOT
CSM (MLG DEV.,
INC.)

G.4. Alderwoman Hanneman motion to approve Resolution No. 2021-7762, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1. (MLG DEVELOPMENT, INC.) (GENERALLY EAST OF THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK). Seconded by Alderman Barber. All voted Aye; Motion carried.

PARKLAND
ACQUISITION
SERVICES STUDY

G.5. No action was taken at this time following a presentation regarding the Vandewalle & Associates, Inc. support for Parkland Acquisition Services input session on a Draft Study.

VERIDIAN HOMES
SPECIAL
EXCEPTION TO
NATURAL
RESOURCES

G.6. Alderwoman Wilhelm moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Veridian Homes, LLC, Applicant; VH PVR LLC, Owner for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2021-7763
FINAL PLAT FOR
PLEASANT VIEW
RESERVE SUBD.

G.7. Alderwoman Wilhelm moved to approve Resolution No. 2021-7763, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR PLEASANT VIEW RESERVE SUBDIVISION (AT 7475 AND 7501 SOUTH 49TH STREET) (VERIDIAN HOMES, LLC, APPLICANT; VH PVR LLC, OWNER), as amended. Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2021-7764
PLEASANT VIEW
RESERVE SUBD.
PHASE 1

G.8. Alderwoman Wilhelm moved to approve Resolution No. 2021-7764, A RESOLUTION TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH VH PVR LLC FOR THE DEVELOPMENT OF PLEASANT VIEW RESERVE SUBDIVISION PHASE 1, as amended. Seconded by Alderman Nelson. All voted Aye; motion carried.

- RES. 2021-7765
STORM WATER
PLEASANT VIEW
SUBD. G.9. Alderwoman Wilhelm moved to approve Resolution No. 2021-7765, A RESOLUTION TO AUTHORIZE ACCEPTANCE OF STORM WATER FACILITIES MAINTENANCE AGREEMENT FROM VH PVR, LLC FOR THE PLEASANT VIEW RESERVE SUBDIVISION. Seconded by Alderman Barber. All voted Aye; motion carried.
- CONCEPT REVIEW
115-LOT SINGLE-
FAMILY SUBD.
BEAR DEV., LLC G.2. No action was taken following a Concept Review for a proposed 115-lot single-family residential subdivision to be located west of the Franklin Savanna Natural Area (properties bearing Tax Key Numbers 892-9999-002, 937-9999-004, and 938-9999-011) (Bear Development, LLC, Applicant).
- CORPORATE PARK G.10. Alderwoman Hanneman moved to adopt the name “Gateway Corporate Park” for the development currently known as “Area D.” Seconded by Alderman Barber. Alderwoman Hanneman withdrew her motion and moved to table until the September 7, 2021. Seconded by Alderman Barber. All voted Aye; motion carried.
- ECONOMIC
DEVELOPMENT G.11. No action was taken on a verbal update of economic development activities happening and those in the planning stages from the Director of Economic Development Calli Berg.
- Alderman Nelson vacated his seat at 9:09 p.m.
- RES. 2021-7766
CULVERT NEAR
7677 S. 68TH ST. G.12. Alderman Mayer moved to adopt Resolution No. 2021-7766, A RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO REPAIR A ROAD CULVERT AT 7677 S. 68TH STREET TO MUNICIPAL & CONTRACTORS SEALING PRODUCTS, INC., WANASEK CORPORATION, AND OTHERS AS NEEDED TO COMPLETE THE CULVERT REPAIR AND WATERMAIN REPAIRS FOR AN ESTIMATED TOTAL OF \$36,000. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2021-2476
AMEND BUDGET
ORD. TO FUNDS
TRANSFER G.13. Alderman Mayer moved to adopt Ordinance No. 2021-2476, AN ORDINANCE TO AMEND ORDINANCE 2020-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGET FOR THE GENERAL FUND TO TRANSFER \$38,000 OF INFORMATION SERVICES NON-PERSONNEL COSTS TO PERSONNEL COSTS. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- DESKTOP AND
USER SUPPORT
ADMINISTRATOR G.14. Alderman Mayer moved to authorize the hiring of a full-time ‘Desktop and User Support Administrator’ to replace the current on-premises IT Support Contractor at City Hall. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

CODE OF CONDUCT G.15. No action required at this time on an update to the proposed Code of Conduct. Consideration of this item will be requested at the September 7, 2021 Common Council meeting.

Alderman Nelson returned to his seat at 9:17 p.m.

COMMITTEE OF THE WHOLE RECOMMENDATION G.17. No action was taken on the following items discussed at the Committee of the Whole meeting of August 16, 2021:

- (a) Wholesale Public Water Supply to Franklin 2024.
- (b) Kueny Architects, LLC Status Update Concerning the Department of Public Works and Fire Needs Assessment Services Project.
- (c) Discussion of an Awareness Campaign Contract with Hausch Design Agency and Platypus Advertising and Design for a Franklin Private Property Infiltration and Inflow (PPII) Policy/Program.

NOTICE OF CLAIM FROM AUTO ACCIDENT G.20. Alderman Barber moved to deny the claim of Gerald Cutty pursuant to Wis. Stats. § 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation revealed that the City of Franklin was not liable or negligent for this accident as discussed in the Council Action sheet. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

LICENSES AND PERMITS H. Alderman Nelson moved to approve the following:

Grant 2021-2022 Operator License to: Thomas Balistreri, Nicole Baraniak, Frank Janiszewski, Nand Patel, Donna Sherman; and

Grant Temporary Entertainment and Amusement license to: Volition Franklin, Outdoor Movie Night, Ellen Henry, Health Department, City Hall, 8/20/2021.

Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

VOUCHERS AND PAYROLL I. Alderman Barber moved to approve the following: City vouchers with an ending date of August 12, 2021 in the amount of \$2,553,210.19; payroll dated August 13, 2021 in the amount of \$427,687.75 and payments of the various payroll deductions in the amount of \$242,298.24 plus City matching payments; estimated payroll dated August 27, 2021 in the amount of \$415,000 and payments of the various payroll deductions in the amount of \$555,000, plus City matching payments; property tax disbursements with an ending date of August 13, 2021 in the amount of \$3,190,281.78. payment to Bond

Trust Services in the amount of \$639,686.25 and approval to release Library vouchers not to exceed \$20,000.00. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

SAM'S REAL
ESTATE BUSINESS
TRUST V. CITY OF
FRANKLIN

- G.18. Alderman Barber moved to enter closed session at 9:21 p.m. pursuant to Wis. Stat. § 19.85 (1)(g) regarding Sam's Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV006103 and Wal-Mart Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV006148, 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 Hanneman. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 9:25 p.m., Alderman Barber moved to approve a Settlement Agreement and Mutual Release by and between Sam's Real Estate Business Trust and the City of Franklin, in the form and content as presented to the Common Council at its meeting on August 17, 2021, and to authorize Attorney Nathan J. Bayer to execute and deliver same, subject to Common Council approval of the proposed ordinance to amend the budget within Item G.16. of the August 17, 2021 Common Council meeting agenda packet. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

Alderman Barber moved to approve a Settlement Agreement and Mutual Release by and between Wal-Mart Real Estate Business Trust and the City of Franklin, in the form and content as presented to the Common Council at its meeting on August 17, 2021, and to authorize Attorney Nathan J. Bayer to execute and deliver same, subject to Common Council approval of the proposed ordinance to amend the budget within Item G.16. of the August 17, 2021 Common Council meeting agenda packet. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

ORD. 2021-2477
AMEND BUDGET
ORD. ASSESSMENT
CHALLENGES

- G.16. Alderman Barber moved to adopt Ordinance No. 2021-2477, AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE GENERAL FUND TO PROVIDE ADDITIONAL \$10,000 OF APPROPRIATIONS FOR TAX REFUNDS ON ASSESSMENT CHALLENGES. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

RES. 2020-7680
TID 8
DEVELOPMENT
AGREEMENT

G.19.

Alderman Nelson moved to enter closed session at 9:30 p.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to a Tax Incremental District No. 8 Development Agreement between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development and a Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development (Public Improvements), and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of the development agreements for the development of property located on the south side of West Elm Road in the approximately 3500 block area where West Elm Road is to be extended to the west, consisting of approximately 79.79 acres, 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 9:52 p.m., Alderman Barber moved to provide notice to the developers with regard to the developments that there will be a motion to adopt a Resolution to Rescind Resolution No. 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 at the Common Council meeting of September 21, 2021. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

ADJOURNMENT

J.

Alderwoman Hanneman moved to adjourn the meeting at 9:54 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.