

APPROVED JANUARY 4, 2022

CITY OF FRANKLIN
COMMON COUNCIL MEETING
DECEMBER 21, 2021
MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on December 21, 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 present: Alderman Ed Holpfer, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderwoman Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Also in attendance 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 6:31 p.m. and closed at 7:07 p.m.
- MINUTES
DECEMBER 7, 2021 C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of December 7, 2021 as presented at this meeting. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- ORGANIZATIONAL
BUSINESS
2022 – 2023
INSP. OF ELECTION E. Alderman Mayer moved to confirm the Mayoral appointment of Inspectors of Election and alternates for 2022 and 2023 as listed on the action request form dated 12/21/2021. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.
- DIR. OF FINANCE AND
TREASURER G.1. Alderman Holpfer moved to confirm the appointment of Bryan Tomczak as Director of Finance and Treasurer. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- ORD. TO AMEND UDO
TO ESTABLISH PDD
NO. 40
CAPE CROSSING AND
REZONE
12200 W. RYAN RD. G.2. Alderwoman Hanneman moved to table to January 18, 2022, An Ordinance to Create Section 15-3.0445 of the Franklin Unified Development Ordinance Establishing Planned Development District No. 40 (Cape Crossing) and to Rezone Property from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 40 (12200 West Ryan Road). Seconded by Alderman Nelson. All voted Aye; motion carried.
- WAYSTAR
CLEARINGHOUSE
HEALTH CONTRACT G.3. Alderman Barber moved to authorize Director of Health and Human Services to sign contract with Waystar Clearinghouse and subsequent update to Software Expressions to improve immunization clinic services. Seconded by Alderman Mayer. All voted Aye; motion carried.

- ORD. 2021-2489
AMEND CH. 178
NUISANCES -
FIREWOOD STORAGE
- G.4. Alderman Mayer moved to adopt Ordinance No. 2021-2489, AN ORDINANCE TO AMEND MUNICIPAL CODE CHAPTER 178 NUISANCES REGARDING OUTSIDE STORAGE OF FIREWOOD, as amended. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.
- PREPAY 2022 FIRE
DEPT. PUMPER
- G.5. Alderman Mayer moved to authorize to prepay 100% of the 2022 Seagrave TR50CA Marauder Pumper from the 2022 Equipment Replacement Fund to take advantage of a \$21,274 discount to the City. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- VIETNAM VETERANS
MEMORIAL REPLICA
WALL
- G.6. Alderman Barber moved to approve a contract with the Vietnam Veterans Memorial Fund, Inc. to host the display of a scale replica of 'The Wall That Heals' Vietnam Veterans Memorial located in the District of Columbia, including the Mobile Education Center, in the City of Franklin, from June 30, 2022 -July 3, 2022. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2021-2490
AMEND ORD. 2021-2486
BUDGET FOR UNUSED
2020 SENIOR TRAVEL
FUNDS
- G.7. Alderman Holpfer moved to adopt Ordinance No. 2021-2490, AN ORDINANCE TO AMEND ORDINANCE 2021-2486, AN ORDINANCE ADOPTING THE 2022 ANNUAL BUDGET FOR THE GENERAL FUND TO APPROPRIATE UNUSED 2020 FUNDS BUDGETED FOR THE SENIOR TRAVEL PROGRAM. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.
- 2022 QUARRY
MONITORING
PROFESSIONAL
SERVICES
AGREEMENT
- G.8. Alderman Barber moved to approve the Quarry Monitoring Professional Services Agreement for calendar year 2022 with Attachment A containing service details and costs as provided by Stantec Consulting Services Inc., and to authorize staff to enter into said agreement not to exceed \$45,000 subject to technical corrections by staff and the City Attorney. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- Alderman Nelson vacated his seat at 9:03 p.m.
- ORD. 2021-2491
AMEND UDO - 15-3.0603
PERMITTED USE IN B-2,
B-5, M-1 DISTRICTS
- G.9. Alderwoman Hanneman moved to adopt Ordinance No. 2021-2491, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NOS. 1711 "PLUMBING, HEATING AND AIR-CONDITIONING"; 1721 "PAINTING AND PAPER HANGING"; 1731 "ELECTRICAL WORK"; 1741 "MASONRY, STONE SETTING, AND OTHER STONE WORK"; 1742 "PLASTERING, DRYWALL, ACOUSTICAL, AND INSULATION WORK"; 1743 "TERRAZZO,

TILE, MARBLE, AND MOSAIC WORK"; 1751 "CARPENTRY WORK"; 1752 "FLOOR LAYING AND OTHER FLOOR WORK, NOT ELSEWHERE CLASSIFIED" AND 1761 "ROOFING, SIDING, AND SHEET METAL WORK" TO CHANGE SUCH USES FROM A SPECIAL USE TO A PERMITTED USE IN THE B-2 GENERAL BUSINESS DISTRICT, B-5 HIGHWAY BUSINESS DISTRICT AND M-1 LIMITED INDUSTRIAL DISTRICT (CITY OF FRANKLIN, APPLICANT). Seconded by Alderman Mayer. All voted Aye (Alderman Nelson Absent); motion carried.

RES. 2021-7811
CHANGE ORDER 2
SUPER EXCAVATORS
S. HICKORY ST.
IMPROVEMENTS

G.10. Alderman Barber moved to adopt Resolution No. 2021-7811, A RESOLUTION TO ISSUE CHANGE ORDER NO. 2 TO SUPER EXCAVATORS, INC. FOR THE SOUTH HICKORY STREET CORRIDOR UTILITY IMPROVEMENTS PROJECT SAVINGS IN THE AMOUNT OF \$79,074.12. Seconded by Alderman Holpfer. All voted Aye (Alderman Nelson Absent). Motion carried.

RES. 2021-7812
AMENDMENT 5, TASK
ORDER 5 TO RUEKERT
& MIELKE, INC. FOR W.
OAKWOOD RD.
IMPROVEMENTS

G.11. Alderwoman Hanneman moved to adopt Resolution No. 2021-7812, A RESOLUTION TO AUTHORIZE AMENDMENT 5, TO TASK ORDER 5 TO RUEKERT & MIELKE, INC. FOR IMPROVEMENTS TO EXISTING MEDIAN IN W. OAKWOOD ROAD IN THE AMOUNT OF \$28,100. Seconded by Alderman Barber (Alderman Nelson Absent). All voted Aye; motion carried.

Alderman Nelson returned to his seat at 9:06 p.m.

PUBLIC POLICY 3-2021
PPII REDUCTION
POLICY

G.12. Alderwoman Hanneman moved to direct Staff to implement Public Policy 3-2021, Private Property Inflow and Infiltration (PPII) reduction policy, as amended. Seconded by Alderman Nelson. All voted Aye; motion carried.

AMENDMENT NO. 3
SOUTHEAST
INSPECTION
MANAGEMENT
SERVICES, LLC
CONTRACT

G.13. Alderman Barber moved to approve Amendment No. 3 to the service contract between the City of Franklin and Southeast Inspection Management Services, LLC, setting the contract amount for 2022, and authorize the Director of Administration to execute the contract amendment effective January of 2022 and administer the agreement. Seconded by Alderman Mayer. All voted Aye; motion carried.

2022 AGREEMENT
GEOGRAPHIC
MARKETING
ADVANTAGE, LLC FOR
GIS SERVICES

G.14. Alderman Mayer moved to approve the agreement with Geographic Marketing Advantage, LLC for Geographic Information System (GIS) Support and Database Maintenance Services for 2022, and authorize the Director of Administration to execute and administer the contract effective January 1, 2022. Seconded by Alderman Barber. All voted Aye; motion carried.

- RES. 2021-7813
LICENSE ADDENDUM 3
WITH WE ENERGIES
TESS CORNERS CREEK
CULVERT
- G.15. Alderman Nelson moved to adopt Resolution No. 2021-7813, A RESOLUTION TO ENTER LICENSE ADDENDUM 3 WITH WISCONSIN ELECTRIC POWER COMPANY TO TRANSFER TESS COMERS CREEK CULVERT TO THE CITY OF FRANKLIN (LOCATED APPROXIMATELY 100 FEET WEST OF W. FOREST HOME AVENUE AND APPROXIMATELY 500 FEET SOUTH OF W. SUNNYBROOK ROAD). Seconded by Alderman Mayer. All voted Aye; motion carried.
- CARRY FORWARD OF
UNUSED 2021
APPROPRIATIONS
- G.16. Alderwoman Hanneman moved to authorize the carry forward of unused 2021 appropriations, for use in 2022, in the amount of \$1,475,415, and direct the Director of Finance and Treasurer to prepare a 2022 Budget modification for the same, for Council consideration. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.
- AMEND SB FRIEDMAN
AGREEMENT FOR
CONSULTING
SERVICES
- G.17. Alderwoman Hanneman moved to authorize an amendment to the existing consulting services agreement with SB Friedman for financial analysis services for existing and future TID agreements in the amount of \$25,000 and authorize the Director of Administration to amend and administer the appropriate, related contract. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RENEW CASUALTY
INSURANCE PLANS
WITH R & R
INSURANCE/LWMMI
- G.18. Alderman Mayer moved to authorize the Director of Administration to renew and execute the City's casualty insurance plans with R&R Insurance/League of Wisconsin Municipalities Mutual Insurance (LWMMI), Chubb, Hanover, and ACE American Insurance Company for 2022, as noted in the table above, for an estimated total annual premium of \$828,726, and to further authorize the payment of premiums in accordance with or as required by said policy documents. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- LICENSES AND
PERMITS
- H. Alderman Nelson moved to approve the following:
- Grant 2021-2022 Operator License to: Teri Bertram, Desmon Fitzgerald, Corie Graf, Kayla Priebe, and Theofania Topetztes subject to correction of application.
- 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 December 2, 2021 in the amount of \$1,401,311.55 and Payroll dated December 17, 2021 in the amount of \$426,380.51 and payments of the various payroll deductions in the

amount of \$242,718.45, plus City matching payments and Estimated payroll dated December 31, 2021 in the amount of \$440,000 and payments of the various payroll deductions in the amount of \$479,000, plus City matching payments and Approval to release payment to the Vietnam Veterans Memorial Fund in the amount of \$1,000 and Approval to release Employee Payroll Advances as necessary in an amount not to exceed \$30,000. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
OPIOID CRISIS
LITIGATION
CITY OF FRANKLIN V.
ACTAVIS PHARMA,
INC.

G.19. Alderman Barber moved to enter closed session at 9:29 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 settlement thereof, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

Upon re-entering open session at 9:47 p.m., Alderman Barber moved to approve the Wisconsin Local Government Memorandum of Understanding, the Wisconsin State-Local Government Memorandum of Understanding, the Settlement Participation Form for the Distributor Settlement, and the Settlement Participation Form for the Janssen Settlement, and to authorize the Mayor to execute same and all other forms, documents, communications and agreements in relation thereto as may be part of the process, including but not limited to registration on behalf of the City on the national opioid settlement website. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
TID 6 LOOMIS
BUSINESS PARK AND
WATER IMPACT FEES

G.20. Alderman Barber moved to enter closed session at 9:50 p.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to investment of public funds, including Tax Incremental District No. 6 Loomis Business Park and Water Impact Fees and governmental actions in relation thereto and to effect such acquisition for such development projects, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate; or whatever action the Council should otherwise deem appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 9:56 p.m.

CLOSED SESSION
PUBLIC
PATHWAY/TRAIL
ALONG W. CHURCH ST.

- G.21. Alderman Mayer moved to enter closed session at 9:58 p.m. pursuant to Wis. Stat. § 19.85(1)(e), for competitive and bargaining reasons, to consider the potential acquisition of a portion of the property on 11213 West Swiss Street (Tax Key No. 796-0020-000) and 11225 West Swiss Street (Tax Key No. 796-0021-001) to be used for public pathway/trail project along West Church Street, and the negotiating of the purchase and the investing of public funds, including Park Impact fees, with regard to the potential acquisition thereof, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 10:06 p.m.

ADJOURNMENT

- J. Alderman Mayer moved to adjourn the meeting at 10:06 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.