

APPROVED DECEMBER 21, 2021

CITY OF FRANKLIN COMMON COUNCIL MEETING DECEMBER 7, 2021 MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on December 7, 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.

A moment of silence was observed commemorating the 80th Anniversary of the attack on Pearl Harbor.

CITIZEN COMMENT

- B.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:33 p.m.

PROCLAMATION FOOTBALL CHAMPIONSHIP

- B.2. Mayor Olson noted a Proclamation In Highly Earned Honor and Historic Recognition of the 2021 Franklin High School Football Wisconsin Division 1 State Champions that was presented on December 4, 2021.

MINUTES NOVEMBER 16, 2021

- C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of November 16, 2021 as presented at this meeting. Seconded by Alderman Holpfer. All voted Aye; motion carried.

ORGANIZATIONAL BUSINESS

- E. Alderwoman Hanneman moved to confirm the following Mayoral appointments:

TOURISM COMMISSION APPOINTMENTS

Tourism Commission:

Hotel/Motel Industry Member: Lance Schaefer, Everest Hospitality, LLC, 6901 S. 76th Street, Ald. District 2, for a 1-year term expiring 12/31/2022; Shaun Marefka, 7644 S. Mission Court, Ald. District 2, for a 1-year term expiring 12/31/2022; Edward Holpfer, 8058 S. 72nd Street, Ald. District 1, for a 1-year term expiring 12/31/2022; Mark Wylie, 7648 Carter Circle S., Ald. District 5, for a 1-year term expiring 12/31/2022; and Jeffrey Kuderski, 8135 W. High Street, Ald. Dist. 1, for a 1-year term expiring 12/31/2022.

Seconded by Alderman Barber. On roll call, all voted aye. Motion carried.

CONSENT AGENDA

Alderman Nelson moved to approve the following items on the consent agenda:

- RES. 2021-7805
FENCE INSTALLATION
10591 W. CORTEZ CIR.
- G.1.(a) Adopt Resolution No. 2021-7805, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE WEST ONE-HALF (1/2) OF THE 20-FOOT WIDE STORM SEWER EASEMENT AT 10591 WEST CORTEZ CIRCLE (TAX KEY NO. 747-0035-001), (WHITNALL POINTE LIMITED PARTNERSHIP AS APPLICANT), as amended to include consent forms to be executed by the property owners and as well as specific privilege of the City to maintain the public utility need of the easement area and not responsibility for any damage to the fences in relation thereto;
- RES. 2021-7806
FENCE INSTALLATION
8211 S. 59TH ST.
- G.1.(b) Adopt Resolution No. 2021-7806, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 30-FOOT PUBLIC UTILITY EASEMENT UPON LOT 13 IN BLOCK 10 OF ROOT RIVER HEIGHTS (8211 S. 59TH STREET) (TAX KEY NO. 806-0174-000) (BERNADETTE KAGEL, APPLICANT), as amended to include consent forms to be executed by the property owners and as well as specific privilege of the City to maintain the public utility need of the easement area and not responsibility for any damage to the fences in relation thereto;
- SOLICIT QUOTES FOR
HIGHWAY EQUIPMENT
- G.1.(c) Authorize staff to solicit quotes for equipment considered in the 2022 Highway Equipment Replacement and Capital Outlay Funds;
- RES. 2021-7807
AGREEMENT WITH JSA
ENVIRONMENTAL,
INC. FOR LANDFILL
MONITORING
- G.1.(d) Adopt Resolution No. 2021-7807, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL FACILITY TO DECEMBER 31, 2022, WITH JSA ENVIRONMENTAL, INC.; and
- ORD. 2021-2485
ESTABLISH ALD. AND
WARD BOUNDARIES
- G.1.(e) Adopt Ordinance No. 2021-2485, AN ORDINANCE TO AMEND §30-1. OF THE MUNICIPAL CODE TO ESTABLISH ALDERMANIC DISTRICT AND WARD BOUNDARIES (INTRODUCED ON NOVEMBER 2, 2021).

Approval of the consent agenda items was seconded by Alderman Holpfer. All voted Aye; motion carried.

- FRANKLIN SR. TRAVEL PROGRAM
UNSPENT FUNDS G.2. Alderman Mayer moved to direct staff to prepare a budget amendment in the amount of \$10,820 to restore the 2020 funds for the Franklin Senior Travel Program and further to direct staff to bring a carryover request to the next Common Council meeting for \$6,815 of existing budget funds for the Senior Travel Program to be used in 2022. Seconded by Alderwoman Hanneman. Alderwoman Hanneman withdrew her motion. The motion was then seconded by Alderwoman Wilhelm.
- Alderwoman Wilhelm moved to call the question. Seconded by Alderman Mayer. On roll call, Alderman Nelson, Alderwoman Wilhelm, Alderman Mayer, and Alderman Holpfer voted Aye; Alderman Barber and Alderwoman Hanneman voted No. Motion carried.
- On the vote for the main motion, all voted Aye; motion carried.
- PURCHASE SEAGRAVE FIRE TRUCK PUMPER G.3. Alderwoman Wilhelm moved to authorize the Fire Department to place the order for purchase of a Seagrave Marauder TR-50 Pumper from the 2022 Equipment Replacement Fund at a cost of \$739,539.00 with contract changes by the Dir. of Administration. Seconded by Alderman Nelson. All voted Aye; motion carried. Vote recorded as a unanimous vote.
- PURCHASE FIVE THERMAL IMAGING CAMERAS G.4. Alderwoman Wilhelm moved to authorize the purchase of five FLIR K-55 Thermal Imaging Cameras at a cost not to exceed \$23,450 and utilize a grant in the amount of \$7,955 toward the purchase, pending the approval of the budget amendment for the same (see Item G.5.). Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORD. 2021-2487
AMENDING BUDGET FOR PURCHASE OF THERMAL IMAGING CAMERAS G.5. Alderwoman Wilhelm moved to adopt Ordinance No. 2021-2487, AN ORDINANCE TO AMEND ORDINANCE NO. 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGET FOR THE CAPITAL OUTLAY FUND TO PROVIDE \$23,450 OF APPROPRIATIONS FOR THE PURCHASE OF FIVE THERMAL IMAGING CAMERAS (see Item G.4.). Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.
- ORD. 2021-2488
AMEND UDO FOR PDD 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) MOSH FOR THE YMCA G.6. Alderman Barber moved to adopt Ordinance No. 2021-2488, AN ORDINANCE TO AMEND §15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO ADD A USE AND HOURS OF OPERATION FOR THE INDOOR SPORTS COMPLEX (MIDWEST ORTHOPEDIC SPECIALTY HOSPITAL (MOSH))

PERFORMANCE CENTER) FOR THE YMCA OF METROPOLITAN MILWAUKEE FITNESS STUDIO/GYM USE (CHRISTOPHER D. BUDAY, RIVER ROCK PERFORMANCE PROPERTIES, LLC, APPLICANT) (7095 SOUTH BALLPARK DRIVE). Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2021-7808
CONSERVATION
EASEMENT (DOROTHY
BOSCH COMMON
TRUST)

G.7. Alderman Nelson moved to adopt Resolution No. 2021-7808, 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 THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (DOROTHY BOSCH COMMON TRUST, APPLICANT) (AT 10757 SOUTH 92ND STREET), subject to technical corrections. Seconded by Alderman Mayer. All voted Aye; motion carried.

EDC ADVERTISING
PACKAGE WITH
MULTIVIEW

G.8. Alderman Barber moved to accept the Economic Development Commission recommendation regarding the advertising package for fiscal year 2022, and approve the purchase of a \$18,000 advertising package with Multiview using funds allocated for marketing in the 2021 Economic Development budget on the City's standard form contract with changes by the Dir. of Administration and City Attorney. Seconded by Alderman Holpfer.

Alderman Barber moved to call the question. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

On the vote for the main motion, all voted Aye; motion carried.

SCHEDULE FOR
RESIDENTIAL. BRUSH
DROP-OFF AND
RECYCLING

G.9. Alderman Barber moved to modify the current schedule for Franklin Residential Brush Drop-Off and Recycling Center at 7979 West Ryan Road to operate only on Tuesdays and Thursdays. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2021-7809
PURCHASE 0.1767
ACRES FROM PAYNE &
DOLAN

G.10. Alderman Barber moved to adopt Resolution No. 2021-7809, A RESOLUTION TO AUTHORIZE THE PURCHASE 0.1767 ACRES FROM PAYNE AND DOLAN, INC. FOR THE S. 51ST STREET AND W. DREXEL AVENUE PROJECT FOR A NOT TO EXCEED AMOUNT OF \$16,000. Seconded by Alderman Holpfer. All voted Aye; motion carried.

- RES. 2021-7810
COLLATERAL
ASSIGNMENT OF DEV.
AGREEMENT
OAKWOOD
INDUSTRIAL LLC
- G.11. Alderwoman Hanneman moved to adopt Resolution No. 2021-7810, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN ACKNOWLEDGEMENT OF COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT FROM OAKWOOD INDUSTRIAL LLC TO ASSOCIATED BANK, NATIONAL ASSOCIATION. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- HRA AND HSA ISSUE
2021 HEALTH INS.
PLAN
- G.12. Alderman Mayer moved to approve the following correction of a recently identified issue with the City’s 2021 Health Insurance Plan related to the HRA and HSA components, and authorize the Director of Administration to implement the correction prior to the end of 2021: Make the correction by taxing all HSA funds contributed in 2021, during months that the employee/employee’s family members received HRA funds. While this is not a perfect solution, it has been reviewed by outside legal counsel, whose recommendation is that the City is on relatively solid ground with this resolution. This resolution will affect only a portion of those on the family plan through the HDHP, and only for the months in which the employee/employee’s family were in the process of utilizing HRA funds. As part of this resolution, there would be some additional assurances, i.e., indemnification for a period of time in case this solution would be later identified as being short of a full resolution, to further protect the City. This resolution will include ensuring that employees are not negatively financially impacted. Seconded by Alderman Barber. All voted Aye; motion carried.
- OCT. FINANCIAL
REPORT
- G.13. Alderman Barber moved to accept and place on file the October 2021 Monthly Financial Report. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- LICENSES AND
PERMITS
- H. Alderman Nelson moved to approve the following:
- Grant 2021-2022 Operator License to: Lillian Krieger, Natalie Stublaski, Takara White; and
- Approve the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to the following:
1. Xaverian Missionaries - Annual Mission Festival, 4500 W Xavier Dr, Extraordinary Event License, Temporary Class “B” Beer and Wine License, Operator Licenses, Temporary Food Licenses, and Sign Permits, June 25 and 26, 2022, Pending Proof of Insurance;
 2. Franklin Noon Lions Club - Civic Celebration Licenses, Temporary Class “B” Beer, Operators, Food, July 1, 2, 3, and

- 4, 2022; St Martin's Fair Labor Day Licenses, Temporary Class "B" Beer, Operators, Peddler's Permit, September 4 and 5, 2022, Pending Proof of Insurance;
3. Franklin Lions Foundation - Meetings & Fund Raisers, Easter Egg Hunt, Lions Legend Park I, April 16, 2022; Club Meetings, Ken Windl Pavilion, June 14, July 12, and September 13, 2022; St Martin's Labor Day Fair, Temporary Class "B" Beer, Operators, Peddler's Permit, September 4 and 5, 2022; and
4. Franklin Park Concerts, Inc – Free Concerts, Lions Legend Park I, Park Permits, Band Shell Fees, June 26, July 10, July 24, August 7 and August 21, 2022.

Seconded by Alderman Holpfer. 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 \$3,477,079.54; Payroll dated November 19, 2021 in the amount of \$422,493.65 and payments of the various payroll deductions in the amount of \$447,683.93, plus City matching payments; Payroll dated December 3, 2021 in the amount of \$425,535.84 and payments of the various payroll deductions in the amount of \$244,211.52, plus City matching payments; Estimated payroll dated December 17, 2021 in the amount of \$440,000 and payments of the various payroll deductions in the amount of \$485,000, plus City matching payments and; Approval to release payment to Payne & Dolan, not to exceed \$16,000. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
PAUL R. CONFORTI,
ET AL.

- G.14. Alderman Holpfer moved to enter closed session at 7:33 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 *Paul R. Conforti, et al. v. City of Franklin, et al.*, Milwaukee County Circuit Court, Case No. 20-CV09758, 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.

The Common Council reentered open session at 7:52 p.m.

CLOSED SESSION
3151 W. ELM ROAD,
LLC

- G.15. Alderwoman Hanneman moved to enter closed session at 7:52 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 *3151 W. Elm Road, LLC v.*

City of Franklin, Milwaukee County Circuit Court, Case No. 20-CV-3637, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 8:25 p.m.

CLOSED SESSION
FRANKLIN COMM.
ADVOCATES, ET AL.

- G.16. Alderman Holpfer moved to enter closed session at 8:26 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 *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 9:04 p.m.

ADJOURNMENT

- J. Alderman Holpfer moved to adjourn the meeting at 9:04 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.