

APPROVED AUGUST 17, 2021

CITY OF FRANKLIN COMMON COUNCIL MEETING JULY 20, 2021 MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on July 20, 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 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 6:30 p.m. and closed at 6:43 p.m.
- MINUTES
JULY 6, 2021 C. Alderman Barber moved to approve the minutes of the regular Common Council Meeting of July 6, 2021 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- CONSENT AGENDA G.1. Alderwoman Hanneman moved to approve the following Consent Agenda items:
- RES. 2021-7750 (a) Adopt Resolution No. 2021-7750, A RESOLUTION TO
GRAEF-USA EXECUTE CHANGE ORDER NO. 1 TO GRAEF-USA, INC
REDUCTION \$15,000 FOR A REDUCTION OF \$15,000 AS PART OF THE
S. 116TH TRAIL S. 116TH STREET TRAIL PROJECT;
- RES. 2021-7751 (b) Adopt Resolution No. 2021-7751, A RESOLUTION TO
LYNCH & ASSOC. EXECUTE CHANGE ORDER NO. 1 TO LYNCH &
REDUCTION \$58,000 ASSOCIATES, ENGINEERING CONSULTANTS, LLC FOR
2020 MARQUETTE A REDUCTION OF \$58,000 AS PART OF THE 2020
AVE. MARQUETTE AVENUE ROAD PROJECT;
- ORD. 2021-2470 (c) Adopt Ordinance No. 2021-2470, AN ORDINANCE TO
PUBLIC AND AMEND THE MUNICIPAL CODE TO PROVIDE FOR
PRIVATE DEFINED PUBLIC AND PRIVATE PROPERTY OWNERS'
OWNERSHIP OF OWNERSHIP DISTINCTION OF PUBLIC WATER AND
WATER/SEWER SEWER SERVICES UTILITIES INFRASTRUCTURE;
- CDBG (d) Authorization for the Director of Administration to submit
PROGRAM Letters of Support for the Eras Senior Network, Inc. Faith in
Action Milwaukee County Program for \$5,000 and Oak Creek

Salvation Army-Homelessness Program for \$3,000; to submit a project application for Senior Health-Related Educational Programming for \$5,000; and to submit a project application for a Franklin Home Repair Grant Program that would be administered directly through Milwaukee County, for the remaining portion of the City's Community Development Block Grant Program annual allocation by the deadline of August 25, 2021; and

DONATIONS MAY
AND JUNE 2021

- (e) Accept donations for May and June, 2021, as provided in the packet for this meeting.

Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2021-2471
UNIFORM
CONTROLLED
SUBSTANCE ACT

- G.2. Alderman Barber moved to adopt Ordinance No. 2021-2471, AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO PROHIBIT THE MANUFACTURE, DISTRIBUTION, DISPENSING AND POSSESSION OF CONTROLLED SUBSTANCES AND RELATED OFFENSES AS SET FORTH IN WIS. STAT. CH. 961 UNIFORM CONTROLLED SUBSTANCES ACT. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

ORD. 2021-2472
POLICE VIDEO
RECORDING
SYSTEM

- G.3. Alderman Mayer moved to adopt Ordinance No. 2021-2472, AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT FUND TO PROVIDE \$58,000 OF APPROPRIATIONS FOR ADDITIONAL STORAGE FOR A POLICE VIDEO RECORDING SYSTEM USING SAVINGS ON THE NEXTGEN 9-1-1 PROJECT. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

ADDITIONAL
STORAGE FOR IN-
SQUAD VIDEO
SYSTEM

- G.4. Alderman Mayer moved to approve the purchase of storage costs for the WatchGuard In-Squad Video Recording System, and to approve use of uncommitted funds from the 2021 Capital Budgeted NextGen 9-1-1 project to purchase the storage. Seconded by Alderman Dandrea. All voted Aye; motion carried.

FIRE DEPT.
WIRELESS DATA
ASSISTANT
LICENSES

- G.5. Alderman Mayer moved to approve the Fire Department special purchase of a Pro-Phoenix WDA Site License at a cost of \$3,990 using existing Fire Department grant funding. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

- RES. 2021-7752
PEDESTRIAN
ACCESS W. FOREST
HOME ROAD
RECONDITIONING
PROJECT
- G.6. Alderman Nelson moved to adopt Resolution No. 2021-7752, A RESOLUTION FOR INCLUSION OF PEDESTRIAN ACCESS FOR WEST FOREST HOME AVENUE (CTH 00) IN A 2023 MILWAUKEE COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) ROAD RECONDITIONING PROJECT. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2021-7753
GRAEF-USA INC. TO
DESIGN A PORTION
OF RYAN CREEK
TRAIL
- G.10. Alderman Nelson moved to adopt Resolution No. 2021-7753, A RESOLUTION TO AUTHORIZE GRAEF-USA INC. TO DESIGN A PORTION OF RYAN CREEK TRAIL THROUGH THE RYAN MEADOWS SUBDIVISION (WEST CHICORY STREET TO SOUTH 112TH STREET) FOR \$50,000 and authorize this trail project to be publicly bid in 2021. Seconded by Alderman Barber. All voted Aye; motion carried.
- PROCEDURE FOR
FILLING FIRST
ALDERMANIC
VACANCY
- G.7. Alderwoman Wilhelm moved to accept letters from residents interested in filling the First District Aldermanic position created by the resignation of Alderman Dandrea (effective July 21, 2021), and that the deadline for filling letters of intent with the Director of Clerk Services/City Clerk be 5:00 p.m. on August 19, 2021, with interested residents listed for presentations at the Common Council meeting of August 25, 2021 at 6:30 p.m. Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Wilhelm, and Alderman Mayer voted Aye; Alderwoman Hanneman voted No; and Alderman Dandrea Abstained. Motion carried.
- RES. 2021-7754
2 LOT CSM
12000 W. LOOMIS
RD. AND 12204 W.
LOOMIS RD.
- G.8. Alderman Nelson moved to adopt Resolution No. 2021-7754, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT (BOOMTOWN, LLC, PROPERTY OWNER)) (AT 12000 WEST LOOMIS ROAD AND 12204 WEST LOOMIS ROAD). Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2021-7755
REIMBURSE VEIT &
CO. INC. AND
STARK PAVEMENT
FOR PORTION OF
RYAN CREEK TRAIL
- G.9. Alderman Nelson moved to adopt Resolution No. 2021-7755, A RESOLUTION TO AMEND RESOLUTION 2021-7743 AND TO REIMBURSE VEIT & COMPANY, INC. AND STARK PAVEMENT CORPORATION TO CONSTRUCT A PORTION OF THE RYAN CREEK TRAIL IN THE RYAN MEADOWS SUBDIVISION FOR \$69,662.50. Seconded by Alderman Mayer. All voted Aye; motion carried.

- ORD. 2021-2473
PARKING
RESTRICTIONS
HAWTHORNE
SUBDIVISION
- G.11. Alderman Mayer moved to adopt Ordinance No. 2021-2473, AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-5. D. (4) DESIGNATING PARKING RESTRICTIONS IN AND AROUND THE HAWTHORNE SUBDIVISION INCLUDING PORTIONS OF W. HAWTHORNE LANE, W. HAWTHORNE COURT, W. MEADOW LANE, S. 90TH STREET, S. 92ND STREET, AND W. RAWSON AVENUE. Seconded by Alderman Barber. All voted Aye. Motion carried.
- STAIRS AT 7044 S.
BALLPARK DR.
- G.12. Alderman Nelson moved to direct Staff to provide stairs and associated appurtenances at 7044 S. Ballpark Drive for a budget of \$3,500. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2021-7756
W. RYAN RD./
S. 76TH ST. AREA
MASTER SEWER
PLANNING
- G.13. Alderman Nelson moved to adopt Resolution No. 2021-7756, A RESOLUTION TO AUTHORIZE FOTH INFRASTRUCTURE & ENVIRONMENT, LLC TO PERFORM A W. RYAN ROAD / S. 76TH STREET AREA MASTER SEWER PLANNING FOR \$14,700 subject to technical and minor corrections by City Engineer Morrow and City Attorney. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- CODE OF CONDUCT
FOR ELECTED AND
APPOINTED
OFFICIALS
- G.14. Alderman Mayer moved to table to the September 7, 2021 Common Council meeting, A Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council. Seconded by Alderman Nelson. All voted Aye; motion carried.
- ORD. 2021-2474
AMEND THE 2021
ANNUAL BUDGET
- G.15. Alderwoman Hanneman moved to adopt Ordinance No. 2021-2474, AN ORDINANCE TO AMEND ORDINANCE NO. 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT AND DEVELOPMENT FUNDS TO PROVIDE \$144,400 ADDITIONAL RECREATION FACILITIES APPROPRIATIONS AND TRANSFERS OF RELATED PARK IMPACT FEES AND \$6,500 OF MARQUETTE AVENUE ROAD PROJECT COSTS. Seconded by Alderman Nelson. On roll call. All voted Aye. Motion carried.
- LICENSES AND
PERMITS
- H. Alderman Nelson moved to approve the following:
- Grant 2021-2022 Operator Licenses to: Heather Flores; Jessica Hogan; Brandon Bhatti; Samuel Danowski; Tracey Deak; Taylor Klafka; David Lindner; Brianna Mayer; Troy Petroske; Daniel Stadler; Reilly Stewart; Brenda Valadez-Servin; Jeffrey Zarka;

Hold the 2021-2022 Operator License application of: Brandon Hamilton-Smith;

Amend the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant of the following: Franklin Health Department to include Event No. 3 / Park Rental Fee at Kayla's Playground for September 21, 2021;

Grant Class A Combination to: Andytone Inc., Agent Sunny Patel, 6507 S. 27th St. pending inspection;

Grant Temporary "Class B" licenses to: Franklin Lioness Club, Gloria Grabarczyk, St Martins Fair, September 5 & 6, 2021; Franklin Lions Club, David Linder, St. Martins Fair, September 5 & 6, 2021;

Grant Change in Premise Description to: Polish Heritage Alliance Inc., Agent Jeffrey Kuderski, 6941 S 68th St;

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

VOUCHERS AND
PAYROLL

I. Alderman Barber moved to approve the following:

City vouchers with an ending date of July 15, 2021 in the amount of \$852,802.07; Payroll dated July 16, 2021 in the amount of \$430,409.40 and payments of the various payroll deductions in the amount of \$241,460.04 plus City matching payments; Estimated payroll dated July 30, 2021 in the amount of \$457,000.00 and payments of the various payroll deductions in the amount of \$455,000, plus City matching payments. 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 Dandrea moved to enter closed session at 8:16 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 litigation (*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)., 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 8:36 p.m.

POTENTIAL
ACQUISITION OF
LAND AT 6855 S.
27TH ST.

G.19. Alderman Dandrea moved to enter closed session at 8:40 p.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of property located immediately west of 6855 S. 27 Street (Tax Key No. 738-9974-005) to be used for public dog park purposes in the City, 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. All voted Aye; motion carried.

Upon reentering open session at 8:55 p.m., Alderman Dandrea moved that the City will not pursue a dog park in the location of 6855 S. 27th Street (Tax Key No. 738-9974-005) and will not negotiate a land purchase. Seconded by Alderman Barber. All voted Aye; motion carried.

SIGMA GROUP, INC.

G.17. Alderwoman Hanneman moved to authorize additional \$3,035 for the Sigma Group, Inc. for extra effort related to a proposal to develop a dog park on property located immediately west of 6855 South 27th Street (Tax Key No. 738-9974-005). Seconded by Alderman Barber. All voted Aye; motion carried.

PARKLAND
ACQUISITION

G.16. Status update of the Parkland Acquisition Study was provided by Alderwoman Hanneman. No action required.

ADJOURNMENT

J. Alderman Nelson moved to adjourn the meeting at 9:05 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.