

APPROVED OCTOBER 19, 2021

CITY OF FRANKLIN COMMON COUNCIL MEETING OCTOBER 5, 2021 MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on October 5, 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 Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Not present was Alderwoman Kristen Wilhelm. 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 6:32 p.m. and closed at 6:39 p.m.
- MINUTES
SEPT. 21, 2021 C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of September 21, 2021 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORGANIZATIONAL
BUSINESS E. Alderman Nelson moved to confirm the following Mayoral appointments:
- Architectural Board:
- (1) Craig Marifke, 10402 W. Herda Pl., Ald. Dist. 6, Alternate Member for a 3 year unexpired term expiring 04/30/24.
- (2) Karen Marschner, 10340 W. Whitnall Edge Dr., Unit #102, Ald. Dist. 6, Alternate Member for a 3 year unexpired term expiring 04/30/24.
- Community Development Authority:
- (3) Curtis Schmitt, 10505 W. Candlestick Ln., Ald. Dist. 2, for a 4 year unexpired term expiring 08/30/24.
- Environmental Commission:
- (4) Thomas Niemiec, 4107 W. College Ave., Ald. Dist. 3, for a 3 year unexpired term expiring 04/30/23.
- Parks Commission:
- (5) Karen Malecki, 8072 S. 59th St., Ald. Dist. 5, for a 3 year unexpired term expiring 04/30/22.
- Board of Public Works:
- (6) James Witt, 6540 S. 51st St., Ald. Dist. 3, for a 3 year unexpired term expiring 04/30/23.

Technology Commission:

- (7) Michelle Tischer, 11385 W. Rawson Ave., Ald. Dist. 2, for a 3 year unexpired term expiring 04/30/24.

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

- RES. 2021-7782
CSM
10757 S. 92ND ST.
DOROTHY BOSCH
COMMON TRUST
- G.1. Alderman Nelson moved to adopt Resolution No. 2021-7782, A RESOLUTION CONDITIONALLY APPROVING 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). Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORD. 2021-2481
AMEND §15-3.0430,
PPD NO. 25
WOODLAND TRAILS
CONDOS FAÇADE
CHANGES
- G.2. Alderwoman Hanneman moved to adopt Ordinance No. 2021-2481, AN ORDINANCE TO AMEND §15-3.0430 OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 25 (WOODLAND TRAILS CONDOMINIUMS-BURKE PROPERTIES) TO ALLOW FOR FAÇADE CHANGES WITHIN THE WOODLAND TRAILS CONDOMINIUMS COMPLEX (WOODLAND TRAILS CONDOMINIUM ASSOCIATION, INC., APPLICANT) (9301, 9325, 9337, 9363, 9375, 9399 AND 9411 COBBLESTONE WAY). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2021-7783
AMEND RES. NO.
2019-7522 AND QUIT
CLAIM DEED FOR
RIGHT-OF-WAY FOR
VELO VILLAGE
APTS.
- G.3. Alderman Holpfer moved to adopt Resolution No. 2021-7783, A RESOLUTION TO AMEND RESOLUTION NO. 2019-7522 AND QUIT CLAIM DEED FOR DEDICATION AND ACCEPTANCE OF RIGHT-OF-WAY FOR VELO VILLAGE APARTMENTS, LLC FOR PUBLIC ROAD/RIGHT-OF-WAY PURPOSES (TAX KEY NO. 754-9002-000). Seconded by Alderman Barber. All voted Aye; motion carried.
- POLICE OFFICER
HIRING
- G.4. Alderman Mayer moved to authorize the hiring of a Police Officer or Recruit Officer that is currently filled by an officer on unpaid administrative leave. Seconded by Alderman Barber. All voted Aye; motion carried.
- FIRE INSPECTOR
POSITION AND ICA
AGREEMENT WITH
OAK CREEK
- G.5. Alderwoman Hanneman moved to approve to reclassify and fill a previously approved half-time Fire Inspector position as a full-time position, shared with the Oak Creek Fire Department and execute an Intergovernmental Cooperation Agreement (ICA) with the City of Oak Creek. Seconded by Alderman Mayer. All voted Aye; motion carried.

- CONTRACT WITH
MAXIM LOCUM
TENENS &
ADVANCED
PRACTITIONERS
- G.6. Alderman Barber moved to authorize the Director of Health and Human Services to allow a contract with Maxim Locum Tenens and Advanced Practitioners for temporary staff position of an Epidemiologist. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- CONTRACTS FOR
COVID-19
MITIGATION
- G.7. Alderman Barber moved to allow the Director of Health and Human Services to accept and sign the Division of Public Health Consolidated Contracts for Continued COVID-19 Mitigation and Recovery Efforts. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2021-7784
FENCE WITHIN 10-FT
STORM SEWER
EASEMENT
4818 W. ANITA LN.
- G.8. Alderman Barber moved to adopt Resolution No. 2021-7784, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 10-FOOT STORM SEWER EASEMENT, UPON LOT 101 OF HIGH VIEW ESTATES ADDITION NO 2 (4818 W. ANITA LANE) (TAX KEY NO. 834-0074-000) (RATTAN SONI AND AMITA SONI, APPLICANTS). Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2021-7785
STATE/MUNI
FINANCIAL &
MAINTENANCE
AGREEMENTS FOR
WI DOT PROJECT ON
S. LOVERS LANE RD.
- G.9. Alderman Holpfer moved to adopt Resolution No. 2021-7785, A RESOLUTION TO EXECUTE STATE/MUNICIPAL FINANCIAL AGREEMENT AND A STATE/MUNICIPAL MAINTENANCE AGREEMENT FOR IMPROVEMENTS RELATED TO A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON S. LOVERS LANE RD (USH 45 / STH 100) FROM W. RAWSON AVENUE (CTH BB) TO W. COLLEGE AVENUE IN THE AMOUNT OF \$188,330. Seconded by Alderman Mayer. All voted Aye; motion carried.
- SPECIFICATIONS
WITH INDUSTRIAL
ROOFING SERVICES
WORK ORDER
- G.10. Alderman Barber moved to authorize an Annual Maintenance Repair Specifications Work Order with regard to City of Franklin facilities and associated infrastructure, with Industrial Roofing Services, Inc. (IRS) and to authorize the Director of Administration to execute the appropriate related agreement as needed. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2021-2482
AMEND ORD. NO.
2020-2453 FOR
CAPITAL OUTLAY
FUND FOR UDO
REWRITE PROJECT
- G.11. Alderman Nelson moved to adopt Ordinance No. 2021-2482, AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY FUND TO PROVIDE \$7,190 OF APPROPRIATIONS FOR THE UPDATE OF THE UNIFIED DEVELOPMENT ORDINANCE REWRITE PROJECT. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

- RES. NO. 2021-7786
SIGNATURES FOR
CHECKS AND
ORDERS
- G.12. Alderman Barber moved to adopt Resolution No. 2021-7786, A RESOLUTION DESIGNATING SIGNATURES FOR CHECKS AND ORDERS PURSUANT TO WI STATE § 66.0607. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- AUGUST 2021
FINANCIAL REPORT
- G.13. Alderman Nelson moved to receive and place on file the August 2021 Financial Report. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- 2022 EMPLOYEE
BENEFIT-RELATED
COVERAGES
- G.14. Alderman Barber moved to approve the 2022 employee benefit-related coverages, carriers and premium shares, including: health insurance, wellness, health and wellness supplementary programs and dental insurance; and authorize the Director of Administration to execute the appropriate related contracts. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. NO. 2021-7787
CODE OF CONDUCT
FOR ELECTED AND
APPOINTED
OFFICIALS
- G.15. Upon recommendation of the Committee of the Whole, Alderman Barber moved to adopt Resolution No. 2021-7787, A RESOLUTION ADOPTING THE CITY OF FRANKLIN CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND THE RULES OF THE COMMON COUNCIL, and include these documents in the newly created Common Council Reference Manual with the following changes from what was included in the 10/04/2021 meeting packet:
- 1) Draft Code of Conduct: Change the title from the existing “City of Franklin Code of Conduct” to “City of Franklin Code of Conduct and Ethics”.
 - 2) Draft Code of Conduct: Add “Section 9: Ethics” to the City of Franklin Code of Conduct and Ethics and move the entire contents of the current Attachment A (Ethics Section) into the newly established Section 9.
 - 3) Draft Rules of the Common Council: Change Section 14, the first sentence of paragraph two from “The City of Franklin utilizes the following process to fill a Council vacancy” to “The City of Franklin has utilized the following process to fill Council vacancies”.
 - 4) Draft Rules of the Common Council: Change Section 14, the last sentence from “This process is utilized when Council determines that it wishes to fill a vacated Council seat through an appointment process.” to “This process may be altered in the future when Council determines that it wishes to fill a vacated Council seat through an appointment process.”
 - 5) Draft Rules of the Common Council: Change Section 5 n. from, “The Presiding Officer can (but is not obligated) to vote whenever his/her vote will affect the result—that is, he/she

can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he/she can vote either to cause or to block the attainment of the necessary two-thirds vote.”, to “Per Wisconsin State Statutes § 62.11(1), the Mayor shall not be counted in determining whether a quorum is present at a meeting, but may vote in case of a tie. When the Mayor does vote in case of a tie the Mayor’s vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. The foregoing Mayoral vote, only in case of a tie, is not applicable when the Mayor is serving as the Presiding Officer of other City Boards/Commissions/Committees, during which the Mayor can (but is not obligated) to vote whenever his/her vote will affect the result—that is, he/she can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he/she can vote either to cause or to block the attainment of the necessary two-thirds vote.

When the Council President is fulfilling the role of the Presiding Officer at a Common Council Meeting, he/she may exercise, at his or her option, the voting rights of an Alderman or may choose not to vote and instead act as the Mayor to cast a tie-breaking vote. In this circumstance, the Council President should announce whether he/she is acting as Mayor or Alderman on each proposal to be voted upon.”

Seconded by Alderwoman Hanneman. All voted Aye; motion carried. (Vote recorded as unanimous).

LICENSES AND PERMITS

H. Alderman Nelson moved to approve the following:

Grant 2021-2022 Operator License to: Juan Villa with a warning letter from the City Clerk, Joshua Bishop, Erik Bogust, Elizabeth Granrath, Ivana Peric, McKenna Surma, Katiana Valle; and

Grant 2021-2022 “Class A” Beer & Liquor Change of Agent to: Walgreen Co, Elaine Blumreiter; Nerankar, LLC, Vinder Kumar.

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 October 1, 2021 in the amount of \$966,983.97; Payroll dated September 24, 2021 in the amount of \$439,133.78 and payments of the various payroll deductions in the amount of \$471,844.09 plus City matching payments; Estimated payroll dated October 8, 2021 in the amount of \$410,000 and payments of the

various payroll deductions in the amount of \$240,000 plus City matching payments. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
REGARDING HUMAN
HEALTH HAZARD AT
6043 W. GLEN CT.

G.17. Alderman Barber moved to enter closed session regarding single-family residence property at 6043 West Glen Court, Franklin, Wisconsin, Tax Key No. 805-0046-000, human health hazard on private premises and unfit for human habitation property. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to deliberate the investing of public funds and governmental actions in relation thereto with regard to the 6043 West Glen Court human health hazard on private premises and unfit for human habitation property, and 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 in which it is likely to become involved with regard to the 6043 West Glen Court human health hazard on private premises and unfit for human habitation property. Seconded by Alderwoman Hanneman. On roll call, all voted aye. Motion carried.

Upon reentering open session at 7:45 p.m., Alderman Barber moved to direct staff to proceed as discussed in closed session. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

CLOSED SESSION
RES. No. 2021-7788
AMEND RES. 2020-
7681
SPECIAL USE FOR
MEAT PROCESSING
FACILITY
LOT 83 F RYAN
MEADOWS SUBD.

G.16. As the subject special use development is a subject in the litigation matter Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC, Milwaukee County Circuit Court Case No. 20-CV-7031, which litigation matter is in process and pending at this time, Alderman Nelson moved to enter closed session at 7:47 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 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.

Upon re-entering open session at 7:58 p.m., Alderwoman Hanneman moved to adopt Resolution No. 2021-7788, to amend Resolution No. 2020-7681, 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), TO EXTEND THE TIME FOR COMMENCEMENT OF THE SPECIAL

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

ADJOURNMENT J. Alderman Barber moved to adjourn the meeting at 8:00 p.m.
Seconded by Alderman Mayer. All voted Aye; motion carried.