

CITY OF FRANKLIN
COMMON COUNCIL MEETING
JULY 19, 2022
MINUTES

- ROLL CALL
- A. The regular meeting of the Franklin Common Council was held on July 19, 2022, and was called to order at 6:30 p.m. by Mayor Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Ed Holpfer, Alderwoman Michelle Eichmann, Alderwoman Kristen Wilhelm, and Alderman John R. Nelson. Not present were Alderwoman Shari Hanneman and Alderman Mike Barber. 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 was closed at 6:42 p.m.
- MINUTES
JULY 5, 2022
- C. Alderwoman Wilhelm moved to approve the minutes of the regular Common Council meeting of July 5, 2022, as amended at Item G.7. and presented at this meeting. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- APPOINTMENT
- E. Alderwoman Wilhelm moved to confirm the Mayoral appointment of Judith Williams-Killackey, 4901 W. Forest Hill Ave., Ald. Dist. 5, to the Library Board for a 3-year term expiring 6/30/2025. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.
- PATROL OFFICER
JOB DESCRIPTION
- G.1. Alderman Holpfer moved to approve the change to the job description for Patrol Officer to require officers to obtain an Associate Degree or 60 college credits within 5 years of employment. Seconded by Alderman Nelson. All voted Aye; motion carried.
- 2021 ANNUAL FINANCIAL
REPORT
- G.2. Alderman Nelson moved to accept and place on file the 2021 Comprehensive Annual Financial Report for the City of Franklin. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2022-7879
CONSERVATION
EASEMENT
K. BLAKE AND
J. MUTTER
8973 W. LAKE POINTE DR.
- G.6. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7879, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 8973 WEST LAKE POINTE DRIVE) (KARLEY J. BLAKE AND JACOB W. MUTTER, APPLICANTS), subject to technical corrections by the City Attorney, City Engineering Department, and Department of City Development. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2022-7880
LANDSCAPE
BUFFERYARD EASEMENT
12000 W. LOOMIS RD.
BOOMTOWN, LLC

G.3. Alderman Nelson moved to adopt Resolution No. 2022-7880, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE APPROVAL OF A 2 LOT CERTIFIED SURVEY MAP UPON PROPERTY LOCATED AT 12000 WEST LOOMIS ROAD (BOOMTOWN, LLC, PROPERTY OWNER), subject to technical corrections by the City Attorney. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2022-7881
CONSERVATION
EASEMENT
SAPUTO CHEESE, USA
S. 27TH ST. AND
W. OAKWOOD RD.

G.4. Alderwoman Eichmann moved to adopt Resolution No. 2022-7881, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FROM SAPUTO CHEESE, USA, FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR SAPUTO CHEESE, USA (AT APPROXIMATELY SOUTH 27TH STREET AND WEST OAKWOOD ROAD) (SAPUTO CHEESE, USA, APPLICANT), with the condition that any minor technical corrections may be made by the City Attorney and Department of City Development staff. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2022-7882
CSM
FIDUCIARY REAL ESTATE
DEV., INC.
9801 S. 27TH ST. AND
9605 S. 29TH ST.

G.5. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7882, A RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6044, RECORDED ON REEL 3419, IMAGES 833-835, AS DOCUMENT NO. 7026244, AND LAND, IN THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN (FIDUCIARY REAL ESTATE DEVELOPMENT, INC., APPLICANT) (9801 SOUTH 27TH STREET AND 9605 SOUTH 29TH STREET). Seconded by Alderman Holpfer. All voted Aye; motion carried.

TID 2021 REPORTS

G.7. Alderman Holpfer moved to receive and place on file the Tax Incremental District 2021 results and analysis. Seconded by Alderman Nelson. All voted Aye; motion carried.

OPIOID CRISIS
LITIGATION SETTLEMENT

G.8. Alderwoman Wilhelm moved that the City of Franklin is interested in proceeding at this time with the process of finalization and review, and entering into a securitization agreement for a single upfront payment of the Distributor funds relating to the opioid crisis litigation settlement. Seconded by Alderman Holpfer. All voted Aye; motion carried.

SR. CITIZENS TRAVEL
PROGRAM UPDATE

G.9. Alderwoman Wilhelm moved to receive and place on file the semi-annual update for the Franklin Senior Citizens 2022 Travel Program.

RES. 2022-7883
RECREATIONAL TRAIL
EASEMENT FOR
PLEASANT VIEW RESERVE
SUBD.

G.10. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7883, A RESOLUTION TO RESCIND RESOLUTION NO. 2021-7792, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A PEDESTRIAN ACCESS AND BICYCLE PATH EASEMENT FOR PLEASANT VIEW RESERVE SUBDIVISION LOCATED AT APPROXIMATELY S. 51ST STREET AND W. MARQUETTE AVENUE, AND TO AUTHORIZE CERTAIN OFFICIALS TO ACCEPT A PUBLIC RECREATIONAL TRAIL EASEMENT FOR PLEASANT VIEW RESERVE SUBDIVISION, as requested by VH PVR, LLC. Seconded by Alderman Nelson. All voted Aye; motion carried.

SUPPORT LETTER TO
FRIENDS OF WEHR
NATURE CENTER

G.11. Alderwoman Wilhelm moved to authorize Staff to send a Letter of Support for the Friends of Wehr Nature Center's grant proposal to use green infrastructure solutions on the Mallard Lake Stormwater Channel Restoration Project. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

UPDATE CODE OF
CONDUCT AND ETHICS
RULES OF THE COMMON
COUNCIL

G.12. Alderwoman Wilhelm moved to amend the draft Code of Conduct and Ethics included in the 7/19/2022 meeting agenda packet as follows:
The last sentence in Section 2.B. should read, "If that is not successful, the offended official should raise a question of privilege, with a request, and for information, which if ruled upon by the chair, following advice from the parliamentarian, if present, as in order, the Member shall be granted the privilege and shall be allowed up to 5 minutes to address the concern."
Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderwoman Wilhelm moved to amend the draft Code of Conduct and Ethics included in the 7/19/2022 meeting agenda packet as follows:

The fourth paragraph in Section 1 should read, "This Code of Conduct works in conjunction with the City of Franklin Municipal Code, State of Wisconsin Statutes, and Administrative Policies and Procedures as indexed and available on the City's website, and also available in the City Clerk's office."

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

Alderwoman Wilhelm moved to keep the original motion in the Code of Conduct and Ethics Section 3 as approved on June 21, 2022. Seconded by Alderman Nelson. All voted Aye; motion carried.

Mayor Olson vacated his seat at 7:45 p.m. and passed the gavel to Alderwoman Wilhelm who then chaired the meeting. Alderwoman Wilhelm stated she will be voting as Alderwoman.

Alderman Nelson moved to amend Section 2 of the Code of Conduct to change the terms 'legislative branch' and 'executive branch' to 'legislative body' and 'executive body'. Seconded by Alderman Holpfer. All voted Aye; motion carried.

Alderman Nelson moved to amend the draft Code of Conduct and Ethics included in the 7/19/2022 meeting agenda packet as follows: Section 6.A. should read, "Council Members may attend any City of Franklin Commission/Board/Committee Meeting which is open to the public, provided that all open meeting laws requirements are met, including but not limited to a Badke Notice which states, "Notice is hereby given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Village Bd. of the Village of Greendale*, 173 Wis. 2d 553, 494 N.W.2d 408 (1993), even though the Common Council will not take formal action at this meeting."

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

Alderwoman Wilhelm moved to amend the draft Rules of the Common Council included in the 7/19/2022 meeting agenda packet as follows:

The third paragraph of Section 11.a. should include the following, to be inserted as a second sentence, "Items for reconsideration and other timely procedural matters for which the time limit or existence limit would otherwise expire if not addressed at the subject meeting shall not be subject to delay."

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

Alderwoman Wilhelm moved to bring the City of Franklin Code of Conduct for elected and Appointed Officials and the Rules of the Common Council back to the Common Council with the changes as approved by the motions at the meeting of 7/19/2022. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2022-7884
CHANGE ORDER TO
CARLSON RACINE
ROOFING & SHEET
METAL, INC.

G.13. Mayor Olson returned to his seat at 8:23 p.m. at which time the gavel was returned to him.

Alderman Nelson moved to adopt Resolution No. 2022-7884, A RESOLUTION TO EXECUTE CHANGE ORDER NO. 1 TO CARLSON RACINE ROOFING & SHEET METAL, INC. FOR THE FACILITY RENOVATIONS, ROOFING PROJECT IN THE AMOUNT OF \$3,570.00. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

- DPW SURPLUS EQUIPMENT SALE
- G.14. No action was taken on the results of the Department of Public Works sale of surplus equipment.
- POLICY 1-2022 WARNING SIGN POLICY
- G.15. Alderman Holpfer moved to adopt Public Policy 1-2022 regarding a Street Warning Sign Policy. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RECRUIT AND HIRE DIR. OF INSPECTION SERVICES
- G.16. Alderman Nelson moved to authorize the recruitment and hiring of a Director of Inspection Services to start employment at any time after 10/01/2022, allowing for two individuals in the position up through 1/31/2023. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- ST. MARTINS FAIR SERVICE SANITATION AGREEMENT
- G.17. Alderman Nelson moved to approve the 2022 Event Service Agreement with Service Sanitation in the amount of \$16,332 with funding from the St. Martins Fair Fund, and the potential increase in Agreement cost for Damage Waiver Fees, and the potential changes in Agreement terms akin to the terms of the City standard form services agreement. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- MAY 2022 FINANCIAL REPORT
- G.18. Alderman Holpfer moved to receive and place on file the May 2022 Monthly Financial Report. Seconded by Alderman Nelson. All voted Aye; motion carried.
- AUTHORIZE TRANSFER OF FUNDS FOR INFORMATIONAL SERVICES
- G.19. Alderman Nelson moved to authorize the transfer of \$8,000 from the Informational Services Computer Equipment Capital Outlay Fund (41-0144-5841) to the Information Services Operating Budget Equipment Supplies Account (01-0144-5333). Seconded by Alderman Eichmann. All voted Aye; motion carried.
- ORD. 2022-2515 AMEND 2022 ANNUAL BUDGET FOR INFORMATIONAL SERVICES
- G.20. Alderman Nelson moved to adopt Ordinance No. 2022-2515, AN ORDINANCE TO AMEND ORDINANCE NO. 2021-2486, AN ORDINANCE ADOPTING THE 2022 ANNUAL BUDGET FOR THE CAPITAL OUTLAY FUND TO TRANSFER \$8,000 OF INFORMATION SERVICES CAPITAL OUTLAY FUNDS TO INFORMATION SERVICES GENERAL FUND. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.
- LICENSE COMMITTEE RECOMMENDATIONS AND FIREWORKS PERMIT ISSUANCE PROCESS
- H. Alderwoman Wilhelm moved to approve the following:
Grant 2021-22 and 2022-23 Operator License with warning letter to Michael Fisher;
Grant 2021-22 and 2022-23 Operator License to Adriana Murillo;
Grant 2022-23 Operator License with warning letter to Alexander Sawyer-Young;
Direct the City Attorney to work with the Fire Chief on the Fireworks

Permit issuance process and return to the Common Council by the September 6, 2022, meeting

Hold 2022-23 Operator License for Jewell Molina with appearance and update on prior background check;

Grant 2022-2023 Operator License to Thomas Balistreri, Anthony Caldwell, Bruce Follo, Kylie Klein, Cara Rightmire, Joseph Stekel; Hayley Toman; Andrew Hushek, Kevin Kais; and

Grant Temporary Class B Beer and Temporary Entertainment & Amusement License to: VFW Post 10394, St Martins Labor Day Fair, Andrew Hushek, 9/4-5/2022, St Martins Rd & Church St.

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

VOUCHERS AND PAYROLL I.

Alderwoman Eichmann moved to approve City vouchers with an ending date of July 14, 2022, in the amount of \$1,335,484.96; payroll dated July 15, 2022, in the amount of \$441,296.31 and payments of the various payroll deductions in the amount of \$233,597.95, plus City matching payments; and estimated payroll dated July 29, 2022, in the amount of \$435,000 and payments of the various payroll deductions in the amount of \$540,000, plus City matching payments. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
MONSANTO CO. ET AL
PCBs

G.21. Alderwoman Wilhelm moved to enter closed session at 8:45 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 *City of Long Beach, et al. v. Monsanto Company, et al*, U.S. District Court for the Central District of California Western Division; class action litigation regarding manufacturing polychlorinated biphenyls (“PCBs”), and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 8:57 p.m., Alderwoman Wilhelm moved that the City of Franklin remain within the settlement class, but shall file an objection that the scope of the settlement release is overbroad, covering PCB contamination not only in water ways and sewage systems, but all claims, including non-water based claims, and non-water based claims should be removed from the settlement release. The office of the City Attorney is authorized to take any action necessary with regarding to the foregoing. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

ADJOURNMENT

J. Alderwoman Wilhelm moved to adjourn the meeting of the Common Council at 8:59 p.m. Seconded by Alderman Holpfer. All voted Aye; motion carried.