

APPROVED JULY 5, 2022

CITY OF FRANKLIN COMMON COUNCIL MEETING JUNE 21, 2022 MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on June 21, 2022 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: Alderwoman Michelle Eichmann, Alderwoman Wilhelm, Alderwoman Shari Hanneman, and Alderman John R. Nelson. Not present were Alderman Ed Holpfer and Alderman Mike Barber. Also in attendance were Dir. of Administration Peggy Steeno, Dir. of Finance and Treasurer Denise Gilbert, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT B.1. Citizen comment period was opened at 6:31 p.m. and closed at 6:36 p.m.
- MINUTES
JUNE 7, 2022 C. Alderwoman Hanneman moved to approve the minutes of the regular Common Council meeting of June 7, 2022, as presented at this meeting. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- MAYORAL
APPOINTMENTS E. Alderwoman Hanneman moved to confirm the following Mayoral appointment: Joe Mercado, 10162 S. 34th St., Ald. Dist. 4 to the Finance Committee for a 1-year unexpired term expiring 4/30/23. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.
- RES. 2022-7872
ACCEPT DONATION OF
OUTLOT IN RYAN
MEADOWS SUBD. AND
POND AGREEMENT TO
RYAN MEADOWS
OWNERS ASSOC., INC. G.1. Alderman Nelson moved to suspend the regular order of business to allow S.R. Mills to speak. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- Alderwoman Wilhelm moved to postpone the donation or acceptance of easement until information is available on the location of the trail or clear information for the homeowners' association easement maintenance is spelled out in the document on Page 35 of the Council meeting packet, Pond Access and Maintenance Easement Agreement. Motion died due to the lack of a second.
- Alderman Nelson moved to adopt Resolution No. 2022-7872, A RESOLUTION TO ACCEPT DONATION OF OUTLOT 3 (TKN 891-1087-000) IN RYAN MEADOWS SUBDIVISION FROM LOOMIS & RYAN, INC. ALONG W. CHICORY STREET AND DEDICATE A POND ACCESS TO RYAN MEADOWS OWNERS

ASSOCIATION, INC., subject to corrections by the City Engineer, City Attorney, and the Developer. Seconded by Alderwoman Hanneman. On roll call, Alderman Nelson, Alderwoman Hanneman, and Alderwoman Eichmann voted Aye; Alderwoman Wilhelm voted No. Motion carried.

DENY 2025 FUTURE
LAND USE MAP FOR
TKN 892-9999-002,
BEAR DEV., LLC,
APPLICANT; IGNASIAK
INV. CO., LLC, OWNER

G.2. Alderwoman Wilhelm moved to deny an Ordinance amending the *City of Franklin 2025 Comprehensive Master Plan* to change the City of Franklin 2025 Future Land Use Map for property bearing Tax Key Number 892-9999-002, Bear Development, LLC, applicant, Ignasiak Investment Co., LLC, owner, from "Recreational" use and "Areas of Natural Resource Features" to "Residential" use. Seconded by Alderman Nelson. All voted Aye; motion carried.

DENY UDO ZONING
MAP TKN 892-9999-002
BEAR DEV., LLC,
APPLICANT, IGNASIAK
INV. CO., LLC, OWNER

G.3. Alderman Nelson moved to deny an Ordinance amending the Unified Development Ordinance (Zoning Map) to rezone the property bearing Tax Key Number 892-9999-002, Bear Development, LLC, applicant, Ignasiak Investment Co., LLC, owner, from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2022-7873
CONDO COMPLEX
DEV. AT 12000 W.
LOOMIS RD., BEAR
DEV., LLC, APPLICANT,
BOOMTOWN, LLC,
OWNER

G.4. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7873, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A CONDOMINIUM COMPLEX DEVELOPMENT USE UPON PROPERTY LOCATED AT 12000 WEST LOOMIS ROAD (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT, BOOMTOWN, LLC, PROPERTY OWNER), as amended in Conditions and Restrictions No. 4 (change building permits to grading permits) and No. 6 (change pedestrian path to sidewalks and multi-use trail). Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2022-7874
RYAN CREEK
PEDESTRIAN/BICYCLE
TRAIL

G.5. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7874, A RESOLUTION TO ADOPT THE RYAN CREEK PEDESTRIAN/BICYCLE TRAIL PLAN IN CONCEPT, and direct staff to include the full trail pedestrian trail connectivity map (with the second trail deleted), as provided at the 6/21/22 Common Council meeting, into the plan, and that no portion of this document shall give negotiation privileges under the process 19-9. of Commencing Projects, and return to the Common Council prior to funding allocations within the budget of any projects. Seconded by Alderman Nelson. All voted Aye; motion carried.

HIRING PUBLIC
HEALTH SPECIALIST

G.6. Alderwoman Hanneman moved to approve the transfer of Public Health Manager to Public Health Specialist in the 2022 budget and approval for hiring of a Public Health Specialist. Seconded by Alderman Nelson. All voted Aye; motion carried.

BUSINESS VIEW
MAGAZINE

G.7. Alderman Nelson moved to approve the Business View Magazine Franklin Feature, which will be supported through Key Vendor Advertising sold by Business View Magazine. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2022-7875
APPROVE NR-208
REPORT FOR 2021

G.8. Alderman Nelson moved to adopt Resolution No. 2022-7875, A RESOLUTION APPROVING THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES NR-208 COMPLIANCE MAINTENANCE REPORT FOR YEAR 2021. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2022-7876
AMENDMENTS TO
CODE OF CONDUCT
AND ETHICS AND
RULES OF THE
COMMON COUNCIL

G.9. The following motions in G.9. relate to the City of Franklin Code of Conduct and Ethics, Elected and Appointed Officials, October 5, 2021:

Alderwoman Wilhelm moved to amend the last sentence of Section 1: Purpose, to read, "This Code of Conduct works in conjunction with the City of Franklin Municipal Code and State of Wisconsin Statutes, and including the Administrative Policies and Procedures as Indexed and available in the Clerk's office." Seconded by Alderman Nelson. On roll call, Alderwoman Eichmann, Alderwoman Wilhelm, and Alderman Nelson voted Aye; Alderwoman Hanneman voted No. Motion carried.

Alderman Nelson moved to replace the first sentence in Section 2: Elected Officials and Commission/Board/Committee Members Conduct with One Another, with the following: The elected Alderpersons and the Mayor (hereinafter the "Common Council") have a responsibility to set policy and carry out policies for the City. Policy setting is a function of the Legislative branch (elected Alderpersons and Mayor) while the Executive branch (Mayor) assures policies, as set by the Council, are carried out with staff assistance. The Mayoral policy role is fulfilled by recommending policies to the Council, breaking ties, and through veto power. Seconded by Alderwoman Wilhelm. Mayor Olson vacated his seat at 8:17 p.m. and returned at 8:18 p.m.

Alderwoman Wilhelm, seconded by Alderwoman Hanneman, moved to call the question. All voted Aye; motion carried.

On the roll call vote for the main motion, Alderman Nelson, Alderwoman Wilhelm, and Alderwoman Eichmann voted Aye; Alderwoman Hanneman voted No. Motion carried.

Alderwoman Wilhelm moved that a City Facebook page be created and have all departments, with separate pages, except the Police and Fire Departments, be on the City page. Seconded by Alderman Nelson. Mayor Olson ruled this motion out of order due to lack of proper agenda language.

A recess was taken from 8:28 p.m. to 8:47 p.m. due to audio technical difficulties.

Alderwoman Wilhelm moved that the subject matter of a City Facebook page be listed as a separate Common Council agenda item within the next two months. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Alderwoman Wilhelm moved to delete in Section 3: Elected Officials and Commission/Board/Committee Members Conduct with City Staff, the fifth paragraph starting "Should an individual Council..." and insert the following in its place:

"Municipal Code § 19-2. Order of business. Agenda.

The business of the Council shall be conducted according to the agenda prepared by the Clerk. All matters intended to be placed upon a regular meeting agenda shall be submitted to the Clerk no later than 9:00 a.m. on the Friday during the week preceding the regular Tuesday meeting, and the Clerk shall distribute the agenda to Common Council members no later than 5:00 p.m. on the Friday during the week preceding the regular Tuesday meeting.

Municipal Code § 19-1. Meeting time and date. B. Special meetings. Special meetings of the Council may be called by two Alderpersons by filing a written request with the Clerk at least 24 hours prior to the time specified for such meeting. The Clerk shall immediately notify each Alderperson of the time and purpose of such meeting. The notice shall be delivered to each Alderperson personally or left at his or her usual place of abode. The Clerk shall cause an affidavit of service of such notice to be filed in his or her office prior to the time fixed for such special meeting. Special meetings may be held without notice when all members of the Council are present or consent in writing to the holding of such meeting. Unless all Alderpersons are in attendance, no business shall be transacted at a special meeting except for the purpose stated in the notice thereof."

Seconded by Alderman Nelson. On roll call, Alderman Nelson, Alderwoman Wilhelm, and Alderwoman Eichmann voted Aye; Alderwoman Hanneman voted No. Motion carried.

Alderman Nelson moved to replace the first paragraph in Section 5: Elected Officials and Commission/Board/Committee Members Conduct with Other Governmental Public Agencies and Offices, with the following:

“Since Council/Board/Commission/Committee Members act as a single Body during official City meetings, such members should curb individual communications with other agencies. Such restraint is not meant to impede the ability of an elected official from access to information on matters of public concern, projects within their respective districts or to undermine the function of government officials to become informed on a subject matter to be voted upon. Members shall identify themselves when communicating with other agencies by using their official position or title but shall not express or give the impression the Member is appearing or communicating with such agency with Council/Commission/Board/Committee direction (unless the Council/Commission/Board/Committee has authorized and directed the Member to do so); Council/Commission/Board/Committee may then otherwise state the reason for appearing or communicating with the agency and/or office. Council Members are allowed to use their respective City email accounts to communicate in addition to other methods of communication, as long as records are retained by respective authors.”

Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.

Alderwoman Wilhelm moved to change the last sentence of Section 2.B. Use of Civility and Decorum in Discussions and Debate, to read, “If that is not successful, the offended official should call for a “point of personal privilege”, which if ruled upon by the parliamentarian as in order, the member calling the point of personal privilege shall be granted five minutes to address the concern.” Seconded by Alderman Nelson. On roll call, Alderman Nelson, Alderwoman Wilhelm, and Alderwoman Eichmann voted Aye; Alderwoman Hanneman voted No. Motion carried.

Alderwoman Wilhelm moved to delete the first two paragraphs in Section 3: Elected Officials and Commission/Board/Committee Members Conduct with City Staff, and replace with the following: Governance of the City relies on cooperative efforts between elected officials and staff. The legislative body passes laws and sets policy,

and the Mayor shall take care that the City ordinances and State laws are observed and enforced and that all City officers and employees discharge their duties. Therefore, every effort is to be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

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

Alderwoman Wilhelm moved to delete the second paragraph of Section 3.C. Do Not Supersede Administrative Authority, and insert the following:

Nothing in this section shall be construed, however, as prohibiting a Council member individually, from discussing City affairs of interest or making suggestions with department heads in or outside of a public meeting as long as direction is not given and time considerations are respectful. It is also noted that there may be limited occasions when Council/Commission/Board/Committee Members need to communicate with staff outside of public meetings, not related to questions on agenda matters.

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

Alderwoman Wilhelm moved to amend the wording in Section 4: Elected Officials and Commission/Board/Committee Members Conduct Towards the Public, C. Ask for Clarification, but Avoid Debate and Argument with the Public, as follows:

Only the Mayor/Chair (no other Council/Board/Commission/Committee Members), shall be allowed to interrupt a speaker during a presentation if needed to clarify, keep on topic, or similar. Council/Board/Commission/Committee Members may ask the Mayor/Chair to have the speaker repeat or clarify if there is an audio issue, hallway noise, or other similar matter. And, Council/Board/Commission/Committee Members may ask the Mayor/Chair for a point of order if the speaker is off the topic, exhibiting behavior or language that the Member finds disturbing or out of line. If there are inaccurate statements made that the Member would like corrected, the Member shall be given consideration to state a correction to the Mayor/Chair but must not engage in any public debate.

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

Alderwoman Wilhelm moved to amend the wording in Section 4.D. Following Parliamentary Procedure in Conducting Public Meetings, as follows:

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure

shall be in with consideration from input from the City Attorney, subject to appeal of and to the Council.

Motion died due to the lack of a second.

Alderwoman Wilhelm moved to amend the wording in Section 5: Elected Officials and Commission/Board/Committee Members Conduct with Other Governmental Public Agencies and Offices, D. Mayor's Role Representing the City, as follows:

The Mayor is charged with representing the City, speaking on its behalf, and communicating with the Council regarding these matters when appropriate. When the Mayor is unavailable, authority is authorized to the Common Council President.

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

Alderwoman Wilhelm moved to delete Section 6: Elected Officials Conduct with Commissions/Board/Committees, D. Closed Session Participation. Motion died due to the lack of a second.

Alderwoman Wilhelm moved to amend the words in the first sentence in Section 7: Elected Officials and Commission/Board/Committee Members Conduct with the Media, A. Expression of Positions on Issue, from "must clearly state" to "must be clear". Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderwoman Wilhelm moved to add "or through the complaint process." to the end of Section 7, B. Discussions Regarding City Staff. Motion died due to the lack of a second.

Alderwoman Wilhelm moved to delete the first sentence in Section 8: Enforcement of this Code of Conduct, C. Time for Filing, "A complaint under this Code must be filed no later than sixty (60) days from the date of discovery of the alleged violation." Alderwoman Wilhelm withdrew her motion.

The following motions in G.9. relate to the City of Franklin Rules of the Common Council, October 5, 2021:

Alderwoman Wilhelm moved to change the word "shall" to "should" as follows: Section 5) Rules Pertaining to Conduct of the Council Meeting/Motions/Voting, h. Motions to Table ~~shall~~ Should Include Date or Time Frame for Action – Motions to table ~~shall~~ should include a specific date... Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Alderman Wilhelm moved that no amendments shall come before the Common Council until a new member is elected into office. Seconded by Alderman Nelson. On roll call, Alderman Wilhelm voted Aye; Alderman Eichmann, Alderman Hanneman, and Alderman Nelson voted No. Motion failed.

Alderman Wilhelm moved to adopt Resolution No. 2022-7876, A RESOLUTION AFFIRMING AMENDMENTS TO THE CITY OF FRANKLIN CODE OF CONDUCT AND ETHICS AND RULES OF THE COMMON COUNCIL, as presented and amended to include a provision that the Code of Conduct and Ethics and Rules of the Common Council as amended pursuant to this Resolution are annexed hereto, and subject to any other technical changes as determined by the Director of Administration and City Attorney to the Resolution. Seconded by Alderman Nelson. All voted Aye; motion carried.

CODE OF CONDUCT
AND ETHICS

G.10. Alderman Wilhelm moved to postpone indefinitely a Resolution affirming the City of Franklin Code of Conduct and Ethics. Seconded by Alderman Nelson. All voted Aye; motion carried.

APPROVE INTERN
APPROVAL/
AUTHORIZATION
POLICY

G.11. Alderman Wilhelm moved to deny the Intern Approval/Authorization Policy. Motion died due to the lack of a second.

Alderman Hanneman moved to approve the Intern Approval/Authorization Policy as present. Seconded by Alderman Nelson. On roll call, Alderman Nelson, Alderman Hanneman, and Alderman Eichmann voted Aye; Alderman Wilhelm voted No. Motion carried.

DIRECTOR OF CLERK
SERVICES POSITION

G.12. Alderman Nelson moved to approve the job description of Director of Clerk Services and early hiring for the position. Seconded by Alderman Hanneman. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Hanneman moved to approve the following from the License Committee:

Hold 2021-22 and 2022-23 Operators' Licenses for appearance for Kenneth Burks and Adriana Murillo;

Grant Class B Combination, Entertainment & Amusement License contingent pending inspection to Point After LLC, Agent Darryl Malek, 7101 S 76th St;

Hold 2021-22 and 2022-23 Operator License for Aarion Gonzalez until December or such time prior to that if notice and proof that the case has been completed;

Grant Extraordinary Entertainment & Special Event to Federation of Croatian Societies, Croatian Fest, Thomas Krenz, 9100-9140 S 76th St, 7/16/22;

Grant 2021-22 and 2022-23 Operator License to Shaun Chisom, Dawn Boneck; and

Grant 2022-2023 Operator's License to: Sydney Churchill, Holly Daniels, Nicholas Fischer, Peggy Flores, Sarah Josephson, Richard Neumann, Kimberly Schultz, Savanna Solomon, Jenna Torbeck, Erick Bogust, Heather Flores, Madeline Gernhause, Justine Kagerbauer, Mikala Lindl, Lisa Oliver, Lori Otto, Allison Planton, Joseph Schauer, Julie Wiltzius, and Raquel Zalewski.

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

VOUCHERS AND
PAYROLL

- I. Alderwoman Hanneman moved to approve City vouchers with an ending date of June 16, 2022 in the amount of \$2,428,759.15; payroll dated June 17, 2022 in the amount of \$427,722.10 and payments of the various payroll deductions in the amount of \$436,983.24, plus City matching payments and estimated payroll dated July 1, 2022 in the amount of \$417,000 and payments of the various payroll deductions in the amount of \$250,000, plus City matching payments and Property Tax disbursements with an ending date of June 16, 2022 in the amount of \$1,273,592.46. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Nelson moved to adjourn the meeting at 10:18 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.