

# APPROVED MARCH 15, 2022

## CITY OF FRANKLIN COMMON COUNCIL MEETING MARCH 1, 2022 MINUTES

- ROLL CALL                    A.        The regular meeting of the Common Council was held on March 1, 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: 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.
- CITIZEN COMMENT            B.1.        Citizen comment period was opened at 6:32 p.m. and closed at 7:54 p.m.
- MAYORAL  
ANNOUNCEMENT  
RES. 2022-7830  
URGE REJECTION OF  
AB 610/SB 630 AND  
ANY AMENDMENTS            B.2.        Alderman Nelson moved to adopt Resolution No. 2022-7830, A RESOLUTION URGING THE WISCONSIN STATE LEGISLATURE TO REJECT ASSEMBLY BILL 610/SENATE BILL 630 AND ANY PROPOSED AMENDMENTS, WHICH SHIFTS PROPERTY TAX BURDEN TO HOMEOWNERS AND SMALL BUSINESSES TO THE BENEFIT OF LARGE COMMERCIAL PROPERTY OWNERS. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- CORRECTED MINUTES  
OCTOBER 5, 2021            C.1.        Alderman Mayer moved to approve the corrected minutes of the regular Common Council meeting of October 5, 2021 with a roll call vote correction to Item G.16. and a correction to Item G.15. to record the vote as unanimous of those present. Seconded by Alderman Nelson. All voted Aye; motion carried.
- MINUTES  
FEBRUARY 15, 2022            C. 2.        Alderman Barber moved to approve the minutes of the regular Common Council meeting of February 15, 2022. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- HEARING: AMEND  
2025 FUTURE LAND  
USE MAP, BEAR DEV.,  
LLC, APPLICANT;  
IGNASIAK INV. CO.,  
LLC, OWNER                    D.        A public hearing was called to order at 8:03 p.m. on a proposed Ordinance to Amend 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, Generally Located on the East Side of South 112th Street, East of the Ryan Meadows Subdivision and West of the Franklin Savanna Natural Area From Recreational Use and Areas of Natural Resource Features Use to Residential Use (Totaling Approximately 35 Acres) (Stephen R. Mills, President of Bear Development, LLC, Applicant) (Ignasiak Investment Co., LLC, Property Owner). The public hearing was closed at 8:29 p.m.

- AMEND 2025 FUTURE LAND USE MAP FOR TKN: 892-9999-002, S. 112TH ST., BEAR DEV., LLC, APPLICANT; IGNASIAK INV. CO., LLC, OWNER
- G.1. Alderman Holpfer moved to table to the May 3, 2022, Common Council meeting, and to refer to the Parks Commission and Planning staff for alternatives, 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 From “Recreational” Use and “Areas of Natural Resource Features” to “Residential” Use (By Stephen R. Mills, President of Bear Development, LLC, Applicant, Ignasiak Investment Company, LLC, Property Owner). Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- AMEND UDO ZONING MAP TKN: 892-9999-002 TO SINGLE-FAMILY RESIDENCE, BEAR DEV., LLC, APPLICANT, IGNASIAK INV. CO., LLC, OWNER
- G.2. Alderman Nelson moved to table to the May 3, 2022, Common Council meeting, An Ordinance Amending the Unified Development Ordinance (Zoning Map) to Rezone a Certain Parcel of Land Bearing Tax Key Number 892-9999-002 From A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District (By Stephen R. Mills, President of Bear Development, LLC, Applicant, Ignasiak Investment Company, LLC, Property Owner). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7831 SPECIAL USE FOR MEAT PROCESSING PLANT, STRAUSS BRANDS, LLC, APPLICANT
- G.3. Alderman Mayer moved to deny Resolution No. 2022-7831, 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), based upon the following substantial evidence reasons under applicable standards for Special Uses in Unified Development Ordinance Sec. 15-3.0701: No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood; Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities; No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and does not include proof of the benefit that would contribute to the general welfare of the

neighborhood; there has been no proof of alternate locations; and no proof beyond a reasonable doubt they will have no adverse impacts as to odor and noise. Seconded by Alderwoman Wilhelm. Alderman Mayer withdrew his motion with no objections from the Common Council.

Alderwoman Wilhelm then moved to deny Resolution No. 2022-7831, 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), based upon the following substantial evidence reasons under applicable standards for Special Uses in Unified Development Ordinance:

§ 15-9.0103.C. Applications for Special Use. A statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in § 15-3.0700.

§ 15-9.0103.E. Authorization for Special Uses. Applicant has not provided any additional conditions or guarantees that they will meet the protection of the public interest.

§ 15-9.0103.E. Not shown under burden of proof with regard to the findings to be made to the Common Council that shall be provided by the applicant.

§§ 15-3.0700 and 15-3.0701. General Standards for a Special Use. No special use shall be recommended or granted pursuant to this ordinance unless the applicant shall establish the following:

§ 15-3.0701.A.2. No Undue Adverse Impact. It does not meet the public health, safety, morals, general welfare, and it does not prove that they do not substantially diminish or impair property values, inserting the CohnReznick Report provided by the residents of the City of Franklin.

§ 15-3.0701.A.4. Adequate Public Facilities. They have not provided for the essential public services, including the public water system, police and fire protection, and that noting that the City of Franklin is just now looking into building a southwest Fire and Department of Public Works to serve that area.

§ 15-3.0701.C.2. Considerations. They have not proven they have looked at alternative locations at some other site that may be more appropriate than the proposed site.

§ 15-3.0701.C.3. Based on the resolution and statements that they will have noise from fans and odor that needs to be dissipated, they have not proven that they can take care of all odors and noise with substantial evidence to minimize any adverse effects.

Seconded by Alderman Mayer. On roll call, Alderman Mayer, Alderwoman Wilhelm, Alderman Nelson voted Aye; Alderman

Holpfer, Alderwoman Hanneman, and Alderman Barber voted No. Mayor Olson broke the tie by voting No. Motion failed.

Alderwoman Hanneman moved to table indefinitely Resolution No. 2022-7831, 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). Seconded by Alderman Barber. Alderwoman Hanneman withdrew her motion and Alderman Barber withdrew his second with no objections from the Common Council.

Alderman Barber then moved to adopt Resolution No. 2022-7831, 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), with the following amendments to the Resolution provided in the packet for this Common Council meeting:

Renumbering of conditions and restrictions following amendments.

Add Condition 5. The maximum livestock that may be processed on a 24-hour basis shall be no more than 500.

Also, including the following amendments by Alderwoman Wilhelm:  
Amendment to the date on page 74.

Condition 12. A special use amendment shall be required for any future building expansion areas.

Conditions 19 and 20. Upon notification by the Health Department of odors, the user has six hours to resolve otherwise complete operation shall be suspended until such time that all odor is eliminated.

The Department of City Development and the City Hall Department shall provide reports to the Common Council of any unabated obnoxious odor for review and consideration for special use compliance by the Common Council.

Page 88, add Condition 21.A. Exterior trash compactors shall be enclosed.

Condition 25. Add: noncompliance shall come before the Common Council for compliance review.

Seconded by Alderman Holpfer. On roll call, Alderman Barber, Alderwoman Hanneman, and Alderman Holpfer voted Aye; Alderman Nelson, Alderwoman Wilhelm, and Alderman Mayer voted No. Mayor Olson broke the tie by voting Aye. Motion carried.

Alderman Mayer moved to appoint an Independent Review Committee regarding this process and report back by September. Seconded by Alderman Nelson. On roll call, Alderman Mayer voted Aye; Alderman Holpfer, Alderwoman Wilhelm, Alderwoman Hanneman, Alderman Barber, and Alderman Nelson voted No. Motion failed.

WATERMAIN PROJECT  
SURVEY ON S. LOVERS  
LANE RD.

G.11. Alderman Barber moved to suspend the regular order of business to allow Tri-County Baptist Church Pastor Jones to speak. Seconded by Alderman Nelson. All voted Aye; motion carried. Alderman Barber moved to return to the regular order of business. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Mayer moved to direct staff to conduct neighborhood meeting at the Tri-County Baptist Church (8050 S. 100th Street) this summer before returning to Common Council with a preliminary resolution to assess for a watermain project along S. 100th Street, and further to direct staff to bid the water tower and watermain project along S. Lovers Lane Road with the recommendation to award a contract on or after the preliminary resolution to assess. Seconded by Alderman Holpfer. All voted Aye; motion carried.

ORD. 2022-2502  
AMEND CODE  
STOPS REQUIRED

G.4. Alderwoman Wilhelm moved to amend Ordinance No. 2022-2502, AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-3 B STOPS REQUIRED TO ADD 24 LOCATIONS IN AND AROUND THE NEW SUBDIVISIONS OF OAKES ESTATES, RYAN MEADOWS, AND PLEASANT VIEW RESERVE, as amended. Seconded by Alderman Nelson. All voted Aye; motion carried.

AGREEMENT FOR  
FULL EXTERNAL  
PENETRATION TEST OF  
I.T. SYSTEM

G.5. Alderman Mayer moved to approve an agreement with RMM Solutions, in the amount of \$19,212.96, to perform a Full External Penetration Test of the City's Information Technology System and to authorize the Director of Administration to execute the appropriate, related agreement for the same. Seconded by Alderwoman Hanneman. All voted Aye, motion carried.

RES. 2022-7832  
ENGINEERING  
SERVICES  
AGREEMENT IN  
PLEASANT VIEW  
RESERVE

G.6. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7832, A RESOLUTION FOR A PROFESSIONAL SERVICES AGREEMENT WITH EXCEL ENGINEERING, INC. FOR ENGINEERING SERVICES RELATED TO S. 50TH STREET RECONSTRUCTION AND ASSOCIATED WATER MAIN FROM W. MINNESOTA AVENUE SOUTH TO THE TERMINATED END OF 50TH STREET IN PLEASANT VIEW RESERVE AND WATERMAIN EXTENSION IN W. MINNESOTA AVENUE FROM S. 51 ST STREET TO S. 49TH STREET, THEN 50 FT

NORTH OF THE INTERSECTION IN THE AMOUNT OF \$52,500. Seconded by Alderman Barber. All voted Aye; motion carried.

- BLD. INSP. SALARY AND BENEFITS      G.7.      Alderman Mayer moved to authorize the hiring of a Building Inspector at a salary of \$77,500, and to allow the award of three (3) sick days upon hire to be used as needed, as well as supporting a promotion of the candidate to the Department Head position when appropriate as long as the candidate proves himself in the interim and is a good fit for the position along with the additional vacation accrual at that time. Seconded by Alderwoman Hanneman. All vote Aye; motion carried.
- DPW LIGHT EQUIPMENT OPERATOR      G.8.      Alderman Barber moved to authorize replacement of Department of Public Works Light Equipment Operator in advance of current employee retirements. Seconded by Alderman Mayer. All voted Aye; motion carried.
- 2022 SANITARY SEWER USER FEE      G.9.      Alderman Barber moved to adopt the quarterly 2022 Residential Sanitary Sewer charge of \$68.38 and a fixed Commercial Connection charge of \$16.99 plus a \$3.90367040 per thousand-gallon volumetric charge, effective January 1, 2022, as provided by Municipal Code §207-14 H (3)(b). Seconded by Alderman Holpfer. All voted Aye; motion carried.
- WATER SURVEY FOR FRONTAGE RD. ON S. LOVERS LANE RD.      G.10.      Alderman Nelson moved to instruct staff to return with a professional services contract to commence design and WISDOT coordination for Frontage Road along S. Lovers Lane Road (USH 45/STH 100) from W. Herda Place to S. Phyllis Lane. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7833  
WI DOT PROJECT ON S. LOVERS LANE RD. AND W. RYAN RD.      G.12.      Alderman Mayer moved to adopt Resolution No. 2022-7833, 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/W. RYAN ROAD (USH 45 / STH 100) FROM S. 60TH STREET TO W. ST. MARTINS ROAD IN THE AMOUNT OF \$624,700. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- STATE CONTRACT FOR PURCHASE OF SALT      G.13.      Alderwoman Hanneman moved to direct staff to participate in the State contract for purchase of 2,000 tons of salt with a purchase of an additional 400 tons in reserve. Seconded by Alderman Mayer. All voted Aye; motion carried.

- SURVEY FOR SUMP PUMP PROJECTS      G.14.      Alderman Holpfer moved to direct staff to electronically survey neighborhoods for sump pump projects and return with professional services contracts with recommendations on selected projects. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- 2021 OPEB AND GASB 74 AND 75 DISCLOSURE REPORT      G.15.      Alderwoman Hanneman moved to accept the City of Franklin Other Post-Employment Benefits (OPEB) Program / GASB 74 and 75 Disclosure Report for Fiscal Year 2021 and place it on file. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2022-7834 AMEND RES. 2013-6920 AND APPEND RES. 2015-7062 DISBURSEMENTS      G.16.      Alderwoman Hanneman moved to adopt Resolution No. 2022-7834, A RESOLUTION AMENDING RESOLUTION NO. 2013-6920 AND APPENDING RESOLUTION NO. 2015-7062 GRANTING LIMITED SPECIFIC AUTHORITY FOR DISBURSEMENTS IN ADVANCE OF REVIEW OF VOUCHER LISTINGS; and also, to fulfill the requirement of f) (2) of Resolution No. 2015-7062, which states the Finance Director shall update the Common Council as the vendor list changes for advance disbursement, and with the up-to-date list of vendors qualifying for early release of payment. Seconded by Alderman Mayer. All voted Aye; motion carried.
- PURCHASE OF AERIAL BUCKET TRUCK      G.19.      Alderman Barber moved to authorize the Department of Public Works to purchase a Runnion Equipment Company Aerial Bucket truck in the amount of \$229,916.00. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- LICENSES AND PERMITS      H.      Alderman Nelson moved to approve the following:  
Hold the 2021-2022 Operator License of Kimberly Henzig for appearance;  
Grant 2021-2022 Operators' Licenses to: Robert Knurowski, Kailey Locke, and Allie Orłowski;  
Grant Extraordinary Entertainment & Special Event License to: Mulligan's Irish Pub & Grill, St Patrick's Day Party, Brian Francis, Agent, 8933 S 27<sup>th</sup> Street, March 17, 2022, 11:00 am to 10:30 pm; and  
Approve Amended Public Grant Application and Closing Hours of Civic Celebration Event from 10:00 pm to 11:00 pm, John Bergner, Chairman of Civic Celebration Commission.  
Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- VOUCHERS AND PAYROLL      I.      Alderman Barber moved to approve City vouchers with an ending date of March 1, 2022, in the amount of \$4,844,401.37; payroll dated February 25, 2022, in the amount of \$455,649.60 and payments of the various payroll deductions in the amount of \$430,035.16, plus City

matching payments; estimated payroll dated March 11, 2022, in the amount of \$442,000 and payments in the various payroll deductions in the amount of \$255,000, plus City matching payments; property tax disbursements with an ending date of February 28, 2022, in the amount of \$19,544,183.92. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION  
RES. 2022-7836  
DISALLOWING CLAIM  
FROM PETER  
PECKARSKY  
CENTRAL COUNT  
ABSENTEE BALLOTS

G.18. Alderman Nelson moved to adopt Resolution No. 2022-7836, A RESOLUTION DISALLOWING CLAIM SUBMITTED BY PETER PECKARSKY RECEIVED NOVEMBER 29, 2021, AND TO FURTHER NOTIFY THE ATTORNEY FOR THE CLAIMANT BY CERTIFIED MAIL AT THE LAW OFFICES OF DAVIS & PLEDL, S.C. OF THE DISALLOWANCE OF THE CLAIM AND THE FACT THAT THE CLAIMANT HAS SIX (6) MONTHS FROM THE DATE OF SERVICE OF THE NOTICE OF DISALLOWANCE TO APPEAL PURSUANT TO WIS. STAT. §893.80(1g), with the Notice of Claim from Attorney Robert Pledl, on behalf of his client, Peter Peckarsky, announced candidate for U.S. Senate, challenging the unconstitutional practice of marking absentee ballots with identifying information when absentee ballots are counted at a central location pursuant to Wis. Stat. §7.52(3)(a). Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

CLOSED SESSION  
ACQUISITION OF  
PROPERTY ON  
W. SWISS STREET  
RES. 2022-7835  
ACQUISITION  
W. SWISS ST.  
W. CHURCH ST.

G.17. Alderman Nelson moved to enter closed session at 11:32 p.m. pursuant to Wis. Stat. §19.85(1)(e), for competitive and bargaining reasons, to consider the potential acquisition of property from 11213 W. Swiss Street (TKN 796-0020-000) and 11225 W. Swiss Street (TKN 796-0021-001) to be used for a public pathway/trail project along W. Church Street and the negotiating of the purchase and the investing of public funds, including Park Impact fees with regard to the potential acquisition thereof, 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.

Upon reentering open session at 11:32 p.m., Alderman Mayer moved to adopt Resolution No. 2022-7835, A RESOLUTION TO ACQUIRE 0.04 ACRES OF PROPERTY FROM 11213 W. SWISS STREET (TKN 796-0020-000) IN THE AMOUNT OF \$6,797.32 AND 0.02 ACRES OF PROPERTY FROM 11225 W. SWISS STREET (TKN 796-0021-001) IN THE AMOUNT OF \$2,581.97 FOR THE PURPOSES OF EXTENDING THE W. CHURCH STREET RIGHT-OF-WAY AND ACCOMMODATE THE CONSTRUCTION OF A



PATHWAY, noting the location of the flagpole. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting at 11:33 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.