

# APPROVED SEPTEMBER 5, 2023

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
AUGUST 15, 2023  
MINUTES

## ROLL CALL

A. The regular meeting of the Franklin Common Council was held on August 15, 2023, and was called to order at 6:30 p.m. by Mayor Nelson 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, Alderman Yousef Hasan, Alderman Alderwoman Courtney Day, Alderman Mike Barber, and Alderman Jason Craig. Also in attendance were Director of Administration Kelly Hersh, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson.

## CITIZEN COMMENT

B. Citizen comment period was opened at 6:31p.m. and was closed at 6:34 p.m.

## MINUTES AUGUST 1, 2023

C. Alderman Barber moved to approve the amended minutes of the Common Council meeting of August 1, 2023, as amended. Seconded by Alderman Holpfer. All voted Aye; motion carried.

## PUBLIC HEALTH CONTRACT GRANTS

G.1. Alderman Barber moved to authorize the Director of Health and Human Services to accept the 2023 Division of Public Health Consolidated Contracts to continue funding Health Department grants. Seconded by Alderwoman Day. All voted Aye; motion carried.

## CENTERS FOR DISEASE CONTROL GRANT FOR COVID-19 MITIGATION AND RECOVERY

G.2. Alderman Barber moved to authorize the Director of Health and Human Services to accept the updated Centers for Disease Control Public Health Workforce Development Grant for COVID-19 mitigation and recovery efforts. Seconded by Alderman Holpfer. All voted Aye; motion carried.

## PURCHASE HEALTH DEPARTMENT VEHICLE APPROVED IN 2022 BUDGET

G.3. Alderman Holpfer moved to authorize the Director of Health and Human Services to purchase a Health Department Vehicle as indicated in the 2022 Approved City of Franklin Health Department Budget. Seconded by Alderwoman Day. All voted Aye; motion carried.

## CONTRACT WITH ADAIR FLOORS FOR HEALTH WING CARPETING

G.4. Alderman Barber moved to authorize the Director of Health and Human Services to execute a contract with Adair Floors for carpeting in the Health Wing. Seconded by Alderman Holpfer. All voted Aye except Alderwoman Eichmann abstained from the vote; motion carried.

## ACCEPT DONATIONS FROM MULTIPLE

G.5. Alderman Barber moved to authorize the Director of Health and Human Services to accept monetary donations in the amount of \$2,100

- DONORS FOR ANNUAL BIKE RODEO for the Annual Bike Rodeo. Seconded by Alderman Hasan. All voted Aye; motion carried.
- ACCEPT DONATION FROM FRANKLIN LIONESS LIONS CLUB FOR COMMUNITY HEALTH PROGRAMMING G.6. Alderman Hasan moved to authorize the Director of Health and Human Services to accept monetary donations in the amount of \$300. Seconded by Alderman Barber. All voted Aye except Alderwoman Eichmann abstained from the vote; motion carried.
- RES. 2023-8028 SPECIAL ASSESSMENT OF WATERMAIN EXTENSION ON W. MINNESOTA AVE. G.7. Alderman Hasan moved to adopt Resolution No. 2023-8028, A FINAL RESOLUTION DIRECTING PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR THE COST OF WATERMAIN EXTENSION ON W. MINNESOTA AVENUE FROM S. 51<sup>ST</sup> STREET TO S. 49<sup>TH</sup> STREET. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2023-8029 PURCHASE WETLANDS MITIGATION CREDITS FROM BARNES PRAIRIE WETLAND MITIGATION BANK FOR S. 116<sup>TH</sup> STREET TRAIL PROJECT G.8. Alderwoman Eichmann moved to table this item until the next meeting, there was no second, motion fails.  
Alderman Craig moved to adopt Resolution No. 2023-8029, A RESOLUTION TO PURCHASE WETLAND MITIGATION CREDITS FROM BARNES PRAIRIE WETLAND MITIGATION BANK FOR S. 116<sup>TH</sup> STREET TRAIL PROJECT IN THE AMOUNT OF \$143,000 and direct Staff to issue a check this week to cover this project. Seconded by Alderman Barber. All on Roll Call, All voted Aye except Alderwoman Eichmann who voted no; motion carried 5-1-0.
- RES. 2023-8030 REPLACE RES. 2022-7828 WEPKO LICENSE AGREEMENT FOR LINEAR PARK G.9. Alderman Craig moved to adopt Resolution No. 2023-8030, A RESOLUTION TO REPLACE RESOLUTION 2022-7828 TO ENTER LICENSE AGREEMENT WITH WISCONSIN ELECTRIC POWER COMPANY TO USE THEIR PROPERTY FOR A LINEAR PARK FROM S. 116<sup>TH</sup> STREET/W. MAYERS DRIVE TO MUNICIPAL BOUNDARY WITH MUSKEGO. Seconded by Alderman Barber. All voted Aye; motion carried.
- CONCEPT REVIEW FOR LAND DIVISION AT 10885 S. 27<sup>TH</sup> STREET MARK NORDLAND, LIKewise PARTNERS, LLC, APPLICANT G.10. No action was taken following the Concept Review for a Land Division and "Light Industrial Flex Space" Development located at approximately 10885 S. 27<sup>th</sup> Street. (TKNs 978-9997-000, 978-9998-000 and 978-9999-001) (Mark Nordland, Likewise Partners LLC, Applicant).

- CONCEPT REVIEW FOR LAND DIVISION AT 9410 S. 76<sup>TH</sup> STREET ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT
- G.11. No action was taken; tabled for another meeting for the Concept Review for a Land Division and Combined Industrial and Office Development Located at approximately 9410 S 76th St. (TKNS 884-9997-000 & 884-9998-000) (Alex Scheler, Carma Laboratories, Inc, Applicant).
- DONATIONS FOR JANUARY – JUNE 2023
- G.12. Alderman Barber moved to acknowledge and accept donations received for January - June, 2023 from various Franklin residents and businesses. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES. 2023-8031 SUPERSEDE FINANCIAL AGREEMENT FOR WISCONSIN DOT PROJECT ON S. LOVERS LANE/W. RYAN ROAD
- G.13. Alderman Holpfer moved to adopt Resolution No. 2023-8031, A RESOLUTION TO SUPERSEDE A STATE/MUNICIPAL FINANCIAL AGREEMENT FOR 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 AND INCREASE THE AMOUNT TO \$1,482,100. Seconded by Alderwoman Day. All voted Aye; motion carried.
- WEST ELM ROAD UNDERGROUND STORAGE FEASIBILITY REPORT
- G.14. Alderwoman Day moved to hold this item over until the next meeting for further information and clarification from Supervisor Taylor. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2023-8032 FENCE WITHIN 20-FOOT DRAINAGE EASEMENT AT 7247 W. WOODBURY DRIVE, DAVID HENSLEY, APPLICANT
- G.15. Alderman Barber moved to adopt Resolution No. 2023-8032, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 20-FOOT DRAINAGE EASEMENT UPON LOT 6, WOODBURY ESTATES, BEING A SUBDIVISION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (7247 W. WOODBURY DRIVE) (TAX KEY NO.7910195000) (HENSLEY, DAVID, APPLICANT). Seconded by Alderman Hasan. All voted Aye; motion carried.
- RES. 2023-8033 R.A. SMITH, INC. DESIGN SERVICES AT WATER TOWER PARK- 8120 S. LOVERS LANE RD.
- G.16. Alderman Barber moved to adopt Resolution No. 2023-8033, A RESOLUTION FOR R.A. SMITH, INC. TO PROVIDE DESIGN SERVICES AT WATER TOWER PARK - 8120 S. LOVERS LANE ROAD (TKN 801-9986-000) FOR \$42,050. Seconded by Alderman Craig. All voted Aye; motion carried.

JULY 2023 MONTHLY  
FINANCIAL REPORT

- G.17. Alderman Holpfer moved to receive and place the July 2023 monthly financial report on file. Seconded by Alderman Barber. All voted Aye; motion carried.

RES 2023-8034  
CLOSED SESSION  
POTENTIAL TID NO. 9  
DEVELOPMENT  
AGREEMENT WITH  
CARMA  
LABORATORIES, INC.

- G.18. Alderwoman Eichmann vacated her seat at 7:58 p.m. and returned at 8:04 p.m.

Alex Scheler presented his plan for the Carma Laboratories, Inc. project. Rich Simonsen, Chief Operating Officer also spoke to this project, share of market space, and cost effectiveness of staying in Franklin.

Alderwoman Eichmann moved to enter closed session at 8:20 p.m., pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon a Potential Tax Incremental District No. 9 Development Agreement Between the City of Franklin and Carma Laboratories, Inc. (Developer) 225,000 Square Foot Corporate Headquarters Building at Northeast Corner of West Ryan Road and South 76th Street, the negotiation of Agreement terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Hasan. On roll call, all voted Aye except Alderwoman Day voted No. Motion carried 5-1-0.

Mayor Nelson took a five-minute recess at 8:20 p.m. We returned to closed session at 8:27 p.m.

Upon re-entering open session at 8:52 p.m.,

Alderman Holpfer moved to adopt Resolution No. 2023-8034, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TAX INCREMENTAL DISTRICT NO. 9 [creation thereof in process] DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FRANKLIN AND CARMA LABORATORIES, INC. (DEVELOPER) 225,000 SQUARE FOOT CORPORATE HEADQUARTERS BUILDING AT NOTHEAST CORNER OF WEST RYAN ROAD AND SOUTH 76TH STREET (PROJECT). Seconded by Alderman Barber. On a roll call, all voted Aye except Alderwoman Day voted No. Motion carried 5-1-0.

RES. 2023-8035  
DEVELOPMENT  
AGREEMENT WITH  
CARMA

- G.19. Alderman Holpfer moved to adopt Resolution No. 2023-8035, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT FOR PUBLIC IMPROVEMENTS WITH CARMA LABORATORIES, INC.,

LABORATORIES, INC.

LOCATED AT 9410 S. 76TH STREET AND 7520 W. RYAN ROAD (TKNS 884 9997 000 AND 884 9998 000), in the form and content as approved by the City Engineer and City Attorney. Seconded by Alderman Barber. On a roll call all voted Aye except Alderwoman Day voted No. Motion carried 5-1-0.

CLOSED SESSION  
POTENTIAL  
COMMERCIAL  
DEVELOPMENT(S) AT  
S. OAKWOOD PARK DR.  
AND W. RYAN RD.

- G.20. Alderman Holpfer moved to enter closed session at 9:00 p.m., pursuant to Wis. Stat. §19.85(1)(e), to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s) for, including, but not limited to the propert(ies) at the southeast corner of South Oakwood Park Drive and West Ryan Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

Upon re-entering open session at 9:29 p.m.,

Alderman Holpfer moved to direct staff to proceed as discussed in closed session. Seconded by Alderman Barber. All voted Aye; motion carried.

W. PUETZ RD.  
PATHWAY FROM  
SOUTH 76<sup>TH</sup> ST. TO W.  
ST. MARTINS RD.

- G.21. Alderman Holpfer moved to direct staff to proceed with contacting neighbors to the W. Puetz Road Corridor. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

MISCELLANEOUS  
LICENSES

- H. Alderwoman Day moved to approve the following licenses:

License Meeting of August 15, 2023:

Grant Extraordinary Entertainment & Special Event to: Luxe Golf Bays–1<sup>st</sup> Anniversary Fireworks Display, Jimmy Stueck, 7065 S Ballpark Dr, 8/18/23 (Amended application with corrected date & time); Federation of Croatian Societies, Inc–Pavilion Fundraiser, Tomislav Kuzmanovic, 9100-9140 S 76<sup>th</sup> St, 9/17/23;

Grant Class “B: Beer Change of Agent to DBA Marcus Showtime Cinema, Marcus Cinemas of Wisconsin LLC, 8910 S 102<sup>nd</sup> St, Mark Peterson, Sr;

Grant 2023-24 Operator License to: Claire Almquist, Nicolas Gullo, Chad Lehrke, Lillian Nicholas, Arianna Singer, Meghan Struck; and Grant 2023-24 Renewal Operator License to Lindsay Safranek, Franklin Lioness Lions Club-St Martins Fair with a 2-0-1-abstention (Eichmann) vote.

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

VOUCHERS AND  
PAYROLL

- I. Alderman Barber moved to approve City vouchers with an ending date of August 10, 2023, in the amount of \$2,337,508.47, and payroll dated August 11, 2023, in the amount of \$468,337.36 and payments of the various payroll deductions in the amount of \$248,550.99, plus City matching payments, and estimated payroll dated August 25, 2023, in the amount of \$660,000 and payments of the various payroll deductions in the amount of \$552,000, plus City matching payments, and to also include an additional \$143,000 for Council agenda item G.8. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Holpfer moved to adjourn the meeting of the Common Council at 9:47 p.m. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.