

# APPROVED MARCH 21, 2023

## CITY OF FRANKLIN COMMON COUNCIL MEETING MARCH 7, 2023 MINUTES

### ROLL CALL

- A. The regular meeting of the Franklin Common Council was held on March 7, 2023, 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, Alderman Barber, and Alderman John R. Nelson. Also in attendance were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson. Alderwoman Hanneman was not present.

### CITIZEN COMMENT

- B.1. Citizen comment period was opened at 6:31 p.m. and was closed at 6:47 p.m.

Alderman Nelson moved to suspend the rules to allow Steve Taylor an additional minute to speak during citizen comment. Seconded by Alderwoman Wilhelm. On a roll call, motion carries 3-2 with Alderman Holpfer and Alderman Barber voting no.

Alderman Nelson moved to return to normal order. Seconded by Alderman Barber. All voted Aye; motion carried.

### MAYORAL ANNOUNCEMENTS

- B.2. Volition Franklin members presented a Mayoral Proclamation read by member Charlie declaring the week of March 26-April 1, 2022 to be Light & Unite Red Week spotlighting the dangers of substance misuse and the importance of mental health.

### CORRECTED MINUTES FEBRUARY 7, 2023

- C.1. No motion needed for the corrected minutes of the regular Common Council Meeting of February 7, 2023.

### MINUTES FEBRUARY 20, 2023

- C.2. Alderman Barber moved to approve the minutes of the regular Common Council meeting of February 20, 2023 with the correction of item G.14 by Alderwoman Wilhelm adding “for council approval” after the words an agreement. Seconded by Alderman Holpfer. All voted Aye; motion carried.

### HEARINGS VACATE RITE-OF-WAY WEST RYAN RD FROM SOUTH 60<sup>TH</sup> ST TO SOUTH 58<sup>TH</sup> ST

- D. A public hearing was called to order at 7:00 p.m. regarding a resolution which proposes the vacation of approximately 0.57 acres of right-of-way previously used for service road purposes which abuts the south side of West Ryan Road (STH 100) from South 60th Street to South 58th Street and which is abutted on its south boundary by the

5921 West Ryan Road (TKN 899-9991-002), 5921 West Ryan Road (TKN 899-9991-003) and 5825 West Ryan Road (TKN 899-9991-004) properties, respectively.

The public hearing was closed at 7:01 p.m.

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| VACATE RITE-OF-WAY WEST RYAN RD FROM SOUTH 60 <sup>TH</sup> ST TO SOUTH 58 <sup>TH</sup> ST               | G.1. | Alderman Nelson moved to table this item to the April 3, 2023 Common Council meeting following the March 23, 2023 Plan commission meeting for recommendation regarding a resolution which proposes the vacation of approximately 0.57 acres of right-of-way previously used for service road purposes which abuts the south side of West Ryan Road (STH 100) from South 60th Street to South 58th Street and which is abutted on its south boundary by the 5921 West Ryan Road (TKN 899-9991-002), 5921 West Ryan Road (TKN 899-9991-003) and 5825 West Ryan Road (TKN 899-9991-004) properties, respectively. Seconded by Alderman Holpfer. All voted Aye; motion carried. |
| RES. 2023-7953<br>FINAL PLAT FOR TESS CREEK ESTATES (P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT) | G.2. | Alderman Nelson moved to adopt Resolution No. 2023-7953, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR TESS CREEK ESTATES SUBDIVISION (AT 11595 AND 11600 WEST FOREST HOME AVENUE) (P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT). Seconded by Alderwoman Eichmann. All voted Aye; motion carried.   |
| SEWER/WATER EQUIPMENT FROM 2023 CAPITAL EXPENDITURES OUTLAY FUNDS   | G.3. | Alderman Barber moved to authorize Sewer/Water staff to solicit quotes for equipment considered in the 2023 Capital Expenditures Outlay funds. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.  |
| PURCHASE OF WIRELESS ACCESS POINTS & CABLING FOR 2023 POLICE DEPARTMENT OPERATIONAL OUTLAY BUDGET         | G.4. | Alderman Holpfer moved to authorize the purchase from Heartland Business Systems at a total cost of \$9,105.08 as budgeted for in the 2023 Police Department 2023 Operational Outlay Budget - Account 01-0211-5242. \$3,798.79 will be authorized for the cabling materials, installation, and equipment mounting services from the 2023 IT Operational Outlay Budget - Account 01-0144-5214. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.  |
| 2023 FOOD DRIVE DONATIONS   | G.5. | Alderman Barber moved to authorize the Director of Health and Human Services to accept monetary donations in the amount of \$230.00 for the 2023 Food Drive. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.  |

- PURCHASE OF  
TIMETAP SCHEDULING  
SUBSCRIPTION FOR  
HEALTH DEPARTMENT
- G.6. Alderman Barber moved to authorize the Director of Health and Human Services to purchase TimeTap Scheduling subscription. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- HEALTH DEPARTMENT  
GRANT CONTRACTS
- G.7. Alderman Barber moved to authorize the Director of Health and Human Services to accept and execute the grant contracts for the 2023 Prevention Grant, the Enhancing Detection and Laboratory Capacity Grant, and the 2022 Public Health Emergency Preparedness and Community Readiness Initiative carryover funds. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- HEALTH DEPARTMENT  
2022-2023 STRATEGIC  
PREVENTION GRANT
- G.8. Alderman Barber moved to authorize the Director of Health and Human Services to accept and execute the 2022-2023 Strategic Prevention Framework - Partnership for Success (SPFPFS) grant. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- HEALTH DEPARTMENT  
.15 FTE INTERN  
POSITION
- G.9. Alderman Holpfer moved to approve the addition of a .15 FTE intern position to the Franklin Health Department authorized positions table to be covered by a grant. Seconded by Alderman Barber. All voted Aye; motion carried.
- SHREDDING EVENT ON  
SEPTEMBER 23, 2023  
WITH PROSHRED  
SECURITY
- G.10. Alderwoman Wilhelm moved to direct Staff to execute an agreement and coordinate a Community Document Shredding Event with ProShred Security on Saturday, September 23, 2023. Seconded by Alderman Barber. All voted Aye; motion carried.
- AGREEMENT WITH  
MILWAUKEE COUNTY  
FOR EMERGENCY  
VEHICLE PRE-EMPTION  
AND LIGHTING  
EQUIPMENT AT WEST  
FOREST HOME  
AVENUE
- G.11. Alderwoman Wilhelm moved to table a resolution to enter an agreement with Milwaukee County for emergency vehicle pre-emption equipment and lighting equipment at W. Forest Home Avenue (CTH OO) intersection with W. St. Martins Road and a supplemental agreement to add lighting equipment to existing emergency vehicle pre-emption equipment at W. Forest Home Avenue (CTH OO) intersection with W. Rawson Avenue (CTH BB) at the call of the chair. Seconded by Alderman Nelson. All voted Aye; motion carried.
- AGREEMENT WITH  
MILWAUKEE COUNTY  
FOR CITY  
INFRASTRUCTURE AT  
WEST FOREST HOME  
AVENUE
- G.12. Alderman Barber moved to table a resolution to enter into an agreement with Milwaukee County for inclusion of city infrastructure in the W. Forest Home Avenue (CTH OO) project from Hi View Drive to W. Speedway Drive and direct staff to include expenditures in the 2024 budget at the call of the chair. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. 2023-7954  
KUENY ARCHITECTS,  
LLC TO DESIGN
- G.13. Alderwoman Wilhelm moved to adopt Resolution. No. 2023-7954, A RESOLUTION FOR KUENY ARCHITECTS, LLC TO PROVIDE DESIGN SERVICES FOR DPW AND the site plan including the

SERVICES FOR DPW  
AND FIRE CAMPUS  
AND STORAGE  
BUILDING

11,000 SQUARE FOOT DPW STORAGE BUILDING AT 7979 W. RYAN ROAD IN THE AMOUNT OF \$86,849.50, and for the design to return to the Common Council before going out for bid. Seconded by Alderman Holpfer. On a roll call, all voted Aye. Motion carried.

2023 QUARTERLY  
RESIDENTIAL  
SANITARY SEWER  
USER FEE

G.14. Alderman Barber moved to adopt the quarterly 2023 Residential Sanitary Sewer charge of \$71.59 and a fixed Commercial Connection charge of \$17.52 plus a \$4.22158100 per thousand-gallon volumetric charge, effective January 1, 2023, as provided by Municipal Code 207-14 H.(3)(b). Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2023-7955  
DISTRIBUTION  
EASEMENT AT 10100  
SOUTH 60<sup>TH</sup> STREET

G.15. Alderman Barber moved to adopt Resolution No. 2023-7955, A RESOLUTION TO VACATE DISTRIBUTION EASEMENT UNDERGROUND, GRANT A NEW DISTRIBUTION EASEMENT AND PAY ADDITIONAL COST TO WISCONSIN ELECTRIC POWER COMPANY ON THE CITY OF FRANKLIN OWNED PARCEL DESCRIBED AS THE NORTH TWELVE (12) FEET OF THE WEST ONE-HUNDRED (100) FEET OF LOT 2 OF CSM NO. 9369 (TKN 931-0006-001) 10100 S. 60TH STREET. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2023-7956  
CHANGE ORDER NO. 1  
FOR SOUTH 60<sup>TH</sup>  
STREET SANITARY  
LIFT STATION TO J.H.  
HASSINGER, INC.

G.16. Alderman Barber moved to adopt Resolution No. 2023-7956, A RESOLUTION TO ISSUE CHANGE ORDER NO. 1 FOR THE CONSTRUCTION OF S. 60TH STREET SANITARY LIFT STATION REPLACEMENT (10100 S. 60 STREET) TO J.H. HASSINGER, INC. FOR AN ADDITIONAL \$7,350 AND 196 DAYS OF FINAL COMPLETION. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

ORD. 2023-2532  
REPEAL §133-16 FIRE  
INSPECTION FEES AND  
ORDINANCE NO. 2006-  
1873

G.17. Alderwoman Eichmann moved to adopt Ordinance No. 2023-2532, AN ORDINANCE TO REPEAL §133-16 FIRE INSPECTION FEES OF THE MUNICIPAL CODE, AND ORDINANCE NO. 2006-1873 AS AMENDED THEREAFTER RESULTING IN THE TERMS AND PROVISIONS OF §133-16 FIRE INSPECTION FEES OF THE MUNICIPAL CODE. Seconded by Alderman Barber. All voted Aye; motion carried.

PURCHASE OF  
CHEVROLET  
TRAVERSE FOR  
ENGINEERING  
DEPARTMENT

G.18. Alderman Barber moved to authorize Engineering Department Staff to cancel previous \$28,783.00 purchase order for a Ford Explorer and purchase a comparable Chevrolet Traverse for \$31,141.00, and direct Staff to prepare a future budget amendment to increase account 42-0321-5811 by \$2,358.00. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

- RES. 2023-7957  
AGREEMENT WITH  
STATE OF WI DEPT OF  
ADMINISTRATION  
DIVISION OF ENERGY  
FOR WI HELP FOR  
HOMEOWNERS  
PROGRAM
- G.19. Alderman Holpfer moved to adopt Resolution No. 2023-7957, A RESOLUTION TO AUTHORIZE CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH THE STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DIVISION OF ENERGY TO PARTICIPATE IN THE WISCONSIN HELP FOR HOMEOWNERS PROGRAM. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- TWO-YEAR WENS  
SERVICE AGREEMENT  
EXTENSION WITH  
INSIPRON LOGISTICS  
LLC
- G.20. Alderman Nelson moved to approve a two-year extension of the WENS Service Agreement with Inspiron Logistics LLC for the City of Franklin Emergency Notification System for the period of 4/22/2023-4/21/2025 in the amount of \$10,650 per year, and to authorize the City Clerk to execute the agreement extension. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- ORD. 2023-2533  
AMEND ORD. 2022-2521  
2023 ANNUAL BUDGET  
FOR GENERAL FUND  
TO CARRY FORWARD  
APPROPRIATIONS
- G.21. Alderwoman Wilhelm moved to adopt Ordinance No. 2023-2533, AN ORDINANCE TO AMEND ORDINANCE 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGET FOR THE GENERAL FUND TO PROVIDE CARRY FORWARD APPROPRIATIONS FROM 2022 TO 2023 FOR ELECTION PRINTING COSTS IN THE AMOUNT OF \$10,000. Seconded by Alderman Barber. On a roll call, all voted aye. Motion carried.
- ORD. 2023-2534  
AMEND ORD. 2022-2521  
2023 ANNUAL BUDGET  
FOR GENERAL  
OPERATING FUND FOR  
JANITORIAL SERVICES
- G.22. Alderwoman Wilhelm moved to adopt Ordinance No. 2023-2534, AN ORDINANCE TO AMEND ORDINANCE 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGET FOR THE GENERAL OPERATING FUND TO TRANSFER \$70,000.00 IN EXPENDITURES FROM THE MUNICIPAL BUILDINGS SALARIES-PT ACCOUNTS TO THE MUNICIPAL BUILDINGS OTHER PROFESSIONAL SERVICES ACCOUNTS AND AUTHORIZE CERTAIN OFFICIALS TO EXECUTE A CONTRACT ADDENDUM WITH DUST-FREE CLEANING SERVICE, INC. JANITORIAL SERVICES FOR THE FRANKLIN PUBLIC LIBRARY AT \$3,152.00 PER MONTH, \$31,520.00 FOR 2023 subject to technical corrections. Seconded by Alderman Barber. On a roll call, all voted aye. Motion carried.
- LICENSES AND  
PERMITS
- H. Alderwoman Eichmann moved to approve the following licenses:  
  
Grant 2022-2023 Operator License to Taylor Crewz & Richard Rehberg;  
Grant 2023-2024 Operator License to Daniel Crass;  
Moved to recommend council to review by staff the Extraordinary

Events brought back to the COW meeting in May 2023.

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

VOUCHERS AND  
PAYROLL

- I. Alderman Barber moved to approve City vouchers with an ending date of March 2, 2023, in the amount of \$ 4,457,345.00 and Property Tax disbursements with an ending date of March 1, 2023 in the amount of \$ 25,180,818.95 and payroll dated February 24, 2023 in the amount of \$ 437,325.63 and payments of the various payroll deductions in the amount of \$ 472,399.60, plus City matching payments and estimated payroll dated March 10, 2023 in the amount of \$ 430,000 and payments of the various payroll deductions in the amount of \$ 235,000, plus City matching payment. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried

CLOSED SESSION  
DAL 27TH STREET  
CLINIC, LLC V CITY OF  
FRANKLIN

- G.23. Alderman Holpfer moved to enter closed session at 7:29 p.m., *DAL 27th Street Clinic, LLC v City of Franklin*, Milwaukee County Circuit Court Case No. 2021-CV-5746 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 litigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate, 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 reentering open session at 7:36 p.m., Alderwoman Wilhelm moved to authorize the execution by the City of the settlement agreement with regard to the *DAL 27<sup>th</sup> Street Clinic, LLC v City of Franklin*, Milwaukee County Circuit Court Case No. 2021-CV-5746. Seconded by Alderman Barber. All voted Aye, motion carried.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting of the Common Council at 7:37 p.m. Seconded by Alderman Holpfer. All voted Aye; motion carried.