

APPROVED JUNE 6, 2023

CITY OF FRANKLIN COMMON COUNCIL MEETING MAY 16, 2023 MINUTES

ROLL CALL

- A. The regular meeting of the Franklin Common Council was held on May 16, 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, Alderwoman Courtney Day, Alderman Mike Barber, and Alderman Jason Craig. Also in attendance were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:31 p.m. and was closed at 6:52 p.m.

Alderman Barber moved to suspend the rules to let Kristen Wilhelm continue to speak past the three-minute time limit. Seconded by Alderwoman Day. All voted aye, motion carried.

MINUTES MAY 2, 2023

- C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of May 2, 2023, as presented. Seconded by Alderman Holpfer. All voted Aye; motion carried.

MAYORAL APPOINTMENT

- E. Alderman Barber moved to confirm the following Mayoral appointment:

John R. Nelson, 7787 S. North Cape Rd., - Community Development Authority for a 3 year term expiring April 20, 2026.

Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

ACCEPT COMMUNITY BETTERMENT DONATION – FRANKLIN LIONS CLUB AND SPEND ON DEPARTMENT INITIATIVES

- G.1. Alderwoman Eichmann moved to approve a \$5,000.00 Community Betterment donation from the Franklin Lions Club Foundation, to be used towards the EMS Utility Vehicle, and other specialized EMS equipment and supplies. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2023-2537 AMEND ORD. 2022-2521, ADOPTING 2023 ANNUAL BUDGETS – CARRY FORWARD FROM 2022

- G.2. Alderman Holpfer moved to adopt Ordinance No. 2023-2537, AN ORDINANCE TO AMEND ORDINANCE 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGETS FOR THE GENERAL, CAPITAL OUTLAY, STREET IMPROVEMENT, AND CAPITAL IMPROVEMENT TO PROVIDE CARRY FORWARD APPROPRIATIONS FROM 2022 FOR SPECIFICALLY

IDENTIFIED PROJECTS IN THE AMOUNT OF \$1,400,895. Seconded by Alderman Barber. On a roll call vote, all voted Aye. Motion carried.

RES. 2023-7984
AWARD THE 2023
FIBER OPTIC RING
PROJECT TO TURNKEY
NETWORK SOLUTIONS

G.3. Alderman Barber moved to adopt Resolution No. 2023-7984, A RESOLUTION TO AWARD THE 2023 CITY OF FRANKLIN FIBER OPTIC RING PROJECT TO FIBER OPTIC MANAGEMENT LLC DBA TURNKEY NETWORK SOLUTIONS, IN THE AMOUNT OF \$961,819.64. Seconded by Alderman Hasan. All voted aye; motion carried.

ADVERTISE BIDS FOR
GUARDRAIL
REPLACEMENT – S 68TH
STREET

G.4. Alderman Hasan moved to authorize Staff to advertise for bids for guardrail replacements on S. 68th Street. Seconded by Alderman Barber. All voted Aye; motion carried.

REQUEST FOR
PROPOSALS –
PROFESSIONAL
SERVICES CONTRACT –
PROVIDE MARKETING
MATERIALS

G.5. Alderman Barber moved to direct staff to distribute a request for Proposals for a professional services contract to Provide Marketing Materials to the City of Franklin. Seconded by Alderman Craig. All voted Aye; motion carried.

REQUEST FOR
PROPOSALS –
PROFESSIONAL
SERVICES CONTRACT –
STRATEGIC PLANNING
SERVICES

G.6. Alderman Barber moved to direct staff to distribute a request for Proposals for a professional services contract to provide Strategic Planning Services to the City of Franklin. Seconded by Alderwoman Day. All voted Aye; motion carried.

STREET CLOSURES OF
S LEGEND DR /
SCHLUETER PKWY –
JUNE 3RD – BIKE RODEO

G.7. Alderwoman Eichmann moved to approve the street closures of S. Legend Drive and Schlueter Pkwy on Saturday June 3 from 6:00 am until 3:00 pm in conjunction with the City of Franklin Health Department Bike Rodeo. Seconded by Alderman Hasan. All voted Aye; motion carried.

HEALTH DEPARTMENT
PRESENTATION

G.8. Presentation of current Franklin Health Department services and initiatives.

RES 2023-7985
EXECUTE
AMENDMENT NO. 2
AGREEMENT WITH
GRAEF-USA, INC. –
PLEASANT VIEW PARK
MASTER PLAN

G.9. Alderman Craig moved to adopt Resolution 2023-7985, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AMENDMENT NO. 2 TO AN AGREEMENT WITH GRAEF-USA, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PLEASANT VIEW PARK MASTER PLAN UPDATE IN THE AMOUNT OF \$4,000. Seconded by Alderman Holpfer. All voted Aye; motion carried.

- RES 2023-7986
AUTHORIZE
CONTRACT WITH FOTH
INFRASTRUCTURE
AND ENVIRONMENT,
LLC – DESIGN RYAN
RD TRUNK SEWER AND
INTERCEPTOR
- G.10. Alderman Holpfer moved to adopt Resolution 2023-7986, A RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES CONTRACT WITH FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC TO START THE DESIGN OF THE RYAN ROAD TRUNK SEWER FOR A PROFESSIONAL FEE OF \$97,000 and to instruct staff to work out a financing strategy for other City accounts to temporary loan this project and return with a budget amendment. Seconded by Alderman Barber. All voted Aye; motion carried.
- MODIFICATION TO
AGREEMENT WITH
PROSHRED
- G.11. Alderman Barber moved to authorize the modification to the agreement with Proshred with the lowered insurance limitations. Seconded by Alderwoman Day. All voted Aye; motion carried.
- RES 2023-7987
ARGICULTURAL LEASE
AGREEMENT FOR
FARMLAND USE UPON
CITY PROPERTY
- G.12. Alderman Barber moved to adopt Resolution 2023-7987, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGRICULTURAL LEASE AGREEMENT FOR FARMLAND USE UPON CITY PROPERTY BEARING TKNS 892-9999-002 (0 SOUTH 112TH STREET) AND 937-9999-004 (0 WEST OAKWOOD ROAD) IN FRANKLIN, WISCONSIN, AND A LANDOWNER'S STATEMENT IN RELATION THERETO with additional attachments and corrections provided by the farmer and the City Attorney. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- MILWAUKEE COUNTY
PEDESTRIAN / BICYCLE
ACCOMMODATIONS
ON S. 76TH STREET
BETWEEN W. SOUTH
COUNTY LINE ROAD
AND S. CREEKVIEW
COURT
- G.13. Alderman Holpfer moved to have Staff work with MCDOT to include on-street accommodations (paved shoulders) for bicycle/pedestrians. Staff would return with a resolution showing this support to MCDOT. Staff would request that MCDOT provide an estimate for this option. Seconded by Alderman Hasan. All voted Aye; motion carried.
- RES 2023-7988
PARTIAL PROPERTY
TAX RECISSION AND
REFUND TKN 934-0109-
000
- G.14. Alderman Holpfer moved to adopt Resolution 2023-7988, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR TKN 934-0109-000. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES 2023-7989
PARTIAL PROPERTY
TAX RECISSION AND
REFUND TKN 944-9997-
000
- G.15. Alderman Barber moved to adopt Resolution 2023-7989, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR TKN 944-9997-000. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

- DEVELOPMENT OF AN ORDINANCE TO ADD MUNICIPAL CODE SECTION 183-48 D – PROHIBIT USE OF THE CITY PARK PAVILIONS W/O PROPER AUTHORIZATION
- G.16. Alderman Barber moved to restrict the use of City pavilions with no restriction to party size and include signage with restrictions. Seconded by Alderwoman Day. All voted Aye; motion carried.
- RES 2023-7990
PARTIAL PROPERTY TAX RESCISSION AND REFUND TKN 934-0023-000
- G.17. Alderman Hasan moved to adopt Resolution 2023-7990, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR TKN 934-0023-000. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES 2023-7991
ACCEPTANCE OF EASEMENTS SANITARY SEWER AND WATER MAIN – TKN 9939-9995-001
- G.18. Alderman Craig moved to adopt Resolution 2023-7991, A RESOLUTION FOR ACCEPTANCE OF EASEMENTS FOR SANITARY SEWER AND WATER MAIN AT 10020 S. 124TH STREET, TKN 939-9995-001. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- RES 2023-7992
RESCIND RES. 2023-7982, APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR TKN 754-9008-000 AND TKN 754-9011-000
- G.19. Alderwoman Eichmann moved to adopt Resolution 2023-7992, A RESOLUTION TO RESCIND RESOLUTION NO. 2023-7982, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR TKN 754-9008-000, AND APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR 2022 FOR TKN 754-9011-000. Seconded by Alderman Hasan. All voted Aye; motion carried.
- RES 2023-7993
EXECUTE SUBDIVISION DEVELOPMENT AGREEMENT WITH SUBDIVIDER OF PLEASANT VIEW RESERVE
- G.20. Alderman Hasan moved to adopt Resolution 2023-7993, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE SUBDIVIDER OF PLEASANT VIEW RESERVE SUBDIVISION PHASE II-B, LOCATED AT W. MARQUETTE AVENUE AND S. 50TH COURT. Seconded by Alderman Craig. All voted Aye; motion carried.

RES 2023-7994
AWARD THE 2022
LOCAL STREET
PREVENTATIVE
MAINTENANCE
PROGRAM AND
CONTRACT – FAHRNER

G.21. Alderman Holpfer moved to adopt Resolution 2023-7994, A RESOLUTION TO AWARD THE 2022 LOCAL STREET PREVENTATIVE MAINTENANCE PROGRAM AND CONTRACT TO FAHRNER ASPHALT SEALERS, LLC, IN THE AMOUNT OF \$112,048.08. Seconded by Alderman Hasan. All voted Aye; motion carried.

RES 2023-7995
STATEMENTS OF NON-
REIMBURSEMENTS BY
FRANKLIN WATER
AND SEWER UTILITIES
TO WI-DOT

G.22. Alderman Craig moved to adopt Resolution 2023-7995, A RESOLUTION TO EXECUTE STATEMENTS OF NON-REIMBURSEMENTS BY FRANKLIN WATER AND SEWER UTILITIES TO WISCONSIN DEPARTMENT OF TRANSPORTATION ALONG S. LOVERS LANE FROM W. RAWSON AVENUE TO W. COLLEGE AVENUE. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES 2023-7996
AUTHORIZE WE
ENERGIES TO
CONVERT LIGHTS

G.23. Alderman Hasan moved to adopt Resolution 2023-7996, A RESOLUTION TO AUTHORIZE WE ENERGIES TO CONVERT FIVE HIGH PRESSURE SODIUM LIGHTS TO LED LIGHTS FOR \$125.00. Seconded by Alderman Holpfer. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Craig moved to approve the following licenses with removal of the Hills Has Eyes:

License Committee Meeting 5/16/23:

Grant Extraordinary Entertainment & Special Event to: Race Day Events – Elf Run/Winter Run Series, Max Noll, Whitnall Park to South of West College Ave; Rock Sports Complex – The Hill Has Eyes, Paul Cimoch, 7005 S Ballpark Dr, Fridays & Saturdays: 9/29-10/28/23;

Deny 2023-2024 Operator License to Melissa Soares;

Grant 2023-2024 Operator License Renewal to the following: Kallie Berg, Sandra Albert, Thomas Balistreri, Sarah Berg, Joseph Cauley, Eric Cottman, Samuel Danowski, John Fenelon, Jody Haase, Lisa Hansen, Sierra Helgeland, Jessica Hendren, Kimberly Hill, Andrew Hushek, Marie Idzikowski, Amber Ishaque, John Janiszewski, Adam Jubeck, Nathaniel Kaluzny, Kim Kuklinski, Abi Masloroff, Justin Monnie, Sarah Nickolaus, Martha Norman, Michael Norman, Kelly Ottoson, Victoria Pitts, Laura Rogers, Bobette Sakiewicz, Katiana Valle, Denise Widenski, Remy Ziolkowski;

Grant 2023-2024 Operator License Upon Correction of Application to: Amy Ottaviani & Alexander Sawyer-Young;

Hold 2023-2024 Operator License Renewal to Nicole Stankowski for Referral to City Attorney;

Grant 2023-2024 Day Care License to: DBA Ingenious, Inc., Ingenious, Inc, Banmeet Dadwal, 7260 S 76th St; DBA Kids Connection of Rawson, Candence Education, LLC, Katelyn, Rekowski, 3130 W Rawson Ave;

Grant Class A Combination License to: DBA 7-Eleven, Dairyland Retail Group LLC, Elizabeth Evans, 7610 W Rawson Ave; DBA Andy's On Ryan Rd, Ryan Fuel LLC, Kavita Khullar, 5120 W Ryan Rd; DBA CVS Pharmacy #5390, Wisconsin CVS Pharmacy LLC, Nicole Baker, 5220 W Rawson Ave; DBA Discount Cigarettes & Liquor, Andyone Inc, Sunny Patel, 6507A S 27th St; DBA Franklin, Liquor Store, New Liquor & Food Inc, Gurjeet Singh, 8305 S 27th St; DBA Kwik Trip #287, Kwik Trip Inc, Jill Le Claire, 5040 W Rawson Ave; DBA Kwik Trip #857, Kwik Trip Inc, Michael Roberts, 10750 W Speedway Dr; DBA Mann Liquor & Indian Grocery, Nerankar LLC, Vinder Kumar, 7158 S 76th St; DBA Midtown Gas & Liquor, Jujhar LLC, Hardip Bhatti, 11123 W Forest Home Ave; DBA Pick'n Save #6360, Ultra Mart Foods LLC, Ricky Kloth, 7201 S 76th St; DBA Pick'n #6431, Mega Marts LLC, Mark Waraksa, 7780 S Lovers Lane Rd; DBA Sam;s Club #8167, Sam;s East Inc, Tiffany Jones, 6705 S 27th St; DBA Sendik's Food Market, Sendik's Franklin LLC, Theodore Balistreri, 5200 W Rawson Ave; DBA Target Store T-2388, Target Corporation, Jairo Barron, 7800 S Lovers Lane Rd; DBA Walgreens #05459, Walgreen Co, Austin Korth, 9909 W Loomis Rd; DBA Walgreens #05884, Walgreen Co, Brian Hilber, 9527 S 27th St; DBA Walgreens #15020, Walgreen Co, Elaine Blumreiter, 7130 S 76th St; DBA Walmart# 1551, Wal-Mart Stores East LP, Heather Burns, 6701 S 27th St; and

Hold 2023-2024 Operator License to Ashley Dyer for Correction of Name at Next License Committee Meeting.

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

Alderwoman Day took separate action on Hills Has Eyes application and approve as presented to the License Committee and Common Council. Seconded by Alderwoman Eichmann. On roll call, Alderman Eichmann, Alderwoman Day and Alderman Craig voted Aye; Alderman Holpfer, Alderman Barber and Alderman Hasan voted No. Mayor Nelson broke the tie by voting in the Affirmative. Motion carried.

VOUCHERS AND
PAYROLL

- I. Alderman Barber moved to approve City vouchers with an ending date of May 11, 2023, in the amount of \$1,686,385.51 and property tax disbursements with an ending date of May 10, 2023, in the amount of \$1,436.42, and payroll dated May 5, 2023 in the amount of \$434,894.31 and payments of the various payroll deductions in the amount of \$230,731.91, plus City matching payments and estimated payroll dated May 19, 2023 in the amount of \$450,000 and payments

of the various payroll deductions in the amount of \$490,000, plus City matching payments and estimated payroll dated June 2, 2023 in the amount of \$440,000 and payments of the various payroll deductions in the amount of \$235,000, plus City matching payments. Seconded by Alderman Holpfer. On roll call; all voted Aye. Motion carried.

CLOSED SESSION –
CONFER WITH LEGAL
COUNCIL FOR THE
COMMON COUNCIL

- G.24. Alderman Holpfer moved to enter closed session at 8:20 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 the *Franklin Community Advocates, et al v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031 litigation, 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 a roll call; all voted Aye. Motion carried.

Mayor Nelson recessed the meeting for five minutes at 8:20 p.m. We resumed into closed session at 8:27 p.m.

Alderman Barber made a point of order to have the Director of Administration recuse herself, Alderwoman Eichmann agreed. Attorney Wesolowski stated there was no legal or statutory prohibition to hiring the Administrator as well as attendance in closed session. Attorney Remzy Bitar stated she cannot be forced out of the closed session, but would need to keep this information confidential.

Returned to open session at 9:15 p.m.

Alderman Craig moved to direct legal counsel to proceed as discussed in closed session. Seconded by Alderman Holpfer. On a roll call, 4-2. Motion carried. Alderwoman Day and Alderman Barber voted no.

CLOSED SESSION –
DELIBERATE UPON
THE TAX
INCREMENTAL
DISTRICT NO. 5
DEVELOPMENT
AGREEMENT

- G.25. Alderman Barber moved to enter closed session at 9:19 pm, pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon the Tax Incremental District No. 5 Development Agreement shortfall and payment in lieu of taxes and related agreements provisions, the negotiation of provisions and 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 Alderwoman Eichmann. On a roll call; all voted Aye. Motion carried.

A handout was passed out in closed session by the Director of Administration which was delivered by Steve Taylor for Mike Zimmerman.

Returned to open session at 9:54 p.m.

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

ADJOURNMENT

J. Alderman Craig moved to adjourn the meeting of the Common Council at 9:55 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.