

APPROVED MAY 21, 2024

CITY OF FRANKLIN COMMON COUNCIL MEETING MAY 7, 2024 MINUTES

- ROLL CALL
- A. The regular meeting of the Franklin Common Council was held on May 7, 2024, and was called to order at 6:30 p.m. by Mayor John R. Nelson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Holpfer, Alderwoman Eichmann, Alderman Hasan, Alderwoman Day, Alderman Barber and Alderman Craig. Also, in attendance were Director of Administration Kelly Hersh, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Shirley J. Roberts.
- CITIZEN COMMENT
- B.1. Citizen comment period was opened at 6:35 p.m. and was closed at 7:57 p.m.
- JUDGE FRED KLIMETZ
PROCLAMATION
- B.2. Mayor Nelson presented a Proclamation in Recognition of the Service of Municipal Judge Frederick F. Klimetz.
- MINUTES
APRIL 16, 2024
- C. Alderman Holpfer moved to approve the minutes of the Common Council meeting of April 16, 2024 as presented. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- MAYORAL
APPOINTMENTS
- E.1. Alderman Holpfer moved to approve the following Mayoral Appointments:
1. Annalee Bennin, 8255 W. Forest Hill Ave., Franklin Public Schools, District Administrator - Library Board (3-year unexpired term expiring 06/30/26).
 2. Eric Heinritz, 7906 S. 68th St., Ald. Dist. 4 - Architectural Board (3-year term expiring 04/30/27).
 3. Jim Witt, 6540 S. 51st St., Ald. Dist. 3 - Board of Public Works (3-year term expiring 04/30/27).
- Seconded by Alderwoman Eichmann. On a roll call, all voted Aye. Motion carried.
- Mayor Nelson called a recess at 8:01 p.m.
- Mayor Nelson reconvened at 8:10 p.m.
- Alderman Hasan and Alderman Barber returned at 8:11 p.m.
- FIRE DEPT VEHICLE
EXHAUST SYSTEM
- G.1. Alderman Holpfer moved to award the 2024 Fire Department Source Capture Vehicle Exhaust System Project to Hastings Air Energy Control - Plymovent for \$213,642.00 (Account 41-0221-

05822). Seconded by Alderman Barber. All voted Aye; motion carried.

SOUND LEVEL
MEASURED AT THE
PROPERTY BOUNDARY
FOR FRANKLIN FIELD

G.2. Alderman Barber moved to allow for a sound level of 55 dBA LAeq as measured at the property boundary for the Franklin Field temporary use permit per Municipal Code §183-41. Seconded by Alderman Craig. On a roll call vote, Alderman Craig, Alderman Barber, Alderwoman Day, Alderman Hasan, Alderman Holpfer voted Aye; Alderwoman Eichmann voted No. Motion carried (5-1-0).

RES. 2024-8143
CHANGE ORDER NO 2
WATER TRANSMISSION
MAIN TO DORNER, INC
FOR \$40,000

G.3. Alderwoman Eichmann moved to adopt Resolution No. 2024-8143, A RESOLUTION TO ISSUE CHANGE ORDER NO. 2 FOR THE WATER TRANSMISSION MAIN (CONTRACT A) ALONG S. LOVERS LANE IN THE AMOUNT OF \$40,000 TO DORNER, INC. Seconded by Alderwoman Day. All voted Aye; motion carried.

FRANKLIN SENIOR
TRAVEL PROGRAM
UPDATE

G.4. Alderman Holpfer moved to place on file Franklin Senior Citizens Travel Program Update for 2023 Year End. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

RES. 2024-8144
AWARD LANDMARK
STRUCTURES I, LP
WATER STORAGE TANK

G.5. Alderwoman Eichmann moved to adopt Resolution No. 2024-8144, A RESOLUTION TO AWARD LANDMARK STRUCTURES I, LP CHANGE ORDER NO. 1 FOR ELEVATED WATER STORAGE TANK (CONTRACT B) AT 8120 S. LOVERS LANE RD. (TKN 801-9986-000) IN THE AMOUNT OF \$67,932. Seconded by Alderman Craig. All voted Aye; motion carried.

RES. 2024-8145
DESIGNATING OFFICIAL
NEWSPAPER

G.6. Alderman Barber moved to adopt Resolution No. 2024-8145, A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER. Seconded by Alderman Holpfer. All voted Aye; motion carried.

SUBSTITUTION OF
ALTERNATIVE
INSURANCE COVERAGE
FOR WATERMAIN
EXTENSION CONTRACT

G.7. Alderman Holpfer moved to approve substitution of alternative insurance coverage provisions in the contract for the watermain extension on the east frontage road of South Lovers Lane Rd. from S. Phyllis Ln. to W. Herda Place with A.W. Oakes & Son, Inc. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

SERVICE AGMT WITH
KONICA MINOLTA
BUSINESS SOLUTIONS
FOR DOCUMENT
MANAGEMENT SYSTEM

G.8. Alderwoman Eichmann moved to approve Professional Services Agreement between the City of Franklin and Konica Minolta Business Solutions USA, Inc. to provide Document Management System (DMS) Software, Licenses, Scanners, and Implementation Services, not to exceed the total project cost of \$71,835 funded by Account No. 41-0144-5841, subject to Attorney technical

corrections. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2024-8146
AMEND SUBDIVISION
DEVELOPMENT AGMT
CAPE CROSSING
SUBDIVISION

G.9. Alderman Hasan moved to adopt Resolution No. 2024-8146, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE SUBDIVISION DEVELOPMENT AGREEMENT FOR CAPE CROSSING SUBDIVISION (PHASE 1) BETWEEN THE CITY OF FRANKLIN AND CAPE CROSSING LLC (SUBDIVIDER). Seconded by Alderman Craig. All voted Aye; motion carried.

RES. 2024-8147
WARRANTY DEED
ACCEPTANCE FOR
DEDICATION OF
OUTLOT 4 CAPE
CROSSING SUBDIVISION

G.10. Alderwoman Eichmann moved to adopt Resolution No. 2024-8147, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A WARRANTY DEED FOR DEDICATION OF OUTLOT 4 OF THE RECORDED CAPE CROSSING SUBDIVISION PLAT, DOCUMENT NUMBER 11356311 (TKN 890-1067-000). Seconded by Alderman Craig. All voted Aye; motion carried.

FINANCIAL
PROCEDURES AND
POLICIES PROTOCOLS

G.11. Alderwoman Eichmann moved to authorize the Directors of Administration and Finance to access current financial procedures and policies and implement industry standard best practices and project management protocols. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2024-2614
OPT OUT EXTENDED
HRS CLOSING TIMES
FOR RNC

G.12. Alderman Holpfer moved to adopt Ordinance No. 2024-2614, AN ORDINANCE TO OPT OUT OF THE EXTENDED HOURS CLOSING TIMES AND TO RETAIN THE CLOSING TIMES CURRENTLY IN EFFECT PURSUANT TO THE WISCONSIN STATUTES FOR ALCOHOL BEVERAGE LICENSED PREMISES IN THE CITY OF FRANKLIN FOR THE DAYS RELATED TO THE REPUBLICAN NATIONAL CONVENTION TO BE HELD IN THE CITY OF MILWAUKEE, PURSUANT TO SUBSECTIONS 64 c.(4)(b)3., (c)3. and (d)3. of 2023 WISCONSIN ACT 73. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

ORD. 2024-2615
AMEND ORD 2023-2569
2024 ANNUAL BUDGET
FOR CAPITAL
IMPROVEMENT FUND -
PARK IMPROVEMENT
\$37,710 LIONS LEGEND

G.13. Alderman Barber moved to adopt Ordinance No. 2024- 2615, AN ORDINANCE TO AMEND ORDINANCE 2023-2569, AN ORDINANCE ADOPTING THE 2024 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT FUND TO PROVIDE \$37,710.00 OF PARK IMPROVEMENT APPROPRIATIONS FOR THE ELECTRIC SERVICE UPGRADES AT LIONS LEGEND PARK. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2024-8148
AWARD ELECT SERVICE
UPGRADES TO J. MILLER
ELECTRIC, INC.

G.14. Alderman Barber moved to adopt Resolution No. 2024- 8148, A RESOLUTION TO AWARD ELECTRIC SERVICE UPGRADES AT LIONS LEGEND PARK - 8030 S. LEGEND DRIVE, TKN 802-9995-001 TO J. MILLER ELECTRIC, INC. FOR \$68,330.00. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

CLOSED SESSION
TID 5 DEV AGMT
SHORTFALL AND PILOT
AND RELATED AGMTS
PROVISIONS

G.17. Alderman Barber moved to enter closed session at 9:30 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 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 litigation in which it is likely to become involved, and to re-enter 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, Alderman Holpfer, Alderwoman Eichmann, Alderman Hasan, Alderman Barber all voted Aye; Alderwoman Day and Alderman Craig voted No, motion carried.

Upon reentering open session at 10:50 p.m., Alderman Craig motioned to direct legal counsel to commence litigation on subject matter by filing a summons and complaint in court on May 8, 2024. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

Mayor Nelson called a recess at 10:52 p.m.

Mayor Nelson reconvened at 11:00 p.m.

CLOSED SESSION
EXCESSIVE 2023 TAX
ASSESSMENT CLAIM
RAMELANN KALAGIAN

G.15. Alderman Craig moved to enter closed session at 11:02 p.m. pursuant to § 19.85(1)(e), for competitive and bargaining reasons, to deliberate and consider the excessive 2023 tax assessment claim submitted by Ramelann Kalagian on January 29, 2024 for the property bearing Tax Key No. 847-0084-001, and governmental actions in relation thereto, and 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 litigation in which it is likely to become involved, and to re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

Upon reentering open session at 11:06 p.m., Alderman Holpfer moved to deny claim as presented. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
*GREG NISENBAUM V.
CITY OF FRANKLIN
EXCESSIVE TAX
ASSESSMENT CLAIM*

- G.16. Alderman Barber moved to enter closed session at 11:07 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 *Greg Nisenbaum v. City of Franklin Excessive Tax Assessment Claim*, 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. All voted Aye; motion carried.

Upon reentering open session at 11:15 p.m., no action taken.

MISCELLANEOUS
LICENSES

- H. Alderman Craig moved to approve the following Operator licenses of the License Committee Meeting of May 7, 2024:

Grant 2023-24 and 2024-25 Operator License to Steven Piontek;
Hold 2023-24 Operator License to Bradley Mazur for correction of application;

Grant Class B Beer & Class C Wine 2023-2024 License to Waha Restaurant LLC, DBA Waha Buffet, 6514 S Lovers Lane Rd, Yanni Jin, Agent;

Grant Extraordinary Entertainment & Special Event to Root River Center-Rootfest Live Music Event, David Church, 7220 W Rawson Ave, 5/31 & 6/1/24;

Grant Extraordinary Entertainment & Special Event & Temporary Class B Beer to Scottish Festivals Inc.-Scottish Highland Games, David Berger, 9100 S 76th St - Croatian Park, 6/1/24;

Approved Business Name Change for Class B Beer & Liquor 2023-2024 to ROC Ventures, LLC- Entity Change DBA Ballpark Commons/The Rock Sports Complex, 7005 S Ballpark Dr, Thomas Johns, Agent;

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

Alderman Craig moved to approve Fireworks displays after Milkmen games-2024. Seconded by Alderwoman Eichmann. On roll call, Alderman Holpfer, Alderman Hasan, Alderman Barber and Alderman Craig voted no; Alderwoman Eichmann and Alderman Day voted Aye; motion failed (2-4-0).

Alderman Craig moved to approve the Summer Concert Series 2024 Season. Seconded by Alderwoman Eichmann. On roll call Alderman Craig, Alderman Barber, Alderwoman Day and

Alderman Hasan voted No; Alderwoman Eichmann and Alderman Holpfer voter Aye. Motion Failed. (2-4-0)

Alderwoman Day motioned to reconsider the vote of the Summer Concert Series at the Umbrella Bar. Seconded by Alderwoman Eichmann. On roll call Alderman Craig, Alderman Barber voted No. Alderwoman Day, Alderman Hasan, Alderman Eichmann and Alderman Holpfer voted Aye. Motion Carried. (4-2-0)

Alderwoman Day motioned to table for consideration at a future (unknown date) Special Common Council meeting that the applicant can confirm the sound system is installed and operational, to have done a sound study check and can provide decibel levels, and that the software is operational on the City website from the sound system monitors. Seconded by Alderman Barber. All vote Aye; motion carried.

Alderwoman Eichmann moved to approve the Tacos & Tequila/Phase Fest Musical Festival-2024 with an approved sound check the day before with the Mayor, Alderman of the district and residents where they can gage a feel for what's workable and agreed to at the lot line. With a clear understanding of what is acceptable and the Police are aware of the same. Seconded by Alderman Holpfer. On roll call, Alderman Holpfer, Alderwoman Eichmann, Alderman Hasan vote Aye. Alderwoman Day, Alderman Barber and Alderwoman Craig Vote No. Mayor Nelson broke the tie with voting in the affirmative. Motion carried.

VOUCHERS AND
PAYROLL

- I. Alderman Craig moved to approve City vouchers with an ending date of May 2, 2024 in the amount of \$5,275,562.17, payroll dated April 19, 2024 in the amount of \$506,720.51 and payments of the various payroll deductions in the amount of \$501,737.72 plus City matching payments, and payroll dated May 3, 2024 in the amount of \$463,877.24 and payments of the various payroll deductions in the amount of \$247,047.49, plus City matching payments, and estimated payroll dated May 17, 2024 in the amount of \$475,000 and payments of the various payroll deductions in the amount of \$520,000, plus City matching payments. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
POTENTIAL
COMMERCIAL/RESIDENTIAL
DEVELOPMENT(S)
AND PROPOSAL(S)

- G.18. Alderman Craig moved to enter closed session at 12:35 a.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing/residential 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 9661, 9745, 9821 W. Loomis Rd., 9710, 9760, 9824 W. St. Martins Road, 9530 W. Puetz Rd., 9355 W. Brenwood Park Dr. and other properties surrounding the intersection of St. Martins and Loomis Roads, 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. All voted Aye; motion carried.

Upon reentering open session at 12:57 a.m., Alderman Craig moved to direct staff to proceed as discussed in closed session. Seconded by Alderman Barber. On roll call, Alderman Craig, Alderman Barber, Alderwoman Day, Alderman Hasan and Alderman Holpfer voted Aye; Alderwoman Eichmann voted No, motion carried (5-1-0).

CLOSED SESSION
POTENTIAL
COMMERCIAL/
INDUSTRIAL/MFG
/DEVELOPMENT(S) AND
PROPOSAL(S)

G.19. Alderman Craig moved to enter closed session at 12:59 a.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, 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 3303 W. Oakwood Rd., and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Day. All voted Aye; motion carried.

Upon reentering open session at 1:11 a.m., Alderman Hasan moved to direct staff to proceed as discussed in closed session. Seconded by Alderman Holpfer. On roll call, Alderman Craig, Alderman Barber, Alderwoman Day, Alderman Hasan and Alderman Holpfer voted Aye; Alderwoman Eichmann voted No, motion carried (5-1-0).

CLOSED SESSION
POTENTIAL ACQUISITION
PROPERTY 0 S. 100TH ST
AND 0 S. LOVERS LANE
RD FOR WATER MAIN
UTILITY EASEMENT
AND WATER MAIN

G.20. Alderwoman Eichmann moved to enter closed session at 1:13 a.m. pursuant to Wis. Stat. § 19.85(1)(e), for competitive and bargaining reasons, to consider the potential acquisition of a portion of the property on 0 S 100th St. (TKN 840-9984-000) and on 0 S Lovers Lane Rd. (TKN 840-9982-003) for a permanent water main utility easement, for the installation of a water main to and for the adjacent Water Tower Park Project and the service area in relation thereto, and the negotiating of the purchase and the investing of public funds 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 Alderman Hasan. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 1:16 a.m., Alderwoman Eichmann moved to direct staff to proceed as discussed in closed session. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
POTENTIAL
ACQUISITION OF
PROPERTY RESERVED
FOR PUBLIC RD
PURPOSES ON 8050 S.
100TH ST

- G.21. Alderman Holpfer moved to enter closed session at 1:18 a.m. pursuant to Wis. Stat. § 19.85(l)(e), for competitive and bargaining reasons, to consider the potential acquisition of 30.00' RESERVED FOR PUBLIC ROAD PURPOSES property as described and set forth on Certified Survey Map No. 5913, recorded with the Milwaukee County Register of Deeds on November 19, 1993, Reel 3166 Image 1255 to 1259 INCL., upon a portion of the property on 8050 S. 100th St. (TKN 801-9981-001), for the adjacent Water Tower Park Project and access thereto, and the negotiating of the purchase and the investing of public funds 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 Alderman Hasan. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 1:33 a.m., Alderman Eichmann moved to direct staff to proceed as discussed in closed session. Seconded by Alderman Hasan. All voted Aye; motion carried.

CLOSED SESSION
CITY PERSONNEL
PERFORMANCE
EVALUATION

- G.22. Alderman Barber moved to enter closed session at 1:35 a.m. pursuant to Wis. Stat. § 19.85(l)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governing body has jurisdiction or exercises responsibility, Wis. Stat. § 19.85(1)(f), considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data or involved in such problems or investigations, and Wis. Stat. § 19.85(1)(g), conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Craig. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 2:43 a.m., Alderman Hasan moved to proceed as discussed in closed session. Seconded by Alderwoman Day. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderwoman Eichmann moved to adjourn the meeting of the Common Council at 2:44 a.m. Seconded by Alderman Hasan. All voted Aye; motion carried.