

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
APRIL 7, 2009  
MINUTES**

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| ROLL CALL                                 | A.     | The regular meeting of the Common Council was held on April 7, 2009 and called to order at 6:30 p.m. by Mayor Taylor in the Common Council Chambers at Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Mayor Taylor, Aldermen Olson, Solomon, Wilhelm, Taylor, Sohns and Skowronski. Also present were City Engineer Bennett, Dir. of Administration Luberda, City Attorney Wesolowski, City Clerk Wesolowski, and Deputy City Clerk Vanden Boom. |
| CITIZEN COMMENT                           | B.1.   | Citizen comment period was opened at 6:31 p.m. and closed at 6:50 p.m.  |
| MAYOR ANNOUNCEMENT                        | B.2.   | Mayor Taylor and Alderman Solomon presented a Certificate of Recognition and Gratitude to Daniel M. Mayer.  |
| APPROVAL OF MINUTES                       | C.1.   | Alderman Wilhelm moved to approve the minutes of the regular meeting of March 17, 2009, with the deletion of "Conservation Coalition" from Item G-5. Seconded by Alderman Sohns. All voted Aye; motion carried.   |
|   | C.2.   | Alderman Olson moved to approve the minutes of the special meeting of March 18, 2009, as presented. Seconded by Alderman Wilhelm. On roll call, Aldermen Olson, Solomon, Wilhelm, Taylor, and Skowronski voted Aye; Alderman Sohns abstained. Motion carried.   |
|   | C.3.   | Alderman Wilhelm moved to approve the minutes of the special meeting of March 31, 2009, as presented. Seconded by Alderman Solomon. All voted Aye; motion carried.  |
| APPOINTMENT TO PLAN COMMISSION            | E.1.a. | Alderman Solomon moved to confirm the Mayoral appointment of Randall Ritter to the Plan Commission, term expires 4/30/2012. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.  |
| APPOINTMENT OF WEED COMMISSIONER          | E.1.b. | Alderman Wilhelm moved to confirm the Mayoral appointment of Gene Ninnemann as Weed Commissioner/Cutting Services, term expires 4/30/2010. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.   |
| CONSENT AGENDA                            | G.1.   | Alderman Wilhelm moved to approve the following items on the consent agenda:  |
| RES. 2009-6537<br>COMMENDING<br>GREG STAN | G.1.a. | Adopt Resolution No. 2009-6537, A RESOLUTION COMMENDING GREG STAN UPON HIS RESIGNATION FOR YEARS OF VALUABLE SERVICE TO THE COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF FRANKLIN, WISCONSIN;   |

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| DONATION FROM WAL-MART   | G.1.b. | Accept donation of \$1,000 from Wal-Mart Foundation to the Franklin Police Department to be used for Crime Prevention;  |
| DONATION FROM WAL-MART   | G.1.c. | Accept donation of \$1,000 from Wal-Mart Foundation to the Franklin Fire Department to be used for Fire Prevention and Education;   |
| RES. 2009-6538 EASEMENTS FOR FOUNTAINS OF FRANKLIN   | G.1.d. | Adopt Resolution No. 2009-6538, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE THE PERMANENT STORM WATER AND RETENTION POND EASEMENTS FOR THE FOUNTAINS OF FRANKLIN; and   |
| LETTER OF CREDIT SE PEDIATRIC & ADOLESCENT MED.  | G.1.e. | Release the Letter of Credit No. 396 from MW Bank for the Southeastern Pediatric & Adolescent Medicine Facility located at 10500 W. Loomis Road as recommended by staff.  |
| <p>Approval of the above consent agenda items was seconded by Alderman Olson. All voted Aye; motion carried.</p> |        |   |
| RES. FOR S. 51ST ST. IMPROVEMENTS  | G.2.   | Alderman Olson moved to table A RESOLUTION DIRECTING THE INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLATION OF WATER MAIN ON S. 51ST STREET FROM W. PUETZ ROAD TO A POINT 3,300 FEET SOUTH OF W. PUETZ ROAD. Seconded by Alderman Wilhelm. All voted Aye; motion carried.   |
| RES. AWARDING CONTRACT FOR S. 51ST ST.   | G.3.   | Alderman Olson moved to table A RESOLUTION AWARDING THE CONTRACT TO THE LOWEST BIDDER, PAYNE & DOLAN, INC., FOR THE RECONSTRUCTION OF S. 51ST STREET FROM 700 FEET NORTH OF W. RYAN ROAD TO 100 FEET SOUTH OF W. PUETZ ROAD AS PART OF THE 2009 LOCAL ROAD PROGRAM. Seconded by Alderman Taylor. All voted Aye; motion carried.   |
| CONSULTING ENG. FOR S. 51ST ST.  | G.4.   | Alderman Sohns moved to direct staff to proceed with the quality based selection process for a consulting engineering firm for the reconstruction of S. 51st Street from W. Puetz Road to W. Drexel Avenue, with said selection to be used if a stimulus project is received or to be used for local construction if a stimulus project is not received. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| JAG GRANT FOR POLICE EQUIPMENT   | G.5.   | Alderman Wilhelm moved to authorize the Franklin Police Department to apply for and accept funding through a Justice Assistance Grant for equipment. Seconded by Alderman Olson. All voted Aye; motion carried.   |

COPS HIRING  
RECOVERY  
PROGRAM

G.6. Alderman Sohns moved to authorize the Franklin Police Department to apply funding for COPS Hiring Recovery Program (CHRP) for the filing of one vacant officer position and adding four additional officers, with acceptance of the grant and authorization to hire the officers to be brought back to the Council for approval. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.

Alderman Sohns moved to refer the COPS Hiring Recovery Program officer positions to the Finance and Personnel Committees for current and future impact on the City. Seconded by Alderman Solomon. All voted Aye; motion carried.

ORD. 2009-1969  
AMENDING CODE  
RELATING TO  
LICENSURE AND  
REGULATION OF  
FOOD PERMITS,  
CAMPS AND  
SWIMMING POOLS

G.7. Alderman Olson moved to adopt Ordinance No. 2009-1969, ADOPTING "AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO PROVIDE REGULATIONS AND FEES RELATING TO LICENSURE AND REGULATION OF RETAIL FOOD ESTABLISHMENTS, RESTAURANTS, SCHOOL KITCHENS, HOTELS, MOTELS, TOURIST ROOMING HOUSES, BED AND BREAKFAST ESTABLISHMENTS, FOOD VENDING MACHINES, VENDING MACHINE OPERATORS, VENDING MACHINE COMMISSARIES, CAMPGROUNDS, RECREATIONAL AND EDUCATIONAL CAMPS, AND SWIMMING POOLS", BY REFERENCE. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

ENVIRONMENTAL  
COMM. RULES AND  
PROCEDURES

G.8. Alderman Sohns moved to approve the Environmental Commission Administrative Rules and Procedures, dated March 2009, as recommended by the Environmental Commission and as amended by the City Attorney. Seconded by Alderman Skowronski. All voted Aye; motion carried.

STAFF TO PREPARE  
UDO AMENDMENT  
FOR DETACHED  
GARAGES

G.9. Alderman Solomon moved to direct staff to prepare a UDO text amendment, in a manner and form as determined by staff and the City Attorney, for Plan Commission consideration that allows for detached garages in limited circumstances as stated in the request for Council action dated 04/07/09. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

ST. MARTINS BIKE  
AND HIKING TRAIL

G.10. Alderman Taylor, seconded by Alderman Wilhelm, moved to suspend rules to allow Ms. Montgomery to speak, as requested during citizen comment period. All voted Aye; motion carried.

Alderman Sohns, seconded by Alderman Skowronski, moved to return to the regular order of business. All voted Aye; motion carried.

ST. MARTINS BIKE  
AND HIKING TRAIL-  
CONTINUED

Alderman Skowronski moved to not proceed with the St. Martins bike and hiking trail, which includes funding. Seconded by Alderman Wilhelm. On roll call, Aldermen Wilhelm, Sohns and Skowronski voted Aye; Aldermen Olson, Solomon and Taylor voted No. Mayor Taylor broke the tie by voting in the affirmative. Motion carried.

It was further moved by Alderman Sohns to direct staff to withdraw the Wisconsin Department of Natural Resources permits for the St. Martins bike and hiking trail, that are the subject of a contested case, and to also inform the DNR that the City will not be accepting the grant. Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2009-6539  
AWARDING  
CONTRACT FOR S.  
116TH STREET

G.11. Alderman Skowronski moved to adopt Resolution No. 2009-6539, A RESOLUTION AWARDING CONTRACT TO THE LOWEST BIDDER, PAYNE & DOLAN, FOR THE RECONSTRUCTION OF S. 116TH STREET FROM W. RYAN ROAD TO W. SWISS STREET AS PART OF THE 2009 LOCAL ROAD PROGRAM to Payne & Dolan, Inc. in the amount of \$267,715.00. Seconded by Alderman Taylor. Upon unanimous Aye voice vote, motion carried.

REVISE PLANS FOR  
W. DREXEL AVE.  
RETAINING WALL

G.12. Alderman Taylor moved to authorize staff to revise the plans for W. Drexel Avenue reconstruction between S. 27th Street and S. 31st Street to change the retaining wall east of S. 31st Street from stone to modular block at a cost of less than \$250. Seconded by Alderman Wilhelm. Upon unanimous Aye voice vote, motion carried.

ADVERTISE BIDS  
FOR STORM WATER  
FACILITIES IN THE  
FRANKLIN  
BUSINESS PARK

G.13. Alderman Taylor moved to authorize advertising bids for the retrofit of two existing storm water facilities located in the Franklin Business Park, located on the south side of W. Ryan Road between 4300 and 5500 block of W. Ryan Road. Seconded by Alderman Skowronski. All voted Aye; motion carried.

ACCEPT BID FOR  
SALE OF 1973  
GRADER

G.14. Alderman Wilhelm moved to accept the bid from Absolut Services, Inc. in the amount of \$5,800 for one 1973 Austin Western Motor Grader, City of Franklin Unit No. 701. Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2009-6540  
SE WIS CLEAN  
WATER NETWORK  
MEMBERSHIP

G.15. Alderman Sohns moved to adopt Resolution No. 2009-6540, A RESOLUTION AUTHORIZING THE CITY TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT TO BECOME A MEMBER OF THE SOUTHEAST WISCONSIN CLEAN WATER NETWORK FOR A STORM WATER INFORMATION AND EDUCATION PROGRAM, with funding from the contingency fund. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

- OPPOSE EXCESSIVE STORM WATER MGMT. RESTRICTIONS AND SUPPORT LOCAL CONSENT TO MMSD INFRASTRUCTURE TRANSFER      G.16.      Alderman Sohns moved to table A RESOLUTION IN OPPOSITION TO EXCESSIVE STORM WATER MANAGEMENT RESTRICTIONS SUBSTANTIALLY PROHIBITING REDEVELOPMENT AND IN SUPPORT OF THE REQUIREMENT OF LOCAL GOVERNMENT CONSENT TO THE TRANSFER OF MILWAUKEE METROPOLITAN SEWERAGE DISTRICT INFRASTRUCTURE FROM THE DISTRICT TO LOCAL MUNICIPALITIES. Seconded by Alderman Olson. All voted Aye; motion carried.
- ORD. 2009-1970 LEASH REQUIREMENT DOGS AND CATS      G.17.      Alderman Taylor moved to adopt Ordinance No. 2009-1970, AN ORDINANCE TO REQUIRE ALL DOGS AND CATS OFF THE OWNER'S PREMISES TO BE ON A LEASH subject to technical corrections as may be necessary by City Attorney. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2009-6541 MADACC AGREEMENT      G.18.      Alderman Solomon moved to adopt Resolution No. 2009-6541, A RESOLUTION RELATIVE TO CONTINUED PARTICIPATION BY THE CITY OF FRANKLIN IN THE MILWAUKEE AREA DOMESTIC ANIMAL CONTROL COMMISSION (MADACC) SERVICES AGREEMENT AND UPDATING SAID AGREEMENT. Seconded by Alderman Skowronski. On roll call, Aldermen Solomon, Wilhelm, Taylor, Sohns and Skowronski voted Aye Alderman Olson voted No. Motion carried.
- PYZYK INVOICE FOR BUCKHORN TAVERN      G.19.      Alderman Skowronski moved to authorize payment in the amount of \$4,335 to the Law Offices of Roger C. Pyzyk for services rendered relating to Buckhorn Tavern. Seconded by Alderman Sohns. All voted Aye; motion carried.
- COMMITTEE OF THE WHOLE      G.20.a.      No action was taken on the public hearing for special assessment for installation of water main on S. 51st Street from W. Puetz Road to a point 3,300 feet south of W. Puetz Road that was held 4/06/09.
- SCHEDULE SPECIAL COMMON COUNCIL MEETING      G.20.b.  
G.20.c.      Alderman Taylor moved to schedule a Special Common Council meeting for 4/18/09 at Franklin City Hall at 12:00 noon to include the following items listed on the Committee of the Whole agenda from 4/06/09 (with Item G.20.b.7. to be listed first on the agenda), and an item to schedule a date for the next Special Common Council meeting:  
G.20.b.1. Current Mission Statement of the City of Franklin.  
G.20.b.2. Vision Statement for a long-term vision of the City of Franklin as prepared by MSA Professional Services, Inc., December 2004 (unadopted as of April 2009).  
G.20.b.3. The future relationship between the Mayor and the Common Council as it relates to duties and responsibilities established by law or by practice for the Mayor and Aldermen.

SPECIAL COMMON  
COUNCIL MEETING-  
CONTINUED

G.20.b.4. Cabinet form of City Government or other such forms of City Government that the Common Council may wish to entertain.

G.20.b.5. Roles and responsibilities of a chairman of a board or commission of the City of Franklin.

G.20.b.6. Role, duties and responsibilities of the Common Council President and the relationship between the Council President, the Mayor and the Common Council.

G.20.b.7. Structure of the 27th Street Steering Committee and possible replacement entity or other such non-profit organization that fits the mission of the Corridor.

G.20.c. AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO PROVIDE THAT THE COMMON COUNCIL SHALL PRESIDE AT MEETINGS OF THE COMMITTEE OF THE WHOLE.

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

ORD. 2009-1971  
NATURAL  
RESOURCE  
PROTECTION PLAN

G.20.d. Alderman Skowronski moved to adopt Ordinance No. 2009-1971, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT §15-3.0501c. AND §15-7.0201 TO PROVIDE CERTAIN EXCEPTIONS FROM THE REQUIREMENT THAT A CERTIFIED SURVEY MAP (CSM) APPLICATION INCLUDE A NATURAL RESOURCE PROTECTION PLAN APPLICATION (NRPP) AND AT §15-4.0102 TO PROVIDE THAT CERTAIN NATURAL RESOURCE INFORMATION, FROM THE “BEST AVAILABLE” SOURCE WITHOUT COMPLETION OF AN NRPP, BE INCLUDED ON THE CSM IN LIEU OF PREPARATION OF AN NRPP. Seconded by Alderman Sohns. On roll call, Aldermen Olson, Wilhelm, Taylor, Sohns and Skowronski voted Aye; Alderman Solomon voted No. Motion carried.

GRANTS

G.20.e. Alderman Olson moved that Mayor appoint a temporary ad hoc committee of up to eight members including Alderman Wilhelm to research grants available to the City to provide funds for design, land acquisition, construction of walking and/or bicycle paths specific to S. 51st Street, and a connector between Pleasant View School and S. 51st Street and return to the Council with recommendation for application for grants. Seconded by Alderman Wilhelm. On roll call, Aldermen Skowronski, Sohns, Wilhelm and Olson voted Aye; Aldermen Taylor and Solomon voted No. Motion carried.

MMSD

G.20.f. No action was taken on the letter from Milwaukee Metropolitan Sewerage District regarding funding opportunity to retrofit Municipal and School buildings with modular green roofs and/or roof drain restrictors to significantly reduce energy usage and reduce storm water runoff.

NON-PROFIT ORGANIZATION G.20.g. No action was needed on a letter from Director of Administration Luberda regarding volunteer and non-profit organization insurance issues.

CLAIM G.21. Alderman Sohns moved to deny the claim of Joyce Keane pursuant to §893.80(1g), Stats., based upon and in concurrence with the insurance adjuster that there is no negligence on behalf of the City of Franklin. Seconded by Alderman Olson. All voted Aye; motion carried.

CLOSED SESSION- WATER SUPPLY AND DISTRIBUTION FACILITIES IMPACT FEES G.22. Alderman Solomon moved to enter closed session at 9:50 p.m. pursuant to §19.85(1)(e), Stats., to deliberate upon the subject of the recalculation of water supply and distribution facilities impact fees, and to develop a collection and disbursement allocation, implementation and negotiation strategy, 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 Olson. On roll call, all voted Aye; motion carried.

The Common Council reentered open session at 10:39 p.m.

LICENSES AND PERMITS H.1. Alderman Solomon moved to approve the following recommendations of the License Committee:

Operators' license for Brian P. Francis, 4436 S. Adams Avenue, Milwaukee subject to satisfactory schooling; Kamaldeep Kaur, 4245 S. First Street, Milwaukee; Angel C. Messer, 8924 W. Puetz Road; Christopher M. Reske, 10935 W. Wells Street, Wauwatosa and Vikramjeet Singh, 501 E. Dover Street, Milwaukee;

Further moved to approve 2009-10 Operator license for Milutin Jaksic, 3637 S. 93rd Street, Milwaukee;

Further moved to approve the People Uniting for the Betterment of Life and Investment in the Community ("PUBLIC") grants for Fleet Reserve Association Branch 14 (Leon J. Zalewski), sale of general merchandise at St. Martins Fair with Labor Day and non-intoxicating and soda water beverages on 9/06 and 9/07/09 subject to submittal of all required documents;

Further moved to approve Extraordinary Entertainment & Amusement Event for Madison Chicago 200 Relay, Joe Pulizzano, Franklin streets and Franklin High School property on 6/12 and 6/13/09 subject to drivers wearing reflective clothing;

Further moved to approve Taxi Cab License for Joseph F. Alaka, 7455 N. 42nd Street, Milwaukee;

LICENSES AND  
PERMITS-  
CONTINUED

Further moved to hold Class B Combination License for B.S.T., LLC, d/b/a: Mulligan's Irish Pub & Grille, Teki Dilaveri, 8933 S. 27th Street until the next License Committee meeting;

Further moved to hold Operator's License for Rahul, Gulati, 4245 S. First Street, Milwaukee and Daveine C. Jopek, 1666 S. 69th Street, West Allis;

Further moved to hold Class B Combination, Entertainment & Amusement for Buckhorn Inn, Christopher Matecki, 9461 S. 27th Street subject to appearing before the License Committee and satisfactory building inspection;

and also moved to deny Operator License for Khaled B Ould, Ethmane, 1134 W. Grant Street, Milwaukee for habitual law offender contrary to §125.04(50(a) and (b). Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I.1. Alderman Sohns moved to approve net City vouchers in the range of Nos. 129159 through 129411 in the amount of \$2,268,441.54. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

Alderman Sohns moved to approve next payroll of March 27, 2009, in the amount of \$323,440.33. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 10:55 p.m. Seconded by Alderman Skowronski. All voted Aye; motion carried.