

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
APRIL 20, 2010
MINUTES**

**OATH OF OFFICE
ALDERMEN**

City Clerk Wesolowski administered the Oath of Office to District 1 Alderman Steve Olson, District 2 Alderman Timothy C. Solomon, and District 5 Alderman Doug Schmidt.

ROLL CALL

- A. The regular meeting of the Common Council was held on April 20, 2010 and called to order at 6:33 p.m. by Mayor Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Olson, Solomon, Wilhelm, Taylor, Schmidt and Skowronski. Also present were City Engineer Bennett, Director of Administration Lubberda, City Attorney Wesolowski and City Clerk Wesolowski.

**CITIZEN
COMMENT**

- B-1. Citizen comment period was opened at 6:34 p.m. Alderman Olson moved to extend the time limit of 3 minutes for Ted Grintjes to speak during this citizen comment period. Seconded by Alderman Solomon. All voted Aye; motion carried. Alderman Skowronski moved to return to the regular order of business. Seconded by Solomon. All voted Aye; motion carried. Alderman Olson moved to extend the time limit of 3 minutes for Fred Keller to speak during this citizen comment period. Seconded by Alderman Taylor. All voted Aye; motion carried. Alderman Olson moved to return to the regular order of business. Seconded by Alderman Solomon. All voted Aye; motion carried. Citizen comment period was closed at 6:59 p.m.

**ANNOUNCEMENTS
HIGH SCHOOL
PRINCIPAL OF THE
YEAR**

- B-2.a. Mayor Taylor and Alderman Schmidt presented a Proclamation to Franklin High School Principal Michael Cady congratulating him on being named the 2010 Wisconsin High School Principal of the Year.

**ANNOUNCEMENTS
DAFFODIL DAYS**

- B-2.b. Mayor Taylor noted the American Cancer Society Newsletter regarding their 2010 Milwaukee County Daffodil Days.

**MINUTES-
4/05/2010**

- C-1. Alderman Olson moved to approve minutes of the regular meeting of April 5, 2010 as presented. Seconded by Alderman Solomon. On roll call, Aldermen Taylor, Wilhelm, Solomon, and Olson voted Aye; Aldermen Skowronski and Schmidt Abstained. Motion carried.

**MINUTES-
4/14/2010**

- C-2. Alderman Wilhelm moved to approve minutes of the special meeting of April 14, 2010 as presented. Seconded by Alderman Taylor. All voted Aye; motion carried.

APPOINTMENTS

- E-1.a. Alderman Olson moved to approve the 1st Aldermanic District appointment of John Nosbisch to the Board of Review. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.
- E-1.b. Alderman Solomon moved to approve the 2nd Aldermanic District appointment of Carol Brunner to the Board of Review. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.
- E-1.c. Alderman Skowronski moved to approve the 5th Aldermanic District appointment of Norman Hintz to the Board of Review. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.
- E-1.d. Alderman Taylor moved to approve the Mayoral appointment of Alderman Skowronski to the Plan Commission, term expires 4/30/11. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.
- E-1.e. Alderman Taylor moved to approve the Mayoral appointment of Alderman Olson to the Economic Development Commission, term expires 4/16/13. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.
- E-1.f. Alderman Wilhelm moved to approve the Mayoral appointment of Alderman Solomon to the Finance Committee, term expires 4/30/11. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E-1.g. Alderman Wilhelm moved to approve the Mayoral appointment of Alderman Taylor to the Finance Committee, term expires 4/30/11. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.
- E-1.h. Alderman Taylor moved to approve the Mayoral appointment of Alderman Wilhelm to the Finance Committee, term expires 4/30/11. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.
- E-1.i. Alderman Olson moved to approve the Mayoral appointment of Alderman Solomon to the Parks Commission, term expires 4/30/11. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E-1.j. Alderman Taylor moved to approve the Mayoral appointment of Alderman Solomon to the License Committee, term expires 4/30/11. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.

APPOINTMENTS-
CONTINUED

- E-1.k. Alderman Solomon moved to approve the Mayoral appointment of Alderman Taylor to the License Committee, term expires 4/30/11. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.
- E-1.l. Alderman Taylor moved to approve the Mayoral appointment of Alderman Wilhelm to the License Committee, term expires 4/30/11. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E-1.m. Alderman Olson moved to approve the Mayoral appointment of Alderman Solomon to the Personnel Committee, term expires 4/16/13. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.
- E-1.n. Alderman Taylor moved to approve the Mayoral appointment of Alderman Schmidt to the Personnel Committee, term expires 4/16/13. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E-1.o. Alderman Wilhelm moved to approve the Mayoral appointment of Alderman Olson to the Personnel Committee, term expires 4/16/13. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.
- E-1.p. Alderman Solomon moved to approve the Mayoral appointment of Alderman Schmidt to the Board of Public Works, term expires 4/16/13. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E-1.q. Alderman Skowronski moved to approve the Mayoral appointment of Alderman Schmidt to the Library Board, term expires 4/16/13. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.
- E-1.r. Alderman Skowronski moved to approve the Mayoral appointment of Alderman Schmidt to the Environmental Commission, term expires 4/30/11. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E-1.s. Alderman Solomon moved to approve the Mayoral appointment of Alderman Taylor to the Civic Celebrations Commission, term expires 4/30/12. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.
- E-1.t. Alderman Solomon moved to approve the Mayoral appointment of Alderman Olson to the Technology Commission, term expires 4/16/13. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

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| COUNCIL
PRESIDENT | E-2. | Alderman Skowronski nominated Alderman Taylor as Council President. Seconded by Alderman Wilhelm. Hearing no further nominations, Mayor Taylor closed nominations. On roll call to elect Alderman Taylor as Council President, all voted Aye; motion carried. |
| 2010 EMS AGMT FOR
PARAMEDIC
SERVICES | F-1. | Mayor Taylor noted a letter from Milwaukee County Department of Health & Human Services regarding timing and amount of payment of the supplemental tax levy funds as approved by the County Executive and the County Board of Supervisors in the 2010 adopted budget relating to the 2010 Agreement for Paramedic Services. |
| LETTER OF CREDIT
GULCZYNSKI CSM | G-1. | Alderman Taylor moved to release the Letter of Credit No. 3129 from Tri-City National Bank One dated September 9, 2002 for the development of the Gulczynski CSM as recommended by staff as all improvements required in the development agreement have been completed and inspected by staff. Seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| RES. 2010-6639
SPECIAL USE 10700
W. VENTURE DR
(STEVEN A. KUNESH
& GREGORY J.
KUNESH,
APPLICANTS) | G-2. | Alderman Skowronski moved to adopt Resolution No. 2010-6639, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A LAWN CARE SERVICE BUSINESS UPON PROPERTY LOCATED AT 10700 WEST VENTURE DRIVE, SUITE B (STEVEN A. KUNESH AND GREGORY J. KUNESH, APPLICANTS). Seconded by Alderman Taylor. All voted Aye; motion carried. |
| REPLACEMENT
COUNCIL
CHAMBERS
CAMERA SYSTEM | G-3. | Alderman Taylor moved to authorize the purchase of a replacement camera and camera control system from Professional Audio Designs, Inc. in the amount of \$3,725.72 using contingency appropriations in the General Fund and authorize the Director of Administration to execute the necessary purchase documents. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| COMMUNITY ROOM
SOUND SYSTEM | G-4. | Alderman Olson moved to table the purchase and installation of a sound system in the Community Room. Alderman Olson withdrew his motion.
Alderman Olson then moved to table the purchase and installation of a sound system in the Community Room until additional information is available from the Director of Administration. Seconded by Alderman Solomon. All voted Aye; motion carried. |

WI DOT AGMT.
27TH STREET
DREXEL AVE
INTERCHANGE

G-5.

Alderman Olson to approve a State/Municipal Agreement for a Highway Improvement Project: 27th Street (STH 241) with the Wisconsin Department of Transportation, providing for lighting improvements within the City of Franklin, with the understanding that the lighting costs of \$500,000 to be paid thereunder would otherwise be the responsibility of the Department of Transportation under standard cost sharing requirements, subject to the qualification of the lighting costs as project costs and the approval by the Joint Review Board for the applicable Tax Incremental District(s) of the \$500,000 to be paid thereunder as a project cost to be paid by tax increment, and subject to the Wisconsin Department of Transportation agreeing that this extraordinary one-time lump sum payment shall not be increased and shall not be due until the commencement of the 27th Street project no earlier than 2013 and the Department of Transportation obtaining the current intended timely construction of the Drexel Avenue Interchange without municipal cost share funding from the City of Franklin; all of the foregoing being subject to Oak Creek agreeing that it is in full satisfaction of any City of Franklin obligation under Article IV. of that certain June, 2009 Memorandum of Understanding with Oak Creek. Seconded by Alderman Taylor.

At 8:00 p.m. Mayor Taylor passed the gavel to Council President Taylor who then chaired the meeting. At 8:10 p.m. the gavel was returned to Mayor Taylor who returned to chairing the meeting.

Alderman Wilhelm moved to call for the question. Motion failed due to a lack of majority of affirmative votes.

On roll call for the main motion, Aldermen Schmidt, Solomon, and Olson voted Aye; Aldermen Skowronski, Taylor, and Wilhelm voted No. Motion failed due to a lack of majority of affirmative votes.

Alderman Olson moved to refer this document to the Mayor and appropriate City staff to discuss with the Wisconsin Department of Transportation any alternate solutions and include any other parties that the Mayor so selects, and have the Mayor call a special Common Council meeting prior to May 1, 2010, if necessary. Seconded by Alderman Solomon. All voted Aye; motion carried.

CLOSED SESSION
SENSIENT
TECHNOLOGIES
CORPORATION V.
RONALD S LA GOSH
AND DAVID C.
MALIK

G-6.

Alderman Wilhelm moved to enter closed session at 8:45 p.m. pursuant to §19.85(1)(g), Stats., to consider a lawsuit in the United States District Court for the Eastern District of Wisconsin filed by Sensient Technologies Corporation v. Ronald S. LaGosh and David C. Malik for unreasonable and unlawful search and seizure of claimants' documents and property on December 17, 2008 and reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

CLOSED SESSION-
CLOSED

Upon reentering open session at 9:20 p.m. Alderman Olson moved to authorize special counsel to continue to pursue such settlement actions and undertake such settlement actions discussed in closed session. Seconded by Alderman Solomon. All voted Aye; motion carried.

CLOSED SESSION
CLAIM OF JOE
MAINUS

G-7.

Alderman Olson moved to deny the claim of Joseph Mainus for reimbursement of crop damages sustained when City vehicles drove through his soybean field located at 10941 S. 92nd Street on October 9, 2009. Seconded by Alderman Schmidt.

Alderman Skowronski moved to suspend the regular order of business to allow Joseph Mainus to speak. Seconded by Alderman Wilhelm. Aldermen Skowronski, Taylor, and Wilhelm voted Aye; Aldermen Schmidt, Solomon, and Olson voted No. Motion failed due to the requirement of a 2/3 majority vote to suspend the regular order of business.

Alderman Solomon moved to call for the question. All voted Aye; motion carried.

On the motion to deny the claim, Aldermen Olson and Solomon voted Aye; Aldermen Wilhelm, Taylor and Skowronski voted No; Alderman Schmidt Abstained. Motion failed.

Alderman Skowronski moved to pay claim not to exceed \$1,300 for damages to Joseph Mainus property with the understanding that any payment by the City would be in exchange for an agreement with from Joseph Mainus that the City will then in exchange receive all rights of subrogation and collect from any other parties who might be responsible. Seconded by Alderman Wilhelm. On roll call, Aldermen Wilhelm, Taylor and Skowronski voted Aye; Aldermen Olson, Solomon and Schmidt voted No. Mayor broke tie by voting in affirmative. Motion carried.

LICENSES AND
PERMITS

H-1.

Alderman Solomon moved to grant the following licenses subject to meeting all licensing requirements:

New Class B Combination License to: QT Pizza, LLC, d/b/a Rounding Third Pizzeria, Agent: Theodore A. Quartana, 7119 S. 76th Street subject to satisfactory building inspection;

Further moved to approve New Class A Combination License to: Midtown Beer & Liquor, LLC, Agent: Daniel J. Rakovich, 11123 W. Forest Home Avenue subject to satisfactory building inspection;

Further moved to approve Class B Combination License-Change of Premise Description to Country Lanes, Owner: Robert Sczerzen, Sr., 11231 W. Forest Home Avenue subject to satisfactory electrical inspection and Mulligan's Irish Pub & Grille, Agent: Teki Dilaveri, 8933 S. 27th Street subject to satisfactory inspections;

**LICENSES AND
PERMITS-
CONTINUED**

Further moved to approve Class A Combination License-Change of Agent to Target Corporation, Agent: Katie A. Sasse, 7800 S. Lovers Lane Road;

Further moved to approve Operator License for Jennifer M. Zolinski, 209 E. Bradley Avenue, Milwaukee with warning letter from City Clerk; Mary A. Bellanti, S46 W22608 Lawnsdale Road, Waukesha subject to satisfactory schooling; Christina M. Malecki, 317A Burdick Avenue, Milwaukee; Dharmender Singh, 5820 16th Street #204, Racine; Poonam Singh, 16225 Cumberland Trail, Brookfield; Henry Matecki, 6837 S. Conforti Court and Terry A. Owen, W150 S7655 Dorothy Drive, Muskego;

And, further moved to hold Operator License for Brittney Levenhagen, 6400 W. Layton Avenue, Greenfield until applicant contacts the City Clerk. Seconded by Alderman Taylor. All voted Aye; motion carried.

**VOUCHERS AND
PAYROLL**

- I-1. Alderman Schmidt moved to approve net City vouchers in the range of Nos. 133768 through 133900 in the amount of \$716,669.69. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

Alderman Taylor moved to approve the net City payroll of April 9, 2010 in the amount of \$322,695.12. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:52 p.m. Seconded by Alderman Solomon. All voted Aye; motion carried.