

CITY OF FRANKLIN
COMMON COUNCIL MEETING
APRIL 17, 2012
MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on April 17, 2012 and called to order at 6:30 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 Solomon, Wilhelm, Taylor, Schmidt and Skowronski. Excused was Alderman Olson. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski. (Troop 316 led Pledge of Allegiance)
- City Clerk Wesolowski administered the Oath of Office to Municipal Court Judge Frederick F. Klimetz.
- CITIZEN COMMENT B.1. Citizen comment period was opened at 6:35 p.m. and closed at 7:05 p.m.
- APPROVAL OF
MINUTES-3/20/12 C.1. Alderman Taylor moved to approve the minutes of the regular meeting of March 20, 2012. Seconded by Alderman Schmidt. All voted Aye; motion carried
- APPROVAL OF
MINUTES-4/2/12 C.2. Alderman Taylor moved to approve the minutes of the special meeting of April 2, 2012. Seconded by Alderman Wilhelm. All voted Aye; motion carried
- PUBLIC HEARING-
ORDINANCE TO
AMEND 2025
COMPREHENSIVE
MASTER PLAN D.1. A public hearing regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at approximately 12001 West Ryan Road and 12000 West Loomis Road, from Commercial and Residential – Multi-Family to Institutional (Victory of Lamb, Inc., applicant) was opened at 7:20 p.m. and closed at 7:23 p.m.
Alderman Solomon moved that the public hearing be adjourned until such date as set by staff following anticipated further review. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- APPOINTMENTS E.1.a. Alderman Skowronski moved to approve the Mayoral appointment of Gregory Bollis to the Architectural Board, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E.1.b. Alderman Skowronski moved to approve the Mayoral appointment of Louis Jost to the Architectural Board, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

APPOINTMENTS-
CONTINUED

- E.1.c. Alderman Skowronski moved to approve the Mayoral appointment of David Cieszynski, (alternate member), to the Architectural Board, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E.1.d. Alderman Wilhelm moved to approve the Mayoral appointment of Mark Arndt, (alternate member), to the Architectural Board, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E.1.e. Alderman Skowronski moved to approve the Mayoral appointment of Romaine Denk to the Fair Commission, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E.1.f. Alderman Solomon moved to approve the Mayoral appointment of Gerald Tobin to the Fair Commission, term expires 4/30/15. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.
- E.1.g. Alderman Skowronski moved to approve the Mayoral appointment of Rosemarie Bosch to the Fair Commission, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E.1.h. Alderman Wilhelm moved to approve the Mayoral appointment of Allen Martin, (advisory member), to the Fair Commission. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.
- E.1.i. Alderman Schmidt moved to approve the Mayoral appointment of Michael Martens to the Finance Committee, term expires 4/30/13. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.
- E.1.j. Alderman Solomon moved to approve the Mayoral appointment of Robert Donohoo to the Fire and Police Commission, term expires 4/30/17. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E.1.k. Alderman Wilhelm moved to approve the Mayoral appointment of Kris Barnekow to the Board of Health, term expires 4/30/14. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E.1.l. Alderman Solomon moved to approve the Mayoral appointment of Marilyn Bolton to the Board of Health, term expires 4/30/14. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.

APPOINTMENTS-
CONTINUED

- E.1.m Alderman Skowronski moved to approve the Mayoral appointment of Philip Nickerson to the Parks Commission, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E.1.n Alderman Wilhelm moved to approve the Mayoral appointment of Carl Heigl to the Parks Commission, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E.1.o Alderman Skowronski moved to approve the Mayoral appointment of Carol Brunner to the Personnel Committee, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E.1.p Alderman Schmidt moved to approve the Mayoral appointment of Michael Barber to the Personnel Committee, term expires 4/30/15. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.
- E.1.q Alderman Schmidt moved to approve the Mayoral appointment of David Fowler to the Plan Commission, term expires 4/30/13. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.
- E.1.r Alderman Solomon moved to approve the Mayoral appointment of Randall Ritter to the Plan Commission, term expires 4/30/15. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.
- E.1.s Alderman Wilhelm moved to approve the Mayoral appointment of Laura Galusha to the Technology Commission, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E.1.t Alderman Solomon moved to approve the Mayoral appointment of Robert Herman to the Technology Commission, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E.1.u Alderman Taylor moved to approve the Mayoral appointment of Davidson Kane to the Technology Commission, term expires 4/30/15. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.
- E.1.v Alderman Wilhelm moved to approve the Mayoral appointment of Randy Kaufman to the Technology Commission, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

APPOINTMENTS-
CONTINUED

- E.1.w. Alderman Taylor moved to approve the Mayoral appointment of Robert Knackert to the Board of Zoning and Building Appeals, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E.1.x Alderman Taylor moved to approve the Mayoral appointment of Donald Adams, (alternate member), to the Board of Zoning and Building Appeals, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E.1.y Alderman Wilhelm moved to postpone appointment of Daniel O'Brien to Board of Zoning & Building Appeals to the Common Council meeting of 5/01/12. Seconded by Alderman Taylor. All voted Aye; motion carried.
- E.1.z. Alderman Skowronski moved to approve the Mayoral appointment of Robert Montgomery, (alternate member), to the Board of Zoning and Building Appeals, term expires 4/30/13. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.
- E.1.aa. Alderman Schmidt moved to approve the Mayoral appointment of Robert Campbell to the Board of Zoning and Building Appeals, term expires 4/30/13. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

AMEND COMP
MASTER PLAN FOR
12001 W RYAN RD
12000 W LOOMIS RD
VICTORY OF LAMB,
INC.

- G.1. No action was taken at this time relating to an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at approximately 12001 West Ryan Road and 12000 West Loomis Road from Commercial and Residential – Multi-Family to Institutional (Approximately 9.10 acres, 6.68 acres and 3.54 acres)(Victory of Lamb, Inc., Applicant).

QUARRY
MONITORING
SERVICES

- G.2. Mayor Taylor discussed potential appointments of Margie Shore, Fred Knueppel, Alderman Wilhelm, and Alderman Schmidt to an ad hoc Quarry Monitoring Committee to serve on an interim basis.

Alderman Wilhelm moved to direct City Attorney and Director of Administration to review and or create the required ordinance language relating to the Quarry Monitoring Committee and further to address at least one citizen non-committee member representative and review of the PDD and consultant's reports as it relates to the Committee. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Schmidt moved to suspend regular order of business to allow public to speak. Seconded by Alderman Taylor. All voted Aye; motion carried.

QUARRY
MONITORING
SERVICES-
CONTINUED

Alderman Schmidt moved to authorize the issuance and distribution of the Request for Proposals for Quarry Monitoring Services for the City of Franklin and including any technical corrections and clarifications and direct staff to carry out the process as described therein. Seconded by Alderman Solomon.

Alderman Wilhelm moved to offer an amendment to the motion to substitute the Quarry Monitoring Committee in place of the Environmental Commission in the Request for Proposal for Quarry Monitoring Services. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Wilhelm moved to offer an amendment to clarify statements eliminating any contractors based on certain types of equipment and further to replace the sentence: "A consultant may need to perform additional tests to reconcile or resolve any deviations between devices" with "The consultant may need to calibrate equipment or provide an explanation to why the results vary between devices. Seconded by Alderman Schmidt. On roll call, Aldermen Wilhelm and Schmidt voted Aye; Aldermen Solomon, Taylor and Skowronski voted No, motion failed.

The vote on the main motion as amended, all voted Aye; motion carried.

OFFICES OF
ALDERMAN AND
COUNTY
SUPERVISOR

- G.3. At 8:00 p.m. Mayor Taylor passed the gavel to Council President Taylor, who then chaired the meeting. The gavel was returned at 8:15 p.m. to Mayor Taylor who returned to chairing the meeting.

The City Attorney informed the Council that he had reviewed the issue of compatibility of offices of County Supervisor and Alderman. He referenced League of Wisconsin Municipalities' legal opinions dating back to the 1950's, which also cited Attorney General opinions dating back to the 1920's, all concluding that the subject offices were compatible. He also cited Wis. Stat. sec. 59.10(4) and its history, as well as Wis. Stat. sec. 66.0503, as supporting the conclusion that the offices were compatible. He noted that the historical opinions were made current by way of a League Legal Comment published February, 2012. In conclusion, the City Attorney did add that nonetheless, in an ever-changing world, there may be those circumstances which may occur which may present a situation where an abstention may be appropriate.

ADVISORY
REFERENDA
4/03/2012 RESULTS

- G.4. Alderman Wilhelm moved to accept the Advisory Referendum election results from 4/03/2012 and place on file, and note the appearance of the Milwaukee County Chair at a future Common Council meeting. Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. 2012-6797
CYBER BULLYING

G.5

Alderman Wilhelm moved to adopt a resolution requesting that the Common Council of the City of Franklin modify an existing ordinance of unlawful use of electronic systems to incorporate that Cyber Bullying when determined by the Police Chief or his designee is a violation of the laws of the City of Franklin and that this type of action is subject to an appropriate penalty. With the exception of mayor and alderman listed throughout resolution, and following review by Police Chief and City Attorney.

Seconded by Alderman Taylor.

Alderman Wilhelm moved to call the question. Seconded by Alderman Taylor. All voted Aye; motion carried.

The vote on the main motion, all voted Aye; motion carried. Vote recorded as unanimous.

Alderman Solomon moved that the resolution be forwarded to the Franklin School District for input by the Board prior to adoption of any ordinance by the Common Council. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

RES. 2012-6798
KNOWLES-NELSON
STATE
STEWARDSHIP
GRANT
APPLICATION

G.6.

Alderman Solomon moved to adopt Resolution No. 2012-6798, A RESOLUTION IN SUPPORT OF KNOWLES-NELSON STATE STEWARDSHIP GRANT APPLICATION BY THE CITY OF FRANKLIN COMMON COUNCIL, IN COOPERATION WITH THE PARKS COMMISSION AND TRAILS COMMITTEE, FOR A MULTI-PURPOSE TRAIL ON LANDS LOCATED TO THE SOUTH AND SOUTHEAST OF PLEASANT VIEW ELEMENTARY SCHOOL, subject to technical corrections by the City Attorney and City Engineer and approved by the Mayor. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

RES. 2012-6799
DEPT OF
TRANSPORTATION
2013-2014 SAFE
ROUTES TO SCHOOL

G.7.

Alderman Wilhelm moved to adopt Resolution No. 2012-6799, A RESOLUTION IN SUPPORT OF A WISCONSIN DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL GRANT APPLICATION BY THE CITY OF FRANKLIN COMMON COUNCIL, IN COOPERATION WITH THE PARKS COMMISSION AND TRAILS COMMITTEE, FOR A MULTI-PURPOSE TRAIL ON LANDS LOCATED TO THE SOUTH AND SOUTHEAST OF PLEASANT VIEW ELEMENTARY SCHOOL, subject to technical corrections by the City Attorney and City Engineer and approved by the Mayor. Seconded by Alderman Taylor. All voted Aye; motion carried.

POLICY ON
SHOVELING NEW
TRAIL ON S. 51ST
STREET

G.8.

Alderman Schmidt moved to direct the City Attorney to prepare an ordinance change that property owners are not required to shovel trails if constructed over five (5) feet wide. Seconded by Alderman Solomon. All voted Aye; motion carried.

- ORD. 2012-2072
REPEAL NO
PARKING
SOUTH SIDE
W DREXEL AVE
- G.9. Alderman Schmidt moved to adopt Ordinance No. 2012-2072, AN ORDINANCE TO REPEAL NO PARKING, FROM 7:30 A.M. TO 4:30 P.M. ON REGULAR SCHOOL DAYS, ON THE SOUTH SIDE OF W. DREXEL AVENUE FROM 200 FEET EAST TO 700 FEET EAST OF S. 51ST STREET. Seconded by Alderman Taylor. All voted Aye; motion carried.
- PROHIBITING
PARKING
W DREXEL AVE
FROM S 51ST ST
TO S 55TH ST
- G.10. Alderman Schmidt moved to adopt AN ORDINANCE PROHIBITING PARKING, FROM 7:30 A.M. TO 4:30 P.M. ON REGULAR SCHOOL DAYS, ON BOTH SIDES OF W. DREXEL AVENUE FROM S. 51ST STREET TO S. 55TH STREET. Seconded by Alderman Solomon. Alderman Solomon withdrew his second. Motion died due to lack of a second.
Alderman Schmidt then moved to adopt AN ORDINANCE PROHIBITING PARKING, FROM 7:30 A.M. TO 4:30 P.M. ON REGULAR SCHOOL DAYS, ON THE SOUTH SIDE OF W. DREXEL AVENUE FROM S. 51ST STREET TO S. 55TH STREET. Seconded by Alderman Solomon. Alderman Schmidt withdrew his motion and Alderman Solomon withdrew his second.
- ORD. 2012-2073
PROHIBITING
PARKING
- Alderman Schmidt then moved to adopt Ordinance No. 2012-2073, AN ORDINANCE PROHIBITING PARKING FROM 7:30 A.M. TO 2:30 P.M. ON REGULAR SCHOOL DAYS ON THE SOUTH SIDE OF W. DREXEL AVENUE FROM S. 51ST STREET TO S. 55TH STREET, and further directed staff to install “no trespassing” signs on City-owned property in the area. Seconded by Alderman Solomon. All voted Aye; motion carried.
- PILOT STUDY OF
ELECTRONIC PLAN
SUBMISSION
- G.11. Alderman Wilhelm moved to approve a motion supporting or encouraging City Departmental participation in a pilot study of electronic plan review software from e-PlanSoft, which must occur within the scope of the approved budget. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- TELEPHONE &
VOICEMAIL
SYSTEMS
- G.12. Alderman Taylor moved to direct the Director of Administration to enter into a new 48-month maintenance service agreement with Avaya, as provided by Technology Solutions Group (TSG) on behalf of Avaya, for the City’s Intuity voice mail system and Avaya phone system. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CARTER CIRCLE
EAST SANITARY
SEWER EMERG
RELAY
- G.13. Alderman Schmidt moved to authorize staff to proceed with the emergency relay of a portion of the sanitary sewer in Carter Circle East of S. 76th Street at a cost of \$20,000 to \$21,000. Seconded by Alderman Solomon. All voted Aye; motion carried.

MISCELLANEOUS
LICENSES

H.1. Alderman Solomon moved to grant the following licenses:

Operator License to Rahul K. Singh, 16245 Overhill Dr., Brookfield with a warning letter from City Clerk; Tina M. Baratta, 1127 42nd Ave., Pleasant Prairie; Steven J. Beaudry, 1408 S. 79th St. #205, West Allis and Alisha R. Welch, 1555 S. 56th St., West Allis subject to Clerk's certification;

Coin Machine Operator License to A-S Amusement, Inc., 8655 Golden Fields Dr., Owner: Agim Zejneli at Andy's;

MISCELLANEOUS
LICENSES-
CONTINUED

Temporary Class B Beer and Temporary Entertainment & amusement to St. Martin of Tours School Fund Raiser, Person in Charge: Jeanne Johnson, 7963 S. 116th St., Event: Rat Pack Evening of Music & Dance on 5/5/2012 subject to confirmation of public grant update;

Further moved to hold Operator License for Marie L. Gunderson, 10171 S. Nicholson Rd., Oak Creek until License Committee of 5/01/12;

Any action on Operator Licenses held by Brian Gundersen, 8133 S. Forest Hills Cir.; Michelle Moore, 11751 W. Birchwood Ln.; Amber Helm, 11401 Parkview Ln, Hales Corners and Ali L. Najera, 8627 W. Cascade Dr. will be reviewed after Municipal Court on 5/16/12;

Further moved to deny Taxi Cab Driver License for Abdul Rauf Hafiz, 1400 W. Barnard Ave., Milwaukee for convicted felon contrary to Muni. Code 169-2.C(7). Seconded by Alderman Wilhelm. All voted Aye; motion carried.

No action was needed on Taxi Cab Company License for Orange Cab Services, LLC, Owner: Parminder Singh, 10155 W. Forest Home Ave. #101, Hales Corners;

VOUCHERS AND
PAYROLL

I.1. Alderman Wilhelm requested to separate Ryan Creek Interceptor vouchers.

Alderman Skowronski moved to approve net City vouchers in the range of Nos. 142409 through 142567 in the amount of \$745,389.21. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

Alderman Solomon moved to approve the net payroll of April 6, 2012 in the amount of \$344,664.90. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

VOUCHERS-
CONTINUED

Alderman Solomon moved to approve Ryan Creek Interceptor vouchers in the amount of \$2,944,009.75 for Super Excavator, DF Tomasini, Inc., and Globe Contractors. Alderman Skowronski. On roll Call, Aldermen Skowronski, Schmidt, Taylor, and Solomon voted Aye; Alderman Wilhelm abstained. Motion carried.

ADJOURNMENT

J.

Alderman Solomon moved to adjourn the meeting at 9:14 p.m. Seconded by Alderman Taylor. All voted Aye; motion carried.