

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 19, 2008
MINUTES**

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| ROLL CALL | A. | The regular meeting of the Common Council was held on August 19, 2008 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: Mayor Taylor, Aldermen Olson, Solomon, Wilhelm, Taylor, Sohns and Skowronski. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and Deputy City Clerk Vanden Boom. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:31p.m. and closed at 6:37 p.m. |
| MAYOR ANNOUNCEMENTS | B.2.a. | Alderman Wilhelm presented the Mayoral Proclamation-Franklin Little League Girls Softball Day, 9-yr.old. |
| | B.2.b. | Alderman Taylor presented the Mayoral Proclamation-Franklin Little League Girls Softball Day, 9 and 10 yr. old. |
| | B.2.c. | Mayor Taylor presented the Mayoral Proclamation-Franklin Little League Girls Softball Day, 11 yr. old. |
| | B.2.d. | Mayor Taylor presented a proclamation to Eagle Scout Benjamin Paul Traylor. |
| | B.2.e. | Mayor Taylor noted a proclamation recognizing September 15th through October 15, 2008 as Voter Registration Month in the City of Franklin. |
| | B.2.f. | Mayor Taylor noted a letter dated 7/29/08 from Keep Greater Milwaukee Beautiful, Inc. expressing gratitude for providing support to the 2008 Great American Cleanup program. |
| MINUTES-
8/04/08 | C.1. | Alderman Solomon moved to approve minutes of the special meeting of August 4, 2008 as presented. Seconded by Alderman Olson. All voted Aye; motion carried. |
| MINUTES-
8/05/08 | C.2. | Alderman Skowronski moved to approve minutes of the regular meeting of August 5, 2008 as presented. Seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| MINUTES-
8/06/08 | C.3. | Alderman Skowronski moved to approve minutes of the special meeting of August 6, 2008 as presented. Seconded by Alderman Wilhelm. Alderman Sohns abstained, motion carried. |
| APPOINTMENT
J. ZAWACKI | E.1.a. | Alderman Taylor moved to confirm the Mayoral appointment of Jon Zawacki to the Economic Development Commission, term expires 7/30/2010. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried. |

- APPOINTMENT
D. DORSAN
- E.1.b. Alderman Sohns moved to confirm the Mayoral appointment of Don Dorsan to the Ad Hoc Community Center Committee created on 4/02/07. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.
- LETTER FROM ALD.
SOHNS RE: 5510 W.
RAWSON AVENUE
- F.1. No action was taken regarding the letter dated 8/12/08 from Alderman Sohns to Mayor Taylor regarding property at 5510 W. Rawson Avenue.
- LETTER FROM
GREATER MILW.
ASSN. OF REALTORS
RE: FUNDING
- F.2. Letter dated 7/31/08 from Greater Milwaukee Association of Realtors regarding Wisconsin Way supporting ways to fund our state and local governments was noted by Mayor Taylor.
- CONSENT AGENDA:
- Alderman Wilhelm requested that Item G-1.b. be removed from the consent agenda.
Alderman Olson then moved to approve the following consent agenda item:
- DONATION TO
POLICE DEPT.
- G-1.a. Accept donation to the Franklin Police Department from Waste Management in the amount of \$1,000 for crime prevention activities;
Approval of the consent item was seconded by Alderman Wilhelm. All voted Aye; motion carried.
- STREET LIGHT AT
CLARE MEADOWS
- G-1.b. Alderman Wilhelm moved to authorize the City Engineer to sign an agreement with Wisconsin Electric Power Company for the installation of a street light at the main entrance to Clare Meadows, 7700 S. 51st Street. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2008-6471
SPECIAL USE TIME
EXTENSION FOR
WOODLAND
PRAIRIE CONDOS
- G.2. Alderman Skowronski moved to adopt Resolution No. 2008-6471, A RESOLUTION APPROVING A ONE-YEAR TIME EXTENSION TO A SPECIAL USE APPROVAL FOR WOODLAND PRAIRIE CONDOMINIUMS (AT APPROXIMATELY 6737 S. LOVERS LANE ROAD)(RICK & RON DEVELOPMENT, LLC, APPLICANT). Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- RES. 2008-6472
OFFICEMAX
DEVELOPMENT
AGREEMENT
- G.3. Alderman Solomon moved to adopt Resolution No. 2008-6472, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF OFFICEMAX. (southwest corner of W. Rawson Avenue and W. Loomis Road). Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- RES. 2008-6473
OFFICEMAX STORM
WATER FACILITIES
MAINTENANCE
AGREEMENT
- G.4. Alderman Solomon moved to adopt Resolution No. 2008-6473, A RESOLUTION ACCEPTING A STORM WATER MAINTENANCE AGREEMENT FROM RAWSON LLC FOR OFFICEMAX IN THE FRANKLIN CENTRE (S. 76th Street and W. Loomis Road) as corrected. Seconded by Alderman Olson. All voted Aye; motion carried.

- ATTY. TO MODIFY RES. FOR CSM FOUNTAINS OF FRANKLIN G.5. Alderman Solomon moved to table the Fountains of Franklin's requirement for a Development Agreement for approval of a certified survey map for their development on W. Rawson Avenue between S. 51st Street and S. 60th Street. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- CONSTRUCTION COSTS FOR S. 51ST STREET NORTH OF W. RAWSON AVENUE G.6. Alderman Solomon moved to direct staff to review and report on the possibility of special assessing a portion of the construction cost to reconstruct S. 51st Street north of W. Rawson Avenue. Seconded by Alderman Taylor. On roll call, Aldermen Sohns, Taylor, Wilhelm, Solomon and Olson voted Aye; Alderman Skowronski voted No. Motion carried.
- ORD. 2008-1953 PROHIBIT THE USE OF FALSE IDENTIFICATION CARDS G.7. Alderman Olson moved to adopt Ordinance No. 2008-1953, AN ORDINANCE TO PROHIBIT THE USE OF FALSE IDENTIFICATION CARDS. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ADVERTISE FOR HISTORICAL BLDGS. HANDICAP ACCESS G.8. Alderman Olson moved to authorize the advertising of the construction of handicap access and related site improvements of three historical buildings in Lions Legend Park with the condition that staff verify if there is any impact within the tree canopy. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2008-6474 CONTINUING PARTICIPATION IN CDBG AND HIME INVESTMENT PARTNERSHIP PROG. G.9. Alderman Solomon moved to adopt Resolution No. 2008-6474, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE SUCH AGREEMENTS AND INSTRUMENTS NECESSARY TO PROVIDE FOR THE CONTINUING PARTICIPATION OF THE CITY OF FRANKLIN WITH MILWAUKEE COUNTY IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP PROGRAM. Seconded by Alderman Taylor. All voted Aye; motion carried.
- 1/01/08 POPULATION ESTIMATE G.10. Alderman Sohns moved to accept the 1/01/08 population estimate of 33,550 from the Wisconsin Department of Administration. Seconded by Alderman Solomon. All voted Aye; motion carried.
- LEAGUE OF WIS. MUNICIPALITIES ANNUAL CONFERENCE G.11. Alderman Taylor moved to authorize elected officials to attend the 110th Annual League of Wisconsin Municipalities Conference and approve expending 2008 budgeted funds. Seconded by Alderman Wilhelm. On roll call, Aldermen Wilhelm and Taylor voting Aye; and Aldermen Olson, Solomon, Sohns and Skowronski voting No. Motion failed.

RES. 2008-6475
POLLING LOCATION
FOR ALD. DIST. 6

G.12. Alderman Skowronski moved to adopt Resolution No. 2008-6475, A RESOLUTION AMENDING RESOLUTION NO. 2006-6135 ESTABLISHING THE POLLING LOCATION FOR ALDERMANIC DISTRICT 6, EFFECTIVE NOVEMBER 4, 2008. Seconded by Alderman Olson. All voted Aye; motion carried.

CLOSED SESSION
FRANKLIN BD. OF
WATER COMM. ET
AL V. OAK CREEK
WATER/SEWER
UTILITY ET AL

G.13. Alderman Solomon moved to enter closed session at 8:51 p.m. pursuant to Wis. Stats. §19.85(1)(g), to deliberate upon the subject of an action to recover lost revenues in City of Franklin Board of Water Commissioner, et al. v. Oak Creek Water and Sewer Utility et al., Milwaukee County Circuit Court Case No. 08CV002119, and to confer with the City Attorney as legal counsel for the Common Council and the Board of Water Commissioners, who is rendering advice concerning strategy to be adopted by the Council and/or by its Board of Water Commissioners with respect to such litigation, and to 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.

Upon reentering open session at 8:55 p.m. Alderman Olson moved to authorize the City Attorney and any other necessary officers to execute any potential settlement with Oak Creek on the terms discussed in closed session. Seconded by Alderman Solomon. All voted Aye, motion carried.

LICENSES AND
PERMITS

H-1. Alderman Taylor moved to grant the following licenses subject to meeting all licensing requirements:

Operator License to John Ebert, 10611 Beacon Hill Ct. W.; Keri R. Pomeroy, 5688 W. Upham Avenue, Greenfield; Jill M. Bishop, 2220 S. Woodward Street, Milwaukee; Ann F. Doucett, 870 E. Drexel Avenue, Oak Creek; Crystal D. Hart, 26805 Oakridge Drive, Wind Lake; Nicholas P. Kulinski, 525 E. Laverne Drive, Oak Creek; Hoang K. Nguyen, 3868 White Court, New Berlin; Melody A. Schwartz, 1080 51st Street, Caledonia; Laura M. Syta, 6268 S. 35th Street, Greenfield; Chi K. Vu, S78 W16075 Woods Road, Muskego; Nicole J. Baraniak, 9730 W. Loomis Road; Andrea M. Mahoney, W179 N8606 Village Court, Menomonee Falls and Anita J. Zierath, 318 N. 64th Street, Milwaukee;

Temporary Entertainment & Amusement to KC's Inflatables, LLC, Person in Charge: Kevin Niezgoda, St. Martins Labor Day Fair Weekend, August 31 & September 1, 2008;

LICENSES-
CONTINUED

Extraordinary Entertainment & Amusement Event to Harley Davidson Celebration, Person in Charge: Amy Cerar at 10000 S. Franklin Drive on August 28, 29 & 30, 2008 subject to satisfactory inspections and Knights of Columbus, Person in Charge: Thomas Kuehn at 7335 S. Lovers Lane Road-Sacred Heart Monastery on Sunday, August 31, 2008;

Taxicab License to Parminder Singh, 6199 Highland Lane, Apt. #1, Greendale;

Temporary Class B Beer to Knights of Columbus, Person in Charge: Thomas Kuehn at 7335 S. Lovers Lane Road-Sacred Heart Monastery on Sunday, August 31, 2008 and Franklin Memorial VFW Post 5272, Person in Charge: James Champagne at St. Martins Labor Day Fair on August 31 & September 1, 2008;

Waiver of fees to Knights of Columbus, Temporary Class B Beer, Food, Soda and Extraordinary Entertainment & Amusement for 8/31/08 event at 7335 S. Lovers Lane Road-Sacred Heart Monastery and Franklin Memorial VFW Post 5272, Temporary Class B Beer, St. Martins Peddler Permit & Soda License at St. Martins Labor Day Fair on August 31 & September 1, 2008;

and also moved to hold the following Operator Licenses subject to appearing before the License Committee: Lisa M. Nohelty, 8869 S. Oak Park Drive, Oak Creek; Michelle M. Obrenovich, 637 E. Main Street, Waterford; Robert J. Pasquali, 7940 S. Wildwood Drive #7, Oak Creek; Jenna K. Rosek, 10220 W. Beacon Hill Drive and Amy D. Jacques, 6500 S. Loomis Road, Wind Lake;

and also moved to deny Waiver of Fees for Richard Baker II-Museum of BMX Bikes, St. Martins Peddler's Permit at St. Martins Labor Day Fair on August 31 & September 1, 2008. Seconded by Alderman Sohns. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I-1. Alderman Taylor moved to approve net City vouchers in the range of Nos. 126368 through 126563 in the amount of \$1,845,930.48. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

Alderman Skowronski moved to approve net payroll of August 15, 2008 in the amount of \$328,539.68. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J-1. Alderman Skowronski moved to adjourn the meeting at 9:00 p.m. Seconded by Alderman Taylor. All voted Aye; motion carried.