

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 5, 2008
MINUTES**

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| ROLL CALL | A. | The regular meeting of the Common Council was held on August 5, 2008 and called to order at 7:30 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, Planning Manager Dietl, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 7:31 p.m. and closed at 7:59 p.m. |
| MAYOR ANNOUNCEMENT | B.2 | Mayor Taylor noted a proclamation for Eagle Scout Derek McElroy. |
| MINUTES-
7/22/08 | C-1 | Alderman Olson moved to approve minutes of the regular meeting of July 22, 2008 as presented. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| APPOINTMENT
A. RINDFLEISCH | E.1.a. | Alderman Skowronski moved to confirm the Mayoral appointment of Albert Rindfleisch to the Environmental Commission, term expires 4/30/2009. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried. |
| CONSENT AGENDA: | | Alderman Olson moved to approve the following consent agenda items: |
| TRICK OR TREAT | G-1.a. | Establish Sunday, October 26, 2008 from 4:00 p.m. to 7:00 p.m. as the date and time for the Halloween Trick-or-Treat observance in the City of Franklin; |
| WAIVER OF FEES | G-1.b. | Grant the request from Sacred Hearts School of Theology Knights of Columbus for a waiver of fees for the temporary mobile sign in the amount of \$50; |
| WAIVER OF FEES | G-1.c. | Grant the request from the Fair Commission for a waiver of fees for two sign permits in the amount of \$180;
Approval of the consent items was seconded by Alderman Sohns. All voted Aye; motion carried. |
| RES. 2008-6464
\$10,000,000 G.O.
PROMISSORY NOTES | G.2. | Alderman Sohns moved to adopt Resolution No. 2008-6464, A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$10,000,000 GENERAL OBLIGATION PROMISSORY NOTES. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried. |
| RES. 2008-6465
2008 BUDGET
CHANGES | G.3. | Alderman Solomon moved to adopt Resolution No. 2008-6465, A RESOLUTION APPROVING 2008 BUDGET CHANGES TO VARIOUS DEPARTMENTS OF THE GENERAL FUND, SEWER FUND, CAPITAL OUTLAY FUND AND CAPITAL IMPROVEMENT FUND. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried. |

- RES. 2008-DENIED
LEVY OF SPECIAL
ASSESSMENTS FOR
RECONSTRUCTION
OF S. 51ST ST.
- G.4. Alderman Sohns moved to deny A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR RECONSTRUCTION OF S. 51ST STREET FROM W. RAWSON AVENUE TO A POINT APPROXIMATELY 1300 FEET TO THE NORTH AND THE INTERSECTION OF S. 51ST STREET AND W. RAWSON AVENUE. Seconded by Alderman Olson. On roll call, Aldermen Skowronski, Sohns, Taylor, Wilhelm and Olson voted Aye; Alderman Solomon voted No. Motion carried.
- RES. 2008-6458
SENDIKS WEST DEV.
DEVELOPMENT
AGREEMENT
- G.5. Alderman Sohns moved to adopt Resolution No. 2008-6458, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF SENDIKS WEST DEVELOPMENT with the development agreement Item 13 amended to state in accordance with landscape plans submitted by the Bristol Group for Rawson Development LLC, with the last revision date of March 20, 2007; Item 15 amended to include S. 51st Street to S. 60th Street and that all installation be completed by June 1, 2009; and further that corrections be made to the item numbering. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2008-6462
SENDIKS WEST DEV.
RESTRICTIONS,
COVENANTS AND
EASEMENT
- G.6. Alderman Sohns moved to adopt Resolution No. 2008-6462, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT THE DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR SENDIKS WEST DEVELOPMENT. Seconded by Alderman Taylor. All voted Aye; motion carried.
- ORD. 2008-1950
AMEND UDO
ST. MARTIN OF
TOURS
- G.7. Alderman Skowronski moved to adopt Ordinance No. 2008-1950, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM C-1 CONSERVANCY DISTRICT, R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT AND I-1 INSTITUTIONAL DISTRICT TO I-1 INSTITUTIONAL DISTRICT (ST. MARTIN OF TOURS CONGREGATION, APPLICANT). Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2008-6466
SPECIAL USE
ST. MARTIN OF
TOURS
- G.8. Alderman Skowronski moved to adopt Resolution No. 2008-6466, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 7963 S. 116TH STREET (ST. MARTIN OF TOURS CONGREGATION, APPLICANT). Seconded by Alderman Sohns. All voted Aye; motion carried.

ORD. 2008-1951
PDD 34 (HAMPTON
INN AND SUITES
PLUS MIXED USE
COMMERCIAL

G.9. Alderman Sohns moved to suspend regular order of business and allow Ed Eldridge and representatives to speak. Seconded by Alderman Olson. All voted Aye; motion carried. Alderman Sohns moved to return to regular order of business. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

Alderman Solomon moved to adopt Ordinance No. 2008-1951, AN ORDINANCE TO CREATE SECTION 15-3.0439 OF THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 34 (HAMPTON INN AND SUITES PLUS MIXED USE COMMERCIAL) AND TO REZONE LOTS FROM B-3 COMMUNITY BUSINESS DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 34 as corrected by the City Attorney. Seconded by Alderman Sohns. All voted Aye; motion carried.

RES. 2008-6467
CSM (PEOPLES
CHOICE CORP.)

G.10. Alderman Solomon moved to adopt Resolution No. 2008-6467, A RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF RANKLIN, MILWAUKEE COUNTY, WISCONSIN (6901 SOUTH 76TH STREET AND 7700 W. RAWSON AVENUE)(PEOPLE'S CHOICE CORPORATION, APPLICANT) subject to technical corrections by the City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2008-6468
FINAL PLAT FOR
WHISPERING
WOODS SUBD.

G.11. Alderman Sohns moved to suspend the regular order of business to allow Michael Krill to speak. Seconded by Alderman Solomon. All voted Aye; motion carried. Alderman Sohns moved to return to regular order of business. Seconded by Alderman Olson. All voted Aye; motion carried.

Alderman Sohns moved to adopt Resolution No. 2008-6468, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR WHISPERING WOODS SUBDIVISION (AT APPROXIMATELY NORTH OF W. PUETZ ROAD AND BETWEEN S. 68TH STREET AND S. 76TH STREET)(WW PARTNERS, LLC, APPLICANT). Seconded by Alderman Wilhelm. All voted Aye; motion carried.

ORD. 2008-1952
PROHIBIT ABUSE
OF 911

G.12. Alderman Sohns moved to adopt Ordinance No. 2008-1952, AN ORDINANCE TO PROHIBIT THE ABUSE OF THE STATEWIDE EMERGENCY SERVICES NUMBER (911). Seconded by Alderman Wilhelm. All voted Aye; motion carried.

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| RES. 2008-6469
FIRE DEPT. JOB
DESCRIPTIONS | G.13. | Alderman Olson moved to adopt Resolution No. 2008-6469, A RESOLUTION APPROVING THE JOB DESCRIPTIONS FOR FIRE CHIEF, FIRE DEPARTMENT SECRETARY, ASSISTANT FIRE CHIEF AND BATTALION CHIEF. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| RES. 2008-6470
PUBLIC
PARTICIPATION
PLAN FOR COMP.
MASTER PLAN | G.14. | Alderman Solomon moved to adopt Resolution No. 2008-6470, A RESOLUTION APPROVING A PUBLIC PARTICIPATION PLAN FOR THE CITY OF FRANKLIN COMPREHENSIVE MASTER PLAN UPDATE. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| BUCKHORN TAVERN
STATUS UPDATE | G.15. | No action was taken at this time regarding the status of the investigation by Special Counsel regarding the Buckhorn, 9461 S. 27th Street. |
| AD HOC
COMMUNITY
CENTER COMM. | G.16.A. | Alderman Sohns moved to direct that the Ad Hoc Community Center Committee proceed with hiring a consultant and work with the Franklin Cultural Center for a needs assessment using shared funds, and further take into account other needs assessments previously conducted. Seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| W. DREXEL AVE.
INTERCHANGE
UPDATE | G.16. B. | No action was taken regarding the update on W. Drexel Avenue Interchange given at the Committee of the Whole meeting on 8/04/08. |
| CLAIM FROM K.
PRAH | G.17. | Alderman Sohns moved to deny the claim of Karen Prah pursuant to 893.80(1g), based upon and in concurrence with the insurance adjuster that there is no negligence on behalf of the City of Franklin. The City had no prior notice of the leaking water meter, and the water meter was located and replaced. A municipality has no liability unless it knew or should have known of the existence of a defect and had a reasonable amount of time to repair the defect. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| LICENSES AND
PERMITS | H-1. | Alderman Wilhelm moved to grant the following licenses subject to meeting all licensing requirements:

Operator License to Joel B. Clifford, 11205 W. Bluemound Road #102, Wauwatosa; Richard M. Adams, 2510 S. 76th Street, Franksville; Angeline K. Benning, 9991 S. 76th Street; Jamie L. Budny, 1900 E. Euclid Avenue, Milwaukee; Thomas N. Cane, 5432 Olympia Drive, Greendale; Chad R. Czarnecki, 2987 W. Drexel Avenue #307; Brian J. Fischer, 1861 W. Puetz Road, Oak Creek subject to validation by City Clerk; Chad C. Hoffman, 9475 S. 96th Street; Lisa M. Ireland, 4700 S. Supreme Ct. #205, Greenfield; Cassandra T. Kolbow, 3136A S. 30th Street, Milwaukee; Daniel C. Konnow, 5390 S. 21st Street, Milwaukee; |

LICENSES-
CONTINUED

Javar R. Mayfield, 6747 Greenway #4, Greendale; Doan Xuan Nguyen, 320 S. 11th Street, West Allis; Megan L. Rusch, 3815 S. Town Road, New Berlin; Terra M. Schwalbach, 2820 W. Central Avenue; Diane L. Winkowski, 7024 S. Lovers Lane Road; John P. Winkowski, 7024 S. Lovers Lane Road and Veronica Wright, 437 N. 34th Street, Milwaukee;

Change of Agent for Ultra Mart Foods, LLC, d/b/a Pick n. Save, new agent: Leif F. Nelson, 7201 S. 76th Street and Polonia Sport Club, new agent: Marta M. Starosciak, 10200 W. Loomis Road;

Temporary Class B Beer & Wine to Friends of the Franklin Library, 9151 W. Loomis Road, Person in charge: Diane T. Oleson on 10/25/08 and St. James Catholic Church, 7219 S. 27th Street, Person in charge: Bernie Bellin for silent auction on 10/25/08;

Temporary Entertainment & Amusement to St. James Catholic Church, 7219 S. 27th Street, Person in charge: Bernie Bellin for silent auction on 10/25/08;

Fee waiver to St. James Catholic Church, 7219 S. 27th Street, food, soda, Temporary Class B & Temporary Entertainment & Amusement on 10/25/08;

and also moved to hold Operator License for Warren R. Kubis, 10506 S. 124th Street until 9/08/08; Andrea M. Mahoney, W179 N8606 Village Court, Menomonee Falls; Nicole J. Baraniak, 9730 W. Loomis Road; Corey R. Borchardt, 11316 W. Seven Mile Road; Amy M. Jacques, 6500 W. Loomis Road, Wind Lake and Anita J. Zierath, 318 N. 64th Street, Milwaukee;

and also moved to hold the following Operator Licenses subject to appearing before the License Committee: Fidel Morales-Macedo, 1819 S. Seventh Street, Milwaukee; Robert J. Pasquali, 7940 S. Wildwood Drive #7, Oak Creek; Keri R. Pomeroy, 5688 W. Upham Avenue, Greenfield and Michelle M. Obrenovic, 637 E. Main Street, Waterford. Seconded by Alderman Solomon. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I-1. Alderman Olson moved to approve net City vouchers in the range of Nos. 126209 through 126367 in the amount of \$1,108,816.10. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

Alderman Taylor moved to approve net payroll of August 1, 2008 in the amount of \$330,424.82. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J-1.

Alderman Skowronski moved to adjourn the meeting at 9:40 p.m.
Seconded by Alderman Taylor. All voted Aye; motion carried.