

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 18, 2009
MINUTES**

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| ROLL CALL | A. | The regular meeting of the Common Council was held on August 18, 2009 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, and Skowronski. Excused were Aldermen Olson and Sohns. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski. |
| CITIZEN COMMENT | B-1. | Citizen comment period was opened at 6:31 p.m. and closed at 6:36 p.m. |
| PROCLAMATION | B-2.a. | Mayor Taylor and Alderman Solomon presented a proclamation to Franklin High School Baseball Coach Jim Hughes on his 700 career wins. |
| MINUTES-
8/04/2009 | C-1. | Alderman Skowronski moved to approve minutes of the regular meeting of August 4, 2009 as presented. Seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| APPOINTMENT | E-1.a. | Alderman Solomon moved to approve the Mayoral appointment of Edward Holpfer to the Community Development Authority, term expires 8/30/2013. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried. |
| CITY OF CUDAHY LETTER | F-1. | Mayor Taylor noted an appreciation letter from the City of Cudahy to the Franklin Fire Department for assistance at the Patrick Cudahy plant fire. |
| CONSENT AGENDA | | Alderman Solomon moved to approve the following consent agenda items: |
| RES. 2009-6588
EASEMENTS
MLG DEVELOPMENT | G-1.a. | Adopt Resolution No. 2009-6588, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT PERMANENT WATER MAIN EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FOR MLG DEVELOPMENT IN THE FRANKLIN BUSINESS PARK, as amended by the City Attorney; |
| DONATION FROM
WE ENERGIES | G-1.b. | Accept the donation of \$500.00 to the Franklin Police Department from WE Energies, to be deposited into the Crime Prevention Donation Account; |
| DONATION FROM
COUSINS SUBS | G-1.c. | Accept \$200.00 donation from Cousins Subs (Shoppes at Wyndham Village) to be donated to St. Martin of Tours Food Pantry; |
| | | Approval of consent items seconded by Alderman Skowronski. All voted Aye; motion carried. |

- 2010 BLOCK GRANT PROGRAM PROJECTS G-2. Alderman Solomon moved that Milwaukee County's suggested changes to the City of Franklin's 2010 Community Development Block Grant project allocations, amended applications as may be required, authorization for the necessary CDBG funding contracts incorporating the suggested changes, and administration of the grant funding be tabled to September 1, 2009, Committee of the Whole meeting. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- S. 51ST STREET RECONSTRUCTION STIMULUS FUNDING G-3. Alderman Solomon moved to direct staff to proceed with the reconstruction of S. 51st Street from W. Drexel Avenue to W. Puetz Road under the ARRA (Stimulus D.O.T. program) and report back to the Common Council at the September 1, 2009, Committee of the Whole meeting with more detail on planned scope of the project, and further authorized an informational meeting during the first two weeks in September. Seconded by Alderman Taylor. All voted Aye; motion carried.
- CITY PROPERTY 8921 W. DREXEL AVENUE G-4. Alderman Taylor moved to table the future use of City-owned property located at 8921 W. Drexel Avenue to the October 20, 2009, Common Council meeting. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2009-6589 SPECIAL USE FOR A PHYSICAL FITNESS CENTER-7158 S. 76TH STREET (ORCHARD VIEW SHOPPING CTR) G-5. Alderman Wilhelm moved to adopt Resolution No. 2009-6589, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A PHYSICAL FITNESS CENTER UPON PROPERTY LOCATED AT 7158 SOUTH 76TH STREET (ORCHARD VIEW SHOPPING CENTER) (O'BRAUN CORPORATION, APPLICANT). Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2009-6590 AMEND RES. 2004-5729 AND 2009-6524 SPECIAL USE PANTHEON FAMILY RESTAURANT (7621 W. RAWSON AVENUE) G-6. Alderman Skowronski moved to adopt Resolution No. 2009-6590, A RESOLUTION TO AMEND RESOLUTION NOS. 2004-5729 AND 2009-6524 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PANTHEON FAMILY RESTAURANT LOCATED AT 7621 WEST RAWSON AVENUE TO ALLOW FOR CONSTRUCTION AND USE OF AN OUTDOOR PATIO (GUS KOUTROMANOS, APPLICANT). Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- CONSERVATION EASEMENT JAMES & MICHAEL REMM (8560 S. 35TH STREET) G-7. Alderman Skowronski moved to adopt A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR JAMES REMM AND MICHAEL REMM (8560 SOUTH 35TH STREET) (JAMES REMM AND MICHAEL REMM, APPLICANTS). Seconded by Alderman Taylor. Alderman Taylor withdrew his second. It was then seconded by Alderman

CONSERVATION
EASEMENT-
CONTINUED

Solomon. Alderman Solomon then withdrew his second and Alderman Skowronski withdrew his motion. Alderman Solomon moved to refer this resolution back to staff. Seconded by Alderman Taylor. All voted Aye; motion carried.

POPULATION
ESTIMATE

G-8. No action was required on the Wisconsin Department of Administration January 1, 2009, population estimate of 33,700.

REFUND REQUEST
AM-PM DELIVERY,
INC.

G-9. Alderman Taylor moved to deny the request for a refund of the \$1,500.00 special use application fee for AM-PM Delivery, Inc. (9563 S. 60th Street)(Craig G. Aimers, Applicant). Seconded by Alderman Solomon. All voted Aye; motion carried

ORD. 2009-1976
AMEND CH. 19 MUN.
CODE - COUNCIL
PROCEEDINGS

G-10. Alderman Solomon moved to adopt Ordinance No. 2009-1976, AN ORDINANCE TO AMEND CHAPTER 19 OF THE MUNICIPAL CODE: COUNCIL PROCEEDINGS. Seconded by Alderman Taylor. All voted Aye; motion carried.

SIGN-GROUND AND
MONUMENT SIGN
SURVEY

G-11. No action was necessary on the visual preference survey distributed to the members of the Common Council, to be completed and returned prior to August 28, 2009.

HEALTH INSURANCE
SUBROGATION
SETTLEMENT
PROCEEDS
PAYMENT
(STANDIFORD V.
INFINITY INS.)

G-12. Alderman Solomon moved to authorize distribution of health insurance subrogation settlement proceeds in accordance with Specific Excess Carrier insurance policy requirements – Standiford v. Infinity Insurance (Milwaukee County Circuit Court Case No. 05-CV-2842); thereby authorizing payments to Piper Schmidt for \$4,555.33 and to The Hartford or International Subrogation Management for \$9,110.67. Seconded by Alderman Taylor. All voted Aye; motion carried.

ORD. 2009-1977
BENEFITS FOR
FT NON-REP, NON-
SUPV EMPLOYEES

G-13. Alderman Solomon moved to adopt Ordinance No. 2009-1977, AN ORDINANCE ESTABLISHING BENEFITS FOR FULL-TIME NON-REPRESENTED NON-SUPERVISORY EMPLOYEES OF THE CITY OF FRANKLIN. Seconded by Alderman Taylor. All voted Aye; motion carried.

ORD. 2009-1978
BENEFITS FOR
FT NON-REP
MANAGEMENT
EMPLOYEES

G-14. Alderman Skowronski moved to adopt Ordinance No. 2009-1978, AN ORDINANCE ESTABLISHING BENEFITS FOR FULL TIME NON-REPRESENTED MANAGEMENT EMPLOYEES OF THE CITY OF FRANKLIN. Seconded by Alderman Solomon. All voted Aye; motion carried.

ORD. 2009-1979
AMEND HEALTH &
WELLNESS
BENEFITS FOR
POLICE SERGEANTS

G-15. Alderman Skowronski moved to adopt Ordinance No. 2009-1979, AN ORDINANCE AMENDING HEALTH AND WELLNESS BENEFITS FOR POLICE SERGEANTS OF THE CITY OF FRANKLIN. Seconded by Alderman Solomon. All voted Aye; motion carried.

- ORD. 2009-1980
POLICE CAPTAINS
AND POLICE
INSPECTOR
BENEFITS
- G-16. Alderman Skowronski moved to adopt Ordinance No. 2009-1980, AN ORDINANCE ESTABLISHING BENEFITS, SPECIAL PAY PRACTICES, AND CONDITIONS OF EMPLOYMENT FOR THE FULL TIME NON-REPRESENTED POLICE CAPTAINS AND POLICE INSPECTOR OF THE CITY OF FRANKLIN ON RECORD AS OF 01/01/2004. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ORD. 2009-1981
FIRE DEPT.
COMMANDERS
BENEFITS
- G-17. Alderman Taylor moved to adopt Ordinance No. 2009-1981, AN ORDINANCE ESTABLISHING BENEFITS, SPECIAL PAY PRACTICES, AND CONDITIONS OF EMPLOYMENT FOR FULL TIME NON-REPRESENTED FIRE DEPARTMENT COMMANDERS OF THE CITY OF FRANKLIN. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- ORD. 2009-1982
FRINGE BENEFITS
PERM PT NON-REP
EMPLOYEES
- G-18. Alderman Solomon moved to adopt Ordinance No. 2009-1982, AN ORDINANCE MODIFYING THE FRINGE BENEFITS FOR PERMANENT PART-TIME NON-REPRESENTED EMPLOYEES OF THE CITY OF FRANKLIN. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- 2009-2011 LABOR
AGREEMENT
TENTATIVE
INSPECTION
EMPLOYEES LOCAL
NO. 2, AFSCME
- G-19. Alderman Skowronski moved to accept the Tentative Agreements for a 2009-2011 labor agreement between the City of Franklin and the Inspection Employees Local No. 2, AFSCME, and authorize the Mayor, Director of Clerk Services, and Director of Administration to execute a labor agreement that incorporates its provisions in a manner and form consistent with the Tentative Agreements. Seconded by Alderman Taylor. All voted Aye; motion carried.
- ACQUISITION OF
PROPERTY
EXPANSION OF
SEWER & WATER
BLDG.
- G-20. Alderman Taylor moved to approve the offering price for the future expansion of Sewer and Water Building located at 9600 S. 58th Street as submitted in the summary appraisal report dated July 7, 2009. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CLOSED SESSION-
FRANKLIN VS. LEE
ANN AUGUSTINE
AND HANOVER
INSURANCE CO.
- G-21. Alderman Taylor moved to enter closed session at 8:05 p.m. pursuant to §19.85 (1)(g), Stats. to confer with the City Attorney and the Assistant City Attorney, as legal counsel for the Common Council, who are rendering advice concerning strategy to be adopted by the Council with respect to litigation to recover loss amounts arising from the theft charges against a prior City treasurer subject matter, including, but not limited to the consideration of an offer of settlement with the Hanover Insurance Co., and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Solomon. On roll call all voted Aye; motion carried.

CLOSED SESSION-
CONTINUED

Upon reentering open session at 8:55 p.m., Alderman Taylor moved to reject the settlement offer from Hanover Insurance Co. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

LICENSES AND
PERMITS

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

Operator License for Chitwan S. Bal, 5449 W. Highlands Ct. with warning letter from City Clerk; Nicholas J. Niemczyk, 7304 S. 70th Street with warning letter from City Clerk; Toni M. Stedt, 5075 W. College Avenue #20, Greendale; Thomas N. Cane, 5432 Olympia Drive, Greendale; Cinthia N. Covarrubias, 3725 W. Ryan Road; Barbara M. Meyer, 5116 Norman Street, Racine; Rebecca S. Rodriguez, 4820 S. 42nd Street, Greenfield; Maria B. Rzatkiwicz, 6125 W. Nebraska Avenue, Milwaukee and Joseph A. Wagner, 8447 W. Maple Street, West Allis;

Further moved to approve Coin Machine Operator License for A-S Amusements, Inc., Agim Zejneli, 8655 Goldenfield Drive, Oak Creek;

Further moved to approve Extraordinary Entertainment & Amusement to Knights of Columbus Arts & Crafts Show, Thomas Czajkowski, 7335 S. Lovers Lane Road, Sacred Hearts School of Theology on September 6, 2009 from 9:00 a.m.-4:00 p.m.;

Further moved to approve Temporary Class B Beer License to Knights of Columbus Arts & Crafts Show, Thomas Czajkowski, 7335 S. Lovers Lane Road, Sacred Heart School of Theology on September 6, 2009 from 9:00 a.m.-4:00 p.m.;

Further moved to approve Class B Combination and Entertainment & Amusement change in premise description effective 8/31/2009 to Country Lanes, Robert Sczerzen, 11231 W. Forest Home Avenue;

Further moved to approve the People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant for Knights of Columbus Arts & Crafts Show, fee waivers for Extraordinary Event and Temporary Class B Beer License, Thomas Czajkowski, 7335 S. Lovers Lane Road, Sacred Heart School of Theology on June 28, 2009 & September 6, 2009; Military Order of Cootie, fee waivers for Temporary Food License, Gerald Anger, Sam's Club, 6705 S. 27th Street on September 5, 2009 and Franklin Area Cancer Relay, fee waivers for Temporary Food License, Erica Dillig, Sam's Club, 6705 S. 27th Street on September 11, 2009;

LICENSES AND
PERMITS-
CONTINUED

Further moved to hold Class B Combination License for Eric's Setback, 6357 S. 27th Street;

Further moved to hold Operator License for Joel B. Clifford, 11205 W. Bluemound Road #102, Wauwatosa until applicant contacts City Clerk; Daveine Jopek, 1808 Carroll Court, South Milwaukee until applicant contacts City Clerk; Timothy J. Malone, 2501 Ninth Avenue, South Milwaukee subject to appearing before the License Committee and Denise M. Rupcic, 9027 W. Lincoln Avenue #3, West Allis subject to appearing before the License Committee;

Further moved to hold Taxi Cab License for Sheikh A. Ali, 8370 S. 13th Street, Oak Creek subject to receipt of vehicle information and Raza Nazar, 8055 S. 20th Street, Oak Creek subject to receipt of vehicle information;

Further moved to deny Taxi Cab License for Murad Odeh, 110 E. Fieldstone Circle #6, Oak Creek for Conviction Record contrary to § 169-2.C.(6), Muni. Code. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I-1. Alderman Taylor moved to approve net City vouchers in the range of Nos. 130883 through 131059 in the amount of \$924,487.95. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

Alderman Taylor moved to approve the net City payroll of August 14, 2009 in the amount of \$331,177.33. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

ADJOURNMENT

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