

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
DECEMBER 5, 2006  
MINUTES**

- |                           |       |  |
|---------------------------|-------|--|
| ROLL CALL                 | A.    | The regular meeting of the Common Council was held on December 5, 2006 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 Olson (arrived at 6:37 p.m.), Solomon, Hammelman, Kosovich, Sohns and Skowronski. Also present were Police Chief Oliva, Fire Chief Martins, Planning Manager Dietl, Dir. of Finance and Treasurer Patterson, Assistant City Engineer Romeis, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski.  |
| CITIZEN COMMENT           | B-1.  | Citizen comment period was opened at 6:32 p.m. and closed at 6:40 p.m.<br>Derek McElroy, presented City of Franklin with a plaque  |
| PLAQUE                    | B-2a. | The City's 50th Anniversary plaques were presented to the City of Franklin, the Civic Celebrations Committee, and the Franklin Historical Society by Mayor Taylor and Alderman Skowronski. In addition, an award was presented to Alderman Skowronski by Mayor Taylor and the 50th Anniversary Committee for his leadership to the Committee and the coordination of all anniversary events. Alderman Skowronski then presented Mayor Taylor with a 50th Anniversary photo catalog of all events, with photos taken by Anniversary Committee member Bob Hermann.<br><br>Alderman Sohns moved to accept the 12/05/06 report from the 50th Anniversary Committee as distributed by Alderman Skowronski. Seconded by Alderman Solomon. On roll call, all voted Aye. Motion carried. |
| PROCLAMATION              | B-2b. | Mayor Taylor presented Franklin Junior Miss Margaret LeMere with a proclamation.   |
| PROCLAMATION              | B-2c. | Mayor Taylor presented Wisconsin Junior Miss Kaila Mattson with a proclamation.  |
| AMENDED MINUTES- 11/06/06 | C-1.  | Alderman Sohns moved to approve amended minutes of the regular meeting of November 6, 2006 as corrected. Seconded by Alderman Skowronski. All voted Aye; motion carried.   |
| MINUTES- 11/21/06         | C-2.  | Alderman Sohns moved to approve minutes of the regular meeting of November 21, 2006 as presented. Seconded by Alderman Hammelman. All voted Aye; motion carried.   |
| MINUTES- 11/29/06         | C-3.  | Alderman Solomon moved to approve minutes of the special meeting of November 29, 2006 (held jointly with Oak Creek Common Council and Franklin & Oak Creek Community Development Authority). Seconded by Alderman Sohns. All voted Aye; motion carried.  |

**Franklin Common Council**

**12/05/06**

**Page Two**

- CONSENT AGENDA Alderman Olson moved to approve the following consent agenda items:
- SIGNS- F-1a. Authorize staff to work with Franklin Public School staff for the placement of a plaque commemorating the Franklin Sabers WIAA FRANKLIN PUBLIC SCHOOLS 2006 State Championship;
- RES. 2006-6200 F-1b. Adopt Resolution No. 2006-6200, RESOLUTION HOLDING TANK- PAUL AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A HOLDING TANK AGREEMENT WITH MICHAEL PAUL, 6601 ROOT RIVER DRIVE, TAX KEY NO. 757-9986-000;
- CITY HALL F-1c. Authorize \$1,200 from municipal budget account SIDEWALK #01.181.0000.5559 to repair sections of sidewalk located at City Hall;
- CITY HALL DOOR F-1d. Authorize \$1,300 from municipal account #01.181.0000.5559 for the replacement of an interior door in City Hall;
- DONATION F-1e. Accept donation of \$228 from the Brenwood Seniors to the Fire Department.  
Approval of consent items seconded by Alderman Skowronski. All voted Aye; motion carried.
- 50TH ANNIVERSARY F-2. Recipients of the 50th Anniversary Committee donations from AUCTION anniversary auction were presented to the following: Troop 314: St. DONATIONS James Church-\$200; Troop 532: House of Prayer Church-\$200; Pack 507: Country Dale School-\$200; Pack 538: Pleasant View School-\$200; Franklin Eagle Scout Derek McElroy: Veterans Memorial-\$500; Franklin Senior Citizens Club-\$800; Franklin resident Jacob Papenfuss-\$1,100 and Wisconsin Junior Miss Program-\$800.
- RES. 2006-6201 F-3. Alderman Hammelman moved to adopt Resolution No. 2006-6201, PROMISSORY RESOLUTION AUTHORIZING THE ISSUANCE AND NOTES AWARDING THE SALE OF \$10,000,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES; PROVIDING THE FORM OF THE NOTES; AND LEVYING A TAX IN CONNECTION THEREWITH. Seconded by Alderman Sohns. On roll call, all voted Aye. Motion carried.
- RES. 2006-6202 F-4. Alderman Solomon moved to adopt Resolution No. 2006-6202, GENERAL RESOLUTION AUTHORIZING THE ISSUANCE AND OBLIGATION AWARDING THE SALE OF \$9,925,000 GENERAL REFUNDING BONDS; PROVIDING THE FORM OF THE BONDS; AND LEVYING A TAX IN CONNECTION THEREWITH. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried.
- ORD. 2006-1900 F-5. Alderman Sohns moved to adopt Ordinance No. 2006-1900, AN UNIFIED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT DEVELOPMENT ORDINANCE TO AMEND THE OL-2 GENERAL BUSINESS ORDINANCE OVERLAY DISTRICT (from approximately 5100 to 5800 W. Rawson Avenue on the north side of W. Rawson Avenue), as amended. Seconded by Alderman Kosovich. All voted Aye; motion carried.

RECONSIDER  
ORDINANCE-  
SEX OFFENDERS

F-6. Alderman Olson moved to reconsider AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO PROVIDE REGULATIONS RELATING TO RESIDENCY RESTRICTIONS FOR SEX OFFENDERS AND DIRECTING ACTION FOR INJUNCTIVE RELIEF FOR VIOLATION THEREOF; and upon any approval of such motion. Seconded by Alderman Solomon. On roll call, all voted Aye. Motion carried.

ORD. 2006-1901  
RESIDENCY  
RESTRICTIONS-  
SEX OFFENDERS

Alderman Olson then moved to adopt Ordinance No. 2006-1901, AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO PROVIDE REGULATIONS RELATING TO RESIDENCY RESTRICTIONS FOR SEX OFFENDERS AND DIRECTING ACTION FOR INJUNCTIVE RELIEF FOR VIOLATION THEREOF, with direction the City Attorney and Police Chief notify current registered sex offenders residing in the City of Franklin of this ordinance. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried.

ORD. 2006-1902  
SEX OFFENDER  
USES

F-7. Alderman Solomon moved to adopt Ordinance No. 2006-1902, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AS IT PERTAINS IN PART TO THE DEFINITION OF FAMILY AND TO PROVIDE REGULATIONS FOR WISCONSIN STATUTES CHAPTER 980 SUPERVISED RELEASE AND CERTAIN CRIMES AGAINST CHILDREN SEX OFFENDER USES. Seconded by Alderman Olson. On roll call, all voted Aye. Motion carried.

RES. 2006-6203  
CONSERVATION  
EASEMENT-  
FRANKLIN  
SQUARE LLC

F-8. Alderman Kosovich moved to adopt Resolution No. 2006-6203, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR FRANKLIN SQUARE LLC (APPROXIMATELY SOUTH 51ST STREET, WEST COBBLESTONE WAY AND WEST RYAN ROAD) (FRANKLIN SQUARE LLC, APPLICANT). Seconded by Alderman Sohns. All voted Aye; motion carried.

ORD. 2006-1903  
REZONING-  
LOCATION 3  
CORPORATION

F-9. Alderman Solomon moved to adopt Ordinance No. 2006-1903, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO VB VILLAGE BUSINESS DISTRICT (LOCATION 3 CORPORATION, APPLICANT) (APPROXIMATELY 11460-11510 WEST ST. MARTINS ROAD AND 11310 WEST SPRING STREET). Seconded by Alderman Skowronski. All voted Aye; motion carried.

RES. 2006-6204  
CSM-  
LOCATION 3  
CORPORATION

F-10. Alderman Skowronski moved to adopt Resolution No. 2006-6204, A RESOLUTION CONDITIONALLY APPROVING A 3-LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH,

LOCATION 3-  
CONTINUED

RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (LOCATION 3 CORPORATION, APPLICANT) (APPROXIMATELY 11460-11510 WEST ST. MARTINS ROAD AND 11310 WEST SPRING STREET). Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2006-6205  
CONSERVATION  
EASEMENT-  
LOCATION 3  
CORPORATION

F-11. Alderman Skowronski moved to adopt Resolution No. 2006-6205, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP (AT APPROXIMATELY 11310 WEST SPRING STREET) (LOCATION 3 CORPORATION, APPLICANT). Seconded by Alderman Sohns. All voted Aye; motion carried.

RES. 2006-6206  
CONSERVATION  
EASEMENT-  
LOCATION 3  
CORPORATION

F-12. Alderman Solomon moved to adopt Resolution No. 2006-6206, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP (AT APPROXIMATELY 11510 WEST ST. MARTINS ROAD) (LOCATION 3 CORPORATION, APPLICANT). Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2006-6207  
SPECIAL USE-  
T-MOBILE CENTRAL,  
INC.

F-13. Alderman Sohns moved to adopt Resolution No. 2006-6207, A RESOLUTION TO AMEND RESOLUTION 1996-4432 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 5510 WEST RAWSON AVENUE (T-MOBILE CENTRAL, LLC). Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2006-6208  
CSM-  
GEAR

F-14. Alderman Kosovich moved to adopt Resolution No. 2006-6208, A RESOLUTION CONDITIONALLY APPROVING A 2-LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF A PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (KENNETH AND CINDY GEAR, APPLICANT) (APPROXIMATELY 4951 AND 5011 WEST HUNTING PARK DRIVE). Seconded by Alderman Skowronski. All voted Aye; motion carried.

WEBSITE

F-15. Alderman Olson moved to provide conceptual support for the continuation of the Website Redevelopment Project into 2007 and to support a budget modification in 2007 of the 2006 Capital Projects \$25,000 portion for "Website Redevelopment" following submission by the Technology Commission on an acceptable project plan, with the understanding that this is not considered a commitment. Seconded by Alderman Sohns. All voted Aye; motion carried.

- RES. 2006-6209  
GEOGRAPHIC  
INFORMATION  
SYSTEM
- F-16. Alderman Olson moved to adopt Resolution No. 2006-6209, A RESOLUTION APPROVING A CONTRACT WITH GEOGRAPHIC MARKETING ADVANTAGE, LLC FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SUPPORT & DATABASE MAINTENANCE SERVICES FOR 2007. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ARCGIS  
SERVER GRANT
- F-17. Alderman Olson moved to accept the ESRI Alternative ArcGIS Server Grant consisting of a \$20,000 GIS software upgrade to the City's existing GIS software configuration. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2006-6210  
ASSESSOR  
SERVICES
- F-18. Alderman Solomon moved to adopt Resolution No. 2206-6210, RESOLUTION APPROVING A 1-YEAR (2007) AGREEMENT WITH TYLER TECHNOLOGIES, INC. (CLT DIVISION) FOR ASSESSOR SERVICES. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2006-6211  
ASSESSMENT  
SERVICES
- F-19. Alderman Sohns moved to adopt Resolution No. 2006-6211, RESOLUTION APPROVING A 1-YEAR (2007) AGREEMENT WITH TYLER TECHNOLOGIES, INC. (CLT DIVISION) FOR ANNUAL MAINTENANCE ASSESSMENT SERVICES. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- RES. 2006-6212  
SOFTWARE SUPPORT  
SERVICES
- F-20. Alderman Sohns moved to adopt Resolution No. 2006-6212, RESOLUTION APPROVING A 1-YEAR (2007) AGREEMENT WITH TYLER TECHNOLOGIES, INC. (CLT DIVISION) FOR SOFTWARE SUPPORT SERVICES. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ORD. 2006-1904  
FIRE DEPARTMENT  
COMMANDERS
- F-21. Alderman Kosovich moved to adopt Ordinance No. 2006-1904, 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.
- POLICE CAPTAINS  
AND POLICE  
INSPECTOR
- F-22. Alderman Skowronski moved to amend and revise the document establishing benefits, conditions, and salary for the current police captains and the current police inspector, with the subject matter of listing names in these documents referred to the Personnel Committee and Director of Administration for future review and recommendation. Seconded by Alderman Hammelman. All voted Aye; motion carried.
- PANDEMIC  
PLANNING
- F-23A. The Franklin Health Department update of pandemic planning, federal, state, regional and local activities was held at the Committee of the Whole on 12/05/06.

CLASS B ALCOHOL BEVERAGE GRANT F-23B. Alderman Skowronski moved to deny the request from Maximum Martini, LLC, d/b/a Kä Martini Lounge, Agent: Thomas J. Galante, 7352 W. Rawson Avenue for a Class B Alcohol Beverage grant on the basis that the findings following the discussion at the Committee of the Whole on 12/04/06 are that the public purpose tenets set forth in the ordinance while may be existent in part, are not to the extent that the Council finds sufficient to award the grant nor has there been any showing of a lack of an ability to pay as is a consideration of the ordinance. Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2006-6213 AGREEMENT-FIREFIGHTERS F-23C. Alderman Skowronski moved to adopt Resolution No. 2006-6213, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A LABOR AGREEMENT WITH THE FRANKLIN PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 2760 I.A.F.F. AND TO REVISE THE PLAN DOCUMENT AND SUMMARY PLAN DESCRIPTION FOR THE CITY OF FRANKLIN EMPLOYEE HEALTH AND WELFARE BENEFIT PLAN. Seconded by Alderman Sohns. On roll call, all voted Aye. Motion carried.

S. 31ST STREET F-24. Alderman Sohns moved to authorize the revised offering price for Parcel #4 for the acquisition of properties by the City for right-of-way for the reconstruction of S. 31st Street from W. Drexel Avenue to a point 1/2 mile to the north of W. Drexel Avenue as set forth in the confidential documents which involve strategy for the negotiation of public investment with the purchase of public properties under §19.85(1)(e), Stats. Seconded by Alderman Solomon. All voted Aye; motion carried.

CLOSED SESSION-PARAMEDIC SERVICES AGREEMENT F-25. Alderman Olson moved to enter closed session at 8:42 p.m. pursuant to §19.85(1)(e), Stats., to deliberate upon the terms of and to consider the negotiation of an emergency medical services agreement for paramedic services between the Milwaukee County Department of Health and Human Services and the City of Franklin for the years 2007 through 2009, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Sohns. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 9:20 p.m.

RES. 2006-6214 PARAMEDIC SERVICES AGREEMENT Alderman Olson moved to adopt Resolution No. 2006-6214, A RESOLUTION APPROVING AN EMERGENCY MEDICAL SERVICES AGREEMENT FOR PARAMEDIC SERVICES BETWEEN MILWAUKEE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE CITY OF FRANKLIN FOR 2007, 2008, AND 2009, subject to technical corrections as may be required by any continuing negotiations or further other entity action and that approval also takes into

PARAMEDIC  
SERVICES-  
CONTINUED

consideration the 11/1/06 resolution adopted by the Milwaukee County Association of Fire Chiefs and the terms thereof. Seconded by Alderman Solomon. All voted Aye; motion carried.

CABLE  
FRANCHISE  
REQUIREMENT

F-26. Aldermen Olson and Solomon vacated their seats for this item.

No action was taken regarding AT&T's new U-Verse TV Service & Cable Franchise requirement.

CLOSED SESSION-  
ACQUISITION OF  
PROPERTY-CIVIC  
CENTER AREA

F-27. Alderman Sohns moved to enter closed session at 9:30 p.m. pursuant to Section 19.85(1)(e), Wis. Stats., to consider an offer to sell property to the City intended to be used for public purposes in the Civic Center Area and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 9:40 p.m.

Alderman Sohns moved to direct the City Attorney to counteroffer under the terms discussed in closed session regarding the acquisition of property for public purposes. in the Civic Center Area. Seconded by Alderman Kosovich. On roll call, Aldermen Solomon, Hammelman, Kosovich, Sohns and Skowronski voted Aye; Alderman Olson voted No. Motion carried.

LICENSES

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

Operator License for Kerri A. McCracken, 2429 W. Ramsey, Milwaukee with warning letter from City Clerk;

Entertainment & Amusement to The Party Spot, applicant: Gennel Baehr, 7129 S. 76th Street pending satisfactory inspections;

and also moved to hold Operator License for Jason D. Manyen, 5667 S. Root River Drive subject to appearing before the License Committee;

and also moved to deny Operator License for Sandra L. Collins, S77 W18233 Ann Drive, Muskego for habitual criminality record contrary to §125.04(5)(a)1. Seconded by Alderman Kosovich. All voted Aye; motion carried.

BILLS

I-1. Alderman Skowronski moved to approve net City vouchers in the range of Nos. 118469 through 118651 in the amount of \$753,293.83. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried.

**PAYROLL**

Alderman Sohns moved to approve net payroll of November 24, 2006, in the amount of \$334,896.75. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

**ADJOURNMENT**

H-1.

Alderman Sohns moved to adjourn the meeting at 9:42 p.m. Seconded by Alderman Olson. All voted Aye; motion carried.