

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
DECEMBER 16, 2008  
MINUTES**

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| ROLL CALL                                  | A.     | The regular meeting of the Common Council was held on December 16, 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 (arrived at 6:45 p.m.), and Skowronski. 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 6:32 p.m. and closed at 7:00 p.m.  |
| MINUTES-<br>12/02/08                       | C.1.   | Alderman Olson moved to approve minutes of the meeting of December 2, 2008. Seconded by Alderman Taylor. All voted Aye; motion carried.   |
|  | D.1.   | The public hearing on an ordinance to amend the Unified Development Ordinance text to create Section 15-3.0323 OL-SW Overlay District was called to order at 7:05 p.m. and closed at 7:10 p.m. (Also see Item G.3.)   |
|  | D.2.   | The public hearing on an ordinance to amend the Unified Development Ordinance text at Section 15-3.0501C. to provide certain exceptions from the requirement that a Certified Survey Map application include a Natural Resource Protection Plan application was called to order at 7:10 p.m. and closed at 7:10 p.m. (Also see Item G.5.)   |
| APPOINTMENT<br>TO ARCHITECTURAL<br>BOARD   | E.1.a. | Alderman Skowronski moved to confirm the Mayoral appointment of Patrick Schultz to the Architectural Board, term expires 4/30/10. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.  |
| APPOINTMENT TO<br>TECHNOLOGY<br>COMMISSION | E.1.b. | Alderman Olson moved to confirm the Mayoral appointment of Bryan Maersch to the Technology Commission, term expires 4/30/11. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.  |
| APPOINTMENT TO<br>TECHNOLOGY<br>COMMISSION | E.1.c. | Alderman Olson moved to confirm the Mayoral appointment of Rajiv Surana to the Technology Commission, term expires 4/30/11. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.   |
| APPOINTMENT TO<br>PERSONNEL<br>COMMITTEE   | E.1.d. | Mayor Taylor withdrew the appointment of Jeffrey Davis to the Personnel Committee.  |

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| APPOINTMENT TO ENVIRONMENTAL COMMISSION          | E.1.e. | Alderman Skowronski moved to confirm the Mayoral appointment of Diane Baranowski to the Environmental Commission. Seconded by Alderman Solomon. On roll call, Aldermen Solomon and Skowronski voted Aye; Aldermen Olson, Wilhelm, Taylor, and Sohns voted No. Motion failed.  |
| APPOINTMENT TO PLAN COMMISSION                   | E.1.f. | Alderman Skowronski moved to confirm the Mayoral appointment of David Fowler to the Plan Commission, term expires 4/30/09. Seconded by Alderman Wilhelm. On roll call, Aldermen voted Aye; Alderman Olson voted No.   |
| APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION   | E.1.g. | Alderman Taylor moved to confirm the Mayoral appointment of Joe Haselow to the Economic Development Commission, term expires 7/30/11. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.  |
| APPOINTMENT TO PARKS COMMISSION                  | E.1.h. | Alderman Wilhelm moved to confirm the Mayoral appointment of Dave Pautz to the Parks Commission, term expires 4/30/11. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.   |
| APPOINTMENT TO BOARD OF ZONING/ BUILDING APPEALS | E.1.i. | Alderman Sohns moved to confirm the Mayoral appointment of John English as an alternate member to the Board of Zoning and Building Appeals, term expires 4/30/10. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.  |
| CONSENT AGENDA                                   | G.1.   | Alderman Wilhelm moved to approve the following consent agenda items:   |
| DONATION FROM SAM'S CLUB                         | G.1.a. | Accept donation to the Franklin Police Department from Sam's Club Foundation in the amount of \$1,000;  |
| RELEASE LETTER OF CREDIT-YORKSHIRE GROVE SUBD.   | G.1.b. | Authorize staff to release and return Letter of Credit No. SB 9790 from M&I Bank for the development of Yorkshire Grove Subdivision developed by MLG Residential Fund LLC;  |
| ASSIGN COMP MASTER PLAN CONTRACT                 | G.1.c. | Approve the assignment of the Comprehensive Master Plan contract with Planning and Design Institute, Inc. to Graef Anhalt Schloemer & Associates, Inc. and authorize the Director of Administration to execute the Professional Service Agreement Assignment request;   |
| "HEART ACT" DIRECTION TO PRINCIPAL FINANCIAL     | G.1.d. | Authorize the Director of Administration to notify the Principal Financial Group that it will operationally implement the provisions of the Heroes Earnings Assistance and Relief Tax Act of 2008 (the "HEART Act") and direct staff to prepare the amendments as required, and to report back on the operational provisions by June 1, 2009; |
| EXTENSION TO TOWING CONTRACT                     | G.1.e. | Grant a one-year extension for the towing contract with N&S Towing, Inc. until February 28, 2010;   |

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| RES. 2008-6504<br>MUNICIPAL COURT<br>SCHEDULE OF<br>DEPOSITS           | G.1.f. | Adopt Resolution No. 2008-6504, A RESOLUTION APPROVING THE MUNICIPAL COURT SCHEDULE OF DEPOSITS.<br>Approval of the consent agenda items was seconded by Alderman Solomon. All voted Aye; motion carried.  |
| ACCEPT<br>CERTIFICATION OF<br>AMENDMENT TO<br>COMP MASTER<br>PLAN      | G.2.   | Alderman Sohns moved to accept certification of an amendment to the Comprehensive Master Plan to include the pre-sanitary sewer land use/zoning, land division, and public services policy as an element of the City of Franklin Comprehensive Master Plan. Seconded by Alderman Solomon. All voted Aye; motion carried.   |
| ORD. TO AMEND<br>UDO TO CREATE OL-<br>SW SOUTHWEST<br>OVERLAY DISTRICT | G.3.   | Alderman Sohns moved to table AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO CREATE SECTION 15-3.0323 OL-SW SOUTHWEST OVERLAY DISTRICT, and further consider property owner and Aldermanic concerns. Seconded by Alderman Olson. All voted Aye; motion carried. (Also see Item D.1.)  |
| AMEND UDO  | G.4.   | Alderman Olson moved to table AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM R-1 COUNTRYSIDE/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, R-7 TWO-FAMILY RESIDENCE DISTRICT, R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT, B-2 GENERAL BUSINESS DISTRICT, B-3 COMMUNITY BUSINESS DISTRICT, M-1 LIMITED INDUSTRIAL DISTRICT, M-2 GENERAL INDUSTRIAL DISTRICT, I-1 INSTITUTIONAL DISTRICT, P-1 PARK DISTRICT, A-1 AGRICULTURAL DISTRICT, A-2 PRIME AGRICULTURAL DISTRICT, FW FLOODWAY DISTRICT, FC FLOODPLAIN CONSERVANCY DISTRICT, FF FLOODFRINGE DISTRICT, GFP GENERAL FLOODPLAIN DISTRICT, AND C-1 CONSERVANCY DISTRICT TO NEW OL-SW SOUTHWEST OVERLAY DISTRICT, concurrent with action taken on Item G.3. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| ORD. 2008-1962<br>AMEND UDO  | G.5.   | Alderman Wilhelm moved to adopt Ordinance No. 2008-1962, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT SECTION 15-3.30501C. TO PROVIDE CERTAIN EXCEPTIONS FROM THE REQUIREMENT THAT A CERTIFIED SURVEY MAP APPLICATION INCLUDE A NATURAL RESOURCE PROTECTION PLAN APPLICATION as recommended by the Plan Commission striking references related to i) and ii) as so determined by the City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried. (Also see Item D.2.)  |

- CHEREK 41 MOTORS G.6. No action was taken regarding the concept review for the proposed development for Cherek 41 Motors (at approximately 3030 W. Ryan Road)(Kenneth A. Cherek, Applicant).
- RES. 2008-6505 FINAL PLAT-WHISPERING WOODS SUBDIVISION G.7. Alderman Wilhelm moved to table A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR THE WHISPERING WOODS SUBDIVISION. Seconded by Alderman Taylor. On roll call, Aldermen Wilhelm and Taylor voted Aye; Aldermen Olson, Solomon, Sohns, and Skowronski voted No. Motion failed. Alderman Solomon then moved to adopt Resolution No. 2008-6505, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR THE 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 Skowronski. On roll call, Aldermen Skowronski, Sohns, Taylor, Solomon, and Olson voted Aye; Alderman Wilhelm voted No. Motion carried.
- PRAIRIE GRASS PRESERVE G.8. Alderman Wilhelm vacated her seat for this item.
- Alderman Skowronski moved to post the sidewalk closed during winter months. Seconded by Alderman Taylor. Alderman Skowronski withdrew his motion.
- Alderman Sohns moved to table A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DECLARATION OF DEED RESTRICTIONS, CONSERVATION AGREEMENT AND PROTECTIVE COVENANTS FOR THE PRAIRIE GRASS PRESERVE RESIDENTIAL SUBDIVISION. Seconded by Alderman Olson. All voted Aye; motion carried.
- At this time, Alderman Wilhelm returned to her seat.
- RES. 2008-6506 SERVICE AGREEMENT-FIRE ALARM, SPRINKLER SYSTEM G.9. Alderman Solomon moved to adopt Resolution No. 2008-6506, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AND DELIVER A SERVICE AGREEMENT WITH SIMPLEXGRINNELL LP FOR FIRE ALARM, SPRINKLER SYSTEM AND RELATED SYSTEM SERVICES. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- RADIO EQUIPMENT PURCHASE G.10. Alderman Solomon moved to allow the Franklin Fire Department to accept the Assistance to Firefighters Grant to purchase additional radio equipment including a backup system. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

- PARAMEDIC TRAINING                      G.11.           Alderman Olson moved to allow the Franklin Fire Department to enter into a contract with the City of Brookfield Fire Department to deliver paramedic training to one City of Franklin employee at a cost not to exceed \$6,000 with the class starting January 11, 2009. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- MMSD    G.12.           Alderman Olson moved that the Milwaukee Metropolitan Sewerage District proposal for a rule change that will require the City to pay a fee to bring the property into the District be referred to the City Attorney. Seconded by Alderman Solomon. Alderman Olson withdrew his motion. Alderman Taylor then moved to refer this proposal to City Attorney. Seconded by Alderman Olson. All voted Aye; motion carried.
- ENGINEERING SERVICES AGREEMENT                      G.13.           Alderman Taylor moved to approve Option 3 prepared by Graef, Anahlt, Schloemer locating water main in the grass 10 feet east of the east right-of-way on S. 51st Street. Alderman Taylor withdrew his motion.  
Alderman Taylor then moved to table A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH GRAEF ANHALT SCHLOEMER AND ASSOCIATES, INC. FOR THE WATER MAIN EXTENSION ON S. 51ST STREET FROM W. PUETZ ROAD TO A POINT 3,300 FEET SOUTH. Seconded by Alderman Sohns. All voted Aye; motion carried.
- ORD. 2008-1964 PARKING RESTRICTIONS                      G.14.           Alderman Sohns moved to adopt Ordinance No. 2008-1964, AN ORDINANCE CHANGING PARKING RESTRICTIONS ON STREETS IN HIGH VIEW ESTATES AND ADDITIONS ONE AND TWO FROM SECTION 245-5F TO 245-5D(6) OF THE FRANKLIN MUNICIPAL CODE. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- CLEAN WATER FUND PROGRAM                      G.15.           Alderman Sohns moved to authorize staff to apply for a Clean Water Fund Program from the Wisconsin Department Natural Resources, with the understanding that the program would not be accepted unless it reverts to a grant program. Seconded by Alderman Solomon. On roll call, Aldermen Olson, Solomon, Taylor, Sohns, and Skowronski voted Aye; Alderman Wilhelm voted No. Motion carried.
- COMMUNITY CENTER AD HOC COMMITTEE                      G.16.           Alderman Sohns moved that the Community Center Ad Hoc Committee be invited to attend the January 5, 2009 Committee of the Whole meeting to discuss the future direction of the Committee. Seconded by Alderman Olson. All voted Aye; motion carried.

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| INVESTMENT<br>MANAGER  | G.17. | Alderman Sohns moved to appoint Mariner Wealth as Investment Manager for investment of OPEB Trust Assets for the period 2008-2012 and to authorize the Director of Finance and Treasurer as employer representative to enter into necessary agreements. Seconded by Alderman Taylor. All voted Aye; motion carried.  |
| GEOGRAPHIC<br>INFORMATION<br>SYSTEM                                    | G.18. | Alderman Olson moved to approve the contract with the Geographic Marketing Advantage, LLC for Geographic Information System Support and Database Management Services for 2009, in an amount not to exceed \$115,000. Seconded by Alderman Sohns. All voted Aye; motion carried.  |
| 2009 ASSESSOR<br>SERVICES  | G.19. | Alderman Wilhelm moved to approve the separate 2009 Assessor Services, Annual Maintenance Assessment Services, and the Software Support Agreements with Tyler Technologies, Inc. for the period January 1, 2009 through December 31, 2009. Seconded by Alderman Taylor. All voted Aye; motion carried.   |
| TECHNOLOGY<br>RELATED PROJECTS   | G.20. | Alderman Sohns moved to receive and file the information from the Director of Administration regarding technology related projects, and that a future budget modification would receive due consideration. Seconded by Alderman Wilhelm. All voted Aye; motion carried.  |
| 2009 CASUALTY<br>INSURANCE<br>COVERAGE                                 | G.21. | Alderman Solomon moved to authorize the Director of Administration to renew the City's casualty insurance plans with R&R Insurance/League of Wisconsin Municipalities Mutual Insurance and the Local Government Property Insurance Fund, for the total premiums of \$696,610 for 2009. Seconded by Alderman Wilhelm. All voted Aye; motion carried.  |
| LIFE INSURANCE<br>AND LONG-TERM<br>DISABILITY<br>INSURANCE FOR<br>2009 | G.22. | Alderman Solomon moved to authorize staff to sign necessary documents to renew the City's life insurance benefits with Mutual of Omaha with the recommended changes and to renew the long-term disability policy with Anthem, and that those employees under contract may need contract modification, as well as by ordinance. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| ORD. 2008-1964<br>LIFE INSURANCE                                       | G.23. | Alderman Solomon, seconded by Alderman Taylor, moved to suspend rules to allow employees to speak. All voted Aye; motion carried. Alderman Solomon moved to return to regular order of business. Seconded by Alderman Skowronski. All voted Aye; motion carried.   |

LIFE INSURANCE-  
CONTINUED

Alderman Sohns moved to adopt Ordinance No. 2008-1964, AN ORDINANCE AMENDING THE BENEFITS FOR FULL TIME NON-REPRESENTED MANAGEMENT EMPLOYEES OF THE CITY OF FRANKLIN ELIMINATING THE LIFE INSURANCE "CARVE OUT PLAN", with consideration given to those affected employees with contracts. Seconded by Alderman Skowronski. All voted Aye; motion carried.

JOB DESCRIPTION-  
CONFIDENTIAL  
SECRETARY

G.24.

Alderman Wilhelm moved to approve the job description for the reclassification of the Mayor's confidential secretary to secretary in the City Clerk's office, as recommended by the Personnel Committee. Seconded by Alderman Solomon. All voted Aye; motion carried

ST. MARTINS FAIR

G.25.

Alderman Skowronski moved to direct the City Attorney to prepare an ordinance amending the St. Martins Fair permit structure and fee schedule to allow for non-food transient merchants to participate in monthly fairs, as recommended by the Fair Commission. Seconded by Alderman Taylor. All voted Aye; motion carried.

LICENSES AND  
PERMITS

H.1.

Alderman Taylor moved to approve the following licenses:  
Temporary Class B Beer and Temporary Entertainment & Amusement to St. Theresa of Child Jesus Vietnamese Catholic Group, St. Martin of Tours Church, 7963 S. 116th Street, Fr. Francis Tran, SCJ on 1/18/09-Vietnamese New Year Celebration;

Coin Machine Operator to Primegamez, LLC, Daniel Z Takerian, 943 Hunter Drive #56, Racine;

Operator License to Donna J. Kalebic, 6200 N. Bay Ridge Avenue, Whitefish Bay; Derek M. Rodriguez, 4618 W. Morgan Avenue, Greenfield and Denise M. Rucpic, 2415 S. Nicholson Avenue #3, South Milwaukee subject to appearing before the License Committee;

and also moved to deny fee waiver request of St. Theresa of Child Jesus Vietnamese Catholic Group, Fr. Francis Tran, SCJ for Temporary Food, Beverage, Entertainment & Amusement and Temporary Class B Beer for 1/18/09-Vietnamese New Year Celebration. Seconded by Alderman Solomon. All voted Aye; motion carried.

It was then moved by Alderman Olson to approve a grant in the amount of \$5,000 for the Class B Reserve license for Franklin Hotel Company, LLC, d/b/a: Staybridge Suites-Franklin, Agent: Mark Hansen, 9575 S. 27th Street. Seconded by Alderman Taylor. Alderman Olson withdrew his motion.

LICENSES-  
CONTINUED

Alderman Taylor then moved to approve a grant in the amount of \$9,000 for the Class B Reserve license for Franklin Hotel Company, LLC, d/b/a: Staybridge Suites-Franklin, Agent: Mark Hansen, 9575 S. 27th Street. Seconded by Alderman Solomon. On roll call, Aldermen Solomon, Taylor and Skowronski voted Aye; Aldermen Olson, Wilhelm and Sohns voted No. Mayor Taylor broke the tie by voting No, motion failed.

Alderman Olson then moved to deny the Class B Reserve license grant request from Franklin Hotel Company, LLC, d/b/a: Staybridge Suites-Franklin, Agent: Mark Hansen, 9575 S. 27th Street. Seconded by Alderman Sohns. On roll call, Aldermen Sohns, Wilhelm and Olson voted Aye; Aldermen Skowronski, Taylor and Solomon voting No. Mayor Taylor broke the tie by voting Aye; motion carried.

VOUCHERS AND  
PAYROLL

I-1. Alderman Olson moved to approve net City vouchers in the range of Nos. 127810 through 127994 in the amount of \$1,131,885.96. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

Alderman Sohns moved to approve net payroll of December 5, 2008, in the amount of \$309,906.19. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J-1. Alderman Taylor moved to adjourn the meeting at 10:40 p.m. Seconded by Alderman Olson. All voted Aye; motion carried.