

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
DECEMBER 1, 2009
MINUTES**

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| ROLL CALL | A. | The regular meeting of the Common Council was held on December 1, 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 Olson, Solomon, Taylor, Sohns and Skowronski. Excused was Alderman Wilhelm. 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 6:31 p.m. |
| BOERNER BOTANICAL EVENTS | B-2.a. | Mayor Taylor announced the upcoming 2009/10 Friends of Boerner Botanical Gardens events. |
| BE A SANTA TO A SENIOR DAY | B-2.b. | Mayor Taylor read a proclamation naming December 17, 2009 as "Be a Santa to a Senior Day." |
| MINUTES- 11/17/2009 | C-1. | Alderman Olson moved to approve the minutes of the regular meeting of November 17, 2009 as presented. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| NOISE POLLUTION- HWY 100 | F-1. | Correspondence from Douglas W. Hein regarding noise pollution west of Highway 100 between W. Friar Lane and W. Church Street was referred to the Board of Public Works for review and recommendation on a motion by Alderman Solomon. Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| CONSENT AGENDA | | Alderman Olson moved to approve the following consent agenda items: |
| DONATION- HEALTH DEPT. | G-1.a. | Accept the \$200 donation from the Milwaukee Southwest Suburban Kiwanis Foundations Inc. to the Franklin Health Department; |
| DONATION- FIRE DEPARTMENT | G-1.b. | Accept the donation of \$378 from Brenwood Park Senior Apartments to the Fire Department to support the Emergency Medical Services and personnel; |
| RES. 2009-6608 TEMPORARY EASEMENT- FRANKLIN HIGH SCHOOL | G-1.c. | Adoption of Resolution No. 2009-6608, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A TEMPORARY LIMITED EASEMENT FROM THE FRANKLIN PUBLIC SCHOOL DISTRICT FOR THE RECONSTRUCTION OF CERTAIN FRANKLIN HIGH SCHOOL DRIVEWAYS IN CONJUNCTION WITH THE RECONSTRUCTION OF SOUTH 51ST STREET FROM WEST DREXEL AVENUE TO WEST PUETZ ROAD. |

CONSENT-
CONTINUED

Approval of consent items seconded by Alderman Sohns. All voted Aye; motion carried.

RES. 2009-6609
COMMENDATION-
ROB D. SPITZER

G-2.

Alderman Olson moved to adopt Resolution No. 2009-6609, A RESOLUTION COMMENDING ROB D. SPITZER UPON HIS RESIGNATION FOR 21 YEARS OF VALUABLE SERVICE TO THE ECONOMIC DEVELOPMENT COMMISSION AND THE COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF FRANKLIN, WISCONSIN. Seconded by Alderman Sohns. All voted Aye; motion carried.

RES. 2009-6610
2020 FACILITIES
PLAN-ADDENDUM 2

G-3.

Alderman Sohns moved to adopt Resolution No. 2009-6610, A RESOLUTION APPROVING THE 2020 FACILITIES PLAN – ADDENDUM 2 FRANKLIN/MUSKEGO ADVANCED FACILITIES PLAN PROVIDING FOR ALTERNATIVE D, THE RYAN CREEK INTERCEPTOR GRAVITY SEWER ALTERNATIVE, AND PETITIONING THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT TO AMEND THE 2020 FACILITIES PLAN TO SO PROVIDE FOR THE RYAN CREEK INTERCEPTOR GRAVITY SEWER. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

2010 INSURANCE
RENEWAL-
3RD PARTY
ADMINISTRATOR

G-4.

Alderman Solomon moved to accept the proposal in the amount of \$1,021,789.80 from Starnet for employee medical and dental stop loss insurance coverage. Seconded by Alderman Olson. All voted Aye; motion carried.

Alderman Sohns then moved to accept the proposal from The Hartford for employee Life, Accidental Death & Dismemberment, and Long Term Disability insurance; retain Auxiant as the City's 3rd party administrator for 2010; and authorize the Director of Administration to execute such documents and contracts as necessary to effectuate said insurance. Seconded by Alderman Solomon. All voted Aye; motion carried.

WIS. STATUTES SEC.
632.885-EXTENDED
DEPENDENT
COVERAGE

G-5.

Alderman Sohns moved to authorize for all employees effective January 1, 2010 application of the new provisions of Wisconsin State Statutes Section 632.885, providing coverage for dependents up to age 27 and for full-time students of any age returning from active duty, when such individuals qualify according to the standards as set therein and according to the applicable administrative rules, and further that written clarification be provided to the Union. Seconded by Alderman Solomon.

Alderman Solomon moved to offer an amendment to the motion to remove age 27 above and follow state statutes for all employees. Seconded by Alderman Olson. On the amendment all voted Aye; motion carried.

At 7:35 p.m. Mayor Taylor passed the gavel to Council President Taylor, who then chaired the meeting. At 7:37 p.m.

EXTENDED
DEPENDENT
COVERAGE-
CONTINUED

the gavel was returned to Mayor Taylor, who returned to chairing the meeting.

On the vote for the motion as amended, all voted Aye; motion carried.

Alderman Sohns then moved to authorize the Director of Finance and Treasurer to establish the appropriate imputed income rates to apply in application of this benefit. Seconded by Alderman Solomon. All voted Aye; motion carried.

RES. 2009-6611
CSM-FOREST VIEW-
FRANKLIN LP-
5720 W. RYAN ROAD

G-6.

Alderman Sohns moved to adopt Resolution No. 2009-6611, A RESOLUTION RE-APPROVING A 2 LOT CERTIFIED SURVEY MAP CONDITIONALLY APPROVED BY RESOLUTION NO. 2009-6531 ON MARCH 17, 2009 (FOREST VIEW-FRANKLIN LIMITED PARTNERSHIP) (APPROXIMATELY 5720 WEST RYAN ROAD AND NORTH THEREOF). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2009-6612
VACATE RIGHT OF
WAY-11482 W. SWISS
STREET

G-7.

Alderman Skowronski moved to introduce Resolution No. 2009-6612, A RESOLUTION TO VACATE APPROXIMATELY 1,302 SQUARE FEET OF RIGHT-OF-WAY WHICH EXTENDS APPROXIMATELY 105 FEET ALONG WEST SWISS STREET ADJACENT TO PROPERTY LOCATED AT 11482 WEST SWISS STREET and to set the public hearing upon the proposed vacation for January 19, 2010. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2009-6613
AGREEMENT-
ENGINEERING
SERVICES-WATER
MAIN EXTENSION-
W. OAKWOOD ROAD

G-8.

Alderman Taylor moved to adopt Resolution No. 2009-6613, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH GRAEF USA FOR THE WATER MAIN EXTENSION ON W. OAKWOOD ROAD FROM A POINT 425 FEET WEST OF S. 34TH STREET TO W. OAKWOOD PARK DRIVE IN THE FRANKLIN BUSINESS PARK. Seconded by Alderman Solomon. On roll call, Aldermen Solomon, Taylor, Sohns, and Skowronski, voted Aye; Alderman Olson voted No. Motion carried.

RES. 2009-6614
AGREEMENT-
PROFESSIONAL
ENVIRONMENTAL
ENGINEERING
SERVICES
COMPLIANCE
MONITORING AT
LANDFILL

G-9.

Alderman Sohns moved to adopt Resolution No. 2009-6614, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL FACILITY TO DECEMBER 31, 2010, WITH JSA CIVIL ENVIRONMENTAL ENGINEERS, INC. Seconded by Alderman Taylor. All voted Aye; motion carried.

GIS SUPPORT 2010 G-10. Alderman Olson moved to approve the contract with Geographic Marketing Advantage, LLC for Geographic Information System Support and Database Maintenance Services for 2010, in the amount not to exceed \$115,000. Seconded by Alderman Taylor. All voted Aye; motion carried.

TECHNOLOGY
INFRASTRUCTURE
PLAN AND
SOFTWARE
APPLICATIONS PLAN G-11. Alderman Olson moved to proceed with solicitation of bids for a Technology Infrastructure Plan and a Software Application Plan. Seconded by Alderman Taylor. On roll call, Aldermen Skowronski, Taylor, Solomon, and Olson voted Aye; Alderman Sohns voted No. Motion carried.

CLOSED SESSION-
IMPACT FEES
RECALCULATIONS G-12. Alderman Olson moved to enter closed session at 7:40 p.m. pursuant to Wis. Stats. §19.85(1)(e), to deliberate upon the subject of the recalculation of water supply and distribution facilities impact fees, and to develop a collection and disbursement allocation, implementation and negotiation strategy, 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 Taylor. On roll call, all voted Aye; motion carried.

The Common Council reentered open session at 8:40 p.m.

CLOSED SESSION-
FRANKLIN VS. LEE
ANN AUGUSTINE
AND HANOVER
INSURANCE
COMPANY G-13. Alderman Sohns moved to enter closed session at 8:54 p.m. pursuant to §19.85(1)(g), Wis. 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 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 Taylor. On roll call, all voted Aye; motion carried.

Upon reentering open session at 9:00 p.m., Alderman Olson moved to authorize the City Attorney to proceed as discussed in closed session and to report the results thereof to the Common Council. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

COMBINED TAX
LEVIES AND TAX
RATES FOR 2009

G-14. Alderman Olson moved to reduce the Equipment Revolving Fund in the amount of \$277,000 and reduce the revenue account in the same amount. Seconded by Alderman Sohns. Alderman Olson withdrew his motion.

Alderman Olson then moved to direct staff to prepare an ordinance for a special Common Council meeting to be held at 8:30 p.m. on December 3, 2009, amending the city budget by reducing the Capital Outlay Fund revenue \$277,000 and reducing the expenses. Seconded by Alderman Sohns. Alderman Olson withdrew his motion.

Alderman Olson then moved to direct City staff to return to a special Common Council meeting to be held at 8:30 p.m. on December 3, 2009, with an ordinance amending the 2010 City Budget by reducing revenues and expenditures a minimum of \$300,000. Seconded by Alderman Taylor. On roll call, Aldermen Olson, Taylor and Sohns voted Aye; Aldermen Solomon and Skowronski voted No. Motion carried.

LICENSES AND
PERMITS

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

New Class A Combination License to Vashudev, LLC, d/b/a Midtown Fuel, Jayantibhai S. Patel, 11123 W. Forest Home Avenue subject to satisfactory inspections and payment;

Further moved approve Operator License for Barbara J. Davison, 6931 S. Phyllis Lane with warning letter from City Clerk; Nicholas M. Sass, 3237 S. 57th Street, Milwaukee with warning letter from City Clerk; Stephanie L. Sheridan, 4368 W. Central Avenue with warning letter from City Clerk; Candice N. Zemlik, 10345 W. Plum Tree Circle #104, Hales Corners with warning letter from City Clerk; Lynn E. Beyer, 10574 W. Cortez Circle #17; Erica K. King, 4630 S. 23rd Street #15, Milwaukee; Jody Ann Montgomery, 8570 S. 116th Street and Samantha A. Staniszewski, 8851 Lake Pointe Circle subject to copy of drivers license provided to the City Clerk's Office;

Further moved to hold Operator License for Laura M. Alverio, 2210 W. Lincoln Avenue, Milwaukee subject to appearing before the License Committee; Nicholas Costa, 7266 S. 38th Street subject to appearing before the License Committee; Brian P. Gundersen, 8133 S. Forest Hills Circle until April, 2010 and Ricky Orta, Jr., 6312 W. Lincoln Avenue, Milwaukee subject to appearing before the License Committee. Seconded by Alderman Taylor. All voted Aye; motion carried.

**VOUCHERS AND
PAYROLL**

I-1. Alderman Skowronski moved to approve net City vouchers in the range of Nos. 132082 through 132237 in the amount of \$664,063.06. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

Alderman Taylor moved to approve the net City payroll of November 20, 2009 in the amount of \$332,748.32. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 9:55 p.m. Seconded by Alderman Sohns. All voted Aye; motion carried.