

Franklin Common Council

7/08/08

Page Two

- | | | |
|---|--------|---|
| DONATION | G-1.b. | Donation to the Police Department in the amount of \$150 from the Franklin Lioness Club for police programs; |
| DONATIONS | G-1.c. | Donation to the Fire Department from John and Patricia Wintheiser in the amount of \$125 to be placed in the donation account and a donation from the Franklin Lioness Club in the amount of \$150 to be used for fire education and prevention. Approval of consent items seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| PARTICIPATION IN NHANES | G-2. | Alderman Wilhelm moved to endorse participation in the National Health and Nutrition Examination Survey as recommended by the Franklin Board of Health. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| ORD. 2008-1947
AMENDING CH. 218
FOR DISPOSAL OF
MEDICAL WASTE | G-3. | Alderman Sohns moved to adopt Ordinance No. 2008-1947, AN ORDINANCE TO AMEND CHAPTER 218 OF THE FRANKLIN MUNICIPAL CODE REGARDING THE SAFE DISPOSAL OF HOME-GENERATED MEDICAL WASTE. Seconded by Alderman Olson. All voted Aye; motion carried. |
| REIMBURSE
SHOPPES AT
WYNDHAM
VILLAGE - STORM
WATER CAPACITY | G-4. | Alderman Solomon moved to authorize staff to process a payment in the amount of \$98,200 to the Shoppes at Wyndham Village for the prorated storm water capacity for the reconstruction of W. Drexel Avenue from W. Loomis Road (STH 36) to S. Lovers Lane Road (STH 100). Seconded by Alderman Olson. On roll call, Aldermen Olson, Solomon, Taylor, Sohns, and Skowronski voted Aye; Alderman Wilhelm voted No. Motion carried. |
| RES. 2008-6457
CSM (DEVO
PROPERTIES/
RAWSON LLC)
(5320-5428 W.
RAWSON AVENUE) | G-10. | Alderman Skowronski moved to adopt Resolution No. 2008-6457, A RESOLUTION CONDITIONALLY APPROVING A CERTIFIED SURVEY MAP, BEING A DIVISION OF A PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (DEVO PROPERTIES/RAWSON LLC)(APPROXIMATELY 5320-5428 W. RAWSON AVENUE). Seconded by Alderman Solomon. Aldermen Skowronski, Sohns, and Solomon voted Aye; Aldermen Taylor, Wilhelm, and Olson voted No. Mayor Taylor broke the tie and voted in the affirmative; motion carried. |
| RES. 2008-6458
SENDIKS WEST DEV.
DEVELOPMENT
AGREEMENT
(SEE ITEM
FOLLOWING G-13) | G-5. | Alderman Skowronski moved to adopt Resolution No. 2008-6458, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF SENDIKS WEST DEVELOPMENT. Motion died due to the lack of a second. (SEE ADDITIONAL COMMON COUNCIL ACTION FOLLOWING ITEM G-13.) |

- CONTRACT WITH
WIS DOT FOR SALT
PURCHASE
- G-6. Alderman Wilhelm moved to authorize staff to enter into a contract with the Wisconsin Department of Transportation for purchase of 3,500 tons of salt at the rate of \$43/ton for a cost of \$150,500 with \$56,500 from the 2008 salt budget and \$21,500 from the contingency account (totaling \$94,000 which includes \$72,500 previously approved on 5/6/08). Seconded by Alderman Sohns. All voted Aye; motion carried.
- ACCEPT PLAN
COMMISSION
CERTIFICATION OF
COMP. MASTER
PLAN AMENDMENT
(MARVIN W. WOLFF)
(8400 AND 8502 W.
OAKWOOD ROAD)
- G-7. Alderman Skowronski moved to accept the Plan Commission certification of the Comprehensive Master Plan Amendment for the property located at the Southwest 1/4 of Section 28, Township 5 North, Range 21 East, and the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, Tax Key Nos. 934-9999-002 and 935-9994-007, to change the zoning designation from A-2 Prime Agricultural District and R-2 Estate Single-Family Residence District to A-2 Prime Agricultural District and R-1 Countryside/Estate Single-Family Residence District (Marvin W. Wolff, applicant) (8400 and 8502 W. Oakwood Road). Seconded by Alderman Olson. All voted Aye; motion carried.
- ORD. 2008-1948
AMEND UDO
(MARVIN W. WOLFF)
(8400 AND 8502 W.
OAKWOOD ROAD)
- G-8. Alderman Skowronski moved to adopt Ordinance No. 2008-1948, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM A-2 PRIME AGRICULTURAL DISTRICT AND R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO A-2 PRIME AGRICULTURAL DISTRICT AND R-1 COUNTRYSIDE/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT (MARVIN W. WOLFF, APPLICANT)(8400 AND 8502 W. OAKWOOD ROAD). Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2008-6459
CSM (MARVIN W.
WOLFF AND ALICE
L. WOLFF)
(8400 AND 8502 W.
OAKWOOD ROAD)
- G-9. Alderman Solomon moved to adopt Resolution No. 2008-6459, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (8400 AND 8502 W. OAKWOOD ROAD)(MARVIN W. WOLFF AND ALICE L. WOLFF, APPLICANTS). Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2008-6460
LAND COMB
(RYAN ROAD
ENTERPRISES)(4202
AND 4302 W.
OAKWOOD PARK
COURT)
- G-11. Alderman Olson moved to adopt Resolution No. 2008-6460, A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 901-0001-002 AND 901-0001-003 (4202 AND 4203 W. OAKWOOD PARK COURT)(RYAN ROAD ENTERPRISES LLC, APPLICANT). Seconded by Alderman Skowronski. All voted Aye; motion carried.

RES. 2008-6461
CSM (JAMES REMM
AND MICHAEL
REMM)(8560 S. 35TH
STREET)

G-12. Alderman Taylor moved to adopt Resolution No. 2008-6461, A RESOLUTION APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF A PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (8560 S. 35TH STREET)(JAMES REMM AND MICHAEL REMM, APPLICANTS) with the requirement of notations for no disturbing and no building zones on the Certified Survey Map prior to recording. Seconded by Alderman Olson. All voted Aye; motion carried.

ADDITIONAL INPUT
TO COMPREHENSIVE
MASTER PLAN
COMMITTEE

G-13. Alderman Skowronski moved to hold one additional information meeting including a notice to area property owners, with up to \$500 to be taken from contingency account, for the proposed pre-sewer land use/zoning, land division and public services policy and the proposed southwest overlay district, for the southwestern portion of the City. Seconded by Alderman Olson. All voted Aye; motion carried.

Alderman Skowronski moved that public participation plan be prepared pursuant to Wisconsin Statutes. Seconded by Alderman Sohns. All voted Aye; motion carried.

RES. 2008-6458
SENDIKS WEST DEV.
DEVELOPMENT
AGREEMENT

G-5. Alderman Solomon moved to reconsider Item G-5., a resolution approving development agreement for Sendik's West Development located at W. Rawson Avenue west of S. 51st Street. Seconded by Alderman Sohns. All voted Aye; motion carried.

Alderman Solomon moved to adopt Resolution No. 2008-6458, A RESOLUTION APPROVING DEVELOPMENT AGREEMENT FOR SENDIK'S WEST DEVELOPMENT LOCATED AT W. RAWSON AVENUE WEST OF S. 51ST STREET. Seconded by Alderman Sohns. Alderman Solomon withdrew his motion. Alderman Solomon then moved to refer the development agreement for Sendik's West Development located at W. Rawson Avenue west of S. 51st Street, to staff and City Attorney for matching content development agreements, and that the median is complete from S. 51st Street to S. 68th Street, and further that landscaping occur on the median and terrace. Seconded by Alderman Taylor. All voted Aye; motion carried.

RESCHEDULE
AUGUST 4, 2008
COMMITTEE OF THE
WHOLE MEETING

G-14. Alderman Olson moved to reschedule the August 4, 2008 Committee of the Whole meeting to August 5, 2008 at 6:30 p.m. and to schedule a special Common Council meeting at 6:30 p.m. on Wednesday, August 6, 2008 for the purpose of meeting jointly with the City of Oak Creek Common Council to review the proposed S. 27th Street Streetscape and related issues. Seconded by Alderman Solomon. On roll call, all voted Aye.

CLAIM FROM CURTIS AND DOMINIQUE UHL ALLEGING SEWER BACKUP DAMAGE G-15. Alderman Sohns moved to deny the claim of Curtis and Dominique Uhl pursuant to §893.80(1g), Stats., based upon and in concurrence with the City’s insurance adjuster that there is no negligence on behalf of the City of Franklin. Seconded by Alderman Taylor. All voted Aye; motion carried.

FRANKLIN BOARD OF WATER COMM, ET AL v. OAK CREEK WATER AND SEWER UTILITY, ET AL G-16. Alderman Sohns moved to enter closed session at 9:55 p.m. pursuant to §19.85(1)(g), Stats., to deliberate upon the subject of an action to recover lost revenues in City of Franklin Board of Water Commissioners, et al. v. Oak Creek Water and Sewer Utility, et al., Milwaukee County Circuit Court Case No. 08CV002119, and to confer with the City Attorney as legal counsel for the Common Council and the Board of Water Commissioners, who is rendering advice concerning strategy to be adopted by the Council and/or by its Board of Water Commissioners with respect to such litigation, 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.

Upon reentering open session at 9:59 p.m. Alderman Solomon moved to authorize participation in mediation and the authority to act in that mediation as was authorized by the Board of Water Commissioners on June 17, 2008. Seconded by Alderman Taylor. All voted Aye; motion carried.

BOARD OF HEALTH G-17.a. No action was taken on the activities, accomplishments, and goals of the Franklin Board of Health as directed by the Common Council at their May 20, 2008 meeting.

MEASLES OUTBREAK G-17.b. No action was taken on the review of the measles outbreak (April-May, 2008) and the Franklin Health Department activities.

RUEKERT MIELKE STUDY-CHAPTER 4 G-17.c. No action was taken on the Ruckert Mielke “Planning Department Organizational Study” (August 2005), Chapter 4: Objectives and Standards.

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

2008-09 Operator License to Torry J. Rufer, 2854 N. Cramer Street, Milwaukee with warning letter from City Clerk; Janine M. Adamczyk, 3217 W. Verona Court, Milwaukee; Eric A. Balcerowski, 11930 W. Ryan Road; Matthew A. Brody, 10305 W. Plum Tree Circle #202, Hales Corners with warning letter from City Clerk; Lorrie M. Chezem, 7970 S. Wildwood Drive #201, Oak Creek; Carol S. Decker, 3455 S. 24th Street, Milwaukee; Wendy A. Domoracki, 7819 S. Scepter Drive #31; Kristi L. Drapes, 7679 S. Logan Avenue, Oak Creek; Lori Ann Falkowski, 10227 Parklane Court, Hales Corners; Margaret L.

LICENSES AND
PERMITS-
CONTINUED

Goelzer, 4969 S. 27th Street, Milwaukee; Rebecca A. Hiracheta, 4609 S. Packard Avenue, Cudahy; Melissa L. Jubeck, 2827 W. Parnell Avenue #309, Milwaukee; Eric J. Kleczka, 6860 S. Highfield Drive, Oak Creek; Julie A. Kleczka, 6860 S. Highfield Drive, Oak Creek; Anthony J. Kwiatkowski, 1430 Park Place #17, Union Grove; John B. Lehman, 4228 S. 61st Street, Milwaukee; Dawn R. Luce, 2956 Chicory Road, Racine subject to proof of payment; Victor J. Majchrzak, 1649 S. 30th Street, Milwaukee subject to proof of payment; Rachelle L. Mazola, 8432 W. Ryan Road; Jeffrey P. Ross, 3967 S. Sunset Square, Greenfield; Lori L. Schultz, 9735 S. Veronica Drive, Oak Creek subject to proof of payment; Aaron C. Searle, 210 W. Rainbow Ridge Drive #1201, Oak Creek; Alexander RJ Staples, 4221 S. 6th Street #C43, Milwaukee; Ian A. Stawicki, 10460 S. 13th Street, Oak Creek; Patricia A. Tacuba, 5636 43rd Avenue, Kenosha subject to notarization from City Clerk's Office; Dominique D. Tehna, 973 60th Street, Caledonia; Jessica M. VanBuren, 2849 Honey Creek Road #119, East Troy; Iva M. Vukovic, 4312 S. Sherwood Drive; Yer Yang, 5656 N. 69th Street, Milwaukee and Jennifer L. Zizzo, S78 W18655 Lions Park Drive, Muskego;

Operator revision of license year to Wyatt C. Klein, 1421 17th Avenue, South Milwaukee-correction of operator license year 2007/08 from June 16, license committee agenda to 2008-09 license year;

Class B Combination to CG's Hideaway, Agent: Cory White, 6357 S. 27th Street with warning letter from City Clerk;

Temporary Entertainment & Amusement to Romey's Place, 7508 S. North Cape Road for St. Martins Labor Day Fair on 8/31 & 9/1/08 subject to satisfactory inspection; National Night Out, Person in Charge: Capt. Clark Groen for Crime Prevention Community Celebration on 8/4/08 subject to adequate police presence and Legend Park-Dark Vortex Rock Band, Person in Charge: Melissa Klein, Legend Park, music on 7/25/08, 4-9 p.m.;

Change of Agent to Di Vinca's Pizzeria, new agent: Fawn Pomeroy, 7119 S. 76th Street;

Pharmacy to Target, pharmacist: Katelyn A. Andersen, 7800 S. Lovers Lane Road pending satisfactory inspections;

and also moved to hold Operator License for Susan M. Belski, 9447 S. 27th Street subject to appearing before the License Committee; Amy M. Jacques, 6500 S. Loomis Road, Wind Lake; Fidel Morales-Macedo, 1819 S. Seventh Street, Milwaukee subject to appearing before the License Committee; Courtney R. Borchardt, 11316 W. Seven Mile Road, Franksville to next

LICENSES AND
PERMITS-
CONTINUED

License Committee meeting; Jay P. Lenz, 5955 S. 13th Street, Oak Creek subject to appearing before the License Committee; Danielle Martin, 3431 S. Honey Creek Court, Milwaukee subject to appearing before the License Committee and Anita J. Zierath, 318 N. 64th Street, Milwaukee to next License Committee meeting. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I-1. Alderman Solomon moved to approve net City vouchers in the range of Nos. 125736 through 126022 in the amount of \$1,813,692.25. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

Alderman Olson moved to approve City vouchers in the range of Nos. 125799 through 125824 in the amount of \$43,971.60. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.

Alderman Solomon moved to approve net payroll of June 20, 2008 in the amount of \$336,647.66. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

Alderman Taylor moved to approve net payroll of July 3, 2008 in the amount of \$331,688.36. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J-1. Alderman Taylor moved to adjourn the meeting at 10:05 p.m. Seconded by Alderman Olson. All voted Aye; motion carried.