

CITY OF FRANKLIN  
COMMON COUNCIL MEETING MINUTES  
JULY 23, 2013

- |  |        |   |
|--|--------|---|
| ROLL CALL  | A.     | The regular meeting of the Common Council was held on July 23, 2013 and called to order at 6:30 p.m. by Mayor Tom Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Mark Dandrea, Dan Mayer, Kristen Wilhelm, Steve Taylor, Doug Schmidt, and Ken Skowronski. Also present were City Engineer John M. Bennett, Director of Administration Mark Luberda, City Attorney Jesse Wesolowski and City Clerk Sandi Wesolowski. |
| CITIZEN COMMENT  | B.1.   | Citizen comment period was opened at 6:31 p.m. and closed at 6:32 p.m.  |
| PROCLAMATION   | B.2.a. | Mayor Taylor noted a Proclamation designating August is Children's Vision and Learning Month.   |
| APPROVAL OF MINUTES-7/9/13   | C.1.   | Alderman Skowronski moved to approve the minutes of the regular meeting of July 9, 2013. Seconded by Alderman Schmidt. All voted Aye; motion carried.   |
| APPOINTMENT TO LIBRARY BOARD   | E.1.a. | Alderman Mayer moved to approve the Mayoral appointment of Robert Donohoo, Dist. #2, to the Library Board, term expires 6/30/16. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.   |
| DONATIONS  | G.1.   | Alderman Taylor moved to accept the donation of \$1,000 from AT&T, \$1,000 from Great Lakes Dermatology SC, \$1,000 from WaterStone Bank, and \$500 from WE Energies to the Police Department to be used for National Night Out. Seconded by Alderman Skowronski. All voted Aye; motion carried.  |
| PAYMENT FOR PAINT REMOVAL FIRE STATION #1  | G.2.   | Alderman Taylor moved to accept \$2,500 payment in lieu of Horizon Bros. Painting Corp. attempting to remove paint overspray from exterior of Fire Station #1 during the water tower refurbishing project, subject to a release limited to only the subject paint damage to the Fire Station #1 property, the form thereof to be approved by the City Attorney. Seconded by Alderman Mayer. All voted Aye; motion carried.  |
| RES. 2013-6893<br>CSM - MLG<br>DEVELOPMENT, INC.<br>4701-5099 W. OAKWOOD<br>PARK DR. | G.3.   | Alderman Taylor moved to adopt Resolution No. 2013-6893, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 8181 RECORDED ON REEL 7181 AS DOCUMENT NO. 9784108 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1 BEING PART OF THE SOUTHWEST ¼ AND SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY,   |

MLG DEVELOPMENT-  
CONTINUED

WISCONSIN (MLG DEVELOPMENT, INC.)  
(APPROXIMATELY 4701 TO 5099 WEST OAKWOOD PARK  
DRIVE). Seconded by Alderman Dandrea. All voted Aye;  
motion carried.

RES. 2013-6894  
SPECIAL USE  
AURORA HEALTH  
CARE, INC.

G.4. Alderman Skowronski moved to adopt Resolution No. 2013-6894, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A CONTINUING PROFESSIONAL EDUCATION AND OCCUPATIONAL HEALTH DEPARTMENT OFFICES USE UPON PROPERTY LOCATED AT 11217 WEST FOREST HOME AVENUE, SUITE 1 (AURORA HEALTH CARE, INC., APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2013-6895  
CONDOMINIUM PLAT-  
RAWSON 51  
CONDOMINIUM

G.5. Alderman Wilhelm moved to adopt Resolution No. 2013-6895, A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR RAWSON 51 CONDOMINIUM AT 5010 TO 5070 WEST RAWSON AVENUE (RAWSON51 LLC AND PRIYA CORPORATION, APPLICANTS). Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2013-2111  
UDO AMENDMENT-  
PARKING SPACE FOR  
PUBLIC SECONDARY  
SCHOOLS

G.6. Alderman Schmidt moved to adopt Ordinance No. 2013-2111, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO AMEND SECTION 15-5.0202B TO REDUCE THE MINIMUM PARKING SPACE SIZE FOR PUBLIC SECONDARY SCHOOLS. Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2013-2112  
AMENDING 2013  
BUDGET FOR  
EXTENSION OF W.  
MARQUETTE-PVS

G.6.A. Alderman Wilhelm moved to adopt Ordinance No. 2013-2112, AN ORDINANCE TO AMEND ORDINANCE 2012-2096 (AN ORDINANCE ADOPTING THE 2013 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN) TO MODIFY THE BUDGET OF THE CAPITAL IMPROVEMENT FUND AMENDING THE PROJECT LINE ITEMS TO PROVIDE APPROPRIATIONS FOR THE "EXTENSION OF W. MARQUETTE-PVS (Pleasant View School) TO 49TH STREET" PROJECT. Seconded by Alderman Schmidt. Aldermen Schmidt, Taylor, Wilhelm, Mayer, and Dandrea voted Aye; Alderman Skowronski voted No. Motion carried.

RES. 2013-6896  
W. MARQUETTE AVE.  
EXTENSION

G.7. Alderman Wilhelm moved to adopt Resolution No. 2013-6896, A RESOLUTION AWARDED CONTRACT TO THE LOWEST BIDDER, BCF CONSTRUCTION CORPORATION IN THE AMOUNT OF \$71,903, FOR CONSTRUCTION OF W. MARQUETTE AVENUE FROM S. 49TH STREET TO 520 FEET EAST. Seconded by Alderman Taylor. Motion carried on a voice vote; Alderman Skowronski voted No.

- RES. 2013-6897  
CONCRETE SIDEWALK  
ON S. 51ST ST.
- G.8. Alderman Skowronski moved to adopt Resolution No. 2013-6897, A RESOLUTION AWARDDING CONTRACT TO THE LOWEST BIDDER, D.C. BURBACH, INC., FOR THE INSTALLATION OF CONCRETE SIDEWALK ON S. 51ST STREET FROM W. MINNESOTA AVENUE SOUTH 2,200 FEET TO THE ENTRANCE TO CLARE MEADOWS IN THE AMOUNT OF \$104,777.00. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2013-6898  
SPECIAL ASSESSMENT  
SANITARY SEWER AND  
WATERMAIN S. 76TH ST.
- G.9. Alderman Taylor moved to adopt Resolution No. 2013-6898, A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS GRANTED BY SECTION 207-15 OF THE MUNICIPAL CODE AND SECTION 66.0701 OF THE STATE STATUTES FOR THE EXTENSION OF SANITARY SEWER AND WATER MAIN ON THE WEST SIDE OF S. 76TH STREET IN VARIOUS LOCATIONS FROM W. PUETZ ROAD TO W. FAITH DRIVE. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- SALE OF CITY'S  
SURPLUS EQUIPMENT
- G.10. Alderman Mayer moved to authorize the Public Works Superintendent to execute the sale of miscellaneous surplus City of Franklin equipment on the Wisconsin Surplus website, [www.wisconsinsurplus.com](http://www.wisconsinsurplus.com) at the close of the auction. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- RES. 2013-6899  
2013 PAVEMENT  
MARKING PROGRAM
- G.11. Alderman Taylor moved to adopt Resolution No. 2013-6899, A RESOLUTION AWARDDING CONTRACT TO THE LOWEST BIDDER FOR THE 2013 PAVEMENT MARKING PROGRAM IN THE CITY OF FRANKLIN, to Crowley Construction Corporation in the amount of \$31,280.00. Seconded by Alderman Mayer. All voted Aye; motion carried.
- LETTER OF CREDIT  
SOUTHWOOD COURT  
SUBDIVISION
- G.12. Alderman Mayer moved to release Letter of Credit No. 8082005A, for the Southwood Court Subdivision, from Park Bank provided by Wimmer Brothers as recommended by the Engineering Department. Seconded by Alderman Taylor. All voted Aye; motion carried.
- ORDINANCE  
APPROVING CITY'S  
CLAIMS AND PAYMENT  
POLICY
- G.13. Alderman Taylor moved to adopt AN ORDINANCE ESTABLISHING WISCONSIN STATUTE §66.0609 AS THE SYSTEM OF APPROVING CLAIMS FOR THE CITY OF FRANKLIN AND ESTABLISHING A CITY OF FRANKLIN PAYMENT POLICY ALLOWING WEEKLY PAYMENTS OF EXPENDITURES, motion died due to lack of a second.

CLAIMS AND PAYMENT  
POLICY-  
CONTINUED

Alderman Dandrea then moved to refer the Ordinance (establishing Wisconsin Statute §66.0609 as the system of approving claims for the City of Franklin and establishing a City of Franklin payment policy allowing weekly payments of expenditures) back to Finance Committee and then return to the Common Council. Seconded by Alderman Taylor.

At 7:32 p.m. Mayor Tom Taylor passed the gavel to Council President Steve Taylor, who then chaired the meeting. The gavel was returned to Mayor Tom Taylor at 7:40 p.m.

The roll call vote on the main motion to refer the Ordinance back to the Finance Committee, Aldermen Dandrea, Mayer, Wilhelm, Taylor, and Schmidt voted Aye; Alderman Skowronski abstained. Motion carried.

SENIOR CITIZEN  
TRAVEL PROGRAM

G.14. Alderman Taylor moved to place on file the semi-annual update for 2013 from Mrs. Shirley Bird on the Franklin Senior Citizen Travel Program. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

CLOSED SESSION-  
OPERATOR'S LICENSE  
K. SMUKOWSKI

G.15. Alderman Taylor moved to enter closed session at 7:50 p.m. pursuant to Section 19.85(1)(e), Wis. Stats., to consider in the matter of complaint against Kristilynn Smukowski, holder of an operator's alcohol beverage license as a bartender for the Eric's Setback premises at 6357 S. 27th Street, Franklin, Wisconsin; Licensing Committee Recommendation upon Hearing pursuant to Wis. Stat. §125.12(2) and §158-1 of the Municipal Code of the City of Franklin, Wisconsin. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 8:20 p.m.

Alderman Taylor moved to adopt the License Committee Report, Facts and Findings, Conclusions of Law, and Recommendations as to Action, and to not renew (in lieu of revocation) the Operator's License of Kristilynn Smukowski. Seconded by Alderman Skowronski. All voted Aye; motion carried.

MISCELLANEOUS  
LICENSES

H.1. Alderman Wilhelm vacated her seat at this time. Alderman Taylor moved to grant the following licenses:

Operator License to Serceki, Renata, 5652 S. 104th St., Hales Corners with warning letter from City Clerk; Arce, Miguel, Jr., 2208 S. 75th St., West Allis; Balistreri, James H., 2923 S. 43rd St., Milwaukee; Christofferson, Scott J., S76 W17145 Deer Creek Ct., Muskego; Demiri, Myzafer, 631 E. Deer Ridge Ct., Oak Creek; Dilaveri, Ekrem, 4360 W. Victory Creek Dr.; Dilaveri, Teki, 4338 W. Victory Creek Dr.; Feest, Stephanie M., 6073 W. Armour Ave., Greenfield; Helm, Amber E., 11401 Parkview Ln., Hales Corners; Hintze, Michael J., 3627A E. Cudahy Ave., Cudahy; Jensen, Ellen L., 2415 W. Hilltop Ln., Oak Creek; Jung,

LICENSES-  
CONTINUED

Judith A., 8612 W. Montana Ave., West Allis; Klein, Sarah B., 368 Indian Bend Rd., Burlington; Lewis, Brian J., 6011 S. Barland Ave., Cudahy; Lonzaga, Marcia G., 753 N. 116th St., Wauwatosa; McCracken, Kerri A., 4368 S. Iowa Ave., St. Francis; Meyer, Jennifer D., 5414 S. Nicholson Ave., Cudahy; Mooren, Celena M., 5746 S. 116th St., Hales Corners; Mora, Josefina, 435 W. Aspen Dr. #19, Oak Creek; Mulcahy, Dennis J., 5020 W. Coldspring Rd., Greenfield; Olson, Ariel R., 5426 Middleton Dr., Greendale; Olson, Lori J., 8551 S. Chicago Rd., #130, Oak Creek; Page, Sarah J., 1227 Williams Ave., South Milwaukee; Santos, Joseph D., 3014 W. Pierce St., Milwaukee; Senk, Theresa A., 6923 W. Imperial Dr.; Swezey, Bruce H., 7637 Mission Woods Ct.; Tajnai, Jonathan J. N48W27950 Jerilane Ct., Pewaukee; Toor, Mandeep Singh, 6556 S. 35th St., #106; Velazquez, Joseph D., 1427 E. Buckwood Ct., Oak Creek; Vermillion, Melissa M., 5065 S. 19th St., Milwaukee; Winkowski, Diane L., 7024 S. Lovers Lane Rd.; Winkowski, John P., 7024 S. Lovers Lane Rd.;

Class A Combination License to 7-Eleven, Inc., 7610 W. Rawson Ave., James F. Fiene, Agent;

Temporary Operator License to Terp, Jeffrey F., 26430 Grace Dr., Wind Lake;

Class A Combination Change of Agent to Wal-Mart Stores East LP, d/b/a Wal-Mart Store #1551, 6701 S. 27th St., new agent: David Allen Brunette;

Temporary Class B Beer License to Franklin Lion's Club, Person in Charge: Dave Lindner at St. Martins Fair on Sept. 1-2, 2013 and Franklin Lioness Club, Person in Charge: Jacqueline Glanzmann at St. Martins Fair on Sept. 1-2, 2013;

Also moved to hold Operator License for Boldt, Sheila M., 1554 S. 76th St., Caledonia until next License Committee meeting;

Also moved to hold Operator License for Galindo, Angelina, 2920 S. 9th St., Milwaukee; Schneider, Hallee L., 8100 W. Tripoli Ave., Milwaukee and Torralba, Anderzon, 1029 S. 10th St., Milwaukee subject to appearing before the License Committee. Seconded by Alderman Dandrea. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

- I.1. Alderman Wilhelm returned to her seat. Alderman Skowronski moved to approve net City vouchers in the range of Nos. 147881 through 148062 dated July 23, 2013 in the amount of \$827,093.77. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

VOUCHERS AND  
PAYROLL-  
CONTINUED

Alderman Dandrea moved to approve net payroll dated July 12, 2013 in the amount of \$342,722.06 and net payroll dated July 26, 2013 in the amount of \$337,398.45 and payment of the various payroll deductions in the amount of \$198,397.25 plus any City matching payments, where required. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve check nos. 148063 and 148064 in the net amount of \$1,714.01. Seconded by Alderman Schmidt. All voted Aye; motion carried

ADJOURNMENT

J.

Alderman Taylor moved to adjourn the meeting at 8:28 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.