

**CITY OF FRANKLIN**  
**BOARD OF WATER COMMISSIONERS MEETING MINUTES**  
**JUNE 17, 2008**

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**TIME AND PLACE OF MEETING:** The meeting of the Franklin Board of Water Commissioners was called to order at 5:20 p.m., on June 17, 2008 at Franklin City Hall, 9229 W. Loomis Road Franklin, Wisconsin.

**ATTENDANCE AND PLEDGE OF ALLEGIANCE:** Present at this regular meeting were Commissioners Grobner, Peterson, Graef and Schubilske. Also present were Assistant Manager Romeis, City Attorney Wesolowski, Superintendent Kainz, Recording Secretary Warner and Consultants Chris Kaempfer. Excused Commissioner Bate and Manager Bennett

**CITIZEN COMMENT AND CORRESPONDENCE:** No Citizen Comment

**MINUTES APPROVED:** Commissioner Graef moved, seconded by Commissioner Schubilske to approve the minutes of the May 13, 2008 meeting. Motion carried.

**VOUCHER LIST/FINANCIAL STATEMENTS:** Motion made by Commissioner Peterson, seconded by Commissioner Graef, to approve the May 13, 2008 Vouchers from No. 8817 through No. 8852 and 60308 in the amount of \$629,967.86 for payment. Motion carried.

**REPORT ON WATER SYSTEM PERFORMANCE:** Assistant Manager Romeis presented Oak Creek's response to an inquiry relating to Cryptosporidium after the recent rainfall.

**OLD BUSINESS:**

**CITY OF FRANKLIN BOARD OF WATER COMMISSIONERS et al, v. OAK CREEK WATER & SEWER Utility et al. , MILWAUKEE COUNTY CIRCUIT COURT CASE NO. 08-CV-002119** Commissioner Graef moved to enter closed session at 5:30 p.m. pursuant to Wis. Stat §19.85(1)(g). to deliberate upon and to confer with legal counsel for the Board who is rendering advice concerning strategy to be adopted by the Board with regard to litigation concerning the loss of revenue resulting from the delay of the transfer of retail area customers from Oak Creek in the above entitled matter and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Commissioner Peterson. On roll call vote Commissioners Graef, Peterson, Schubilske and Grobner voted Aye.

Upon re-entering open session at 6:15 p.m the City Attorney recommended the consideration by the Board of the subject matter in closed session, that the Board would entertain a motion with regard to the subject litigation to authorize entry into mediation as set forth in the scheduling order and to further authorize the City Attorney acting as the Utility Attorney in this case the City Engineer and Utility Manager John Bennett, the Director of Finance and Treasurer Calvin Patterson, and the Chairman to engage in the mediation with Gary Gerlach or any other mediator if he is not available as they may agree with the

defendants in this case as are authorized and further that those officers shall have full authority to the extent authorized by the Board in closed session to attempt to resolve this matter. Commissioner Graef moved to authorize the City Attorney to proceed as discussed. Seconded by Commissioner Peterson. All voted Aye; motion carried.

PUBLIC SERVICE  
COMMISSION OF  
WISCONSIN CASE No. 4310-  
WR-109; APPLICATION OF  
THE OAK CREEK WATER  
AND SEWER UTILITY TO  
INCREASE WATER RATES.

Commissioner Graef moved to enter closed session at 6:17 p.m. pursuant to Wis. Stat §19.85(1)(g). to deliberate upon and to confer with legal counsel for the Board who is rendering advice concerning strategy to be adopted by the Board with regard to litigation upon the Application of the Oak Creek Water and Sewer Utility to increase water rated before the Public Service Commission of Wisconsin and to reenter open session at the same place thereafter to act on such matter discussed therein as it deems appropriate. Seconded by Commissioner Peterson. On roll call vote Commissioners Graef, Peterson, Schubilske and Graef voted Aye.

The Commission reentered open session at 6:22 p.m.

STATUS OF WATER  
MASTER PLAN

Consultant Kaempfer indicated that since the full Board was not present and in the absence of City Manager Bennett, that his report be postponed. The Board agreed to hold a special meeting on Wednesday, June 25<sup>th</sup> where at that time Consultant Kemper will give his presentation.

NEW BUSINESS

USE OF WELL NO. 5 WITH  
BLENDING DURING THE  
SUMMER SEASON

The introduction (blending) of Well No. 5 was developed with DNR approval but has not been actively used in the system at this time. The well system is 20 years old and potentially in need of renovations before active use.

ADJOURNMENT

Motion by Commissioner Schubilske, seconded by Commissioner Peterson, to adjourn the meeting at 6:37 p.m. Motion carried.