

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
JUNE 16, 2009
MINUTES**

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|---------------------------|--------|---|
| ROLL CALL | A. | The regular meeting of the Common Council was held on June 16, 2009 and called to order at 6:32 p.m. by Mayor Taylor in the Common Council Chambers at Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Mayor Taylor, Aldermen Olson, Solomon, Wilhelm, Taylor, Sohns and Skowronski. Also present were City Engineer Bennett, Dir. of Administration Lubarda, City Attorney Wesolowski and Deputy City Clerk Vanden Boom. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:33 p.m. and closed at 6:44 p.m. |
| COMPREHENSIVE MASTER PLAN | B.1.a. | Mayor Taylor noted the notification of review sessions for the Comprehensive Master Plan. |
| MINUTES-
6/02/09 | C.1. | Alderman Wilhelm moved to approve the minutes of the regular Common Council meeting of June 2, 2009, as corrected. Seconded by Alderman Olson. All voted Aye; motion carried. |
| MARQUETTE AVENUE | G.1. | Alderman Olson moved to authorize staff to contract for title searches on the properties between the current end of W. Marquette Avenue to S. 49th Street that may be required for a possible emergency access road. Seconded by Alderman Wilhelm. |

Alderman Olson then moved to amend the motion as follows:

- 1) Authorize staff to contract for title searches on the properties that may be required for an emergency access road (one-half road and not a path) from W. Marquette Avenue;
- 2) If there are sufficient dedications or reservations south, staff is directed to proceed with the normal public acquisition and construction process on the south route;
- 3) If there are no south reservations or dedications, staff is directed to proceed with the north alternative pursuant to all applicable terms of Ald. Wilhelm's draft resolution (as amended to remove the last clause) which includes the suggestion that there may be a dedication without compensation;
- 4) If necessary, proceed with the north choice on a public acquisition basis assuming that, without compensation, reservation for that last parcel is not available and normal public construction process for the balance of that access way; and
- 5) Whether north or south, based upon information from the Assistant City Engineer, the paved surface of the dedication to be obtained shall be full-strength bituminous pavement 12' wide bordered with a stone shoulder (estimates used are 16' wide so there would be a 2' wide shoulder on each side), and if the selection is north staff is directed to examine the existing pavement immediately adjacent to S. 49th Street going east, making Engineering determine whether or not its reasonable to

MARQUETTE
AVENUE-
CONTINUED

continue that or replace it as part of this project. Alderman Olson then withdrew his motion.

Alderman Olson, seconded by Alderman Taylor, then moved to :

1) Authorize staff to contract for title searches on the properties that may be required for an emergency access road (one-half road and not a path) from W. Marquette Avenue;

2) If there are sufficient dedications or reservations south, staff is directed to proceed with the normal public acquisition and construction process on the south route;

3) If there are no south reservations or dedications, staff is directed to proceed with the north alternative pursuant to all applicable terms of Ald. Wilhelm's draft resolution (as amended to remove the last clause) which includes the suggestion that there may be a dedication without compensation;

4) If necessary, proceed with the north choice on a public acquisition basis assuming that, without compensation, reservation for that last parcel is not available and normal public construction process for the balance of that access way; and

5) Whether north or south, based upon information from the Assistant City Engineer, the paved surface of the dedication to be obtained shall be full-strength bituminous pavement 12' wide bordered with a stone shoulder (estimates used are 16' wide so there would be a 2' wide shoulder on each side), and if the selection is north staff is directed to examine the existing pavement immediately adjacent to S. 49th Street going east, making Engineering determine whether or not its reasonable to continue that or replace it as part of this project. Upon unanimous Aye voice vote, motion carried.

RES. 2009-6570
CONSERVANCY
AREA EASEMENT-
NORTHWESTERN
MUTUAL LIFE INS.
CO.

G.3. Alderman Olson moved to adopt Resolution No. 2009-6570, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT AN AMENDMENT TO CONSERVANCY AREA EASEMENT FROM NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY. Seconded by Alderman Sohns. All voted Aye; motion carried.

AMENDMENT TO
LANDSCAPING
PLAN-FOUNTAINS
OF FRANKLIN
DEVELOPMENT

G.4. Alderman Taylor moved to deny request by the developer of Sendik's West for an amendment to the landscaping plan required by the approvals of such development and pertaining to the area of the Rawson Avenue median adjacent to the Fountains of Franklin development, with the direction that another recommendation return to the Common Council. Seconded by Alderman Solomon. All voted Aye; motion carried.

FRANKLIN
OAKS/VILLAS

G.5. Alderman Taylor moved (with regard to the Franklin Oaks/Villas residential development project incomplete required improvements) to authorize staff to let for bid the work of a final lift of asphalt on the west 13,350 feet of West Villa Drive, the asphalt topping be placed on South 35th Street from West Drexel

FRANKLIN
OAKS/VILLAS-
CONTINUED

Avenue to approximately 100 feet south of West Villa Drive, and an alternate bid for the work of the final lift of asphalt on South Susanna Court. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

RES. 2009-6571
FRANKLIN OAKS
SUBDIVISION

- G.6. Alderman Taylor moved to adopt A RESOLUTION TO RELEASE THE LANDSCAPING PORTION OF THE CERTAIN "LANDSCAPING AND DRAINAGE EASEMENT" PLACED UPON THE FINAL PLAT FOR FRANKLIN OAKS SUBDIVISION. Seconded by Alderman Skowronski.

Alderman Taylor withdrew his motion.

Alderman Taylor then moved to suspend regular order of business to allow Franklin Oaks Subdivision homeowners' association members to speak. Seconded by Alderman Skowronski. All voted Aye; motion carried.

Alderman Wilhelm vacated her seat at 7:50 p.m. and returned at 7:54 p.m.

Alderman Olson moved and Alderman Sohns seconded to return to regular order of business at 7:55 p.m. All voted Aye; motion carried.

Alderman Taylor then moved to adopt Resolution No. 2009-6571, A RESOLUTION TO RELEASE THE LANDSCAPING PORTION OF THE CERTAIN "LANDSCAPING AND DRAINAGE EASEMENT" PLACED UPON THE FINAL PLAT FOR FRANKLIN OAKS SUBDIVISION. Seconded by Alderman Skowronski. All voted Aye; motion carried.

CHANGE ORDER-
W. DREXEL AVENUE
RECONSTRUCTION

- G-7. Alderman Taylor moved that Change Order No. 1 not be approved for the reconstruction of W. Drexel Avenue between S. 27th Street and S. 31st Street for the relocation of the Franklin Oaks Condominium sign. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

S. 51ST STREET

- G.8. Alderman Skowronski moved to select a consultant to negotiate a cost to complete the design of S. 51st Street from W. Drexel Avenue to W. Puetz Road. Seconded by Alderman Sohns. All voted Aye; motion carried.

REFUSE
COLLECTION

- G.9. Alderman Olson moved to direct staff to advertise for bids for a three year refuse collection contract with the recommended changes. Seconded by Alderman Sohns. All voted Aye; motion carried.

S. 27TH STREET
CORRIDOR PLAN

G.10. Alderman Olson moved to adopt Intergovernmental Memorandum of Understanding between the City of Franklin and the City of Oak Creek pertaining to the development of the South 27th Street Corridor Plan, A Joint Project, City of Franklin, City of Oak Creek, and to direct the City Clerk to deliver the same to the City of Oak Creek with the request that it be considered by its Common Council and Community Development Authority. Seconded by Alderman Skowronski. Upon unanimous Aye voice vote, motion carried.

BLOCK GRANT
PROGRAM

G.11. Alderman Sohns moved to schedule a public hearing and consideration of grant applications for the July 21, 2009 Common Council meeting for the 2010 Milwaukee County Community Development Block Grant (CDBG) Program. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

BLOCK GRANT
APPLICATION

G.12. Alderman Solomon moved to authorize the Director of Administration to prepare and submit an Energy Efficiency and Conservation Block Grant (EECBG) program application following confirmation of qualifying status for replacement of nearly 30-year old HVAC equipment and windows at City Hall and retrofitting, new energy efficient HVAC equipment including the condensing unit, air handler, coils and any necessary controls and connections and for replacement of existing street lights with high efficiency LED lights or high intensity fluorescent lights as determined by the City Engineer and, further, to authorize the Director of Administration to prepare and submit with the grant application an Energy Efficiency and Conservation Strategy, consistent with the above recommendation, and as may subsequently be required by the grant approval process. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Wilhelm moved to direct Director of Administration to research and apply for funding as it pertains to S. 51st Street pedestrian access and the duties of the subcommittee. Seconded by Alderman Sohns. All voted Aye; motion carried.

G.13. Alderman Sohns moved to place a joint meeting with the Personnel Committee on the 7/06/09 Committee of the Whole agenda for the purpose of determining labor negotiation strategy and addressing other such related negotiation matters. Seconded by Alderman Solomon. All voted Aye; motion carried.

CLOSED SESSION
PROFESSIONAL
POLICE
ASSOCIATION

Alderman Wilhelm moved to enter closed session at 9:27 p.m. pursuant to §19.85(1)(g), Stats. to confer with legal counsel who is rendering written advice concerning strategy to be adopted with respect to potential litigation related to Wisconsin Employment Relations Commission Decision No. 32579-A pertaining to the Wisconsin Professional Police Association. Seconded by Alderman Sohns. On roll call, all voted Aye;

CLOSED SESSION-
CONTINUED

motion carried. The Common Council reentered open session at 9:50 p.m.

LICENSES AND
PERMITS

H.1. Upon recommendation of the License Committee, Alderman Solomon moved to approve the following licenses:

Further moved to approve Class A Combination License for Balpreet Enterprises, LLC, 6611 S. 27th Street, Anupreet Bal, Agent and Wal-Mart Stores East, LP, 6701 S. 27th Street, Jessica M. Van Buren, Agent subject to satisfactory inspection;

Further moved to approve Class B Combination, Entertainment & Amusement for B.S.T., LLC, d/b/a Mulligan's Irish Pub & Grille, 8933 S. 27th Street, Teki Dilavari, Agent subject to satisfactory inspections and proof of payment;

Further moved to approve Auto Salvage License for Al's Auto Salvage, Inc., Albert G. Schill, 10942 S. 124th Street and Hwy. 45 Auto Salvage, Frederick J. Fisher, 10386 S. 124th Street pending receipt of lease and code compliance and referred to 7/21/09 license committee;

Further moved to approve Coin Machine Device Operator License for First Choice Amusement, Marie Koster, 4930 Bayside Cove, Waterford and Primegamez, LLC, Daniel Takerian, 943 Hunter Drive #56, Racine;

Further moved to approve Day Care License for Academy of Preschool Learning, Nadeen F. Balsis, 3900 W. Ryan Road subject to satisfactory inspection and Faith Academy, La Queesha Blockton, 7700 W. Faith Drive;

Further moved to approve Temporary Entertainment & Amusement License for Pick N Save, Meet Chairman Bob Activities, 6/26/09, 7201 S. 76th Street subject to satisfactory inspection;

Further moved to approve Entertainment & Amusement License for Innovative Health & Fitness, Timothy Beyer, Manager, 8800 S. 102nd Street subject to satisfactory inspections; Milwaukee County Sports Complex, Joe Mrozinski, Manager, 6000 W. Ryan Road and refer to City Attorney to review special use; Milwaukee County-Oakwood Golf Course, Joe Mrozinski, Manager, 3600 W. Oakwood Road subject to satisfactory inspections and proof of payment; Milwaukee County-Whitnall Golf Course, Joe Mrozinski, Manager, 6701 S. 92nd Street subject to satisfactory inspections and proof of payment and Showtime Cinema, Nancy Berchem, Manager, 8910 S. 102nd Street subject to satisfactory inspections;

LICENSES AND
PERMITS-
CONTINUED

Further moved to approve 2008-2009 Operator License for Anil R. Ojha, 2115 W. Wisconsin Avenue; Karen E. Nordeen, 10525 W. Friar Lane and Alicia J. Kortess, 4118 Barnwood Court;

Further moved to approve 2009-2010 Operator License for Alicia J. Kortess, 4118 Barnwood Court; James A. Braun, 904 Michigan Avenue, South Milwaukee; Jeremy L. Brown, 5020 S. Greenbrook Terrace, Greenfield; Jamie C. Kerwin, 11040 W. National Avenue, West Allis; Tina R. Lentz, 3617 S. 82nd Street, Milwaukee subject to satisfactory schooling; Linda A. Mathwig, 7321 Brunn Drive; Dianna Schneider, 4950 W. Hunting Park Drive subject to satisfactory schooling; Joanne A. Alvarez, 2137 W. College Avenue #301, Oak Creek; Brenda J. Babcock, 8665 S. 76th Street; Gail M. Baum, 4157 S. Clement Avenue, Milwaukee; Michael J. Bartolone, 8041 W. Tripoli Avenue, Milwaukee; Dawn M. Berndt, 12320 W. Oakwood Road; Lorrie M. Chezem, 7970 S. Wildwood Drive #201, Oak Creek; Carol S. Decker, 3455 S. 24th Street, Milwaukee; John R. Ebert, 10611 Beacon Hill Court; Cheryl A. Endter, 11060 W. Janesville Road, Hales Corners; Nicole L. Gaus, 1903 S. 14th Street, Sheboygan; Margaret L. Goelzer, 4969 S. 27th Street, Milwaukee; Rebecca A. Hiracheta, 4609 S. Packard Avenue, Cudahy; Amanda L. Kasprzak, 10365 S. Hobby Lane, Oak Creek; Robert Kendrick, 2316 12th Avenue Apt. 8, South Milwaukee; Anthony J. Kwiatkowski, 1430 Park Place 17, Union Grove; Elizabeth J. Mayer, 10523 W. St. Martins Road; Danielle Martin, 3431 S. Honey Creek Court, Milwaukee; Kim M. Merriman, 3708 Fifth Avenue, South Milwaukee; Kerri A. McCracken, 6485 S. 20th St. #13, Oak Creek; James W. Nelson, 221 W. Oak Leaf Drive #5, Oak Creek; Norma J. Nelson, 221 W. Oak Leaf Drive #5, Oak Creek; Victoria F. Pitts, 3007 S. Clement Avenue, Milwaukee; Sloan T. Schmitt, 8910 Nelson Court #9, Muskego; Lori L. Schulz, 9735 S. Veronica Drive, Oak Creek; Aaron C. Searle, 210 W. Rainbow Ridge Drive 1201, Oak Creek; Alexander RJ Staples, 4221 S. Sixth St. C43, Milwaukee; Delicia R. Wallace, 2576 N. 35th Street, Milwaukee; Veronica Wright, 437 N. 34th Street, Milwaukee; Raquel M. Zalewski, 2164 S. 96th Street; Jennifer L. Zizzo, S78 W18655 Lions Park Drive, Muskego; Wendy Domoracki, 1660 N. Prospect Avenue, Milwaukee with warning letter from City Clerk and Melissa S. Konkel, 3959 S. 76th Street #62, Milwaukee with warning letter from City Clerk

Further moved to approve Temporary Operator Civic Celebration License for John E. Bergner, 8501 Parkland Drive; Daniel W. Feld, 3821 S. Sixth Avenue, South Milwaukee; Robert A. Knackert, 9049 S. 83rd Street; Wendy C. Knackert, 9049 S. 83rd Street; Anthony M. Megna, 10321 W. Church Street; Michael B. Reichl, 7557 Drake Lane; Jeffrey D. Rogers, 7551 Francis Court East and Brian K. Sawinski, 8137 S. 47th Street;

LICENSES AND
PERMITS-
CONTINUED

Further moved to approve Class B Combination, Entertainment & Amusement and Coin Machine Devices for Eric's Setback, 6357 S. 27th Street, Eric Schneeberg, Owner subject to satisfactory inspection and meeting with landowner at next License Committee meeting;

Further moved to approve the People United for the Betterment of Life and Investment in the Community ('PUBLIC') grants for Franklin Health Department-Safety City, fee waiver for park permit at Ken Windl Park, 11615 W. Rawson Avenue on July 6-17, 2009 and July 27-August 7, 2009; Rainbow Aero Modelers Society (R.A.M.S. Club), fee waiver for food and soda, Alex Barda, Rainbow Park, 7200 W. Oakwood Road on July 11, 2009, subject to proper paperwork and Lindsay Martinez, fee waiver for food and soda, Tony Martinez, 8036 W. Lake Pointe Drive on June 27, 2009 subject to proper paperwork;

Further moved to hold Class B Combination for Two Brothers Property Holdings, LLC, 9405 S. 27th Street, Vaso Dragicevic, Agent subject to appearing before the License Committee;

Further moved to deny the Taxicab License to Sheikh Nazar, 8055 S. 20th Street, Oak Creek, based upon (felony conviction);

Further moved to proceed with a revocation hearing for 2009-10 Operator License for Amber E. Helm, 11401 Parkview Lane, Hales Corners;

Further moved to proceed with a revocation hearing for Class B Combination, Entertainment & Amusement for The Landmark of Franklin, LLC, 11401 W. Swiss Street, Lori Beth Knaack-Helm, Agent. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I.1. Alderman Olson moved to approve voucher Nos. 130045 through 130247 in the amount of \$870,729.45. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

Alderman Skowronski moved to approve net payroll of June 5, 2009 in the amount of \$332,709.24. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the regular meeting of the Common Council at 9:57 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.