

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
JUNE 21, 2011  
MINUTES**

- ROLL CALL                    A.            The regular meeting of the Common Council was held on June 21, 2011 and called to order at 6:32 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 Solomon, Taylor, Schmidt and Skowronski. Absent were Aldermen Olson and Wilhelm. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski.
- CITIZEN COMMENT        B.            Citizen comment period was opened at 6:33 p.m. and closed at 6:47 p.m.
- APPROVAL OF  
MINUTES-6/7/11        C.1.        Alderman Taylor moved to approve the minutes of the regular meeting of June 7, 2011, as amended. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- APPOINTMENT            E-1.a.      Alderman Solomon moved to take no action on the Mayoral appointment of Alderman Wilhelm to the Economic Development Commission, term expires 4/15/14. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- MMSD POSITION            F.1.        Mayor Taylor summarized the Notice of Intention from Milwaukee Metropolitan Sewerage District to fill one position on the Milwaukee Metropolitan Sewerage Commission (MMSD).
- EMINENT DOMAIN  
LAWS                      G.1.        Alderman Taylor, seconded by Alderman Solomon, moved to suspend the regular order of business to allow Senator Mary Lazich and Andrew Hanus to speak. All voted Aye; motion carried. Alderman Taylor, seconded by Alderman Skowronski, moved to return to the regular order of business. All voted Aye; motion carried.  
Alderman Solomon, seconded by Alderman Skowronski, moved to suspend the regular order of business to allow Todd Taves, Ehlers & Associates, to speak. All voted Aye; motion carried. Alderman Taylor, seconded by Alderman Skowronski, moved to return to the regular order of business. All voted Aye; motion carried.  
Alderman Taylor moved that a resolution opposing the adoption of Senate Bill 83 relating to various changes to the Eminent Domain Laws be referred to the City Attorney for further review to work with Senator Lazich and other interested parties, with direction that clarification be provided back to the Common Council. Seconded by Alderman Skowronski. All voted Aye; motion carried.

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- CONCEPT REVIEW-SENDIKS WEST DEVELOPMENT      G.2.      No action was taken on the concept review of the proposed development for the proposed multi-tenant retail building (at approximately 5300 W. Rawson Avenue)(Eric Neumann, applicant).
- PUBLIC GRANT MATT GALL EAGLE SCOUT PROJECT      H.1.      Upon recommendation of the License Committee, Alderman Taylor moved to approve the People United for the Betterment of Life and Investment in the Community (PUBLIC) Grant for the Eagle Scout Project of Matt Gall for the fees associated with sign permits for the project at the Timber Wolf Preservation Society, 6669 S. 76th Street. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ORD. 2011-2051 REZONING-CITY OF FRANKLIN WATER UTILITY      G.3.      Alderman Solomon moved to adopt Ordinance No. 2011-2051, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO I-1 INSTITUTIONAL DISTRICT (7401 WEST PUETZ ROAD)(APPROXIMATELY 0.29 ACRES)(CITY OF FRANKLIN WATER UTILITY, APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried.
- RES. 2011-6729 SPECIAL USE-CITY OF FRANKLIN WATER UTILITY      G.4.      Alderman Skowronski moved to adopt Resolution No. 2011-6729, A RESOLUTION TO AMEND RESOLUTION NOS. 2000-5130 AND 2006-6110 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE CITY OF FRANKLIN WATER TOWER LOCATED AT 7401 WEST PUETZ ROAD (CITY OF FRANKLIN WATER UTILITY), with an addition of one window on the west side of the building as drafted on the plans from Kaempfer & Associates Inc. dated 6/16/2011. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ORD. 2011-2053 MINOR SITE PLAN AMENDMENTS      G.5.      Alderman Taylor moved to introduce Ordinance No. 2011-2053, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT §15-7.0107 PERTAINING TO MINOR SITE PLAN AMENDMENTS (CITY OF FRANKLIN, APPLICANT). Seconded by Alderman Skowronski. All voted Aye; motion carried.
- RES. 2011-6730 SPECIAL USE-CLASS A FITNESS LLC      G.6.      Alderman Solomon moved to adopt Resolution No. 2011-6730, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A PHYSICAL FITNESS FACILITY USE UPON PROPERTY LOCATED AT 7211 SOUTH 76TH STREET (CLASS A FITNESS LLC, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

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- LEASE OF LAND- MILWAUKEE COUNTY      G.7.      Alderman Solomon moved that the Director of Administration and City Attorney open formal dialogue with Milwaukee County to determine if the land at the southwest corner of South 51st Street and West Puetz Road is surplus and if there is a willingness to begin negotiations for development of a multi-recreational sports facility. Seconded by Alderman Taylor. All voted Aye; motion carried.
- CONCRETE SIDEWALK-W. FOREST HILL AVENUE      G.8.      Alderman Schmidt moved to authorize staff to proceed with obtaining estimates for the installation of concrete sidewalk in easement along the east side of 4934 W. Forest Hill Avenue into Franklin High School lands and then connecting to a drive to the north. Seconded by Alderman Solomon. All voted Aye; motion carried.
- SEWER AND WATER VEHICLE      G.9.      Alderman Taylor moved to accept the highest bid of \$3,450.25 from Jack Schramm for Sewer and Water Department 2003 Chevrolet Blazer. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- CHIEF FINANCIAL OFFICER-EMPLOYMENT AGREEMENT      G.10.      Alderman Skowronski moved to approve the Employment Agreement between the City of Franklin and Calvin Patterson as Chief Financial Officer and that said agreement be executed by the Mayor. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ORD. 2011-2052 RESTRUCTURE-ECONOMIC DEVELOPMENT MISSION PROCESS ADMINISTRATION      G.11.      Alderman Taylor moved to adopt an ordinance to restructure the Economic Development Mission process administration of the City of Franklin to create the Forward Franklin Economic Development Committee as amended to include one member from Citizens for Community Development. Seconded by Alderman Solomon. Alderman Taylor withdrew his motion. Alderman Taylor then moved to adopt Ordinance No. 2011-2052, AN ORDINANCE TO RESTRUCTURE THE ECONOMIC DEVELOPMENT MISSION PROCESS ADMINISTRATION OF THE CITY OF FRANKLIN TO CREATE THE FORWARD FRANKLIN ECONOMIC DEVELOPMENT COMMITTEE together with technical changes as recited in the June 7, 2011, Common Council action sheet for this item and also to provide that one member of Citizens for Community Development will be a qualifying membership on the Forward Franklin Economic Development Committee. Seconded by Alderman Solomon. All voted Aye; motion carried. Record vote as unanimous.
- RESTRUCTURING OF THE ECONOMIC DEVELOPMENT COMMISSION      G.12.      Action on the restructuring of the Economic Development Commission occurred on Item G.11.

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CLOSED SESSION-  
SUBROGATION  
CLAIM

G.13. Alderman Solomon moved to deny the subrogation claim of West Bend Mutual Insurance Company pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the injured party is more than 50% comparatively negligent and as such, recovery is barred regarding Animal Campus, LLC, who has paid workers compensation benefits to or on behalf of Animal Campus' employee who was bitten by a City of Franklin Police K-9 dog on March 16, 2011. Seconded by Alderman Schmidt. All voted Aye; motion carried.

CLOSED SESSION-  
ACQUISITION OF  
PROPERTY-7501 S.  
49TH STREET

G.14. Alderman Taylor moved to enter closed session at 8:30 p.m. pursuant to Wis. Stat. §19.85(1)(e), to consider the potential public acquisition of property located at approximately 7501 South 49th Street, Tax Key No. 788-9981-000, for the public purposes of flood management and stormwater control, park access and additional access to Pleasant View Elementary School, the terms and provisions of such an acquisition and the investing of public funds, 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 Solomon. On roll call, all voted Aye; motion carried.

Upon reentering open session at 9:15 p.m., a 5 minute recess was called by Mayor Taylor. At 9:21 p.m., Alderman Skowronski moved to enter closed session pursuant to Wis. Stat. §19.85(1)(e), to consider the potential public acquisition of property located at approximately 7501 South 49th Street, Tax Key No. 788-9981-000, for the public purposes of flood management and stormwater control, park access and additional access to Pleasant View Elementary School, the terms and provisions of such an acquisition and the investing of public funds, 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. The Common Council reentered open session at 9:37 p.m.

MISCELLANEOUS  
LICENSES

H.1. Alderman Solomon moved to grant the following licenses:

2011-12 New Operator License to Denise A. Coley, 7345 S. Delaine Dr., Oak Creek; Michael L. Guelzow, 641 Aber Dr., Waterford; Rachel R. Hackl, 9667 W. Forest Home Ave., #3, Hales Corners; Samantha K. Kassel, 1129 E. Clarke St., Milwaukee; Patrick M. Rafalski, 2951 W. Parnell Ave. #204, Milwaukee; Carey L. Stark, 9830 W. Plainfield Ave., Greenfield and Shannon L. Piotrowski, 6401 W. Burdick Ave., Milwaukee with letter from City Clerk;

2011-12 Renewal Operator License to Gail M. Baum, 3411 S. Chicago Ave. #8, South Milwaukee subject to satisfactory schooling; Lorie M. Chezem, 7970 S. Wildwood Dr. #201, Oak

LICENSES-  
CONTINUED

Creek; Jennifer M. Connors, 1825 W. Timber Ridge Ln., Oak Creek; Carol S. Decker, 1624 S. 61st St., West Allis; Julie T. Delgado, 6853 W. Kathleen Ct.; Ekrem Dilaveri, 4360 Victory Creek Dr.; Bosko Dragicevic, 9419 S. 27th St.; Kristi L. Drapes, 7679 S. Logan Ave., Oak Creek; Rebecca A. Hiracheta, 4609 S. Packard Ave., Cudahy; Lisa M. Hutts, 5612 Euston St., Greendale; Stefanie J. Janssen, 5774 Euston St., Greendale; Ellen L. Jensen, 2415 W. Hilltop Ln., Oak Creek; Sabitri B. Kharel, 7819 S. Scepter Dr. #32; Eric Kleczka, 6880 S. Highfield Dr., Oak Creek; Wyatt C. Klein, 1421 17th Ave., South Milwaukee; Victoria L. Kuchan, S63 W18417 Martin Dr., Muskego; John B. Lehman, 11871 Woodland Cir., Hales Corners; Dawn R. Luce, 2956 Chicory Rd., Racine; Deborah A. Martens-Parthun, 5373 S. Merrill Ave., Cudahy; Mark J. Matecki, 1007 W. Morgan Ave., Milwaukee; Matthew J. Meyer, 2428 N. 8th St., Sheboygan; Janet Miller, 2727 S. 58th St., Milwaukee; Tracy L. Mischuk, S70 W14873 Cornell Cir., Muskego; Niles A. Ottesen, S70 W20150 Adrian Dr., Muskego; Terry A. Owen, W150 S7655 Dorothy Dr., Muskego; Tanina M. Potracki, 12101 W. Beloit Rd. #5, Greenfield; Cynthia M. Rivette, 2251 S. 71st St., West Allis; Sloan T. Schmitt, 12045 W. St. Martins Rd. pending satisfactory payment; Deborah E. Sporleder, S108 W16327 Loomis Dr., Muskego; Mary E. Tairi, 3644 E. Layton Ave., Cudahy; Holly A. Templin, 12168 W. Virginia Cir. #6; Kathleen A. Varga, 2605 Rebecca Dr., Racine; Lukas J. Walsgrove, 913 Milwaukee Ave. #2, South Milwaukee; Sharon A. Weiss, 550 W. Riverwood Ave. #104, Oak Creek; Justin A. Westphal, 1227 E. Oklahoma Ave., Milwaukee; Amber L. Wink, 14735 W. Rogers Dr., New Berlin; Jennifer M. Zielinski, 8605 S. 81st St. and Jennifer M. Zolinski, 209 E. Bradley Ave., Milwaukee;

2011-11 Temporary Operator License to John E. Bergner, 8501 Parkland Dr.; Robert A. Knackert, 9049 S. 83rd St.; Wendy C. Knackert, 9049 S. 83rd St.; Anthony M. Megna, 10321 W. Church St.; Michael B. Reichl, 7557 Drake Ln. and Brian K. Sawinski, 6707 Parkedge Cir.;

Class A Combination License to Balpreet Enterprises, LLC, 6611 S. 27th St., Anupreet Bal, Agent; Mega Marts, LLC, d/b/a Pick n Save, 7780 S. Lovers Lane Rd., Victoria S. Brown, Agent; Open Pantry Food Marts of Wisconsin, Inc., 7610 W. Rawson Ave., James L. Schutz, Agent; Sam's East, Inc., 6705 S. 27th St., David J. Atkinson, Agent subject to satisfactory inspection, drivers license, satisfactory schooling for agent; Shaq Enterprises, LLC, d/b/a Gas Station on Forest Home Ave., 11123 W. Forest Home Ave., Muhammad S. Naeem, Agent subject to satisfactory inspections & payment and Wisconsin CVS Pharmacy, LLC, 5220 W. Rawson Ave., Mark E. Schmidt, Agent subject to completing application;

LICENSES-  
CONTINUED

Class A Combination & Day Care License to Ultra Mart Foods, LLC, 7201 S. 76th St., Lief E. Nelson, Agent, Frank Sarillo, Mgr.- day care subject to satisfactory inspection;

Class A Combination & Pharmacy License to Walgreen Co., d/b/a Walgreens #05884, 9527 S. 27th Street, Latina L. Veal, Agent and Walgreen Co., d/b/a Walgreens #05459, 9909 W. Loomis Rd., Neil J. Morgenthaler, Agent;

Class B Beer License to Chai Gardens, 6409B S. 27th St., Joseph Ty, Owner;

Class B Combination License to ERJ Dining III, LLC, 6439 S. 27th St., Paul S. Thompson, Agent and RLGIDI, Inc., d/b/a Casa Di Giorgio, 3137 W. Rawson Ave., Rex Idrizi, Agent;

Extra Ordinary Entertainment & Amusement to Alterra Coffee Bean Classic Mountain Bike Race, Todd Sommers, 7900 W. Crystal Ridge Dr. on 6/23 & 6/24/2011;

Class B Combination and Entertainment & Amusement License subject to satisfactory payment to The Bowery, LLC, 3023 W. Ryan Rd., Roger W. Hein, Agent and Polonia Sport Club, Inc., 10200 W. Loomis Rd., Mark Medrek, Agent;

Class B Combination and Entertainment & Amusement License subject to satisfactory inspections to Buckhorn Inn, 9461 S. 27th St., Christopher Matecki, Owner; Crystal Ridge, Inc., 7900 W. Crystal Ridge Dr., John Kaishian, Agent; Federation of Croatian Societies, Inc., d/b/a Croatian Park, 9100 S. 76th St., Josef Becker, Sr., Agent; The Landmark of Franklin, LLC, 11401 W. Swiss St., Lorie Beth Knaack Helm, Agent and Little Cancun Restaurant, 7273A S. 27th St., Veronica M. Cervera, Owner;

Class B Combination and Entertainment & Amusement License to Rawson Pub, Inc., 5621 W. Rawson Ave., Steven D. Schweitzer, Agent; Wild Breed, Inc., 11430 W. Swiss St., Cynthia A. Girmscheid, Agent; H, B & H, LLC, d/b/a On the Border, 10741 S. 27th St., Daniel F. Hay, Agent subject to agent appearing before the License Committee and Two Brothers Property Holdings, LLC, 9419 S. 27th St., Vaso Dragicjevic, Agent subject to satisfactory inspections & water test;

Pharmacy License to Aurora Pharmacy #1011, 6572 S. Lovers Lane Rd., James A. Wittenberg, Manager; Sam's Pharmacy, 6705 S. 27th St., Kirsten Busse, Manager and Aurora Pharmacy, 9200 W. Loomis Rd., Jill Gates, Manager subject to satisfactory inspections;

LICENSES-  
CONTINUED

Mobile Homes License subject to satisfactory inspections to D&K Management VIII, LLC, d/b/a Badger Mobile Home Park, 6405 S. 27th St., Wendy S. Winograd, Owner and Franklin Mobile, LLC, d/b/a Franklin Mobile Estates, 6361 S. 27th St., David E. Steinberger, Owner subject to satisfactory payment;

Coin Machine Operator License to S&P Equipment, 5025 S. Packard Ave., Cudahy, Salvatore Purpora, Owner subject to satisfactory police check;

Day Care License Mrs. Rikki's Structured Day Care, 11224 W. Forest Home Ave., Rochelle Boyce, Owner; the following subject to satisfactory inspections: Amy's Academy, 9758 S. Airways Ct., Amy Sidello, Manager and Kinder Care Learning Center, 6350 S. 108th St., Lisa Kopplin, Manager;

Entertainment & Amusement License to Jump Zone, 6544 S. 108th St., Susan Haines, Manager; Milwaukee County Oakwood Golf Course, 3600 W. Oakwood Rd., Joe Mrozinski, Manager; Milwaukee County Whitnall Park Golf Course, 6701 S. 92nd St., Joe Mrozinski, Manager and Show Time Cinema, 8910 S. 102nd St., Nancy Berchem, Manager; the following subject to satisfactory inspections: Family Tree Haus, LLC, 5080 W. Ashland Way, Mark Haushalter, Owner; Innovative Health & Fitness, 8800 S. 102nd St., Timothy Beyer, Manager and Milwaukee County Sports Complex, 6000 W. Ryan Rd., Joe Mrozinski, Manager;

Further moved to hold Operator Renewal License for Michael J. Magolan, W125 S8583 Country View Ct., Muskego and Tammy S. Kaishian, 2323 S. 92nd St., West Allis and Operator New License for Steven J. Scheele, 3284 N. Oakland Ave., Milwaukee; Dale G. Hasenstein, 2100 E. Leroy Ave., St. Francis and Jenna K. Schwartz, 6780 Redwood Ct., all subject to appearing before the License Committee;

Further moved to hold Class B Combination and Entertainment & Amusement License for Formula Four, Inc., d/b/a Jakob's Pub, 6951 S. Lovers Lane Rd., Donald E. Wick, Agent and TJAL Holdings, Inc., d/b/a Irish Cottage, 11433 W. Ryan Rd., Roseann C. Losiniecki, Agent, both per State request. Seconded by Alderman Taylor. All voted Aye; motion carried.

(Note: Action on PUBLIC grant application was taken following Item G.2.)

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VOUCHERS AND  
PAYROLL

I.1. Alderman Skowronski moved to approve the net City vouchers in the range of Nos. 138812 through 138963 in the amount of \$1,006,033.67. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

Alderman Schmidt moved to approve the net payroll of June 17, 2011 in the amount of \$354,450.65. Seconded by Alderman Skowronski . On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Skowronski moved to adjourn the meeting at 9:50 p.m. Seconded by Alderman Taylor. All voted Aye; motion carried.