

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
MARCH 2, 2010
MINUTES**

- | | | |
|---|--------|--|
| ROLL CALL | A. | The regular meeting of the Common Council was held on March 2, 2010 and called to order at 6:30 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 Olson, Solomon, Wilhelm, Sohns and Skowronski. Excused was Alderman Taylor. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski. |
| CITIZEN COMMENT | B-1. | There were no comments during Citizen Comment period. |
| ANNOUNCEMENTS | B-2.a. | Mayor Taylor presented Certificates of Appreciation to Dark Vortex Band, Curb Farmers Band and Midnight Band. |
| MINUTES-
02/16/2010 | C-1. | Alderman Solomon moved to approve minutes of the regular meeting of February 16, 2010 as presented. Seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| STATUS UPDATE
MAYORAL AD HOC
DEV. PROCESS
REVIEW COMM | D-1. | No action was taken on a letter dated February 25, 2010 from Director of Administration regarding Mayoral Ad Hoc Development Process Review Committee status update. |
| CONSENT AGENDA | | Alderman Solomon moved to approve the following consent agenda items: |
| HEALTH
DEPARTMENT
DONATION | G-1.a. | Accept donation from Marvin & Alice Wolff in the amount of \$750 to the Health Department to provide bike helmets for the June, 2010 bicycle rodeo program; |
| FIRE DEPARTMENT
DONATION | G-1.b. | Accept donation from Roundy's Supermarkets, Inc. in the amount of \$60.60 to the Fire Department for continued support of the Sight for Life Program; |
| | | Approval of consent items seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| RES. 2010-6629
CONSERVATION
EASEMENT
VESTA, INC. 5400 W.
FRANKLIN DRIVE | G-2. | Alderman Olson moved to adopt Resolution No. 2010-6629, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN AMENDMENT FOR VESTA, INC. (AT 5400 WEST FRANKLIN DRIVE) (BERGHAMMER CONSTRUCTION CORPORATION, APPLICANT), with a correction to Exhibit A. Seconded by Alderman Solomon. All voted Aye; motion carried. |

Franklin Common Council

3/02/10

Page Two

- CONCEPT REVIEW
DENTAL CLINIC
6835/6847/6865 S.
27TH STREET
MARK DEMSKY,
APPLICANT
- G-3. No action was taken on a concept review presented to the Common Council relating to a proposed dental clinic at 6835-6847-6865 S. 27th Street (Mark Demsky, applicant).
- MMSD
MEDICINE
COLLECTION
PROGRAM
- G-4. Alderman Olson moved to approve the Franklin Police Department's participation in the Milwaukee Metropolitan Sewerage District Medicine Collection Program. Seconded by Alderman Wilhelm. Alderman Olson withdrew his motion. Alderman Sohns then moved to approve the Franklin Police Department's participation in the Milwaukee Metropolitan Sewerage District Medicine Collection Program. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- RES. 2010-6630
OPPOSING 2009
SENATE BILL 548
SEX OFFENDER
RESIDENCY
RESTRICTION
- G-5. Alderman Olson moved to adopt Resolution No. 2010-6630, A RESOLUTION OPPOSING 2009 SENATE BILL 548, PROPOSING TO PROHIBIT CITIES, VILLAGES AND TOWNS FROM ENACTING AND ENFORCING SEX OFFENDER RESIDENCY RESTRICTION AND CHILD SAFETY ZONE ORDINANCES; with distribution of this Resolution to Senator Lazich, Representative Stone, and the League of Wisconsin Municipalities; and further that the Mayor and Alderman Olson be authorized to work with the Police Chief and City Attorney on strategizing to defeat this Bill. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- 2010 IN-CAR VIDEO
CAPITAL
EXPENDITURES
- G-6. Alderman Wilhelm moved to authorize in principle the carryover of \$37,500 from the fund balance of the Capital Outlay Fund for 2010 in-car video capital expenditures. Seconded by Alderman Skowronski. On roll call, Aldermen Olson, Solomon, Wilhelm, and Skowronski voted Aye; Alderman Sohns voted No. Motion carried.
- Alderman Olson moved to reconsider the motion to carryover funds from the Capital Outlay Fund. Seconded by Alderman Sohns. All voted Aye; motion carried.
- On the vote for the original motion to authorize the carryover of \$37,500 from the fund balance of the Capital Outlay Fund, all voted No. Motion failed.
- Alderman Olson then moved to authorize in principal the carryover of \$37,500 from the fund balance of the Capital Outlay Fund for 2010 in-car video capital expenditures, provided that the purchase occur after the second week in June. Seconded by Alderman Sohns. On roll call, Aldermen Olson, Solomon, Wilhelm and Sohns voted Aye; Alderman Skowronski voted No. Motion carried.

AMEND ORD 2009-1987 BUDGET CARRYOVERS

G-7.

Alderman Solomon moved to adopt AN ORDINANCE TO AMEND ORDINANCE 2009-1987, AN ORDINANCE ADOPTING THE 2010 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN, TO APPROVE BUDGET ENCUMBRANCES AND CARRYOVERS FROM THE 2009 BUDGET TO THE 2010 BUDGET. Seconded by Alderman Skowronski. Upon voice vote, Aldermen Solomon, Wilhelm, and Skowronski voted Aye; Aldermen Olson and Sohns voted No. Motion failed due to the requirement of a two-thirds vote of the entire Common Council.

Alderman Wilhelm moved to adopt AN ORDINANCE TO AMEND ORDINANCE 2009-1987, AN ORDINANCE ADOPTING THE 2010 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN, TO APPROVE BUDGET ENCUMBRANCES AND CARRYOVERS FROM THE 2009 BUDGET TO THE 2010 BUDGET, excluding the 2009 carryover for Economic Development in the amount of \$10,000. Seconded by Alderman Solomon. On roll call, Aldermen Olson, Solomon, and Wilhelm voted Aye; Aldermen Sohns and Skowronski voted No. Motion failed due to the requirement of a two-thirds vote of the entire Common Council.

Alderman Sohns moved to adopt AN ORDINANCE TO AMEND ORDINANCE 2009-1987, AN ORDINANCE ADOPTING THE 2010 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN, TO APPROVE BUDGET ENCUMBRANCES AND CARRYOVERS FROM THE 2009 BUDGET TO THE 2010 BUDGET, amended to contain only the 2009 encumbrances as follows:

General Fund	Highway	Sign materials	\$1,000
Capital Outlay Fund	Inspection	Files	\$1,000
Capital Improvement	Info. Services	GIS Custom Tool	\$1,000

Seconded by Alderman Olson. On roll call, Aldermen Olson, Solomon, and Sohns voted Aye; Aldermen Wilhelm and Skowronski voted No. Motion failed due to the requirement of a two-thirds vote of the entire Common Council.

FIRE STATION #3 ASPHALT PAVEMENT

G-8.

Alderman Solomon moved to approve a 2010 carryover request of \$40,000 from the Capital Improvement Fund for Fire Station No. 3 asphalt pavement. Seconded by Alderman Skowronski. Upon voice vote, Aldermen Olson, Solomon, Wilhelm, and Skowronski voted Aye; Alderman Sohns voted No. Motion carried.

ORD. 2010-1994 AMEND ORD. 2009-1987 CAPITAL OUTLAY FUND

G-9.

Alderman Solomon moved to approve Ordinance No. 2010-1994, AN ORDINANCE TO AMEND ORDINANCE 2009-1987, AN ORDINANCE ADOPTING THE 2010 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN, TO APPROVE 2010 BUDGET CHANGE TO THE CAPITAL OUTLAY FUND. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

- 2010 GENERAL FUND BUDGET AMENDMENT G-10. Alderman Sohns moved to refer the 2010 General Fund budget amendment recommendations to the Finance Committee for review and recommendation. Seconded by Alderman Olson. All voted Aye; motion carried.
- AGENCY AGREEMENT-AMERICAN DEPOSIT MANAGEMENT COMPANY G-11. Alderman Wilhelm moved to authorize the Mayor to sign the agency agreement with American Deposit Management Company LLC. Seconded by Alderman Skowronski. On roll call, Aldermen Skowronski, Sohns, Wilhelm, and Solomon voted Aye; Alderman Olson voted No. Motion carried.
- AGENCY AGREEMENT-AMERICAN DEPOSIT MANAGEMENT COMPANY Alderman Skowronski moved to authorize Director of Finance & Treasurer or Deputy Treasurer as the authorized parties to make deposits and withdrawals with American Deposit Management Company LLC/Baylake Bank. Seconded by Alderman Wilhelm. On roll call, Aldermen Solomon, Wilhelm, Sohns, and Skowronski voted Aye; Alderman Olson voted No. Motion carried.
- Alderman Skowronski moved to add Baylake Bank to the City of Franklin list of authorized depositories. Seconded by Alderman Wilhelm. On roll call, Aldermen Skowronski, Sohns, Wilhelm, and Solomon voted Aye; Alderman Olson voted No. Motion carried.
- FIRE STATION #3 DRAINAGE SYSTEM G-12. Alderman Sohns moved to authorize the Department of Public Works to install a drainage system at Fire Station No. 3 with the cost of materials estimated at \$1,700 to come from Station project account. Seconded by Alderman Solomon. All voted Aye; motion carried.
- JOHNS DISPOSAL CONTRACT MODIFICATION G-13. Alderman Olson moved to approve the contract modification of the 2010 through 2012 Refuse and Recyclables Collection Agreement with Johns Disposal as follows: At the Franklin Public Works Department residential drop-off site for recycling, Johns Disposal shall furnish eight 6-yard containers and empty each three times weekly at a cost not to exceed \$976 monthly which would result in a yearly cost of \$11,712 which is lower than the 2009 cost of \$13,580. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- RES. 2010-6631 2010 BITUMINOUS AND AGGREGATE MATERIAL BIDS G-14. Alderman Skowronski moved to adopt Resolution No. 2010-6631, A RESOLUTION AWARDED 2010 BITUMINOUS AND AGGREGATE MATERIAL CONTRACTS. Seconded by Alderman Solomon. All voted Aye; motion carried.

JOINDER
AGREEMENT-
HEALTH PAYMENT
SYSTEMS

G-15. Alderman Sohns moved to authorize and direct the Director of Administration to execute the First Amendment to Prompt Payment System Employer Joinder Agreement with Health Payment Systems as amended. Seconded by Alderman Olson. All voted Aye; motion carried.

KRM COMMUTER
RAIL
PRESENTATION

G-16.A. The Committee of the Whole meeting scheduled for March 1, 2010 was cancelled due to lack of a quorum. The Kenosha Racine Milwaukee Commuter Rail (KRM) presentation will occur at a future meeting.

ALCOHOL
BEVERAGE LAW
VIOLATIONS-
POLICY

H-1. The License Committee requested that the City Clerk and City Attorney schedule a License Committee prior to next Common Council meeting for the purpose of reviewing proposed guidelines for alcohol beverage law violations.

LICENSES AND
PERMITS

H-2. Alderman Solomon moved to grant the following licenses subject to meeting all licensing requirements:

Operator License to Tiffany A. De Baker, 12200 W. Ryan Road with warning letter from City Clerk; Alvin A. Berezinski, 708 Columbia Avenue, South Milwaukee; Erik A. Markowski, 3906 W. Oklahoma Avenue, Milwaukee; Amanda C. Mikula, 2525 Noelle Court, Racine; Casie R. Overturf, 6855 Kathleen Court #11 subject to satisfactory schooling and Krystal I. Walter, 6726 Bobolink Road, Racine;

Further moved to approve Temporary Operator License to John E. Bergner, 8501 Parkland Drive; Robert A. Knackert, 9049 S. 83rd Street; Wendy C. Knackert, 9049 S. 83rd Street; Michael B. Reichl, 7557 Drake Lane and Brian Sawinski, all for Civic Celebration July 2-4, 2010;

Further moved to approve Temporary Class B Beer & Wine and Entertainment & Amusement to Franklin Civic Celebration, Mike Reichl, 9229 W. Loomis Road on July 2-4, 2010;

Further moved to approve Class B Combination License-Change of Premise Description to Mulligan's Irish Pub & Grille, Teki Dilaveri, 8933 S. 27th Street pending Planning and Building Department's approval;

Further moved to approve Taxi Cab Driver License to Lakwinder Kaur, 7325 S. 38th Street;

Further moved to hold Second Hand Jeweler Dealer License for MGB Jewelers, Jacob & Jordan Sadoff, 6865 S. 27th Street pending terms of the zoning ordinance to be addressed by the Planning Department;

Franklin Common Council

3/02/10

Page Six

LICENSES AND
PERMITS-
CONTINUED

Further moved to deny Taxi Cab Driver License for Jaggi Singh Ghotra, 7325 S. 38th Street due to a pending felony arrest. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I-1.

Alderman Sohns moved to approve net City vouchers in the range of Nos. 133149 through 133356 in the amount of \$678,177.57. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

Alderman Olson moved to approve the net City payroll of February 26, 2010 in the amount of \$336,609.20. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J.

Alderman Sohns moved to adjourn the meeting at 8:40 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.