

CITY OF FRANKLIN
COMMON COUNCIL MEETING MINUTES
MAY 15, 2012

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| ROLL CALL | A. | The regular meeting of the Common Council was held on May 15, 2012 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, Taylor, Schmidt and Skowronski. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:31 p.m. and closed at 6:31 p.m. |
| NATIONAL NIGHT OUT | B.2.a. | Mayor Taylor noted Franklin's 8th Annual National Night Out on August 6, 2012, 6:00 p.m.-9:00 p.m. |
| APPROVAL OF MINUTES – 4/17/12 | C.1. | Alderman Taylor moved to approve the minutes of the meeting of April 17, 2012. Seconded by Alderman Olson. All voted Aye; motion carried |
| APPROVAL OF MINUTES – 5/1/12 | C.2. | Alderman Wilhelm moved to approve the minutes of the meeting of May 1, 2012, G.1.b.2. as amended. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| CONSENT AGENDA | | Alderman Wilhelm moved to approve the following consent agenda items: |
| DONATION-FIRE DEPT. | G.1.a. | Accept the donation of \$620 from the Franklin Lions Club to the Fire Department; and |
| CHANGE ORDER S. 51ST ST. WATER MAIN EXTENSION PROJECT 2009-WU101 | G.1.b. | Authorize staff to sign Change Order No. 1, with Mainline Sewer and Water, Inc., for the S. 51st Street water main project south of W. Puetz Road - Project 2009-WU101, for a reduction of \$108,485.38 reducing the contract cost from \$668,694.50 to \$560,209.12. Seconded by Alderman Schmidt. All voted Aye; motion carried. |
| ORD. 2012-2075
PLANNED DEVELOPMENT DISTRICT NO. 22-CLARE MEADOWS | G.2. | Alderman Wilhelm moved to adopt Ordinance No. 2012-2075, AN ORDINANCE TO AMEND NO. 2011-2046, AN ORDINANCE TO AMEND SECTION 15-3.0427 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 22 (CLARE MEADOWS) TO ALLOW FOR AND ADD A THREE STORY 30 UNIT SENIOR INDEPENDENT LIVING APARTMENT BUILDING (COMMONBOND ACQUISITION LLC, APPLICANT) (7704 SOUTH 51ST STREET), TO PROVIDE FOR THE PAYMENT TO THE CITY OF A FIXED SUM ESTIMATED TO PAY FOR THE COST OF CITY SERVICES TO BE PROVIDED TO THE PROPERTY, TO BE ADJUSTED ANNUALLY BY THE CONSUMER PRICE INDEX AND TO BE REVIEWABLE EVERY FIVE YEARS (FRANKLIN SENIOR HOUSING, INC., APPLICANT). Seconded by Alderman Skowronski. All voted Aye; motion carried. |

- RES. 2012-6805
SPECIAL USE-
LAQUEESHA
ROCHELLE
BLOCKTON, D/B/A
ACADEMY OF
INTEGRITY
- G.3. Alderman Taylor moved to adopt Resolution No. 2012-6805, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN EDUCATIONAL FACILITY USE UPON PROPERTY LOCATED AT 3900 WEST RYAN ROAD (LAQUEESHA ROCHELLE BLOCKTON, D/B/A ACADEMY OF INTEGRITY, APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried.
- ORD. 2012-2076
SPECIAL USE-
CLOE M. ANTON,
D/B/A TOP DOG
GROOMING &
DAYCARE
- G.4. Alderman Wilhelm moved to approve Ordinance No. 2012-2076, ADOPTING AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 752 “ANIMAL SPECIALTY SERVICES” TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE B-4 SOUTH 27TH STREET MIXED-USE COMMERCIAL DISTRICT (CLOE M. ANTON D/B/A/ TOP DOG GROOMING & DAYCARE, APPLICANT). Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES, 2012-6806
SPECIAL USE-
CLOE M. ANTON,
D/B/A TOP DOG
GROOMING &
DAYCARE
- G.5. Alderman Wilhelm moved to adopt Resolution No. 2012-6806, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A DOG GROOMING AND DAYCARE WITH PET RETAIL SALES BUSINESS USE UPON PROPERTY LOCATED AT 2735 WEST RAWSON AVENUE (CLOE M. ANTON, D/B/A TOP DOG GROOMING & DAYCARE, APPLICANT). Seconded by Alderman Skowronski. All voted Aye; motion carried.
- QUARRY
MONITORING
COMMITTEE
- G.6. Alderman Schmidt moved to adopt AN ORDINANCE TO CREATE THE QUARRY MONITORING COMMITTEE as amended. Seconded by Alderman Olson.
Alderman Schmidt withdrew his motion and Alderman Olson withdrew his second.
Alderman Wilhelm moved to adopt AN ORDINANCE TO CREATE THE QUARRY MONITORING COMMITTEE, as amended to include the selection of the Mayor with the Common Council to confirm appointments, include staff member support, and changes to the duties to remove the word “all” in the first line of Item D., and to amend the second sentence in Item D. to remove the words “recommendations, and policies” and the word “all”. Seconded by Alderman Schmidt.
Alderman Wilhelm withdrew her motion and Alderman Schmidt withdrew his second.
Alderman Wilhelm moved to table to the next Common Council meeting the Ordinance to create the Quarry Monitoring Committee, and further direct the City Attorney and Director of Administration to revise language based on Common Council input from this meeting. Seconded by Alderman Schmidt. All voted Aye; motion carried.

REFUSE CONTRACT
EXPIRING 12/31/2012

- G.7. Alderman Skowronski moved to suspend the regular order of business to allow Waste Management representatives Mike Hackney and Todd Beckner to speak. Seconded by Alderman Solomon. All voted Aye; motion carried.
- Alderman Wilhelm moved to return to the regular order of business. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- Alderman Wilhelm moved to direct staff to negotiate with John's Disposal Service, Inc. for the refuse and recycling hauling municipal/resident services relative to the contract expiring December 31, 2012, for recyclable carts specifically. Seconded by Alderman Taylor.
- At 7:38 p.m. Mayor Taylor passed the gavel to Council President Taylor, who then chaired the meeting. The gavel was returned to Mayor Taylor at 7:42 p.m., who returned to chairing the meeting. Alderman Wilhelm, seconded by Alderman Olson, moved to call the question. On roll call, Aldermen Olson, Solomon, Wilhelm, Taylor, and Schmidt voted Aye; Alderman Skowronski voted No. Motion carried.
- On the main motion to direct staff to negotiate with John's Disposal Service, Inc. for the refuse and recycling hauling municipal/resident services relative to the contract expiring December 31, 2012, for recyclable carts specifically, Aldermen Schmidt, Taylor, Wilhelm, and Olson voted Aye; Aldermen Skowronski and Solomon voted No. Motion carried.

MADACC DOG BITE
POLICY

- G.8. Alderman Solomon moved to direct the Director of Administration to notify MADACC of the City's decision to opt out of the Bite Case policy. Seconded by Alderman Skowronski. Alderman Solomon withdrew motion and Alderman Skowronski withdrew his second.
- Alderman Olson then moved to table the MADACC Dog Bite Policy to the Common Council meeting of July 24, 2012. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

PAYROLL
DEDUCTIONS FOR
CHARITABLE
ORGANIZATIONS

- G.9. Alderman Skowronski moved to refer to the Personnel Committee the issue of potential payroll deductions for charitable organizations and to allow continued deductions for the Combined Giving Campaign (United Way) through 2012 subject to future Council action on this issue. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

CLAIM-
VILLAS OF
FRANKLIN

- G.10. Alderman Olson moved to deny the claim of the Villas of Franklin pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the City of Franklin is not legally liable for the damages. The investigation determined that the City is not responsible for private property and the landscaping plans for the development do not include "retaining walls". Further, that upon approval by the City's insurer, that the additional conditions of failure to meet statutory time requirements for filing a claim and also statutory statutes of

CLAIM-
CONTINUED

limitations with regard to filing of action were not met. Seconded by Alderman Solomon. All voted Aye; motion carried.

REJECT AND REBID
WATER TOWER
PAINTING PROJECT

G.11.

Alderman Solomon moved to reject all bids for the painting of the Drexel Avenue Water Tower and authorize rebidding using a flexible containment system. Seconded by Alderman Taylor. All voted Aye; motion carried.

MISCELLANEOUS
LICENSES

H.1.

Alderman Solomon moved to grant the following licenses:

Temporary Operator-Fourth of July Festival, John E. Bergner, 8501 Parkland Dr.; Robert A. Knackert, 9049 S. 83rd St.; Wendy C. Knackert, 9049 S. 83rd St.; Anthony Megna, 10321 W. Church St.; Michael R. Reichl, 7557 Drake Ln. and Brian Sawinski, 6707 S. Parkedge Cir.;

2011-12 and 2012-13 Operator License to Wendy K. Barbian, 8875 Greenhill Ln., Greendale and Jason R. Miller, 6200 W. Ohio Ave., Milwaukee;

Operator License to Dawn M. Berndt, 12320 W. Oakwood Rd.;

People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant for Franklin Historical Society, Person in Charge: James Luckey, fees waived for park permit and St. Martins Fair Permit on July 28' 2012 park and St. Martins Fair dates;

Extraordinary Entertainment & Special Event and Temporary Class B Beer to Xaverian Missionaries, Person in Charge: Fr. Mark Marangone at 4500 Xavier Dr. at annual festival on 6/23/12 to 6/24/12;

Further moved to hold Operator License for Kelly Ann Clausing-Tolar, 5937 W. Beacon Hill Dr. and Amy L. Mast, 8349 S. Newbury Dr. #1708, Oak Creek subject to appearing before the License Committee.

Further moved to refer to a future meeting the Class A Beer, Combination Class A, Class B Beer and Combination Class B as listed on the attachment included in the Common Council agenda packet of 5/15/12. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman Olson moved to approve net City vouchers in the range of Nos. 142747 through 142904 in the amount of \$ 3,466,311.20. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

Alderman Schmidt moved to approve the net payroll of May 4, 2012 in the amount of \$345,680.34. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:09 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.