

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
OCTOBER 6, 2009  
MINUTES**

- |                                                                    |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| ROLL CALL                                                          | A.   | The regular meeting of the Common Council was held on October 6, 2009 and called to order at 6:34 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, Sohns and Skowronski. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski.                                                                                                                                                                                                                                                              |
| CITIZEN<br>COMMENT                                                 | B-1. | Citizen comment period was opened at 6:35 p.m. and closed at 6:51 p.m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| MINUTES-<br>09/15/2009                                             | C-1. | Alderman Wilhelm moved to approve minutes of the regular meeting of September 15, 2009 with corrections to items G-5 and G-7. Seconded by Alderman Taylor. All voted Aye; motion carried.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| HEARING<br>2025<br>COMPREHENSIVE<br>MASTER PLAN                    | D-1. | <p>The public hearing for the proposed adoption of the 2025 Comprehensive Master Plan was opened at 7:30 p.m. and closed at 7:45 p.m. (See Item G.2.)</p> <p>Mayor Taylor briefly relinquished the chair to Council President Taylor. Mayor Taylor then returned to the chair.</p> <p>Alderman Sohns moved to schedule a Special meeting to be held jointly with Plan Commission at 6:30 p.m. on 10/21/09 to discuss and act on recommendations for the Comprehensive Master Plan, and if unable to complete then refer to an additional meeting on 11/02/09. Seconded by Alderman Olson. On roll call, Aldermen Olson, Solomon, Wilhelm and Sohns voted Aye; Aldermen Taylor and Skowronski voted No. Motion carried.</p> |
| HEARING<br>REVENUE BONDS<br>TROYK, LLC<br>(BORROWER)               | D-2. | The public hearing for the proposed amendment and reissuance of \$2,000,000 City of Franklin Industrial Development Revenue Bonds, Series 1998A (Troyk LLC Project) was opened at 8:26 p.m. and closed at 8:27 p.m. (See Item G.3.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| REQUEST FROM<br>RESIDENTS –<br>PRINCETON<br>ESTATES SPEED<br>BUMPS | F-1. | Alderman Sohns moved to refer request for speed bumps/traffic control in the Princeton Estates Subdivision to the Board of Public Works for review and recommendation, and further that the City Clerk notify the association that documentation/demonstration is required for anyone speaking on behalf of homeowners or residents. Seconded by Alderman Taylor. All voted Aye; motion carried.                                                                                                                                                                                                                                                                                                                           |
| CONSENT AGENDA                                                     |      | Alderman Olson moved to approve the following consent agenda items:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| DONATION<br>MANHEIM<br>MILWAUKEE                                         | G-1.a. | Accept the donation of \$600 from the Manheim Milwaukee to be deposited into the Police Donations Account;                                                                                                                                                                                                                                                                                                                                                                                      |
| RELEASE LETTER OF<br>CREDIT<br>SILVERWOOD<br>HEIGHTS                     | G-1.b. | Release the letter of credit for Silverwood Heights Subdivision located at W. Lake Pointe Drive and S. Golden Lake Way No. DC111057 from Associated Bank dated August 15, 2003 as all improvements have been completed and approved by staff;                                                                                                                                                                                                                                                   |
| RES. 2009-6597<br>EASEMENTS<br>HAMPTON INN &<br>SUITES                   | G-1.c. | Adopt Resolution No. 2009-6597, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT PERMANENT SANITARY SEWER, STORM SEWER AND WATER MAIN EASEMENTS FOR THE HAMPTON INN & SUITES, subject to technical corrections by the City Attorney.<br><br>Approval of consent items seconded by Alderman Wilhelm. All voted Aye; motion carried.                                                                                                                                                          |
| ORD. FOR 2025<br>COMPREHENSIVE<br>MASTER PLAN                            | G-2.   | See Item D.1. regarding action on AN ORDINANCE TO ADOPT THE 2025 COMPREHENSIVE MASTER PLAN OF THE CITY OF FRANKLIN, WISCONSIN.                                                                                                                                                                                                                                                                                                                                                                  |
| RES. 2009-6596<br>BOND AGMT AMEND<br>TROYK LLC                           | G-3.   | Alderman Olson moved to adopt Resolution No. 2009-6596, A RESOLUTION APPROVING AMENDMENT TO BOND AGREEMENT FOR TROYK LLC PROJECT. Seconded by Alderman Wilhelm. All voted Aye; motion carried. (See Item D.2.)                                                                                                                                                                                                                                                                                  |
| ORD. 2009-1983<br>REPEAL/RECREATE<br>§183-53<br>OBSCENE PHONE<br>CALLS   | G-4.   | Alderman Solomon moved to adopt Ordinance No. 2009-1983, AN ORDINANCE TO REPEAL AND RECREATE §183-53 OF THE MUNICIPAL CODE RELATING TO HARASSING AND OBSCENE PHONE CALLS TO EXPAND COVERAGE TO INCLUDE ANY ELECTRONIC COMMUNICATION METHOD. Seconded by Alderman Wilhelm. All voted Aye; motion carried.                                                                                                                                                                                        |
| GENERAL FUND<br>SHORTFALL                                                | G-5.   | Alderman Sohns moved to accept the recommendation from the Finance Committee that the General Fund shortfall (revenue less than expenditures) currently estimated at \$418,788 in general and \$281,434 in OPEB related shortage, be taken from the fund balance of the General Fund due to the revenue reductions that have occurred. Seconded by Alderman Solomon. On roll call, Aldermen Skowronski, Sohns, Taylor, Wilhelm, and Solomon voted Aye; Alderman Olson voted No. Motion carried. |
| CAPITAL<br>IMPROVEMENT<br>FUND PAYMENT-W.<br>RYAN ROAD<br>RECONSTRUCTION | G-6.   | Alderman Solomon moved to authorize the payment from the Capital Improvement Fund of the undisputed portion of the bill to the State Department of Transportation totaling \$100,478.83, reserving \$29,500.49 pending an answer from the State DOT and allowing the Capital Improvement Fund to borrow from other                                                                                                                                                                              |

RYAN ROAD  
RECONSTRUCTION-  
CONTINUED

Capital funds, if necessary, to meet the related cash flow needs from this issue and the W. Rawson Avenue billing issue. Seconded by Alderman Taylor. On roll call, Aldermen Solomon, Taylor, and Skowronski voted Aye; Aldermen Olson, Wilhelm, and Sohns voted No. Mayor Taylor broke the tie by voting in the affirmative. Motion carried.

RES. 2009-6598  
URBAN FORESTRY  
GRANT PROGRAM

G-7. Alderman Sohns moved to adopt Resolution No. 2009-6598, AUTHORIZATION FOR APPLICATION FOR URBAN FORESTRY GRANT PROGRAM FOR 2010 EMERALD ASH BORER MANAGEMENT. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

1,850 GALLON ANTI-  
ICING SYSTEM

G-8. Alderman Taylor moved to authorize the Highway Department to purchase a 1,850 gallon anti-icing system in lieu of salt spreader controls. Seconded by Alderman Wilhelm. Aldermen Skowronski, Sohns, Taylor, Wilhelm, and Solomon voted Aye; Alderman Olson voted No. Motion carried.

ASSESSMENT  
CONTRACT TYLER  
TECHNOLOGIES

G-9. Alderman Sohns moved to accept the contract for assessment and property revaluation services with Tyler Technologies Inc., for the period through 2012 and authorize the Mayor, Director of Clerk Services, and Director of Administration to execute such contract, subject to technical corrections. Seconded by Alderman Olson. All voted Aye; motion carried.

A H1N1 VIRUS  
REPORT  
AND GRANT

G-10. Alderman Olson moved to direct the Franklin Health Department Director of Health & Social Services to accept federal Public Health Emergency Response grant funds for immunization clinic planning and implementation for the A H1N1 influenza virus. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

RES. 2009-6599  
TRASH &  
RECYCLING  
CONTRACT

G-11. Alderman Sohns moved to adopt Resolution No. 2009-6599, A RESOLUTION AWARDED CONTRACT TO THE LOW BIDDER FOR CITY-WIDE COLLECTION AND DISPOSAL OF TRASH, RECYCLING, BRUSH, BIOHAZARDS AND CONTAINER TIPPING to the low bidder, John's Disposal Service of Whitewater, Wisconsin, for the three (3) year base bid (no carts) in the amount of \$2,930,697.12 for the years of 2010, 2011 and 2012, as recommended by the Board of Public Works. Seconded by Alderman Solomon. All voted Aye; motion carried.

CHANGE ORDER  
FIRE STATION #3

G-12. Alderman Sohns moved to authorize a change order for Fire Station No. 3 for an increase of \$40,441.00 to increase the thickness of the asphalt in the fire truck drive area from four (4) inches to six (6) inches to produce a more durable pavement, with the condition that the architect be notified of the City's intent to review liability and payment options. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

- RES. 2009-6600  
DEDICATION OF  
OUTLOT 1  
WOODFIELD TERR.  
ADDN NO. 1
- G-13. Alderman Olson moved to adopt Resolution No. 2009-6600, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A DEDICATION OF OUTLOT 1 OF WOODFIELD TERRACE ADDITION NO. 1. Seconded by Alderman Sohns. All voted Aye; motion carried.
- CHANGE ORDER #1  
W. DREXEL AVE.  
RECONSTRUCTION
- G-14. Alderman Sohns moved to direct staff to sign Change Order No. 1 with Capitol Pavers, Inc. for the reconstruction of W. Drexel Avenue from S. 27th Street to S. 31st Street, Project No. 2008-R101, for rings on the luminaries at an increased cost of \$9,750.00. Seconded by Alderman Olson. All voted Aye; motion carried.
- CHANGE ORDER #9  
S. 27TH ST. FLOW  
CONTROL STATIONS
- G-15. Change Order No. 9 for an adjustment in the allowance for the SCADA system for the Water Utility's flow control system, increasing the cost by \$3,941.05 to a total cost of \$927,158.54 will be listed on the next Common Council meeting agenda.
- LIONS LEGEND  
PARK SHELTER  
HANDICAPPED  
ACCESSIBLE  
BATHROOM DESIGN
- G-16. Alderman Solomon moved to authorize the Director of Administration to execute the acceptance of the proposal, as amended, with Quorum Architects, Inc. for design of handicapped accessible bathrooms in the shelter of Lions Legend Park, in accordance with the accepted CDBG project and including the terms of the Acceptance Page. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- COMPLAINT  
AGAINST  
ADAM C. LEE
- G-17. Alderman Taylor moved to adopt the License Committee Report, Findings of Fact, Conclusions of Law and Recommendation as to Action and award a 2009-2010 operator's license to Adam C. Lee and to subsequently suspend the same for 60 days, commencing October 9, 2009. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- CLOSED SESSION  
COMPLAINT  
AGAINST  
AMBER E. HELM
- G-18. Alderman Olson moved to enter closed session at 9:58 p.m. pursuant to Wis. Stat. §19.85(1)(a) to consider and deliberate upon the September 29, 2009 License Committee recommendation, to discuss the Common Council's determination thereon, and to reenter open session at the same place thereafter to act on such matters as discussed therein as it deems appropriate. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

Upon reentering open session at 10:17 p.m., Alderman Olson moved to approve and issue the operator's license to Amber E. Helm, and revoke commencing October 9, 2009. Seconded by Alderman Sohns. On roll call, Aldermen Olson, Wilhelm and Sohns voted Aye, Aldermen Solomon, Taylor and Skowronski voted No. Motion fails.

CLOSED SESSION  
COMPLAINT  
AGAINST  
AMBER E. HELM-  
CONTINUED

Alderman Taylor moved to adopt the License Committee Report, Findings of Fact, Conclusions of Law and Recommendation as to Action and award a 2009-2010 operator's license to Amber E. Helm and to subsequently suspend the same for 90 days, commencing October 9, 2009. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

CLOSED SESSION  
COMPLAINT  
AGAINST  
LANDMARK OF  
FRANKLIN, LLC

G-19.

Alderman Olson moved to enter closed session at 10:25 p.m. pursuant to Wis. Stat. §19.85(1)(a) to consider and deliberate upon the September 29, 2009 License Committee recommendation, to discuss the Common Council's determination thereon, and to reenter open session at the same place thereafter to act on such matters as discussed therein as it deems appropriate. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

Upon reentering open session at 10:50 p.m., Alderman Sohns moved to adopt the License Committee Report, Findings of Fact, Conclusions of Law and Recommendation as to Action and award a 2009-2010 Class B Combination alcohol beverage license to the Landmark of Franklin, LLC and to subsequently suspend the same for 21 days, commencing October 9, 2009. Seconded by Alderman Skowronski. On roll call, Aldermen Olson, Solomon, Wilhelm, Sohns and Skowronski voted Aye; Alderman Taylor voted No. Motion carried.

Alderman Olson moved to reconsider the previous motion regarding the Landmark. Seconded by Alderman Taylor. Alderman Olson then withdrew motion to reconsider.

LICENSES AND  
PERMITS

H-1.

Alderman Solomon moved to grant the following licenses subject to meeting all licensing requirements:

Class B Combination License for Ultra Mart Foods, LLC, Agent: Dustin M. Brycki, 7780 S. Lovers Lane Road subject to satisfactory inspections;

Further moved to approve Class B Combination Agent Change for Polonia Sport Club, Inc., Agent: Mark S. Medrek, 10200 W. Loomis Road;

Further moved to approve Operator License for Daniel M. Heinritz, 8026 S. Wildwood Drive #2, Oak Creek subject to providing a copy of his valid driver's license to the City Clerk; Amanda X. Lopez, 1027 S. Tenth Street, Milwaukee and Christopher M. Reske, 10935 W. Wells Street, Wauwatosa;

Further moved to hold Operator License for Warren R. Kubis, 10506 S. 124th Street for review and consultation with the City Attorney;

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LICENSES AND  
PERMITS-  
CONTINUED

Further moved to refer the operator's license for Denise Rupic, 9027 W. Lincoln Avenue #3, West Allis to the City Attorney to proceed with a hearing;

Further moved to deny Operator License for Michael W. Crowley, 6045 N. Lydell Avenue, Milwaukee pursuant to Municipal Code §169-2(c)(1) for providing false information to the License Committee; and Austin W. Helm, 11401 Parkview Lane, Hales Corners for habitual law offender contrary to §125.04(5)(a) and (b), Stats. and non-compliance with Driver Safety Plan (OWI related);

Operator License for Daveine C. Jopek, 1808 Carroll Court, South Milwaukee was referred to the City Attorney to proceed with a hearing;

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. 131353 through 131585 in the amount of \$1,469,363.44. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

Alderman Olson moved to approve the net City payroll of September 25, 2009 in the amount of \$335,799.76. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 10:58 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.