

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
SEPTEMBER 7, 2010  
MINUTES**

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| ROLL CALL   | A.     | The regular meeting of the Common Council was held on September 7, 2010 and called to order at 6:50 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 Luberdia, City Attorney Wesolowski and City Clerk Wesolowski. |
| CITIZEN COMMENT                                     | B.1.   | Citizen comment period was opened at 6:51 p.m. and closed at 7:01 p.m.   |
| PROCLAMATION  | B.2.a. | Mayor Taylor presented a Proclamation congratulating Wisconsin Junior Miss Scholarship Program Organization, which was read by Council President Taylor.   |
| PROCLAMATION  | B.2.b. | Mayor Taylor presented a Proclamation congratulating 2011 Wisconsin Junior Miss Patricia Paskov.   |
| CERTIFICATE OF RECOGNITION                          | B.2.c. | A Certificate of Recognition from Mayor Taylor to 2011 Franklin Junior Miss Morgan Mastrostefano was presented by Council President Taylor.  |
| MEETING NOTICE                                      | B.2.d. | The Director of Clerk Services read the Mayor's 2011 Budget Preparation Meeting Notice.  |
| MINUTES-08/17/2010                                  | C.1.   | Alderman Wilhelm moved to approve minutes of the regular meeting of August 17, 2010 as corrected. Seconded by Alderman Taylor. All voted Aye; motion carried.  |
| PUBLIC HEARING-MILWAUKEE COUNTY TRAILS NETWORK PLAN | D.1.   | A public hearing regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to incorporate the Milwaukee County Trails Network Plan as a Guideline Reference within the Comprehensive Master Plan was opened at 7:17 p.m. and closed at 7:18 p.m.   |
| PUBLIC HEARING-SOUTHBROOK CHURCH, INC.              | D.2.   | A public hearing regarding an application by Southbrook Church, Inc. for approval of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the proposed use of certain property from Commercial to Institutional (at approximately 9733 S. 76th Street) was opened at 7:19 p.m. and closed at 7:20 p.m.  |
| APPOINTMENT   | E-1.a. | Alderman Schmidt, moved to approve the Mayoral appointment of David Lindner to the Fire & Police Commission, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.  |

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| LETTER FROM<br>R. SWENDROWSKI<br>NATURAL LAWN/<br>LANDSCAPE                | F-1.   | Alderman Solomon moved to place on file the letter from Robert Swendrowski requesting Common Council action regarding creation of a natural prairie/lawn ordinance. Seconded by Alderman Skowronski.<br>Alderman Taylor, seconded by Alderman Solomon, moved to call the question. All voted Aye; motion carried.<br>On the main motion, all voted Aye; motion carried.   |
| CONSENT AGENDA   | G.1.   | Alderman Skowronski moved to approve the following consent agenda:  |
| WETLAND<br>MITIGATION  | G.1.a. | Accept modification to contract for wetland mitigation at Jack A. Workman Park;   |
| LETTER OF CREDIT-<br>MRS. RIKKI'S DAY<br>CARE                              | G.1.b. | Release the Letter of Credit No. 401 dated September 26, 2008 from First Bank for the extension of public improvements for Mrs. Rikki's Day Care Center as recommended by the City Engineer;  |
| CHANGE ORDER NO.<br>2-W. DREXEL AVE.                                       | G.1.c. | Authorize the City Engineer to sign Change Order No. 2 for the reconstruction of W. Drexel Avenue from S. 27th Street to S. 31st Street, Project 2008-R101, with Capitol Pavers for a decrease in the contract of \$82,185.61 reducing the final payment to \$1,437,225.97;   |
| POLICE DEPT.<br>GRANT AWARD  | G.1.d. | Accept \$2,500 Police Department Community Grant Award from Walmart Foundation to be deposited into the D.A.R.E. donation account;  |
| DONATIONS  | G.1.e. | Accept donations<br>1) from W. Bros. Trucking, Inc. in the amount of \$250 to the Fair Commission;<br>2) from Priya Corporation in the amount of \$250 to the Fair Commission;<br>3) from Lloyd R. Dobrinska in the amount of \$120 to the Fair Commission for the UW Marching Band;<br>4) from Wesolowski, Reidenbach & Sajdak, S.C. in the amount of \$120 to the Fair Commission for the UW Marching Band.<br>Seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| ORD. NO. 2010-2019<br>AMEND UDO-<br>MILW. COUNTY<br>TRAILS NETWORK<br>PLAN | G.2.   | Alderman Wilhelm moved to adopt Ordinance No. 2010-2019, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO INCORPORATE THE MILWAUKEE COUNTY TRAILS NETWORK PLAN AS A GUIDELINE REFERENCE WITHIN THE COMPREHENSIVE MASTER PLAN. Seconded by Alderman Solomon. All voted Aye; motion carried.  |

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- ORD. NO. 2010-2020      G.3.      Alderman Skowronski moved to adopt Ordinance No. 2010-2020, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE PROPOSED USE OF CERTAIN PROPERTY FROM COMMERCIAL TO INSTITUTIONAL (AT APPROXIMATELY 9733 SOUTH 76TH STREET). Seconded by Alderman Solomon. Upon unanimous Aye voice vote, motion carried.
- ORD. NO. 2010-2021      G.4..      Alderman Skowronski moved to adopt Ordinance No. 2010-2021, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM R-8 GENERAL RESIDENCE DISTRICT TO I-1 INSTITUTIONAL DISTRICT (SOUTHBROOK CHURCH, INC., APPLICANT) (APPROXIMATELY 17.77 ACRES) (APPROXIMATELY 9733 SOUTH 76TH STREET). Seconded by Alderman Wilhelm. Upon unanimous Aye voice vote, motion carried.
- RES. NO. 2010-6667      G.5.      Alderman Schmidt moved to adopt Resolution No. 2010-6667, 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 ST. PAUL'S EVANGELICAL LUTHERAN CHURCH (AT 6881 SOUTH 51ST STREET) (ST. PAUL'S EVANGELICAL LUTHERAN CHURCH, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.
- ORD. NO. 2010-2022      G.6.      Alderman Taylor moved to adopt Ordinance No. 2010-2022, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE BY CREATING §15-7.0107, "MINOR SITE PLAN AMENDMENT" TO ALLOW FOR THE ADMINISTRATIVE APPROVAL OF CERTAIN MINOR CHANGES TO APPROVED SITE PLANS. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- PURCHASE DIGITAL      G.7.      Alderman Solomon moved to authorize the Director of Administration to purchase a Digital PMD580 Marantz Pro Compact Network Recorder from the existing 2010 Information Services Capital Outlay Budget in the amount of \$998.89 from Professional Audio Designs. Seconded by Alderman Taylor. All voted Aye; motion carried.

ROOF INSPECTION      G.8.      Alderman Solomon moved to recommend acceptance of the Comprehensive Roof Management Survey proposal from Lukas Anderson/Building Resource Group in the amount of \$4,340 and authorize the Director of Administration to execute authorization to proceed with the project as stipulated for in the 2010 Municipal Buildings Capital Outlay Budget. Seconded by Alderman Taylor. On roll call, Aldermen Skowronski, Schmidt, Taylor, Wilhelm, and Solomon voted Aye; Alderman Olson voted No. Motion carried.

BACKGROUND CHECKS      G.10.      Alderman Olson moved to refer the process for conducting background checks for board and commission appointments to the City Attorney, Director of Clerk Services, and Director of Administration for the development of a proposed policy for use and conduct of background checks with the instructions that consideration be given to the questions raised by Aldermen Olson and Wilhelm at the 9/07/10 Committee of the Whole meeting; inclusion of the scope of any background check, instructions to access reports, life of reports, criteria of notification of an issue should they chose to isolate elected officials from the reports, and any other issues they deem appropriate. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

INTERGOVERNMENTAL COOPERATION AGREEMENT      G.11.      Alderman Solomon moved to approve an Intergovernmental Cooperation Agreement between the City of Franklin and the City of Muskego Concerning the Financing, Planning, Design, Construction, Operation, Maintenance and Ownership of the Muskego Force Mains Connection to the Ryan Creek Interceptor Sewer, subject to technical changes, subject to the approval of G.12. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

CLOSED SESSION-MILWAUKEE METROPOLITAN SEWERAGE DISTRICT      G.12.      Alderman Taylor moved to enter closed session at 8:16 p.m. pursuant to Wis. Stat. §19.85(1)(e), to consider the terms and negotiation of an agreement with the Milwaukee Metropolitan Sewerage District concerning financing, design, construction, operation, maintenance and ownership of the Ryan Creek Interceptor Sewer, 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 Schmidt. On roll call, all voted Aye; motion carried.

Upon reentering open session at 8:55 p.m., Alderman Taylor moved to approve an Intergovernmental Cooperation Agreement between the City of Franklin and the Milwaukee Metropolitan Sewerage District concerning financing, design, construction, operation, maintenance and ownership of the Ryan Creek Interceptor Sewer in the form content as set forth in the September 7, 2010 Common Council packet under Item G.12. subject to non-substantive technical changes which may be

MILWAUKEE  
SEWERAGE  
DISTRICT-  
CONTINUED

approved by the City Attorney and City Engineer. Seconded by Alderman Olson. At 8:56 p.m. Mayor Taylor passed the gavel to Council President Taylor, who then chaired the meeting. At 8:58 p.m. the gavel was returned to Mayor Taylor who returned to chairing the meeting. On roll call for the motion, Aldermen Olson, Solomon, Wilhelm, Taylor, and Schmidt voted Aye; Alderman Skowronski voted No.

RYAN CREEK  
INTERCEPTOR

G.9. Alderman Schmidt moved to direct staff to negotiate with Ruckert•Mielke for the design of the Ryan Creek Interceptor Sanitary Sewer and return to the Common Council with the results of said negotiations. Seconded by Alderman Olson. Upon unanimous Aye voice vote, motion carried.

CLOSED SESSION-  
DISTRIBUTION  
FACILITIES IMPACT  
FEES

G-13. Alderman Taylor moved to enter closed session at 9:15 p.m. pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon the subject of the recalculation of water supply and distribution facilities impact fees, and to develop a collection and disbursement allocation, implementation and negotiation strategy, 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 Olson. On roll call, all voted Aye; motion carried.

Upon reentering open session at 9:59 p.m.

LICENSES AND  
PERMITS

H-1. Alderman Taylor moved to grant the following licenses:

Class A Combination License to Woodcrest Country Market, Owner: Marvin A. Kowalski, 11610 W. Rawson Avenue with warning letter from City Clerk and satisfactory inspection;

Further moved to approve 2010-11 Operator License to Adam J. Cervantes, 3985 S. Woodhill Lane, New Berlin; Whitney V. Hamilton, 19485 Coffee Road, New Berlin and Michelle M. Moore, 11781 W. Birchwood Lane, all with warning letter from City Clerk;

Further moved to approve 2010-11 Operator License to Gregg E. Hintzke, 8651 Ventana Drive, Oak Creek; Connie M. Ingalls, 8725 Wood Creek Drive #3, Oak Creek; Stefanie J. Janssen, 5730 Clover Lane, Greendale; Wyatt C. Klein, 1421 17th Avenue, South Milwaukee; Angela M. Molla, 1020 S. 12th Street, Milwaukee; Melissa S. Rahlf, 2160 E. Village Drive, Oak Creek; Thomas P. Rassmussen, 720 Harvey Avenue, Brookfield; Norman M. Roets, 5554 N. Diversery Drive, Whitefish Bay; Bobbie K. Thomma, 1939 W. Grant Street, Milwaukee; Nicole B. Wyss, W254 S5488 Ridge Road, Waukesha; Yer Yang, 5656 N. 69th Street, Milwaukee and Jennifer L. Zizzo, S78 W18655 Lions Park Drive, Muskego;

LICENSES AND  
PERMITS-  
CONTINUED

Further moved to approve Class B Combination Premise Change to St. Nikola Religious & Cultural Enterprises, Inc., d/b/a Root River Center, Agent: Slavko Jevtic, 7220 W. Rawson Avenue;

Further moved to approve Coin Machine Operator License to Action Games, LLC, Owner-Lynn Messmer, 1100 Menomonee Avenue, South Milwaukee;

Further moved to hold the following 2010-11 Operator's Licenses subject to appearing before the License Committee: Matthew J. Eigenauer, 613 N. Britton Road, Union Grove; Lea M. Fleischman, 3309 W. Acre Avenue; Adam Hoefs, 1975 S. 75th Street, West Allis; Andrew F. Moncher, 26535 Muskego Dam Road, Muskego and Mary E. Seger, 3720 E. O'Brien Road, Oak Creek;

Further moved to hold 2010-11 Operator's License for Kristi A. Quile-Lembcke, 1604 Swartz Drive #60, Waukesha subject to satisfactory payment;

Further moved to hold new Class B Combination License for Fox Glen Corporate Centre, LLC, Agent: Jeffrey J. Knauf, 11027 S. 27th Street and refer to City Clerk;

Further moved to hold 2010-11 Operator License for Jonathan J. Oster, 5825 Lakeview Drive, Greendale to November License Committee meeting;

Further moved to hold 2010 Taxi Driver & Vehicle License for Gaganjot Khurana, 14125 W. Lisbon Road, Brookfield;

Further moved to refer 2010-11 Operator License for Larry Wirtanen, 11430 W. Swiss Street to the City Attorney for revocation. Seconded by Alderman Schmidt. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I-1. Alderman Schmidt moved to approve net City vouchers in the range of Nos. 135309 through 135505 in the amount of \$1,101,352.26. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

Alderman Taylor moved to approve the net payroll of August 27, 2010 in the amount of \$338,609.32. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 10:02 p.m. Seconded by Alderman Schmidt. All voted Aye; motion carried.