

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
SEPTEMBER 20, 2011
MINUTES**

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| ROLL CALL | A. | The regular meeting of the Common Council was held on September 20, 2011 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, Taylor, and Schmidt. Alderman Skowronski arrived at 7:00 p.m. Excused was Alderman Wilhelm. Also present were Assistant City Engineer Romeis, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski. Alderman Taylor, seconded by Alderman Solomon, moved to excuse Alderman Wilhelm. Upon voice vote, Aldermen Solomon, Taylor, and Schmidt voted Aye; Alderman Olson Abstained. Motion does not pass due to the lack of a quorum. (See item following Item G.9.) |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:33 p.m. and closed at 6:33 p.m. |
| APPROVAL OF
MINUTES-9/6/11 | C.1. | Alderman Olson moved to approve the minutes of the regular meeting of September 6, 2011 as amended. Seconded by Alderman Schmidt. All voted Aye (4-0); motion carried. |
| PUBLIC HEARING-
IDRB-STEELE
SOLUTIONS
PROPERTIES, LLC | D.1. | The public hearing on the proposed sale and issuance of not to exceed \$5,400,000 in Industrial Development Revenue Bond financing to benefit Steele Solutions Properties, LLC Project was opened at 6:44 p.m. and closed at 6:50 p.m. |
| RES. 2011-6749
INDUSTRIAL
REVENUE BONDS-
STEELE SOLUTIONS
PROPERTIES, LLC | G.1. | Alderman Taylor moved to adopt Resolution No. 2011-6749, FINAL RESOLUTION AUTHORIZING THE SALE AND ISSUANCE OF NOT TO EXCEED \$5,400,000 IN INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING TO BENEFIT STEELE SOLUTIONS PROPERTIES, LLC PROJECT. Seconded by Alderman Olson. All voted Aye (4-0); motion carried. |
| FRANKLIN TRAILS
COMMITTEE-SAFE
ROUTES TO SCHOOL | G.2. | Alderman Olson moved to proceed with the writing and application process for the Spring 2012 Safe Routes to School mini-grants. Seconded by Alderman Schmidt. All voted Aye (4-0); motion carried. |
| RES. 2011-6748
PERSONNEL
ADMINISTRATION
PROGRAM | G.3. | Alderman Olson moved to adopt Resolution No. 2011-6748, A RESOLUTION TO REPLACE THE CIVIL SERVICE SYSTEM "MANUAL OF PERSONNEL RULES" (JANUARY 1, 1990) WITH A CIVIL SERVICE SYSTEM PERSONNEL ADMINISTRATION PROGRAM (SEPTEMBER 6, 2011), INCLUDING, BUT NOT LIMITED TO, CHANGES TO EXPAND ITS APPLICATION TO ALL EMPLOYEES ELIGIBLE PER WISCONSIN STATUTES, TO SATISFY LEGAL REQUIREMENTS OF WISCONSIN ACTS 10 AND |

PERSONNEL
ADMINISTRATION
PROGRAM-
CONTINUED

32, TO REVISE DISCIPLINARY AND DISCIPLINARY GRIEVANCE PROCEDURES TO ELIMINATE “JUST CAUSE” STANDARD, AND TO ESTABLISH A PROCESS FOR REVIEW OF WORKPLACE SAFETY CONCERNS. Seconded by Alderman Schmidt.

At 6:53 p.m., Mayor Taylor passed the gavel to Council President Taylor, who then chaired the meeting. At 7:10 p.m. the gavel was returned to Mayor Taylor, who returned to chairing the meeting.

On roll call the main motion, all voted Aye (5-0); motion carried.

RES. 2011-6750
RYAN CREEK
INTERCEPTOR
SEWER PROJECT
CONTRACTS

G.4. Alderman Taylor moved to adopt Resolution No. 2011-6750, A RESOLUTION AWARDDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR THE PUBLIC CONSTRUCTION OF THE RYAN CREEK INTERCEPTOR SEWER PUBLIC SANITARY SEWER FACILITY PROJECT, TO WIT: CONTRACT C02006-C01, SUPER EXCAVATORS, INC., IN THE AMOUNT OF \$5,435,671.00; CONTRACT C02006-C02, SUPER EXCAVATORS, INC., IN THE AMOUNT OF \$3,338,775.00; CONTRACT C02006-C03, D.F. TOMASINI CONTRACTORS, INC., IN THE AMOUNT OF \$5,374,692.00; AND CONTRACT C02006-C04, GLOBE CONTRACTORS, INC., IN THE AMOUNT OF \$4,797,210.00 in the form and content as presented to the Common Council at this meeting. Seconded by Alderman Solomon. All voted Aye (4-0); motion carried.

RES. 2011-6751
RYAN CREEK
INTERCEPTOR
SEWER-
ENGINEERING
SERVICES

G.5. Alderman Taylor moved to adopt Resolution No. 2011-6751, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A CONTRACT BETWEEN THE CITY OF FRANKLIN AND THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT CONCERNING PROVISION OF ENGINEERING SERVICES DURING CONSTRUCTION OF THE RYAN CREEK INTERCEPTOR SEWER in the form and content as presented to the Common Council at this meeting. Seconded by Alderman Schmidt. All voted Aye (5-0); motion carried.

RES. 2011-6752
RYAN CREEK
INTERCEPTOR
SEWER-
PROFESSIONAL
SERVICES

G.6. Alderman Olson moved to adopt Resolution No. 2011-6752, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES FOR BIDDING PHASE, CONSTRUCTION PHASE, CLEAN WATER FUND ADMINISTRATION ASSISTANCE AND CONSTRUCTION REVIEW FOR THE PUBLIC CONSTRUCTION OF THE RYAN CREEK INTERCEPTOR SEWER PUBLIC SANITARY SEWER FACILITY PROJECT WITH RUEKERT & MIELKE, INC. in the form and content as presented to the Common Council at this meeting. Seconded by Alderman Taylor. All voted Aye (5-0); motion carried.

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RES. 2011-6753
AWARD CONTRACT-
FINAL PAVEMENT
SURFACE
BLACK DIAMOND
GROUP

G.7. Alderman Taylor moved to adopt Resolution No. 2011-6753, A RESOLUTION AWARDDING CONTRACT TO THE LOWEST BIDDER, BLACK DIAMOND GROUP, IN THE AMOUNTS OF \$40,505.00 AND \$24,897.50, FOR THE INSTALLATION OF FINAL PAVEMENT SURFACE ON S. AVIAN WAY AND PRIVATE ROADS W. GREYHAWK LANE AND COURT. Seconded by Alderman Olson. All voted Aye (5-0); motion carried.

RES. 2011-6754
RESURFACING W.
COLLEGE AVENUE
LOCAL/COUNTY
AGREEMENT

G.8. Alderman Schmidt moved to adopt Resolution No. 2011-6754, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE A LOCAL/COUNTY AGREEMENT FOR THE FUNDING OF THE ADJUSTMENT OF MANHOLES AS PART OF THE IMPROVEMENT OF W. COLLEGE AVENUE (CTH ZZ) FROM S. 27TH STREET TO CORPORATE LIMITS (AT APPROXIMATELY S. 43RD STREET). Seconded by Alderman Taylor.

Alderman Solomon moved to call the question. Motion died due to lack of a second.

Alderman Schmidt withdrew his motion to adopt the Resolution.

Alderman Schmidt moved to adopt Resolution No. 2011-6754, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE A LOCAL/COUNTY AGREEMENT FOR THE FUNDING OF THE ADJUSTMENT OF MANHOLES AS PART OF THE IMPROVEMENT OF W. COLLEGE AVENUE (CTH ZZ) FROM S. 27TH STREET TO CORPORATE LIMITS (AT APPROXIMATELY S. 43RD STREET) and to also authorize the Mayor to notify Milwaukee County by letter of the Common Council's concerns discussed at its meeting of September 20, 2011, regarding prior understandings reached with regard to road projects on County roads within the City of Franklin with results ultimately differing with those understandings. Seconded by Alderman Taylor. All voted Aye (5-0); motion carried.

RYAN CREEK
INTERCEPTOR
SEWER

G.9. Alderman Solomon moved to authorize the purchase of the easement rights for parcels 21 and 40 for public sanitary sewer service for the extension of the Ryan Creek Interceptor Sewer project provided the terms are consistent with the purchase offer previously delivered and that such terms are agreed to within a reasonable amount of time in consideration of project scheduling requirements, and in the absence of such agreement attainment, to authorize the public acquisition of the subject easement rights pursuant to the issuance of a jurisdictional offer and its subsequent process. Seconded by Alderman Taylor. All voted Aye (5-0); motion carried.

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- ROLL CALL A. Alderman Taylor moved to excuse Alderman Wilhelm from this Common Council meeting. Seconded by Alderman Skowronski. On roll call, Aldermen Solomon, Taylor, Schmidt, and Skowronski voted Aye; Alderman Olson Abstained. Motion carried.
- MISCELLANEOUS H.1. Alderman Solomon moved to grant the following licenses:
LICENSES
- 2011-12 Operator License to Ozzie L. Jackson, Jr., 9305 W. Mitchell Street, West Allis with warning letter from City Clerk and satisfactory schooling; Brittany B. Bandle, 9517 S. Ryan Green Ct. #7; Laura Ulrich, 2110 Deer Path, Waukesha and Deborah A. Wirtanen, 11460 W. Swiss St. subject to satisfactory application completion;
- Further moved to approve Temporary Class B Wine & Beer and Temporary Entertainment & Amusement Licenses for St. Martin of Tours-School Fall Fundraiser, Person in Charge: Jeanne Johnson, 7933 S. 116th Street on October 8, 2011;
- Further moved to deny 2011-12 Operator License for Natasha M. Lillge, 8273 S. 51st Street for habitual law offender contrary to §125.04(5)(a) and (b). Seconded by Alderman Taylor. All voted Aye (5-0); motion carried.
- VOUCHERS AND I.1. Alderman Schmidt moved to approve net City vouchers in the PAYROLL range of Nos. 139940 through 140103 in the amount of \$1,615,758.71. Seconded by Alderman Solomon. On roll call, all voted Aye (5-0); motion carried.
- Alderman Skowronski moved to approve the net payroll of September 9, 2011 in the amount of \$347,592.81. Seconded by Alderman Taylor. On roll call, all voted Aye (5-0); motion carried.
- ADJOURNMENT J. Alderman Taylor moved to adjourn the meeting at 7:40 p.m. Seconded by Alderman Schmidt. All voted Aye (5-0); motion carried.