

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
SEPTEMBER 6, 2011
MINUTES**

- ROLL CALL A. The regular meeting of the Common Council was held on September 6, 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, Wilhelm, Taylor, Schmidt and Skowronski. Also present were Assistant City Engineer Romeis, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski.
- CITIZEN COMMENT B.1. Citizen comment period was opened at 6:36 p.m. and closed at 7:02 p.m.
- CERTIFICATE-
ATHYLIA PAREMSKI B.2.a. Mayor Taylor presented a Certificate of Recognition congratulating Athylia Paremski as the 2012 Distinguished Young Woman of Franklin.
- CERTIFICATE-
JEANETTE
MORELAN B.2.b. Mayor Taylor presented a Certificate of Recognition congratulating Jeanette Morelan as the 2012 Distinguished Young Woman of Wisconsin.
- APPROVAL OF
MINUTES-8/16/11 C.1. Alderman Schmidt moved to approve the minutes of the regular meeting of August 16, 2011. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- APPROVAL OF
MINUTES-8/29/11 C.2. Alderman Solomon moved to approve the minutes of the special meeting of August 29, 2011. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- SABER ROBOTICS
TEAM F.1. Margaret Guderyon, Saber Robotics Advisor for Franklin High School, appeared before the Common Council to provide an update on the activities of the Saber Robotics Team.
- VILLAS OF
FRANKLIN
RETAINING WALLS F.2. Jim Reichl, President of The Villas Condominiums, Inc. (The Villas of Franklin Association) appeared before the Council regarding Villas of Franklin retaining walls.
Alderman Skowronski, seconded by Alderman Olson, moved to table for staff review and recommendation for a period not to exceed 60 days. Alderman Olson withdrew his second. Motion died due to lack of a second.
Alderman Skowronski moved to direct staff to investigate claims and documents regarding The Villas Condominiums retaining walls and return to the Common Council no later than 60 days. Seconded by Alderman Solomon.
Alderman Skowronski, seconded by Alderman Olson, moved to call the question. All voted Aye; motion carried.
On the main motion, all voted Aye; motion carried.

Franklin Common Council

9/06/11

Page Two

- CONSENT AGENDA- G.1. Alderman Wilhelm requested separate action for Item G.1.b. Alderman Olson moved to approve the following consent agenda items:
- DONATIONS G.1.a.1) 1) Accept the following donations to the Fair Commission to be used for the promotion of the St. Martin's Fair: \$250 from W. Bros. Trucking, Inc.; \$250 from Rosie's Tax and Bookkeeping Services LLC; \$240 from The Landmark; \$300 from Payne & Dolan, Inc.; \$250 from Franklin Noon Lions Club; \$250 from Marko M. Gerovac, Sr.; \$250 from Priya Corporation; \$250 from Gus' Mexican Cantina; \$250 from Franklin Lions Club Foundation; \$250 from Lemke's Loomis Landscape Supplies; \$250 from St. Martin of Tours Parish;
and 2) 2) Accept the gift card donations of \$150 from Franklin Sandhill Boosters to the Health Department to assist a Franklin family with school supplies;
- WATER MAIN DEFERMENTS G.1.c. Accept the request for the following water main deferments for W. Oakwood Road from 400 feet west of S. 34th Street to 4,200 feet west of S. 34th Street per Section 14.21 of the Municipal Code: Tax Key Nos. 950-9997-001, 950-9999-003, 950-9999-002, 950-9999-001, 949-9997-002, 929-9998-000, 930-9995-003, 930-9996-001, 930-9997-002 and authorize the Mayor and City Clerk to sign the petitions for deferment.
- Approval of the consent agenda items was seconded by Alderman Schmidt. All voted Aye; motion carried.
- ELIZABETH HEIGHTS SUBDIVISION G.1.b. Alderman Taylor moved to authorize staff to release the Letter of Credit from Associated Bank, No. DC 110664, dated September 12, 2000, for Elizabeth Heights Subdivision as recommended by the City Engineer. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2011-6744 SPECIAL USE FOR 44 FITNESS LLC G.2. Alderman Skowronski moved to adopt Resolution No. 2011-6744, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A PHYSICAL FITNESS FACILITY USE UPON PROPERTY LOCATED AT 10610 WEST VENTURE DRIVE, SUITES 114, 115, 116, AND 117 (44 FITNESS LLC, APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried.
- RES. 2011-6745 CERTIFIED SURVEY MAP M & J 4K FAMILY LIMITED PARTNERSHIP G.3. Alderman Wilhelm moved to adopt Resolution No. 2011-6745 A RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHEAST ¼ AND SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE

CERTIFIED SURVEY
MAP-CONTINUED

OF WISCONSIN (M & J 4K FAMILY LIMITED PARTNERSHIP)(3030-3130 WEST RAWSON AVENUE), and to include the usual introduced by language within the resolution. Seconded by Alderman Skowronski.

Alderman Wilhelm moved to call the question. Seconded by Alderman Schmidt. All voted Aye; motion carried.

On the main motion, all voted Aye; motion carried.

CDBG FUNDING

G.4. Alderman Olson moved to direct the Director of Administration to request and execute a CDBG Funding contract modification altering Phase 1 to cover the area from the entrance road at Clare Meadows to Marquette extended (approximately 7637 to 7508 S. 51st Street), authorize the Director of Administration to modify the 2012 CDBG application to reflect the revised Phase 2 schedule as indicated herein, authorize continued use of \$25,000 of fund balance in the Capital Improvement Fund previously approved for this project, affirm direction to staff relative to action steps necessary to complete the Phase 1 installation in 2011, and, alternatively, if additional CDBG funding comes available the Director of Administration is authorized to execute an amended CDBG project contract that incorporates the additional funding and alters the project plan as needed but consistent with the Common Council's intent as evidenced by this action and its action of July 5, 2011. Seconded by Alderman Schmidt.

Alderman Wilhelm moved to suspend the regular order of business to allow Walter Hablewitz to speak. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Olson moved to return to the regular order of business. Seconded by Alderman Taylor. All voted Aye; motion carried.

On the main motion, all voted Aye; motion carried.

2012 CAPITAL
FUNDING
ASPHALT PATH

G.5. Alderman Schmidt moved to recommend inclusion by the Mayor in the 2012 Capital Budget of Alternative 4, an eight foot asphalt path on the west side of S. 51st Street north of W. Rawson Avenue. Seconded by Alderman Taylor. On roll call, Aldermen Olson, Wilhelm, Taylor, Schmidt, and Skowronski voted Aye; Alderman Solomon voted No. Motion carried.

Alderman Schmidt then moved that the money placed in the Capital Improvement Fund for pedestrian access be included as part of the S. 51st Street resurfacing project for 2012 to save on mobilization and overall construction costs. Seconded by Alderman Wilhelm. Alderman Schmidt withdrew his motion.

FRANKLIN TRAILS
COMMITTEE-
SAFE ROUTES TO
SCHOOL

G.6. Alderman Olson moved to accept the Safe Routes to School Plan, Pleasant View Elementary School, as submitted by the Franklin Trails Committee, with any technical corrections to be made by the Trails Committee. Seconded by Alderman Taylor. All voted Aye; motion carried.

Franklin Common Council

9/06/11

Page Four

FRANKLIN TRAILS
COMMITTEE-
CONTINUED

Alderman Olson then moved to refer the Safe Routes to School Plan, Pleasant View Elementary School, to Plan Commission for their consideration of any future action. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2011-6746
RELEASE OF
EASEMENTS
WHITNALL SLOPES

G.7. Alderman Skowronski moved to adopt Resolution No. 2011-6746, A RESOLUTION TO RELEASE A WATER WELL PUMP HOUSE AND RESERVOIR EASEMENT, A WATER MAIN EASEMENT AND A WATERMAIN AND DRAINAGE AND STORM SEWER EASEMENT UPON PROPERTY WITHIN THE WHITNALL SLOPES SUBDIVISION AND TO CONVEY THE REMAINING STRUCTURE(S) AND INFRASTRUCTURE THEREON TO THE OWNER(S) IN FEE (APPROXIMATELY 10591 WEST CORTEZ CIRCLE), subject to such corrections as determined necessary by the City Attorney to effectuate its purpose. Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. NO. 2011-6747
INSTALL SIDEWALK
TO FRANKLIN HIGH
SCHOOL
D.C. BURBACH, INC.

G.8. Alderman Schmidt moved to adopt RESOLUTION NO. 2011-6747, A RESOLUTION AWARDED CONTRACT TO D.C. BURBACH, INC. IN THE AMOUNT OF \$11,981.70 FOR THE INSTALLATION OF CONCRETE SIDEWALK IN EASEMENT FROM W. FOREST HILL AVENUE TO A FRANKLIN HIGH SCHOOL DRIVE, contingent upon Franklin School District committed to paying 40% of project. Seconded by Alderman Solomon.
Alderman Wilhelm, seconded by Alderman Schmidt, moved to call the question. All voted Aye; motion carried.
All voted Aye; motion carried.

TRICK-OR-TREAT

G.9. Alderman Olson moved to establish Sunday, October 30, 2011, from 4 p.m. to 7 p.m. as the date and time for the Halloween Trick-or-Treat observance in the City of Franklin. Seconded by Alderman Taylor. All voted Aye; motion carried.

EMPLOYEE PENSION
AND INSURANCE
CONTRIBUTIONS
FOR 2012

G.10. No action was taken from the Personnel Committee relative to employee pension and health insurance contributions for 2012.

RES. 2011-6748
PERSONNEL
ADMINISTRATION
PROGRAM

G.11. Alderman Wilhelm moved to table until next meeting 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

Franklin Common Council

9/06/11

Page Five

PERSONNEL
ADMINISTRATION
PROGRAM-
CONTINUED

32, TO REVISE DISCIPLINARY AND DISCIPLINARY GRIEVANCE PROCEDURES TO ELIMINATE THE "JUST CAUSE" STANDARD, AND TO ESTABLISH A PROCESS FOR REVIEW OF WORKPLACE SAFETY CONCERNS. Seconded by Alderman Taylor. All voted Aye; motion carried.

APPOINTMENT OF
DIRECTOR OF
FINANCE AND
TREASURER

G.12. No action was taken on the appointment of Jessica M. Lanser as Director of Finance and Treasurer at the request of the Director of Administration.

CLOSED SESSION-
PUBLIC PARK

G.13. Alderman Solomon moved to enter closed session at 10:04 p.m. pursuant to Wis. Stat. §19.85(1)(e), to consider an offer to sell property (parcel 885-9996-000, 9.7 acres), to the City, for public park purposes; and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

The Common Council reentered open session at 10:30 p.m.

RYAN CREEK
INTERCEPTOR
SEWER

G.14. Alderman Solomon moved to authorize the offering price for easement acquisitions for Acquisition Map Parcels 15 and 23 for the Ryan Creek Interceptor Sewer Project as recommended by the appraisal firm of Single Source, Inc. and the City Engineer. Seconded by Alderman Skowronski. On roll call, Aldermen Olson, Solomon, Taylor, Schmidt, and Skowronski voted Aye; Alderman Wilhelm voted No. Motion carried.

MISCELLANEOUS
LICENSES

H.1. Alderman Solomon moved to grant the following licenses:

2011-12 Operator License to Dianne M. Jubeck, 7565 S. 74th Street with warning letter from City Clerk; Jonathan L. Racine, 6361 S. 27th Street #85 with a warning letter from City Clerk; Dale G. Hasenstein, 2100 E. Leroy Avenue, St. Francis with a warning letter from City Clerk and proof of valid drivers license; Jenna K. Schwartz, 6780 Redwood Court; Brian J. Fischer, 1861 W. Puetz Road, Oak Creek; Anderzon Torralba, 1029 S. Tenth Street, Milwaukee and Bobbilyn Tuska, 3446 E. Carrollton Drive, Oak Creek;

Class B Combination Change of Agent for Polish Heritage Alliance, Inc., d/b/a Polish Center of Wisconsin, Agent: Thomas P. Rasmussen, 6941 S. 68th Street;

Franklin Common Council

9/06/11

Page Six

MISCELLANEOUS
LICENSES-
CONTINUED

Class A Combination Transfer of License from place to place Sec. 125.04(12)(A) Wisconsin Statutes for Walgreen Co., Agent: Megan Thornton, new location: 7130 S. 76th Street, old location: 7144 S. 76th Street. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I.1.

Alderman Schmidt moved to approve the net City vouchers in the range of Nos. 139695 through 139710 and Nos. 139743 through 139939 in the amount of \$1,102,277.75. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

Alderman Olson moved to approve net City vouchers in the range of Nos. 139711 through 139742 in the amount of \$ 149,689.00. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

Alderman Skowronski moved to approve the net payroll of August 12, 2011 in the amount of \$349,748.64. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J.

Alderman Taylor moved to adjourn the meeting at 10:37 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.