

CITY OF FRANKLIN
COMMON COUNCIL MEETING
SEPTEMBER 4, 2012
MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on September 4, 2012 and called to order at 7:00 p.m. by Mayor Tom Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Steve Olson, Tim Solomon, Kristen Wilhelm, Steve Taylor, Doug Schmidt, and Ken Skowronski. Also present were City Engineer John M. Bennett, Director of Administration Mark Luberda, City Attorney Jesse Wesolowski and City Clerk Sandi Wesolowski.
- CITIZEN COMMENT B.1. Citizen comment period was opened at 7:01 p.m. and closed at 7:22 p.m.
- APPROVAL OF
MINUTES-8/21/12 C.1. Alderman Taylor moved to approve the minutes of the regular meeting of August 21, 2012, as amended. Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- APPROVAL OF
MINUTES-8/23/12 C.2. Alderman Solomon moved to approve the minutes of the special meeting of August 23, 2012, as corrected. Seconded by Alderman Olson. All voted Aye; motion carried.
- APPOINTMENTS E.1.a. Alderman Solomon moved to approve the Mayoral appointment of Alderman Wilhelm to the Complete Streets and Connectivity Committee. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.
- E.1.b. Alderman Taylor moved to approve the Mayoral appointment of Michelle Lahey Reed to the Complete Streets and Connectivity Committee. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.
- E.1.c. Alderman Olson moved to approve the Mayoral appointment of James Mullarkey to the Community Development Authority. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- E.1.d. Alderman Olson vacated his seat.
- Alderman Skowronski moved to approve the Mayoral appointment of Kristine Iwinski to the Forward Franklin Economic Development Commission. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried. (5-0)

APPOINTMENTS-
CONTINUED

E.1.e. Alderman Skowronski moved to approve the Mayoral appointment of Michael Sweeney to the Forward Franklin Economic Development Commission. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried. (5-0)

Alderman Olson returned to his seat.

RETIREMENT –
FIRE CHIEF

F.1. A letter of retirement from Fire Chief Jim Martins was read by Mayor Taylor.

MMSD-
GREENSEAMS
PROGRAM

F.2. At the request of Kevin Schafer, Executive Director of Milwaukee Metropolitan Sewerage District, Alderman Wilhelm moved to express Common Council support for a Greenseams Program acquisition of a 17-acre parcel owned by the St. Nikola Church. Seconded by Alderman Solomon. All voted Aye; motion carried.

DONATIONS

G.1.a. Alderman Wilhelm moved to accept the donation of \$250 from Lemke Loomis Landscape Supplies; \$250 from Kenneth Sweeney; \$250 from The Hideaway; \$50 from St. Martins Inn; \$300 from M Squared, Inc. and \$250 from St. Martin of Tours Church to the Fair Commission to be used for the promotion of the St. Martin's Fair. Seconded by Alderman Skowronski. All voted Aye; motion carried.

DONATION

G.1.b. Alderman Olson moved to accept the donation of \$100 from Jean Maruszewski to the Fire Department. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

NATURAL
RESOURCES GRANT –
PLEASANT
VIEW/VICTORY
CREEK TRAIL
DEVELOPMENT
PROJECT

G.2. Alderman Solomon moved to preliminarily accept the State of Wisconsin Department of Natural Resources grant offer for a National Recreation Trails Grant in the amount of \$45,000 and the Wisconsin Department of Natural Resources grant offer for a Stewardship Acquisition and Development of Local Parks grant in the amount of \$51,720 for Pleasant View/Victory Creek Trail Development Project. Seconded by Alderman Schmidt.

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

On the main motion, Aldermen Skowronski, Schmidt, Taylor, Wilhelm, and Solomon voted Aye; Alderman Olson voted No. Motion carried.

RESCHEDULE
COMMITTEE OF THE
WHOLE MEETING

G.3. Alderman Olson moved to reschedule Committee of the Whole meeting of 9/10/12 to a date at the call of Chair, scheduled for the purpose of the Public Policy Forum's document "Exploring Shared or Consolidated Services in Southern Milwaukee County". Seconded by Alderman Taylor. All voted Aye; motion carried.

- CONSOLIDATED FIRE SERVICES G.4. Alderman Olson moved to table to the special Committee of the Whole meeting scheduled at Item G.3., letters from the Finance AND G.5. Committee and Robert D. Donohoo, Chairman of Franklin Police and Fire Commission, regarding the Public Policy Forum’s document “Exploring Shared or Consolidated Services in Southern Milwaukee County”. Seconded by Alderman Taylor. All voted Aye; motion carried.
- WENS SERVICE AGREEMENT G.6. Alderman Taylor moved to authorize the Mayor and City Clerk to execute a renewal Wireless Emergency Notification System (WENS) Service Agreement with Inspiron Logistics for the Emergency Notification System. Seconded by Alderman Olson. All voted Aye; motion carried.
- GENERAL FUND G.7. Alderman Solomon moved to adopt financial policy 151-00-003 revising the Fund Balance Policy of the General Fund. Seconded by Alderman Skowronski.
At 10:15 pm Mayor Tom Taylor passed the gavel to Council President Steve Taylor, who then chaired the meeting. At 10:22 p.m. the gavel was returned to Mayor Tom Taylor, who then returned to chairing the meeting.
On the main motion, all voted Aye; motion carried.
- RES. 2012-6833 EASEMENTS – PEOPLE’S CHOICE CORPORATION G.8. Alderman Olson moved to adopt Resolution No. 2012-6833, A RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS FOR PEOPLE’S CHOICE CORPORATION FOR SANITARY SEWER AND WATER MAIN AT 7700 W. RAWSON AVENUE (SE 1/4, Section 4). Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2012-6834 EASEMENTS- 11838 W RYAN RD G.9. Alderman Solomon moved to adopt Resolution No. 2012-6834. RESOLUTION ACCEPTING STORM SEWER WITHIN THE PROPERTY OF 11838 W. RYAN ROAD. Seconded by Alderman Taylor.
Alderman Skowronski, seconded by Alderman Taylor, moved to call the question. Motion ruled out of order as Alderman Wilhelm had the floor.
Motion carried on a voice vote for the main motion to adopt Resolution No. 2012-6834, Alderman Wilhelm voted No.
- SURVEY – S. 76TH ST RECONSTRUCTION G.10. Alderman Taylor moved to table direct staff to proceed with the necessary action to extend sanitary sewer and/or water main in the areas without such facility located on the west side of S. 76th Street between W. Puetz Road and W. Faith Drive in advance of the reconstruction of S. 76th Street in 2014. Seconded by Alderman Schmidt. All voted Aye; motion carried.

ORD. 2012-2090
DAVID W. BEHRENS,
PRINCIPAL OF
GREENBERGFARROW
ARCHITECTURE INC.,
APPLICANT

G.11. At 7:34 p.m. Alderman Solomon moved that the Common Council recess the meeting until 7:45 p.m. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Olson moved to adopt Ordinance No. 2012-2090, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE FUTURE LAND USE MAP USE DESIGNATION FOR PROPERTY LOCATED AT THE EASTERN CORNER OF WEST LOOMIS ROAD AND WEST ST. MARTINS ROAD (STH 100), FROM MIXED USED TO COMMERCIAL USE AND TO CHANGE THE CITY OF FRANKLIN CROSSROADS TRADE AREA REGULATING PLAN TO ALLOW FOR SUCH COMMERCIAL USE (APPROXIMATELY 29.48 ACRES) (DAVID W. BEHRENS, PRINCIPAL OF GREENBERGFARROW ARCHITECTURE INC., APPLICANT), amended to include the legal description. Seconded by Alderman Solomon. All voted Aye; motion carried.

SPECIAL EXCEPTION
STANDARDS,
FINDINGS, DECISION
DAVID W. BEHRENS,
PRINCIPAL OF
GREENBERGFARROW
ARCHITECTURE, INC.

G.12. Alderman Schmidt moved to table to the Common Council meeting of September 18, 2012, the Standards, Findings and Decision of the City of Franklin Common Council upon the application of David W. Behrens, Principal of GreenbergFarrow Architecture, Inc., for a Special Exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance [approximately the eastern corner of West Loomis Road and West St. Martins Road (STH 100)]. Seconded by Alderman Wilhelm. On roll call, Aldermen Olson, Solomon, Wilhelm, Schmidt, and Skowronski voted Aye; Alderman Taylor voted No. Motion carried.

ORD. 2012-2091
MEIJER GROCERY
AND DEPARTMENT
STORE
DEVELOPMENT

G.13. Alderman Taylor moved to adopt Ordinance No. 2012-2091, AN ORDINANCE TO CREATE SECTION 15-3.0441 OF THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 36 (MEIJER GROCERY AND DEPARTMENT STORE DEVELOPMENT) AND TO REZONE PROPERTY FROM B-3 COMMUNITY BUSINESS DISTRICT, PLANNED DEVELOPMENT DISTRICT NO. 31 (FORESTHILL HIGHLANDS/UNITED FINANCIAL GROUP, INC.) AND FW FLOODWAY DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 36 AND FW FLOODWAY DISTRICT (AT THE EASTERN CORNER OF WEST LOOMIS ROAD AND WEST ST. MARTINS ROAD [STH 100]) subject to the condition that the City is able to get the bypass lanes on West Puetz Road. Seconded by Alderman Skowronski.

MEIJER GROCERY
AND DEPARTMENT
STORE
DEVELOPMENT-
CONTINUED

Alderman Wilhelm moved to amend Ordinance No. 2012-2091 at Item 5 to change building permit to grading permit, and to include Southeastern Wisconsin Regional Planning Commission as an approving agency. Seconded by Alderman Olson. On roll call, Alderman Schmidt, Wilhelm, and Olson voted Aye; Aldermen Skowronski, Taylor, and Solomon voted No. Motion failed due to the lack of a majority vote.

Alderman Solomon moved to amend Ordinance No. 2012-2091 at Item 5 to change building permit to grading permit, and also include the requirement that the existing buildings on the property be removed. Seconded by Alderman Olson. All voted Aye; motion carried.

Alderman Wilhelm moved that changes to Planned Development District No. 36 should be in consultation with the aldermanic district representative. Seconded by Alderman Olson. All voted Aye; motion carried.

Alderman Olson moved to amend Ordinance No. 2012-2091 to incorporate Meijer proposed revisions as submitted by Attorney Brian Randall with the exception of 6.C., G.6, G.8, and G.11. Seconded by Alderman Wilhelm. On roll call, Aldermen Olson, Wilhelm, Schmidt voted Aye; Aldermen Solomon, Taylor, Skowronski voted No. Motion failed due to lack of a majority vote.

Alderman Solomon then moved to amend Ordinance No. 2012-2091 to incorporate Meijer proposed revisions as submitted by Attorney Brian Randall with the exception of Item 6 and with the addition of the deleted Item 11, which is to be numbered Item 10. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

Alderman Olson moved to request that the Applicant will negotiate with the Wisconsin Department of Transportation with all due diligence and good faith effort for a right-in and right-out turn access to Highway 100. Seconded by Alderman Solomon. All voted Aye; motion carried.

Alderman Olson moved that the Applicant shall provide the City a demolition bond in the form and terms provided by the City Attorney to be in effect for a period of 10 years post-ownership, subject to negotiations with the City Attorney and intended as a guide only. Seconded by Alderman Solomon. All voted Aye; motion carried.

MEIJER GROCERY
AND DEPARTMENT
STORE
DEVELOPMENT-
CONTINUED

Alderman Wilhelm moved to amend Ordinance No. 2012-2091 to require the Applicant to amend their landscaping plan to follow the landscaping requirements of the Unified Development Ordinance without counting the trees that are already required to be there. Seconded by Alderman Schmidt. Alderman Wilhelm withdrew her motion and Alderman Schmidt withdrew his second.

It was then moved by Alderman Wilhelm to amend Ordinance No. 2012-2091 to require that the landscaping trees that are being counted in the already protected resource areas to be negotiated for planting for a buffer on the adjacent property, known and owned by United Financial Group. Motion died due to lack of a second.

On the roll call vote for the main motion to adopt Ordinance No. 2012-2091 as amended, all voted Aye. Motion carried.

RES. 2012-6835
LEGEND CREEK, LLC,
OWNER, PAUL
BOURAXIS,
REGISTERED AGENT
THROUGH DAVID W.
BEHRENS, PRINCIPAL
OF
GREENBERGFARROW
ARCHITECTURE,
INC.

G.14.

Alderman Schmidt moved to adopt Resolution No. 2012-6835, A RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING PART OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 21 EAST, AND THAT PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 5, NORTH, RANGE 21 EAST AND BEING ALL THAT PART OF THE SOUTH ½ OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN (LEGEND CREEK, LLC, OWNER, PAUL BOURAXIS, REGISTERED AGENT THROUGH DAVID W. BEHRENS, PRINCIPAL OF GREENBERGFARROW ARCHITECTURE INC.) [EASTERN CORNER OF WEST LOOMIS ROAD AND WEST ST. MARTINS ROAD (STH 100)]. Seconded by Alderman Skowronski.

Alderman Wilhelm moved to amend Resolution No. 2012-6835 at Item 7 to state “The applicant shall obtain all required approvals and permits from the Wisconsin Department of Transportation, Wisconsin Department of Natural Resources, and U.S. Army Corp of Engineers, prior to issuance of a building permit. Conservation easements required under the Unified Development Ordinance as may result from this or any City approval for the subject property or by way of Wisconsin Department of Natural Resources grant of permit, shall also be shown as contingencies for such approval.” Seconded by Alderman Olson. All voted Aye; motion carried.

On the vote for the main motion to adopt Resolution No. 2012-6835 as amended, all voted Aye. Motion carried.

- RES. 2012-6836
CONTRACT –
LALONDE
CONTRACTORS, INC.,
(CONCRETE
SIDEWALK ON S. 51ST
STREET)
- G.15. Alderman Taylor moved to approve Resolution No. 2012-6836, A RESOLUTION AWARDDING CONTRACT TO THE LOWEST BIDDER, LALONDE CONTRACTORS, INC., FOR THE INSTALLATION OF CONCRETE SIDEWALK ON S. 51ST STREET FROM W. MINNESOTA AVENUE SOUTH 2,200 FEET TO THE ENTRANCE TO CLARE MEADOWS IN THE AMOUNT OF \$77,609.76. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- FRANKLIN
HISTORICAL SOCIETY
STORAGE OF BARN
WOOD
- G.16. Alderman Schmidt moved to authorize the storage of the barn wood for the Historical Society at the Department of Public Works yard for a period of 3 years. Seconded by Alderman Taylor. Alderman Schmidt withdrew his motion. Alderman Schmidt recused himself. It was then moved by Alderman Skowronski, seconded by Alderman Taylor. Motion carried on a voice vote for the main motion; Alderman Schmidt abstained.
- ELEVATOR REPAIR
PROPOSAL – OTIS
ELEVATOR
COMPANY
- G.17. Alderman Taylor moved to authorize the Director of Administration to execute the elevator repair proposal from Otis Elevator Company in the amount of \$13,611.99, using available contingency appropriations in the Capital Outlay Fund, subject to approval by the City Attorney’s office of contract terms related to liability and insurance matters. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- CITY HALL ROOF
- G.18. Alderman Skowronski moved to authorize the Director of Administration to execute the “Proposal for Roof Specifications for City Hall” as submitted by Industrial Roofing Services, Inc., and subject to incorporation of boiler plate and contract terms as determined by the City Attorney’s office. Seconded by Alderman Taylor. All voted Aye; motion carried.
- POPULATION
- G.19. Alderman Taylor moved to place on file the Wis. Dept. of Administration January 1, 2012 population estimate of 35,520. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- EMERGENCY
NOTIFICATION
SYSTEM
- G.20A. No action was taken on the presentation held at the 9/04/12 Committee of the Whole meeting regarding Emergency Notification System-June 2012 Public Health Preparedness Exercise.
- PERTUSSIS
(WHOPPING COUGH)
OUTBREAK
- G.20B. No action was taken on the presentation held at the 9/04/12 Committee of the Whole meeting regarding an update on 2011-2012 Pertussis (Whooping Cough) Outbreak.
- OPEN BURNING
PERMITS AND
INVASIVE SPECIES
- G. 20C. No action was taken on the discussion held at the 9/04/12 Committee of the Whole meeting regarding open burning and invasive species.

RECYCLING
HANDLING –
CONDOMINIUMS

G.20D. No action was taken on the discussion held at the 9/04/12 Committee of the Whole meeting regarding recycling handling-condominiums.

MISCELLANEOUS
LICENSES

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

2012-13 Operator License to: Sharon M. Angeli, 3318 W. Woodward Dr. with warning letter from City Clerk; Miquel A. Gutierrez, 913 W. Washington St., Milwaukee; Nicole L. Hinkley, 5439 Rainbow Dr., Greendale; J. Alfredo Marinez Peguero, 7552 334th Ave., Burlington; Anderzon Torralba, 1029 S. 10th St., Milwaukee and Maria Woythal, 10990 W. Forest Home Ave., Hales Corners;

No action was needed on New Class A Combination License for D & M Management Group, LLC, d/b/a Andy's, Agent: Wayne Embry at 5040 W. Rawson Ave. and 5120 W. Ryan Rd. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I.1. Alderman Schmidt moved to approve net City vouchers in the range of Nos. 144056 through 144225 dated September 4, 2012 in the amount of \$924,096.85. Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.

Alderman Skowronski moved to approve net payroll dated August 24, 2012 in the amount of \$372,986.63. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 10:40 p.m. Seconded by Alderman Olson. All voted Aye; motion carried.