

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
SEPTEMBER 19, 2006
MINUTES**

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| ROLL CALL | A. | The regular meeting of the Common Council was held on September 19, 2006 and called to order at 6:32 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, Hammelman, Kosovich, Sohns and Skowronski. Also present were City Engineer Bennett, Planning Manager Dietl, Director of Administration Luberd, City Attorney Wesolowski and City Clerk Wesolowski. |
| CITIZEN
COMMENT | B-1. | Citizen comment period was opened at 6:33 p.m. and closed at 6:33 p.m. |
| FIRE DEPT. | B-2.a. | A letter from Fire Chief Martins to Patrick Cudahy, Inc. expressing appreciation for funds to replace damaged turn out gear was noted for the record. |
| CERTIFICATES | B-2.b. | Mayor Taylor presented a Teacher of Year Certificate to Cheryl Miracle. Also noted were Mayoral Certificates for Teachers of the Year Louis Brown, Charlene Kujawa and Luann Roberts. |
| MINUTES-
9/5/06 | C-1. | Alderman Solomon moved to approve minutes of the regular meeting of September 5, 2006 as presented. Seconded by Alderman Hammelman. All voted Aye; motion carried. |
| CONSENT AGENDA | | Alderman Skowronski moved to approve the following consent agenda items: |
| DONATION | F-1.a. | Accept donation of \$89.94 from Roundy's Supermarkets to the Franklin Fire Safety Program; |
| W. DREXEL
AVENUE | F-1.b. | Authorize the City Engineer to execute Change Order No. 1 and final for bituminous concrete shoulder along W. Drexel Avenue, from west of S. 35th Street to S. 60th Street; |
| FAITH
COMMUNITY
CHURCH-
LETTER OF CREDIT | F-1.c. | Release the Letter of Credit No. 10365 from Lincoln State Bank for landscaping for Faith Community Church as recommended by the Planning Department.
Approval of consent items seconded by Alderman Kosovich. All voted Aye; motion carried. |
| ORD. 2006-1890
NO PARKING -
CROOKED CREEK
SUBDIVISION | F-2. | Alderman Sohns moved to adopt Ordinance No. 2006-1890, AN ORDINANCE TO AMEND SECTION 245-5F OF THE MUNICIPAL CODE TO ESTABLISH NO PARKING ON SCHOOL DAYS ON STREETS IN CROOKED CREEK SUBDIVISION, south of W. Drexel Avenue from east of S. 43rd Street to west of S. 44th Street from 7:30 a.m. to 4:30 p.m. on school days. Seconded by Alderman Olson. All voted Aye; motion carried. |

Franklin Common Council

9/19/06

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- RES. 2006-6165
HOLDING TANK
AGREEMENT
- F-3. Alderman Skowronski moved to adopt Resolution No. 2006-6165, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A HOLDING TANK AGREEMENT WITH NANCY MEINERZ-ANIMAL CAMPUS LLC-10930 W. LOOMIS ROAD TO SERVICE BLDGS. A, B & C, TAX KEY NO. 889-9988-000. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2006-6166
HOLDING TANK
AGREEMENT
- F-4. Alderman Skowronski moved to adopt Resolution No. 2006-6166, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A HOLDING TANK AGREEMENT WITH NANCY MEINERZ – ANIMAL CAMPUS LLC, 10930 W. LOOMIS ROAD TO SERVICE BLDGS. D & E, TAX KEY NO. 889-9988-000. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2006-6167
HOLDING TANK
AGREEMENT
- F-5. Alderman Skowronski moved to adopt Resolution No. 2006-6167, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A HOLDING TANK AGREEMENT WITH GNR REALTY FRANKLIN, LLC, SOUTHEASTERN PEDIATRIC AND ADOLESCENT MEDICINE, 10500 W. LOOMIS ROAD, TAX KEY NO. 846-9992-000. Seconded by Alderman Olson. All voted Aye; motion carried.
- SENIOR TRAVEL
PROGRAM UPDATE
- F-6. An update on the Franklin Senior Citizens Travel Program was given by Mrs. Shirley Bird.
- FUNDING – CIVIC
CELEBRATONS
COMMISSION
- F-7. Alderman Kosovich moved to approve funding and authorization to sign bands for the 2-day event in 2007 in an amount not to exceed \$25,000.00. Seconded by Alderman Olson. All voted Aye; motion carried.
- Alderman Sohns moved to approve funds be transferred from the General Fund to the Civic Celebrations account in the amount of \$16,452.98 to cover Police and Public Works services from July 1-4, 2006. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- Alderman Sohns moved to accept report on the Civic Celebrations 2006 event activities. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2006-6168
SPECIAL USE-
HANNAGAN
- F-8. Alderman Kosovich moved to adopt Resolution No. 2006-6168, A RESOLUTION GRANTING AN EXTENTION OF TIME TO ESTABLISH A SPECIAL USE FOR A SINGLE-FAMILY RESIDENCE WITH A SUN ROOM ADDITION GRANTED UNDER RESOLUTION NO. 2005-5927 TO DECEMBER 19, 2006 (9705 S. 76TH STREET) (MICHAEL & BARBARA HANNIGAN, APPLICANT). Seconded by Alderman Skowronski. All voted Aye; motion carried.

- RES. 2006-6169
LICENSE
AGREEMENT-
MILWAUKEE POLICE
DEPARTMENT
- F-9. Alderman Sohns moved to adopt Resolution No. 2006-6169, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A LICENSE (LEASE) AGREEMENT WITH THE CITY OF MILWAUKEE POLICE DEPARTMENT FOR THE INSTALLATION AND OPERATION OF AN ANTENNA ARRAY FOR PUBLIC SAFETY COMMUNICATIONS ON THE MUNICIPAL WATER TOWER AT 7401 WEST PUETZ RD, with the following conditions as recommended by the City Attorney: a provision akin to no interference by this particular user, but also that any dispute with subsequent users be subject to the proof by that subsequent user provided that the information that is industry standard or FCC standard is provided to the Office of the City Attorney and that the language is approved by the City Attorney and the City Engineer; a provision to provide structural engineering cost compensation upon tower manufacture engineer review approval of structural plan as well as inspection approval on installation; a provision that in the event the tower is painted, the City of Milwaukee will pay the difference in bid prices between painting without an antenna structure and with an antenna structure, or Milwaukee can remove the structure at the time of painting. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2006-6170
SPECIAL USE-
FIENE
- F-10. Alderman Solomon moved to adopt Resolution No. 2006-6170, A RESOLUTION TO AMEND RESOLUTION 1971-0504 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 7610 WEST RAWSON AVENUE (JAMES FIENE). Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2006-6171
CERTIFIED SURVEY
MAP – CARLETON
CREEK
DEVELOPMENT, LLC
- F-11. Alderman Skowronski moved to adopt Resolution No. 2006-6171, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF A PART FO THE SOUTHWEST ¼ OF SECTION 5 AND A PART OF THE SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (CARLETON CREEK DEVELOPMENT, LLC, APPLICANT) (APPROXIMATELY 6737 SOUTH LOVERS LANE ROAD). Seconded by Alderman Sohns. All voted Aye; motion carried.
- ORD. 2006-1891
AMEND UNIFIED
DEVELOPMENT
ORDINANCE –
CARLETON CREEK
DEVELOPMENT, LLC
- F-12. Alderman Skowronski moved to adopt Ordinance No. 2006-1891, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO R-8 MULTIPLE-FAMILY DISTRICT (CARLETON CREEK DEVELOPMENT, LLC, APPLICANT) (APPROXIMATELY 6737 SOUTH LOVERS LANE ROAD). Seconded by Alderman Solomon. All voted Aye; motion carried.

- RES. 2006-6172
ROOT RIVER BIKE
TRAIL, PHASE III
- F-13. Alderman Sohns moved to adopt Resolution No. 2006-6172, A RESOLUTION ADOPTING THE STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF MILWAUKEE COUNTY FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (ROOT RIVER BIKE TRAIL, PHASE III). Seconded by Alderman Olson. All voted Aye; motion carried.
- BECK CARTON
CORPORATION
- F-14. Alderman Olson moved to direct staff to reassign mailing and shipping addresses for Proteus Packaging Corporation and Transpak Corporation as requested in their letter dated September 12, 2006. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2006-6173
RIGHT-OF-WAY – W.
OAKWOOD ROAD
- F-15. Alderman Kosovich moved to adopt Resolution No. 2006-6173, A RESOLUTION DETERMINING THE NECESSITY OF PUBLIC ACQUISITION OF PROPERTY FOR THE REVISED RIGHT OF WAY PLAT FOR THE RECONSTRUCTION OF WEST OAKWOOD ROAD FROM SOUTH 27TH STREET TO A POINT APPROXIMATELY ½ MILE WEST OF SOUTH 27TH STREET as recommended by the Board of Public Works and the Planning Commission and to direct Single Source to begin acquisition based on the unit price of the previous contract, subject to the right-of-way plat approval resolution number to be included in this resolution. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2006-6174
AGREEMENT-
FOREST VIEW CSM
- F-16. Alderman Kosovich moved to adopt Resolution No. 2006-6174, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF FOREST VIEW CERTIFIED SURVEY MAP. Seconded by Alderman Sohns. All voted Aye; motion carried.
- TRAFFIC SIGNAL –
W. RAWSON AVE.
- F-17. Traffic signal funding update at W. Rawson Avenue and S. 68th Street was for information only.
- CLOSED SESSION –
WATER SERVICE
AGREEMENTS-
CITY OF OAK CREEK
- F-18. Alderman Sohns moved to enter closed session at 7:30 p.m. pursuant to §19.85(1)(c) and (g), Wis. Stats., to deliberate upon the subject of water service agreements between the City of Franklin and the City of Oak Creek and their respective utilities and the negotiation and implementation of the terms thereof and to confer with the City Attorney as legal counsel for the Common Council and the Board of Water Commissioners, who is rendering advice concerning strategy to be adopted by the Council and/or by its Board of Water Commissioners with respect to litigation upon matters involving the recovery of unrealized revenue resulting from the subject matter of *City of Oak Creek ex re. Water and Sewer Utility Com'n v. Public Service Com'n of Wisconsin*, 716 N.W.2d 152, 2006 WI App 83 (Ct.App.2006), *review denied*, and litigation in which it is likely to become involved to recover such loss amounts, and to reenter open

CITY OF OAK
CREEK-CONTINUED

session at the same place thereafter to act on such matters discussed therein as it deemed appropriate. Seconded by Alderman Solomon. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 8:20 p.m.

Alderman Solomon moved to authorize the undertaking of those actions as determined to be taken by the City of Franklin Board of Water Commissioners at its meeting held 9/19/06 to the extent that the City of Franklin itself is listed as party to such action. Seconded by Alderman Olson. All voted Aye; motion carried.

CLOSED SESSION-
LABOR CONTRACT
NEGOTIATIONS

- F-19. Alderman Solomon moved to enter closed session at 8:21 p.m. pursuant to §19.85(1) (c) and (e), Stats., to consider negotiation and collective bargaining strategies and guidelines for agreements between the City of Franklin and Local No. 2, AFSCME District Council 48, Inspection Employees, and Public Works/Sewer and Water Employees; Franklin Police and Fire Department Clerical; Franklin Police Officers Association; Franklin Professional Firefighters Association Local 2760 I.A.F.F.; and Teamsters "General" Local Union No. 200 for competitive and bargaining reasons, and to consider related outstanding grievances from the Franklin Professional Firefighters Association Local 2760 I.A.F.F. and Public Works/Sewer and Water Employees, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Hammelman. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 9:07 p.m.

APPOINTMENT

- G-1. Alderman Kosovich moved to confirm the Mayoral appointment of Luther Graef, term expires 9/30/11, to the Board of Water Commissioners. Seconded by Alderman Sohns. On roll call, all voted Aye. Motion carried.

LICENSES

- H-1. Alderman Hammelman moved to grant the following licenses subject to meeting all licensing requirements:

Temporary Entertainment & Amusement to The Bowery, LLC, Agent: Roger Hein, Oktoberfest Party & Fund Raiser-live band in beer garden 10/1/06, 3023 W. Ryan Road and St. Martin of Tours School-Casino Night Fundraiser, Jeanne Johnson, 7963 S. 116th Street on 10/07/06

Extraordinary Entertainment & Amusement to Shee Yee Community of Milwaukee, Inc., Hmong Cultural Festival on 9/30 to 10/1/2006, Say Lee Vang, Milwaukee County Sports Complex, 6000 W. Ryan Road subject to receiving letter outlining departments requirements;

LICENSES-
CONTINUED

Operator License to Joseph J. Bruile, 8909 S. Redwing Drive with warning letter from City Clerk; Grzegorz Bielwaski, 4200 S. Vermont #20, St. Francis; Carrie L. Karlson, 1328 E. Randy Road, Oak Creek; Cheryl A. Endter, 7605 S. North Cape Road; Jacob R. Kartes, 4930 S. 31st Street, Greenfield; Samantha L. Perkins, 3502 Ninth Avenue, South Milwaukee and Michael P, Sadowski, 7118 S. Tifton Drive;

Change of Agent for American Drug Stores, LLC, Agent: Holly A. Daniels, 6525 S. 27th Street;

Temporary Class B Beer & Wine to St. Martin of Tours School, Jeanne Johnson, 7963 S. 116th Street on 10/07/06;

Fee waivers to St. Martin of Tours School-Casino Night Fundraiser, 7963 S. 116th Street for Food, Soda, Temporary Class B Beer & Wine, and Temporary Entertainment & Amusement;

Entertainment & Amusement to Milwaukee County Whitnall Park Golf Course, Joe Mrozinski, 6701 S. 92nd St. and Milwaukee County Oakwood Golf Course, Joe Mrozinski, 3600 W. Oakwood Rd.;

and also moved to hold Operator License for Mario Buendia, 2108 W. Layton Avenue, Milwaukee; Mary A. Crogan, W334 S4703 Fieldstone Drive, Dousman and Armondo Torrijos Alcantara, 442 E. Ryan Road, all subject to appearing before the License Committee;

and also moved to hold Class B Combination Inspection Non-compliance for Root River Center, 7220 W. Rawson Avenue and On the Border, 10741 S. 27th Street;

and also moved to hold Class B Beer Inspection Non-compliance for Croatian Park, 9140 S. 76th Street subject to building inspection department contacting applicant;

No action was necessary for Class A Combination Inspection Non-compliance for Franklin Liquor, 3030 W. Ryan Road and Open Pantry Food Store, 7610 W. Rawson Avenue. Seconded by Alderman Solomon. All voted Aye; motion carried.

BILLS

I-1. Alderman Kosovich moved to approve net City vouchers in the range of Nos. 117523 thru 117693 in the amount of \$1,831,840.51. Seconded by Alderman Solomon. On roll call, all voted Aye. Motion carried.

Alderman Sohns moved to approve net payroll of September 15, 2006 in the amount of \$319,818.05. Seconded by Alderman Olson. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Sohns moved to adjourn the meeting at 9:15 p.m. Seconded by Alderman Olson. All voted Aye; motion carried.