

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
SEPTEMBER 8, 2008
MINUTES**

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| ROLL CALL | A. | The regular meeting of the Common Council was held on September 8, 2008 and called to order at 6:55 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: Mayor Taylor, Aldermen Olson, Solomon, Wilhelm, and Taylor. Excused were Aldermen Sohns 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 6:56 p.m. and closed at 7:50 p.m. |
| MAYOR
ANNOUNCEMENTS | B.2.a. | Mayor Taylor and Police Chief Rick Oliva presented Certificates of Commendation to Todd Donnelly. |
| | B.2.b. | Alderman Taylor read an announcement of recognition for Roseann Lewandowski, a recipient of an award Friends of Franklin Public Schools. |
| MINUTES-
8/19/08 | C.1. | Alderman Olson moved to approve minutes of the meeting of August 19, 2008 with an amendment to Item G-8. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| LETTERS/PETITIONS
5510 W. RAWSON
AVENUE | F.1. | Alderman Olson moved that letters and petitions submitted by Alderman Sohns from residents regarding the property located at 5510 W. Rawson Avenue be placed on file. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| CONSENT AGENDA: | | Alderman Taylor moved to approve the following consent agenda items: |
| RECEIPT OF STATE
PAYMENT | G-1.a. | Approve notifying the Wisconsin Department of Administration so as to continue to receive State payments for School Levy, Lottery and property tax gaming credits and to receive First dollar credits direction to the City of Franklin; |
| RESCHEDULE
COUNCIL MEETING | G-1.b. | Reschedule the November 4, 2008, Common Council meeting to November 3, 2008.
Approval of the consent items were seconded by Alderman Solomon. All voted Aye; motion carried. |
| RESIDENCY
REQUIREMENT | G.2. | Alderman Olson moved to table an update from Police Officer Steven M. Rabinovich regarding previously-granted extensions of time to meet the residency requirement. |

- RES. 2008-6476
MOU FOR SWWT
- G.3. Alderman Taylor moved to adopt Resolution No. 2008-6476, A RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING IN SUPPORT OF THE SOUTHEASTERN WISCONSIN WATERSHEDS TRUST (SWWT). Seconded by Alderman Wilhelm. On roll call, Aldermen Wilhelm and Taylor voted Aye; Aldermen Olson and Solomon voted No. Mayor Taylor broke the tie in the affirmative; motion carried.
- ENDORSING
REGIONAL WATER
QUALITY MGMT.
PLAN
- G.4. Alderman Wilhelm moved to adopt A RESOLUTION ENDORSING THE REGIONAL WATER QUALITY MANAGEMENT PLAN UPDATE FOR THE GREATER MILWAUKEE WATERSHEDS. Seconded by Alderman Taylor. Alderman Wilhelm withdrew her motion. Alderman Wilhelm then moved to refer the resolution endorsing the Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds to staff and return to the Common Council. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2008-6477
DEV. AGREEMENT
MRS. RIKKI'S
DAYCARE
- G.5. Alderman Solomon moved to adopt Resolution No. 2008-6477, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF MRS. RIKKI'S DAYCARE. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2008-6478
SALE OF CITY-
OWNED HOUSE
8921 W. DREXEL
AVENUE
- G.6. Alderman Solomon moved to adopt Resolution No. 2008-6478, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN AGREEMENT WITH JEROME J. LUDWIG TO PURCHASE A CITY OWNED HOUSE AT 8921 W. DREXEL AVENUE and authorize the Mayor and City Clerk to sign the Purchase Agreement for the sale of the City-owned house at 8921 W. Drexel Avenue in the amount of \$200.00 with the amendment that the house not be relocated in Franklin and the 75 day reference in the last line of the fifth paragraph on page one of the Offer to Purchase/Sale Agreement be amended to 100 days. Seconded by Alderman Taylor. All voted Aye; motion carried.
- CHANGE ORDER NO.
1 FOR S. 27TH
STREET FLOW
CONTROL STATION
- G.7. Alderman Solomon moved to authorize the City Engineer to sign Change Order No. 1 with Wanasek Corporation for the relocation of a Time Warner cable at a cost of \$2,578.13, increasing the contract from \$900,565.00 to \$903,143.13, and authorize staff to invoice Time Warner for the lost time at \$2,578.13 for the S. 27th Street Flow Control Station. Seconded by Alderman Olson. All voted Aye; motion carried.

- CHANGE ORDER NO. 2 FOR S. 27TH STREET FLOW CONTROL STATION G.8. Alderman Solomon moved to authorize the City Engineer to sign Change Order No. 2 with Wanasek Corporation for the revised alignment of the piping to the exposed 16-inch diameter water main at a cost of \$1,710.75, increasing the contract for the S. 27th Street Flow Control Station from \$903,143.13 to \$904,853.88. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2008-6479 DISCONTINUING THE POLICY FOR FEE WAIVERS G.9. Alderman Taylor moved to adopt Resolution No. 2008-6479, A RESOLUTION DISCONTINUING THE LICENSE FEE WAIVER FOR FRANKLIN-BASED CIVIC AND SERVICE ORGANIZATIONS POLICY AND PRACTICE EFFECTIVE JANUARY 1, 2009. Seconded by Alderman Olson. All voted Aye; motion carried.
- AMEND ST. MARTINS FAIR MONTHLY CLOSING TIME G.10. Alderman Solomon moved to amend the St. Martins Fair Rules and Regulations to establish 2:00 p.m. as the closing time for Fairs held on the first Monday of each month. Seconded by Alderman Olson. All voted Aye; motion carried.
- COMMITTEE OF THE WHOLE G.11.a. Alderman Wilhelm moved to retain a natural area specialist to review the natural area species (to identify specie type and the health and planting depth per the contract), on the Tifton Woods/S. 31st Street mitigation project performance, to work with the District Alderman to identify solutions for the proper project outcome, and report back to the Common Council. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2008-6480 INVESTMENT POLICY G.11.b. Alderman Solomon moved to adopt Resolution No. 2008-6480, A RESOLUTION AMENDING THE INVESTMENT POLICY STATEMENT FOR THE CITY OF FRANKLIN. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2008-6481 DEBT POLICY STATEMENT G.11.c. Alderman Solomon moved to adopt Resolution No. 2008-6481, A RESOLUTION ESTABLISHING A CITY OF FRANKLIN DEBT POLICY STATEMENT. Seconded by Alderman Taylor. All voted Aye; motion carried.
- IMPACT FEES G.11.d. A report on the consequences of the receipt of lower levels of impact fees was for information only.
- CLOSED SESSION G.12. Alderman Olson moved to enter closed session at 8:30 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 Franklin Police Officers Association for competitive and bargaining reasons, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

CLOSED SESSION-
CONTINUED

Upon reentering open session at 9:15 p.m., Alderman Taylor moved to authorize staff to submit to the mediator a tentative revised final offer on the Franklin Police Officers Association labor contract which is to become final following review of additional information to be provided by the Director of Administration at the next meeting. Seconded by Alderman Solomon. All voted aye; motion carried.

CLOSED SESSION

G.13.

Alderman Taylor moved to enter closed session at 9:16 p.m. pursuant to §19.85(1)(e) and (g) to deliberate upon the WE Energies claim for gas and electric service facility relocation costs claimed incurred from the 2007 S. 51st Street Reconstruction Project and to confer with legal counsel who is rendering advise concerning strategy to be adopted by the Council with respect to litigation upon the claim as asserted if unresolved, 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 9:20 p.m., Alderman Solomon moved to offer WE Energies in full satisfaction of their claim under cover of 2/25/08 the sum of \$5,625.24 said amount representing costs of larger poles which were ordered by the City than those which were recommended by WE Energies and that payment be made in exchange for a full and total release of all claims upon the subject matter. Seconded by Alderman Olson. All voted Aye; motion carried.

LICENSES AND
PERMITS

H-1.

Alderman Solomon moved to grant the following licenses subject to meeting all licensing requirements:

Operator License to Jill Sheets, S68 W13532 Hale Park Circle, Muskego with warning letter from City Clerk; Amber R S Hill, 4955 Sussex Lane, Greendale; Julie A. Hoaglan, 7210 Euston Street #3, Greendale; Amy M. Jacques, 6500 S. Loomis Road, Wind Lake; Sharon J. Jazdzewski, 2810 S. 15th Place, Milwaukee; Ellen L. Jensen, 2415 W. Hilltop Lane, Oak Creek; Scot A. Johnson, 7401 Dartmoor Avenue, Greendale; Manpreet Kaur, 1536 35th Avenue #2B, Kenosha and Kathleen M. Powell, 30840 Parkview Road, Waterford;

Pharmacy License to Pick n Save Pharmacy #6360, Pharmacist: Chung Mei Yee, 7201 S. 76th Street;

Temporary Class B Beer to Franklin Historical Society, Person in Charge: Douglas Schmidt at 7220 W. Rawson Avenue on 10/16/08;

LICENSES-
CONTINUED

Fee waiver to Franklin Historical Society, fees to be waived: Temporary Class B Beer at 7220 W. Rawson Avenue on 10/16/08; Risen Savior Lutheran Church, fees to be waived: Temporary Entertainment & Amusement, Food & Soda at 9501 W. Drexel Avenue on 10/12/08; St. Martin of Tours Parish School, fees to be waived: Temporary Class B Beer & Wine, Entertainment & Amusement, Food, and Soda at 7963 S. 116th Street on 9/27/08 and St. Martin of Tours Vietnamese Community, fees to be waived: Temporary Class B Beer, Entertainment & Amusement, Food, and Soda at 7963 S. 116th Street on 10/25/08;

Temporary Entertainment & Amusement to Risen Savior Lutheran Church, Fall Festival at 9501 W. Drexel Avenue on 10/12/08;

Temporary Class B Beer & Wine and Entertainment & Amusement to St. Martin of Tours Parish School, Person in Charge: Diane Winkowski at 7963 S. 116th Street on 9/27/08;

Temporary Class B Beer and Entertainment & Amusement to St. Martin of Tours Vietnamese Community, Person in Charge: Fr. Francis Tran SCJ at 7963 S. 116th Street on 10/25/08;

and also moved to hold the following Operator Licenses subject to appearing before the License Committee: Lisa M. Nohelty, 8869 S. Oak Park Drive, Oak Creek; Michelle M. Obrenovich, 637 E. Main Street, Waterford; Robert J. Pasquali, 7940 S. Wildwood Drive #7, Oak Creek; Kathryn A. Perez, 4250 S. 14th Street, Milwaukee; Jenna K. Rozek, 10220 W. Beacon Hill Drive and Navraj S. Ghuman, 8510 W. Hawthorne Lane;

and also moved to hold Operator License for Warren R. Kubis, 10506 S. 124th Street for two weeks. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I-1. Alderman Taylor moved to approve net City vouchers in the range of Nos. 126564 through 126759 in the amount of \$2,350,527.00. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

Alderman Taylor moved to approve net payroll of August 29, 2008 in the amount of \$343,829.24. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J-1. Alderman Taylor moved to adjourn the meeting at 9:24 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.