

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
MARCH 18, 2014  
MINUTES

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| ROLL CALL   | A.     | The regular meeting of the Common Council was held on March 18, 2014 and called to order at 6:30 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 Mark Dandrea, Daniel M. Mayer, Kristen Wilhelm, Steve Taylor and Doug Schmidt. Excused was Ken Skowronski. Also present were City Engineer John M. Bennett, Director of Administration Mark Lubberda, City Attorney Jesse Wesolowski and Deputy City Clerk Vanden Boom |
| CITIZEN COMMENT   | B.1.   | Citizen comment period was opened at 6:31 p.m. and closed at 6:41 p.m.  |
| ANNOUNCEMENT<br>2014 COMMUNITY<br>GUIDE AND BUSINESS<br>DIRECTORY | B.2.a. | Mayor Taylor noted the ad for the City of Franklin in the 2014 Community Guide and Business Directory from the South Suburban Chamber of Commerce.  |
| APPROVAL OF<br>MINUTES-3/04/14                                    | C.1.   | Alderman Schmidt moved to approve the minutes of the regular meeting of March 4, 2014 as amended at Item G.9. Seconded by Alderman Wilhelm. All voted Aye; motion carried.  |
| RES. NO. 2014-6970<br>CASSIDIAN PHONE<br>SYSTEM INSTALLATION      | G.1.   | Alderman Taylor moved to adopt Resolution No. 2014-6970, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT FOR THE INSTALLATION OF A CASSIDIAN PHONE SYSTEM IN THE FRANKLIN LAW ENFORCEMENT CENTER WITH BAY COMMUNICATIONS, INC. (BAYCOM). Seconded by Alderman Mayer. All voted Aye; motion carried.  |
| TRAINING SITE<br>AGREEMENT WITH<br>MILWAUKEE COUNTY<br>EMS        | G.2.   | Alderman Mayer moved to authorize the Fire Chief to sign American Heart Association Community Training Center/Training Site agreement with Milwaukee County EMS. Seconded by Alderman Wilhelm. All voted Aye; motion carried.   |
| MONTHLY VEHICLE<br>ALLOWANCE                                      | G.3.   | Alderman Taylor moved to authorize a \$400 monthly vehicle allowance for Fire Chief Adam Remington in lieu of regular use of a take-home vehicle, effective beginning March 2014 and subject to execution by Chief Remington of a letter addressing administrative concerns and requirements, as to be prepared by the Director of Administration. Seconded by Alderman Dandrea. Motion carried on a voice vote; Alderman Mayer abstained.  |

- RES. NO. 2014-6971  
TRANSFER OF  
DEVELOPER'S RIGHTS  
TO BLIND SQUIRREL  
DEVELOPMENT, LLC
- G.4. Alderman Schmidt moved to adopt Resolution No. 2014-6971, A RESOLUTION AUTHORIZING THE TRANSFER OF THE DEVELOPER'S RIGHTS AND OBLIGATIONS UNDER THE DEVELOPMENT AGREEMENT FOR FOUNTAINS OF FRANKLIN UPON ASSUMPTION THEREOF AND AMENDMENT THERETO BY BLIND SQUIRREL DEVELOPMENT, LLC (VERDURE PARK) (5600 WEST RAWSON AVENUE). Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORD. NO. 2014-2135  
AMEND UDO (ZONING  
MAP) FOR 7901 WEST  
IMPERIAL DRIVE  
(CREATIVE HOMES,  
INC.)
- G.5. Alderman Mayer moved to adopt Ordinance No. 2014-2135, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM I-1 INSTITUTIONAL DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (7901 WEST IMPERIAL DRIVE) (APPROXIMATELY 0.13 ACRES) (CREATIVE HOMES, INC., APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.
- PROPOSED DESIGN FOR  
RECONSTRUCTION OF  
SOUTH NORTH CAPE  
ROAD
- G.6. Alderman Taylor moved to direct staff to work with the staff of Milwaukee County to reconstruct S. North Cape Road as a rural roadway with no sidewalks, but to include a three foot wide paved shoulder along with a one foot wide gravel shoulder on each side, with an effort to save as many of the large vital selected species (primarily Oak and Hickory) as possible with the use of ditch enclosures (piping) and sections of curb and gutter. Seconded by Alderman Mayer.  
Alderman Mayer, seconded by Alderman Schmidt, moved to suspend the regular order of business to allow Jim Lajsic to speak. Motion carried on a voice vote; Alderman Taylor voted No.  
Alderman Wilhelm moved to return to the regular order of business. Seconded by Alderman Mayer. All voted Aye; motion carried.  
Alderman Wilhelm moved to amend the motion to include flexibility for the City Engineer to look at the possibility of shifting the shoulder width to one side for a slightly safer width. Seconded by Alderman Dandrea. All voted Aye; motion carried.  
On the vote for the main motion as amended all voted Aye; motion carried.  
Alderman Taylor further moved to direct Dir. of Administration to write a letter to Franklin School Board requesting that a branch of the St. Martins Trail be created to run to Country Dale School if the School Board is willing to have such a path constructed on their land. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- CROSS-WALK ON SOUTH 51ST STREET G.7. Alderman Schmidt moved to authorize staff to construct a cross-walk on S. 51st Street south of W. Highland Drive. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. NO. 2014-6972 INSTALLATION, MAINTENANCE OF DUGOUTS FOR USE OF SOFTBALL FIELDS AT 7979 WEST RYAN ROAD G.8. Alderman Schmidt moved to adopt Resolution No. 2014-6972, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE INSTALLATION AND MAINTENANCE OF DUGOUTS FOR AND THE USE OF THE SOFTBALL FIELDS LOCATED SOUTH OF THE CITY OF FRANKLIN DEPARTMENT OF PUBLIC WORKS FACILITY AT 7979 WEST RYAN ROAD. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. NO. 2014-6973 MOU FOR USE OF SOFTBALL FIELDS WITH FRANKLIN FORCE, INC. G.9. Alderman Schmidt moved to adopt Resolution No. 2014-6973, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE 2014 USE OF THE SOFTBALL FIELDS LOCATED SOUTH OF THE CITY OF FRANKLIN DEPARTMENT OF PUBLIC WORKS FACILITY AT 7979 WEST RYAN ROAD WITH FRANKLIN FORCE, INCORPORATED. Seconded by Alderman Mayer. All voted Aye; motion carried.
- REPAIR OF 2007 STERLING PLOW TRUCK G.10. Alderman Mayer moved to authorize use of \$21,194 of Contingency expenditure appropriations for the repair of a 2007 Sterling Plow Truck, to direct the Director of Finance to prepare a budget modification to allocate the expense to the Department of Public Works, and to authorize release of payment for the repair. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. NO. 2014-6974 INTERGOVERNMENTAL MOU – SOUTH 27TH STREET CORRIDOR G.11. Alderman Taylor moved to adopt Resolution No. 2014-6974, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FRANKLIN AND THE CITY OF OAK CREEK DOCUMENTING COST-SHARING PERTAINING TO THE DEVELOPMENT OF THE *SOUTH 27TH STREET CORRIDOR PLAN, A JOINT PROJECT, CITY OF FRANKLIN, CITY OF OAK CREEK*. Seconded by Alderman Dandrea.  
At 7:48 p.m. Mayor Tom Taylor passed the gavel to Council President Steve Taylor, who then chaired the meeting. The gavel was returned to Mayor Tom Taylor at 7:50 p.m.  
On roll call for the main motion, Aldermen Dandrea, Mayer, Taylor, and Schmidt voted Aye; Alderman Wilhelm abstained. Motion carried.

RES. NO. 2014-6975  
REIMBURSEMENT OF  
EXPENDITURES WITH  
PROCEEDS OF  
BORROWING

- G.12. Alderman Wilhelm moved to adopt Resolution No. 2014-6975, A RESOLUTION AUTHORIZING AN OFFICER TO DECLARE OFFICIAL INTENT IN RELATION TO REIMBURSEMENT OF EXPENDITURES WITH PROCEEDS OF A BORROWING, FOR FEDERAL INCOME TAX PURPOSES. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Mayer vacated his seat at 8:01 p.m. and returned at 8:03 p.m.

At 8:01 p.m. Mayor Tom Taylor passed the gavel to Council President Steve Taylor, who then chaired the meeting. The gavel was returned to Mayor Tom Taylor at 8:05 p.m.

JANUARY 2014  
MONTHLY FINANCIAL  
REPORT

- G.13. Alderman Taylor moved to place the January 2014 monthly financial report on file. Seconded by Alderman Mayer. All voted Aye; motion carried.

CLOSED SESSION-  
ENFORCEMENT OF  
RAZE ORDERS  
9745, 9661 AND 9821  
WEST LOOMIS ROAD  
(CITY OF FRANKLIN V.  
LEGEND CREEK, LLC  
AND PNC BANK)

- G.14. Alderman Taylor moved to enter closed session at 8:10 p.m. pursuant to §19.85(1)(g) to confer with the City Attorney's office, as legal counsel for the Common Council, who are rendering advice concerning strategy to be adopted by the Council with respect to litigation in which it is involved concerning the enforcement of the City's raze orders for the buildings located on 9745 W. Loomis Road (Tax Key No. 840-9997-002), 9661 W. Loomis Road (Tax Key No. 840-9997-003) and 9821 W. Loomis Road (Tax Key No. 840-9994-001), including but not limited to discussion of granting an extension to the time to answer the complaint for the defendants so as to discuss possible settlement options among the parties, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Upon reentering open session at 8:18 p.m., Alderman Dandrea moved to direct the City Attorney's Office to proceed in this matter as was discussed in closed session. Seconded by Alderman Schmidt. All voted Aye; motion carried.

CLOSED SESSION-  
FRANKLIN BUSINESS  
PARK POND RETROFIT  
PROJECT

- G.15. Alderman Schmidt moved to enter closed session at 8:19 p.m. pursuant to Wis. Stat. § 19.85(1)(e), to deliberate the Franklin Business Park Pond Retrofit project dredged materials deposit and site location, and the investing of public funds and governmental actions in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

CLOSED SESSION-  
CONTINUED

Upon reentering open session at 8:35 p.m., Alderman Mayer moved to approve the Escrow Agreement to Assure the Distribution of Tax Incremental District No. 2 Funds Amendment and to authorize the acceptance of a release as is set forth in the Common Council meeting agenda packet materials, a Release, Indemnity, Covenant Not to Sue and Covenant to Hold Harmless, in conjunction therewith. Seconded by Alderman Taylor. Upon unanimous Aye voice vote, motion carried.

MISCELLANEOUS  
LICENSES

- H.1. Alderman Taylor moved to grant the following licenses:  
Combination Class B to Alley Katz Pub & Grill, LLC, 11430 W. Swiss St., Lorie Beth Knaack-Helm, Agent;  
Operator License to Hall, Steve P., 6850 W. Kathleen Ct. #4 with warning letter from City Clerk; Lodge, Danielle Marie, 7634 S. Sanctuary Rd., and Priced, Brittany A., 1315 Sherman Ave., South Milw.;  
Class B Beer to Bhagvati Enterprise LLC, d/ba: Indian Buffet, 7107 S. 76th St., Surjit Singh, Agent;  
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to Franklin Police Citizen Academy Alum Association-Recognition and Appreciation Event of Law Enforcement Personnel and their families, fee waivers-park permits on 7/24/14 at Legend Park;  
Combination Class A Change of Agent to Sam's Club East, 6705 S. 27th St., Aaron Michael Marshall, Agent;  
Also moved to hold Operator License for Ramirez, Casey L., 8134 S. 58th St. and Strucel-Dzioba, Sandra L., 10115 W. Coldspring Rd. #B107, Greenfield, both subject to appearing before the License Committee. Seconded by Alderman Dandrea. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

- I.1. Alderman Schmidt moved to approve net general checking account City vouchers in the range Nos. 151358 through 151547 in the amount of \$750,288.30 dated March 4, 2014 through March 13, 2014. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve net payroll dated March 21, 2014 in the amount of \$324,926.34 and payroll deductions and City matching payments of \$361,943.50. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve property tax settlements in the range of Nos. 13265 through Nos. 13269 in the amount of \$370.09 dated March 6, 2014 through March 12, 2014. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

VOUCHERS AND  
PAYROLL-CONTINUED

Alderman Dandrea moved to approve City voucher No. 151548 in the amount of \$3,120.00, dated March 18, 2014. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:39 p.m. Seconded by Alderman Schmidt. All voted Aye; motion carried.