

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
OCTOBER 1, 2013  
MINUTES

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| ROLL CALL                              | A.     | The regular meeting of the Common Council was held on October 1, 2013 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 (arrived at 7:00 p.m.), Kristen Wilhelm, Steve Taylor, Doug Schmidt, and Ken Skowronski. Also present were City Engineer John M. Bennett, Director of Administration Mark Luberta, City Attorney Jesse Wesolowski and City Clerk Sandi Wesolowski. |
| CITIZEN COMMENT                        | B.1.   | <p>Citizen comment period was opened at 6:31 p.m. and closed at 6:38 p.m.</p> <p>Mayor Tom Taylor and Alderman Wilhelm presented a Mayoral Proclamation to Eagle Scout Nicholas Wilkowski.</p>   |
| APPROVAL OF MINUTES-9/17/13            | C.1.   | Alderman Schmidt moved to approve the minutes of the regular meeting of September 17, 2013. Seconded by Alderman Dandrea. All voted Aye; motion carried.   |
| PUBLIC HEARING-IMPACT FEES             | D.1.   | <p>The public hearing was called to order at 6:47 p.m. regarding a proposed amendments to §92-9 of the Municipal Code pertaining to Impact Fees upon land development, pursuant to §66.0617 of the Wisconsin Statutes, to reduce impact fees for park, playgrounds, and other recreational facilities, and was closed at 6:50 p.m.</p> <p>Alderman Mayer arrived at 7:00 p.m.</p>  |
| APPOINTMENTS TO BOARDS AND COMMISSIONS | E.1.a. | Alderman Taylor moved to approve the Mayoral appointment of Linda Ryan, District 6, to the Community Development Authority, term expires 8/30/17. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.  |
|  | E.1.b. | Alderman Skowronski moved to approve the Mayoral appointment of Edward Holpfer, District 1, to the Community Development Authority, term expires 8/30/17. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.  |
|  | E.1.c. | Alderman Taylor moved to approve the Mayoral appointment of Paul Gau, District 4, to the Parks Commission, term expires 4/30/15. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.  |
|  | E.1.d. | Alderman Wilhelm moved to approve the Mayoral appointment of Philip Hohlweck, District 3, to the Forward Franklin Economic Development Commission, term expires 6/30/14 (to fill unexpired 2-year term). Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.  |

APPOINTMENTS-  
CONTINUED

E.1.e. Alderman Skowronski moved to approve the Mayoral appointment of Bruce Kaniewski, District 2, to the Forward Franklin Economic Development Commission, term expires 6/30/14 (to fill unexpired 2-year term). Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.f. Alderman Schmidt moved to approve the Mayoral appointment of Matthew Cool, District 5, to the Economic Staffing and Duties Task Force. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

ORD. 2013-2116  
CHILD SEX OFFENDERS

G.1. Alderman Taylor moved to adopt Ordinance 2013-2116, AN ORDINANCE CREATING SECTION 167-9 OF THE FRANKLIN MUNICIPAL CODE PROHIBITING CHILD SEX OFFENDERS FROM PARTICIPATING IN PUBLIC HOLIDAY CELEBRATIONS INVOLVING CHILDREN, as corrected by the City Attorney. Seconded by Alderman Dandrea. All voted Aye; motion carried.

DONATIONS

G.2. Alderman Skowronski moved to accept the following donations: \$1,000 from the Milwaukee County DARE Officer's Association to the Police Department; \$200 from Franklin Noon Lions Club, \$200 from Marko Gerovac, Sr., and \$250 from Kenneth R. Sweeney Water Well Drilling & Pumps Inc. to the Fair Commission. Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2013-2117  
IMPACT FEES FOR  
PARKS AND  
RECREATIONAL  
FACILITIES

G.3. Alderman Taylor moved to adopt Ordinance 2013-2117, AN ORDINANCE TO AMEND §92-9 OF THE MUNICIPAL CODE PERTAINING TO IMPACT FEES FOR PARKS, PLAYGROUNDS, AND OTHER RECREATIONAL FACILITIES. Seconded by Alderman Schmidt.  
Alderman Wilhelm moved to amend the motion to include City Attorney review of Table 2 for the interpretation of interest accrued. Seconded by Alderman Skowronski. All voted Aye; motion carried.  
On the vote for the main motion as amended, all voted Aye. Motion carried.

RES. 2013-6914  
CSM 7700-7760 S.  
LOVERS LANE RD.

G.4. Alderman Schmidt moved to adopt Resolution No. 2013-6914, A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8000, BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 5762, CERTIFIED SURVEY MAP NO. 377 AND LANDS IN THE SOUTHWEST ¼ AND NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 8, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (SBI WYNDHAM, LLC., OWNER/APPLICANT)(7700-7760 SOUTH LOVERS LANE ROAD). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2013-6915  
BID AWARD FOR  
INSTALLATION OF  
VICTORY CREEK  
BITUMINOUS TRAIL

G.5. Alderman Wilhelm moved to adopt Resolution No. 2013-6915, A RESOLUTION AWARDDING BID TO THE LOWEST BIDDER FOR THE INSTALLATION OF VICTORY CREEK BITUMINOUS TRAIL BEGINNING AT INTERSECTION OF W. VICTORY CREEK DRIVE AND S. BRIDGE STREET AND ENDING AT THE 4500 BLOCK OF W. MARQUETTE AVENUE TO Western Contractors in the amount of \$193,195 as amended and subject to technical corrections by the City Attorney. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Wilhelm moved to direct the Director of Administration to assure all permits, fees, and notices related to the Pleasant View/Victory Creek Trail project are properly executed and returned in a manner prior to deadlines. Seconded by Alderman Taylor. All voted Aye; motion carried.

S. 27TH ST. SIDEWALK  
WIDTH AND UTILITIES

G.6. Alderman Taylor moved that utilities in S. 27th Street from W. College Avenue to W. Drexel Avenue be placed underground. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

Alderman Taylor then moved to direct staff to inform the State Department of Transportation that the City requests that the S. 27th Street sidewalk width be 6 feet from W. College Avenue to W. Drexel Avenue. Seconded by Alderman Mayer.

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

On the main motion for 6 foot width of sidewalks on S. 27th Street, all voted Aye. Motion carried.

RES. 2013-6916  
INTERGOVERNMENTAL  
JURISDICTIONAL  
TRANSFER AGREEMENT

G.7. Alderman Taylor moved to adopt Resolution No. 2013-6916, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL JURISDICTIONAL TRANSFER AGREEMENT BETWEEN MILWAUKEE COUNTY AND THE CITY OF FRANKLIN FOR THE TRANSFER OF S. NORTH CAPE ROAD (CTH J) FROM 870 FEET NORTH OF W. HIGH VIEW DRIVE TO W. FOREST HOME AVENUE (CTH OO) AND THE TRANSFER OF S. 68TH STREET (CTH A) FROM W. RYAN ROAD (STH 100) TO 1,285 FEET SOUTH OF W. PUETZ ROAD. Seconded by Alderman Dandrea.

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

On the main motion to adopt Resolution No. 2013-6916, all voted Aye. Motion carried.

RES. 2013-6917  
ENGINEERING  
SERVICES AGREEMENT  
HIMALAYAN  
CONSULTANTS, LLC.

G.8. Alderman Skowronski moved to adopt Resolution No. 2013-6917, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH HIMALAYAN CONSULTANTS, LLC FOR THE PRELIMINARY ENGINEERING FOR THE RECONSTRUCTION OF S. NORTH CAPE ROAD (CTH J) FROM 870 FEET NORTH OF W. HIGH VIEW DRIVE TO W. FOREST HOME AVENUE (CTH OO). Seconded by Alderman Mayer. All voted Aye; motion carried.

ESCROW DEPOSIT

G.9. Alderman Wilhelm moved to release escrow deposit for the Berkshire Certified Survey Map by Rick J. Przybyla as recommended by the Engineering Department. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2013-6918  
REPLACEMENT  
HOLDING TANK  
AGREEMENT  
BTL HOLDINGS, LLC

G.10. Alderman Taylor moved to adopt Resolution No. 2013-6918, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A REPLACEMENT HOLDING TANK AGREEMENT WITH BTL HOLDINGS, LLC, 3310 W. ELM ROAD, TAX KEY NO. 951-9996-015. Seconded by Alderman Dandrea. All voted Aye; motion carried.

SPECIAL ASSESSMENT  
INTEREST RATES

G.11. Alderman Taylor moved to place on file the Finance Committee recommendation dated 9/24/13 on interest rates for special assessments. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2013-2118  
AMEND ORD. 2012-2096  
MODIFYING BUDGET  
OF CAPITAL  
IMPROVEMENT FUND

G.12. Alderman Dandrea moved to adopt Ordinance 2013-2118, AN ORDINANCE TO AMEND ORDINANCE 2012-2096 (AN ORDINANCE ADOPTING THE 2013 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN), AS AMENDED, TO MODIFY THE BUDGET OF THE CAPITAL IMPROVEMENT FUND AMENDING THE PROJECT LINE ITEMS TO PROVIDE \$20,000 IN TOTAL APPROPRIATIONS FOR THE FRANKLIN HISTORICAL SOCIETY BARN PROJECT, TO PROVIDE AN INCREASED APPROPRIATION OF \$48,720 FOR THE PLEASANT VIEW/VICTORY CREEK TRAIL PROJECT INCREASING THE TOTAL APPROPRIATION TO \$242,160, TO ESTABLISH A \$104,777 APPROPRIATION FOR THE 51ST STREET SIDEWALK PROJECT, AND THE ESTABLISH A \$27,000 APPROPRIATION FOR THE NORTH CAPE ROAD TRAIL PROJECT. Seconded by Alderman Mayer. All voted Aye; motion carried.

FLEXIBLE SPENDING PROGRAM

G.13. Alderman Dandrea moved to modify the eligibility requirement of the Flexible Spending Program (Section 125 Plan) such that the requirement that the employees are regularly scheduled to work 20 or more hours per week applies to employees hired, for their current term of employment, after January 1, 2007. Seconded by Alderman Schmidt. All voted Aye; motion carried.

COMMITTEE OF THE WHOLE RECOMMENDATIONS

G.14.A. No action was taken on a 9/30/2013 Committee of the Whole concept review for a proposed self storage mini warehousing development (6951 S. Lovers Lane Road) (Alex Simic, applicant).

G.14.B. No action was needed on the 9/30/2013 Committee of the Whole review of Mayor's Recommended 2014 Budget (including all funds, departments, revenues, expenditures, and activities).

G.14.C. At the Common Council meeting of September 17, 2013, a motion was made by Alderman Wilhelm and seconded by Alderman Taylor to reconsider the action taken at the Common Council meeting of September 3, 2013 upon agenda item G.7. to table an Ordinance to amend the Municipal Code to provide for additional Aldermanic positions for the membership of the Forward Franklin Economic Development Committee. On the vote to reconsider the motion, all voted Aye. Motion carried.

Alderman Taylor moved to deny an Ordinance to Amend the Municipal Code to Provide for Additional Aldermanic Positions for the Membership of the Forward Franklin Economic Development Committee (Mayor Taylor). Seconded by Alderman Dandrea. All voted Aye; motion carried.

POTENTIAL CLAIMS COMPENSATION FOR RYAN CREEK INTERCEPTOR

G.15. Alderman Taylor moved to authorize the City Attorney's office to settle the potential claims for the Ryan Creek Interceptor pursuant to the recommendation of the City Attorney's office, City staff, and the City's appraisal consultant, and to authorize the Mayor and City Clerk to execute any necessary settlement agreements and releases to accomplish the same. Seconded by Alderman Schmidt. All voted Aye; motion carried.

MISCELLANEOUS LICENSES

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

Operator License to Hein, Lindsay N., 7337 Brunn Dr.; Maule, Kayla M., 8448 Woodmere Sq., Wind Lake; Nersesian, Marna S., 7845 S. Scepter Dr. #15; Perszyk, John R., 7624 S. 74th St.; Teigeiro, Alex G., 8335 S. River Terrace Dr. and Williams, Samuel A., 422 Lawrence Ave., Grayslake, IL;

LICENSES-  
CONTINUED

Also moved to hold Operator License for Ormond, Mariah R., 1608 ½ East St. Upper, Racine and Bailey, Brett W., 4636 S. Racine Ave., New Berlin, both subject to appearing before the License Committee. Seconded by Alderman Dandrea. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

- I.1. Alderman Taylor moved to approve net general checking account City vouchers in the range of Nos. 148724 through 148904 dated October 1, 2013 in the amount of \$1,351,829.90. Seconded by Alderman Skowronski. On roll call, all voted Aye. Motion carried.
- Alderman Skowronski moved to approve net payroll dated October 4, 2013 in the amount of \$324,064.40 and payment of the various payroll deductions in the amount of \$189,983.31 plus any City matching payments, where required. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.
- Alderman Taylor moved to approve check No. 148905 in the net amount of \$97,737.00. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Skowronski moved to adjourn the meeting at 8:40 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.