

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
OCTOBER 19, 2004
MINUTES**

CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of October 19, 2004 to order at 6:30 p.m. in the Council Chambers of Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin.

Present were: Mayor Klimetz, Aldermen Olson, Solomon, Gardner, Kosovich, Sohns and Bergmann. Also present were City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.

CITIZEN COMMENT B. Citizen comment period was opened at 6:31 p.m. and closed at 6:48 p.m.

MINUTES-10/5/04 C-1. Alderman Bergmann moved to approve the regular Common Council meeting minutes of October 5, 2004 as presented. Seconded by Alderman Solomon. All voted Aye; motion carried.

CONSENT AGENDA Alderman Sohns moved to approve the following:

LETTER OF CREDIT-WOODFIELD TERRACE #1 F-1a. Release of the Letter of Credits 168 and 169 from Franklin State Bank for Woodfield Terrace Addition No. 1 and Addition No. 2 as recommended by the Engineering Department;

LETTER OF CREDIT-PRINCETON PINES F-1b. Release of the Letter of Credit Number FSB 27 from Franklin State Bank for the Princeton Pines Subdivision as developed by Creative Homes, Inc.;

RES. 2004-5776 STOP SIGNS-NORTH CAPE ROAD F-1c. Resolution No. 2004-5776, A RESOLUTION REQUESTING THE INSTALLATION OF STOP SIGNS AT WEST RAWSON AVENUE (COUNTY TRUNK HIGHWAY BB) ON NORTH CAPE ROAD (COUNTY TRUNK HIGHWAY J).

Above items seconded by Alderman Kosovich. All voted Aye; motion carried.

RES. 2004-5777 SMART GROWTH GRANT F-2. Alderman Kosovich moved to adopt Resolution No. 2004-5777, A RESOLUTION AUTHORIZING THE SUBMISSION OF A MULTI-JURISDICTIONAL SMART GROWTH GRANT APPLICATION TO THE WISCONSIN DEPARTMENT OF ADMINISTRATION FOR DEVELOPMENT OF A COMPREHENSIVE PLAN IN COORDINATION WITH THE CITY OF OAK CREEK, and also moved to increase the City's portion of the cost relating to the Vierbicher Assoc. agreement by \$993, from \$1,490 to \$2,483, based on the City's share of the Comprehensive Plan costs as included in the Smart Growth application. Seconded by Alderman Solomon. All voted Aye; motion carried.

RES. 2004-5778 PRELIMINARY PLAT-FRANKLIN VENTURES II LLC F-3. Alderman Bergmann moved to adopt Resolution No. 2004-5778, RESOLUTION APPROVING A PRELIMINARY PLAT FOR SHADWELL, Franklin Ventures II, LLC. Seconded by Alderman Olson. All voted Aye; motion carried.

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COMMUNITY
DEVELOPMENT
DIRECTOR

F-4. Additional update will be given at 11/9/04 Common Council meeting regarding recruitment for the Community Development Director position.

CLOSED SESSION-
CLAIM

F-5. Alderman Bergmann moved to enter closed session at 7:02 p.m. pursuant to §19.85(1)(e) and (g), Stats., to confer with the City Attorney as legal counsel for the Common Council who is rendering advise concerning strategy to be adopted by the Council with respect to litigation in which it is likely to become involved and to consider the retention of additional legal representation upon such notices and for such likely litigation upon the Wisconsin Department of Natural Resources Notice of Violation/Notice of Claim dated July 30, 2004, alleging violation of general permit for bypasses or overflows from sewage collection systems (WI-0047341-03) and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Sohns. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 7:32 p.m.

Alderman Sohns moved to direct the City Engineer to prepare statistics and data concerning the performance of the Franklin sewer system and further direct the City Attorney to render a legal opinion regarding an issue as discussed in closed session. It was further moved that these items be placed on the 11/8/04 Committee of the Whole agenda. Seconded by Alderman Bergmann. All voted Aye; motion carried.

LICENSES

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

Operator License to Karen M. Manzke, 2954 S. 92nd St. #205, Milwaukee; Becky J. Rosandich, 5030 S. 14th St. #4, Milwaukee and Amanda R. Swaney, 211 E. Jefferson St. #6, Elkhorn;

and also moved to deny Operator Licenses for Debra A. Fujinaka, 887 W. Maple, Milwaukee and Michael J. Grabowski, 1750 W. Timber Ridge Ln. #8212, Oak Creek for habitual criminality record contrary to §125.04(5)(a)1. Seconded by Alderman Solomon. All voted Aye; motion carried.

VOUCHERS

I-1. Alderman Kosovich moved to approve City vouchers in the range of 108476 thru 108632 in the amount of \$761,167.44. Seconded by Alderman Gardner. On roll call, all voted Aye; motion carried.

PAYROLL

Alderman Bergmann moved to approve net payroll of October 15, 2004 in the amount of \$281,961.50. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

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ADJOURNMENT

- J. Alderman Kosovich moved to adjourn the Common Council meeting at 7:33 p.m. Seconded by Alderman Bergmann. All voted Aye; motion carried.