

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
NOVEMBER 30, 2004
MINUTES**

- CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of November 30, 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 (arrived at 6:58 p.m.), Solomon, Gardner, Kosovich, Sohns and Bergmann. Also present were City Planner Booth, Fire Chief Martins, City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.
- PROCLAMATION Mayor Klimetz presented a proclamation to Wisconsin Junior Miss Jennifer Lauber.
- PROCLAMATION Mayor Klimetz presented a proclamation to Franklin High School Quarterback Ben Hempel.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:35 p.m. and closed at 6:48 p.m.
- MINUTES-11/9/04 C-1. Alderman Bergmann moved to approve the regular Common Council meeting minutes of November 9, 2004 as presented. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- CONSENT AGENDA Alderman Solomon moved to approve the following with the exception of F-1c.
- AVIAN AT TUCKWAY STREET LIGHT F-1a. Authorize the City Engineer to sign a street light appendix with WE Energies for the installation of five street lights, 150 watt light fixture on three fiberglass poles at a cost of \$16,267.89 for Avian at Tuckaway at intersection of S. Avian Way and W. Puetz Road. to be billed to the developer, and the developer is responsible for the restoration and erosion control. Light is to be installed at the street intersection;
- PRAIRIE GRASS PRESERVE STREET LIGHT F-1b. Authorize the City Engineer to sign a street light appendix with WE Energies for the installation of five street lights, 150 watt light fixtures on five fiberglass poles at a cost of \$16,554.24 for Prairie Grass Preserve at STH 100 & S. 92nd Street to be billed to the developer, and the developer is responsible for the restoration and erosion control. Light is to be installed at the street installation;
- ORD. 2004-1820 NO PARKING-S. 46TH STREET F-1d. Ordinance No. 2004-1820, ORDINANCE TO AMEND SECTION 245-D OF THE MUNICIPAL CODE TO ESTABLISH ON PARKING ON S. 46TH STREET (west side of S. 46th Street from S. Madison Avenue to W. Marquette Avenue, from 7:45 a.m. to 3:30 p.m. on school days);
- MENARD'S-STREET LIGHT F-1e. Authorize the City Engineer to sign a street light agreement with WE Energies in the amount not to exceed \$2,000 to install a street light on Carroll Circle at relocated North Cape Road;

- ORD. 2004-1821 F-1f. Ordinance No. 2004-1821, ORDINANCE TO AMEND SECTION 245.5(D) OF THE MUNICIPAL CODE TO ESTABLISH NO PARKING ON BOTH SIDES OF W. SPEEDWAY DRIVE FROM S.T.H. 100 TO W. FOREST HOME AVENUE;
- NO PARKING-
W. SPEEDWAY DR.
- PARK REFUND F-1g. Refund Scout Troop #539 in the amount of \$50.00 for picnic held at Lions Legend Park.
- Above items seconded by Alderman Bergmann. All voted Aye; motion carried.
- IMPACT FEE F-1c. The request of Daniel & Vicki Vetter for reimbursement of \$3,081 in impact fees that were previously paid for the property located at 3705 REFUND W. Drexel Avenue was tabled to the 12/07/04 Common Council meeting by the Mayor.
- ORD. 2004-1822 F-2. Alderman Solomon moved to adopt Ordinance No. 2004-1822, AN PDD #16 ORDINANCE TO AMEND ORDINANCES 92-1229, 93-1261, 94-1298, 96-1391, 96-1400, 98-1508 and 02-1735 CREATING PLANNED DEVELOPMENT DISTRICT NUMBER 16 (SECTION 15-3.0421: FRANKLIN CENTRE), United Construction. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RES. 2004-5787 F-4. Alderman Kosovich moved to adopt Resolution No. 2004-5787, A CERTIFIED SURVEY MAP OF A PART OF THE SE ¼ OF SECTION 25, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, MLG INVESTMENTS 2002, LLC, Mike Mooney, 9901 S. 27th Street. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CERTIFIED
SURVEY MAP-
MLG
INVESTMENTS
- ORD. 2004-1823 F-5. Alderman Kosovich moved to adopt Ordinance No. 2004-1823, AN REZONING- ORDINANCE TO AMEND THE ZONING CODE (MAP), SECTION MLG 15-3.0102 OF THE UNIFIED DEVELOPMENT ORDINANCE TO INVESTMENTS REZONE TWO PARCELS OF LAND FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT AND PLANNED DEVELOPMENT DISTRICT, MLG INVESTMENTS 2002, LLC Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5786 F-3. Alderman Solomon moved to adopt Resolution No. 2004-5786, SPECIAL USE- RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS UNITED FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY CONSTRUCTION LOCATED AT 7151 S. 76TH STREET, LOT 4 FRANKLIN PLAZA SUBDIVISION (DAVID CECCHINI, UNITED CONSTRUCTION), 7151 S. 76TH Street, as amended by the City Attorney. Seconded by Alderman Sohns. All voted Aye; motion carried.

Alderman Olson arrived at 6:58 p.m. and voted on the following items:

- RES. 2004-5788
SPECIAL USE-
MLG
INVESTMENTS
- F-6. Alderman Kosovich moved to adopt Resolution No. 2004-5788, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED IN THE SE 1/4 OF SECTION 25, TOWN 5 NORTH, RANGE 21 EAST, MLG INVESTMENTS 2002, LLC, 9901 S. 27th Street. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ORD. 2004-1824
PDD #32-FRANKLIN
BUSINESS PARK
EAST
- F-7. Alderman Kosovich moved to adopt Ordinance No. 2004-1824, AN ORDINANCE TO CREATE SECTION 15-3.0437 OF THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED DEVELOPMENT DISTRICT NUMBER 32 AND TO REZONE PARCELS OF LAND FROM R-2 ESTATE SINGLE-FAMILY DISTRICT TO PLANNED DEVELOPMENT DISTRICT NUMBER 32 (FRANKLIN BUSINESS PARK EAST), as amended by the City Attorney. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2004-5789
CERTIFIED
SURVEY MAP
- F-8. Alderman Bergmann moved to adopt Resolution No. 2004-5789, A RESOLUTION APPROVING A CERTIFIED SURVEY MAP OF A PART OF THE NW 1/4 OF SECTION 32, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, Don Adams, 10307 W. Oakwood Road. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2004-5790
PRELIMINARY
PLAT-TUCKAWAY
MEADOWS
- F-9. Alderman Olson moved to adopt Resolution No. 2004-5790, RESOLUTION APPROVING A PRELIMINARY PLAT FOR TUCKAWAY MEADOWS, Tuckaway Meadows, LLC, approx. S. 76th Street & W. Forest Hill Avenue. Seconded by Alderman Sohns. All voted Aye; motion carried.
- CROSSROADS
TRADE AREA
- F-10. No action will be taken regarding the Comprehensive Master Plan Amendment for the regulation plan for the Crossroads Trade Area as an element of the City of Franklin Comprehensive Master Plan until a public hearing is held before the Plan Commission.
- AREA A-2
- F-11. Alderman Olson moved to direct the Director of Administration, with the assistance of the City Attorney, to enter into an agreement with Planning and Design Institute, Inc. at a cost not-to-exceed \$25,000 for the services identified in their November 19, 2004 proposal, subject to minor changes by the Economic Development Commission, as recommended by the Commission relative to the development of new zoning classification for Town Center Retail/Commercial Uses for consideration in Area A-2 and the Crossroads Trade Area. Seconded by Alderman Sohns. On a motion by Alderman Olson, seconded by Alderman Sohns, Sandy Adam was allowed to speak. All voted Aye; motion carried. On the motion to enter into the agreement as stated above, all voted Aye; motion carried.

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- 27TH STREET
CORRIDOR
- F-12. The 27th Street Corridor Plan Status Report, presented by Ted Grintjes and Sandy Adam, was for informational purposes only.
- COMMUNITY
DEVELOP. DIR.
POSITION
- F-13. Alderman Kosovich moved to table the recruitment for the Community Development Director position to the 12/6/04 Committee of the Whole meeting. Seconded by Alderman Sohns. All voted Aye; motion carried.
- INTERGVT.
COOPERATION
AGREEMENT
- F-14. Alderman Solomon moved to reiterate City policy that department heads are allowed to discuss with other municipalities the sharing of services, with a follow-up report to the Mayor; and if other communities need an agreement, Council authorizes use of the Intergovernmental Cooperation Agreement, as presented, following review by the City Attorney. Seconded by Alderman Olson. All voted Aye; motion carried.
- ADVANCED LIFE
SUPPORT
SERVICES
- F-15. Alderman Sohns moved to revise the October 8, 2004 letter to Hales Corners and direct the Fire Chief to continue the existing Advanced Life Support Service contract through December, 2005 with notice sent to Hales Corners; to actively pursue a funding mechanism change through the ICC and periodically report progress to the Council; direct the Fire Chief to present to the Common Council costs and issues relative to acquiring an Advanced Life Support License for the City of Franklin; and direct the Public Safety Committee to pursue discussions with neighboring communities for Franklin to provide Advanced Life Support Services under a negotiated agreement. Seconded by Alderman Solomon. On a motion by Alderman Bergmann, seconded by Alderman Olson, Ted Grintjes was allowed to speak. All voted Aye; motion carried. On the original motion, all voted Aye; motion carried.
- Alderman Sohns moved to request County Executive Walker and Supervisor Borkowski to appear at a Common Council meeting to explain how the above-mentioned ALS Service Contract will be financially beneficial to Franklin and how a revenue shortfall will be made up, and to further provide the benefits of Franklin's continuation of the contract. Seconded by Alderman Olson. All voted Aye; motion carried.
- PUBLIC HEALTH
NURSE
- F-16. Alderman Sohns moved to deny request from the Health & Human Services Director to fill the vacant Public Health Nurse position. Seconded by Alderman Olson. On roll call, Aldermen Olson, Solomon, Kosovich and Sohns voted Aye; Aldermen Gardner and Bergmann voted No. Motion carried.

NORTH CAPE PARK F-23. Alderman Bergmann moved to direct the Public Works Department to complete demolition of interior walls, rest rooms and shower area at North Cape Park prior to solicitation of construction bids. Seconded by Alderman Kosovich. On roll call, Aldermen Olson, Gardner, Kosovich, Sohns and Bergmann voted Aye; Alderman Solomon voted No. Motion carried.

CITY HALL SIGN F-24. Alderman Sohns moved to approve the design of the replacement sign face for City Hall and authorize the Director of Administration to request quotations from additional sign companies for the replacement of the sign face. Seconded by Alderman Kosovich. All voted Aye; motion carried.

CLOSED SESSION-SEWAGE COLLECTION SYSTEMS F-25. Alderman Bergmann moved to enter closed session at 9:22 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 advice concerning strategy to be adopted by the Council with respect to litigation upon the above notices 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 and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Kosovich. On roll call, Aldermen Olson, Solomon, Gardner, Kosovich, Sohns and Bergmann voted Aye. Motion carried.

The Common Council reentered open session at 9:30 p.m.

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

Class B Combination License to Pantheon, Inc., 7621 W. Rawson Avenue;

Operator License to: Valerie N. Duda, 3300 Pioneer Dr., Racine; Lynda M. Koutromanos, 8232 S. 88th Street; Jason C. Lloyd, 1156 N. Sunnyslope Dr. #208, Racine; Dennis E. Scherbarth, 824 Greenway Tr., Hartland and Travis L. Steinke, 8710 82nd St. #312, Pleasant Prairie. Seconded by Alderman Olson. All voted Aye; motion carried.

VOUCHERS I-1. Alderman Kosovich moved to approve City vouchers in the range of 108883 thru 109096 in the amount of \$1,028,997.62. Seconded by Alderman Bergmann. On roll call, all voted Aye. Motion carried.

PAYROLL Alderman Bergmann moved to approve net payroll of November 12, 2004 in the amount of \$281,908.43. Seconded by Alderman Kosovich. All voted Aye; motion carried.

ADJOURNMENT J. Alderman Kosovich moved to adjourn the Common Council meeting at 9:31 p.m. Seconded by Alderman Bergmann. All voted Aye; motion carried.