

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
MARCH 16, 2004
MINUTES**

- CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of March 16, 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 Dorsan, Solomon, Netzel, Kosovich, Sohns and Bergmann. Also present were Planning Manager Buratto, City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:32 p.m. and closed at 7:25 p.m.
- MINUTES-3/1/04 C-1. Alderman Bergmann moved to approve the special Common Council meeting minutes of 3/1/04 as presented. Seconded by Alderman Netzel. All voted Aye; motion carried.
- MINUTES-3/2/04 C-2. Alderman Kosovich moved to approve the regular Common Council meeting minutes of 3/2/04 as presented. Seconded by Alderman Solomon. All voted Aye; motion carried.
- IMPACT FEES F-1. Alderman Sohns moved to direct the City Attorney and staff to draft the necessary ordinance to amend the Police and Municipal Court and Fire Protection Impact Fees, as recommended by the Finance Committee. Seconded by Alderman Solomon. All voted Aye; motion carried.
- Alderman Netzel moved to schedule a public hearing for the May 3, 2004 Committee of the Whole meeting on an Impact Fee Ordinance amendment for Police and Municipal Court and Fire Protection. Seconded by Alderman Solomon. All voted Aye; motion carried.
- BAND SHELL-LEGEND PARK F-2. Alderman Sohns moved to approve a Plan Commission resolution for site plan approval for Travis Manore, Lions Legend Park band shell, 8929 W. Drexel Avenue. Seconded by Alderman Netzel. All voted Aye; motion carried.
- RES. 2004-5664 PRAIRIE GRASS PRESERVE RESIDENTIAL SUBD. F-3. Alderman Bergmann moved to adopt Resolution No. 2004-5664, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DECLARATION OF DEED RESTRICTIONS, CONSERVATION AGREEMENT AND PROTECTIVE COVENANTS FOR THE PRAIRIE GRASS PRESERVE RESIDENTIAL SUBDIVISION subject to insurance information to be added by City Attorney following review with the Dir. of Admin. and the City's insurance carrier. Seconded by Alderman Solomon. All voted Aye; motion carried.

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- RES. 2004-5665
LABOR
AGREEMENT-
POLICE OFFICERS
- F-4. Alderman Solomon moved to adopt Resolution No. 2004-5665, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A LABOR AGREEMENT WITH THE FRANKLIN POLICE OFFICERS ASSOCIATION, WPPA LOCAL NO. 280 BARGAINING UNIT FOR 2002-2004 subject to conferring with Labor Counsel regarding a possible requirement for holding a public hearing. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RECIPROCAL
BORROWING COSTS
- F-5. Alderman Netzel moved to approve the establishment of a Restricted Fund Balance in the Library Fund to retain reciprocal lending revenue to be utilized for future Library building maintenance and repair services or future reciprocal borrowing needs, as recommended by the Finance Committee on 3/9/04. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- MLG
PERFORMANCE
INCENTIVE
- F-6. Alderman Bergmann moved to direct Director of Administration to request a presentation by Mike Harrigan of Ehlers & Associates on the new Tax Increment Finance law at a cost not to exceed \$500.00 with funds to come from the TIF Account, a presentation by MLG regarding TIF updates and recommendations in 2004, and presentation of the City's 2003 audit to be held at the Common Council meeting of 4/20/04 (joint meeting with CDA and invite TID task force and EDC). Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5666
CSM-
PAUTZ
- F-7. Alderman Dorsan moved to adopt Resolution No. 2004-5666, A RESOLUTION APPROVING A CERTIFIED SURVEY MAP OF A PART OF THE SE 1/4 OF SECTION 33, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, Jason & Tami Pautz, 8300 W. South County Line Road. Seconded by Alderman Sohns. All voted Ayes; motion carried.
- RES. 2004-5667
OUTDOOR
RECREATION AIDS
- F-8. Alderman Netzel moved to adopt Resolution No. 2004-5667, A RESOLUTION TO AUTHORIZE APPLYING FOR OUTDOOR RECREATION AIDS. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5668
GRANT
APPLICATION
- Alderman Sohns moved to adopt Resolution No. 2004-5668, A RESOLUTION APPROVING A CONTRACT WITH RUEKERT-MIELKE FOR GRANT APPLICATION ASSISTANCE AND PREPARATION FOR THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES GRANT PROGRAMS. Seconded by Alderman Netzel. All voted Aye; motion carried.

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- NOXIOUS WEEDS F-9. Alderman Sohns moved to refer the proposed amendments to the Municipal Code relating to noxious weeds back to Environmental Commission. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5669 HOLDING TANK-SWEENEY F-10. Alderman Bergmann moved to adopt Resolution No. 2004-5669, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH KENNETH SWEENEY WELL & PUMP, INC.- 11221 W. ST. MARTINS ROAD. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ORD. 2004-1783 PLUMBING PERMIT FEES F-11. Alderman Dorsan moved to adopt Ordinance No. 2004-1783, AN ORDINANCE TO AMEND CHAPTER 190 OF THE MUNICIPAL CODE TO REPEAL AND RECREATE A CURRENT SCHEDULE OF PLUMBING PERMIT FEES. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- ORD. 2004-1784 BUILDING PERMIT FEES F-12. Alderman Netzel moved to adopt Ordinance No. 2004-1784, AN ORDINANCE TO AMEND CHAPTER 92 OF THE MUNICIPAL CODE TO REPEAL AND RECREATE THE CURRENT SCHEDULE OF BUILDING PERMIT FEES. Seconded by Alderman Dorsan. All voted Aye; motion carried.
- ORD. 2004-1785 ELECTRICAL PERMIT FEES F-13. Alderman Kosovich moved to adopt Ordinance No. 2004-1785, AN ORDINANCE TO AMEND CHAPTERS 118 OF THE MUNICIPAL CODE TO AMEND THE ELECTRICAL CODE. Seconded by Alderman Dorsan. All voted Aye; motion carried.
- ORD. 2004-1786 INTERIM CITY TREASURER F-14. Alderman Sohns moved to adopt Ordinance No. 2004-1786, AN ORDINANCE TO AMEND ORDINANCE NO. 2003-1764 PERTAINING TO THE POSITION OF INTERIM CITY TREASURER. Seconded by Alderman Solomon. On roll call, Aldermen Solomon, Netzel, Kosovich, Sohns and Bergmann voted Aye; Alderman Dorsan voted No. Motion carried.
- RES. 2004-5670 BUDGET CARRYOVER F-15. Alderman Solomon moved to adopt Resolution No. 2004-5670, RESOLUTION APPROVING CARRYOVER OF BUDGET ENCUMBRANCES FROM THE 2003 BUDGET TO THE 2004 BUDGET. Seconded by Alderman Sohns. All voted Aye; motion carried.
- BRIARWOOD AREA F-16. Alderman Bergmann moved to direct the City Attorney to prepare an agreement with property owners (Tax Key Nos. 897-0037 & 887-0044) for a deferment of the 30 foot of sanitary sewer special assessment for the Briarwood Area Sanitary Sewer Project No. 2003-S101. Seconded by Alderman Sohns. All voted Aye; motion carried.

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- FOREST HIGHLAND PHASE I F-17. Alderman Sohns moved to authorize the City Engineer to sign a street light appendix with the WE Energies for the installation of three street lights for Forest Highland Phase I 100 watt light fixture on three fiberglass poles at a cost of \$15,216.10 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 intersections. Seconded by Alderman Netzel. All voted Aye; motion carried.
- 2004 LOCAL ROAD PROGRAM F-18. Alderman Bergmann moved to direct staff to proceed with the 2004 Local Road Program as recommended by the Board of Public Works and described in a memo from the City Engineer and Assistant City Engineer dated 3/5/04. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2004-5671 BITUMINOUS AND AGGREGATE BIDS F-19. Alderman Bergmann moved to adopt Resolution No. 2004-5671, RESOLUTION AWARDDING 2004 BITUMINOUS AND AGGREGATE MATERIAL CONTRACTS. Seconded by Alderman Solomon. All voted Aye; motion carried.
- HIGHWAY DEPT. VACANCY F-20. Alderman Bergmann moved to authorize staff to fill the position of Light Equipment Operator in the Highway Department resulting from the lateral transfer of an employee to the Sewer and Water Department. Seconded by Alderman Netzel. All voted Aye; motion carried.
- RES. 2004-5672 PUBLIC WORKS DEPARTMENT F-21. Alderman Sohns moved to adopt Resolution No. 2004-5672, A RESOLUTION APPROVING JOB DESCRIPTIONS FOR THE PUBLIC WORKS DEPARTMENT OF THE CITY OF FRANKLIN. Seconded by Alderman Netzel. All voted Aye; motion carried.
- DONATION F-22. Alderman Sohns moved to accept a \$200 donation to the Health Department from the Milwaukee Southwest Suburban Kiwanis. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RETIREMENT BENEFIT F-23. Alderman Sohns moved to enter closed session at 8:47 p.m. pursuant to §19.85(1)(c) and (e), Stats. to discuss an employee's retirement benefits, and to 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, Aldermen Bergmann, Sohns, Kosovich, Netzel and Solomon voted Aye; Alderman Dorsan voted No. Motion carried.

Upon reentering open session at 8:57 p.m.

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RETIREMENT
BENEFIT-
CONTINUED

F-23. Alderman Sohns moved to direct staff, with assistance from labor council, prepare a letter agreement that Sgt. Gregory Gonwa would be paid the retirement benefits effective and retroactive to the latest contract date which is January 1, 2002, with the condition that if there is a change that is beneficial to Sgt. Gonwa resulting from future actions of the Common Council by direction of the Personnel Committee, those benefits would also be extended to Sgt. Gonwa, & further that the letter agreement be approved by the Common Council. Seconded by Alderman Netzel. All voted Aye; motion carried.

INSPECTION
EMPLOYEES

F-24. Alderman Sohns moved to enter closed session at 9:16 p.m. pursuant to §19.85(1)(c), Stats. for the purpose of discussing collective bargaining proposals and strategies for the City of Franklin Inspection Employees Local No. 2, AFSCME, AFL-CIO, affiliated with Milwaukee District Council 48 Union, and 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.

Upon reentering open session at 9:25 p.m.

Alderman Netzel moved to direct the Personnel Committee to present the offer to City of Franklin Inspection Employees Local No. 2, AFSCME, AFL-CIO, affiliated with Milwaukee District Council 48 Union as discussed in closed session. Seconded by Alderman Kosovich. On roll call, Aldermen Solomon, Netzel, Kosovich, Sohns and Bergmann voted Aye; Alderman Dorsan voted No. Motion carried.

CLAIMS OF
BASIL E. RYAN, JR.

F-25. Alderman Solomon moved to deny the Claim For Damages and attorney fees of Basil E. Ryan, Jr. dated 12/03/03, direct staff to send a Notice of Disallowance, and further to authorize the retention of legal counsel if claimant proceeds further. Seconded by Alderman Sohns. All voted Aye; motion carried.

CLAIM FOR
DAMAGE

F-26. Alderman Solomon moved to deny the Claim For Damages of Jerry Gagliano and further direct staff to send a Notice of Disallowance. Seconded by Alderman Netzel. All voted Aye; motion carried.

LICENSES

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

Class A Beer to Andrews Petroleum, LLC, William Andrews, Agent, 6611 S. 27th Street pending proof of sellers permit;

- LICENSES-CONTINUED H-1. Operator License to Eric M. Gagliano, 7801 W. Bur Oak Drive; Alvin A. Berezinski, 708 Columbia Avenue, South Milwaukee; April H. Burden, 9620 W. Van Beck Avenue, Greenfield; Dana J. Canary, 3909 W. Manitoba Avenue, Milwaukee; Sarah C. Sabre, 5828 S. New Berlin Road, Hales Corners and Erica R. Thompson, 7535 S. 74th Street; and also moved to hold Operator License for Peggy A. Mata, 1534 S. 15th Place, Milwaukee subject to appearing before the License Committee. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- VOUCHERS I-1. Alderman Bergmann moved to approve City vouchers in the range of nos. 105593 thru 105776 in the amount of \$1,868,648.65. Seconded by Alderman Netzel. On roll call, all voted Aye; motion carried.
- PAYROLL Alderman Netzel moved to approve net payroll of March 5, 2004 in the amount of \$306,410.87. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried.
- ADJOURNMENT J. Alderman Bergmann moved to adjourn the Common Council meeting at 9:27 p.m. Seconded by Alderman Netzel. All voted Aye; motion carried.