

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
MAY 18, 2004
MINUTES**

- CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of May 18, 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.
- COMMENDATION Mayor Klimetz presented Daniel Schmitt with Eagle Scout commendation.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:37 p.m. and closed at 7:42 p.m.
- MINUTES-5/04/04 C-1. Alderman Olson moved to approve the regular Common Council meeting minutes of May 4, 2004 as presented. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- DIRECT LEGISLATION CAMPAIGN E-1. Mrs. Lori Hubbartt and Mr. Jim Rhiner presented the Common Council with information related to their direct legislation campaign/proposed ordinance limiting retail size in Franklin.
- BUSINESS PARK STATUS F-1. Status of the Franklin Business Park was presented to the Common Council for information only by Mr. Mike Mooney and Nate Tanner of Mooney LeSage Group.
- COMMUNITY DEVELOPMENT AUTHORITY F-2. Alderman Sohns moved that the MLG proposal for establishment of a Tax Incremental Finance District in Area D be approved in concept; and appoint a 3-person subcommittee composed of Alderman Kosovich, Ted Grintjes and Alderman Solomon to review the MLG proposal in conjunction with the Covenant Health Outpatient Center Plan in Area D and report to the Community Development Authority on June 2, 2004. Seconded by Alderman Gardner. All voted Aye; motion carried.
- RES. 2004-5697 S. 31ST STREET F-3. Alderman Sohns moved to adopt Resolution No. 2004-5697, A RESOLUTION TO DIRECT THE PLANNING AND FINANCING OF THE INSTALLATION AND CONSTRUCTION OF SOUTH 31ST STREET FROM WEST RAWSON AVENUE TO THE NORTHWESTERN MUTUAL CAMPUS. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- VISIONING FACILITATOR F-4. Alderman Sohns moved to authorize the Visioning Facilitator Subcommittee, with the assistance of the City Attorney, to negotiate a contract with Keller Management Services for the provision of Visioning Facilitator Services, and to bring the contract back to the Common Council for approval. Seconded by Alderman Gardner. On roll call, Aldermen Olson, Gardner, Kosovich, Sohns and Bergmann voted Aye; Alderman Solomon voted No. Motion carried.

- RES. 2004-5698
JADE
TECHNOLOGIES
- F-5. Alderman Kosovich moved to adopt Resolution No. 2004-5698, A RESOLUTION APPROVING AN AGREEMENT EXTENSION WITH JADE TECHNOLOGIES, INC. FOR WEB SITE MAINTENANCE, DESIGN ENHANCEMENT, AND HOSTING OF THE CITY OF FRANKLIN WEB SITE FOR THE REMAINING SIX MONTHS OF 2004 (JULY-DECEMBER). Seconded by Alderman Olson. All voted Aye; motion carried.
- FIRE STATION
RENOVATION
- F-6. Alderman Bergmann moved to adopt a resolution authorizing certain officials to execute a contract with Paul Schmitter of P.F. Schmitter Architects, Inc. for architectural services for the renovation of the old fire station #2 (11615 W. Rawson Avenue) as amended to read “in an amount not to exceed 10% of construction costs”. Seconded by Alderman Solomon. On roll call, Aldermen Bergmann, Kosovich and Solomon voted Aye; Aldermen Sohns, Gardner and Olson voting No. Mayor Klimetz broke the tie by voting No. Motion failed.
- NATURAL
RESOURCE
CONSULTANT
- F-7. Alderman Solomon moved to review and approve a Request For Proposal for a Natural Resource Preservation Consultant for the City of Franklin. Seconded by Alderman Olson. All voted Aye; motion carried.
- ORD. 2004-1793
ADMINISTRATIVE
REVIEW FEE
SCHEDULE
- F-8. Alderman Solomon moved to adopt Ordinance No. 2004-1793, AN ORDINANCE TO CREATE SECTION 15-9.0401A. FEE SCHEDULE IN THE UNIFIED DEVELOPMENT ORDINANCE. Seconded by Alderman Olson. All voted Aye; motion carried.
- ORD. 2004-1794
UNIFIED
DEVELOPMENT
ORDINANCE
AMENDMENT
- F-9. Alderman Olson moved to adopt Ordinance No. 2004-1794, ORDINANCE TO AMEND DIVISION 15-3.0200, SECTIONS 15-3.0202A.3. R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, 15-3.0203A.3 R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, 15-3.0204A.3 R-3E. SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, 15-3.0205A.3 R-4 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT, 15-3.0206A.3. R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT 15-3.0207A.4. R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT, 15-3.0210A.5. VR VILLAGE RESIDENCE DISTRICT, AND DIVISION 15-2.0100, SECTION 15-2.0103B.3B., PERTAINING TO ZONING COMPLIANCE AND SITE SUITABILITY as amended by the City Engineer and City Attorney. Seconded by Alderman Sohns. All voted Aye; motion carried.
- ORD. 2004-1795
BOARDING
KENNELS
- F-10. Alderman Bergmann moved to adopt Ordinance No. 2004-1795, AN ORDINANCE TO AMEND DIVISION 15-3.0300, SECTION 15-3.0302C GENERAL BUSINESS DISTRICT OF THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW BOARDING KENNELS WITHIN ANIMAL HOSPITALS, AS A SPECIAL USE. Seconded by Alderman Sohns. On roll call, Aldermen Olson, Gardner, Kosovich, Sohns and Bergmann voted Aye; Alderman Solomon voted No. Motion carried.

- RES. 2004-5699
FRANKLIN OAKS
PARTNERS, LLC
FRANKLIN OAKS
- F-11. Alderman Sohns moved to adopt Resolution No. 2004-5699, A RESOLUTION APPROVING AN AFFIDAVIT OF CORRECTION TO A FINAL PLAT APPROVED BY RESOLUTION 2003-5542, DATED JUNE 17, 2003, FOR THE NE 1/4 OF SECTION 13, FOR FRANKLIN OAKS PARTNERS, LLC FRANKLIN OAKS. Seconded by Alderman Kosovich. On roll call, Aldermen Bergmann, Sohns, Kosovich, Gardner and Olson voted Aye; Alderman Solomon voted No. Motion carried.
- FRANKLIN OAKS
STREET LIGHT
- F-12. Alderman Kosovich moved to authorize the City Engineer to sign a street light appendix with the WE Energies for the installation of two street lights, 100 watt light fixture on a fiberglass pole at a cost of \$2,730.23 to be billed to the developer who is responsible for the restoration and erosion control. Lights are to be installed at the following street intersections - S. 35th Street & S. Villa Dr. and S. 27th Street & W. Villa Dr. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2004-5700
FINAL PLAT-
YORKSHIRE
GROVE
- F-13. Alderman Kosovich moved to adopt Resolution No. 2004-5700, RESOLUTION APPROVING A FINAL PLAT FOR YORKSHIRE GROVE, MLG DEVELOPMENT. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RES. 2004-5701
AGREEMENT-
YORKSHIRE
GROVE
- F-14. Alderman Kosovich moved to adopt Resolution No. 2004-5701, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF YORKSHIRE GROVE SUBDIVISION. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2004-5702
MONTICELLO
GARDENS
CONDOMINIUMS
- F-15. Alderman Bergmann moved to adopt Resolution No. 2004-5702, A RESOLUTION TO APPROVE AN AMENDMENT TO THE MONTICELLO GARDENS CONDOMINIUM PLAT (approx. 12333 W. Forest Home Avenue, NW 1/4 of Section 18-Monticello Gardens Condominiums). Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5703
EASEMENT-
MMSD
- F-16. Alderman Bergmann moved to adopt Resolution No. 2004-5703, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A PERMANENT WATER MAIN AND TEMPORARY CONSTRUCTION EASEMENT FOR MILWAUKEE METROPOLITAN SEWERAGE DISTRICT FOR MONTICELLO GARDENS DEVELOPMENT. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5704
MONTICELLO
GARDENS VILLAS
- F-17. Alderman Bergmann moved to adopt Resolution No. 2004-5704, A RESOLUTION TO APPROVE AN AMENDMENT TO THE MONTICELLO GARDEN VILLAS CONDOMINIUM PLAT (approx. 12333 W. Forest Home Avenue, NW 1/4 of Section 18-Monticello Garden Villas Condominiums). Seconded by Alderman Solomon. All voted Aye; motion carried.

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- ORD. 2004-1796
ACCESSORY
STRUCTURES
- F-18. Alderman Olson moved to adopt Ordinance No. 2004-1796, AN ORDINANCE TO ALLOW ACCESSORY STRUCTURES FOR SINGLE FAMILY USES IN THE R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT as amended by the City Attorney. Seconded by Alderman Sohns. All voted Aye; motion carried.
- W. OAKWOOD
ROAD
- F-19. Alderman Bergmann moved to authorize staff to proceed with the necessary steps to acquire the right-of-way in the 8500 block of W. Oakwood Road, including the appraisal of land if so recommended by the Plan Commission and Board of Public Works at their 5/20/04 meeting and bring an offer based on the appraisal back to the Common Council for approval. Seconded by Alderman Sohns. All voted Aye; motion carried.
- WATER MAIN
EXTENSION-
FOREST HOME
AVENUE
- F-20. Alderman Sohns moved to direct staff to survey the area on the west side of W. Forest Home Avenue from 11218 W. Forest Home Avenue south to W. Rawson Avenue for the extension of water main and bring the results back to the Common Council. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RES. 2004-5705
BITUMINOUS
CONCRETE
PAVEMENT
- F-21. Alderman Solomon moved to adopt Resolution No. 2004-5705, RESOLUTION AWARDED BITUMINOUS CONCRETE PAVEMENT-W. DREXEL AVENUE RECONSTRUCTION PROJECT to Black Diamond Group, Inc., in the amount of \$187,715.00. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- GOAL SETTING
- F-22. Alderman Bergmann moved to table the matter of visioning and goal setting for the future for Board of Public Works. Seconded by Alderman Olson. All voted Aye; motion carried.
- HIGH SCHOOL
TRAFFIC SAFETY
- F-23. Alderman Bergmann moved to accept report and file pending future information from Police Department relative to pedestrian traffic safety in the general vicinity of Franklin High School. Seconded by Alderman Solomon. On roll call, Aldermen Olson, Solomon, Gardner, Kosovich and Bergmann voted Aye; Alderman Sohns voted No. Motion carried.
- CHRISTINE
RATHKE PARK
- F-24. Alderman Sohns moved that the City contribute up to \$1,200 for a park sign renaming Christine Rathke Park. Seconded by Alderman Solomon. All voted aye; motion carried.
- ORD. 2004-1797
STAFFING-
FINANCE DEPT. &
TREASURER
- F-25. Alderman Olson moved to adopt sections 1, 2, 4, 5 and 6 of Charter Ordinance No. 2004-1797, AN ORDINANCE TO CREATE AND FILL THE POSITION OF DIRECTOR OF FINANCE AND TREASURER. Seconded by Alderman Gardner. All voted Aye; motion carried.

Alderman Sohns moved to adopt section 3 of Charter Ordinance No. 2004-1797, AN ORDINANCE TO CREATE AND FILL THE POSITION OF DIRECTOR OF FINANCE AND TREASURER. Seconded by Alderman Kosovich. On roll call, Aldermen Sohns, Kosovich, Gardner, Solomon and Olson voted Aye; Aldermen Bergmann voted No. Motion carried.

RES. 2004-5706
FINANCE DEPT. &
TREASURER

Alderman Solomon moved to adopt Resolution No. 2004-5706, RESOLUTION APPROVING THE JOB DESCRIPTIONS FOR THE FINANCE AND TREASURER DEPARTMENTS OF THE CITY OF FRANKLIN. Seconded by Alderman Kosovich. All voted Aye; motion carried.

RES. 2004-5707
FINANCE DEPT. &
TREASURER

Alderman Solomon moved to adopt Resolution No. 2004-5707, RESOLUTION APPROVING 2004 BUDGET CHANGES TO THE FINANCE DEPARTMENT AND THE TREASURER DEPARTMENT. Seconded by Alderman Gardner. All voted Aye; motion carried.

FRANKLIN'S 50TH
ANNIVERSARY

F-26. It was the consensus of the Common Council to each nominate one person to a committee to be established for Franklin's 50th anniversary in 2006, in addition to representation from the Civic Celebrations Commission and Historical Society. This item will be placed on the agenda for the Committee of the Whole in June.

ATTORNEY
SERVICES

F-27. No action was needed regarding temporary City Attorney services during potential medical absence of City Attorney. Mayor Klimetz will meet with City Attorney and Assistant City Attorney prior to 5/28/04.

CLOSED SESSION-
LITIGATION

F-28. Alderman Bergmann moved to enter closed session at 8:40 p.m. pursuant to §19.85(1)(g), Stats. to discuss strategy with legal counsel regarding Summons and Petition for Certiorari Review from Judith A. Macklin, Orville A. Macklin and Meridian Properties Real Estate Development, LLC, Case No. 04-CV-1685 and to reenter open session at the same place thereafter to act upon such matters as discussed therein. Seconded by Alderman Gardner. On roll call, all voted Aye; motion carried.

The Common Council reentered open session at 9:10 p.m.

APPOINTMENTS

G-1. Alderman Sohns moved to confirm the Mayoral reappointment of Kenneth Skowronski, term expires 4/30/07, to the Plan Commission. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

Alderman Sohns moved to confirm the Mayoral reappointment of Del Sievert, term expires 4/30/07, to the Board of Public Works. Seconded by Alderman Kosovich. On roll call, Aldermen Sohns, Kosovich, Gardner, Solomon and Olson voted Aye; Alderman Bergmann abstained. Motion carried.

Alderman Kosovich moved to confirm the Mayoral reappointment of Jerry Young, term expires 4/30/07, to the Board of Public Works. Seconded by Alderman Bergmann. On roll call, all voted Aye; motion carried.

Alderman Solomon moved to confirm the Mayoral reappointment of Dale Webler, term expires 4/30/07, to the Technology Commission. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.

APPOINTMENTS-
CONTINUED

Alderman Sohns moved to confirm the Mayoral reappointment of Theodore Mainella, term expires 4/30/05, to the Technology Commission. Seconded by Alderman Gardner. On roll call, all voted Aye; motion carried.

Alderman Olson moved to confirm the Mayoral reappointment of Gregory Strowig, term expires 4/30/07, to the Technology Commission. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.

Alderman Olson moved to confirm the Mayoral reappointment of Scott Meade, term expires 4/30/05, to the Technology Commission. Seconded by Alderman Gardner. On roll call, all voted Aye; motion carried.

Alderman Solomon moved to confirm the Mayoral reappointment of Elvin Rivera, term expires 4/30/05, to the Technology Commission. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried.

Alderman Solomon moved to confirm the Mayoral reappointment of Todd Mailandt, term expires 4/30/07, to the Technology Commission. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried.

Alderman Sohns moved to confirm the Mayoral reappointment of Norman Hintz, term expires 4/30/07, to the Board of Zoning and Building Appeals. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

Alderman Sohns moved to confirm the Mayoral reappointment of Nicholas Gnass, term expires 4/30/07, to the Board of Zoning and Building Appeals. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

Alderman Bergmann moved to confirm the Mayoral reappointment of John Jewell of J&O Trucking as Weed Commissioner for the 2004 season. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried.

Alderman Solomon moved to confirm the appointment of David Radloff (nomination by Mayor Klimetz) to the Board of Review, term expires 5/1/05. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

Alderman Olson moved to confirm the appointment of James J. Fuchs (nomination by Alderman Olson) to the Board of Review, term expires 5/1/07. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

APPOINTMENTS-
CONTINUED

Alderman Solomon moved to confirm the appointment of Norman Hintz, (nomination by Alderman Sohns) to the Board of Review, term expires 5/1/07. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.

Alderman Bergmann moved to confirm the appointment of Marvin Wolff (nomination by Alderman Bergmann) to the Board of Review, term expires 5/1/05. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried.

LICENSES

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

Class B Combination to Hugo's Steakhouse, William J. Hilger, Jr., Agent, 6951 S. Lovers Lane Road pending satisfactory inspections;

Temporary Class B Beer & Wine and Entertainment & Amusement to Franklin Civic Celebration, Michael Reichl, 9229 W. Loomis Rd. on July 2-5, 2004;

Operator License to: Tamey L. Hodgkins, 6126 S. 31st St. #1, Greenfield; Jeanette A. Rosa, 8124 W. North Ave., Milwaukee; Robert D. Ross, 2639 N. Prospect Ave. #202, Milwaukee and Amanda R. Terry, W171 S8144 Lannon Rd., Muskego;

Fee Waiver to St. Francis Xavier Foreign Mission Society, Xaverian Mission Festival on 6/26 & 6/27, Extraordinary Entertainment & Special Event, Temporary Class B Beer, Food, Soda & Entertainment & Amusement except services incurred by City staff, Sanitarian, Fire Department and Police Department;

and also moved to hold the request to amend premise description of Class B Combination for The Bowery, Roger W. Hein, Agent, 3023 W. Ryan Rd. subject to obtaining fence permit;

and also moved to hold Class B Beer License for Chai Gardens, Dr. Thomas Chua, Owner, 6509B S. 27th St. subject to satisfactory inspections;

and also moved to hold Operator License for Marie D. Anderson, 5503 Alba Ct., Greendale subject to applicant appearing before the License Committee and Todd P. Kalmerton, 7036 Ernest Dr. subject to applicant appearing before the License Committee. Seconded by Alderman Gardner. All voted Aye; motion carried.

VOUCHERS

I-1. Alderman Sohns moved to approve City vouchers in the range of 106569 thru 106730 in the amount of \$2,497,629.17. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

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PAYROLL

Alderman Bergmann moved to approve net payroll of May 14, 2004 in the amount of \$292,138.05. Alderman Sohns. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J.

Alderman Bergmann moved to adjourn the Common Council meeting at 10:07 p.m. Seconded by Alderman Sohns. All voted Aye; motion carried.