

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
JULY 13, 2004
MINUTES**

- CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of July 13, 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, and Sohns. Excused was Alderman Bergmann. Also present were City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.
- COMMENDATION Mayor Klimetz presented Kevin Fitzgerald with Eagle Scout commendation.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:37 p.m. and closed at 6:55 p.m.
- MINUTES-7/13/04 C-1. Alderman Olson moved to approve the regular Common Council meeting minutes of June 22, 2004 as presented. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- ORD. 2004-1802
27TH STREET
MORATORIUM F-0. Alderman Kosovich moved to adopt Ordinance No. 2004-1802, AN ORDINANCE TO ESTABLISH A MORATORIUM UPON DEVELOPMENT IN THE FRANKLIN BUSINESS CENTER REDEVELOPMENT DISTRICT (BOUNDED BY SOUTH 275H STREET ON THE EAST, WEST RAWSON AVENUE ON THE NORTH, WEST COUNTY LINE ROAD ON THE SOUTH AND SOUTH 31ST STREET, EXTENDED, ON THE WEST), as amended by the City Attorney. Seconded by Alderman Sohns. All voted Aye; motion carried.
- COMMUNITY DEVELOPMENT BLOCK GRANT F-1. Alderman Solomon moved to direct the Director of Administration to prepare and submit applications for the 2005 Milwaukee County Community Development Block Grant Program for three projects for submittal to Milwaukee County for their July 23, 2004 application deadline date. Seconded by Alderman Olson. All voted Aye; motion carried.
- ORD. 2004-1803
UNIFIED DEVELOPMENT ORDINANCE AMENDMENT F-2. Alderman Olson moved to adopt Ordinance No. 2004-1803, AN ORDINANCE TO AMEND, REVISE AND UPDATE THE UNIFIED DEVELOPMENT ORDINANCE AS IT PERTAINS TO ZONING REGULATIONS UNDER THE UNIFIED DEVELOPMENT ORDINANCE, SPECIFICALLY DIVISION 15-3.0500, SECTION 15-3.0505 TO PROVIDE A MAXIMUM PERMITTED FLOOR AREA FOR RETAIL BUILDINGS IN THE B-1, B-2, B-3 AND B-5 DISTRICTS, as amended by the City Attorney. Seconded by Alderman Sohns. All voted Aye; motion carried.

- RES. 2004-5727
PRELIMINARY
PLAT-ICON
DEVELOPMENT
- F-3. Alderman Sohns moved to adopt Resolution No. 2004-5727, RESOLUTION APPROVING A PRELIMINARY PLAT FOR RIVER PARK, Icon Development (west of S. 51st St., south of W. Drexel Ave. and east of W. Cascade Dr.), as corrected. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5728
SPECIAL USE-
ICON
DEVELOPMENT
- F-4. Alderman Sohns moved to adopt Resolution No. 2004-5728, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED IN THE NW 1/4 OF SECTION 14, TOWN 5 NORTH, RANGE 21 EAST (River Park Subdivision), as corrected. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2004-5729
SPECIAL USE-
KOUTROMANOS
- F-5. Alderman Solomon moved to adopt Resolution No. 2004-5729, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT 7621 W. Rawson Avenue/Franklin Center (Gus Koutromanos, Pantheon Family Restaurant), as amended by the City Attorney. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2004-5730
CONDOMINIUM
PLAT- FRANKLIN
OAKS PARTNERS,
LLC
- F-6. Alderman Kosovich moved to adopt Resolution No. 2004-5730, A RESOLUTION TO APPROVE A CONDOMINIUM PLAT, FRANKLIN OAKS PARTNERS, LLC (south of W. Drexel Ave. & east of S. 35th St.), NE 1/4 of Section 13-Franklin Oaks/The Villas Condominiums). Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2004-5731
LAND
COMBINATION-
STOJANOVICH
- F-7. Alderman Gardner moved to adopt Resolution No. 2004-5731, A RESOLUTION APPROVING A COMBINATION OF LAND OF A PART OF THE SOUTHWEST 1/4 OF SECTION 1, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, PETER AND DIANE STOJANOVICH, 4259 PEBBLE BEACH COURT. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2004-5732
CSM-
SMAK
- F-8. Alderman Sohns moved to adopt Resolution No. 2004-5732, A RESOLUTION APPROVING A CERTIFIED SURVEY MAP OF A PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 2, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, Nicholas T. Smak and Brenda M. Smak. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2004-5733
LAND
COMBINATION-
HILLER FORD,
INC.
- F-9. Alderman Solomon moved to adopt Resolution No. 2004-5733, A RESOLUTION APPROVING A COMBINATION OF LAND OF A PART OF THE NORTHEAST 1/4 OF SECTION 6, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, Hiller Ford, approx. 6455 S. 108th Street. Seconded by Alderman Olson. All voted Aye; motion carried.

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RES. 2004-5736
SPECIAL USE-
HILLER FORD,
INC.

Alderman Sohns moved to adopt Resolution No. 2004-5736, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR APPROVAL OF AN AMENDMENT TO A SPECIAL USE FOR EXPANSION OF PARKING FACILITIES ON LANDS OWNED BY HILLER FORD, PROPERTY LOCATED AT APPROX. 6455 S. 108TH STREET as amended. Seconded by Alderman Solomon. All voted Aye; motion carried.

POLICY-
ORIGINAL
DWELLING

F-10. Alderman Sohns moved to approve the adoption of a procedure to allow a second dwelling while a new dwelling is constructed. Seconded by Alderman Olson. All voted Aye; motion carried.

BUILDING
PERMIT-PETTED

F-11. Alderman Sohns moved to approve issuance of a building permit for a house located at 3613 W. Drexel Avenue for Paul and Lynnea Petted subject to (1) The owner shall submit a quotation from a demolition contractor for the cost to demolish the building, remove debris, fill the excavation and properly abandon all unused utilities; (2) The owner shall post a bond or letter of credit approved by the City Attorney for the amount of the demolition work; (3) The owner shall demolish the existing house within 60 days of the issuance of an occupancy permit and (4) If the applicant fails to remove the building, the letter of credit or bond shall be used to remove the building. Seconded by Alderman Olson. All voted Aye; motion carried.

TIF FOR
AREA D

F-12. Alderman Kosovich moved to authorize the Community Development Authority to acquire a cost estimate for a financial analysis of establishment of a Tax Incremental Financing for Area D. Seconded by Alderman Solomon. All voted Aye; motion carried.

LETTER OF
CREDIT-KARTH
CSM

F-13. Alderman Sohns moved to release the letter of credit from Franklin State Bank for the Karth Certified Survey Map (approx. 7500 block of S. 75th St.) as recommended by staff. Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2004-5734
EASEMENTS-
CROOKED CREEK
ADD. #1

F-14. Alderman Olson moved to adopt Resolution No. 2004-5734, A RESOLUTION ACCEPTING EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF STORM SEWER EASEMENTS (Lots 46-50, 52-55, 74-75 and 82-83 and OUTLOTS 9-11) FOR CROOKED CREEK ADDITION NO. 1 SUBDIVISION. Seconded by Alderman Solomon. All voted Aye; motion carried.

STREET LIGHT-
CROOKED CREEK
SUBDIVISION

F-15. Alderman Solomon 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 one fiberglass pole at a cost of \$4,715.77 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 Gardner. All voted Aye; motion carried.

- STREET LIGHT-
RIVERVIEW
POINTE
SUBDIVISION
- F-16. 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, 100 watt light fixture on three fiberglass poles at a cost of \$7,109.59 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 Gardner. All voted Aye; motion carried.
- FAIRWAYS OF
FRANKLIN-STORM
WATER BASINS
- F-17. No action was taken at this time regarding the transfer of Storm Water Basins Outlots 1, 2 and 3 in the Fairways of Franklin and Fairways of Franklin Addition No. 1 Subdivision to the Home Owners Association including necessary re-landscaping.
- W. OAKWOOD
ROAD GUARD
RAIL
INSTALLATION
- F-18. Alderman Kosovich moved to direct City Engineer to execute a proposal submitted on June 8, 2004 by Century Fence Company, following the required notice publication, to furnish and install guard rail and retaining wall along W. Oakwood Road in the 8400 block, to include material and labor in the amount of \$8,988.00. Seconded by Alderman Gardner. All voted Aye; motion carried.
- RES. 2004-5735
2004 LOCAL ROAD
PROGRAM
- F-19. Alderman Solomon moved to adopt Resolution No. 2004-5735, RESOLUTION AWARDDING BITUMINOUS CONCRETE PAVEMENT FOR 2004 LOCAL ROAD PROGRAM to Payne & Dolan, Inc. in the amount of \$144,598.00. Seconded by Alderman Gardner. All voted Aye; motion carried.
- SEWER AND
WATER TRUCK
REPLACEMENT
- F-20. Alderman Solomon moved to authorize staff to utilize \$5,300.00 from the Homeland Security Consulting Fee, Sewer Fund Account (\$10,000) for the additional cost of the Sewer and Water Service Truck to include a generator with the purchase. Seconded by Alderman Sohns. All voted Aye; motion carried.
- ADVISORY
COMMITTEE
- F-21. Alderman Sohns moved to authorize the City Engineer to serve on a Southeastern Wisconsin Regional Planning Commission Advisory Committee to guide the updating of the regional transportation system plan. Seconded by Alderman Olson. All voted Aye; motion carried.
- COMMUNICABLE
DISEASE
- F-22. An update on the communicable disease surveillance and control measures related to Pertussis outbreak was for information only.
- ISOLATION AND
QUARANTINE
ORDINANCE
- F-23. Alderman Sohns moved to request the City Attorney to review an ordinance to amend §55.18. of the Municipal Code to include isolation and quarantine regulations and procedures in the event of a communicable disease outbreak, and further refer this ordinance to the Committee of the Whole meeting on August 9, 2004. Seconded by Alderman Gardner. All voted Aye; motion carried.
- BLOCK GRANT
- F-24a. A public hearing was held on 7/12/04 regarding the 2005 Milwaukee County Community Development Block Grant Program. (See Item F-1).

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- CONSOLIDATED PLAN F-24b. Alderman Solomon moved to direct the Director of Administration to prepare with a plan regarding Milwaukee County Community Development Consolidated Plan for 2005-2009. Seconded by Alderman Gardner. All voted Aye; motion carried.
- PUBLIC SAFETY COMMITTEE F-24c. No action was needed at this time regarding the Public Safety Committee Status Report.
- 27TH STREET CORRIDOR F-24d. Alderman Olson moved to authorize the Franklin Community Development Authority, with the assistance of the City Attorney, to negotiate a contract with Schreiber Anderson Associates at a cost not to exceed \$60,000, and to further authorize the Community Development Authority to expend an additional \$5,000 (from \$25,000 to \$30,000) from the Community Development Department's 2004 Budget to cover the City of Franklin's 50% share of this 27th Street Corridor Development Plan cost. Seconded by Alderman Solomon. All voted Aye; motion carried.
- REPLACEMENT HOUSE F-24e. Alderman Sohns moved to direct the City Attorney to prepare a draft ordinance not requiring building of a replacement house on an existing lot for the August 9, 2004 Committee of the Whole Meeting. Seconded by Alderman Olson. All voted Aye; motion carried.
- Alderman Sohns moved that the impact fees be waived in whole for Paul & Lynnea Petted, 3613 W. Drexel Avenue. Seconded by Alderman Olson. All voted Aye; motion carried.
- CONSENT ACTIONS F-24f. The City Clerk was directed to proceed with the policy for institution of consent actions for Common Council agendas.
- ETHICS CODE PROCEDURES F-24g. Alderman Olson moved to direct City Attorney to contact applicable State and County departments for the availability of alternate enforcement mechanisms for the administration of the Ethics Code on the City of Franklin, statutorily or on a contract basis and further referred this item to August 9, 2004 Committee of the Whole meeting. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- SUMMONS AND PETITION F-24h. No action was taken regarding the 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 (challenging the validity of a moratorium upon development); and Notices of Circumstances of Clam and Claims of Anthony G. Henika, Linda K. Henika, Earl C. Barrette, Grace L. Barrette, John G. Lemke, Judith A. Macklin, Orville L. Macklin and United Investments, I, LLC (f/k/a Wildwood Highlands I, LLC (alleging damages resulting from a moratorium upon development)).

CLOSED SESSION- F-25. Alderman Olson moved to direct City Clerk to prepare notice of
VEHICLE disallowance for The WAS Corporation for vehicle damage due to an
DAMAGE alleged accident on June 4, 2004. Seconded by Alderman Solomon.
All voted Aye; motion carried.

CLOSED SESSION- F-26. Alderman Olson moved to authorize the acquisition of property at 8502
W. OAKWOOD W. Oakwood Road in the amount of \$7,900.00 supported by an
ROAD appraisal of damages to be prepared by National Appraisal Corporation.
Seconded by Alderman Solomon. All voted Aye; motion carried.

APPOINTMENTS G-1. Alderman Sohns moved to confirm the Mayoral reappointment of David
O'Neill, term expires 8/1/06, to the Economic Development
Commission. Seconded by Alderman Olson. On roll call, all voted
Aye; motion carried.

Alderman Kosovich moved to confirm the Mayoral reappointment of
Sandra Jo Adam, term expires 8/1/07, to the Economic Development
Commission. Seconded by Alderman Sohns. On roll call, all voted
Aye; motion carried.

Alderman Sohns moved to confirm the Mayoral reappointment of Ken
Skowronski, term expires 8/1/07, to the Economic Development
Commission. Seconded by Alderman Olson. On roll call, all voted
Aye; motion carried.

Alderman Olson moved to confirm the Mayoral appointment of James
Rhiner, term expires 8/1/05, to the Economic Development
Commission. Seconded by Alderman Sohns. On roll call, all voted
Aye; motion carried.

Alderman Sohns moved to confirm the Mayoral appointment of Darci
Miller, term expires 8/1/06 , to the Economic Development
Commission. Seconded Alderman Kosovich. On roll call, all voted
Aye; motion carried.

Alderman Olson moved to confirm the Mayoral reappointment of Marie
Mullarkey, term expires 7/1/07, to the Library Board. Seconded by
Alderman Solomon. All voted Aye; motion carried.

Alderman Olson moved to confirm the Mayoral reappointment of
Dennis McKnight, term expires 7/1/07, to the Library Board. Seconded
by Alderman Sohns. On roll call, all voted Aye; motion carried.

Alderman Olson moved to confirm the Mayoral appointment of Shari
Wass, term expires 7/1/04 to the Library Board. Seconded by Alderman
Kosovich. On roll call, all voted Aye; motion carried.

Alderman Olson moved to confirm the Mayoral appointment of Karen
Wesener, term expires 7/1/07, to the Library Board. Seconded by
Alderman Solomon. On roll call, all voted Aye; motion carried.

**APPOINTMENTS-
CONTINUED**

Alderman Olson moved to confirm the Mayoral appointment of Charles Searle, term expires 4/30/06, to the Parks Commission. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.

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

Alderman Kosovich moved to confirm the reappointment of Anthony Megna, term expires 4/30/07, to the Board of Zoning and Building Appeals. Seconded by Alderman Sohns. On roll call, 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: Sacha L. Korpela, 6054 N. 59th St.; Thomas A. Volkomer, 7613 S. 83rd St.; Erin M. Anderle, 2445 W. Briar Lakeway, Oak Creek; Eric A. Balcerowski, 11930 W. Ryan Rd.; Donald M. Benning, 10035 S. 60th St.; Lorrie J. Benning, 10035 S. 60th St.; Jeremy M. Blaisell, 135 N. 91st Place #4; Milwaukee; Julie A. Bullen, 7902 W. Wright St., Wauwatosa; April H. Burden, 9620 W. Van Beck Ave., Greenfield; Tasha, D. Butler, 1012 S. 73rd St., West Allis; Jennifer A. Di Salvo, 4844 W. Fillmore Dr., Milwaukee; Patrick T. Hansen, 6885 S. Timber Ridge Ln. #7204, Oak Creek; Rebecca L. Lovdal, 9208 S. Annette Pl., Oak Creek; Melissa L. Murphy, 303 E. Pine Hollow Ln. #8, Oak Creek; Joel S. Mussatti, 8917 S. 76th St.; Jerome T. Peterson, 20725 W. North Ave., Brookfield; Francisco J. Sanchez, 5220 S. 45th St., Greenfield; Jason M. Scuglik, 3419 N. Booth St., Milwaukee; Faith D. Untiet, 7529 S. 75th St.; Clement R. Vaia, 1626 N. Prospect #303, Milwaukee; Adam P. Wyngaard, 3803 E. Klieforth Ave., Cudahy and Lakishia Zissler, 4430 N. 64th St., Milwaukee;

Extraordinary Event, Entertainment & Amusement to Irish Cottage-Poker run, 11433 W. Ryan Rd. for fund raiser on July 24, 2004 pending satisfactory health department inspection;

Amusement Device to American Coin Merchandising, d/b/a Sugar Loaf of Wisconsin, 3008 Progress Rd., Madison;

Entertainment & Amusement to Croatian Park, Federation of Croatian Societies, Josef Becker Sr., Agent, 9110 S. 76th St. subject to satisfactory building inspection;

Temporary Class B Beer & Wine to Sand Hill Booster Club, Mike Plumley-President, St. Martins Labor Day Fair on Sept. 5 & 6, 2004;

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LICENSES-
CONTINUED

H-1. Fee waiver, Temporary Class B Beer & Wine, St. Martin's Peddler & Soda License to Sand Hill Booster Club, Mike Plumley-President, St. Martins Labor Day Fair on Sept. 5 & 6, 2004;

Fee waiver, food & soda licenses to Franklin Lions Little League Park, Barbara Kenney, President, 9600 S. 80th St. except services incurred by City staff, Sanitarian, Fire Department and Police Department. Seconded by Alderman Solomon. All voted Aye; motion carried.

VOUCHERS

I-1. Alderman Kosovich moved to approve City vouchers in the range of 107151 thru 107451 in the amount of \$1,263,321.39. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

PAYROLL

Alderman Solomon moved to approve net payroll of June 25, 2004 in the amount of \$283,137.28. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried.

Alderman Kosovich moved to approve net payroll of July 9, 2004 in the amount of \$285,924.38. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Kosovich moved to adjourn the Common Council meeting at 8:30 p.m. Seconded by Alderman Sohns. All voted Aye; motion carried.