

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
JULY 27, 2004
MINUTES**

- CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of July 27, 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 Solomon, Gardner, Kosovich, Sohns and Bergmann. Excused was Alderman Olson. 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 6:37 p.m.
- MINUTES-7/13/04 C-1. Alderman Sohns moved to approve the regular Common Council meeting minutes of July 13, 2004 as presented. Seconded by Alderman Solomon. On roll call, Aldermen Solomon, Gardner, Kosovich and Sohns voted Aye; Alderman Bergmann Abstained. Motion carried.
- MILWAUKEE COUNTY CONSOLIDATED PLAN F-0. Alderman Solomon moved to approve the information for the Milwaukee County Community Development Consolidated Plan, 2005-2009, for submission to Milwaukee County by the July 30, 2004. Seconded by Alderman Gardner. All voted Aye; motion carried.
- RES. 2004-5737 AGREEMENT-TWELVE MILE CORPORATION F-1. Alderman Solomon moved to adopt Resolution No. 2004-5737, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT REGARDING WATER MAINS AMONG THE CITY OF FRANKLIN, TWELVE MILE CORPORATION AND UNITED INVESTMENTS I, LLC in Forest Hill Highlands. Seconded by Alderman Sohns. All voted Aye; motion carried.
- STREET LIGHT-SPEEDWAY DRIVE F-2. Alderman Bergmann moved to authorize the installation of street lights on W. Speedway Drive for Menard's Development at 10925 W. Speedway Drive with the understanding that Menard's will pay the installation cost and the City will pay the operation and maintenance costs. Seconded by Alderman Solomon. All voted Aye; motion carried.
- FOREST HILL HIGHLANDS F-3. Alderman Solomon moved to reimburse United Financial Group for oversize main installed on W. Puetz Road, in five annual payments (20% per payment) for a total of \$22,500. Seconded by Alderman Gardner. All voted Aye; motion carried.
- RES. 2004-5738 AGREEMENT-INDIAN COMMUNITY SCHOOL F-4. Alderman Bergmann moved to adopt Resolution No. 2004-5738, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF INDIAN COMMUNITY SCHOOL, 10405 W. St. Martins Road, as corrected by the City Engineer. Seconded by Alderman Solomon. All voted Aye; motion carried.

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- FOREST HILL AVE. PEDESTRIAN WALKWAY F-5. Alderman Kosovich moved to approve the proposed plan for a pedestrian walkway on Forest Hill Avenue from Highland Park Avenue to Legend Drive. Seconded by Alderman Solomon. All voted Aye; motion carried.
- ORD. 2004-1804 PARKING-WOODFIELD COURT F-6. Alderman Gardner moved to adopt Ordinance No. 2004-1804, ORDINANCE TO AMEND SECTION 245-5D OF THE MUNICIPAL CODE TO ESTABLISHED PARKING ON WOODFIELD COURT (“no parking on the north side of Woodfield Ct. from S. 85th St. to 130 feet west”). Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2004-5739 EASEMENT-MONTICELLO GARDENS F-7. Alderman Bergmann moved to adopt Resolution No. 2004-5739, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A WATER MAIN EASEMENT FOR MONTICELLO GARDENS DEVELOPMENT. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004- 5740 CROSSROADS TRADE AREA F-8. Alderman Kosovich moved to adopt Resolution No. 2004-5740, RESOLUTION FOR ADOPTING THE COMPREHENSIVE MASTER PLAN AMENDMENT FOR THE CROSSROADS TRADE AREA AS AN ELEMENT OF THE CITY OF FRANKLIN COMPREHENSIVE MASTER PLAN. Seconded by Alderman Sohns. All voted Aye; motion carried.
- ORD. 2004-1805 REZONING-RODRIGUEZ F-9. Alderman Gardner moved to adopt Ordinance No. 2004-1805, AN ORDINANCE TO AMEND THE ZONING CODE (MAP), ORDINANCE NO. 98-1493 TO REZONE A PARCEL OF LAND FROM R-6, SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT TO B-6, PROFESSIONAL OFFICE DISTRICT, 2929 W. Rawson Avenue, as corrected. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2004-5741 PRELIMINARY PLAT-KW ROBINWOOD LLC F-10. Alderman Sohns moved to adopt Resolution No. 2004-5741, RESOLUTION APPROVING A PRELIMINARY PLAT FOR ROBINWOOD ESTATES ADDITION NO. 1, KW Robinwood LLC, Woodbury Drive and W. Drexel Avenue, as corrected. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2004-5742 CSM-ADAMS F-11. Alderman Bergmann moved to adopt Resolution No. 2004-5742, A RESOLUTION APPROVING A CERTIFIED SURVEY MAP OF A PART OF THE NW ¼ 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 Kosovich. All voted Aye; motion carried.

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- NATURAL RESOURCE PROTECTION PLANS F-12. Alderman Bergmann moved to authorize the selection committee to negotiate terms and rates for review of natural resource protection plans and related services, which is to be reviewed by the City Attorney and presented to the Common Council for final approval. Seconded by Alderman Solomon. All voted Aye; motion carried.
- IMPACT FEES-OKLOBDZIJA F-13. Alderman Sohns moved to approve the waiver of the impact fees except for the Water Impact and the Sewer Connection fees for Annie and Jovo Oklobdzija at 8631 W. Forest Hill Avenue. Seconded by Alderman Solomon. All voted Aye; motion carried.
- BUILDING PERMIT-OKLOBDZIJA F-14. Alderman Sohns moved to approve issuance of a building permit for a house located at 8631 W. Forest Hill Avenue for Annie and Jovo Oklobdzija subject to (1) the owner shall post a bond or letter of credit to be reviewed and approved by the City Attorney for \$8,900.00, the amount of the demolition bid, (2) The owner shall demolish the existing house within 60 days of the issuance of an occupancy permit and (3) if the applicant fails to remove the building, the letter of credit or bond shall be used to remove the building. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CERTIFICATE OF SUFFICIENCY F-15. A Certificate of Sufficiency dated July 19, 2004, was presented to the Common Council by the City Clerk, which validated 1,683 signatures for the Petition for Direction Legislation requesting adoption of an ordinance to amend, revise and update the Unified Development Ordinance as it pertains to zoning regulations under the UDO, specifically Division 15-3.0505. Alderman Sohns moved to table this ordinance based on information provided by the City Attorney and also on the basis that the Council has acted on the subject matter at their meeting of July 13, 2004. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5743 SITE PLAN-CESARZ DRYWALL, INC. F-16. Alderman Kosovich moved to adopt Resolution No. 2004-5743, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SITE PLAN RESOLUTION FOR PROPERTY LOCATED AT 9625 S. 54TH STREET, NW 1/4 of Section 26, (Stephen P. Smith, Stephen Perry Smith Architects, Inc.) as amended by the City Attorney. Seconded by Alderman Sohns. All voted Aye; motion carried.

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- BUSINESS PARK RELEASE F-17. Alderman Solomon moved to authorize the payment related to Lot 3 Block 1 Franklin Business Park Release, Indemnification and Development Agreement Payment terms of 6% interest upon any amounts which become due under the subject contract prior to October 1, 2004 and for which the payee agrees to and voluntarily awaits payment after October 1, 2004. 6% interest upon the \$24,000 which became due upon request upon July 21, 2004, if paid on October 2, 2004, would amount to approximately \$300, to then be paid as a project cost, with the principal amount. Seconded by Alderman Sohns. All voted Aye; motion carried.
- FIRE FIGHTERS AGREEMENT F-18. Alderman Solomon moved to approve Letter of Agreement between the City of Franklin and the Franklin Professional Fire Fighters Association Local 2760 regarding auto mileage reimbursement, as recommended by the Personnel Committee. Seconded by Alderman Gardner. All voted Aye; motion carried.
- RECRUITMENT F-19. Alderman Sohns moved to establish committee for review of the position of Community Development Director or Planning Manager position consisting of the Mayor, Alderman Olson, and a member of the Plan Commission, Economic Development Commission and Community Development Authority, and the Dir. of Administration, and further to present report at August 9, 2004, Committee of the Whole. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- LEGEND PARK F-20 a., c., d. Alderman Solomon moved to table the fee waiver requests for the rental of Legend Park from the Franklin Historical Society, the General Federation of Franklin Women's Club and the Franklin Lions Club. Seconded by Alderman Sohns. All voted Aye; motion carried.
- FEE REFUND-LEGEND PARK F-20 b. Alderman Solomon moved to grant the fee refund request for the rental of Legend Park from Cub Scout Pack 531. Seconded by Alderman Sohns. All voted Aye; motion carried.
- PARK FEE WAIVER F-20e. Alderman Bergmann moved to grant the fee waiver request with the exception of any direct city expenses for the rental of Legend Park from the Franklin Cultural Center, Inc. and to grant permission to the Franklin Cultural Center, Inc. to sell food, wine and/or beer at the planned free concert at the Lions Legend band shell. Seconded by Alderman Solomon. All voted Aye; motion carried.

CLOSED SESSION- POLICE DEPT. COMPENSATION AND CLOSED SESSION- HEALTH INSURANCE F-21. Alderman Bergmann moved to enter closed session at 8:20 p.m. pursuant to §19.85(1)(c), Stats. to discuss compensation of certain City employees in the Police Department over which the governmental body has jurisdiction and exercises responsibility, and also pursuant to §19.85(1)(c), Stats., to discuss health insurance premium contributions (co-payments) for certain City employees in the Police Department, 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, all voted Aye. Motion carried.

The Common Council reentered open session at 8:47 p.m.

COMPENSATION Alderman Gardner moved to deny the request from certain employees in the Police Department for compensation requested and further directed labor counsel to notify those employees. Seconded by Alderman Sohns. All voted Aye; motion carried.

HEALTH INSURANCE Alderman Kosovich moved to direct the Dir. of Admin. to send a letter to certain employees of the Police Department notifying them of the council's direction discussed in closed session regarding co-payments for the health insurance contributions. Seconded by Alderman Gardner. All voted Aye; motion carried.

APPOINTMENTS G-1. Alderman Solomon moved to confirm the Mayoral appointment of Lori Hubbartt, term expires 4/30/07, to the Personnel Committee. Seconded by Alderman Gardner. On roll call, all voted Aye; motion carried.

Alderman Kosovich moved to confirm the Mayoral appointment of Renee Fuller, term expires 4/30/05, to the Board of Health. Seconded by Alderman Gardner. On roll call, all voted Aye; motion carried.

Alderman Solomon moved to confirm the Mayoral appointment of Ted Grintjes, term expires 8/1/07, to the Economic Development Commission. Seconded by Alderman Gardner. On roll call, all voted Aye; motion carried.

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

Alderman Kosovich moved to confirm the Mayoral appointment of Joe Haselow, term expires 8/1/05, to the Economic Development Commission. Seconded by Alderman Gardner. On roll call, all voted Aye; motion carried.

APPOINTMENTS-
CONTINUED

Alderman Sohns moved to confirm the Mayoral appointment of Richard Schauer, term expires 8/1/05, to the Economic Development Commission. Seconded by Alderman Solomon. 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:

Operator License to Jeffrey M. Belski, 510 Montana Avenue, South Milwaukee; Jennifer L. Fesko, 802 E. State St., #412, Milwaukee; Michael J. Bissell, 8722 W. Cascade Dr.; Katrina M. Chesnik, W177 S8050 Brennan Dr., Muskego; Jamie L. Christensen, 1516 S. 55th St., West Milwaukee; Rafael M. Del Castillo, 2107 S. 20th St., Milwaukee subject to satisfactory schooling certificate; Tammy S. Kaishian, 2323 S. 92nd St., West Allis; Nancy J. Kortess, 4118 Barnwood Ct.; Mirjana Markovic, 4142 W. Southwood Dr.; Robert D. Ross, 2639 N. Prospect Ave. #202, Milwaukee; Cindy E. Schwartz, 5215 W. Forest Home Ave., Greenfield; Ilker Topselvi, 17308 W. Lincoln Ave., New Berlin; Jodi A. Tyllo, 1800 W. Meyer Ln., Oak Creek; Hamida Valliani, 11113 W. Wildwood Ln. #312, West Allis and Iva M. Vukovic, 4312 W. Sherwood Dr.;

Temporary Entertainment & Amusement to All-Glass Aquarium Co., 9675 S. 60th St.;

Temporary Class B Beer & Wine to St. Martin of Tours Catholic Church, 7963 S. 116th St. for Church dedication on 10/2/04;

Fee waiver for temporary food, soda & Class B Beer & Wine to St. Martin of Tours Catholic Church, 7963 S. 116th St. for Church dedication on 10/2/04 except services incurred by City staff, Sanitarian, Fire Department and Police Department;

and also moved to hold Operator License for Brian J. Nizansky, 1912 E. Linwood Ave., Milwaukee subject to appearing before the License Committee;

and also moved to proceed with a revocation hearing for Operator's License for Jeremy J. Haese, W161 N5841 Cherylin Dr., Menomonee Falls;

and also moved to deny Operator License for Timothy C. Hammen, 3029 S. Hanson Ave., Milwaukee for outstanding warrants and Mark F. Milling, 4430 W. Grange Ave., Greenfield for inaccurate application information in accordance with Sec. 169-2.C.(1), Franklin Municipal Code and habitual criminality record contrary to §125.04(5)(a)1. Seconded by Alderman Kosovich. All voted Aye; motion carried.

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- VOUCHERS I-1. Alderman Bergmann moved to approve City vouchers in the range of 107452 thru 107629 in the amount of \$804,408.96. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.
- PAYROLL Alderman Sohns moved to approve net payroll of July 23, 2004 in the amount of \$287,524.85. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.
- ADJOURNMENT J. Alderman Sohns moved to adjourn the Common Council meeting at 8:50 p.m. Seconded by Alderman Kosovich. All voted Aye; motion carried.