

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 10, 2004
MINUTES**

- CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of August 10, 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 Assistant City Engineer Romeis, 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 6:32 p.m.
- MINUTES-7/27/04 C-1. Alderman Kosovich moved to approve the regular Common Council meeting minutes of July 27, 2004 as presented. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RES. 2004-5744
440TH AIRLIFT WING F-1. Alderman Bergmann moved to approve the following:
- 3229 W. FRANKLIN TERRACE a. Resolution No. 2004-5744, A RESOLUTION SUPPORTING THE CONTINUED PRESENCE OF THE 440TH AIRLIFT WING AND THE 128TH AIR REFUELING WING AS AN INTEGRAL AND WELCOME PART OF OUR LOCAL COMMUNITY;
- 10233 W. RYAN ROAD b. The waiver of the impact fees for a new dwelling where the exiting building will be demolished for Thomas R. and Michelle L. Pendergast at 3229 W. Franklin Terrace except for the water impact fees;
- 10233 W. RYAN ROAD c. The waiver of the impact fees for a new dwelling where the existing building will be demolished for John and Marsha Napientek at 10233 W. Ryan Road except for the water impact and the sewer connection fees;
- 10233 W. RYAN ROAD d. Issuance of a building permit for a house located at 10233 W. Ryan Road for John and Marsha Napientek subject to the following conditions (1) The owner shall post a bond or letter of credit to be reviewed and approved by the City Attorney for \$9,800.00, 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;
- STREET LIGHT-MONTICELLO GARDENS e. Authorize the City Engineer to sign a street light appendix with WE Energies for the installation of one street light, (2) 100 watt light fixtures on one fiberglass pole at a cost of \$3,700.79 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;

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- SIGN PERMIT WAIVER; f. Waive the permit fees for the temporary mobile sign in the amount of \$50 for Sacred Heart School of Theology-Knights of Columbus;
- ECON. DEVELOP. PLANNING g. The Community Development Authority to expend up to \$2,500 from the Community Development budget for financial analysis of establishment of a Tax Increment Finance for Area D;
- VOUCHERS i. City vouchers in the range of 107630 thru 107796 in the amount of \$1,166,790.34. On roll call, all voted Aye; motion carried;
- PAYROLL Net payroll of August 8, 2004 in the amount of \$278,108.48; On roll call, all voted Aye; motion carried.
- Above items seconded by Alderman Olson. All voted Aye; motion carried.
- HALLOWEEN j. Alderman Sohns establish Sunday, October 31, 2004 from 4 to 7 p.m. as the date and time for the Halloween Trick-or-Treat observance in the City of Franklin. Seconded by Alderman Olson. All voted Aye; motion carried.
- CONFERENCE F-1h. Alderman Kosovich moved to Authorize the Economic Development Commission to send Commission member Sandy Adam to attend the 2004 IEDC Annual Conference in St. Louis, Missouri, September 16-17, 2004, expending up to \$1,400 from the Community Development 2004 budget; Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2004-5745 FRANKLIN CORPORATE CENTER II F-2. Alderman Kosovich moved to adopt Resolution No. 2004-5745, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A CONCEPTUAL AND FINAL SITE AND BUILDING PLAN RESOLUTION FOR PROPERTY LOCATED AT 9779 S. Franklin Drive, NE 1/4 of Section 26 (Stephen P. Smith, Stephen Perry Smith Architects, Inc.). Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2004-5746 FRANKLIN COMMERCE CENTER IV F-3. Alderman Kosovich moved to adopt Resolution No. 2004-5746, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A CONCEPTUAL AND FINAL SITE AND BUILDING PLAN RESOLUTION FOR PROPERTY LOCATED AT 9645 S. 54th Street, NW 1/4 of Section 26 (Stephen P. Smith, Stephen Perry Smith Architects, Inc.). Seconded by Alderman Olson. All voted Aye; motion carried.
- FINAL PLAT-PRAIRIE GRASS PRESERVE LLC F-4. Alderman Sohns table a resolution contingently approving the final plat for prairie grass preserve (Prairie Grass Preserve LLC) to Common Council meeting of 8/24/04 for the City Attorney and Prairie Grass Preserve, LLC to agree upon wording; and, absent a solution, the City Attorney's language will be used. Seconded by Alderman Solomon. All voted Aye; motion carried.

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- AGREEMENT-
PRAIRIE GRASS
PRESERVE
- F-5. Alderman Sohns moved to table a resolution authorizing certain officials to execute a subdivision development agreement with the developer of Prairie Grass Preserve to Common Council meeting of 8/24/04 for the City Attorney and Prairie Grass Preserve, LLC to agree upon wording; and, absent a solution, the City Attorney's language will be used. Seconded by Alderman Gardner. All voted Aye; motion carried.
- RES. 2004-5747
CSM-
PRZYBYLA
- F-6. Alderman Sohns moved to adopt Resolution No. 2004-5747, A RESOLUTION APPROVING A CERTIFIED SURVEY MAP OF A PART OF THE SE 1/4 OF SECTION 2, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, Rick Przybyla, approx. 5433 W. Princeton Pines Court. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- RES. 2004-5748
SPECIAL USE-
MILLENNIUM VI,
LLC
- F-7. Alderman Bergmann moved to adopt Resolution No. 2004-5748, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE AMENDMENT FOR PROPERTY LOCATED AT approximately 10900 W. Rawson Avenue (Whitnall Grove Condominiums). Seconded by Alderman Solomon. All voted Aye; motion carried.
- UNIFIED
DEVELOPMENT
ORDINANCE
- F-8. Alderman Solomon moved to direct staff to further review an Ordinance to amend Division 15-3.0600 Zoning District Uses and Use Regulations Section 15-3.0603 table of permitted and special uses in all non-residential zoning districts to allow limousine services as a special use in Section 15-3.0309 M-1 Limited Industrial District and Section 15-3.0309 M-1 Limited Industrial District and Section 15-3.0310 M-2 General Industrial District, and present recommendation back to the Plan Commission and Common Council. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- NON-
PHOSPHOROUS
FERTILIZER
PROGRAM
- F-9. Alderman Gardner moved to support the non-phosphorous fertilizer program for grant application purposes as recommended by the Environmental Commission. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2004-5749
STREET
VACATION-
S. 43RD STREET
- F-10. Alderman Sohns moved to introduce Resolution No. 2004-5749, A RESOLUTION TO VACATE A PORTION OF SOUTH 43RD STREET ADJACENT TO LOTS 1 THRU 7, BLOCK 17 FRANKLIN ESTATES AND LOTS 7 THRU 9, BLOCK 7 OF FRANKLIN TERRACE ADDITION NO. 2 and establish October 5, 2004 as the public hearing date. Seconded by Alderman Olson. All voted Aye; motion carried.

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- RES. 2004-5750
W. COLLEGE AVE.
RESURFACING
- F-11. Alderman Solomon moved to adopt Resolution No. 2004-5750, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE VILLAGE OF HALES CORNERS FOR THE COST SHARE OF RESURFACING W. COLLEGE AVE. BETWEEN THE JOINT CORPORATE LIMITS AND A POINT APPROXIMATELY 100 FEET EAST OF THE JOINT CORPORATE LIMITS. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- CROSSROADS
TRADE AREA
- F-12. Alderman Olson moved to deny the request to increase the existing contract by \$4,105 with Planning & Design Institute, Inc. to meet with additional property owners and prepare appropriate revisions for the Crossroads Trade Area. Seconded by Alderman Bergmann. On roll call, Aldermen Olson, Gardner, Kosovich and Bergmann voted Aye; Aldermen Solomon and Sohns voted No. Motion carried.
- CDA DIRECTOR
RECRUITMENT
- F-13. The status of the recruitment for Community Development Director position was for information only. No action required.
- JOB
DESCRIPTIONS
- F-14. Alderman Sohns moved to approve the revised job descriptions for Planner, Planner II, and Senior Planner positions in the Planning Department effective August 13, 2004, and to fill vacant Planning Department positions, excluding the Planning Manager. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CHIEF OF POLICE
SALARY GRADE
AND BENEFITS
- F-15. Alderman Solomon refer a Resolution creating a new Salary Grade XI in the City of Franklin's compensation plan for non-represented management employees and reallocations of the position of Chief of Police from Salary Grade X to new Salary Grade XI and an Ordinance establishing standard benefits for Chief of Police hired after August 10, 2004, back to Personnel Committee to review future health insurance benefits. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2004-5751
MUTUAL AID BOX
ALARM SYSTEM
- F-16. Alderman Sohns moved to adopt Resolution No. 2004-5751, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR PARTICIPATION IN THE MUTUAL AID BOX ALARM SYSTEM (MABAS). Seconded by Alderman Olson. On roll call, Aldermen Bergmann, Sohns, Kosovich, Gardner and Olson voted Aye; Alderman Solomon voted No. Motion carried.
- RESCHEDULE
COMMON
COUNCIL MEETING
- F-17. Alderman Olson moved to reschedule November 1, 2004 Committee of the Whole to November 8, 2004, reschedule the November 2, 2004 Common Council meeting to November 9, 2004 and reschedule the November 16, 2004 Common Council meeting to November 30, 2004. Seconded by Alderman Bergmann. All voted Aye; motion carried.

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- ORD. 2004-1806
COMMUNICABLE
DISEASE
- F-18a. Alderman Solomon moved to adopt Ordinance No. 2004-1806, AN ORDINANCE TO AMEND §55.18. OF THE MUNICIPAL CODE TO INCLUDE AND SPECIFICALLY REFERENCE ISOLATION AND QUARANTINE REGULATIONS AND PROCEDURES IN THE EVENT OF A COMMUNICABLE DISEASE OUTBREAK. Seconded by Alderman Gardner. All voted Aye; motion carried.
- SINGLE PARCEL
DEMOLITION
- F-18b. Alderman Olson moved to schedule a public hearing on September 21, 2004, for an ordinance to amend the Municipal Code as it pertains to impact fees to allow for an exemption from such fees for single parcel demolition/build single family construction as amended by the City Attorney. Seconded by Alderman Solomon. All voted Aye; motion carried.
- LEGAL SERVICES
INVOICE
- F-18c. Mayor Klimetz, Alderman Sohns and Alderman Bergmann recused themselves. Acting Council President Kosovich announced he will vote as an Alderman on this matter.
- Alderman Olson moved to authorize payment of invoice in the amount of \$8,419.00 from Attorney John Fuchs for legal services related to an Ethics Board matter as requested by Alderman Sohns and Ken Skowronski. Seconded by Alderman Gardner. All voted Aye; motion carried.
- ETHICS CODE
- F-18d. Alderman Olson moved to dismiss any pending complaints without prejudice and schedule a public informational hearing on 9/7/04 for the purpose of dissolving the Ethics Board and to repeal the Ethics Code with any exceptions recommended by the City Attorney. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CLAIM
- F-19. Alderman Solomon moved to deny the claim of Donna Fry for bodily injury due to a trip and fall incident pursuant to Wisconsin Statute 893.80 (1g) and further direct the City Clerk to send a Notice of Disallowance of Claim. Seconded by Alderman Sohns. All voted Aye; motion carried.
- CLAIM
- F-20. Alderman Solomon moved to deny the claim of Georgia Konstantakis for vehicle tar damage due to road being recently paved pursuant to Wisconsin Statute 893.80 (1g) and further direct the City Clerk to send a Notice of Disallowance of Claim, as recommended for denial by Midwest Claims Service. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- APPOINTMENTS
- G-1. Alderman Olson moved to confirm Mayoral appointment of Vincent Russo, term expires 4/30/05, to the Finance Committee. Seconded by Alderman Kosovich. 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 Chad C. Hoffmann, 8138 W. Margaret Ln.; Eugene D. Magarich, 11327 W. Ryan Rd.; Julie A. Olson, 3849 S. 76th St., Milwaukee; Jill A. Stelmaszewski, W176 S6999 Wildwood Dr., Muskego; Robert J. Szalacinski, 9312 W. Plainfield Ave., Greenfield; Shannon A. Tehan, 1925 W. Timber Ridge Ln. #1112, Oak Creek; Karen M. Wickman, 1005 S. 56th St., West Allis; Diane L. Winkowski, 7024 S. Lovers Lane Rd. and John P. Winkowski, 7024 S. Lovers Lane Rd.;

Fee waiver for Temporary Class B Beer & Food & Merchandise to Franklin Lions Club, 4007 W. Acre Ave. on 9/5 & 9/6/04, St. Martins Fair except services incurred by City staff, Sanitarian, Fire Department and Police Department;

Temporary Class B Beer to Franklin Lions Club, Dave Lindner, 4007 W. Acre Ave. on 9/5 & 9/6/04, St. Martins Fair;

and also moved to deny Operator License for Brandon E. Denty, 4920 S. 14th St., #107, Milwaukee for inaccurate application information in accordance with Sec. 169-2.C.(1), Franklin Municipal Code;

and also moved to deny Fee Waiver for Extraordinary Entertainment & Special Event for Irish Cottage-Poker Run (Make a Wish Foundation), 11433 W. Ryan Rd. for July 24, 2004. Seconded by Alderman Gardner. All voted Aye; motion carried.

ADJOURNMENT

I-1. Alderman Kosovich moved to adjourn the Common Council meeting at 8:23 p.m. Seconded by Alderman Gardner. All voted Aye; motion carried.