

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
SEPTEMBER 21, 2004
MINUTES**

- CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of September 21, 2004 to order at 6:32 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 read a commendation for Adam Vogel, Eagle Scout. Alderman Bergmann, seconded by Alderman Kosovich, moved to accept achievement of Adam Vogel as read into the record by Mayor Klimetz. All voted Aye; motion carried.
- MINUTES-
9/7/04 B. Alderman Solomon moved to approve the regular Common Council meeting minutes of September 7, 2004 as presented. Seconded by Alderman Sohns. All voted Aye; motion carried.
- PUBLIC HEARING-
EXEMPTION-
SINGLE PARCEL
DEMOLITION C-1. The public hearing regarding proposed amendments to §92-9, Franklin Municipal Code as it pertains to impact fees to allow for an exemption from such fees for single parcel demolition/build single family construction was opened at 6:37 p.m. and closed at 6:40 p.m. (See Item F-1.)
- CITIZEN
COMMENT D. Citizen comment period was opened at 6:41 p.m. and closed at 6:52 p.m.
- ORD. 2004-1811 F-1. Alderman Olson moved to adopt Ordinance No. 2004-1811, 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. Seconded by Alderman Solomon. All voted Aye; motion carried. (See Item C-1.)
- EXEMPTION-
SINGLE PARCEL
DEMOLITION F-2. Alderman Sohns moved to approve the following:
- ORD. 2004-1812 a. Ordinance No. 2004-1812, ORDINANCE TO AMEND SECTION 245 – NO PARKING-
S. 51ST STREET 5D OF THE MUNICIPAL CODE TO ESTABLISH NO PARKING ON S. 51ST ST. (both sides of S. 51st St. from W. Drexel Ave. to 1500 north from 7:30 a.m. to 4:30 p.m. on school days);
- ORD. 2004-1813 b. Ordinance No. 2004-1813, AN ORDINANCE TO AMEND SECTION STOP SIGN-
WOODVIEW &
94TH STREET 245.3 OF THE MUNICIPAL CODE RELATING TO STOP SIGN LOCATION, W. WOODVIEW DR. AT S. 94TH ST.
- Above items seconded by Alderman Gardner. All voted Aye; motion carried.

- RES. 2004-5759
LAND
COMBINATION
- F-3. Alderman Solomon moved to adopt Resolution No. 2004-5759, A RESOLUTION APPROVING A COMBINATION OF LAND OF A PART OF THE NORTHEAST 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST N THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, MIE Properties/Franklin Corporate Center LLC, east of S. Franklin Dr., south of W. Ryan Rd. Seconded by Alderman Olson. All voted Aye; motion carried.
- ORD. 2004-1814
PDD #13-
WAL-MART
- F-4. Alderman Kosovich moved to adopt Ordinance No. 2004-1814, AN ORDINANCE TO AMEND SECTION 15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE AMENDING PLANNED DEVELOPMENT DISTRICT NO. 13 TO ALLOW AN EXPANSION OF THE EXISTING WAL-MART BUILDING. Seconded by Alderman Gardner. All voted Aye; motion carried.
- RES. 2004-5760
AGREEMENT-
METRO
RECYCLING &
DISPOSAL
FACILITY
- F-5. Alderman Sohns moved to adopt Resolution No. 2004-5760, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING & DISPOSAL FACILITY WITH J. SPEAR ASSOCIATES, INC. with the funding source to be the General Fund Balance for 2004 in an amount not to exceed \$9,534.26, a line to be added to the 2005 budget for an amount not to exceed \$29,136.00, and term of contract is December 31, 2005. J. Spear Associates, Inc. will report to the Mayor and present documentation to the City Clerk who will then distribute to the chair of the Monitoring Committee. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- SENIOR TRAVEL
PROGRAM
- F-6. An update of the Franklin Senior Citizens Travel Program for 2004 was given by Shirley Bird, and was placed on file with appreciation by Alderman Olson. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CELLULAR
TELEPHONE
CONTRACT
- F-7. Alderman Solomon moved to authorize the Director of Administration, with the assistance of the City Attorney, to enter into an agreement with US Cellular to continue to provide cellular telephone services to the City of Franklin, in conjunction with State of Wisconsin preferred pricing local government user agreement, to April 30, 2007. Seconded by Alderman Olson. All voted Aye; motion carried.
- TIF DISTRICT-
AREA C
- F-8. Alderman Olson moved to table recommendations relative to the establishment of a Tax Incremental Financing District for Area C as recommended by the Community Development Authority (approx. just north of W. Rawson Ave., south of W. Plaza Dr. and S. 27th St. west to S. 35th St.) to the joint closed session meeting between Council and Community Development Authority to be held as soon as practicable. Seconded by Alderman Bergmann. All voted Aye; motion carried.

COMMUNITY
DEVELOPMENT
DIRECTOR

F-9. An update on the recruitment for the Community Development Director position was presented. Alderman Solomon moved to approve funds for travel expenses for candidates, and further that the update on the Community Development Director position be tabled to the 10/5/04 Common Council meeting. Seconded by Alderman Sohns. Following a ruling by Mayor Klimetz that there was not proper notice for funding approval by the Common Council, the motion was amended to table this item to the 10/05/04 Common Council meeting. All voted Aye; motion carried.

RES. 2004-5761
AGREEMENT-
LOWE'S HOME
IMPROVEMENT

F-10. Alderman Sohns moved to adopt Resolution No. 2004-5761, A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF LOWE'S HOME IMPROVEMENT DEVELOPMENT, 7027 S. 27TH St. Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2004-5762
FINAL PLAT-
PRAIRIE GRASS
PRESERVE

F-11. Alderman Olson, seconded by Alderman Bergmann, moved to adopt the following resolutions: Alderman Olson then withdrew his motion. Alderman Bergmann, seconded by Alderman Olson moved to adopt the following resolutions with amendments by the City Attorney: (Alderman Olson, seconded by Alderman Sohns moved to call for the question, all voted Aye; motion carried.)

Resolution No. 2004-5762, A RESOLUTION CONTINGENTLY APPROVING THE FINAL PLAT FOR PRAIRIE GRASS PRESERVE (PRAIRIE GRASS PRESERVE, LLC), approx. 9200 W. St. Martins Rd.;

RES. 2004-5763
AGREEMENT-
PRAIRIE GRASS
PRESERVE

F-12. Resolution No. 2004-5763, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF PRAIRIE GRASS PRESERVE, approx. 9200 W. St. Martins Rd.;

RES. 2004-5764
DEED RESTRICT.-
PRAIRIE GRASS
PRESERVE

F-13. Resolution No. 2004-5764, A RESOLUTION ACCEPTING THE DECLARATION OF DEED RESTRICTIONS, CONSERVATION AGREEMENT AND PROTECTION COVENANTS FOR THE PRAIRIE GRASS PRESERVE SUBDIVISION, approx. 9200 W. St. Martins Rd.;

RES. 2004-5765
EASEMENTS-
PRAIRIE GRASS
PRESERVE

F-14. Resolution No. 2004-5765, A RESOLUTION ACCEPTING EASEMENTS FOR PRAIRIE GRASS PRESERVE SUBDIVISION, approx. 9200 W. St. Martins Rd.

On the motion to adopt the above resolutions, all voted Aye; motion carried.

- ORD. 2004-1815
LIMOUSINE
SERVICES
- F-15. Alderman Sohns moved to adopt Ordinance No. 2004-1815, 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 NONRESIDENTIAL ZONING DISTRICTS TO ALLOW LIMOUSINE SERVICES AS A SPECIAL USE IN SECTION 15-3.0309 M-1 LIMITED INDUSTRIAL DISTRICT AND SECTION 15-3.0310 M-2 GENERAL INDUSTRIAL DISTRICT. Seconded by Alderman Kosovich. On roll call, Aldermen Gardner, Kosovich, Sohns and Bergmann voted Aye; Aldermen Olson and Solomon voted No. Motion carried.
- RES. 2004-5768
NATURAL
RESOURCE PLANS
- F-16. Alderman Sohns moved to adopt Resolution No. 2004-5768, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE CONTRACTS FOR PROFESSIONAL ENVIRONMENTAL SERVICES FOR THE REVIEW OF NATURAL RESOURCE PLANS. Seconded by Alderman Kosovich. All voted Aye; motion carried. It was then moved by Alderman Gardner to request that representatives from each firm meet with Environmental Commission to review previous concerns of the Environmental Commission. Seconded by Alderman Kosovich. On roll call, Aldermen Kosovich and Gardner voted Aye; Aldermen Bergmann, Sohns, Solomon and Olson voted No. Motion failed.
- REQUEST
FOR COURSE
FUNDING
- F-17. Alderman Gardner moved to approve a request from the Environmental Commission for funding of advanced course in wetland delineation for Commissioner Wilhelm. Motion failed due to lack of a second.
- RES. 2004-5766
BRIARWOOD
PROJECT
DEFERMENT
- F-18. Alderman Bergmann moved to adopt Resolution No. 2004-5766, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AGREEMENTS TO DEFER SPECIAL ASSESSMENTS FOR SANITARY SEWER UPON LANDS SUBJECT TO PUBLIC USE FOR ROAD PURPOSES. Seconded by Alderman Olson. All voted Aye; motion carried.
- AREA A2
- F-19. Alderman Kosovich moved to direct the City Attorney and staff to draft the necessary ordinance on the rezoning of Area A2 as recommended in the Franklin First Report and schedule a public hearing for Plan Commission on October 21, 2004 on an ordinance to rezone Area A2 as recommended in the Franklin First Report, approx. 56 acres south of W. Rawson Ave. and W. Loomis Rd, with the Economic Development Commission being the applicant. Seconded by Alderman Olson. On roll call, Aldermen Olson, Gardner, Kosovich, Sohns and Bergmann voted Aye; Alderman Solomon voted No. Motion carried.
- RES. 2004-5767
POLICE SERGENT
- F-20. Alderman Solomon moved to adopt Resolution No. 2004-5767, A RESOLUTION RESTORING THE FLSA STATUS OF POLICE SERGEANT TO NONEXEMPT. Seconded by Alderman Sohns. All voted Aye; motion carried.

- APPOINTMENTS G-1. Alderman Sohns moved to confirm the Mayoral appointment of Brionne Bischke, term expires 4/30/07, to the Board of Public Works. Seconded by Alderman Bergmann. On roll call, all voted Aye. Motion carried.
- Alderman Bergmann moved to confirm the Mayoral appointment of Richard Krizan, term expires 4/30/09, to the Fire and Police Commission. Seconded by Alderman Gardner. 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 Deborah A. Daniels, 644 S. 69th St., Milwaukee; Jennifer M. London-Hopfensperger, 507 Columbia Ave., South Milwaukee; Joal K. Mortenson, 1348 Forest Hill Ave., Oak Creek; Judith A. Radinov, 6431 Northwestern Ave., Racine; Joel A. Reindl, 5409 S. Nicholson Ave., Cudahy and Edward E. Starzyk, 2410 Red Oak Dr., Burlington;
- and also moved to hold Operator License for Mark D. Heft, 8104 S. 77th St. and Jodie L. Keleher, 12200 W. Ryan Rd. subject to appearing before the License Committee. Seconded by Alderman Solomon. All voted Aye; motion carried.
- VOUCHERS I-1. Alderman Olson moved to approve City vouchers in the range of 108146 through 108291 in the amount of \$546,244.07. Seconded by Alderman Bergmann. On roll call, all voted Aye; motion carried.
- PAYROLL Alderman Kosovich moved to approve net payroll of September 17, 2004 in the amount of \$293,991.62. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.
- ADJOURNMENT J. Alderman Bergmann moved to adjourn the Common Council meeting at 8:24 p.m. Seconded by Alderman Kosovich. All voted Aye; motion carried.