

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
APRIL 4, 2005
MINUTES**

- CALL TO ORDER A. Mayor Klimetz called the regular Common Council meeting of April 4, 2005 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 a commendation to Travis Manore, Eagle Scout.
- PROCLAMATION Mayor Klimetz read a proclamation declaring April 10-16, 2005 National Library Week.
- PROCLAMATION Mayor Klimetz read a proclamation declaring April 10-16, 2005 National Public Safety Telecommunicator's Week.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:40 p.m. and closed at 6:42 p.m.
- MINUTES-3/15/05 C-1. Alderman Olson moved to approve the special Common Council meeting minutes of March 15, 2005 as presented. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- MINUTES-3/16/05 C-2. Alderman Bergmann moved to approve the regular Common Council meeting minutes of March 16, 2005 as presented. Seconded by Alderman Olson. All voted Aye; motion carried.
- MINUTES-3/21/05 C-3. Alderman Sohns moved to approve the special Common Council meeting minutes of March 21, 2005 as presented. Seconded by Alderman Gardner. All voted Aye; motion carried.
- RES. 2005-5847
PRELIMINARY
PLAT-CLARENCE
COURT F-1. Alderman Sohns moved to adopt Resolution No. 2005-5847, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR CLARENCE COURT SUBDIVISION, approx. 8456 S. 51st Street. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- ORD. 2005-1837
REZONING-
MCCLURE
ENGINEERING
ASSOC. F-2. Alderman Sohns moved to adopt Ordinance No. 2005-1837, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (APPROXIMATELY 8456 S. 51ST STREET) (MCCLURE ENGINEERING ASSOCIATES, INC.) Seconded by Alderman Olson. All voted Aye; motion carried.

- RES. 2005-5848 F-3. Alderman Gardner moved to adopt Resolution No. 2005-5848, A FINAL PLAT-BERKSHIRE ADD. #1 SUBDIVISION RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR BERKSHIRE ADDITION #1 SUBDIVISION, approx. S. 51st Street & W. Berkshire Drive, as amended by the City Attorney relative to impact fees. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2005-5849 F-4. Alderman Gardner moved to adopt Resolution No. 2005-5849, A AGREEMENT-BERKSHIRE ADD. #1 SUBDIVISION RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF BERKSHIRE ADDITION NO. 1 SUBDIVISION, W. Berkshire Drive & S. 50th Street. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- MODEL HOME F-5. Alderman Gardner moved to approve the request from Creative PERMIT-BERKSHIRE ADD. #1 SUBDIVISION Homes for a model home permit on either Lot 31 or Lot 37 in the Berkshire Addition #1 Subdivision subject to the following conditions: 1) That the developer shall meet with the Fire Chief and the Building Inspector to verify that access can be maintained to Lot 31 during construction of the subdivision. 2) That the City Engineer approve the site grading plan. 3) Building permit fees are paid at the time of issuance of a permit. 4) The access to the sites shall be maintained at all times. Failure to maintain the access shall result in construction being stopped until corrected. 5) That no occupancy will be permitted until all improvements and utilities are installed and approved by the Franklin Engineering Department. 6) The Subdivision Development Agreement shall be approved. 7) The Subdivision Plat shall be recorded and proof of recording shall be submitted to the City, before application for the building permit. 8) A digital copy of the plat is submitted to the Engineering Department before application for a building permit. 9) The Fire Chief and Building Inspector shall inspect the project for compliance with the requirements. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- CDBG F-6. Alderman Solomon moved to schedule a public hearing for May 17, 2005 on the City's potential reallocation of Community Development Block Grant (CDBG) funds as will be identified in the Director of Administration's report to the Common Council on April 19, 2005. Seconded by Alderman Sohns. All voted Aye; motion carried.
- FRANKLIN LITTLE F-7. Alderman Sohns moved to approve the request of the Franklin Little LEAGUE League to have \$2,108 Impact and \$150 Occupancy Fees waived for the building of their new pavilion located on South 76th Street. Seconded by Alderman Solomon. Alderman Sohns withdrew his motion. Alderman Olson then moved to approve the request of the Franklin Little League to have \$2,108 Impact and \$150 Occupancy Fees waived for the building of their new pavilion located on South 76th Street, in accordance with §92-9(i) of the Franklin Municipal Code. Seconded by Alderman Solomon. All voted Aye; motion carried.

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- QUARRY MONITORING SERVICES F-8. Alderman Sohns moved to approve a month-to-month contract extension between the City of Franklin and Aquifer Science & Technology, April through June 2005, for the provision of quarry monitoring services at a cost not-to-exceed \$3,083/month and a maximum not-to-exceed amount of \$9,250. Seconded by Alderman Olson. All voted Aye; motion carried.
- S. 27TH STREET F-9. Alderman Solomon moved to compliment Engineering staff for the work on this project, and further moved to direct staff to work with Northwestern Mutual Life Insurance Co. and Lowes for a joint application/permit to the State Department of Transportation to construct facilities on highway right-of-way for the improvements required in the memorandum of agreement between Northwestern Mutual Life Insurance Co. and the Department of Transportation and draft memorandum of understanding between Lowes and Department of Transportation; also, to work with Lowes to revise their development agreement with the City to include all the improvement required in the memorandum. Said permits shall state that the City will have no financial responsibility for Northwestern Mutual Life Insurance Co. improvements. Also, that staff be directed to work with Northwestern Mutual Life Insurance Co. and the Department of Transportation to delay the improvements at the intersection of S. 27th Street and W. Drexel Avenue until such time that a firm decision has been made relative to the T.I.F. plan for this area as it relates to the reconstruction of W. Drexel Avenue as a boulevard section. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RES. 2005-5850 EASEMENT-GRULKOWSKI F-10. Alderman Sohns moved to adopt Resolution No. 2005-5850, A RESOLUTION ACCEPTING EASEMENT FOR DENNIS AND RITA GRULKOWSKI FOR THE INSTALLATION AND MAINTENANCE FOR CONSERVATION FOR LOT 6, BLOCK 1 OF HUNTING PARK DRIVE SE 1/4 OF SE 1/4 OF SECTION 14. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2005-5851 EASEMENT-STEGMAYER F-11. Alderman Bergmann moved to adopt Resolution No. 2005-5851, A RESOLUTION ACCEPTING EASEMENT FOR MICHAEL & BARBARA STEGMAYER FOR THE INSTALLATION AND MAINTENANCE FOR CONSERVATION IN AT 9464 S. 92ND STREET. Seconded by Alderman Olson. All voted Aye; motion carried.
- SEWER EXTENSION-W. ST. MARTINS ROAD F-12. Alderman Olson moved to direct staff to survey property owners on the east side of West St. Martin's Road for the possible extension of sanitary sewer and bring results back to the Common Council at their May 2, 1005 meeting. Seconded by Alderman Sohns. All voted Aye; motion carried. Alderman Olson then moved to direct staff to begin preliminary engineering of sanitary sewer extension on West St. Martins Road from Kaitlin Woods Development, and to further begin obtaining easement with current property owner. Seconded by Alderman Sohns. All voted Aye; motion carried.

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- RES. 2005-5852
SECRETARY-
ENG. DEPT.
- F-13. Alderman Solomon moved to adopt Resolution No. 2005-5852, A RESOLUTION CREATING A SECRETARY POSITION IN THE ENGINEERING DEPARTMENT. Seconded by Alderman Gardner. All voted Aye; motion carried.
- SECRETARY-
ENG. DEPT.
- F-14. Alderman Kosovich moved to authorize staff to fill a new secretarial position in the Engineering Department for the increase in workload for the sewer and water operations as a regular part-time employee funded at 30 hours per week as recommended by the Board of Water Commissions and the Personnel Committee. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RES. 2005-5853
STORM WATER
DISCHARGE
PERMIT
- F-15. Alderman Sohns moved to adopt Resolution No. 2005-5853, A RESOLUTION TO SIGN AND SUBMIT THE ANNUAL REPORT 2004 NR 216 ROOT RIVER STORM WATER DISCHARGE PERMIT. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- DISPOSAL OF
MEDICAL WASTE
- F-16. Alderman Sohns moved to direct the City Attorney to prepare an ordinance approving recommended changes to Municipal Code, Chapter 218, Solid Waste, as recommended by the Board of Health. Seconded by Alderman Gardner. All voted Aye; motion carried.
- CIVIC
CELEBRATIONS
- F-17. Alderman Solomon moved to accept the documents submitted by Civic Celebrations Commission, Police and DPW regarding revenues and projections for 2005. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RES. 2005-5854
NEW POSITIONS
- F-18. Alderman Solomon moved to adopt Resolution No. 2005-5854, A RESOLUTION CREATING NEW POSITIONS OF ASSISTANT FIRE CHIEF IN SALARY GRADE IX AND DEPUTY CHIEF (EMERGENCY MEDICAL SERVICES) IN SALARY GRADE VIII; AND APPROVING A REVISED JOB DESCRIPTION FOR BATTALION CHIEF IN SALARY GRADE VII, ALL OF WHICH ARE LOCATED IN THE FIRE DEPARTMENT, and to further proceed with filling the positions. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2005-5855
NON-
REPRESENTED
EMPLOYEES
- F-19. Alderman Sohns moved to adopt Resolution No. 2005-5855, A RESOLUTION ESTABLISHING 2005 SALARY INCREASES FOR NON-REPRESENTED EMPLOYEES OF THE CITY OF FRANKLIN. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- ORD. 2005-1838
FIRE DEPT.
COMMANDERS
- F-20. Alderman Kosovich moved to adopt Ordinance No. 2005-1838, AN ORDINANCE ESTABLISHING BENEFITS, SPECIAL PAY PRACTICES, AND CONDITIONS OF EMPLOYMENT FOR FULL TIME NON-REPRESENTED FIRE DEPARTMENT COMMANDERS OF THE CITY OF FRANKLIN. Seconded by Alderman Sohns. All voted Aye; motion carried.

CLOSED SESSION- F-21. Alderman Kosovich moved to enter closed session at 7:55 p.m. TRANSITIONAL pursuant to §19.85(1)(e) and (g), Stats., to confer with the City FACILITY Attorney and Special Council by Quarles & Brady LLP, as legal counsel for the Common Council who are rendering advice concerning strategy to be adopted by the Council with respect to litigation upon the state location of a transitional facility for the housing of persons committed to the custody of the Department of Health and Family Services under Chapter 980 of the Statutes in which it is likely to become involved; and pursuant to §19.85(1)(d), Stats., to consider strategy for crime prevention required as a resultant impact of such subject matter; and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Gardner. On roll call, all voted Aye.

The Common Council entered open session at 8:55 p.m.

DNR F-22. Alderman Olson moved to authorize the City Attorney to execute a Memorandum of Understanding relating to Wisconsin Department of Natural Resources Notice of Violation/Notice of Claim dated July 30, 2004, alleging violation of general permit for bypasses or overflows from sewage collection systems (WI004734103). Seconded by Alderman Sohns. 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 Karen E. Rowland, 3825 Jerelin Dr., subject to six month review & Jennifer M. Holzhauser, 6410 S. 20th St., Milw.;

and also moved to hold Operator License for Angela M. Ganser, 1221A S. 32nd St., Milw. and Theresa M. Skowronski, 7960 S. 116th St. subject to applicant appearing before the License Committee. Seconded by Alderman Solomon. All voted Aye; motion carried.

VOUCHERS I-1. Alderman Bergmann moved to approve City vouchers in the range of Nos. 110745 thru 111014 in the amount of \$1,068,849.11. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

PAYROLL Alderman Solomon moved to approve net payroll of March 18, 2005 in the amount of \$287,891.35. Seconded by Alderman Kosovich. All voted Aye; motion carried.

PAYROLL Alderman Kosovich moved to approve net payroll of April 1, 2005 in the amount of \$278,320.37. Seconded by Alderman Olson. All voted Aye; motion carried.

ADJOURNMENT J. Alderman Kosovich moved to adjourn the Common Council meeting at 8:27 p.m. Seconded by Alderman Sohns. All voted Aye; motion carried.