

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 9, 2005
MINUTES**

- CALL TO ORDER A. Mayor Taylor called the regular Common Council meeting of August 9, 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 Taylor, Aldermen Olson, Solomon, Hammelman, Kosovich, Sohns and Skowronski. Also present were City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.
- CITIZEN COMMENT B-1. Citizen comment period was opened and closed at 6:31 p.m.
- CERTIFICATE B-2a. A certificate of recognition from United States Fire Administration National Fire Academy was presented to Daniel M. Mayer by Mayor Taylor.
- CERTIFICATE B-2b. A certificate of appreciation for the 2005 – 4th of July celebration was read by Mayor Taylor.
- LETTER B-2c. The notice of the annual event of Wisconsin Association on Alcohol and Other Drug Abuse and Alliance for Recovery Advocates from the Matt Talbot Recovery Center, Inc. was read by Mayor Taylor.
- MINUTES-
7/26/05 C-1. Alderman Solomon moved to approve the regular Common Council meeting minutes of July 26, 2005 as presented. Seconded by Alderman Hammelman. All voted Aye; motion carried.
- LETTER E-1. Mayor Taylor read an appreciation letter regarding Franklin Night Out Kick-Off.
- HALLOWEEN F-1a. Alderman Olson requested that item F.1.a. establishing Trick or Treat hours be removed from the consent agenda, and further moved to establish the hours of 4:00 p.m. to 7:00 p.m. on October 30, 2005. Seconded by Alderman Solomon. All voted Aye; motion carried.
- CONSENT AGENDA Alderman Sohns then moved to approve the following:
- DONATION F-1b. Accept \$150 donation from the Franklin Lioness Club to the Franklin Health Department;
- ORD. 2005-1847
HUMAN
RESOURCES F-1c. Adopt Ordinance No. 2005-1847, AN ORDINANCE TO AMEND §55-1 OF THE MUNICIPAL CODE TO DELETE THE POSITION OF HUMAN RESOURCES COORDINATOR FROM THE CODIFIED LISTING OF CITY OFFICIALS, UNCLASSIFIED SERVICE;

Franklin Common Council

8/09/05

Page Two

RIVER PARK SUBD.- F-1d. Request from William Ryan Homes to change one of the approved
MODEL PERMITS lots from 8 to lot 11 in River Park Subdivision, with no further changes being granted subject to the following conditions: 1) That the City Engineer approve the site grading plan, 2) Building permit fees are paid at the time of issuance of a permit, 3) That no occupancy will be permitted until all improvements and utilities are installed and approved by the Franklin Engineering Department, 4) The Subdivision Plat shall be recorded and proof of recording shall be submitted to the City, before application for the building permit, and 5) A digital copy of the plat is submitted to the Engineering Department before application for a building permit;

Approval of consent agenda items seconded by Alderman Kosovich.
All voted Aye; motion carried.

RES. 2005-5931 F-2. Alderman Olson moved to adopt Resolution No. 2005-5931, A
EASEMENT- RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
TUCKAWAY ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
MEADOWS SUBD. OF THE REVIEW AND APPROVAL OF THE FINAL PLAT FOR
TUCKAWAY MEADOWS SUBDIVISION (AT
APPROXIMATELY 76TH – 77TH STREETS AND WEST FOREST
HILL AVENUE) (TUCKAWAY MEADOWS LLC, APPLICANT.
Seconded by Alderman Solomon. All voted Aye; motion carried.

RES. 2005-5932 F-3. Alderman Olson moved to adopt Resolution No. 2005-5932, A
FINAL PLAT- RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT
TUCKAWAY FOR TUCKAWAY MEADOWS SUBDIVISION (AT
MEADOWS SUBD. APPROXIMATELY SOUTH 76TH –77TH STREETS AND WEST
FOREST HILL AVENUE) (TUCKAWAY MEADOWS LLC,
APPLICANT). Seconded by Alderman Solomon. All voted Aye;
motion carried.

RES. 2005-5933 F-4. Alderman Olson moved to adopt Resolution No. 2005-5933, A
AGREEMENT- RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
TUCKAWAY EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT
MEADOWS SUBD. WITH THE DEVELOPER OF TUCKAWAY MEADOWS
SUBDIVISION, as amended. Seconded by Alderman Solomon. All
voted Aye; motion carried.

RES. 2005-5934 F-5. Alderman Hammelman moved to adopt Resolution No. 2005-5934, A
FINAL PLAT- RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT
VICTORIAN ACRES FOR VICTORIAN ACRES SUBDIVISION (AT
APPROXIMATELY SOUTH 51ST STREET AND WEST
TUMBLECREEK DRIVE) (Ener-Con Companies LLC,
APPLICANT. Seconded by Alderman Olson. All voted Aye; motion
carried.

Franklin Common Council

8/09/05

Page Three

- RES. 2005-5935
EASEMENT-
SOUTHWOOD
COURT SUBD.
- F-6. Alderman Kosovich moved to adopt Resolution No. 2005-5935, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF THE FINAL PLAT FOR SOUTHWOOD COURT SUBDIVISION (AT APPROXIMATELY SOUTH 33RD – 35TH STREETS, WEST CENTRAL AVENUE AND WEST RYAN ROAD) (SOUTHWOOD COURT LLC, APPLICANT). Seconded by Alderman Skowronski. All voted Aye; motion carried.
- RES. 2005-5936
FINAL PLAT-
SOUTHWOOD
COURT SUBD.
- F-7. Alderman Kosovich moved to adopt Resolution No. 2005-5936, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR SOUTHWOOD COURT SUBDIVISION (AT APPROXIMATELY SOUTH 33RD – 35TH STREETS, WEST CENTRAL AVENUE AND WEST RYAN ROAD) (SOUTHWOOD COURT LLC, APPLICANT). Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2005-5937
AGREEMENT-
SOUTHWOOD
COURT SUBD.
- F-8. Alderman Kosovich moved to adopt Resolution No. 2005-5937, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF SOUTHWOOD COURT SUBDIVISION, S. 35th Street and W. Ryan Road. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- RES. 2005-5938
ASHLAND WAY
- F-9. Alderman Olson moved to adopt Resolution No. 2005-5938, A RESOLUTION AWARDED BID TO THE LOWEST BIDDER FOR ASHLAND WAY STREET REMOVAL AND THE CONSTRUCTION OF A CUL-DE-SAC WEST OF S. OAKWOOD PARK DRIVE AND THE INSTALLATION OF A STORM SEWER UNDER S. OAKWOOD PARK DRIVE NORTH OF ASHLAND WAY EXTENDED, with the addition of \$10,000 as a contingency to be used at the discretion of the City Engineer, and subject to the successful closing of the sale by MLG Development to the stated purchased and related entities of record. Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2005-5939
PAVEMENT
MARKING
- F-10. Alderman Olson moved to adopt Resolution No. 2005-5939, RESOLUTION AWARDED BID TO THE LOWEST BIDDER FOR THE 2005 PAVEMENT MARKING PROGRAM IN THE CITY OF FRANKLIN to Crowley Construction Corp. in the amount of \$27,552.00. Seconded by Alderman Solomon. All voted Aye; motion carried.

Franklin Common Council

8/09/05

Page Four

- ORD. 2005-1848
CONSTRUCTION
SITE EROSION
- F-11. Alderman Sohns moved to adopt Ordinance No. 2005-1848, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO REPEAL AND RECREATE DIVISION 15-8.0300, PERTAINING TO CONSTRUCTION SITE EROSION AND EROSION CONTROL AND TO CREATE CHAPTER 148 OF THE MUNICIPAL CODE ENTITLED "ILLICIT DISCHARGES AND CONNECTIONS TO THE STORM DRAINAGE SYSTEM" (BY REFERENCE), as amended by the City Attorney. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- W. OAKWOOD
ROAD
- F-12. Alderman Solomon moved to grant tentative approval of the right-of-way plat for the reconstruction of W. Oakwood Road from S. 27th Street to a point approximately 1/2 mile west of S. 27th Street subject to the "Determination of Necessity" and direct the Planning Commission, Board of Public Works and Community Development Authority to meet in joint session to review the need for the reconstruction of W. Oakwood Road and that each body forward a recommendation of need to the Common Council. A meeting date was set for August 11, 2005 at 6:30 p.m. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- RES. 2005-5940
AGREEMENT-
WATER MAIN
EXTENSION ON S.
36TH STREET
- F-13. Alderman Sohns moved to adopt Resolution No. 2005-5940, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH GRAEF, ANHALT, SCHLOEMER AND ASSOCIATES, INC. FOR THE WATER MAIN EXTENSION ON S. 36TH STREET, NORTH OF W. ACRE AVENUE IN THE FRANKLIN ESTATES SUBDIVISION. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2005-5941
AGREEMENT-
S. 27TH STREET
- F-14. Alderman Hammelman moved to adopt Resolution No. 2005-5941, A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF WATER MAIN EXTENSION FOR 8153 S. 27TH STREET. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- STREET LIGHT-
STONE HEDGE #1
SUBD.
- F-15. Alderman Solomon moved to authorize the City Engineer to sign a street light appendix with the WE Energies for the installation of five harp fixtures, 150 watt and four black concrete poles at a cost of \$18,898.63 to be billed to the developer and the developer is responsible for the restoration and erosion control. Lights are to be installed at the street intersections. Seconded by Alderman Olson. All voted Aye; motion carried.

RIVER HIGHLANDS SUBD. F-16. Alderman Sohns moved to authorize the City Engineer to sign a street light appendix with the WE Energies for the installation of two street lights (Paragon-ribbed lens), 150 watt light fixtures on 2 fiberglass poles (Madison type) at a cost of \$9,468.38 to be billed to the developer and the developer is responsible for the restoration and erosion control. Lights are to be installed at the street intersections. Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2005-5942 DEFERRED COMPENSATION F-17. Alderman Olson moved to adopt Resolution No. 2005-5942, A RESOLUTION LIMITING THE NUMBER OF DEFERRED COMPENSATION 457 SAVINGS AND RETIREMENT PLAN VENDORS TO A MAXIMUM OF THREE AND REQUIRING EACH VENDOR TO MAINTAIN A 10% PARTICIPATION RATE. Seconded by Alderman Sohns. All voted Aye; motion carried.

VIOLENT PERSONS F-18a. Alderman Olson moved to direct the City Attorney and Planning Department to review and recommend zoning changes with regard to the placement of sexually violent persons, as discussed at the 8/08/05 Committee of the Whole meeting. Seconded by Alderman Solomon. All voted Aye; motion carried.

VIOLENT PERSONS-CONTINUED It was further moved by Alderman Sohns to acquire an explanation from Quarles & Brady as to their findings, with the explanation to be in the form of a document or appearance (to be determined by the City Attorney). Seconded by Alderman Kosovich. All voted Aye; motion carried.

Alderman Olson then moved to refer the following items to staff: Production of a complete and accurate inventory of all lands owned by Milwaukee County and the State of Wisconsin, including GIS maps and data files, to be coordinated by the Community Development Director and completed within 60 days; study and report on the anticipated negative financial effects of such a facility or placement of predators within our community, to be coordinated by the Community Development Director and completed within 150 days, with the addition that the status of the timetable be reported at the 9/06/05 Committee of the Whole; and review and recommend the process to compile the foregoing data into a professionally produced document. Seconded by Alderman Sohns.

Further, Alderman Olson moved that the Common Council support all efforts to revise state legislation that supports changes that would limit Franklin's exposure to having sexual predators placed in our community; that the Police Chief and City Attorney be directed to develop a policy on public notification of sex offenders within our community; that GIS staff be directed to review and recommend the time and cost involved with incorporating additional information into GIS, as discussed at the 8/08/05 Committee of the Whole; and to authorize and encourage cooperation between municipalities in anticipation of a forced placement. Seconded by Alderman Sohns. All voted Aye; motion carried.

Franklin Common Council

8/09/05

Page Six

VIOLENT
PERSONS-
CONTINUED

Alderman Olson then moved to authorize the Mayor, Alderman Olson and the City Attorney to discuss future use of public lands from Milwaukee County and report back to the Common Council. Seconded by Alderman Sohns. All voted Aye; motion carried.

LABOR ATTORNEY
CHARGES

F-18b. No action was needed at this time on the summary of year-to-date labor attorney charges.

RES. 2005-5943
DENTAL PLAN

F-18c. Alderman Olson moved to adopt Resolution No. 2005-5943, A RESOLUTION PROVIDING CURRENT RETIREES WITH THE OPTION TO CONTINUE TO PARTICIPATE IN THE CITY'S DENTAL PLAN AND THE ELIMINATION OF THIS AVAILABLE BENEFIT FOR FUTURE RETIREES. Seconded by Alderman Hammelman. All voted Aye; motion carried.

MISCELLANEOUS
LICENSES

H-1. Alderman Solomon moved to grant the following licenses subject to meeting all licensing requirements:

Operator License to Michelle M. Diekow, 4900 W. Coldspring Road #26, Greenfield with warning letter from City Clerk; Frank J. Dobron, 8320 W. Ryan Road subject to satisfactory schooling; Sarah J. Otto, 3659 W. College Avenue #62, Milwaukee with warning letter from City Clerk; Nathan C. Bergemann, 2947 W. Wanda Avenue, Milwaukee; Joshua I. Bishop, 5735 Lochleven Lane, New Berlin; Bret D. Gagliano, 7952 W. Imperial Drive; Cheryl A. Haese, W161 N5841 Cherlyn Drive, Menomonee Falls; Melissa C. Haese, W 161 N5841 Cherlyn Drive, Menomonee Falls; Tina M. Hess, 11401 W. Swiss Street; Amanda L. Kasprzak, 10365 S. Hobby Lane, Oak Creek; Nicholas P. Kulinski, 525 E. Laverne Drive, Oak Creek; Mirjana Markovic, 4142 W. Southwood Drive; Jessica M. Pulanco, 2963 N. 38th Street, Milwaukee; Cynthia M. Rivette, 3740 S. Rivershire Drive #2, Greenfield; Robert J. Szalcinski, 9312 W. Plainfield Avenue, Greenfield; Jeffrey F. Terp, 26430 Grace Drive, Wind Lake and Iva M. Vukovic, 4312 S. Sherwood Drive;

Extraordinary Entertainment & Amusement to Altera Coffee MTB Team, Gary Duckett, Mountain Bike Race for 8/27 & 8/28/05;

Temporary Entertainment & Amusement to All Glass Aquarium, Deborah La Susa, for bouncer & moon walk at Legend Park picnic on 8/14/05;

Fee waivers for Franklin Cultural Center, Don Dorsan, fees for temporary Class B & Soda for 9/10/05 free concert, art exhibit & park rental, with the exception of City expenses incurred;

Franklin Common Council

8/09/05

Page Seven

MISCELLANEOUS
LICENSES -
CONTINUED

and also moved to hold Operator License for Debra A. Reichart, 22217 Eight Mile Road, Muskego subject to appearing before the License Committee;

and also moved to hold Class B Combination Licenses for Buckhorn Inn; Crystal Ridge Ski Area; Lotus Chinese Restaurant, Rawson Pub and Tuckaway Country Club; Class A Combination for Hodach Citgo, Sam's Club and Woodcrest Country Market and Auto Salvage to Al's Auto Salvage, Durham Auto Salvage and Hwy. 45 Auto Sales to Common Council meeting of 8/23/05. Seconded by Alderman Sohns. All voted Aye; motion carried.

VOUCHERS

- I-1. Alderman Solomon moved to approve City vouchers in the range of 112371 thru 112551 in the amount of \$1,024,989.24. Seconded by Alderman Olson. On roll call, Aldermen Skowronski, Sohns, Kosovich, Hammelman and Olson voted Aye; Alderman Solomon voted No. Motion carried.

PAYROLL

Alderman Solomon moved to approve net payroll of August 5, 2005 in the amount of \$293,818.77. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Sohns moved to adjourn the Common Council meeting at 7:55 p.m. Seconded by Alderman Hammelman. All voted Aye; motion carried.