

**CITY OF FRANKLIN
COMMON COUCIL MEETING
SEPTEMBER 6, 2005
MINUTES**

- CALL TO ORDER A. Mayor Taylor called the regular Common Council meeting of September 6, 2005 to order at 8:11 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 Fire Chief Martins, Planner Booth, Community Development Director Wheaton, City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.
- CITIZEN COMMENT B-1. Citizen comment period was opened at 8:13 p.m. and closed at 8:22 p.m.
- PROCLAMATION B-2a. Mayor Taylor announced the proclamation for School Night to Join Scouting.
- MINUTES-8/23/05 C-1. Alderman Olson moved to approve the regular Common Council meeting minutes of August 23, 2005 as presented. Seconded by Alderman Hammelman. All voted Aye; motion carried.
- CONSENT AGENDA Alderman Olson moved to approve the following:
- STREET LIGHT-TUCKAWAY MEADOWS F-1a. Authorize the City Engineer to sign a street light appendix with the WE Energies for the installation of 3 street lights, 100 watt light fixtures on 3 fiberglass poles at a cost of \$7,773.57 to be billed to the developer and the developer for the restoration and erosion control. Lights are to be installed at the street intersection;
- DONATION F-2a. Accept donation from Mr. & Mrs. James Patterson in the amount of \$500.00 to the Fire Department.
- Approval of consent items seconded by Alderman Kosovich. All voted Aye; motion carried.
- ORD. 2005-1851 PDD #18 F-2. Alderman Kosovich moved to adopt Ordinance No. 2005-1851, AN ORDINANCE TO AMEND PLANNED DEVELOPMENT DISTRICT NO. 18 TO REVEST THE GENERAL ADMINISTRATION OF APPLICABLE LAWS ASSOCIATED WITH PLANNED DEVELOPMENT DISTRICT NO. 18, INCLUDING THE REVIEW AND APPROVAL OF LAND USE AND OF SITE AND BUILDING PLANS, IN THE COMMUNITY DEVELOPMENT AUTHORITY. Seconded by Alderman Sohns. On roll call, Aldermen Olson, Hammelman, Kosovich, Sohns and Skowronski voted Aye; Alderman Solomon voted No. Motion carried.

- RES. 2005-5957
SPECIAL USE-
ALLIANCE
DEVELOPMENT
GROUP LLC
- F-3. Alderman Hammelman moved to adopt Resolution No. 2005-5957, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 2930 WEST RAWSON AVENUE (ALLIANCE DEVELOPMENT GROUP LLC). Seconded by Alderman Olson. Alderman Olson withdrew his second and Alderman Hammelman withdrew his motion. Alderman Skowronski then moved to adopt Resolution No. 2005-5957 A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 2930 WEST RAWSON AVENUE (ALLIANCE DEVELOPMENT GROUP LLC) as amended by the City Attorney. Seconded by Alderman Hammelman. All voted Aye; motion carried.
- ORD. 2005-1852
REZONING-
S&L HOLDING,
LLC
- F-4. Alderman Solomon moved to adopt Ordinance No. 2005-1852, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT TO B-2 GENERAL BUSINESS DISTRICT (S & L HOLDING LLC, APPLICANT), 7322 W. Rawson Avenue. Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2005-5958
SPECIAL USE-
S&L HOLDING,
LLC
- F-5. Alderman Skowronski moved to adopt Resolution No. 2005-5958, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 7322 WEST RAWSON AVENUE (S & L HOLDING LLC). Seconded by Alderman Hammelman. All voted Aye; motion carried.
- RES. 2005-5959
CSM-
MENARD, INC.
- F-6. Alderman Skowronski moved to adopt Resolution No. 2005-5959, A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF A PART OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (MENARD INC) (APPROXIMATELY 10925 WEST SPEEDWAY DRIVE). Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2005-5960
EASEMENT-
MENARD, INC.
- F-7. Alderman Skowronski moved to adopt Resolution No. 2005-5960, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A 3 LOT CERTIFIED SURVEY MAP (AT APPROXIMATELY 10925 WEST SPEEDWAY DRIVE) (MENARD INC., APPLICANT). Seconded by Alderman Olson. All voted Aye; motion carried.
- RES. 2005-5961
FINAL PLAT-
CLARENCE COURT
SUBDIVISION
- F-8. Alderman Sohns moved to adopt Resolution No. 2005-5961, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR CLARENCE COURT SUBDIVISION (AT APPROXIMATELY 8456 SOUTH 51ST STREET) (BRAD FROMM, APPLICANT) as corrected by City Attorney. Seconded by Alderman Olson. All voted Aye; motion carried.

- RES. 2005-5962
FINAL PLAT-
SERENITY
ESTATES
SUBDIVISION
- F-9. Alderman Sohns moved to adopt Resolution No. 2005-5962, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR SERENITY ESTATES SUBDIVISION (AT APPROXIMATELY HARVARD DRIVE AND SOUTH 53RD STREET) (EQUITABLE DEVELOPMENT, LLC, APPLICANT) as recommended by the Plan Commission including the street name of Harvard Drive, and as corrected by the City Attorney. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2005-5963
EASEMENT-
SERENITY
ESTATES
SUBDIVISION
- F-10. Alderman Solomon moved to adopt Resolution No. 2005-5963, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF THE FINAL PLAT FOR SERENITY ESTATES SUBDIVISION (AT APPROXIMATELY HARVARD DRIVE AND SOUTH 53RD STREET) (EQUITABLE DEVELOPMENT, INC.). Seconded by Alderman Sohns. All voted Aye; motion carried.
- RES. 2005-5964
AGREEMENT-
SERENITY
ESTATES
SUBDIVISION
- F-11. Alderman Sohns moved to adopt Resolution No. 2005-5964, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF SERENITY ESTATES SUBDIVISION, north of W. Rawson Avenue and west of S. 51st Street. Seconded by Alderman Hammelman. All voted Aye; motion carried.
- 27TH STREET
DEVELOPMENT
SIGNAGE
- F-12. Alderman Hammelman moved to authorize the Mayor to sign Engineering Services Request, dated August 29, 2005 for Wisconsin Department of Transportation electrical costs in STH 241, S. 27th Street, improvements required of Lowe's development. Seconded by Alderman Olson. All voted Aye; motion carried.
- FIRE DEPT.
COMMUNICATION
SYSTEM
- F-13. Alderman Olson moved to direct the Fire Chief to proceed with grant application from Office of Justice Assistance, Department of Homeland Security to upgrade the Fire Department communication system and to gratefully accept grant. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- CABLE
FRANCHISE FEES
- F-14. Alderman Olson moved to authorize the City of Franklin to participate in a joint community sample audit by Virchow Krause & Company of Time Warner Cable franchise fees through the Regional Telecommunications Commission at a cost not to exceed \$360 per community, with a \$5,000 cap on the full audit if needed, and further that the City Attorney review prior language relating specific to Franklin's franchise fees. Seconded by Alderman Sohns. Alderman Sohns withdrew his second and Alderman Olson withdrew his motion. It was then moved by Alderman Olson to approve the expenditure of \$357.15 for the joint community sample audit by Virchow Krause & Company of Time Warner Cable franchise fees through the Regional Telecommunications Commission with Franklin reserving its right to consider participation on the full audit depending upon costs of same. Seconded by Alderman Solomon. All voted Aye; motion carried.

- FACILITY IMPROVEMENT F-15a. Alderman Sohns moved to direct City Engineer Bennett, Assistant City Engineer Romeis, Building Maintenance Superintendent Tesch and Director of Administration Petre work with Johnson Controls to prepare a formal proposal with regard to performance contract for facility improvement. Seconded by Alderman Solomon. All voted Aye; motion carried.
Alderman Sohns also moved to direct staff to work with Johnson Controls and derive a method by which we can establish a 5-year capital budget, with the primary focus on the entire mechanical system for City Hall. Seconded by Alderman Solomon. All voted Aye; motion carried.
- UNCLAIMED PERSONAL PROPERTY F-15b. Alderman Solomon moved to direct the City Attorney to prepare an ordinance amending §67-10 of the Franklin Municipal Code to allow the Police Department to conduct on-line auctions of unclaimed or abandoned property in its possession and provide public notice of such auction by posting on the City's web site. Seconded by Alderman Sohns. All voted Aye; motion carried.
- COMPREHENSIVE MASTER PLAN F-15c. Alderman Sohns moved to direct and encourage the Environmental Commission to be involved in the Comprehensive Master Plan project through review with Planning & Design Institute and their subcontractors tasks, to provide policy recommendations to the Plan Commission, and further that the efforts are not to provide instructional opportunity to the contract nor responsibility for management of the contract. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- PLACEMENT OF VIOLENT PERSONS F-15d. No action was needed regarding a status report of Common Council direction to staff from 8/08/05 relating to the placement of sexually violent persons.
- RES. 2005-5965 MAYORAL VOUCHER APPROVAL F-15e. Alderman Kosovich moved to adopt Resolution No. 2005-5965, A RESOLUTION REQUIRING MAYORAL APPROVAL OF ALL VOUCHERS WHICH SUPPORT AND AUTHORIZE EXPENDITURE IN EXCESS OF \$5,000.00. Seconded by Alderman Hammelman. All voted Aye; motion carried.
- PROPERTY ACCESS F-15f. Alderman Sohns moved to direct the City Attorney to review and recommend direction regarding officials/employees/agents of the City as it relates to access to private property. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- OAK CREEK RECREATIONAL PROGRAMS F-15g. Alderman Sohns moved to refer a petition from Oak Creek-Franklin School District residents regarding participation in recreation programs to the 9/14/05 joint meeting of the Franklin Board of Education/City of Franklin. Seconded by Alderman Hammelman. All voted Aye; motion carried.
- NOTICE LANGUAGE F-15h. At the request of Alderman Olson, Mayor Taylor directed that staff prepare uniform language for public notices relating to City meetings and include clear definitions of purposes in said notices.

CLOSED
SESSION

- F-16. Alderman Kosovich moved to enter closed session at 9:14 p.m. pursuant to §19.85(1)(e) and (g), Stats., to deliberate concerning and to confer with legal counsel for the governing body with regard to strategy concerning the acquisition of property of: Security Land Development v. City of Franklin, Case No. 00CV005061 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 9:26 p.m.

Alderman Hammelman moved to authorize the City Attorney to undertake such settlement activities as discussed with the Common Council in closed session. Seconded by Alderman Sohns. All voted Aye; motion carried.

MISCELLANEOUS
PERMITS

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

Operator License to Amarkumar R. Dhimar, 4858 S. 26th Street, Milwaukee subject to satisfactory school; Chad C. Hoffman, 9475 S. 96th Street; Rebecca L. Lovdal, 9208 S. Annette Place, Oak Creek; Ryanne L. Miller, 3332 S. 53rd Street, Milwaukee; Laurel L. Reed, 1328 Madison Avenue, South Milwaukee; Lidia Sobierajski, 729 W. Oklahoma Avenue, Milwaukee and Evelyn Spencer, W216 S921 Crowbar Road, Muskego;

Temporary Class B Beer & Wine to St. James Catholic Church, Silent Auction, Rev. Paul A. Stanosz, 7219 S. 27th Street on October 8, 2005;

Temporary Entertainment & Amusement to St. James Catholic Church, Silent Auction, Rev. Paul A. Stanosz, 7219 S. 27th Street on October 8, 2005;

Fee waiver for Temporary Food, Soda, Beer & Wine, and Entertainment & Amusement licenses to St. James Catholic Church, Silent Auction, 7219 S. 27th Street on October 8, 2005 with the exception of City expenses incurred;

Temporary Class B Beer & Wine to St. Martin of Tours, First Anniversary Celebration, Diane Winkowski, 7963 S. 116th Street on October 1, 2005;

Temporary Entertainment & Amusement to St. Martin of Tours, First Anniversary Celebration, Diane Winkowski, 7963 S. 116th Street on October 1, 2005;

Fee waivers to Temporary Food, Soda, Beer & Wine, and Entertainment & Amusement licenses to St. Martin of Tours, First Anniversary Celebration, 7963 S. 116th Street on October 1, 2005 with the exception of City expenses incurred;

Franklin Common Council

9/06/05

Page Six

**LICENSES-
CONTINUED**

Fee waiver to Cultural Center, Legend Park permit fee & band shell fee on September 10, 2005 free concert & art exhibit with the exception of City expenses incurred;

Fee waiver to House of Prayer Lutheran Church, food license fee on September 10, 2005 for Legend Park free concert & art exhibit with the exception of City expenses incurred;

Temporary Entertainment & Amusement to Johnson Bank, Fun Services, 3001 W. Rawson Avenue for Family Fun Day on September 24, 2005;

and also moved to hold compliance matters with regard to the Class B Combination Licenses for Crystal Ridge Ski Area and Class A Combination for Hodach Citgo;

and directed the City Attorney to inform Al's Auto Salvage, Durham Auto Salvage and Hwy. 45 Auto Sales of the requirement for compliance prior to 6/30/06 for their Auto Salvage licenses. Seconded by Alderman Hammelman. All voted Aye; motion carried.

VOUCHERS

- I-1. Alderman Kosovich moved to approve City vouchers in the range of 112720 thru 112880 in the amount of \$1,859,956.02. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

PAYROLL

Alderman Sohns moved to approve net payroll of September 2, 2005 in the amount of \$291,131.06. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Kosovich moved to adjourn the Common Council meeting at 9:34 p.m. Seconded by Alderman Skowronski. All voted Aye; motion carried.