**REVISED

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, MAY 15, 2012, 6:30 P.M.

A. Call to Order and Roll Call

B. 1. Citizen Comment Period
2. Announcements from Mayor Taylor of upcoming community events & news items:
a. Franklin's 8th Annual National Night Out on August 6, 2012, 6-9 p.m.

C. Approval of Minutes
1. Approval of regular meeting of April 17, 2012.
2. Approval of regular meeting of May 1, 2012.

D. Hearings

E. Organizational Business

F. Letters and Petitions

G. Reports and Recommendations
1. Consent Agenda
a. Donation from Franklin Lions Club in the amount of $620 to the Fire Department.
b Change Order No. 1 for S. 51st Street Water Main Extension south of W. Puetz Road-Project 2009-WU101.
2. Ordinance to amend No. 2011-0246, an ordinance to amend Section 15-3.0427 of the Unified Development Ordinance Planned Development District No. 22 (Clare Meadows) to allow for and add a three story 30 unit senior independent living apartment building (CommonBond Acquisition LLC, applicant) (7704 S. 51st Street), to provide for the payment to the City of a fixed sum estimated to pay for the cost of City services to be provided to the property, to be adjusted annually to the consumer price index and to be reviewable every five years (Franklin Senior Housing, Inc., applicant).
3. Resolution imposing conditions and restrictions for the approval of a Special Use for an Educational Facility Use upon property located at 3900 W. Ryan Road (Laqueesha Rochelle Blockton, d/b/a Academy of Integrity, applicant).
4. Ordinance to amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 752 "Animal Specialty Services" to allow for such use as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District (Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, applicant).
5. Resolution imposing conditions and restrictions for the approval of a Special Use for a dog grooming and daycare with Pet Retail Sales Business Use upon property located at 2735 W. Rawson Avenue (Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, applicant).

6. Ordinance to Create the Quarry Monitoring Committee.
7. Method of obtaining refuse and recycling hauling municipal/resident services to be used relative to the refuse contract expiring December 31, 2012.
8. MADACC dog bite policy change and option for the City of Franklin to opt out of the policy if the City believes the policy places the City under unreasonable liability risk.
9. Update on Act 10 Federal Court actions and the employee handbook payroll deductions policy.
10. Claim of the Villas of Franklin regarding violations of the City of Franklin Unified Development Ordinance as it relates to the grading and installation of retaining walls. The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a claim of the Villas of Franklin for alleged violations of the City of Franklin Unified Development Ordinance relating to expenses associated with the costs to install retaining walls and fences, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

** 11. Reject all bids and rebid for the painting of Drexel Elevated Tank located at 8901 W. Drexel Avenue.

H. Licenses and Permits
1. Miscellaneous Licenses.

I. Bills
1. Vouchers and Payroll approval.

J. Adjournment

*Supporting documentation and details of these agenda items are available at City Hall during normal business hours.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414)425-7500.]

REMINDERS:

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| May 17 | Plan Commission | 7:00 p.m. |
| May 28 | HOLIDAY-CITY HALL CLOSED | |
| June 4 | Committee of the Whole and Common Council | 6:30 p.m. |
| June 5 | Recall Election | 7:00 a.m.-8:00 p.m. |

B.2.a.

# 2012 National Night Out Celebration

The City of Franklin's 8th annual National Night Out, Kick-Off celebration will be held on Monday, August 6th, 2012 from 6:00 P.M. – 9:00 P.M. at the Franklin Public Library located at 9151 W Loomis Road. The Kick-Off celebration will be held to draw support for the 29th annual National Night Out celebrated nationwide on Tuesday, August 7th, 2012.

Numerous Fire, Police and other vehicles will be on display in the library parking lot. Officer's will be available to answer questions about Crime Prevention and the many other Community Oriented Policing programs offered by the Franklin Police Department. Free Crime Prevention and other safety materials will be available in the Fadrow room. Area businesses will have displays inside the library including promotional material and small handouts for children.

Updates for the event will be posted on the Franklin Police Department's website and Face book account with lists of demonstration times and displays

If you are interested in volunteering or sponsoring this year's festivities, feel free to contact Officer Shawn Harrison at Sharrison@franklinwi.gov or by phone (414) 858-2622

Shawn Harrison
Police Officer/Community Resource Officer
Franklin Police Department
9455 W Loomis Road
Franklin, WI 53132

414-858-2622 Desk
414-425-0391 Fax
414-425-2522 General

sharrison@franklinwi.gov

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CITY OF FRANKLIN
COMMON COUNCIL MEETING
APRIL 17, 2012
MINUTES

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| ROLL CALL | A. | The regular meeting of the Common Council was held on April 17, 2012 and called to order at 6:30 p.m. by Mayor Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Solomon, Wilhelm, Taylor, Schmidt and Skowronski. Excused was Alderman Olson. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski. (Troop 316 led Pledge of Allegiance)<br><br>City Clerk Wesolowski administered the Oath of Office to Municipal Court Judge Frederick F. Klimetz. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:35 p.m. and closed at 7:05 p.m. |
| APPROVAL OF MINUTES-3/20/12 | C.1. | Alderman Taylor moved to approve the minutes of the regular meeting of March 20, 2012. Seconded by Alderman Schmidt. All voted Aye; motion carried |
| APPROVAL OF MINUTES-4/2/12 | C.2. | Alderman Taylor moved to approve the minutes of the special meeting of April 2, 2012. Seconded by Alderman Wilhelm. All voted Aye; motion carried |
| PUBLIC HEARING-ORDINANCE TO AMEND 2025 COMPREHENSIVE MASTER PLAN | D.1. | A public hearing regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at approximately 12001 West Ryan Road and 12000 West Loomis Road, from Commercial and Residential – Multi-Family to Institutional (Victory of Lamb, Inc., applicant) was opened at 7:20 p.m. and closed at 7:23 p.m.<br>Alderman Solomon moved that the public hearing be adjourned until such date as set by staff following anticipated further review. Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| APPOINTMENTS | E.1.a. | Alderman Skowronski moved to approve the Mayoral appointment of Gregory Bollis to the Architectural Board, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried. |
| | E.1.b. | Alderman Skowronski moved to approve the Mayoral appointment of Louis Jost to the Architectural Board, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried. |

APPOINTMENTS-CONTINUED

E.1.c. Alderman Skowronski moved to approve the Mayoral appointment of David Cieszynski, (alternate member), to the Architectural Board, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.d. Alderman Wilhelm moved to approve the Mayoral appointment of Mark Arndt, (alternate member), to the Architectural Board, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.e. Alderman Skowronski moved to approve the Mayoral appointment of Romaine Denk to the Fair Commission, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

E.1.f. Alderman Solomon moved to approve the Mayoral appointment of Gerald Tobin to the Fair Commission, term expires 4/30/15. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

E.1.g. Alderman Skowronski moved to approve the Mayoral appointment of Rosemarie Bosch to the Fair Commission, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.h. Alderman Wilhelm moved to approve the Mayoral appointment of Allen Martin, (advisory member), to the Fair Commission. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

E.1.i. Alderman Schmidt moved to approve the Mayoral appointment of Michael Martens to the Finance Committee, term expires 4/30/13. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

E.1.j. Alderman Solomon moved to approve the Mayoral appointment of Robert Donohoo to the Fire and Police Commission, term expires 4/30/17. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.k. Alderman Wilhelm moved to approve the Mayoral appointment of Kris Barnekow to the Board of Health, term expires 4/30/14. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

E.1.l. Alderman Solomon moved to approve the Mayoral appointment of Marilyn Bolton to the Board of Health, term expires 4/30/14. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.

APPOINTMENTS-CONTINUED

E.1.m Alderman Skowronski moved to approve the Mayoral appointment of Philip Nickerson to the Parks Commission, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

E.1.n. Alderman Wilhelm moved to approve the Mayoral appointment of Carl Heigl to the Parks Commission, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

E.1.o. Alderman Skowronski moved to approve the Mayoral appointment of Carol Brunner to the Personnel Committee, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.p. Alderman Schmidt moved to approve the Mayoral appointment of Michael Barber to the Personnel Committee, term expires 4/30/15. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.

E.1.q. Alderman Schmidt moved to approve the Mayoral appointment of David Fowler to the Plan Commission, term expires 4/30/13. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried.

E.1.r. Alderman Solomon moved to approve the Mayoral appointment of Randall Ritter to the Plan Commission, term expires 4/30/15. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

E.1.s. Alderman Wilhelm moved to approve the Mayoral appointment of Laura Galusha to the Technology Commission, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.t. Alderman Solomon moved to approve the Mayoral appointment of Robert Herman to the Technology Commission, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.u. Alderman Taylor moved to approve the Mayoral appointment of Davidson Kane to the Technology Commission, term expires 4/30/15. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

E.1.v. Alderman Wilhelm moved to approve the Mayoral appointment of Randy Kaufman to the Technology Commission, term expires 4/30/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

APPPOINTMENTS-CONTINUED

E.1.w. Alderman Taylor moved to approve the Mayoral appointment of Robert Knackert to the Board of Zoning and Building Appeals, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

E.1.x Alderman Taylor moved to approve the Mayoral appointment of Donald Adams, (alternate member), to the Board of Zoning and Building Appeals, term expires 4/30/15. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

E.1.y Alderman Wilhelm moved to postpone appointment of Daniel O'Brien to Board of Zoning & Building Appeals to the Common Council meeting of 5/01/12. Seconded by Alderman Taylor. All voted Aye; motion carried.

E.1.z. Alderman Skowronski moved to approve the Mayoral appointment of Robert Montgomery, (alternate member), to the Board of Zoning and Building Appeals, term expires 4/30/13. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

E.1.aa. Alderman Schmidt moved to approve the Mayoral appointment of Robert Campbell to the Board of Zoning and Building Appeals, term expires 4/30/13. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

AMEND COMP MASTER PLAN FOR 12001 W RYAN RD 12000 W LOOMIS RD VICTORY OF LAMB, INC.

G.1. No action was taken at this time relating to an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at approximately 12001 West Ryan Road and 12000 West Loomis Road from Commercial and Residential – Multi-Family to Institutional (Approximately 9.10 acres, 6.68 acres and 3.54 acres)(Victory of Lamb, Inc., Applicant).

QUARRY MONITORING SERVICES

G.2. Mayor Taylor discussed potential appointments of Margie Shore, Fred Knueppel, Alderman Wilhelm, and Alderman Schmidt to an ad hoc Quarry Monitoring Committee to serve on an interim basis.

Alderman Wilhelm moved to direct City Attorney and Director of Administration to review and or create the required ordinance language relating to the Quarry Monitoring Committee and further to address at least one citizen non-committee member representative and review of the PDD and consultant's reports as it relates to the Committee. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Schmidt moved to suspend regular order of business to allow public to speak. Seconded by Alderman Taylor. All voted Aye; motion carried.

QUARRY MONITORING SERVICES-CONTINUED

Alderman Schmidt moved to authorize the issuance and distribution of the Request for Proposals for Quarry Monitoring Services for the City of Franklin and including any technical corrections and clarifications and direct staff to carry out the process as described therein. Seconded by Alderman Solomon.

Alderman Wilhelm moved to offer an amendment to the motion to substitute the Quarry Monitoring Committee in place of the Environmental Commission in the Request for Proposal for Quarry Monitoring Services. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Wilhelm moved to offer an amendment to clarify statements eliminating any contractors based on certain types of equipment and further to replace the sentence: "A consultant may need to perform additional tests to reconcile or resolve any deviations between devices" with "The consultant may need to calibrate equipment or provide an explanation to why the results vary between devices. Seconded by Alderman Schmidt. On roll call, Aldermen Wilhelm and Schmidt voted Aye; Aldermen Solomon, Taylor and Skowronski voted No, motion failed.

The vote on the main motion as amended, all voted Aye; motion carried.

OFFICES OF ALDERMAN AND COUNTY SUPERVISOR

G.3.

At 8:00 p.m. Mayor Taylor passed the gavel to Council President Taylor, who then chaired the meeting.
The gavel was returned at 8:15 p.m. to Mayor Taylor who returned to chairing the meeting.

The City Attorney informed the Council that he had reviewed the issue of compatibility of offices of County Supervisor and Alderman. He referenced League of Wisconsin Municipalities' legal opinions dating back to the 1950's, which also cited Attorney General opinions dating back to the 1920's, all concluding that the subject offices were compatible. He also cited Wis. Stat. sec. 59.10(4) and its history, as well as Wis. Stat. sec. 66.0503, as supporting the conclusion that the offices were compatible. He noted that the historical opinions were made current by way of a League Legal Comment published February, 2012. In conclusion, the City Attorney did add that nonetheless, in an ever-changing world, there may be those circumstances which may occur which may present a situation where an abstention may be appropriate.

ADVISORY REFERENDA 4/03/2012 RESULTS

G.4.

Alderman Wilhelm moved to accept the Advisory Referendum election results from 4/03/2012 and place on file, and note the appearance of the Milwaukee County Chair at a future Common Council meeting. Seconded by Alderman Schmidt. All voted Aye; motion carried.

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| RES. 2012-6797 CYBER BULLYING | G.5 | Alderman Wilhelm moved to adopt a resolution requesting that the Common Council of the City of Franklin modify an existing ordinance of unlawful use of electronic systems to incorporate that Cyber Bullying when determined by the Police Chief or his designee is a violation of the laws of the City of Franklin and that this type of action is subject to an appropriate penalty. With the exception of mayor and alderman listed throughout resolution, and following review by Police Chief and City Attorney. Seconded by Alderman Taylor. Alderman Wilhelm moved to call the question. Seconded by Alderman Taylor. All voted Aye; motion carried. The vote on the main motion, all voted Aye; motion carried. Vote recorded as unanimous. Alderman Solomon moved that the resolution be forwarded to the Franklin School District for input by the Board prior to adoption of any ordinance by the Common Council. Seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| RES. 2012-6798 KNOWLES-NELSON STATE STEWARDSHIP GRANT APPLICATION | G.6. | Alderman Solomon moved to adopt Resolution No. 2012-6798, A RESOLUTION IN SUPPORT OF KNOWLES-NELSON STATE STEWARDSHIP GRANT APPLICATION BY THE CITY OF FRANKLIN COMMON COUNCIL, IN COOPERATION WITH THE PARKS COMMISSION AND TRAILS COMMITTEE, FOR A MULTI-PURPOSE TRAIL ON LANDS LOCATED TO THE SOUTH AND SOUTHEAST OF PLEASANT VIEW ELEMENTARY SCHOOL, subject to technical corrections by the City Attorney and City Engineer and approved by the Mayor. Seconded by Alderman Wilhelm. All voted Aye; motion carried. |
| RES. 2012-6799 DEPT OF TRANSPORTATION 2013-2014 SAFE ROUTES TO SCHOOL | G.7. | Alderman Wilhelm moved to adopt Resolution No. 2012-6799, A RESOLUTION IN SUPPORT OF A WISCONSIN DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL GRANT APPLICATION BY THE CITY OF FRANKLIN COMMON COUNCIL, IN COOPERATION WITH THE PARKS COMMISSION AND TRAILS COMMITTEE, FOR A MULTI-PURPOSE TRAIL ON LANDS LOCATED TO THE SOUTH AND SOUTHEAST OF PLEASANT VIEW ELEMENTARY SCHOOL, subject to technical corrections by the City Attorney and City Engineer and approved by the Mayor. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| POLICY ON SHOVELING NEW TRAIL ON S. 51ST STREET | G.8. | Alderman Schmidt moved to direct the City Attorney to prepare an ordinance change that property owners are not required to shovel trails if constructed over five (5) feet wide. Seconded by Alderman Solomon. All voted Aye; motion carried. |

ORD. 2012-2072 REPEAL NO PARKING SOUTH SIDE W DREXEL AVE

G.9. Alderman Schmidt moved to adopt Ordinance No. 2012-2072, AN ORDINANCE TO REPEAL NO PARKING, FROM 7:30 A.M. TO 4:30 P.M. ON REGULAR SCHOOL DAYS, ON THE SOUTH SIDE OF W. DREXEL AVENUE FROM 200 FEET EAST TO 700 FEET EAST OF S. 51ST STREET. Seconded by Alderman Taylor. All voted Aye; motion carried.

PROHIBITING PARKING W DREXEL AVE FROM S 51ST ST TO S 55TH ST

G.10. Alderman Schmidt moved to adopt AN ORDINANCE PROHIBITING PARKING, FROM 7:30 A.M. TO 4:30 P.M. ON REGULAR SCHOOL DAYS, ON BOTH SIDES OF W. DREXEL AVENUE FROM S. 51ST STREET TO S. 55TH STREET. Seconded by Alderman Solomon. Alderman Solomon withdrew his second. Motion died due to lack of a second.

Alderman Schmidt then moved to adopt AN ORDINANCE PROHIBITING PARKING, FROM 7:30 A.M. TO 4:30 P.M. ON REGULAR SCHOOL DAYS, ON THE SOUTH SIDE OF W. DREXEL AVENUE FROM S. 51ST STREET TO S. 55TH STREET. Seconded by Alderman Solomon. Alderman Schmidt withdrew his motion and Alderman Solomon withdrew his second.

ORD. 2012-2073 PROHIBITING PARKING

Alderman Schmidt then moved to adopt Ordinance No. 2012-2073, AN ORDINANCE PROHIBITING PARKING FROM 7:30 A.M. TO 2:30 P.M. ON REGULAR SCHOOL DAYS ON THE SOUTH SIDE OF W. DREXEL AVENUE FROM S. 51ST STREET TO S. 55TH STREET, and further directed staff to install "no trespassing" signs on City-owned property in the area. Seconded by Alderman Solomon. All voted Aye; motion carried.

PILOT STUDY OF ELECTRONIC PLAN SUBMISSION

G.11. Alderman Wilhelm moved to approve a motion supporting or encouraging City Departmental participation in a pilot study of electronic plan review software from e-PlanSoft, which must occur within the scope of the approved budget. Seconded by Alderman Schmidt. All voted Aye; motion carried.

TELEPHONE & VOICEMAIL SYSTEMS

G.12. Alderman Taylor moved to direct the Director of Administration to enter into a new 48-month maintenance service agreement with Avaya, as provided by Technology Solutions Group (TSG) on behalf of Avaya, for the City's Intuity voice mail system and Avaya phone system. Seconded by Alderman Solomon. All voted Aye; motion carried.

CARTER CIRCLE EAST SANITARY SEWER EMERG RELAY

G.13. Alderman Schmidt moved to authorize staff to proceed with the emergency relay of a portion of the sanitary sewer in Carter Circle East of S. 76th Street at a cost of $20,000 to $21,000. Seconded by Alderman Solomon. All voted Aye; motion carried.

MISCELLANEOUS LICENSES H.1.

Alderman Solomon moved to grant the following licenses:

Operator License to Rahul K. Singh, 16245 Overhill Dr., Brookfield with a warning letter from City Clerk; Tina M. Baratta, 1127 42nd Ave., Pleasant Prairie; Steven J. Beaudry, 1408 S. 79th St. #205, West Allis and Alisha R. Welch, 1555 S. 56th St., West Allis subject to Clerk's certification;

Coin Machine Operator License to A-S Amusement, Inc., 8655 Golden Fields Dr., Owner: Agim Zejneli at Andy's;

MISCELLANOUS LICENSES-CONTINUED

Temporary Class B Beer and Temporary Entertainment & amusement to St. Martin of Tours School Fund Raiser, Person in Charge: Jeanne Johnson, 7963 S. 116th St., Event: Rat Pack Evening of Music & Dance on 5/5/2012 subject to confirmation of public grant update;

Further moved to hold Operator License for Marie L. Gunderson, 10171 S. Nicholson Rd., Oak Creek until License Committee of 5/01/12;

Any action on Operator Licenses held by Brian Gundersen, 8133 S. Forest Hills Cir.; Michelle Moore, 11751 W. Birchwood Ln.; Amber Helm, 11401 Parkview Ln, Hales Corners and Ali L. Najera, 8627 W. Cascade Dr. will be reviewed after Municipal Court on 5/16/12;

Further moved to deny Taxi Cab Driver License for Abdul Rauf Hafiz, 1400 W. Barnard Ave., Milwaukee for convicted felon contrary to Muni. Code 169-2.C(7). Seconded by Alderman Wilhelm. All voted Aye; motion carried.

No action was needed on Taxi Cab Company License for Orange Cab Services, LLC, Owner: Parminder Singh, 10155 W. Forest Home Ave. #101, Hales Corners;

VOUCHERS AND PAYROLL I.1.

Alderman Wilhelm requested to separate Ryan Creek Interceptor vouchers.

Alderman Skowronski moved to approve net City vouchers in the range of Nos. 142409 through 142567 in the amount of $745,389.21. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

Alderman Solomon moved to approve the net payroll of April 6, 2012 in the amount of $344,664.90. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

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| VOUCHERS-CONTINUED | | Alderman Solomon moved to approve Ryan Creek Interceptor vouchers in the amount of $2,944,009.75 for Super Excavator, DF Tomasini, Inc., and Globe Contractors. Alderman Skowronski. On roll Call, Aldermen Skowronski, Schmidt, Taylor, and Solomon voted Aye; Alderman Wilhelm abstained. Motion carried. |
| ADJOURNMENT | J. | Alderman Solomon moved to adjourn the meeting at 9:14 p.m. Seconded by Alderman Taylor. All voted Aye; motion carried. |

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CITY OF FRANKLIN
COMMON COUNCIL MEETING
MAY 1, 2012
MINUTES

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| ROLL CALL | A. | The regular meeting of the Common Council was held on May 1, 2012 and called to order at 6:30 p.m. by Mayor Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Olson, Solomon, Wilhelm, Taylor, Schmidt and Skowronski. Also present were City Engineer Bennett, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:40 p.m. and closed at 6:40 p.m. |
| RECOGNITION OF ROY KAINZ | B.2.a. | Mayor Taylor noted the 2012 Lifetime Achievement Award from the Wisconsin Rural Water Association to Roy Kainz. |
| FRANKLIN YOUTH GIRLS BASKETBALL | B.2.b. | Mayor Taylor recognized the Franklin Youth Girls Basketball Association 8th Grade Girls Team on winning Division One – 2012 Wisconsin State Invitational Tournament. |
| WIS 241 CORRIDOR EXPANSION STUDY HEARING NOTICE | B.2.c. | Mayor Taylor noted a Notice of Opportunity to Request a Public Hearing on the WIS 241 Corridor Expansion Study (Elm Road to College Avenue) & Notice of Availability of the Environmental Assessment for the Proposed Improvement of WIS 241 between Elm Road and College Avenue, Milwaukee County. |
| APPROVAL OF MINUTES-4/17/12 | C.1. | Alderman Solomon moved to approve the minutes of the regular meeting of April 17, 2012 as amended (Items G.2 and G.3). Seconded by Alderman Schmidt. All voted Aye; motion carried |
| PUBLIC HEARING-SANITARY SEWER - W. RYAN RD. | D.1. | A public hearing regarding a special assessment for installing sanitary sewer on W. Ryan Road from S. 112th Street to the west City limits was opened at 6:45 p.m. and closed at 7:12 p.m. |
| 2011 ANNUAL FINANCIAL REPORT | F.1. | No action was taken on the 2011 Comprehensive Annual Financial Report (CAFR) and the required communications letter from CliftonLarsonAllen LLP. |
| RES. 2012-6799 SANITARY SEWER SPECIAL ASSESSMENTS ON W. RYAN RD. | F.3. | Alderman Skowronski moved to adopt Resolution No. 2012-6799, A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT, AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLATION OF SANITARY SEWER ON W. RYAN ROAD FROM S. 112TH TO THE WEST CITY LIMITS. Seconded by Alderman Solomon. On roll call, Aldermen Olson, Solomon, Taylor, Schmidt, and Skowronski voted Aye; Alderman Wilhelm voted No. Motion carried.<br>Alderman Olson moved to codify the fact that payment and interest charges will not start until the Ryan Creek Interceptor is functional. Seconded by Alderman Skowronski. All voted Aye; motion carried. |

W. RYAN ROAD-
CONTINUED

Alderman Wilhelm then moved to direct staff to verify the data and provide to the Common Council at their next meeting, a breakdown of the votes as they relate to the survey for: the number of current homes served (meaning occupied homes); the number of vacant lands and realty(type) lots or parcels voting each counted as separate; the number of no responses—to determine an accurate reflection of the homeowners request versus serving vacant lands (7:20). Motion died due to lack of a second.

RES. 2012-6800
GLOBE
CONTRACTORS, INC.
SANITARY SEWER
W. RYAN RD.

F.2.

Alderman Schmidt moved to adopt Resolution No. 2012-6800, A RESOLUTION AWARDING A CONTRACT TO THE LOW BIDDER, GLOBE CONTRACTORS, INC., FOR THE EXTENSION OF SANITARY SEWER WITH LATERALS IN W. RYAN ROAD FROM S. 112TH STREET TO THE WEST CITY LIMITS IN THE AMOUNT OF $408,460 FOR THE MANDATORY ALTERNATE BID. Seconded by Alderman Skowronski. Motion carried on a voice vote for the main motion, Alderman Wilhelm voted No.

ORD. 2012-2074
AMEND UDO
INTEGRATED
AQUAPONICS, INC.
3617 W. ELM RD.

F.4.

Alderman Taylor moved to adopt Ordinance No. 2012-2074, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0602 TO ADD "CONTROLLED ENVIRONMENT AGRICULTURE" AS A TYPE OF USE AND TO ALLOW SUCH USE AS A SPECIAL USE IN THE RC-1 CONSERVATION RESIDENCE DISTRICT, A-1 AGRICULTURAL DISTRICT AND A-2 PRIME AGRICULTURAL DISTRICT (SCOTT BILLER, VICE PRESIDENT OF INTEGRATED AQUAPONICS, INC., APPLICANT). Seconded by Alderman Wilhelm. On roll call, Aldermen Skowronski, Schmidt, Taylor, and Wilhelm voted Aye; Aldermen Solomon and Olson voted No. Motion carried.

RES. 2012-6801
SPECIAL USE
INTEGRATED
AQUAPONICS, INC.
3617 W. ELM RD.

F.5.

Alderman Taylor moved to adopt Resolution No. 2012-6801, A RESOLUTION IMPOSING CONDITIONS AND RESTIRCTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE DEVELOPMENT OF AN INDOOR CONTROLLED INVIRONMENT AQUAPONIC AGRICULTURE SYSTEM BUSINESS USE UPON PROPERTY LOCATED AT 3617 WEST ELM ROAD (SCOTT BILLER, VICE PRESIDENT OF INTEGRATED AQUAPONICS, INC., APPLICANT). Seconded by Alderman Skowronski. On roll call, Aldermen Wilhelm Taylor, Schmidt, and Skowronski voted Aye; Aldermen Olson and Solomon voted No. Motion carried.

RES. 2012-6802
SPECIAL USE
ACADEMY OF
PERFORMING ARTS
147221 S. 76TH ST.

F.6.

Alderman Solomon moved to adopt Resolution No. 2012-6802, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A DANCE, MUSIC AND ACTING INSTRUCTION USE AND A DAY CARE SERVICES USE UPON PROPERTY

| | | |
|---|---|---|
| ACADEMY OF PERFORMING ARTS-CONTINUED | | LOCATED AT 7221 SOUTH 76TH STREET (STACY M. TUSCHL, OWNER OF STUDIO 21 POM & DANCE ACADEMY, INC. D/B/A THE ACADEMY OF PERFORMING ARTS, APPLICANT). Seconded by Alderman Olson. All voted Aye; motion carried. |
| 27TH STREET STREETSCAPE ELEMENTS | F.7. | Alderman Solomon moved to direct staff to form a Tax Increment Finance District for the 27th Street Corridor to pay for improvements. Seconded by Alderman Olson. Alderman Olson withdrew his second.<br>Alderman Olson moved to approve the elements as outlined in the spreadsheet of 12/28/2011 on page 96 of the Council agenda packet of 5/01/2012, with the contingency that no expenditures occur until such time as the TIF is approved for W. College Avenue to W. Drexel Avenue and plans are in place for continuing the TIF from W. Drexel Avenue south to W. South County Line Road, and further that the CDA take jurisdiction, and approves the recommended cost sharing of 50/50 upon all of the elements except for underground utilities within the City of Franklin which cost share shall be 90% Franklin and 10% Oak Creek. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried. |
| RECONSTRUCTION OF S. 51ST ST. | F.8. | Alderman Wilhelm moved to authorize staff to proceed with the reconstruction of S. 51st Street from a point 1075 feet north of W. Rawson Avenue to the north City limits, the trail on the west side from the existing sidewalk to W. Princeton Drive and the sidewalk on the east side from the existing sidewalk to W. Xavier Drive, and authorize the advertisement for bids. Seconded by Alderman Schmidt. All voted Aye; motion carried. |
| RES. 2012-6803 2012 STREET IMPROVEMENT PROGRAM | F.9. | Alderman Solomon moved to adopt Resolution No. 2012-6803, A RESOLUTION AWARDING CONTRACT TO THE LOWEST BIDDER, PAYNE & DOLAN, INC., IN THE AMOUNT OF $440,708.50, FOR THE 2012 LOCAL STREET IMPROVEMENT PROGRAM. Seconded by Alderman Taylor. All voted Aye; motion carried. |
| RES. 2012-6804 OFFICIAL NEWSPAPER | F.10. | Alderman Taylor moved to adopt Resolution No. 2012-6804, A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER. Seconded by Alderman Schmidt. All voted Aye; motion carried. |
| 2012 MEETING SCHEDULE | F.11. | Alderman Skowronski moved to establish the amended meeting schedule for 2012 (all meetings to begin at 6:30 p.m.) as follows:<br>Combined Committee of the Whole/Council meeting-June 4<br>Council meeting-June 19<br>Combined Committee of the Whole/Council meeting-July 10<br>Council meeting-July 24<br>Combined Committee of the Whole/Council meeting-August 7<br>Council meeting-August 21 |

| | | |
|---|---|---|
| SCHEDULE-CONTINUED | | Combined Committee of the Whole/Council meeting-Sept. 4<br>Council meeting-Sept. 18<br>Seconded by Alderman Schmidt. All voted Aye; motion carried. |
| CONCEPT REVIEW FOR MEIJER STORE | F.12.A. | No action was taken on a concept review for a Meijer Store (grocery and department store) (general location: intersection of W. Loomis Road and W. St. Martins Road)(David Behrens, applicant) that was presented at the Committee of the Whole meeting on April 30, 2012. |
| CONCEPT REVIEW FOREST VIEW RESIDENTIAL DEV. | F.12.B. | No action was taken on a concept review for revisions to the Forest View Residential Development, including primarily from condominium to apartment unit designation and architectural and landscaping revisions (approximately W. Ryan Road and S. 60th Street)(Rob Williams, applicant) that was presented at the Committee of the Whole meeting on April 30, 2012. |
| FINANCE COMMITTEE ROLE | F.12.C. | No action was taken regarding Committee of the Whole report on review of role of the Finance Committee and discussion of Common Council assuming that role. |
| ALDERMANIC APPOINTMENTS | F.12.D. | No action was taken regarding Committee of the Whole discussion on changes to Municipal Code as it pertains to Aldermanic appointments to Boards and Commissions. |
| APPOINTMENTS | G.1.a. | Alderman Skowronski moved to approve the Mayoral appointment of Daniel O'Brien to the Board of Zoning & Building Appeals, term expires 4/30/14. Motion died due to lack of a second. |
| | G.1.b.1. | Alderman Skowronski moved to approve the Mayoral appointment of Alderman Schmidt to the Environmental Commission, term expires 4/30/13. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried. |
| | G.1.b.2. | Mayor Taylor withdrew appointment of Alderman Wilhelm to the Finance Committee, term expires 4/30/13. |
| | G.1.b.3. | Alderman Solomon moved to approve the Mayoral appointment of Alderman Taylor to the Finance Committee, term expires 4/30/13. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried. |
| | G.1.b.4. | Alderman Schmidt moved to approve the Mayoral appointment of Alderman Solomon to the Finance Committee, term expires 4/30/13. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried. |

APPOINTMENTS-CONTINUED

G.1.b.5. Alderman Solomon moved to approve the Mayoral appointment of Alderman Wilhelm to the License Committee, term expires 4/30/13. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

G.1.b.6. Alderman Skowronski moved to approve the Mayoral appointment of Alderman Taylor to the License Committee, term expires 4/30/13. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

G.1.b.7. Alderman Olson moved to approve the Mayoral appointment of Alderman Solomon to the License Committee, term expires 4/30/13. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

G.1.b.8. Alderman Skowronski moved to approve the Mayoral appointment of Alderman Solomon to the Parks Commission, term expires 4/30/13. Seconded by Alderman Olson. On roll call, Aldermen Olson, Solomon, Taylor, Schmidt and Skowronski voted Aye; Alderman Wilhelm abstained. Motion carried.

G.1.b.9. Alderman Solomon moved to approve the Mayoral appointment of Alderman Skowronski to the Plan Commission, term expires 4/30/13. Seconded by Alderman Skowronski. On roll call, Aldermen Solomon, Schmidt and Skowronski voted Aye; Aldermen Olson and Wilhelm voted No; Alderman Taylor abstained. Motion failed.

MISCELLANEOUS LICENSES

H.1. Alderman Solomon moved to grant the following licenses:

Taxi Cab Driver License to Harpreet Singh, 3824 S. 16th St., Milwaukee;

Operator License to Nicholas Kulinski, 525 E. Laverne Dr., Oak Creek; Ryan J. Peters, 1925 W. Timber Ridge Ln. #1301, Oak Creek and Cheryl E. Danforth, 3657 W. College Ave. #56, Milwaukee;

Extraordinary Entertainment & Special Event for Wheelhouse Events, LLC-Women's Obstacle Run, Person in Charge: Brodie Birkel on June 9, 2012 subject to payment of police services retained for one officer and Ragner Relay Madison to Chicago-Course Revision, Person in Charge: Andria Huskinson on June 8-9, 2012 on Franklin streets & Oak Leaf Trail. Seconded by Alderman Taylor. All voted Aye; motion carried.

| | | |
|---|---|---|
| VOUCHERS AND PAYROLL | I.1. | Alderman Olson moved to approve net City vouchers in the range of Nos. 142568 through 142746 in the amount of $1,068,324.02. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.<br><br>Alderman Solomon moved to approve the net payroll of April 20, 2012 in the amount of $364,119.31. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried. |
| ADJOURNMENT | J. | Alderman Taylor moved to adjourn the meeting at 8:48 p.m. Seconded by Alderman Olson. All voted Aye; motion carried. |

| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 5/15/12 |
| Reports and Recommendations | Donation from Franklin Lions Club in the amount of $620 to the Fire Department | ITEM NUMBER G.1.a. |

The City of Franklin Fire Department has received a donation from the Franklin Lions Club in the amount of $620 to be used for the purchase of an EMS Training Aid.

COUNCIL ACTION REQUESTED

Motion to accept the donation of $620 from the Franklin Lions Club to the Fire Department.

WE SERVE

# FRANKLIN LIONS CLUB of Franklin, WI 53132

*SERVING HUMANITY SINCE 1957*

Michael / Franklin Fire Dept.

Enclosed is a Donation of $620.00 From the Franklin Lions Club. Please use this Donation for the Purchase of the Anatomy Torso to aid in your classroom lectures.

Thank you for all you do for the community.

Lion Joe Hanrahan

For the Franklin Lions Club

& Franklin Lions Club Community Betterment Committee

| PPROVAL | REQUEST FOR COUNCIL ACTION | MTG. DATE |
|---|---|---|
| Slw | | 5/15/12 |
| Reports & Recommendations | SUBJECT: Change Order No. 1 for S. 51st Street Water Main Extension south of W. Puetz Road – Project 2009-WU101 | ITEM NO. G.1.b. |

## BACKGROUND

Pursuant to the water main extension in S. 51st Street from W. Puetz Road to just north of W. Cobblestone Way which was installed in 2009, please be advised that the project was constructed for less than anticipated and Change Order No. 1 reduces the contract cost by $108,485.38. The change to the construction cost is from $668,694.50 to $560,209.12. One of the major changes was the reduction in cost for anticipated contaminated material.

## OPTIONS

Approve
or
Table

## FISCAL NOTE

Actual cost less than anticipated.

## RECOMMENDATION

Motion to authorize staff to sign Change Order No. 1, with Mainline Sewer and Water, Inc., for the S. 51st Street water main project south of W. Puetz Road – Project 2009-WU101, for a reduction of $108,485.38 reducing the contract cost from $668,694.50 to $560,209.12.

JMB/db
Encl.

ca\ Change Order #1 for 51st Street water main extension south of W. Puetz Road 2012

# CHANGE ORDER

No. 1

DATE OF ISSUANCE May 24, 2011 EFFECTIVE DATE May 24, 2011

OWNER City of Franklin
CONTRACTOR Mainline Sewer & Water , Inc.
Contract: S. 51st Street Water Main Extension
Project: S. 51st Street Water Main Extension
OWNER's Contract No. 2009-WU101 ENGINEER's Contract No. 20090065.01
ENGINEER GRAEF-USA Inc.

You are directed to make the following changes in the Contract Documents:
Description:
Quantity Changes

Reason for Change Order:
Quantity Changes

Attachments: (List documents supporting change)
Summary of quantities and unit prices

| CHANGE IN CONTRACT PRICE: | CHANGE IN CONTRACT TIMES: |
|---|---|
| Original Contract Price<br>$ 668,694.50 | Original Contract Times:<br>Substantial Completion: July 17, 2009<br>Ready for final payment: July 24, 2009<br>(days or dates) |
| Net Increase from previous Change Orders No. ____ to ____:<br>$ 0.00 | Net change from previous Change Orders No. ____ to No. ____:<br>Substantial Completion: 0<br>Ready for final payment: 0<br>(days) |
| Contract Price prior to this Change Order:<br>$ 668,694.50 | Contract Times prior to this Change Order:<br>Substantial Completion: July 17, 2009<br>Ready for final payment: July 24, 2009<br>(days or dates) |
| Net decrease of this Change Order:<br>$ (108,485.38) | Net increase this Change Order:<br>Substantial Completion: 0<br>Ready for final payment: 0<br>(days) |
| Contract Price with all approved Change Orders:<br>$ 560,209.12 | Contract Times with all approved Change Orders:<br>Substantial Completion: July 17, 2009<br>Ready for final payment: July 24, 2009<br>(days or dates) |

RECOMMENDED:
By: _____
ENGINEER (Authorized Signature)
Date: 5/24/11

APPROVED:
By: _____
OWNER (Authorized Signature)
Date: _____

ACCEPTED:
By: _____
CONTRACTOR (Authorized Signature)
Date: 4/18/2012

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.

City of Franklin
S. 51st Street Water Main Extension from W. Puetz Road to 3,330 feet South
Mainline Sewer & Water, Inc.
Contract Date: June 10, 2009
Change Order No. 1

| I | DESCRIPTION | QTY | UNIT | Mainline Sewer & Water, Inc. | | Change Order No. 1 | |
|---|---|---|---|---|---|---|---|
| | | | | UNIT BID | ITEM TOTAL | QTY | ITEM TOTAL |
| 1 | 20-inch diameter ductile iron water main, AWWA C-151, Class 52, with double polywrap and crushed stone material backfill. | 3,179 | LF | $115.00 | $365,585.00 | 0 | $0.00 |
| 2 | 20-inch diameter ductile iron water main, AWWA C-151, Class 52, with double polywrap and excavated material backfill. | 145 | LF | $89.00 | $12,905.00 | 0 | $0.00 |
| 3 | 12-inch diameter ductile iron water main, AWWA C-151, Class 52, with double polywrap with crushed stone backfill. | 50 | LF | $110.00 | $5,500.00 | 0 | $0.00 |
| 4 | 6-inch diameter ductile iron restrained joint water main, AWWA C-151, Class 52, with double polywrap, with crushed stone backfill, and Type "C" lawn restoration. | 128 | LF | $40.00 | $5,120.00 | 0 | $0.00 |
| 5 | Trace wire including trace wire access boxes and cover at hydrants and services. | 3,700 | LF | $0.30 | $1,110.00 | 0 | $0.00 |
| 6 | 6-inch restrained resilient wedge gate valve, with valve box, cover, and adaptor. | 8 | EACH | $960.00 | $7,680.00 | 0 | $0.00 |
| 7 | 20-inch restrained butterfly valve, with valve box, cover and adapter. | 5 | EACH | $4,570.00 | $22,850.00 | 0 | $0.00 |
| 8 | 12-inch restrained butterfly valve, with valve box, cover and adapter. | 1 | EACH | $1,560.00 | $1,560.00 | 0 | $0.00 |
| 9 | Connection to existing 20-inch water main including spool pieces, removal of existing plug and buttresses, and temporary plug with 2-inch air vent. | 2 | EACH | $6,000.00 | $12,000.00 | 0 | $0.00 |
| 10 | Connections to existing 12-inch water main including spool pieces, removal of existing plug and buttress, and temporary plug with 2-inch air vent. | 1 | EACH | $3,800.00 | $3,800.00 | 0 | $0.00 |
| | 8-inch diameter ductile iron, restrained joint water main, AWWA C-151, Class 52, with doublewrap, water service with 8-inch restrained valve, valve box, cover, plug and buttress, 1-inch air vent and adaptor with crushed stone backfill and Type "C" lawn restoration. Average length 40 feet. | 2 | EACH | $4,680.00 | $9,360.00 | 0 | $0.00 |
| 12 | 8-inch diameter ductile iron, restrained joint water main, AWWA C-151, Class 52, with double polywrap, water service with 8-inch restrained valve, valve box, cover, plug and buttress, 1-inch air vent and adaptor with crushed stone backfill and Type "C" lawn restoration. Average length 15 feet. | 1 | EACH | $3,000.00 | $3,000.00 | 0 | $0.00 |
| 13 | 2-inch Class Type "K" copper water service with corporation stop, service box, insulation with crushed stone backfill and Type "C" lawn restoration. Average length 15 feet. | 4 | EACH | $2,040.00 | $8,160.00 | 0 | $0.00 |
| 14 | 1-1/2 inch Type "K" copper water service with corporation stop, service box, insulation with crushed stone backfill and Type "C" lawn restoration. Average length 15 feet. | 3 | EACH | $1,860.00 | $5,580.00 | 0 | $0.00 |
| 15 | Hydrant 8'-0" bury depth with crushed stone and excavated material backfill and restoration. | 3 | EACH | $3,070.00 | $9,210.00 | 2 | $6,140.00 |
| 16 | Hydrant 8'-6" bury depth with crushed stone and excavated material backfill and restoration. | 4 | EACH | $3,090.00 | $12,360.00 | -1 | -$3,090.00 |
| 17 | Hydrant 9'-6" bury depth with crushed stone and excavated material backfill and restoration. | 1 | EACH | $3,170.00 | $3,170.00 | -1 | -$3,170.00 |
| 18 | Disposal of contaminated materials at Waste Management Metro Landfill (Allowance) | 5,000 | TONS | $14.00 | $70,000.00 | -5,000 | -$70,000.00 |
| 19 | Trucking to Waste Management Metro Landfill at 10712 S. 24th Street, Franklin, WI | 5,000 | TONS | $6.15 | $30,750.00 | 1,051 | $6,464.27 |
| 20 | Full depth sawcut. | 3,470 | LF | $1.35 | $4,684.50 | 118 | $159.30 |
| 21 | Concrete pavement removal and 1 foot of 1-3/4 inch TB under 1 foot 1-1/4 inch TB. | 3,450 | SY | $1.50 | $5,175.00 | -690 | -$1,035.00 |
| | Asphalt pavement removal | 350 | SY | $1.50 | $525.00 | -156 | -$234.00 |
| 23 | Type "C" lawn restoration with 4-inch topsoil, seeding, fertalizer, erosion mat and watering. | 160 | LF | $24.00 | $3,840.00 | 0 | $0.00 |
| 24 | Type "F" asphalt pavement replacement, and two 2-1/4-inch asphalt binder and 1-1/2-inch asphalt surface courses. | 50 | SY | $45.00 | $2,250.00 | -50 | -$2,250.00 |

Contract Date: June 10, 2009
Change Order No. 1

| BID ITEM | DESCRIPTION | QTY | UNIT | Mainline Sewer & Water, Inc. | | Change Order No. 1 | |
|---|---|---|---|---|---|---|---|
| | | | | UNIT BID | ITEM TOTAL | QTY | ITEM TOTAL |
| 25 | Type "G" pavement replacement and 3-inches of asphalt bindfer course. | 350 | SY | $30.00 | $10,500.00 | -350 | -$10,500.00 |
| 26 | Traffic control, including signing, barricades, performed by a traffic control subcontractor. | 90 | Cal. Days | $222.00 | $19,980.00 | -45 | -$9,990.00 |
| 27 | Two Flag persons. | 45 | Constr. Days | $662.00 | $29,790.00 | -36 | -$23,832.00 |
| 28 | Erosion control system, including installation, maintenance, and removal of erosion bales. | 100 | EACH | $15.00 | $1,500.00 | -65 | -$975.00 |
| 29 | Erosion control system, including installation, maintenance, and removal of silt fence. | 300 | LF | $2.50 | $750.00 | -124 | -$310.00 |
| CO | Downtime wait for Manifest Tickets | 1 | LS | $3,668.70 | $3,668.70 | 1 | $3,668.70 |
| CO | Added Traffic Control Detour | 1 | LS | $1,890.00 | $1,890.00 | 1 | $1,890.00 |
| CO | Retaining Wall at Hydrant | 1 | LS | $795.63 | $795.63 | 1 | $795.63 |
| CO | Replace 8' Hyd w/ 7' Hyd | 1 | LS | $662.72 | $662.72 | 1 | $662.72 |
| CO | Credit for Paint ILO Tape for Lane Striping | 1 | LS | -$2,880.00 | -$2,880.00 | 1 | -$2,880.00 |
| | | | | | $668,694.50 | | -$108,485.39 |

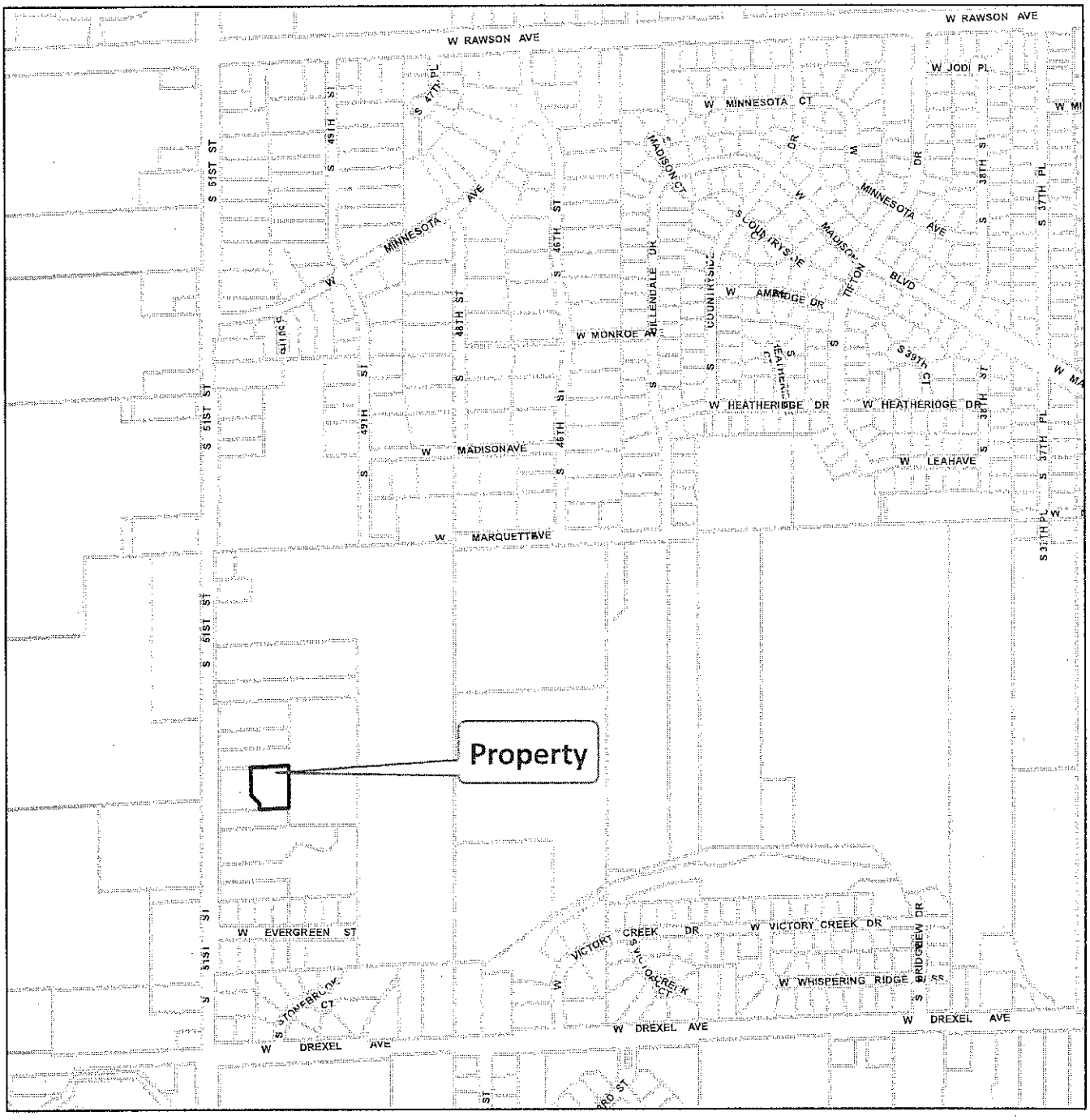
| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 05/15/12 |
| REPORTS & RECOMMENDATIONS | **ORDINANCE TO AMEND NO. 2011-0246, AN ORDINANCE TO AMEND SECTION 15-3.0427 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 22 (CLARE MEADOWS) TO ALLOW FOR AND ADD A THREE STORY 30 UNIT SENIOR INDEPENDENT LIVING APARTMENT BUILDING (COMMONBOND ACQUISITION LLC, APPLICANT) (7704 SOUTH 51ST STREET), TO PROVIDE FOR THE PAYMENT TO THE CITY OF A FIXED SUM ESTIMATED TO PAY FOR THE COST OF CITY SERVICES TO BE PROVIDED TO THE PROPERTY, TO BE ADJUSTED ANNUALLY BY THE CONSUMER PRICE INDEX AND TO BE REVIEWABLE EVERY FIVE YEARS (FRANKLIN SENIOR HOUSING, INC., APPLICANT)** | ITEM NUMBER G.2. |

At its May 3rd, 2012, meeting the Plan Commission recommended approval of an ordinance to amend No. 2011-2046, an ordinance to amend Section 15-3.0427 of the Unified Development Ordinance Planned Development District No. 22 (Clare Meadows) to allow for and add a three story 30 unit senior independent living apartment building (CommonBond Acquisition LLC, Applicant) (7704 South 51st Street), to provide for the payment to the City of a fixed sum estimated to pay for the cost of city services to be provided to the property, to be adjusted annually by the Consumer Price Index and to be reviewable every five years (Franklin Senior Housing, Inc., Applicant).

## COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2012-_____, an ordinance to amend No. 2011-2046, an ordinance to amend Section 15-3.0427 of the Unified Development Ordinance Planned Development District No. 22 (Clare Meadows) to allow for and add a three story 30 unit senior independent living apartment building (CommonBond Acquisition LLC, Applicant) (7704 South 51st Street), to provide for the payment to the City of a fixed sum estimated to pay for the cost of city services to be provided to the property, to be adjusted annually by the Consumer Price Index and to be reviewable every five years (Franklin Senior Housing, Inc., Applicant).

# Franklin Meadows Senior Apts
# PDD 22 Franciscan Sisters of St Clare




0 450 900 1,800 Feet

City Development 2011
(2010 Aerial Layer)

NORTH

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

ORDINANCE NO. 2012-____

AN ORDINANCE TO AMEND NO. 2011-2046, AN ORDINANCE TO AMEND SECTION 15-3.0427 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 22 (CLARE MEADOWS) TO ALLOW FOR AND ADD A THREE STORY 30 UNIT SENIOR INDEPENDENT LIVING APARTMENT BUILDING (COMMONBOND ACQUISITION LLC, APPLICANT) (7704 SOUTH 51ST STREET), TO PROVIDE FOR THE PAYMENT TO THE CITY OF A FIXED SUM ESTIMATED TO PAY FOR THE COST OF CITY SERVICES TO BE PROVIDED TO THE PROPERTY, TO BE ADJUSTED ANNUALLY BY THE CONSUMER PRICE INDEX AND TO BE REVIEWABLE EVERY FIVE YEARS (FRANKLIN SENIOR HOUSING, INC., APPLICANT)

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WHEREAS, §15-3.0427 of the Unified Development Ordinance provides for and regulates Planned Development District No. 22 (Clare Meadows), same having been created by Ordinance No. 96-1389, later amended and recreated by Ordinance No. 96-1417, and later amended by Ordinance Nos. 99-1557, 2005-1855, 2005-1856, 2010-2031 and 2011-2046, with such District being located at 7704 South 51st Street; and

WHEREAS, Planned Development District No. 22 (Clare Meadows) includes those lands legally described as follows:

> Part of Parcel One (1) of Certified Survey Map No. 2855, located in the NW 1/4 and SW 1/4 of the SE 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, and being more particularly described as:
>
> Commencing at the southwest corner of said Parcel 1; thence N 87°28'06" E, along the south line of said Parcel 1, 215.00 feet to the Point of beginning of this description; thence N 00°04'46" E, 30.00 feet; thence N44°55'14"W, 63.57 feet; thence N00°04'46"E, 146.31 feet to the north line of said Parcel 1; thence N87°28'06"E, along the North line of said Parcel 1, 205.54 feet to the northeast corner of said Parcel 1; thence S00°04'46"W, along the east line of said Parcel 1, 223.31 feet to the southeast corner of said Parcel 1; thence S87°28'06"W, along said south line, 160.54 feet to the point of beginning and the end of this description. Tax Key No.: 788-9986-013; and

WHEREAS, CommonBond Acquisition LLC and Franklin Senior Housing, LLC, having requested a further amendment to Planned Development District No. 22 (Clare Meadows), specifically Section 8 of Ordinance No. 2011-2046, to comply with U.S. Department of Housing and Urban Development requirements that any owner agreement with the City to pay fees to the City be related to the cost of services provided by the

City to the property and its occupants.

WHEREAS, on May 3, 2012, the Plan Commission having reviewed the proposed amendment to Planned Development District No. 22 (Clare Meadows), and having determined that the proposed amendment does not constitute a substantial change to the plans and as such is a minor amendment and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 22 (Clare Meadows) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-3.0427 Planned Development District No. 22 (Clare Meadows), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, only Section 8 of Ordinance No. 2011-2046, is hereby amended to read as follows:

"CommonBond Acquisition LLC and Franklin Senior Housing, LLC and any owner of the property, as a condition of approval of this Ordinance, shall enter into an agreement with the City providing that in the event the land and/or building to be developed hereunder be exempt from general property taxation at any time, that such property shall be subject to an annual payment to the City by the owner(s) of the property in the amount of $8,563.00, the estimated cost of the provision of City services to the property and its occupants. Such payments to the City shall be due and payable on January 31st of each year after substantial completion of construction and such payments shall be adjusted annually by the Consumer Price Index All Urban Consumers U.S. City Average Not Seasonally Adjusted, commencing December 31, 2013. The above fixed amount of the payment shall be subject to adjustment every five years, at the sole discretion of the City for any such adjustment as to whether any adjustment shall occur, for any estimated amount of cost of services as may be evidenced by cost of service study information provided by the City to an owner of the property, with such adjustment first to occur and be effective December 31, 2016, and with such cost of service study information to be

provided to an owner of the property not less than 60 days prior to any such date of adjustment. The agreement shall be prepared by the City Attorney and executed by the property owner, the Mayor and the City Clerk and shall be recorded in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a Building Permit."

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

**From:** Jesse Wesolowski [mailto:jweslaw@aol.com]
**Sent:** Wednesday, May 02, 2012 2:08 PM
**To:** Jane Kassis (JaneWRFMLaw@aol.com)
**Cc:** Tom Taylor; David P. Jubelirer; Cal Patterson; Mark Link - Work; Nick Fuchs
**Subject:** Commonbond Acquisition LLC and Franklin Senior Housing 5/3/12 Plan Commission agenda item

After discussions yesterday afternoon and today with counsel for the intended owner/operator of the housing development, I accept the information that HUD (whose guideline paper I reviewed and questioned) will not close this transaction at the end of this month with the current terms of Section 8 of the ordinance adopted May 17, 2011, due to its opposition in general to taxation (my words). After conferring with the Chief of Police, the Inspector, the Fire Chief, the Public Health Officer and his assistant, and the Director of Finance, I believe that the number that staff is currently working on should fairly and reasonably equate to the amount that would have been paid under the City property tax payment provision previously approved. That number is expected to be available for tomorrow evening's meeting, together with any other technical adds and corrections.

The Section 8 adopted on May 17, 2011 is as follows:

SECTION 8: CommonBond Acquisition LLC and any owner of the property, as a condition of approval of this Ordinance, shall enter into an agreement with the City providing that in the event the land and/or building to be developed hereunder be exempt from general property taxation at any time, that such property shall be subject to an annual payment to the City by the owner(s) of the property in an amount that would be equal to the amount that would be levied as the annual City general property tax upon the real and personal property were it not exempt from taxation. Such payments to the City shall be due and payable from time to time as and when general property taxes are due and payable. The agreement shall be prepared by the City Attorney and executed by the property owner, the Mayor and the City Clerk and shall be recorded in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a Building Permit.

The Section 8 proposed for amendment is as follows:

> "CommonBond Acquisition LLC and Franklin Senior Housing, LLC and any owner of the property, as a condition of approval of this Ordinance, shall enter into an agreement with the City providing that in the event the land and/or building to be developed hereunder be exempt from general property taxation at any time, that such property shall be subject to an annual payment to the City by the owner(s) of the property in the amount of $ _____, the estimated cost of the provision of City services to the property and its occupants. Such payments to the City shall be due and payable from time to time as and when general property taxes are due and payable and such

payments shall be adjusted annually by the Consumer Price Index _____, commencing December 31, 2013. The above fixed amount of the payment shall be subject to adjustment every five years, at the sole discretion of the City for any such adjustment as to whether any adjustment shall occur, for any estimated amount of cost of services as may be evidenced by cost of service study information provided by the City to an owner of the property, with such adjustment first to occur and be effective December 31, 2016, and with such cost of service study information to be provided to an owner of the property not less than 60 days prior to any such date of adjustment. The agreement shall be prepared by the City Attorney and executed by the property owner, the Mayor and the City Clerk and shall be recorded in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a Building Permit."

*Jesse A. Wesolowski*

Jesse A. Wesolowski
Wesolowski, Reidenbach & Sajdak, S.C.
11402 West Church Street
Franklin, Wisconsin 53132
Phone: (414) 529-8900
Facsimile: (414) 529-2121
Email: JWesLaw@aol.com

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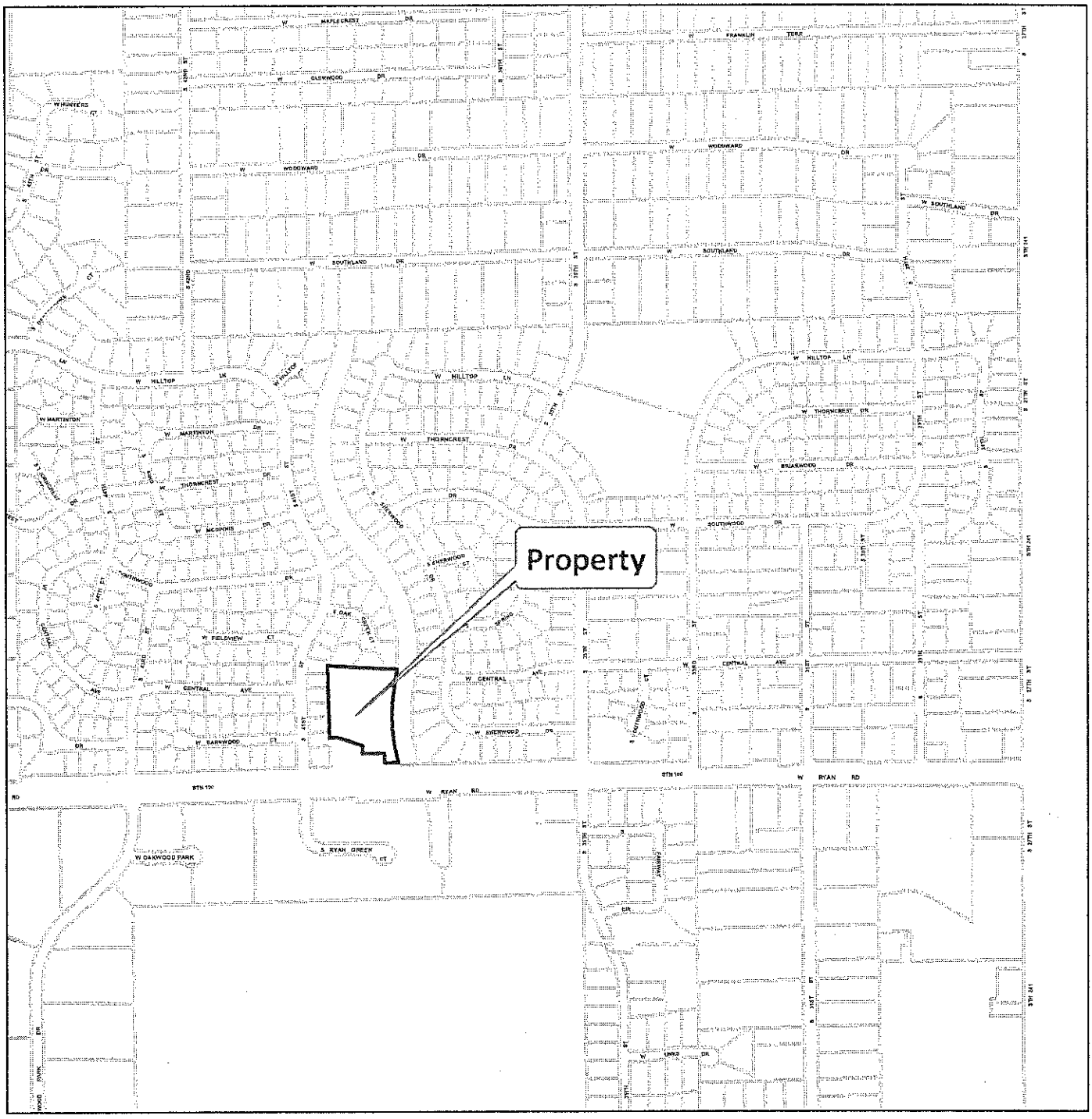
| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 05/15/12 |
| REPORTS & RECOMMENDATIONS | RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN EDUCATIONAL FACILITY USE UPON PROPERTY LOCATED AT 3900 WEST RYAN ROAD (LAQUEESHA ROCHELLE BLOCKTON, D/B/A ACADEMY OF INTEGRITY, APPLICANT) | ITEM NUMBER G.3. |

At its May 3, 2012, meeting the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use for an educational facility use upon property located at 3900 West Ryan Road (LaQueesha Rochelle Blockton, d/b/a Academy of Integrity, Applicant).

## COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2012-_____, a resolution imposing conditions and restrictions for the approval of a special use for an educational facility use upon property located at 3900 West Ryan Road (LaQueesha Rochelle Blockton, d/b/a Academy of Integrity, Applicant).

# 3900 West Ryan Road
# TKN 880-9998-003




0 500 1,000 2,000 Feet

City Development 2012
(2010 Aerial Layer)

NORTH

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2012-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN EDUCATIONAL FACILITY USE UPON PROPERTY LOCATED AT 3900 WEST RYAN ROAD (LAQUEESHA ROCHELLE BLOCKTON, D/B/A ACADEMY OF INTEGRITY, APPLICANT)

---

WHEREAS, LaQueesha Rochelle Blockton, d/b/a Academy of Integrity having petitioned the City of Franklin for the approval of a Special Use within an I-1 Institutional District under Standard Industrial Classification Title No. 8299 "Schools & Educational Services, Not Elsewhere Classified", to allow for an educational facility use upon property located at 3900 West Ryan Road, bearing Tax Key No. 880-9998-003, more particularly described as follows:

> Part of the SW 1/4 of Section 24, T5N, R21E, in the County of Milwaukee, Wisconsin, described as follows: Commencing at the southwest corner of said SW 1/4 Section: Thence North 88 degrees 21 feet 19 inches East along the South line of said 1/ 4 Section, 1175.81 feet; thence North 1 degree 38 feet 41 inches West, 130.00 feet to the place of beginning of the lands to be described; thence continuing North 1 degrees 38 feet 41 inches West 584 .83 feet; thence South 87 degrees 00 feet 54 inches East, 408 .82 feet; thence South 8 degrees 07 feet 59 inches West, 150.00 feet; thence southeasterly 298.09 feet along the arc of a circle whose center is to the West, whose radius is 878.51 feet and whose chord bears South 1 degree 35 feet 15.5 inches East, 296.66 feet; thence South 11 degrees 18 feet 30 inches East, 108 .89 feet; thence South 88 degrees 21 feet 19 inches West, 400 .00 feet to the place of beginning, containing 5.0004 acres, more or less; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 5th day of April, 2012, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of LaQueesha Rochelle Blockton, d/b/a Academy of Integrity, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by LaQueesha Rochelle Blockton, d/b/a Academy of Integrity, successors and assigns, as an educational facility use, which shall be developed in substantial compliance with, and operated and maintained by LaQueesha Rochelle Blockton, d/b/a Academy of Integrity, pursuant to those plans City file-stamped April 24, 2012 and annexed hereto and incorporated herein as Exhibit A. The Special Use granted hereunder acknowledges that such Use is in conjunction with the existing House of Prayer Lutheran Church permitted use upon the property.

2. LaQueesha Rochelle Blockton, d/b/a Academy of Integrity, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the LaQueesha Rochelle Blockton, d/b/a Academy of Integrity educational facility, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon LaQueesha Rochelle Blockton, d/b/a Academy of Integrity, and the educational facility use for the property located at 3900 West Ryan Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. The applicant shall submit a Landscape Plan to the Department of City Development for its review and approval, specifying the proposed plantings, and those plantings must be installed prior to issuance of a Certificate of Occupancy.

BE IT FURTHER RESOLVED, that in the event LaQueesha Rochelle Blockton, d/b/a Academy of Integrity, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than $2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

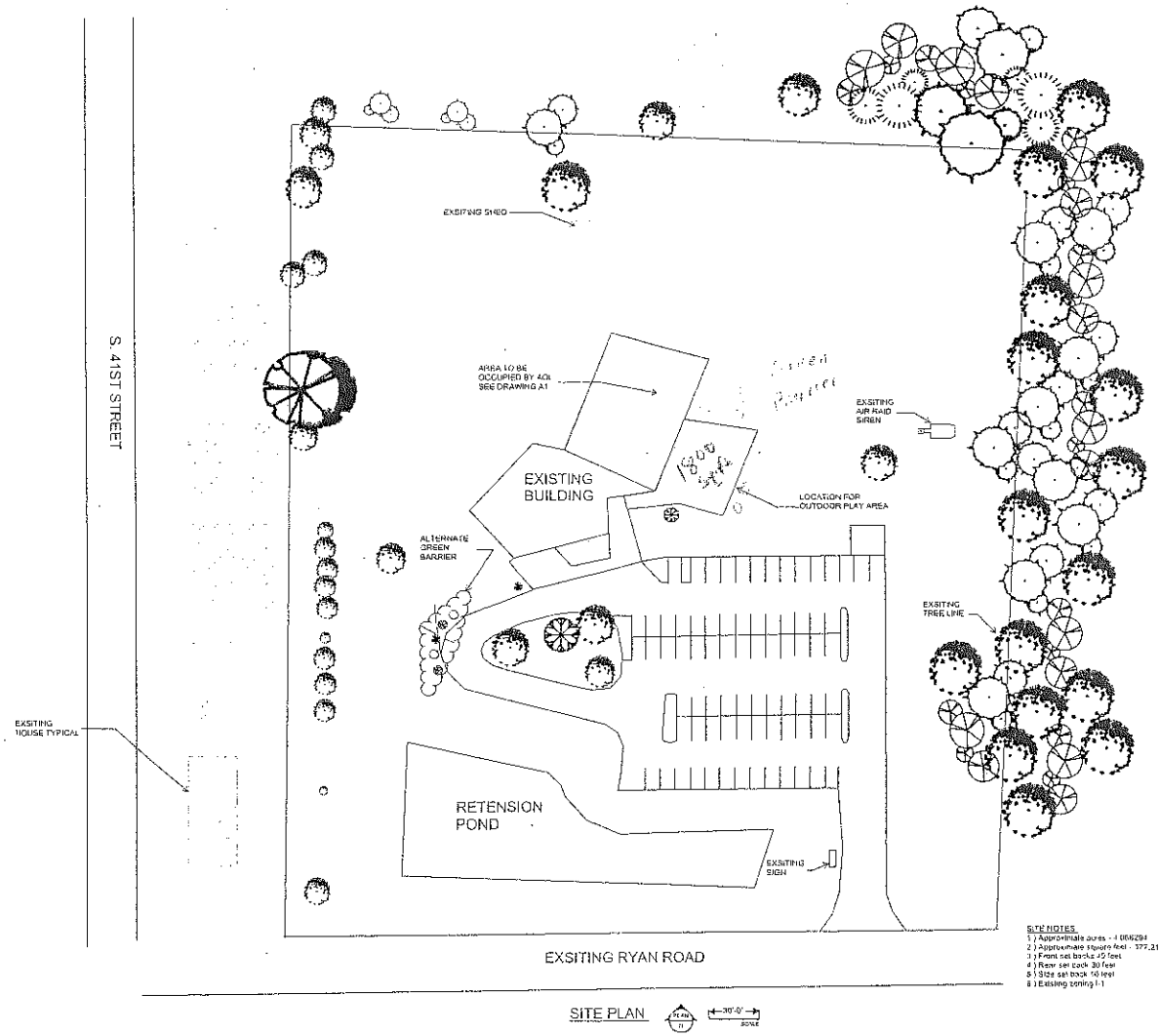
_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

# Exhibit A




DETAIL 1 - NEW LANDSCAPING

1.) MINIMUM HEIGHT 4'
2.) Emerald Green Arborvitae
3.) Narrow, densely branched pyramidal form displaying rich emerald green foliage
4.) Minimum spacing 3-4' apart
5.) Proposed greenery, may use exclusively or combination of proposed plants

DETAIL 2 - NEW LANDSCAPING

1.) MINIMUM HEIGHT 4'
2.) Techny Arborvitae
3.) Broadly based pyramidal shape with dense foliage that has dark green coloring all year
4.) Minimum spacing 4-5' apart
5.) Proposed greenery, may use exclusively or combination of proposed plants

DETAIL 3 - NEW LANDSCAPING

1.) MINIMUM HEIGHT 4'
2.) Dwarf Alberta Spruce
3.) Cone shaped dwarf conifer with dense gray-green needles that are soft to the touch
4.) Minimum Spacing 8-10' apart
5.) Proposed greenery, may use exclusively or combination of proposed plants

Academy Of Integrity - AOI

ORIGINAL: 2/12/2012
REVISION DATE: 3/28/2012
REVISION DATE: 4/09/2012

OWNER: HOUSE OF PRAYER

S1.

Franklin
MAR 26 2012
City Development

PROJECT NARRATIVE

# ACADEMY OF INTEGRITY

*WHERE GOD'S LOVE IS NOW, ALWAYS, AND FOREVER!*

*A Quality Christian School of Personal Development*

Providing services for children 4 weeks to 13 years. Open M-F 6am-6pm

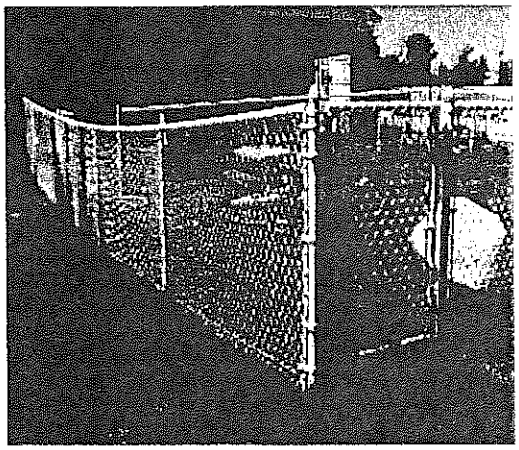
Listed below is a list of programs/curriculum enhancements that will be implemented:

- Drop In Care (4 weeks to 13 years of age)
- St. Jude's Trike-A-Thon (Annual)
- Monthly Senior Visits from (Elderly Homes Locally)
- Holiday Luncheons/Franklin Parade Participation
- Puppet Ministries/Pastoral Ministries
- Supper With Santa (Annually)
- Four Year Old Kindergarten Program Aligned With WI State Standard
- K4 Completion Ceremony
- Music/Spanish/Art/Yoga (Specials for K4 Program and School Agers)
- Breakfast with the Easter Bunny
- Fall Fantasy Fest
- Summer Enrichment Camp for School Agers
- Fun Friday Fishing (Franklin Public High School)
- Keep Franklin Clean Drive
- Free Food Program
- After School Tutoring Program

## *Addition to Property*

- Academy of Integrity will like to add an outdoor play unit. It will be 75 square feet per child. Please see the site plan for dimensions. At max, 24 children will be out side which means that 1800 square feet of outdoor fencing will be needed. The outdoor play area will be located on the east side of the church near the parking lot. Trees are located near this area to provide a sound barrier, but we will purchase additional plantings to further screen from adjacent

subdivisions. We will use a vinyl coated chain linked fence. Please see below.



We will provide an atmosphere where parents and children feel safe and understand that ***Academy of Integrity*** is an extension of home, where *God's Love is Now, Always and Forever*.

Academy of Integrity will operate in the same building as a part time preschool program called Academy of Preschool or Apple Preschool. The have utilized this building for over 20 years. Our programs are run by separate directors. Apple Preschool has a maximum number of 30 children enrolled at a time. They have different groups on Monday, Wednesday, and Friday mornings and afternoons fom 9 a.m..-11:30 a.m. 1:00 p.m. and 3:30 p.m. They have another group that meets on Tuesdays, and Thursdays from 9 a.m.-11:30 a.m. The Church current pews seat 154 people. The number of parking spaces is 82. The families drop off or pick up their children at different times for Academy of Integrity. The Academy of Preschool have specific time as stated above. I strongly feel that there part time and our full time/ part time programs offer a variety of educational programs for families residing in Franklin.

**ACADEMY OF INTEGRITY**
**SPECIAL USE STANDARDS AND REGULATIONS**

Academy of Integrity, located at 3900 W Ryan Road Franklin, WI, 53132, is in compliance with the general standards for special use.

- The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.
- There has no undue adverse impact.
- There is no interference with surrounding development.
- There are adequate public facilities
- It will not cause traffic congestion
- It will not result in destruction of significant features
- It is in compliance with standards

Franklin
FEB 28 2012
City Development

Considerations

Public Benefit
Franklin is a growing community. "There were 10,602 households out of which 33.8 percent had children under the age of 18 living with them. (http://en.wikipedia.org/wiki/Franklin), Milwaukee County, Wisconsin

Alternative Location
House of Prayer Lutheran Church is an ideal location because the Academy of Integrity uses a Christian based Curriculum.

Mitigation of Adverse Impacts
If possible Academy of Integrity will like to propose having a temporary POD placed near the back side of the church. This will be added storage for the school. A screen can be used to reduce the visibility of others.

Establishment of Precedent of Incompatible uses in the Surrounding Area
Throughout the Franklin community, Churches have added religious educational facilities in order to further there mission.

Conditions on Special Use Permits
A fenced in outdoor play area will be added for large motor play. We will place the outdoor area near the front side of the church in order to reduce sounds heard by neighbors. Trees block the area.

Affidavit of compliance and conditions
Academy of Integrity will file an affidavit with the zoning Administrator once Special Use Permit is granted.

Effect of Issuance of a Special Use Permit
This permit will authorize the preparation, filing, and processing of applications for any other permit or approvals that may be required by the ordinance and codes of City of Franklin, including but not limited to Building Permit, Zoning, compliance permit, land division approval, site plan approval, or other type of permit or approval.

# CITY OF FRANKLIN

## REPORT TO THE PLAN COMMISSION

**Meeting of May 3, 2012**

**Special Use**

**RECOMMENDATION:** Department of City Development staff recommends approval of the Special Use, subject to the conditions of approval in the attached draft resolution.

| | |
|---|---|
| **Project Name:** | Academy of Integrity Special Use |
| **Project Location:** | 3900 West Ryan Road |
| **Property Owner:** | House of Prayer Lutheran Church |
| **Applicant:** | Academy of Integrity |
| **Agent:** | LaQueesha Blockton, Academy of Integrity |
| **Current Zoning:** | I-1 Institutional District |
| **2025 Comprehensive Plan:** | Institutional |
| **Use of Surrounding Properties:** | Single-family residential to the north, east and west and multi-family residential to the south |
| **Applicant's Action Requested:** | Recommendation to the Common Council for approval of the Special Use |

**Introduction and Recommendation:**

Please note:

- Staff recommendations are *underlined, in italics* and are included in the draft resolution.
- Staff suggestions are only underlined and are not included in the draft resolution.

At their meeting on April 5, 2012, the Plan Commission moved to table the Academy of Integrity Special Use Application and directed planning staff to "work with the applicant and area Alderman to set up an informational neighborhood meeting with proper notice to area residents and report back to the Plan Commission for determination."

The applicant held a neighborhood meeting at House of Prayer Lutheran Church on April 19, 2012. The applicant has provided their notes from that meeting. David Kanning, Planner II, attended the meeting and has also provided notes indicating the attendance and describing the discussions that occurred.

The applicant distributed approximately 600 flyers to properties within an area approximately 1,000 to 1,500 feet from the House of Prayer Lutheran Church property, as recommended by planning staff. The area included properties bounded by South 43rd Street to the west, West Thorncrest Drive to the north, South 35th Street to the east and also included those properties immediately south of West Ryan Road. Since the notices were distributed, staff and the applicant have become aware of approximately three homes within this area that did not receive a notice. (The applicant believes that wind may have blown some flyers away from mailboxes). Mrs.

Blockton informed staff that she visited the homes directly abutting the church property and personally invited them to the meeting, and left flyers if they were not home. The church also used its monument sign adjacent to West Ryan Road to advertise the meeting.

Following the neighborhood meeting, the applicant revised the location of the outdoor play area in an effort to address neighborhood concerns. The play area is still proposed east of the building; however, it is now shown in an area immediately adjacent to the building, farther away from the residences to the east. The size of the proposed play area has not significantly changed.

The applicant also submitted a revised site plan, which includes existing and proposed landscaping. The site plan illustrates eight plantings around the play area. The applicant did not specify the type or size of plantings proposed; therefore, *staff recommends the applicant submit a Landscape Plan to the Department of City Development for its review and approval, specifying the proposed plantings, and those plantings must be installed prior to issuance of a Certificate of Occupancy*.

Staff suggests that the hours of operation be limited to the time period from 7:00 A.M. to 5:00 P.M., Monday thru Friday.

Department of City Development staff continues to support this Special Use request, subject to the conditions of approval in the attached draft resolution.

**ACADEMY OF INTEGRITY**

ACADEMYOFINTEGRITY@HOTMAIL.COM

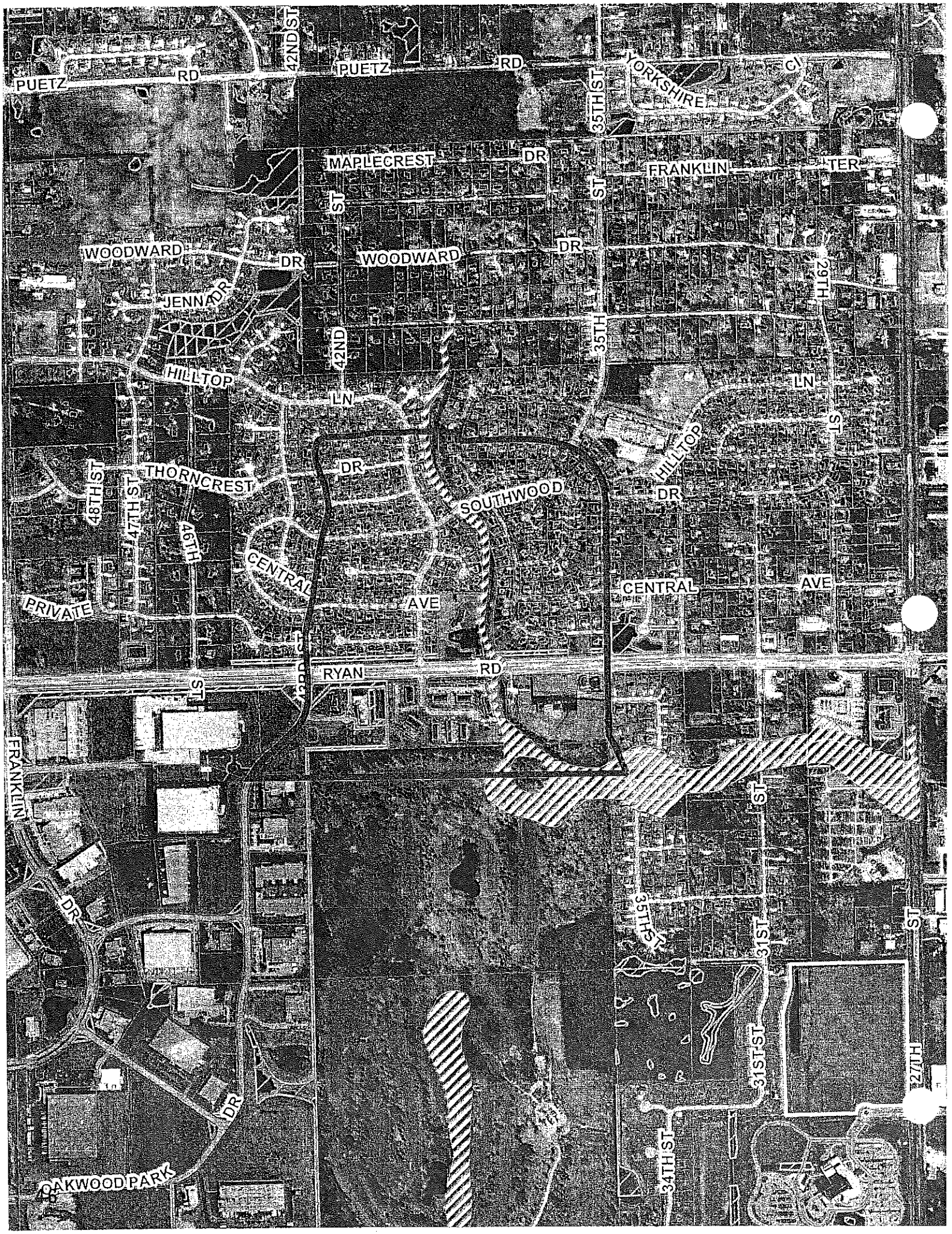
*Academy of Integrity* will be a great addition to Franklin, WI. It will be located at 3900 W Ryan Road. Academy of Integrity will be a school of curriculum development, and education. Full time, part time, and drop in care will be offered Monday-Friday year round from 6am to 6pm. The curriculum, *Pinnacle*, is Christian based and the **K4 program is aligned with the WI State Standards**. The Academy will provide services for children 4 weeks to 13 years of age. The capacity will be 60 children which includes the school age children during summer vacation, winter or spring break. Each child will have an individual learning plan (ILP) that will cater to that child's special needs. The mission of Academy of Integrity is to provide a Christian based center where the spiritual, physical, emotional, and educational, needs of the children are top priority. Academy of Integrity will employ 20 certified employees at capacity. This will include directors, lead teachers, assistant teachers, kitchen staff, a music teacher, a gym teacher, and an administrative assistant.

Listed below is a list of programs/curriculum enhancements that will be implemented:

- Drop In Care (4 weeks to 13 years of age)
- St. Jude's Trike-A-Thon (Annual)
- Monthly Senior Visits from (Elderly Homes Locally)
- Holiday Luncheons/Franklin Parade Participation
- Puppet Ministries/Pastoral Ministries
- Supper With Santa (Annually)
- **Four Year Old Kindergarten Program *Aligned With WI State Standard***
- K4 Completion Ceremony
- Music/Spanish/Art/Yoga (**Specials for K4 Program and School Agers**)
- Breakfast with the Easter Bunny
- Fall Fantasy Fest
- Summer Enrichment Camp for School Agers
- Fun Friday Fishing (Franklin Public High School) School Agers
- Keep Franklin Clean Drive
- Free Food Program
- After School Tutoring Program
- Bus Services (On Franklin Public Schools Bus Route)

A fenced in outdoor addition will be added and the outdoor hours are between the hours of 9:45 and 4:00. Academy of integrity will utilize 4 classrooms regularly. Only one class will be out at a time. Two certified teachers will be outdoors when more than 4 children are present. The K4 class will have 24 children, the 1's and 2's will have 8 children, and the 2's and 3's will have 10-12 children out at one time. Infants will have stroller walks. Please join LaQueesha Blockton and the Staff of Academy of Integrity for an informational meeting on **Thursday, April 19, 2012 at House of Prayer Lutheran Church at 7:00 p.m.** Academy of Integrity will provide an atmosphere where parents and children feel safe and understand that our school of curriculum development is an extension of home, where ***God's Love is Now, Always and Forever.***

SEE NEXT PAGE FOR INFORMATION


PUETZ RD
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MAPLECREST DR
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LN
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HILLTOP DR
THORNCREST DR
SOUTHWOOD DR
48TH ST
47TH ST
46TH
CENTRAL AVE
CENTRAL AVE
PRIVATE
RYAN RD
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FRANKLIN
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31ST
ST
31ST ST
27TH
DR
34TH ST
OAKWOOD PARK

# Academy of Integrity
# Informational Meeting

Date: April 19, 2012
Time: 7pm
Location: House of Prayer

People in attendance:

Church Members
Pastor Myron Descending
Ms. Dee from Apple Preschool
Laurie Han

Academy of Integrity Staff: Malplaquet Block ton
Assistant Director: Katrina Seems
Teacher: Rachel Hughes
Teacher: Jessica Madden
Teacher: Claire Machinate

Neighbors
Mary Larsen (Only one opposed)
Dan Adams
Husband, Wife, and 2 children unknown (they came to sign their children up, they left and said they would call for more information)

Six hundred flyers were put on mail box flags or inside of newspaper slots. As requested by the city a group of volunteers took sections of the map given and distributed the flyers.

Volunteers
Pastor Myron, Doug, Ayanna, Deon, LaQueesha, Tom, and Triahna

Mary Larsen concerns:
1. Alderman Taylor did not know of the meeting
2. Sixty children outside at one time
3. Facility/State questions also

Response:

1. We spoke to the Mayor, and planning committee regarding the meeting. Informational memos were sent to the necessary staff says planning committee staff.
2. We let her know that only one class will be out at one time for a half an hour at a time. Class sizes: 8, 10, and 24. We let her know that the children will be in a fenced in 1800 square feet area.
3. Several questions regarding state licensing rules and regulations were asked. We answered all of these questions and referred to the newest version of the licensing book.

Other Notes:

- Ms. Mary Larsen has a relationship with the Apple Preschool and is opposed to Academy of Integrity sharing the space with them. She and the Director go back a number of years. Academy of Integrity and Apple Preschool have worked out how we will coexist.
-

Academy of Integrity will send Mary and Dan for their attendance.

Academy of Integrity School Neighborhood Meeting

(Notes provided by City of Franklin Planning Staff)
Date: April 19, 2012
Time: 7:05 P.M. – 7:50 P.M.
Location: House of Prayer Lutheran Church
Total meeting attendance: 15
Four of the 15 attendees were Franklin residents who wished to learn more about the school.

Questions/concerns from Franklin residents included:

- Questions about the educational qualifications of Academy of Integrity Staff members.
- Questions about food service for the school children
- Questions about the refuse containers, and if they were large enough to handle all of the trash.
- Questions about state requirements for the proposed school, and if they could be met (e.g., play equipment, outdoor space, etc.)
- Concerns with the location of the play equipment and if older children would use it.
- Concerns with Franklin taxpayers paying for bus service to the school.
- Concerns with school operations: Where will the potty chairs be located? How will cleanliness be handled? Where will water from the portable sinks be emptied?

One resident was opposed to the school and said she was not given notice of the meeting until April 18th. She would not be opposed to a regular school with normal operating hours. (The proposed hours of operation are from 6 A.M. to 6:00 P.M.).

A church member who helps run Apple School (the preschool currently operating at the church) asked if there would be enough water stations in the building. She also had concerns with how the Academy of Integrity School will affect the church's ability to use its own facilities.

Two attendees (non Franklin residents) spoke in favor of the school and its staff.

# CITY OF FRANKLIN

## REPORT TO THE PLAN COMMISSION

**Meeting of April 5, 2012**

**Special Use**

**RECOMMENDATION:** Department of City Development staff recommends approval of the Special Use, subject to the conditions of approval in the attached draft resolution.

| | |
|---|---|
| **Project Name:** | Academy of Integrity Special Use |
| **Project Location:** | 3900 West Ryan Road |
| **Property Owner:** | House of Prayer Lutheran Church |
| **Applicant:** | Academy of Integrity |
| **Agent:** | LaQueesha Blockton, Academy of Integrity |
| **Current Zoning:** | I-1 Institutional District |
| **2025 Comprehensive Plan:** | Institutional |
| **Use of Surrounding Properties:** | Single-family residential to the north, east and west and multi-family residential to the south |
| **Applicant's Action Requested:** | Recommendation to the Common Council for approval of the Special Use |

**Introduction and Background:**

Please note:

- Staff recommendations are *underlined, in italics* and are included in the draft resolution.

On February 27, 2012, LaQueesha Blockton owner of Academy of Integrity, submitted a Special Use Application to locate Academy of Integrity within the House of Prayer Lutheran Church located at 3900 West Ryan Road.

The House of Prayer Lutheran Church was approved via Special Use approval in 1971 to construct a church in the R-6 Residence District. The church was rezoned to I-1 Institutional District in 1981 to allow a school to locate within the church, which was a permitted use in the I-1 District at that time. This school, Academy of Preschool Learning (a.k.a. Apple School) still currently operates at this location. The previous Special Use also no longer applies due to the rezoning as a church is a permitted use in the I-1 District.

Academy of Integrity is proposing a Special Use Application under SIC Code No. 8299 Schools and Educational Services, Not Elsewhere Classified, which is allowed as a Special Use in the I-1 District.

**Project Description:**

The applicant is proposing to locate a school within existing classroom space at House of Prayer Lutheran Church. The school will offer full-time and part-time care Monday through Friday between 6:00 a.m. and 6:00 p.m. Children attending the school and receiving care will range between 4 weeks to 13 years of age. The school will be licensed for a maximum capacity of 60 children. The school utilizes the Pinnacle Curriculum by ChildCare Education Institute, which is an accepted curriculum by the Wisconsin Department of Children and Families, Division of Early Care and Education.

The existing Apple School has a maximum enrollment of 30 children. Apple School operates part-time. They have children attending the school on Mondays, Wednesdays and Fridays from 9:00 a.m. to 11:30 a.m. and 1:00 p.m. to 3:30 p.m. and children attending Tuesdays and Thursdays from 9:00 a.m. to 11:30 a.m.

The applicant is proposing a minimum 1,800 square foot outdoor play area. The Site Plan illustrates a 65' x 30' (1,950 square feet) outdoor play area directly north of the parking lot and east of the building. An alternate location of approximately the same size is shown on the Site-Plan directly north of the building. As labeled, this is not an additional play area or location of a future play area, but rather another location the Plan Commission may consider. Planning Staff prefers the proposed location of the play area, opposed to the alternative. A maximum of 24 children will be outside at any given time, which is 75 square feet per child with an 1,800 square foot enclosed area. According to the applicant, the State of Wisconsin requires a minimum of 75 square feet per child, so accordingly, an increase in the play area would increase the number of children allowed outside. Per the Site Plan, the area would not exceed 1,950 square feet or 26 children. The play area will be enclosed with a vinyl coated chain-link fence. The applicant also indicated that additional trees would be added to the site to reduce noise and further screen the play area from adjacent residential uses; however, a plan was not provided. *Staff recommends the applicant submit a Landscape Plan to the Department of City Development for its review and approval, specifying the proposed plantings, and those plantings must be installed prior to issuance of a Certificate of Occupancy*.

The applicant is not proposing any additional parking. Table 15-5.0203 of the UDO requires 0.4 parking spaces per seat, plus 6 queuing spaces. Day care centers and nursery schools require 0.3 parking spaces per person, based on licensed enrollment capacity, plus 6 queuing spaces. The church has pews that seat a maximum of 154 people and, therefore, requires 62 parking spaces. Academy of Integrity has a maximum capacity of 60 children, thus 18 parking spaces are required. Apple School has a maximum enrollment of 30 and, therefore, requires 9 parking spaces. This is a total of 89 required parking spaces per the UDO recommended standard parking ratio. The site contains 82 parking spaces. The UDO allows a reduction of up to 25% from the standard parking requirement. The existing parking would be a reduction of less than 8% and staff does not object to the quantity of parking provided. The reduction is not significant and the church and schools will have different peak hours of operation. Furthermore, the traffic for the schools will be primarily parents dropping off and picking up their children. The church parking lot provides a circular drive and queuing area to allow for safe maneuvering.

**Staff Recommendation:**

Department of City Development staff recommends approval of the Special Use, subject to the conditions of approval in the attached draft resolution.

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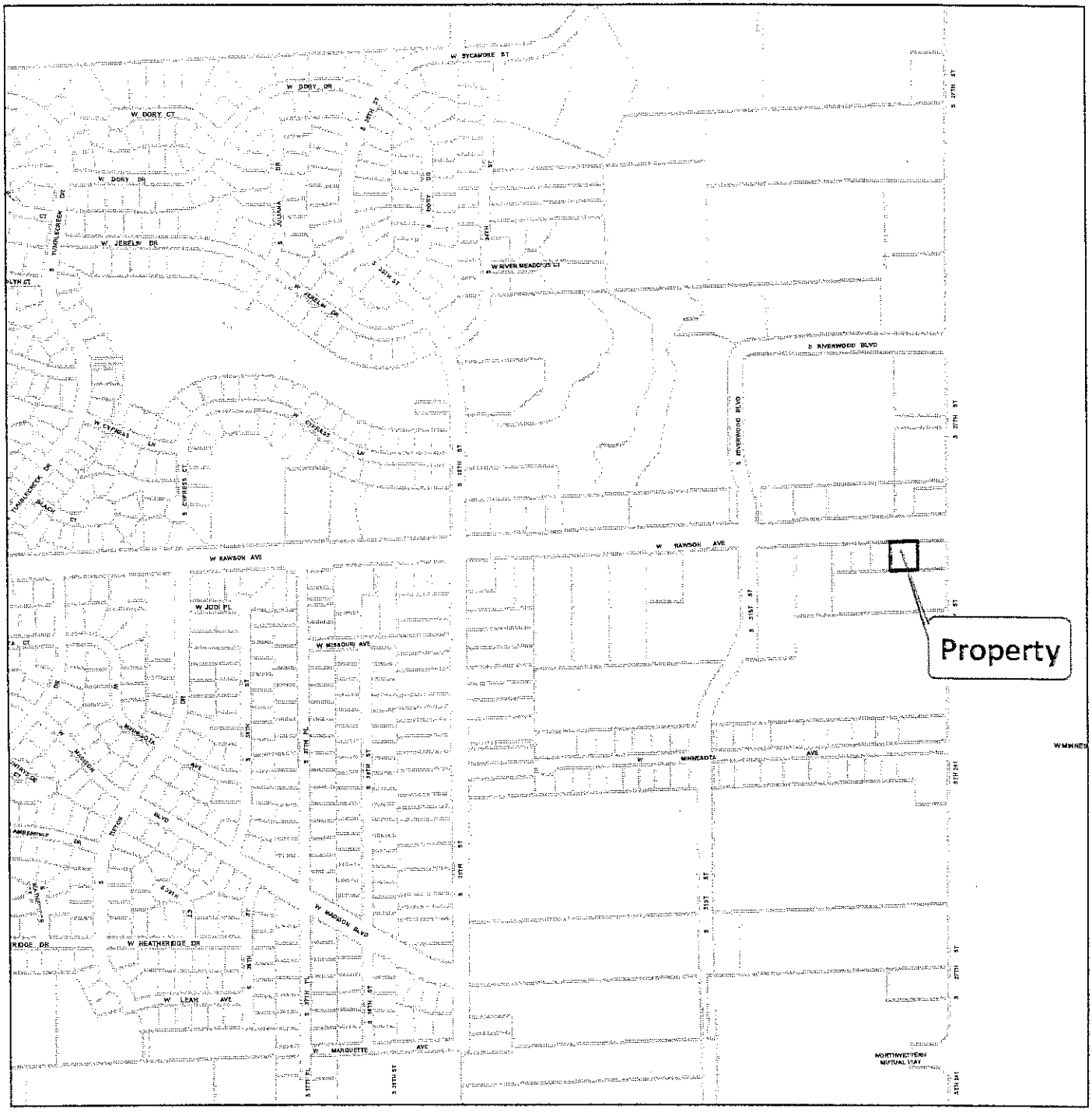
| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 05/15/12 |
| REPORTS & RECOMMENDATIONS | ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 752 "ANIMAL SPECIALTY SERVICES" TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE B-4 SOUTH 27TH STREET MIXED-USE COMMERCIAL DISTRICT (CLOE M. ANTON, D/B/A TOP DOG GROOMING & DAYCARE, APPLICANT) | ITEM NUMBER G.4. |

At their meeting on May 3, 2012, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 752 "Animal Specialty Services" to allow for such use as a special use in the B-4 South 27th Street Mixed-Use Commercial District (Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, Applicant).

**COUNCIL ACTION**

A motion to approve Ordinance No. 2012-_____ adopting an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 752 "Animal Specialty Services" to allow for such use as a special use in the B-4 South 27th Street Mixed-Use Commercial District (Cloe M. Anton d/b/a Top Dog Grooming & Daycare, Applicant).

# 2735 West Rawson Avenue
# TKN 761-9950-002




0 495 990 1,980 Feet

City Development 2012
(2010 Aerial Layer)

NORTH

*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

ORDINANCE NO. 2012-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 752 "ANIMAL SPECIALTY SERVICES" TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE B-4 SOUTH 27TH STREET MIXED-USE COMMERCIAL DISTRICT
(CLOE M. ANTON, D/B/A TOP DOG GROOMING & DAYCARE, APPLICANT)

---

WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, having applied for a text amendment to Table 15-3.0603 so as to allow for Standard Industrial Classification Title No. 752 "Animal specialty services" as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow Standard Industrial Classification Title No. 752 as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District, and having held a public hearing on the proposal on the 3rd day of May, 2012 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to Standard Industrial Classification Title No. 752 "Animal specialty services", is hereby amended as follows: insert "S" (Special Use) in the B-4 column.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of

competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

# CITY OF FRANKLIN

## REPORT TO THE PLAN COMMISSION

**Meeting of May 3, 2012**

## Unified Development Ordinance Text Amendment and Special Use

***RECOMMENDATION:*** City Development Staff recommends denial of the proposed Unified Development Ordinance Text Amendment to table 15-3.0603 Standard Industrial Classification Title No. 752 "Animal Specialty Services" to allow for such use as a special use in the B-4 South 27th Street Mixed-Use Commercial District and the proposed Special Use for a dog grooming and daycare with pet supply retail sales business use upon property located at 2735 West Rawson Avenue.

| | |
|---|---|
| **Project Name:** | Top Dog Grooming and Daycare UDO TA & Special Use |
| **Project Address:** | 2735 B. West Rawson Avenue |
| **Applicant:** | Cloe M. Anton |
| **Owners (property):** | Shahid H. and Abida S. Chughtai |
| **Current Zoning:** | B-4 South 27th Street Mixed-Use Commercial District |
| **2025 Comprehensive Master Plan** | Mixed Use |
| **Use of Surrounding Properties:** | Single-family residence to the west, and commercial to the north, east, and south. |
| **Applicant Action Requested:** | Recommendation of approval for the proposed Unified Development Ordinance Text Amendment and Special Use for Top Dog Grooming and Daycare to locate at 2735 West Rawson Avenue. |

Please note that:

- Staff recommendations are *underlined, in italics* and are included in the draft ordinance.

**INTRODUCTION & BACKGROUND:**

On March 29, 2012, Cloe M. Anton submitted a Unified Development Ordinance Text Amendment and Special Use application requesting approval to open a 1,250 square foot dog grooming and dog daycare business within the American Veterinary Clinic Building, located at 2735 West Rawson Avenue. The proposed business corresponds to Standard Industrial Classification (SIC) Title No. 752, Animal Specialty Services, which includes such uses as dog grooming and boarding kennels. The B-4 South 27th Street Mixed-Use Commercial District does not allow SIC Title No. 752; therefore, the applicant's request for Special Use approval is contingent upon approval of the proposed UDO Text Amendment.

In 2011, Planning Staff initiated an amendment to Table 15-3.0603 of the Unified Development Ordinance. Staff's proposal would allow dog grooming and other pet services (SIC Title No. 752

Animal Specialty Services) and pet retail stores (SIC Title No. 5999 Miscellaneous Retail Stores) as special uses in commercial zoning districts where veterinary services (SIC Title No. 742 Veterinary Services, Specialties) were already allowed as a special use. Staff proposed the text amendment, on the basis that dog grooming, pet retail stores and veterinary clinics were generally complementary uses. At the time, Table 15-3.0603 of the UDO prohibited these uses from collectively locating in any of the City's commercial districts.

On April 21, 2011, the Common Council adopted Ordinance No. 2011-2045, which resulted in the following amendments to Table 15-3.0603 of the UDO:

- Added Standard Industrial Classification (SIC) Title No. 742, Veterinary Services-Specialties, as a Special Use to the VB Village Business District.
- Added SIC Title No. 752, Animal Specialty Services, as a Special Use to the B-2 General Business District, B-3 Community Business District, B-5 Highway District and OL-2 General Business Overlay District.
- Added SIC Title No. 5999 Miscellaneous Retail Stores, Not Elsewhere classified, as a Permitted Use to the B-5 Highway Business District.

Please note staff did not include SIC Title No. 752 in the B-4 District due to potential conflicts with existing and permitted uses, such as single-family residences, and compatibility issues with the character of the B-4 District and South 27th Street Corridor.

## PROJECT DESCRIPTION AND ANALYSIS:

**Unified Development Ordinance Text Amendment:**

As mentioned in the introduction, the applicant is proposing to amend the Unified Development Ordinance (UDO) at Table 15-3.0603 to add Standard Industrial Classification (SIC) Title No. 752 Animal Specialty Services as a special use in the B-4 South 27th Street Mixed-Use Commercial District.

Table 15-3.0603 of the Unified Development Ordinance (UDO) sets forth those uses, which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

The Standard Industrial Classification (SIC) Manual describes SIC Title No. 752, Animal Specialty Services, as "Establishments primarily engaged in performing services, except veterinary, for pets, equines, and other animal specialties." The following specific uses are associated with SIC Title No. 0752 and included in the description:

- Animal shelters
- Artificial insemination services: animal specialties
- Boarding horses
- ***Boarding kennels***
- Breeding of animals, other than cattle hogs, sheep, goats, and poultry
- ***Dog grooming***
- Dog pounds
- Honey straining on the farm

- Pedigree record services for pets and other animal specialties
- Showing of pets and other animal specialties
- Training horses, except racing
- Training of pets and other animal specialties
- Vaccinating pets and other animal specialties, except by veterinarians

In 2011, staff excluded the City's mixed-use zoning districts from its list of additional districts to consider allowing SIC Title No. 752 as a special use. Mixed-use zoning districts, such as the VB Village Business District, CC City Civic Center District, and B-4 South 27th Street Mixed-Use Commercial District each allow for single-family residences as a permitted use. Again, staff finds the types of services allowed under SIC Title No. 752 (listed above) conflict with single-family residential development and are not compatible with the character of the B-4 District and South 27th Street Corridor. Primarily, staff has concerns with the potential noise that could be associated with future boarding kennel facility, animal shelter or dog pound. Please note, that future animal specialty service businesses have the potential to include both indoor and outdoor facilities.

Please note, the proposed text amendment, if granted, will apply to all properties in the City of Franklin zoned B-4 South 27th Street Mixed Use Commercial District. Please see the attached map of areas in the City of Franklin zoned B-4 South 27th Street Mixed Use Commercial District. A majority of properties in the South 27th Street Corridor zoned B-4 South 27th Street Mixed-Use Commercial District are adjacent to single-family residences. This includes the property in question (2735 West Rawson Avenue), which has four (4) single-family homes located immediately to the west.

**Special Use:**

The applicant is requesting Special Use approval to open a dog grooming and dog daycare business in the vacant 1,250 square foot tenant space in the American Veterinary Clinic Building located at 2735 West Rawson Avenue. Existing tenants in the building include American Veterinary Clinic and Balloonee Toonz (A retailer of balloons, gifts, cards and party supplies).

The dog daycare component of the business is essentially a short-term indoor kennel service. The applicant's preliminary floor plan (attached) indicates an approximately 900 square foot interior play area. According to the applicant, 10-15 dogs of varying size could be in the play area at any given time. As the proposed dog daycare is an indoor-only facility, the applicant's preliminary floor plan also indicates a designated "dog waste area" where dogs may relieve themselves.

In addition to dog daycare, the business would also offer dog grooming, which would take place in a designated "dog wash area". Furthermore, the applicant intends to offer shampooing, ear cleaning, nail clipping, teeth cleaning and parasite removal services. As an ancillary use, a selection of items including dog treats, apparel and shampoos may also be available for sale on site. Proposed hours of operation are from 6:00 A.M. to 9:00 P.M. *If approved, Staff*

*recommends no part of the exterior of the premises shall be used for dog daycare activities such as, but not limited to, kenneling, exercising of animals and dog waste areas.*

Table 15-5.0203 of the Unified Development Ordinance requires 4.5 spaces/1,000 square feet of gross floor area for Veterinarian Clinics, and five (5) spaces/1,000 square feet of gross floor area for general retail. American Veterinary Clinic occupies 2,500 square feet of floor area (Suite A), which requires twelve (12) parking spaces. Balloonee Toonz and the proposed Top Dog Grooming and Daycare business represent an additional 2,500 square feet of floor area (Suites C & B), which require an additional thirteen (13) parking spaces. Therefore, the American Veterinary Building is required to provide a minimum of 25 total parking spaces. As the property currently provides 28 parking spaces, the proposed Top Dog Grooming and Daycare business will not have a significant impact on the parking demand at the American Veterinary Clinic Building. However, Table 15-5.0202(I)(1) of the Unified Development Ordinance requires a minimum of (2) handicap accessible parking stalls for every 26-50 off-street parking spaces provided. Therefore, *Staff recommends one (1) additional handicap accessible parking space be provided on site, as required by Table 15-5.0202(I)(1) of the City of Franklin Unified Development Ordinance.*

In the future, the subject site may lose parking spaces adjacent to West Rawson Avenue due to the Wisconsin Department of Transportation (WisDOT) reconstruction of the intersection of West Rawson Avenue and South 27th Street. The property owner has had preliminary discussions with WisDOT, but at this point, it is not known if parking will be lost due to the reconstruction. It is also not known if there will be an opportunity for parking to be provided elsewhere for the site to compensate for any loss of parking. Staff encourages the property owner to continue discussions with WisDOT as any loss of parking may affect the future viability of the multi-tenant retail center.

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has stated they will abide by the general special standards, but has ***not*** provided a written response to each of the seven standards. Staff does not believe the dog daycare component of the proposed Special Use meets these requirements, and that it has the potential to have a detrimental effect on neighboring homes and businesses.

**STAFF RECOMMENDATION:**

City Development Staff recommends denial of the proposed Unified Development Ordinance Text Amendment to table 15-3.0603 Standard Industrial Classification Title No. 752 "Animal Specialty Services" to allow for such use as a special use in the B-4 South 27th Street Mixed-Use Commercial District and the proposed Special Use for a dog grooming and daycare with pet supply retail sales business use upon property located at 2735 West Rawson Avenue.

However, if the Plan Commission wishes to recommend approval of the requested Unified Development Ordinance Text Amendment, then staff recommends the approval be subject to the conditions in the attached draft ordinance and resolution.

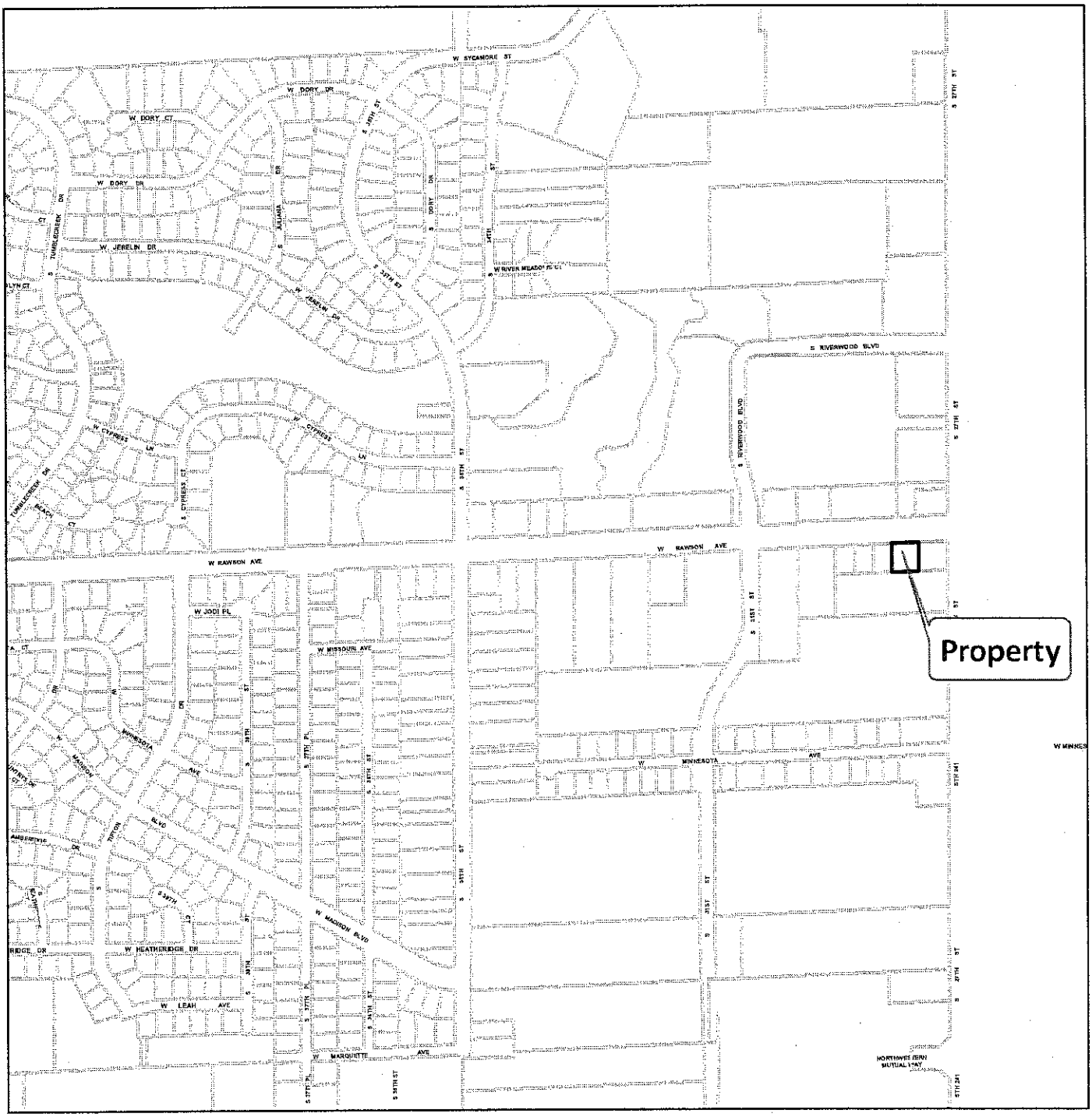
| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 05/15/12 |
| REPORTS & RECOMMENDATIONS | RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A DOG GROOMING AND DAYCARE WITH PET RETAIL SALES BUSINESS USE UPON PROPERTY LOCATED AT 2735 WEST RAWSON AVENUE (CLOE M. ANTON, D/B/A TOP DOG GROOMING & DAYCARE, APPLICANT) | ITEM NUMBER G.5. |

At its May 3, 2012, meeting the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use for a dog grooming and daycare with pet retail sales business use upon property located at 2735 West Rawson Avenue (Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, Applicant).

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2012-_____, a resolution imposing conditions and restrictions for the approval of a special use for a dog grooming and daycare with pet retail sales business use upon property located at 2735 West Rawson Avenue (Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, Applicant).

# 2735 West Rawson Avenue
# TKN 761-9950-002




0 495 990 1,980 Feet

City Development 2012
(2010 Aerial Layer)

NORTH

*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2012-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A DOG GROOMING AND DAYCARE WITH PET SUPPLY RETAIL SALES BUSINESS USE UPON PROPERTY LOCATED AT 2735 WEST RAWSON AVENUE (CLOE M. ANTON, D/B/A TOP DOG GROOMING & DAYCARE, APPLICANT)

---

WHEREAS, Cloe M. Anton, d/b/a Top Dog Grooming & Daycare having petitioned the City of Franklin for the approval of a Special Use within a B-4 South 27th Street Mixed-Use Commercial District under Standard Industrial Classification Title No. 752 "Animal Specialty Services", to allow for a dog grooming and daycare with pet supply retail sales business use upon property located at 2735 West Rawson Avenue, bearing Tax Key No. 761-9950-002, more particularly described as follows:

> Lot 2 of Certified Survey Map No. 1983, recorded December 28, 1972 in Reel 696, Images 1115-1116, as Document No. 4730391, being a part of the Northeast 1/4 of Section 12, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, excepting therefrom the North 2.25 feet of said Lot 2; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 3rd day of May, 2012, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, for the approval of a Special Use for the property particularly

described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, successors and assigns, as a dog grooming and daycare with pet supply retail sales business use, which shall be developed in substantial compliance with, and operated and maintained by Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, pursuant to those plans City file-stamped April 20, 2012 and annexed hereto and incorporated herein as Exhibit A.

2. Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Cloe M. Anton, d/b/a Top Dog Grooming & Daycare dog grooming and daycare with pet supply retail sales business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, and the dog grooming and daycare with pet supply retail sales business use for the property located at 2735 West Rawson Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. No part of the exterior premises shall be used for dog daycare activities such as, but not limited to, dog waste areas, kenneling, and exercising of animals.

5. One (1) additional handicap accessible parking space shall be provided on site, as required by Table 15-5.0202 (I) (1) of the City of Franklin Unified Development Ordinance, prior to the Building Inspection Department's issuance of an occupancy permit.

BE IT FURTHER RESOLVED, that in the event Cloe M. Anton, d/b/a Top Dog Grooming & Daycare, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than $2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

# Exhibit A

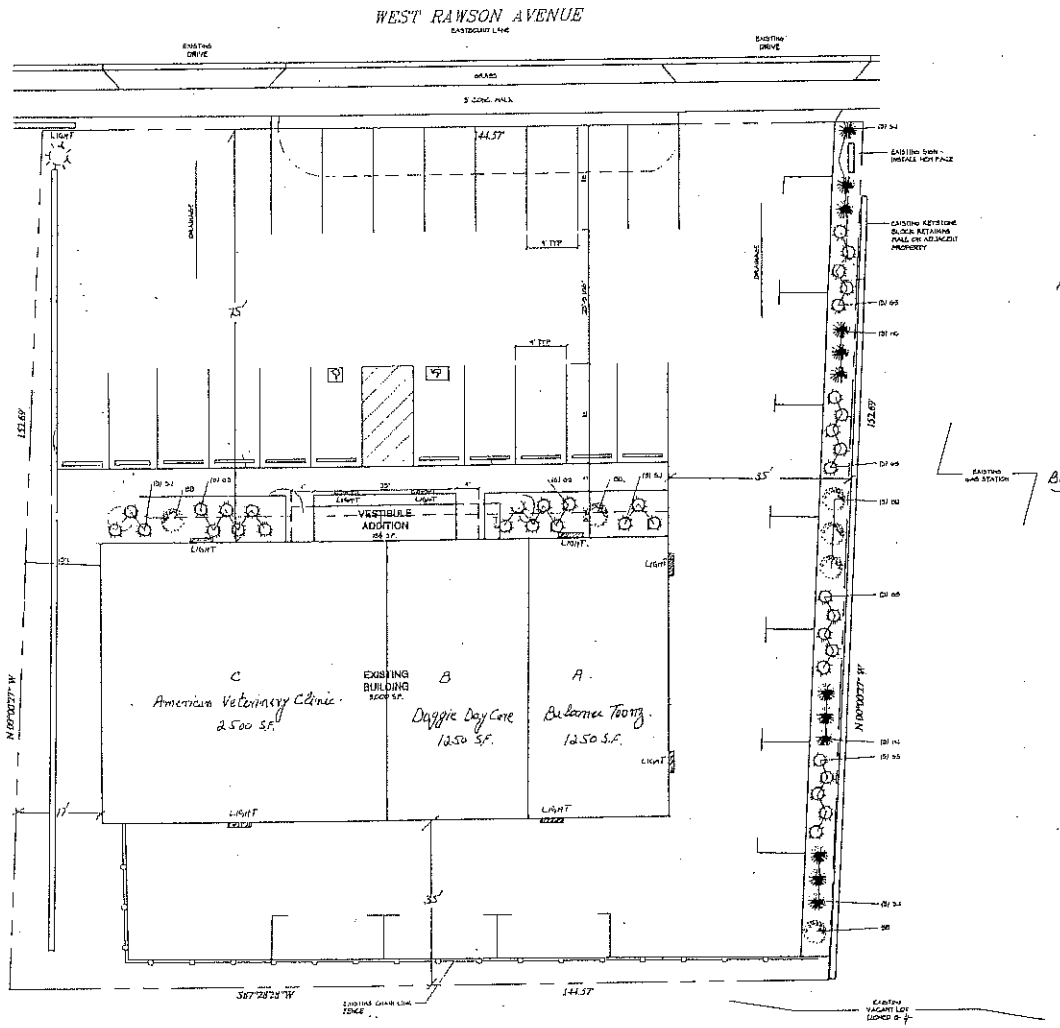
Zoning = B-4

No Exterior Site or building Changes are being proposed.

Franklin

APR 20 2012

City Development




North

Site Plan

1" = 10'

LANDSCAPE SCHEDULE

| | | | |
|---|---|---|---|
| SL | SKYLINE LOCUST | GLEDITSIA TRIACANTHOS "SKYLINE" | 2" CAL |
| SJ | SEA GREEN JUNIPER | JUNIPERUS PITTERIANA "SEA GREEN" | 24-30" |
| SB | BURNING BUSH | EUONYMUS ALATA | 36-48" |
| AG | GOLD-FLAMED SPIREA | SPIREA X BUMALDA "GOLD FLAME" | 24-30" |
| AC | IRISH-BUSH CRANBERRY | VIBURNUM TRILOBUS | 30-36" |
| JB | JAPANESE BARBERRY | BERBERIS THUNBERGII | 24-30" |

SIZE

0.5 Acres

22185 S.F.

INDEX TO DRAWINGS

SP.1 SITE PLAN

ArchDesign Ltd.

PO Box 321
Cedarburg, WI
53012-0321
Phone: 262.377.6620
Fax: 262.377.4496

Architect
Frank Richardson, NA
ArchDesign Ltd
PO Box 321
Cedarburg, WI 53012
ph 262-377-6620
fax 262-377-4496

Property

Owner
Dr. Shane K. Dwyfiel
American Veterinary Clinic
2735 W. Rawson Ave.
Franklin, WI 53132
ph 414-384-1818
fax 414-384-1920

WISCONSIN
FRANK L. RICHARDSON
A-3651
REGISTERED
ARCHITECT
9-11-07

Business owner's name.

Cloe Anton
2622 Moraine Ct.
Racine - WI - 53402
PH# 262-681-1698.

REVISIONS

AS BUILT | RANGE

Date of Submitter
3-30-12
Revisions.
4-18-12.

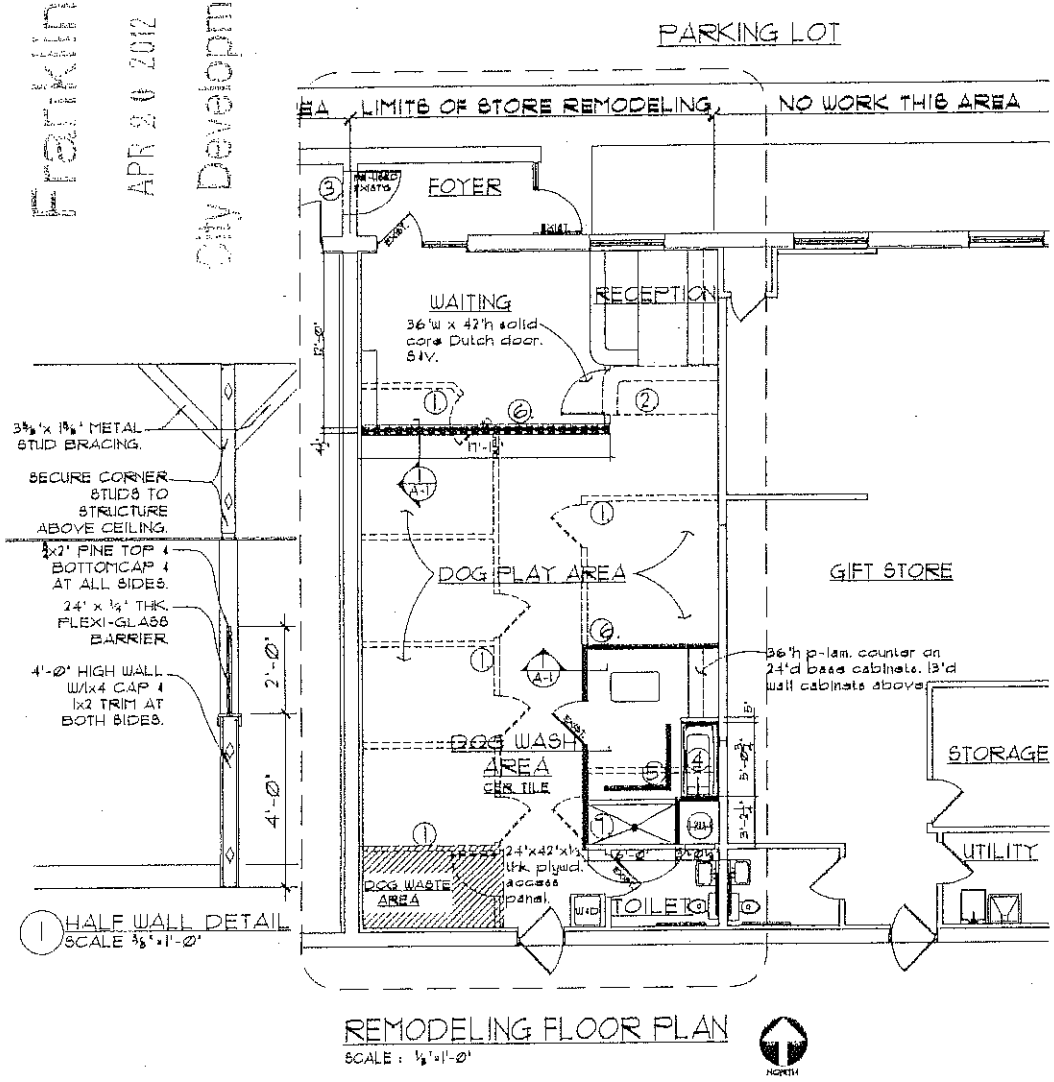
Building Permit for
American Veterinary Clinic

2735 W. Rawson Ave.
Franklin, Wisconsin

SHEET TITLE
Site Plan

| | |
|---|---|
| PROJECT NO. | 01.52 |
| DATE | 25 March 2002 |
| CHECKED BY | FJR |
| DRAWN BY | DH |
| SHEET | SP.1 |

Franklin
APR 20 2012
City Development




REMODELING FLOOR PLAN
SCALE : ⅛"=1'-Ø"

NORTH

# PROJECT DATA

Occupancy- IBC - Business Group 'B'-Retail Store
Construction Class.-Type II-A
Fully Sprinklered
Project Area - ± 1,049 Sq. Ft.
Total Building Area- ± Sq. Ft.
Project Volume - ± Cu. Ft.

# WALL TYPES LEGEND

3⅝" MTL STUDS @16"o.c. w/⅝" TYPE 'X' GWB FULL HEIGHT TO BTM OF ROOF DECK ABOVE. BOTH SIDES. TAPED & FINISHED. PRIMED & PAINTED. NON-RATED. USE GREEN BOARD (WATER RESIST.) IN WET AREAS.

EXISTING WALLS TO REMAIN.

EXISTING WALLS TO BE DEMOLISHED.

# GENERAL NOTES :

1. ALL WORK SHALL CONFORM TO EXISTING BUILDING MATERIAL & FINISH STANDARDS.
2. SEE "DESCRIPTION OF WORK" & OTHER DRAWINGS FOR ADDITIONAL INFORMATION.
3. PATCH & FINISH SURFACES TO MATCH ADJACENT SURFACES, WHERE EXPOSED, REMODELED OR DAMAGED DURING CONSTRUCTION. INCLUDING FLOORS CUT FOR PLUMBING.
4. FINISH NEW SURFACES TO MATCH ADJACENT SURFACES.
5. COORDINATE ALL HVAC, SPRINKLER & PLUMBING WITH NEW WALLS AND EXISTING CEILING LAYOUTS.

# KEYED NOTES

① Demolish existing walls as shown dashed. Coordinate electrical and mechanical work in existing walls, etc. prior to installation of gyp. wall bd. & patching of existing walls.
② Remove existing reception counter and relocate to new location as shown.
③ Cut new doorway into existing wall and install re-used wood door & frame. Finish adjacent wall and floor areas to match existing exactly.
④ Install new 32"x60" fiberglass tub and surrounds. Tub to be placed on treated 2x4 lumber base to elevate tub edge to 36" above fin. flr.. Install FRP panels in all areas adjacent to wet uses. Finish adjacent wall and floor areas to match existing exactly.
⑤ Saw cut concrete floor and install new 6" x 54" trench drain in floor. Finish adjacent floor areas to match existing exactly.
⑥ Reduce existing wall height to 4'-Ø". See detail 1/A-1.
⑦ 3'x6' ceramic tiled dog shower stall. Install tile from floor to ceiling. Grout and seal. Slope floor to new floor drain.


3350 Burlawn Parkway
Brookfield, WI 53005
414 . 781 . 4449
mdh@asbuiltsurvey.com


As Built Survey
Michael D. Hall

Remodeling Plan for
Top Dog Grooming
2735 W. Rawson Avenue
Franklin, WI 53132

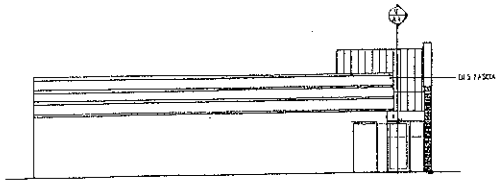
Date 04.16.12
Scale ⅛" = 1'-Ø"
Drawn MDH
Project # 2011.04
Sheet A-1
of ____ Sheets

| Date | By |
|---|---|
| 00.00.0 | ----- |

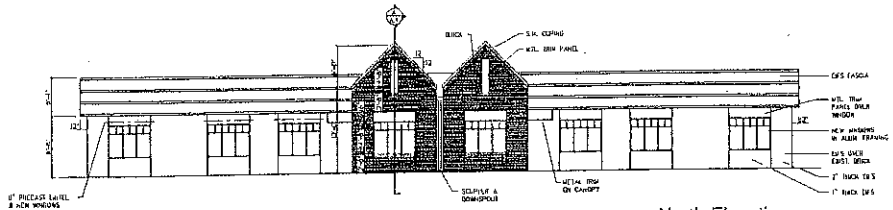
Franklin

APR 20 2012

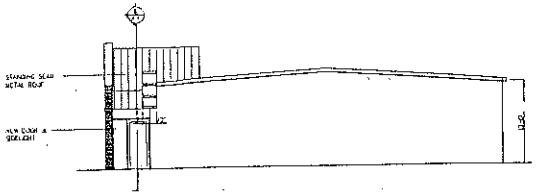
City Development



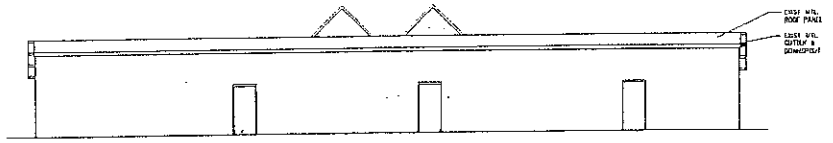
East Elevation
1/8" = 1'-0"



North Elevation
1/8" = 1'-0"



West Elevation
1/8" = 1'-0"



South Elevation
1/8" = 1'-0"

AS BUILT

Building Permitted for:
American Veterinary Clinic
Owner
Shamid A. Chaughtai.
Ph# 414-304-1818.
2735 W. Rawson Ave.
Franklin, Wisconsin

SHEET TITLE
Floor Plan, Elevations, Reflected Ceiling Plan

| | |
|---|---|
| PROJECT NO. | 01.52 |
| DATE | 25 March 2002 |
| CHECKED BY | FJR |
| DRAWN BY | DH |
| SHEET | A.1 |

APR 30 2012

April 18, 2012

From: Dr. Shahid H Chughtai.

RE: Top Dog Grooming and Daycare.

Response to Planning department comments.

1. The Grooming and Dog daycare will be very compatible with the existing Veterinary clinic in the building and will provide excellent service to the existing clients (pet owners) as well as new pet owners in the Franklin area.

   NOISE- The building construction is of 9 inch thick concrete block filled with insulation. On top of that inside are 2x4 studs with dry wall and also filled with insulation. It is almost 100 % sound proof. The distance between so called residence East wall and the west wall of proposed Dog daycare will be is about 100 feet. The Veterinary clinic will be providing a buffer zone also.

   PARKING- As of right now I have not been informed by The Department of Transportation that there will an impact on the property. In a Public meeting, talking to the DOT Project Manager, I was told that if there is an impact on the property, the lost parking stall will be compensated by moving those stalls into the neighboring Gas station to the west of my property.

2. We will abide by the attached special use standards and regulations and general standards for special use.
3. We are not proposing any outdoor play area or boarding of animals between the hours of 9 PM to 6 AM.
4. All requested information is posted on the site plan.
5. Another handicapped accessible parking stall will added as shown on the site plan.
6. No exterior site or building changes are being proposed.
7. Interior play area will be approximately 900 S.F.
8. Between 10-15 dogs of different sizes will be in the play area at one given time.
9. Permit for sign will be obtained from inspection department.

Thank you.

Shahid H Chughtai

Sincerely,
Dr. Shahid h Chughtai.

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| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| SLW | | May 15, 2012 |
| REPORTS AND RECOMMENDATIONS | An Ordinance to Create the Quarry Monitoring Committee | ITEM NUMBER G.6. |

Pursuant to the direction of the Common Council at its meeting on April 17, 2012, the Director of Administration and the City Attorney have prepared a draft ordinance creating the Quarry Monitoring Committee as attached. Review was had of records of the creation of the prior monitoring committee, which was essentially authorized for the purpose of reviewing monitoring consultant proposals in 2001 within the written request for proposals before the Common Council at that time. The City Planner managed that process following Council approval and asked for and we understand received two member appointments each from the Plan Commission and the Environmental Commission. Staff found no further record of direction or specified duties for that committee. Please note that the ordinance draft includes alternatives for the method of selection for the members for the consideration and determination of the Common Council.

## COUNCIL ACTION REQUESTED

A motion to adopt An Ordinance to Create the Quarry Monitoring Committee.

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

ORDINANCE NO. 2012-____

AN ORDINANCE TO CREATE THE QUARRY MONITORING COMMITTEE

---

WHEREAS, the Common Council having previously authorized a quarry monitoring committee primarily for the purpose of reviewing consultant proposals to assist the City in the monitoring of quarry operations in 2001, and while the committee continued for a time thereafter to monitor quarry activities, it no longer exists as an active committee; and

WHEREAS, the Common Council having determined that it is reasonable and necessary to create a permanent quarry monitoring committee to promote and protect the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §10-19. of the Municipal Code of Franklin, Wisconsin, is hereby created to read as follows:

"§10-19. Quarry Monitoring Committee.

A. Composition. The Quarry Monitoring Committee shall consist of five members, two of who shall be Aldermen and three of who shall be citizens.

B. Appointment. The members of the Committee shall be appointed [by the Mayor and confirmed by the Common Council] [appointed by the Common Council] [as follows: the Aldermen members and one citizen member shall be [appointed by the Mayor and confirmed by the Common Council] [appointed by the Common Council] and each of the other two citizen members shall be separately appointed by the two Aldermen within whose districts the quarry is located, each of the two Aldermen separately appointing one citizen, which appointments shall be confirmed by the Common Council]. [At least one of the citizen members shall not be a member of any other City board, commission or committee.]

C. Term. The initial appointment shall be made as follows: one citizen member shall serve for one year; one citizen member shall serve for two years; and one citizen member shall serve for three years; the Aldermen members shall serve for two years and only during his or her tenure in office, from June 1, in the year of his or her appointment.

Thereafter, each citizen appointment shall be made for a term of three years, and each Aldermen appointment shall be for a term of two years.

D. Duties. The Committee shall undertake all actions reasonably necessary to assist the City in monitoring the operations and activities of the quarry operators for compliance with the regulations set forth under Planned Development District No. 23 and Planned Development District No. 24, and all matters related thereto, including, but not limited to all other applicable governmental laws, rules, orders, codes, statutes and ordinances, to consider applicable matters of science and technology which may advance the promotion of efficient monitoring and of public safety and the lessening of any quarry operational impacts upon persons, the environment and the community, and to address citizen concerns. The Committee shall review and provide comment and recommendation to the Common Council on performance and monitoring data, reports, complaints, recommendations, and policies and procedures related to all aspects of quarry extraction operations and control procedures, particularly as they may affect the public health, safety and welfare of the citizens of Franklin and particularly to the extent they are applicable to the performance standards set forth in Planned Development District No. 23 and Planned Development District No. 24.

E. Common Council retains jurisdiction. The Committee shall be subject to the authority of the Common Council. All determinations of the Committee shall be advisory only to the Common Council."

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

| APPROVAL | REQUEST FOR COUNCIL ACTION | MTG. DATE |
|---|---|---|
| Slw | | 5/15/12 |
| Reports & Recommendations | **SUBJECT:** Method to be used relative to the refuse contract expiring December 31, 2012 | **ITEM NO.** G.7. |

## BACKGROUND

The existing refuse contract with John's Disposal Service, Inc. will expire December 31st of this year. In the past, the City has advertised for bids for a three year contract January 1, 2013 through December 31, 2015.

## ANALYSIS

As refuse collection is a service and not a public works contract, the City can, if they wish, negotiate a contract without bidding. In the past, staff has always recommended the bidding process to obtain the best price, but with the high level of service being provided by John's Disposal Service, Inc., the Common Council may wish to negotiate a contract and retain the existing provider. After discussions with the staff of John's Disposal Service, Inc., they wish to present a proposal to include carts for the recyclables (see attached letter).

## OPTIONS

If the Common Council wishes to bid the next years' refuse services, a draft contract should be developed by staff such that prices can be established in advance of the preparation of the 2013 budget. If the Common Council wishes to keep the existing services, the negotiations should begin.

## FISCAL NOTE

The increase in the monthly rate for refuse carts at 30 cents per month would result in a yearly cost increase as follows:

11,030 units x $0.30 x 12 = $39,708 per year

or

$0.30 x 12 = $3.60 additional per year on the 2011 annual charge of $104.00

## RECOMMENDATION

Policy decision.

JMB/sg
Encl.

ca\Refuse Contract Expiring December 31 2012

JOHNS
DISPOSAL SERVICE, INC.

P.O. BOX 329
WHITEWATER, WI 53190
262-473-4700 • Fax: 262-473-6775
www.johnsdisposal.com
email: office@johnsdisposal.com

Tuesday, May 08, 2012

John Bennett, City Engineer
The City of Franklin
9229 West Loomis Road
Franklin, WI 53132

RE: Proposal for a City-wide recycling cart program

Dear Mr. Bennett,

Following is a proposal for a new 5-year agreement that includes carts and automated collection for recycling. This program will continue with the manual collection of refuse that is very well liked by your residents. Following are the details of the proposed new program:

- We will deliver a 96-gallon cart for recycling to each home in the City.
- Residents may choose to switch to a smaller 48-gallon cart.
- We will fix or replace broken carts.
- Condominium associations may each choose to use the new carts, stay with the old bins or use dumpsters for recycling.

We propose a new 5-year agreement with the following terms:

- All of the 2012 rates in the current agreement will remain unchanged for 2013 except that we will need to increase the monthly recycling rate from $2.25 per unit to $2.55 in 2013.
- The terms for all contracted rates for 2014 thru 2017 would be negotiated each year but limited to a minimum increase of 2.5% and a maximum of 4%. We will continue with no fuel surcharges, environmental fees or other charges.
- If the City wishes, we will start the program this fall with the 2012 rates for the rest of this year.

If the City wishes to continue with the current program we will offer the same terms and conditions as the old agreement except that contracted rates for 2013 thru 2017 would be negotiated each year but limited to a minimum increase of 2.5% and a maximum of 4%. The 1st year of a new 3-year agreement would be at a 3% across the board increase. The 1st year of a 5-year agreement would be at a 2% across the board increase.

I am certain that your residents would be very happy with carts for recycling and you can expect your recycling numbers to increase. The carts also look better and the large size with attached lids helps reduce litter. Please call me if you would like to discuss this matter or to set up a meeting. Thank you!

Sincerely,

Brian Jongetjes
President

PRINTED ON RECYCLED PAPER

| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw MMP | | 05/15/12 |
| REPORTS & RECOMMENDATIONS | **MADACC Dog Bite Policy Change and Option for the City of Franklin to Opt Out of the Policy if the City Believes the Policy Places the City Under Unreasonable Liability Risk** | ITEM NUMBER G. 8. |

On April 17, 2012, the Milwaukee Area Domestic Animal Control Commission's (MADACC) Operations Committee passed a dog bite policy revision at the request of Mr. Dave Flagler, Executive Director of MADACC. In the past, MADACC's policy was to euthanize any animals that engaged in biting someone if the animal was not reclaimed by its owner. The policy revision now allows for the placement of a biting animal if the bite incident met certain criteria.

Attached is an email from Mr. Dave Flagler that explains the MADACC Bite Case policy and approved revision to exempt an animal from euthanasia if the bite incident met certain criteria. The Bite Case policy is also attached which refers to the "Exceptions" and list of "certain criteria" under Section 6.0.

MADACC is making the City aware of this policy change and giving the City an opportunity to opt out of the policy if the City believes the policy places it under unreasonable liability risk. If the City chooses to opt out of this policy, then any animal that has bitten in the City and is being held under quarantine at MADACC would not be allowed to be returned to the City of Franklin, unless reclaimed by the animal's owner, and that animal would not be allowed to be placed in any other jurisdiction. Additionally, this opt-out clause would prevent animals having bitten in other jurisdictions from being placed in the City of Franklin.

To opt out of this policy, the City only needs to send an email to Mr. Flagler advising him of the City's decision and he will add the City to the list of jurisdictions that have opted out.

## COUNCIL ACTION REQUESTED

Motion to direct the Director of Administration to notify MADACC of the City's decision to opt out of the Bite Case policy.

OR

Motion to direct the Director of Administration to notify MADACC of the City's decision to not opt out of the Bite Case policy.

**From:** David R. Flagler [mailto:DFlagler@madacc.org]
**Sent:** Thursday, April 19, 2012 10:40 AM
**To:** 'David Banaszynski'; 'Tony Day'; 'Kim Egan'; 'Craig Faucett '; 'Kurt Fredrickson'; 'James Grassman '; 'Ronald Hayward'; 'John Hermes'; 'Dominic Leone'; Mark Luberda; 'Richard Maslowski '; 'Tami Mayzik '; 'Todd Michaels'; 'Eric Pearson'; 'Andy Pederson'; 'Darren Rausch'; 'Susan Robertson'; 'Steve Scaffidi'; 'Don Schaewe'; 'Gary Schmid'; 'Coryann St. Marie-Carls'; 'Derik Summerfield'; 'Chris Swartz'; Tom Taylor; 'Jerome Tepper'; 'Tom Tollaksen '; 'Russ Van Gompel'; 'Milt Vandermeuse '; 'Ralph Voltner'; 'Michael Weber'; 'Thomas Zepecki'; 'Paul Ziehler'
**Cc:** 'Laura Proeber'; 'Kevin Wilken'; 'John McDowell'; 'Libby Gutting, DVM'
**Subject:** MADACC Dog Bite Policy

Dear Board Members of the Milwaukee Area Domestic Animal Control Commission,

On April 17, 2012, the Operations Committee passed a dog bite policy revision at my request. That policy is attached.

**Background:**

Prior to last Tuesday's meeting, it was the policy of MADACC to euthanize any animals that engaged in biting someone, if the animal was not reclaimed by its owner. I believed that there are circumstances the justified an incident of a dog biting someone and asked to change our policy to allow for the placement of a biting animal, if the bite incident met certain criteria. In order for the bite incident to exempt an animal from euthanasia, the incident would be investigated by the MADACC supervisory team and a vote would take place as to the dog's fate. Anytime that a decision was made to allow for the placement of the animal, the incident surrounding that decision would be reported to the Operations Committee and their next meeting.

The incident that triggered this policy change was a situation in which an injured animal was removed from an accident scene and in moving the animal, a fireman was bitten. It is my belief that under these circumstances, a person would reasonably expect to be bitten when moving an injured animal that is in pain; additional protective gear should be necessary when making such an attempt.

**Opt Out Option:**

The purpose of this email is to make you aware of the policy change and to give you an opportunity to opt out of the policy, if you believe that this policy places your jurisdiction under unreasonable liability risk. If you should chose to opt out of this policy, any animal that has bitten, in your jurisdiction, and is being held under quarantine at MADACC would not be allowed to be returned to your jurisdiction, unless reclaimed by the animal's owner, and that animal would not be allowed to be placed in any other jurisdiction. Additionally, this opt out clause would prevent animals having bitten in other jurisdictions from being placed in your jurisdiction. To opt out of this policy, you need only to send me an email advising me our your decision and I will add the name of your jurisdiction to the list of jurisdictions that have opted out. Your jurisdiction will remain on that list until such time as your jurisdiction asks to be removed from the opt out option. If you do not want to opt out of this policy, I would appreciate you simply acknowledging the receipt of this email.

If after reading this email and the policy, that you have any questions concerning this policy, please feel free to contact me at 414-649-8660.

Thank you,

Dave Flagler

David R. Flagler
Executive Director
Milwaukeee Area Domestic Animal Control Commission
3839 W Burnham St
West Milwaukee, WI 53215
Phone: (414) 649-8640 ext. 105
Fax: (414) 649-8651
dflagler@madacc.com
www.madacc.com

# POLICIES AND PROCEDURES MANUAL

| Milwaukee Area Domestic Animal Control Commission<br>3839 West Burnham Street<br>West Milwaukee, Wisconsin 53215 | | | | |
|---|---|---|---|---|
| Subject | Department<br>All | | Dept. Identification | |
| Release of "Bite Case" animals | Section | Pages<br>4 | Effective Date | Revision Date<br>4/17/2012 |

## 1.0 PURPOSE:

To define for MADACC purposes the term "Bite Case Animal" and to clarify when a "Bite Case Animal" can be released or must be euthanized in order to protect the public.

## 2.0 ORGANIZATIONS AFFECTED:

MADACC and the municipalities in Milwaukee County.

## 3.0 POLICY:

It is the policy of MADACC that no "Bite Case Animal" will be released to anyone except the owner and further that no exceptions will be made to this policy unless approved by a majority of the MADACC supervisory team as outlined in the Exception Section (5.0) of this policy and public safety can be maintained. "Bite Case Animals" not released to their owners will be euthanized unless an exception is agreed upon.

Each municipality has the option to "opt out" of this policy so as to prevent biting animals from being adopted into their jurisdiction or adopted out from their jurisdiction, regardless of the circumstances surrounding the bite; those municipalities are listed in the "Opt Out" Section (6.0) of this policy.

Any time that a "Bite Case Animal" is made available for adoption, the details of the bite incident will be reported to the Operations Committee Board at the upcoming meeting of the Operations Committee.

## 4.0 REFERENCES:

**MADACC DEFINITIONS**

"Bite Case Animal" is defined as: 1.) any mammal which is capable of and is known to harbor and transmit the rabies virus and which has caused any type of injury with its teeth which resulted in a break or penetration in the skin of one or more human beings and 2.) is being held in quarantine at MADACC because of the bite.

"Owner" is defined as the person(s), firm, corporation or other legal entity which owns and has lawful custody of the "Bite Case Animal" and/or in which their legal representative, volunteer or employee signs a MADACC record or facsimile as owner. Owner is NOT the person, firm or corporation which is merely harboring the animal. Civil/adoption contracts notwithstanding, businesses including but not limited to humane societies, pet stores, rescue groups and kennels which have sold or "adopted" an animal to a second party are no longer the "owner" for the purposes of this policy. Identification such as "micro chips" may not be considered proof of ownership or lawful custody.

Spouses which are married or "separated" are considered co-owners (either party may reclaim the animal). With the exception of animals described in State Statute 173.23 (4) (a) (b) (c) animals subject to this policy should not be euthanized or released until pending questions regarding ownership between the two spouses or former spouses are answered.

"Supervisory team" is defined as the group of MADACC employees who work in a supervisory capacity. The members of that group consist of the Executive Director, Veterinarian, Field Supervisor, Kennel Supervisor and Office Supervisor.

## 5.0 PROCEDURES: Acceptance of animals

**Unwanted Animals:** MADACC personnel will determine ownership of the bite case animal prior to accepting it.

**As a general rule unwanted bite case animals WILL NOT be accepted from non governmental agencies, shelters, humane societies, kennels or other private animal related businesses unless they state they are the legal owner and their representative and/or an employee signs a MADACC record as such.** Exceptions may be made for some private individuals, veterinary clinics under State Statute 173. (2) or certain other circumstances and also in those instances in which the municipal health department orders MADACC to accept the animal.

**Stray Animals**: Animals found or observed off the owner's property while not under control of the owner or owner's representative are as a general rule considered strays which can be seized or impounded without an owner signature.

**"Safekeeping Animals":** Ownership should be determined whenever possible and signature obtained if owner is present and willing to sign the record.

## Release of Animals after Quarantine

**Disposition will be as follows:**

| | |
|---|---|
| **Strays with no known owner** | Will be euthanized subject to other holds or legal encumbrances. |
| **Strays with a known owner** | Will be released to the owner after payment of all fees or if unclaimed will be euthanized subject to other holds or legal encumbrances. |
| **Unwanted with permission** | Will be euthanized. |
| **Unwanted w/o permission** | Will be released to the owner after payment of fees or if unclaimed will be euthanized subject to other holds or legal encumbrances. |
| **Safekeeping with permission** | Will be euthanized subject to other holds or legal encumbrances. |
| **Safekeeping w/o permission** | Will be released to the owner after payment of fees subject to any other holds or legal encumbrances or if unclaimed will be euthanized subject to holds or legal encumbrances. |

### 6.0 Exceptions

The MADACC supervisory team may make an exception to this policy when, following an investigation, the majority of them believes that the circumstances involving the bite was provoked or under unusual circumstances that justified the dog to bite. Those unusual circumstances might include:

A. Being handled when the animal is in pain.
B. Biting in an act of being playful.
C. The animal is protecting its young.
D. The animal has been forced into a threatening position.
E. The bite is the result of careless handling by staff or volunteers.
F. An accidental incident in which an animal tooth compromises a person's skin that results in bleeding.

### 7.0 Jurisdictions

The following municipalities have instructed MADACC that they do not want bite animals being adopted into their jurisdictions or animals that have bitten in that jurisdiction will not be made available for adoption in another jurisdiction:

City of Milwaukee

**This is a MADACC policy and statements and definitions are subject to interpretation only by MADACC.**

**OPERATIONS COMMITTEE APPROVED**
April 17, 2012

| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 05/15/12 |
| REPORTS & RECOMMENDATIONS | Update on Act 10 Federal Court Actions and the Employee Handbook Payroll Deductions Policy | ITEM NUMBER G.9. |

On March 30th, a federal judge issued an order striking down two provisions of Act 10, the state collective bargaining law, by issuing an injunction prohibiting the State and the WERC from enforcing those rules. The State petitioned for an injunction to stay the court's decision and on April 27th, that request was denied. As such, unless a higher court imposes a stay, the Judge's original order will take effect May 30 while the State continues to pursue the appeal.

Most of the provisions of Acts 10 and 32 remain in place and were found to be constitutional, but the judge effectively struck down the following provisions by ordering they not be enforced by the State or the WERC:

A. Elimination of voluntary dues collection for union members, and
B. Elimination of the requirement for annual recertification by an absolute majority rather than a simple majority of those voting.

The precise conclusion and impacts of the decision and the most appropriate reaction to the decision is still under debate. Nonetheless, the City of Franklin needs to prepare for the May 30th deadline and determine what, if any, actions are necessary. Prior to considering our necessary actions, it is important to acknowledge two basic facts. First, the judge's original decision specifically enjoins the defendants, meaning the State and the WERC, from enforcing the identified provisions. It is important to recognize that local municipalities were not defendants. Second, the City must still comply with all relevant components of the law that changed with Acts 10 and 32.

If you need me to provide a detailed summary of why the judge reached certain conclusions, one can be prepared. For the sake of brevity, the purpose of this memo is primarily to address what actions the City needs to consider going forward. I will address each of the above items separately.

A. Elimination of voluntary dues collection. The judge's order does not re-institute "fair share" deductions, a mandatory contribution by all covered employees on the grounds that the union was obliged to represent all employees faithfully. At the same time, the judge did not strike down the portion of the law making withholding of union dues a prohibited subject of bargaining for non-public safety employees. As such, the City simply now has the ability or authority to allow for the payroll deduction of union dues which are made voluntarily and upon the request of an employee. We are not required to do so. The catch, however, is that the judge's basis for his decision emphasizes that the Equal Protection Clause, part of the 14th Amendment to the Constitution, and the First Amendment, addressing freedom of association and speech, both use the "rational basis" test for evaluating the distinction between how groups or individuals are handled.

Attorney Jim Korom spoke on this matter at the last ICC meeting indicating, in very brief summary, that a City may elect to permit voluntary payroll dues deductions for union dues, but in so doing, it must be prepared to address the potential for constitutional requirements to treat all other employee-requested voluntary payroll deductions in a similar viewpoint-neutral manner. The end result is that one could argue, and Attorney Korom postulated, that allowing for voluntary payroll deductions for an employee who chooses to associate with or participate in a labor union may require that the City allow for payroll deductions for any other membership organization (for example, AARP, Ducks Unlimited, Sierra Club, etc.) to which an employee belongs **unless a rational basis can be set forth for distinguishing the group from all other groups.**

Opening the doors a little could lead to them being wide open. This could create significant administrative effort and cost as each payroll deduction needs to be entered into the system and tracked and there is an administrative fee to set up each organization for a payroll deduction. Obviously, the broader scope of bargaining for Police and Fire units remains in place, so the City can probably still allow union deductions for these groups under that same theory while refusing to do so for groups with a narrower scope of bargaining. Additionally for Police and Fire, I would contend they could be continued under the theory that the requirement to collect dues exists within a labor contract which was part of a mutually negotiated settlement. The benefits of a mutually negotiated settlement alone would provide a rational basis for a community to agree to provide for payroll deductions for labor association dues. Labor negotiations are largely the result of compromise. It is not uncommon at all to consent to something for one group that you would not do for another group simply to obtain a negotiated settlement. As such, continuing to provide for payroll deductions where required by the terms of a labor agreement would provide a rational basis for distinguishing this specific type of association. (This position would also cover the Teamsters unit whose agreement runs through the current year).

Similarly, there would also be a rational basis for allowing for a payroll deduction for a City-provided or City-sponsored fringe benefit because this simply allows for the ease of administration of a benefit we have elected to offer. The City's long term disability program and deferred compensation programs fit into this category.

One existing payroll deduction program could become a casualty of this new policy: the Combined Giving Campaign (United Way). We could argue there is a difference between funding charitable organizations and funding advocacy groups like unions as a rational basis for distinguishing the Combined Giving Campaign from voluntary union dues, but the outcome of that argument is unclear. I believe we can honor our commitments through 2012, but should not allow for continued payroll deductions for this purpose in 2013.

B. Elimination of the requirement for annual recertification by an absolute majority rather than a simple majority of those voting. Although this requirement was eliminated from the law, Judge Conley did say in his April 27 decision that his Order, pending the appeal, does not overturn any failures to recertify that occurred prior to his original March 30 decision. Therefore, those unions who did not recertify prior to March 30 remain unrepresented, which includes Dispatchers, DPW, and Inspection.

Conclusion: Attached is a copy of the Payroll Deduction portion of the Employee Handbook. The policy as written already restricts union dues collection to only those if it provided for in a labor agreement. To that end, as written, it does not provide for voluntary union dues collections. It does currently provide for United Way contributions, which is done through the local Combined Giving Campaign. Consideration of distinguishing charitable organizations from advocacy groups could be referred to the Personnel Committee

for consideration. Although I am confident that my recommendation will be to restrict charitable organizations as well because of the administrative cost and effort to set up a deduction and due to the potential effort necessary to investigate the distinction, each time, between whether a group is a charitable group or an advocacy group.

## COUNCIL ACTION REQUESTED

A) If the Council wants the Personnel Committee to discuss payroll deductions for charitable organizations:

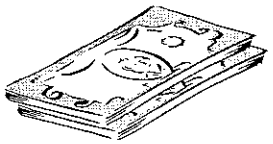
> "Motion to refer to the Personnel Committee the issue of potential payroll deductions for charitable organizations and to allow continued deductions for the Combined Giving Campaign (United Way) through 2012 subject to future Council action on this issue."

OR

B) If the Council wants to eliminate voluntary payroll deductions for charitable organizations:

> "Motion to direct staff to prepare, prior to September 30, 2012, a resolution to amend the Employee Handbook to eliminate voluntary payroll deductions for charitable organizations."

### *Payroll Deductions*



Deductions from each employee paycheck required by law include:

1. Federal Income Tax withholding.
2. Social Security.
3. Retirement contributions (applicable employees only).
4. State Income Tax withholding.
5. Deductions authorized by law, such as garnishments.
6. Medicare

Additional deductions that are optional and may be requested by the employee include:

1. United Way contributions.
2. Payment to a City-approved credit union.
3. Deferred compensation Section 457 Plan. Employees may participate in this Section 457 Plan, which is intended as a retirement savings and investment plan. Employees make pre-tax contributions in investments of their choice administered by companies chosen by the City.
4. Union dues and initiation fees (if provided in labor agreement)
5. Payment of health insurance premiums (if applicable).
6. Payment of dental insurance premiums (if applicable).
7. Short and/or Long-term disability or other insurance premiums (if applicable). Employees may purchase short-term disability, personal accident, personal hospital intensive care, and personal cancer protector plan, through a company of the City's choice. Employees pay 100% of the premium. Payroll deduction may be used for these premiums
8. Section 125/flexible spending deductions.

City employees shall receive a statement of deductions and earnings with each paycheck that itemizes the various deductions made, and appropriate cumulative totals. A record of sick leave and vacation time shall also appear on the paycheck stub following the successful completion of related introductory periods.

It is the employee's responsibility to maintain current payroll deduction information with the Finance Department. Employees wishing to add or change their payroll deductions should contact the Finance Department.

| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 05/15/12 |
| REPORTS & RECOMMENDATIONS | **Claim of the Villas of Franklin Regarding Violations of the City of Franklin Unified Development Ordinance as it Relates to the Grading and Installation of Retaining Walls** | ITEM NUMBER G.10. |

Claim received on May 4, 2012 from the Villas of Franklin (James Reichl, President) in the amount of $200,000 for alleged violations of the City of Franklin Unified Development Ordinance relating to expenses associated with the costs to install retaining walls and fences. The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a claim of the Villas of Franklin for alleged violations of the City of Franklin Unified Development Ordinance relating to expenses associated with the costs to install retaining walls and fences, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Staff recommends denial of the claim pursuant to the Wisconsin Statute 893.80(1g) for disallowance of the claim, based upon and in concurrence with the insurance adjuster that the City of Franklin is not legally liable for the damages. The investigation determined that the City is not responsible for private property and the landscaping plans for this development do not include "retaining walls".

Additionally, you may recall that an issue related to these retaining walls was previously reviewed by the Common Council. At their meeting of 11/1/2011, the Common Council was provided a review of this matter by the City Attorney who also concluded that the City was not liable. The Common Council placed the item on file with no further action.

## COUNCIL ACTION REQUESTED

The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a claim of the Villas of Franklin for alleged violations of the City of Franklin Unified Development Ordinance relating to expenses associated with the costs to install retaining walls and fences, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Motion to deny the claim of the Villas of Franklin pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the City of Franklin is not legally liable for the damages. The investigation determined that the City is not responsible for private property and the landscaping plans for this development do not include "retaining walls".

Statewide Services, Inc.
Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
877-204-9712

May 4, 2012

CITY OF FRANKLIN
ATTN: LISA HUENING
9229 W LOOMIS ROAD
FRANKLIN, WI 53132

RE: Our Claim #: WM000402260107
Regarding: retaining walls (date of loss ??)
Claimant: Villas of Franklin – President James Reichl
PO Box 320426, Franklin WI 53132

Dear Ms. Huening:

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Franklin. We are in receipt of the above-stated claim, in which the claimant is alleging the City's negligence caused the retaining walls to fail and is seeking compensation in the amount of $200,000.

Our investigation has revealed that the City of Franklin was not negligent or liable for this incident. Therefore, we recommend that the City of Franklin disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will allow us to shorten the statute of limitations period to six months. The basis for our denial is that our investigation has determined that the City is not responsible for private property, and the landscaping plans for this development do not include "retaining walls".

Please send your disallowance, on your letterhead, directly to the claimant at the above listed address. This should be sent certified or registered (restricted) mail and must be received by the claimant within 120 days after you received the claim. Please send me a copy of the Notice of Disallowance for our file.

Sincerely,

Ginger Kimpton
Casualty Claims Adjuster

CC: Scott Huibregtse, Agent

CITY CLERK
2012 MAY -3 A.M. P.M.
slw

May 2, 2012

**NOTICE OF CLAIM AND ITEMIZED STATEMENT OF RELIEF**

5.4.12
500a
AD

To: Ms. Sandra L. Wesolowski
City of Franklin
City Clerk
9229 W. Loomis Road
Franklin, WI 53132

RE: Violations of City of Franklin Unified Development Ordinance
Villas of Franklin, City of Franklin, WI

**PLEASE TAKE NOTICE:**

Pursuant to the provisions of Wisconsin Statute §893.80(1)(a), The Villas of Franklin (hereinafter the "Villas"), by its President, James Reichl, hereby notifies the City of Franklin (hereinafter the "City"), of its claim against the City.

Pursuant to the City's Unified Development Ordinance, as well as the City Standards and Specifications for Development, the City has certain responsibilities owed to its residents to ensure that Development is conducted in a safe manner that results in the health, safety, and general welfare of its residents. The City has violated the Unified Development Ordinances in its handling of the development of the Villas of Franklin, including:

(1) Section 15-1.0103
(2) Section 15-2.0103(A)
(3) Section 15-2.013(3)
(4) Section 15-2.013(C)
(5) Section 15-8.0100
(6) Section 15-8.0104(B)
(7) Section 15-8.0118(A)
(8) Section 15-8.0203(B)
(9) Section 15-8.0203(G)
(10) Section 15-8.0203(J)
(11) Section 15-8.0206(B)

The City's violations of the above-referenced ordinances have resulted in work that is required for the health, safety, and welfare of the residents that has not been performed at all, or has been performed in a manner that is not compliant with the drawings/renderings that were approved by the City. Occupancy permits were issued to the Developer prior to completing the required work, and further, prior to the City Engineer inspecting any of the required grading and/or wall/fence installation.

As a result of the City's failure to comply with the Unified Development Ordinances as well as the Standards and Specifications for Development, the Villas of Franklin has suffered damages. Specifically, the Villas of Franklin must install retaining walls and fences on the development in order to comply with the code as well as ensure the health, safety, and welfare of the residents of the Villas of Franklin. Pursuant to Wis. Stat. §893.80(1)(b), the Villas of Franklin provides the following itemized statement of relief sought as a result of the unlawful actions engaged in by the City:

1. Monetary damages in the amount of Two Hundred Thousand Dollars ($200,000.00) for the Villas of Franklin's expenses that are associated with the costs to install the retaining walls and fences.

Dated this 2nd day of May, 2012.

**VILLAS OF FRANKLIN**

By: _____
James Reichl, President

**PO ADDRESS:**
P.O. Box 320426
Franklin, WI 53132
7975 Susanna Court
Franklin, WI 53132
Tel: (414) 761-7204
jim@reichl.com

CITY OF FRANKLIN
2012 MAR 26 AM 8:2

# CITY OF FRANKLIN
# CLAIM/INCIDENT REPORT FORM

Date: March 23, 2012

Type of Claim: Violations of the City of Franklin Unified Development Ordinance. ***See Attached one page Violations.***

Name: Villas of Franklin (Villas Condominiums Inc)

James Reichl, President

Address: PO Box 320426, Franklin, WI 532132

7975 Susanna Ct., Franklin, WI 53132

Telephone Number: 414-761-7204

Estimate of Damage: Unknown at this time

Explanation: The Villas of Franklin Residents expect that the grading and retaining wall installation (with fences) shall be installed per the City of Franklin UDO and the City Standards and Specifications for Development. We believe this notice does not prejudice the City of Franklin due to their ability to correct the issues at hand without harming its citizens.

Submitted By: James Reichl

This claim is brought by the **Villas of Franklin Condominium** owners against the City of Franklin due to violations of numerous Unified Development Ordinances (UDO) and the referenced Standards and Specifications for Development (SFD) in the City's handling of the development of the Villas Condominium project:

*Violation One*
Section 15-1.0103 The purpose of the UDO is to promote the health, safety and general welfare for the City of Franklin residents. City approved documents clearly showed a fall protection fence at the top of the installed retaining walls. These were not installed and remain uninstalled to this day. Occupancy permits should not have been issued due to these unsafe conditions.

*Violation Two*
Section 15-2.0103(A) and Section 15-2.013(3) and Section 15-2.013(C). The City of Franklin failed to regulate and control the Villas development per the purpose of the UDO.

*Violation Three*
Division 15-8.0100 Required that "Grading" is an improvement covered under the UDO and the SFD. The City has not abided by this directive.

*Violation Four*
Section 15-8.0104(B) Required that grading of cut and filled lands not exceed the maximum slope of one to four (1:4). Currently, numerous areas exceed this requirement and are unsafe.

*Violation Five*
Section 15-8.0118(A) The installation of grade stabilization structures (retaining walls) were not installed conforming to the UDO or the SFD as required.

*Violation Six*
Section 15-8.0203(B) and (G) The plans for existing and proposed contours along with erosion control plans must conform to the UDO and the SFD. They do not.

*Violation Seven*
Section 15-8.0203(J) The completion of the Record "As Built" Plans showing the actual location of all improvements made shall be a condition of final acceptance of the improvements and release of the financial surety assuring their completion. The Engineer has not accepted the grading (showing retaining walls or grade stabilization structures) as complete.

*Violation Eight*
Section 15-8.0206(B) Inspection. The City Engineer shall inspect and approve all completed work prior to the approval of the final plat or release of the required financial sureties. During the course of construction, the City Engineer shall make such inspections as deemed necessary to ensure compliance with the approved plans and specifications. The Engineer has not completed the inspection of the retaining walls and the required fence installation.

| APPROVAL | REQUEST FOR COUNCIL ACTION | MTG. DATE |
|---|---|---|
| Slw | | 5/15/12 |
| Reports & Recommendations | SUBJECT: Reject all bids and rebid for the painting of Drexel Elevated Tank located at 8901 W. Drexel Avenue | ITEM NO. G.11. |

## BACKGROUND

The low bidder for the Drexel Avenue Elevated Tank submitted a bid of $518,500 for the painting of the Drexel Avenue Elevated Tank, but did not include a ridged containment structure which was specified. This bid was within estimate but included a flexible containment structure. The second lowest bidder was $870,079 and the third lowest bidder was $1,335,700.

## ANALYSIS

The City's consultant, Dixon Engineering, recommended a ridged containment structure as they felt that there was not room for a flexible containment structure. It appears now (see letter attached) that Dixon Engineering would accept a flexible containment structure. The City Attorney advised that we should not award bids to the lowest bidder, as the bid did not comply with specifications. The Board of Water Commissioner's will make a recommendation at their May 15th meeting in time for the Council Meeting.

## OPTIONS

Authorize

or

Table

## FISCAL NOTE

Unknown

## RECOMMENDATION

Motion to reject all bids for the painting of the Drexel Avenue Water Tower and authorize rebidding using a flexible containment system.

JMB/db

ca\Drexel Elevated Tank - to reject all bids 2012

May 14, 2012

Mr. Jack Bennett, City Engineer
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132

Subject: 500,000 Gallon Drexel Elevated Tank Repainting – Recommendation For Award

Dear Mr. Bennett:

Dixon Engineering has reviewed the bids submitted for repainting of the City's 500,000 gallon Drexel Ave., elevated tank and conditionally recommends award to the low bidder, Horizon Bothers Painting of Howell, MI, for the base bid amount of $518,500. Our 2012 estimate for this work was $550,000. 7 contracts requested specifications and 3 submitted bids. Only one bid was below the estimate.

I contacted the company owner Dino Gjolaj to verify his bid. He indicated that his bid was based on installation of a conventional containment system using shrouds raised and lowered on cables to contain dust during abrasive blast cleaning. The specifications were based on a rigid frame containment system where permanent scaffolds are erected and a shrink wrapped cover remains in place to contain the dust. Mr. Gjolai indicated that a rigid frame containment system would cost an additional $230,000 raising his bid to almost $750,000. While this is still considerably lower than the other two bids received, it is still well above our estimate and likely above the City's project budget.

I then requested that Mr. Gjolaj review the site conditions to verify if a flexible frame system could be installed. He sent a representative to the site to photo and dimension all restrictions and confirmed with me on May 11 that he can install the flexible frame system and complete the project. Because of the numerous buried utilities, instead of using drilled anchors for the containment cables, he would use heavy concrete blocks. We have seen his company and others utilize this method to anchor cables in the past and it can be done successfully.

The substitution of a different containment system is an irregularity in the bid and it is the City's sole determination whether to accept or reject the bid. However, it should be noted that the containment system does not effect in any way the surface preparation and painting work to be completed on the tank. It is only required to eliminate dust as a nuisance to neighbors during exterior abrasive blast cleaning. The coating does not contain lead, so there is not a health issue if dust escapes the site, nevertheless it is important to comply with clean air act requirements for fugitive dust emissions.

We do not believe that rebidding the project would result in lower bids even if flexible frame containment was added as an alternate in the specifications. Each year, there are fewer

contractors bidding containment projects due to the complexity of installation and the uncertainty over weather (high winds) that make work difficult. The Drexel tank is particularly difficult as it is much taller than average and has many site restrictions from buildings adjacent to the tank. This makes this project much less desirable to bidders as evidenced by the lack of aggressive bidding. In addition, many contractors have filled their schedules by now for late summer and fall and may not be able to bid the project if advertised again.

If you have any questions regarding our recommendation, please contact me at (616) 374-3221, Ext. 303.

FOR DIXON ENGINEERING

Ira M. Gabin, P.E.
Vice President

| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE |
|---|---|---|
| Slw | | 5/15/2012 |
| Licenses and Permits | **Miscellaneous Permits** | ITEM NUMBER H.1. |

See attached list from meeting of May 15, 2012

COUNCIL ACTION REQUESTED

City of Franklin
9229 W. Loomis Road
Franklin, WI 53132-9728
414-425-7500

# License Committee
# Agenda*
# Alderman's Room
# May 15, 2012 – 5:45 p.m.

| | | | | |
|---|---|---|---|---|
| **1.** | **Call to Order & Roll Call** | **Time** | | |
| **2.** | **Applicant Interviews & Decisions** | | | |
| **License Applications Reviewed** | | **Recommendations** | | |
| **Type/ Time** | **Applicant Information** | **Approve** | **Hold** | **Deny** |
| **Temp Operator Fourth of July Festival** | **Bergner, John E**<br>8501 Parkland Dr<br>Franklin, WI 53132 | | | |
| **Temp Operator Fourth of July Festival** | **Knackert, Robert A**<br>9049 S 83rd St<br>Franklin, WI 53132 | | | |
| **Temp Operator Fourth of July Festival** | **Knackert, Wendy C**<br>9049 S 83rd St<br>Franklin, WI 53132 | | | |
| **Temp Operator Fourth of July Festival** | **Megna, Anthony**<br>10321 W Church St<br>Franklin, WI 53132 | | | |
| **Temp Operator Fourth of July Festival** | **Reichl, Michael R**<br>7557 Drake Ln<br>Franklin, WI 53132 | | | |
| **Temp Operator Fourth of July Festival** | **Sawinski, Brian**<br>6707 S Parkedge Cir<br>Franklin, WI 53132 | | | |
| **Operator Year 2011-12 & Year 2012-13** | **Barbian, Wendy K**<br>8875 Greenhill Lane<br>Greendale, WI 53129<br>Walgreens- Loomis | | | |
| **Operator Year 2011-12 & Year 2012-13** | **Miller, Jason R**<br>6200 W Ohio Avenue<br>Milwaukee, WI 53219<br>Wal-Mart | | | |
| **Operator** | **Berndt, Dawn M**<br>12320 W Oakwood Rd<br>Franklin, WI 53132<br>Irish Cottage | | | |
| **Operator** | **Clausing-Tolar, Kelly Ann**<br>5937 W Beacon Hill Dr<br>Franklin, WI 53132<br>Open Pantry Food Store | | | |
| **Operator** | **Mast, Amy L**<br>8349 S Newbury Dr #1708<br>Oak Creek, WI 53154<br>Irish Cottage | | | |
| **People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant** | **Franklin Historical Society**<br>Person in Charge: James Lucky<br>Fees Waived: Park Permit and St Martins Fair Permit<br>Dates of Event: July 28th Park and St Martins Fair Dates | | | |

| | | | | |
|---|---|---|---|---|
| | | | | |



| | | | | |
|---|---|---|---|---|
| **Extraordinary Entertainment & Special Event** | **Xaverian Missionaries**<br>Person in Charge: Fr. Mark Marangone, s.x.<br>Location: 4500 Xavier Dr<br>Event: Annual Festival<br>Dates of Event: 6/23/2012 to 6/24/2012 | | | |
| **Temporary Class B Beer** | **Xaverian Missionaries**<br>Person in Charge: Fr. Mark Marangone, s.x.<br>Location: 4500 Xavier Dr<br>Event: Annual Festival<br>Dates of Event: 6/23/2012 to 6/24/2012 | | | |
| **Class A Beer Combination Class A Class B Beer Combination Class B** | **( See Attached List)** | | | |
| **3.** | **Adjournment** | Time | | |

*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per State ex rel. Badke v. Greendale Village Board, even though the Common Council will not take formal action at this meeting.

CITY OF FRANKLIN
OFFICIAL NOTICE

NOTICE IS HEREBY GIVEN that the following named persons have applied for a Class A license to sell fermented malt beverages (off-premises consumption), the granting of which is now pending:

| NAME | HOME ADDRESS | LOCATION ADDRESS |
|---|---|---|
| ROETTGERS CO, INC | 2014 N 90th St | |
| David Roettgers, Agent | Wauwatosa, WI 53226 | 7103 S 27th St |

NOTICE IS FURTHER GIVEN that the following named persons have applied for a Combination Class A license to sell fermented malt beverages and intoxicating liquor (off-premises consumption), the granting of which is now pending:

| | | |
|---|---|---|
| 27th STREET MOBIL, LLC | 10315 S George Dr | |
| David S Toor, Agent | Oak Creek, WI 53154 | 6611 S 27th St |
| HODACH PETROLEUM, INC | W325 S7861 Squire Ln | |
| Stephen A Hodach, Agent | Mukwonago, WI 53149 | 9830 W St Martins Rd |
| JAI BERU, LLC | 16225 Cumberland Trail | |
| Virendra S Verma, Agent | Brookfield, WI 53005 | 8305 S 27th St |
| MEGA MART FOODS INC | 3425 S Neveda St | |
| Daniel J Romero, Agent | Milwaukee, WI 53207 | 7780 S Lovers Lane Rd |
| OPEN PANTRY FOOD MARTS OF WI INC | 4045 S Adell Ave | |
| James L Schutz, Agent | New Berlin, WI 53151 | 7610 W Rawson Ave |
| PRIYA CORP | 10702 N Gazebo Hills Pkwy | |
| Kavita Khullar, Agent | Mequon, WI 53092 | 5040 W Rawson Ave |
| PRIYA CORP | 10702 N Gazebo Hills Pkwy | |
| Kavita Khullar, Agent | Mequon, WI 53092 | 5120 W Ryan Rd |
| SAM'S EAST, INC | 3188 Bookham Dr | |
| David J Alkinson, Agent | Sun Priaire, WI 53590 | 6705 S 27th St |
| SENDIK'S FRANKLIN, LLC | 5566 N Diversey Blvd | |
| Theodore T Balistreri, Agent | Whitefish Bay, WI 53217 | 5200 W Rawson Ave |
| SHAQ ENTERPRISES, LLC | 4425 W Hunter's Ct | |
| Muhammad S Naeem, Agent | Franklin, WI 53132 | 11123 W Forest Home Ave |
| SPIRIT DREAMS, LLC | W161 N5841 Cheryln Dr | |
| Scott R Haese, Agent | Menomonee Falls, WI 53051 | 6507A S 27th St |
| TARGET CORPORATION | 2110 Deer Path | |
| Laura Jane Ulrich, Agent | Waukesha, WI 53186 | 7800 S Lovers Lane Rd |
| ULTRA MART FOODS, LLC | 2404 Springdale Rd | |
| Leif E Nelson, Agent | Waukesha, WI 53186 | 7201 S 76th St |
| WAL-MART STORES EAST, LP | 5551 N Navajo Ave | |
| Michael Sandleback, Agent | Glendale, WI 53217 | 6701 S 27th St |
| WALGREEN CO | 3654 S 20th St | |
| Latina L Veal, Agent | Milwaukee, WI 53221 | 9527 S 27th St |
| WALGREEN CO | 2003 Smmit Ave | |
| Neil Morgenthaler, Agent | Waukesha, WI 53188 | 9909 W Loomis Rd |
| WALGREEN CO | 10508 W Cortez Cir #14 | |
| Megan M Thornton, Agent | Franklin, WI 53132 | 7144 S 76th St |
| WISCONSIN CVS PHARMACY, LLC | 5614 Bentwood | |
| Mark E Schmidt, Agent | Greendale, WI 53129 | 5220 W Rawson Ave |

NOTICE IS FURTHER GIVEN that the following named persons have applied for a Class B license to sell fermented malt beverages (on-premises consumption), the granting of which is now pending:

| | | |
|---|---|---|
| CHAI GARDENS RESTAURANT | 4831 S 23rd St | |
| Joseph Ty, Owner | Milwaukee, WI 53221 | 6509B S 27th St |
| FEDERATION OF CROATION | 7190 Old Loomis Rd | |
| SOCIETIES, INC | Greendale, WI 53129 | 9140 S 76th St |
| Josef Becker Sr, Agent | | |
| M SQUARED, INC | 21785 W Lincoln Ave | |
| Leonard Vanden Boom, Agent | New Berlin, WI 53151 | 11357 W St. Martins Rd |

NOTICE IS FURTHER GIVEN that the following named persons have applied for a Combination Class B license to sell fermented malt beverages and intoxicating liquor (on-premises consumption), the granting of which is now pending:

| | | |
|---|---|---|
| THE BOWERY, LLC | 7021 S Ash St | |
| Roger W Hein, Agent | Oak Creek, WI 53154 | 3023 W Ryan Rd |
| B.S.T., LLC | 1301 E College Ave | |
| Brian P Francis, Agent | South Milwaukee, WI 53207 | 8933 S 27th St |
| BUCKHORN INN | 6135 S 35th St | |
| Christopher Matecki, Owner | Greenfield, WI 53221 | 9461 S 27th St |
| COUNTRY LANES, LLC | 7086 S Fieldstone Ct | |
| Robert P Sczerzen, Agent | Franklin, WI 53132 | 11231 W Forest Home Ave |
| CRYSTAL RIDGE, INC | 7731 Freeland Ct. | |
| John Kaishian, Agent | Greendale, WI 53129 | 7900 W Crystal Ridge Dr |
| ERIC'S SETBACK | 1026 E Whittaker Ct | |
| Eric Schneeberg, Owner | Milwaukee, WI 53207 | 6357 S 27th St |
| ERJ DINING III, LLC | 6812 W Greyhawk Ct | |
| Paul S Thompson, Agent | Franklin, WI 53132 | 6439 S 27th St |
| FRANKLIN HOTEL COMPANY, LLC | 3217 S 23rd St | |
| Mark D Hansen, Agent | Milwaukee, WI 53215 | 9575 S 27th St |
| GUS' MEXICAN CANTINA, LLC | 1158 N 50th St | |
| Gus A Hosseini, Agent | Milwaukee, WI 53208 | 6514 S Lovers Lane Rd |
| H,B & H, LLC | 9880 S 35th St | |
| Daniel E Hay, Agent | Franklin, WI 53132 | 10741 S 27th St |
| HANLEY'S GRILLE & BAR, LLC | 8248 Four Oaks Dr | |
| Terrance M Hanley, Agent | Franklin, WI 53132 | 7101 S 76th St |
| LA TOSCANA RESTAURANT, LLC | 8294 S 47th St | |
| Mirela Sopiqoti, Agent | Franklin, WI 53132 | 8405 S 27th St |
| THE LANDMARK OF FRANKLIN, LLC | 11401 Parkview Ln | |
| Lorie Beth Knaack-Helm, Agent | Hales Corners, WI 53130 | 11401 W Swiss St |
| LITTLE CANCUN RESTAURANT | 6260 S Lake Dr #1117 | |
| Veronica Cervera, Owner | Cudahy, WI 53110 | 7273A S 27th St |
| M & W LEUNG, LLC | 2975 E Diane Dr | |
| May F Leung, Agent | Oak Creek, WI 53154 | 7236 S 76th St |
| PANTHEON, INC | 4520 S Delphine Dr | |
| Debbie Koutromanous, Agent | New Berlin, WI 53151 | 7621 W Rawson Ave |
| POLISH HERITAGE ALLIANCE INC | 720 Harvey Ave | |
| Thomas Rassmussen, Agent | Brookfield, WI 53005 | 6941 S 68th St |
| POLONIA SPORT CLUB, INC | 4765 S 21st St | |
| Theresa S Polanski, Agent | Milwaukee, WI 53221 | 10200 W Loomis Rd |
| Q T PIZZA, LLC | 802 River Ridge Ct | |
| Theodore A Quartana, Agent | Waterford, WI 53185 | 7119 B S 76th St |
| RAWSON PUB, INC | 10070 W Loomis Rd | |
| Steven D Schweitzer, Agent | Franklin, WI 53132 | 5621 W Rawson Ave |
| RLGIDI, INC | 10262 W College Ave | |
| Rex Idrizi, Agent | Hales Corners, WI 53130 | 3137 W Rawson Ave |
| ROBLEY TECH, INC | 7416 E Windlake Rd | |
| Dennis J Rau, Agent | Windlake, WI 53185 | 8330 W Puetz Rd |
| ROMEY'S PLACE | S64 W18363 Topaz Dr | |
| Nathan J Fabry, Owner | Muskego, WI 53150 | 7508 S North Cape Rd |
| ST. MARTINS INN, LLC | 26545 Nordic Ridge Dr | |
| Dennis J Wegner, Agent | Wind Lake, WI 53185 | 11318 W St Martins Rd |
| ST. NIKOLA RELIGIOUS & CULTURAL ENTERPRISES, INC | 7134 W Crawford Ave | |
| Slavko Jevtic, Agent | Milwaukee, WI 53220 | 7220 W Rawson Ave |
| 76TH STREET PUB & GRILL, INC | 8224 W Six Mile Rd | |
| Debra J Schaefer, Agent | Franksville, WI 53126 | 9643 S.76th St |
| THREE CELLARS, LLC | 7324 S Logan Ave | |
| Shawn M Vollmer, Agent | Oak Creek, WI 53154 | 7133 S 76th St |
| TJAL HOLDINGS, INC | 3010 S Nevada St | |
| Roseann C Losiniecki, Agent | Bay View, WI 53207 | 11433 W Ryan Rd |

| | | |
|---|---|---|
| TUCKAWAY COUNTRY CLUB, INC<br>Jennifer Jacobi, Agent | 12655 W Scarborough Ct<br>New Berlin, WI 53151 | 6901 W Drexel Ave |
| TWO BROTHERS PROPETY HOLDINGS, LLC<br>Vaso Dragicevic, Agent | 9419 S 27TH St<br>Franklin, WI 53132 | 9405 S 27th St |
| WILD BREED, INC<br>Cynthia A Girmscheid, Agent | 3648 E Layton Ave<br>Cudahy, WI 53110 | 11430 W Swiss St |

This notice is published by the authority of the Common Council of Franklin, Wisconsin, pursuant to Section 125, Wisconsin Statutes. Dated this 2nd day of May, 2012

SANDRA L. WESOLOWSKI
City Clerk

| APPROVAL | REQUEST FOR | MEETING DATE |
|---|---|---|
| Slw CNP | COUNCIL ACTION | 5/15/12 |
| **Bills** | **Vouchers and Payroll Approval** | **ITEM NUMBER** E.1. |

Provided separately for Council approval is a list of vouchers Nos. 142747 through 142904 in the amount of $ 3,467,411.20. Included in this listing is $1,100.00 in Fund 45 vouchers The net City vouchers are $ 3,466,311.20.

Approval is requested for the net payroll May 4, 2012 in the amount of $ 345,680.34.

## COUNCIL ACTION REQUESTED

Motion approving net City vouchers in the range of Nos.142747 through 142904 in the amount of $ 3,466,311.20.
Approval is requested for the net payroll May 4, 2012 in the amount of $345,680.34.