

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
JULY 26, 2005
MINUTES**

- CALL TO ORDER A. Mayor Taylor called the regular Common Council meeting of July 26, 2005 to order at 6:32 p.m. in the Council Chambers of Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin.
- Present were: Mayor Taylor, Aldermen Solomon, Hammelman, Kosovich, Sohns and Skowronski. Excused was Alderman Olson. Also present were City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:33 p.m. and closed at 6:35 p.m.
- ANNOUNCEMENTS Mayor Taylor announced upcoming community events.
- MINUTES-7/12/05 C-1. Alderman Skowronski move to approve the regular meeting of July 12, 2005 as presented. Seconded by Alderman Kosovich. All voted Aye; motion carried.
- BUILDING CODE E-1. No action was taken on a letter from Insurance Services Office, Inc. (ISO) regarding building code effectiveness grading schedule.
- MATC E-2. A letter from Milwaukee Area Technical College annual planning and budget development process for 2004-05 was for information only.
- CONSENT AGENDA F-1a. Alderman Solomon moved to approve the following:
- PARK REFUND Refund park permit fee of \$75.00 for Cub Scout Pack 521;
- RES. 2005-5925 EASEMENT-FAITH COMMUNITY F-1b. Adopt Resolution No. 2005-5925, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT PERMANENT WATER MAIN EASEMENTS FOR FAITH COMMUNITY CHURCH, 7700 W. Faith Drive;
- RES. 2005-5926 EASEMENT-APPLE CREEK CONDOMINIUMS F-1c. Adopt Resolution No. 2005-5926, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A PERMANENT WATER MAIN EASEMENT FOR APPLE CREEK CONDOMINIUMS, 11335-11445 W. Rawson Avenue;
- MODEL HOME PERMITS-STONE HEDGE SUBD. F-1d. Approve the request from O'Malley Development, LLC for two model home permits on lots 39 and 41 in Stone Hedge Subdivision, 8500 block of Old Loomis Road subject to the following conditions: 1) That the stone base and the first lift of asphalt is installed. 2) That the City Engineer approve the site grading plan. 3) Building permit fees are paid at the time of issuance of a permit. 4) The access to the sites shall be maintained at all times. Failure to maintain the access shall result in construction being stopped until corrected. 5) That no occupancy will be permitted until all improvements and utilities are installed and approved by the Franklin Engineering Department.

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MODEL HOME
PERMITS-STONE
HEDGE SUBD.-
CONTINUED

F-1d. 6) The Subdivision Plat shall be recorded and proof of recording shall be submitted to the City, before application for the building permit. 7) A digital copy of the plat is submitted to the Engineering Department before application for a building permit. 8) The Fire Chief and Building Inspector shall inspect the project for compliance with code requirements. 9) The buildings are to be used as model homes and ownership shall be maintained by the builder until the subdivision is approved for permits by the Engineering Department;

MODEL HOME
PERMITS-RIVER
PARK SUBD.

F-1e. Approve the request from William Ryan Homes to change lots for five of the previously approved model permits (11,12,13,21 and 31) to lots 3,7,16,30 and 34 in the River Park Subdivision-Phase I subject to the following conditions: 1) That the developer shall submit a copy of the plat with the proposed building sites to be reviewed and approved by the Fire Chief and the Building Inspector. 2) That the City Engineer approve the site grading plan. 3) Building permit fees are paid at the time of issuance of a permit. 4) The access drive shall be maintained at all times. Failure to maintain the access shall result in construction being stopped until the areas are maintained. 5) That no occupancy will be permitted until all improvements and utilities are installed and approved by the Franklin Engineering Department. 6) The Subdivision Plat shall be recorded and proof of recording shall be submitted to the City, before application for the building permit. 7) A digital copy of the plat is submitted to the Engineering Department before application for a building permit 8) The Fire Chief and Building Inspector shall inspect the project for compliance with the requirements;

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

RES. 2005-5927
PROMISSORY
NOTES

F-2. Alderman Solomon moved to adopt Resolution No. 2005-5927, RESOLUTION AWARDDING THE SALE OF \$10,000,000 GENERAL OBLIGATION PROMISSORY NOTES; PROVIDING THE FORM OF THE NOTE; AND LEVYING A TAX IN CONNECTION THEREWITH. Seconded by Alderman Skowronski. On roll call, all voted Aye. Motion carried.

RES. 2005-5928
PROMISSORY
NOTES

F-3. Alderman Sohns moved to adopt Resolution No. 2005-5928, RESOLUTION AUTHORIZING THE USE OF \$7,000,000 OF THE PROCEEDS OF THE CITY'S \$10,000,000 GENERAL OBLIGATION PROMISSORY NOTE OFFERING FOR USE IN DEVELOPING TIF DISTRICT #3 & TIF DISTRICT #4 UNDER THE DIRECTION OF THE COMMUNITY DEVELOPMENT AUTHORITY. Seconded by Alderman Hammelman. All voted Aye; motion carried.

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| MASTER PLAN | F-4. | The press release regarding the City of Franklin Comprehensive Master Plan Kick-Off meeting to be held on August 1, 2005 was for information only. |
| UNIFIED
DEVELOPMENT
ORDINANCE | F-5. | Alderman Solomon moved to table the consideration of the ordinance to amend the Unified Development Ordinance text to repeal and recreate division 15-8.0300 pertaining to construction site erosion and erosion control and create Chapter 148 of the Municipal Code entitled "Illicit Discharges and Connections that drain into the storm drainage system." to the Common Council meeting of 8/9/05. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| REZONING-
TUCKAWAY
GROVE | F-6. | Alderman Sohns moved to deny amending the Unified Development Ordinance (zoning map) to rezone certain parcels of land from R-6 Suburban Single-Family Residence District to R-8 Multiple-Family Residence District for Tuckaway Grove Condominiums, located approximately 8011 S. 76th Street, (Bradley Building Corporation), due to lack of compliance with the Comprehensive Master Plan and that it does not conform to existing single-family uses. Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| SPECIAL USE-
TUCKAWAY
GROVE | F-7. | Alderman Kosovich moved to deny a Special Use Permit for Tuckaway Grove Condominiums property, located approximately 8011 S. 76th St. (Bradley Building Corporation), to develop a condominium project due to lack of compliance with the existing zoning on the property and denial of the applicant's rezoning application. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| CONDOMINIUM
PLAT-TUCKAWAY
GROVE | F-8. | Alderman Kosovich moved to deny a Condominium Plat, date-stamped July 8, 2005 for Tuckaway Grove Condominiums, located at approximately 8011 S. 76th Street, Bradley Building Corporation, due to lack of compliance with the existing zoning and denial of the applicant's rezoning application. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| CONSERVATION
EASEMENT-
TUCKAWAY
GROVE | F-9. | Alderman Solomon moved to deny execution of a Conservation Easement with the developer of Tuckaway Grove Condominiums, located at approximately 8011 S. 76th Street, Bradley Building Corporation, due to lack of compliance with the existing zoning on the property and denial of the applicant's rezoning application. Seconded by Alderman Kosovich. All voted Aye; motion carried. |
| UDO-
"IN-LAW/
FAMILY UNITS" | F-10. | Alderman Skowronski moved to deny approval of an amendment to the Unified Development Ordinance, Division 15-3.0700, Section 15-3.0702, as it could result in two-family uses in single-family districts. Seconded by Alderman Hammelman. All voted Aye; motion carried. |

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- RES. 2005-5929 F-11. Alderman Sohns moved to adopt Resolution No. 2005-5929, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR RIVER HIGHLANDS SUBDIVISION LOCATED APPROXIMATELY AT SOUTH 51ST STREET AND WEST DREXEL AVENUE (RIVER HIGHLANDS LLC). Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2005-5930 F-12. Alderman Kosovich moved to adopt Resolution No. 2005-5930, A RESOLUTION APPROVING A REPLAT FOR OUTLOT 1 OF THE FINAL PLAT FOR YORKSHIRE GROVE SUBDIVISION LOCATED APPROXIMATELY SOUTH OF WEST PUETZ ROAD BETWEEN SOUTH 27TH STREET AND SOUTH 35TH STREET (MLG RE 2002 LLC). Seconded by Alderman Sohns. All voted Aye; motion carried.
- CHANGE ORDER- F-13. Alderman Skowronski moved to authorize the City Engineer to sign W. FOREST HOME AVENUE Change Order No. 1 and Final with Mainline Sewer and Water for an increase of \$10,434.09 resulting in the revised contract amount of \$194,265.19 and final payment of \$21,286.18. Seconded by Alderman Sohns. All voted Aye; motion carried.
- WATER MAIN F-14. Alderman Solomon moved to direct staff to proceed with the process to FUNDING-S. 27TH STREET install water main on S. 27th Street from W. Ryan Road to W. Oakwood Road and the sanitary sewer and water main on W. Oakwood Road from S. 27th Street to a point 1/2 mile to the west under the process of special assessment. Seconded by Alderman Sohns. All voted Aye; motion carried.
- S. 31ST STREET F-16. Alderman Hammelman moved to direct staff to proceed with the EXTENSION process to install sanitary sewer and water main on S. 31st Street from a point 1/2 mile north at W. Drexel Avenue to W. Rawson Avenue under the process of special assessment. Seconded by Alderman Sohns. All voted Aye; motion carried.
- FRANKLIN ESTATE F-17. Alderman Sohns moved to direct staff to survey the Franklin Estates SUBDIVISION relative to the extension of water main and bring the WATER MAIN results back to the Common Council for a decision on the area to be EXTENSION served by a water main extension. Seconded by Alderman Solomon. All voted Aye; motion carried.

It was further moved by Alderman Sohns to authorize the City Engineer to proceed with a contract not to exceed \$25,000 for engineering services for water main extension in the Franklin Estates Subdivision. Seconded by Alderman Solomon. All voted Aye; motion carried.

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- WATER MAIN EXTENSION-S. 27TH STREET F-18. Alderman Kosovich moved to direct staff to draft a development agreement for the extension of water main to 8153 S. 27th Street and return said agreement to the 8/9/05 Common Council meeting. Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES. 2005-5931 HUMAN RESOURCES COORDINATOR F-19. Alderman Sohns moved to adopt Resolution No. 2005-5931, A RESOLUTION APPROVING A JOB DESCRIPTION FOR THE HUMAN RESOURCES COORDINATOR POSITION. Seconded by Alderman Solomon. All voted Aye; motion carried.
- 50TH ANNIVERSARY F-20. Alderman Sohns moved to initiate preparation of Franklin's 50th Anniversary and appoint Alderman Skowronski as chair, with the chair to review needs and report back to the Common Council on estimated request of funds to be designated. Seconded by Alderman Solomon. All voted Aye; motion carried.
- OAK LEAF TRAIL F-21. Milwaukee County Parks Department representatives Jim Ciha and Guy Smith presented an update on the status of the Oak Leaf Trail to the Common Council for their information.
- CLOSED SESSION- F-22. Alderman Skowronski moved to enter closed session at 7:45 p.m. pursuant to §19.85(1)(e), Stats., to deliberate and negotiate terms relating to the sale and purchase of Franklin Business Park properties located on Ashland Drive (part as a subject of street vacation) West of South Oakwood Park Drive, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Sohns. On roll call, all voted Aye; motion carried.

The Common Council reentered open session at 8:10 p.m.

Alderman Kosovich moved to authorize the Engineering Department to obtain the necessary design and bid work from R.A. Smith for the construction of a 42 inch storm sewer from the proposed Lot 2, Southeasterly to the water retention basin; that any technical corrections necessary to the street description in the West Ashland Way street vacation documents be corrected as part of any conveyance; and that the additional terms and conditions of the property sale to VTLC Development, LLC Beck Carton Corporation and TransPak Corporation, as presented to the Common Council in closed session, are approved. Seconded by Alderman Sohns. All voted Aye; motion carried.

Alderman Solomon moved to schedule a Special Common Council meeting on 8/4/05 at 6:30 p.m. regarding the sale and purchase of Franklin Business Park properties located on Ashland Drive (part as a subject of street vacation) West of South Oakwood Park Drive. Seconded by Alderman Sohns. All voted Aye; motion carried.

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CLOSED
SESSION-
CONTINUED

Alderman Solomon moved to schedule a Community Development Authority meeting in conjunction with previously scheduled Common Council meeting on 8/4/05, 6:30 p.m. regarding the sale and purchase of Franklin Business Park properties located on Ashland Drive (part as a subject of street vacation) West of South Oakwood Park Drive. Seconded by Alderman Sohns. All voted Aye; motion carried.

MISCELLANEOUS
LICENSES

H-1.

Alderman moved to grant the following licenses subject to meeting all licensing requirements:

05-06 Operator License to Janine M. Adamczyk, 3217 W. Verona Court., Milwaukee; Lucky Y. Elmer, 4601 S. First Street #332, Milwaukee; Corey L. White, 6361 S. 27th Street #89; Lori A. Baker, W136 S6808 Sherwood Circle, Muskego; Jamie L. Christensen, 3444 Third Avenue, Racine; Cheryl Friend, 11920 W. Janesville Road, Hales Corners; Sandra L. Holding, 3629 E. Pulaski Avenue, Cudahy; Allen J. Jacobus, W143 S7615 Indian Trail, Muskego; Sharon J. Jazdze

Jazdzewski, 2810 S. 15th Place, Milwaukee; Elyse C. Kohlbeck, 6766 S. Highfield Drive, Oak Creek; Scott G. Mank, 3701 W. Oklahoma Avenue #6, Milwaukee; Shelly L. Marquardt, 6013 E. Windlake Road, Union Grove; Ashley M. Martin, 5989 Teakwood Drive, Greendale; Sara R. Tickanen, 842 18th Avenue #105, Union Grove; Clement R. Vaia, 1626 N. Prospect #303, Milwaukee and Michael J. Welch, 552 S. Towne Drive #2207, South Milwaukee;

04-05 Operator License to Lucky Y. Elmer, 4601 S. First Street #332, Milwaukee;

Extraordinary Entertainment & Amusement to Metropolitan Builders Association, Parade of Homes, Matt Moroney, Prairie Grass Preserve Subdivision from 8/19 thru 9/11/05;

and also moved to hold Operator License for Jennifer Kleinschnilz, 11621 W. Orange Avenue, Hales Corners for additional information and Debra A. Reichart, 22217 Eight Mile Road, Muskego subject to appearing before the License Committee;

No action necessary for Operator License for Nicholas M. Packard, 4721 Gunderson Road, Waterford;

and also moved to deny 05-06 Operator License for Christopher S. Rolfson, 8080 S. 47th Street, for law offender related to license contrary to §125.04(5)(a)1. Seconded by Alderman Hammelman. All voted Aye; motion carried.

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- VOUCHERS I-1. Alderman Sohns moved to approve City vouchers in the range of 112211 thru 112370 in the amount of \$618,604.74. Seconded by Alderman Hammelman. On roll call, all voted Aye; motion carried.
- PAYROLL Alderman Kosovich moved to approve net payroll of July 22, 2005 in the amount of \$303,787.25. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.
- ADJOURNMENT J. Alderman Kosovich moved to adjourn the Common Council meeting at 8:21 p.m. Seconded by Alderman Hammelman. All voted Aye; motion carried.