

CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 21, 2012
MINUTES

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| ROLL CALL | A. | The regular meeting of the Common Council was held on August 21, 2012 and called to order at 6:30 p.m. by Mayor Tom Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Tim Solomon, Kristen Wilhelm, Steve Taylor, Doug Schmidt, and Ken Skowronski. Excused was Alderman Steve Olson. Also present were City Engineer John M. Bennett (arrived 6:50 p.m.), Director of Administration Mark Luberda, City Attorney Jesse Wesolowski and Deputy City Clerk Jodi Vanden Boom. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:34 p.m. and closed at 7:02 p.m. |
| EAGLE SCOUT | B.2.a. | Mayor Tom Taylor presented a Mayoral Proclamation to Luke Jameson Mathers, Eagle Scout. |
| APPROVAL OF MINUTES-8/07/12 | C.1. | Alderman Taylor moved to approve the minutes of the regular meeting of August 7, 2012. Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| APPOINTMENTS | E.1.a. | Alderman Skowronski moved to approve the Mayoral appointment of Alderman Solomon to the Complete Streets and Connectivity Committee. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried. |
| | E.1.b. | Alderman Wilhelm moved to approve the Mayoral appointment of John Michlig to the Complete Streets and Connectivity Committee. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried. |
| | E.1.c. | Alderman Solomon moved to approve the Mayoral appointment of Greg Kowalski to the Complete Streets and Connectivity Committee. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried. |
| | E.1.d. | Alderman Skowronski moved to approve the Mayoral appointment of Kevin Haley to the Complete Streets and Connectivity Committee. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried. |
| | E.1.e. | Alderman Solomon moved to approve the Mayoral appointment of Curt Bolton to the Complete Streets and Connectivity Committee. Seconded by Alderman Wilhelm. On roll call, all voted Aye; motion carried. |
| 4-H COMMUNITY CLUB | F.1. | A presentation was made by Jenni Vaughn, 4-H Youth Recruiter regarding an area community club. |

ORD. 2012-2089
PLANNED
DEVELOPMENT
DISTRICT NO. 37
THE ROCK SPORTS
COMPLEX

G.1. Alderman Solomon moved to adopt Ordinance No. 2012-2089, AN ORDINANCE TO CREATE SECTION 15-3.0442 OF THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX) AND TO REZONE PROPERTY FROM A-1 AGRICULTURAL DISTRICT, R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT AND FW FLOODWAY DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 37 AND FW FLOODWAY DISTRICT (AT APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE). Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Solomon moved to allow for the BMX portion in Phase I as described by Mr. Marso to include the BMX revisions. Seconded by Alderman Skowronski. All voted Aye; motion carried.

Alderman Wilhelm moved to direct the City Attorney to make technical changes and corrections to Ordinance No. 2012-2089 including approved uses which discuss time period and the application, the planting guarantee and the hours of operation for BMX trails. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Solomon moved with regard to approximately five acre area shown on the site plan for future soccer uses known as Phase III in the applicants narrative and installation of berming, that particular future use is not approved at this time and will be subject to future review and possible approval following a public hearing for that area.. Seconded by Alderman Skowronski. All voted Aye; motion carried.

DAVID W. BEHRENS,
PRINCIPAL OF
GREENBERGFARROW
ARCHITECTURE INC.,
APPLICANT

G.2. Alderman Wilhelm moved to table Meijer development proposals
G.3. to the Common Council meeting of 9/04/12 until the alderman
G.4. can be present and the Department of Natural Resources and
G.5. Department of Transportation permits are satisfied. Seconded by
Alderman Schmidt. Alderman Wilhelm withdrew her motion and
Alderman Schmidt withdrew his second.

Alderman Solomon moved to postpone the following Meijer development proposals to Common Council meeting of 9/04/12 or sooner. Seconded by Alderman Schmidt. All voted Aye; motion carried.

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE FUTURE LAND USE MAP USE DESIGNATION FOR PROPERTY LOCATED AT THE EASTERN CORNER OF WEST LOOMIS ROAD AND WEST ST. MARTINS ROAD

GREENBERGFARROW
ARCHITECTURE INC.,
APPLICANT –
CONTINUED

(STH 100), FROM MIXED USE TO COMMERCIAL USE AND TO CHANGE THE CITY OF FRANKLIN CROSSROADS TRADE AREA REGULATING PLAN TO ALLOW FOR SUCH COMMERCIAL USE (APPROXIMATELY 29.48 ACRES) (DAVID W. BEHRENS, PRINCIPAL OF GREENBERGFARROW ARCHITECTURE INC., APPLICANT);

The adoption of the standards, findings and decision of the City of Franklin Common Council upon the application of David W. Behrens, Principle of GreenbergFarrow Architecture, Inc., for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance (approximately the eastern corner of W. Loomis Road and W. St. Martins Road [STH 100]);

AN ORDINANCE TO CREATE SECTION 15-3.0441 OF THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 36 (MEIJER GROCERY AND DEPARTMENT STORE DEVELOPMENT) AND TO REZONE PROPERTY FROM B-3 COMMUNITY BUSINESS DISTRICT, PLANNED DEVELOPMENT DISTRICT NO. 31 (FORESTHILL HIGHLANDS/UNITED FINANCIAL GROUP, INC.) AND FW FLOODWAY DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 36 AND FW FLOODWAY DISTRICT (AT THE EASTERN CORNER OF WEST LOOMIS ROAD AND WEST ST. MARTINS ROAD [STH 100]);

RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING PART OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 21 EAST, AND THAT PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 21 EAST AND BEING ALL THAT PART OF THE SOUTH ½ OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN (LEGEND CREEK, LLC, OWNER, PAUL BOURAXIS.

RES. 2012-6829
CONSERVATION
EASEMENT-
WHEATON
FRANCISCAN
HEALTHCARE-
FRANKLIN, INC.

G.6. Alderman Taylor moved to adopt Resolution No. 2012-6829, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SPECIAL USE FOR A NEW MEDICAL OFFICE BUILDING GREATER THAN 40,000 SQUARE FEET IN AREA USE UPON PROPERTY LOCATED AT 9969 SOUTH 27TH STREET (WHEATON FRANCISCAN HEALTHCARE-FRANKLIN,

WHEATON-
CONTINUED

INC., APPLICANT). Seconded by Alderman Wilhelm. All voted Aye; motion carried.

FRANKLIN
INVESTMENT
PROPERTIES LLC,
APPLICANT

- G.7. Alderman Taylor moved to table: AN ORDINANCE TO
- G.8. AMEND THE UNIFIED DEVELOPMENT ORDINANCE
- G.9. (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-1 COUNTRYSIDE/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO A-1 AGRICULTURAL DISTRICT (FRANKLIN INVESTMENT PROPERTIES LLC, APPLICANT) (APPROXIMATELY 11.96902 ACRES) (11052-11056 SOUTH 76TH STREET); A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A PUBLIC HORSE STABLE BUSINESS USE UPON PROPERTY LOCATED AT 11052-11056 SOUTH 76TH STREET (FRANKLIN INVESTMENT PROPERTIES LLC, APPLICANT) and AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE FUTURE LAND USE MAP USE DESIGNATION FOR PROPERTY LOCATED AT 11052-11056 SOUTH 76TH STREET FROM RESIDENTIAL USE TO AGRICULTURAL USE (APPROXIMATELY 11.72 ACRES) (FRANKLIN INVESTMENT PROPERTIES LLC, APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. 2012-6830
HOLDING TANK-
FED EX FREIGHT

- G.10. Alderman Taylor moved to adopt Resolution No. 2012-6830, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A REPLACEMENT HOLDING TANK AGREEMENT WITH FED EX FREIGHT, 10613 S. 27TH STREET, TAX KEY NO. 951-9996-009. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

RYAN CREEK
INTERCEPTOR
CHANGE ORDER

- G.11. Alderman Skowronski moved to authorize the City Engineer to sign Change Order No. 4 for the Ryan Creek Interceptor Project-Contract No. 3 with D.F. Tomasini, Inc. for \$21,605.92 increasing the contract from \$5,502,022.76 to \$5,523,628.68 for utility adjustments on Parcel No. 21 – 9733 W. Ryan Road. Seconded by Alderman Taylor. All voted Aye; motion carried.

S. 51ST STREET
CONCRETE CURB AND
GUTTER

- G.12. Alderman Schmidt moved to authorize staff to sign a change order to S. 51st Street contract with Payne & Dolan, Inc., for removing and replacing concrete curb and gutter in the amount of \$17,476. Seconded by Alderman Taylor. All voted Aye; motion carried.

- RES. 2012-6831
AGREEMENT-
STORMWATER
MANAGEMENT
REVIEW
- G.13. Alderman Skowronski moved to adopt Resolution No. 2012-6831, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICE AGREEMENT WITH GRAEF TO PROVIDE STORMWATER MANAGEMENT REVIEW. Seconded by Alderman Taylor. All voted Aye; motion carried.
- QUARRY
MONITORING
PROPOSALS
- G.14. Alderman Wilhelm moved to forward Quarry Monitoring Proposals to Quarry Monitoring Committee for review and recommendation back to Common Council. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- RES. 2012-6832
REFUSE
COLLECTION
- G.15. Alderman Wilhelm moved to adopt Resolution No. 2012-6832, A RESOLUTION AWARDED A FIVE YEAR CONTRACT FOR REFUSE COLLECTION, DISPOSAL AND RECYCLING TO JOHNS DISPOSAL SERVICE, INC. Seconded by Alderman Taylor. Alderman Wilhelm called the question. On the vote for the main motion, on roll call, all voted Aye; motion carried.
- NUISANCE PREMISES
ORDINANCES REVIEW
- G.16. At 8:33 p.m. Mayor Tom Taylor passed the gavel to Council President Steve Taylor, who then chaired the meeting. The gavel was returned to Mayor Tom Taylor at 8:35 p.m., who then returned to chairing the meeting.
Alderman Wilhelm moved to direct the Police Chief and City Attorney to review the Municipal Code with regard to the regulation of nuisance premises and such regulations as may exist in other municipal codes and report back to the Common Council with a recommendation as to potential City legislation on the subject for further consideration and potential action by the Common Council. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- MISCELLANEOUS
LICENSES
- H.1. Alderman Solomon moved to grant the following licenses:
- 2012-13 Operator License to: Amanda J. Schaefer, 3272 S. Quincy Ave., Milwaukee with letter from City Clerk; Nicole A. Hall, 1983 S. 83rd St., West Allis; Aaron L. Andrew, 3441 S. 50th Pl., Greenfield; Russell A. Billings, 8931 S. 83rd St.; Doreen J. Burnside, 7802 S. Tuckaway Shores Dr.; Shannon L. Coyle, 4461 S. 49th St., Greenfield; Nicole L. Ellis, 7331 W. Wind Lake Rd., Wind Lake; Melissa A. Gatz, 8466 S. Deerwood Ln.; Tiffany A. Jones, 3618 N. 57th St., Milwaukee; Rhiannon J. Phaneuf, 2034 S. 58th St., West Allis and William Piette, 614 Cherry St., South Milwaukee;
- Temporary Operator to Thomas N. Cane, 5432 Olympia Dr., Greendale for Knights of Columbus Fair-Sacred Hearts Monastery on 9/02/12 only;

LICENSES-
CONTINUED

Extraordinary Entertainment & Amusement Event and Temporary Class B Beer License to Knights of Columbus Trinity Council 4580, Person in Charge: Rudy Mishich at 7335 S, Lovers Lane Rd. on 9/2/12 from 9 a.m. to 6 p.m.;

Day Care License to Academy of Performing Arts, Director: Stacy M. Tuschl, 7221 S. 76th Street subject to satisfactory inspections;

Temporary Class B Wine & Beer License to Franklin Lioness Club, Person in Charge: Jacqueline M. Glanzmann, St. Martins Fair on 9/2-3/2012;

Further moved to hold Operator License for Miquel A. Gutierrez, 913 W. Washington St., Milwaukee subject to appearing before the License Committee. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman Schmidt moved to approve net City vouchers in the range of Nos. 143889 through 144055 dated August 21, 2012 in the amount of \$2,276,811.95. Seconded by Alderman Skowronski. On roll call, all voted Aye. Motion carried.
Alderman Solomon moved to approve net payroll dated August 10, 2012 in the amount of \$371,217.57. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:40 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.