

APPROVED AUGUST 20, 2019

CITY OF FRANKLIN COMMON COUNCIL MEETING AUGUST 6, 2019 MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on August 6, 2019 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber, and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

- B.1 Citizen comment period was opened at 6:31 p.m. and closed at 6:34 p.m.

MINUTES JULY 16, 2019

- C. Alderman Dandrea moved to approve the minutes of the regular Common Council Meeting of July 16, 2019 as presented at this meeting. Seconded by Alderman Taylor. All voted Aye; motion carried.

PUBLIC HEARING 2025 COMP MASTER PLAN 11327 W. RYAN RD. TKN: 892-9993-001

- D. A public hearing was called to order at 6:36 p.m. regarding a proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property generally located at 11327 West Ryan Road (Outlot 2 of the approved Preliminary Plat for "Ryan Meadows", except the northerly 30 feet also known as part of Tax Key No. 892-999-001 (the approximately 1.17 acre portion of parcel 892-9993-01)), from Business Park Use to Residential Use (Mills Hotel Wyoming, LLC, Applicant, Eugene and Marlene Magarich, property owners) [the Comprehensive Master Plan Amendment is contingent upon land transfer or Final Plat recording]. The property which is the subject of this application currently bears Tax Key No. 892-9993-001. The public hearing was closed at 6:36 p.m.

MAYORAL APPOINTMENTS

- E. Alderman Dandrea, seconded by Alderman Mayer, moved to confirm the Mayoral appointments of David Fowler to the Plan Commission for a 3-year term expiring 4/30/2022 and Ken Hritz to the Environmental Commission for a 3-year unexpired term expiring 4/30/2021. Seconded by Alderman Mayer.

Alderman Dandrea withdrew his motion and Alderman Mayer withdrew his second.

It was then moved by Alderman Dandrea to confirm the Mayoral Appointments of David Fowler, 7549 S. Riverview Rd., Ald. Dist. 1, to the Plan Commission for a 3-year term expiring 4/30/2022. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

Alderman Nelson then moved to confirm the Mayoral appointment of Ken Hritz, 12045 W. Steven. Pl., Ald. Dist. 6, to the Environmental Commission for a 3-year unexpired term expiring 4/30/2021. Seconded by Alderman Barber. All voted, Aye; motion carried.

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| CONSENT AGENDA | G.1. | Alderman Taylor moved to approve the following consent agenda items: |
| RES. 2019-7518
STORM WATER MAINT.
(RYANWOOD MANOR) | G.1.(a) | Adopt Resolution No. 2019-7518, A RESOLUTION TO AUTHORIZE ACCEPTANCE OF STORM WATER FACILITIES MAINTENANCE AGREEMENTS FROM OAKWOOD AT RYAN CREEK, LLC AND ASPEN WOODS, LLC. |
| SECOND
STORMGUARDEN
FROM MMSD | G.1.(b) | Accept a second Stormguarden® unit from Milwaukee Metropolitan Sewerage District (MMSD) at Franklin City Hall, 9229 W. Loomis Road. |
| ADJUST APPROVED
DPW POSITIONS | G.1.(c) | Approve increasing the heavy equipment operator staffing by one (to six positions) and decrease the assistant mechanic staffing by one (to one position) in the Department of Public Works. |
| WEBSITE REDESIGN
UPDATE (CMS) | G.1.(d) | No action required on an update on website redesign to latest version of Northwoods Titan Content Management System (CMS). |
| TRICK OR TREAT | G.1.(e) | Establish Sunday, October 27, 2019 from 4:00 p.m. to 7:00 p.m. for the Halloween Trick-or-Treat observance. |
| DONATIONS TO
POLICE DEPT. | G.1.(f) | Accept the following donations for the Franklin Police Department for deposit into their respective accounts:
Crime Presentation, National Night Out; Ascension Franklin, \$1,000; Crossroads Pizza & Subs, \$100; Gina Moretti (Tutor Doctor), \$100; McAvoy Chiropractic, \$100; North Shore Bank, \$500; Northwestern Mutual, \$2,000; Parallel Employment, \$100; Pyramax Bank, \$500; US Bank, \$2,000; Volition Franklin, \$100; Waterstone Bank, \$1,000; Police Donation, General; Franklin Lioness Club, \$150. |

call, Alderman Dandrea, Alderman Mayer, Alderwoman Wilhelm, Alderman Barber and Alderman Nelson voted Aye; Alderman Taylor voted No. Motion carried.

No action was taken regarding the update on the City Hall Roof, HVAC and Fascia Wood Replacement project.

BALLPARK COMMONS
PROJECT UPDATE

G.5. No action was taken following a project update on Ballpark Commons presented by Ballpark Commons' representatives.

RES. 2019-7519
BERM EASEMENT FOR
FOUR, 3-STORY 53 UNIT
BALLPARK COMMONS
APT. BLDS. (ZIM-MAR
PROPERTIES, LLC)

G.6. Alderman Taylor moved to adopt Resolution No. 2019-7519, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A BERM EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR FOUR, 3-STORY, APPROXIMATELY 54 UNIT APARTMENT BUILDINGS DEVELOPMENT AT BALLPARK COMMONS (7125, 7165, 7195, AND 7250 SOUTH BALLPARK DRIVE, FORMERLY APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, PROPERTY OWNER) SUBJECT TO MINOR TECHNICAL CORRECTIONS BY STAFF. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7520
CONSERVATION
EASEMENT BALLPARK
COMMONS APT. BLDS.
(ZIM-MAR PROPERTIES,
LLC)

G.7. Alderman Barber moved to adopt Resolution No. 2019-7520, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR FOUR, 3-STORY, APPROXIMATELY 54 UNIT APARTMENT BUILDINGS DEVELOPMENT AT BALLPARK COMMONS (7125, 7165, 7195, AND 7250 SOUTH BALLPARK DRIVE, FORMERLY APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, PROPERTY OWNER) SUBJECT TO MINOR TECHNICAL CORRECTIONS BY STAFF. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- RES. 2019-7521
LANDSCAPE
BUFFERYARD
EASEMENT BALLPARK
COMMONS APT. BLDS.
(ZIM-MAR PROPERTIES,
LLC)
- G.8. Alderman Taylor moved to adopt Resolution No. 2019-7521, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR FOUR, 3-STORY, APPROXIMATELY 54 UNIT APARTMENT BUILDINGS DEVELOPMENT AT BALLPARK COMMONS (7125, 7165, 7195, AND 7250 SOUTH BALLPARK DRIVE, FORMERLY APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, PROPERTY OWNER) SUBJECT TO MINOR TECHNICAL CORRECTIONS BY STAFF. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2019-7522
EASEMENTS FOR VELO
VILLAGE (TKN: 754-
9001-000, 754-9002-000,
AND 754-9008-000)
- G.9. Alderman Dandrea moved to adopt Resolution No. 2019-7522, A RESOLUTION ACCEPTING A NEW STORM DRAINAGE, SANITARY SEWER, AND WATERMAIN EASEMENTS FOR VELO VILLAGE APARTMENTS AT BALLPARK COMMONS 7125, 7165, 7195, AND 7235 SOUTH BALLPARK DRIVE. TAX KEY NUMBERS, 754-9001-000, 745-9002-000, AND 754-9008-000, subject to technical corrections, including, but not limited to verification that utilities were constructed where they were designed (receipt and attachments of as-builts). Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2019-7523
TERMINATION OF
PROPOSED CSM
EASEMENTS (ZIM-MAR
PROPERTIES)
- G.10. Alderman Taylor moved to adopt Resolution No. 2019-7523, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TERMINATION OF PROPOSED CSM EASEMENTS (VELO VILLAGE AT BALLPARK COMMONS PROPERTY) (ZIM-MAR PROPERTIES, LLC, OWNER). Seconded by Alderman Nelson. All voted Aye; motion carried.
- FRANKLIN PUBLIC
SCHOOLS REVISION OF
§92-9. MUN. CODE
IMPACT FEE
- G.11. Alderwoman Wilhelm moved to direct staff to investigate and prepare an ordinance exempting Public School Districts from subject to City-imposed impact fees as set forth in §92-9. of the Municipal Code, authorizing continued deferral of payment of impact fees on the new Forest Park Middle School pending final resolution on the proposed ordinance with such deferral subject to issuance of only a conditional occupancy permit until such matter is resolved or such fees are paid, including preparing a public facility needs assessment and holding a public hearing. Seconded by Alderman Mayer. All voted Aye; motion carried.

- RAWSON HOMES AREA ROAD REPAIRS G.12. No action was taken following the updated plan to address road repairs in the Rawson Homes Neighborhood area as presented by the City Engineer.
- ORD. 2019-2387
APPROPRIATIONS FOR
RAWSON HOMES
STREET REPAIRS G.13. Alderwoman Wilhelm moved to adopt Ordinance No. 2019-2387, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE STREET IMPROVEMENT FUND FOR FISCAL YEAR 2019 TO ESTABLISH APPROPRIATIONS FOR RAWSON HOMES STREET REPAIRS. Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.
- RES. 2019-7524
AWARD RAWSON
HOMES PAVING
CONTRACT TO STARK
PAVEMENT CORP. G.14. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7524, A RESOLUTION TO AWARD PAVING CONTRACT FOR STARK PAVEMENT CORPORATION TO CONSTRUCT 2019 RAWSON HOMES PAVEMENT IN THE AMOUNT OF \$212,685.00. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2019-7525
PRELIM. PLAT FOR
OAKES ESTATES AT S.
92 ST. AND W. WOELFEL
RD. (OAKES ESTATES
LLC, APPLICANT) G.15. Alderman Mayer moved to adopt Resolution No. 2019-7525, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR OAKES ESTATES SUBDIVISION (AT APPROXIMATELY SOUTH 92ND STREET AND WEST WOELFEL ROAD), (MAXWELL J. OAKES AND DANIEL D. OAKES-OAKES ESTATES LLC, APPLICANT). Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2019-7526
AMEND RES. 2019-7473
SPECIAL USE FOR TWO-
FAMILY SIDE BY SIDE
LOCATED AT 10504 W.
CORTEZ CIR. G.16. Alderman Nelson moved to adopt Resolution No. 2019-7526, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A TWO-FAMILY RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE (GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY, INC., APPLICANT) TO RESCIND AND DELETE CONDITIONS NUMBER 4 AND NUMBER 5, TO DELETE "OCCUPANCY PERMIT" AND IN PLACE THEREOF INSERT "BUILDING PERMIT" IN REGARD TO THE EXPIRATION OF THE SPECIAL USE APPROVAL, AND TO DELETE THE WOODLAND AREAS AS DEPICTED UPON THE PLAT OF SURVEY AND SITE PLAN WHICH ARE INCLUDED WITHIN EXHIBIT A OF RESOLUTION NO. 2019-7473. Seconded by Alderman Taylor. All voted Aye; motion carried.

- RES. 2019-7527
CONSERVATION
EASEMENT FOR 2-
FAMILY SIDE BY SIDE
TOWNHOME AT 10504
W. CORTEZ CIR.
- G.17. Alderman Nelson moved to adopt Resolution No. 2019-7527, A REQUEST TO RESCIND RESOLUTION NO. 2019-7477, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND NATURAL RESOURCE PROTECTION PLAN FOR A TWO-FAMILY RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE, AND TO VACATE, WAIVE AND RELEASE THE CONSERVATION EASEMENT (GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY, INC., APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2019-7528
FINAL PLAT FOR
FAITHWAY RESERVE
7711 S. 76 ST.
- G.18. Alderman Barber moved to approve Resolution No. 2019-7528, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR FAITHWAY RESERVE SUBDIVISION (AT 7711 SOUTH 76TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2019-7529
SUBD. DEV.
AGREEMENT
FAITHWAY RESERVE
SUBDIVISION
- G.19. Alderman Mayer moved to adopt Resolution No. 2019-7529, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH DEVELOPER OF FAITHWAY RESERVE SUBDIVISION. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2019-7530
VACATE SEWER
EASEMENT FOR
FAITHWAY RESERVE
SUBD. (S. 76 ST. AND W.
FAITH DR.)
- G.20. Alderman Mayer moved to adopt Resolution No. 2019-7530, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO APPROVE A REQUEST TO VACATE A SANITARY SEWER EASEMENT FOR FAITHWAY RESERVE SUBDIVISION, subject to technical corrections by the City Engineer and City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.
- MODEL HOME CONSTR.
AND TEMP.
OCCUPANCY AT
FAITHWAY RESERVE (S.
76 ST. AND W. FAITH
DR.) CREATIVE HOMES
- G.21. Alderman Mayer moved to approve request from Creative Homes to allow construction and temporary occupancy for a model home on Lot 3 of Faithway Reserve (S. 76th Street and W. Faith Drive) conditional upon Staff's satisfaction that stormwater facilities are sufficient to protect downstream areas. Seconded by Alderman Barber. All voted Aye; motion carried.

At 7:14 p.m. Alderman Mayer vacated his seat and returned at 7:18 p.m.

- RES. 2019-7531
AGREEMENT WITH
CONCORD GROUP FOR
W. PUETZ RD.
STP GRANT
APPLICATION
- G.22. Alderman Dandrea moved to adopt Resolution No. 2019-7531, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A TIME AND EXPENSE PROFESSIONAL ENGINEERING AGREEMENT WITH CONCORD GROUP FOR SERVICES RELATED TO THE PREPARATION OF W. PUETZ ROAD SURFACE TRANSPORTATION URBAN PROGRAM (STP) GRANT APPLICATION FOR THE WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) 2020-2025 PROGRAM CYCLE FOR AN ESTIMATED AMOUNT OF \$13,480. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2019-2388
RECLASS
CONTINGENCY
APPROPRIATIONS
- G.23. Alderman Taylor moved to adopt Ordinance No. 2019-2388, AN ORDINANCE TO AMEND ORDINANCE NO. 2018-2345, ADOPTING THE 2019 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY FUND TO RECLASS CONTINGENCY APPROPRIATIONS TO PROPER CLASSIFICATIONS. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- JUNE 2019 FINANCIAL
REPORT
- G.24. Alderman Taylor moved to receive and place on file the June, 2019 Monthly Financial Report. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- DPW 2019 BUDGET
MONITORING
- G.25. No action was taken reference the Department of Public Works 2019 Budget review.
- RES. 2019-7532
AMEND DEBT POLICY
STATEMENT
- G.26. Alderman Dandrea moved to adopt Resolution No. 2019-7532, A RESOLUTION TO AMEND THE DEBT POLICY STATEMENT FOR THE CITY OF FRANKLIN. Seconded by Alderman Barber. All voted Aye; motion carried.
- VOUCHERS AND
PAYROLL
- H.1. Alderman Mayer moved to approve the following:
City vouchers with an ending date of August 1, 2019 in the amount of \$5,479,873.71; and payroll dated July 19, 2019 in the amount of \$405,646.19 and payments of the various payroll deductions in the amount of \$420,320.74, plus City matching payments; and payroll dated August 2, 2019 in the amount of \$377,885.15 and payments of the various payroll deductions in the amount of \$203,045.43; plus City matching payments and estimated payroll dated August 16, 2019 in the amount of \$384,000.00 and payments of the various payroll deductions in the amount of \$410,000.00 plus City matching payments; and Property Tax investments with an ending date of July 31, 2019 in the amount of \$9,000,000.00 and approval to release

payment to Wrayburn Consulting in the amount of \$2,520.00. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

LICENSES AND
PERMITS

I.1. Alderman Taylor moved to approve the following license recommendations from the License Committee meeting of August 6, 2019:

Grant 2018-2019 and 2019-2020 Operator license Aimee E Waraza, 2835 S 130th St, New Berlin, with a warning letter from the City Clerk; and 2019-2020 Operator licenses to Megan E Dauenhauer, 411 W Swan Circle #2914, Oak Creek with a warning letter from the City Clerk;

Grant Heather M Cullen, 4332 N 94th St, Apt. 204, Wauwatosa; Angela M Damask, 3260 S 7th St, Milwaukee; Rajab R Elsharef, 8906 S Pond View Dr, Oak Creek; Justice D Escamilla, 3163 W Briarwood Dr; Alan D Fay, 2855 N Herman St, Milwaukee; Madeline A Gernhauser, 1124 Sundance Lane, Racine; Gloria J Grabarczyk, 7467 S 69th St; Taylor I Klafka, 4785 S 82nd St, Greenfield; Tracy Kukla Lewis, 7640 S Mission Ct; Kim T Kuklinski, 7555 Parkview Rd #26, Greendale; Pamela J LeHouillier, 6456 W River Pointe Dr; David P Linder, 4007 W Acre Ave; Benjamin L Nelson, N51 W16426 Fair Oak Parkway, Menomonee Falls;

Hold a review of Class B Combination and Restaurant License for QT Pizza LLC, d/b/a Rounding Third Pizzeria, Agent Susan Toetz, 7119 S 76th St, pending appearance; and

Grant Temporary Class "B" Beer to Franklin Little League (Heather Herling), for their Picnic on 05/10/2019; Franklin Lions Club (David Lindner) for St. Martins Fair on 09/01/2019 to 09/02/2019; Franklin Lioness Club (Gloria Grabarczyk) for St. Martins Fair on 09/01/2019 to 09/02/2019. Seconded by Alderman Nelson. All voted Aye; motion carried.

CLOSED SESSION
TID 5 DEV. AGREEMENT
WITH BPC

G.27. Alderman Barber moved to enter closed session at 7:35 p.m. pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon a Second Amendment to Tax Incremental District No. 5 Development Agreement between the City of Franklin and BPC Master Developer, LLC (Developer), the negation of the Amendment to Agreement terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at

RES. 2019-7533
SECOND AMENDMENT
TID 5

the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

The Common Council reentered open session at 8:02 p.m.

Alderman Dandrea moved to adopt Resolution No. 2019-7533, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SECOND AMENDMENT TO TAX INCREMENTAL DISTRICT NO. 5 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FRANKLIN AND BPC MASTER DEVELOPER, LLC (DEVELOPER). BALLPARK COMMONS, FRANKLIN, WISCONSIN (PROJECT) as included in the Common Council Meeting Agenda packet and with regard to the provisions of the “Now, therefore, be it resolved”, the inclusion of the bracketed language “in such form and content as annexed hereto”, and bracketed language “subject to technical and/or minor changes which may be approved by the Economic Development Director, the Director of Finance & Treasurer, Special Counsel, and the City Attorney.” (Other bracketed language in the paragraph provision is to be struck.) On roll call, voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:04 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.