

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, APRIL 21, 2015  
AT 6:30 PM**

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.  
Mayoral Announcements:
1. Proclamation – Alexander Mathers, Ald. District 4 (Eagle Scout Court of Honor).
  2. Press release from American Transmission Company seeking approval from the Public Service Commission to rebuild 14-miles of transmission lines from St. Martins Substation to Big Bend and Mukwonago.
  3. County Assessment Proposal removed from the State Budget.
- C. Approval of minutes:  
April 7, 2015 Common Council meeting.
- D. Hearings.
- E. Organizational Business.  
Mayoral Appointment to Boards and Commissions:
- Civic Celebrations Committee:
1. John Bergner, 8501 S. Parkland Dr, (Ald. Dist. 4), 3 year term expires 6/30/18.
  2. Jeanine Olson, 9044 W. Elm Ct., Unit E (Ald. Dist. 1), 3 year term expires 6/30/18.
  3. Randy Grass, 9056 W. Elm Ct., Unit F (Ald. Dist. 1), 3 year term expires 6/30/18.
  4. David J. Miller, 8508 S. Deerwood Ln. (Ald. Dist. 6), 3 years term expires 6/30/18.
- Environmental Commission:
5. Wesley Cannon, 8112 S. Lakeview Dr. (Ald. Dist. 5), 3 year term expires 4/30/17.
  6. Curtis Bolton, 8035 W. Imperial Dr. (Ald. Dist. 2), 3 year term expires 4/30/18.
  7. Albert Rindfleisch, 6860 S. 111<sup>th</sup> St. (Ald. Dist. 6), 3 year term expires 4/30/18.
- Fair Commission:
8. Romaine Denk, 9170 W. Highland Park Ave. #451 (Ald. Dist. 1), 3 year term expires 4/30/18.
  9. Rosemarie Bosch, 11625 W. St. Martins Rd. (Ald. Dist. 6), 3 year term expires 4/30/18.

Finance Committee:

10. Dennis Ciche, 8128 S. 43<sup>rd</sup> St. (Ald. Dist. 5), 1 year term expires 4/30/16.
11. Kevin Mineard, 8050 S. 35<sup>th</sup> St. (Ald. Dist. 4), 1 year term expires 4/30/16.
12. Robert Campbell, Jr., 5416 W. Behrendt St. (Ald. Dist. 5), 1 year term expires 4/30/16.
13. John Howard, 6658 W. Robinwood Ln. (Ald. Dist. 5), 1 year term expires 4/30/16.

Board of Health:

14. Dr. Henry Wengelewski, 3643 W. Sharon Ln. (Ald. Dist. 5), 2 year term expires 4/30/17.
15. Robert Fedran, 9163 S. 42<sup>nd</sup> St. (Ald. Dist. 4), 2 year term expires 4/30/17.
16. Patricia Nissen, 8010 W. Coventry Dr. (Ald. Dist. 2), 2 year term expires 4/30/17.

Parks Commission:

17. Philip Nickerson, 12001 W. Scherrei Dr. (Ald. Dist. 6), 3 year term expires 4/30/18.

Personnel Committee:

18. Carol Brunner, 7473 S. Karth Ct. (Ald. Dist. 5), 3 year term expires 4/30/18.
19. Michael Barber, 7931 S. 61<sup>st</sup> St. (Ald. Dist. 5), 3 years term expires 4/30/18.

Plan Commission:

20. Scott Thinner, 7937 W. Beacon Hill Dr. (Ald. Dist. 1), 3 year term expires 4/30/18.
21. Patricia Hogan, 8239 W. Drexel Ave. (Ald. Dist. 1), 1 year term expires 4/30/16.

Board of Public Works:

22. Ken Skowronski II, 7960 S. 116<sup>th</sup> St. (Ald. Dist. 6), 3 year term expires 4/30/18.

Technology Commission:

23. Laura Galusha, 3922 W. Heatheridge Dr. (Ald. Dist. 3), 3 year term expires 4/30/18.

Board of Zoning/Building Appeals:

24. Bob Knackert, 9049 S. 83<sup>rd</sup> St. (Ald. Dist. 1), 3 year term expires 4/30/18.
25. Donald Adams (Alternate Member), 3211 W. Acre Ave. (Ald. Dist. 4), 3 year term expires 4/30/18.

F. Letters and Petitions:

Letter from Joel Salmon regarding action taken by Board of Water Commissioners at their February 17, 2015 meeting extending the water main along West St. Martins Road.

G. Reports and Recommendations:

1. Consent Agenda:
  - (a) Donations from Kwik Trip, Inc. in the amount of \$500 to the Police Department and \$500 to the Fire Department.

- (b) February 2015 Monthly Financial Report.
  - (c) Authorization for the Director of Administration to Enter into a New 4-Year Lease Agreement with Ricoh USA, Inc. for the City Hall's First Floor Main Copier.
  - (d) Request to Authorize the City to Participate in State Contract for Purchase of Salt.
  - (e) Temporary Street Closure Request in Conjunction with the June 6, 2015 Bike Rodeo.
2. Matt Talbot Recovery Services, Inc. 5 to 8 bedroom Community Based Residential Facility for the property located at 9132 South 92nd Street, Tax Key No. 886-9987-000; Letters and Petitions from Angeline Benning regarding Community Based Residential Facility at South 92nd Street and West St. Martins Road; Site Plan for a 5 to 8 Bedroom State Licensed Community Based Residential Facility Development (Matt Talbot Recovery Services, Inc., Applicant); Request from Matt Talbot Recovery Services, Inc. to extend water main along St. Martins Road, 90-degree bend to South 92nd Street, and past driveway to terminate water main at a possible future lot line.
  3. A Resolution Conditionally Approving a 2 Lot Certified Survey Map, being a Re-Division of Parcel 2 of Certified Survey Map No. 7251, being a Part of the Northwest 1/4 and the Southeast 1/4 Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Jack R. Styza and Alice Styza, Applicants) (9745 West Woelfel Road).
  4. A Resolution to Reimburse Victory of the Lamb Church for Expenses Related to the Design of a City park at 11120 W. Loomis Road.
  5. Kayla's Playground Status and request for authorization to solicit bids for precast concrete restroom units and continue design efforts.
  6. An Ordinance Adopting an Ordinance to Repeal and Recreate Chapter 176 of the Municipal Code Pertaining to Non-Metallic Mining Reclamation and to Editorially Note the Provisions of Unified Development Ordinance Section 15-3.0428, Ordinance No. 97-1456 (PDD No. 23) §13.27s.6. and Unified Development Ordinance Section 15-3.0429, Ordinance No. 97-1457 (PDD No. 24) §13.27t.6. to State the Non-Metallic Mining Reclamation Regulatory Authority of Chapter 176 by Reference; A Resolution Approving a City of Franklin Nonmetallic Mining Reclamation Fees Schedule Pursuant to Chapter 176 of the Municipal Code Nonmetallic Mining Reclamation Ordinance Section 27
  7. Award of Contract to Demolish House and Garage located at 8015 West Beacon Hill Drive.
  8. A Resolution authorizing certain officials to accept a Landscape Maintenance Access Easement for and as part of the review and approval for Avian Estates Subdivision located at W. Avian Court off of W. Puetz Road.
  9. AT&T Work Order for Relocation of Cable at Franklin Water and Wastewater Operations and Maintenance Facility Site.

10. A Resolution approving a Contract Change Order No. 1 with Payne & Dolan, Inc. in the amount of \$51,235.80 for the 2015 Local Street Improvement Program.
11. Recommendation to reject bids for the Purchase of Water Main and Service Items and Manhole Frame and Cover and Rebid.
12. Discussion to Provide Guidance to the Classification and Compensation Study Consultant on Pay Philosophy and Pay Plan Structure.
13. Report on Status of Bidding Out Insurance Broker Services.
14. A Resolution Opposing LRB-1183/LRB-2009 that Would Eliminate the Property Tax on Personal Property and the Computer State Aid Payments Made to Local Governments.
15. Summer Meeting Schedule for 2015.

H. Licenses and Permits.  
Miscellaneous Licenses.

I. Bills.  
Vouchers and Payroll approval.

J. Adjournment.

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

\*\*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:

April 23	Plan Commission	7:00 p.m.
May 5	Common Council Meeting	6:30 p.m.
May 7	Plan Commission	7:00 p.m.
May 19	Common Council Meeting	6:30 p.m.
May 21	Plan Commission	7:00 p.m.

# City of Franklin Proclamation

## CERTIFICATE OF ACHIEVEMENT

### ALEXANDER SCOTT MATHERS

Whereas, the development of our youth, both boys and girls is greatly enhanced by active participation in scouting, and

Whereas, Alexander Mathers by study, hard work and perseverance, has successfully progressed through various ranks in scouting, and

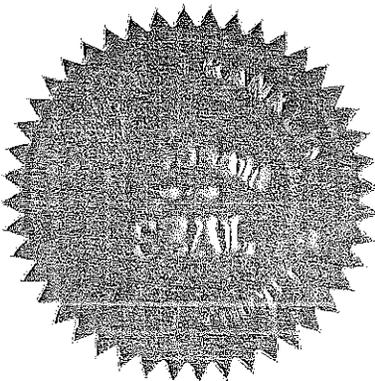
Whereas, such dedication and industriousness has resulted in Alexander Mathers earning the highest award in scouting that of Eagle Scout, and

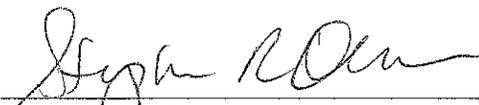
Whereas, Alexander Mathers' achievement has broadened his knowledge and experience and will help him in all of his future endeavors, and

Whereas, Alexander Mathers' parents, his scouting leaders, friends, and the community are proud of his achievement.

**NOW, THEREFORE**, I, Mayor Stephen R. Olson on behalf of the Common Council and the residents of the City of Franklin do hereby present this Certificate of Achievement to Alexander Mathers on the occasion of him becoming an Eagle Scout and ask all residents of Franklin to join me in congratulating Alexander Mathers on this outstanding achievement.

Dated this 3rd day of April, 2015 in Franklin, Wisconsin.



  
\_\_\_\_\_  
Stephen R. Olson, Mayor

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## Sandi Wesolowski

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**From:** Alissa Braatz [abraatz@atcllc.com]  
**Sent:** Thursday, April 09, 2015 3:31 PM  
**To:** Sandi Wesolowski  
**Subject:** ATC seeks approval to rebuild 14-mile, 138-kV transmission line



# NEWS

**MEDIA LINE: 877-506-6117**

[www.atcllc.com](http://www.atcllc.com)

From: Alissa Braatz  
262-506-6985  
[abraatz@atcllc.com](mailto:abraatz@atcllc.com)

### **ATC seeks approval to rebuild 14-mile, 138-kV transmission line**

*Project needed to replace aging lines, strengthen area reliability*

PEWAUKEE, Wis. – American Transmission Co. today filed an application with the Public Service Commission of Wisconsin to rebuild an existing 14-mile, 138,000-volt transmission line in southeastern Wisconsin. The proposed St. Martins-Edgewood-Mukwonago Rebuild Project runs from the St. Martins Substation in Franklin to the Edgewood Substation in Big Bend and continues on to the Mukwonago Substation, in Mukwonago.

"The lattice tower structures, which are approximately 90 years old, will be replaced with steel single-pole structures; and the wires also will be replaced," said Mary Carpenter, senior local relations representative for ATC. "The new poles will be placed within a few feet of the existing structures, and no new right-of-way is anticipated for the project."

Regulatory approval of this project is expected in fall 2015 with construction beginning in 2017 to meet an in-service date of 2018.

*Note to editors: Additional details are available on the [PSC's website](#) under Docket No. 137-CE-180. A map of the proposed project and additional information can found at [www.atc-projects.com](http://www.atc-projects.com).*

###

American Transmission Co. is a Wisconsin-based company that owns and operates the electric transmission system in portions of the Upper Midwest. Formed in 2001 as the nation's first multi-state transmission-only utility, ATC has invested \$3.5 billion to improve the adequacy and reliability of its infrastructure. ATC now has \$3.8 billion in assets, including more than 9,530 miles of transmission lines and 530 substations. The company is a member of the MISO regional transmission organization, and provides nondiscriminatory service to all customers, supporting effective competition in energy markets without favoring any market participant. For more information, visit our website at [www.atcllc.com](http://www.atcllc.com).

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**Sandi Wesolowski**

**From:** League of Wisconsin Municipalities [witynski@lwm-info.ccsend.com] on behalf of League of Wisconsin Municipalities [witynski@lwm-info.org]  
**Sent:** Wednesday, April 15, 2015 11:20 AM  
**To:** Sandi Wesolowski  
**Subject:** Capitol Buzz -- County Assessment Removed from Budget

Having trouble viewing or printing this email? [Click here](#)

**League of Wisconsin Municipalities**  
**Capitol Buzz**

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**April 15, 2015**

[Witynski@lwm-info.org](mailto:Witynski@lwm-info.org)

[www.lwm-info.org](http://www.lwm-info.org)

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[Follow us on !\[\]\(43c0285a501e8bd54c817541e939e111\_img.jpg\) twitter](#)

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**Joint Finance Committee Removes County Assessment from the State Budget**

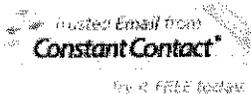
The co-chairs of the Joint Committee on Finance informed committee members in a [memo](#) today that the county assessment proposal will be removed from the state budget. The League, the Counties Association and the Towns Association opposed the measure. The county assessment proposal was one of 14 non-fiscal policy items that the JFC co-chairs stripped from the budget.

Read the co-chair's memo [here](#).

**Forward email**



This email was sent to swesolowski@franklinwi.gov by [witynski@lwm-info.org](mailto:witynski@lwm-info.org) | [Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



League of Wisconsin Municipalities | 122 W. Washington Ave., Suite 300 | Madison | WI | 53703

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CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
APRIL 7, 2015  
MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on April 7, 2015 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, Alderwoman Janet Evans, Alderman Doug Schmidt and Alderwoman Susanne Mayer. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski and Deputy City Clerk Shirley Roberts.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:32 p.m. and closed at 6:50 p.m.

MAYOR  
ANNOUNCEMENTS

- B.1. Mayor Olson noted a Mayoral Proclamation to Eagle Scout Alexander Mathers.  
B.2. Mayor Olson presented a Mayoral Proclamation to Eagle Scout Ryan M. Simmons.  
B.3. Mayor Olson announced that Kwik Trip will be having their Grand Opening on April 8, 2015 from 9:00-11:00 a.m. at their new location on S. 51st Street and W. Rawson Avenue.  
B.4. Mayor Olson noted the anticipated Opening of Hampton Inn is on June 5, 2015.

APPROVAL OF  
MINUTES

- C.1. Alderwoman Evans moved to approve the minutes of the regular meeting of March 17, 2015 as amended. Seconded by Alderman Schmidt. All voted Aye; motion carried.  
C.2. Alderwoman Evans moved to approve the minutes of March 23, 2015 Special Council meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.  
C.3. Alderwoman Wilhelm moved to approve the minutes of March 26, 2015 Special Council meeting as amended. Seconded by Alderman D. Mayer. On roll call, Alderman Dandrea, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderwoman Evans voted No. Motion carried.  
C.4. Alderman Dandrea moved to approve the minutes of April 1, 2015 Special Council meeting. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

HEARINGS

- D.1. The public hearing was called to order at 7:12 p.m., regarding a proposed Resolution which proposes the vacation of approximately 0.467 acres of right-of-way in an undeveloped cul-

de-sac at the west end of West Allwood Drive adjacent to property located at 10819, 10835, 10847 and 10836 West Allwood Drive and was closed at 7:15 p.m.

- D.2. The public hearing was called to order at 7:18 pm, regarding a proposed Resolution which proposes the vacation of approximately 1.8290 acres of right-of-way which extends approximately 60 feet along West Whitnall Edge Road between South 108th Street and West Forest Home Avenue adjacent to Property located at 6421, 6431-6435 and 6455 South 108th Street, 11131 West Forest Home Avenue and property adjacent to West Forest Home Avenue bearing Tax Key No. 704-9980-002 located in the City of Franklin, Milwaukee County, Wisconsin Drive and was closed at 7:18 p.m.

LETTERS AND  
PETITIONS

- F. Alderman D. Mayer moved to suspend the regular order of business to allow citizens to speak. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
- Alderwoman S. Mayer moved to place on file a letter and petitions from Angeline Benning regarding Community Based Residential Facility at South 92nd Street and West St. Martins Road. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- Alderwoman S. Mayer moved to direct staff to request Wisconsin Department of Natural Resources and Army Corps of Engineers for a wetland delineation concurrence and navigability determination, and that no further action by staff that propels this project along shall be taken before these documents come back before the Common Council. Seconded by Alderman D. Mayer.
- Alderwoman Wilhelm moved to call the question. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- On the voice vote for the main motion, all voted Aye; motion carried.
- Alderwoman Wilhelm vacated her seat at 8:11 p.m. and returned at 8:17 p.m.
- Alderwoman Wilhelm moved to have the City Attorney to look into possibility to change the determination of the water going down the site at the CBRF. Seconded by S. Mayer. All voted Aye; motion carried.
- Alderwoman S. Mayer moved that with any future Community Based Residential Facilities that are introduced into the City of Franklin that the Alderman of the District be notified by phone call and that a community development review meeting be held so that everyone can be brought up to speed and direction given on how to proceed with this, with responsibility of letters to be written by City staff and sent to residents within 1,000 feet with

the Alderman aware of the letter and who it will be sent to. Alderwoman Wilhelm seconded. All voted Aye; motion carried. Alderman Dandrea moved to return to the regular order of business. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Mayor Olson recessed the meeting at 9:04 p.m. and reconvened the meeting at 9:13 p.m. with all Aldermen in attendance.

RES. 2015-7076  
VACATE RIGHT-OF-  
WAY AT W ALLWOOD  
DRIVE

G.1. Alderman D. Mayer moved to adopt Resolution 2015-7076, A RESOLUTION TO VACATE APPROXIMATELY 0.467 ACRES OF RIGHT OF WAY IN AN UNDEVELOPED CUL-SE-SAC AT THE WEST END OF WEST ALLWOOD DRIVE ADJACENT TO PROPERTY LOCATED AT 10189, 10835, 10847 AND 10836 WEST ALLWOOD DRIVE. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2015-7074  
AMEND RESOLUTIONS  
FOR SPECIAL USE  
(HILLER FORD &  
DEALERSHIP  
PROPERTIES, INC.)

G.2. Alderwoman S. Mayer moved to adopt Resolution 2015-7074, A RESOLUTION TO AMEND RESOLUTION NOS. 88-3175, 95-4217, 99-4875, 99-4933, 2004-5733 (NOT RECORDED), AND 2004-5736, IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTIES LOCATED AT 6381, 6411, 6455 AND 6421 SOUTH 108TH STREET TO ALLOW FOR BUILDING EXPANSION AND REMODELING OF THE HILLER FORD NEW AND USED CAR DEALERSHIP SHOWROOM OFFICES AND SERVICE RIGHTING AREA, AN ADDITION TO THE EXISTING BODY SHOP, CONSTRUCTION OF A USED VEHICLE SALES BUILDING AND ASSOCIATED PARKING AND LANDSCAPING CHANGES (HILLER FORD, INC. AND DEALERSHIP PROPERTIES, INC., APPLICANTS), subject to striking 6455 from Condition No. 4 and corrections to tax key numbers. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2015-7075  
CERTIFIED SURVEY  
MAP (HILLER FORD,  
INC. & DEALERSHIP  
PROPERTIES INC.)

G.3. Alderwoman S. Mayer moved to adopt Resolution 2015-7075, RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (HILLER FORD, INC. AND DEALERSHIP PROPERTIES, INC., APPLICANTS) (APPROXIMATELY 6381, 6411, 6421 AND 6455 SOUTH 108TH STREET), with a technical corrections of a 2-lot Certified Survey Map and the addition Tax Key No. 704-9976-004 to be

included in the first whereas in the Resolution. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2015-7073  
VACATE RIGHT-OF-  
WAY ALONG  
WHITNALL EDGE ROAD

G.4. Alderwoman Evans moved to adopt Resolution No. 2015-7073, A RESOLUTION TO VACATE APPROXIMATELY 1.8290 ACRES OF RIGHT-OF-WAY WHICH EXTENDS APPROXIMATELY 60 FEET ALONG WHITNALL EDGE ROAD BETWEEN SOUTH 108TH STREET AND WEST FOREST HOME AVENUE ADJACENT TO PROPERTY LOCATED AT 6421, 6431-6435 AND 6455 SOUTH 108TH STREET, 11131 WEST FOREST HOME AVENUE AND PROPERTY ADJACENT TO WEST FOREST HOME AVENUE BEARING TAX KEY NO. 704-9980-002. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

STATUS UPDATE OF  
NON-METALLIC  
MINING RECLAMATION  
PLAN

G.5. Alderwoman Wilhelm move to direct applicable departments to continue to work on previously Council-approved recommendations from the Quarry Monitoring Committee and report back in three months with a status update, pertaining to items detailed in the Council packet for this meeting. All voted Aye; motion carried.

LEGAL OPINION ON  
"BIANNUAL"

G.6. No action was necessary on the Legal Opinion from the City Attorney upon the meaning of "biannual" with regard to the text of Planned Development District No. 23 Section Z ["every two (2) years"].

SENIOR TRAVEL  
PROGRAM

G.7. Alderwoman S. Mayer moved to direct the Director of Administration to inform the Senior Travel Program Director that the Senior Travel Program does not need to adhere to the Community Development Block Grant Program requirements and that \$10,000 is set aside for the Travel Program, and to direct the Director of Administration and Health Director to work with Milwaukee County to explore other senior-based programming options for the \$5,000 of potential CDBG funding. Seconded by J. Evans. All voted Aye; motion carried.

PARK DEVELOPMENT  
AND PARK IMPACT FEE  
EXPENDITURE OPTIONS

G.8. Alderwoman S. Mayer moved that the park development and park impact fee expenditure options be tabled until May 5, 2015. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

Alderman D. Mayer moved to table all items non essential items on the remainder of the agenda. Motion died due to the lack of a second.

STATUS OF KAYLA'S  
PLAYGROUND AT  
FRANKLIN WOODS

- G.9. Alderwoman Evans moved to suspend the regular order of business to allow citizens to speak. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
- Alderwoman Evans moved to return to the regular order of business. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
- Alderwoman Evans moved to authorize the Mayor sign a contract with Graef with authorization to proceed with the items as presented by the City Engineer on the Graef spreadsheet, in an amount not to exceed \$55,000. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2015-2170  
TO CREATE CHAPTER  
238 OF MUNICIPAL  
CODE

- G.10. Alderwoman Wilhelm moved to adopt Ordinance No. 2015-2170, AN ORDINANCE TO CREATE CHAPTER 238 OF THE MUNICIPAL CODE RELATING TO (licensing, monitoring and video surveillance of) PAWNBROKERS, SECOND-HAND ARTICLE DEALERS AND SECOND-HAND JEWELRY DEALERS. Seconded by Alderman Schmidt. All voted Aye; motion carried.

*State of Wisconsin vs.  
Wofford, Jr.*, Milwaukee  
County Circuit Court Case  
No. 95CF950391, March  
26, 2015

- G.11. Alderman D. Mayer moved to direct and authorize the City Attorney to take all reasonable and necessary legal and equitable measures to uphold and ensure the continued validity of the City of Franklin sex offender residency restriction ordinances, including, but not limited to: to contest the March 26, 2015 Order in *State of Wisconsin vs. Wofford, Jr.*, Milwaukee County Circuit Court Case No. 95CF950391; and to cooperate with other municipalities and to enter into an agreement or agreements on behalf of the City for mutual representation, cost sharing, and such other matters necessary or convenient to preserve and protect the validity and enforceability of the Franklin ordinances. Seconded Alderman Dandrea. On roll call, all voted Aye. Motion carried. Vote recorded as unanimous.

OPPOSING  
LEGISLATION TO  
ELIMINATE PROPERTY  
TAX ON PERSONAL  
PROPERTY

- G.12. Alderman Schmidt moved to table to April 21, 2015, A RESOLUTION OPPOSING LRB-1183/LRB-2009 THAT WOULD ELIMINATE THE PROPERTY TAX ON PERSONAL PROPERTY AND THE COMPUTER STATE AID PAYMENTS MADE TO LOCAL GOVERNMENTS. Seconded by Alderman Schmidt. All voted Aye; motion carried.

PURCHASE OF SALT

- G.13. Authorize for the City to participate in State contract for purchase of 500 tons of salt will be placed on the April 21, 2015 Common Council agenda.

- CONTRACT WITH  
INSPIRON LOGISTICS      G.14.      Alderman Schmidt moved to allow the contract with Inspiron Logistics for an Emergency Notification System to automatically renew in accordance with the terms of the contract and for the same annual rate of \$9,600 and to authorize release of payment for the period 4/22/15 through 4/21/16. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- PART-TIME BUILDING  
INSPECTOR      G.15.      Alderwoman S. Mayer moved to authorize Building Inspection to retain an additional part-time building inspector during 2015 to an extent that it does not exceed current budgeted appropriations under the condition that an email policy set by the Director of Administration related to a hold on addressing Aldermanic complaints be rescinded. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- LANDSCAPE  
MAINTENANCE ACCESS  
EASEMENT (AVIAN  
ESTATES SUBDIVISION)      G.16.      A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE MAINTENANCE ACCESS EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL FOR AVIAN ESTATES SUBDIVISION LOCATED AT W. AVIAN CT. OFF OF W. PUETZ ROAD will be placed on the April 21, 2015 Common Council agenda.
- RES. 2015-7077  
2015 BITUMINOUS AND  
AGGREGATE  
MATERIAL CONTRACTS      G.17.      Alderwoman Evans moved to adopt Resolution No. 2015-7077, A RESOLUTION AWARDED 2015 BITUMINOUS AND AGGREGATE MATERIAL CONTRACTS. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- DONATION      G.18.      Alderwoman S. Mayer moved to accept the gift card donation of \$25 to the Department of Public Works from the Franklin Rolling Dice Riders. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- AGREEMENT WITH  
MILWAUKEE COUNTY  
FOR PURCHASE OF NEW  
ELECTION EQUIPMENT      G.19.      Alderwoman Wilhelm moved to authorize proper City officials to execute the Intergovernmental Agreement for the purchase of New Election Equipment with Milwaukee County, subject to review by the City Attorney. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- SUMMER MEETING  
SCHEDULE FOR 2015      G.20.      The scheduling of Common Council meetings during June, July and August, 2015 will be placed on the April 21, 2015 Common Council agenda.
- UPDATE ON TRANSFER  
OF MMSD  
GREENSEAMS LAND      G.21.      Alderwoman Wilhelm vacated her seat at 11:02 p.m. and returned at 11:03 p.m.  
Alderwoman Wilhelm moved to direct staff to prepare a letter to Milwaukee Metropolitan Sewerage District that City of Franklin

is interested in accepting the greenseams parcels contingent upon final review of each parcel's obligations, conditions and restrictions by the City Attorney and to provide a copy of the letter to the Common Council. Seconded by Alderman Schmidt. All voted Aye; motion carried.

CLASSIFICATION AND  
COMPENSATION STUDY  
GUIDANCE REFERRED  
TO NEXT MEETING

G.22. Alderwoman Wilhelm moved to table Item (c) to the April 21, 2015 Common Council meeting, with Items (a) and (b) at the call of the Chair:

- (a) Presentation on Remote Application and Data Collection for the Geographic Information System (GIS) in the Field.
- (b) Discussion Concerning and Consideration of Replacement of the Unified Development Ordinance's Use of the Standard Industrial Classification System and Potentially Including a Comprehensive Update or Replacement of the City of Franklin Unified Development Ordinance.
- (c) Discussion to Provide Guidance to the Classification and Compensation Study Consultant on Pay Philosophy and Pay Plan Structure.

Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

LICENSES AND  
PERMITS

H.1. Alderman Dandrea moved to approve the following:  
Grant Class B Combination license to Michael L. Pues, 6357 S. 27<sup>th</sup> Street, subject to current licensee surrendering his license to the City;

Grant Operators' licenses for 2014-2015 to Alysia Moga, 5885 Tower Rd., #1, Greendale, with a warning letter from the City Clerk; Wendy Beierle, 9221 S. 96<sup>th</sup> St.; Randy Beres, 6945 Darnell Ln., Greendale; Zoe Gaspar, 6099 Sycamore St., Greendale; Justin Strzok, 8900 W. Puetz Rd.; Jeffrey Allen Torzala, 5994 S. 32<sup>nd</sup> St., Greenfield; and grant Operators' licenses for 2015-2016 to Desirea Hart, 2588A S. Burrell St., Milwaukee; Kristin Kowalski, 11210 W. 6 Mile Rd., Franksville; and deny Operator's license to Connor Connell, 1916 W. Timber Ridge Ln., #4110, Oak Creek, due to arrest and conviction record substantially related to licensed activity; and

Grant Mobile Home Court license for 2015-2016 to Franklin Mobile, LLC, David Steinberger, Manager, 6361 S. 27<sup>th</sup> St.; and Hold application for 4/21/2015 meeting for a PUBLIC grant from Franklin Lacrosse Club for park permit fees

Seconded by Alderwoman Evans. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I.1. Alderman D. Mayer moved to approve net general checking account City vouchers in the range of Nos. 155862 through 156061 in the amount of \$959,005.98 dated March 13, 2015

through April 2, 2015. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve net payroll dated April 3, 2015 in the amount of \$346,620.23 and payments of the various payroll deductions in the amount of \$191,449.62 plus any City matching payments where required. Seconded by Alderwoman Evans. On roll call, all voted Aye; motion carried.

Alderman D. Mayer moved to approve net payroll dated April 17, 2015 estimated at \$345,000.00 and payments of the various payroll deductions estimated at \$356,000.00 plus any City matching payments where required. Seconded by Alderwoman S. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve property tax refunds and settlements in the range of Nos. 14850 through Nos. 14853 in the amount of \$538.34 dated March 12, 2015 through April 2, 2015. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderwoman Evans moved to adjourn the meeting at 11:35 p.m. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>04/21/2015</b></p>
<p style="text-align: center;"><b>ORGANIZATIONAL BUSINESS</b></p>	<p style="text-align: center;"><b>Boards and Commissions Appointments</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>E.</i></p>

The Mayor has made the following appointments for Council confirmation:

Civic Celebrations Committee:

John Bergner, 8501 S. Parkland Dr, (Ald. Dist. 4), 3 year term expires 6/30/18.  
 Jeanine Olson, 9044 W. Elm Ct., Unit E (Ald. Dist. 1), 3 year term expires 6/30/18.  
 Randy Grass, 9056 W. Elm Ct., Unit F (Ald. Dist. 1), 3 year term expires 6/30/18.  
 David J. Miller, 8508 S. Deerwood Ln. (Ald. Dist. 6), 3 years term expires 6/30/18.

Environmental Commission:

Wesley Cannon, 8112 S. Lakeview Dr. (Ald. Dist. 5), 3 year term expires 4/30/17.  
 Curtis Bolton, 8035 W. Imperial Dr. (Ald. Dist. 2), 3 year term expires 4/30/18.  
 Albert Rindfleisch, 6860 S. 111<sup>th</sup> St. (Ald. Dist. 6), 3 year term expires 4/30/18.

Fair Commission:

Romaine Denk, 9170 W. Highland Park Ave. #451 (Ald. Dist. 1), 3 year term expires 4/30/18.  
 Rosemarie Bosch, 11625 W. St. Martins Rd. (Ald. Dist. 6), 3 year term expires 4/30/18.

Finance Committee:

Dennis Ciche, 8128 S. 43<sup>rd</sup> St. (Ald. Dist. 5), 1 years term expires 4/30/16.  
 Kevin Mineard, 8050 S. 35<sup>th</sup> St. (Ald. Dist. 4), 1 years term expires 4/30/16.  
 Robert Campbell, Jr., 5416 W. Behrendt St. (Ald. Dist. 5), 1 year term expires 4/30/16.  
 John Howard, 6658 W. Robinwood Ln. (Ald. Dist. 5), 1 year term expires 4/30/16.

Board of Health:

Dr. Henry Wengelewski, 3643 W. Sharon Ln. (Ald. Dist. 5), 2 year term expires 4/30/17.  
 Robert Fedran, 9163 S. 42<sup>nd</sup> St. (Ald. Dist. 4), 2 year term expires 4/30/17.  
 Patricia Nissen, 8010 W. Coventry Dr. (Ald. Dist. 2), 2 year term expires 4/30/17.

Parks Commission:

Philip Nickerson, 12001 W. Scherrei Dr. (Ald. Dist. 6), 3 year term expires 4/30/18.

Personnel Committee:

Carol Brunner, 7473 S. Karth Ct. (Ald. Dist. 5), 3 year term expires 4/30/18.  
 Michael Barber, 7931 S. 61<sup>st</sup> St. (Ald. Dist. 5), 3 years term expires 4/30/18.

Plan Commission:

Scott Thinnes, 7937 W. Beacon Hill Dr. (Ald. Dist. 1), 3 year term expires 4/30/18.

Patricia Hogan, 8239 W. Drexel Ave. (Ald. Dist. 1), 1 year term expires 4/30/16.

Board of Public Works:

Ken Skowronski II, 7960 S. 116<sup>th</sup> St. (Ald. Dist. 6), 3 year term expires 4/30/18.

Technology Commission:

Laura Galusha, 3922 W. Heatheridge Dr. (Ald. Dist. 3), 3 year term expires 4/30/18.

Board of Zoning/Building Appeals:

Bob Knackert, 9049 S. 83<sup>rd</sup> St, (Ald. Dist. 1), 3 year term expires 4/30/18.

Donald Adams (Alternate Member), 3211 W. Acre Ave. (Ald. Dist. 4), 3 year term expires 4/30/18.

F

April 14<sup>th</sup>, 2015

As neighbors of the Briarwood Subdivision we would like to file a complaint due to the termination end date of James Schubilske. His term ended on 9/30/14. Due to Franklin's Municipal Ordinance 10-23:

Any de facto status under § 62.09(5)(e), Wis. Stats., following the appointed term of any Common Council member appointed to a board or commission or committee shall expire and terminate upon the earliest of the appointment and qualification of a successor, the expiration of the respective term of elected office during which the Common Council member was appointed, the vacancy of such elected office, or the expiration of 60 calendar days after the date of the expiration of the appointed board, commission or committee membership term. Should the foregoing sixty-day time limit expire within the first 100 days after the election of a new Mayor for a first mayoral term of office, such time limit shall be extended to 120 calendar days after the date of the expiration of the appointed board, commission or committee membership term.

[Amended 5-6-2014 by Ord. No. 2014-2138]

On February 17th Commissioner Bate's moved to recommend to council to allow Matt Talbot Recovery Services, Inc. to extend water main along St. Martins Road, 90 degree bend to 92<sup>nd</sup> street, and past driveway to terminate water main at a possible future lot line, Total extension approximately 810 feet. (Not the entire length of the property line). This was seconded by Commissioner James Schubilske, whose term is invalid at this time.

We are asking to appeal this vote and to have a revote on this matter, excluding Mr. Schubilske who is not a valid vote in this circumstance, until his term has been reappointed.

Please let us know what the City is going to do in regards to this matter. We would also like to speak at either the Board of Water Commission Meeting or the Common Council meeting in reference to this matter. Please contact me and let me know if this can happen.

Thank you for your time.

Joel Salmon and neighbors

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<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><i>4/21/15</i></p>
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<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Donation from the Kwik Trip, Inc.</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.1.(a)</i></p>
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The City of Franklin Police Department has received a donation from Kwik Trip, Incorporated in the amount of \$500.00.

**COUNCIL ACTION REQUESTED**

Motion to accept this donation of \$500.00 from Kwik Trip to be deposited into the Police Donation Account.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><i>4/21/15</i></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>Donation from Kwik Trip Inc, in the amount of \$500 to the Fire Department</b></p>	<p><b>ITEM NUMBER</b></p>

The City of Franklin Fire Department has received a donation from Kwik Trip Incorporated in the amount of \$500. The Department plans to use the donation towards furthering fire prevention activities and other safety education programs in the community.

**COUNCIL ACTION REQUESTED**

Motion to accept the donation of \$500 on behalf of the Fire Department.

<b>APPROVAL</b> <i>Slw</i> <i>Pol</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 4/21/2015
<b>REPORTS &amp; RECOMMENDATIONS</b>	February 2015 Monthly Financial Report	<b>ITEM NUMBER</b> <i>G.1.(b)</i>

**Background**

The February 2015 Monthly Financial Report is attached.

The Finance Committee has not reviewed the February Financial report.

The Director of Finance & Treasurer will be available for questions at the meeting.

**COUNCIL ACTION REQUESTED**

Action: Motion to Receive and File



## City of Franklin

Date: April 10, 2015  
To: Mayor Olson, Common Council and Finance Committee Members  
From: Paul Rotzenberg, Director of Finance & Treasurer *Paul*  
Subject: February 2015 Financial Report

The February, 2015 financial reports for the General Fund, Solid Waste Fund, Development Fund, Capital Outlay Fund, Equipment Replacement Fund, Capital Improvement Fund, Street Improvement Fund, Debt Service Fund, TID3 Fund, TID 4 Fund, Sanitary Sewer Fund, Self Insurance Fund and Employee Retirement Insurance Fund are attached.

At this time of year, much attention is placed upon wrapping up the prior year, and many expenditures are properly recorded in the prior year. February statements reflect the collection of Property Taxes and payroll related costs. Many other costs will be recorded in later months.

Items of note in the General Fund February 2015 activity are:

- receipt of Property Tax and General Transportation Aids are faster than in the last five years, and
- Building Permit revenues spiked in January on a permit for the hospital, however February permits fell short.
- Investment income exceeded budget on Unrealized gains on the longer term investments as interest rates shrunk to record lows in January.
- Departmental expenditures were lower than budget with the principal expenditures being labor costs.
- DPW Overtime thru February of \$40,177, used 82% of the budget. First quarter tends to have the heaviest demand for overtime, thus making it too earlier to know if there is an budget issue or not.

Overall, General Fund expenditures of \$3,906,915 are \$460,272 less than budget.

**SOLID WASTE FUND** – Revenue is comparable to budget and 2014. Tippage Fee costs and revenues on Recyclables are arriving late, and so do not reflect the February costs.

**DEVELOPMENT FUND** –Impact fees are unfavorable to budget. This relates to the reduced volume of development that occurs early in the year. No expenditures are planned until the March debt service payments.

**CAPITAL OUTLAY FUND** – revenues are in line with budget. Public Safety purchases relate to three police squad cars, while the Public Works expenditure was the purchase of the wood chipper to deal with Emerald Ash Borer issues.

**EQUIPMENT REPLACEMENT FUND** – Revenues are in line with budget. Little activity on the two equipment replacement projects has occurred yet.

**CAPITAL IMPROVEMENT FUND** – No real activity in this fund at this point in time of the year.

**STREET IMPROVEMENT FUND** – Revenues are in line with budget, and minimal expenditure activity has occurred as yet.

**DEBT SERVICE** – Tax receipts have occurred, and nothing else. Funds were moving in late February related to the Note payments occurring on March 1.

**TID3** - Tax Receipts have occurred, and the Burying of Overhead Utilities project is underway.

**TID4** – Tax Receipts have occurred, and planning expenditures on the next phase of projects are underway as directed by Common Council in November 2014.

**SEWER FUND** – Revenues get recorded at the end of the quarter when service billings go out. MMSD costs are recorded when billed at that time as well. Personnel costs are slightly favorable to budget. The MMSD hazardous waste fee arrived in February, a little earlier than prior years. Other operating costs were comparable to last year.

**SELF INSURANCE FUND** –Premium revenues are approximately equal to budget. Claims costs can be lumpy, and the first 60 days of 2015 are lower than might be expected. Early surpluses can quickly disappear should several larger claims show up.

**RETIREE HEALTH FUND** –The Annual Required Contribution typically takes place at the end of each quarter. 2015 claims costs have been favorable, but can quickly change. Caution is advised when reviewing results over such a short period of time. Investment results have been favorable. Investment results in the equity markets can be volatile, again caution is advised.

City of Franklin  
2015 Financial Report  
General Fund Summary  
For the Two months ended February 28, 2015 and 2014

Revenue	2015			2014			Variance Favorable (Unfavorable)
	Amended Budget	Year-to-Date Budget	Year-to-Date Actual	Amended Budget	Year-to-Date Budget	Year-to-Date Actual	
Property Taxes	\$ 16,209,000	\$ 8,924,168	\$ 9,976,287	\$ 16,220,400	\$ 8,865,082	9,533,626	668,544
Other Taxes	1,916,700	268,558	184,348	1,770,500	255,449	179,489	(75,960)
Intergovernmental Revenue	2,480,500	244,285	304,346	2,549,550	205,638	324,709	119,071
Licenses & Permits	862,100	107,265	98,925	864,300	94,988	173,030	78,042
Law and Ordinance Violations	422,600	90,318	94,305	444,000	96,135	90,376	(5,759)
Public Charges for Services	1,515,070	209,115	205,327	1,416,400	201,772	200,578	(1,194)
Intergovernmental Charges	201,300	-	-	125,000	-	-	-
Investment Income	206,500	34,417	60,665	138,500	11,167	83,709	72,542
Miscellaneous Revenue	103,500	14,261	1,395	74,700	22,798	22,818	20
Transfer from Other Funds	175,000	29,167	-	400,000	-	-	-
<b>Total Revenue</b>	<b>\$ 24,092,270</b>	<b>\$ 9,921,554</b>	<b>\$ 10,925,598</b>	<b>\$ 24,003,350</b>	<b>\$ 9,753,029</b>	<b>\$ 10,608,335</b>	<b>\$ 855,306</b>
			110.12%			108.77%	
Expenditures	2015			2014			Variance Favorable (Unfavorable)
	Amended Budget	Year-to-Date Budget	Year-to-Date Actual	Amended Budget	Year-to-Date Budget	Year-to-Date Actual	
General Government	\$ 3,008,916	\$ 663,033	\$ 630,864	\$ 2,934,266	\$ 657,517	569,867	\$ 87,650
Public Safety	16,294,888	2,989,868	2,587,211	16,121,722	3,074,476	2,486,227	588,249
Public Works	3,624,972	493,552	538,587	3,680,900	561,825	519,796	42,029
Health and Human Services	647,732	114,126	92,993	657,804	118,641	91,031	27,610
Other Culture and Recreation	180,673	23,498	11,406	173,682	23,553	5,581	17,972
Conservation and Development	480,427	83,110	54,099	471,758	79,196	53,303	25,893
Contingency and Unclassified	1,233,815	-	120,232	928,600	21,627	-	21,627
Anticipated underexpenditures	(360,300)	-	-	(360,300)	(60,050)	-	(60,050)
Transfers to Other Funds	675,000	-	-	400,000	-	-	-
Encumbrances	-	-	(128,477)	-	-	(17,512)	17,512
<b>Total Expenditures</b>	<b>\$ 25,786,123</b>	<b>\$ 4,367,187</b>	<b>\$ 3,906,915</b>	<b>\$ 25,008,432</b>	<b>\$ 4,476,785</b>	<b>\$ 3,708,293</b>	<b>\$ 768,492</b>
			89.46%			82.83%	
Excess of revenue over (under) expenditures	(1,693,853)	\$ 5,554,367	7,018,683	(1,005,082)	\$ 5,276,244	6,900,042	\$ 1,623,798
Fund balance, beginning of year	8,633,484		8,633,484	7,781,567		7,781,567	
Fund balance, end of period	\$ 6,939,631		\$ 15,652,167	\$ 6,776,485		\$ 14,681,609	

A Represents an amendment to Adopted Budget

E Represents an encumbrance for current year from prior year

**City of Franklin**  
**Solid Waste Collection Fund**  
**Balance Sheet**  
**February 28, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ 1,324,469	\$ 1,269,238
<b>Total Assets</b>	<b>\$ 1,324,469</b>	<b>\$ 1,269,238</b>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 114,945	\$ 118,306
Accrued salaries & wages	544	315
Restricted fund balance	1,208,980	1,150,617
<b>Total Liabilities and Fund Balance</b>	<b>\$ 1,324,469</b>	<b>\$ 1,269,238</b>

**Statement of Revenue, Expenses and Fund Balance**  
**For the Two months ended February 28, 2015 and 2014**

<u>Revenue</u>	<u>2015</u> <u>Adopted</u> <u>Budget</u>	<u>2015</u> <u>Year-to-Date</u> <u>Budget</u>	<u>2015</u> <u>Year-to-Date</u> <u>Actual</u>	<u>2014</u> <u>Year-to-Date</u> <u>Actual</u>
Grants	\$ 69,300	-	\$ -	\$ -
User Fees	1,173,200	1,158,747	1,172,069	1,168,087
Landfill Operations-tippage	335,000	26,850	22,408	25,472
Investment Income	5,000	643	304	7,587
Sale of Recycling Bins	-	-	-	-
Sale of Recyclables	4,100	683	-	603
<b>Total Revenue</b>	<b>1,586,600</b>	<b>1,186,923</b>	<b>1,194,781</b>	<b>1,201,749</b>
<b>Expenditures:</b>				
Personal Services	22,713	4,368	2,740	2,884
Refuse Collection	666,000	111,000	109,491	108,185
Recycling Collection	365,400	60,900	60,549	59,621
Leaf & Brush Pickups	51,400	8,567	-	-
Tippage Fees	438,600	73,100	29,043	68,389
Miscellaneous	2,500	417	363	360
<b>Total expenditures</b>	<b>1,546,613</b>	<b>258,352</b>	<b>202,186</b>	<b>239,439</b>
 Revenue over (under) expenditures	 39,987	 <u>928,571</u>	 992,595	 962,310
 Fund balance, beginning of year	 216,385		 216,385	 188,307
 Fund balance, end of period	 <u>\$ 256,372</u>		 <u>\$ 1,208,980</u>	 <u>\$ 1,150,617</u>

**City of Franklin  
Development Fund  
Comparative Balance Sheet  
January 31, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ 3,349,607	\$ 1,771,198
Due From Debt Service Fund	-	1,075,000
Due From TID 3	850,000	2,250,000
<b>Total Assets</b>	<b>\$ 4,199,607</b>	<b>\$ 5,096,198</b>
 <u>Liabilities and Fund Balance</u>		
Accounts payable	\$ -	\$ -
Non-Spendable - Advances	850,000	3,287,000
Unearned Revenue - Other	-	-
Assigned fund balance	3,349,607	1,809,198
<b>Total Fund Balance</b>	<b>4,199,607</b>	<b>5,096,198</b>
<b>Total Liabilities and Fund Balance</b>	<b>\$ 4,199,607</b>	<b>\$ 5,096,198</b>

**Comparative Statement of Revenue, Expenses and Fund Balance  
For the One month ended January 31, 2015 and 2014**

	<u>2015</u>	<u>2015</u>	<u>2015</u>	<u>2014</u>
	<u>Amended</u>	<u>Year-to-Date</u>	<u>Year-to-Date</u>	<u>Year-to-Date</u>
<b>Revenue:</b>	<b>Budget</b>	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
Impact Fee: Parks	\$ 210,000	\$ 31,670	\$ 8,730	\$ 11,264
Impact Fee: Southwest Sewer Serv	-	-	-	-
Impact Fee: Administration	5,500	662	220	220
Impact Fee: Water	250,000	29,148	8,078	9,850
Impact Fee: Transportation	50,000	1,357	652	304
Impact Fee: Fire Protection	50,000	5,112	1,408	1,564
Impact Fee: Law Enforcement	73,000	7,515	2,612	2,904
Impact Fee: Library	65,000	9,779	2,471	3,188
<b>Total Impact Fees</b>	<b>703,500</b>	<b>85,243</b>	<b>24,171</b>	<b>29,294</b>
Investment Income	39,000	6,500	5,097	14,736
Interfund Interest Income	67,966	11,328	-	-
<b>Total revenue</b>	<b>810,466</b>	<b>103,071</b>	<b>29,268</b>	<b>44,030</b>
 <b>Expenditures:</b>				
Other Professional Services	15,000	-	-	-
Transfer to Debt Service:				
Law Enforcement	204,978	-	-	-
Fire	43,013	-	-	-
Transportation	73,535	-	-	-
Library	133,650	-	-	-
<b>Total Transfers to Debt Service</b>	<b>455,176</b>	<b>-</b>	<b>-</b>	<b>-</b>
Transfer to Capital Improvement Fund:				
Water	-	-	-	-
Park	1,334,625	-	-	-
<b>Total Transfers to Capital Improve</b>	<b>1,334,625</b>	<b>-</b>	<b>-</b>	<b>-</b>
Transfer to Water Utility	150,000	25,000	-	-
<b>Total expenditures</b>	<b>1,954,801</b>	<b>25,000</b>	<b>-</b>	<b>-</b>
Revenue over (under) expenditures	(1,144,335)	78,071	29,268	44,030
Fund balance, beginning of year	4,170,339		4,170,339	5,052,168
Fund balance, end of period	<b>\$ 3,026,004</b>		<b>\$ 4,199,607</b>	<b>\$ 5,096,198</b>

**City of Franklin  
Capital Outlay Fund  
Balance Sheet  
February 28, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ 641,055	\$ 744,029
Accrued Receivables	-	757
Total Assets	<u>\$ 641,055</u>	<u>\$ 744,786</u>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 54,031	\$ 9,091
Miscellaneous claims payable	12,508	18,278
Encumbrance	128,769	-
Assigned fund balance	445,747	717,417
Total Liabilities and Fund Balance	<u>\$ 641,055</u>	<u>\$ 744,786</u>

**Statement of Revenue, Expenses and Fund Balance  
For the Two months ended February 28, 2015 and 2014**

<u>Revenue</u>	<u>2015 Amended Budget</u>	<u>2015 Year-to-Date Budget</u>	<u>2015 Year-to-Date Actual *</u>	<u>2014 Year-to-Date Actual</u>
Property Taxes	\$ 433,200	\$ 433,200	\$ 433,200	\$ 430,000
Grants	-	-	-	5,200
Landfill Siting	67,000	22,731	8,600	9,700
Investment Income	4,500	750	2,269	4,978
Miscellaneous Revenue	25,000	42	-	677
Transfers from Other Funds	475,000	79,167	-	-
Total Revenue	<u>1,004,700</u>	<u>535,890</u>	<u>444,069</u>	<u>450,555</u>
<b>Expenditures:</b>				
General Government	200,791	35,921	21,331	2,997
Public Safety	461,885	76,982	172,024	59,691
Public Works	135,700	22,617	106,900	8,025
Health and Human Services	800	133	-	-
Culture and Recreation	12,000	2,000	-	-
Conservation and Development	5,665	708	1,415	-
Contingency	130,000	21,667	-	-
Total expenditures	<u>946,841</u>	<u>160,028</u>	<u>301,670</u>	<u>70,713</u>
Revenue over (under) expenditures	57,859	<u>375,862</u>	142,399	379,842
Fund balance, beginning of year	<u>303,348</u>		<u>303,348</u>	<u>337,575</u>
Fund balance, end of period	<u>\$ 361,207</u>		<u>\$ 445,747</u>	<u>\$ 717,417</u>

\* Amount shown is actual expenditures plus encumbrance

**City of Franklin  
Equipment Replacement Fund  
Comparative Balance Sheet  
February 28, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ 2,551,133	\$ 2,241,155
<b>Total Assets</b>	<b>\$ 2,551,133</b>	<b>\$ 2,241,155</b>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 15,535	\$ 665
Encumbrance	-	-
Assigned fund balance	2,535,598	2,240,490
<b>Total Liabilities and Fund Balance</b>	<b>\$ 2,551,133</b>	<b>\$ 2,241,155</b>

**Comparative Statement of Revenue, Expenses and Fund Balance  
For the Two months ended February 28, 2015 and 2014**

	<u>2015</u>	<u>2015</u>	<u>2015</u>	<u>2014</u>
	Amended Budget	Year-to-Date Budget	Year-to-Date Actual *	Year-to-Date Actual
<b>Revenue:</b>				
Property Taxes	\$ 339,500	\$339,500	\$ 339,500	\$ 337,000
Landfill	100,000	33,782	12,400	13,900
Investment Income	20,000	3,333	9,903	16,051
Transfers from Other Funds	25,000	4,167	-	-
Property Sales	-	-	-	-
Transfers From Fund Balance	-	-	-	-
Total revenue	<u>484,500</u>	<u>380,782</u>	<u>361,803</u>	<u>366,951</u>
<b>Expenditures:</b>				
Public Safety	194,000	43,952	15,878	42,506
Public Works	188,000	4,832	-	-
Total expenditures	<u>382,000</u>	<u>48,784</u>	<u>15,878</u>	<u>42,506</u>
Revenue over (under) expenditures	102,500	<u>331,998</u>	345,925	324,445
Fund balance, beginning of year	<u>2,189,673</u>		<u>2,189,673</u>	<u>1,916,045</u>
Fund balance, end of period	<u>\$ 2,292,173</u>		<u>\$ 2,535,598</u>	<u>\$ 2,240,490</u>

\* Amount shown is actual expenditures plus emcumbrance

**City of Franklin  
Capital Improvement Fund  
Balance Sheet  
February 28, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ 2,112,179	\$ 181,062
Due from State of Wisconsin	-	96,720
Accrued receivables	847	14,886
<b>Total Assets</b>	<b><u>\$ 2,113,026</u></b>	<b><u>\$ 292,668</u></b>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 952	\$ 51,697
Contracts Payable	123,161	27,786
Accrued payables	7,457	5,155
Assigned fund balance	1,981,456	208,030
<b>Total Liabilities and Fund Balance</b>	<b><u>\$ 2,113,026</u></b>	<b><u>\$ 292,668</u></b>

**Statement of Revenue, Expenses and Fund Balance  
For the Two months ended February 28, 2015 and 2014**

	<u>2015 Amended Budget</u>	<u>2015 Year-to-Date Totals</u>	<u>2014 Year-to-Date Totals</u>
<b>Revenue:</b>			
Landfill Siting	\$ 830,000	\$ 12,558	\$ 14,129
Transfers from Other Funds	3,358,405	-	126,346
Transfers from Impact Fees	1,484,625	-	-
Transfers from Connection Fees	2,050,000	-	-
Donations	100,000	-	-
Refunds & Reimbursements	-	-	14,038
Investment Income	-	382	-
<b>Total revenue</b>	<b><u>7,823,030</u></b>	<b><u>12,940</u></b>	<b><u>154,513</u></b>
<b>Expenditures:</b>			
General Government	1,975,000	-	-
Public Safety	181	-	63,066
Public Works	3,358,405	-	195,238
Culture and Recreation	1,359,980	6,932	15
Sewer & Water	-	153	7,092
Contingency	2,458,842	-	-
<b>Total expenditures</b>	<b><u>9,152,408</u></b>	<b><u>7,085</u></b>	<b><u>265,411</u></b>
Revenue over (under) expenditures	(1,329,378)	5,855	(110,898)
Fund balance, beginning of year	1,975,601	1,975,601	318,928
<b>Fund balance, end of period</b>	<b><u>\$ 646,223</u></b>	<b><u>\$ 1,981,456</u></b>	<b><u>\$ 208,030</u></b>

**City of Franklin  
Street Improvement Fund  
Balance Sheet  
February 28, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ 868,920	\$ 925,231
Accrued receivables	67,272	-
<b>Total Assets</b>	<u>\$ 936,192</u>	<u>\$ 925,231</u>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 1,480	\$ -
Assigned fund balance	934,712	925,231
<b>Total Liabilities and Fund Balance</b>	<u>\$ 936,192</u>	<u>\$ 925,231</u>

**Statement of Revenue, Expenses and Fund Balance  
For the Two months ended February 28, 2015 and 2014**

	<u>2015 Amended Budget</u>	<u>2015 Year-to-Date Totals</u>	<u>2014 Year-to-Date Totals</u>
<b>Revenue:</b>			
Property Taxes	\$ 687,300	\$ 687,300	\$ 681,600
Landfill Siting	133,000	16,500	18,600
Investment Income	6,000	1,556	6,468
Transfer from General Fund	200,000	-	-
Transfer from Fund Balance	-	-	-
<b>Total revenue</b>	<u>1,026,300</u>	<u>705,356</u>	<u>706,668</u>
<b>Expenditures:</b>			
Street Reconstruction Program - Current Year	960,000	81	-
Transfer to General Fund	200,000	-	-
Street Reconstruction Program - Prior Year(s)	-	1,399	-
<b>Total expenditures</b>	<u>1,160,000</u>	<u>1,480</u>	<u>-</u>
Revenue over (under) expenditures	(133,700)	703,876	706,668
Fund balance, beginning of year	230,836	230,836	218,563
<b>Fund balance, end of period</b>	<u>\$ 97,136</u>	<u>\$ 934,712</u>	<u>\$ 925,231</u>

City of Franklin  
Debt Service Funds  
Balance Sheet  
February 28, 2015 and 2014

	2015 Special Assessment	2015 Debt Service	2015 Total	2014 Special Assessment	2014 Debt Service	2014 Total
<b>Assets</b>						
Cash and investments	\$ 548,442	\$ (120,043)	\$ 428,399	\$ 616,011	\$ 575,288	\$ 1,191,299
Taxes receivable	-	-	-	(1,382)	-	(1,382)
Special assessment receivable	136,509	-	136,509	204,675	-	204,675
Total Assets	\$ 684,951	\$ (120,043)	\$ 564,908	\$ 819,304	\$ 575,288	\$ 1,394,592
<b>Liabilities and Fund Balance</b>						
Unearned & unavailable revenue	\$ 136,509	-	\$ 136,509	\$ 204,675	-	\$ 204,675
Due to other funds	-	-	-	-	1,075,000	1,075,000
Unassigned fund balance	548,442	(120,043)	428,399	614,629	(499,712)	114,917
Total Liabilities and Fund Balance	\$ 684,951	\$ (120,043)	\$ 564,908	\$ 819,304	\$ 575,288	\$ 1,394,592

Statement of Revenue, Expenses and Fund Balance  
For the Two months ended February, 2015 and 2014

	2015 Special Assessment	2015 Debt Service	2015 Year-to-Date Actual	2015 Annual Budget	Variance Favorable (Unfavorable)	2014 Special Assessment	2014 Debt Service	2014 Year-to-Date Actual	2014 Annual Budget	Variance Favorable (Unfavorable)
<b>Revenue</b>										
Property Taxes	\$ -	\$ 1,600,000	\$ 1,600,000	\$ 1,600,000	\$ -	\$ -	\$ 1,600,000	\$ 1,600,000	\$ 1,600,000	\$ -
Special Assessments	874	-	874	-	874	10	-	-	-	10
Investment Income	1,330	379	1,709	-	1,709	7,674	-	-	-	7,674
Total Revenue	2,204	1,600,379	1,602,583	1,600,000	2,583	7,684	1,600,000	1,607,684	1,600,000	7,684
<b>Expenditures:</b>										
Debt Service:										
Principal	-	595,000	595,000	520,000	(75,000)	-	-	-	570,000	570,000
Interest	-	154,463	154,463	418,365	263,902	-	-	-	345,644	345,644
Interfund Interest Expense	-	-	-	3,561	3,561	-	-	-	-	-
Total expenditures	-	749,463	749,463	941,926	192,463	-	-	-	915,644	915,644
Transfers in	-	-	-	416,926	(416,926)	-	-	-	377,644	(377,644)
Transfers out	-	-	-	-	-	-	-	-	-	-
Net change in fund balances	2,204	850,916	853,120	1,075,000	(221,880)	7,684	1,600,000	1,607,684	1,062,000	545,684
Fund balance, beginning of year	546,238	(970,959)	(424,721)	(424,721)		606,945	(2,099,712)	(1,492,767)	(1,492,767)	
Fund balance, end of period	\$ 548,442	\$ (120,043)	\$ 428,399	\$ 650,279		\$ 614,629	\$ (499,712)	\$ 114,917	\$ (430,767)	

**City of Franklin**  
**Tax Increment Financing District #3**  
**Balance Sheet**  
**February 28, 2015 and 2014**

<u>Assets</u>	<b>2015</b>	<b>2014</b>
Cash and investments	\$ 2,852,477	\$ 10,064,906
Accounts & Interest receivable	17,866	-
Notes receivable	-	-
Taxes receivable	-	-
<b>Total Assets</b>	<b>\$ 2,870,343</b>	<b>\$ 10,064,906</b>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 36,262	\$ -
Unearned revenue	-	-
Line of Credit Advance from Development Fund	1,700,000	3,350,000
<b>Total Liabilities</b>	<b>1,736,262</b>	<b>3,350,000</b>
Nonspendable fund balance - note receivable	-	-
Unassigned fund balance	1,134,081	6,714,906
<b>Total Fund Balance</b>	<b>1,134,081</b>	<b>6,714,906</b>
<b>Total Liabilities and Fund Balance</b>	<b>\$ 2,870,343</b>	<b>\$ 10,064,906</b>

**Statement of Revenue, Expenses and Fund Balance**  
**For the Two months ended February 28, 2015 and 2014**

	<b>2015</b>	<b>2015</b>	<b>2015</b>	<b>2014</b>
	<b>Annual</b>	<b>Year-to-Date</b>	<b>Year-to-Date</b>	<b>Year-to-Date</b>
	<b>Forecast</b>	<b>Forecast</b>	<b>Actual</b>	<b>Actual</b>
<b>Revenue</b>				
General property tax levy	\$ 1,681,578	\$ 1,681,578	\$ 1,681,577	\$ 1,572,198
State exempt computer aid	387,133	-	-	-
Investment income	55,759	55,759	95,652	97,439
<b>Total revenue</b>	<b>2,124,470</b>	<b>1,737,337</b>	<b>1,777,229</b>	<b>1,669,637</b>
<b>Expenditures</b>				
Transfer to other funds	-	\$ -	-	126,346
Debt service principal	2,070,000	-	20,000	-
Debt service interest & fees	146,674	-	18,999	363
Administrative expenses	29,000	4,640	2,476	1,520
Interfund interest	-	-	-	-
Capital outlays	3,640,419	-	949,651	-
<b>Total expenditures</b>	<b>5,886,093</b>	<b>4,640</b>	<b>991,126</b>	<b>128,229</b>
	(3,761,623)	<b>\$ 1,732,697</b>	786,103	1,541,408
Fund balance, beginning of year	347,978		347,978	5,173,498
Fund balance, end of period	<b>\$ (3,413,645)</b>		<b>\$ 1,134,081</b>	<b>\$ 6,714,906</b>

**City of Franklin**  
**Tax Increment Financing District #4**  
**Balance Sheet**  
**February 28, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ 77,898	\$ 150,504
Developer receivable	-	1,199
Taxes receivable	-	-
<b>Total Assets</b>	<b>\$ 77,898</b>	<b>\$ 151,703</b>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 3,490	\$ -
Unearned revenue	-	-
Encumbrances	17,300	
Interfund Advance from Development Fund	238,000	1,238,000
<b>Total Liabilities</b>	<b>258,790</b>	<b>1,238,000</b>
 Unassigned Fund Balance	 (180,892)	 (1,086,297)
<b>Total Liabilities and Fund Balance</b>	<b>\$ 77,898</b>	<b>\$ 151,703</b>

**Statement of Revenue, Expenses and Fund Balance**  
**For the Two months ended February 28, 2015 and 2014**

	<u>2015</u> <u>Annual</u> <u>Forecast</u>	<u>2015</u> <u>Year-to-Date</u> <u>Forecast</u>	<u>2015</u> <u>Year-to-Date</u> <u>Actual</u>	<u>2014</u> <u>Year-to-Date</u> <u>Actual</u>
<b>Revenue</b>				
General property tax levy	\$ 1,009,060	\$ 1,009,060	\$ 1,009,060	\$ 954,727
State exempt computer aid	23,389	-	-	18,001
Payment in Lieu of Taxes	92,021		46,010	
Investment income	926	148	240	1,052
<b>Total revenue</b>	<b>1,125,396</b>	<b>1,009,208</b>	<b>1,055,310</b>	<b>973,780</b>
 <b>Expenditures</b>				
Debt service/interfund interest	1,033,579	\$ -	-	-
Administrative expenses	9,585	1,534	1,540	1,200
Capital outlays	-	-	20,790	-
<b>Total expenditures</b>	<b>1,043,164</b>	<b>1,534</b>	<b>22,330</b>	<b>1,200</b>
 Revenue over (under) expenditures	 82,232	 <b>\$ 1,007,675</b>	 1,032,980	 972,580
Fund balance, beginning of year	(2,058,877)		(1,213,872)	(2,058,877)
Fund balance, end of period	<b>\$ (1,976,645)</b>		<b>\$ (180,892)</b>	<b>\$ (1,086,297)</b>

**City of Franklin  
Sanitary Sewer Fund  
Comparative Balance Sheet  
February 28, 2015 and 2014**

	<u>2015</u>	<u>2014</u>
<b><u>Assets</u></b>		
Current assets:		
Cash and investments	\$ 1,377,742	\$ 2,123,396
Accounts receivable	115,878	115,778
Accrued receivables	-	-
Taxes receivable	-	-
Due from Franklin Water Utility	773,853	80,647
Miscellaneous receivable	<u>329,516</u>	<u>25,497</u>
Total current assets	2,596,989	2,345,318
Non current assets:		
Due from MMSD	26,055,930	25,459,292
Sanitary Sewer plant in service:		
Land	358,340	358,340
Buildings and improvements	1,621,433	1,605,333
Improvements other than buildings	54,115,278	53,965,043
Machinery and equipment	775,461	780,336
Construction in progress	<u>171,279</u>	<u>27,200</u>
	57,041,791	56,736,252
Less accumulated depreciation	<u>(13,653,645)</u>	<u>(13,032,652)</u>
Net sanitary sewer plant in service	43,388,146	43,703,600
Total Assets	<u>\$ 72,041,065</u>	<u>\$ 71,508,210</u>
<b><u>Liabilities and Net Assets</u></b>		
Current liabilities:		
Accounts payable	\$ 84,355	\$ 7,614
Accrued liabilities	118,446	119,538
Due to Franklin Water Utility	12,148	10,214
Due to General Fund - non-interest bearing	<u>2,198,669</u>	<u>505,040</u>
Total current liabilities	2,413,618	642,406
Non current liabilities:		
Accrued compensated absences	61,309	57,727
General Obligation Notes payable - CWF	<u>23,486,522</u>	<u>24,565,423</u>
Total liabilities	25,961,449	25,265,556
Net Assets:		
Invested in capital assets, net of related debt	43,388,146	43,703,600
Sewer equipment replacement	313,558	277,230
Retained earnings	<u>2,377,912</u>	<u>2,261,824</u>
Total net assets	46,079,616	46,242,654
Total Liabilities and Net Assets	<u>\$ 72,041,065</u>	<u>\$ 71,508,210</u>

**City of Franklin**  
**Sanitary Sewer Fund**  
**Statement of Revenue, Expenditures,**  
**and Changes in Net Assets**  
**For the Two months ended February 28, 2015 and 2014**

	2015 Amended Budget	2015 Year-to-Date Budget	Current Year-to-Date Totals	Prior Year-to-Date Totals
<b>Operating Revenue</b>				
Residential	\$ 1,865,200	\$ 47	\$ 140	\$ 24
Commercial	414,100	123	4	28
Industrial	385,700	-	-	-
Public Authority	177,800	-	-	-
Penalties/Other	42,000	4,726	4,011	3,906
Multi Family	416,200	69,367	-	-
<b>Total Operating Revenue</b>	<u>3,301,000</u>	<u>74,263</u>	<u>4,155</u>	<u>3,958</u>
<b>Operating Expenditures</b>				
Salaries and benefits	\$ 456,545	\$ 87,797	\$ 88,312	\$ 72,893
Contractual services	105,775	7,943	58,954	7,164
Supplies	93,800	15,633	9,567	7,829
Facility charges	59,357	9,325	3,040	641
Shared meter costs	10,000	-	-	-
Sewer service - MMUSD	2,130,137	-	-	-
Other operating costs	21,945	5,809	3,852	3,864
Allocated expenses	105,443	17,574	19,074	17,500
Sewer improvements	170,000	7,267	172	35,436
Depreciation	69,700	11,617	11,600	10,600
<b>Total operating expenditures</b>	<u>3,222,702</u>	<u>162,965</u>	<u>194,571</u>	<u>155,927</u>
<b>Operating Income (Loss)</b>	78,298	(88,702)	(190,416)	(151,969)
<b>Non-Operating Revenue (Expenditures)</b>				
Miscellaneous income	2,200	391	2,913	400
Investment income	584,337	97,389	10,878	19,298
Interest expense	(564,337)	(141,084)	-	-
RCI expenses	-	-	-	-
<b>Total non-operating revenue (expenditures)</b>	<u>22,200</u>	<u>(43,304)</u>	<u>13,791</u>	<u>19,698</u>
<b>Income (Loss) before Capital Contributions</b>	<u>100,498</u>	<u>(132,006)</u>	<u>(176,625)</u>	<u>(132,271)</u>
Retained Earnings- Beginning	2,478,233	2,478,233	2,478,233	2,660,847
Transfer (to) from Invested in Capital Assets	(1,314,300)	(219,050)	389,862	10,478
<b>Retained Earnings- Ending</b>	<u>1,264,431</u>	<u>2,127,177</u>	<u>2,691,470</u>	<u>2,539,054</u>
<b>Capital Contributions</b>	170,000	7,267	-	-
Depreciation - CIAC	(591,400)	(98,567)	(98,600)	(97,800)
Transfer (to) from Retained Earnings	1,314,300	219,050	(389,862)	(10,478)
<b>Change in Net Investment in Capital Assets</b>	<u>892,900</u>	<u>127,750</u>	<u>(488,462)</u>	<u>(108,278)</u>
Net Investment in Capital Assets-Beginning	43,876,608	43,876,608	43,876,608	43,811,878
<b>Net Investment in Capital Assets-Ending</b>	<u>44,769,508</u>	<u>44,004,358</u>	<u>43,388,146</u>	<u>43,703,600</u>
<b>Total net assets</b>	<u>\$ 46,033,939</u>	<u>\$ 46,131,535</u>	<u>\$ 46,079,616</u>	<u>\$ 46,242,654</u>

**City of Franklin**  
**Self Insurance Fund - Actives**  
**Balance Sheet**  
**February 28, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ 2,735,193	\$ 952,172
Accounts receivable	12,081	37,521
Interfund advance receivable	1,088,000	2,338,000
Prepaid expenses	57,500	57,500
<b>Total Assets</b>	<b><u>\$ 3,892,774</u></b>	<b><u>\$ 3,385,193</u></b>
<u>Liabilities and Net Assets</u>		
Accounts payable	\$ 1,789	\$ 37,651
Claims payable	370,500	379,100
Special deposits	-	-
Unrestricted net assets	3,520,485	2,968,442
<b>Total Liabilities and Fund Balance</b>	<b><u>\$ 3,892,774</u></b>	<b><u>\$ 3,385,193</u></b>

**City of Franklin Self Insurance Fund - Actives**  
**Statement of Revenue, Expenses and Fund Balance**  
**For the Two months ended February 28, 2015 and 2014**

<u>Revenue</u>	<u>2015</u> <u>Forecast</u>	<u>2015</u> <u>Year-to-Date</u> <u>Forecast</u>	<u>2015</u> <u>Year-to-Date</u> <u>Actual</u>	<u>2014</u> <u>Year-to-Date</u> <u>Actual</u>
Medical Premiums-City	\$ 2,608,900	\$ 434,817	\$ 434,060	\$ 437,612
Medical Premiums-Employee	397,600	66,267	69,823	72,443
Other - Investment Income, etc.	35,277	5,880	3,932	8,574
Medical Revenue	<u>3,041,777</u>	<u>506,963</u>	<u>507,815</u>	<u>518,629</u>
Dental Premiums-City	112,600	18,767	17,574	17,448
Dental Premiums-Retirees	5,750	958	864	1,440
Dental Premiums-Employee	55,200	9,200	9,210	8,646
Dental Revenue	<u>173,550</u>	<u>28,925</u>	<u>27,648</u>	<u>27,534</u>
<b>Total Revenue</b>	<b><u>3,215,327</u></b>	<b><u>535,888</u></b>	<b><u>535,463</u></b>	<b><u>546,163</u></b>
<b>Expenditures:</b>				
<b>Active Employees-Medical</b>				
Medical claims - Current Year	1,900,000	316,667	123,326	92,530
Medical claims - Prior Year	-	-	141,680	321,563
Prescription drug claims	290,000	48,333	34,330	35,121
Refunds-Stop Loss Coverage	-	-	(11,697)	86,418
Total Claims-Actives	<u>2,190,000</u>	<u>365,000</u>	<u>287,639</u>	<u>535,632</u>
Medical Claim Fees	185,000	30,833	34,466	49,766
Memberships	-	-	3,180	4,525
Miscellaneous Wellness	12,000	2,000	2,420	1,513
Section 125 administration Fee	10,700	1,783	801	-
Stop Loss Premiums	587,160	97,860	97,252	60,141
Total Medical Costs-Actives	<u>2,984,860</u>	<u>497,477</u>	<u>425,758</u>	<u>651,577</u>
<b>Active Employees-Dental</b>				
Dental claims - Current Year	150,000	25,000	17,924	15,650
Dental claims - Prior Year	2,000	333	9,410	13,437
Dental Claim Fees	12,000	2,000	1,838	2,900
Total Dental Costs-Actives	<u>164,000</u>	<u>27,333</u>	<u>29,172</u>	<u>31,987</u>
<b>Retirees-Dental</b>				
Dental claims - Current Year	5,200	867	191	217
Dental claims - Prior Year	900	150	-	195
Dental Claim Fees	200	33	28	146
Total Dental Costs-Retirees	<u>6,300</u>	<u>1,050</u>	<u>219</u>	<u>558</u>
Total Dental Costs	<u>170,300</u>	<u>28,383</u>	<u>29,391</u>	<u>32,545</u>
<b>Total Expenditures</b>	<b><u>3,155,160</u></b>	<b><u>525,860</u></b>	<b><u>455,149</u></b>	<b><u>684,122</u></b>
Revenue over (under) expenditures	60,167	<u>\$ 10,028</u>	80,314	(137,959)
Net assets, beginning of year	<u>3,440,171</u>		<u>3,440,171</u>	<u>3,106,401</u>
<b>Net assets, end of period</b>	<b><u>\$ 3,500,338</u></b>		<b><u>\$ 3,520,485</u></b>	<b><u>\$ 2,968,442</u></b>

**City of Franklin**  
**City of Franklin Post Employment Benefits Trust**  
**Balance Sheet**  
**February 28, 2015 and 2014**

<u>Assets</u>	<u>2015</u>	<u>2014</u>
Cash and investments	\$ (54,455)	\$ (308,251)
Investments held in trust - Fixed Inc	1,178,018	539,720
Investments held in trust - Equities	3,533,838	3,676,936
Accounts receivable	8,576	2,503
Total Assets	<u>\$ 4,665,977</u>	<u>\$ 3,910,908</u>
<u>Liabilities and Net Assets</u>		
Accounts payable	\$ -	\$ 9,945
Claims payable	57,482	77,182
Due from OPEB Trust	-	-
Net assets held in trust for post employment benefi	4,608,495	3,823,781
Total Liabilities and Fund Balance	<u>\$ 4,665,977</u>	<u>\$ 3,910,908</u>

**City of Franklin Post Employment Benefits Trust**  
**Statement of Revenue, Expenses and Fund Balance**  
**For the Two months ended February 28, 2015 and 2014**

<u>Revenue</u>	<u>2015</u> <u>Forecast</u>	<u>2015</u> <u>Year-to-Date</u> <u>Actual</u>	<u>2014</u> <u>Year-to-Date</u> <u>Actual</u>
ARC Medical Charges - City	\$ 167,900	\$ -	\$ -
Medical Charges - Retirees	90,000	19,497	20,665
Implicit Rate Subsidy	103,100	45,735	109,102
Interest Income	-	-	(1,228)
Medical Revenue	<u>361,000</u>	<u>65,232</u>	<u>128,539</u>
<b>Expenditures:</b>			
<b>Retirees-Medical</b>			
Medical claims - Current Year	175,000	23,986	40,125
Medical claims - Prior Year	12,000	23,050	63,436
Prescription drug claims	110,000	10,423	5,865
Refunds-Stop Loss Coverage	-	(2,305)	-
Total Claims-Retirees	297,000	55,154	109,426
Medical Claim Fees	14,500	1,599	4,404
Stop Loss Premiums	49,500	8,254	14,709
Miscellaneous Expense	-	225	-
Total Medical Costs-Retirees	<u>361,000</u>	<u>65,232</u>	<u>128,539</u>
Revenue over (under) expenditures	-	-	-
Annual Required Contribution-Net	467,523	49,355	(17,282)
Other - Investment Income, etc.	338,400	140,901	34,879
Total Revenues	805,923	190,256	17,597
Net Revenues (Expenditures)	805,923	190,256	17,597
Net assets, beginning of year	<u>4,418,239</u>	<u>4,418,239</u>	<u>3,806,184</u>
Net assets, end of period	<u>\$ 5,224,162</u>	<u>\$ 4,608,495</u>	<u>\$ 3,823,781</u>

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<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>4/21/2015</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Authorization for the Director of Administration to Enter into a New 4-Year Lease Agreement with Ricoh USA, Inc. for the City Hall's First Floor Main Copier</b>	<b>ITEM NUMBER</b> <i>G. 1. (c)</i>

The current 4-year lease (May 2011 – April 2015) with Ricoh USA, Inc. for the City Hall's first floor main copy machine will expire April 30, 2015. Before that, the City had a 4-year lease with Ricoh (2007-2011) and before that a 3-year lease with Ricoh (2004-2007).

The City's copy machine lease and maintenance pricing through Ricoh USA, Inc. is per the State of Wisconsin Digital Copier Contract. Our current copy machine lease that expires April 30th was \$2,444.60 per year which included the "Gold Level Service" package where all service calls, parts, labor, staples, and toner are included in the annual lease cost. Copies are billed quarterly at a fixed rate of \$0.0037 for the term of the lease (4 years).

Ricoh USA, Inc. is proposing a new 4-year lease for the period May 1, 2015 through April 30, 2019, again through the State of Wisconsin contract, for a newer version of our current copier with the same functions and accessories as our current copier (including the hard drive Data Overwrite Security System encryption tool), for \$2,400.72 annually with the same Gold Level Service for service calls, parts, labor, staples, toner, and same fixed-rate copy cost of \$0.0037 (approximately \$44 less than our current yearly lease).

There is the option to purchase the current copy machine once its lease expires on April 30th. For performance and production issues, this is only a one-year option and the first year savings would almost be a wash over the term of a new lease. For example, the older the machine gets the more likely the bigger, more expensive parts (such as the drum) are likely to break and need replacing. Also, since the City would now own the machine and would eventually need to enter into another lease option in the next year or so for a new machine, there could potentially be a \$350 or more fee for disposal of the old copy machine. (There is no charge for Ricoh to take away our old machine when replacing it with a new Ricoh machine at the end of our lease.)

The Department of Administration and Clerk's Office have been very happy with the copier products it has leased from Ricoh since 2004. There are very few times where the machine is down, and, when so, the Ricoh service personnel are very quick and efficient in getting the machine back up and running. Importantly, the state contracting option guarantees a good, competitively bid price.

Staff recommends entering into a new 4-year lease with Ricoh USA, Inc. for an annual lease amount of \$2,400.72 and \$0.0037 per copy for each of the 4 years.

### COUNCIL ACTION REQUESTED

Motion to authorize the Director of Administration to enter into a new 4-year lease agreement with Ricoh USA, Inc. for the period 5/1/2015 through 4/30/2019, for an annual lease amount of \$2,400.72 and \$0.0037 per copy for each of the 4 years.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Shw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">04/21/15</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p>Request to authorize the City to participate in State contract for purchase of salt.</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.I.(d)</i></p>

**BACKGROUND**

Each year the State of Wisconsin reports the tonnage of salt that each community wants to have included in the State contract. In addition to the State contract amount an additional 20 percent can be placed in reserve which is optional for the City to purchase. In addition, Franklin estimates salt usage and budgets the purchase in annual budgets. Customarily, Common Council has been solicited for a final decision before notice was given Wisconsin DOT for Franklin's requested tonnage to be included in the State contract.

In 2015, notice from DOT was sent to a defunct email address and thus an advance notice was not received. (that issue has been addressed with Franklin IT). Hence, DPW received a phone call from DOT needing an immediate answer to be included in the State Contract.

Per the deliberation between Engineering, DPW, and Finance outlined below, notice was given to DOT that the City of Franklin is reserving 500 tons of salt for the 2015-2016 winter season..

**ANALYSIS**

Regardless of one's beliefs concerning Climate Change or Climate Cycles, the facts are that severity of winters and other weather patterns are highly variable. This past winter, DPW used 1,300 tons of salt. In 2014, DPW used 3,700 tons. Some of the smaller storms can be addressed with GEOMELT and/or salt brine.

Because this past winter had relatively few major storms, DPW has approximately 2,500 tons of salt in storage on site in a building that can only safely store 2,600 tons. In addition, DPW must take delivery of an additional 1,005 tons of salt reserved in 2014, otherwise pay \$5.00/ton/month. DPW plans to take delivery, place 100 tons in the storage building and purchase a \$1,000 disposable tarp to cover the remaining 905 tons in the DPW yard. The alternative was to pay (\$5 x 905 tons) = \$4,525 / month for undelivered material (@ 7 months = \$31,675). Therefore at the start of the 2015-2016 winter season, DPW will have a total of 3,505 tons of salt on hand.

In the past, the City has seen benefits of planning to have available twice the forecasted amount of salt for each season. For severe winters- like 2014, many communities could not obtain salt or had to pay excessive prices to get salt. Franklin had an adequate supply of salt on hand and used "normal price salt" and saved a significant amount.

Engineering, DPW, and Finance reviewed DPW's minimum and maximum salt usage history and it appears that DPW needs around 2,000 tons for a "normal season". Two times a normal season (4,000 tons) will exceed a peak season (3,700 tons). Therefore, DOT was advised that Franklin wants to reserve 500 tons of salt in the State bid. This will give Franklin a total of 4,005 tons with ability to purchase and take delivery of an additional (500 x 20%) 100 tons.

### **OPTIONS**

As past practice, it is important to order the salt with the State contract as our best prices are with the State contract.

### **FISCAL NOTES**

The 2015 budget assumes an order of 2,100 tons at \$60.50 / ton = \$127,050

500 tons of salt is expected to cost (based on forthcoming State bid) = \$30,250

The "savings" may be help in purchase of Geo-melt if frequency and severity of winter storms next year is favorable.

Depending on the delivery of the salt needed in 2014, the salt can be purchased in 2015 or 2016 be taken out of the 2015 budget or included in the 2016 budget as recommended by the financial officer.

### **REMMENDATIONS**

Motion to authorize the City to participate in State contract for purchase of 500 tons of salt.

The reserve amount of salt can be either purchased in 2015 or 2016 as the established contract amount.



Division of Transportation System Development  
Bureau of Highway Maintenance  
4802 Sheboygan Avenue Room 501  
Madison, WI 53707-7986

Scott Walker, Governor  
Mark Gottlieb, P.E., Secretary  
Internet: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Telephone: 608-266-1202  
E-mail: [saltadmin@dot.wi.gov](mailto:saltadmin@dot.wi.gov)

March 2, 2015

RE: Participation in 2015-2016 WisDOT Salt Contract

Dear Local Official,

This letter provides information on the Department's plan for purchasing salt for the 2015-2016 winter season. I encourage you to carefully consider this information before deciding whether your local government will benefit from participation in this WisDOT bid for road salt.

Attached is a Municipal Agreement form which needs to be filled out and submitted via e-mail to [saltadmin@dot.wi.gov](mailto:saltadmin@dot.wi.gov) by March 20th, 2015. The Department needs this information to begin the salt procurement process.

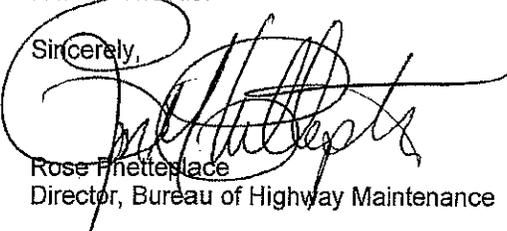
A challenge for those participating in the bid is determining the quantity of road salt they will request to purchase, with some uncertainty on how much may be needed to finish up the current winter season. When calculating your salt needs for the 2015-2016 bid remember to include any season salt from the 2014-2015 contract that you have not ordered yet as well as any vendor reserve that you are planning on taking.

Over the past several years all of the salt contractors servicing Wisconsin have struggled to keep up with the peak demand during the winter seasons. The transportation system, including ports, depots and private trucking resources has been routinely pushed to capacity. In addition, salt requested by local governments has continued to become more unbalanced with increasing amounts allocated to seasonal deliveries. In general, salt purchased in the early fill category is cheaper and easier for the salt contractor to provide than seasonal and vendor reserve. The more salt taken in early fill allows for additional dock space and resources to bring salt into the state prior to lakes possibly freezing up. This is why we are mandating that all early fill salt must be ordered by August 14<sup>th</sup>. Early fill salt ordered after that date may no longer be guaranteed by the date's outlines in section 10.1 of the contract.

To help reduce the peak demands the state is maximizing the amount of early fill salt to fill sheds prior to the winter season. We are asking local governments to do the same and fill storage space allocated for road salt to capacity during the early fill season which ends on November 13th 2015. This year the Department is requiring additional information from local governments who wish to be part of the WisDOT salt contract (see attached form). This information is important to ensure local governments participating in the bid are utilizing available storage.

We continue to believe the current cooperative statewide bid is beneficial for both WisDOT and local units of government. Please understand, WisDOT has a role and responsibility to structure the salt contract in a manner that will help aid in timely delivery of salt during the winter season. This process and terms for the WisDOT salt contract may not generate the best results for individual governments, depending on their unique local circumstances. We encourage each local government to carefully consider what approach is best for meeting road salt needs.

Sincerely,



Rose F. Hettler

Director, Bureau of Highway Maintenance

Changes in the municipal agreement that you should be aware of:

1. Early fill salt can be ordered as soon as the contracts are signed by the salt contractor. However, all early fill salt must be ordered no later than August 14, 2015. This deadline is necessary so that the salt contractor has enough time to meet their obligation. Early fill salt will still be delivered according to the schedule outlined in section 10.1 of the terms and conditions.
2. Even though early fill is delivered at the vendor's discretion you still need to email a DT2208 to the vendor so they know delivery locations.
3. Early fill orders (DT2208) must be emailed to the vendor by August 14, 2015. DT2208 forms emails after August 14, 2015 may not be guaranteed by the early fill dates in the contract.
4. Salt purchased under this agreement shall only be used on facilities owned and maintained by a municipality. If the municipality has contracted with a private entity to perform winter maintenance the salt purchased under this agreement shall not be used by the private entity on facilities not owned or maintained by a municipality

We are considering making the suggested language changes listed below to the terms and conditions of the salt bid contract:

**THE SUGGESTED CONTRACT LANGUAGE CHANGES CAN NOT BE SHARED WITH VENDORS.**

1. We're asking the salt contractors to supply a single email address so that salt order forms (DT2208) can be emailed.
2. Salt contractors must email you within 48 hours that they received your salt order.
3. **If the purchaser does not supply the salt contractor with the DT2208 order form the salt contractor no longer has to meet the 10-day delivery window.**
4. Early fill orders (DT2208) must be completed by August 14, 2015. Early fill salt ordered after August 14, 2015 may not be guaranteed by the delivery dates in the contract. Delivery of early fill will still happen by November 13<sup>th</sup> for 75% of the salt in the contract and by December 4<sup>th</sup> for the remaining 25%.
5. We added a clause to assure that some early fill salt is delivered by October 13th. See section 10.2.
6. You can now list the maximum number of tons you can receive on each order (DT2208).
7. You can now accept or reject loads with large chunks. If you accept the chunky load you have to write CHUNKY on the ticket and take a picture of each chunky load. You can then take a 25% penalty each load where the ticket is marked CHUNKY and there is a photo of the load attached to the payment.
8. You can now accept or reject loads with foreign material. If you accept the load you have to write FOREIGN MATERIALS on the ticket and take a picture of each chunky load. You can then take a 25% penalty each load where the ticket is marked FOREIGN MATERIALS and there is a photo of the load attached to the payment.
9. Rejected loads are considered rejected statewide and cannot be redirected to other purchasers on this contract.
10. If you order treated salt it shall be ordered on a dollar per dollar basis. Example: Say regular salt cost \$75/ton and treated salt cost \$90/ton. If you order 100 tons of regular salt it will cost you \$7,500. If you decide to order treated salt instead it will still cost you \$7,500 but you will only receive 83 tons (\$7500/\$90).

MUNICIPAL AGREEMENT TO PURCHASE SODIUM CHLORIDE ON WISDOT BID (March 2015)

**THIS AGREEMENT MUST BE SIGNED, DATED, AND RECEIVED BY LISA MEINHOLZ**  
**(saltadmin@dot.wi.gov)**  
**WISDOT, Bureau of Highway Operations, P.O. Box 7986, Madison, WI 53707-7986)**  
**NO LATER THAN 5 PM ON FRIDAY, MARCH 20, 2015.**

Annually the Wisconsin Department of Transportation, Bureau of Highway Maintenance takes bids for sodium chloride to be used as a deicing agent. For the 2015-16 bid the Department will receive a single, combined price to include three categories of delivery services for its road salt needs. They are:

1. **Guaranteed Early Fill** - this service is to take delivery of salt that will fill the purchaser's storage facilities to capacity. Salt contractor is required to complete delivery by November 13, 2015. The contract guarantees the salt contractors that 100% of the bid quantity shown as guaranteed early fill will be taken by the purchaser at the price awarded to the salt contractor. It obligates the salt contractor to deliver this guaranteed quantity. Early fill salt can be ordered as soon as the contracts are signed by the salt contractor. However, all early fill salt must be ordered no later than August 14, 2015. This deadline is necessary so that the salt contractor has enough time to meet their obligation. Salt contractors may ship road salt starting on the contract award date and concluding delivery by November 13, 2015 for 75% of the early fill quantity and December 4<sup>th</sup> for the remaining 25%. Notice to the purchasing agency is required as specified in the contract.
2. **Guaranteed Seasonal Fill** - this service is to take delivery of salt that will re-fill the storage facilities after November 13, 2015 and up to April 30, 2016. The contract guarantees the salt contractors that 100% of the bid quantity shown as guaranteed seasonal fill will be taken by the purchaser at the price awarded to the salt contractor, but the request for delivery is made by the purchasing agency. When both guaranteed early fill and guaranteed seasonal fill are contracted for, the municipality should take all early fill first before beginning to take delivery of seasonal fill.
3. **Vendor Reserve** - the salt contractor assures that it will have a reserve enabling it to provide additional salt up to the quantity let for bid as vendor reserve, which is taken at the discretion of the purchaser at the price awarded to the salt contractor. **The purchaser's vendor reserve cannot be more than 20% of the total of the Early Fill plus Seasonal Fill for a municipality.**

The WisDOT Bureau of Highway Maintenance will include the requested salt quantities for local units of government in the quantity for bid. Participating local units of government must agree to abide by the Special Terms and Conditions of the contract between WisDOT and the Salt Contractor including procedures for ordering, taking delivery, acknowledging receipt of delivery, making payment for salt received, salt quantities, salt unit prices, and assessing penalties. By signing, participants are also agreeing to comply with Administrative Code TRANS 277 which requires registration and compliance at all salt storage facilities. TRANS 277 also requires annual on-site storage facility inspections.

The \_\_\_\_\_ requests WisDOT to acquire the following  
(Name of Municipality) (County)  
quantity of sodium chloride for the 2015-2016 winter season and agrees to purchase at least the quantities shown in item 3 and item 4 below and to make payment as contractually required.

1. **Current Inventory** \_\_\_\_\_ tons. (include tonnage of yet to be delivered salt from 2014/2015 contract)
2. **Storage Capacity for Road Salt** \_\_\_\_\_ tons. (This quantity should be the amount of storage available for regular road salt and should not include storage needed for sand/salt mix or other products)
3. **Guaranteed Early Fill** \_\_\_\_\_ tons. Early fill orders (DT2208) must be completed by August 14, 2015. Early fill salt ordered after August 14, 2015 is not guaranteed to be delivered by the dates in the contract. Purchaser must take 100% delivery upon contractually required notice from salt contractor anytime after Purchase Orders are released, up to November 13, 2015)
4. **Guaranteed Seasonal Fill** \_\_\_\_\_ tons.  
(Purchaser must take 100% delivery from the time the contract is awarded up to April 30, 2016)
5. **Vendor Reserve** \_\_\_\_\_ tons. (This quantity can be no more than 20% of the sum of Items 3 and 4. Quantities that do not meet this requirement will be adjusted accordingly.)  
(Purchaser may take delivery at its discretion between November 13, 2015 and up to April 30, 2016)

Participants will receive a copy of the Bid Documents, the procedure to place orders, the form DT 2208 and instructions on how to use it, and assistance on other requirements contained in the Bid Documents.

**\*ALL SALT ORDERS NEED TO BE SUBMITTED TO SALT CONTRACTORS ON A DT2208 FORM**

Salt purchased under this agreement shall only be used on facilities owned and maintained by a municipality. If the municipality has contracted with a private entity to perform winter maintenance the salt purchased under this agreement shall not be used by the private entity on facilities not owned or maintained by a municipality.

Signature Approval Authority (electronic signature accepted)

Date

Contact Phone Number  
(ex: 608-555-1212)

Contact Fax Number  
(ex: 608-555-1212)

Contact E-mail Address

<b>APPROVAL</b> <i>Stw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> April 21, 2015
<b>Reports and Recommendations</b>	<b>Temporary Street Closure Request in conjunction with the June 6, 2015 Bike Rodeo</b>	<b>ITEM NUMBER</b> <i>G.I.(e)</i>

The City of Franklin Health Department with community partners is hosting the 7<sup>th</sup> annual bike rodeo at city hall on Saturday June 6, 2015. Up to 130 children with parents will attend. The event will be staged from the lower level of City Hall and the actual bike rodeo safety course will extend onto Legend and Schlueter roads. For safety purposes the police department and department of public works have recommended street closures on both streets. The fire department concurs with this recommendation. The health department recommends street closures from 6 AM until 2 PM on Saturday June 6<sup>th</sup>. The condominium complex behind city hall has been alerted about the street closure and is supportive of this community event. The street closure application has been submitted to the city clerk. Thank you for your consideration.

**COUNCIL ACTION REQUESTED**

Motion to approve street closures on Legend and Schleuter Parkway on Saturday June 6<sup>th</sup> in conjunction with the City of Franklin sponsored bike safety rodeo.

CITY OF FRANKLIN  
APPLICATION FOR TEMPORARY CLOSING OF STREET  
OFFICE OF THE CITY CLERK  
[clerksdept@franklinwi.gov](mailto:clerksdept@franklinwi.gov)  
9229 W. LOOMIS RD.  
FRANKLIN WI 53132  
414-425-7500

**Name:** William M. Wucherer, Director of Health & Human Services  
**Address:** 9229 W. Loomis Road  
Franklin, WI 53132  
**Phone:** 414-427-7530 (Direct)

**Name of person or association applicant represents:**

City of Franklin Health Department  
**Address:** 9229 W. Loomis Road  
Franklin, WI 53132  
**Phone:** 414-425-9101

**Nature and purpose of the obstruction or street closing:** On Saturday June 6th the Franklin Health Department will host its 7<sup>th</sup> annual bike rodeo for local children ages 6-11 behind city hall. The bicycle safety course will be designed on Legend Drive. Street closures are essential to protect participants.

**Description of all parts of the road, street or highway is proposed to be obstructed or closed:** Three barricade locations are proposed by the Franklin Police Department including (1) at or near 8501 Legend Drive by Forest Hill Condominium, (2) at the library entrance on Legend Drive, and (3) at the library entrance on Schlueter Parkway. The condominium management is aware and supportive of this community event. They have graciously advertised the event in their condominium newsletter and mentioned the road closure. Access in the public library will not be altered. Access on city hall from Legend Drive and Loomis Road will not be impeded.

**Date and time of obstruction or closing:** Road closure is recommended from 6 AM—2 PM on Saturday June 6, 2015. The bike rodeo is scheduled from 9:15 AM—12:30 PM; however, significant preparation in marking the safety course is required before the event begins

**Estimated number of people proposed to attend:** 130 children can register in advance for this year's bike rodeo. Each child must be accompanied by an adult.

**Cleanup plan:** Upwards to 75 volunteers will assist the Franklin Health Department. Clean-up will be done immediately after the event is concluded. Little waste or refuse will likely to occur.

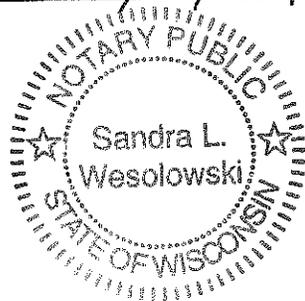
**Provisions to allow ingress and egress of people or businesses denied access during the event:**

Residents and participants will have full access to city hall and the public library. The fire department is aware of this event and can accommodate requests for service.

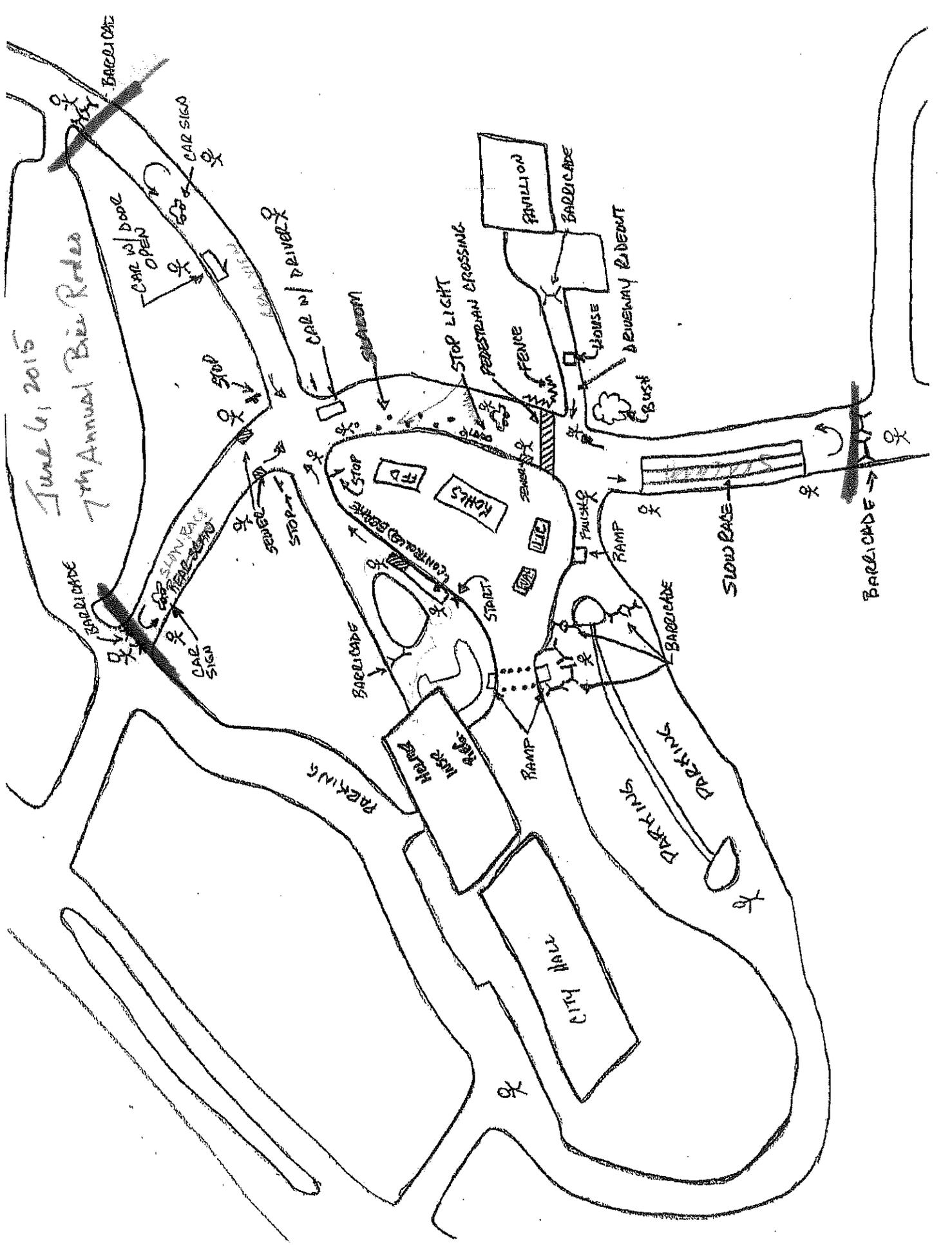
**Permission received from additional jurisdiction:** The Franklin Police Department (Officer Bandur) has designed the bike safety course and recommended barricade locations. Department of Public Works Superintendent Jerry Schaefer and Foreman Dale Linneman agree with the road closure plan and will provide barricades for the event. Acting Fire Chief Adam Remington has reviewed the proposed road closure plan and has no objection.

**Date:** April 16, 2015

Subscribed and sworn to before me  
this 17<sup>th</sup> day of April, 2015  
Sandra L. Wesolowski  
Notary public, Milwaukee Co., Wisconsin  
My Commission expires 5/09/2017



William M. Wucherer  
William M. Wucherer  
Applicant



<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>April 21, 2015</b>
<b>REPORTS AND RECOMMENDATIONS</b>	Matt Talbot Recovery Services, Inc. 5 to 8 bedroom Community Based Residential Facility for the property located at 9132 South 92nd Street, Tax Key No. 886-9987-000; Letters and Petitions from Angeline Benning regarding Community Based Residential Facility at South 92nd Street and West St. Martins Road; Site Plan for a 5 to 8 Bedroom State Licensed Community Based Residential Facility Development (Matt Talbot Recovery Services, Inc., Applicant); Request from Matt Talbot Recovery Services, Inc. to extend water main along St. Martins Road, 90-degree bend to South 92nd Street, and past driveway to terminate water main at a possible future lot line	<b>ITEM NUMBER</b>  <i>G.2.</i>

The Common Council considered Letters and Petitions from Angeline Benning regarding Community Based Residential Facility at South 92nd Street and West St. Martins Road at its regular meeting on April 7, 2015. The draft minutes of that meeting upon the subject matter with regard to Common Council actions provide as follows:

Alderman D. Mayer moved to suspend the regular order of business to allow citizens to speak. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

Alderwoman S. Mayer moved to place on file a letter and petitions from Angeline Benning regarding Community Based Residential Facility at South 92nd Street and West St. Martins Road. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderwoman S. Mayer moved to direct staff to request Wisconsin Department of Natural Resources and Army Corps of Engineering for a wetland delineation concurrence and navigability determination, and that no further action by staff that propels this project along shall be taken before these documents come back before the Common Council. Seconded by Alderman D. Mayer.

Alderwoman Wilhelm moved to call the question. Seconded by Alderman D. Mayer. All voted Aye; motion carried. On the voice vote for the main motion, all voted Aye; motion carried.

Alderwoman Wilhelm moved to have City Attorney to look into possibility to change the determination of the water going down the site at the CBRF. Seconded by S. Mayer. All voted Aye; motion carried.

Alderwoman S. Mayer moved that with any future Community Based Residential Facilities that are introduced into the City of Franklin that the Alderman of the District be notified by phone call and that a community development review meeting be held so that everyone can be brought up to speed and direction given on how to proceed with this, with responsibility of letters to be written by City staff and sent to residents within 1,000 feet with the Alderman aware of the letter and who it will be sent to. Alderwoman Wilhelm seconded. All voted Aye; motion carried.

Alderman Dandrea moved to return to the regular order of business to allow citizens to speak. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Department of City Development staff will be present at the meeting to provide information upon the status of the Common Council direction to request Wisconsin Department of Natural Resources and Army Corps of Engineering for a wetland delineation concurrence and navigability determination. The City Attorney will be present at the meeting to provide information as directed by the Common Council to have City Attorney to look into possibility to change the determination of the water going down the site at the CBRF, and upon the above.

**COUNCIL ACTION REQUESTED**

As the Common Council deems appropriate.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">04/21/15</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A RE-DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 7251, BEING A PART OF THE NORTHWEST 1/4 AND OF THE SOUTHEAST 1/4 SECTION 8, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (JACK R. STYZA AND ALICE STYZA, APPLICANTS) (9745 WEST WOELFEL ROAD)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G. 3.</i></p>

At its March 5, 2015, meeting the Plan Commission recommended approval of a resolution conditionally approving a 2 lot certified survey map, being a re-division of Parcel 2 of Certified Survey Map No. 7251, being a part of the Northwest 1/4 and of the Southeast 1/4 Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Jack R. Styza and Alice Styza, Applicants) (9745 West Woelfel Road).

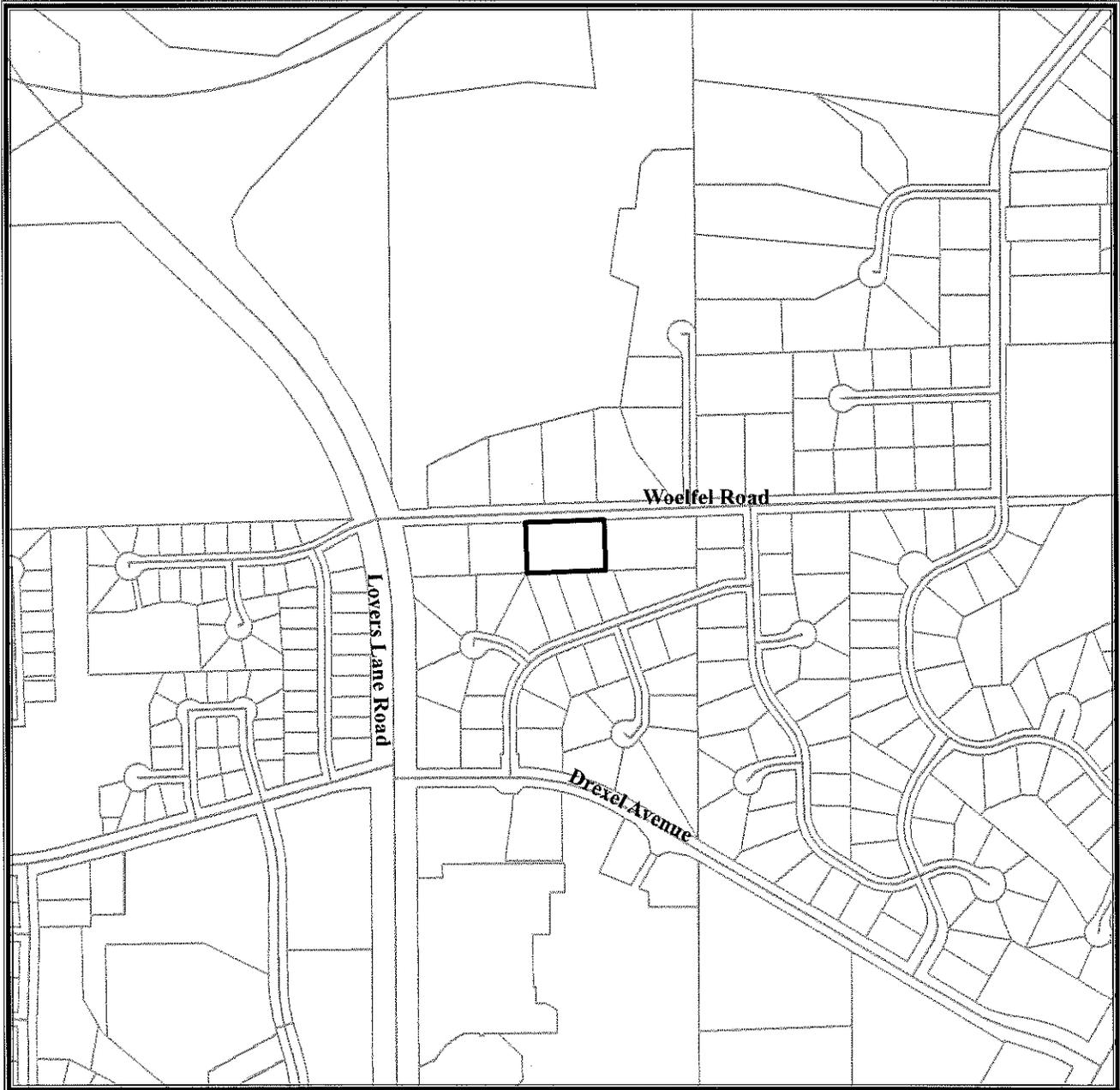
At their March 17, 2015, meeting the Common Council tabled the subject application to the April 21, 2015 Common Council meeting.

**COUNCIL ACTION REQUESTED**

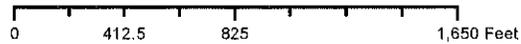
A motion to adopt Resolution No. 2015-\_\_\_\_\_, a resolution conditionally approving a 2 lot certified survey map, being a re-division of Parcel 2 of Certified Survey Map No. 7251, being a part of the Northwest 1/4 and of the Southeast 1/4 Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Jack R. Styza and Alice Styza, Applicants) (9745 West Woelfel Road).



# 9745 W. Woelfel Road



**Planning Department**  
**(414) 425-4024**



*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.*



## RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A RE-DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 7251, BEING A PART OF THE NORTHWEST 1/4 AND OF THE SOUTHEAST 1/4 SECTION 8, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (JACK R. STYZA AND ALICE STYZA, APPLICANTS)  
(9745 WEST WOELFEL ROAD)

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a re-division of Parcel 2 of Certified Survey Map No. 7251, being a part of the Northwest 1/4 and of the Southeast 1/4 Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 9745 West Woelfel Road, bearing Tax Key No. 794-9996-006, Jack R. Styza and Alice Styza, applicants; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Jack R. Styza and Alice Styza, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within

JACK R. STYZA AND ALICE STYZA – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2015-\_\_\_\_\_

Page 2

the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Jack R. Styza and Alice Styza, successors and assigns, and any developer of the Jack R. Styza and Alice Styza 2 lot certified survey map project, 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, 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.
5. The approval granted hereunder is conditional upon Jack R. Styza and Alice Styza and the 2 lot certified survey map project for the property located at 9745 West Woelfel 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.
6. Applicant shall submit a Natural Resource Protection Plan and Site Intensity and Capacity Calculation Worksheets for Department of City Development Staff approval, prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Jack R. Styza Revocable Trust U/A Dtd. 4/25/89, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, Jack R. Styza Revocable Trust U/A Dtd. 4/25/89, with the Office of the Register of Deeds for Milwaukee County.

JACK R. STYZA AND ALICE STYZA – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2015-\_\_\_\_\_

Page 3

Introduced at a regular meeting of the Common Council of the City of Franklin this  
\_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of  
Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

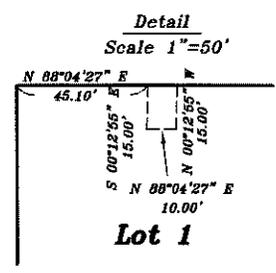
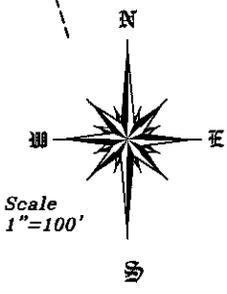
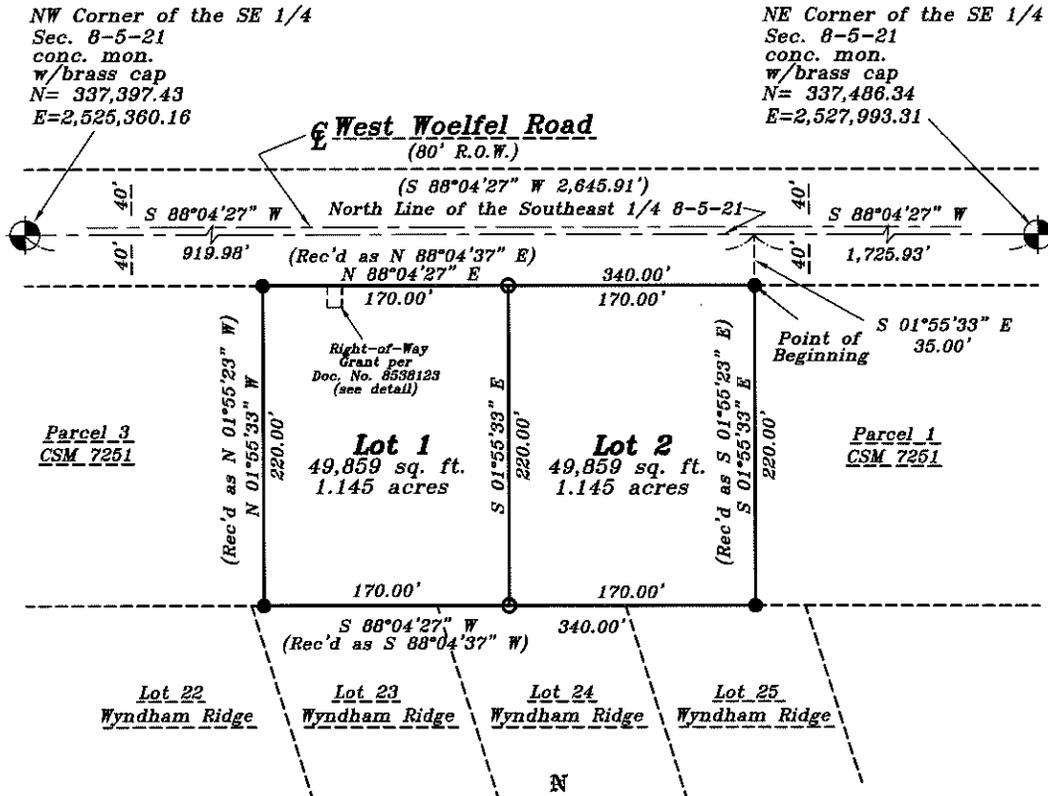
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

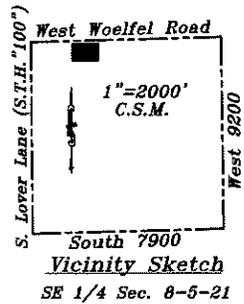
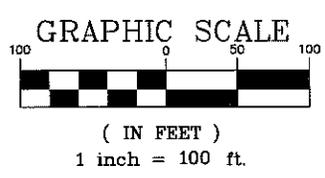
Being a re-division of Parcel 2 of Certified Survey Map No. 7251, being a part of the Northwest 1/4 and of the Southeast 1/4 Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Prepared by:  
 Dennis C. Sauer RLS 2421  
 Metropolitan Survey Service, Inc.  
 9415 West Forest Home Ave. Suite 202  
 Hales Corners, WI 53130

Prepared for:  
 Jack & Alice Styza  
 P.O. Box 405  
 Greendale, WI 53129



January 17, 2015



Map bearings refer to Grid North of the Wisconsin State Plane Co-ordinate System, South Zone, with the North line of the SE 1/4 of Section 8, T5N, R21E having an assumed bearing of N 88°04'27" W.

- — Denotes 1" iron pipe set
- — Denoted 1" iron pipe found and accepted or set as noted.

This CSM is served by public sanitary sewer and water.

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a re-division of Parcel 2 of Certified Survey Map No. 7251, being a part of the Northwest 1/4 and of the Southeast 1/4 Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

I, Dennis C. Sauer, registered land surveyor, do hereby certify:

That I have surveyed, a re-division of Parcel 2 of Certified Survey Map No. 7251, being a part of the Northwest 1/4 and of the Southeast 1/4 Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northeast corner of the said Southeast 1/4 thence S 88° 04' 27" W, along the North line of said Southeast 1/4, 1725.93 feet; thence S 01° 55' 33" E, 35.00 feet to the point of beginning and the South line of West Woelfel Road; thence continuing South 01° 55' 33" East, 220.00 feet; thence S 88° 04' 27" W, 340.00 feet; thence N 01° 55' 33" W, 220.00 feet to the South line of said West Woelfel Road; thence N 88° 04' 27" E, along said South line 340.00 feet to the point of beginning. Said lands containing 99,719 square feet (2.29 acres).

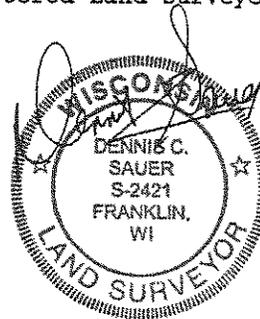
That I have made such survey, land division and map by the direction of, Jack Styza and Alice Styza, husband and wife, owners of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code in surveying, dividing and mapping the same.

JANUARY 17, 2015  
Date

Dennis C. Sauer  
Dennis C. Sauer  
Registered Land Surveyor S-2421



PREPARED FOR:  
Jack & Alice Styza  
P.O. Box 405  
Greendale, WI 53129

PREPARED BY: Dennis C Sauer  
Metropolitan Survey Service  
9415 West Forest Home Avenue  
Hales Corners, WI 53130

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a re-division of Parcel 2 of Certified Survey Map No. 7251, being a part of the Northwest 1/4 and of the Southeast 1/4 Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE

As owners, Jack Styza and Alice Styza, husband and wife, do hereby certify that we have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236.34 of the Wisconsin State Statutes and Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code.

WITNESS the hand and seal of said owners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Jack Styza

\_\_\_\_\_  
Alice Styza

STATE OF WISCONSIN)  
Milwaukee COUNTY) SS

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, Jack Styza and Alice Styza, husband and wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

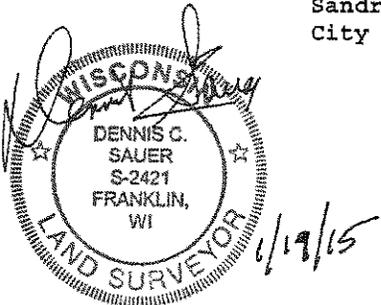
\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

COMMON COUNCIL APPROVAL

APPROVED and accepted by the Common Council of the City of Franklin, Resolution No. \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Steve Olson, Mayor  
City of Franklin

\_\_\_\_\_  
Sandra L. Wesolowski, Clerk  
City of Franklin



THIS INSTRUMENT WAS DRAFTED BY:  
Dennis C Sauer, R.L.S. S-2421



REPORT TO THE PLAN COMMISSION

Meeting of March 5, 2015

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant, Owners (property), Current Zoning, 2025 Future Land Use, Use of Surrounding Properties, and Applicant Action Requested.

Project Description and Analysis:

Please note:

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

On February 4, 2015, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development, requesting approval to split a 1.72-acre property into two parcels.

The existing 1.72-acre property is currently vacant and proposed to be divided in half, resulting in two lots, each having an area of approximately 0.86 acres. The existing lot is part of CSM No. 7251, recorded on June 23, 2003.

The proposed lots exceed the R-3E District minimum lot area of 25,000 square feet as well as the minimum lot width of 115 feet; however, it should be noted that the properties along West Woelfel Road are larger in area than the standard R-3E lots. The average lot size of nearby parcels is approximately 1.67 acres. These properties are listed below and shown on the attached map.

Table with 4 columns: Taxkey Number, Address, Acreage, Location. Lists six nearby parcels with their respective details.

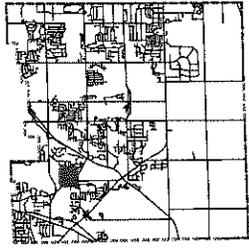
794-9996-009	9965 W. Woelfel Road	1.36	Located to the west of the subject parcel (one lot over)
753-0005-000	7467 S. Trinity Court	1.63	Northwest corner of W. Woelfel Road and S. Trinity Court

The Wyndham Ridge Subdivision located directly to the south and also zoned R-3E District contains lots at or closer to the required minimum size of the R-3E District. For example, the three lots directly to the south of the subject parcel have areas of 35,442 square feet, 31,847 square feet and 25,729 square feet.

In review of the best available natural resource information and the most recent aerial maps, it appears the property does not contain any protected natural resource features. Section 15-7.0201 of the UDO requires the submission of a Natural Resource Protection Plan for all Certified Survey Map (CSM) requests; therefore, staff recommends submittal of a Natural Resource Protection Plan and Site Intensity and Capacity Calculation Worksheets, prior to recording the CSM. If any protected natural resources are found on the property, a Conservation Easement will be required and must be illustrated on the CSM.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.



**Legend**

- Parcel with Address Owner
- Road ROW
- Street Centerline
- Road Edge
- Easement



City of Franklin  
 GIS Department  
 9229 W. Loomis Rd.  
 Franklin, WI 53132  
 www.franklinwi.gov

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.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>04/21/2015</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;">Reimburse Victory of The Lamb Church for expenses related to the design of a City park at 11120 W. Loomis Road</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G. 4.</i></p>

**BACKGROUND**

Kayla's Playground is a City of Franklin park project. The design of this project has considered many locations. The first location supported by the City was at a parcel owned by Victory of the Lamb (VOTL) at approximate address 11120 W. Loomis Road. After much deliberation, the Common Council chose not to place the park facility on this parcel.

VOTL was extremely patient in this site selection process and invested much of their resources in consultant expenses related to design of the Loomis Road parcel. In budget considerations for other sites, Common Council has considered reimbursement for this site for justifiable expenses.

**ANALYSIS**

VOTL had two consultants perform billable work for their site related to Kayla's Playground that were charged and paid for by VOTL.

**KT Architects**

- \$3,200 for 32 hours in the months of February and March, 2015 related to this project
- \$5,262 For 5% of base contract related to the efforts on Kayla's Playground prior to February 2015.
- \$8,462 Subtotal of KT Architects

**Short Elliot Hendrickson, Inc. (SEH)**

- \$7,221.19 for Kayla's Playground portion of Original Site work
- \$19,550 for Change Order related to redesign of site to accommodate Park alternatives.
- \$26,771.19 Subtotal of SEH

**TOTAL COSTS=\$35,233.19**

City Engineering has supporting documentation with invoices supplied by VOTL, KT, and SHE. Note that the documentation does not include additional soil borings, VOTL volunteer time, and contractor preconstruction work.

**OPTIONS**

Approve or Deny

**FISCAL NOTES**

There are funds in the Contingency of the Capital Improvement Fund.

**REMMENDATIONS**

Reimburse Victory of the Lamb Church \$35,233.19 for funds expended to develop a City park.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2015 - \_\_\_\_\_

A RESOLUTION TO REIMBURSE VICTORY OF THE LAMB CHURCH FOR EXPENSES  
RELATED TO THE DESIGN OF A CITY PARK AT 11120 W. LOOMIS ROAD

---

WHEREAS, the City of Franklin in designing and constructing a City park known as Kayla's Playground;

WHEREAS, the initial site for consideration was at a parcel of land owned by Victory of the Lamb Church at approximate address 11120 W. Loomis Road; and

WHEREAS, Victory of the Lamb Church spent their funds to assist in the design of the City park; and

WHEREAS, the City selected an alternate site for Kayla's Playground after Victory of the Lamb Church spent their funds; and

WHEREAS, the City has received documentation supporting the expenses paid in the amount of \$35,233.19.

NOW, THEREFORE, BE IT RESOLVED, The City of Franklin will reimburse Victory of the Lamb Church \$35,233.19 for funds expended to develop a City park.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>04/21/2015</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;">Kayla's Playground status and request for authorization to solicit bids for precast concrete restroom units and continue design efforts</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.5</i></p>

**STATUS**

Since 04/07/2015 Common Council Meeting, design at Franklin Woods has progressed.

A neighborhood meeting held by Aldermen Janet Evans and Doug Schmidt was held on 04/13. Approximately 30 were in attendance. The persons who provided comments are attached- unedited.

This project was discussed at the 04/13 Parks Commission. From the unapproved minutes:

*Motion by Commissioner Megna to approve the site plan for Kayla's Playground at Franklin Woods Nature Center Special Park with the following changes; move the playground to allow for more contiguous greenspace east and south of the pavilion, move the restroom north of the sidewalk, remove the splash pad, and include paving the trail through the woods. Seconded by Commissioner Bartoszek. On voice vote, all voted 'aye'. Motion carried.*

On 04/13 we had a kickoff meeting with GRAEF. We discussed general park design philosophy and specific items to be performed under their contract.

The notice regarding the public hearing for the NRSE has been sent to the paper. We advertised 7,500 SF wetland buffer, 5,500 SF wetland setback, and 11,700 SF of shore buffer. DNR has been asked to verify navigable and SEWRPAC has been requested to map the wetlands.

Incorporating comments from GRAEF, Neighborhood Meeting, and the Parks Commission, the site layout has been redesigned. Changes have been discussed with Play By Design. Note the latest site layout:

- Playground area has changed to 180'x100' minus a corner on the northwest edges. The location allows maximum green space east and south of the pavilion. The configuration minimizes line of sight to the pavilion from the parking lot so that visitors cannot hide at the pavilion.
- Restroom has been moved to the east side of the existing pathway and closer to the parking lot. This will require greater distance for the utility connections, but it opens up the desired line of sight to the pavilion.
- Parking lot is unchanged.
- Patio surface is still bounded by the playground, the pavilion, the parking, and the walk. This will still be pavers and provide a sitting area for adults waiting for children playing in the playground. They can monitor the one entrance/exit to the playground. It is anticipated that any grass in this area will be tough to keep maintained. Considerations are still in design for planters.
- A separate splash pad has been removed. If still desired, conduit may extend from the restroom (water meter location) to middle of the patio.

Unless there is objection by Common council, other changes to the project include:

- Not heating the restroom facilities. It was initially anticipated to provide some heat to the restrooms so that they could be kept open later in the fall and open earlier in the spring. Discussion with the State

indicates that any heaters in the design would require insulation of the building. These are precast structures and insulation would greatly add to the cost.

- Screening options will be added to the south end of the park at the request of nearby residents.
- No Parking will be added to Crest and 36<sup>th</sup> Streets on the south side of the park.
- Sidewalk on north side of Puetz the entire length of the park parcel to facilitate walking to the park.

Restroom modules are typically an 8-10 week lead time for manufacturing and delivery. However, the one manufacture we have been talking to said that they are really busy this year and if the City were to place an order now, they cannot deliver until mid September. **Staff needs to bid out these units ASAP and specify delivery at the end of September.**

#### **FISCAL NOTES**

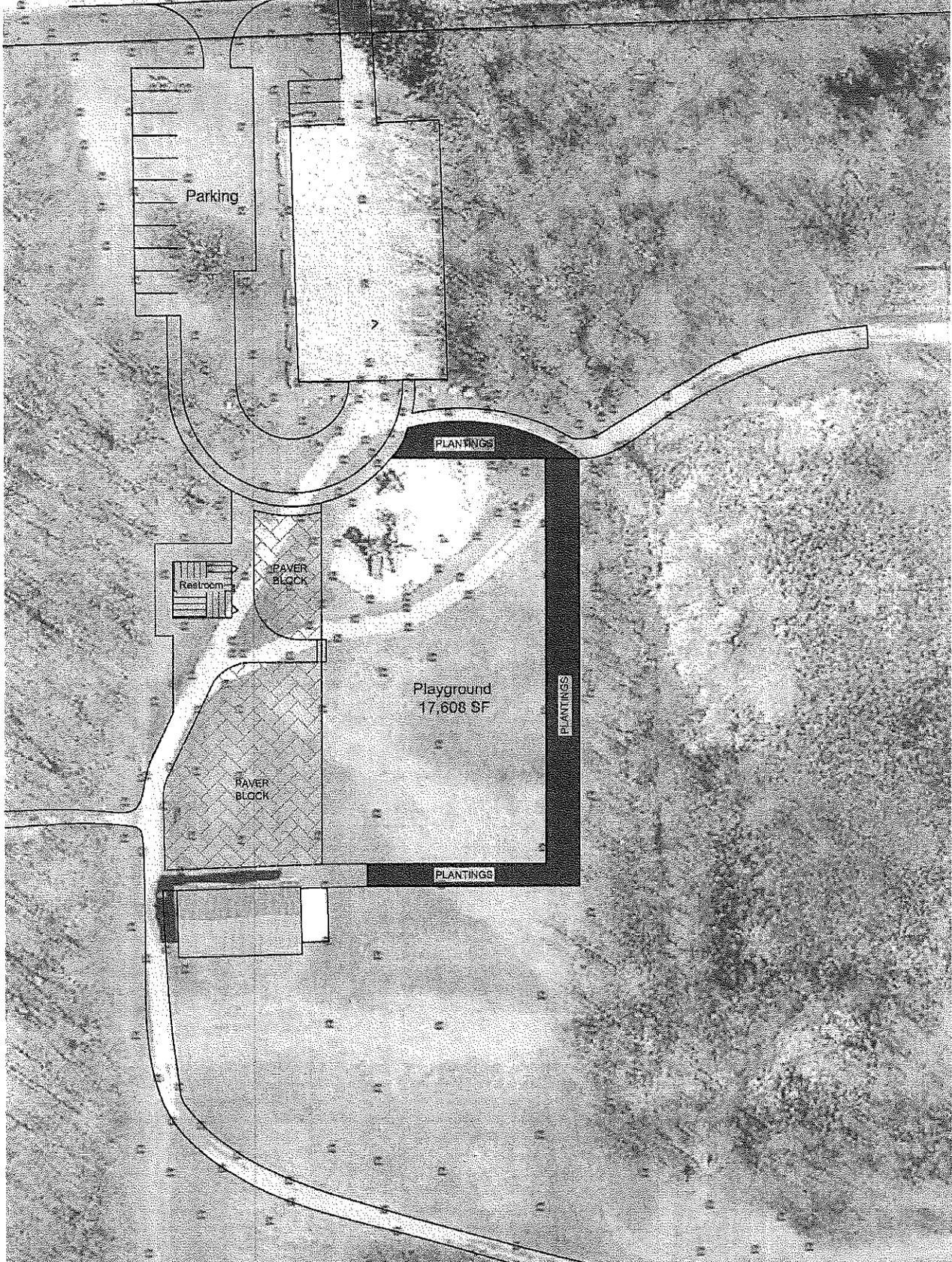
Project Budget has not been modified since the 04/07/15 Common Council Meeting. Staff has been focused on redesign.

Finance will present information at the Common Council meeting on funding options.

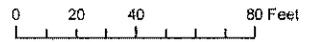
#### **REMMENDATIONS**

Authorize Staff to solicit bids for precast concrete restroom units and continue design efforts as described in this status report.

W PUETZ RD



Franklin Woods  
 Kayla Park Site  
 4/17/2015



Scale=1:40

## NEIGHBORHOOD MEETING COMMENTS

### Kayla's Playground at Franklin Woods

4/13/2015

NAME:	COMMENTS:
Matt Davis	Don't pave the trail through the park, keep it more natural. It's a nature center.
Bob & Linda Kaiser	Large shrubs by my lot line no view of field. No parking or drop off by Crest Ct. & 36th. Keep splash pad north of pavilion. Keep bathroom north of pavilion. No paved wood path.
Jeff & Pam Burckhard	Open green space (for playing kickball, Frisbee, kite flying) disappears! Parking should not be allowed at 36 <sup>th</sup> & Crest. This is a dangerous corner already. This project is too big for this small park!
John Lewandowski	Please allow dogs on leashes!!! I would request increased security once this park is open since it will attract problematic teenagers. I would be against the workout stations and paved walkways – no need as this will already be a costly investment.
Judy Brooks-Levar	This should be in a County Park because the county children will benefit (we don't have so many children with physical disabilities to need enlarged parking spaces for buses. Is it even legal to cement a large area adjacent to a wet land? (Question answered at meeting.) This is a natural area which needs to remain intact and protected. The path through the woods is already wheel chair accessible (my friend uses it). No asphalt please.
Paul Ryders	I am in full support of this location and site plan; it will be a great facility when completed and have a minimal environmental impact. The impact to the community surrounding the area will also be minimal and in many cases well managed. Keep up the great work.
Jay Zinn	Please do not change Franklin Woods Trail. Do not pave the trail. Do not add exercise equipment for adults.
Terese Zinn	Please leave Franklin Woods as a primary nature center. There are few "undeveloped" areas like this. Do not pave the trail or add fitness equipment. Lights will scare wild life away – Why not leave this area natural?
Dan Cash	Sidewalk on Puetz?
Frank Ornelas	There is too much traffic already. The police can't control it now. We had the speed limit reduced to 30 mph which no one follows. I called years ago to have deer crossing signs put up because this is a nature center.
Don & Hady Bricco	I would like to know how many children can play on this equipment at one time. I asked that question several times and was never given a direct answer.
Elizabeth Arrowood	I am completely in support of having Kayla's Park here. Most of the people are just cranky old people that don't want it. They do not want disabled people here. The complaints are ridiculous. The only valid complaint was the time and lack of notice.
Laura Zalrauskis	I have 2 kids and love parks! I love the idea of a park like this but not in Franklin Woods. Inappropriate.
Sue Mallinger	We moved here 27 years ago and had one entrance into subdivision. Now, there are 2 --- still quiet and little traffic. My concern is bus parking. I don't want bus loads of people coming into the park. I taught special needs children for 37 years – the majority being physically handicapped. I have no objection to handicapped children – my objection is we had NO say and I don't want bus loads of people – cars are fine. Will you be able to monitor the # of children on field trips coming into the neighborhood?
Amanda Rice	Why have we no vote? We love walking our dog here! Traffic will be awful. <u>Preserved</u> Nature Center! Should stay quiet and protected. Protect 36th St. & Crest for traffic. Do <u>NOT</u> pave trail.
Tom & Linda Scalish	We built our home in 1994 when Puetz ended at Hunter Park. Fast forward to today and Puetz has become a dangerous speedway. Cars almost clip me when I'm cutting the grass or getting our mail. Franklin Woods is an old fashion
No Name	Must always allow dogs! Taking up too much green space. The neighbors in the area should be notified of next Council meeting to hear final decisions. Many representatives were very rude to the public. These decisions should not have been made without input from the neighborhood. Do <u>NOT</u> pave the trail thru the woods. Do <u>NOT</u> put in exercise station. Do <u>NOT</u> fence in the area. I can see why this was done in secret – you didn't want to hear what we wanted to say. I don't like idea of a patio.
No Name	This is a nature center. Please do not pave the path thru the woods and do not put work out stations in there. Don't use up all of the green space. With all the improvements needed in this site, the cost is too expensive – there is a more appropriate site that was intended for this.
No Name	No restrooms!!!
No Name	Leave <u>our</u> park alone. Put it off 51st Street where there are bathrooms and it is handicap-accessible. This is <u>our</u> neighborhood not yours.
No Name	No pavement in the woods! Make it, the new playground, ½ the size!
No Name	No bathrooms, No splash pad, No paving trails, no fences. Keep dog accessible.
No Name	Don't pave the path through the woods and don't add work out stations.
No Name	This is such crap! I support a park but not here! Don't pave our trail! Thanks for not giving a s*** about our opinions!!

<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>April 21, 2015</b>
<b>REPORTS AND RECOMMENDATIONS</b>	<p>An Ordinance Adopting an Ordinance to Repeal and Recreate Chapter 176 of the Municipal Code Pertaining to Non-Metallic Mining Reclamation and to Editorially Note the Provisions of Unified Development Ordinance Section 15-3.0428, Ordinance No. 97-1456 (PDD No. 23) §13.27s.6. and Unified Development Ordinance Section 15-3.0429, Ordinance No. 97-1457 (PDD No. 24) §13.27t.6. to State the Non-Metallic Mining Reclamation Regulatory Authority of Chapter 176 by Reference; A Resolution Approving a City of Franklin Nonmetallic Mining Reclamation Fees Schedule Pursuant to Chapter 176 of the Municipal Code Nonmetallic Mining Reclamation Ordinance Section 27</p>	<b>ITEM NUMBER</b>  <i>G.6.</i>

Attached hereto are copies of the above and the referenced ordinance, An Ordinance to Repeal and Recreate Chapter 176 of the Municipal Code Pertaining to Nonmetallic Mining Reclamation. All were reviewed by the Quarry Monitoring Committee and the WIDNR (excepting at the time of this writing, WIDNR has not responded to the last few changes to the draft, but were advised that the subject matter would be on the agenda for this meeting and the subject changes were consistent with and in part as a result of the WIDNR prior comments).

**COUNCIL ACTION REQUESTED**

A motion to adopt An Ordinance Adopting an Ordinance to Repeal and Recreate Chapter 176 of the Municipal Code Pertaining to Non-Metallic Mining Reclamation and to Editorially Note the Provisions of Unified Development Ordinance Section 15-3.0428, Ordinance No. 97-1456 (PDD No. 23) §13.27s.6. and Unified Development Ordinance Section 15-3.0429, Ordinance No. 97-1457 (PDD No. 24) §13.27t.6. to State the Non-Metallic Mining Reclamation Regulatory Authority of Chapter 176 by Reference;

and

A motion to adopt A Resolution Approving a City of Franklin Nonmetallic Mining Reclamation Fees Schedule Pursuant to Chapter 176 of the Municipal Code Nonmetallic Mining Reclamation Ordinance Section 27.

## ORDINANCE NO. 2015-\_\_\_\_

AN ORDINANCE ADOPTING AN ORDINANCE TO REPEAL AND RECREATE  
CHAPTER 176 OF THE MUNICIPAL CODE PERTAINING TO NON-METALLIC  
MINING RECLAMATION AND TO EDITORIALY NOTE THE PROVISIONS OF  
UNIFIED DEVELOPMENT ORDINANCE SECTION 15-3.0428, ORDINANCE NO. 97-  
1456 (PDD NO. 23) §13.27S.6. AND UNIFIED DEVELOPMENT ORDINANCE  
SECTION 15-3.0429, ORDINANCE NO. 97-1457 (PDD NO. 24) §13.27T.6. TO  
STATE THE NON-METALLIC MINING RECLAMATION  
REGULATORY AUTHORITY OF CHAPTER 176  
BY REFERENCE

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WHEREAS, the Common Council has directed that the Municipal Code be updated to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in the City, in compliance with Chapter NR 135 of the Wisconsin Administrative Code and Subchapter I of Chapter 295 of the Wisconsin Statutes; and

WHEREAS, the Quarry Monitoring Committee and City staff have prepared and recommended the necessary Municipal Code amendments to accomplish same, following communications with the Wisconsin Department of Natural Resources and reviews and exchanges of draft ordinances with the Department based upon the Department model non-metallic mining reclamation ordinance; and

WHEREAS, a copy of the proposed legislation in draft ordinance form was available and open to inspection by the public, together with a copy of this ordinance in draft form, in the Office of the City Clerk for not less than two weeks prior to \_\_\_\_\_, 2015, pursuant to Wis. Stat. § 66.0103(1), providing in part that some or all of a City's general ordinances in code form may be enacted by an ordinance that incorporates the code by reference, and the Common Council having considered such proposed amendments and having found same to be reasonable and necessary to promote and protect the public 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: Chapter 176 of the Municipal Code of Franklin, Wisconsin, be and the same is hereby repealed and recreated to read as that "Chapter 176 Pertaining to Non-Metallic Mining Reclamation" as presented to and approved by the Common Council on \_\_\_\_\_, 2015, which is incorporated herein by reference pursuant to §66.0103(1) of the Wisconsin Statutes, and as previously proposed had been on file for public inspection in the office of the City Clerk for more than 2 weeks

prior to such date and which as approved by the Common Council shall so remain, also pursuant to §66.0103(1) of the Wisconsin Statutes.

SECTION 2: The City Clerk is hereby directed to obtain the inclusion of an Editor's Note by the codifier or otherwise, immediately following Unified Development Ordinance Section 15-3.0428, citing "Ordinance No. 97-1456 (PDD No. 23) §13.27S.6." and Unified Development Ordinance Section 15-3.0429, citing "Ordinance No. 97-1457 (PDD No. 24) §13.27T.6.", stating: "See Ch. 176 of the City of Franklin Municipal Code, as recreated pursuant to Ordinance No. 2015-\_\_\_\_\_, An Ordinance to Repeal and Recreate Chapter 176 of the Municipal Code Pertaining to Non-Metallic Mining Reclamation."

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 \_\_\_\_\_, 2015, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk  
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

**CITY OF FRANKLIN**  
**Ordinance No. 2015-\_\_\_\_, An Ordinance to Repeal and Recreate Chapter 176 of the Municipal Code**  
**Pertaining to Non-Mmetallic Mining Reclamation**

**ORDINANCE FOR NON-METALLIC MINING RECLAMATION**

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## PART I - GENERAL

- SECTION 1     **1.00 Title.** Nonmetallic mining reclamation ordinance for the City of Franklin.
- SECTION 2     **2.00 Purpose.** The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in the City of Franklin after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.
- SECTION 3     **3.00 Statutory Authority.** This chapter is adopted under authority of Section 295.14(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 62.11(3), Wisconsin Statutes and as contemplated by City Ordinance Nos. 97-1456 and 97-1457.
- SECTION 4     **4.00 Restrictions Adopted Under other Authority.** The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Section 295.12(1) (a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law, excepting City Ordinance Nos. 97-1456 and 97-1457.
- SECTION 5     **5.00 Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any more restrictive provision set forth under City Ordinance Nos. 97-1456 and 97-1457 or of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.
- SECTION 6     **6.00 Severability.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.
- SECTION 7     **7.00 Applicability.**
- 7.10 Overall Applicability.** The requirements of this chapter apply to all operators of nonmetallic mining sites within the City of Franklin operating on or commencing to operate after August 1st, 2001 except as exempted in **sub. 7.20**. This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceases before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of the State of Wisconsin, by or on behalf of a municipality or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in **sub. 14.30**.
- 7.20 Exemptions.** This chapter does not apply to the following activities:
- (1) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under secs. 30.19, 30.195 or 30.20, Stats. and complies with Chapter NR 340, Wisconsin Administrative Code.
- (2) Excavations subject to the permit and reclamation requirements of secs. 30.30 or 30.31, Stats.

- (3) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- (4) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- (5) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (6) Excavations for building construction purposed conducted on the building site.
- (7) Nonmetallic mining at nonmetallic mining sites that affect less than one acre of total area over the life of the mine.
- (8) Any mining operation, the reclamation of which is required in a permit obtained under ch. 293, Stats.
- (9) Any activities required to prepare, operate or close a solid waste disposal facility under ch. 289, Stats., or a hazardous waste disposal facility under ch. 291, Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (10) (a) Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
- (b) This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
- (c) If a nonmetallic mining site covered under pars. (a) and (b) is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.
- (11) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.
- (12) Removal of material from the bed of Lake Michigan or Lake Superior by a public utility pursuant to a permit under s. 30.21, Stats.

SECTION 8      **8.00 Administration.** The provisions of this chapter shall be administered by the City of Franklin.

SECTION 9      **9.00 Effective Date.** The provisions of this chapter shall take effect on \_\_\_\_\_, 2015.

SECTION 10

**10.00 Definitions.** In this chapter:

(1) "Alternative requirement" means an alternative to the reclamation standards of this chapter provided through a written authorization granted by the City of Franklin pursuant to s.18.

(2) "Applicable reclamation ordinance" means a nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code and subchapter I of ch. 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. (20) (c) . If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.

(2m) "Borrow site" means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

(3) "Contemporaneous reclamation" means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

(4) "Department" means the Wisconsin Department of Natural Resources.

(6) "Environmental pollution" has the meaning in s. 295.11(2), Stats.

(7) "Existing mine" means a nonmetallic mine where nonmetallic mining takes place before August 1, 2001.

(8) "Financial assurance" means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in s. 14 and is sufficient to pay for reclamation activities required by this chapter.

(8m) "Highwall" means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds 3:1.

(9) "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

(9m) "Licensed professional geologist" means a person who is licensed as a professional geologist pursuant to ch. 470, Stats.

(10) "Municipality" means any city, town or village and where anywhere applicable within this Chapter, the City of Franklin.

(11) "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

(13) "Nonmetallic mining" or "mining" means all of following:

(a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

(b) Processes carried out at a nonmetallic mining site that is related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

(14) "Nonmetallic mining reclamation" or "reclamation" means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

(15) "Nonmetallic mining refuse" means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(16) "Nonmetallic mining site" or "site" means all contiguous areas of present or proposed mining described in par. (a), subject to the qualifications in par. (b).

(a) Nonmetallic mining site means the following:

1. The location where nonmetallic mining is proposed or conducted.
2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
3. Areas where nonmetallic mining refuse is deposited.
4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
5. Areas where grading or regrading is necessary.
6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.

(b) "Nonmetallic mine site" does not include any of the following areas:

1. Those portions of sites listed in par. (a) not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.

2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.

3. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles or materials used for an industrial process unrelated to nonmetallic mining.

(17) "Operator" means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(17m) "Person" means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

(19) "Registered professional engineer" means a person who is registered as a professional engineer pursuant to s. 443.04, Stats.

(20) "Regulatory authority" means the following:

(a) City of Franklin for nonmetallic mine sites located within its jurisdiction, or

(b) 1. A municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance,

2. The county in which the nonmetallic mining site is located, if no reclamation municipal ordinance exists pursuant to subd. 1., provided the county has an applicable reclamation ordinance, or

3. The Wisconsin Department of Natural Resources, but only if there is no applicable reclamation ordinance enacted by the municipality or the county in which the nonmetallic mining site is located.

(21) "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

(22) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source material, special nuclear material or by-product material, as defined in s. 254.31 (1), Stats.

(23) "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(24) "Topsoil substitute material" means soil or other unconsolidated material either used alone

or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(25) (a) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sub. 29.30. However the term does not include any areas described in par. (b).

(b) "Unreclaimed acre" or "unreclaimed acres" does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under sub. 29-30.
2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
3. Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.
4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.
5. For purposes of fees under s. 27, those areas within a nonmetallic mining site which the City of Franklin has determined to have been successfully reclaimed on an interim basis in accordance with sub. 29.30.

## PART II - STANDARDS

### SECTION 11

**11.00 Standards.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

**11.10 General Standards.** (1) REFUSE AND OTHER SOLID WASTES. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to chs. 289 and 291, Stats.

(2) AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(3) PUBLIC HEALTH, SAFETY AND WELFARE. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(4) HABITAT RESTORATION. When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

(5) COMPLIANCE WITH ENVIRONMENTAL REGULATIONS. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

**11.20 Surface Water and Wetlands Protection.** Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

**11.30 Groundwater Protection.** (1) GROUNDWATER QUANTITY. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(2) GROUNDWATER QUALITY. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

**11.40 Topsoil Management.** (1) REMOVAL. Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Removal of on-site topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall be performed, as prior to any mining activity associated with any specific phase of the mining operation.

(2) VOLUME. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

(3) STORAGE. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

**11.50 Final grading and slopes.** (1) All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to s. 13 to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.

(2) *[note: the last two sentences are repeated and relocated to (3) below. This note to be deleted following an accept all changes.]* Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found

acceptable through one or more of the following: alternative requirements are approved under s. 18; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(3) When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

**11.60 Topsoil Redistribution for Reclamation.** Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

**11.70 Revegetation and Site Stabilization.** Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

**11.80 Assessing Completion of Successful Reclamation.** (1) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(2) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

(a) On-site inspections by the City of Franklin or its agent;

(b) Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo-documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or

(c) A combination of inspections and reports.

(3) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

(4) Revegetation success may be determined by:

(a) Comparison to an appropriate reference area;

(b) comparison to baseline data acquired at the mining site prior to its being affected by mining; or

(c) Comparison to an approved alternate technical standard.

(5) Revegetation using a variety of plants indigenous to the area is favored.

**11.90 Intermittent Mining.** Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to s. 14 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.

**11.100 Maintenance.** During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

### PART III - PERMITTING

#### SECTION 12

**12.00 Nonmetallic Mining Reclamation Permit Application Required.** No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in subs. 7.10, 7.20 or 10(16)(b).

**12.10 Required Submittal.** All operators of nonmetallic mining sites shall apply for a reclamation permit from the City of Franklin. All applications for reclamation permits under this section shall be accompanied by the following information:

- (1) A brief description of the general location and nature of the nonmetallic mine.
- (2) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
- (3) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
- (4) The name, address and telephone number of the person or organization who is the operator.
- (5) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by PART II.

**12.20 Reclamation Permit Application Contents.** The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to the City of Franklin.

- (1) The information required by sub. 12.10.
- (2) The plan review and annual fees required by secs. 26 and 27.
- (3) A reclamation plan conforming to s. 13.
- (4) A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by s. 14 upon granting of the reclamation permit and

before mining begins.

(5) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

## SECTION 13

### **13.00 Reclamation Plan.**

**13.10 Reclamation Plan Required.** All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the following requirements. All operators who conduct or plan to conduct nonmetallic mining shall submit to the City of Franklin a reclamation plan that meets all of the following requirements and complies with the reclamation standards of Part II.

**13.20 Post-Mining Land Use.** The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

(1) Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the location of surface waters and the existing drainage patterns, the approximate elevation of ground water, as determined by existing hydrogeologic information. In specific instances where the existing hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.

(2) Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining land use, can be identified using county soil surveys or other available information, including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.

(3) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.

(4) Existing topography as shown on contour maps of the site at 2 foot contour intervals to be specified by the regulatory authority.

(5) Location of manmade features on or near the site.

(6) For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

**13.30 Post-Mining Land Use.** (1) The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with all applicable local, state, or federal laws in effect at the time the plan is submitted.

(2) Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to s. 91.75, Stats., shall be restored to agricultural use.

**13.40 Reclamation Measures.** The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule

and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

(1) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and if necessary a site-specific engineering analysis performed by a registered professional engineer as provided by subs. 11.50 (1) or (2).

(2) The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.

(3) A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.

(4) A plan or map which shows surface structures, roads and related facilities after the cessation of mining.

(5) The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.

(6) A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.

(7) Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.

(8) A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.

(9) A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to subs. 29.20 and 29.40 optional, if the regulatory authority decides to release financial assurance for such areas pursuant to sub. 29.40(3) as authorized by s. NR 135.41(4), Wisconsin Administrative Code and release of financial assurance pursuant to sub. 29.30(3), end optional part and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in Part II and timing of interim and final reclamation.

(10) A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.

**13.50 Criteria for Successful Reclamation.** The reclamation plan shall contain criteria for assuring successful reclamation in accordance sub. 11.80.

**13.60 Certification of Reclamation Plan.** The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its

implementation.

**13.70 Existing Plans and Approvals.** To avoid duplication of effort, the reclamation plan required by this section may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

**13.80 Approval of Reclamation Plan.** City of Franklin shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with sub. 16.20 for mines that apply for a reclamation permit in conformance with s. 12. Conditional approvals of reclamation plans shall be made according to sub. 16.50 and denials of reclamation plans shall be made pursuant to s. 17. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

## SECTION 14

### **14.00 Financial Assurance.**

**14.10 Financial Assurance Requirements.** All operators of nonmetallic mining sites in the City of Franklin shall prepare and submit a proof of financial assurance that meets the following requirements:

(1) **NOTIFICATION.** The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under sub. (3).

(2) **FILING.** Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with the City of Franklin. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, and applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to the City of Franklin. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to the City of Franklin only if it currently has primary regulatory responsibility.

(3) **AMOUNT AND DURATION OF FINANCIAL ASSURANCE.** The amount of financial assurance shall equal as closely as possible the cost to the City of Franklin of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by the City of Franklin to assure it equals outstanding reclamation costs. Any financial assurance files with the City of Franklin shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. City of Franklin may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to affect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.

(4) **FORM AND MANAGEMENT.** Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to the City of Franklin and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of the City of Franklin, a blend of different options for financial assurance

including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.

(5) MULTIPLE PROJECTS. Any operator who obtains a permit from the City of Franklin for 2 or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by the City of Franklin.

(6) MULTIPLE JURISDICTIONS. In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulator authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(7) CERTIFICATION OF COMPLETION AND RELEASE. (a) The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. City of Franklin shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. City of Franklin may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete the City of Franklin shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.

(b) City of Franklin shall make a determination of whether or not the certification in par. (a) can be made within 60 days that the request is received.

(c) City of Franklin may make a determination under this subsection that:

1. Reclamation is not yet complete;
2. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;
3. Reclamation is complete in a part of the mine; or
4. Reclamation is fully complete.

(8) FORFEITURE. Financial assurance shall be forfeited if any of the following occur;

(a) A permit is revoked under s. 24 and the appeals process has been completed.

(b) An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(9) CANCELLATION. Financial assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a 90 day notice to the City of Franklin in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to the City of Franklin a replacement proof

of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(10) **CHANGING METHODS OF FINANCIAL ASSURANCE.** The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to sub. (12). The operator shall give the City of Franklin at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the City of Franklin.

(11) **BANKRUPTCY NOTIFICATION.** the operator of a non metallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceeding under bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

(12) **ADJUSTMENT OF FINANCIAL ASSURANCE.** Financial assurance may be adjusted when required by the City of Franklin. City of Franklin may notify the operator in writing that adjustment is necessary and the reasons for it. City of Franklin may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(13) **NET WORTH TEST.** (a) Only an operator that meets the definition of "company" in s. 289.41 (1) (b), Stats., may use the net worth method of providing financial assurance.

(b) The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of s. 289.41 (4), Stats. The criteria in secs. 289.41 (6) (b), (d), (e), (f), (g), (h) and (i), Stats., shall apply.

(c) An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with s. 289.41 (6), Stats.

(d) Determination under the net worth test shall be done in accordance with s. 289.41 (5), Stats.

(e) In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

**14.20 Private Nonmetallic Mines.** The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with s. 12 shall submit the proof of financial assurance required by sub. 14.10 as specified in the reclamation permit issued to it under this chapter.

**14.30 Public Nonmetallic Mining.** The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

## SECTION 15

### **15.00 Public Notice and Right of Hearing.**

**15.10 Reclamation Plan Hearing .** City of Franklin shall provide public notice and the opportunity for a public informational hearing as set forth below:

(1) **PUBLIC NOTICE.** (a) When the City of Franklin receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies s. 12.

(b) The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 1 notice pursuant to s. 985.07(1), Stats., in the official newspaper of the City of Franklin. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.

(c) Copies of the notice shall be forwarded by the City of Franklin to the county or applicable municipal zoning board, the county and applicable local planning organization, the county land conservation officer, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located.

(2) HEARING. The City of Franklin shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:

(a) If it conducts a zoning-related hearing on the nonmetallic mine site, the City of Franklin shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. The City of Franklin shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.

(b) 1. If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in par. (a), opportunity for public hearing required by this section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. The City of Franklin shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (1). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. The procedures specified for citizen comment periods under Chapter 19 of this Code, excepting the 15 minute limitation, shall apply to such hearing. An Informational Hearing shall be held by the Plan Commission unless otherwise directed by the Common Council.

2. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

**15.20 Local Transportation-Related Mines.** No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to sub. 16.30.

## SECTION 16

### **16.00 Issuance of a Nonmetallic Mining Reclamation Permit.**

**16.10 Permit Required.** No person may engage in nonmetallic mining or nonmetallic mining reclamation in the City of Franklin without first obtaining a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under subs. 7.10, 7.20 or 10(16)(b).

**16.20 Permit Issuance.** Applications for reclamation permits for nonmetallic mining sites that satisfy s. 12 shall be issued a reclamation permit or otherwise acted on as provided below.

(1) Unless denied pursuant to s. 17, the City of Franklin shall approve in writing a request that satisfies the requirements of s. 12 to issue a nonmetallic mining reclamation permit for the proposed nonmetallic mine.

(2) City of Franklin may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of s. 13. The regulatory authority may issue a reclamation permit subject to condition in sub. 16.50 if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application that meets the requirements in s. 13, unless a public hearing is held pursuant to s. 15. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to sub. 16.50 if appropriate, or shall deny the permit as provided in s. 17, no later than 60 days after completing the public hearing.

(3) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of s. 13 and provision by the applicant of financial assurance required under s. 14 and payable to the City of Franklin prior to beginning mining.

**16.30 Automatic Permit for Local Transportation-Related Mines.**

(1) The City of Franklin shall automatically issue an expedited permit under this subsection to any borrow site that:

(a) Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;

(b) Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;

(c) Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;

(d) Is not a commercial source;

(e) Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;

(f) Is not otherwise exempt from the requirements of this chapter under sub. 7.20(10).

(2) In this subsection, "municipality" has the meaning defined in s. 299.01(8), Stats.

(3) Automatic permits shall be issued under this subsection in accordance with the following provisions:

(a) The applicant shall notify the City of Franklin of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.

(b) The applicant shall provide evidence to the City of Franklin to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.

(c) The City of Franklin shall accept the contractual provisions incorporating requirements of

the Wisconsin Department of Transportation in lieu of a reclamation plan under s. 13.

(d) The City of Franklin shall accept the contractual provisions in lieu of the financial assurance requirements in s. 14.

(e) The public notice and hearing provisions of s. 15 do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.

(f) Mines permitted under this subsection shall pay an annual fee to the City of Franklin as provided in s. 27, but shall not be subject to the plan review fee provided in s. 26. The total annual fee, including the share of the Department of Natural Resources, shall not exceed the amount in Table 2 of s. 27.

(g) The City of Franklin shall issue the automatic permit within 7 days of the receipt of a complete application.

(h) If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.

(i) Notwithstanding s. 25, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

**16.40 Expedited Review.** Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under sub. (1) or sub. (2) as follows:

(1) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in s. 26.20. This request shall state the need for such expedited review and the date by which such expedited review is requested.

(2) The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.

(3) Following receipt of a request under this subsection, the City of Franklin shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under sub. (1) shall be returned.

(4) Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to s. 15. This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date.

**16.50 Permit Conditions.** Any decision under this section may include conditions as provided below:

(1) The City of Franklin may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter. The approvals may not include conditions that are not related to reclamation.

(2) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to s. 14 prior to beginning mining.

## SECTION 17

**17.00 Permit Denial.** An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

(1) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in s. 16, if the City of Franklin finds any of the following:

(a) The applicant has, after being given an opportunity to make corrections, failed to provide to the City of Franklin an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this chapter.

(b) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in Chapter NR 135, Wisconsin Administrative Code or subch. I. of ch. 295, Stats.

(c) 1. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.

2. The following may be considered in making this determination of a pattern of serious violations:

a. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.

b. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.

c. Forfeitures of financial assurance.

(d) A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

(2) A decision to deny an application to issue a reclamation permit may be reviewed under s. 22.

## SECTION 18

**18.00 Alternative Requirements.**

**18.10 Scope of Alternative Requirements Approvable.** An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in s. 11.00. City of Franklin may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and the City of Franklin finds that all of the following criteria are met:

(1) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.

(2) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result

unless the alternative requirement is approved.

(3) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

**18.20 Procedures.** (1) The operator of a nonmetallic mining site requesting an alternate requirement in sub. 18.10 shall demonstrate all the criteria in sub. 18.10. This shall be submitted in writing to the City for approval.

(2) The City Common Council, after the review and recommendation of the Quarry Monitoring Committee, and a public informational hearing before and the review and recommendation of the Plan Commission, may approve an alternative requirement if makes the findings required by sub. 18.10. If the Quarry Monitoring Committee does not deliver its recommendation to the Common Council within forty-five days of the date of the filing of operator's complete written request, the Common Council may make its determination without receiving such recommendation. If the Plan Commission does not hold the public hearing and deliver its recommendation to the Common Council within forty-five days of the date of the filing of operator's complete written request, the Common Council may hold the public hearing and make its determination without receiving such recommendation. The public hearing shall be preceded by a class 1 notice under Ch. 985, Stats. The Common Council shall make its determination no later than 90 days after the receipt by the City of the operator's complete written request for an alternate requirement. The Common Council shall consider the request pursuant to its rules of procedure as are set forth under §19-6., *et seq.*

(3) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.

**18.30 Transmittal of Decision on Request for Alternative Requirement.** The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.

**18.40 Notice to Wisconsin Department of Natural Resources.** City of Franklin shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under sub. 18.20 on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

SECTION 19

**19.00 Permit Duration.** (1) A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to sub. 31.20.

(2) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to s. 20.

SECTION 20

**20.00 Permit Transfer.** A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

(1) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to the City of Franklin of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.

(2) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by the City of Franklin and the City of Franklin makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

SECTION 21

**21.00 Previously Permitted Sites.** For any nonmetallic mining site which had a reclamation permit previously issued by the City pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of any other regulatory authority Milwaukee County, the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by that regulatory authority Milwaukee County pursuant to sub. 23.10.

SECTION 22

**22.00 Review.** Any permitting decision or action made by the City of Franklin under this chapter may be reviewed as set forth in this section. Notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., any person who meets the requirements of s. 227.42(1), Stats., may obtain a contested case hearing under s. 68.11, Stats., on the City of Franklin's decision to issue, deny or modify a nonmetallic mining reclamation permit.

**PART IV - ADMINISTRATION**

SECTION 23

**23.00 Permit Modification.**

**23.10 By City of Franklin.** A nonmetallic mining reclamation permit issued under this chapter may be modified by the City of Franklin if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter. Such modification shall be by an order modifying the permit in accordance with s. 32. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter.

**23.20 At the Operator's Option.** If operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the City of Franklin. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

**23.30 Required by the Operator.** The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

**23.40 Review.** All actions by the City of Franklin on permit modifications requested or initiated under this section are subject to review under s. 22.

SECTION 24

**24.00 Permit Suspension and Revocation**

**24.10 Grounds.** City of Franklin may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:

(1) Failed to submit a satisfactory reclamation plan within the time frames specified in this

chapter.

- (2) Failed to submit or maintain financial assurance as required by this chapter.
- (3) Failed on a repetitive and significant basis to follow the approved reclamation plan.

**24.20 Procedures.** If the City of Franklin finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in sub. 24.10, it may issue a special order suspending or revoking such permit as set forth in sub. 32.20.

**24.30 Consequences.** (1) If the City of Franklin makes any of the findings in sub. 24.10, it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to s. 32.

(2) If the City of Franklin makes any of the findings in sub. 24.10, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to the City of Franklin. City of Franklin may use forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

## SECTION 25

### **25.00 Annual Operator Reporting.**

**25.10 Contents and Deadline.** Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites.

- (1) CONTENTS. The annual report required by this section shall include all of the following:
  - (a) The name and mailing address of the operator.
  - (b) The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.
  - (c) The identification number of the applicable nonmetallic mining permit, if assigned by the City of Franklin.
  - (d) The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.
  - (e) The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
  - (f) A plan, map or diagram accurately showing the acreage described in pars. (d) and (e).
  - (g) The following certification, signed by the operator:

"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."

- (2) DEADLINE. The annual report shall cover activities on unreclaimed acreage for the previous calendar year and be submitted by January 31.

(3) WHEN REPORTING MAY END. Annual reports shall be submitted by an operator for all active and intermittent mining sites to the City of Franklin for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to sub. 29.30 or at the time of release of financial assurance pursuant to sub. 14.10(7).

**25.20 Inspection in Lieu of Report.** City of Franklin may, at its discretion, obtain the information required in sub. 25.10 for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If the City of Franklin obtains and documents the required information, the annual report need not be submitted by the operator. If the City of Franklin determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, the City of Franklin shall require the operator to submit the certification required in sub. 25.10(1)(g).

**25.30 Retention of Annual Reports.** Annual reports submitted under sub. 25.10 or inspection records that replace them under sub. 25.20 shall be retained by the City of Franklin at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132 for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

## SECTION 26

### **26.00 Plan Review Fee.**

**26.10 Amount and Applicability.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under s. 12 shall submit a non-refundable plan review fee as follows. Concurrent with the filing of any application for any form of reclamation plan approval, the applicant shall pay a non-refundable plan review fee deposit to the City in the amount of \$100. In addition, the applicant shall be responsible for and pay to the City such additional amounts for plan review fees so that all costs of services provided by the City for the plan review are paid by the applicant. Such plan review fee shall not exceed the actual cost of providing the services. Such fee shall be paid to the City by the applicant within 10 days of the date of the itemized invoice for same prepared by the City subsequent to the completion of the plan review. Prior to any Common Council approval of any form of reclamation plan, the Director of Administration shall review the application and report to the Common Council the Director's findings as to the reasonable estimates of the costs of providing plan review services reasonably required by the application. The applicant shall provide the Director with all information necessary to determine the level of services required. After reviewing such report, upon which the applicant may be heard, the Common Council shall specify as a condition of any approval and further service that the applicant deposit with the City, security in the form of a bond, letter of credit or cash deposit, in form approved by the City Attorney in an amount determined to be sufficient to guarantee payment for the anticipated cost of providing such plan review services. Such security deposit shall be made by the applicant no later than 30 days after the date of written notice to do so mailed by the Director to the applicant. Such security deposit shall entitle the City to draw upon same forthwith upon any default in payment by the applicant after services invoice, with remaining balance of any cash deposit to be returned to the applicant. Any determined deficiency for such service fees beyond the security deposit shall be a debt of the applicant to the City, collectible by the City in an action at law, which shall also entitle the City to all costs of collection, including attorney fees, and further, shall also constitute a lien against the non-metallic mining site to be placed upon the tax roll for such premises. No plan review fee may be assessed under this section for any local transportation-related mining receiving an automatic permit under sub. 16.30. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to s. 23.

**26.20 Expedited Plan Review Fee.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under s. 12 may obtain expedited reclamation plan review by paying a fee as determined by the Director of Administration and pursuant to the procedures set forth under sub. 26.10. Such fee shall be in addition to that required in sub. 26.10.

**26.30 Relation to Annual Fee.** Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under s. 27.

## SECTION 27

### 27.00 Annual Fees.

**27.10 Areas Subject to Fees, Procedures and Deadline.** (1) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to the City of Franklin.

(2) Fees paid under this section shall be calculated based on the unreclaimed acres of a nonmetallic mining site, as defined below:

(a) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sub. 14.10(7). However the term does not include any areas described in par. (b).

(b) "Unreclaimed acre" or "unreclaimed acres" does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under sub. 14.10(7).
2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
3. Those portions of nonmetallic mining sites which are included in an approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining.
4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.
5. Those areas within a nonmetallic mining site which the regulatory authority has determined to have been successfully reclaimed on an interim basis in accordance with subs. 29.20 and 29.30.

(c) Fees shall be assessed on active acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.

(3) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under s. 29. Fees shall be paid no later than January 31 for the previous year.

(4) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for

such portions may be submitted with a request that they be held by the City of Franklin pending certification of completed reclamation pursuant to subs. 29.30 and 14.10 (7). Upon such certification the City of Franklin shall refund that portion of the annual fee that applies to the reclaimed areas. If the City of Franklin fails to make a determination under subs. 29.30 and 14.10 (7) within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

(5) The amount collected shall equal the Wisconsin Department of Natural Resource's share as described in sub. 27.20, the share of the City of Franklin described in sub. 27.30, and, if applicable, the reclamation plan review fee described in s. 26.

**27.20 Wisconsin Department of Natural Resources Share of Fee.** (1) Fees paid under this section shall, except where provided in sub. (2), include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1: the City of Franklin Nonmetallic Mining Reclamation Fees Schedule on file in the Office of the Franklin Department of City Development.

**TABLE 1:  
Wisconsin Department of Natural Resources' Share of Annual Fees  
Collected by the City of Franklin**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres {does not include mines < 1 acre}	\$35
6 to 10 acres	\$70
11 to 15 acres	\$105
16 to 25 acres	\$140
26 to 50 acres	\$160
51 acres or larger	\$175

(2) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15.

(23) The city of Franklin shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31st.

**27.30 City of Franklin's Share of Fee.** (1) Fees paid under this section shall also include an annual fee due to the City of Franklin which shall be in the dollar amounts as set forth in the table immediately below City of Franklin Nonmetallic Mining Reclamation Fees Schedule on file in the Office of the Franklin Department of City Development.

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
--	---------------

1 to 5 acres {does not include mines < 1 acre}	\$150
6 to 10 acres	\$300
11 to 15 acres	\$450
16 to 25 acres	\$600
26 to 50 acres	\$700
51 acres or larger	\$750

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(2) The annual fee collected by the City under this subsection for local transportation related mines issued permits under sub. 16.30 may not exceed the amounts set forth in Table 2. The amount listed below shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and the City.

**TABLE 2:**  
**Limit on Total Annual Fees**  
**for Automatically Permitted Local Transportation Project-Related Mines.**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres, does not include mines < 1 acre	\$175
6 to 10 acres	\$350
11 to 15 acres	\$525
16 to 25 acres	\$700
26 to 50 acres	\$810
51 acres or larger	\$870

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[Note: 27.40 [Optional] Reduced Fee for Inactive Mines of the WIDNR NR 135 Model Ordinance is not adopted hereunder.]

**27.50 Documentation of City of Franklin's Share of Fee.** The City of Franklin shall document in writing its estimated program costs and the need for fee established in sub. 27.30 on or before June 1, 2001. This documentation shall be available for public inspection at the City Clerk's Office, 9229 West Loomis Road, Franklin, Wisconsin 53132. Annual fees due where the Department of Natural Resources is the Regulatory Authority shall be in the dollar amounts set forth in the City of Franklin Nonmetallic Mining Reclamation Fees Schedule on file in the Office of the Franklin Department of City Development.

**TABLE 3:**  
**Annual Fees Due**  
**Where the Department of Natural Resources is the Regulatory Authority.**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres {does not include mines < 1 acre}	\$175
6 to 10 acres	\$350
11 to 15 acres	\$525
16 to 25 acres	\$700
26 to 50 acres	\$840
51 acres or larger	\$870

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SECTION 28

**28.00 Regulatory Reporting and Documentation.**

**28.10 Reporting.** City of Franklin shall send an annual report to the Wisconsin Department of Natural Resources by March 31st for the previous calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:

- (1) The total number of nonmetallic mining reclamation permits in effect.
- (2) The number of new permits issued within the jurisdiction of the City of Franklin.
- (3) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.
- (4) The number of acres being mined or unreclaimed.
- (5) The number of acres that have been reclaimed and have had financial assurance released pursuant to sub. 14.10(7).
- (6) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to subs. 29.10 and 29.20.
- (7) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

**28.20 Documentation.** The City of Franklin shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of the City of Franklin's reclamation program pursuant to

Chapter NR 135, Wisconsin Administrative Code:

- (1) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this chapter.
- (2) The procedures employed by the City of Franklin regarding reclamation plan review, and the issuance and modification of permits.
- (3) The methods for review of annual reports received from operators.
- (4) The method and effectiveness of fee collection.
- (5) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
- (6) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
- (7) Responses to citizen complaints.
- (8) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
- (9) The maintenance and availability of records.
- (10) The number and type of approvals for alternative requirements issued pursuant to s. 18.
- (11) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to sub. 14.10(7).
- (12) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of the City of Franklin to implement its nonmetallic mining reclamation program under this chapter.
- (13) the amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.
- (14) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

SECTION 29

**29.00 Completed Reclamation - Reporting, Certification and Effect.**

**29.10 Reporting.** The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to the chapter and Chapter NR 135, Wisconsin Administrative Code.

**29.20 Reporting of Interim Reclamation.** The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in sub. 29.10.

**29.30 Certification of Completed Reclamation.** City of Franklin shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with sub. 14.10(7) (c). If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with s. 13, the City of Franklin shall issue the mine operator a written certificate of completion.

**29.40 Effect of Completed Reclamation.** If reclamation is certified by the City of Franklin as complete under sub. 29.30 for part or all of a nonmetallic mining site, then:

- (1) No fee shall be assessed under s. 27 for the area so certified.
- (2) The financial assurance required by s. 14 shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

**29.50 Effect of Inaction Following Report of Completed Reclamation.** If no written response as required by sub. 29.30 for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to the City of Franklin for it under s. 27 shall be refunded.

SECTION 30

**30.00 Permit Termination.** When all final reclamation required by a reclamation plan conforming to s. 13 and required by this chapter is certified as complete pursuant to subs. 14.10(7) and 29.30, the City of Franklin shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

**PART V - ENFORCEMENT**

SECTION 31

**31.00 Right of Entry and Inspection.** For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, of this chapter, any authorized officer, agent, employee or representative of the City of Franklin may inspect any nonmetallic mining site subject to this chapter as provided below:

- (1) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of the City of Franklin or the Wisconsin Department of Natural Resources who present appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code or subchapter I of ch. 295, Stats.
- (2) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

SECTION 32

**32.00 Orders and Citations.**

**32.10 Enforcement Orders.** City of Franklin may issue orders as set forth in Section 295.19(1) (a), Stats., to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

**32.20 Special Orders.** City of Franklin may issue a special order as set forth in Sections 295.19(1) (b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to s. 24, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

**32.30 Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant to this section shall have the right to review the order in a contested case hearing under s. 68.11, Stats., notwithstanding the provisions of ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats.

**32.40 Citations.** City of Franklin may issue a citation under s. 66.119, Stats., and general penalty provisions of Municipal Code and City Ordinance Nos. 97-1456 and 97-1457, as applicable, to collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

**32.50 Enforcement.** City of Franklin may submit any order issued under s. 32 to abate violations of this chapter to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. the district attorney, corporation council, municipal attorney or the attorney general may enforce those orders.

SECTION 33

**33.00 Penalties.** Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes, as follows:

(1) Any person who violates Chapter NR 135, Wisconsin Administrative Code, or an order issued under s. 32 may be required to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under s. 32 is suspended, stayed or enjoined, this penalty does not accrue.

(2) Except for the violations referred to in sub. (1), any person who violates subchapter I of ch. 295, Stats., Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this chapter or an order issued pursuant to s. 32 shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of violation is a separate offense. While an order issued under s. 32 is suspended, stayed or enjoined, this penalty does not accrue.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 4-2-15]

RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION APPROVING A CITY OF FRANKLIN NONMETALLIC  
 MINING RECLAMATION FEES SCHEDULE PURSUANT TO CHAPTER 176  
 OF THE MUNICIPAL CODE NONMETALLIC MINING RECLAMATION  
 ORDINANCE SECTION 27

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WHEREAS, the Nonmetallic Mining Reclamation Ordinance for the City of Franklin, Chapter 176 of the Municipal Code, Section 27, provides for the payment of fees by the operators of nonmetallic mining sites and the sharing of those fees among the governmental regulatory authorities; and

WHEREAS, the Department of City Development having reviewed those fees and having determined that those fees as set forth on the attached City of Franklin Nonmetallic Mining Reclamation Fees Schedule are fair and reasonable and in the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the City of Franklin Nonmetallic Mining Reclamation Fees Schedule, in the form and content as annexed hereto, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the City of Franklin Nonmetallic Mining Reclamation Fees Schedule shall be kept on file and available for public inspection in the Office of the Department of City Development.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
 Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
 Sandra L. Wesolowski, City Clerk  
 YES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

City of Franklin Nonmetallic Mining Reclamation Fees Schedule  
 (Approved by Common Council Resolution No. 2015-\_\_\_\_)  
 Nonmetallic Mining Reclamation Ordinance for the City of Franklin  
 Chapter 176 of the Municipal Code  
 Section 27

**27.20 Wisconsin Department of Natural Resources Share of Fee.**

**TABLE 1:  
 Wisconsin Department of Natural Resources' Share of Annual Fees  
 Collected by the City of Franklin**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres [does not include mines < 1 acre]	\$35
6 to 10 acres	\$70
11 to 15 acres	\$105
16 to 25 acres	\$140
26 to 50 acres	\$160
51 acres or larger	\$175

For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15.

**27.30 City of Franklin's Share of Fee.**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres [does not include mines < 1 acre]	<u>\$150175</u>
6 to 10 acres	<u>\$300350</u>
11 to 15 acres	<u>\$450525</u>
16 to 25 acres	<u>\$600700</u>
26 to 50 acres	<u>\$700810</u>
51 acres or larger	<u>\$750870</u>

The annual fee collected by the City under this subsection for local transportation-related mines issued permits under sub. 16.30 may not exceed the amounts set forth in Table 2. The amount listed below shall

be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and the City.

**TABLE 2:  
Limit on Total Annual Fees  
for Automatically Permitted Local Transportation Project-Related Mines.**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres, does not include mines < 1 acre	\$175
6 to 10 acres	\$350
11 to 15 acres	\$525
16 to 25 acres	\$700
26 to 50 acres	\$810
51 acres or larger	\$870

[Note: 27.40 [Optional] Reduced Fee for Inactive Mines of the WIDNR NR 135 Model Ordinance is not adopted hereunder.]

**27.50 Documentation of City of Franklin's Share of Fee.**

**TABLE 3:  
Annual Fees Due  
Where the Department of Natural Resources is the Regulatory Authority.**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres [does not include mines < 1 acre]	\$175
6 to 10 acres	\$350
11 to 15 acres	\$525
16 to 25 acres	\$700
26 to 50 acres	\$810
51 acres or larger	\$870