

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, FEBRUARY 3, 2015 AT 6:30 P.M.

- A. Call to Order and Roll Call
- B.
 - 1. Citizen Comment Period.
 - 2. Mayor Announcements:
 - a) Reminder of Intergovernmental Cooperation Committee meeting on February 9, 2015.
 - b) Reminder of the South Suburban Chamber of Commerce Dinner on February 4, 2015.
 - c) Mayoral Proclamation designating May 2, 2015 as Arbor Day.
- C. Approval of minutes of January 20, 2015 Common Council meeting.
- D. Hearings
- E. Organizational Business
- F. Letters and Petitions:
 - 1. Letter from Wisconsin Department of Transportation regarding 27th Street Improvement Project.
 - 2. Letter of Commendation from Franklin Fire Department to Lieutenant Anthony Psichulis and Firefighter/Paramedics Richard Carlsen, Robert Kutz, and Sean Behrens.
 - 3. Letter of Recognition from Franklin Fire Department to Firefighter/Paramedics Thomas Hensiak, Richard Carlsen, Dustin Lofy, and Sean Behrens.
- G. Reports and Recommendations:
 - 1. Consent Agenda.
 - a) Acceptance of donations for "Operation Fit Franklin" in the amount of \$50 from Renee Fuller and in the amount of \$25 from Kim Dandrea.
 - b) Request for two members of the Franklin Environmental Commission to attend a training course at Wehr Nature Center.
 - 2. Request from Police Chief for Capital Improvement Funds for Emergency Vehicle Preemption Project, a system allowing emergency vehicles to control signal lights when responding as an emergency vehicle.
 - 3. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Certified Survey Map for Property Located at 12321 West Rawson Avenue (Alfred L. Block, Owner).
 - 4. A Resolution to Appoint Ehlers & Associates, Inc. as Dissemination Agent for the City of Franklin Continuing Disclosure required under Securities and Exchange Commission Rule 15c2-12.
 - 5. A Resolution to Amend Resolution No. 2013-6920 Granting Limited Specific Authority for Disbursement in Advance of Review of Voucher Listings.
 - 6. A Resolution to Amend the City of Franklin Defined Contribution Retirement Plan to Amend "Section 5.06 – Loans to Participants" to Amend the Limitation to One Loan in any 12-month Period and to only One Loan at a Time.
 - 7. Committee of the Whole Recommendations (from February 2, 2015):
 - a) Wheaton Franciscan Healthcare Presentation Regarding Healing Garden, Walking Trail and Chapel at South 76th Street and West Rawson Avenue.

- b) Concept Review for a Proposed Bowling Center/Sports Bar/Banquet Hall (Approximately 7220 West Rawson Avenue) (David Church, Applicant).
 - c) Franklin Area Parents and Students United Update.
 - d) Discussion Concerning and Consideration of a Possible Comprehensive Update or Replacement of the City of Franklin Unified Development Ordinance.
8. Future Business Park Development in the area of South 27th Street and West County Line Road, Future Retail Development in the area of South 76th Street and West Rawson Avenue/West Loomis Road and Future Mixed-Use Business Light Industrial, Commercial, Residential, Nature Conservation and All-Inclusive Playground Public Park Development in the area of West Loomis Road and West Ryan Road development parameters, potential acquisition(s) of property, developer partnership agreements, intergovernmental cooperation agreements, retail commercial developer recruitment negotiations and development, and development negotiation strategy and price and cost deliberations. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to the potential acquisition and development of property within the City for future business park development, future retail development and future mixed-use business light industrial, commercial, residential, nature conservation and all-inclusive playground public park development, service, product and potential investment proposals for such purpose(s) and the investing of public funds and governmental actions in relation thereto and to effect such development, including service, product and potential investment contract terms and provisions, and including the terms and provisions of potential development agreement(s) for the development of property within a tax incremental district for future business park development, future retail development and future mixed-use business light industrial, commercial, residential, nature conservation and all-inclusive playground public park development, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits
Miscellaneous Licenses.

I. Bills
Vouchers and Payroll approval.

J. Adjournment

*Notice is given that a majority of the Plan Commission, Economic Development Committee and Community Development Authority may attend this meeting to gather information about an agenda item over which the Plan Commission, Economic Development Committee and Community Development Authority has decision-making responsibility. This may constitute a meeting of the Plan Commission, Economic Development Committee and Community Development Authority per State ex rel. Badke v. Greendale Village Board, even though the Plan Commission, Economic Development Committee and Community Development Authority 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:

February 5	Plan Commission	7:00 p.m.
February 17	Primary Election	7:00 a.m.-8:00 p.m.
February 17	Common Council Meeting	6:30 p.m.
February 19	Plan Commission	7:00 p.m.

PROCLAMATION

**TO DESIGNATE MAY 2, 2015 AS ARBOR DAY
IN THE CITY OF FRANKLIN**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, the holiday now known as Arbor Day is celebrated world wide, and

WHEREAS, the City of Franklin Environmental Commission, and the people of Franklin, Wisconsin have observed Arbor Day since 1999, and

WHEREAS, trees reduce erosion, purify our air and water and provide habitat for wild life, provide a source of spiritual renewal; and

WHEREAS, trees increase our property values, enhance our economic vitality, and beautify our community.

NOW, THEREFORE, I, STEPHEN R. OLSON, Mayor of the City of Franklin, Wisconsin proclaim:

MAY 2, 2015 AS ARBOR DAY IN THE CITY OF FRANKLIN

and urge all citizens of the City of Franklin to protect our trees and woodlands and to gladden their hearts by planting trees.

Dated this 3rd day of February, 2015.

Signed:



Stephen R. Olson, Mayor

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C.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
JANUARY 20, 2015
MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on January 20, 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 Janet Evans, Alderman Doug Schmidt and Alderwoman Susanne Mayer. Excused was Alderwoman Wilhelm. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

- CITIZEN COMMENT B.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:34 p.m.

- APPROVAL OF MINUTES C.1. Alderman Schmidt moved to approve the minutes of the regular meeting of January 6, 2015. Seconded by Alderwoman Evans. All voted Aye; motion carried.

- APPOINTMENTS E.(a) Alderwoman S. Mayer moved to confirm the Mayoral appointment of Edward Konopka, 7930 W. Oakwood Road, Ald. Dist. 6, to the Waste Facility Monitoring Committee. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

- E.(b) Alderman D. Mayer moved to confirm the Mayoral appointment of Vance Werner, 7535 S. Kensington Way, Ald. Dist. 2, to the Architectural Board for a 3-year term expiring 4/30/2017. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

- E.(c) Alderwoman S. Mayer moved to confirm the Mayoral appointment of David Cieszynski, 11411 W. Woods Road, Ald. Dist. 6, to the Architectural Board for a 3-year term expiring 4/30/2017. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

- E.(d) Alderman Schmidt moved to confirm the Mayoral appointment of Mark Arndt, 4431 W. Tumblecreek Dr., Ald. Dist. 3, to the Architectural Board for a 3-year term expiring 4/30/2016. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

- RES. 2015-7054 G.1. Alderwoman Evans moved to adopt Resolution No. 2015-7054, AUTO BODY BUSINESS A RESOLUTION IMPOSING CONDITIONS AND

USE (STEVEN C. VALENTI, d/b/a COLOR AND DESIGN STUDIO LLC, APPLICANT)

RESTRICTIONS FOR THE APPROVAL OF AN AUTO BODY SHOP BUSINESS USE UPON PROPERTY LOCATED AT 9760 SOUTH 60TH STREET (STEVEN C. VALENTI, d/b/a COLOR AND DESIGN STUDIO LLC, APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2015-7055
CONSERVATION
EASEMENT (ST.
MARTINS PLACE LLC.
OWNER) 10001 W. ST.
MARTINS RD.

G.2.

Aldерwoman S. Mayer moved to adopt Resolution No. 2015-7055, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND SITE PLAN FOR PROPERTY LOCATED AT 10001 WEST ST. MARTINS ROAD (ST. MARTINS PLACE LLC, OWNER), subject to review and approval by the Department of City Development and technical corrections by the City Attorney. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

DOG PARK

G.3.

Alderman Dandrea moved to file the status report from the Department of City Development relating to a citizen's request for the City to locate, design and build a dog park. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

PARKS COMM.
REQUEST TO AMEND
COMPREHENSIVE
OUTDOOR RECREATION
PLAN: 2030

G.4.

Aldерwoman Evans moved to direct staff to prepare the appropriate resolutions and ordinance to amend the Comprehensive Outdoor Recreation Plan: 2030 and to schedule the ordinance for the public hearing before the Common Council, together with Department of City Development Planning staff recommendations relating to alternate proposals as to the development of tennis courts. Seconded by Aldерwoman S. Mayer. All voted Aye; motion carried.

CDBG DRAFT ANNUAL
ACTION PLAN

G.5.

Aldерwoman Evans moved to place on file the Milwaukee County Community Development draft 2015 Annual Action Plan. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2015-7056
PARTNERSHIP FOR
PROSPERITY

G.6.

Alderman Dandrea moved to adopt Resolution No. 2015-7056, A RESOLUTION SUPPORTING THE LEAGUE OF WISCONSIN MUNICIPALITIES' PARTNERSHIP FOR PROSPERITY: AN AGENDA FOR A COMPETITIVE 21ST CENTURY WISCONSIN. Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. 2015-7057
LEGEND CREEK
PEDESTRIAN BRIDGE

G.7.

Alderman Schmidt moved to adopt Resolution No. 2015-7057, A RESOLUTION AUTHORIZING OFFICIALS TO PURCHASE AND INSTALL PEDESTRIAN BRIDGE ACROSS LEGEND

CREEK, using funds from 2015. Seconded by Alderman Dandrea. All voted Aye; motion carried.

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| RES. 2015-7058
MILW. CO. AGREEMENT
S. NORTH CAPE RD. | G.8. | Alderwoman S. Mayer moved to adopt Resolution No. 2015-7058, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE A "LOCAL/COUNTY AGREEMENT FOR A HIGHWAY IMPROVEMENT" WITH MILWAUKEE COUNTY, S. NORTH CAPE ROAD (CTH J), PHASE 1, FROM W. SCHERRI DRIVE TO S. CARROLL CIRCLE. Seconded by Alderman D. Mayer. On roll call, Alderman Dandrea, Alderman D. Mayer, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderwoman Evans voted No. Motion carried. |
| 2015 LOCAL ROAD
PROGRAM | G.9. | Alderman Schmidt moved to authorize Engineering Department staff to advertise for bids for the 2015 Local Street Improvement Program with inclusion of W. Brunn Drive sidewalks in bid specifications. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| ORD. 2015-2161
S. 35TH ST. NO PARKING | G.10. | Alderwoman Evans moved to adopt Ordinance No. 2015-2161, AN ORDINANCE PROHIBITING PARKING ON BOTH SIDES OF S. 35TH STREET FROM FAIRWAY CIRCLE NORTH TO W. RYAN ROAD. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| RES. 2015-7059
S. 27TH ST. CORRIDOR | G.11. | Alderman Dandrea moved to adopt Resolution No. 2015-7059, A RESOLUTION REQUESTING WISCONSIN DEPARTMENT OF TRANSPORTATION TO INCORPORATE SANITARY SEWER AND WATER MAIN APPURTENANCES RELOCATIONS AND ADJUSTMENTS INTO THEIR S. 27TH STREET CORRIDOR RECONSTRUCTION CONTRACT. Seconded by Alderman D. Mayer. On roll call, Alderman Schmidt, Alderwoman Evans, Alderman D. Mayer and Alderman Dandrea voted Aye; Alderwoman S. Mayer voted No. Motion carried. |
| SENIOR CITIZEN
TRAVEL PROGRAM | G.12. | Alderman D. Mayer moved to authorize the extension of the reporting period for the 2014 year-end Community Development Block Grant Senior Citizen Travel Program by Shirley Bird, Tour Director, to the February 17, 2015 Common Council meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| SOIL TEST SERVICES | G.13. | Alderman Schmidt moved to approve the 2015 Professional Services Agreement between the City of Franklin and Racine County for services to verify a certified soil tester's soil and site evaluation at designated properties when needed and to authorize |

the Director of Administration to execute such agreement. 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 Petates LLC, Arturo Napoles, Agent (d/b/a Big Papi's), 9405 S. 27th Street; and Grant Operators' licenses to Luke Hartung, 664 Shirley Dr., Franksville; Amanda Jonas, 8263 Firwood Ln., Greendale; Tiffany Plowman, 6559 S. Whitnall Edge Rd.; Jessica Wood, 4579 S. Nicholson Ave., #22, Cudahy; Phillip Zurowski, 11836 W. Howard Ave., Greenfield; and
Grant Special Class B Beer license and Temporary Entertainment and Amusement license to St. Martin of Tours Church (Diane Winkowski), Vietnamese New Year Celebration on 2/15/2015, 7963 S. 116th Street; and Special Class B Beer and Wine license to St. Martin of Tours Church (Diane Winkowski), Raffle, Auction and Dinner on 3/21/2015, 7963 S. 116th Street.
Seconded by Alderwoman Evans. All voted Aye; motion carried.

VOUCHERS AND PAYROLL

- I.1. Alderwoman Evans moved to approve net general checking account City vouchers in the range of Nos. 155043 through 155201 in the amount of \$1,017,186.24 dated January 7, 2015 through January 15, 2015. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderwoman S. Mayer moved to approve net payroll dated January 9, 2015 in the amount of \$383,308.49 and payments of the various payroll deductions in the amount of \$221,214.70 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderman Dandrea moved to approve net payroll dated January 23, 2015 estimated at \$375,000.00 and payments of the various payroll deductions estimated at \$378,000.00 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderwoman Evans moved to approve property tax refunds in the range of Nos. 13974 through 14709 in the amount of \$50,332,956.39 dated January 5, 2015 through January 15, 2015. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve net general checking account City vouchers in the range of Nos. 155202 through

Common Council Meeting

January 20, 2015

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155209 in the amount of \$\$3,276.53 dated January 20, 2015. Seconded by Alderman Schmidt. All voted Aye; motion carried.

ADJOURNMENT

J.

Alderwoman S. Mayer moved to adjourn the meeting at 7:37 p.m. Seconded by Alderman Schmidt. All voted Aye; motion carried.

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F. 1.



Division of Transportation System Development
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: www.dot.wisconsin.gov

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5662

E-Mail: waukesha.dtd@dot.wi.gov

January 29, 2015

Subject: Local Officials Notice
2265-16-70
WIS 241(27th Street)
Milwaukee County

Greetings:

The Wisconsin Department of Transportation (WisDOT) will begin work this spring on an improvement project on WIS 241 (27th Street) from West Drexel to College avenues in the cities of Franklin and Oak Creek.

Built in the 1930s, the 27th Street corridor is in need of modernization. The two-year project will result in a full reconstruction of the pavement; improved intersections to include updated traffic signals, and extended left and right turn lanes; additional bicycle and pedestrian accommodations; and aesthetic enhancements.

Recently our public involvement team visited with businesses and residents along the corridor, dropping off information that construction will commence this spring. After the contractor is selected in mid-February, we will be able to provide more details about the construction schedule and traffic impacts.

Our comprehensive public outreach effort will include emailing three-week construction outlooks, project briefs at major milestones, directional sheets, along with news, web, and social media updates.

WisDOT will also be conducting a Public Involvement Meeting (PIM) in March. More information about this event will come.

If you have any questions now or anytime during the project, please call me at (414) 750-1082 or send an email to brian.deneve@dot.wi.gov.

Sincerely,

Brian DeNeve
WisDOT Communications Manager

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F.2.

Franklin Fire Department

Letter of Commendation

Lieutenant Anthony Psichulis
Firefighter/Paramedic Robert Kutz

Firefighter/Paramedic Richard Carlsen
Firefighter/Paramedic Sean Behrens

January 25, 2015

This letter of commendation is presented to Lieutenant Anthony Psichulis, and Firefighter/Paramedics Richard Carlsen, Robert Kutz, and Sean Behrens on this date for their heroic actions on October 24th, 2014. On that day, the above crew responded to a 911 call from a very upset woman who stated that she had just come home and found her son not breathing and in need of immediate help.

Lieutenant Anthony Psichulis and *Firefighter Paramedic Robert Kutz* responded in Ambulance 1, along with *Firefighter/Paramedic Richard Carlsen* and *Firefighter/Paramedic Sean Behrens* in Med-11. While en route, Dispatch advised that the caller stated that her carbon monoxide (CO) detector was alarming. *Battalion Chief Kurt Stueck* also responded in order to assist with medical treatment and investigate the CO threat.

When personnel arrived on scene, the mother of the patient was yelling "He's not breathing!" and pointed them toward the garage. The overhead door was closed and the garage was completely engulfed in exhaust smoke and fumes. *Lt. Psichulis* entered the garage in an attempt to open the overhead door. *Firefighters Carlsen, Kutz, and Behrens* also entered the garage with their medical gear, causing the CO detector on their kit to immediately alarm. Unable to open the overhead door, and knowing that they were in a very dangerous situation, the crew decided to rapidly extricate the victim from the garage to the driveway. Once out of the garage, the crew quickly transitioned to medical mode and began treating the patient. Shortly thereafter, *Battalion Chief Stueck* arrived and found extremely hazardous levels of CO, with readings of over 2000 ppm.

Although the patient did not survive, the crew knowingly risked their lives in an extremely hazardous environment. They knew that there was a patient inside the garage, and that his only chance for survival depended on their immediate actions. There was no time to wait for the proper equipment or to ventilate the garage, so they all put their lives at risk in entering the garage to make the rescue. The above personnel are commended for their heroic actions on October 24, 2014.


Fire Chief Adam Remington


Assistant Chief Ron Mayer

F. 3.

Franklin Fire Department

Letter of Recognition

Firefighter/Paramedic Thomas Hensiak
Firefighter/Paramedic Dustin Lofy

Firefighter/Paramedic Richard Carlsen
Firefighter/Paramedic Sean Behrens

January 25, 2015

This Letter of Recognition is presented to Firefighter/Paramedics Thomas Hensiak, Richard Carlsen, Dustin Lofy, and Sean Behrens on this date for their exemplary actions on December 1st, 2014. On that day, the Franklin Fire Department was dispatched to back-to-back fire alarms within a period of just over five minutes. As crews were responding to investigate those incidents, a third alarm was received, with the caller reporting thick smoke coming from a multi-family apartment complex.

Engine 1 and Truck 2 were immediately diverted by the Officer in Charge to respond to the third fire call. During the response a column of smoke could be seen from miles away, and the incident was upgraded to a "Working Still" alarm.

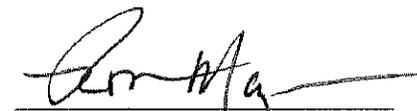
Engine 1, staffed with *Firefighter/Paramedic Thomas Hensiak, Firefighter/Paramedic Richard Carlsen, Firefighter/Paramedic Dustin Lofy, and Firefighter/Paramedic Sean Behrens* arrived first-due, finding heavy fire and smoke showing from an upstairs apartment of an 18-unit non-sprinklered apartment building.

Without a sworn company officer assigned, and with other units still clearing and responding from previous calls, Engine 1 operated completely on their own for the first several minutes of the incident. *Firefighter/Paramedic Thomas Hensiak*, acting in the company officer role, performed a size-up and gave a "textbook" first-in report. Knowing that they had only seconds until the fire engulfed the entire attic space, the crew of Engine 1 pulled their "blitz" line and set up for a rapid and aggressive transitional fire attack. Within minutes – and largely prior to other companies arriving on scene – *Firefighters Hensiak, Carlsen, Lofy and Behrens* had the large volume of fire knocked down.

Franklin Fire Department personnel routinely train on aggressive fire attack tactics. In this incident however, the volume of fire - and the rapidity with which Engine 1's crew attacked and extinguished it - was remarkable. Their actions were well-coordinated, flawlessly executed, and ultimately saved priceless belongings and millions of dollars worth of property from destruction. The majority of the building's residents were able to return to their apartments the following day.

The Franklin Fire Department recognizes the above personnel for their exemplary actions on December 1, 2014.


Fire Chief Adam Remington


Assistant Chief Ron Mayer

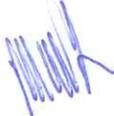
<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>February 3, 2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>\$75 Donation for Operation Fit Franklin</p>	<p>ITEM NUMBER</p> <p><i>G.I.A.</i></p>

The Health Officer requests to accept a \$50.00 donation from Renee Fuller and a \$25.00 donation from Kim Dandrea for "Operation Fit Franklin" (OFF), a total of \$75.00.

COUNCIL ACTION REQUESTED

A motion to accept the \$75 00 in donations.

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<p>APPROVAL</p> <p><i>Slw</i> </p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>02/03/2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Request for Two Members of the Franklin Environmental Commission to Attend a Training Course at Wehr Nature Center</p>	<p>ITEM NUMBER</p> <p><i>G.I.B.</i></p>

Attached are details on a "WI Master Naturalist Volunteer Training" course being held at the Wehr Nature Center in Franklin. The course includes 8 classes that run on Monday nights, February 23 thru April 27, 2015. The WI Master Naturalist Program is a statewide effort to promote awareness and understanding of the state's natural resources by developing a corps of informed volunteers dedicated to education and service within their communities. Participants receive 40 hours of training in natural history, interpretation, and conservation stewardship through a combination of classroom instruction with field experiences. Once trained, a WI Master Naturalist provides volunteer service in one of three areas: education/interpretation, stewardship, or citizen science. To maintain certification, a volunteer must complete 40 hours of service each year and 8 hours of advanced training.

Last year, the Common Council authorized two members of the Environmental Commission to attend the Great Lakes Advanced Training Course at the Wehr Nature Center. Commissioners Sharon Kust and Kurt Bolton attended this course on August 16, 2014 for \$75 each.

Commissioners Kust and Bolton are once again requesting authorization to attend the WI Master Naturalist Volunteer Training course being offered at the Wehr Nature Center February 23 thru April 27, 2015. The training course fee is \$250 each.

Funding could be made available through the General Fund Unrestricted Contingency appropriation for this purpose.

COUNCIL ACTION REQUESTED

Motion to authorize two (2) members of the Environmental Commission to attend the "WI Master Naturalist Volunteer Training" course being held at the Wehr Nature Center February 23 thru April 27, 2015, that the registration fees of \$250 per person be charged to the General Fund Unrestricted Contingency fund, and authorize the release of the checks for the registration fees.

VOLUNTEER TRAINING COURSE

Feb 23 – April 27, 2015



WISCONSIN Master Naturalist



Wehr Nature Center will partner with the WI Master Naturalist Program this spring to offer a new opportunity for volunteers!

The WI Master Naturalist Program is a statewide effort to promote awareness, understanding, and stewardship of the state's natural resources by developing a corps of informed volunteers dedicated to education and service within their Wisconsin communities. Course participants receive 40 hours of training in natural history, interpretation, and conservation stewardship. Classes combine classroom instruction with field experiences. Once trained, a WI Master Naturalist provides volunteer service in one of three areas: education/interpretation, stewardship, or citizen science. To maintain certification, a volunteer must complete 40 hours of service each year and 8 hours of advanced training.

The WI Master Naturalist Volunteer Training Course will begin on February 23 with online registration available in January 2015. The course will include 8 classes, Monday evenings, 5:30 - 8:30 PM and two field trips plus an alternate field study if you have a conflict. Part of your class time, in addition to the classroom and field trip sessions, will be spent completing a capstone project. Your project provides an opportunity to practice some of the skills needed for volunteer work. The projects are completed in small groups and involve up to 3 hours of out of class time. Additional information will be available upon registration. Contact patricia.fojut@ces.uwex.edu for more details.

WIMN Volunteer Training Course Fee: \$250

Dates: Mondays, Feb 23 - April 27.

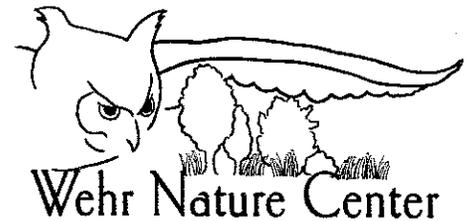
Time: 5:30 pm - 8:30 pm.

Field trips are scheduled for March 21 that visit select Milwaukee County Parks focusing on Geology, Water study, and Wildlife. April 25 is a tour of ecologically significant areas in southeastern Wisconsin. The alternate fieldtrip on April 11 will include Spring wildlife at Wehr Nature Center in the evening.

The Wehr Nature Center WI Master Naturalist Volunteer Training registration link is listed below, in long form. Here's a hyperlinked version:

<http://wimasternaturalist.org/WehrNatureCenter2015>

Any cancellations after registration are subject to a \$25 administrative processing fee. Cancellations received after Friday, February 13 will be responsible for the full program fee.



WI Master Naturalist Volunteer Training Course

AT A GLANCE

Where: Wehr Nature Center,
Milwaukee

When: Class sessions – Mondays,
Feb 23 - April 27, 2015, 5:30-8:30 PM
No Class: March 30, April 6
Field Trips – March 21, April 25, 9 am
– 4:30 pm. Alternate April 11, 1 pm -
8:30 pm. Select 2 of 3 to meet
required participation.

Fee: \$250

Questions?: Contact Pat Fojut at
patricia.fojut@ces.uwex.edu for more
details.

UW
Extension
Learning for life



WI Master Naturalist will be offered at Wehr Nature Center in 2015.

Start Date February 23

Mondays 5:30 pm— 8:30 pm

End Date April 27

No Class March 30 & April 6

2 required fieldtrips with Alternate available;
Mar 21, April 11, April 26

The fee is \$250 and the online registration is available at WI Master Naturalist website,

<http://wimasternaturalist.org/upcoming-volunteer-courses>

Date	Outdoor , Overview	Topic	Lead DRAFT
Feb 23	Introduction	Interpretation	Pat, Emily
Mar 2	Geology Basics	Glaciation Hike	Emily, Pat, Kerri
Mar 9	Local Ecoregions	Ecology	Bev, Emily
Mar 16	Wildlife –Birds	Wildlife—Mammals	Pat, Ken, Julia?
Mar 21	Fieldtrip #1	Birding, Ecology, Wildlife	Pat, Julia?, Ken
Mar 23	Capstone confirmation	Human Impacts, amphibians, water	Mark, Julia?, Pat
Mar 30	No Class	No Class	
April 6	No Class	No Class	
April 11	Alternate Fieldtrip, 1 pm - 8 pm	Woodcock Hike	Pat, Ken, other
April 13	Capstone Projects, 2 -- 3	Plant Communities	Mark, Julia?
April 18	Capstone Projects	presentation work, green living fest	
April 19	Capstone Projects	Presentation work	
April 20	Water I, Capstone Projects 2	Aquatic life, plants, e.coli tests	
April 25/26	Southeastern WI Field trip	Natural areas focus	Mark?, Pat?, Kerri? Emily?
April 27	Water II, Capstone Projects 4	Graduation, Certification	Pat, Mark, Howard
May 2	Parkcaching Event Capstone	Prep & work time before event	Emily, Pat

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR</p> <p>COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>02/03/2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Request for Capital Improvement Funds for Emergency Vehicle Preemption project</p>	<p>ITEM NUMBER</p> <p>G.2.</p>

The 2015 Capital Improvement Fund includes funds for an Emergency Vehicle Preemption (EVP) project. The Police Department is requesting release of these funds in order to complete the installation of equipment. In addition, the Chief is requesting authorization to sign an agreement with the State of Wisconsin Department of Transportation which details the State's and the City's responsibilities for this project (agreement attached). The cost breakdown is as follows:

2015 City of Franklin EVP intersections with EVP being installed at a direct cost to Franklin:

1. West Ryan Road / South 76th Street (\$8,286.53)
2. Three additional intersections (\$24,859.59). Intersections expected to be included: West Loomis Road and West Drexel Avenue, Hwy. 100 and West Drexel Avenue, and South 60th Street and West Ryan Road.

2015 City of Franklin EVP vehicle equipment being installed at a direct cost to Franklin:

1. 7 additional Fire Department vehicles, currently 3 are equipped (\$6,939.83)
2. 10 Police Department vehicles, currently 0 are equipped (\$9,914.05)

Total requested: \$50,000.00

Note: Anticipated cost increases from time of original quotes have been considered. The department is confident requested funds will fully cover the costs of this project.

COUNCIL ACTION REQUESTED

Motion to authorize the Police Department to expend \$50,000.00 from the Capital Improvement Fund for the 2015 Emergency Vehicle Preemption project and for the Chief of Police to execute an Agreement with the State of Wisconsin Department of Transportation regarding said project.



Division of Transportation
System Development
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: www.dot.wisconsin.gov

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5662

E-Mail: waukesha.dtd@dot.wi.gov

January 26, 2015

Chief Rick Oliva
Franklin Police Department
9455 W. Loomis Rd.
Franklin, WI 53132

Subject: I.D. 3700-20-74
EVP Request – Milwaukee County
Location: STH 100 (Ryan Rd.) & S. 76th St.

Dear Chief Oliva:

This letter is in response to the written request for Emergency Vehicle Pre-emption (EVP) at the state maintained traffic signal located at STH 100 (Ryan Rd.) & S. 76th St. The Wisconsin Department of Transportation will furnish all EVP traffic signal equipment necessary. The electrical contractor for the project will furnish and install the EVP cable and install the Department supplied EVP detector heads. Department electrical personnel will be performing the final inspection and making final connections of the EVP equipment in the traffic signal cabinet.

The EVP equipment will be installed under Project I.D. 3700-20-74, per your request. The City of Franklin is responsible for and will be billed for all EVP traffic signal material, equipment, and labor costs incurred by the Department associated with installing any portion of the EVP system in accordance with our Traffic Guidelines Manual (TGM) 4-2-20. The City of Franklin is responsible for all costs associated with the emitting devices for its authorized vehicles.

Enclosed please find three copies of the Emergency Vehicle Pre-emption System Agreement for the intersection stated above. Please review the agreements and, if conditions are satisfactory, sign and date all three copies and return them at your earliest convenience. One fully executed original of the agreement will be returned to you.

If there are any questions, please feel free to contact me at (262) 574-4237.

Sincerely,

Jarrett M. Gates

Signal Operations Engineer
jarrett.gates@dot.wi.gov

STH 100 (Ryan Rd.) & S. 76th St. EVP Estimate

1 Direction

	Qty	Cost per unit	Miles	
711 Detector Head (ea.)	1	\$235.00		\$235.00
454 Discriminator, 4 channel (ea.)	1	\$1,050.00		\$1,050.00
760 Card rack (ea.)	1	\$100.00		\$100.00
EVP Cable (ft)	500	\$1.00		\$500.00
Staff time (hr)	25	\$42.00		\$1,795.50 <-- includes overhead
Vehicle (2 veh - 4 days)	8	\$1.38	22	\$242.88
				\$4,511.89 (includes 15% increase)

2 Directions

	Qty	Cost per unit	Miles	
711 Detector Head (ea.)	2	\$235.00		\$470.00
454 Discriminator, 4 channel (ea.)	1	\$1,050.00		\$1,050.00
760 Card rack (ea.)	1	\$100.00		\$100.00
EVP Cable (ft)	1000	\$1.00		\$1,000.00
Staff time (hr)	30	\$42.00		\$2,154.60 <-- includes overhead
Vehicle (2 veh - 4 days)	8	\$1.38	22	\$242.88
				\$5,770.10 (includes 15% increase)

3 Directions

	Qty	Cost per unit	Miles	
711 Detector Head (ea.)	3	\$235.00		\$705.00
454 Discriminator, 4 channel (ea.)	1	\$1,050.00		\$1,050.00
760 Card rack (ea.)	1	\$100.00		\$100.00
EVP Cable (ft)	1500	\$1.00		\$1,500.00
Staff time (hr)	35	\$42.00		\$2,513.70 <-- includes overhead
Vehicle (2 veh - 4 days)	8	\$1.38	22	\$242.88
				\$7,028.32 (includes 15% increase)

4 Directions

	Qty	Cost per unit	Miles	
711 Detector Head (ea.)	4	\$235.00		\$940.00
454 Discriminator, 4 channel (ea.)	1	\$1,050.00		\$1,050.00
760 Card rack (ea.)	1	\$100.00		\$100.00
EVP Cable (ft)	2000	\$1.00		\$2,000.00
Staff time (hr)	40	\$42.00		\$2,872.80 <-- includes overhead
Vehicle (2 veh - 4 days)	8	\$1.38	22	\$242.88
				\$8,286.53 (includes 15% increase)

WISCONSIN DEPARTMENT OF TRANSPORTATION

Emergency Vehicle Pre-emption (EVP) System Agreement

This is a binding agreement between the Wisconsin Department of Transportation and the

City of Franklin

This agreement stipulates the terms and conditions for use of Emergency Vehicle Pre-emption (EVP) systems at the state-owned traffic control signal located at the intersection of

STH 100 (Ryan Rd.) & S. 76th St.

in the _____ City _____ of _____ Franklin

Description of route: Northbound, Southbound, Eastbound, Westbound

Listing of estimated number of vehicles to be outfitted: 30 Emergency Vehicles

Inventory of spare EVP equipment shall be provided by WisDOT.

The Department's Policy for Use of Emergency Vehicle Pre-emption (EVP) Systems at State-Owned Traffic Control Signals is hereby made a part of this agreement (copy attached). The following special terms or conditions also apply to this agreement:

ACCEPTED FOR THE _____

Local Government

BY _____ DATE _____

TITLE _____

APPROVED BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION

BY _____ DATE _____

TITLE _____



State of Wisconsin
Department of Transportation

Traffic Guidelines Manual

ORIGINATOR Director, Bureau of Traffic Operations	4-2-20
CHAPTER 4	Signals
SECTION 2	Traffic Control Signals
SUBJECT 20	Emergency Vehicle Pre-emption

A. General/Purpose

The following applies to the installation and operation of Emergency Vehicle Pre-emption (EVP) systems involving traffic control signals owned and operated by the Department.

B. Policy

Statutory Provisions

347.255 Auxillary lamps on emergency vehicles used to activate traffic control signal pre-emption devices. (1) An authorized emergency vehicle described in s.340.01 (3)(a), (c), (g) or (l) *may* be equipped and operated with lamps designed and used solely to activate official traffic control signal pre-emption devices. (2) The lamps authorized for use under this section *may* be any color and *may* be flashing, oscillating, rotating or pulsating. (3) No operator of an authorized emergency vehicle *may* use such lamps except when responding to an emergency call, when pursuing an actual or suspected violator of the law or when responding to, but not when returning from, a fire alarm.

The above does not preclude actuation by means of devices other than lamps.

Eligibility

Any local governmental unit, agency, or organization having responsibility for providing emergency services is eligible to request an EVP system.

Request Procedure

The local unit **shall** make the request in writing to the Department. The following information *should* be included in the request:

1. Location of proposed EVP systems.

2. Location of emergency facilities (fire station, police station, etc.) where vehicles will be departing and description of the route to be provided with a pre-emption system.
3. Listing or estimate of number of vehicles to be outfitted.
4. Brand/Model of equipment being requested.

Approval

1. The Department **shall** review each request and respond in writing to the local unit as to the approval or denial of the request.
2. The Department *may* deny any request that it deems would have an overall negative impact on the traveling public.
3. If the local agency is requesting a brand/model of EVP other than the Department standard, the request must include a discussion about compatibility with neighboring agencies along the same corridor.
4. For approved requests, an official "EVP System Agreement" **shall** be prepared and approved by the Department and the local unit. Template is included at the end of this policy. This policy **shall** be included as a supplement to the agreement. Any special terms or conditions beyond the scope of this policy **shall** be stipulated in the agreement.
5. The Department *may* allow an indicator light that is intended to confirm to the driver of an emergency vehicle that the pre-emption signal has been received. The use of this device does not preclude the need of the vehicle operator to rely on the signal indications for assigned intersection right-of-way. Requests for such EVP confirmation lights *should* be reviewed on a case-by-case basis, and are subject to the following conditions:
 - a. The Department *may* deny any request for confirmation lights that it deems would have an overall negative impact on traffic safety or operations.
 - b. EVP confirmation lights **shall** only be installed at signalized intersections where:
 - i. Signal(s) on the STH system are embedded in a locally-owned system that is also equipped with confirmation lights. This implies consideration for route continuity, or
 - ii. Multiple emergency vehicles have the potential to respond on conflicting approaches and from different points of origin. These conditions will typically exist in large urban areas where there are multiple precincts in the same municipality.
6. EVP equipment that has the ability to discriminate between individual responding vehicles **shall not** be used.

7. In the event that it comes to the attention of the Department that the pre-emption is being misused, such as by unauthorized vehicles, or that the municipality is not using or intends to abandon the system, the Department *may* notify the municipality of the situation. If the matter is not resolved and corrected the Department reserves the right to set about removing the equipment. The Department will notify the municipality in writing as to its intent and give the scheduled date of removal of the equipment indicated in item 5 below.

Installation/Maintenance

1. Department forces shall perform the installation, maintenance, modification, or removal of the EVP system equipment that is located at the traffic signal. Generally, this equipment would include the receiving device (mounted on the mast arm or signal head), the phase selector (in the control cabinet), confirmation light, and any miscellaneous cables and wiring needed to operate and power the portion of the EVP system located at the signal.
2. The local unit will be responsible for the installation of the emitting devices in authorized vehicles.
3. The Department shall maintain a reasonable inventory of spare parts for the Department's selected standard equipment in order to service the EVP system equipment located at the traffic signal. If the local agency is requesting equipment other than the standard equipment, the local agency *shall be responsible for maintaining and providing* a reasonable inventory. Specify which in the agreement.
4. When notified, Department forces will respond to correct suspected failures or breakdowns, or perform requested modifications in the EVP system equipment at the traffic signal.
5. Upon the Department's request, the local unit will be responsible for verifying the working status of the EVP system by performing a "field test" using an emergency vehicle equipped with an EVP emitter device. The local unit is responsible for periodically checking the EVP equipment.
6. If used, the style and type of confirmation lights on of state- and locally-owned signals within each municipality shall be standardized. Confirmation Lights shall be a LED, 120 VAC, white, directional light that fits into a PAR 38 socket.
7. In the event of a construction project, EVP service shall be maintained at any intersection with permanent EVP agreements. In addition, EVP equipment may be installed, if requested by a local unit, at any additional signals within the construction project itself, or on a designated detour route in the event of a road closure.

Operation/Phase Timing

1. The Department shall determine the phasing and timing of the pre-emption sequencing with input from the local unit. There are three key features that must be considered when determining how the pre-emption will operate:
 - a. Left turn phasing (protected, protected/permmissive, or permmissive only)
 - b. Signal head configuration for left turning movement (shared vs exclusive head)
 - i. Shared heads: include both circular indications and arrow indications (used by through and turning vehicles)
 - ii. Exclusive heads: arrow indications only (used solely by turning vehicles)
 - c. Style of pre-emption sequencing (common greens vs. exclusive greens)
 - i. Common greens: Indicates opposing through phases both have a green ball. The corresponding left turn phases are permmissive only.
 - ii. Exclusive greens: indicates only one through movement and its corresponding left turn phase have the green ball/arrow.
2. The Department offers the following operational guidance based upon the combination of those three key features identified above:
 - a. Protected Only Left Turns
 - i. Exclusive Head
 1. Shall operate with exclusive greens for the safety and ease of turning of the pre-empting vehicle.
 - b. Permmissive Only Left Turns
 - i. Shared Head
 1. Common greens
 - a. May be used.
 2. Exclusive greens
 - a. May be used if an all red period is introduced or a W25-2 sign is installed.
 - ii. Exclusive Head
 - a. Shall operate with common greens since a green left turn arrow is not available for use with exclusive greens.
 - c. Protected/Permmissive Left Turns
 - i. Shared Head
 1. Common greens
 - a. May be used.
 2. Exclusive greens
 - a. May be used if an all red period is introduced or a W25-2 sign is installed.
 - ii. Exclusive Head
 1. Common greens
 - a. May be used.
 2. Exclusive greens
 - a. May be used.

3. Any exceptions to the guidance in Item 2 above shall be included as part of the special terms or conditions of the agreement.
4. If used, the operation of confirmation lights on of state- and locally-owned signals shall be standardized such that the approach being preempted has a steady indication. Approaches with secondary calls shall flash. The flash rate shall not be between 5 and 30 flashes per second to avoid frequencies that might cause seizures.

Driver Training

1. The local unit shall be responsible for training the emergency services personnel on the proper operation of the system.
2. This training should provide clear understanding of these items:
 - a) The definition of an authorized emergency vehicle at the beginning of this policy.
 - b) The conditions when pre-emption may be used.
 - c) The use of pre-emption does not remove the responsibility of the vehicle operator from determining whether or not it is safe to enter the intersection.
 - d) The operator cannot assume that the pre-emption has gone into effect. The operator must rely on the traffic signal indication.
 - e) The proper operation of the activating device located on the vehicle.

Cost

1. The most common source of funding for a complete EVP system has been local funds or federal urban funds. However, EVP equipment at the traffic signal and installation may also be funded as part of an improvement project, provided it is incidental to the improvement. Please see Program Management Manual document 03-25-05 to determine the most appropriate source of funding.
2. The local municipality shall be responsible for all costs associated with the emitting devices for its authorized vehicles.
3. The Department shall be responsible for all material, equipment, labor, training, and incidental costs associated with maintaining, operating, modifying, or removing the EVP system at the traffic signal unless non-standard EVP system equipment is used. When non-standard equipment is installed, the local unit shall be the responsible for maintaining and supplying spare inventory to the Department.
4. Any cost associated with the continuance of service of an EVP system on temporary signals or on a temporary route during a construction project shall be borne by the project.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">02/03/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 12321 WEST RAWSON AVENUE (ALFRED L. BLOCK, OWNER)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. B.</i></p>

INTRODUCTION

At its December 2, 2014 meeting, the Common Council approved this conservation easement subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

However, the applicant now wishes to:

- incorporate certain changes to the wording of the conservation easement, departing from the standard template the City has consistently used in these situations;
- expand upon the uses to be allowed within the conservation easement, to include control of invasive species, the maintenance of existing trails, and the possible placement of unspecified structures; and
- continue to utilize the best available (previously mapped but not field verified nor field delineated) protected natural resource information for the subject conservation easement and associated Certified Survey Map (which CSM was approved by the Common Council at its December 2, 2014 meeting with the conditions that the conservation easement be approved by the Common Council and recorded by Milwaukee County, and that the CSM be revised to depict and note the extent of the mature woodlands).

ANALYSIS

The changes the applicant wishes to make to the conservation easement are highlighted in the attached Final Draft Conservation Easement document. Additional supporting materials from the applicant are also attached (Exhibit C).

Department of City Development staff has no objection to those changes which have been *underlined and in italics*.

However, staff does not support the changes which are in **bold and underlined**. In this regard, Department of City Development staff would note:

- Staff has not been provided any field verified natural resource feature delineations, of most importance being the wetlands. Absent such information, staff is unable to determine if any protected natural resource features would be impacted by the applicant's proposal.

- Staff has neither been provided any mapping on the location of the existing trails, nor detailed information of the possible extent and impact of continued maintenance of these trails on protected natural resources. Therefore, staff has not been able to determine if protected natural resource features would be adversely impacted by the applicant's proposal.
- The applicant has indicated that he wishes to allow unspecified structures (possibly the construction and/or maintenance of such structures as small bridges) within the easement. As the type and location of these structures has not been specified, staff has not been able to determine if protected natural resource features would be adversely impacted by the applicant's proposal.

CONCLUSION

City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement (with only those changes which are underlined and in italics) for and as part of the review and approval of a Certified Survey Map for property located at 12321 West Rawson Avenue (Alfred L. Block, Owner), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

However, should the Common Council support maintenance of the existing trails and allowance of additional structures within the easement, the applicant's changes in **bold and underlined** should be included within the conservation easement as well, and staff would recommend that a condition be added to the resolution, or to the Council's motion, requiring that detailed field verified delineations should first be obtained by the applicant, depicted on the Certified Survey Map and associated Conservation Easement documents, and approved by the City.

It should be noted that prior to any trail maintenance or placement of any structure, City staff must be contacted and provided that information for review. Should the proposed activity occur within a wetland, wetland buffer, or shoreland buffer, a Natural Resource Special Exception may be required.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2015-_____, a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Certified Survey Map for property located at 12321 West Rawson Avenue (Alfred L. Block, Owner), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

RESOLUTION NO. 2015-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 12321 WEST RAWSON AVENUE (ALFRED L. BLOCK, OWNER)

WHEREAS, the Plan Commission having approved a 2 Outlot Certified Survey Map upon the application of Alfred L. Block, on November 20, 2014, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetlands, wetland buffer and mature woodlands on the site; and

WHEREAS, §15-7.0702Q. and §15-9.0309D. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Alfred L. Block, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
ALFRED L. BLOCK
RESOLUTION NO. 2015-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

AMENDED DRAFT CONSERVATION EASEMENT

(BLOCK CERTIFIED SURVEY MAP)

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Alfred L. Block, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, Northwest ¼ of the Fractional Northwest ¼ of Section 7, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, steep slopes, mature woodlands, wetland buffers and wetlands, and refer to Natural Resource Investigation by RETZER NATURE CENTER, dated June 13th, 2014, which is located in the office of the Department of City Development, and attached to this document as Exhibit B) and to "Wetlands per DNR Surface Mapping 2010" on the Certified Survey Map, attached to this document as Exhibit A, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the conservation easement on, over, and across the protected property, desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms *or intent* of this conservation easement; and

WHEREAS, the Grantee is willing to accept this conservation easement subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby;

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee a conservation easement in perpetuity on, over, and across the protected property.

Grantee's rights hereunder shall consist solely of the following:

1. To view the protected property in its natural, scenic, and open condition, and to manage the property as allowed under this agreement and outlined in Exhibit B, Option A and B;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant.

And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, on, over, or across the protected property, the Grantor, without the prior consent of the Grantee, shall not:

- 1) Construct or place buildings or any other **vertical** structure;
- 2) Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and

agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, **and the maintenance of rustic walking paths only in designated mature woodland and non-wetland areas for safe access and necessary management of the outlot by the property owner. Pathway shall be no wider than 48 inches and will not be surfaced with gravel or any unnatural base;**

- 3) Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for:
 - a) the removal of dead or diseased trees.
 - b) the desirable control of invasive species (esp. common buckthorn, eurasian honeysuckle and garlic mustard) and nuisance species (esp. prickly ash and hawthorn) as recommended in the aforementioned Natural Resource Investigation by Retzer Nature Center (Exhibit B, Options A and B), under the recommendation of a professional forester, arborist, or botanist and approval by the City of Franklin designated forester.
 - c) silvicultural thinning upon the recommendation of a professional forester, arborist, botanist, or City staff.
 - d) **the maintenance of rustic walking paths as described under 2.**
- 4) Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
- 5) Plant any vegetation not native to the protected property or not typical wetland vegetation;
- 6) Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles **except for use of a lawnmower and all-terrain vehicle for maintaining the rustic pathways and managing the natural acreage with the desire and intent to enhance its natural qualities. The use of motorized vehicles shall be limited to the designated pathway established beyond any wetland or 30-foot wetland buffer area.**

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the protected property pursuant to law.

The covenants, terms, conditions, and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:
 Alfred L. Block
 1840 N. Prospect Ave. Apt. #1010
 Milwaukee, Wi. 53202

To Grantee:
 City of Franklin
 Office of the City Clerk
 9229 W. Loomis Road
 Franklin, Wisconsin 53132

In witness whereof, the grantor has set its hand and seals this on this date of _____, 20__.

By: _____
 Alfred L. Block, Owner

STATE OF WISCONSIN)
) ss
 COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the _____ day of _____, A.D. 20__ by

Alfred L. Block, as Owner

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said Owner.

Notary Public

My commission expires _____

Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by §236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D.20__.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this _____ day of _____, A.D. 20__, the above named Stephen R. Olson, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. _____, adopted by its Common Council on the _____ day of _____, 20__.

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Senior Planner
Department of City Development

Date

Approved as to form only:

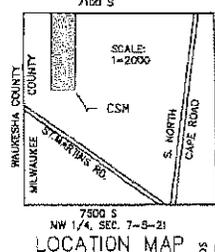
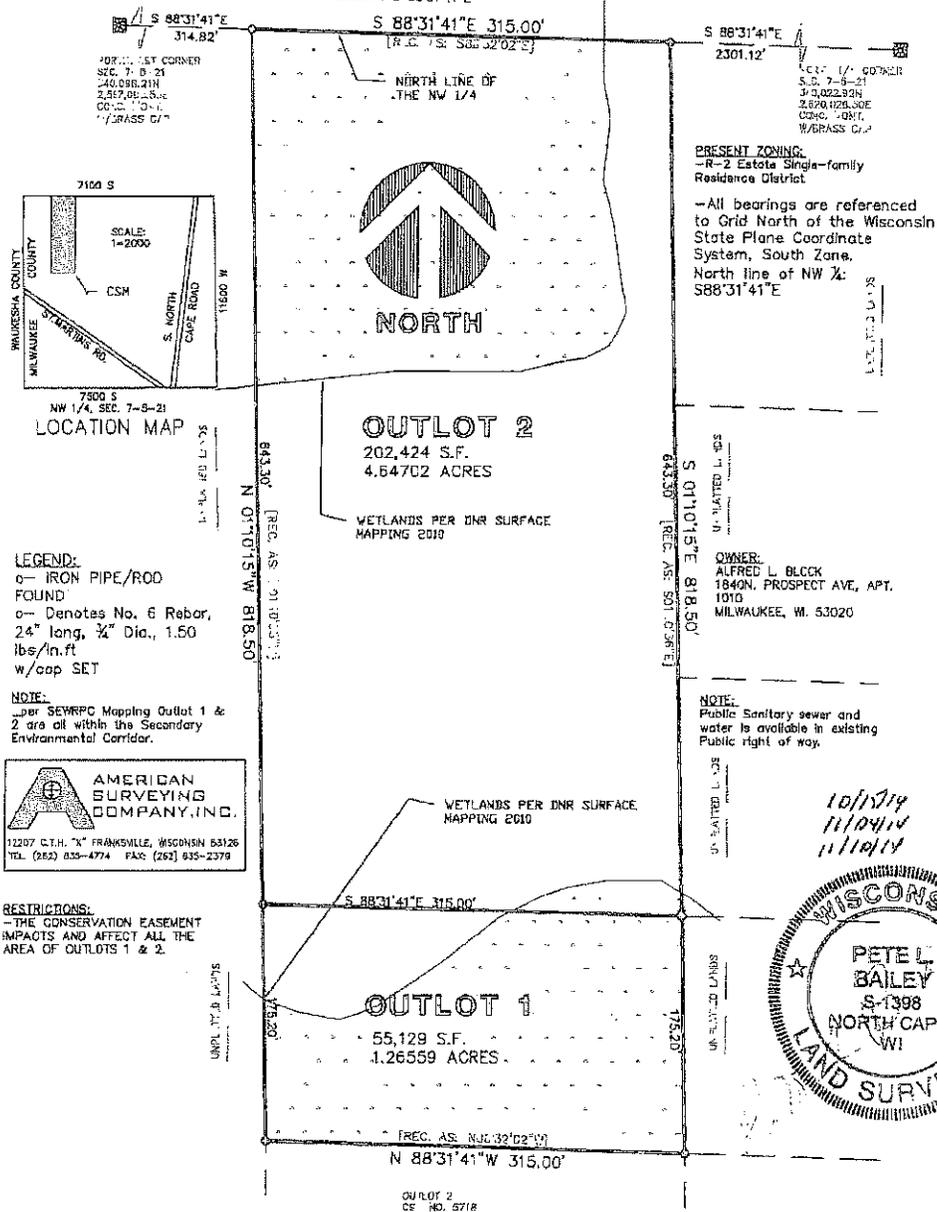
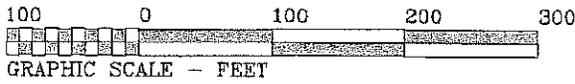
Jesse A. Wesolowski
City Attorney

Date

EXHIBIT "A"

OUTLOTS NO. 1 & 2 OF CERTIFIED SURVEY MAP NO _____, BEING A REDIVISION OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 5718, BEING A PART OF THE NORTHWEST $\frac{1}{4}$ OF THE FRACTIONAL NORTHWEST $\frac{1}{4}$ OF SECTION 7, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

CERTIFIED SURVEY MAP NO. _____
 SHEET 1 OF 3
 BEING A REDIVISION OF OUTLOT 1 OF CERTIFIED SURVEY
 MAP NO. 5718, BEING A PART OF THE NORTHWEST ¼ OF
 THE FRACTIONAL NORTHWEST ¼ OF SECTION 7, TOWN 5
 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, COUNTY
 OF MILWAUKEE, STATE OF WISCONSIN.



6/13/2014

Notes on the Vegetation Ecology of the Block Property, Franklin, WI

- Root River Watershed
- SEWPRC Secondary Environmental Corridor
- 6 acre Oak Forest, with partial wetland

Summary prepared by:

Larry L. Kascht, Director and Naturalist
Retzer Nature Center, Waukesha, Wisconsin 262-896-8007

Accompanied by:

David A. Block, Associate Professor Emeritus, Environmental Science
Carroll University, Waukesha, Wisconsin 262-524-9111

Community Type

Southern Dry Forest (Curtis)

Plants and Animals

Dominant Native Trees—

White Oak, Red Oak, Bur Oak, Black Walnut

Associated Native Trees—

Shagbark Hickory, Black Cherry, Bitternut Hickory, Bigtooth Aspen, Silver Maple, Cottonwood

Understory Native Trees, Shrubs, and Vines—

Nannyberry, Mapleleaf Viburnum, Arrow-wood Viburnum, Gray Dogwood, Alternate-leaved Dogwood, Gooseberry, Chokecherry, Rock Honeysuckle, Blackberry, Rose, Black Raspberry, Hazelnut, Woodbine, Grape, Canada Moonseed, Poison Ivy

Understory Native Trees—Grazing Increases—

Prickly Ash, Hawthorn

Ground layer Native Herbs—

Jack-in-the-Pulpit, Wild Geranium, Wood Violet, Avens, Carrionflower, Sweet Cicely, Penn Sedge, Enchanter's Nightshade

Invasive Non-native Trees and Shrubs—

Common Buckthorn, Eurasian Honeysuckle

Invasive Non-native Herbs—

Garlic Mustard, Dame's Rocket

Birds—

Rose-breasted Grosbeak, Cardinal, Blue jay, Baltimore Oriole, Downy Woodpecker, Red-bellied Woodpecker, Black-capped Chickadee, Eastern Wood Peewee

Discussion

The 6-acre Block property is an Oak Forest that conforms closely to the benchmark community type description for Wisconsin's Southern Dry Forest, as presented in Curtis' *The Vegetation of Wisconsin* (1959). The dominant and associated native tree and shrubs species are a close match with Curtis' species list for this community. About one-third of the ground layer native herb species listed by Curtis for this community are found in the Block woods—a satisfactory proportion, for a wooded parcel of this size. Specific characteristics of the Block woods include—

--A general appearance of a mature forest dominated by large trees of White Oak, with moderately wide-spreading tall crowns indicating past growth history in a fairly open forest condition (likely maintained by occasional fires), filled in during recent (fire-suppressed) decades with younger trees of Black Walnut, Red Oak, and Black Cherry, and associated trees of Shagbark and Bitternut Hickory, and White Ash.

--A larger-than-expected average size of canopy trees, compared with other Oak Forest stands observed in SE Wisconsin.

--An understory with many fruit-bearing, bird-dispersed shrubs and small trees.

--The character of a forest undergoing succession, in which shade-intolerant canopy trees (White Oak) will be gradually replaced by more shade-tolerant smaller trees and understory trees (Red Oak, Black Walnut, Bitternut Hickory, Black Cherry, White Ash).

--The complete absence of sapling and seedlings of shade-tolerant Sugar Maple, which would be expected to appear and increase in a forest undergoing succession to a shadier, more mesic forest type.

--A rich native ground layer dominated in many areas by Jack-in-the-Pulpit, Wild Geranium, Enchanter's Nightshade, and Woodbine (these last three are often associated in Dry Oak Forests).

--The presence of clear evidence of past grazing by cattle, through the ubiquitous understory presence of Prickly Ash, as well as occasional Hawthorn.

--Observation (during a 3-hour visit) of 7 of the 9 characteristic Southern Dry Forest bird species listed by Curtis.

--The presence of scattered incidences (throughout the woods) of the invasive non-native species Common Buckthorn, Eurasian Honeysuckle, Garlic Mustard, and Dame's Rocket. Infestation by these species is at an intermediate stage: widespread throughout the woods, but not yet dense enough to suppress the native ground layer and understory plants.

--Despite its vegetation quality, a condition of some isolation and fragmentation from the larger corridor of the Root River Watershed, and a stand size that is too small to allow the existence of true forest interior conditions and insulation from edge effect.

Looking at these characteristics, evaluating them against the benchmark community type, and taking into account the stand size and relation to regional environmental corridors, the woods receives a grade of **B+/A-**.

Recommended Management

Control and removal of the invasive species is highly desirable and recommended, to protect the native ecological integrity of the woods.

Control and removal of the native-but-aggressive Prickly Ash and Hawthorn is also desirable, to return the woods to its most native condition.

Two possible pathways might be followed, regarding future ecological management of the woods. Option A meets the letter and intent of a “hands off” conservation easement.

Option A—Apart from the removal of invasive species, protect wetland areas and allow the woods’ vegetation to undergo succession toward a Dry Mesic Forest, a successional pathway it is already on. Left alone, the succession will proceed so as to replace the canopy White Oak, and Bur Oak trees with more shade-tolerant Red Oak, Black Cherry, Bitternut Hickory, and White Ash (note that the future of White Ash as a component of the forest is questionable, due to the spread of the non-native Emerald Ash Borer).

Option B—Work with a professional forester, to design and implement a program of management to sustain the presence of shade intolerant White Oak and Bur Oak in the woods. This would involve a program of selected harvest of large trees, along with a certain amount of opening of the forest community to reduce shade. The result would to set back the process of succession, to make possible continued reproduction of young (shade-intolerant) White Oak & Bur Oak trees.

It could be argued that in this instance, **Option A** simply allows yet another Dry Oak Forest to undergo succession to a mesic condition, during a time period when suppression of fires prevents maintenance of a more open condition conducive to oak regeneration. This line of argument would hold that in this instance, **Option B** would perpetuate a superb example of a Dry Oak Forest, a forest community that is becoming increasingly uncommon in SE Wisconsin, and thereby would be more desirable.

Either option would protect the existing fully wooded open space in a sound ecological manner.

Exhibit C

January 7, 2015:

Memorandum of Clarification from David Block (acting on behalf of Alfred Block) to Nick Fuchs and Staff

Dear Planning Staff:

As we work together to resolve any unnecessary misunderstandings of the letter and intent of the conservation easement attached to the Block CSM, please allow me to offer some additional words of clarification...

1. Our Block family's intention is to protect the wooded/wetland parcel from future residential development, and we truly appreciate the need for a conservation easement to assure this intention.
2. As owners of an adjacent residential lot on Scherrei Drive for over fifty years, the Block family served as "de facto" guardians of the wooded parcel for the absentee landowners until the family purchased their six acre site in 1992). Stewardship roles as guardians included accessing the site periodically to check for vandalism, tree cutting, littering, dumping (tires and yard waste especially), and hunting without owner permission. A few permanent footpaths provided essential access to the sizeable piece of wooded acreage.
3. Over the years the elder Blocks, Alfred and Carol, owned the wooded outlot (1992-present), the task of managing the forested property became increasingly difficult, especially when the dense undergrowth and ground level invasive plants made it difficult to even walk through the woods. Nevertheless, a few trails were maintained for the purpose of harvesting tree deadfall for firewood, clearing invasives which had begun to crowd out forest floor natives, and simply enjoying access to the scenic property.
4. As Alfred and Carol Block grew older, adjacent neighbors began to assist from time to time in this stewardship role, including a potential buyer of our larger northern outlot and the recent new owners of Alfred and Carol's residential home on Scherrei Drive. (Both share the same vision for maintaining the quality of the scenic acreage adjacent to them. And both are dedicated to keeping the property free of residential development.) Hence, it was my father's desire to sell the undeveloped property some day to a neighbor or neighbors living near the woods.
5. In a broad sense, the strict requirements of the standard conservation easement document required by the City of Franklin do not appropriately address the "best management practice" objectives of Alfred Block or the family's potential buyers, as outlined in the Natural Resource Investigation (Retzer Nature Center) attached to the easement document. The Fourteenth Amendment to the U.S. Constitution provides "reasonableness" wording which (I believe) addresses issues like this one and raises the question: "Does the proposed regulation reasonably relate to the achievement of desired objectives?" In other words, is our family's desire, together with the City's desire, to have the wooded land preserved in perpetuity – with its quality potentially enhanced by best management practices – adequately addressed under the "standard" terms of the easement document? At present, no.
6. Without a doubt, the best possible scenario for selling Alfred Block's 6-acre woods is for adjacent property owners of "like mind" to assume future ownership and oversight. Through no one's fault, the process of approving a certified survey document with an attached conservation easement dedicated to preventing any future residential development of the acreage has become counterproductive, and meaningful best management goals unnecessarily discounted. Appropriate and necessary addenda to the original easement document can and should enable the next generation of owners to enjoy rightful access and stewardship of their outlot in a manner beneficial to all.
7. Accordingly, proposed amendments our family has made to the original easement document are mindful and respectful of DNR Surface Mapping entities (wetlands, wetland buffers, mature woodlands), while providing reasonable trail access and site management considerations for the potential landowners whose pledge would be to enjoy their outlot in a responsible manner, just as our family has for years.

I hope this provides some useful supportive information as you move purposefully to consider the merit of our family's request to amend the recently approved conservation easement document. I apologize for necessitating any further deliberation on your part, and am certainly mindful of the rather unique nature of this case. Thank you for your understanding on this matter.

Sincerely,
David Block
(acting on behalf of his dad, Alfred Block, and other family members)

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APPROVAL <i>Slw Paul</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE February 3, 2015
REPORTS & RECOMMENDATIONS	A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT DESIGNATING EHLERS AS DISSEMINATION AGENT FOR ISSUER CONTINUING DISCLOSURE FILINGS	ITEM NUMBER <i>G.4.</i>

Background

The Securities and Exchange Commission (SEC) has authority over the public securities markets, regulating all aspects of the public securities markets. However, Congress specifically did not grant the SEC authority over Local Governments.

The SEC requires underwriters of municipal debt to secure an agreement with issuers (local governments) that requires the local governments to provide certain financial information and timely notice of specific events. The SEC has noted that many issuers of municipal debt have not provided that financial information or timely notice of events. Franklin has provided financial reports and timely required event notices. This has resulted in the SEC taking an increased interest in monitoring compliance with the rules.

The rules change over time, and the day to day requirements of the Finance Dept can get in the way of providing this information and timely event notices. Getting on the SEC radar is to be avoided. Engaging Ehlers would provide one additional review that financial reports and required event notices are provided the MSRB.

Options

The Finance Dept could continue to rely upon its own resources to manage timely filing of financial reports and event notices, or

The City could engage Ehlers to provide this service by executing the proposed agreement.

Recommendation

The Finance Committee reviewed the proposed agreement at it January 27, 2015 meeting and unanimously recommended the Common Council authorize the execution of the agreement.

Fiscal Impact

With the Amendment to appendix A, Ehlers has agreed to hold pricing at \$1,400/year thru December 31, 2019, rather than use a higher price list. Sufficient appropriation exists in the Finance Dept 2015 budget.

COUNCIL ACTION REQUESTED

Motion to adopt resolution 2015-____ to Appoint Ehlers as Dissemination Agent for the City of Franklin Continuing Disclosure Required under Securities and Exchange Commission rule 15c2-12.

STATE OF WISCONSIN: CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2015-_____

A RESOLUTION TO APPOINT EHLERS & ASSOCIATES, INC. AS
DISSEMINATION AGENT FOR THE CITY OF FRANKLIN CONTINUING
DISCLOURE REQUIRED UNDER SECURITIES AND EXCHANGE COMMISSION
RULE 15c2-12

WHEREAS, the City of Franklin has outstanding Debt Securities; and

WHEREAS, the City has signed agreements with various underwriters that require filing financial reports and certain event notices with the Municipal Securities Rulemaking Board (MSRB) as a condition precedent to underwriting those Debt Securities; and

WHEREAS, the Securities and Exchange Commission (SEC) has increased the scrutiny of compliance with those Continuing Disclosure Agreements by requiring underwriters to report to the SEC local governments who have not complied with the filing requirements; and

WHEREAS, the City of Franklin engaged Ehlers & Associates Inc (“Ehlers”) as Financial Advisor in July 2014 to act as the City’s financial advisor in certain Debt sales thru December 31, 2019; and

WHEREAS, Ehlers has developed expertise in compliance with the provisions of the Continuing Disclosure Agreement; and

WHEREAS, the City of Franklin desires to have Ehlers perform such disclosure tasks with the MSRB from time to time.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Clerk are authorized and directed to execute the necessary agreements with Ehlers on behalf of the City to appoint Ehlers as Dissemination Agent for the City of Franklin Continuing Disclosure Required under Securities and Exchange Commission Rule 15c2-12.

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

APPROVED:

ATTEST:

Stephen R Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



January 5, 2015

Paul Rotzenberg
Finance Director/Treasurer
City of Franklin
9229 West Loomis Road
Franklin, Wisconsin 53132

Re: Letter of Engagement to Retain Ehlers as Dissemination Agent for Issuer Continuing Disclosure Required Under Securities and Exchange Commission (SEC) Rule 15c2-12 (the "Rule")

As an issuer of municipal securities, the City ("Issuer") is required to comply with all continuing disclosure obligations enumerated in the Continuing Disclosure Agreement/Certificate/Undertaking (CDU) associated with each issue of securities subject to the Rule. Many Issuers have CDUs that vary significantly from one CDU to another. Ehlers & Associates, Inc. ("Ehlers") has been helping you comply with all CDU obligations as Issuer's Dissemination Agent. Fulfilling this obligation requires research, preparation and filing of disclosure reports within specific time frames.

This Letter of Engagement ("Letter") is being presented to memorialize and clarify the terms of the Issuer's engagement of Ehlers as the Issuer's Dissemination Agent. In this regard, Ehlers agrees to provide Issuer with those services described in Appendix A ("Services"). Ehlers shall be entitled to compensation by the Issuer also as described in Appendix A.

This Letter shall be effective as of the date of its execution by the Issuer and shall remain in effect for a period of one (1) year (the "Initial Term"). This Letter shall renew automatically on each anniversary of the effective date of this Letter (each an "Additional Term"). Notwithstanding the foregoing, this Letter may be terminated by either party upon sixty (60) days prior written notice. The Initial Term and each Additional Term shall collectively be referred to herein as the "Term".

In order to perform the engagement, Issuer agrees to provide Ehlers all documents and information as are deemed necessary to fulfill the Issuer's reporting requirements under each respective CDU, and within the applicable timeframe(s) ("Disclosure Information"). With respect to Issuer's obligation to report the occurrence of any event for which a material event notice ("Event Notice") is to be filed, Issuer shall provide Disclosure Information related to the event to Ehlers within five (5) days of its occurrence. All other Disclosure Information must be provided to Ehlers within fourteen (14) days of Issuer's receipt of any such request from Ehlers. If Issuer fails to provide any Disclosure Information to Ehlers in accordance with the foregoing, Ehlers shall not be held liable for any reason in the event that any necessary disclosure filing is



not disseminated to the appropriate party within the applicable timeframe(s). Further, if for any reason Issuer fails to provide required Disclosure Information to Ehlers in accordance with the foregoing and Issuer's delay results in any disclosure filing being after a stated deadline, Ehlers shall, without further direction or instruction from Issuer, file a notice(s) with the applicable recipient submitting information provided by Issuer, if any, and/or describing the failure and providing any other information as Ehlers deems appropriate.

Ehlers shall deem all Disclosure Information provided to it by the Issuer to be accurate and free of defect, as well as not containing any material misstatements, falsehoods, or omissions of fact. Issuer acknowledges that Ehlers shall be entitled to rely on all Disclosure Information provided by the Issuer without further investigation as to its completeness or accuracy.

Ehlers shall maintain professional liability insurance at a minimum coverage level of \$2,000,000 per claim, and \$2,000,000 annual aggregate. Upon request of the Client, Ehlers shall provide a certificate of insurance to the Client. To the fullest extent permitted by applicable law, the total aggregate liability of Ehlers under this Agreement for any actions or omissions taken by Ehlers in the performance of this Agreement shall not exceed \$2,000,000 per claim, and \$2,000,000 annual aggregate during the Term then in effect notwithstanding anything contained herein. In addition, Issuer acknowledges that Ehlers shall not be responsible and/or liable for any errors, misstatements or omissions associated with any continuing disclosure report or filing, or for the correction thereof, that was prepared or disseminated by anyone other than Ehlers.

This Letter constitutes the entire agreement between the parties and is intended to supersede any and all agreements, whether oral or written, between the parties that were entered into relative to the subject matter hereof prior to the effective date of this Letter. No amendment or modification of this Letter shall be deemed valid unless made in writing and signed by both parties.

Our records show that Issuer is subject to Full CDU's. Ehlers will continue to act as Issuer's Dissemination Agent for the CDU's we have been handling.

This Letter covers these securities and any subsequent securities for which Ehlers has acted as the Municipal Advisor. The Issuer may request in writing that Ehlers act as the Dissemination Agent on any future securities subject to the Rule not involving Ehlers.

If our engagement under the terms of this Letter is acceptable, please sign this Letter in the appropriate signature block below and return a signed copy to us for our records. If, however, you do not wish to engage our services, please note that election and return a copy of this Letter to us.

Please contact me if you have any questions or would like to discuss our engagement further.

Sincerely,

Ehlers

Dawn Gunderson, CIPFA
Senior Financial Advisor

SO ACCEPTED BY ISSUER

Issuer hereby accepts this Letter and engages Ehlers to provide the services noted herein and executes this Letter as of the date noted below:

By: _____

Title: _____

Name: _____

Date: _____

SO DECLINED BY ISSUER

Issuer hereby acknowledges that it will be responsible for updating and submitting all necessary continuing disclosure reports and filings as may be required of Issuer without the assistance of Ehlers. Issuer further acknowledges and agrees that Ehlers assumes no responsibility for the compilation and/or submission of any such continuing disclosure reports or filings.

By: _____

Title: _____

Name: _____

Date: _____

APPENDIX A

EHLERS DISSEMINATION AGENT SERVICES AND FEES

Ehlers' continuing disclosure services are designed to assist the Issuer in meeting its continuing disclosure obligations. Depending on the size of a transaction and the total amount of debt outstanding at the time of issuance, different debt issues may be subject to different reporting requirements. Ehlers will provide the services identified below, which are reflective of the Issuer's requirements under its respective Continuing Disclosure Undertaking (CDU). In no event will Ehlers assist Issuer with assessing whether information provided or omitted as part of an annual filing is "material" or whether an event is "material" under the federal securities laws requiring the filing of an event notice pursuant to a CDU. If the Issuer accepts this letter and engages Ehlers as the Dissemination Agent, Ehlers shall provide the following services and charge the following fees:

Full Disclosure Services.

Background

Since 1995, Securities and Exchange Commission (SEC) rule 15c2-12 (the "Rule") has required underwriters of municipal securities to ensure that issuers are obligated to provide periodic reporting of specific information with respect to certain issues of municipal securities. An issuer is classified as a "full disclosure" reporting entity when it issues securities subject to the Rule in an amount of \$1 million or more, and further provided that total securities subject to the Rule and currently outstanding exceed \$10 million. Full disclosure reporting entities must:

- File reports consisting of specific information at least annually with the Municipal Securities Rulemaking Board's (MSRB) Electronic Municipal Market Access (EMMA) system (<http://emma.msrb.org>).
- File "Event Notices" regarding enumerated events specified in SEC rules and CDUs within 10 business days of occurrence. Event Notices are filed through the same EMMA system.

Description of Services

Issuer engages Ehlers to provide the following services in connection with the preparation and dissemination of Issuer's continuing disclosure reports and Event Notice filings in connection with all outstanding debt issues of Issuer subject to the Rule and for which continuing disclosure reports or filings are required. During the Term of the engagement, Ehlers shall provide the services hereinafter described with respect to all existing and future securities of the Issuer subject to the Rule and having continuing disclosure requirements. Ehlers shall provide these services for any other securities of the Issuer when requested in writing by the Issuer.

Annual Filings, or More Frequently, if Required

- a. Review and catalog of all Continuing Disclosure Agreement/Certificate/Undertaking (CDU)'s of Issuer relative to current and future issues of securities subject to the Rule.
- b. Creation of a timetable for the anticipated schedule of events relating to the preparation of Issuer's annual (or more frequently, if required) continuing disclosure report.
- c. Collection of information from third parties and Issuer, as applicable, to the extent necessary to prepare the annual (or more frequently, if required) continuing disclosure report.
- d. Preparing the annual (or more frequently, if required) continuing disclosure report in a standardized format acceptable for submission to the EMMA system, or any future industry standard.
- e. Submission of the annual (or more frequently, if required) continuing disclosure report and any Event Notices to the designated recipient based on the applicable CDU's of Issuer and all laws, rules and regulations relative thereto.

- f. Delivering a copy of any report or notice submitted in accordance with (e. above) to Issuer for its records, as well as confirmations of receipt of filing(s).
- g. Respond to Underwriter/Investor inquiries and requests.
- h. Providing recommendations to Issuer relating to future continuing disclosure related matters.

Event Notices

- a. Informing Issuer of the types of events that may require the filing of an “Event Notice” and the required reporting period for such notices.
- b. Notifying Issuer of any information Ehlers discovers that may require the filing of an Event Notice, and preparation and filing of the required Event Notice.
- c. Upon notification by Issuer of any circumstances that may require the filing of an Event Notice, preparing, filing, and providing confirmation of filing the required Event Notice.

Description of Fees

Full Disclosure Services fees shall be assessed as follows:

Number of Issuer Continuing Disclosure Undertakings	Annual Fee
One (1) to three (3) CDU’s	\$2,800
Four (4) to six (6) CDU’s	\$3,300
Seven (7) or more CDU’s	\$3,800

Plus any out of pocket expenses.

Special Circumstances

If an Issuer’s CDU requires periodic filings (quarterly or semiannually) in addition to the annual filings, a fee of \$500 per required CDU filing shall be assessed.

Limited Disclosure Services.

Background

In 2009, the Securities and Exchange Commission put into place revised rules regarding a limited scope of continuing disclosure requirements for certain municipal securities issuers. These rules apply to any securities issued on or after July 1, 2009 in amounts of \$1 million or more and where the Issuer’s total amount of principal outstanding and subject to the Rule is less than \$10 million upon issuance. Any issuer meeting the aforementioned parameters must comply with a limited disclosure undertaking and file annual reports. Issuers subject to limited disclosure requirements must file audited financial statements (or unaudited financial statements if allowed under a CDU) on an annual basis, rather than both financial statements and operating and statistical data.

Description of Services

Ehlers shall provide the following services in connection with the preparation and dissemination of Issuer’s continuing disclosure reports and Event Notice filings for all current and future outstanding securities of Issuer subject to the Rule and for which continuing disclosure reports or filings are required. During the Term of the engagement, Ehlers shall provide the services hereinafter described with respect to all future issuances for which Ehlers provides municipal advisory services and that have continuing disclosure requirements. Ehlers will also provide these services for any other issues when requested in writing by the Issuer.

Services to be provided are as follows:

Annual Filings

- a. Review of all Continuing Disclosure Agreement/Certificate/Undertaking (CDU)'s of Issuer relative to currently outstanding issuances.
- b. Creation of a timetable for the anticipated schedule of events relating to the dissemination of Issuer's annual updated financial information and operating data.
- c. Submitting the Issuer's annual financial statements to the designated recipient thereof based on the applicable CDU's of Issuer and all laws, rules and regulations relative thereto.
- d. Delivering a copy of any report or notice submitted in accordance with (c above) to Issuer for its records.
- e. Respond to Underwriter/Investor inquires and requests.
- f. Providing recommendations to Issuer relating to future continuing disclosure related matters.

Event Notices

- a. Informing Issuer of the types of events that may require the filing of an "Event Notice".
- b. Notifying Issuer of any information Ehlers discovers that may require the filing of an Event Notice, and preparation and filing of the required Event Notice.
- c. Upon notification by Issuer of any circumstances that may require the filing of an Event Notice, prepare and file the required Event Notice.

Description of Fees

Limited Disclosure Services shall be provided annually for a fee of \$750.

Future Fee Changes

Ehlers reserves the right to adjust fees during the Term of the engagement without prior consent of the Issuer, but not more than annually. Prior to any fee adjustments, the Issuer will be notified in writing of the revised fees and their effective date.

APPENDIX A AMENDMENT

The City of Franklin has contracted with Ehlers to be the dissemination agent for disclosure filings through December 31, 2019. The base annual fee will be \$1400 plus a miscellaneous office expense for the first revenue source. If Ehlers prepares an Official Statement on behalf of the City in the same revenue year, there will be no charge for disclosure filings. As dissemination agent, Ehlers will provide dissemination services as described in this agreement. Any other dissemination agreement executed between both parties is replaced by this agreement.

At the end of the term of the aforementioned agreement and for any dissemination services provided January 1, 2020 and thereafter, the fees for this service will be those charged by Ehlers for services provided as outlined in Appendix A.

APPENDIX B

EVENT NOTICES

If any one of the listed events occurs in relation to the Issuer and/or any of the Issuer's securities subject to this agreement, you must notify Ehlers at the earliest possible time to discuss the applicability and the need for any filing of an Event Notice. The Issuer may also wish to discuss the matter with its legal counsel to gauge materiality of any occurrence.

Mandatory Event Notices

- Principal and interest payment delinquencies
- Non-payment related defaults, if material
- Unscheduled draws on debt service reserves reflecting financial difficulties
- Unscheduled draws on credit enhancements reflecting financial difficulties
- Substitution of credit or liquidity providers or their failure to perform
- Adverse tax opinions, IRS notices or material events affecting the tax status of the security
- Modifications to rights of security holders, if material
- Bond calls, if material
- Defeasances
- Release, substitution or sale of property securing repayment of the securities, if material
- Rating changes
- Tender offers
- Bankruptcy, insolvency, receivership or similar event of the obligated person
- Merger, consolidation, or acquisition of the obligated person, if material
- Appointment of a successor or additional trustee, or the change of name of a trustee, if material

Additional / Voluntary Event-Based Disclosures

- Amendment to continuing disclosure undertaking
- Change in obligated person
- Notice to investors pursuant to bond documents
- Certain communications from the Internal Revenue Service
- Secondary market purchases
- Bid for auction rate or other securities
- Capital or other financing plan
- Litigation / enforcement action
- Change of tender agent, remarketing agent, or other on-going party
- Derivative or other similar transaction
- Other event-based disclosures

APPROVAL <i>Slw</i> <i>Pod</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE February 3, 2015
REPORTS & RECOMMENDATIONS	A RESOLUTION AMENDED RESOLUTION 2013-6920 GRANTING LIMITED SPECIFIC AUTHORITY FOR DISBURSEMENT IN ADVANCE OF REVIEW OF VOUCHER LISTINGS	ITEM NUMBER <i>6.5.</i>

Background

The Common Council, in adopting Resolution 2013-6920, provided limited authorization for release of payments under certain conditions. One of those conditions was a specified list of vendors who provide cash discounts for timely payment or have a history of assessing late payment penalties/fees. That list of vendors changes over time as new vendor relationships are established or vendors modify their practices. To provide for a more dynamic list of vendors, the attached resolution would amend the specified list of vendors to a definition or description of vendors who qualify under the provision of cash discounts or late payment penalty.

The amended resolution would require the Director of Finance & Treasurer to provide a list of qualifying vendors, amending the list from time to time, thus keeping the Common council apprised of the qualifying vendor list.

The amended resolution also requires the Director of Finance & Treasurer to provide a list of the payments released prior to Common Council approval at the first regularly scheduled meeting following release of qualifying payments.

The proposed Resolution would delete the wording in paragraph f of Resolution 2013-9620 and replace it with new wording. The original wording in paragraph f read:

Check payments that result in a savings from prompt payment and electronic or ACH (clearing house) payments for the following utilities, core facility services, and vendors: WE Energies, AT&T, Verizon, TDS, Time Warner Cable, FedEx, Journal Sentinel, MMSD, Sharp Electronics, Menards, JSA Civil Environmental Engineers, Sanofi Pasteur, Inc., Walmart, Luetzow Industries, and NAPA Auto Parts, in the respective amounts due pursuant to prior approved contracts, or purchase orders or the like.

Recommendation

The Finance Committee reviewed the Resolution and unanimously recommended the adoption of the resolution to the Common Council.

Changes made by the Committee to the draft Resolution have been incorporated in the attached Resolution.

COUNCIL ACTION REQUESTED

Motion to adopt a Resolution amending Resolution 2013-6920 granting limited specific authority for disbursement in advance of review of voucher listings.

STATE OF WISCONSIN: CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2015-_____

A RESOLUTION AMENDING RESOLUTION 2013-6920 GRANTING LIMITED SPECIFIC AUTHORITY FOR DISBURSEMENT IN ADVANCE OF REVIEW OF VOUCHER LISTINGS

WHEREAS, the City of Franklin pays its bills under Wisconsin Statute 66.0607; and

WHEREAS, the City Attorney has indicated that timeliness issues can be addressed in many cases by addressing the specific authority for disbursement in advance; and

WHEREAS, the immediate issuance of refund checks which are a return of residents money such as a park deposit return, money erroneously sent to the City of Franklin or taxpayers money from overpaying their property tax bills is desirable; and

WHEREAS, the immediate issuance of replacement checks when requests are received to replace checks that have been lost, stale dated, contain coding or other errors on a check is desirable; and

WHEREAS, the immediate issuance of reimbursements to employees and others for moneys advanced for City expenses is desirable; and

WHEREAS, the immediate issuance of payments of amounts due to other units of government as required by statute, collection or general practice is desirable (Examples include bail payments, combined payments like paying the City for current year taxes and prior year taxes that should have been sent to Milwaukee County.); and

WHEREAS, the Common Council Adopted Resolution 2013-6920 granting authority to issue payments in advance of Common Council review of voucher listings in specific circumstances as identified therein; and

WHEREAS, the list of authorized vendors that result in prompt payment and electronic or ACH (clearing house) payments changes over time, and circumstances rather than a list should determine the eligibility of payment.

NOW, THEREFORE BE IT RESOLVED that Section f of Resolution 2013-6920 is deleted in its entirety and replaced with the following:

“f) Prompt Payments and ACH Payments

(1) Check payments that result in savings from prompt payment and electronic or ACH (clearing house) payments for the following: utilities, core facility services, and those vendors offering a prompt payment discount that is earlier than the next scheduled Common Council meeting or those vendors which have demonstrated a practice of charging late fees for missing their due dates.

(2) The Finance Director shall provide a list of the vendors meeting the definitions in f(1) above, updating the Common Council as that list changes and placing a copy of said list on file with the City Clerk for public inspection.”

BE IT FURTHER RESOLVED that Section h be added that reads as follows:

“h) All such vouchers released prior to Common Council approval as authorized by Resolution 2013-6920 (as revised from time to time) be reported to the Common Council at the next regularly scheduled meeting of the Common Council after the voucher was released.”

All other provisions of Resolution 2013-6920 are affirmed and unchanged.

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

APPROVED:

ATTEST:

Stephen R Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

RESOLUTION NO. 2013-6920A RESOLUTION GRANTING LIMITED, SPECIFIC AUTHORIZATION FOR
DISBURSEMENTS IN ADVANCE OF REVIEW OF VOUCHER LISTINGS

WHEREAS, the City of Franklin pays its bills in accordance with Wisconsin Statute 66.12(6) and 66.0607 which provides, in part, that the Common Council may elect to provide clear and specific authorization as to which disbursements (such as checks or electronic payments) may be made, in the best interest of the City of Franklin, in advance of the Common Council's review of the check listing; and

WHEREAS, for the efficiency of operations, in order to carry out various directives of the Common Council as they may occur from time to time, in order to return refunds and reimbursements in a fair and timely manner, in order to retain for the citizens of Franklin savings available for prompt payment, and in order to meet payroll and payroll related obligations, the Common Council elects to provide clear and specific authorization as to disbursements (such as checks or electronic payments) that may be made, in the best interest of the City of Franklin, in advance of the Common Council's review of the check listing, and

WHEREAS, the Finance Committee recommends consideration of approval of such payment practices.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Franklin does authorize release of the disbursements, in check, transfer, or electronic payment forms, for the following purposes or meeting the following conditions:

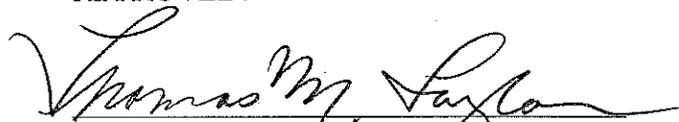
- a) Payroll and payroll related deductions and expenses (wages and salaries, payroll taxes, dues deductions, etc.) including benefit related obligations (health, pension, and insurance payments, transfers, or deductions; payroll deductions or garnishments; payments to the City of Franklin Trust account of amounts received from the State of Wisconsin pension program as part of the retirees contribution toward the group health program; and payments to agents serving the City's health plan, such as HPS); recognizing that the amounts of same have been allocated and previously additionally approved or procedurally set as authorized by the Common Council; and that the amounts of obligations are otherwise set by law.
- b) Replacement Checks (in the amount of such checks being replaced, together with the standard amount of any bank charges imposed upon same).
- c) Refund Checks which are a return of money such as a park deposit, money erroneously sent to the City, and overpayments of a property tax bill or an Accounts Payable invoice, in such respective amounts as are due.
- d) Disbursements from the Petty Cash Fund to employees of amounts expended on behalf of the City that are less than \$25 and have a valid approval from a department head and replenishment of the Petty Cash Imprest Fund, in such amounts as are so due, and with regard to Fund replenishment, to the extent of the Petty Cash Imprest Fund initial total allocation amount.

- e) Payments to units of governments in such amounts as required by statute, collection, general practice, or Common Council action, such as but not limited to bail payments, property tax distributions, sales taxes, vehicle registration and licensing, U.S. Postal Service, recording fees, and the City of Franklin, including its investment custodians (from or between other Funds or investments of the City).
- f) Check payments that result in a savings from prompt payment and electronic or ACH (clearing house) payments for the following utilities, core facility services, and vendors: WE Energies, AT&T, Verizon, TDS, Time Warner Cable, FedEx, Journal Sentinel, MMSD, Sharp Electronics, Menards, JSA Civil Environmental Engineers, Sanofi Pasteur, Inc., Walmart, Luetzow Industries, and NAPA Auto Parts, in the respective amounts due pursuant to prior approved contracts, or purchase orders or the like.
- g) Check payments not to exceed \$250 with the specific approval of the Mayor, for products or services in the respective amounts due pursuant to prior approved contracts, or purchase orders or the like, or as otherwise set by law.

BE IT FURTHER RESOLVED that each such check issued under such specific authority be reported to the Common Council at their next regular meeting where the Common Council may, thereby, be advised of such disbursement and may consider a confirming approval.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 15th day of October, 2013.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Ald. Mayer)

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i> </p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">02/03/2015</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION TO AMEND THE CITY OF FRANKLIN DEFINED CONTRIBUTION RETIREMENT PLAN TO AMEND "SECTION 5.06 - LOANS TO PARTICIPANTS" TO AMEND THE LIMITATIONS TO ONE LOAN IN ANY 12-MONTH PERIOD AND TO ONLY ONE LOAN AT A TIME</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.6.</i></p>

(The information below was also the body of a memo from the Director of Administration to the Personnel Committee.)

The City of Franklin Defined Contribution Retirement Plan (DC plan) allows employees to obtain a loan against their balance provided it is paid back in accordance with the plan requirements. Such a provision is very typical and within IRS regulations. Effectively, and by definition, the loan is a "Participant-directed investment of his Account."

The DC plan states the following: "The number of outstanding loans shall be limited to one. No more than one loan shall be approved for any Participant in any 12-month period. The minimum amount of any loan shall be \$1,000." Two of these provisions merit consideration for amendment.

12-month limitation: Our pension attorney, Matt Flanary, indicates that the provision restricting a participant to only one loan in any 12-month period is an allowable, but unusual provision. Although it has apparently been in the City plan for many years, he indicates that he has never seen such a provision in another plan. It was this provision that was recently brought to my attention by an employee who was negatively impacted by the restriction.

In discussing the potential reasons for such a provision, avoiding the administrative burdens of loans and imposing retirement income protections were the most significant issues that were identified.

As to imposing retirement income protections, Attorney Flanary suggests this stems from a sort of historic paternalistic view of some plans in trying to promote retirement savings by restricting access to loans. IRS rules already limit the maximum amount of a loan and provide some such protections. Additionally, personal and emergency issues can come up that might easily make such a loan the most effective way for a participant to preserve long-term retirement options.

The primary purpose, therefore, was likely restricting administrative burdens. The lower interest rates charged, which are set by Principal in accordance with the plan, are a primary benefit of obtaining such a loan. Each loan does require a one-time \$50 set up fee and \$12 quarterly maintenance fees. The fees on the loans, therefore, provide some protections against an individual abusing any such ability for more frequent loans, for example taking out a new, higher-value loan each month.

In short, multiple scenarios can be envisioned where it is advantageous to eliminate the unique provision restricting participants to one loan approval in any 12-month period. As such, staff recommends this provision be stricken from the plan.

Limitation to One Concurrent Loan: While addressing the first issue above, it may make sense to consider an additional provision about which Attorney Flanary indicates he is more frequently being contacted. Although limiting loans to one at a time is a common limitation, Attorney Flanary is starting to see some greater flexibility and plan amendments in this area in his other clients. Allowing two loans at a time, for example, would enable an individual to take out a new loan and use the proceeds to pay off the balance of the initial loan. Such a revision has the potential to be very practical or functional for employees, particularly given that the length of the term of a loan can extend to five years.

For example, assume a participant borrowed \$10,000 with a five-year term, but after 4 years another circumstance arose where an additional loan was needed. Our current language would require the participant to pay off the remaining \$2,000 balance before the new loan could be established. Logically, a person needing to borrow money may not likely have \$2,000 available. This provision as is, therefore, could encourage an employee to borrow more than needed initially, just in case something else comes up. At a minimum, it effectively restricts access to allowable loan levels during the period a first loan is in place.

Attorney Flanary suggests the language could be modified to allow for no more than two loans at any one time. Any such second loan is likely to be sufficiently sized to incorporate the remaining balance on the first loan in order to pay it off and eliminate the quarterly administration fee. As such in the example above, after 4 years a participant who needed a \$5,000 loan could execute a second \$7,000 and pay off the \$2,000 balance. It is not unreasonable to picture a scenario where an employee could be faced with two significant, unexpected events within a five-year period that require a loan.

Amending the current provisions to allow for this flexibility could be very valuable to plan participants.

Financial Impact: I understand that there would be an administrative fee from Principal to prepare a plan amendment which I understand will be less than \$500. The Department of Administration budget has funding for such costs.

Recommendation: Staff recommended and the Personnel Committee approved the following motion:

“Motion to recommend to the Common Council that the loan provision of the City of Franklin Defined Contribution Pension Plan be amended to strike the limitation of only one loan in any 12-month period and to modify the provision to allow for no more than two loans at any one time.”

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2015-_____, “A Resolution to Amend the City of Franklin Defined Contribution Retirement Plan to Amend “Section 5.06 - Loans to Participants” to Amend the Limitations to One Loan in Any 12-Month Period and to Only One Loan at a Time” and to authorize the Director of Administration to prepare and execute said Amendment.

A STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2015-_____

A RESOLUTION TO AMEND
THE CITY OF FRANKLIN DEFINED CONTRIBUTION RETIREMENT PLAN
TO AMEND "SECTION 5.06 – LOANS TO PARTICIPANTS" TO AMEND THE
LIMITATIONS TO ONE LOAN IN ANY 12-MONTH PERIOD AND TO ONLY
ONE LOAN AT A TIME

WHEREAS, the City of Franklin Defined Contribution Retirement Plan includes "Section 5.06 – Loans to Participants" allows that "Loans shall be made available to all Participants..." with such loans representing "a Participant-directed investment of his Account," and

WHEREAS, the Director of Administration and the Personnel Committee recommend an amendment to the limitations of the loan provisions in order to provide for greater flexibility in access to such participant loans while retaining reasonable and appropriate limitations that would discourage excessive use.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that an Amendment to "Section 5.06 – Loans to Participants" of the City of Franklin Defined Contribution Retirement Plan, in a form as determined by the Director of Administration in consultation with Principal Financial Group and human resources legal counsel, is hereby authorized and adopted for the purpose of striking the limitation of only one loan in any 12-month period and modifying the section to allow for no more than two loans at any one time, instead of one.

BE IT FURTHER RESOLVED by the Mayor and Common Council of the City of Franklin that the Director of Administration is authorized to execute the Amendment document and that the effective date of the amended loan provision shall be as provided for therein.

Introduced at a regular meeting of the Common Council of the City of Franklin this 3rd day of February, 2015, by Alderman _____.

Passed and adopted by the Common Council of the City of Franklin this 3rd day of February, 2015.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, Director of Clerk Services

AYES ___ NOES ___ ABSENT ___

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 02/03/2015
REPORTS & RECOMMENDATIONS	Recommendations from the Committee of the Whole	ITEM NUMBER <i>G.7.</i>
<p>(a) Wheaton Franciscan Healthcare Presentation Regarding Healing Garden, Walking Trail and Chapel at South 76th Street and West Rawson Avenue.</p> <p>(b) Concept Review for a Proposed Bowling Center/Sports Bar/Banquet Hall (Approximately 7220 West Rawson Avenue) (David Church, Applicant).</p> <p>(c) Franklin Area Parents and Students United Presentation.</p> <p>(d) Discussion Concerning and Consideration of a Possible Comprehensive Update or Replacement of the City of Franklin Unified Development Ordinance.</p>		

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE February 3, 2015
REPORTS AND RECOMMENDATIONS	<p>Future Business Park Development in the area of South 27th Street and West County Line Road, Future Retail Development in the area of South 76th Street and West Rawson Avenue/West Loomis Road and Future Mixed-Use Business Light Industrial, Commercial, Residential, Nature Conservation and All-Inclusive Playground Public Park Development in the area of West Loomis Road and West Ryan Road development parameters, potential acquisition(s) of property, developer partnership agreements, intergovernmental cooperation agreements, retail commercial developer recruitment negotiations and development, and development negotiation strategy and price and cost deliberations. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to the potential acquisition and development of property within the City for future business park development, future retail development and future mixed-use business light industrial, commercial, residential, nature conservation and all-inclusive playground public park development, service, product and potential investment proposals for such purpose(s) and the investing of public funds and governmental actions in relation thereto and to effect such development, including service, product and potential investment contract terms and provisions, and including the terms and provisions of potential development agreement(s) for the development of property within a tax incremental district for future business park development, future retail development and future mixed-use business light industrial, commercial, residential, nature conservation and all-inclusive playground public park development, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p>	ITEM NUMBER <i>G. 8.</i>
<p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to the potential acquisition and development of property within the City for future business park development, future retail development and future mixed-use business light industrial, commercial, residential, nature conservation and all-inclusive playground public park development, service, product and potential investment proposals for such purpose(s) and the investing of public funds and governmental actions in relation thereto and to effect such development, including service, product and potential investment contract terms and provisions, and including the terms and provisions of potential development agreement(s) for the development of property within a tax incremental district for future business park development, future retail development and future mixed-use business light industrial, commercial, residential, nature conservation and all-inclusive playground public park development, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p>		

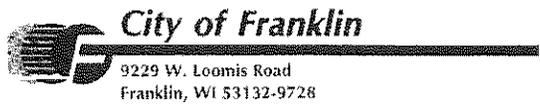
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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/03/2015
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LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.1.
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See attached list from meeting of February 3, 2015.

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

**License Committee
Agenda*
Aldermen's Room
February 3, 2015 – 5:30 pm**

1.	Call to Order & Roll Call	Time:		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Class B Combination New (Reserve) 2014-15 5:45 pm	Hudson Burger LLC d/b/a Milwaukee Burger Company 6421 S 27 th St Kimberly Olsen, Agent			
Operator - New 2014-15 5:55 p.m	Gaedtke, Cheri L 8037 W High St Franklin, WI 53132 The Landmark			
Operator - New 2014-15	Anders, Michael K S70W13749 Tess Corners Dr Muskego, WI 53150 Romey's Place			
Operator - New 2014-15	Bennett, Virginia M W140S9287 Boxhorn Dr Muskego, WI 53150 Kwik Trip #287			
Operator - New 2014-15	Boneck, Dawn J W127 S6823 Jaeger Pl Muskego, WI 53150 The Landmark			
Operator - New 2014-15	Castillo, Jennifer L 5601 Castle Ct, Apt #202 Racine, WI 53406 Chili's Bar & Grill			
Operator - New 2014-15	Fleury, Kayla L 2145 S102nd St West Allis, WI 53227 7-Eleven			
Operator - New 2014-15	Kaur, Harbans 2999 W Yorkshire Cir Franklin, WI 53132 Midtown Gas & Liquor			
Operator - New 2014-15	Krueger, Lisa A 7718 W Howard Ave., #2 Milwaukee, WI 53220 Kwik Trip #287			
Operator - New 2014-15	Mooney, Margaret C 7449 S Riverview Rd Franklin, WI 53132 Kwik Trip #287			
Operator - New 2014-15	Rogers, Laura J 3105 W Marigold Ave., #1 Greenfield, WI 53221 Kwik Trip #287			
Operator - New 2014-15	Schrank, Jennifer I 9100 W Concordia Ave Milwaukee, WI 53222 7-Eleven			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - New 2014-15	Schultz, Patricia L 3829 S Ahmedi Ave St Francis, WI 53235 Kwik Trip #287			
Operator - New 2014-15	Szczerba, Monika 4036 S 58 th St Milwaukee, WI 53220 Walgreen – Loomis Rd			
Operator - New 2014-15	Warren, Barbara N 719 Marshall Ave South Milwaukee, WI 53172 Kwik Trip #287			
Operator - New 2014-15	Widenski, Denise R 7335 S Quincy Ave Oak Creek, WI 53154 Kwik Trip #287			
Operator - New 2014-15	Zettel, Deanna M 7123 W Windlake Road Wind Lake, WI 53185 Romey's Place			
Temporary Class B Beer	St. Martin of Tours Parish School – Spaghetti Dinner Person in Charge: Jeanne Johnson Location: 7933 S 116 th St Date of the Event: 2/21/2015 Fees: Waived via Public Grant approved 12/02/2014			
Combination "Class A" Change of Agent	Kwik Trip #857 10750 W Speedway Dr Kevin Butler, Agent			
3.	Adjournment			
		Time		

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

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APPROVAL <i>Slw</i> <i>Pod</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/3/15
Bills	Vouchers and Payroll Approval	ITEM NUMBER I. 1

Attached are vouchers dated January 21, 2015 through February 2, 2015 Nos. 155210 through 155368 in the amount of \$ 1,132,205.86. Included in this listing are EFT's Nos. 2797 through 2807 and Library vouchers totaling \$ 8,252.67. Voided City checks in the amount of \$ (500.00) are separately listed.

Early release disbursements under Resolution 2013-6920 in the amount of \$ 565,381.68 are provided on a separate listing and are also included on the complete disbursement listing.

The net payroll dated January 23, 2015 is \$ 365,660.76, previously estimated at \$ 375,000.00. Payroll deductions for January 23, 2015 are \$ 367,248.54, previously estimated at \$ 378,000.00.

The estimated payroll for February 6, 2015 is \$ 382,000.00 with estimated deductions of \$ 230,000.00.

Attached is a list of property tax refunds dated January 16, 2015 through January 29, 2015 Nos. 14710 through 14791 in the amount of \$ 28,499.96. These disbursements have been released as authorized under Resolution 2013-6920. Voided property tax checks in the amount of \$ (13,371.04) are separately listed.

COUNCIL ACTION REQUESTED

Motion approving net general checking account City vouchers in the range of Nos. 155210 through Nos. 155368 in the amount of \$ 1,132,205.86 dated January 21, 2015 through February 2, 2015.

Motion approving the net payroll dated January 23, 2015 in the amount of \$ 365,660.76 and payments of the various payroll deductions in the amount of \$ 367,248.54 plus any City matching payments, where required.

Motion approving the net payroll dated February 6, 2015 estimated at \$ 382,000.00 and payments of the various payroll deductions estimated at \$ 230,000.00, plus any City matching payments, where required.

Motion approving property tax refunds in the range of Nos. 14710 through Nos. 14791 in the amount of \$28,499.96 dated January 16, 2015 through January 29, 2015.

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