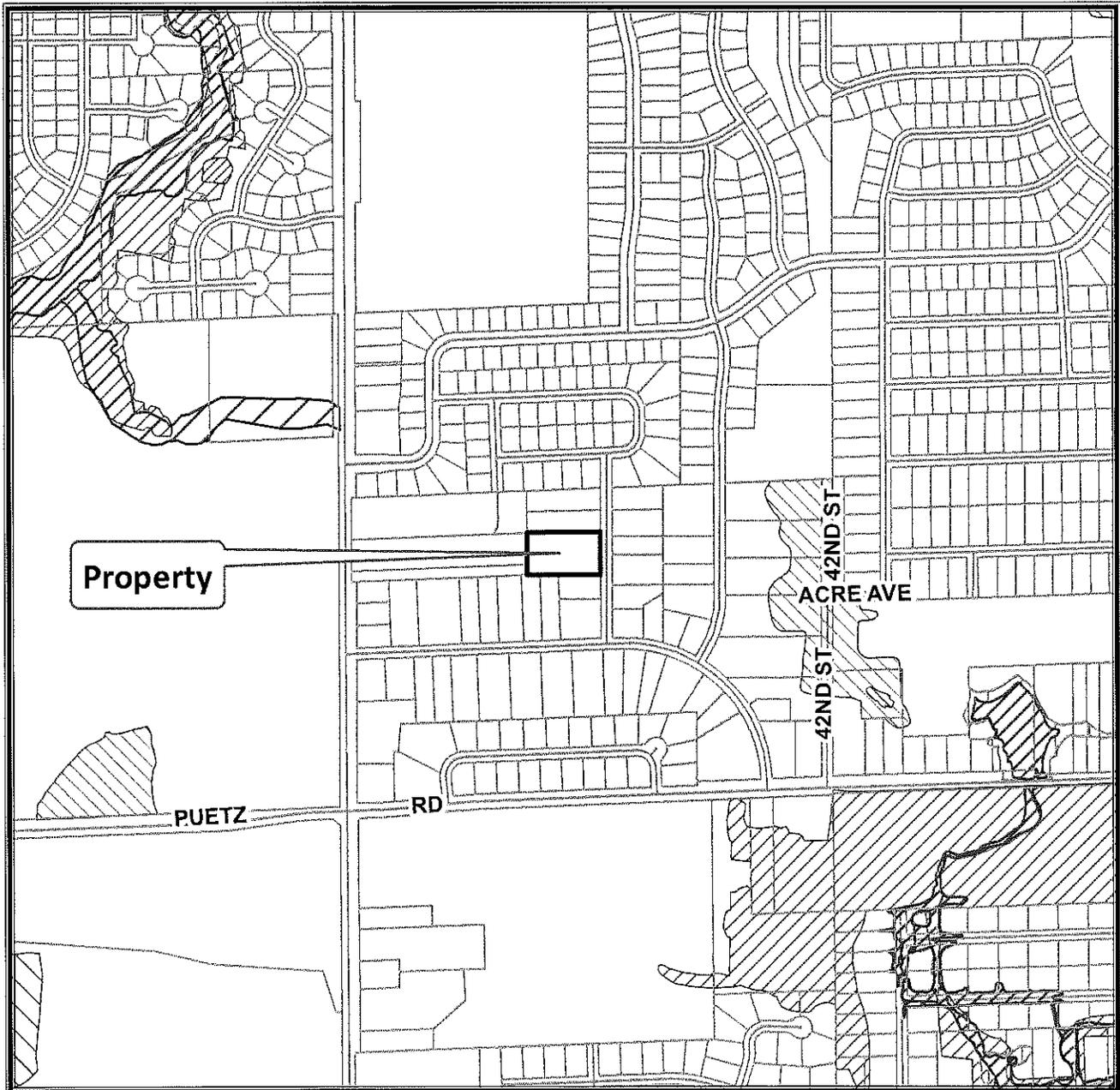


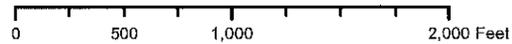
<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/07/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A RE-DIVISION OF LOT 2, BLOCK 3 OF HUNTING PARK, BEING A SUBDIVISION OF A PART OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (RICHARD A. HEPP AND APRIL HEPP, APPLICANTS) (8473 SOUTH 47TH STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. 3.</i></p>
<p>At its June 18, 2015, meeting the Plan Commission recommended approval of a resolution conditionally approving a 2 lot certified survey map, being a re-division of Lot 2, Block 3 of Hunting Park, being a subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Richard A. Hepp and April Hepp, Applicants) (8473 South 47th Street).</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution No. 2015-_____, a resolution conditionally approving a 2 lot certified survey map, being a re-division of Lot 2, Block 3 of Hunting Park, being a subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Richard A. Hepp and April Hepp, Applicants) (8473 South 47th Street).</p>		



8473 South 47th Street



Planning Department
(414) 425-4024



2013 Aerial Photo

This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

RESOLUTION NO. 2015-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A RE-DIVISION OF LOT 2, BLOCK 3 OF HUNTING PARK, BEING A SUBDIVISION OF A PART OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(RICHARD A. HEPP AND APRIL HEPP, APPLICANTS)
(8473 SOUTH 47TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a re-division of Lot 2, Block 3 of Hunting Park, being a subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 8473 South 47th Street, bearing Tax Key No. 834-0015-000, Richard A. Hepp and April Hepp, applicants; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

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

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

RICHARD A. HEPP AND APRIL HEPP – CERTIFIED SURVEY MAP
RESOLUTION NO. 2015-_____

Page 2

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

4. Richard A. Hepp and April Hepp, successors and assigns, and any developer of the Richard A. Hepp and April Hepp 2 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Richard A. Hepp and April Hepp and the 2 lot certified survey map project for the property located at 8473 South 47th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. A written Conservation Easement shall be submitted to the Department of City Development for review and approval by the Common Council, and recording with the Certified Survey Map.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, Richard A. Hepp and April Hepp, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Richard A. Hepp and April Hepp, with the Office of the Register of Deeds for Milwaukee County.

RICHARD A. HEPP AND APRIL HEPP – CERTIFIED SURVEY MAP
RESOLUTION NO. 2015-_____

Page 3

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CERTIFIED SURVEY MAP NO.

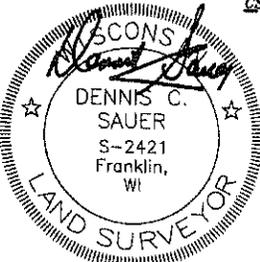
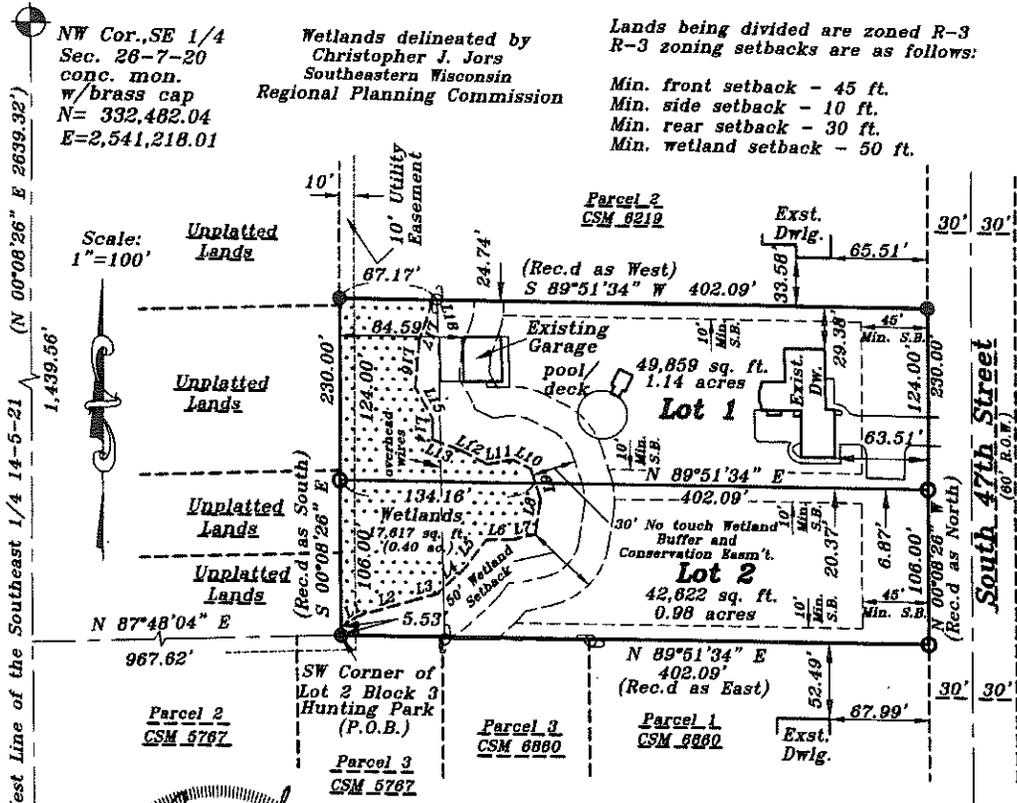
Being a re-division of Lot 2 in Block 3 of Hunting Park, being a subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 Section 14, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

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

Prepared for:
 Richard & April Hepp
 8473 S 47th Street
 Franklin, WI 53132

Lands being divided are zoned R-3
 R-3 zoning setbacks are as follows:

- Min. front setback - 45 ft.
- Min. side setback - 10 ft.
- Min. rear setback - 30 ft.
- Min. wetland setback - 50 ft.



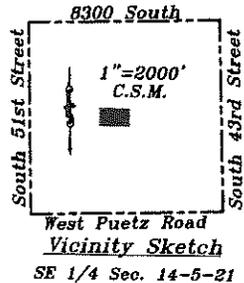
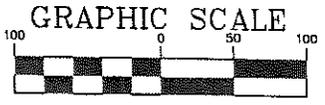
Wetlands delineated by:
 Christopher J. Jores
 Southeastern Wisconsin Regional
 Planning Commission
 W239 N1812 Rockwood Drive
 PO Box 1807
 Waukesha, Wisconsin 53187-1807

Area of lands encompassed
 by wetlands - 17,817 sq. ft. (0.40 ac)

Area of lands encompassed
 by conservancy easmt. - 10,948 sq. ft.
 (0.25 ac)

Area of lands encompassed by
 wetland setback - 17,484 sq. ft.
 (0.40 ac)

LINE	LENGTH	BEARING
L1	14.28	N56°51'15"W
L2	38.04	N73°40'43"E
L3	18.43	N71°25'53"E
L4	25.70	N47°05'03"E
L5	25.72	N36°21'52"E
L6	17.64	N88°36'44"E
L7	16.17	N76°08'58"E
L8	24.64	N08°54'12"E
L9	20.93	N18°37'46"E
L10	14.11	N64°10'00"W
L11	17.27	S79°42'12"W
L12	20.53	N64°27'39"W
L13	20.70	N70°13'28"W
L14	13.73	N01°31'01"E
L15	24.39	N29°17'10"W
L16	31.82	N05°02'56"E
L17	26.22	N18°46'07"E
L18	1.97	N17°50'01"W



Map bearings refer to Grid North
 of the Wisconsin State Plane
 Co-ordinate System, South Zone,
 with the West line of the SE 1/4
 of Section 14, T5N, R21E having an
 assumed bearing of N 00°08'26" W.

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

This CSM is served by public
 sanitary sewer

M:\CSM's\Franklin\105287.dwg

CERTIFIED SURVEY MAP NO. _____

Being a re-division of Lot 2, Block 3 of Hunting Park, being a subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 Section 14, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

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

That I have surveyed, a re-division of Lot 2, Block 3 of Hunting Park, being a subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 Section 14, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; Commencing at the South corner of said 1/4 Section; thence, N 00° 08' 26" W, along the West line of said Southeast 1/4 Section 1199.76 feet; thence, N 87° 48' 04" E, 967.62 feet to the Southeast corner of Lot 2, Block 3 Huntington Park and the point of beginning; thence N 89° 51' 34" E, 402.09 feet to the west line of South 47th Street; thence N 00° 08' 26" W, along said West line 230.0 feet; thence, S 89° 51' 34" W 402.09 feet; thence S 00° 08' 26" E, 230.0 feet to the point of beginning, said lands contain 92,481 square feet or 2.12 acres.

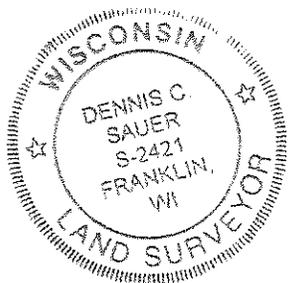
That I have made such survey, land division and map by the direction of, Richard A. Hepp and April Hepp, husband and wife, owners of said land.

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

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

12/19/14
Date


Dennis C. Sauer
Professional Land Surveyor S-2421



PREPARED FOR:
Richard A. Hepp & April Hepp
8473 S 47th Street
Franklin, WI 53132

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

CERTIFIED SURVEY MAP NO. _____

Being a re-division of Lot 2, Block 3 of Hunting Park, being a subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 Section 14, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE

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

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

Richard A. Hepp

April Hepp

STATE OF WISCONSIN)
Milwaukee COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20_____, Richard A. Hepp and April Hepp, husband and wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

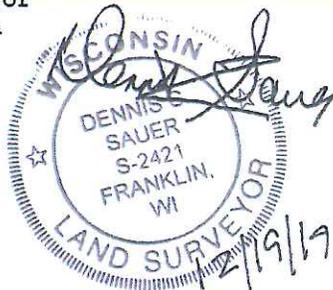
Notary Public
State of Wisconsin
My Commission Expires: _____

COMMON COUNCIL APPROVAL

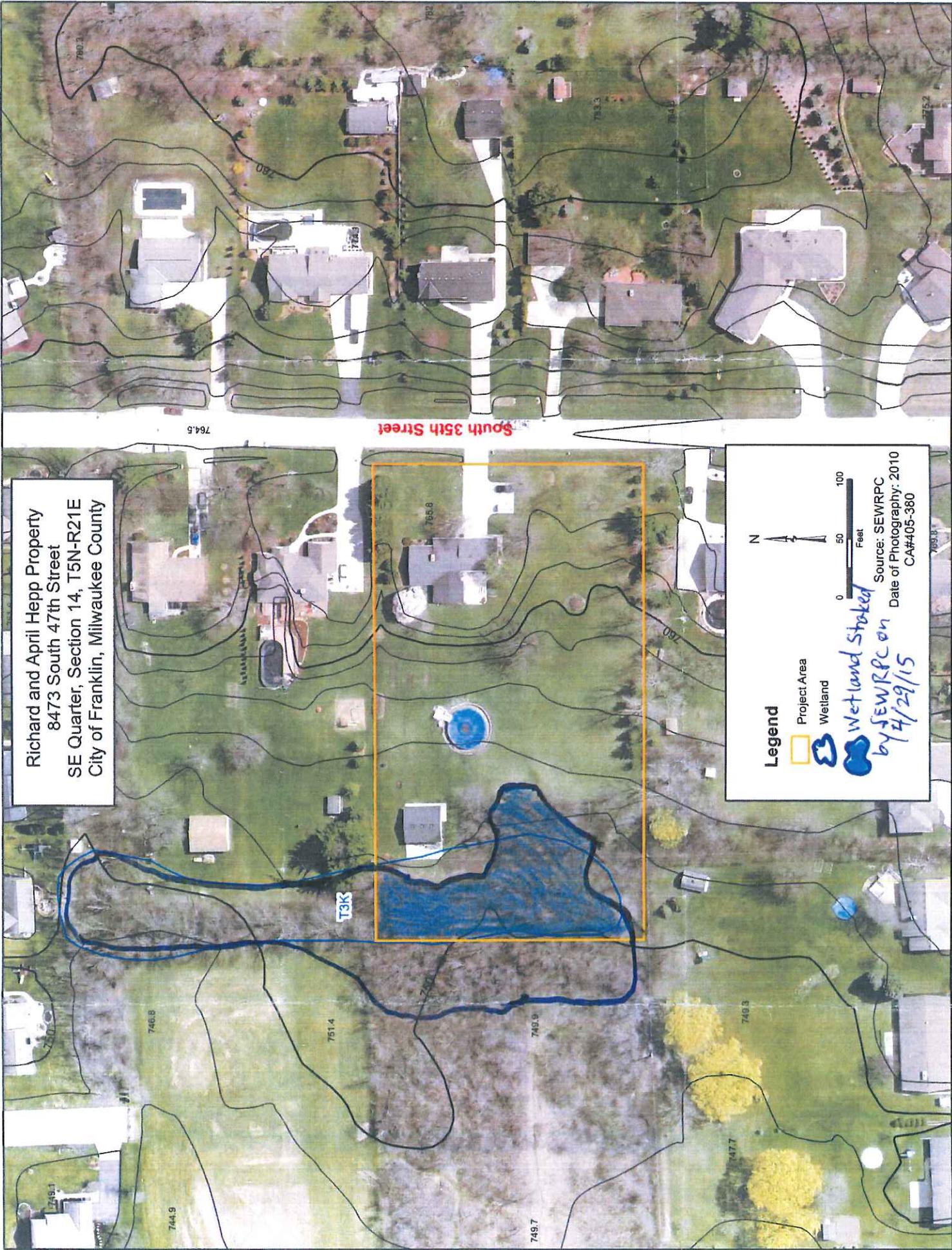
APPROVED and accepted by the Common Council of the City of Franklin, Resolution No. _____, on this _____ day of _____, 20_____.

Steve Olson, Mayor
City of Franklin

Sandra L. Wesolowski, Clerk
City of Franklin



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



Richard and April Hepp Property
8473 South 47th Street
SE Quarter, Section 14, T5N-R21E
City of Franklin, Milwaukee County

T3K



Legend

- Project Area
- Wetland

Wetland Staked
by SEWRPC on
4/29/15

Source: SEWRPC
Date of Photography: 2010
CA#405-380

0 50 100 Feet

N

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Steep Slopes:				X _____	
10-19%	0.00	0.60	0.40	= _____	
20-30%	0.65	0.75	0.70	X _____	
+ 30%	0.90	0.85	0.80	= _____	
Woodlands & Forests:				X _____	
Mature	0.70	0.70	0.70	= _____	
Young	0.50	0.50	0.50	X _____	
= _____				= _____	
Lakes & Ponds	1	1	1	X _____	
Streams	1	1	1	= _____	
Shore Buffer	1	1	1	X _____	
Floodplains	1	1	1	= _____	
Wetland Buffers	1	1	1	X _____	0.25
= _____				= _____	
Wetlands & Shoreland Wetlands	1	1	1	X _____	0.40
= _____				= _____	
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					0.65

Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.



REPORT TO THE PLAN COMMISSION

Meeting of June 18, 2015

Certified Survey Map

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

Table with 2 columns: Label (Project Name, Project Address, Applicant, Owners, Current Zoning, 2025 Future Land Use, Use of Surrounding Properties, Applicant Action Requested) and Value (Hepp Certified Survey Map (CSM), 8473 South 47th Street, Richard A. Hepp, Richard A. and April Hepp, R-3 Suburban/Estate Single Family Residence District, Residential, Single-family residential to the north, south, east and west, Approval of the Certified Surrey Map)

Project Description and Analysis:

Please note:

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

On December 29, 2014, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development, requesting approval to split an approximately 2.11-acre property into two parcels. The applicant's initial submittal lacked a Natural Resource Protection Plan (NRPP) as required by Section 15-7.0201 of the City of Franklin Unified Development Ordinance. As the application was submitted in winter, conditions were not favorable for conducting wetland delineations. As a result, a proper NRPP could not be completed until the growing season started again in the spring.

According to Section 15-9.0309-C of the UDO, the Common Council shall approve, approve conditionally and thereby require resubmission of corrected Certified Survey Map, or reject such Certified Survey Map within ninety (90) days from the date of filing of the map unless time is extended by agreement with the Subdivider. March 30th, 2015 was the 90-day deadline for the application. Therefore, Staff recommended the applicant provide the City with a letter granting an extension for reviewing his application beyond the 90 day deadline. On January 20, 2015, Staff received a letter from Richard Hepp granting the City a 120-day extension for reviewing his CSM application. With the extension, the new deadline for the Common Council to approve, approve conditionally and thereby require resubmission of corrected Certified Survey Map, or reject such Certified Survey Map is July 28th, 2015.

The property located at 8473 South 47th Street is approximately 2.11-acres and encompasses Mr. Hepp's single-family residence. As previously stated, Mr. Hepp is proposing to divide his

property into two lots. The proposed lots are shown on the Certified Survey Map (CSM) as Lot 1 and Lot 2. Lot 1 will retain Mr. Hepp's home and accessory structures and have an area of approximately 1.14 acres. Lot 2 will be a vacant developable lot and have an area of approximately 0.98 acres. Both lots will be served by public sanitary sewer and water.

The proposed lots meet the R-3 Suburban/Estate Single-Family Residence District minimum lot area of 20,000 square feet as well as the minimum lot width of 100 feet. While the proposed lots significantly exceed the 20,000 square foot minimum size requirement, their size is comparable to adjacent lots within the Hunting Park Subdivision. The proposed CSM is surrounded on all sides by single-family lots that range in size from 0.63 acres to 2.43 acres. The 2.43 acre parcel is an unplatted lot to the west of the subject parcel, and is located outside of the Hunting Park Subdivision along South 51st Street. The average size of adjacent parcels within the Hunting Park Subdivision is 0.84 acres. Overall, the proposed 2-Lot CSM meets the requirements of the UDO.

On January 14, 2015, the applicant asked the City to request the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to conduct a natural resource determination on his property. On May 4th, 2015, the Department of City Development received a sketch map of the wetland delineation they conducted at the Hepp property on April 29, 2015. Mr. Hepp has included a copy of this sketch map in addition to the required site intensity and capacity calculations. These documents in addition to the wetland buffer and wetland setback data shown on the face of the CSM serve as Mr. Hepp's NRPP.

It should be noted that SEWRPC did not map the woodlands on the subject property as most of the woodlands are located within the wetlands. It can also be noted that all of the woodlands located east of the WE Energies overhead electric lines (which are located along the western boundary of the subject property) were cut down sometime in late 2014 or early 2015. SEWRPC staff were informed by the subject property owner that all of those trees were Green Ash, had been dead or dying, and had been infested with the Emerald Ash Borer. SEWRPC staff has confirmed that the trees removed were most likely Green Ash, and that the understory was most likely primarily comprised of buckthorn.

As depicted on the CSM, an existing garage encroaches into the Wetland Buffer and Wetland Setback and an existing above ground pool also encroaches within the Wetland Setback. As Mr. Hepp's property was an existing lot of record prior to 1998, he was not required to submit an NRPP in 1999 prior to the issuance of his Building Permit for the detached garage. According to Mr. Hepp, the pool was constructed in 1986, which precedes the UDO. Since these structures were built legally, they may remain. However, the conservation easement template language will need to be altered to account for these structures within the easement area. Mr. Hepp's submittal lacks a Conservation Easement document. Therefore, *staff recommends submittal of a written Conservation Easement for review and approval by the Common Council, and for recording with the Certified Survey Map.*

Staff Recommendation:

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

<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;">07/07/15</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 8473 SOUTH 47TH STREET (RICHARD A. HEPP AND APRIL A. HEPP, OWNERS)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.4.</i></p>

City Development staff recommends approval of 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 8473 South 47th Street (Richard A. Hepp and April A. Hepp, Owners), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

The attached conservation easement follows the City's template with one exception. The applicant is requesting to keep and maintain an accessory structure located within the wetland buffer and wetland setback and a portion of a pool/deck within the wetland setback. On page 2 of the conservation easement, the applicant has added a seventh covenant stating, "Notwithstanding anything to the contrary in this Easement with respect to buildings or other structures currently located in the easement area or setback area all shall be allowed to remain."

As the existing structures are legal nonconforming structures due to their location within protected natural resource features, staff recommends that the applicant's proposed language be amended to:

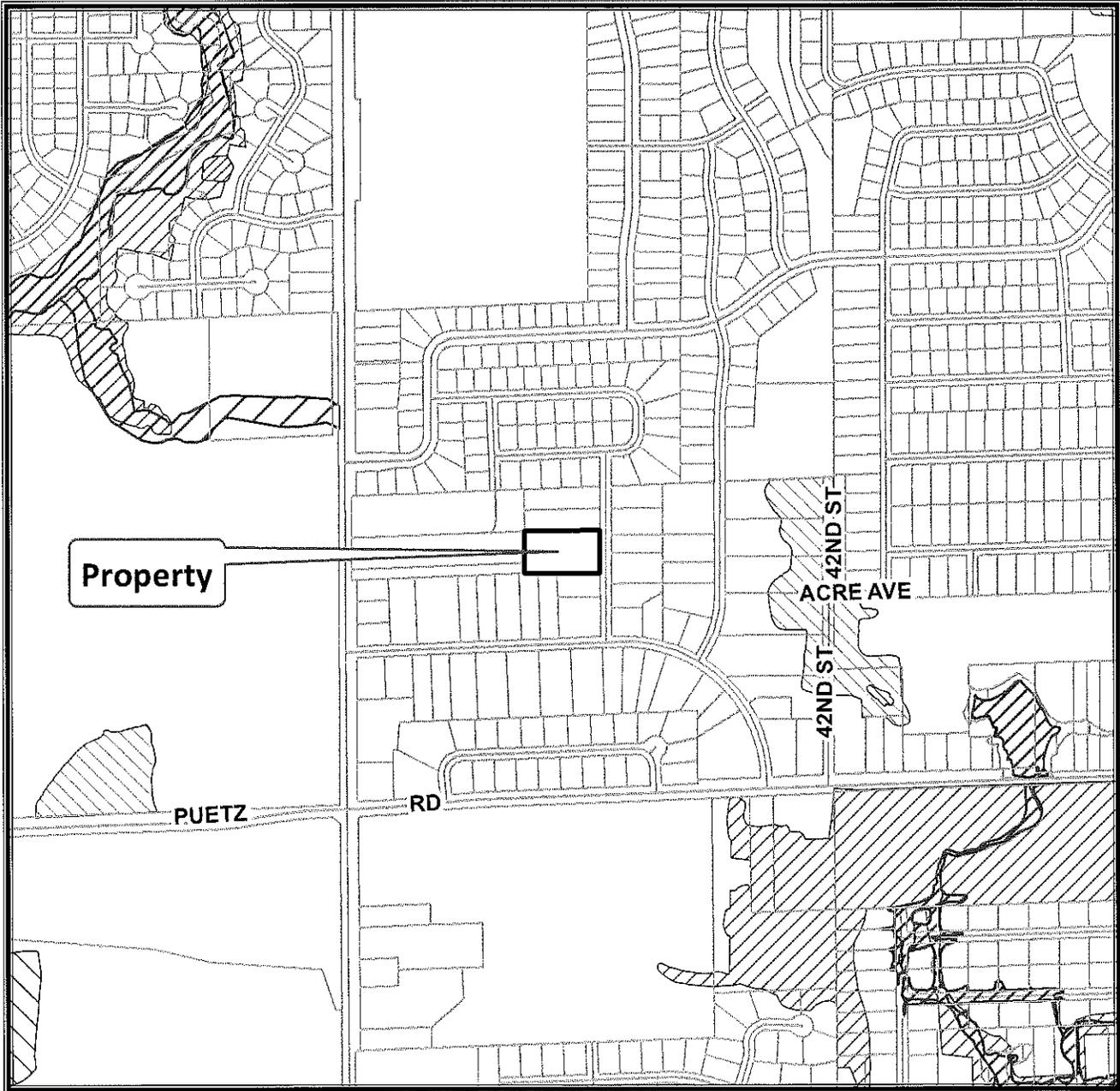
"Notwithstanding anything to the contrary in this Easement with respect to buildings or other structures currently located in the easement area or setback area all shall be allowed to remain, subject to the standards of Division 15-3.1000 of the Unified Development Ordinance relating to legal nonconforming structures."

COUNCIL ACTION REQUESTED

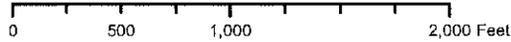
A motion to adopt Resolution No. 2015-_____, authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Certified Survey Map for property located at 8473 South 47th Street (Richard A. Hepp and April A. Hepp, Owners), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.



8473 South 47th Street



Planning Department
(414) 425-4024



2013 Aerial Photo

This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

RESOLUTION NO. 2015-_____

A RESOLUTION 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 8473 SOUTH 47TH STREET (RICHARD A. HEPP AND APRIL A. HEPP, APPLICANTS)

WHEREAS, the Plan Commission having approved a 2 Lot Certified Survey Map upon the application of Richard A. Hepp and April Hepp, on June 18, 2015, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetland buffers and wetlands 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 Richard A. Hepp and April A. Hepp, 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
RICHARD A. HEPP AND APRIL A. HEPP
RESOLUTION NO. 2015-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

Richard A. Hepp and April A. Hepp

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 Richard A. Hepp and April A. Hepp, 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 at 8473 South 47th Street within the City of Franklin, Milwaukee County, Wisconsin, a part of the Northwest ¼ and the Northeast ¼ of the Southeast ¼ of Section 14, 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, wetland buffers and wetlands, and refer to Natural Resource Investigation dated June 8, 2015 by SEWRPC, which is located in the office of the Department of City Development, 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 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;

WHEREAS, there is no mortgage on the Protected Property.

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;
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 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 like;
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 the removal of dead or diseased trees;
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.
7. Notwithstanding anything to the contrary in this Easement with respect to buildings or other structures currently located in the easement area or setback area all shall be allowed to remain.

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:
 Richard A. and April A. Hepp
 8473 South 47th Street
 Franklin, WI 53132

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: _____
 Richard A. Hepp

 April A. Hepp

STATE OF WISCONSIN)
) ss
 COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the _____ day of _____, A.D. 2015 by Richard A. Hepp and April A. Hepp to me known to be the person(s) who executed the foregoing Easement and acknowledged the same

 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

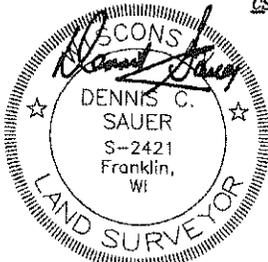
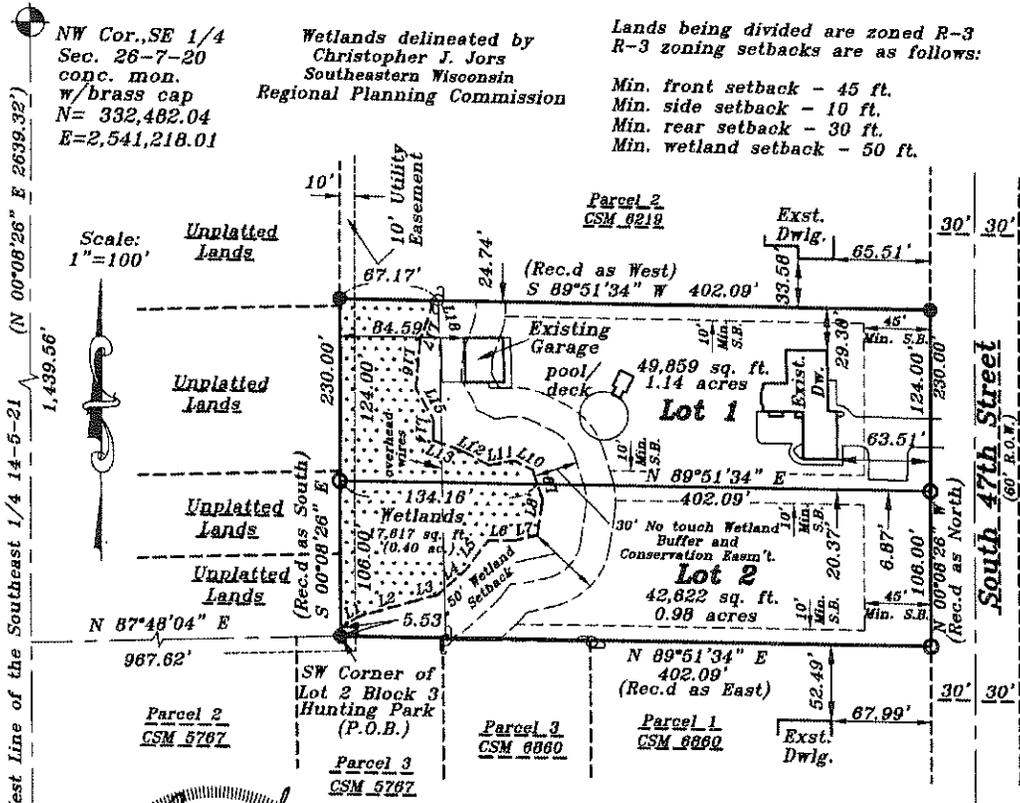
Exhibit A

Exhibit A

Being a re-division of Lot 2 in Block 3 of Hunting Park, being a subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 Section 14, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

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

Prepared for:
 Richard & April Hepp
 8473 S 47th Street
 Franklin, WI 53132

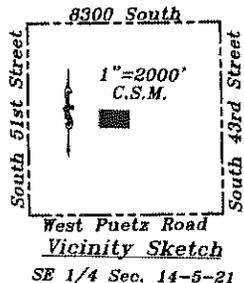
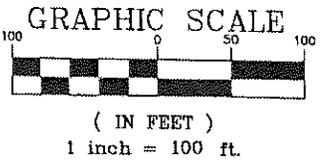


Wetlands delineated by:
 Christopher J. Jores
 Southeastern Wisconsin Regional Planning Commission
 W239 N1812 Rockwood Drive
 PO Box 1607
 Waukesha, Wisconsin 53187-1607

- Area of lands encompassed by wetlands - 17,617 sq. ft. (0.40 ac)
- Area of lands encompassed by conservancy easmt. - 10,948 sq. ft. (0.25 ac)
- Area of lands encompassed by wetland setback - 17,484 sq. ft. (0.40 ac)

LINE	LENGTH	BEARING
L1	14.28	N56°51'35"W
L2	38.04	N73°40'41"E
L3	18.83	N73°55'53"E
L4	25.70	N47°05'03"W
L5	25.72	N36°23'52"E
L6	17.64	N88°36'44"E
L7	16.17	N76°08'58"E
L8	24.64	N28°54'12"E
L9	20.93	N18°37'46"W
L10	14.11	N64°10'00"W
L11	17.27	S78°43'12"W
L12	20.53	N64°27'29"W
L13	20.70	N70°15'26"W
L14	13.73	N81°33'01"E
L15	24.99	N29°37'10"W
L16	31.82	N25°02'56"E
L17	26.22	N18°46'07"E
L18	1.97	N17°40'03"W

South 1/4 Corner
 Sec. 14-5-21
 conc. mon.
 w/brass cap
 N= 329,842.90
 E=2,541,224.49



Map bearings refer to Grid North of the Wisconsin State Plane Co-ordinate System, South Zone, with the West line of the SE 1/4 of Section 14, T5N, R21E having an assumed bearing of N 00°08'26" W.

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

This CSM is served by public sanitary sewer.

M:\CSM's\Franklin\105287.dwg

SE 1/4 Sec. 14-5-21

BLANK PAGE

<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;">07/07/2015</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p>Kayla's Playground Status 07/07/2015</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.5.</i></p>

STATUS

Since 06/16/2015 Common Council Meeting, design at Franklin Woods has progressed. Current Design is attached.

We met with Johnsons Nursery and Larry Leitner (formerly SEWRPC). Most interesting discussion regarding plants. To summarize, all of the plant choices are fine, they have been carefully selected so that most look good most of the year and compliment each other. Some points of note:

- Butterfly bush was on a potential invasive species list about 7-8 years ago but did not make the list. In fact, Larry just planted a butterfly bush in his personal yard about a week ago.
- The honeysuckle bush previously listed is a native variety.
- For butterfly plants, we need aggressive and hardy plants because we will expect caterpillars to eat the plant.
- Most of the plants are prairie plants and are highly unlikely to expand and grow in the woods or wetlands. However, "we would be lucky if some of them would expand beyond the yard.
- The catalpa tree was the only non-native plant on the previous list, but it can be naturalized. We will include at least one but keep it away from the play surface.
- We will add a few American Larches to the wetlands and hope that they can take root.

Restrooms were awarded to Huffcutt Concrete- Chippewafalls, WI for \$188,625.00. \$150,300 was paid before the end of June.

Material bids were received. This information is included in another council action.

Site work is almost ready for advertising and bidding.

Play Surface is bidding and will be opened July 16.

Plan Commission approval is needed to allow 24/7 security at the site during the community build.

Kayla's Krew is open to the Common Council's input on additional businesses who would be interested in getting involved with the volunteer build. Currently they are seeking an individual to assist Kayla's Krew in incorporating the history of Franklin into Kayla's Playground.

Upcoming Schedule

- Late June Advertise for Sitework
- July 7 Council Award Misc Materials and Tools
- July 16 Open Bids for Surface
- July 21 Award bids for Surface
- July Bid Sitework
- August DPW and Contractor to perform preliminary sitework
- Sept 2-4 Pre-Build

- Sept 22-27 Community Build
- 9/28 – 10-9 Play surface construction
- 10/09 Ribbon Cutting
- End of Oct. Restroom installation
- ?? Completion of asphalt, concrete, and pavers.

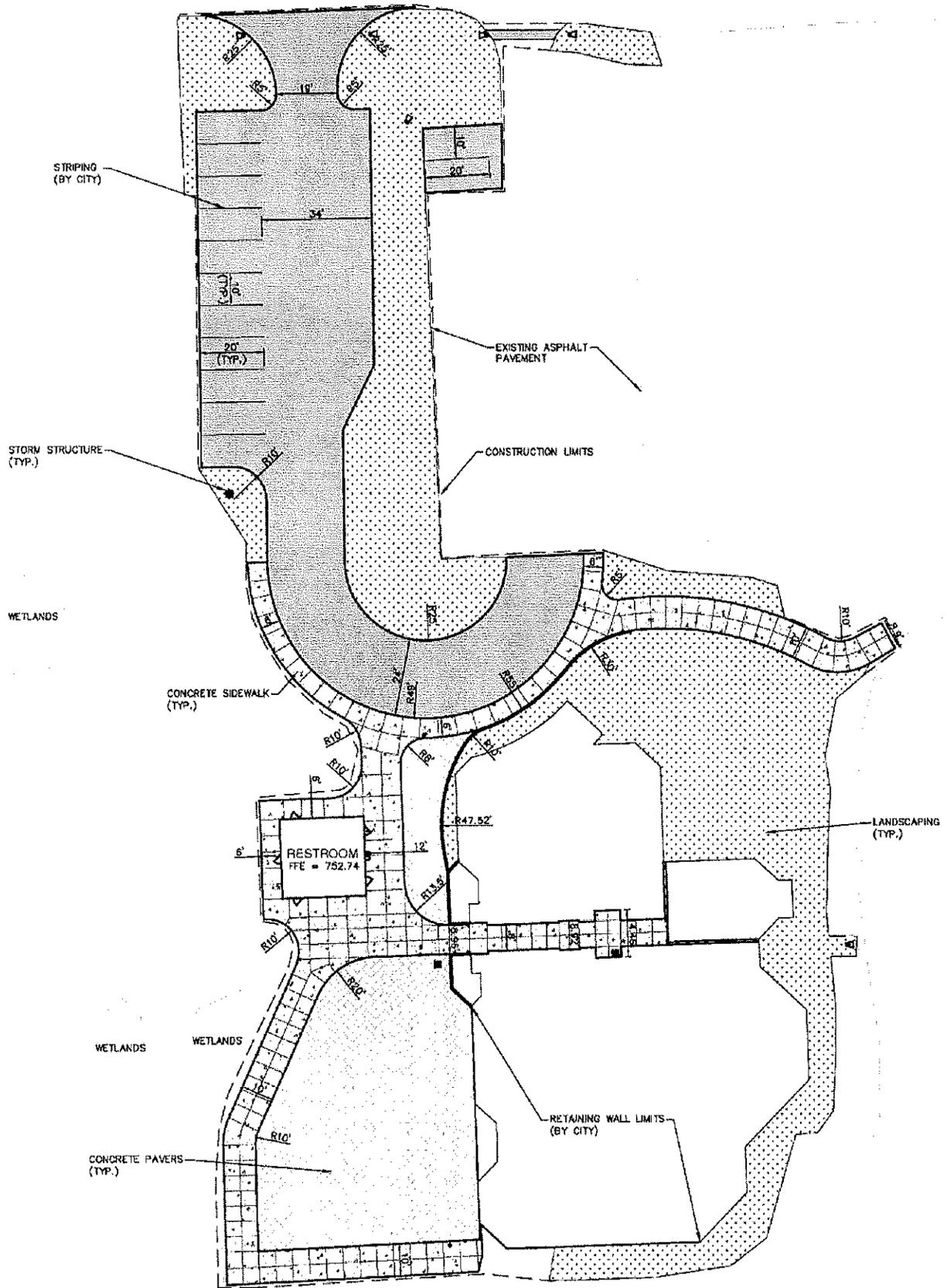
Current (07/01/2015) budget estimate is as follows:

\$ 68,000	Water Service	\$153,000	Playground Area
\$ 23,000	Sewer Service	\$ 2,000	Remove Exist Play Equipmnt
\$ 43,000	Drive/Parking Lot	\$ 3,000	Utility Charges
\$ 52,000	Walkways	\$ 3,000	Const. Related Expenses
\$ 95,000	Patio and Stone Storage	\$ 2,000	Park Sign
\$ 5,000	Erosion Sediment Control	\$ 55,000	GRAEF Design
\$ 10,000	Landscaping (Prev \$20k)	\$ 60,000	Staff Design
\$188,625	Restrooms	\$1,027,005	subtotal
\$ 7,000	Electric Service	<u>\$ 102,701</u>	<u>10% contingency</u>
\$107,000	Playgrnd Eqpt Purch Direct	\$1,129,706	Total Budget Estimate
\$138,380.43	Materials (prev \$140k)		(Prev \$1,129,288)
\$12,000	Add Materials (prev \$0)		

RECOMMENDATIONS

None Needed

W. PUETZ ROAD



BLANK PAGE

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Stw</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;">07/07/2015</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Kayla's Playground- Award Bids for Materials</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. 6.</i></p>

BACKGROUND

Four bids for materials to construct Kayla's Playground at Franklin Woods were received on July 1, 2015.

As clearly stated in the bid documents "The City may award one contract or multiple contracts to purchase all bid items." A bid tabulation is attached.

ANALYSIS

The state statutes for public bidding were clearly not written with a project such as this in mind whereas volunteers and city staff would construct a facility and expending approximately one million dollars on materials. To comply with the state statutes, the materials are being bid out, from structural plastic lumber, down to items like duct tape, construction crayons, and deck screws. These material suppliers are accustomed to supplying quotes to contractors via fax, email, or other methods not outlined in our bid documents. In spite of meeting with the suppliers and explaining the bidding process, there were many discrepancies in the bidding process. Some bidders didn't acknowledge addendums, some did not submit sealed bids in marked envelopes, some did not use our forms, some did not bid the items in quantities as requested, etc. In fact, not one of the bidders fully complied with the requirements outlined in the bid documents.

None of the discrepancies resulted in an unfair advantage for a bidder to submit a lower bid upon learning of other bids. Bids that were received early or in unmarked packages were kept with the Clerk and not viewed until the bid opening. Staff believes that the bidding irregularities should be waived by Common Council.

A recent change in the grading plan has eliminated the need for a zero to 1.5' high retaining wall. Therefore we are not awarding item #2 Modular Block to anyone. This is a savings of approximately \$1,400.

For the structural plastic lumber (items 4-28) and Plastic Composite Lumber (items 29-32) we need to stay with one manufacturer per group, otherwise we would have conflicting colors (ie 2x4s would be a different shade than the 2x6s). For the structural plastic lumber, American Plastics should be awarded the Structural Plastic items as their total for items 4-28 was \$107,264.19 as compared to NEW Plastics bid of \$123,388.94. New Plastics should be awarded the Plastic Composite Lumber items as their total for items 29-32 was \$22,846.08 as compared to American Plastics bid of \$26,907.46.

For the fence pickets that are being sold for donors, the original bid documents specified a solid plastic (Item #3) product. In an addendum, we allowed for an alternate for an HDPE multicolored product (Item #89). Kayla's Krew board has recently decided to have a local person route the lettering to make the pickets and need the sandwiched product manufactured from HDPE (Item #89). Unfortunately, no one bid on #89 so we are electing not to award #3 and direct purchase a product as specified in #89.

Note that some items were not bid on by any of the bidders and we will need to purchase prior to the build. The total of these items is expected to be less than \$5k.

After careful review of the submitted bids, Staff recommends that the award be split amongst all four bidders as follows:

Home Depot (\$4,403.81)

<u>ITEM NO.</u>	<u>UNIT DESCRIPTION</u>	<u>BID QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
1	Filter Fabric	26,500	SF		\$ 2,222.33
38	Screw Structural 5/16" X 4"	250	EA		\$ 73.97
39	Screw Structural 5/16"X6"	1,400	EA		\$ 572.40
44	Pipe Coupling 1 1/2"	12	EA	\$ 0.65	\$ 7.80
45	Pipe 90-Degree Street Elbow	15	EA	\$ 2.02	\$ 30.27
46	Pipe 45-Degree Elbow	10	EA	\$ 1.47	\$ 14.70
47	Glue & Cleaner	1	PINT	\$ 14.04	\$ 14.04
49	Lumber Marking Crayons:	10	EA	\$ 1.97	\$ 19.70
50	Nylon String	2,000	LF		\$ 18.94
51	Duct Tape	4	ROLL		\$ 37.92
52	Flagging Tape	3	EA	\$ 4.97	\$ 14.91
53	Electrical Tape	1	EA	\$ 3.98	\$ 3.98
54	Spray Paint, Red	2	CAN	\$ 3.44	\$ 6.88
55	Spray Paint, Blue	1	CAN	\$ 3.44	\$ 3.44
56	Marking Paint	6	CAN	\$ 5.27	\$ 31.62
64	Bit Spade 3/8"	4	EA		\$ 7.34
65	Bit Spade 1/2"	3	EA	\$ 3.97	\$ 11.91
66	Bit Spade 1/2" X 3"	1	EA	\$ 3.97	\$ 3.97
73	Bit V-Groove 1/2"	1	EA	\$ 29.97	\$ 29.97
76	Bit Guide	40	EA	\$ 3.97	\$ 158.80
77	Blade Reciprocating	10	EA		\$ 16.97
78	Blade Jigsaw	25	EA		\$ 44.85
79	Blade Circular	15	EA		\$ 95.48
81	Blade Table	2	EA	\$ 24.97	\$ 49.94
82	Blade Miter Box	5	EA	\$ 44.97	\$ 224.85
83	Blade Utility	20	EA		\$ 15.88
86	Treated Lumber 2" X 6" X 16'	35	EA	\$ 10.86	\$ 380.10
87	Treated Lumber 2" X 4" X 16'	35	EA	\$ 8.31	\$ 290.85

American Plastics Lumber Inc. (\$107,264.19)

<u>ITEM NO.</u>	<u>UNIT DESCRIPTION</u>	<u>BID QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
4	Structural Plastic Lumber 2" X 2" X 4'	795	EA	\$ 5.04	\$ 4,006.80
5	Structural Plastic Lumber 2" X 2" X 13'	200	EA	\$ 16.37	\$ 3,274.00
6	Structural Plastic Lumber 2" X 4" X 13'	60	EA	\$ 38.29	\$ 2,297.40
7	Structural Plastic Lumber 2" X 4" X 16'	130	EA	\$ 47.13	\$ 6,126.90
8	Structural Plastic Lumber 2" X 6" X 12'	180	EA	\$ 55.45	\$ 9,981.00
9	Structural Plastic Lumber 2" X 6" X 16'	210	EA	\$ 73.93	\$ 15,525.30
10	Structural Plastic Lumber 2" X 8" X 14'	190	EA	\$ 88.30	\$ 16,777.00
11	Structural Plastic Lumber 2" X 8" X 16'	20	EA	\$ 100.92	\$ 2,018.40
12	Structural Plastic Lumber 2" X 10" X 16'	50	EA	\$ 127.72	\$ 6,386.00
13	Structural Plastic Lumber 4" X 4" X 16'	6	EA	\$ 109.85	\$ 659.10
14	Structural Plastic Lumber 4" X 4" X 8'	104	EA	\$ 54.93	\$ 5,712.72
15	Structural Plastic Lumber 6" X 6" X 6'	8	EA	\$ 89.27	\$ 714.16
16	Structural Plastic Lumber 6" X 6" X 7'	14	EA	\$ 104.15	\$ 1,458.10
17	Structural Plastic Lumber 6" X 6" X 8'	41	EA	\$ 121.59	\$ 4,985.19
18	Structural Plastic Lumber 6" X 6" X 9'	4	EA	\$ 136.79	\$ 547.16
19	Structural Plastic Lumber 6" X 6" X 10'	14	EA	\$ 151.99	\$ 2,127.86
20	Structural Plastic Lumber 6" X 6" X 11'	11	EA	\$ 167.18	\$ 1,838.98
21	Structural Plastic Lumber 6" X 6" X 12'	57	EA	\$ 182.38	\$ 10,395.66
22	Structural Plastic Lumber 6" X 6" X 13'	8	EA	\$ 197.58	\$ 1,580.64
23	Structural Plastic Lumber 6" X 6" X 14'	8	EA	\$ 212.78	\$ 1,702.24
24	Structural Plastic Lumber 6" X 6" X 15'	6	EA	\$ 227.98	\$ 1,367.88
25	Structural Plastic Lumber 6" X 6" X 16'	17	EA	\$ 243.18	\$ 4,134.06
26	Structural Plastic Lumber 6" X 6" X 18'	4	EA	\$ 273.57	\$ 1,094.28
27	Structural Plastic Lumber 6" X 6" X 20'	4	EA	\$ 303.97	\$ 1,215.88
28	Structural Plastic Lumber 6" X 6" X 22'	4	EA	\$ 334.37	\$ 1,337.48

Darquest (\$3,866.35)

<u>ITEM NO.</u>	<u>UNIT DESCRIPTION</u>	<u>BID QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
34	Screw Pan Head, 1"	700	EA	\$ 0.10	\$ 70.00
35	Screw Deck 2.5"	9	2500 BOX		\$ 886.50
36	Screw Deck 2.0"	4	2500 BOX		\$ 330.00
37	Screw Deck 1.5"	3	500 BOX		\$ 49.50
40	Screw Structural 9 Gage X 3 1/2"	10	1300 BOX		\$ 947.70
41	Hose	30	LF	\$ 3.00	\$ 90.00
48	Threadblocker	10	EA	\$ 2.25	\$ 22.50
58	Bit Twist 1/8" X 6"	50	EA	\$ 2.95	\$ 147.50
59	Bit Twist 1/8" X 3"	200	EA	\$ 1.25	\$ 250.00
60	Bit Twist 3/16" X 6"	25	EA	\$ 4.00	\$ 100.00
61	Bit Spade 1/4" X Any	3	EA	\$ 2.85	\$ 8.55
62	Bit Spade 1/4" X 3"	1	EA	\$ 2.00	\$ 2.00
63	Bit Spade 5/16"	2	EA	\$ 2.85	\$ 5.70
64	Bit Spade 3/8"	4	EA	\$ 2.85	\$ 11.40
65	Bit Spade 1/2"	3	EA	\$ 7.50	\$ 22.50
67	Bit Spade 5/8"	2	EA	\$ 3.00	\$ 6.00
68	Bit Spade 3/4"	15	EA	\$ 3.00	\$ 45.00
69	Bit Spade 1"	10	EA	\$ 3.55	\$ 35.50
70	Bit Spade 1 1/8"	2	EA	\$ 4.80	\$ 9.60
71	Bit Spade 1 1/2"	2	EA	\$ 4.95	\$ 9.90
72	Bit Corner Round 3/8"	12	EA	\$ 30.50	\$ 366.00
74	Bit Screw Star 25	80	EA	\$ 2.00	\$ 160.00
75	Bit Screw Star 30	20	EA	\$ 2.45	\$ 49.00
80	Blade Miter	5	EA	\$ 38.50	\$ 192.50
81	Blade Table	2	EA	\$ 24.50	\$ 49.00

NEW Plastics (\$22,846.08)

<u>ITEM NO.</u>	<u>UNIT DESCRIPTION</u>	<u>BID QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
29	Plastic Composite Lumber 1" X 6" X 12'	130	EA	\$ 25.92	\$ 3,369.60
30	Plastic Composite Lumber 1" X 6" X 16'	460	EA	\$ 34.56	\$ 15,897.60
31	Plastic Composite Lumber 2" X 4" X 16'	12	EA	\$ 50.24	\$ 602.88
32	Plastic Composite Lumber 2" X 6" X 16'	30	EA	\$ 99.20	\$ 2,976.00

OPTIONS

Approve or deny the awards.

FISCAL NOTE

Most, but not all, of these expenses for the City park are eligible for proportional application of park impact fees in accordance with the approved Public Facilities Needs Assessment and Impact Fee Ordinance. The Director of Administration will review each of the categories for appropriateness ensuring compliance with the statutory prohibition against use of impact fees for "noncapital costs" including "the costs of equipment to construct, expand or improve public facilities." Tools, for example, will not be an impact fee qualifying expenditure. These minor adjustments will not have a significant impact on overall project financing or appropriations.

RECOMMENDATION

Motion to waive all bidding irregularities and adopt Resolutions:

- No. 2015 - _____, a resolution awarding contract to the low bidder, The Home Depot in the amount of \$4,403.81 for the item numbers 1, 38, 39, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 64, 65, 66, 73, 76, 77, 78, 79, 81, 82, 83, 86 and 87 of Materials And Tools For Kayla's Playground At Franklin Woods Park.
- No. 2015 - _____, a resolution awarding contract to the low bidder, American Plastic Lumber, Inc. in the amount of \$107,264.19 for the item numbers 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Materials And Tools For Kayla's Playground At Franklin Woods Park.
- No. 2015 - _____, a resolution awarding contract to the low bidder, Darquest Industries, Corp in the amount of \$3,866.35 for the item numbers 34, 35, 36, 37, 40, 41, 48, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 70, 71, 72, 74, 75, 80 and 81 of Materials And Tools For Kayla's Playground At Franklin Woods Park.
- No. 2015 - _____, a resolution awarding contract to the low bidder, N.E.W. Plastics Corp. in the amount of \$22,846.08 for the item numbers 29, 30, 31, and 32 Materials And Tools For Kayla's Playground At Franklin Woods Park.

Kayla's Playground- Materials BID TABULATION

1-Jul-15

ITEM NO.	UNIT DESCRIPTION	BID QUANTITY	UNIT	Rome Depot UNIT PRICE TOTAL PRICE AWARD?	American Plastic Lumber Inc UNIT PRICE TOTAL PRICE AWARD?	Darquest Industries Inc. UNIT PRICE TOTAL PRICE AWARD?	NEW Plastics UNIT PRICE TOTAL PRICE AWARD?
55	Spray Paint, Blue	1	CAN	3.44	3.44		
56	Marking Paint	6	CAN	5.27	31.62		
57	Concrete	30	BAG				
58	Bit Twist 1/8" X 6"	50	EA	5.97	298.50	2.95	147.50
59	Bit Twist 1/8" X 3"	200	EA	2.97	594.00	1.25	250.00
60	Bit Twist 3/16" X 6"	25	EA	6.97	174.25	4.00	100.00
61	Bit Spade 1/4" X 3"	3	EA	3.47	10.41	2.85	8.55
62	Bit Spade 1/4" X 3"	1	EA	3.47	3.47	2.00	2.00
63	Bit Spade 5/16"	2	EA	3.57	7.14	2.85	5.70
64	Bit Spade 3/8"	4	EA	7.34	29.36	7.50	30.00
65	Bit Spade 1/2"	3	EA	11.91	35.73	3.00	9.00
66	Bit Spade 1/2" X 3"	1	EA	3.97	3.97	3.55	3.55
67	Bit Spade 5/8"	2	EA	4.37	8.74	4.80	9.60
68	Bit Spade 3/4"	15	EA	4.67	70.05	4.95	74.25
69	Bit Spade 1"	10	EA	5.27	52.70	30.50	305.00
70	Bit Spade 1 1/8"	2	EA	6.47	12.94		
71	Bit Spade 1 1/2"	2	EA				
72	Bit Corner Round 3/8"	12	EA				
73	Bit V-Groove 1/2"	1	EA	29.97	29.97	2.00	2.00
74	Bit Screw Star 25	80	EA	2.97	237.60	2.45	196.00
75	Bit Screw Star 30	20	EA	3.97	79.40		
76	Bit Guide	40	EA	3.97	158.80		
77	Blade Reciprocating	10	EA	16.97	169.70	2.25	22.50
78	Blade Jigsaw	25	EA	44.85	1121.25	3.50	87.50
79	Blade Circular	15	EA	95.48	1432.20	8.00	120.00
80	Blade Miter	3	EA				
81	Blade Table	2	EA	49.94	99.88		
82	Blade Miter Box	5	EA	44.97	224.85	38.50	192.50
83	Blade Utility	20	EA	15.88	317.60	24.50	490.00
84	MDF 1 1/2" X 4' X 8'	2	EA			51.75	258.75
85	MDF 3/4" X 4' X 8'	6	EA				
86	Treated Lumber 2" X 6" X 16'	35	EA	10.86	380.10		
87	Treated Lumber 2" X 4" X 16'	35	EA	8.31	290.85		
88	Treated Lumber 4" X 8" X 5/8"	4	EA				
89	HDPPE Signboard 5/4" X 2 1/2" X 4'	1,130	EA				

TOTALS
Total Bid Award \$ 138,380.43

\$ 44,759.17 \$ 4,403.81

\$ 141,464.05 \$ 107,264.19

\$ 6,692.60 \$ 3,866.35

\$ 158,035.02 \$ 22,846.08

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2015 - _____

A RESOLUTION AWARDED CONTRACT TO THE LOW BIDDER,
THE HOME DEPOT. IN THE AMOUNT OF \$4,403.81
FOR THE MATERIALS AND TOOLS FOR KAYLA'S PLAYGROUND AT FRANKLIN
WOODS PARK

WHEREAS, the City of Franklin advertised and solicited bids for Materials And Tools For Kayla's Playground At Franklin Woods Park; and

WHEREAS, the bidding documents clearly stated that "the City may award one contract or multiple contracts to purchase all bid items."

WHEREAS, the low bidder for items #1, 38, 39, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 64, 65, 66, 73, 76, 77, 78, 79, 81, 82, 83, 86 and 87 was The Home Depot. with a cumulative unit price bid of \$4,403.81; and

WHEREAS, it is in the best interest of the City as recommended by the City's engineering staff to award the contract to THE HOME DEPOT in the amount of \$4,403.81.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that THE HOME DEPOT. be awarded the contract to supply items #1, 38, 39, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 64, 65, 66, 73, 76, 77, 78, 79, 81, 82, 83, 86 and 87 for the Materials And Tools For Kayla's Playground At Franklin Woods Park based on their low bid for a total cost of \$4,403.81 in accordance with bid specifications.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with The Home Depot on behalf of the City.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2015 - _____

A RESOLUTION AWARDED CONTRACT TO THE LOW BIDDER,
AMERICAN PLASTIC LUMBER, INC. IN THE AMOUNT OF \$107,264.19
FOR THE MATERIALS AND TOOLS FOR KAYLA'S PLAYGROUND AT FRANKLIN
WOODS PARK

WHEREAS, the City of Franklin advertised and solicited bids for Materials And Tools For Kayla's Playground At Franklin Woods Park; and

WHEREAS, the bidding documents clearly stated that "the City may award one contract or multiple contracts to purchase all bid items."

WHEREAS, the low bidder for items #4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 was American Plastic Lumber, Inc. with a cumulative unit price bid of \$107,264.19; and

WHEREAS, it is in the best interest of the City as recommended by the City's engineering staff to award the contract to American Plastic Lumber, Inc in the amount of \$107,264.19.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that American Plastic Lumber, Inc. be awarded the contract to supply items #4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 for the Materials And Tools For Kayla's Playground At Franklin Woods Park based on their low bid for a total cost of \$107,264.19 in accordance with bid specifications.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with American Plastic Lumber, Inc. on behalf of the City.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2015 - _____

A RESOLUTION AWARDED CONTRACT TO THE LOW BIDDER,
DARQUEST INDUSTRIES, CORP IN THE AMOUNT OF \$3,866.35
FOR THE MATERIALS AND TOOLS FOR KAYLA'S PLAYGROUND AT FRANKLIN
WOODS PARK

WHEREAS, the City of Franklin advertised and solicited bids for Materials And Tools For Kayla's Playground At Franklin Woods Park; and

WHEREAS, the bidding documents clearly stated that "the City may award one contract or multiple contracts to purchase all bid items."

WHEREAS, the low bidder for items #34, 35, 36, 37, 40, 41, 48, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 70, 71, 72, 74, 75, 80 and 81 was Darquest Industries, Corp. with a cumulative unit price bid of \$3,866.35; and

WHEREAS, it is in the best interest of the City as recommended by the City's engineering staff to award the contract to Darquest Industries, Corp in the amount of \$4,125.10,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that Darquest Industries, Corp. be awarded the contract to supply items #34, 35, 36, 37, 40, 41, 48, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 70, 71, 72, 74, 75, 80 and 81 for the Materials And Tools For Kayla's Playground At Franklin Woods Park based on their low bid for a total cost of \$3,866.35, in accordance with bid specifications.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with Darquest Industries, Corp. on behalf of the City.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2015 - _____

A RESOLUTION AWARDED CONTRACT TO THE LOW BIDDER,
N.E.W. PLASTICS CORP. IN THE AMOUNT OF \$22,846.08
FOR THE MATERIALS AND TOOLS FOR KAYLA'S PLAYGROUND AT FRANKLIN
WOODS PARK

WHEREAS, the City of Franklin advertised and solicited bids for Materials And Tools For Kayla's Playground At Franklin Woods Park; and

WHEREAS, the bidding documents clearly stated that "the City may award one contract or multiple contracts to purchase all bid items."

WHEREAS, the low bidder for items #29, 30, 31, and 32 was N.E.W. PLASTICS CORP. with a cumulative unit price bid of \$22,846.08; and

WHEREAS, it is in the best interest of the City as recommended by the City's engineering staff to award the contract to N.E.W. PLASTICS CORP in the amount of \$22,846.08,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that N.E.W. PLASTICS CORP. be awarded the contract to supply items #29, 30, 31, and 32 for the Materials And Tools For Kayla's Playground At Franklin Woods Park based on their low bid for a total cost of \$22,846.08, in accordance with bid specifications.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with N.E.W. PLASTICS CORP. on behalf of the City.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

BLANK PAGE

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE July 7, 2015
REPORTS AND RECOMMENDATIONS	<p>A Resolution Accepting the Conveyance to the City of Franklin by the Milwaukee Metropolitan Sewerage District of Five Parcels of Land Acquired Pursuant to the Milwaukee Metropolitan Sewerage District and The Conservation Fund Greenseams® Program Participation and Authorizing Certain Officials to Execute All Documents Necessary to Complete Such Conveyance and to Enter Into and Deliver Conservation Easements to Further Protect and Promote the Conservation of Such Valuable Natural Resources for the Betterment of the Environment and Humanity by Way of Declarations Therein that Such Properties Shall be Maintained and Protected for Nature Conservation and Public Park Purposes in Perpetuity (MMSD provided prior private property owner names and approximate acreage and City Assessor file record documents tax key nos.: St. Nikola 17 acres 787-9992-000; Leung 9.15 acres 787-9990-004; Dilworth 8.89 acres 787-9991-000 and 787-9993-000; Robarge 0.88 acres 788-9994-000; Radicevich 15.68 acres 886-9998-000)</p>	ITEM NUMBER <i>G.7.</i>

At the time of this writing, the above subject matter remains in draft preparation, a copy of which will be delivered to the Common Council members and City staff upon completion and prior to the meeting. The subject conveyance documents remain in preparation by Milwaukee Metropolitan Sewerage Commission staff, and the subject matter is scheduled to be before the Commission for conveyance to the City authorization on July 20, 2015. The parcels to be conveyed upon the anticipated July 20, 2015 Commission approval are described as follows from correspondence from MMSD staff:

To Franklin:	Acres	Purchase Price
St. Nikola	17	\$187,000
Leung	9.15	\$190,000
Dilworth	8.89	\$49,260
Robarge	0.88	\$69,000
Radicevich	15.68	\$275,000
	51.6	\$770,260

The remaining parcels previously described as available for conveyance to the City are of late awaiting review and discussion among the City, MMSD and the Wisconsin Department of Natural Resources, as the information provided is that WIDNR is now considering reacquiring some of those properties as part of the Big Muskego Lake Wildlife Area, recognizing its knowledge that the City has been appreciatively extremely interested in

receiving those properties from the MMSD and The Conservation Fund Greenseams® Program dating back to approximately last Summer.

COUNCIL ACTION REQUESTED

A motion to adopt A Resolution Accepting the Conveyance to the City of Franklin by the Milwaukee Metropolitan Sewerage District of Five Parcels of Land Acquired Pursuant to the Milwaukee Metropolitan Sewerage District and The Conservation Fund Greenseams® Program Participation and Authorizing Certain Officials to Execute All Documents Necessary to Complete Such Conveyance and to Enter Into and Deliver Conservation Easements to Further Protect and Promote the Conservation of Such Valuable Natural Resources for the Betterment of the Environment and Humanity by Way of Declarations Therein that Such Properties Shall be Maintained and Protected for Nature Conservation and Public Park Purposes in Perpetuity.



April 9, 2015

Mr. Kevin Shafer, P.E.
Executive Director
Milwaukee Metropolitan Sewerage District
260 W. Seeboth St.
Milwaukee, Wisconsin 53204

Dear Mr. ^{Kevin} Shafer:

I have been asked by the Franklin Common Council to reiterate and formalize the City of Franklin's intention to accept transfer of approximately eleven Greenseams properties owned currently by MMSD and/or The Conservation Fund as below:

Property Name	Acres	Purchase Price	WI DNR Grant Funds	Tax Key Number(s)
Robarge	0.88	\$69,000	\$0.00	788-9994
Derouin	3.48	\$16,636	\$0.00	787-9991
Dilworth	5.41	\$32,623	\$0.00	787-9991
Hack	49.89	\$765,000	\$253,447.00	889-9990
Dumke/Olsen	33.24	\$290,000	\$148,675.00	844-9997
Radicevich	15.62	\$280,000	\$130,163.66	886-9998
Katzman	11.14	\$195,000	\$100,901.00	844-9996
Franklin DC	52.54	\$315,000	\$160,765.13	844-9998, 890-9990
St. Nikola	17	\$300,000	\$152,312.50	787-9992
St. Sava	24	\$200,000	\$105,044.98	890-9999

It is the City's desire to complete the transaction as quickly as possible.

Our City Attorney's office is preparing the necessary documents as directed by your legal staff and will forward them appropriately.

Mr. Kevin Shafer

April 9, 2015

Page 2

Thanks for working so closely with the City on this transfer.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Olson". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Olson".

Stephen R. Olson

Mayor

cc: Jesse Wesolowski
Sandi Wesolowski
Mark Lubberda
Paul Rotzenberg
Joel Dietl
File

<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;">July 7, 2015</p>
<p style="text-align: center;">REPORTS AND RECOMMENDATIONS</p>	<p>A Resolution Authorizing Certain Officials to Execute an Agreement By and Among the City of Franklin, Penfield Children's Center, Inc. and Kayla's Krew for the Development of an All-accessible, All-inclusive Playground at the Franklin Woods Nature Center</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. 8,</i></p>

At the time of this writing, the above subject matter remains in draft preparation, copies of which will be delivered to the Common Council members, interested parties and City staff upon completion and prior to the meeting. The sum and substance of the agreement is to provide in writing that the generous donations received by Kayla's Krew for the playground development will be administered by Penfield Children's Center for payment of the development costs, that the donated materials and labor will be accepted by the City upon receipt, and that the City will provide for the balance of the needs of this public project and upon completion, will maintain the playground as it does all of its other public parks.

COUNCIL ACTION REQUESTED

A motion to adopt A Resolution Authorizing Certain Officials to Execute an Agreement By and Among the City of Franklin, Penfield Children's Center, Inc. and Kayla's Krew for the Development of an All-accessible, All-inclusive Playground at the Franklin Woods Nature Center.

BLANK PAGE

APPROVAL <i>Sleo</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE July 7, 2015
REPORTS AND RECOMMENDATIONS	Direction regarding a proposed amendment to the Unified Development Ordinance to modify timeframe requirements for recording a Certified Survey Map with the Milwaukee County Register of Deeds following Common Council approval (Department of City Development, Applicant)	ITEM NUMBER <i>6.9.</i>

INTRODUCTION

Department of City Development staff is requesting permission to prepare an amendment to the Unified Development Ordinance (UDO) to modify timeframe requirements for recording a Certified Survey Map with the Milwaukee County Register of Deeds following Common Council approval.

BACKGROUND

Currently the Unified Development Ordinance requires a Certified Survey Map to be recorded with Milwaukee County within 30 days of Common Council approval per the UDO Sections below.

SECTION 15-7.0705 RECORDATION

The Certified Survey Map shall only be recorded with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

G. Recordation.

1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.

2. The Subdivider shall record the map with the Milwaukee County Register of Deeds within thirty (30) days of its last approval.

Staff is proposing a change due to the difficulty of meeting this requirement. Certified Survey Maps are often approved with conditions. CSM's may require follow up related to technical revisions and those revisions may require further staff review. CSM's also require the property owner's signatures, a bank or mortgage holder signature and City signatures prior to being mailed to the Milwaukee County Register of Deeds. If there are questions or any back and forth between the applicant and staff related to a condition of approval or any difficulty obtaining required signatures, the thirty day requirement becomes difficult to meet.

Furthermore, at times CSM's are approved with conditions that go beyond the scope of technical requirements. These conditions are often difficult for an applicant to complete and staff review within thirty days of Common Council approval. For example, a CSM may be conditioned upon the City's consultant review of the Natural Resource Protection Plan. Recently, two CSM's have been approved with conditions that the applicant provides a bond or letter of credit or remove structures on the property prior to recording the CSM.

In addition, the thirty day timeframe is not consistent with Wisconsin State Statute requirements (see below).

Wisconsin State Statutes, 236.34(2)(b)1. states:

1. The certified survey map is offered for record within 6 months after the date of the last approval of the map and within 24 months after the first approval of the map.

The thirty day timeframe is also not consistent with the standard conditions of approval contained within the City's CSM approval resolution, which also utilizes a 180 day timeframe (see below).

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, [PROPERTY OWNER NAME], be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, [PROPERTY OWNER NAME], with the Office of the Register of Deeds for Milwaukee County.

CONCLUSION

To be consistent with State Statutes, to allow for a reasonable amount of time for an applicant to address any required technical revisions or other conditions of approval, to allow for a final staff review prior to recording and time to obtain all necessary signatures, staff proposes that the Unified Development Ordinance be amended to allow a Certified Survey Map to be recorded within 180 days of its last approval, opposed to the current requirement of thirty days (see attached draft materials).

COUNCIL ACTION REQUESTED

A motion to direct staff to prepare an ordinance to amend the Unified Development Ordinance to modify the timeframe requirements for recording a Certified Survey Map with the Milwaukee County Register of Deeds following Common Council approval from thirty days to 180 days.

SECTION 15-7.0704 CERTIFICATES

- A. **Surveyor's Certification of Compliance with Ordinance.** The surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Ordinance. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

- B. **Owner's Certificate of Dedication of Streets and Other Public Areas.** The dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

SECTION 15-7.0705 RECORDATION

The Certified Survey Map shall only be recorded with the County Register of Deeds within ~~thirty (30)~~one hundred and eighty (180) days of its approval by the Common Council and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

DIVISION 15-7.0800 ARCHITECTURAL PLANS

SECTION 15-7.0801 GENERAL

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall erect any structure without first obtaining the approval of the Plan Commission or Architectural Review Board of the Architectural Plans as set forth in this Division. On matters that require zoning approval by the Plan Commission, the Plan Commission shall act as the Architectural Review Board, and the Plan Commission may request assistance of the Architectural Board.

SECTION 15-7.0802 PRINCIPLES AND STANDARDS OF REVIEW

The following principles and standards for architectural review are used by the Architectural Review Board in its review, approval or denial of the Architectural Review Application. These are also intended to be a design aid for builders and owners to use in the preparation of architectural plans. To implement this Ordinance, the following architectural review principles and guidelines are established:

- A. **Building Scale and Mass.** The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

- B. **Building Rooflines and Roof Shapes.** The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.

- C. **Materials.** Material selection for architectural design shall be based upon the prevailing material already used on existing buildings in the area. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area or which presents an unattractive appearance to the public and surrounding properties.

construct said improvements at Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction by the City of Franklin or its agent.

G. Recordation.

1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
2. The Subdivider shall record the map with the Milwaukee County Register of Deeds within ~~thirty (30)~~one hundred and eighty (180) days of its last approval.

H. Copies. The Subdivider shall file at least thirty (30) copies of the Certified Survey Map and its accompanying "Natural Resource Protection Plan" with the City Clerk for distribution to the Plan Commission, various City departments, and other affected agencies for their files as set forth under Section 15-9.0309(B).

SECTION 15-9.0310 LAND DIVISION VARIANCES

A. Plan Commission May Waive or Modify Land Division Requirements of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of This Ordinance Upon Application. Where, in the judgement of the Plan Commission, it would be inappropriate to apply literally the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper.

B. Plan Commission Findings of Fact and Conditions. No variance to the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance shall be granted unless the Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. Exceptional Circumstances.

- (a) There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship.
- (b) Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed.

2. Preservation of Property Rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

3. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

<p>APPROVAL <i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE July 7, 2015</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Direction regarding a proposed amendment to the Unified Development Ordinance to create a General Office use category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts (City of Franklin, Applicant)</p>	<p>ITEM NUMBER <i>G.10.</i></p>

INTRODUCTION

Planning Department staff is requesting permission to prepare an amendment to the Unified Development Ordinance (UDO) to create a "General Office" use category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts.

BACKGROUND

Staff has on a number of occasions been contacted by business or property owners inquiring about the possibility of locating the office component of their business (or of a potential tenant's), in an existing building. As required by the UDO, before any such approval can be granted, staff must determine whether the proposed use is a permitted use, special use, or prohibited use within the subject zoning district. Furthermore, the UDO classifies such uses pursuant to the Standard Industrial Classification (SIC) codes, as identified in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts. However, these codes do not include a "General Office" use category. Rather, the UDO and SIC codes are categorized by industry type (such as plumbing contractor; household furniture construction, hardware wholesale, grocery stores retail, etc.).

As an example, an office for a plumber would have to be classified as a plumbing contractor under the requirements of the UDO, even if there was no construction, manufacturing, warehousing, or storage associated with the office use. And as a plumbing contractor, the UDO only allows that use as a permitted use in the M-1 zoning district, and as a special use in the B-2, B-4, B-5, OL-2, and L-1 zoning districts.

Staff would also note that the classification system utilized by the UDO and the SIC codes does not facilitate mixed uses within developments, as is encouraged by the City's Comprehensive Master Plan. Staff would further note that simple office uses would typically be compatible with all of the City's business-related zoning districts.

CONCLUSION

To provide more flexibility within the City's zoning provisions, to facilitate mixed uses within more developments, and in recognition of the compatibility of office uses with business-related zoning districts, staff proposes that the Unified Development Ordinance be amended to include a new "General Office" use category and definition, which is envisioned at this time to be a permitted use in all of the City's business-related zoning districts (see attached draft materials).

COUNCIL ACTION REQUESTED

A motion to direct staff to prepare an ordinance to amend the Unified Development Ordinance to create a "General Office" use category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts and to define such use category in Section 15-11.0103 Specific Words and Phrases, to schedule a public hearing before the Plan Commission upon the proposed text amendment, to assist the Plan Commission in its deliberations thereon, and to subsequently forward this matter to the Common Council for its consideration and possible action.

Table 15-3.0603 (continued)

SIC		B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD	
	OTHER USES NOT CLASSIFIED UNDER SIC CODE																						
	Assembly Places (Indoor, for more than 100 persons)											S											S
	Athletic Fields											P											P
	Band Shells (Indoor and Outdoor)											S											S
	Bicycle Trails (non-motorized)				P			P				P				P							P
	Boat Access Sites											P											P
	Boat Rental Sites											P											P
	Botanical Gardens											P											P
	Cabins or Cottages (rental)											S											S
	Campgrounds (Rental, for Recreational Vehicles)											S											S
	Camps											P											P
	Cemeteries																						
	Ch. 980 Stats, supervised release and crimes against children sex offender use																	S	S				
	Church or other Place of Worship																						
	Community Centers								P								S						
	Convenience Stores (without the dispensing of gasoline)	P	P	P	P	P	P	S/A	S	P	P	P	P	P	P	A	P	P	P				P
	Convenience Stores (with the dispensing of gasoline)	S	S	S	S	S	S	S		S	S		S	S	S		S						S
	Convenience Stores (with the dispensing of gasoline)	S	S	S	S	S				S													S
	Cross Country Ski Trails											P											P
	Cultural Centers								P								S						
	Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Fairgrounds											S											S
	Firearm Ranges (Indoor)											S											
	Firearm Ranges (Outdoor)																						
	General Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Golf Driving Ranges											S											S
	Gymnasiums											S											S
	Hiking Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Historic Monuments or Sites	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Ice Skating (Indoor)											S											S
	Ice Skating (Outdoor)											P											P
	Jogging Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Landfill/Disposal Uses																						S
	Marinas											S											S
	Nature Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Nature Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Parks, Private											S											P
	Parks, Public										P	P											P
	Picnicking										P	P											P
	Playfields											P											P
	Playgrounds											P											P
	Private Clubhouses											S											P
	Racquetball Courts (Indoor)											S											S
	Racquetball Courts (Outdoor)											P											P
	Resorts											S											P
	Riding/Equestrian Trails											P											P
	Single-Family Detached Dwellings									P													
	Sledding, Skiing, Tobogganing											P											P
	Swimming Pools (Indoor)											S											P
	Swimming Pools (Outdoor)											P											P
	Tennis Courts (Indoor)											S											P
	Tennis Courts (Outdoor)											P	P										P
	Tot Lots											P	P										P
	Wildlife Sanctuaries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

Footnotes: (a) No "Hotels and other Lodging Places" or like use as listed above, shall include any Ch. 980 Stats. supervised release and crimes against children sex offender use.

Octave Band Filter. An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals (American Standard for Sound Level Meters, A.S.A. No. 244.3-1944).

Odorous Matter. Solid, liquid or gaseous material which produces an olfactory response in a human being.

Odor Threshold Concentration. The lowest concentration of odorous matter which will produce an olfactory response in a human being as detected by a panel of healthy observers. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method D1391-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing and Material, 1957).

Office, General. Any business use conducting clerical and professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, and phones. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens, break rooms and other office support spaces. Retail, warehousing, and outdoor storage shall be prohibited with a general office use.

Office, Home. (See definition of "Home Occupation" and Section 15-5.0802 of this Ordinance.)

Official Map. That document as described by Chapter 62.23(6) of the Wisconsin Statutes, as amended, which shows the location of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities in the City of Franklin.

Official Zoning Map. (See definition of "Zoning Map.")

Opacity. The degree of opaqueness of a bufferyard, or relative sight screening value, as measured by levels of intensity of bufferyard foliage or other characteristics of the bufferyard including fencing, earthen berms, or walls.

Open Sales Lot. Any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, farm machinery and equipment, and for the storage of same prior to sale.

Open Space. Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by non-recreational buildings, roads, drives, public rights-of-way, or off-street parking areas for non-recreational uses. Land located within the yards or lots of residential and/or nonresidential properties is *not* considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.

Open Space, Public. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservational uses. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, and parkways but not including streets or dedicated public rights-of-way.

Open Space Ratio (OSR). The number derived by dividing the open space of the site by the base site area. When applied to natural resource protection, the open space ratio shall include the natural resource

BLANK PAGE

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE July 7, 2015
REPORTS & RECOMMENDATIONS	AGREEMENT WITH RUEKERT & MIELKE, INC. FOR SURVEYING WETLAND DELINEATIONS COMPLETED BY THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION WITHIN AREA D, POTENTIAL BUSINESS PARK DEVELOPMENT	ITEM NUMBER <i>G.11.</i>

At the request of the City, and similar to many other potential development proposals, the Southeastern Wisconsin Regional Planning Commission delineated wetlands within portions of Area D, the proposed Franklin Corporate Park. The delineations were completed in June. Following the flagging of the wetlands, it is vital to survey and capture that information in a timely manner. The flags and ribbons used to delineate the wetlands can be lost due to weather. Property owners or the individuals farming certain properties may also remove flags in order to continue their operations. Therefore, staff requested a proposal from Ruekert-Mielke to perform the necessary surveying of the wetland delineations, and with approval by Mayor Olson, authorized Ruekert-Mielke to complete the surveying. The attached proposal indicates a cost between \$3,000 and \$4,000. The City has not yet received an invoice with the final amount.

The costs are proposed to be funded by Tax Incremental District No. 4, account number 49.0000.5216 Engineering services.

The amount of the invoice does not require Common Council approval per City policy, thus no action is required; however, Mayor Olson and staff wanted to inform the Council of the upcoming expenditure.

COUNCIL ACTION REQUESTED

No action needed.

June 16, 2015

Mr. Nick Fuchs
Senior Planner
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

RE: Franklin Corporate Park
Wetland Delineation

Dear Mr. Fuchs:

SEWRPC is currently delineating the wetlands in the area of the proposed corporate park south of 27th Street and Oakwood Avenue. Their procedure is to tag the perimeter of the wetlands with ribbons so that some other party can survey and record these points so that they can be placed on maps for future use. These ribbons do not tend to stay on the vegetation too long due to wind and other factors so it is imperative that these wetland limits be surveyed as soon as possible. If these points are lost, the City would have to pay a third party to do the wetland delineation again, since SEWRPC's schedule is completely booked for 2015.

The City has asked us to give them a proposal to perform the necessary surveying.

Due to the unknown number of points to be collected, we estimate the effort to be in the range of \$3,000 to \$4,000. The City would only be billed for the actual time spent.

Please contact me with any questions.

Very truly yours,

RUEKERT & MIELKE, INC.

Joseph W. Eberle, P.E. (WI, IL, MN)
Senior Project Manager
jeberle@ruekert-mielke.com

JWE:sjs

cc: Glen E. Morrow, P.E., City of Franklin
Jesse A. Wesolowski, City of Franklin
File

APPROVAL <i>Stew</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/07/15
REPORTS & RECOMMENDATIONS	RECOMMENDATION FROM THE ENVIRONMENTAL COMMISSION TO INSTALL A MEMORIAL PLAQUE AND TREE FOR SHARON KUST AT FRANKLIN WOODS NATURE CENTER SPECIAL PARK, WITH THE LOCATION AND TREE SPECIES TO BE DETERMINED BY THE CITY FORESTER AND THE PLAQUE TO INCLUDE SHARON'S NAME AND DATES OF SERVICE ON THE ENVIRONMENTAL COMMISSION	<i>G.12.</i>

At the regular meeting of the Environmental Commission on June 24, 2015, the following action was approved: move to recommend to the Common Council installation of a memorial plaque and tree for Sharon Kust at Franklin Woods Nature Center Special Park, with the location and species to be determined by the City Forester and the plaque to include Sharon's name and dates of service on the Environmental Commission.

COUNCIL ACTION REQUESTED

A motion to take action on the above item as the Common Council deems appropriate.

BLANK PAGE

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 7/7/2015
Reports & Recommendations	W. BRUNN DRIVE SIDEWALK; CITIZENS REQUEST FOR COMMON COUNCIL RESCISSION OF ITS PRIOR PROJECT APPROVAL	ITEM NO.

BACKGROUND

A the March 17, 2015 common council meeting, Payne and Dolan was awarded the contract to for the 2015 Local Street Improvement Program and sidewalk on W. Brunn Drive (7300 block).

For the Brunn Drive Sidewalk section, the eight affected property owners were notified and not all property owners were enthusiastic regarding the project. Some property owners presented a petition to stop the sidewalk construction.

ANALYSIS

As discussed by the Complete Streets committee, this section of sidewalk was recommended because it is needed to complete a sidewalk system through the neighborhood.

As with many sidewalk and pathway projects, the primary benefit is derived from others who walk past the property, and not the individual property owners who must take responsibility for the clearing of the sidewalk.

The property owners opposed to this project have stated several reasons for their objection to this project. Those objections include: that the sidewalk is not needed in their neighborhood; people never use the sidewalks that are there; sidewalks will block or limit their full use of the right-of-way (landscaping, basketball goals, dog fencing, sprinkler system, parking, etc); a sidewalk would bring the public too close to their windows; they were not told that a sidewalk would be constructed in their original section of their subdivision; and that sidewalks ruin the rural feel of Franklin.

The objections related to this section of sidewalk are not uncommon to most sidewalk projects in Franklin. Unfortunately we must weigh the benefit of safety to the pedestrian traffic verses the perceived cost to property owners. The City has the full use the public right-of-way, however, once houses are constructed, opposition to the full use is not uncommon.

Many Brunn Drive residents appeared at the June 18, 2015 Complete Streets Committee to discuss the issue but the meeting did not have a quorum. Staff talked to the residents, gathered their concerns and consequently directed the contractor to delay the construction until after the July 7 Common Council Meeting. The contractor was advised that the project might proceed as planned, might be cancelled, or a portion of the properties would have the project constructed. The project will be adjusted per the bid unit prices.

OPTIONS

1. Authorize Staff to direct Contractor to proceed with sidewalk project as planned, or
2. Authorize Staff to director Contractor to delete sidewalk from 2015 Local Street Improvement Program.

FISCAL NOTE

Funds for sidewalk on W. Brunn Drive (7300 block) was included in as capital improvement fund.

RECOMMENDATION

Motion to authorize staff to direct Contractor to proceed per the selected option.

LEGEND CREEK
PEDESTRIAN BRIDGE

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.

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

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/07/2015
REPORTS & RECOMMENDATIONS	FRANKLIN BIKE AND HIKING TRAIL UPDATE	ITEM NUMBER <i>G.14</i>

BACKGROUND

At the June 16, 2015 Common Council meeting, Staff was given direction to: bid asphalt paving of existing trail; incorporate project into Milwaukee County project for the reconstruction of St. Martin Road; enter discussions with Franklin School District in the development of a trailhead on the northwest corner of W. St. Martins Road and S. Forest Home Drive; and report progress at a future Common Council meeting.

ANALYSIS

Paving: Reviewing the path, the project scope has changed and now extends from W. Rawson Avenue to S. North Cape Road since Muskego currently maintains the trail starting at S. North Cape.

Advertisement has been submitted to the paper for paving the trail. Bids will be opened July 30 and council can award August 4. Contractor is directed to complete paving on or before October 31, 2015.

St. Martin Road: Staff has asked Milwaukee County to include parking on the road project. We expect to see draft plans soon.

Franklin School District: Staff has met with the Franklin School District and upon closer discussion of the potential configuration; the school district is not interested in creating another access point to Country Dale. Unless directed otherwise, the trailhead concept on the northwest corner of W. St. Martins Road and S. Forest Home Drive will be abandoned.

OPTIONS

Proceed as outlined above.

FISCAL NOTES

As described, this project is eligible for payment from Park Impact Fees.

RECOMMENDATIONS

Proceed as outlined above.

BLANK PAGE

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 7/7/15
Reports & Recommendations	SUBJECT: Release of Escrow Deposit for Berkshire Add. No. 2 Subdivision (location S. 51st Street & W. Berkshire Drive)	ITEM NO. <i>G.15.</i>

BACKGROUND

The Finance Department has requested that the escrow deposits as contained on the attached special deposits spreadsheet be reviewed and a description be developed for each deposit that relates to subdivision or commercial development. (See attached memo dated May 16, 2014 as prepared by the Engineering Department)

ANALYSIS

After reviewing the escrow deposits it was determined that one (1) additional deposit no longer is required to be held as the work has been completed as follows:

- 14. The funds for Berkshire No. 2 were funds remaining from the letter of credit. The development is now complete and the escrow deposit can be returned.

OPTIONS

Authorize return of one (1) escrow deposit
or
Table

FISCAL NOTE

None

RECOMMENDATION

Motion to release the escrow deposit for Berkshire No. 2 Subdivision as recommended by the Engineering Department.

Enc.

RAS/db

[Print](#)[Close](#)

FW: Berkshire - Current Officers & Directors - Articles & Bylaws

From: **Julseth, Kyle C.** (kcjulseth@fedins.com)

Sent: Mon 6/08/15 6:57 PM

To: 'rickprzybyla@hotmail.com' (rickprzybyla@hotmail.com)

2 attachments

2015-03-27 Filed Articles of Incorporation - Berkshire Subdivision Addition #2.PDF (104.7 KB) , Bylaws - Berkshire Subdivision Addition No. 2 Homeowners Association v2.DOC (96.0 KB)

I am attaching the filed Articles of Incorporation for the homeowners association, along with the final version of the Bylaws that we prepared for the association.

I am also attaching an "Initial Consent Resolution" for the directors of Berkshire Subdivision Addition No. 2 Homeowners Association that confirms the directors' acceptance of the filed Articles (a copy of which get attached as Exhibit A) and the form of Bylaws (a copy of which gets attached as Exhibit B). The Initial Consent Resolution also confirms the officers appointed for the homeowners association. Once the Initial Consent Resolution is signed by all of the directors, it should be kept by the Secretary in the association's corporate records (along with the Articles and Bylaws).

The employer's identification number can be obtained from www.irs.gov; I did not obtain as I understand that the group wanted to minimize legal fees. The EIN, once received by the IRS, should also be given to the Secretary for safekeeping in the association's corporate records.

Please let me know if you need anything further.

Anne

Anne Wal

von Briesen & Roper, s.c.
411 East Wisconsin Avenue, Suite 1000
Milwaukee, WI 53202

Direct: 414-287-1530

Fax: 414-238-6673

awal@vonbriesen.com | [vcard](#) | [bio](#)

vonbriesen.com

This e-mail message and any attachments are confidential and meant for the exclusive use of the intended recipient or addressee. The message may also contain protected health information or personally identifiable information, both protected by state and federal law. PLEASE NOTE: The misuse of protected health information could subject you to civil or criminal penalties. If you have received this communication in error, please do not read it and notify the sender immediately by reply e-mail at the address above and permanently delete/destroy all copies of the message and all attachments. Any review, dissemination, distribution or copying of this message by any person other than the intended recipient(s) or their authorized agents is strictly prohibited. Thank you.



MEMORANDUM: FROM ENGINEERING

DATE: December 16, 2014

TO: Greg Wnuk, Finance Department

FROM: Glen Morrow, P.E., City Engineer (GEM)

SUBJECT: PAYMENT TO BE MADE TO RICK PRZYBYLA FROM ESCROW
FOR BERKSHIRE #1 & #2
FOR PAYMENT MADE FOR SURVEYING RECERTIFYING ETC.

We direct Greg Wnuk (Finance Department) to send check in the amount of \$7,450 to Rick Przybyla for the surveying recertifying etc., payment he made to DAAR.

Attached please find the bill from DAAR and payment Rick Przybyla made to DAAR.

This leaves a balance of \$1,531.74 in escrow.

Enc.



INVOICE

DATE: OCTOBER 20, 2014

To:
Rick Przybyla

Creative Homes inc.

9244 W. Grandview Court

Franklin, WI 53132

414-529-0958

PAID
CK. NO. 8770
DATE 10-13-14

DESCRIPTION	AMOUNT
Survey Location: Berkshire Subdivisions 1 & 2 Surveying recertifying Etc.	
TOTAL:	\$ 7,450.00

Make all checks payable to DAAR Engineering, Inc.

If you have any questions concerning this invoice, contact Accounting at 414-935-4345.

Paid X Check # 8770

THANK YOU FOR YOUR BUSINESS!

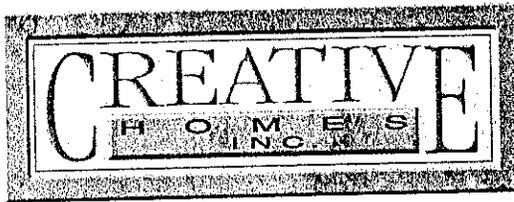
**CITY OF FRANKLIN
FINAL SUBDIVISION RELEASE REVIEW SUMMARY**

SUBDIVISION: BERKSHIRE ADD. No. 2
 DEVELOPER: CREATIVE HOMES, INC.
 ENGINEER: _____
 SIDE WALK LOCATIONS: NONE

- | | | |
|---|---|-----------------------------|
| FINAL LIFT OF ASPHALT INSTALLED? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| STREETS LIGHTS INSTALLED? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| STREET TREES INSTALLED? <u>By City</u> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ALL CONSULTANT PUNCH LIST ITEMS COMPLETED? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| HYDRANTS CORRECT HEIGHT? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| MANHOLES PROPER GRADE? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| WATER SUPERINTENDENT OKAY ON WATER MAIN VALVE OPERATION | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| GRADING LOOKS GOOD? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| STREETS OKAY? <u>- installed By City</u> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ALL REQUIRED SIDEWALKS INSTALLED? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| STREET SIGNS INSTALLED? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| CURB AND GUTTER OKAY? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| SEEDING OF SITE OKAY (INCLUDING POND)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| EROSION CONTROL OKAY? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| DISCHARGE OF STORM SEWER OKAY? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| OUTSTANDING BILLS PAID? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| DRAINAGE PROBLEMS RESOLVED? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Comments: LGC REMAINDER \$8,981.74
* New amount is \$1,531.74 (See attached memo & bill)

INSPECTED BY: Michael Budish
 DATE OF INSPECTION: SEP. 10, 2014



August 1, 2014

Mr. Mike Budish
9229 West Loomis Road
Franklin, WI 53132

SUBJECT: LETTER OF CREDIT - BERKSHIRE SUBDIVISION, ADDITION #1 AND ADDITION #2,
and BERKSHIRE CSM SOUTH 50TH STREET

Dear Mike,

Please accept this letter to advise you that all items relating to all projects of Berkshire Subdivision, including, the original development, Addition #1, Addition #2, and the CSM on 50th Street have been completed as required.

Per our discussion yesterday, you have received and accepted all re-certifications of the ponds located on the premises.

We have informed BMO Harris Bank, that all items have been completed.

Please send an acknowledgement to us so we can transfer the storm water ponds to the homeowners association.

Please contact us if you should have any questions regarding this matter.

Thanking you in advance for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Rick J. Przybyla".

Rick J. Przybyla
President
Creative Homes, Inc.

Received
8/18/2014
[Signature]

"A Builder of Quality Homes & Developments"

9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032



MEMORANDUM: FROM ENGINEERING

DATE: May 20, 2014
TO: Files
FROM: John M. Bennett, P.E., City Engineer
SUBJECT: SPECIAL DEPOSITS

The following is a summary of the special deposit accounts as shown on the attached Exhibit "A":

*Approved for
Release:*

1. The funds have been deposited for the future extension of sidewalk on S. 80th Street in the Stonewood Addition No. 1 Subdivision. This should be held until sidewalks are extended.
2. These funds have been held for Westminster Condos storm water basin until they are certified. Mike Budish has been working with the developer. Continue to hold funds.
3. The funds have been deposited for street tree planting in Forest View Apartments and should be held until the trees are planted.
4. The Riverwood Village is the commercial development at S. 27th Street and W. Rawson Avenue NW corner. All the items have been completed and the funds can be released.
5. All the items in the River Park Subdivision have been completed and those funds can be released.
6. The funds were deposited by North Shore Bank for the extension at Susanna Court in the Villas of Franklin development. Susanna Court has been completed and these funds can be released.
7. The funds are for street tree planting in the Cardinal Heights subdivision and should be held until the trees are planted by the City.
8. The funds are from the escrow deposit for the Villas of Franklin. A portion of sidewalk needs to be installed on W. Villa Drive and should be held until that sidewalk is completed.
9. The funds are for engineering services for the filling of the Mahr property on the east side of W. Loomis Road south of W. Rawson Avenue. These funds should be held until the basin is certified.

CC 6/17/14

CC 6/17/14

CC 6/17/14 10. The funds have been deposited to guarantee the ground cover has been planted in the Fountains of Franklin development. Ground cover has been planted and these funds can be released.

11. The funds have been deposited for the planting of street trees in the Hidden Oaks Subdivision and should be held until the trees have been planted.

12. The funds have been deposited for the development of the Avian at Tuckaway Condominiums and should be held until that development has been completed.

CC 6/17/14 13. The funds from Scrub Plus RA LLC, People's Choice is for engineering review and inspection charges for the extension of sanitary sewer and water lateral to the new hotel. The laterals are complete and these funds can be released.

14. The funds for Berkshire No. 2 were funds remaining from the letter of credit. The development is now complete and the escrow deposit can be returned.

15. The funds for Whispering Woods Subdivision are for the planting of street trees and should be held until the street trees have been planted.

16. The funds for Shadwell Subdivision should be held until the subdivision is completed. The City has included the final lift of asphalt in the local road program for 2014 and a portion of the escrow funds will be utilized for payment of the final lift of asphalt.

JMB/db/sr
Encl.

JB/Memo File Special deposits 2014

BLANK PAGE

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/07/15
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.1.

See attached list from meeting of July 7th, 2015.

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

**License Committee
Agenda*
Aldermen's Room
July 7th, 2015 – 5:15 pm**

1.	Call to Order & Roll Call	Time:		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator – Renewal 2015-16 5:20 p.m.	Heather A Bandle 10380 W Plumtree Cir, #204 Hales Corners, WI 53130 The Landmark			
Operator – New 2015-16 5:25 p.m.	Gabriela Palacios Cruz 3214 S 13 th St Milwaukee, WI 53215 Sendik's Food Market			
Operator – New 2015-16 5:30 p.m.	Kayla L Fleury 2145 S 102 nd St West Allis, WI 53227 7-Eleven			
Operator – New 2015-16 5:35 p.m.	Samantha Jaskie 7515 Mission Hill Ct Franklin, WI 53132 Discount Cigarettes & Liquor			
Operator – New 2015-16 5:40 p.m.	Anthony M Raggio 841 N 15 th St, #12 Milwaukee, WI 53233 Pick 'n Save #6360			
Class B Combination and Entertainment & Amusement 2015-16 5:45 p.m.	Little Cancun LLC D/b/a Little Cancun 7273A S 27 St Veronica Cervera, Agent			
Operator – New 2014-15	Danielle C Johnson 6918 Bay Wood Dr Racine, WI 53402 Buckhorn Bar & Grill			
Operator – New 2015-16	Miguel A Gutierrez 913 W Washington St Milwaukee, WI 53204 Little Cancun			
Operator – Renewal 2015-16	Qyinn M Applin 4521 W Ramsey Ave #65 Greendale, WI 53129 Country Lanes			
Operator – Renewal 2015-16	Nicole J Baraniak 6412 W Lincoln Ave West Allis, WI 53219 Swiss Street Pub & Grill			
Operator – New 2015-16	Audra M Bauman 9019 Prairie Crossing Dr Franksville, WI 53126 Hideaway Pub & Eatery			
Operator – Renewal 2015-16	Alyssa M Blackburn 9512 S Ryan Green Ct #5 Franklin, WI 53132 Chili's Bar & Grill			

Operator – Renewal 2015-16	Megan E Grenz 7219 W National Ave West Allis, WI 53214 Rock Sports Complex			
Operator – Renewal 2015-16	Kenneth J Grochowski 7521 S Nottingham Way Franklin, WI 53132 Franklin Civic Celebration			
Operator – Renewal 2015-16	Joseph P Hanrahan, Sr 9913 S 76 th St Franklin, WI 53132 St Martins Fair			
Operator – New 2015-16	Alison M Huebner W181S6397 Lentini Dr Muskego, WI 53150 Rock Sports Complex			
Operator – Renewal 2015-16	Shane R Jaskie 7811 W Winston Way Franklin, WI 53132 Irish Cottage			
Operator – Renewal 2015-16	Jennifer L Kapsos 11430 W Swiss St Upper Franklin, WI 53132 Swiss Street Pub & Grill			
Operator – Renewal 2015-16	Harbans Kaur 2999 W Yorkshire Cir Franklin, WI 53132 Midtown Gas & Liquor			
Operator – New 2015-16	Wyatt C Klein 1421 17 th Ave South Milwaukee, WI 53172 On the Border			
Operator – New 2015-16	Kasey A Lapp 336 E Hunt Ave Twin Lakes, WI 53181 Rock Sports Complex			
Operator – Renewal 2015-16	David P Lindner 4007 W Acre Ave Franklin, WI 53132 St Martins Fair			
Operator – New 2015-16	Lilley E Loker 8868 S 27 th St Oak Creek, WI 53154 Franklin Quik Chek			
Operator – Renewal 2015-16	Cynthia C Martinez 10135 W Forest Home Ave #201 Hales Corners, WI 53130 Swiss St Pub & Grill			
Operator – Renewal 2015-16	Amy L Mast W186S8961 Cardinal Ct Muskego, WI 53150 Irish Cottage			
Operator – Renewal 2015-16	Ali L Najera 8627 W Cascade Dr Franklin, WI 53132 Landmark			

Operator – New 2015-16	Cassandra L Windt 6029 S Robert Ave Cudahy, WI 53110 The Bowery			
Temporary Entertainment & Amusement	City of Franklin Police Department Person in Charge: Patrol Office Jon Czerwinski Event: National Night Out Event Date: August 3 rd , 2015			
Temporary Class B Beer	Franklin Lions Club Person in Charge: David Lindner Event: St Martins Fair Event Dates: September 6 & 7, 2015			
Extraordinary Entertainment & Amusement	Hiller Ford Person in Charge: Jim Patterson & Wayne Seidel Event: MACC Fund Car Show Event Date: September 13 th , 2015 7am to 4pm			
Police Incident Reports from July 2014 thru June 2015 for Class A and B Establishments	Police Incident Reports from July 2014 thru June 2015 for Class A and B Establishments			
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.

APPROVAL <i>Slw Pol</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 7/7/15
Bills	Vouchers and Payroll Approval	ITEM NUMBER I. 1

Attached are vouchers dated June 12, 2015 through July 2, 2015 Nos. 156877 through Nos. 157110 in the amount of \$ 1,608,648.81. Included in this listing are EFT's Nos. 2897 through Nos. 2813 and Library vouchers totaling \$ 17,239.46. Voided checks in the amount of \$ (792.28) are separately listed.

Early release disbursements under Resolution 2013-6920 in the amount of \$ 1,070,861.94 are provided on a separate listing and are also included on the complete disbursement listing.

The net payroll dated June 26, 2015 is \$ 352,796.25, previously estimated at \$ 351,000.00. Payroll deductions for June 26, 2015 are \$ 415,026.96, previously estimated at \$ 427,000.00.

The estimated payroll for July 10, 2015 is \$ 351,000.00 with estimated deductions of \$ 202,000.00.

Attached is a list of property tax refunds and tax settlements Nos. 14880 through Nos. 14881 and EFT's No. 55 through Nos. 62 dated June 11, 2015 through July 2, 2015 in the amount of \$ 6,909,572.83. These disbursements have been released as authorized under Resolution 2013-6920. Voided property tax checks in the amount of \$ (1,687.48) are separately listed.

COUNCIL ACTION REQUESTED

Motion approving net general checking account City vouchers in the range of Nos. 156877 through Nos. 157110 in the amount of \$ 1,608,648.81 dated June 12, 2015 through July 2, 2015.

Motion approving the net payroll dated June 26, 2015 in the amount of \$ 352,796.25 and payments of the various payroll deductions in the amount of \$ 415,026.96 plus any City matching payments, where required.

Motion approving the net payroll dated July 10, 2015 estimated at \$ 351,000.00 and payments of the various payroll deductions estimated at \$ 202,000.00, plus any City matching payments, where required.

Motion approving property tax refunds and property tax settlements Nos. 14880 through Nos. 14881 and EFT's No. 55 through Nos. 62 in the amount of \$ 6,909,572.83 dated June 11, 2015 through July 2, 2015.