

CITY OF FRANKLIN
COMMON COUNCIL MEETING**
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, MARCH 5, 2013, 6:30 P.M.

- A. Call to Order and Roll Call
- B.
 - 1. Citizen Comment Period
 - 2. Announcements from Mayor Taylor of upcoming community events & news items:
 - a. Statement of Support for the Guard and Reserve in the City of Franklin.
 - b. Press Release from Chris Abele, Milwaukee County Executive, naming Michael Hafemann as Interim Superintendent of the House of Correction in Franklin.
- C. Approval of Minutes
 - 1. Approval of regular meeting of February 19, 2013.
- D. Hearings
- E. Organizational Business
- F. Letters and Petitions
 - 1. Letter from Kathi Kramasz, Water Management Specialist for State of Wisconsin Department of Natural Resources, regarding withdrawal of application for a permit to discharge dredged or fill material into wetlands adjacent to Legend Creek.
 - 2. Letter from Kathi Kramasz, Water Management Specialist for State of Wisconsin Department of Natural Resources, regarding application to impact wetlands adjacent to Legend Creek.
 - 3. Letter from Chris Abele, Milwaukee County Executive, regarding support in governments working together.
- G. Reports and Recommendations
 - 1. Donation from Franklin Lions Club in the amount of \$1,000 to the Fire Department.
 - 2. Ordinance to amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex) pertaining to the restaurant/bar structure (at approximately 7900 W. Crystal Ride Drive).
 - 3. Ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to in part expand the district boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel [and an adjoining to the south approximate 2.92 acre outlot] from B-2 General Business District and FW Floodway District [and outlot] to Planned Development District No. 13 and FW Floodway District and to allow for warehousing and distribution uses [and other uses] subject to special use [and/or other City] approval within the existing building on the 19.7 acre parcel (Greywolf Partners, Inc., applicant).
 - 4. Resolution authorizing officials to execute an engineering services agreement with Graef, Inc. to determine the load capacity on the old single-span steel farm bridge over the east branch of the Root River near S. Bridge View Street to be utilized for a public trail.

Franklin Common Council

3/05/13

Page Two

5. Authorization to submit a proposal for funding for City of Franklin Emerald Ash Borer Tree Mitigation to the Great Lakes Restoration Initiative.
6. Procedures for boards and commissions requesting independent action by county and state agencies-Ald. Olson.

H. Licenses and Permits

1. Miscellaneous Licenses.

I. Bills

1. Vouchers and Payroll approval.

J. Adjournment

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

**Notice is given that a majority of the Plan Commission, Forward Franklin Economic Development Commission and Community Development Authority may attend this meeting to gather information about an agenda item over which the Plan Commission, Forward Franklin Economic Development Commission, and Community Development Authority has decision-making responsibility. This may constitute a meeting of the Plan Commission, Forward Franklin Economic Development Commission and Community Development Authority per State ex rel. Badke v. Greendale Village Board, even though the Plan Commission, Forward Franklin Economic Development Commission and Community Development Authority will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

March 7	Plan Commission	7:00 p.m.
March 19	Common Council	6:30 p.m.



STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE



City of Franklin

We recognize the Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

Therefore, we join other employers in pledging that:

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We appreciate the values, leadership and unique skills service members bring to the workforce and will encourage opportunities to hire Guardsmen, Reservists, and Veterans.
- We will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

Thomas M. Taylor
Employer

James G. Rebholz
James G. Rebholz
National Chair, ESGR

Leon E. Panetta
Leon E. Panetta
Secretary of Defense

February 11, 2013
Date



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OFFICE OF THE COUNTY EXECUTIVE

Chris Abele

MILWAUKEE COUNTY EXECUTIVE

B.2.b.

For Immediate Release

DATE: March 1, 2013

Contact: Brendan Conway, Communications Director
414.278.5281 Office

Brendan.Conway@MilwCnty.com

Twitter: @MkeCoExecPress

County Executive Abele Names House of Correction Superintendent

MILWAUKEE – Milwaukee County Executive Chris Abele has named Michael Hafemann as the interim Superintendent of the House of Correction (HOC) in Franklin. Hafemann, who lives in Milwaukee, has more than 30 years of experience in law enforcement and corrections, including 10 years running the management and operations of the Sauk County Sheriff's Department Security division and jail facilities. He retired from the Sauk County Sheriff's Department in 2011.

Hafemann will be hired initially on a personal services contract. Because of pending legal action from Sheriff David Clarke it's uncertain if the HOC management transition will take place on April 1st. Hiring Hafemann on a personal services contract until the legal question is settled will save taxpayers money while ensuring a smooth and safe process once the transition happens.

"Mike comes highly recommended and during my conversations with him he showed the experience, thoughtfulness and passion needed for this critical role." Abele said. "I'm confident Mike will ensure the safety of residents across Milwaukee County while providing a professional environment for correctional officers and the appropriate programming and structure for inmates."

Abele has held more than a dozen meetings on planning for the transition of the HOC and he talked with more than two dozen corrections experts and law enforcement officials across the state and country to seek advice on the transition and needs in the HOC.

County Executive Abele and Hafemann will be available for one-on-one interviews today from 10:45am – 12:30pm at the County Executive's Office.

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CITY OF FRANKLIN
COMMON COUNCIL MEETING
FEBRUARY 19, 2013
MINUTES

- | | | |
|---|----------------------|---|
| ROLL CALL | A. | The regular meeting of the Common Council was held on February 19, 2013 and called to order at 6:30 p.m. by Mayor Tom Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Steve Olson, Tim Solomon, Kristen Wilhelm, Steve Taylor, Doug Schmidt, and Ken Skowronski. Also present were City Engineer John M. Bennett, Director of Administration Mark Luberda, City Attorney Jesse Wesolowski and City Clerk Sandi Wesolowski. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:31 p.m. and closed at 6:31 p.m. |
| APPROVAL OF
MINUTES-2/5/13 | C.1. | Alderman Olson moved to approve the minutes of the regular meeting of February 5, 2013. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| PLEASANT VIEW/
VICTORY CREEK TRAIL
DEVELOPMENT
PROJECT | G.1.
and
G-14. | <p>At 7:30 p.m. Alderman Solomon vacated his seat and returned at 7:32 p.m.</p> <p>Alderman Wilhelm moved to accept the State of Wisconsin Department of Natural Resources Outdoor Recreation Aids Grant Agreement in the amount of \$45,000 and \$51,720 and to direct authorized signature with submittal prior to March deadline. Seconded by Alderman Taylor.</p> <p>Alderman Taylor moved to call the question. Seconded by Alderman Schmidt. On roll call, Aldermen Wilhelm, Taylor, Schmidt and Skowronski voted Aye; Aldermen Olson and Solomon voted No. Motion carried.</p> <p>On roll call for the main motion, Aldermen Skowronski, Schmidt, Taylor, Wilhelm, and Solomon voted Aye; Alderman Olson voted No. Motion carried.</p> |
| FRANKLIN HIGH
SCHOOL CONCEPT
REVIEW | G.2. | No action was taken regarding the concept review for the proposed modifications to the Franklin High School at 8221 S. 51st Street (Mark Cloutier, applicant). |
| PDD 37 (THE ROCK
SPORTS COMPLEX)
MINOR AMENDMENT | G.3. | <p>At 7:48 p.m. Alderman Wilhelm vacated his seat and returned at 7:50 p.m.</p> <p>No action was taken on the status report and presentation of a proposed minor amendment to Planned Development District No. 37 (The Rock Sports Complex) pertaining to the Restaurant/Bar Structure.</p> |

RES. 2013-6865
SPECIAL USE-
RESIDENTIAL
APARTMENT ON S. 60TH
ST. – FOREST VIEW-
FRANKLIN LIMITED
PARTNERSHIP

G.4. Alderman Skowronski moved to adopt Resolution No. 2013-6865, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 42 UNIT RESIDENTIAL APARTMENT USE UPON PROPERTY LOCATED AT APPROXIMATELY SOUTH 60TH STREET AND WEST RYAN ROAD (FOREST VIEW-FRANKLIN LIMITED PARTNERSHIP, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2013-6866
AGREEMENT WITH
MMSD FOR PPII
ELIMINATION ON S.
36TH ST.

G.5. Alderman Wilhelm moved to adopt Resolution No. 2013-6866, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) FOR THE PRIVATE PROPERTY INFILTRATION AND INFLOW (PPII) ELIMINATION ON S. 36TH STREET BETWEEN W. MISSOURI AVENUE AND W. MADISON BOULEVARD AND AUTHORIZE STAFF TO ACCEPT THE EXTENSION OF UNIT COSTS FOR THE PPII ON S. 36TH STREET. Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. 2013-6867
INTERGOVERNMENTAL
AGREEMENT WITH
MMSD FOR PPII
ELIMINATION ON
S. 37TH PL.

G.6. Alderman Wilhelm moved to adopt Resolution No. 2013-6867, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE WITH THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) FOR THE PRIVATE PROPERTY INFILTRATION AND INFLOW (PPII) ELIMINATION ON S. 37TH PLACE BETWEEN W. RAWSON AVENUE AND W. MADISON BOULEVARD AND AUTHORIZE STAFF TO GO OUT FOR BIDS TO RELAY AND/OR RELINE 31 PRIVATE LATERALS AND TO DISCONNECT THE FOUNDATION DRAINS IN 11 HOMES LOCATED ON S. 37TH PLACE BETWEEN W. RAWSON AVENUE AND W. MADISON BOULEVARD. Seconded by Alderman Solomon. All voted Aye; motion carried.

RES. 2013-6868
ENGINEERING
SERVICES AGREEMENT
WITH VISU-SEWER

G.7. Alderman Wilhelm moved to adopt Resolution No. 2013-6868, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH VISU-SEWER FOR THE PRIVATE PROPERTY CLOSED CIRCUIT TELEVISIONING AND DYE WATER FLOODING OF LATERALS IN THE RAWSON HOMES SUBDIVISION (S. 36TH STREET SOUTH FROM W. MISSOURI AVENUE TO W. MADISON BOULEVARD). Seconded by Alderman Taylor. All voted Aye; motion carried.

BIDS FOR 2013 LOCAL
STREET IMPROVEMENT
PROGRAM

G.8. Alderman Taylor moved to authorize staff to advertise for bids for 2013 Local Street Improvement Program. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

RES. 2013-6869
CIVIL SERVICE SYSTEM
AMENDMENT
ENG. TECHNICIAN

G.9. Alderman Solomon moved to adopt Resolution No. 2013-6869. A RESOLUTION TO AMEND THE CIVIL SERVICE SYSTEM PERSONNEL ADMINISTRATION PROGRAM WHICH ADDRESSES THE PROMOTIONAL CAREER PATH EXCEPTION FOR ENGINEERING TECHNICIAN I TO ENGINEERING TECHNICIAN II. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

RES. 2013-6870
CIVIL SERVICE SYSTEM
AND EMPLOYEE
HANDBOOK
AMENDMENT

G.10. Alderman Olson moved to adopt Resolution No. 2013-6870, A RESOLUTION TO AMEND THE CIVIL SERVICE SYSTEM PERSONNEL ADMINISTRATION PROGRAM AND THE EMPLOYEE HANDBOOK TO INCORPORATE THE POSITION OF "INTERN" TO CLARIFY POSITION CATEGORIZATIONS AS SET FORTH IN THE DEFINITIONS, AND TO CLARIFY THE ALLOWABLE TERM FOR AN "EMERGENCY APPOINTMENT". Seconded by Schmidt. All voted Aye; motion carried.

RES. 2013-6871
CIVIL SERVICE SYSTEM
AND EMPLOYEE
HANDBOOK
AMENDMENT

G.11. Alderman Schmidt moved to adopt Resolution No. 2013-6871, A RESOLUTION TO AMEND THE CIVIL SERVICE SYSTEM PERSONNEL ADMINISTRATION PROGRAM AND THE EMPLOYEE HANDBOOK TO INCORPORATE BENEFIT LANGUAGE RELATIVE TO EMPLOYEES IN THE TEAMSTERS BARGAINING UNIT FOLLOWING THE EXPIRATION OF THEIR LABOR AGREEMENT ON 1/1/13 AND RELATIVE TO SICK LEAVE ACCRUALS FOR NON-REPRESENTED EMPLOYEES. Seconded by Alderman Solomon. All voted Aye; motion carried.

REVISED JOB
DESCRIPTIONS AND
RECLASSIFICATION

G.12. Alderman Solomon moved to approve the revisions to job descriptions of Library Intern, Reference Librarian, Library Assistant, Youth Reference Librarian/Young Adult Librarian, Youth Services Librarian and Library Shelver, including the recommendations as set forth in the Director of Administration's memo dated 2/19/13. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Skowronski moved to approve the position descriptions for Court Clerk, Deputy Court Administrative Assistant, and Confidential Municipal Court Administrative Assistant and to approve the reclassification of the Court Clerk to the same wage grade as the Deputy Court Administrative Assistant, including the recommendations as set forth in the Director of Administration's memo dated 2/19/13. Seconded by Alderman Olson. All voted Aye; motion carried.

JOB DESCRIPTIONS-
CONTINUED

Alderman Olson moved to approve the revisions to the Engineering Technician I and Engineering Technician II position descriptions, including the recommendations as set forth in the Director of Administration's memo dated 2/19/13. Seconded by Alderman Solomon. All voted Aye; motion carried.

2014 ANNUAL BUDGET
PREPARATION

G.13. Alderman Solomon moved to adopt the 2014 Annual Budget Preparation Timetable dated February 19, 2013, as presented subject to adding "Note: Subsequent actions that affect the Common Council's regular meeting schedule may impact this calendar." Seconded by Alderman Taylor. All voted Aye; motion carried.

MISCELLANEOUS
LICENSES

H.1. Alderman Solomon moved to grant the following licenses:

Operator License to Tina M. Fabre, 1557 S. Fifth St., Milwaukee with a warning letter from City Clerk and correction to application; Patricia A. Greer, 1702 E. Eden Pl., St. Francis; Trevor M. Herrick, 3928 E. American Ave., Oak Creek and Ciji M. Stallman, 1033 S. 74th St., West Allis;

Special Class B Fermented Malt Beverage License to St. Martin of Tours School, Spaghetti Dinner, Person in Charge: Jeanne Johnson at 7963 S. 116th St. on 3/2/13. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I.1. Alderman Olson moved to approve net City vouchers in the range of Nos. 146108 through 146277 dated February 19, 2013 in the amount of \$964,318.91. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

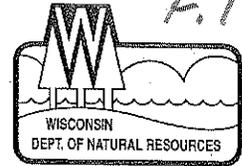
Alderman Schmidt moved to approve net payroll dated February 8, 2013 in the amount of \$322,404.95. Seconded by Alderman Skowronski. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 8:20 p.m. Seconded by Alderman Schmidt. All voted Aye; motion carried.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Plymouth Service Center
1155 Pilgrim Road
Plymouth, WI 53073

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



02/11/2013

IP-SE-2012-41-03390

Meijer
c/o Mike Flickinger
2929 Walker Ave. NW
Grand Rapids, MI 49544

Dear Mr. Flickinger:

On 02/04/2013 you indicated that you wanted to withdraw your application for a permit to discharge dredged or fill material into wetlands adjacent to Legend Creek, located in the in the SW1/4 of the SE1/4 of Section 17, Township 5 North, Range 21 East, Franklin, Milwaukee County. The request for withdrawal was via an emailed letter from Ted Warpinski.

Therefore, your application # IP-SE-2012-41-03390-03391 is hereby withdrawn. If at some future date you wish to proceed with this project you must reapply.

Your application fee will be returned to you from our Madison offices.

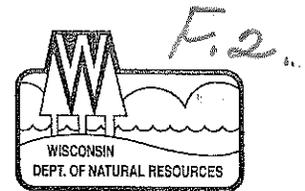
If you have any questions about this letter, please call me at (920) 892-8756 ext 3031.

Sincerely,

Kathi Kramasz
Water Management Specialist

cc: Anthony Jernigan, U.S. Army Corps of Engineers
City of Franklin
Conservation Warden Nick Blankenheim
Deborah Lee, DNR Madison
Attorney Ted Warpinski, FF&SJ
Heather Patti, RA Smith National
Jim D'Antuono, DNR Basin Team Leader

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01/24/2013

IP-SE-2012-41-03390,3391

Mike Flickinger
Meijer Inc.
2929 Walker Ave. NW
Grand Rapids, MI 49544

RE: Application to impact wetlands adjacent to Legend Creek, located in the City of Franklin, Milwaukee County, also described as in the SW1/4 of the SE1/4 of Section 17, Township 5 North, Range 21 East.

Dear Mr. Flickinger:

We have received a copy of a letter submitted to the COE in December concerning alternatives analysis for the proposed Franklin store. This letter is to verify whether additional information beyond that letter will be submitted to the DNR or if that letter is meant to be the final analysis of avoiding and minimizing wetland impacts. We discussed submitting additional information at our September 21, 2012 meeting held at the Franklin City Hall.

As was stated in my August 6, 2012 letter, under the DNR wetland regulations, the burden of proof is on the applicant to demonstrate that there is no practicable alternative to the project that will not impact the wetlands, that the unavoidable wetland fill has been minimized to the extent practicable and that the project will not have a significant adverse impact on the wetland functional values. The statutory language requiring this is found in S. 281.36(3m)b and states:

(b) *Analysis of practicable alternatives.* An applicant shall include in an application submitted under par. (a) an analysis of the practicable alternatives that will avoid and minimize the adverse impacts of the discharge on wetland functional values and that will not result in any other significant adverse environmental consequences.

Based on the information that we have received to this point, DNR has made a preliminary determination that we cannot grant wetland fill approval for the entire .98 acres of wetland fill proposed. We would likely issue a permit for the isolated wetland (wetlands 1,2,3 and 4) fill if there is an alternative provided that avoids the non-isolated wetland. We do not have a plan for the isolated wetland fill only alternative at this time so would not be able to issue any wetland fill approval without some type of modified plan being submitted for our review.

There are several alternative options for resolution of the pending application:

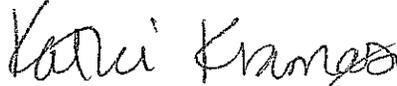
1. Modify the project to just fill in the isolated wetlands as described above. We would need a modified plan showing that development. This should be about .5 acres of wetland fill so mitigation will still be needed. You must verify how the mitigation requirement will be satisfied for the isolated wetland fill. Once we receive the modified plan and the mitigation plan, we can issue the public notice.
2. Provide additional information indicating why the site cannot be developed with filling just the isolated wetlands (wetlands #1, #2, #3 and #4). It is difficult to say exactly what information this is but any alternatives analysis discussion should include reducing the size of the building, reducing the number of parking stalls (safety explanations, etc that go

beyond just the standard formula of parking stalls per square foot of building), re-orienting the building, and other items that have been described in the past. Almost every large box development "desires" a similar floor layout, building design, etc but that it does not meet the avoid/minimize standard (for example, a Wal-Mart store with a parking ramp) unless it can be proven that the project is not practicable from a logistical/technical perspective. If you plan to submit additional information, please let me know when your time frame may be for submittal.

3. If there is no additional information that can be provided, DNR will deny the current application for the .98 acres of fill. You would be able to appeal that decision according to our standard appeal process. Please note that we have received information from the neighbors that they may request a public informational meeting if the DNR issues a notice that involves fill in the non-isolated wetland. They may also have standing to be part of any appeal process.

Please let me know how you wish to proceed on this application by February 8, 2013. If you have any questions, please call me at (920) 892-8756 ext 3031.

Sincerely,



Kathi Kramasz
Water Management Specialist

C: RA Smith National, Inc
City of Franklin
Anthony Jernigan, COE
Jamie Lambert, DNR Stormwater Specialist
Pam Schense, DNR Mitigation Coordinator
Jim D'Antuono, DNR Basin Team Leader
Eric Nitschke, DNR SER Regional Director
Emily Bernahl, Greenburg Farrow
Ted A. Warpinski, Friebert, Finerty & St. John, S.C.



OFFICE OF THE COUNTY EXECUTIVE
Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

F.3.

February 12, 2013

Mayor Tom Taylor
9229 W. Loomis Road
Franklin, WI 53132

Dear Mayor Taylor,

Thank you for braving Wisconsin's cold weather to come listen to the important message I spoke about today. I hope that through this year's State of the County address I made it clear what my expectations and goals are for this upcoming year. I have laid a lot of groundwork for many policy reforms in a variety of areas and, although these might seem like daunting tasks, I know that these reforms will be successful with your support.

Overall, today showed me that the American dream is alive within Milwaukee County. Although not all of us have the same political beliefs, I trust that as a people we can come together and perfect Milwaukee County's government to ensure efficiency and a sustainable future for its people.

Mostly, I wanted to thank you for taking time out of your busy schedule to celebrate the achievements we have made in the past year, and to look forward to the exciting changes to come. I hope I have shown you the strength of my convictions for making Milwaukee County a better place to live, work, and play and will have your continued support for years to come.

Thank you,

Chris Abele
Milwaukee County Executive

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CITY OF FRANKLIN
2013 FEB 18 AM 7:36

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>3/05/13</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Donation from Franklin Lions Club Foundation in the amount of \$1000.00 to the Fire Department</p>	<p>ITEM NUMBER</p> <p><i>G.1.</i></p>

The City of Franklin Fire Department has received a donation from the Franklin Lions Club Foundation in the amount of \$1000.00 to be used for a new LED sign to replace the current sign in front of the Fire Department.

COUNCIL ACTION REQUESTED

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">03/05/13</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND §15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX) PERTAINING TO THE RESTAURANT/BAR STRUCTURE (AT APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.2.</i></p>

At their meeting on February 21, 2013, the Plan Commission recommended approval of an ordinance to amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex) pertaining to the restaurant/bar structure (at approximately 7900 West Crystal Ridge Drive).

COUNCIL ACTION REQUESTED

A motion to approve Ordinance No. 2013-_____, an ordinance to amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex) pertaining to the restaurant/bar structure (at approximately 7900 West Crystal Ridge Drive).

ORDINANCE NO. 2012-____

AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX) PERTAINING TO THE RESTAURANT/BAR STRUCTURE (AT APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE)

WHEREAS, an application for an amendment to Planned Development No. 37 (The Rock Sports Complex), established by Ordinance No. 2012-2089, having been filed to change the specified description and depiction of the “restaurant” and “restaurant/bar” permitted use to the newly proposed “Umbrella Bar/restaurant” in furtherance of the development of The Rock Sports Complex, located at approximately 7900 West Crystal Ridge Drive, upon properties bearing tax key nos. 708-8996-000, 708-8999-000, 744-8980-001, 744-8985-001, 744-8985-002, 744-8988-000, 744-8989-000, 745-0029-000, 745-8998-000 and 745-8999-004; and

WHEREAS, the Plan Commission considered the application on the 21st day of February, 2013, and the Plan Commission having determined that the proposed amendment was a minor amendment and having recommended to the Common Council that the proposed amendment to Planned Development District No. 37 be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 37 (The Rock Sports Complex) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and that it will promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-3.0442A.1. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide for the Umbrella Bar/restaurant in lieu and replacement of the “Restaurant” and “restaurant/bar” previously depicted therein, pursuant to the Site Plan amendment annexed hereto and incorporated herein as “Exhibit A Amendment: Umbrella Bar/restaurant”.

SECTION 2: §15-3.0442A.8. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide for the Umbrella Bar/restaurant in lieu and replacement of the “Restaurant” and “restaurant/bar” previously depicted therein, pursuant to the Building Elevations amendment annexed hereto and incorporated herein as “Exhibit H Amendment: Umbrella Bar/restaurant”.

- SECTION 3: §15-3.0442C.1.a. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: immediately prior to “.”, insert: “as such Exhibits are amended from time to time”.
- SECTION 4: §15-3.0442E.5.a. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: delete: “restaurant/bar”, and in place thereof, insert: “Umbrella Bar/restaurant”.
- SECTION 5: §15-3.0442E.6.c. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: delete: “restaurant”, and in place thereof, insert: “Umbrella Bar/restaurant”.
- SECTION 6: §15-3.0442F.3. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: delete: “restaurant/bar”, and in place thereof, insert: “Umbrella Bar/restaurant”.
- SECTION 7: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- SECTION 8: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.
- SECTION 9: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013, by Alderman _____.

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

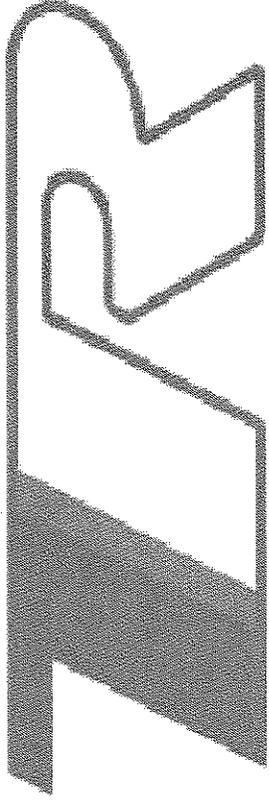
APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



Presentation of Umbrella Bar to be
installed at Rock Sports Complex, LLC
Franklin, WI

Umbrella Bars

Improved Bar/Restaurant Concept:

- A viable solution to a sensitive construction site
- An expedient installation
- Fully equipped for food/beverage sales
- Enhanced design and functionality

Umbrella Bars

Enhance the City of Franklin:

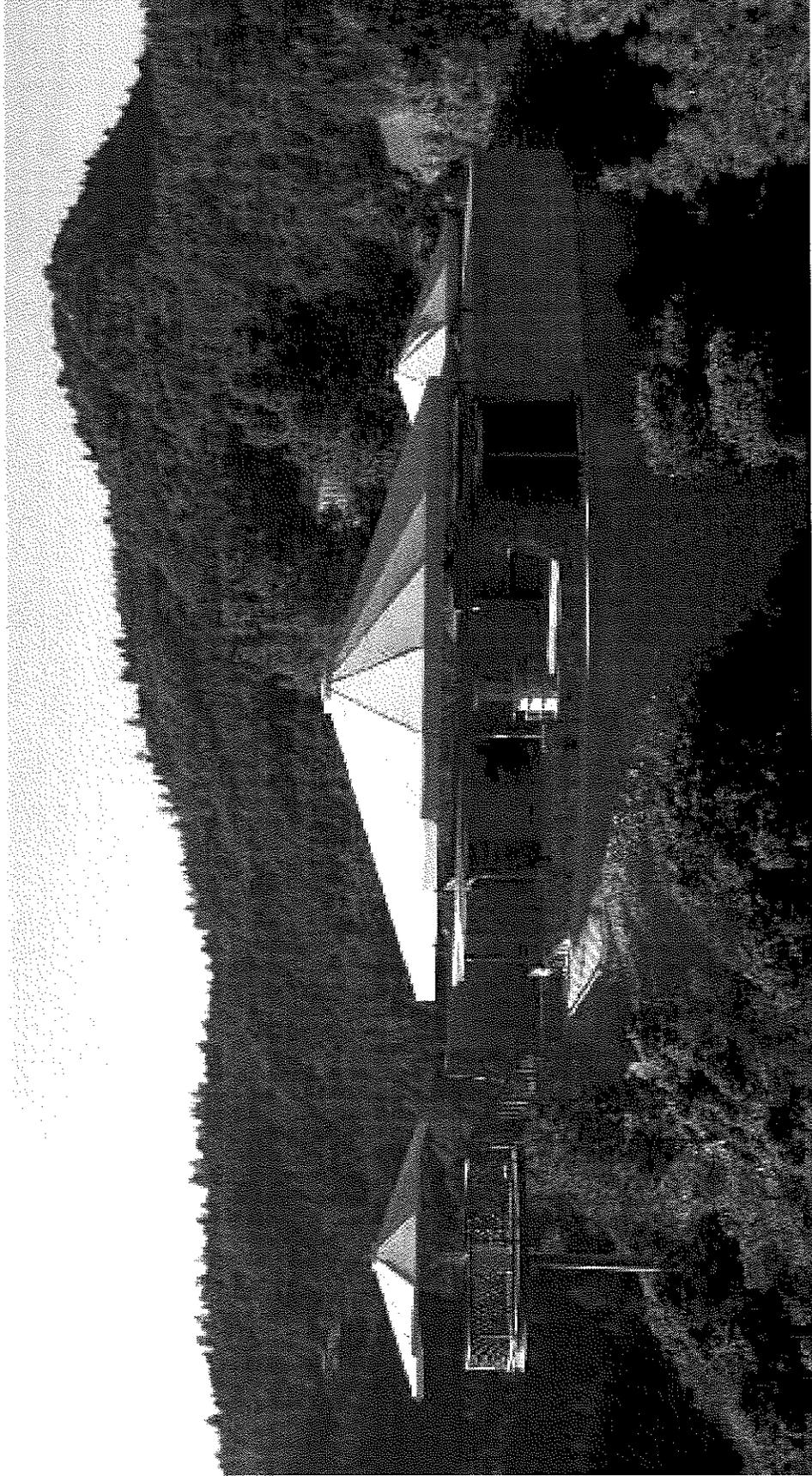
- A unique attraction
- A destination for the local and extended communities alike
- A utilization of the beauty of the property

Umbrella Bars

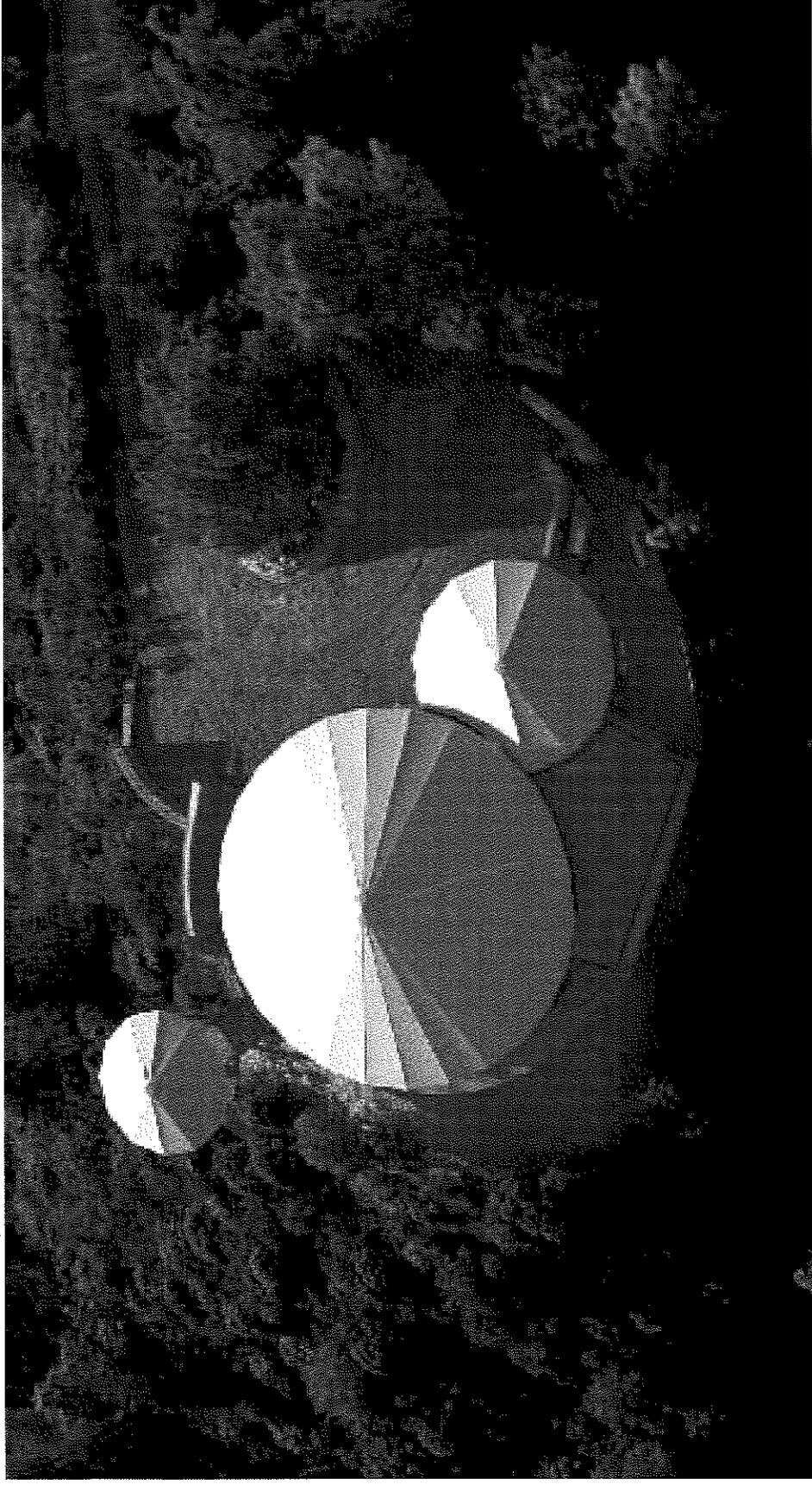
Enhance the Rock Sports Complex, LLC:

- By providing a park-like atmosphere
- By giving an improved, open-air viewing concept
- By delivering weather protection for patrons
- By providing a safe play area for children

**PETER MICHAEL WINERY, NAPA VALLEY,
CALIFORNIA**



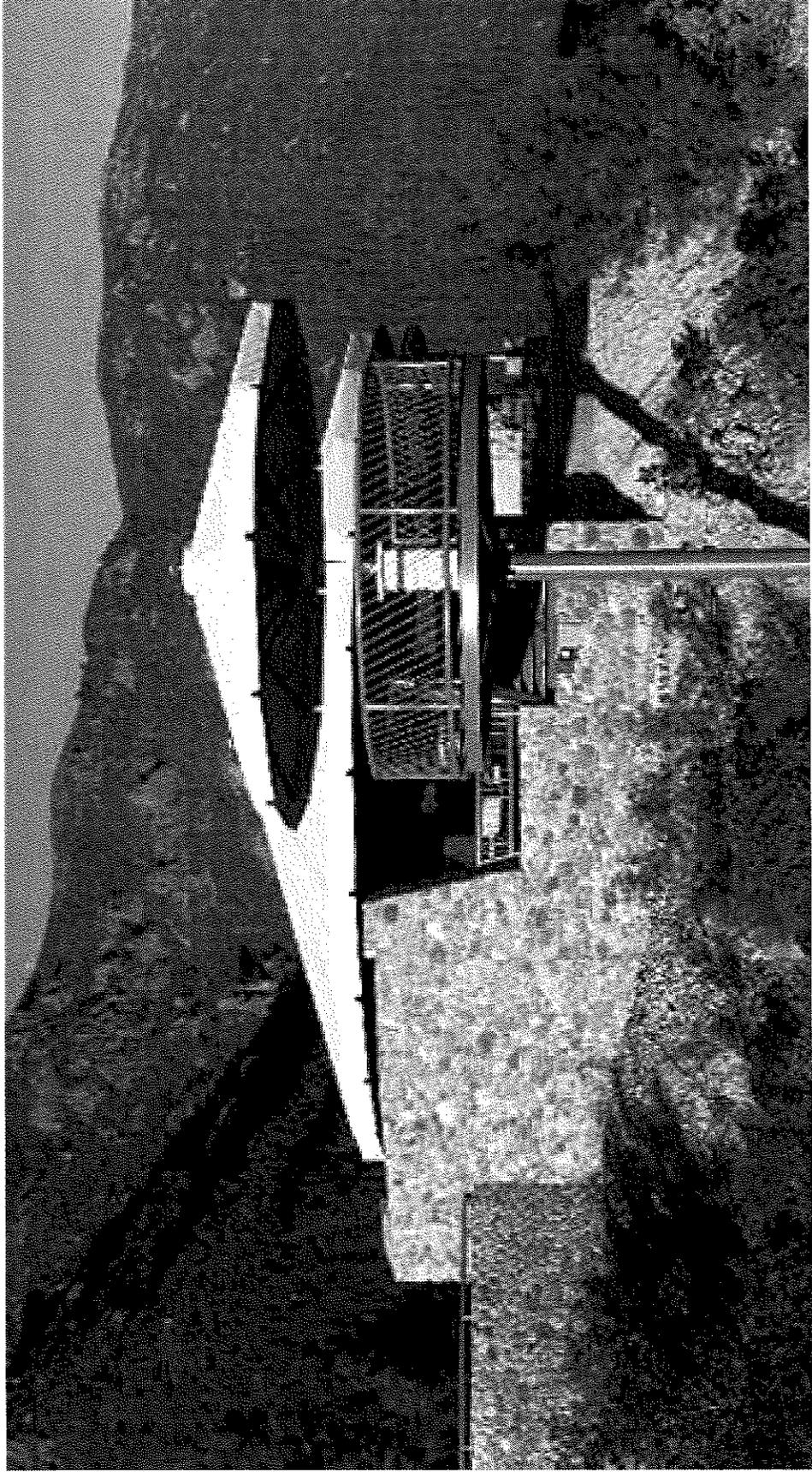
**PETER MICHAEL WINERY, NAPA VALLEY,
CALIFORNIA**



**PETER MICHAEL WINERY, NAPA VALLEY,
CALIFORNIA**



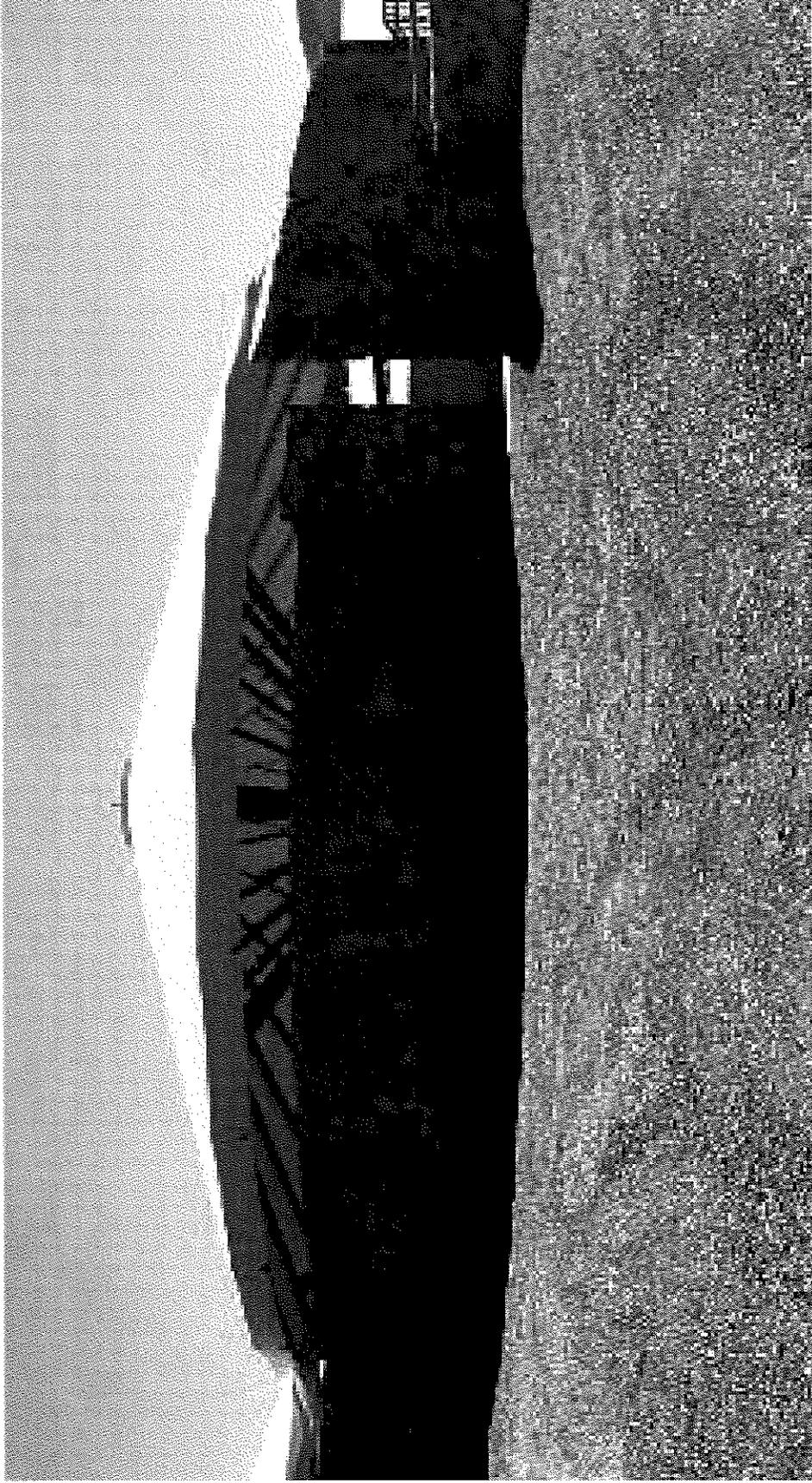
**PETER MICHAEL WINERY, NAPA VALLEY,
CALIFORNIA**



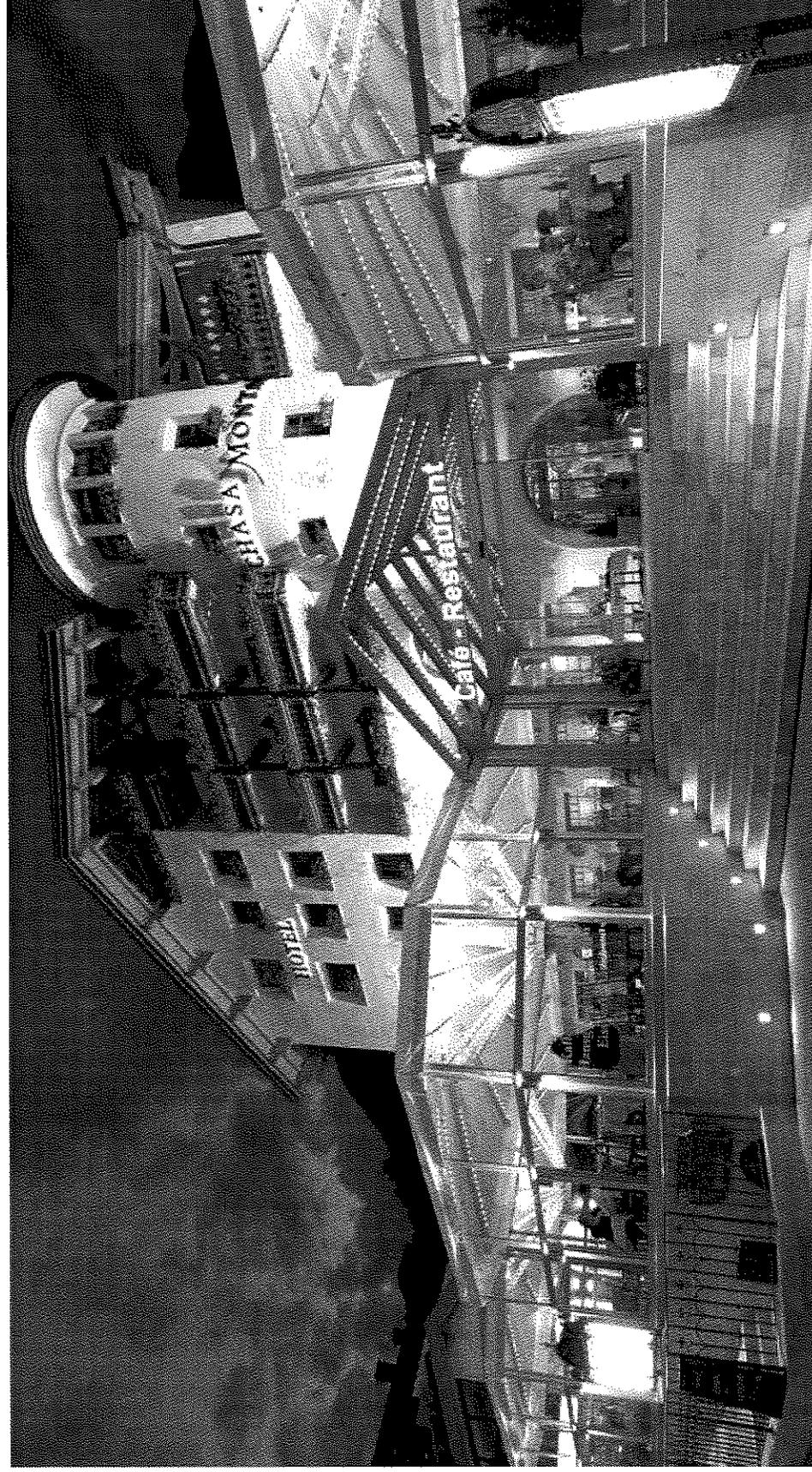
**PETER MICHAEL WINERY, NAPA VALLEY,
CALIFORNIA**

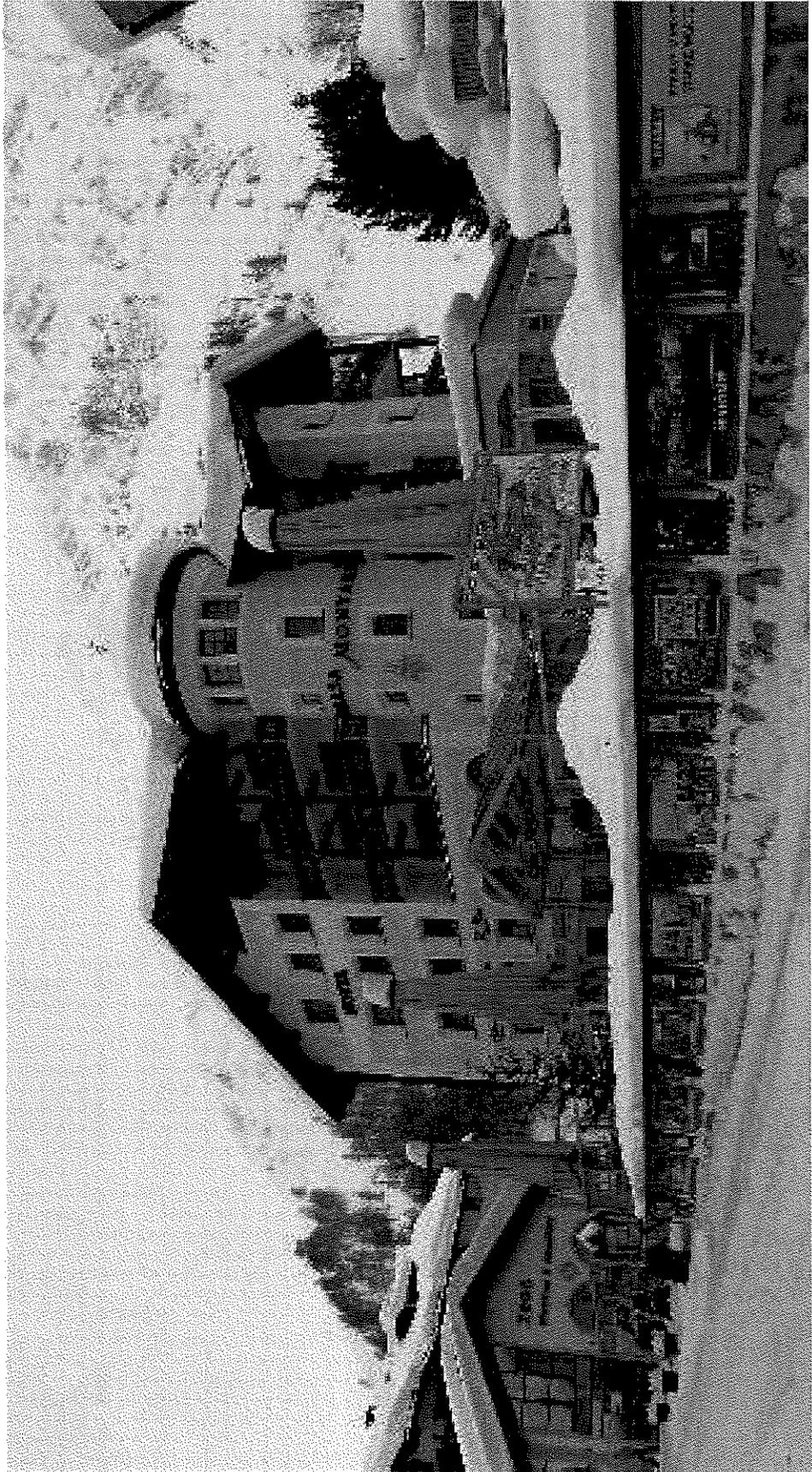


**PETER MICHAEL WINERY, NAPA VALLEY,
CALIFORNIA**



Hotel Chasa Montana, Turkey





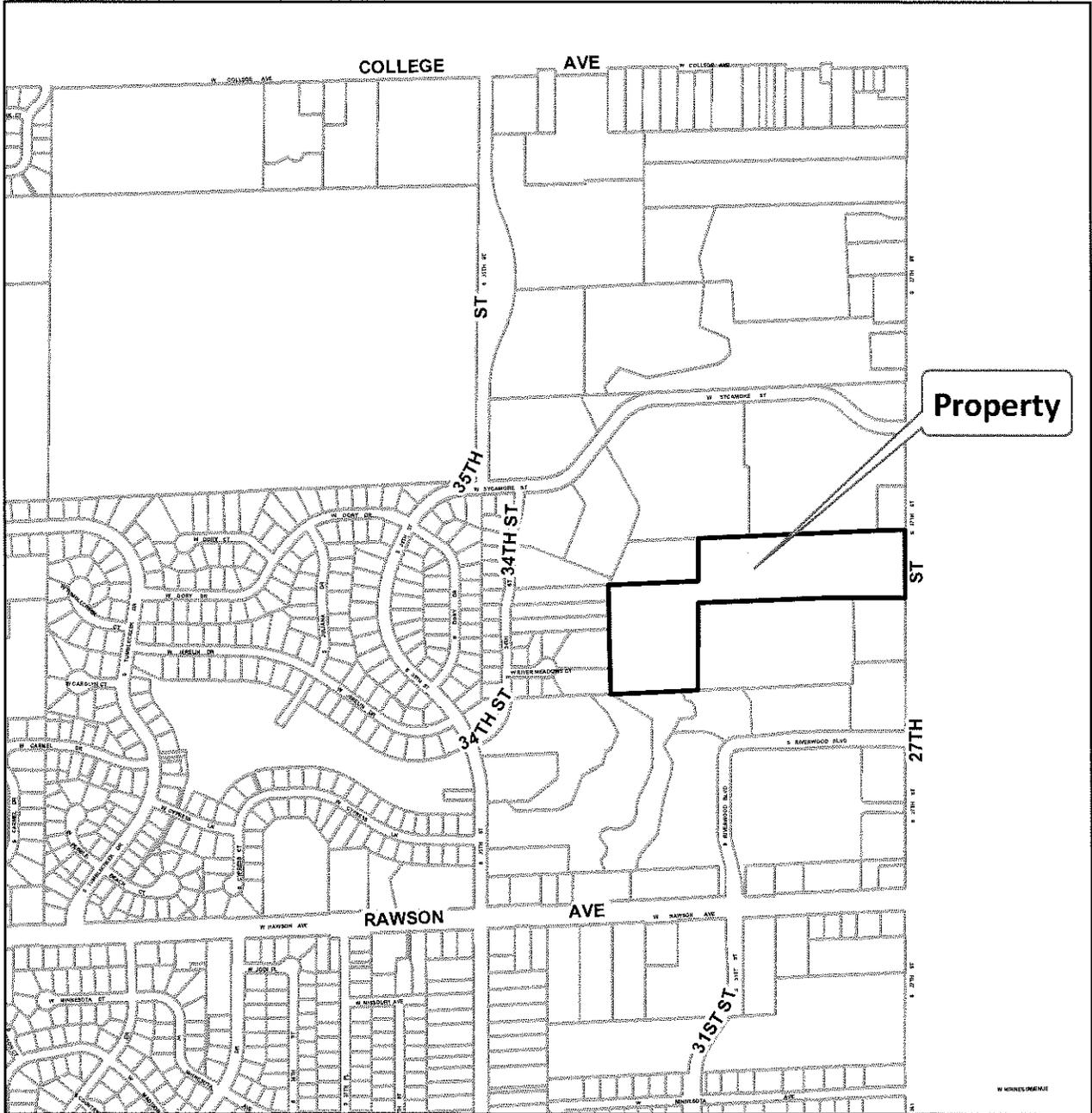
APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 03/05/13
REPORTS & RECOMMENDATIONS	ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO IN PART EXPAND THE DISTRICT BOUNDARIES TO INCLUDE AND PROVIDE FOR THE REZONING OF AN ADJOINING TO THE SOUTH APPROXIMATE 19.7 ACRE PARCEL [AND AN ADJOINING TO THE SOUTH APPROXIMATE 2.92 ACRE OUTLOT] FROM B-2 GENERAL BUSINESS DISTRICT AND FW FLOODWAY DISTRICT [AND OUTLOT] TO PLANNED DEVELOPMENT DISTRICT NO. 13 AND FW FLOODWAY DISTRICT AND TO ALLOW FOR WAREHOUSING AND DISTRIBUTION USES [AND OTHER USES] SUBJECT TO SPECIAL USE [AND/OR OTHER CITY] APPROVAL WITHIN THE EXISTING BUILDING ON THE 19.7 ACRE PARCEL (GREYWOLF PARTNERS, INC., APPLICANT) (6801 SOUTH 27TH STREET)	ITEM NUMBER <i>6.3.</i>

At their meeting on February 21, 2013, the Plan Commission recommended denial of an ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to in part expand the district boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel [and an adjoining to the south approximate 2.92 acre outlot] from B-2 General Business District and FW Floodway District [and outlot] to Planned Development District No. 13 and FW Floodway District and to allow for warehousing and distribution uses [and other uses] subject to special use [and/or other City] approval within the existing building on the 19.7 acre parcel (Greywolf Partners, Inc., Applicant) (6801 South 27TH Street), stating the rationale for such denial being inconsistencies with the Comprehensive Master Plan and South 27th Street guidelines, and such a decision being difficult without a specific use to approve at this time.

COUNCIL ACTION REQUESTED

A motion to deny Ordinance No. 2013-_____, an ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to in part expand the district boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel [and an adjoining to the south approximate 2.92 acre outlot] from B-2 General Business District and FW Floodway District [and outlot] to Planned Development District No. 13 and FW Floodway District and to allow for warehousing and distribution uses [and other uses] subject to special use [and/or other City] approval within the existing building on the 19.7 acre parcel (Greywolf Partners, Inc., Applicant) (6801 South 27TH Street).

6801 South 27th Street



0 600 1,200 2,400 Feet

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.

City Development 2013
(2010 Aerial Layer)



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 2-15-13]

ORDINANCE NO. 2013-_____

AN ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO IN PART EXPAND THE DISTRICT BOUNDARIES TO INCLUDE AND PROVIDE FOR THE REZONING OF AN ADJOINING TO THE SOUTH APPROXIMATE 19.7 ACRE PARCEL [AND AN ADJOINING TO THE SOUTH APPROXIMATE 2.92 ACRE OUTLOT] FROM B-2 GENERAL BUSINESS DISTRICT AND FW FLOODWAY DISTRICT [AND OUTLOT] TO PLANNED DEVELOPMENT DISTRICT NO. 13 AND FW FLOODWAY DISTRICT AND TO ALLOW FOR WAREHOUSING AND DISTRIBUTION USES [AND OTHER USES] SUBJECT TO SPECIAL USE [AND/OR OTHER CITY] APPROVAL WITHIN THE EXISTING BUILDING ON THE 19.7 ACRE PARCEL
(GREYWOLF PARTNERS, INC., APPLICANT)
(6801 SOUTH 27TH STREET)

WHEREAS, §15-3.0418 of the Unified Development Ordinance provides for and regulates Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), same having been created by Ordinance No. 89-1071 and later amended by Ordinance Nos. 94-1313, 95-1342, 2001-1645, 2002-1705, 2004-1814, 2008-1940 and 2010-1995, with such District primarily being located at 6801 South 27th Street; and

WHEREAS, Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) currently includes those lands legally described as follows:

All that part of Township 5 North, County, Wisconsin, the Northeast 1/4 and Southeast 1/4 of Section 1, Range 21 East, in the City of Franklin, Milwaukee bounded and described as follows:

Commencing at the East 1/4 corner of said Section 1; thence South 0°06'34" West along the East line of said Southeast 1/4, 401.22 feet to a point, thence South 87°33'06" West 1340.00 feet to a point; thence South 87°33'06" West 263.35 feet to a point; thence North 0°06'34" East 401.94 feet to a point on the North line of said Southeast 1/4; thence North 0°06'34" East 492.42 feet to a point; thence North 87°34'39" East 1604.77 feet to a point on the East line of said NE 1/4; thence South 0°16'42" West along said East line 492.48 feet to the place of beginning, containing 1,432,320.89 square feet or 32.8816 acres more or less, excepting therefrom the East 80 feet dedicated for public street purposes. Tax Key Nos.: 714-0001-000, 714-0002-000, 714-0003-001, 714-0004-001; and

WHEREAS, the property which is the subject of the application for rezoning from B-2 General Business District and FW Floodway District to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) and FW Floodway District is more particularly described as follows:

PARCEL A:

Lot 1 of Certified Survey Map No. 6543, recorded on August 7, 1998, Reel 4367, Images 1756 to 1758 inclusive, as Document No. 7578744, as corrected by Affidavit of Correction recorded as Document No. 7724864, being a part of Parcel 2 of Certified Survey Map No. 1316, part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 1, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. 19.7 acres. Tax Key No.: 738-9974-004; and

[WHEREAS, the property which is the subject of the application for addition to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) is more particularly described as follows:

Outlot 1 in Wal-Mart Subdivision, recorded on September 10, 1990, Reel 2488, Image 570, as Document No. 6415241, being a part of the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 and a part of the Southeast 1/4 of Section 1, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. 2.92 acres. Tax Key No. 714-0007-000; and]

WHEREAS, Greywolf Partners, Inc., applicant, in addition to the expansion of the District boundaries, having petitioned for further amendment[s] to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), to in part allow for warehousing and distribution uses [and other uses] subject to special use [and/or other City] approval within the existing building on the above-described 19.7 acre parcel; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 21st day of February, 2013, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning and the other proposed amendments to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed rezoning and amendments to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) are consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further

orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended pursuant to all of the terms and provisions of this Ordinance, and more specifically in this Section, to amend Ordinance No. 89-1071, Section .01, as may otherwise have been amended from time to time, to expand the District boundaries to include the property described under Section 2 below.

SECTION 2: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from B-2 General Business District and FW Floodway District [and Outlot] to Planned Development District No. 13 and FW Floodway District:

PARCEL A:

Lot 1 of Certified Survey Map No. 6543, recorded on August 7, 1998, Reel 4367, Images 1756 to 1758 inclusive, as Document No. 7578744, as corrected by Affidavit of Correction recorded as Document No. 7724864, being a part of Parcel 2 of Certified Survey Map No. 1316, part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 1, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. 19.7 acres. Tax Key No.: 738-9974-004.]; and

Outlot 1 in Wal-Mart Subdivision, recorded on September 10, 1990, Reel 2488, Image 570, as Document No. 6415241, being a part of the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 and a part of the Southeast 1/4 of Section 1, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. 2.92 acres. Tax Key No. 714-0007-000.]

SECTION 3: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 95-1342,

Section .01, 13.16 2., is hereby amended to in part expand the District boundaries to include and provide for the rezoning of an adjoining to the south approximate 19.7 acre parcel (and potentially, an adjoining to the south approximate 2.92 acre outlot) from B-2 General Business District and FW Floodway District to Planned Development District No. 13 and FW Floodway District and to allow for warehousing and distribution uses and other uses subject to special use and/or other City approval within the existing building on the 19.7 acre parcel.

SECTION 4: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 89-1071, 13.16 2., is hereby amended to add the following to the existing text immediately after the term "lot": "and except for warehouse and distribution uses within the principal structure upon the 19.7 acre parcel included within the District pursuant to Ordinance No. 13-____ as existing upon the date of adoption of such Ordinance; such warehouse and distribution special uses shall be personal to the tenant/occupant, shall not run with the land, and shall not be available to such existing structure, or be allowed for and, following the development of any new structure upon the aforesaid property[; other uses].

SECTION 5: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 89-1071, Section .02, 13.16 1.C., is hereby amended to add the following text to the existing title of the subsection (allowing B-3 Community Business District uses upon the District properties described in the title): "and property located at 6801 South 27th Street".

SECTION 6: The two cross-access locations to Dental Associates along the south property line of property located at 6801 South 27th Street shall be paved prior to issuance of an Occupancy Permit for the existing building.

SECTION 7: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

ORDINANCE NO. 2013-_____

Page 5

SECTION 8: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 9: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013, by Alderman _____.

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

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



February 11, 2013

Planning Department
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

RE: Ashley Furniture: 6801 South 27th Street

Dear Planning Commission and Common Council Members,

Thank you for taking the time to review the enclosed information. The purpose of our request is to take 6801 South 27th Street, "subject property", from its current B-2 General Business District zoning and include it in the Planned Development District 13, PDD 13, and from there have the property rezoned to accept conditional use permits for warehouse/distribution. The reason we are requesting such action is to devise an on-going, win-win situation for the City of Franklin and the subject property's owners.

Description:

Current Property Status is as follows:

Tenant:	Rockledge Furniture LLC dba Ashley Furniture
Square Leased:	116,000sf
Annual Rent:	\$982,670
Lease Expiration:	7.31.13
Loan Maturity Date:	8.1.13

2011 Tax Bill:	\$165,392
Zoned:	B2 – General Business District

We began lease negotiations with Ashley furniture for an extension. During this process, Ashley informed us they would no longer require use of the entire building any longer. We immediately enlisted the assistance of a third party professional real estate company, NAI MLG Commercial; in particular we hired the retail specialist Brian Vanevenhoven, Principal.

At that time, Ashley informed us that they would no longer require the use of the warehouse portion of the building and had requested we lease that portion of the building to another user. Again, we brought in a third party professional real estate broker from NAI MLG Commercial, who is an industrial specialist, Barry Chavin, Principal. He was lucky enough to find a user for the space. That was when we discovered the building was not zoned for a distribution user as this tenant was. The prospective tenant leased space outside of the City of Franklin.



During lease negotiations with Ashley, it was determined they will consider renewing in approximately 40,000sf of the building leaving 76,000sf vacant; 65% of the total building will be vacant. We have had numerous conversations with Brian to determine if there is another big-box user in the market who would be interested in leasing the entire building. There is not one in the market. Nor would a retail user want the back portion of the building with no street frontage and facing the back side of Wal-Mart/Sam's Club.

With the current B-2 zoning the property's future is as follows:

With financial institution approval of lease:

Tenant: Rockledge Furniture LLC dba Ashley Furniture
Square Leased: 40,000sf
Annual Rent: Approximately \$338,800
Lease Expiration: Possibly 7.31.18
Loan Maturity Date: At this tenancy the building will not get refinanced.

Future Tax Bill: Approximately \$55,000 – an approximate \$110,000 deficit to the City of Franklin
Zoned: B2 – General Business District

There is the strong possibility the financial institution will *not* approve such a lease without zoning changes:

Tenant: Vacant
Square Leased: 0sf
Annual Rent: \$00.00
Lease Expiration: n/a
Loan Maturity Date: foreclosure

Future Tax Bill: Minimal tax benefit in a vacant, bank-owned property
Zoned: B2 – General Business District

Rezoning the existing retail use to also include warehouse/distribution the properties future is as follows:

Tenant: Rockledge Furniture LLC dba Ashley Furniture & warehouse/distribution user
Square Leased: 40,000sf – retail; 76,000sf – warehouse
Annual Rent: Approximately \$604,800
Lease Expiration: Approximately 7.31.18
Loan Maturity Date: At this tenancy the building will should get refinanced.

Future Tax Bill: Possibly \$110,000 – a significantly smaller deficit
Zoned: Within PDD 13 it will have conditional use zoning for warehouse/distribution



Intent:

We have had conversations with Mayor Tom Taylor, Alderman Kristen Wilhelm from District 3, and Assistant City Attorney Brian Sajdak. We understand the property is situated in the South 27th Street Corridor and because of this a straight conditional use permit would be highly unlikely. We also understand that to have this property's B-2 zoning changed would change all B-2 zoning within the City of Franklin, which is also highly unlikely. After careful thought and consideration, we have determined the best position for this property would be to:

- 1) Expand PDD 13 in which Wal-Mart and Sam's Club are located
 - o By expanding the PDD we could change the use of the property to be more flexible in the PDD 13's limited area, that way we are not looking to change the entire City zoning.
- 2) Once the property is in PDD 13, we would file for a conditional use permit for the warehouse/distribution user.
 - o We would then have conditional use permits for each user.

As prospective tenant(s) would be interested in the building, they would go to the City for the conditional use permit that will fit into the warehouse/distribution category. It is understood that as tenants would change, each new tenant would have to get a conditional use permit.

Impact:

The properties adjacent to the subject property are:

- East: 415.93ft of frontage along South 27th Street
- Northeast: Forward Dental
- Northwest: Vacant land, this includes the majority of the north frontage, it is a vacant contaminated lot owned by Menards
- West: A portion of vacant land, the majority of which is wetland which is included in the subject site.
- West: A portion of vacant land, again the majority of which is wetland, owned by Sam's Club
- West: Sam's Club, Wal-Mart, XXX and Wendy's

The majority of the land surrounding the property is vacant and undevelopable. Forward Dental's building sits to the far north of the property, their parking lot is a buffer between their building and the subject property. The adjacent south retail properties all have the back sides of their buildings facing the subject property. The impact of taking an existing warehouse and allowing a company other than the current retail user to lease the warehouse space would be minimal to the surrounding tenants.

Consistency with Comprehensive Master Plan:

The rezoning request comes from the fact we are asking for flexibility from the City regarding the Comprehensive Master Plan in order to keep the subject property up and running. We are fully aware we are requesting this be taken from a strictly retail user to a mixed-use user. We are asking with conditions from the City and with City approval on each tenant.



We will abide by the City's decision, we hope you will take into consideration that this property has been a viable income producing property in the City for a number of years and would like to continue on that path.

Thank you for your consideration.

Cordially,

Andrea Rogutich
As Property Manager

Subject Property: 6801 S 27th St - Franklin, WI.
 Owner 1: Geneva Ashx I LLC (22.46%) ET AL
 Owner 2: Geneva Exchange Fund XI LLC (7.73574%)
 Address: 115 S 84th St, Ste 315, Milwaukee, WI 53214

Applicant Name: Greywolf Partners, Inc
 Applicant Address: 9000 W Chester St, Ste 350, Milwaukee, WI



Scale: 1" = 300'

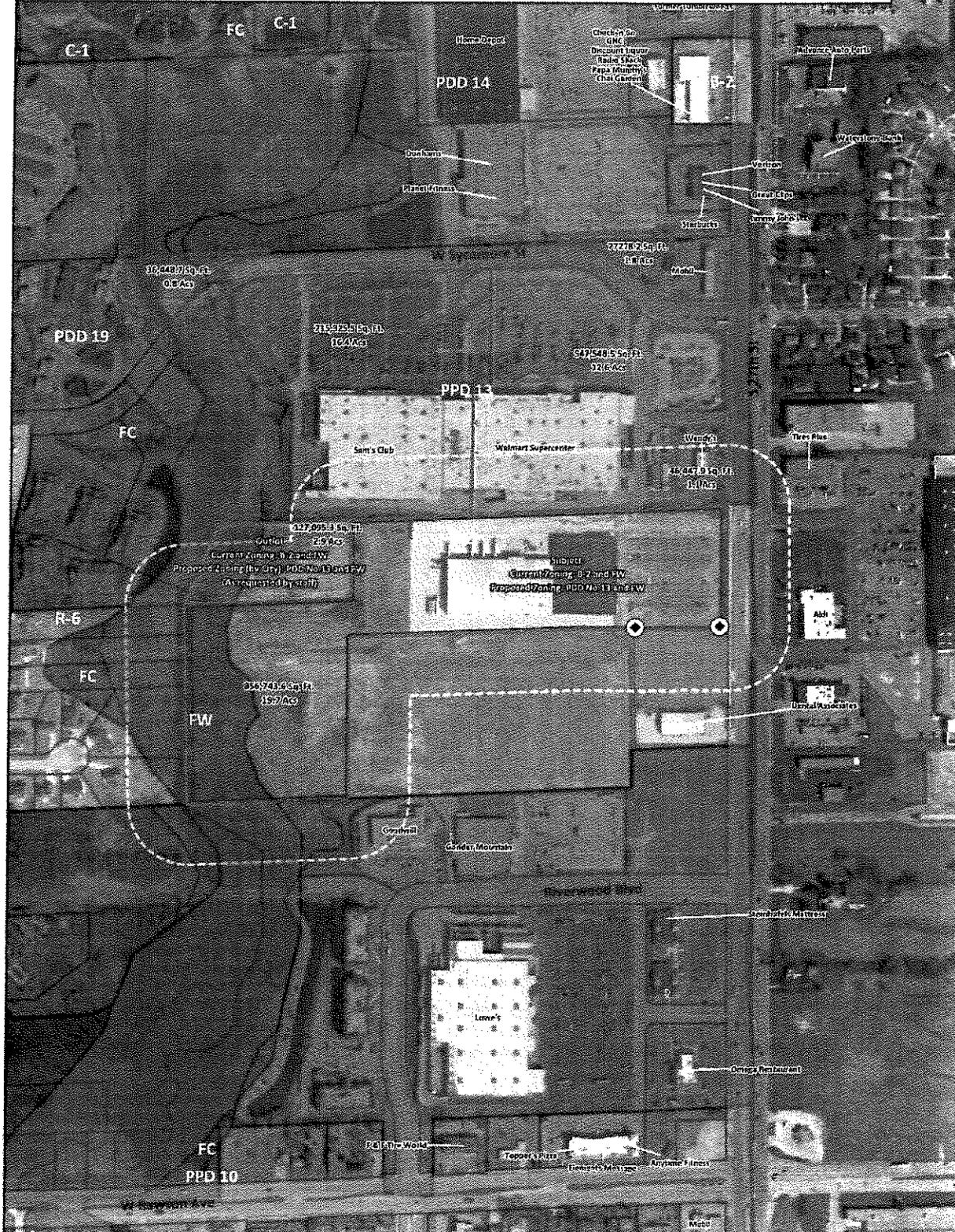
Parcels Currently Within Existing PDD 13
 Total Area: 1,423,049 sq. ft. (32.7 acs)

Total Area to be Re-Zoned PPD13: 993,838 sq. ft. (22.6 acs)

Required Setbacks (For Subject Property)

Proposed Cross Access Points for Dental Associates

Submission Date February 11, 2013



City of Franklin Unified Development Ordinance

Section 15-9.0203

Part 9: Procedures and Administration

a) Owners' Names and Addresses Required

SUBJECT PROPERTY OWNER INFORMATION:

NAME: Geneva Exchange Fund XI, LLC
ADDRESS: 6801 S. 27th Street, Franklin, WI 53132
ID #: 738-9974-004
AGENT: Greywolf Partners, LLC
ADDRESS: 9000 W Chester, Ste 350,
 Milwaukee, WI 53214
TELEPHONE: 877-543-4739

MAP

MAP ID #	PARCEL_ID	Ownr_Name	Address				
1	714 0002 000	J B Properties Limited Partnership	1903 Stanely Gault Prky	Louisville	KY	40223	
2	714 0003 000	Wai-Mart Real Estate Business Trust	702 Sw 8th St	Bentonville	AR	72716-0555	
3	714 0004 000	Sam's Real Est Business Trust	702 Sw 8th St	Bentonville	AR	72716-0555	
4	714 0007 000	Sam's Real Estate Business Trust	702 Sw 8th St	Bentonville	AR	72716-0555	
5	738 0025 000	Krekling, Scott A	6742 S 34th St	Franklin	WI	53132	
5	738 0026 000	Vonada Catherine M	6744 S 34th St	Franklin	WI	53132	
5	738 0027 000	Semmens, Ernest L	6746 S 34th St	Franklin	WI	53132	
5	738 0028 000	Alley, Lowell F	6748 S 34th St	Franklin	WI	53132	
5	738 0029 000	Hummel, Mark W	6750 S 34th St	Franklin	WI	53132	
5	738 0030 000	Mehn, Peter	6752 S 34th St #6	Franklin	WI	53132	
5	738 0031 000	Nunez, Eduardo & Consuelo H	6754 S 34th St	Franklin	WI	53132	
5	738 0032 000	Coles, Melanie C	6756 S 34th St	Franklin	WI	53132	
6	738 0033 000	Orlowski, Brenda J	6820 S 34th St	Franklin	WI	53132	
6	738 0034 000	Cooney Jean A & Charles J	6822 S 34th St	Franklin	WI	53132	
6	738 0035 000	Frieburger, Mary C	6824 S 34th St	Franklin	WI	53132	
6	738 0036 000	Gabor Michael J & Kathrine A	6826 S 34th St	Franklin	WI	53132	
6	738 0037 000	Hanson, Randy D	6834 S 34th St	Franklin	WI	53132	
6	738 0038 000	Getto, Rosemarie J	6828 S 34th St	Franklin	WI	53132	
6	738 0039 000	Robarge, Leroy F & Geraldine A Rev	6830 S 34th St	Franklin	WI	53132	
6	738 0040 000	Fote, Amy R	6832 S 34th St	Franklin	WI	53132	
6	738 0041 000	Greene, Patricia A	6810 S 34th St	Franklin	WI	53132	
6	738 0042 000	Murawski Revocable Trust	6804 S 34th St	Franklin	WI	53132	
6	738 0043 000	Heuer Waldemar C & Lois M	6806 S 34th St	Franklin	WI	53132	
6	738 0044 000	Badzinski Robert J & Elaine Trust Restat	6808 S 34th St	Franklin	WI	53132	
6	738 0045 000	You, Jason	6818 S 34th St	Franklin	WI	53132	
6	738 0046 000	Trimboli Catherine M	6812 S 34th St	Franklin	WI	53132	
6	738 0047 000	Vlaski Radovan & Snjezana	6814 S 34th St	Franklin	WI	53132	
6	738 0048 000	Zia Turgut Z & Hanif Samiah	6816 S 34th St	Franklin	WI	53132	

City of Franklin Unified Development Ordinance

Section 15-9.0203

Part 9: Procedures and Administration

a) Owners' Names and Addresses Required

7	738 0067 000	Kaufman Randy M & Sarah R	6842 S 34th St	Franklin	WI	53132
8	738 0066 000	Hardwick, Nathan E & Michael J	6854 S 34th St	Franklin	WI	53132
9	738 0065 000	Ols Leon & Kristine L	6864 S 34th St	Franklin	WI	53132
10	738 0060 000	Alamy Ayman & Hala M	3306 River Meadows Ct	Franklin	WI	53132
11	738 0059 000	Koenig Steve E	3307 River Meadows Ct	Franklin	WI	53132
12	738 0075 000	Indian Creek Condominium Assoc Ltd Ptnrs	4635 S 108th St	Greenfield	WI	53215
13	738 0077 000	Indian Creek Condominium Assoc Ltd Ptnrs	4635 S 108th St	Greenfield	WI	53215
14	738 0078 000	Indian Creek Condominium Assoc Ltd Ptnrs	4635 S 108th St	Greenfield	WI	53228
15	738 0072 000	Goodwill Industries Of Se Wi & Metro Chi	6055 N 91st St	Milwaukee	WI	53225
16	738 9974 005	DAL 27th Street Clinic, LLC	11711 W Burleigh St	Wauwatosa	WI	53222
17	738 9975 008	DAL 27th St Clinic, LLC	11711 W Burleigh St	Wauwatosa	WI	53222

City of Franklin
Department of City Development

Date: January 29, 2013

To: Andrea Rogutich, Greywolf Partners, Inc.

From: City Development Staff

RE: Major Planned Development District Amendment – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Major Planned Development District (PDD) Amendment application submitted by Greywolf Partners, Inc. and date stamped by the City of Franklin on January 16, 2013.

Planning Department Comments

1. Staff recommends combing the two maps submitted into a single exhibit. Attached is a map that provides some additional information. At a minimum, this map should include the following:
 - a. Property owner(s) name and address (Franklin has the below ownership name and address on file)
 - i. Owner 1: GENEVA ASHX I LLC (22.46%) ET AL
 - Owner 2: GENEVA EXCHANGE FUND XI LLC (7.73574%)
 - Address: 115 S. 84th Street, Suite 315, Milwaukee, WI 53214
 - b. Name and address of applicant (Greywolf Partners, Inc.)
 - c. An outline of the subject property
 - d. The 200-foot buffer around the subject property
 - e. A label indicating the subject property's current zoning (B-2 General Business District and FW Floodway District) and proposed zoning (Planned Development District No. 13 and FW Floodway District). The same could be added to Outlot 1 with an additional note, "as requested by Department of City Development Staff."
 - f. Uses of adjacent sites (i.e. business names)
 - g. The map should clearly distinguish between zoning districts
 - h. Exhibit submittal date
 - i. Existing street names
 - j. Identify all properties currently zoned PDD No. 13
 - k. Site size, in square feet and acres, of the subject property, Outlot 1 and all PDD No. 13 zoned properties.
 - l. Total area of the existing PDD No. 13 properties (approximately 1,432,320.89 square feet or 32.8816 acres) and the total area proposed to be added (i.e. the subject property and Outlot 1).
 - m. Required Building Setbacks:
 - i. Front Yard: A front yard of not less than 25 feet.

- ii. Side Yard: A side yard on each side of the building of not less than 10 feet. In the event a side yard adjoins a street, the minimum side yard shall be 25 feet.
 - iii. Rear Yard: A rear yard of not less than 20 feet.
2. As indicated by the Engineering Department, staff anticipates recommending that cross access be provided to Dental Associates to the south. Staff recommends indicating the areas to be paved for cross access on the site/exhibit.

Engineering Department Comments

See attached.

Inspection Department Staff Comments

Staff did not receive written comments from the Inspection Department; however, the Building Inspector indicated that there may be Building Code issues that could affect new tenants occupying the building at 6801 S. 27th Street. Staff recommends contacting the Inspection Department to discuss further. The Inspection Department can be reached at 414-425-0084.

Police Department Staff Comments

The Franklin Police Department has no police issues with the application for an amendment to rezone the property located at 6801 South 27th Street from B-2 general business to PDD No. 13.

Fire Department Staff Comments

Planning staff did not receive Fire Department comments. Staff recommends contacting Gordon Jepsen, Fire Marshal, at 414-425-1420.

Ashley—City Comments

Upon your recent recommendations, we have contacted the Inspection Department and the Fire Department regarding the concerns relative to the re-zoning request of this property. We have outlined the additional comments below, and have taken into consideration the possible requirements necessary in order to accommodate our request.

Engineer Department Comments:

ATTACHED

The owners are prepared to accommodate a cross-access with Dental Associates and pave the gap.

Inspection Department Staff Comments:

1.24.13 Telephone Conversation—Property Manager

Fred Baumgart

Inspector

Concerns:

- building is built to suit one user, therefore, there is one fire prevention system & sprinkler system
- Exit issues

The owners are prepared to accommodate multi-tenants, and will work with reputable contractors and obtain appropriate permits in order to get this work done when necessary.

Police Department Staff Comments:

The Department has no police issues with the application per the Staff Comments provided.

Fire Department Staff Comments:

1.30.13

Dave Zabler in absence of

City of Franklin Fire Marshall--Gordon Jepson

General Concerns:

- Access to Fire Sprinkler System
- What type of modifications are done to system
 - Drop ceilings/drop sprinkler heads
- Wall locations
- Recommend Central location for Fire Sprinkler Access (Exterior)

2.7.13 Telephone Conversation—Property Manager

Gordon Jepsen

Fire Marshall

General Concerns were agreed as above, in addition:

- Location of Fire Pump relative to entire building
- Access to Fire Alarm and Electrical Panel—Central Access
- Accessibility to North and South drive path, currently gated and paddlocked

The owners are aware of these concerns and will work with reputable contractors and obtain required permits to comply with code.



MEMORANDUM: FROM ENGINEERING

DATE: January 21, 2013
TO: Planning Department
FROM: *JMB* John M. Bennett, P.E., City Engineer
SUBJECT: ASHLEY FURNITURE REZONING TO PDD #13

Pursuant to the application for rezoning request by Ashley Furniture, it is Engineering staff's recommendation that the cross-access to the south be addressed in the PDD rezoning.

I am not sure if the City had required a cross-access for the original construction of Ashley Furniture; but, if not, it should be made a part of the new PDD.

Also, it is recommended that Ashley Furniture pave the area that is now serving as the cross-access. Dental Associates have paved a cross-access drive to the property line of Ashley Furniture, but the gap on Ashley Furniture's property is not paved.

JMB/sg



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of February 21, 2013

Planned Development District No. 13 Amendment

RECOMMENDATION: Department of City Development staff does not recommend approval of the Major Amendment for Planned Development District No. 13. If the Plan Commission chooses to approve, staff recommends approval be subject to the conditions outlined in the attached draft Ordinance.

Project Name:	PDD No. 13 Major Amendment
Project Address:	6801 South 27 th Street
Applicant:	Andrea Rogutich, Greywolf Partners, Inc.
Property Owner:	Geneva Ashx I LLC ET AL and Geneva Exchange Fund XI LLC
Current Zoning:	B-2 General Business District
2025 Comprehensive Plan	Commercial
Use of Surrounding Properties:	Wal-Mart and Sam's Club to the north, vacant commercial land zoned B-2 District and Dental Associates to the south, City of Oak Creek (commercial properties) to the east and a Sam's Club owned outlot zoned B-2 District and single-family residential to the west
Applicant Action Requested:	Recommendation of approval for the boundary and use amendment to PDD No. 13

Introduction

Please note:

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

On January 16, 2013, the applicant submitted an Application to Amend Planned Development District No. 13. The applicant is requesting the following:

1. That the Planned Development District boundary be amended to include property located at 6801 South 27th Street, commonly known as the Ashley Furniture property.
2. That warehouse and distribution uses be permitted within the existing building located on said property as well as uses permitted within the B-3 Community Business District or as deemed appropriate by the City of Franklin Plan Commission.

In addition, staff is recommending that Outlot 1 of the Wal-Mart Subdivision also be rezoned to Planned Development District No. 13. Sam's Club owns the property, which is located in PDD

No. 13. The inclusion of this outlot will create a more continuous and consistent exterior border for PDD No. 13 and is already being utilized as part of the Sam's Club development (i.e. PDD No. 13 uses). Staff has made Sam's Club and the applicant aware of the proposed rezoning of the subject Outlot.

Staff is recommending, with agreement from the applicant, that the Plan Commission and Common Council classify the proposed amendment to PDD No. 13 as a Major PDD Amendment. Section 15-9.0401A. Fee Schedule of the UDO lists "change in boundary" and "use" as examples of Major Amendments. To expedite the process, the applicant has paid the Major PDD Amendment Application fee and a public hearing notice was published. Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to uses and changes to street layouts. The amendment will add approximately 22.62 acres of land to PDD No. 13, including the inclusion of Outlot 1 as recommended by staff.

Project Description/Analysis

The 19.7 acre property located at 6801 South 27th Street is currently zoned B-2 General Business District. The existing building on the property is approximately 116,000 square feet with about 40,000 square feet of retail space and 76,000 square feet of warehouse and distribution space. Ashley Furniture currently leases the entire building; however, according to the applicant Ashley Furniture is no longer utilizing the warehouse and distribution space and may be reducing the amount of space occupied for retail operations or not renewing their lease.

The building was originally a 52,957 square foot Menard's store. Menard's received Special Use approval in 1983, via Resolution No. 83-2052, for the location and operation of a home improvement retail sales center including the sale and storage of retail building materials in an open sales lot in a B-2 Commercial District. In 2002, the Ashley Companies received approval of a Site Plan Amendment to remodel the front exterior façade of the building, adding additional landscaping and new signage and restoring the property to an acceptable condition (Resolution No. 2002-138).

In 2003, the Ashley Companies revived approval to construct an 18,000 square foot addition to accommodate the retail floor area, 2,100 square feet of new office space and restrooms, and a 42,900 square foot warehouse, and to increase the number of parking stalls required in a B-2 District (Resolution No. 2003-0005).

A letter dated May 1, 2003 from Michael J. Fox, Development Director of Continental Properties Company, Inc. to Mary K. Buratto, City Planning Manager at that time, detailed the 2003 site plan amendment proposal. The letter stated, "We have understood that there was some original concern over the size of the warehouse and amount of truck volume. A warehouse of this size is typical for a furniture store of this size." The letter also detailed the use of the space stating, "Ashley's delivery operation consists of 3 semi-trailers that will make deliveries from the manufacturing plant to the store/warehouse. The straight truck home delivery vans consist of approximately 12 vans that will all be loaded up simultaneously in the mornings and will return in the late afternoon. Deliveries take place between 8:00AM and 4:00PM..."

Ashley Furniture also submitted an outline of their business operations with their 2003 Site Plan Application, which stated, "This facility will not be run as a Distribution Center based on the lack of heavy truck traffic for all hours of the day. The delivery vehicles are all straight trucks and leave one time during the morning and return once to remain for the night." Both of these letters are attached.

Again, the applicant is requesting to rezone the property to PDD No.13 and allow warehouse and distribution uses within the existing building through a Special Use Application process, in addition to uses as allowed under the B-3 Community Business District or as deemed appropriate by the Plan Commission.

Staff has concerns with the use of the present building strictly for a warehouse and/or distribution type use. The surrounding area is predominately retail uses. It appears the approval was granted in 2003 because it was linked to a retail use within the building and truck traffic was limited. This approval was also granted prior to, and is not consistent with, the "South 27th Street Corridor Plan."

If approved, prospective warehouse/distribution tenants will be required to apply for a Special Use. Staff recommends the Plan Commission and Common Council thoroughly review uses proposed for this building to ensure that the truck volume, size of trucks, noise and hours of operations are consistent with the adjacent retail business uses.

In addition, if approved, Staff recommends the property owners pave the two cross-access locations to Dental Associates to the south, prior to issuance of any Occupancy Permit for the exiting building.

Comprehensive Master Plan Consistency

- *Consistent with, as defined by Wisconsin State Statute, means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."*

Comprehensive Master Plan. The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject property as Commercial and Areas of Natural Resource Features. The surrounding future land uses are Commercial, Residential and Areas of Natural Resource Features.

It can be noted that the proposed PDD No. 13 Amendment is not consistent with certain elements of the City's Comprehensive Master Plan including but not limited to:

- The future land use map, which envisions that the subject area will be developed for commercial uses, as opposed to Business Park, Industrial or Light Manufacturing, which would more appropriately accommodate a warehouse or distribution type of use.
- Encourage land uses, densities, and regulations that promote efficient development patterns and relatively low municipal and utility costs.

- Build community identity by revitalizing main streets, special districts, and other important areas of the City, enforcing appropriate design standards, and by creating and preserving varied and unique development and land uses.
- Ensure compatibility with adjacent land uses.
- Ensure the safe and efficient operation of the transportation system within Franklin.

The subject proposal is also not consistent with the “South 27th Street Corridor Plan” which recommends that this area serve as a regional shopping center district comprised of large and mid-sized retail uses and supporting and complementary commercial uses such as restaurants and offices. The “South 27th Street Corridor Plan” also suggests that the City require any rezoning in the corridor to be limited to those that are consistent with this Plan.

It can also be noted that the proposed change of zoning is for an existing building that has been used for retail, warehousing and distribution use since 2003. Although staff is not aware of any adverse impacts upon neighboring properties from this business, staff has been contacted by a representative of the Victorian Place Condominiums to the west who was concerned about the proposed rezoning.

On the other hand, the rezoning is consistent with the Comprehensive Master Plan goals to “Expand and stabilize the current economic base” and to “Create Jobs.”

Staff Recommendation

Department of City Development staff does not recommend approval of the Major Amendment for Planned Development District No. 13.

If the Plan Commission chooses to approve, staff recommends approval be subject to the conditions outlined in the attached draft Ordinance.

CONTINENTAL PROPERTIES

May 1, 2003

VIA Personal Delivery
(414)-425-4024

Mary Kay Buratto, AICP
City Planning Manager
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

RE: Expansion of Ashley Furniture (Former Menard's at 6801 S. 27th Street Franklin, WI

Dear Mary Kay:

Continental 144 Fund LLC received Plan Commission approval in November 2002 to redevelop the 52,957 Sq. Ft. former Menards building into an Ashley Furniture Store Showroom. On the Plans submitted at that time Ashley showed an expansion area to the west for future growth in order to more efficiently use the property in the future. Continental (Landlord) has since purchased the property on behalf of Ashley and we are in the construction phase for the existing building.

The existing redevelopment of the existing building is strictly showroom and does not include any warehouse space for inventory or delivery to customer's homes. At this time Ashley would like to proceed with an expansion to accommodate their retail needs. Ashley is now proposing to add an additional 18,000 sq. ft. of retail floor area, 2,100 sq. ft. of office space and 42,900 sq. ft. of warehouse space.

We feel that this use is the highest and best use for the size and shape of this particular property. We have designed the addition so that the warehousing component has minimal visibility from 27th Street as can be seen in the colored rendering in section 7. A statement of operations has been included in the enclosed information book in section 3.

We have understood that there was some original concern over the size of the warehouse and amount of truck volume. A warehouse of this size is typical for a furniture store of this size. A very good local comparison is the Colder's Furniture in Oak Creek. The Oak Creek Colder's store supports the south side of Milwaukee similar to the proposed Ashley in Franklin. The Colder's store has 63,936 SF of warehouse and 93,354 SF of sales floor. Another comparison is Steinhafels, which currently has 4 stores in Milwaukee, 1 in Kenosha and 1 in Madison. They are currently constructing a 425,000 SF warehouse/distribution center as mentioned in the attached Business Journal in section 8.

Ashley's delivery operation consists of 3 semi-trailers that will make deliveries from the manufacturing plant to the store/warehouse. The straight truck home delivery vans consist of approximately 12 vans that will all be loaded up simultaneously in the mornings and will

return in the late afternoon. Deliveries take place between 8:00AM and 4:00PM. In order for all vans to be out on the road by 8:00AM they must all load up simultaneously and therefore the need for multiple overhead doors. Ashley's fleet of trucks are maintained to present a high class image and are known as the best group of vehicles in the furniture industry.

In order to create a more aesthetically pleasing site, we are repaving the rear portion of asphalt and we will be completely removing the deteriorating fence around the perimeter. We will also be adding a row of evergreens along the western property edge as well as along the view corridor between Wal-Mart and Sam's Club.

Ashley has grown to become the third largest home furniture manufacturing company. Ashley Furniture's Worldwide Headquarters are located in Arcadia, Wisconsin. Ashley has become a "World Class Furniture Manufacturer" with one of the largest selling home furniture brands in North America. It produces a broad line of quality furniture under the Ashley and Millennium labels that are marketed worldwide. You may have seen Ashley's line in other local furniture stores. We have included interior photos of some existing corporate owned Ashley Furniture stores.

We look forward to working with you and appreciate the Plan Commission's review of this proposal.

I have included the following items for your review:

- 1) ALTA Survey
- 2) Site Plan
- 3) Existing Photos of the Property
- 4) Aerial Photo
- 5) Colored Building Elevations and Rendering
- 6) ~~Check in the amount of \$500 for Site review~~

Sincerely:
CONTINENTAL PROPERTIES COMPANY, INC.


Michael J. Fox
Development Director

Enclosure.



Ashley Furniture HomeStore-Franklin, WI

Main Business Focus-Retail Furniture Sales

Business Operations Include-

- Furniture Sales
- Order Pickup at store
- Order Delivery from store

Retail Hours of Operation

10:00AM-7:00PM Monday-Saturday

12:00Noon-6:00PM Sunday

Hours of Order Pickup

8:00AM-3:30PM Monday-Sunday

Hours of Order Delivery (To the home)

7:00AM-4:00PM Monday-Sunday

Hours of Warehouse Receiving

7:00AM-4:00PM Monday-Friday

- ✓ Clean Professional looking fleet of straight truck home delivery vehicles.
- ✓ Best group of vehicles in the furniture industry. Very highly recognized throughout the entire transportation industry.
- ✓ Vehicles-meticulously maintained presenting high class image beyond all others.
- ✓ This facility will not be run as a Distribution Center based on the lack of heavy truck traffic for all hours of the day. The delivery vehicles are all straight trucks and leave one time during the morning and return once to remain for the night.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 3/5/13
Reports & Recommendations	SUBJECT: Resolution authorizing officials to execute an engineering services agreement with Graef, Inc. to determine the load capacity on the old single-span steel farm bridge over the East Branch of the Root River near S. Bridge View Street to be utilized for a public trail	ITEM NO. <i>G.4.</i>

BACKGROUND

The old farm bridge over the East Branch of the Root River is planned to be utilized for a trail connecting the Victory Creek Subdivision with the Pleasant View Elementary School and park site. The condition of the bridge is uncertain and should not be opened to the public without establishing its load carrying capacity.

ANALYSIS

The City has utilized Graef, Inc. for a number of sewer, water and street projects and is aware that Graef, Inc. has a structural section that can analyze the bridge and determine its carrying capacity. It would not be prudent to allow the bridge to be utilized by the public without a complete structural analysis. It was determined that the structural analysis would not be made prior to receiving the trail grant.

OPTIONS

Approve

or

Table

FISCAL NOTE

Funds have been provided for the structural analysis and have been included in the grant application.

RECOMMENDATION

Motion to adopt Resolution 2013-_____, a resolution authorizing officials to execute an engineering services agreement with Graef, Inc. to determine the load capacity on the old single-span steel farm bridge over the East Branch of the Root River near S. Bridge View Street to be utilized for a public trail.

JMB/sg

ca\Res authorize officials to execute agrmnt with Graef-load capacity for bridge over Root River near S. Bridge View St. 2013

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2013 - _____

A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH GRAEF, INC. TO DETERMINE THE LOAD CAPACITY ON THE OLD SINGLE-SPAN STEEL FARM BRIDGE OVER THE EAST BRANCH OF THE ROOT RIVER NEAR S. BRIDGE VIEW STREET TO BE UTILIZED FOR A PUBLIC TRAIL

WHEREAS, the City has received a grant for a trail from the Victory Creek Subdivision to the Pleasant View Park and Elementary School; and

WHEREAS, the old farm single-span bridge would be used as a public trail crossing of the East Branch of the Root River; and

WHEREAS, a proposal for engineering services to determine load capacity of the proposed subject trail bridge has been submitted by Graef, Inc.; and

WHEREAS, Graef, Inc. has successfully designed a number of projects for the City and has a structural engineering section; and

WHEREAS, funds for engineering services are funded in the 2013 budget along with the grant funding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, which the Mayor and City Clerk are authorized to execute an agreement whereby Graef, Inc. shall provide engineering services to determine the load capacity of the old single-span steel farm bridge over the East Branch near S. Bridge View Street to be utilized for a public trail for a fee as established in the agreement. This agreement being subject to review and approval by City Attorney.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2013 by Alderman _____.

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

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

JMB/sg

PROJECT COST ESTIMATE
VICTORY CREEK/PLEASANT VIEW TRAIL
CITY OF FRANKLIN
 APRIL, 2012

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>COST</u>
LS	Erosion Control	LS	\$ 2,000	\$ 2,000
LS	Clearing and Grubbing	LS	2,000	2,000
650	Unclassified Excavation and Fill	CY	10	6,500
100	Undercut and Replace Unsuitable Materials	CY	25	2,500
1200	Crushed Aggregate Base Course	Tons	15	18,000
LS	Wetland Crossing(s)	LS	20,000	20,000
LS	Concrete Ramp to Victory Creek Dr.	LS	1,000	1,000
630	3" Bituminous Path	Tons	80	50,400
4000	Restoration (Hyproseed/Fert./Maint.)	SY	3	<u>12,000</u>
	• Pavement Total			\$114,000
	Bridge Rehabilitation			
	Structural Evaluation			7,200
	Rehabilitate Bridge for Public Use			<u>25,000</u>
	• Bridge Total			\$ 32,200
	CONSTRUCTION SUBTOTAL			\$146,600
	Construction Contingencies (10%)			<u>14,600</u>
	CONSTRUCTION TOTAL			\$161,200
	Design/Inspection/Administration (20%)			<u>32,240</u>
	PROJECT TOTAL			<u>\$193,440</u>

One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com



collaborāte / formulāte / innovāte

April 3, 2012

John Bennett, P.E.
City Engineer/Director of Public Works
City of Franklin
9229 West Loomis Road
Franklin, Wisconsin 53132

Subject: Franklin Pleasant View Trail Bridge
Proposal for Professional Services

Dear Mr. Bennett:

Per your request, Graef-USA Inc. (GRAEF) is pleased to provide this proposal for services to the City of Franklin (Client). An executed copy of this proposal will become our Agreement.

This proposal is for professional services for the Franklin Pleasant View Trail Bridge (Project). This proposal is subject to GRAEF's Standard Terms and Conditions, a copy of which is attached and incorporated by reference.

It is our understanding that the nature of the Project is to determine the load capacity of the old single span steel farm bridge. The City would like to convert the structure to a pedestrian bridge that could also carry an emergency vehicle.

For this Project, GRAEF proposes to provide the following Basic Services:

- Site visit to obtain data necessary for the evaluation
- Compute a load rating for the superstructure

GRAEF will endeavor to perform the proposed Basic Services per the following schedule:

- Per mutually agreed upon schedule with CLIENT

At your written request, GRAEF will provide the following Additional Services for additional compensation as detailed below:

- Final plans and technical specifications for conversion to pedestrian bridge



collaborāte / formulāte / innovāte

For this Project, it is our understanding Client will provide the following services, items and/or information:

- Conceptual layout of pedestrian conversion

For all Basic Services, Client agrees to compensate GRAEF as follows \$7,250.00 on a lump sum basis.

For all Additional Services, Client agrees to compensate GRAEF on a lump sum basis for an amount agreed to beforehand.

To accept this proposal, please sign and date both of the enclosed copies and return one to us. Upon receipt of an executed copy, GRAEF will commence work on the Project.

Graef-USA Inc. looks forward to providing services to the City of Franklin.

Sincerely,

Graef-USA Inc.

Accepted by: City of Franklin

Jan O. Hansen, P.E.
Associate

(Signature)

Michael Paulos, P.E.
Principal

(Name Printed)

(Title)

Date: _____

Graef-USA Inc.'s STANDARD TERMS AND CONDITIONS

These Standard Terms and Conditions are material terms of the Professional Services Agreement proposed on April 3, 2012 (Agreement) by and between Graef-USA Inc. (GRAEF) and City of Franklin (Client):

Standard of Care: GRAEF shall exercise ordinary professional care in performing all services under this Agreement, without warranty or guarantee, expressed or implied.

Client Responsibilities: Client shall at all times procure and maintain financing adequate to timely pay for all costs of the PROJECT as incurred; shall timely furnish and provide those services, items and/or information defined in Agreement, as amended, and shall reasonably communicate with and reasonably cooperate with GRAEF in its performance of this Agreement. GRAEF shall be entitled to rely on the accuracy and completeness of any services, items and/or information furnished by Client. These terms are of the essence. Client shall indemnify, defend and hold GRAEF, its present or former officers, employees and subconsultant(s), fully harmless from any liability or loss, cost or expense (including attorney's fees and other claims expenses) in any way arising from or in connection with errors, omissions or deficiencies in the services, items and/or information Client is obliged to furnish in respect of this Agreement.

Limitation of Liability: Client and GRAEF agree that GRAEF's liability for any direct, indirect, incidental or consequential economic losses or damages arising under or in connection with this agreement (including any attorney's fees or claims expenses) shall be limited to the sum of one hundred thousand dollars (\$100,000.00).

Additional Services: Client may request or it may become necessary for GRAEF or its subconsultant(s) to perform Additional Services in respect of this Agreement. Client shall pay for such Additional Services above and beyond charges for Basic Services set forth in this Agreement. GRAEF will notify Client in advance of GRAEF's intention to render Additional Services. Client's failure to instruct GRAEF not to perform the proposed Additional Service shall constitute Client's acceptance of such Additional Service and agreement to pay for such Additional Service in accordance with the Invoicing & Payment terms of this Agreement.

Collection Costs: Client shall pay all collection costs GRAEF incurs in order to collect amounts due from Client under this Agreement. Collection costs shall include, without limitation, reasonable attorney's fees and expenses, collection agency fees and expenses, court fees, collection bonds and reasonable GRAEF staff costs at standard billing rates for GRAEF's time spent in efforts to collect. Client's obligation to pay GRAEF's collection costs shall survive the term of this Agreement or the earlier termination by either party.

Invoicing & Payment: GRAEF may issue invoices for services rendered and expenses incurred at such times and with such frequency as GRAEF deems necessary or appropriate in GRAEF's discretion. All invoices are due and payable upon receipt and shall be considered past due if not paid within thirty (30) calendar days of the due date. Prompt and full payment of all periodic invoices or other billings issued by GRAEF pursuant to this Agreement is of the essence of this Agreement. In the event that Client fails to promptly and fully pay any invoice as and when due, then, and in addition to any other remedies allowed by law, GRAEF, may, in its sole discretion, suspend performance of all services under this Agreement upon seven (7) calendar days' written notice to Client, and immediately invoice Client for all unbilled work-in-progress rendered and other expenses incurred. Upon GRAEF's receipt of full payment, in good funds and without offset, of all sums invoiced in connection with any such declaration of suspension, GRAEF shall resume services, provided that the time schedule and compensation under this Agreement shall be equitably adjusted in a manner acceptable to GRAEF to compensate GRAEF for the period of suspension plus any other reasonable and necessary time and expenses GRAEF suffers or incurs to resume services. No failure by GRAEF to exercise its right to suspend work and accelerate sums due shall in any way waive or abridge Client's obligations to GRAEF or GRAEF's rights to later suspend work and accelerate terms. Client agrees GRAEF shall incur no liability whatsoever to Client, or to any other person, for any loss, cost or expense arising from any such suspension by GRAEF, either directly or indirectly. In addition, simple interest shall accrue at the lower of 1.5% per month (18% per annum), or the maximum interest rate allowable by law, on any invoiced amounts remaining unpaid for more than 60 days from the date of the invoice. Payments made shall be allocated as follows: (1) first to unpaid collection costs; (2) second to unpaid accrued interest; and (3) last to unpaid principal of the oldest invoice.

Latent Conditions: Client acknowledges that subsurface or latent physical conditions at the site that differ materially from those indicated in the project documents, or unknown or unusual conditions that materially differ from those ordinarily encountered may exist. If such latent conditions require a change in the design or the construction phase services, GRAEF shall be entitled to a reasonable extension of time to evaluate such change(s) and their impact on the project and to prepare such additional design documents as may be necessary to address or respond to such latent conditions. Client shall pay GRAEF for all services rendered and reimbursable expenses incurred by GRAEF and its subconsultant(s), if any, to address, respond to or repair such latent conditions. Such services by GRAEF or its subconsultant(s) shall constitute Additional Services.

State of Wisconsin
 Department of Natural Resources
 Box 7921
 Madison, Wisconsin 53707

For use with Grant Application Form 8700-191

Sheet 1 of 2		Project Applicant:	Prepared By:	Project Number		1 LEAVE BLANK - DNR USE ONLY			
County		City of Franklin	Ronald J. Romeis						
Milwaukee		Project Name:	Victory Creek/Pleasant View Trail					INFORMATION PROGRESS	
DEVELOPMENT PROJECT ITEMS <i>List by individual item or break down by Use Areas (See Item List On Back Of This Form)</i>		Indicate Contract (C) Force Acct. (F) Donated (D)	Quantity and Unit of Measure	Component Costs	Estimated Total Item Cost	Insp. Date - Bill No.		Percent Completed	
Erosion Control		C	LS	2,000	2,000				
Clearing and Grubbing		C	LS	2,000	2,000				
Unclass. Excav. and Fill		C	650 CY	10	6,500				
Undercut/Replace Unsuit. Materials		C	100 CY	25	2,500				
Crushed Aggregate Base		C	1200 TNS	15	18,000				
Wetland Crossing(s)		C	LS	20,000	20,000				
Concrete Ramp		C	LS	1,000	1,000				
3" Bituminous Path		C	630 TNS	80	50,400				
Restoration (Seed/Fert./Mulch)		C	4000 SY	3	12,000				
Structural Evaluation - Bridge		C	LS	7,200	7,200				
Rehab Bridge		C	LS	25,000	25,000				
	Construction			Subtotal	146,600				
	Contingency			10%	14,600				
Construction Total				TOTAL	161,200				
(See Next Page)				TOTAL	--			TOTAL	

NOTE: For acquisition projects, complete the information on the reverse side of this form.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 3/5/13
Reports & Recommendations	SUBJECT: Authorization to submit a Proposal for Funding for City of Franklin Emerald Ash Borer Tree Mitigation to the Great Lakes Restoration Initiative	ITEM NO. <i>6.5,</i>

BACKGROUND

Recently a potential funding source for the mitigation of Emerald Ash Borer (EAB) Impacts (replacement of Ash Trees) has been found. In that the City is actively removing diseased Ash Trees in street terraces and replacing them, it would appear this might be a potential source of funds.

ANALYSIS

As can be seen on the Request for Proposal sheets attached, there are several desirable funding aspects as follows:

- There is no match required.
- Program area has limits of \$50,000 to \$250,000 to be spent over two years. The City is presently removing and replacing approximately 200 trees a year. Given an estimated cost of \$150/tree, a two year expenditure of:
 $2 \text{ years} \times 200 \text{ trees} \times \$150/\text{tree} = \$60,000$ and falls within the grant limits.
- Eligibility criteria of the grant is broad enough for our submittal.

The broad eligibility criteria will potentially make this grant process quite competitive. Research is being done as to how best to apply.

OPTIONS

Submit if a viable grant application can be developed prior to the March 12, 2013 deadline.
or
Do not submit a proposal.

FISCAL NOTE

The grant award could cover the cost of two years tree purchase (totaling over \$50,000).

There is no match required, only the time to submit, further develop the grant, and reimbursement submittals and project success reporting.

RECOMMENDATION

Should a reasonable application appear to be developable:

Motion for Authorization to submit a Proposal for Funding for City of Franklin Emerald Ash Borer Tree Mitigation to the Great Lakes Restoration Initiative.

Subject to review and acceptance by City Attorney.

RJR/db

Request for Proposals (RFP)
 FY 2013 Northeastern Area State and Private Forestry
 Great Lakes Restoration Initiative (GLRI)
Reply Due March 12, 2013 to GLRI@fs.fed.us

Background and Purpose

The interagency Great Lakes Restoration Initiative (GLRI) targets improvements to the most significant environmental problems within the Great Lakes basin. Through an agreement with the Environmental Protection Agency, the US Forest Service has received funding to support projects that implement strategic, priority actions within Forest Service authorities to restore, protect, and maintain the Great Lakes ecosystem. Successful projects will address near-shore health and nonpoint source pollution, invasive species, and toxic substances that impact water quality in priority watersheds or those that drain to identified Areas of Concern¹. Available funds are distributed across four specific program areas:

Program Area	Estimated Funding	GLRI Focus Areas
1. Restore Urban and Community Forests - Utilize existing management plans and tree cover assessments to plant and maintain tree canopy cover that will reduce storm water runoff and improve water quality.	\$ 191,000	Near-shore health and nonpoint source pollution
2. Mitigate Emerald Ash Borer (EAB) Impacts - Ash tree replacement with non-host species in urban EAB quarantine areas to protect and restore biodiversity and water quality in targeted sub-watersheds, and to reduce soil erosion and nutrient runoff (esp. phosphorus).	\$1,141,000	Invasive Species
3. Reduce Toxic Substances in Brownfield Sites – Plant site-appropriate trees and vegetation to take up or trap certain toxic substances and restore green infrastructure that will reduce storm-water runoff.	\$1,551,000	Toxic Substances and Areas of Concern
4. Develop Ecosystem Services Markets – Monitor and quantify the impact of new or existing green stormwater infrastructure. Provide incentives for installing green infrastructure, promote the maintenance of privately owned forests, and educate the public on the value of forests in protecting the Great Lakes.	\$175,000	Near-shore health & nonpoint source pollution

Eligibility

State agencies, Tribal communities, non-profit organizations, academic partners, and municipalities are eligible for GLRI funding within the Great Lakes Basin of Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania and New York. **Eligible applicants must consult with their appropriate State Forester or Tribal administrator (for federally recognized tribes) to develop and submit proposals.**

The Great Lakes Watershed is defined as those areas within the United States draining (surface, overflow, or groundwater) into either: Lake Superior, Lake Michigan², Lake Huron, Lake Erie, or Lake Ontario or draining into the St. Lawrence River west of where the International Boundary line leaves the river. A map of the watershed including eligible counties with lands in the watershed is attached.

No match is required. However, the ability to demonstrate partnerships and to leverage funds will be an important consideration when proposals are reviewed.

¹ Great Lakes Areas of Concern: <http://epa.gov/greatlakes/aoc/index.html>

² In Illinois and Indiana, for purposes of this RFP, the defined Great Lakes Basin includes the historic watersheds of the North Shore channel, Chicago and Little Calumet Rivers. See maps on page 7.

To be successful, proposals must conform to the **authorities** of the Forest Service Cooperative Forestry Assistance Act. Proposals addressing *Program Areas 1, 2, and 3 (see table above)* must follow Urban and Community Forestry (UCF) program authorities: “To plan for, establish, manage and protect trees, forests, green spaces and related natural resources in and adjacent to cities and towns” (<http://www.federalgrantswire.com/urban-and-community-forestry-program.html>). Proposals addressing *Program Area 4, “Development of Ecosystem Services Markets”* may follow authorities of the UCF Program, or may follow authorities of the Forest Stewardship Program, specifically, “To provide financial, technical, educational, and related assistance to State foresters or equivalent State officials for: The delivery of information and professional assistance to owners of nonindustrial private forest lands...” <http://www.federalgrantswire.com/forest-stewardship-program.html>.

Requirements and Evaluation Criteria

Minimum Requirements

- All proposed projects must lie entirely within the Great Lakes watersheds.
- Proposals must address:
 - A single Program Area (see Table, page 1);
 - Linkage to the Great Lakes Action Plan (see <http://greatlakesrestoration.us/>) or specific Remedial Action Plans for target AOCs (see <http://epa.gov/greatlakes/aoc/>);
 - Linkage to State Forest Action Plans (see <http://www.forestationplans.org/regional-state>)
- Proposals must be fully implemented in the time proposed (2 years from date of award)
- Eligible proposals must include documented support (*letter or e-message*) of State Forester or Tribal Administrator (for federally designated Tribes) for the project proposal.
- Emerald Ash Borer mitigation projects are eligible only in EAB quarantined counties (see Map in Appendix C). The focus of these projects must be restoration of tree canopy cover.
- Tree planting proposals must specify the estimated number and size of trees. The proposed planting of trees and other plant material must be based on a landscape plan that includes specifications for plant selection, planting and maintenance. Plant material must meet the American Standard for Nursery Stock (ANSI Z60.1). Tree planting and maintenance should also follow the standards described in “Principals and Practices for Planting Trees and Shrubs”, International Society of Arboriculture. Special precaution should be taken to avoid planting invasive trees and other plants.
- Projects may occur only on non-federal land.
- GLRI requirements include quarterly progress reports with a final report due upon project completion.
- Awardees will be required to comply with all Federal laws and regulations related to the completion of projects as stated in the letter of award.
- Projects must post a visible project identification sign, erected as appropriate at each on-the-ground project, including: project information, GLRI, and federal agencies involved.

Evaluation Criteria (Relative Weight)

- *Addresses near-shore water quality issues in the Great Lakes watershed or in sub-watersheds draining into the Great Lakes (30%)* – Scope of work specifically addresses the protection, maintenance or restoration of the chemical, biological or physical integrity of the Great Lakes watershed.
- *Addresses priority landscapes (30%)* – Provides a clear connection to the State Forest Action Plan as well as the Great Lakes Action Plan or Remedial Action Plans addressing water quality. Priority will be given to project proposals for work in priority watersheds and those that drain to designated Areas of Concern (<http://epa.gov/greatlakes/aoc/>).

- *Measurable results/outcomes expected (35%)* – Includes specific units of work accomplished (acres treated, trees planted, number of people reached) measured and reported as a part of the project; and includes proposed outcomes contributing to improved water quality (i.e., estimated gallons of storm water diverted or nutrient run-off reduced; phosphorus retained, etc.). Target tree canopy cover should equal or exceed current levels. Maximize return on investment.
- *Partnerships and Other considerations (5%)* – Projects should identify partners that have demonstrated a commitment and add value (quantitative or qualitative) towards project planning and implementation.

Grant Limits and Submission Instructions

Proposals should be submitted separately under each of the four listed Program Areas.

Program Area and Limits of Requested Federal Share	Minimum	Maximum
1. Restore Urban and Community Forests	\$ 30,000	\$50,000
2. Mitigate Emerald Ash Borer (EAB) Impacts	\$50,000	\$250,000
3. Reduce Toxic Substances in Brownfield Sites	\$50,000	\$400,000
4. Develop Markets for Ecosystem Services	\$30,000	\$160,000

State Forestry agencies may consolidate these projects with other federal funds, but activities and accomplishments must be tracked and reported separately.

Tribal Administrators are asked to send a copy of their GLRI proposal to the appropriate State Forester, as they submit their project proposal directly to the US Forest Service (GLRI@fs.fed.us)

All partner recipients of federal funds should be clearly identified in the partner section of the application: name of organization and funding amount. The work responsibilities or sub-grant objectives of partner recipients should be clearly described in the project proposal. **All proposals must include documented support (letter or e-message) of either the State Forester or Tribal Administrator.**

If you have questions, regarding the types of projects or components that can be considered, please contact your respective Field Office Representative:

New York:

Terry Miller, Durham Field Office Representative (603) 868-7694, twmiller@fs.fed.us

Ohio and Pennsylvania:

Robert Lueckel, Morgantown Field Office Representative (304) 285-1540, rlueckel@fs.fed.us

Mid-Western States:

Barbara Tormoehlen, St. Paul Field Office Representative, (651) 649-5276, btormoehlen@fs.fed.us

Additional information may also be obtained from **Phillip Rodbell** (610) 577-4133- or prodbell@fs.fed.us

Application instructions are attached. Please submit your proposals to GLRI@fs.fed.us in electronic form, **no later than close of business on March 12, 2013.**

Program Area Information
FY 2013 Northeastern Area State and Private Forestry
Great Lakes Restoration Initiative (GLRI)

Program Area: Restore Urban and Community Forests

GLRI funds for this program area are intended to restore urban and community forests within the Great Lakes Basin. Priority will be given to grant proposals for work within priority watersheds and those that drain to designated Areas of Concern. Projects will plant and maintain tree canopy cover tiered to implementation of existing assessments, management plans and monitoring protocols with a focus on reducing storm water runoff and improving water quality. Assessment tools include but are not limited to i-Tree Eco, i-Tree Streets, Urban Tree Canopy Assessment, Hazard Tree Risk Assessment, Invasive Plant Best Management Practices, and Urban Forest Health Monitoring protocols. Visit the following websites for additional information:
www.Forestsforwatersheds.org ; www.itreetools.org.

Great Lakes Action Plan

Outcome: This project is most closely aligned with Focus Area 3, Near-shore Health and Nonpoint Source Pollution, Goal 2: Land use, recreation and economic activities are managed to ensure that near-shore aquatic, wetland and upland habitats will sustain the health and function of natural communities; and Goal 5: A significant reduction in soil erosion and the loading of sediments, nutrients and pollutants into tributaries is achieved through greater implementation of practices that conserve soil and slow overland flow in agriculture, forestry and urban areas.

Outputs: Number of trees planted or maintained and estimated number of gallons of annual stormwater interception averaged over the first 40 years (conversion factor is 1,129 gallons per medium-size tree/year.

Program Area: Mitigate Emerald Ash Borer (EAB) Impact

GLRI funds for this program area are intended to restore tree canopy lost to infestation by emerald ash borer. Replanting is critical to maintaining healthy, functioning tree canopy cover that will reduce and cool storm water flow, reduce soil erosion and nutrient runoff (esp. phosphorus), and protect water quality. Priority will be given to project proposals for work within priority watersheds and those that drain to designated Areas of Concern. Emphasis will be on working with communities and residents to mitigate EAB infestation by removing and destroying (dead or dying) ash trees and restoring diverse urban tree canopy cover on non-federal lands in urban and community areas. Target tree canopy cover replacement should equal or exceed levels prior to infestation.

Great Lakes Action Plan:

Outcome: Focus Area 2, Invasive Species; Measure 2, acres managed for populations of invasive species controlled to a target level.

Output: Number of acres treated and/or the number of trees planted

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<p>APPROVAL <i>Slew</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 3/05/13</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Procedures for boards and commissions requesting independent action by county and state agencies – Ald. Olson</p>	<p>ITEM NUMBER <i>G. 6.</i></p>

Alderman Olson has requested that the procedures for boards and commissions requesting independent action by county and state agencies be placed on this agenda.

COUNCIL ACTION REQUESTED

Sandi Wesolowski

From: Steve Olson [steve-olson@wi.rr.com]
Sent: Saturday, January 19, 2013 3:45 PM
To: Sandi Wesolowski
Subject: Agenda Item, next COW

Sandi:

For the next committee of the whole:

"Procedures for boards and commissions requesting independent action by county and state agencies."

"On November 2, 2012 the Board of Public Works sent a letter to the State Department of Transportation a letter requesting that the speed limit on STHWY 36 be lowered from 55mph to 45mph. While I don't take a position on the request, such a request may more properly been made to the Common Council for their consideration (a policy decision) rather than directly to the State. The Common Council should be on record with a policy that covers all boards and commissions in addressing issues important to the city that will be presented to other governing bodies."

Thanks.

Steve

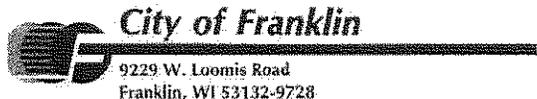


Steve Olson
Alderman, 1st District
8091 S. Meadowcreek Ct.
Franklin, Wisconsin 53132
414-425-9060
solson@franklinwi.gov
www.franklinwi.gov

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 3/05/13
LICENSES AND PERMITS	MISCELLANEOUS PERMITS	ITEM NUMBER <i>H.C.</i>

See attached list from meeting of March 5, 2013.

COUNCIL ACTION REQUESTED



9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

**License Committee
Agenda*
Alderman's Room
March 5, 2013 – 6:00 p.m.**

1.	Call to Order & Roll Call	Time		
2.	License Application Reviews			
		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2012-13	Demiri, Myzafer 631 E Deer Ridge Ct. Oak Creek, WI 53154 Mulligan's Irish Pub & Grille			
Operator 2012-13	Hein, Kaila M 4283 W. Victory Creek Drive Franklin, WI 53132 CVS Pharmacy			
Operator 2012-13	Moore, Amy E 3954 S. 56 th St Milwaukee, WI 53220 Three Cellars			
Operator 2012-13	Spranger, Margaret M 3536 County Road H, #4 Franksville, WI 53126 Walgreen #05459			
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>DW Slew</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 3/5/13
Bills	Vouchers and Payroll Approval	ITEM NUMBER <i>I.1.</i>

Provided for Council approval is a list of vouchers dated March 5, 2013 Nos. 146278 through 146455 in the amount of \$ 837,557.87. Included in this listing is \$31,339.38 in library vouchers.

The net city vouchers for March 5, 2013 are \$ 806,218.49.

Approval is requested for the net payroll dated February 22, 2013 in the amount of \$ 353,410.33.

COUNCIL ACTION REQUESTED

Motion approving net City vouchers in the range Nos. 146278 through Nos.146455 in the amount of \$ 806,218.49 dated March 5, 2013.

Motion approving net payroll dated February 22, 2013 in the amount of \$ 353,410.33.