

CITY OF FRANKLIN
SPECIAL COMMON COUNCIL MEETING*
MONDAY, MARCH 23, 2015, AT 5:30 P.M.

FRANKLIN LAW ENFORCEMENT CENTER COURTROOM
9455 WEST LOOMIS ROAD
FRANKLIN, WISCONSIN

AGENDA

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C.
 - 1. Presentation of Mayor's veto of Common Council action from March 17, 2015 Common Council action to proceed with the development of Kayla's Playground at Froemming Park with the condition that it is approved by Milwaukee County.
 - 2. Consideration by the Common Council being subject to the Mayor's veto being sustained: Request from staff for direction to proceed with the development of Kayla's Krew at a specific site.
- D. Adjournment.

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

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414)425-7500.

<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;">3/23/2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Presentation of Mayor's veto of Common Council action from March 17, 2015 to proceed with the development of Kayla's Playground at Froemming Park with the condition that it is approved by Milwaukee County</p>	<p>ITEM NUMBER</p> <p style="text-align: center;">C.1.</p>

Pursuant to Wis. Stat. § 62.09(8)(c) and §19-5. of the Municipal Code, presented herewith is the Mayor's veto and objections to the action of the Common Council regarding Item G.7. on the March 17, 2015 Common Council agenda. The action of the Council was as follows:

"Alderman Schmidt moved to proceed with the development of Kayla's Playground at Froemming Park with the condition that it is approved by Milwaukee County. Seconded by Alderman D. Mayer. Upon voice vote, Alderman D. Mayer, Alderwoman Wilhelm and Alderman Schmidt voted Aye; Alderman Dandrea and Alderwoman Evans voted No. Motion carried."

A vote on this action should be taken to determine if the action of the Council shall be effective notwithstanding the objections of the Mayor. This "override" must be by a two-thirds vote of all members of the Council.

COUNCIL ACTION REQUESTED

A motion to proceed with the development of Kayla's Playground at Froemming Park with the condition that it is approved by Milwaukee County, notwithstanding the objections of the Mayor

or

Such other motion as the Common Council deems appropriate.



March 19, 2015

Ms. Sandra Wesolowski
Director, Clerk Services
City of Franklin
9229 W. Loomis Road
Franklin, Wisconsin 53132

RECEIVED
CITY OF FRANKLIN
2015 MAR 19 AM 10:02

Dear Madam Clerk:

With this notice I hereby **VETO** the legislative action of the Franklin Common Council on Item **G7 'SITE FOR ALL-ACCESSIBLE AND ALL-INCLUSIVE PLAYGROUND'** on action taken at the regular Common Council meeting of March 17, 2015. I am specifically vetoing the following action:

*"Alderman Schmidt moved to proceed with the development of Kayla's Playground at Froemming Park with the condition that it is approved by Milwaukee County. Seconded by Alderman D. Mayer. Upon voice vote, Alderman D. Mayer, Alderwoman Wilhelm and Alderman Schmidt voted Aye; Alderman Dandrea and Alderwoman Evans voted No. Motion carried."*¹

This veto is in conformance with Wisconsin Stats §69.02(8)(C), local ordinances, customs and Roberts Rules of Order.

Madam Clerk, I take this action with all consideration and due respect for the Common Council in furtherance of prior Common Council actions as well as expressed and implied commitments to the other parties affected by this action. My reasons are below:

- Significant and adverse effect on the timeline for the project which has been discussed for more than 18 months
- Disregard to the people and businesses, many of whom are Franklin constituents, who have donated more than \$200,000 toward the project with the expectation of timely completion of the project within the city with support of the Common Council.
- Disregard for commitments made by this Common Council to Kayla's Krew for support and assistance.
- Disregard for the advice given by four special education professionals employed by Franklin Public Schools with specific expertise and training in working with children for whom the playground is dedicated.
- Disregard for proper development and use of assets properly owned and managed by the City
- Disregard to the more than 1,600 voices of those in our community who share the goals of Kayla's Krew in bringing the community together to share experiences in a harmonious, caring and fun environment.

- The action removes control from the City and places it with the Milwaukee County government causing uncertainty to the project time line and project viability and fund raising efforts.
- Adds increased area to our parks system without corresponding budget for maintenance and repair and replacement
- Disregard for the financial impact of the decision

It is my hope that with this veto, the members of the Common Council will re-consider their positions and join with the vast majority of the community who overwhelmingly support this project and move forward with a timely decision to keep this tremendous opportunity within the control of the City and place it on the most appropriate (to the children who will use the park) City owned parkland.

As a City, it is OUR responsibility to provide appropriate recreational facilities for all of our residents and their guests.

It is also extremely important that we as a governmental unit and civic leaders hold true to our commitments of support without delay or equivocation.

I truly look forward to joining my colleagues on the Common Council on September 20, 2015 for the community construction of this wonderful playground just as we have promised Kayla's Krew, their benefactors and supporters on so many occasions.

I am also scheduling a **special meeting of the Common Council for March 23, 2015 at 5:30pm** in the Common Council Chambers for the purpose of presentation of this veto and subsequent action by the council on this and selection of an appropriate site that may be developed in a timely manner.

Respectfully,



Stephen R. Olson
Mayor

¹ Draft minutes, Franklin Common Council Meeting of 3/17/15

<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;">3/23/2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Request from staff for direction to proceed with the development of Kayla's Krew at a specific site</p>	<p>ITEM NUMBER</p> <p style="text-align: center;">C.2.</p>

Consideration of this subject matter item is contingent upon the Mayor's veto being sustained under item C.1.

Annexed hereto are the agenda packet materials upon this subject matter from the March 17, 2015 Council meeting. The Council actions upon that item G.7. pertaining to site selection, excepting the action which was the subject of item C.1. of this meeting agenda, were as follows:

Alderman Schmidt moved to eliminate the Victory of the Lamb site as an option for the development of Kayla's Playground. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

Alderman Schmidt further moved to eliminate St. Martin's Park and Southwood Glen as options for the development of Kayla's Playground. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderwoman Evans moved to direct staff to proceed with the development of Kayla's Playground at the Pleasant View site. Motion died due to lack of a second.

Alderwoman Wilhelm further moved that if the answer is no from Milwaukee County [Froemming Park], move forward with Legend Park. Seconded by Alderman D. Mayer. Upon voice vote, Alderman Dandrea, Alderman D. Mayer, Alderwoman Wilhelm and Alderman Schmidt voted Aye; Alderwoman Evans voted No. Motion carried.

COUNCIL ACTION REQUESTED

Such action(s) as the Common Council deems appropriate.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 03/17/2015
REPORTS & RECOMMENDATIONS	Direct Staff to proceed with the development of Kayla's Krew at a specific site	ITEM NUMBER G.7.

BACKGROUND

Per Common Council's direction on March 3, 2015, Staff has evaluated other sites in conjunction with the proposed Victory of the Lamb Church on Loomis Road to construct an all inclusive playground, commonly known as Kayla's Krew.

ANALYSIS

See Enclosed Summary. Staff identified 30 sites within the City of Franklin that could be considered park and recreation sites. Many are owned by the by the City, some are owned by the County, and some are privately owned.

Of the thirty sites, 19 sites were immediately dismissed as non-suitable for Kayla's Krew. Some of these sites "considered but not evaluated" were too small, some had minimal space to avoid significant ecological issues such as wetlands, flood plain or woods. Others were dismissed because the sites were already crowded with recreational equipment and fields. The reasons why these sites were considered but not evaluated are shown in parenthesis.

An additional five sites have potential but were not fully evaluated because in comparison, they are not as desirable as the sites ultimately chosen as the "potential park sites for Kayla's Krew". The reasons why these sites are not as desirable as the potential park sites are shown in parenthesis.

Finally, six sites, including the proposed Victory of the Lamb Church on Loomis Road, were evaluated as a potential park site for Kayla's Krew. Each site is shown as an aerial view with a sketch of how the site could function as a park site. There is also included a page showing a very preliminary budget to be used for comparison purposes only. Once Common Council selects a site, Staff will proceed with design and prepare a detailed budget.

OPTIONS

Consider the pros and cons of each site and Direct Staff to proceed with the development of the project at one of the six sites:

1. Victory of Lamb- Loomis Rd.
2. Legend Park- Across from Library- 8050 S. Legend Dr.
3. Froemming Park- 8801 S. 51st St.
4. St. Martin's Park- 10705 W. Robinwood Ln
5. Southwood Glen Park- 3180 W. Hilltop Ave.
6. Pleasant View- Behind Pleasant View School – 4620 Evergreen

FISCAL NOTES

See fiscal note enclosed at the end of the enclosed information.

REMMENDATIONS

Motion to direct staff to proceed with the development of the project at one of the six sites:

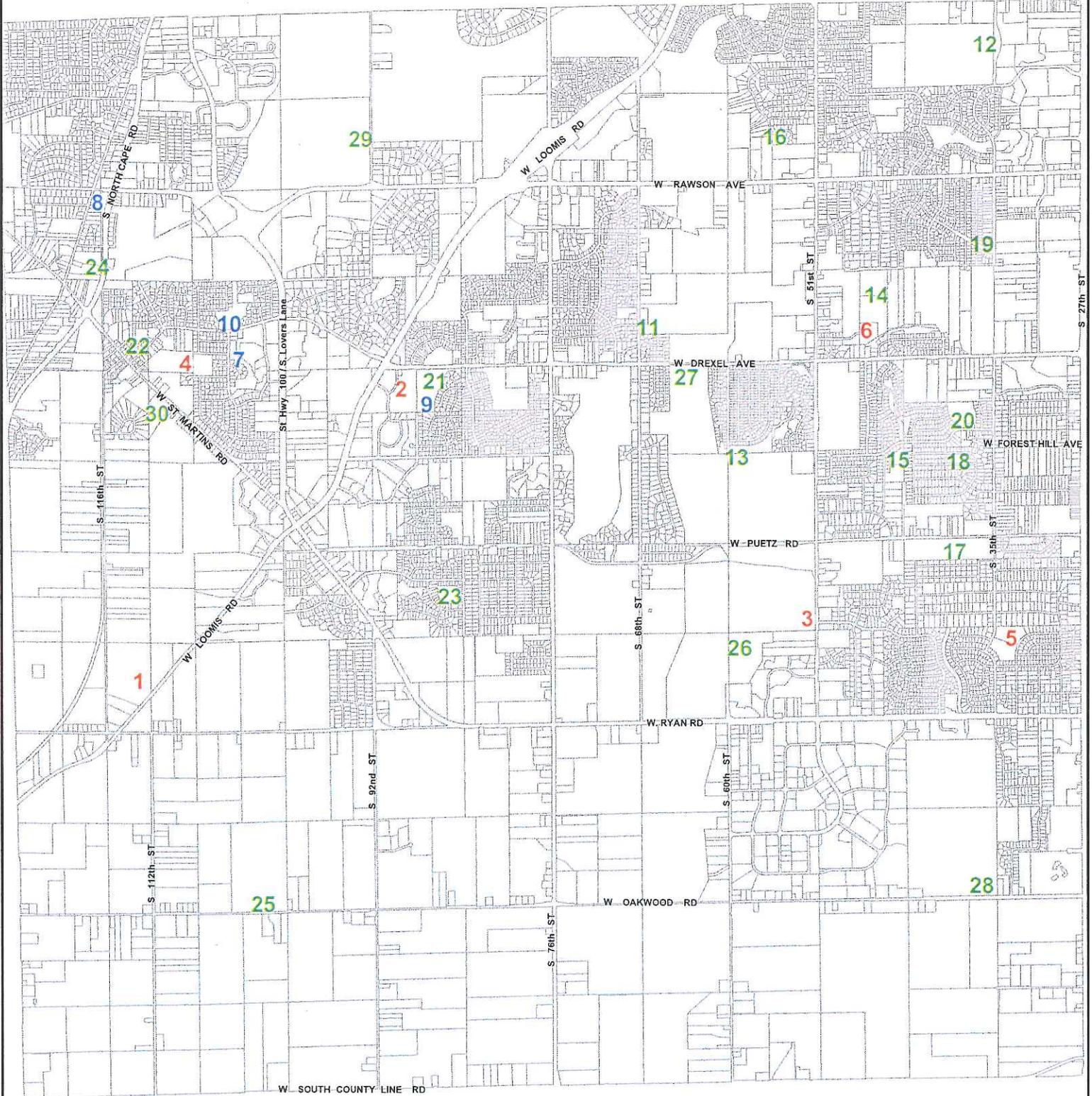
1. Victory of Lamb- Loomis Rd.
2. Legend Park- Across from Library- 8050 S. Legend Dr.
3. Froemming Park- 8801 S. 51st St.
4. St. Martin's Park- 10705 W. Robinwood Ln
5. Southwood Glen Park- 3180 W. Hilltop Ave.
6. Pleasant View- Behind Pleasant View School – 4620 Evergreen

Furthermore, prepare a detailed budget and time schedule.

FRANKLIN PARK SITES



SCALE 1"= 4000'



- POTENTIAL PARK SITES FOR KAYLA'S KREW
- SITES WITH POTENTIAL BUT NOT FULLY EVALUATED
- SITES CONSIDERED BUT NOT EVALUATED

Potential Park Sites for Kayla's Krew

1. Victory of Lamb- Loomis Rd.
2. Legend Park- Across from Library- 8050 S. Legend Dr.
3. Froemming Park- 8801 S. 51st St.
4. St. Martin's Park- 10705 W. Robinwood Ln
5. Southwood Glen Park- 3180 W. Hilltop Ave.
6. Pleasant View- Behind Pleasant View School – 4620 Evergreen

Sites with Potential but not Fully Evaluated

7. Ernie Lake Trail- 8000 S. Chapel Hill Dr. (concern about soils)
8. Ken Windl Park- 11615 W. Rawson Ave. (limited space)
9. Legend Park- 88th Street Dead End (to small in comparison to others)
10. Mission Hills wetland- 10400 W. Church St. (concern about fill)
11. Christine Rathke Memorial Park- 7700 S. 68th St. (private ownership)

Sites Considered but not Evaluated

12. Grobschmidt "Mud Lake"- 35th Street south of College Ave. (too many ecological issues)
13. Cascade Creek- 8300 S. 60th St. (All Flood Plain. No Room for any structure)
14. Countryside- approx 4500 blk of Marquette Ave. (All Wooded)
15. Crooked Creek Walking Trail- W. Forest Hill to S. 44th (Trail only)
16. Dr. Lynette Fox Memorial Park- 6860 S Harvard Dr.(0.42 Acres)
17. Franklin Woods- 3723 W. Puetz Rd. (Site already congested)
18. Friendship- 3810 W. Sharon Ln. (no room after ball diamond)
19. Glen Meadows- 7362 S. 37th St. (Pie Shaped lot)
20. Jack Workman- 3674 W. Forest Hill Ave (Require Redesign and rebuild park)
21. Legend Park Expansion- 8717 W. Drexel Ave.- distance from parking lot
22. Market Square- 11230 W. Franklin St. (0.5 acres)
23. Meadowland Trail- 8665 W. Elm Ct. (all flood plain. Not even enough room for a trail)
24. St. Martins Bike Trail- Rawson-St. Martins-Forest Hm-116-N. Cape(Trail only)
25. Franklin Park- 10400 W. Oakwood Rd. (no utility access)
26. Milwaukee County Sports Complex- 6000 W. Ryan Rd (Site already congested with soccer fields and woods and flood plain)
27. Root River Parkway (Oakleaf Bike Trail) 6000-6800 Blocks (Milw. Sports Compl. to Loomis) Trail only
28. Oakwood Park (Golf Course) 3600 W. Oakwood Rd golf course takes entire site
29. Whitnall Park- 5879 S. 92nd St. (would take county committee to decide allowable locations)
30. Lions Club- St. Martin (no utility access)

Victory of Lamb- Loomis Rd.

This site has been discussed previously in detail. Because DNR approval of previously identified "Preferred Design" is unlikely, this option considers the "Alternate Design". The Alternate Design is a perimeter road not through the parking lot of Victory of the Lamb Church site.

Costs associated with this site are as follows:

See attached Fiscal Note.

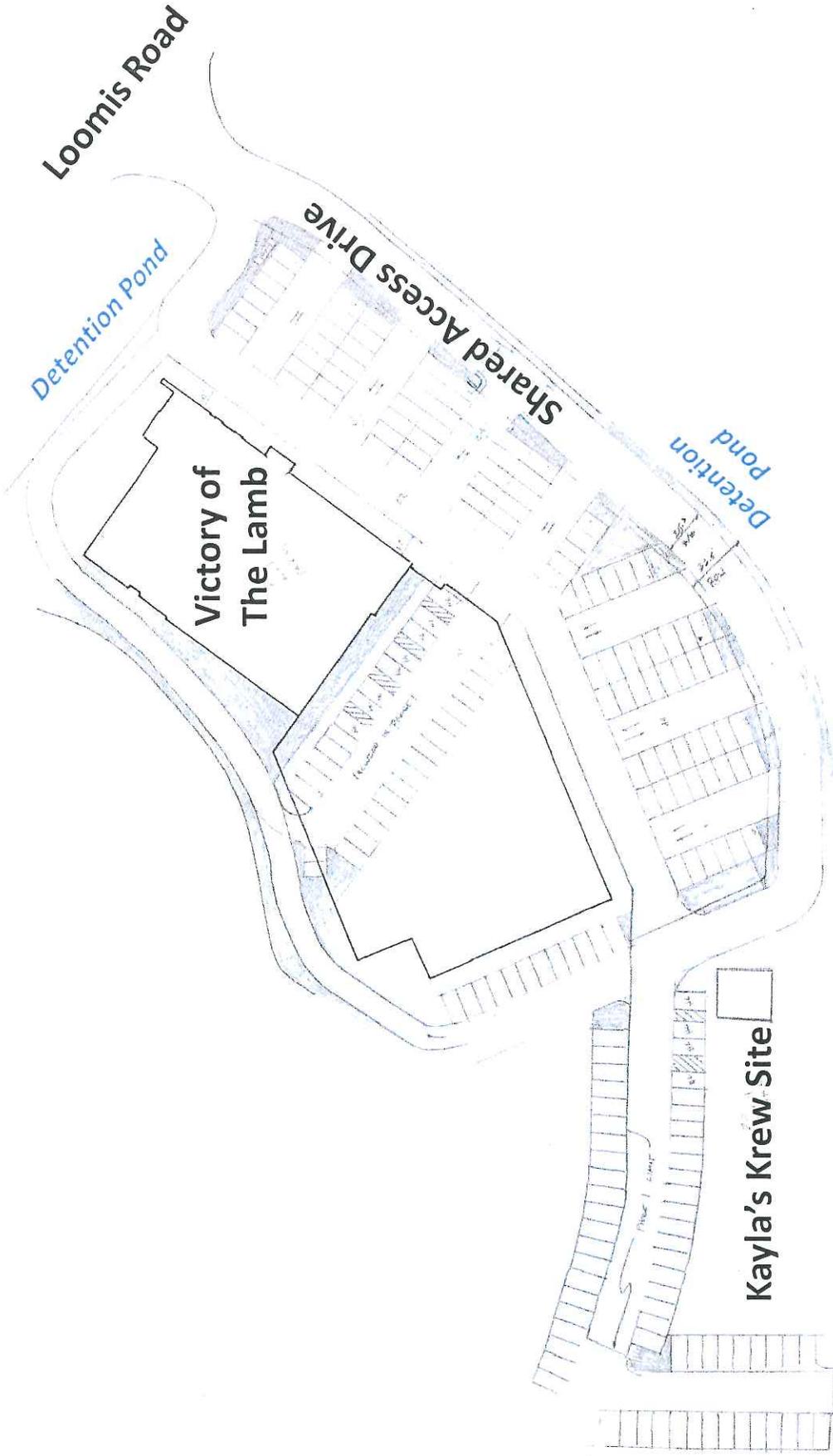
Pros for this site:

- Tremendous amount of goodwill with the Church, the Public and Kayla's
- Neighboring MMSD Properties are amenities
- Existing Planning
- Access from Loomis
- Can make butterfly garden- wetland on MMSD property
- Provides park for SW portion of the City
- Quiet, access to nature area
- Supervision and key access almost 7 days per week.
- Access to Greendale
- Doesn't require CORP or CMP amendments
- Minimal neighborhood impacts
- Offsets available through assessments

Cons for this site:

- No neighborhood connections
- Small site
- CSM process to separate parcel and combine with MMSD
- Lot of variances required
- Significant Development Costs
- Central Location to other park facilities
- Proximity to Library (loan of swing card)
- Need to construct Pavilion- tight budget
- Requires Site Plan Approval from Parks commission and Common Council
- Need to construct Pavilion

**Victory of the Lamb
Loomis Road**



MMSD Property

Lions Legend Park- Across from Library- 8050 S. Legend Dr.

Located within a park owned by City, located across from Library, behind fire station, and within a block of City Hall.

Costs associated with this site are as follows:

See attached Fiscal Note.

Pros for this site:

- Good visibility and accessibility from Schlueter Parkway
- Central location to other park facilities
- Proximity to Library (loan of Liberty Swing card)
- Good bus access
- EMT assistance at Fire Station
- Access to Greendale
- Already City Owned, Active Community Park
- In neighborhood

Cons for this site:

- Relocate Baseball Field
- Already several playgrounds in vicinity
- Need to construct Pavilion
- Relocate St. Alphonsus Football Team
- Impact to 4th of July Fireworks parking
- Limits opportunities for FFD expansion
- Noisy for park patrons (FFD Sirens)
- Requires building a THIRD pavilion in the same park

Lions Legend Park
(Across From Library)



SCHILU

Pleasant View- Behind Pleasant View School – 4620 Evergreen

A new city neighborhood park.

Costs associated with this site are as follows:

See attached Fiscal Note.

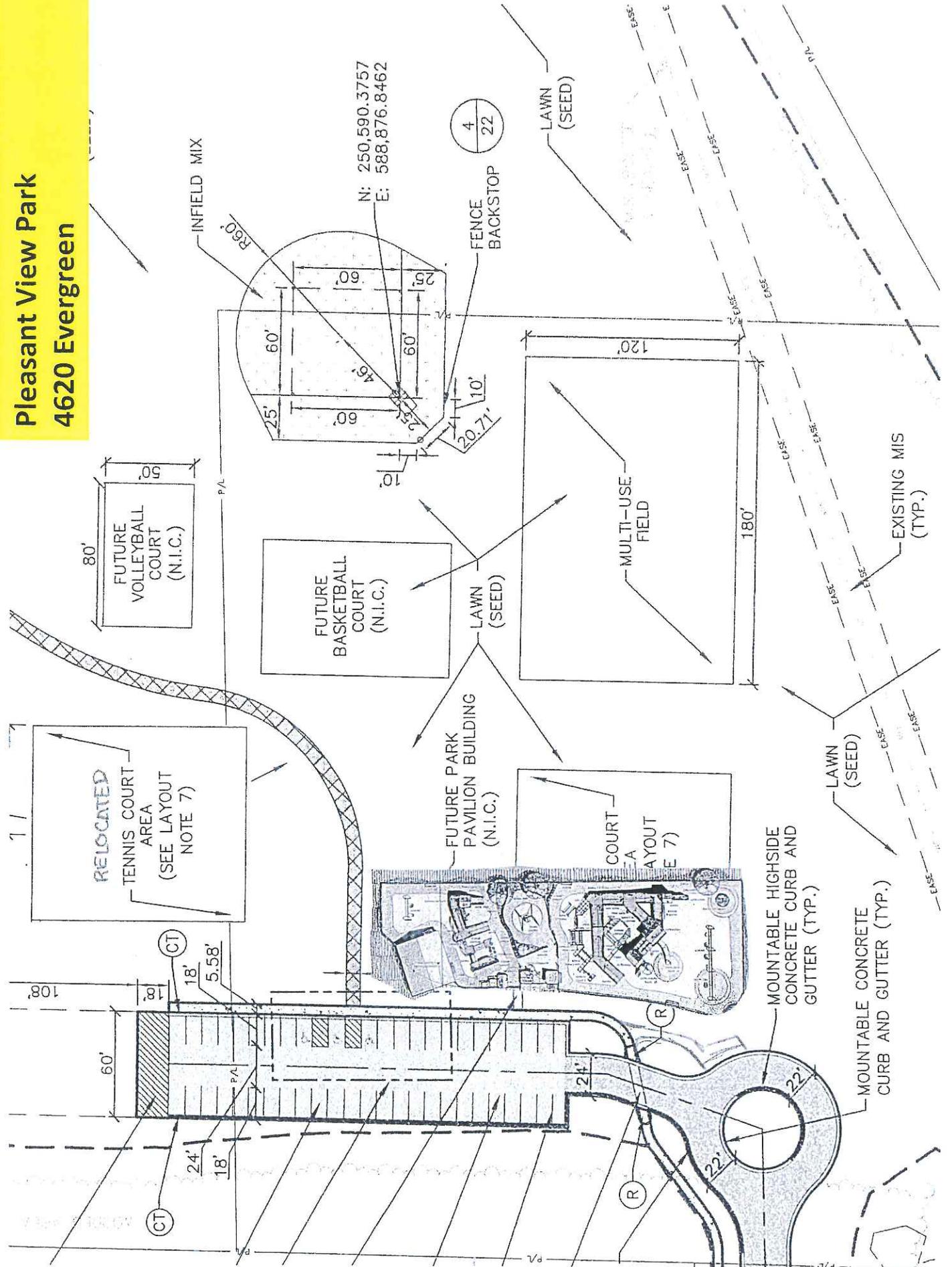
Pros for this site:

- No additional parking needed
- Utilities are available
- Other park amenities
- Trails are available
- Quiet area
- Near fire station
- Might not need a Park Impact Fee Amendment
- City Owned
- Existing Parking
- Bus Access
- Already Pavilion in Budget (\$232,800)
- Other Play Equipment in Future Budgets
- Nearby schools

Cons for this site:

- Need to construct pavilion
- Need to move tennis court
- Increased traffic in residential neighborhood
- Potentially difficult to find for visitors
- No secondary access
- No synergies with other users
- Remote supervision
- Poor access to key for swing
- Current Plans for “neighborhood park”

Pleasant View Park 4620 Evergreen



Froemming Park- 8801 S. 51st St.

This is a county owned park. The county has stated that they would accommodate making this a City park. A stipulation would be that if the City ever ceased using it as a public park, it would revert to the County.

This site includes a playground with equipment and hard surface installed in 2010.

North of this site could be included in the County/City transfer. It is currently in the federal CRP program but restrictions expire in 2017.

Costs associated with this site are as follows:

See attached Fiscal Note.

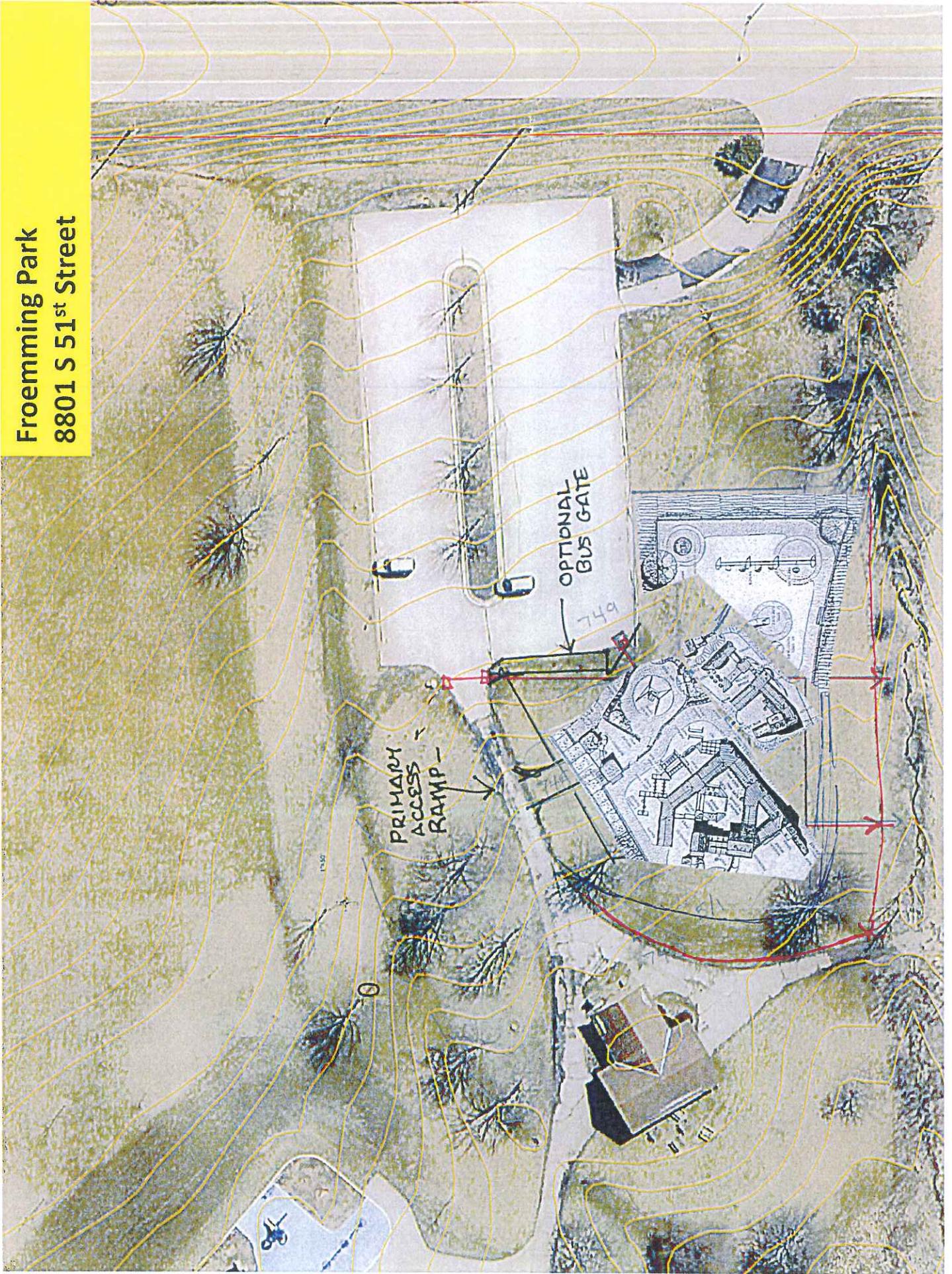
Pros for this site:

- Existing Parking
- Connect to Oak Leaf Trail
- Other Park Amenities (Milwaukee County Sports Complex)
- Future 8-tennis court space
- Existing shelter
- Can make butterfly garden- wetland
- Current Community park
- Good access and visibility

Cons for this site:

- CRP site until 2017
- Well and Sewage Holding Tank
- Close proximity to planned St. Francis all-abilities playground.
- Requires third party approval step
- Isolated area
- Noise from baseball fields
- No supervision or key access
- Proximity to House of Correction

Froemming Park
8801 S 51st Street



St. Martin's Park- 10705 W. Robinwood Ln

This is a county owned park with a long term lease to the school district.

Preliminary School opinions are that the school systems would be supportive of our efforts.

The County has stated that they would accommodate the school's relinquishment of the long term lease and turning it into a City park.

Costs associated with this site are as follows:

See attached Fiscal Note.

Pros for this site:

- Existing Pavilion
- Connection to Trails- 3 neighborhoods and school
- Existing restrooms, sewer/water
- Large paved area good for play surface base
- Adjacent wooded area suitable for nature walk
- Could connect to St. Martin Trail
- Already neighborhood park

Cons for this site:

- Access
- Visibility
- Conflicts with Robinwood school activity
- Potential Impact to ball field- baseball and soccer?
- School wear/tear
- Increased traffic in residential neighborhood
- Very difficult to find for visitors
- Better location for tennis courts
- Conflicts during school days with bus/cars
- No supervision/key access during summer/weekends
- Lead time for property transfer
- Require four party issues

**St. Martin's Park
10705 W Robinwood Ln**

0 30 60 120 Feet

SCALE: 1" = 80'

**PARTIAL
POTENTIAL SITE**



Southwood Glen Park- 3180 W. Hilltop Ave.

This is a county owned park with a long term lease to the school district.

Preliminary school opinions are that the school systems would be supportive of our efforts.

The County has stated that they would accommodate the school's relinquishment of the long term lease and turning it into a City park.

Costs associated with this site are as follows:

See attached Fiscal Note.

Pros for this site:

- Adjacent wooded area suitable for nature walk
- Already a community park

Cons for this site:

- Conflicts with Southwood Glen school activity
- Potential Impact to ball field- baseball and soccer?
- Close proximity to planned St. Francis all abilities playground.
- Increased traffic in residential neighborhood
- Very difficult to find for visitors
- Excellent location for tennis courts
- Bus/car conflicts during school days
- No supervision/key access during summer and weekends
- Lead time for property transfer

Southwood Glen Park
3180 W. Hilltop Ave.



FISCAL NOTE:

Kayla's Krew- Site Evaluation Comparisons

(For Comparisons Only. Not Firm Budget Estimates At This Time. Detail Design and Budgets Will Be Established)

	Victory of Lamb	Legend Park	Pleasant View	Froemming	St. Martin	Southwood
Access Costs \$	200,000				40,000	
Water Assessment	180,000					
Misc Utility Work	20,000	30,000		30,000	10,000	20,000
Parking	120,000	120,000				100,000
Site Work	60,000	50,000	25,000	100,000	50,000	50,000
Additional Engineering	35,000	35,000	35,000	35,000	35,000	35,000
Pavilion Budget	300,000	300,000	300,000	100,000	100,000	300,000
Playground	385,000	385,000	385,000	385,000	385,000	385,000
Relocate Existing Amenities	10,000		50,000			
Total Expenditures \$	1,300,000	930,000	795,000	650,000	620,000	890,000
Donations \$	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)
Utility Special Assessment	(100,000)					
Street Special Assessment	(180,000)					
Park Impact Fees **	(319,800)	(284,700)	(232,050)	(175,500)	(163,800)	(269,100)
City Funds - Note C	(310,000)	(310,000)	(362,950)	(274,500)	(256,200)	(310,000)
Other Unidentified Resources ^^ \$	(190,200)	(135,300)	-	-	-	(110,900)
Net \$	A B D	D	\$	\$	\$	\$
Notes			A	A	A	A D

** Assumes the Park Impact Fee Study Updated to provide for an all inclusive Special Park.

^^ Assumes that MMSD deeds land to City of Franklin that would constitute the City Matching funds.

A - Assuming the project location qualifies for Park Impact Fees, then Impact Fee use would be available to fund the Net.

B - Insufficient Appropriation in the Capital Improvement Fund - budget amendment would be required to contract this project Alternately, a portion of the project (in excess of \$1.1 million) could be appropriated in the 2016 Budget, i.e. Pavilion

C - City Funds - Park Impact fee use may qualify for Matching land values - see ^^

D - Additional Funding Required - donated lands may qualify additional Impact Fees

**City of Franklin
Park Impact Fees
3/17/2015 - Corrected ###**

Amount Unspent at Dec.31, 2014

Year Collected	Amount	Cummulative
2005	\$ 483,286	
2006	646,907	1,130,193
2007	220,706	1,350,899
2008	133,074	1,483,973
2009	80,215	1,564,188
2010	145,479	1,709,667
2011	163,106	1,872,773
2012	263,398	2,136,171
2013	317,206	2,453,377
2014	184,592	2,637,969
Total	\$ 2,637,969	

###

Use of Impact Fees Project	Project Cost	Other Resources	Net Cost	Rate Per Impact Fee Study		Impact fees per Study	Additional Park Impact Fees or City Funds	Total Park Impact Fees	MMSD Land Value - \$2,450,000
				Study	Study				
Kayla's @ Victory of Lamb	\$ 1,300,000	\$ 480,000	\$ 820,000	39.00%		\$ 319,800	\$ 500,200	\$ 820,000	\$ 1,282,564
Pleasant View Park Improve	232,800		232,800	44.38%		103,317	129,483	232,800	332,009
North Cape Trail	754,000		754,000	58.94%		444,408	309,592	754,000	793,827
Mini Park Acquisition	135,504		135,504	40.68%		55,123	80,381	135,504	206,105
Total	\$ 2,422,304	\$ 480,000	\$ 1,942,304			\$ 922,647	\$ 1,019,657	\$ 1,942,304	\$ 2,614,504

Assumes MMUSD land is donated without dedicated purpose attached

Used 39% for the value of land - as that is what Special Parks qualify for in the Park Impact Fee study

Concept - City converts donated land for Park use - presuming this "conversion project" qualifies for impact fees likely @ 39%, this impact fee asset can then be set aside and used on the subject Park Project