

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, MAY 3, 2016  
AT 6:30 P.M.**

- A. Call to Order and Roll Call.
  
- B.
  - 1. Citizen Comment Period.
  - 2. Mayor Announcements:
    - (a) Proclamation – Logan Wilson (Eagle Scout Court of Honor).
    - (b) Proclamation – Tanner Wilson (Eagle Scout Court of Honor).
    - (c) Letter of Recognition (City of Franklin Fire Department).
    - (d) Proclamation – May 7, 2016 Arbor Day in the City of Franklin.
    - (e) Proclamation – National Nurses Week May 6-12, 2016.
  
- C. Approval of Minutes:
  - April 19, 2016 Common Council Meeting.
  
- D. Hearings.
  
- E. Organizational Business:
  - Boards and Commissions Appointments:
    - 1. Alderman D. Mayer Appointment – Board of Review, Carol Brunner, 7473 S. Karth Ct. (Ald. Dist. 5), 3-year term expiring 4/30/19.
    - 2. Mayoral Appointments:
      - (a) Plan Commission – Patricia Hogan, 8239 W. Drexel Ave., (Ald. Dist. 1), unexpired 3-year expiring 4/30/2018.
      - (b) Parks Commission – Alderman Susanne Mayer, 1-year term expiring 4/18/2017.
  
- F. Letters and Petitions.
  
- G. Reports and Recommendations:
  - 1. Donation to the Police Department from Kwik Trip in the Amount of \$350 to be used for the Annual Bicycle Rodeo.
  - 2. An Ordinance to Amend § 178-5. of the Municipal Code to Provide a Limitation on the Operation of Drones to Prevent Any Person From Operating a Drone Over a Correctional Institution Property.
  - 3. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for an Over-the-Road Trucking Company Business Use Upon Property Located at 5825 West Ryan Road (American Logistics LLC, Applicant).
  - 4. Direction Regarding a Proposed Amendment to the Unified Development Ordinance to Exempt Public Streets, Sidewalks, Trails and Appurtenances from the City's Natural Resource Protection Standards (City of Franklin, Applicant).
  - 5. City Parks Use and Pavilion Rentals Regulations; Franklin Woods Nature Center Kayla's Playground Pavilion Use Rental.
  - 6. Additional Information for Purchasing Site Furnishings for Kayla's Playground.
  - 7. Request by the Indian Community School for Permission to Perform Invasive Species Buckthorn Removal from Lands Protected Under a Conservation Easement with the City on the Indian Community School Property.

Common Council Meeting Agenda

May 3, 2016

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8. A Resolution Approving Supplemental Agreement No. 7 with HNTB Corporation in an Amount not to Exceed \$12,601.00 for Final Design Services Related to the Streetscape Elements for the South 27<sup>th</sup> Street Corridor Reconstruction.
9. A Resolution Authorizing Certain Officials to Execute a Development Agreement for Autumn Leaves of Franklin Located at 9201 W. Drexel Avenue.
10. A Resolution Authorizing Certain Officials to Accept a Temporary Limited Easement Upon Property at 3177 W. College Avenue for the Construction of the West College Avenue Sidewalk/Pathway.
11. A Resolution Authorizing Certain Officials to Approve a Request to Vacate an Existing Public Water Easement and to Convey the Existing WIDNR Approved Abandoned Well, Well Pump Building and Below Ground Reservoir to the Owners in Fee of the Property "as is" at 7984, 7986 and 7998 S. Scepter Drive, Tax Key Number 800-0103-000, on City Attorney's Review and Approval.
12. A Resolution Authorizing Certain Officials to Accept a Public Water Main Easement at 7984, 7986 and 7998 S. Scepter Drive, Tax Key Number 800-0103-000, on City Attorney's Review and Approval.
13. A Resolution to Amend the City of Franklin Investment Policy Statement – Reserve and Liquidity Investments.
14. Investment Policy Statement for the City of Franklin Post Employment Benefits Trust Review.
15. March 2016 Monthly Financial Report.
16. A Resolution Relative to Approval of an Amendment to Exhibit C of the "Domestic Animal Control Services Agreement" for the Milwaukee Area Domestic Animal Control Commission ("MADACC").
17. Designation of Official Newspaper.
18. Summer Schedule for Committee of the Whole and Common Council Meetings.

H. Licenses and Permits.  
Miscellaneous Licenses.

I. Bills.  
Vouchers and Payroll approval.

J. Adjournment.

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

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

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

REMINDERS:

May 5	Plan Commission	7:00 p.m.
May 17	Common Council	6:30 p.m.
May 19	Plan Commission	7:00 p.m.
May 30	Memorial Day	City Hall Closed

B.2.a.

# City of Franklin Proclamation

## CERTIFICATE OF ACHIEVEMENT

### LOGAN WILSON

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

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

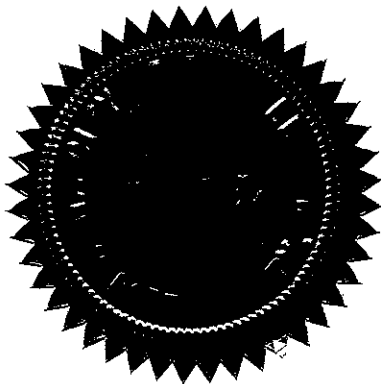
Whereas, such dedication and industriousness has resulted in Logan Wilson earning the highest award in scouting that of Eagle Scout, and

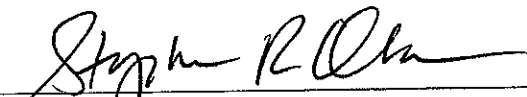
Whereas, Logan Wilson's achievement has broadened his knowledge and experience and will help him in all of his future endeavors, and

Whereas, Logan Wilson's parents, his scouting leaders, friends, and the community are proud of his achievement.

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

Dated this 14th day of April, 2016 in Franklin, Wisconsin.



  
Stephen R. Olson, Mayor

B. 2. 6.

# City of Franklin Proclamation

## CERTIFICATE OF ACHIEVEMENT

### TANNER WILSON

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

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

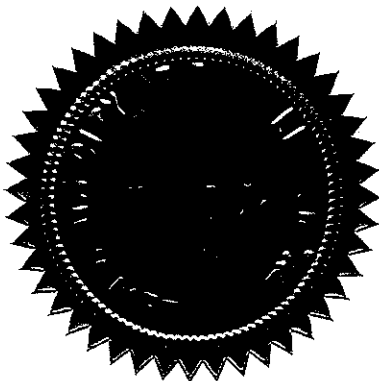
Whereas, such dedication and industriousness has resulted in Tanner Wilson earning the highest award in scouting that of Eagle Scout, and

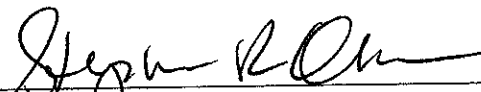
Whereas, Tanner Wilson's achievement has broadened his knowledge and experience and will help him in all of his future endeavors, and

Whereas, Tanner Wilson's parents, his scouting leaders, friends, and the community are proud of his achievement.

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

Dated this 14th day of April, 2016 in Franklin, Wisconsin.



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

B.2.c.

# Franklin Fire Department

## Letter of Recognition

Battalion Chief Paul Rynders  
Lieutenant Craig Langowski  
Lieutenant Kevin Cech  
Lieutenant Paul Guilbert  
Lieutenant Robert Manke  
Firefighter/Paramedic Marcus Day

Firefighter/Paramedic Thomas Hensiak  
Firefighter/Paramedic James Valdez  
Firefighter/Paramedic Andrew Gould  
Firefighter/Paramedic Edward Schmidt  
Firefighter/Paramedic Jason Truebenbach  
Firefighter/Paramedic Derek Hyde

May 3, 2016

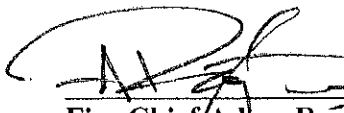
On the afternoon of April 13, 2016, the Franklin Fire Department was dispatched for the report of a motor vehicle accident involving a school bus. While responding, it was reported that there were three vehicles involved, and that the bus was full of children. The incident was immediately upgraded to a city-wide response. The first arriving units found that the bus had struck another vehicle and by-stander CPR was being performed on the bus driver.

The first arriving paramedic unit quickly initiated resuscitation efforts on the driver, while other arriving units simultaneously completed a 360-degree hazard assessment, and initiated triage of the more than forty children on the bus as well as the other two drivers involved. While the children were traumatized, there were thankfully no other injuries. The school district was contacted, and the students were transferred to another bus to be reunited with their worried parents.

The bus driver was successfully resuscitated, and at the time of this letter is recovering.

The Franklin Fire Department personnel listed herein performed flawlessly and efficiently. They displayed teamwork and professionalism throughout the incident, and the caring and compassion with which they treated the children was inspiring to witness.

The Franklin Fire Department recognizes the above personnel for their exemplary actions and outstanding teamwork on April 13<sup>th</sup> 2016. Each one is a credit to the Department and to their profession. Individually and collectively, they truly demonstrate the Mission, Vision, and Values of the Franklin Fire Department.

  
\_\_\_\_\_  
Fire Chief Adam Remington

  
\_\_\_\_\_  
Assistant Chief Ron Mayer

B.2.d.

# City of Franklin Proclamation

## TO DESIGNATE MAY 7, 2016 AS ARBOR DAY IN THE CITY OF FRANKLIN

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

**WHEREAS**, the holiday now known as Arbor Day is celebrated worldwide; and

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

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


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

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

### MAY 7, 2016 AS ARBOR DAY IN THE CITY OF FRANKLIN

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

Dated this 3rd day of May, 2016 in Franklin, Wisconsin.

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

B. 2, e.

# City of Franklin Proclamation

To acknowledge the dedication and accomplishments of registered nurses is an honor which City of Franklin Common Council welcomes and wholeheartedly exclaims that

Whereas, 61,000 registered nurses in Wisconsin, including over 600 registered nurses in the City of Franklin, are part of the 3.1 million registered nurses in the United States and comprise our nation's largest health care profession, and

Whereas, nurses provide indispensable care in a variety of setting including local hospitals, outpatient clinics, nursing homes, schools, correctional facilities, homes of the developmentally disabled, private offices, community health settings, and

Whereas, the annual observance of National Nurses Week coincides with the May 12<sup>th</sup> birth date of Florence Nightingale, the founder of modern nursing; and

Whereas, this year's National Nurses Week celebrates the theme **Delivering Quality and Innovation in Patient Care** which reflects the high degree of commitment that nurses show as they work to promote the physical, mental, and emotional well-being of people of all ages, backgrounds, and walks of life, now therefore be it

Resolved that I, Mayor Stephen R. Olson do hereby proclaim May 6-12, 2016 as NURSES' WEEK in the City of Franklin, and

Be it further resolved, that residents in the City of Franklin are encouraged to celebrate registered nursing's accomplishments and efforts to improve our overall health and show our appreciation for the nation's nurses not just during this week, but at every opportunity throughout the year.

Dated this 3rd day of May, 2016 in Franklin, Wisconsin.

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

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CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
APRIL 19, 2016  
MINUTES

OATHS OF OFFICE

City Clerk Sandra L. Wesolowski administered the Oath of Office to Frederick F. Klimetz, Municipal Judge; Mark Dandrea, First District Alderman; Daniel M Mayer, Second District Alderman; and Michael Barber, Fifth District Alderman.

ROLL CALL

A. The regular meeting of the Common Council was held on April 19, 2016 and called to order at 6:30 p.m. by Council President Kristen Wilhelm as Presiding Officer in the Common Council Chambers at Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve Taylor, Alderman Michael Barber and Alderwoman Susanne Mayer. Excused was Mayor Steve Olson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

Alderwoman Wilhelm stated she will be voting as Alderman on all items.

CITIZEN COMMENT

B. Citizen comment period was opened at 6:35 p.m. and closed at 6:55 p.m.

MINUTES  
MARCH 15, 2016

C.1. Alderman Taylor moved to approve the minutes of the regular Common Council Meeting of March 15, 2016. Seconded by Alderman Dandrea. All voted Aye; motion carried.

MINUTES  
APRIL 4, 2016

C.2. Alderman Taylor moved to approve the minutes of the regular Common Council Meeting of April 4, 2016. Seconded by Alderman Barber. All voted Aye; motion carried.

APPOINTMENTS

E.1 and E.2 Hearing no objections, Presiding Officer Wilhelm stated that the election of Common Council President and appointments listed on the agenda as Items E.1. and E.2. would be acted upon following H.1. Licenses and Permits.

E.3. Alderman Dandrea moved to confirm the appointment of Gene Ninnemann as Weed Commissioner/Cutting Services at the rate of \$85 per hour for 2016. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye.

DONATIONS TO THE

G.1(a) Alderwoman S. Mayer moved to accept a donation from Franklin

FIRE DEPARTMENT

Lions Club Foundation in the amount of \$500 for GPS Units for Fire Apparatus. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

G.1(b) Alderman D. Mayer moved to accept donations in the name of Dellwyn Sievert in the amount of \$1,275 for an additional Cardiac Monitor/Defibrillator. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD 2016-2215  
AMEND UDO (ZONING  
MAP) MILWAUKEE  
COUNTY, APPLICANT

G.2. Alderman Taylor moved to adopt Ordinance No. 2016-2215, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FORM VR VILLAGE RESIDENCE DISTRICT, R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, FW FLOODWAY DISTRICT, C-1 CONSERVANCY DISTRICT, R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT, P-1 PARK DISTRICT, FC FLOODPLAIN CONSERVANCY DISTRICT, R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT, AND A-1 AGRICULTURAL DISTRICT TO P-1 PARK DISTRICT (ANY PARCELS CURRENTLY ZONED FW FLOODWAY DISTRICT AND/OR FC FLOODPLAIN CONSERVANCY DISTRICT WILL RETAIN SAME ZONING ALONG WITH P-1 PARK DISTRICT ZONING) (MILWAUKEE COUNTY, APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

CONCEPT REVIEW FOR  
32 LOT SINGLE-FAMILY  
7501 S. 49TH ST.

G.3. No action was taken on a Concept Review for a proposed 32-lot Single-Family Residential Subdivision Development (7501 South 49<sup>th</sup> Street, Creative Homes, Inc., Applicant). Alderwoman S. Mayer moved to suspend regular order of business to allow Walter Hablewitz to speak. Seconded by Alderwoman Wilhelm. On Roll Call, Alderwoman S. Mayer, Alderman Barber, Alderwoman Wilhelm voted Aye; Alderman Taylor, Alderman D. Mayer, Alderman Dandrea voted No. Motion failed due to the lack of a majority vote.

RES. 2016-7189  
SPECIAL USE, 8437 S.  
27TH ST. (URBAN  
HEATING AND COOLING  
LLC, APPLICANT)

G.4. Alderman Taylor moved to adopt Resolution No. 2016-7189, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A HEATING, VENTILATION AND AIR-CONDITIONING CONTRACTING BUSINESS USE UPON PROPERTY LOCATED AT 8437 SOUTH 27TH STREET (URBAN HEATING AND COOLING LLC, APPLICANT).

Seconded by Alderman D. Mayer. Upon voice vote, five Ayes, no Noes, one Abstention (Alderman D. Mayer). Motion carried.

SITE FURNISHINGS FOR KAYLA'S PLAYGROUND G.5.

Alderman Dandrea moved to authorize the purchase of additional site furnishings (picnic tables, waste receptacles, and concrete bollards) for the patio adjacent to Kayla's Playground from Wausau Tile for their total proposed cost of \$12,045, as recommended by the Parks Commission, with the purchase applied against the Capital Improvement Fund Contingency appropriation, pending a budget modification to be brought forward by the Finance Director when he deems appropriate. Seconded by Alderman D. Mayer.

Alderwoman S. Mayer moved to amend the main motion to include only three tables of each type. Seconded by Alderman Taylor. Upon voice vote for the amendment, three Ayes (Alderwoman S. Mayer, Alderman Taylor and Alderwoman Wilhelm), three Noes (Alderman Dandrea, Alderman D. Mayer and Alderman Barber). Motion failed.

Upon voice vote for the main motion, three Ayes (Alderman Dandrea, Alderman D. Mayer and Alderman Barber), three Noes (Alderwoman Wilhelm, Alderman Taylor and Alderwoman S. Mayer). Motion failed.

Alderman D. Mayer moved to table this item to the Common Council meeting of May 3, 2016. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RETAIL SERVICES CONTRACT WITH BUXTON COMPANY G.6.

Alderman Taylor moved to authorize staff to terminate the retail services contract with Buxton Company as of May 22, 2016. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

TEMPORARY LIMITED EASEMENTS AT 2937, 2941, 3009, AND 3131 W. COLLEGE AVE. G.7.

Alderman Taylor moved to authorize City to sign the temporary limited easements upon properties at 2937, 2941, 3009, and 3131 W. College Avenue for the construction of the West College Avenue sidewalk/pathway. Seconded by Alderman Dandrea. All voted Aye; motion carried.

TEMPORARY LIMITED EASEMENT AT 12129 W. ST. MARTINS RD. G.8.

Alderman D. Mayer moved to authorize City to sign the temporary limited easement upon property at 12129 W. St. Martins Road for the purpose of performing sloping and grading on lands in association with the construction of a bridge replacement, contingent upon receipt of a signed and notarized

document from the property owner. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

- UPDATE ON BURYING UTILITIES ON W. ST MARTINS RD. G.9. Alderwoman S. Mayer moved to receive and place on file the update on burying utilities on West St. Martins Road. Seconded by Alderman Taylor. All voted Aye; motion carried.
- MODIFY WATER AND SEWER ASSESSMENT RATES G.10. Alderman Taylor moved to table to the Common Council meeting of June 7, 2016, an Ordinance to amend the Municipal Code to increase the per front foot amounts and amend the cost index provisions for water and sanitary sewer projects special assessments. Seconded by Alderman Barber. All voted Aye; motion carried.
- AMEND UDO TO UPDATE STORMWATER REGULATIONS G.11. Alderman Taylor moved to direct staff to publish a Class 2 Public Notice of a Public Hearing to be held at the Plan Commission meeting on May 19, 2016 for a proposed amendment to the Unified Development Ordinance to update storm water regulations. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- REQUEST FOR SURVEY FOR WATER AND SEWER SERVICE AT S. WOELFEL RD. AND W. RAWSON AVE. G.12. Alderman D. Mayer moved to direct staff to survey the property owners and return to Common Council with a proposed project and to direct staff to use adjusted assessment rates when discussing project with property owners. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- ORD. 2016-2216 AMEND ORD. 2015-2198 TO PROVIDE APPROPRIATIONS FOR PLEASANT VIEW TRAIL G.13. Alderman Taylor moved to adopt Ordinance 2016-2216, AN ORDINANCE TO AMEND ORDINANCE 2015-2198, AN ORDINANCE ADOPTING THE 2016 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2016, TO PROVIDE APPROPRIATIONS FOR PLEASANT VIEW TRAIL, subject to technical corrections. Seconded by Alderman D. Mayer. On Roll Call, Alderwoman S. Mayer, Alderman Barber, Alderwoman Wilhelm, Alderman Taylor and Alderman D. Mayer all voted Aye; motion carried.
- MONTHLY FINANCIAL REPORT G.14. Alderman Taylor moved to receive and place on file the February, 2016 Monthly Financial Report. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- VACATION/COMP TIME DONATION POLICY G.15. Alderman Taylor moved to approve the Vacation/Compensatory Time Donation Policy as a modification of the Vacation Donation Policy and authorize the Director of Administration to

incorporate it into the Employee Handbook and Civil Service System Personnel Administration Program in a manner and format as he shall determine is appropriate, which incorporation shall then replace and supersede this separate policy. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

PRELIMINARY REPORT ON RETAINING PART-TIME BUILDING INSPECTOR G.16.

Alderman Taylor moved to grant an extension for the Director of Administration to provide a report and update on retainage of the additional part-time Building Inspector to the Common Council on or before the meeting on June 7, 2016. Seconded by Alderman Dandrea. All voted Aye; motion carried.

REVISED JOB DESCRIPTION AND PROMOTIONAL STATUS FOR CONFIDENTIAL FIRE ADMINISTRATIVE ASSISTANT G.17.

Alderman Taylor moved to adopt the revised job description for the position of Confidential Fire Administrative Assistant with changes made as recommended by the Personnel Committee. Seconded by Alderwoman S. Mayer. Motion carried.

Alderman Taylor moved to approve the reclassification of the position of Secretary-Fire to Confidential Fire Administrative Assistant position to be treated as a promotion for the incumbent with the restriction of the increase in wage be calculated as if 2% has already been awarded and effective retroactive consistent with the implementation of the Classification and Compensation Plan. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

AVAYA TWO-YEAR EXTENSION OF TELEPHONE AND VOICEMAIL MAINTENANCE SERVICES G.18.

Alderman Taylor moved to authorize the Director of Administration to execute a "Channel Service Agreement Order Form" with Avaya for a two-year extension of telephone and voicemail maintenance services in accordance with the Service Agreement Detail Document, including continuing a month-to-month service arrangement for the voicemail system during year two. Seconded by Alderman Dandrea. All voted Aye; motion carried.

CLAIM FROM OWEN BUSKE G.19.

Alderman Taylor moved to deny the claim of Owen Buske pursuant to Wisconsin Statutes 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation revealed that the City of Franklin was not negligent or liable for this matter as discussed in the Council Action Sheet. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND PERMITS H.1.

Alderman Taylor moved to approve the following:  
Grant 2015-16 Operator License to Kelsey Lonergan, 7456 Brunn Dr., Franklin, with a warning letter from the City Clerk; Amanda

Aimers, 10568 W Cortez Cir., Apt. 35, Franklin; Emily Borkowski, 904 Prairie View Dr., Burlington; David Goehring, 8017 S. 57<sup>th</sup> St., Franklin; Michael Hughes, 3333 S. Clement Ave., #5, Milwaukee; Jennifer Justen, W624 Douglass Ave., Burlington; Emily Kleist, W1985S10993 Racine Ave., Muskego; Isaac Krikorian, 2502A S. Wentworth Ave., Milwaukee; Marissa Nelson, 6005 S. Summerwinds Ct., Cudahy; Natalie Schlachter, 8155 S. Lakeview Dr., Franklin; and Elyzabeth Smith, 5389 Orchard Ln., Greendale; and

Grant 2016-17 Operator License to Emily Borkowski, 904 Prairie View Dr., Burlington; and Natalie Schlachter, 8155 S. Lakeview Dr., Franklin; and

Grant Temporary Class B Beer and Wine License and Temporary Entertainment & Amusement License to St. Martin of Tours Church Grand March, Jeanne Johnson, 7963 S. 116<sup>th</sup> St. on 4/30/2016; and

Grant 2016-17 Daycare License, subject to satisfactory inspections, to Mrs. Rikki's Structured Daycare, 11224 W Forest Home Ave.; and

Grant Extraordinary Entertainment & Amusement License to Hiller Ford MACC Fund Car Show, Jim Patterson, 6455 S. 108<sup>th</sup> St. on September 9 and 10, 2016.

Seconded by Alderman Dandrea. All voted Aye; motion carried.

- |                           |            |   |
|---------------------------|------------|---|
| COUNCIL PRESIDENT         | E.1.       | Alderman Taylor moved to nominate and elect Kristen Wilhelm as Council President. Seconded by Alderman Dandrea. All voted Aye; motion carried.  |
| BD./COMM.<br>APPOINTMENTS | E.2.a(i)   | Alderman D. Mayer moved to confirm the Mayoral appointment of Alderman Dandrea to the Finance Committee for a 1-year term expiring 4/18/17. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.                  |
|                           | E.2.a(ii)  | Alderman D. Mayer moved to confirm the Mayoral appointment of Alderman Dandrea to the Plan Commission for a 1-year term expiring 4/18/17. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.                    |
|                           | E.2.a(iii) | Alderman D. Mayer moved to confirm the Mayoral appointment of Alderman Dandrea to the Community Development Authority for a 3-year term expiring 4/16/19. Seconded by Alderwoman S. Mayer. On Roll Call, all voted Aye. Motion carried. |

- E.2.a(iv) Alderwoman S. Mayer moved to confirm the Mayoral appointment of Alderman Dandrea to the Personnel Committee for a 3-year term expiring 4/16/19. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.a(v) Alderman Dandrea moved to confirm the Mayoral appointment of Alderman D. Mayer to the Environmental Commission for a 3-year term expiring 4/16/19. Seconded by Alderwoman S. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.a(vi) Alderwoman S. Mayer moved to confirm the Mayoral appointment of Alderman D. Mayer to the Fair Commission for a 3-year term expiring 4/16/19. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.
- E.2.a(vii) Alderman Dandrea moved to confirm the Mayoral appointment of Alderman D. Mayer to the Personnel Committee for a 3-year term expiring 4/16/19. Seconded by Alderwoman S. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.a(viii) Alderman Dandrea moved to confirm the Mayoral appointment of Alderman D. Mayer to the Technology Committee for a 3-year term expiring 4/16/19. Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.
- E.2.a(ix) Alderman D. Mayer moved to confirm the Mayoral appointment of Alderwoman Wilhelm to the License Committee for a 1-year term expiring 4/18/17. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.
- E.2.a(x) Alderwoman S. Mayer moved to confirm the Mayoral appointment of Alderwoman Wilhelm to the Finance Committee for a 1-year term expiring 4/18/17. Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.
- E.2.a(xi) Alderman D. Mayer moved to confirm the Mayoral appointment of Alderwoman Wilhelm to the Library Board for a 3-year term expiring 4/16/19. Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.
- E.2.a(xii) Alderman Dandrea moved to confirm the Mayoral appointment of Alderwoman Wilhelm to the Quarry Monitoring Committee for a 2-year term expiring 4/17/18. Seconded by Alderwoman S. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.a(xiii) Alderwoman S. Mayer moved to confirm the Mayoral appointment of Alderman Taylor to the Board of Public Works for a 3-year term expiring 4/16/19. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.
- E.2.a(xiv) Alderman D. Mayer moved to confirm the Mayoral appointment of Alderman Taylor to the License Committee for a 1-year term expiring 4/18/17. Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.
- E.2.a(xv) Alderman Dandrea moved to confirm the Mayoral appointment

of Alderman Taylor to the Civic Celebrations Commission for a 2-year term expiring 4/17/18. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.

E.2.a(xvi) Alderman Dandrea moved to confirm the Mayoral appointment of Alderwoman S. Mayer to the Finance Committee for a 1-year term expiring 4/18/17. Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.

E.2.a(xvii) Alderman D. Mayer moved to confirm the Mayoral appointment of Alderwoman S. Mayer to the License Committee for a 1-year term expiring 4/18/17. Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.

E.2.a(xviii) Alderman Dandrea moved to confirm the Mayoral appointment of Alderwoman S. Mayer to the Parks Commission for a 3-year term expiring 4/16/19. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.

E.2.a(xix) Alderman Dandrea moved to confirm the Mayoral appointment of Alderman Barber to the Economic Development Commission for a 3-year term expiring 4/16/19. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.

E.2.a(xx) Alderwoman S. Mayer moved to confirm the Mayoral appointment of Alderman Barber to the Personnel Committee for a 3-year term expiring 4/16/19. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.

E.2.a(xxi) Alderman Dandrea moved to confirm the Mayoral appointment of Alderman Barber to the Quarry Monitoring Committee for a 2-year term expiring 4/17/18. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.

MAYORAL  
APPOINTMENTS TO  
BOARDS/COMMISSIONS

E.2.b Alderwoman Wilhelm moved to confirm the Mayoral appointment of Ray Lenz, 4021 W. Heatheridge Dr., Ald. Dist. 3, to the Fire and Police Commission for a 5-year term expiring 4/30/2021. Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.

E.2.c Alderwoman S. Mayer moved to confirm the Mayoral appointment of Arthur Skowron, 9046 S. Cordgrass Circle East, Ald. Dist. 6, to the Architectural Review Board for a 3-year term expiring 4/30/19. Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.

E.2.d Alderman Barber moved to confirm the Mayoral appointment of Jim Arneson, 5188 W. Harvard Dr., Ald. Dist. 5, to the Architectural Review Board for a 3-year term expiring 4/30/19. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.

E.2.e Alderman Barber moved to confirm the Mayoral appointment of Matt Haas, 3845 W. Forest Hill Ave., Ald. Dist. 5, to the



- Economic Development Commission for a 2-year term expiring 6/30/18. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.f Alderman D. Mayer moved to confirm the Mayoral appointment of Patricia Pomahac, 8111 S. Forest Hills Cir., Ald. Dist. 2, to the Environmental Commission for a 3-year term expiring 4/30/2019. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.
- E.2.g Alderman Barber moved to confirm the Mayoral appointment of David Lindner, 4007 W. Acre Ave., Ald. Dist. 5, to the Fair Commission for a 3-year term expiring 4/30/19. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.h Alderwoman S. Mayer moved to confirm the Mayoral appointment of Kenneth Sweeney, 11221 W. St. Martins Rd., Ald. Dist. 6, to the Fair Commission for a 3-year term expiring 4/30/19. Seconded by Alderman Taylor. On Roll Call, all voted Aye. Motion carried.
- E.2.i Alderman Barber moved to confirm the Mayoral appointment of Dennis Ciche, 8128 S. 43<sup>rd</sup> St., Ald. Dist. 5, to the Finance Committee for a 1-year term expiring 4/30/17. Seconded by Alderwoman S. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.j Alderwoman Wilhelm moved to confirm the Mayoral appointment of Linda Witkowski, 7935 S. 67<sup>th</sup> St., Ald. Dist. 4, to the Finance Committee for a 1-year term expiring 4/30/17. Seconded by Alderwoman S. Mayer. On Roll Call, Alderman Dandrea, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Barber and Alderwoman S. Mayer voted Aye; Alderman Taylor voted No. Motion carried.
- E.2.k Alderman Barber moved to confirm the Mayoral appointment of Robert Campbell, Jr., 5416 W. Behrendt St., Ald. Dist. 5, to the Finance Committee for a 1-year term expiring 4/30/17. Seconded by Alderwoman S. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.l Alderman Barber moved to confirm the Mayoral appointment of John Howard, 6658 W. Robinwood Ln., Ald. Dist. 5, to the Finance Committee for a 1-year term expiring 4/30/17. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.
- E.2.m Alderman Barber moved to confirm the Mayoral appointment of James Bartoszek, 6720 S. Harvard Dr., Ald. Dist. 5, to the Parks Commission for a 3-year term expiring 4/30/19. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.
- E.2.n Alderman D. Mayer moved to confirm the Mayoral appointment

- of Mary Remington, 7600 S. Chapel Hill Dr., Ald. Dist. 2, to the Parks Commission for a 3-year term expiring 4/30/19. Seconded by Alderwoman S. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.o. Alderman D. Mayer moved to confirm the Mayoral appointment of Nora Heidingsfeld, 8111 South Steepleview Drive, Ald. Dist. 2, to the Personnel Committee for a 3-year term expiring 4/30/19. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.
- E.2.p. Alderman Barber moved to confirm the Mayoral appointment of Dave Fowler, 7549 S. Riverview Rd., Ald. Dist. 5, to the Plan Commission for a 3-year term expiring 4/30/19. Seconded by Alderman Taylor. On Roll Call, all voted Aye. Motion carried.
- E.2.q. Alderman Dandrea moved to confirm the Mayoral appointment of Patricia Hogan, 8239 W. Drexel Ave., Ald. Dist. 1, to the Plan Commission for a 3-year term expiring 4/30/19. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.r. Alderman Barber moved to confirm the Mayoral appointment of Renee Fuller, 7205 W. Woodbury Dr., Ald. Dist 5, to the Board of Health for a 2-year term expiring 4/30/2018. Seconded by Alderwoman S. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.s. Alderwoman S. Mayer moved to confirm the Mayoral appointment of David Woznicki, Jr., 4125 W. McGinnis Dr., Ald. Dist 4, to the Board of Public Works for a 3-year term expiring 4/30/2019. Seconded by Alderman Dandrea. On Roll Call, all voted Aye. Motion carried.
- E.2.t. Alderwoman S. Mayer moved to confirm the Mayoral appointment of Charles Porter, 7946 S. North Cape Rd., Ald. Dist. 6, to the Board of Public Works for a 3-year term expiring 4/30/2019. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.u. Alderman Dandrea moved to confirm the Mayoral appointment of Gregory Strowig, 8128 S. 77<sup>th</sup> St., Ald. Dist. 1, to the Technology Commission for a 3-year term expiring 4/30/2019. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.v. Alderman Barber moved to confirm the Mayoral appointment of Dale Webler, 846 W. Imperial Dr., Ald. Dist. 5, to the Technology Commission for a 3-year term expiring 4/30/2019. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.
- E.2.w. Alderman Taylor moved to confirm the Mayoral appointment of Jon Giza, 3480 W. Villa Dr., Ald. Dist. 4, to the Technology

Commission for a 3-year term expiring 4/30/19. Seconded by Alderman D. Mayer. On Roll Call, all voted Aye. Motion carried.

VOUCHERS AND  
PAYROLL

- I.1. Alderman Dandrea moved to approve net general checking account City vouchers in the range of Nos. 160321 through 160473 in the amount of \$771,633.27 dated April 2, 2016 through April 14, 2016. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderwoman S. Mayer moved to approve net payroll dated April 15, 2016 in the amount of \$381,357.20 and payments of the various payroll deductions in the amount of \$225,008.69 plus any City matching payments where required. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Alderwoman S. Mayer moved to approve net payroll dated April 29, 2016 estimated at \$392,000.00 and payments of the various payroll deductions estimated at \$427,000.00 plus any City matching payments where required. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve property tax refunds and settlements Nos. 16383 through Nos. 16385 and EFT Nos. 93 through Nos. 99 in the amount of \$8,317,609.05 dated April 2, 2016 through April 14, 2016. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:01 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>5/03/2016</b></p>
<p style="text-align: center;"><b>ORGANIZATIONAL BUSINESS</b></p>	<p style="text-align: center;"><b>BOARDS AND COMMISSIONS APPOINTMENTS</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><b>E.1. and E.2.</b></p>

Board of Review

Appointment by Alderman Dan Mayer:

Carol Brunner, 7473 S. Karth Ct. (Ald. Dist. 5), 3-year term expiring 4/30/2019.

The following Mayoral appointment was confirmed at the Common Council meeting of April 19, 2016; however, the expiration date for the 3-year term on the Plan Commission was incorrectly listed as 4/30/2019 and should have been 4/30/2018 to fill the remaining two years of a vacancy:

Plan Commission

Patricia Hogan, 8239 W. Drexel Ave. (Ald. Dist. 1), unexpired 3-year expiring 4/30/2018.

The Mayoral appointment of Alderwoman Susanne Mayer to the Parks Commission was confirmed at the Common Council meeting of April 19, 2016; however, the agenda listed a 3-year term and the vote on the appointment was for a 3-year term. §10-7.A. of the Municipal Code provides that the aldermanic position on the Parks Commission is for one year, making action of the 3-year appointment not valid. Therefore, the following Mayoral appointment requires Common Council confirmation:

Parks Commission

Alderwoman Susanne Mayer, 1-year term expiring 4/18/2017.

**COUNCIL ACTION REQUESTED**

Motion to confirm the appointment of Carol Brunner to the Board of Review for a 3-year term expiring 4/30/2019, as submitted by Alderman Dan Mayer; and

Motion to confirm the Mayoral appointment of Patricia Hogan to the Plan Commission for an unexpired vacant 3-year term expiring 4/30/2018; and

Motion to confirm the Mayoral appointment of Alderwoman Susanne Mayer to the Parks Commission for a 1-year term expiring 4/18/2017.

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<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p>
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<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Police Department Donation from Kwik Trip</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.1.</i></p>
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The City of Franklin Police Department has received a donation from Kwik Trip in the amount of \$350.00 to be put toward the purchase of materials for the Annual Bicycle Rodeo.

**COUNCIL ACTION REQUESTED**

Motion to accept this donation of \$350.00 from Kwik Trip to be deposited into the Police Donations Account and earmarked for Bicycle Rodeo materials.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>May 3, 2016</b></p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;">An Ordinance to Amend §178-5. of the Municipal Code to Provide a Limitation on the Operation of Drones to Prevent Any Person From Operating a Drone Over a Correctional Institution Property</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.2.</i></p>

2015 Wisconsin Act 318 became effective on April 1, 2016 and provides in relevant part:  
Section 2. 114.045 of the statutes is created to read:  
114.045 Limitation on the operation of drones. (1) No person may operate a drone, as defined in s. 114.105 (1) (a), over a correctional institution, as defined in s. 801.02 (7) (a) 1., including any grounds of the institution.  
(2) Any person who violates sub. (1) may be required to forfeit not more than \$5,000.  
(3) A law enforcement officer investigating an alleged violation of sub. (1) shall seize and transfer to the department of corrections or authority in charge of the correctional institution any photograph, motion picture, other visual representation, or data that represents a visual image that was created or recorded by a drone during an alleged violation of sub. (1).

The Chief of Police has been monitoring the subject matter of the use of drones and the potential public safety issues which may arise in relation thereto, as well as the Wisconsin Legislature actions thereon and the pending review by the Federal Aviation Administration and the anticipated regulations which will result therefrom. The Chief recommends approval of an ordinance to incorporate the above statutory change into the Municipal Code.

**COUNCIL ACTION REQUESTED**

A motion to adopt An Ordinance to Amend §178-5. of the Municipal Code to Provide a Limitation on the Operation of Drones to Prevent Any Person From Operating a Drone Over a Correctional Institution Property.



ORDINANCE NO. 2016-\_\_\_\_\_

AN ORDINANCE TO AMEND §178-5. OF THE MUNICIPAL CODE TO PROVIDE A LIMITATION ON THE OPERATION OF DRONES TO PREVENT ANY PERSON FROM OPERATING A DRONE OVER A CORRECTIONAL INSTITUTION PROPERTY

WHEREAS, 2015 Wisconsin Act 318 became effective on April 1, 2016 and provides in part that Wis. Stat. § 114.045 is created and that thereunder no person may operate a drone over a correctional institution; and

WHEREAS, the Chief of Police having reviewed the Act and having recommended the incorporation of the new statutory terms into the Municipal Code; and

WHEREAS, the Common Council having found and determined that such amendment as recommended was necessary to protect the public health, safety and welfare.

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

SECTION 1: §178-5.N. of the Municipal Code of the City of Franklin, Wisconsin, be and the same is hereby created to read as follows:  
“N. Limitation on the operation of drones.

- (1) No person may operate a drone, as defined in Wis. Stat. § 114.105
- (1) (a), over a correctional institution, as defined in Wis. Stat. § 801.02
- (7) (a) 1., including any grounds of the institution.

(2) Any person who violates sub. (1) may be required to forfeit not more than \$5,000.

(3) A law enforcement officer investigating an alleged violation of sub. (1) shall seize and transfer to the department of corrections or authority in charge of the correctional institution any photograph, motion picture, other visual representation, or data that represents a visual image that was created or recorded by a drone during an alleged violation of sub. (1).

SECTION 2: 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 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: 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 \_\_\_\_\_, 2016, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

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

ATTEST:

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

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

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">05/03/16</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN OVER-THE- ROAD TRUCKING COMPANY BUSINESS USE UPON PROPERTY LOCATED AT 5825 WEST RYAN ROAD (AMERICAN LOGISTICS LLC, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G. 3.</i></p>

At the April 21, 2016 meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use for an over-the-road trucking company business use upon property located at 5825 West Ryan Road, subject to the fence being maintained in good repair, landscaping being planted within one year and wheel stops being required along S. 58<sup>th</sup> Street.

Per the above motion, Staff added the following condition to the draft resolution: "Landscaping shall be installed within one year of the date of adoption of this resolution".

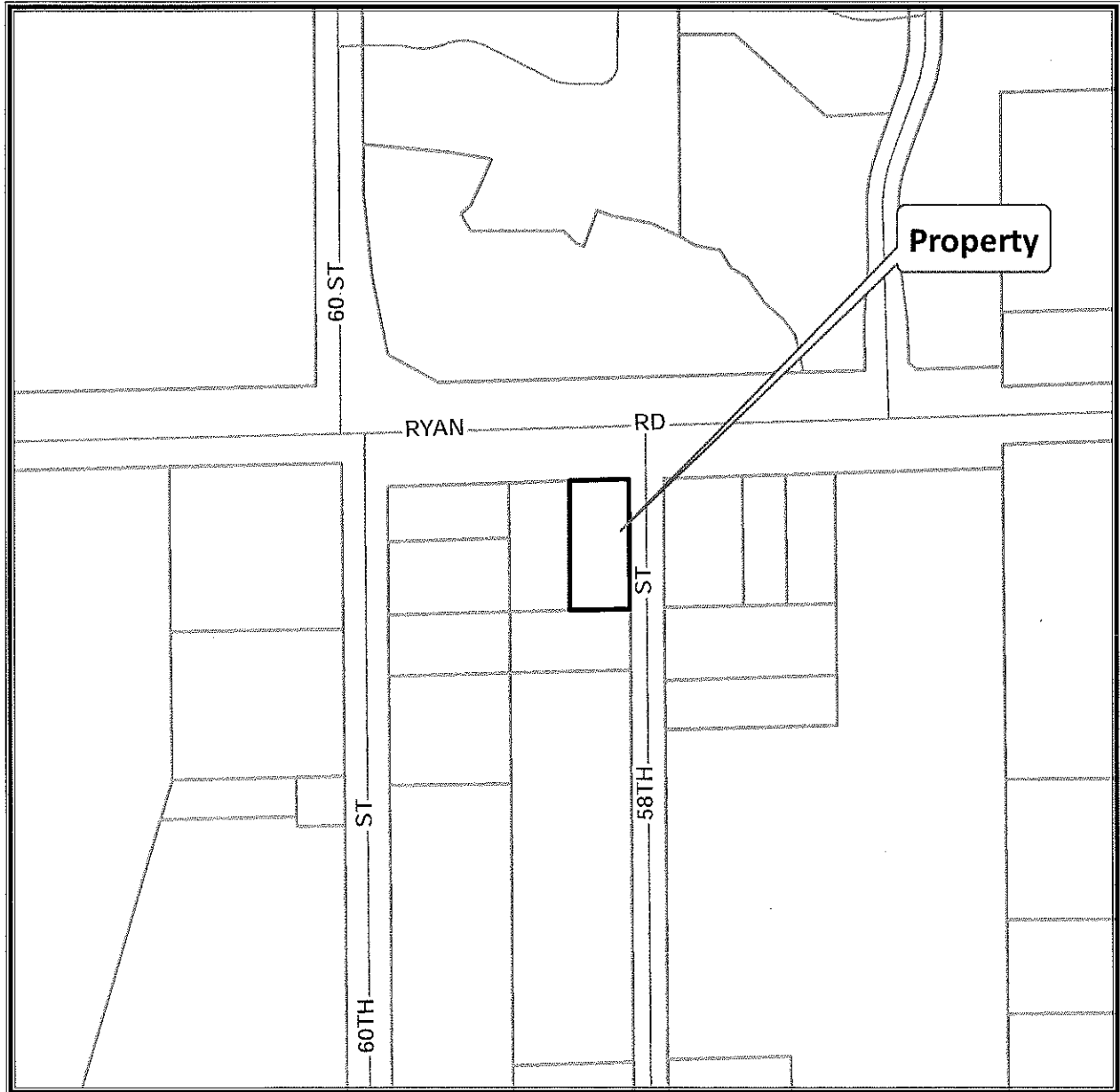
After the April 21, 2016 Plan Commission meeting, the applicant submitted a revised Site Plan depicting precast concrete barriers along S. 58<sup>th</sup> Street. This satisfies the last part of the above motion. In addition, the applicant moved the proposed wood fence five feet to the north and south of the existing driveway to allow greater clearance for truck turning movements, based on a new Truck Turning Exhibit. The revised Site Plan and Truck Turning Exhibit have been included in the packet.

**COUNCIL ACTION REQUESTED**

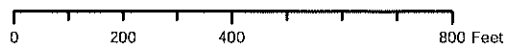
A motion to adopt Resolution No. 2016-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a Special Use for an over-the-road trucking company business use upon property located at 5825 West Ryan Road (American Logistics LLC, Applicant)



5825 W. Ryan Road  
TKN: 899 9991 004



Planning Department  
(414) 425-4024



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



2016 Aerial Photo

## RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE FOR AN OVER-THE-ROAD  
TRUCKING COMPANY BUSINESS USE UPON PROPERTY LOCATED  
AT 5825 WEST RYAN ROAD  
(AMERICAN LOGISTICS LLC, APPLICANT)

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WHEREAS, American Logistics LLC, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 4213 "Trucking, Except Local", to allow for an over-the-road trucking company (hauling general freight such as paper products, parts, etc., in 53-foot dry freight vans) business use, with proposed hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays, upon property located at 5825 West Ryan Road, bearing Tax Key No. 899-9991-004, more particularly described as follows:

Parcel 1

Lot Three (3) of Certified Survey Map No. 1330, a part of Certified Survey Map No. 351 and a part of the Northwest One-quarter (1/4) of Section 26, Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, recorded in the Register of Deeds office for Milwaukee County on July 27, 1970, in Reel 542, Image 304, as Document No. 4538848; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 21st day of April, 2016, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

AMERICAN LOGISTICS LLC – SPECIAL USE

RESOLUTION NO. 2016-\_\_\_\_\_

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of American Logistics LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by American Logistics LLC, successors and assigns, as an over-the-road trucking company business use, which shall be developed in substantial compliance with, and operated and maintained by American Logistics LLC, pursuant to those plans City file-stamped April 11, 2016 and annexed hereto and incorporated herein as Exhibit A.
2. American Logistics LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the American Logistics LLC over-the-road trucking company business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon American Logistics LLC and the over-the-road trucking company business use for the property located at 5825 West Ryan Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. An 8-foot tall wood fence to screen the semi truck and trailer parking lot shall be installed, in lieu of the proposed chain link fence with vinyl slats.
5. Landscaping shall be installed within one year of the date of adoption of this resolution.

BE IT FURTHER RESOLVED, that in the event American Logistics LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

AMERICAN LOGISTICS LLC – SPECIAL USE  
RESOLUTION NO. 2016-\_\_\_\_\_

Page 3

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the

Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

ATTEST:

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

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

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



**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION**

Meeting of April 21, 2016

**Special Use**


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**RECOMMENDATION:** City Development Staff recommends approval of the proposed special use for an over-the-road trucking business use upon property located at 5825 West Ryan Road, subject to the conditions of approval in the attached draft resolution.

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<b>Project Name:</b>	American Logistics, LLC Special Use
<b>Project Address:</b>	5825 West Ryan Road
<b>Applicant:</b>	American Logistics, LLC
<b>Owners (property):</b>	T & E, LLC
<b>Current Zoning:</b>	M-1 Limited Industrial District
<b>2025 Comprehensive Master Plan</b>	Industrial
<b>Use of Surrounding Properties:</b>	Vacant land zoned B-3 Community Business District (to the north) and Industrial (to the south, east and west).
<b>Applicant Action Requested:</b>	Recommendation of approval for the proposed Special Use for American Logistics, LLC to operate at 5825 West Ryan Road

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Please note:

- Staff recommendations are *underlined, in italics* and are included in the draft ordinance.
- Staff suggestions are only underlined and are not included in the draft resolution.

**BACKGROUND AND INTRODUCTION:**

On January 5, 2016, the Common Council adopted Ordinance No. 2016-2203, which amended the Unified Development Ordinance at Table 15-3.0603 Standard Industrial Classification No. 4213 "Trucking, Except Local" to allow for such use as a Special Use in the M-1 Limited Industrial District.

On March 4, 2016, Edvins Erkmanis submitted a Special Use application on behalf of American Logistics, LLC requesting approval to operate an over-the-road trucking business use within an existing building located at 5825 West Ryan Road. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 4213, Trucking, Except Local, which is allowable in the M-1 Limited Industrial District as a Special Use.

**PROJECT DESCRIPTION AND ANALYSIS:**

The applicant is requesting Special Use approval to operate an over-the-road trucking business use in an approximately 2,163 square foot existing building located at 5825 West Ryan Road. The property is approximately 0.76 acres or 33,117 square feet. The applicant is not proposing any changes to the building at this time. However, the white paint on the wood trim is visibly

peeling in several locations. Therefore, Staff suggests the trim on the building located at 5825 West Ryan Road receive a fresh coat of white paint. The applicant is proposing to add a 64 square foot trash enclosure on the south side of the building. The trash enclosure consists of a 6-foot tall board on board fence.

According to the applicant, American Logistics, LLC is an over-the-road trucking company whose trucks travel throughout the United States. The trucks are 53-foot long dry freight vans, which typically haul general freight such as paper products, parts, etc. The company uses the existing building as a dispatch office and the gravel portion of the property for parking semi trucks and trailers. According to the applicant there are four (4) employees working in the office. Hours of operation for the business are Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday from 8:00 a.m. to 5:00 p.m.

Landscaping:

The applicant is proposing to add one (1) shade tree and four (4) evergreen trees in the front yard of the property. The Landscape Surface Ratio of the site is approximately 15.5%, which does not comply with the M-1 Limited Industrial District minimum Landscape Surface Ratio of 0.40.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance defines requirements for off-street parking. According to this section, Trucking (no loading or warehousing) is required to provide 1.5 spaces per 1,000 square feet of gross floor area (GFA). If one applies this standard, then the proposed 2,163 square foot over-the-road trucking business use would be required to provide a minimum of four (4) off-street parking spaces.

The subject building has a small paved parking lot that is currently not striped. The applicant has depicted on the Site Plan four (4) striped off-street parking stalls in accordance with Table 15-5.0203 of the Unified Development Ordinance (UDO). Employees use the gravel portion of the property just south of the parking lot as overflow parking. Furthermore, the applicant is proposing to reserve one (1) off-street parking space on the property for persons with disabilities as required by Section 15-5.0202(I)(3) of the UDO.

According to the Project Narrative, there could be as many as fifteen (15) semi trucks and trailers parked on the property at one time. The applicant has depicted how fifteen (15) semi tractors could fit on the property at one time on the proposed Site Plan. According to the applicant, some of the trucks are out on the road at any given time, which reduces the odds of all fifteen trucks being on the property at once. There is a driveway on the north side of the gravel parking area for ingress and egress, but the trucks also utilize a driveway on a vacant property to the south, also owned by T & E, LLC.

Staff recommended the applicant screen the truck and trailer parking area with an 8-foot tall sight-proof fence (preferably wood), which would also serve to discourage parking within the right-of-way of South 58<sup>th</sup> Street. The applicant has countered by proposing an 8-foot chain link fence with brown vinyl slats. Staff finds chain link fences with vinyl slats to be unappealing aesthetically. In addition, Staff finds that vinyl slats are susceptible to damage from trucks and/or cars bumping into them. For these reasons, Staff recommends the installation of an 8-foot tall wood fence to screen the semi truck and trailer parking lot, in lieu of the proposed chain link

*fence with vinyl slats.* At the request of Staff, the applicant is also proposing precast truck wheel stops for each of the fifteen (15) truck parking spaces in the gravel lot.

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to these standards, which is included in your packet.

**STAFF RECOMMENDATION:**

City Development Staff recommends approval of the proposed special use for an over-the-road trucking business use upon property located at 5825 West Ryan Road, subject to the conditions of approval in the attached draft resolution.



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Exhibit A

Franklin

APR 11 2016

City Development

City of Franklin  
Project Summary  
Re: 5825 West Ryan Rd.

02/22/16

American Logistics LLC is an "over-the-road" trucking company that can travel throughout the United States.

American Logistics LLC has four employees in the office and fifteen trucks and semi-trailers. Drivers typically are gone during the week and home on the weekends. There would be a maximum of fifteen trucks and trailer on location. American Logistics hauls General Freight, such as Paper products, parts, etc., in 53' Dry Freight Vans.

Hours of business are Monday – Friday, 7am – 7pm. Saturday, 8am – 5pm.

Since 1985, the property has been used by "over-the-road" trucking companies. In 2011, the windows and roof were replaced. There are no changes planned for the building at this time.

Sincerely,

Elvin Spellman

Parcel I

Lot Three (3) of Certified Survey Map No. 1330, a part of Certified Survey Map No. 351 and a part of the North West One-quarter (1/4) of Section Twenty-six (26), Township Five (5) North, Range Twenty-one (21) East, in the city of Franklin, County of Milwaukee, State of Wisconsin, recorded in the Register of Deeds office for Milwaukee County on July 27, 1970, in Reel 542, Image 304, as Document No. 4538848.

Tax Key No. 899-9991-004

For reference only: 5825 West Ryan Road, Franklin, Wisconsin

This is a non-homestead property

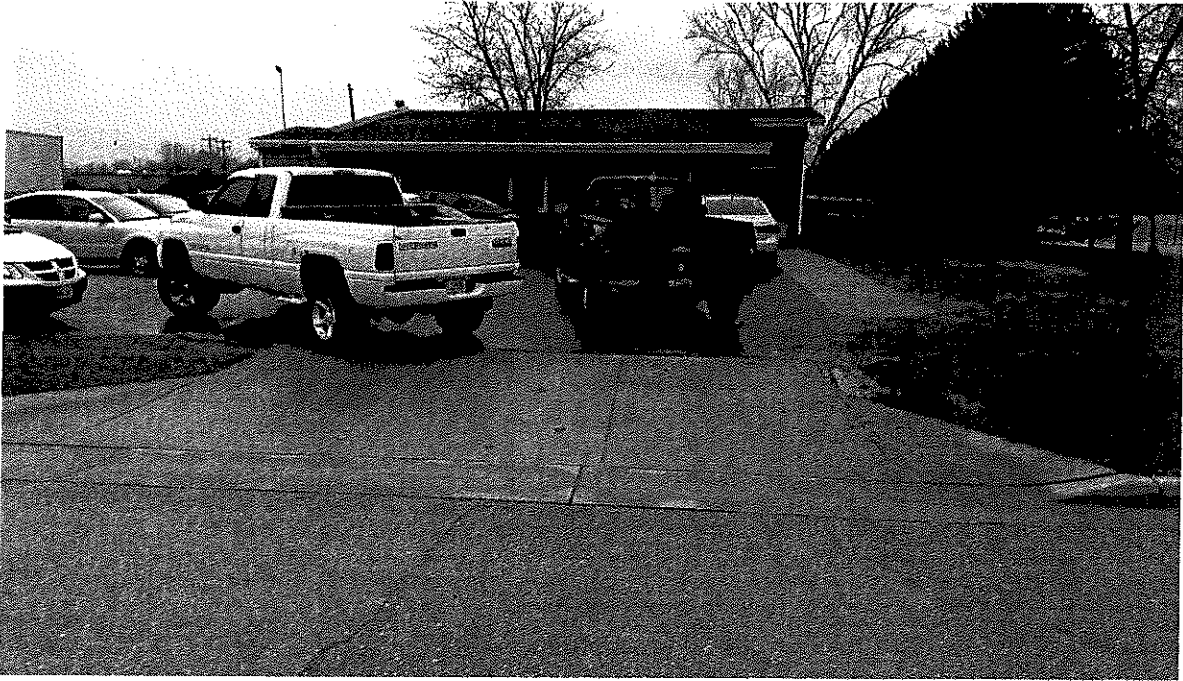


Figure 1 - East Building Elevation



Figure 2 - North Building Elevation

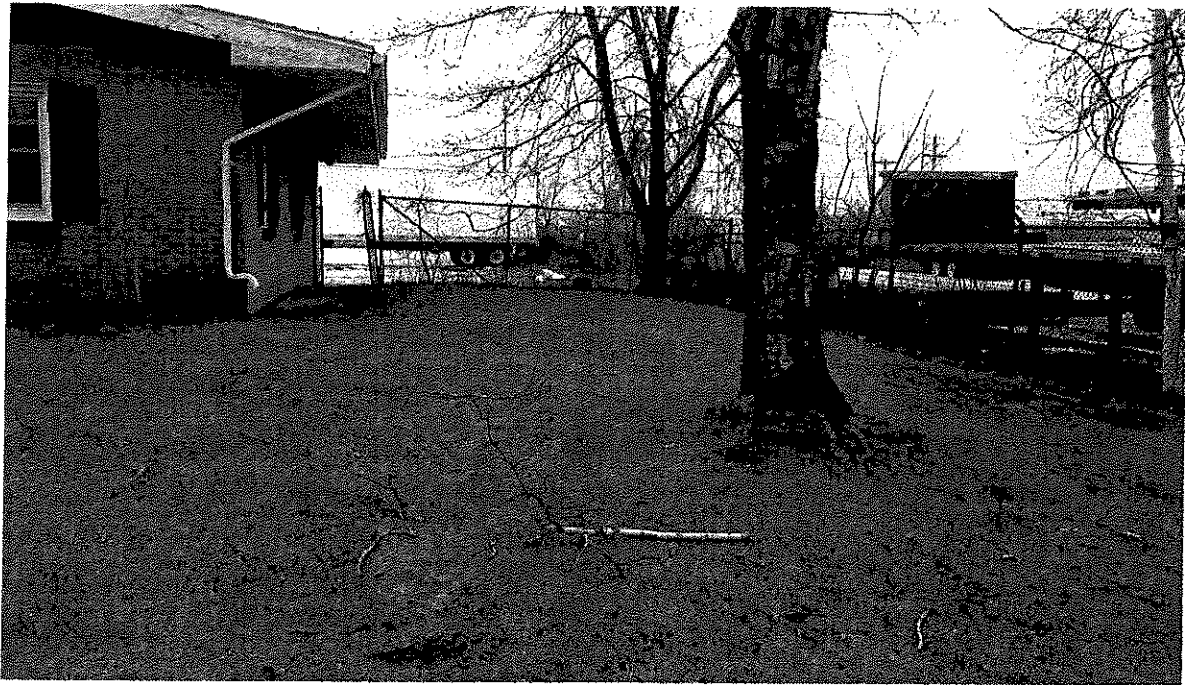
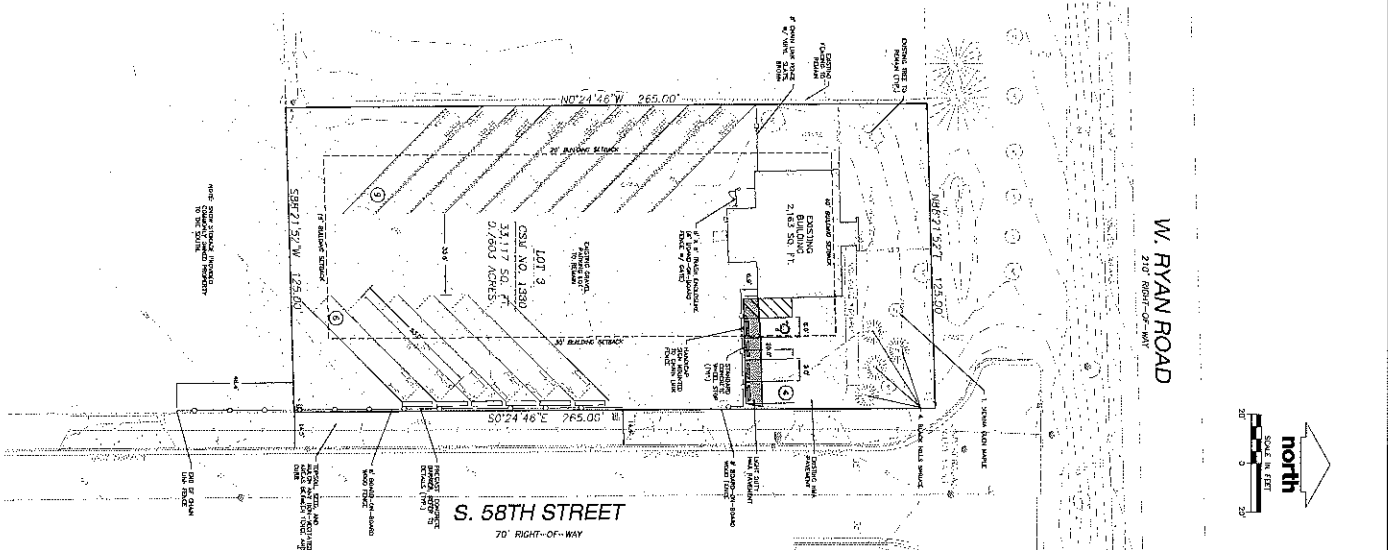
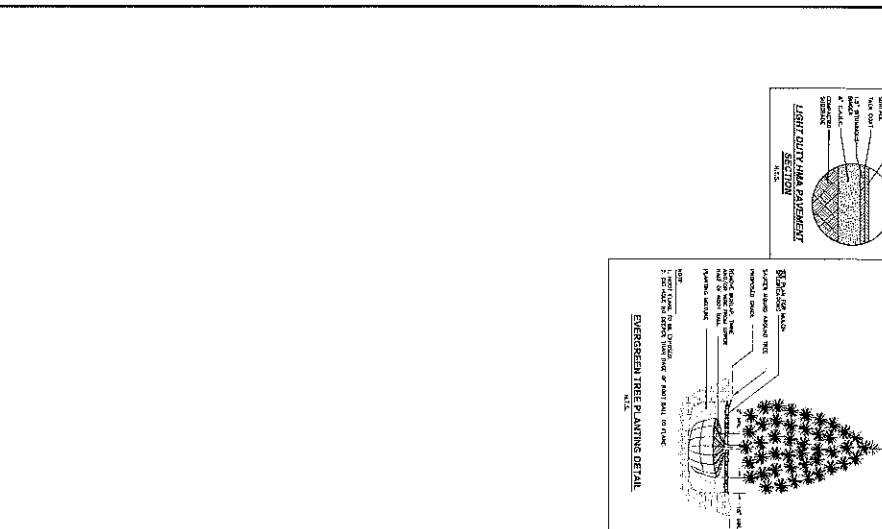
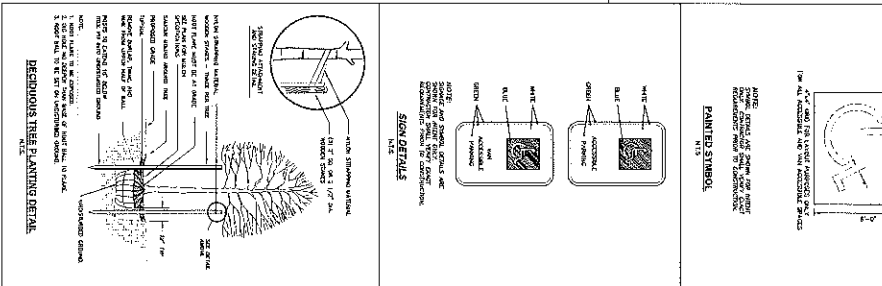
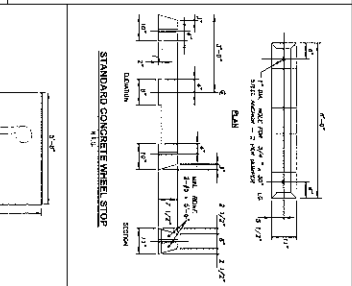
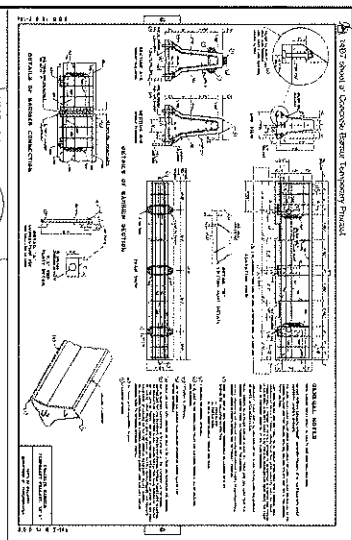


Figure 3 - West Building Elevation







**GENERAL NOTES**

1. THE PROJECT SHALL BE CONSIDERED AS A RESIDENTIAL DEVELOPMENT.
2. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF DENVER.
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 Phone: (303) 733-1100  
 Fax: (303) 733-1101  
 www.isp.com

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 Denver, CO 80202  
 Phone: (303) 733-1100  
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**AMERICAN LOGISTICS, LLC.**

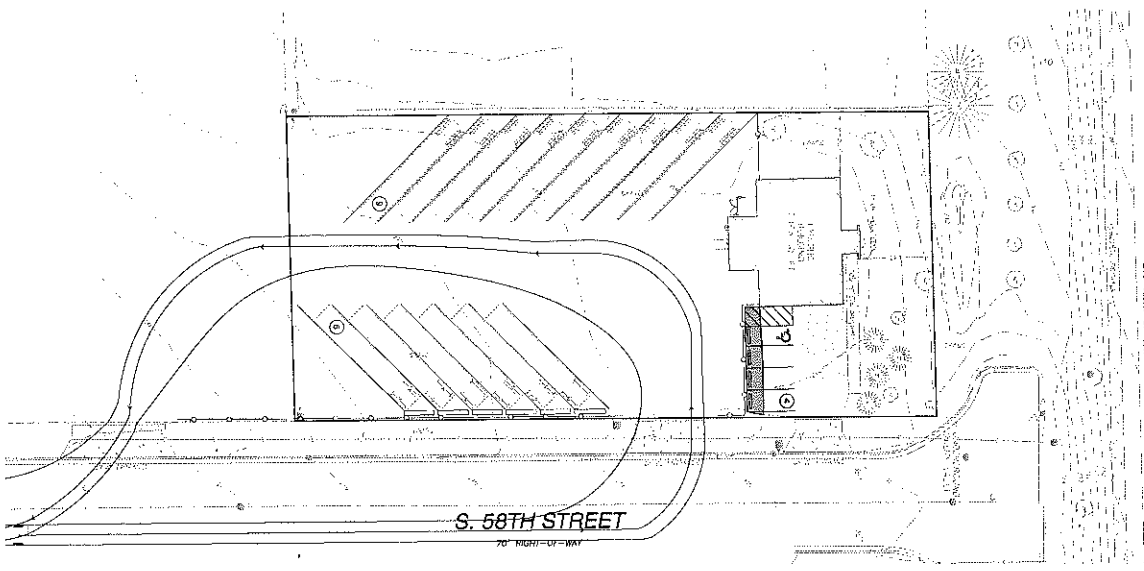
**CONTRACT NO. 1007104**

**SITE PLAN**

**C1.0**



W. RYAN ROAD  
210' RIGHT-OF-WAY



- EXISTING UTILITIES**
1. Sewerage main - American Logistics, LLC
  2. Location - 2002 S. Ryan Road
  3. Depth - 10' to 12' below ground
  4. Size - 24" dia. (18" dia. below ground)
  5. Material - Cast Iron
  6. Status - As Shown
  7. Owner - American Logistics, LLC
  8. Access - 2002 S. Ryan Road
  9. Use - Sewerage

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**Professional Services, Inc.**  
 11111 Highway 101, Suite 100  
 Houston, TX 77036  
 Tel: 281.465.1111  
 Fax: 281.465.1112  
 www.pssinc.com

**AMERICAN LOGISTICS, LLC**  
 2002 S. Ryan Road  
 Houston, TX 77036

**SPELLMAN TRAILERS, INC.**  
 11111 Highway 101, Suite 100  
 Houston, TX 77036

**EXHIBIT**

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>May 3, 2016</b></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>Direction regarding a proposed amendment to the Unified Development Ordinance to exempt public streets, sidewalks, trails and appurtenances from the City's Natural Resource Protection Standards (City of Franklin, Applicant)</p>	<p><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.4.</i></p>

**INTRODUCTION**

The Engineering Department and the Planning Department are requesting permission to prepare an amendment to the Unified Development Ordinance (UDO) to exempt public streets, sidewalks, trails and appurtenances (such as associated bridges, clearing and grading for shoulders, terraces, etc.) from the City's Natural Resource Protection Standards.

**BACKGROUND**

Staff has encountered a number of situations where the extension or expansion of a public street, sidewalk or trail into protected natural resource features was contemplated, which in staff's opinion served a valuable public purpose, but for reasons including the time, effort and uncertainty associated with obtaining a Natural Resource Special Exception, such public road or trail extension/expansion was not pursued, was substantially altered, or was subjected to an additional significant expense of time, effort, and/or money. Examples include:

- Extension of a proposed cul-de-sac and/or trail across wetlands located immediately west of Pleasant View Park/School as part of a proposed residential subdivision.
- Placement of a pedestrian bridge across a wetland and extension of a trail into wetland buffers and setbacks in Ernie Lake Park.
- Construction of a proposed trail through woodlands, wetlands, and shorelands around Koepmier Lake by the Conservancy for Healing and Heritage.
- Construction of a proposed trail through wetland setbacks and buffers at Southbrook Church linking Robinwood Elementary School to St. Martins Road.
- Extension of Evergreen Street through wetlands to Pleasant View Park.
- Construction of the Oak Leaf Trail through wetlands, woodlands, shorelands and floodplain in the Root River Parkway.
- Construction of a proposed sidewalk within/adjacent to wetlands on the south side of College Avenue.
- Expansion of Drexel Avenue through wetlands near 35<sup>th</sup> Street.
- Construction of a proposed trail/bridge in the River Park subdivision over the East Branch of the Root River

**PROPOSAL**

Staff's recommended proposal is to exempt all public (Federal, State, County, and City owned) streets, sidewalks and trails from all City of Franklin natural resource protection standards provided that:

- such street, sidewalk or trail is designed and constructed by or under the direction of such public agencies;
- all other required permits and approvals, including WDNR and ACOE, are obtained;
- that all remaining areas of natural resource features disturbed by such construction shall be restored to the restoration standards of Section 15-4.0102I. of the UDO; and
- that such public streets, sidewalks and trails be designed in a manner as to first consider alternative locations, second to minimize the amount of disturbance, and third to include mitigation in those instances where impact to particularly important natural resource features is unavoidable.

Staff would note that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) does allow trails through its Environmental Corridors (including wetlands, shorelands, and floodplains) under similar conditions. And allows streets and highways through its Environmental Corridors subject to these conditions as well as to mitigation and no net loss of flood storage capacity or wetlands.

Should the Common Council have concerns or reservations about staff's initial proposal, staff would strongly recommend that at least the construction, reconstruction, and expansion of public streets, sidewalks and trails within existing right-of-ways and easements be exempted from the City's natural resource protection standards subject to the conditions noted above.

#### CONCLUSION

To facilitate the provision of a safe and efficient transportation system, in recognition of the importance of connectivity for automobiles, pedestrians, and other modes of transportation, and to provide more flexibility within the City's natural resource protection provisions, staff proposes that the Unified Development Ordinance be amended to exempt public streets, sidewalks, trails, and appurtenances from the City's natural resource protection standards.

#### COUNCIL ACTION REQUESTED

A motion to direct staff to prepare an ordinance to amend the Unified Development Ordinance to exempt public streets, sidewalks, trails and appurtenances from the City's natural resource protection standards, to schedule a public hearing before the Plan Commission upon the proposed text amendment, to assist the Plan Commission in its deliberations thereon, and to subsequently forward this matter to the Common Council for its consideration and possible action.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">May 3, 2016</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;">City Parks use and pavilion rentals regulations; Franklin Woods Nature Center Kayla's Playground pavilion use rental</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">6.5.</p>

The Common Council discussion at its April 19, 2016 meeting regarding site furnishings for Kayla's playground and the needs and costs thereof and the needs of the Kayla's Playground area in conjunction with the overall Franklin Woods Nature Center and the pavilion thereon raised questions regarding the use decision-making authority, with direction to the City Attorney to review and report, most specifically, with regard to any decision-making regarding the rental of the Franklin Woods park pavilion. Below are the relevant statutory and Municipal Code and referenced Milwaukee County Ordinance provisions in relation thereto. Materials included herewith are copies of the Parks Commission Administrative Rules, copies of all of the specific City parks permits with regulations thereto, including the Parks Commission recently approved permit application form and regulations and pavilion and Playground use information form for the Franklin Woods Nature Center and Kayla's Playground park. Information regarding City parks use and rentals and fees may also be found on the City website under "Departments", "Parks & Recreation". The Department of City Development is the staff liaison to the Parks Commission. Staff informs that historically, the Commission has set the regulations and fees and rental availability for City Parks by its actions. The Office of the City Clerk administers the applications for parks use and absent some unusual application request, administratively grants the applications. Unusual requests for park use are referred to the Commission for review and determination. The alcohol availability question raised is answered by checking a box on the application form that alcohol will be consumed at the permit event. The bottom line answer with regard to questions raised at the April 19, 2016 meeting is that the Parks Commission has the charge and supervision authority of all City parks and recreation programs, subject to Mayor and Council supervision.

Municipal Code § 10-7. Parks Commission. \*\*\*

E. Powers and duties.

(1) The Commission shall have such powers and duties as are provided by §§ 27.08, 27.09 and 27.10, Wis. Stats., with such other powers and duties as are provided herein or granted by statute or by the Council. \*\*\*

(b) To have charge and supervision of all City parks and recreation programs, subject to Mayor and Council supervision. \*\*\*\*

Wis. Stat. § 27.08. City park board, powers

(1) Every city may by ordinance create a board of park commissioners subject to this section, or otherwise as provided by ordinance. Such board shall be organized as the common council shall provide.

(2) The board of park commissioners is empowered and directed:

(a) To govern, manage, control, improve and care for all public parks, parkways, boulevards and pleasure drives located within, or partly within and partly without, the corporate limits of the city, and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote those purposes. \*\*\*\*

Municipal Code Chapter 183. Orderly Conduct

Article XIV. Parks and Recreation

[Adopted 8-5-1997 by Ord. No. 97-1461 as Secs. 10.41 and 10.51 of the 1997 Code] \*\*\*

§ 183-47. Adoption of standards.

Chapter 47, Code of Ordinances for Milwaukee County, and as amended from time to time, is hereby adopted by reference and made a part of this article as if fully set forth herein.

Page 2

§ 183-48. Regulations governing parks.

A. All City parks are open to the public daily between the hours of 9:00 a.m. and 9:00 p.m. and shall be closed at all other times unless other hours are authorized under a park permit.

B. No sales of anything for profit or nonprofit shall be permitted in City parks unless authorized by special permit from the Park Department.

C. Rules and regulations governing the use and activities in the City parks, as adopted by the City Park Commission and amended from time to time, on file in the office of the City Clerk, are adopted herein by reference and made a part of this article as though fully set forth herein.

Milwaukee County Ordinance:

Chapter 47 - PARKS AND PARKWAYS

SUBCHAPTER I. - IN GENERAL

47.01. - Definitions. (1) *Park; parkway.* The terms "park" and "parkway," wherever used in chapter 47, unless otherwise stated, shall include the grounds, buildings thereon, waters therein and any other property which is now or may hereafter be under the control or jurisdiction of the county park commission. [footnotes omitted] \*\*\*\*

**COUNCIL ACTION REQUESTED**

No action;

or

A motion to direct the Parks Commission and City staff to not provide, supply or grant any application for the Franklin Woods Nature Center and Kayla's Playground park pavilion rental use pending and until further review and direction from the Common Council following a neighborhood informational meeting upon the subject matter, which meeting shall be scheduled and organized by City staff.

jw

- SPECIAL USE AMENDMENT-AAA ENVIRONMENTAL INDUSTRIES F-5. Alderman Ryan moved to table resolution imposing conditions and restrictions for approval of a Special Use Amendment for AAA Environmental Industries, (3240 W. Elm Street) to 10/15/02 Common Council meeting. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- ORD. 2002-1727 MORATORIUM F-6. Alderman Ryan moved to adopt Ordinance No.2002-1727, AN ORDINANCE TO ESTABLISH A MORATORIUM UPON DEVELOPMENT IN A CERTAIN AREA (S. 27th St., W. Oakwood Rd., 4300 block and W. South County Line Road). Seconded by Alderman Bergmann. On roll call, Aldermen Bergmann, Ryan and Netzel voted Aye; Aldermen Solomon and Dorsan voted No. Motion carried.
- RES. 2002-5458 S. 51ST STREET-SANITARY SEWER F-7. Alderman Dorsan moved to adopt Resolution No. 2002-5458, A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS GRANTED BY SECTION 207-15 OF THE MUNICIPAL CODE AND SECTION 66.0701 OF THE STATE STATUTES FOR SANITARY SEWER CONSTRUCTION IN S. 51ST STREET (WEST SIDE ONLY) FROM 730 FEET SOUTH OF W. DREXEL AVENUE TO A POINT 1,750 FEET SOUTH OF W. DREXEL AVENUE and schedule a public hearing for Monday, November 4, 2002 at 7:00 p.m. Seconded by Alderman Bergmann. All voted Aye; motion carried.
- RES. 2002-5459 BUSINESS PARK REWIRING BIDS F-8. Alderman Ryan moved to adopt Resolution No. 2002-5459, A RESOLUTION APPROVING THE BID FOR THE FRANKLIN BUSINESS PARK LIGHTING SYSTEM REWIRING to Outdoor Lighting Const., Co., Inc. in the amount of \$280,000. Seconded by Alderman Bergmann. On roll call, Aldermen Dorsan, Ryan and Bergmann voted Aye; Aldermen Solomon and Netzel voted No. Motion carried.
- ORD. 2002-1728 DIRECTOR OF ADMINISTRATION F-9. Alderman Solomon moved to adopt Ordinance No. 2002-1728, AN ORDINANCE TO AMEND THE MUNICIPAL CODE AS IT PERTAINS TO THE POSITION OF DIRECTOR OF ADMINISTRATION. Seconded by Alderman Bergmann. On roll call, Aldermen Bergmann, Netzel, Solomon and Dorsan voted Aye; Alderman Ryan voted No. Motion carried.
- PARKS COMMISSION F-10. Alderman Dorsan moved to approve the Parks Commission Administrative Rules and Procedures as recommended by the Commission and as amended by the City Attorney. Seconded by Alderman Bergmann. On roll call, Aldermen Dorsan, Solomon, Netzel and Bergmann voting Aye; Alderman Ryan voting No. Motion carried.



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JESSE A. WESOLOWSKI  
FREDERICK E. REIDENBACH  
DAVID D. FLEMING

FAX COVER SHEET

TO: LISA  
FAX NUMBER: 425-6428  
FROM: WESOLOWSKI  
DATE: AUGUST 9, 2002

TOTAL NUMBER OF PAGES SENT INCLUDING COVER SHEET 1

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SPECIAL INSTRUCTIONS: RE: PARKS COMMISSION ADMINISTRATIVE RULES AND PROCEDURES

MY COMMENTS ARE AS FOLLOWS:

1. ART. III SEC. 5. SHOULD SIMPLY READ: "A QUORUM SHALL BE FOUR (4) MEMBERS." (OTHERWISE, IT IS REDUNDANT, AS 4 IS A MAJORITY OF ALL, BUT CONFUSION IS ADDED BY THE USE OF THE DISJUNCTIVE "OR".)
2. ART. VII, SEC. 9. AND ART. X. ARE BASICALLY REDUNDANT AND I SUGGEST DELETING ART. X. ALSO, CHANGES TO BY-LAWS OR RULES USUALLY REQUIRE A 2/3 OR OTHER SUPER-MAJORITY VOTE; BUT I DO NOT BELIEVE THOSE PROVISIONS IN ROBERT'S RULES TO BE MANDATORY AND AS SUCH, THE PROVISION REMAINS WITHIN THE DISCRETION OF THE COMMISSION AND THE COUNCIL.
3. ART. VIII, SEC. 1.: AS A REMINDER, THE "OLD", "NEW" AND "OTHER BUSINESS" AGENDA CATEGORIES SHOULD BE FOR AGENDA ORGANIZATIONAL PURPOSES, WITH SPECIFIC ENUMERATED SUBJECT MATTERS LISTED UNDER THEM FOR OPEN MEETINGS LAW PURPOSES (I.E., NOT SIMPLY AS "NEW BUSINESS" ALONE ON AN AGENDA, WITH THE COMMISSION THEN PROCEEDING TO SOME "NEW" GOVERNMENTAL BUSINESS THEREUNDER).
4. IF THERE IS AN INTEREST IN THE PROCEDURAL ABILITY TO "RECONSIDER" AN ACTION AT A NEXT SUCCEEDING MEETING, A PROVISION STATING THAT THE COMMISSION MAY RECONSIDER ANY ACTION TAKEN BY IT DURING THE SAME MEETING AT WHICH THE ACTION WAS TAKEN AND AT THE NEXT SUCCEEDING MEETING (THE TIME LIMIT FOR RECONSIDERATION UNDER ROBERT'S RULES EXPIRES AT THE END OF THE MEETING DURING WHICH ACTION WAS TAKEN).

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  10/01/02
<b>REPORTS &amp; RECOMMENDATIONS</b>	Parks Commission Administrative Rules and Procedures	<b>ITEM NUMBER</b>  <i>R. 10.</i>

(At their September 24, 2002 meeting, the Common Council tabled this item to the October 1, 2002 Common Council Meeting.)

At their September 9, 2002 meeting, the Parks Commission approved a motion to recommend to the Common Council approval of the Administrative Rules and Procedures as amended by the City Attorney (copy attached).

**COUNCIL ACTION REQUESTED**

Motion to approve the Parks Commission Administrative Rules and Procedures as recommended by the Commission and as amended by the City Attorney.

cc Approved 10-1-02 ✓



***City of Franklin, Wisconsin***

## **Parks Commission**

### **Administrative Rules and Procedures**

September, 2002

## Parks Commission

### Administrative Rules and Procedures

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4	IX	Non-member Participation
5	X	Reconsideration

#### Exhibit

- A. Section 10-7 of the Municipal Code of the City of Franklin

**Parks Commission**

**Administrative Rules and Procedures**

**Article I. Name of Commission**

The name of this Commission shall be the "Parks Commission" of the City of Franklin, Wisconsin, hereinafter referred to as "the Commission".

**Article II. Authorization**

The authorization for the establishment of the Commission is set forth in Section 10-7 of the Municipal Code of Franklin, Wisconsin, as amended, hereinafter referred to as "Section 10-7", which is incorporated herein by this reference and is presented in Exhibit A.

**Article III. Membership**

Section 1. The composition of the Commission shall be as established in Section 10-7.A. and as may otherwise be specified by the Common Council.

Section 2. The terms of the members shall be as established in Section 10-7.A. and as may otherwise be specified by the Common Council.

Section 3. Each member shall have one (1) vote. The Chairman votes according to Common Council policy, which follows Roberts Rules of Order. Voting by proxy is not permitted. On a tie vote, the motion is lost.

Section 4. All members shall serve without compensation.

Section 5. A quorum shall be four (4) members.

Section 6. Actions, communications, etc. of Commission members shall be subject to the provisions of the Wisconsin Statutes, including but not limited to the Open Meetings Act, and the Municipal Code and policies of the City of Franklin, including but not limited to the Code of Ethics.

**Article IV. Duties**

Section 1. The duties of the Commission shall be as established in Section 10-7 of the Municipal Code of the City of Franklin, and as may otherwise be specified by the Common Council.

Section 2. The City of Franklin's Planning Manager or designee shall provide administrative staff support to the Commission.

Section 3. The City of Franklin's Public Works Superintendent or designee shall provide operations staff support to the Commission.

**Article V. Officers**

Section 1. The officers of the Commission shall be the Chair, Vice-Chair, and Secretary.

Section 2. The Chair and Vice-Chair shall be elected by and from the Commission resident members.

Section 3. The term of Chair and Vice-Chair shall be from election to the next election. Elections to fill these offices shall be held at the first Commission meeting and the first Commission meeting on or after July 1 of each subsequent year. Elections to fill vacancies will be held at the first Commission meeting after the vacancy occurs.

Section 4. The Chair shall preside at all meetings and hearings of the Commission, and shall have the duties normally conferred by parliamentary usage to such office. The Chair, with the assistance of the City staff ex officio members of the Commission, shall:

- a) Call meetings of the Commission as needed to fulfill the duties of the Commission, and determine the time and place of such meetings.
- b) Prepare agendas for meetings and hearings.
- c) Prepare reports of Commission actions.
- d) Provide notice to all Commission members.
- e) Arrange proper and legal notice of hearings.
- f) Attend to correspondence of the Commission as approved by the Commission.
- g) Determine that the Secretary keeps the official Minutes and records of the Commission.
- h) Determine that all Commission members have these Administrative Rules and Procedures, and such other records as may be necessary for the satisfactory conduct of the duties of Commission member.
- i) Have other duties as may from time to time be assigned by the Commission.

Section 5. When the Chair is unable to preside or fulfill the duties of the Chair, the Vice-Chair shall preside and assume the duties of the Chair until the Chair is able to preside.

Section 6. When the Chair and the Vice-Chair are unable to preside or fulfill the duties of the Chair and a quorum of the Commission is present for a properly noticed and scheduled Commission meeting or hearing, the Secretary may call the Commission to order and shall temporarily preside solely over the selection of a Chair Pro Tempore by and from the Commission members present. Upon selection, the Chair Pro Tempore shall preside and assume the duties of the Chair until the Chair or the Vice-Chair is able to preside.

**Article VI. Committees, Subcommittees**

Section 1. The Commission may establish committees and subcommittees as deemed appropriate or necessary to fulfill the duties of the Commission.

Section 2. The Chair shall appoint committee and subcommittee members and officers.

**Article VII. Meetings**

Section 1. The Commission, its committees and subcommittees shall meet as needed to fulfill the duties of the Commission.

Section 2. The Commission shall normally meet on the second Monday of each month, or as needed at the call of the Chairman, to fulfill the duties of the Commission.

Section 3. All meetings of the Commission shall be open to the general public, subject to the provisions of the Wisconsin Statutes (Open Meetings Act).

Section 4. Except as otherwise provided herein or specified by the Common Council, the parliamentary procedure of the Commission shall be as provided in Robert's Rules of Order Newly Revised, as approved by the Common Council.

Section 5. A record of all Commission actions shall be kept as part of its Minutes.

Section 6. Any member of the Commission may place on a Commission agenda for consideration, discussion, action, etc. any matter that is properly within or related to the duties, rules, procedures, activities, etc. of the Commission, by notice to the Chair and the Secretary.

Section 7. All materials and information related to matters to be considered by the Commission shall be delivered to the Planning Department Secretary not later than seven (7) working days preceding the meeting at which the matter is to be considered. Matters submitted for consideration by the Commission may be rescheduled to a subsequent Commission meeting when the Commission has determined that any required materials and information have not been received by the specified time.

Section 8. Agendas and other materials for each meeting shall, whenever possible, be delivered to the members of the Commission not later than three (3) working days preceding the meeting.

Section 9. Revisions or amendments to these Administrative Rules and Procedures (except items established in the statutes and regulations of the State of Wisconsin or the Municipal Code of the City of Franklin, Wisconsin, which shall be as adopted by the applicable authoritative body), shall require approval of a 2/3 or super-majority of the Commission membership and approval by the Common Council.

Section 10. The Commission may terminate any meeting at 9:00 p.m. or at any time thereafter with agenda items not yet considered. Any agenda item(s) under consideration or not yet considered at the time of meeting termination under this section shall be continued to the next meeting.

**Article VIII. Order of Business**

Section 1. Each Commission agenda shall provide for the following order of business:

- I. Call To Order and Roll call.
- II. Approval of Minutes of previous meeting(s).
- III. Old Business.
- IV. New business.
- V. Other business (e.g., items for future agendas, Comm. rules and procedures, etc.).
- VI. Schedule next meeting.
- VII. Adjournment.

Section 2. In general, the order of business shall follow the printed agenda. The order of business may vary from the printed agenda by consensus of the Commission members present.

**Article IX. Non-member Participation**

Section 1. Letters, documents and other records relevant to matters before the Commission or within Commission duties are welcome at any time by submission to the Secretary, subject to timing requirements established elsewhere herein. Submissions related to a specific matter before the Commission will be considered when the specific matter is considered. Submissions related to other matters within the Commission duties will be considered in the Other Business section of the agenda or as otherwise deemed applicable by the Commission.

Section 2. Except for properly noticed and scheduled public hearings, non-member testimony during Commission meetings shall be limited to a) applicants with matters before the Commission, b) persons with knowledge or expertise relevant to matters before the Commission or within Commission duties and c) the mayor and aldermen of the City of Franklin. Such non-member testimony shall be permitted during the Citizen Comment Period or at the discretion of and upon recognition by the Chair or on consensus of the Commission members present, and upon statement of name, address and basis for testimony.

Section 3. At a properly noticed and scheduled public hearing of the Commission, any person may speak on the specified subject of the hearing upon recognition by the Chair and statement of name and primary residence address.



**Article X. Reconsideration**

Section 1. The Commission may reconsider any action taken by it during the same meeting at which the action was taken and at the next succeeding meeting.

~~§ 10-4 Powers and duties. See § 13.5 of the Zoning Code.~~

~~§ 10-5. Board of Zoning and Building Appeals.~~

~~A. Membership. The Board of Zoning and Building Appeals shall consist of seven citizens appointed for three-year terms, provided that no more than two members shall be appointed in one year, except when necessary to maintain the membership or to fill a vacancy. An alternate member may be appointed for a three-year term, who shall act when a member is absent or refuses to vote.~~

~~B. Powers and duties. See § 15.6 of the Zoning Code.~~

~~§ 10-6. Police and Fire Commission.~~

~~The Council shall establish a Board of Fire and Police Commissioners consisting of five citizens as provided for cities of the 4th class under § 62.13, Wis. Stats., three of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and first Monday of May, appoint in writing, to be filed with the Board Secretary, one member for a five-year term. No appointment shall be made which will result in more than three members of the Board belonging to the same political party. The Board shall keep a record of its proceedings.~~

~~§ 10-7. Parks Commission. [Amended 6-2-1998 by Ord. No. 98-1496; 1-4-2000 by Ord. No. 2000-1589]~~

~~A. Membership. The Parks Commission shall consist of seven members, including one alderman and six citizens, all appointed by the Mayor and subject to confirmation by the Common Council. The term of the Alderman member shall be one year, only while in the office of Alderman, and expiring upon the April 30 following the appointment. The citizen members shall be appointed for three-year terms, expiring upon the April 30 of the third year following the appointment; excepting that the initial appointments shall provide for two members to serve a one-year term and two members to serve a two-year term, expiring upon the April 30 of the first year and second year following such appointments, respectively. The Parks Director shall provide technical and staff assistance to the Commission.~~

~~B. Oaths. Official oaths shall be taken by all members, in accordance with § 19.01, Wis. Stats., within 10 days of receiving notice of their appointment.~~

~~C. Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments are made for a full term.~~

~~D. Organization. The Commission shall convene at City Hall within 30 days of appointment and organize and adopt rules for its government in accordance with this subsection.~~

~~(1) Meetings shall be held monthly or at the call of the Chairperson or a majority of the full Commission and shall be open to the public.~~

~~(2) Standing and special committees may be appointed by the Chairperson.~~

45

- (3) A quorum shall be four Commissioners, and all actions shall require approval of a majority of the full Commission, except a motion to compel attendance or to adjourn.
- (4) A written record shall be kept showing all actions taken, resolutions, findings, determinations, transactions and recommendations made; and a copy shall be filed with the City Clerk as a public record.
- (5) The Commission shall elect one of its members as Chairperson. A Vice Chairperson shall also be elected at the time the Chairperson is elected.
- (6) The Chairperson shall appoint one member to act as Secretary of the Commission. The term of office of the Chairperson, Vice Chairperson and Secretary shall be one year.

E. Powers and duties.

- (1) The Commission shall have such powers and duties as are provided by §§ 27.08, 27.09 and 27.10, Wis. Stats., with such other powers and duties as are provided herein or granted by statute or by the Council.
  - (a) To appoint such agents and employees subject to approval of the Mayor and Council as may be necessary to carry out the functions of the Parks Commission.
  - (b) To have charge and supervision of all city parks and recreation programs, subject to Mayor and Council supervision.
  - (c) To make reports and recommendations, including budgetary items, to the Mayor and Council.
- (2) Commissioners shall receive no remuneration.

~~§ 10-8. Economic Development Commission.~~

- ~~A. Composition. The Commission shall consist of 14 members, two of whom shall be members of the City Council.~~
- ~~B. Appointment and compensation of members. The members of the Commission shall be appointed by the Mayor, confirmed by the City Council and shall serve without compensation.~~
- ~~C. Terms of office. Each appointment is for a one-year term commencing August 1. Vacancies shall be filled for the remainder of the term. The Council member appointee shall serve only so long as that person remains an Alderperson.~~

§ 10-9. Fair Commission.

A. Composition.

- (1) The Fair Commission shall consist of one Alderperson, a member of the Board of Health and seven citizens, appointed by the Mayor subject to confirmation of the Council. The Alderperson shall serve on the Commission for his or her term of office as Alderperson. The term of the Board of Health member shall be for the duration of

## PERMIT RULES AND REGULATIONS FOR USE OF FRANKLIN PARKS

As residents, we share and enjoy over 150 acres of parks. We also share in a major responsibility to preserve and properly use our public facilities. Knowledge of, and adherence to, park rules and regulations will help create an awareness and appreciation of our valuable park and recreation investment.

1. Parks are open from 9:00 am to 9:00 pm. All decorating, set up and clean up must be done within your rental time.
2. Beer, wine and alcohol consumption is not allowed unless authorized and indicated on park permit. Sale of same is not permitted.
3. No commercial sales, for profit, of any kind are allowed on park property. Solicitations, donations or contributions are not permitted, except where authorized by permit.
4. Live music is prohibited unless indicated on park permit. Both canned and live music cannot exceed 55 decibels from point no greater than 150' from point of sound origin, including use of radios, stereos, karaoke and other audio devices per City Ordinance.
5. No telephone reservations are accepted.
6. A picnic permit is required to reserve picnic areas. Rides, games, tents and other equipment are not permitted on park property, unless indicated on park permits. Mechanical rides, dunk tanks, etc. must obtain a separate entertainment and amusement license, which must be approved by Licensing Committee and the Common Council. Inspections will be made prior to event by the electrical, building and fire departments. Tents cannot be erected prior to contacting the City and shall be subject to inspection.
7. Fires may only be started and maintained in proper receptacles, such as grills, and can be used for food preparation only. Ground fires are not allowed at anytime.
8. Parking is permitted in designated parking lot or road areas only. Cars and other vehicles are not permitted in park areas, except for five (5) minutes for unloading and pick-up periods only.
9. Litter and other waste must be deposited in proper City garbage receptacles. Failure to comply will result in future denial of park permit requests and could result in a fine. Dumping of any waste matter, of any kind, is prohibited in any City Park or public property.
10. No refunds are granted unless requested in writing at least thirty (30) days prior to park permit date.
11. Overnight camping is prohibited.
12. Motorized vehicles, including off-street and/or recreational vehicles, are not permitted, unless otherwise posted.
13. Animals in park areas must be leashed at all times, per City Code. Any animal waste must be removed or deposited in a proper receptacle.
14. Destruction, injury, defacement or removal of city property is prohibited per City Code.
15. Firing or discharge of any projectile in a park is prohibited, per City Code.
16. Games and/or amusements are to be conducted only in the designated area approved by the Park Commission and the Common Council.
17. In case of snow or icy conditions, the City parks trails will not be maintained. The City is not liable if injury occurs.
18. Any form of golf is not permitted in any City Park.

Violation of park rules can result in a maximum forfeiture of up to \$200.00, and a violation of local and/or state laws can result in a fine, imprisonment or both. City of Franklin Park Staff (414-425-2592) and/or City of Franklin Police Department (414-425-2522) will implement enforcement of park rules and regulations.

***Promote Parks Positively!***

**Thank You for Your Participation and Cooperation**



# PARK PERMIT

## Lions Legend Park

Lions Pavilion

8050 S. Legend Drive, Franklin, WI 53132

**THIS PERMIT MUST BE POSTED AT PAVILION ON DAY OF PICNIC RESERVATION**

- \* This permit entitles you to the following items: Use of the shelter, electricity, picnic tables, water & BBQ pit where available. **Playground equipment, tennis courts and the volleyball courts must be shared with the general public.**
- \* No refunds are allowed unless requested in writing at least thirty (30) days before the park permit date. Park permit fees are based on attendance and are set by the Park Commission. **A security deposit of \$100.00 is required for all locations.**
- \* Rides, games, tents and other equipment are not permitted on park property unless indicated on park permit. **Mechanical rides, dunk tanks, bounce houses, etc. must obtain a separate Entertainment and Amusement License**, which must be approved by the Licensing Committee and the Common Council. Inspections will be made prior to the event by the Electrical, Building and Fire departments. Tents cannot be erected prior to contacting the city and shall be subject to inspection.
- \* Parking is permitted in designated parking lot or road areas only. Cars and other vehicles are not permitted in park areas, except for five (5) minutes for unloading and pick-up periods only.
- \* No staples, tape or thumb tacks are to be used in park pavilion. If removal of such is required after your rental you will be charged for damages and the amount will be deducted from your deposit.

LIONS LEGEND PARK, 8050 S. Legend Drive  
Lions Pavilion

LIONS LEGEND PARK BAND SHELL / **Additional \$100**

PLEASE PRINT

Name of Group: \_\_\_\_\_

Person in Charge: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Number in Group:  1-49/\$75     50-99/\$125     100-149/\$150     150-199/\$200     200-250 maximum/\$250

100+ Non Franklin Groups/Additional \$25     Beer, wine & alcohol consumption only. Sale of same not permitted.

\$100 security deposit (refundable after Council approval)

Please Note: Larger groups may request a special permit from the Franklin Park Commission

Date: \_\_\_\_\_ Time: \_\_\_\_\_ am to \_\_\_\_\_ pm (Park is available from 9:00 a.m. to 9:00 p.m.)

Nature of Activity: \_\_\_\_\_

I have read, understand and agree that the area and facilities will be used in accordance with the ordinances, rules and regulations of the City of Franklin Common Council and the Park Commission. Please read rules and regulations on the reverse side before signing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

In case of emergency, or to report any problems on the day of your reservation, please call

**City of Franklin Police Department (414-425-2522)**

and / or, Monday thru Friday from 7:00a.m. – 3:30p.m., City of Franklin Park Staff (414-425-2592)

<input type="checkbox"/> APPROVED	<input type="checkbox"/> REJECTED	For Office Use Only DATE: _____	Permit Fee: \$ _____
Check No. _____			Band Shell Fee: \$ _____
			Plus Deposit: \$ 100.00
			<b>TOTAL: \$ _____</b>

Approved by: \_\_\_\_\_

White - Administration    Yellow - D.P.W.    Pink - Applicant    **Make Checks Payable to: CITY OF FRANKLIN**



# PARK PERMIT

## LIONS LEGEND PARK

Vernon Barg Pavilion  
8717 W Drexel Avenue, Franklin, WI 53132

**THIS PERMIT MUST BE POSTED AT PAVILION ON DAY OF PICNIC RESERVATION**

- \* This permit entitles you to the following items: Use of the shelter, electricity, picnic tables, water & BBQ pit where available. **Playground equipment, tennis courts and the volleyball courts must be shared with the general public.**
- \* No refunds are allowed unless requested in writing at least thirty (30) days before the park permit date. Park permit fees are based on attendance and are set by the Park Commission. **A security deposit of \$100.00 is required for all locations.**
- \* Rides, games, tents and other equipment are not permitted on park property unless indicated on park permit. **Mechanical rides, dunk tanks, bounce houses, etc. must obtain a separate Entertainment and Amusement License**, which must be approved by the Licensing Committee and the Common Council. Inspections will be made prior to the event by the Electrical, Building and Fire departments. Tents cannot be erected prior to contacting the city and shall be subject to inspection.
- \* Parking is permitted in designated parking lot or road areas only. Cars and other vehicles are not permitted in park areas, except for five (5) minutes for unloading and pick-up periods only.
- \* No staples, tape or thumb tacks are to be used in park pavilion. If removal of such is required after your rental you will be charged for damages and the amount will be deducted from your deposit.

LIONS LEGEND PARK, Vernon Barg Pavilion, 8717 W. Drexel Avenue  
**Please pick up the key** for the Vernon Barg Pavilion at the Public Works Facility, 7979 W. Ryan Rd, Monday thru Friday, 7:00a.m - 3:30p.m., no more than 4 business days before your reservation. Call 414-425-2592 for additional information.

**PLEASE PRINT**

Name of Group: \_\_\_\_\_

Person in Charge: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Number in Group:  1-49/\$100     50-99/\$150     100-149 maximum/\$175

100+ Non Franklin Groups/Additional \$25     Beer, wine & alcohol consumption only. Sale of same not permitted.

\$100 security deposit (refundable after Council approval)

Please Note: Larger groups may request a special permit from the Franklin Park Commission

Date: \_\_\_\_\_ Time: \_\_\_\_\_ am to \_\_\_\_\_ pm (Park is available from 9:00 a.m. to 9:00 p.m.)

Nature of Activity: \_\_\_\_\_

I have read, understand and agree that the area and facilities will be used in accordance with the ordinances, rules and regulations of the City of Franklin Common Council and the Park Commission. Please read rules and regulations on the reverse side before signing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

In case of emergency, or to report any problems on the day of your reservation, please call  
**City of Franklin Police Department (414-425-2522)**  
 and / or, Monday thru Friday from 7:00a.m. - 3:30p.m., City of Franklin Park Staff (414-425-2592)

.....  
 For Office Use Only  
 APPROVED     REJECTED    DATE: \_\_\_\_\_    Permit Fee: \$ \_\_\_\_\_  
 Plus Deposit: \$ 100.00  
 Check No. \_\_\_\_\_    **TOTAL:** \$ \_\_\_\_\_

Approved by: \_\_\_\_\_

White - Administration    Yellow - D.P.W.    Pink - Applicant    **Make Checks Payable to: CITY OF FRANKLIN**



# PARK PERMIT

## KEN WINDL PARK

Ken Windl Pavilion  
11615 W. Rawson Avenue  
Franklin, WI 53132

**THIS PERMIT MUST BE POSTED AT PAVILION ON DAY OF PICNIC RESERVATION**

- \* This permit entitles you to the following items: Use of the shelter, electricity, picnic tables, water & BBQ pit where available. **Playground equipment, tennis courts and the volleyball courts must be shared with the general public.**
- \* No refunds are allowed unless requested in writing at least thirty (30) days before the park permit date. Park permit fees are based on attendance and are set by the Park Commission. **A security deposit of \$100.00 is required for all locations.**
- \* Rides, games, tents and other equipment are not permitted on park property unless indicated on park permit. **Mechanical rides, dunk tanks, bounce houses, etc. must obtain a separate Entertainment and Amusement License, which must be approved by the Licensing Committee and the Common Council.** Inspections will be made prior to the event by the Electrical, Building and Fire departments. Tents cannot be erected prior to contacting the city and shall be subject to inspection.
- \* Parking is permitted in designated parking lot or road areas only. Cars and other vehicles are not permitted in park areas, except for five (5) minutes for unloading and pick-up periods only.
- \* No staples, tape or thumb tacks are to be used in park pavilion. If removal of such is required after your rental you will be charged for damages and the amount will be deducted from your deposit.

Ken Windl Park will be available for reservation from March 15<sup>th</sup> thru November. Please note that the park is available from 9:00a.m to 9:00p.m. All decorating, set-up and clean-up must be done within your rental time. **The pavilion will be closed and locked at 9:00p.m., no exceptions.**

KEN WINDL PARK, 11615 W. Rawson Avenue  
**Please pick up the key for the Ken Windl Pavilion at the Public Works Facility, 7979 W. Ryan Rd, Monday thru Friday, 7:00a.m - 3:30p.m., no more than 4 business days before your reservation. Call 414-425-2592 for additional information.**

**PLEASE PRINT**

Name of Group: \_\_\_\_\_

Person in Charge: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Number in Group:  1-50/\$100     Non Franklin Groups/Additional \$25     \$100 security deposit (refundable after Council approval)  
 Beer, wine & alcohol consumption only. Sale of same not permitted.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ am to \_\_\_\_\_ pm (Park is available from 9:00 a.m. to 9:00 p.m.)

Nature of Activity: \_\_\_\_\_

I have read, understand and agree that the area and facilities will be used in accordance with the ordinances, rules and regulations of the City of Franklin Common Council and the Park Commission. Please read rules and regulations on the reverse side before signing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

In case of emergency, or to report any problems on the day of your reservation, please call  
**City of Franklin Police Department (414-425-2522)**  
and / or, Monday thru Friday from 7:00a.m. – 3:30p.m., City of Franklin Park Staff (414-425-2592)

\*\*\*\*\*

<input type="checkbox"/> APPROVED	<input type="checkbox"/> REJECTED	For Office Use Only DATE: _____	Permit Fee: \$ _____
Check No. _____			Plus Deposit: \$ 100.00
			<b>TOTAL: \$ _____</b>

Approved by: \_\_\_\_\_

White - Administration    Yellow - D.P.W.    Pink - Applicant

**Make Checks Payable to: CITY OF FRANKLIN**



# PAVILION PERMIT

**Franklin Woods Nature Center**  
**Home of Kayla's Playground**  
 3723 W. Puetz Road, Franklin, WI 53132

**THIS PERMIT MUST BE POSTED AT PAVILION ON DAY OF PICNIC RESERVATION**

- \* This permit entitles you to the following items: Use of the pavilion, electricity, picnic tables within the pavilion and water. There are no grills available. You may bring a gas grill for food preparation – No charcoal grills allowed.
- Kayla's Playground and patio area must be shared with the general public.**
- \* No refunds are allowed unless requested in writing at least thirty (30) days before the pavilion permit date. Pavilion permit fees are based on attendance and are set by the Park Commission. **A security deposit of \$100.00 is required for all locations.**
- \* Rides, games, tents and other equipment are not permitted on park property unless indicated on pavilion permit and approved by the Park Commission. **Mechanical rides, dunk tanks, inflatable's, etc. must obtain a separate Entertainment and Amusement License**, which must be approved by the Common Council. Inspections will be made prior to the event by the Electrical, Building and Fire departments. Tents cannot be erected prior to contacting the city and shall be subject to inspection. Please list any of the above that apply: \_\_\_\_\_
- \* Limited parking is permitted in designated parking lot only. Cars and other vehicles are not permitted in park areas.
- \* No staples, tape or thumb tacks are to be used in park pavilion. If removal of such is required after your rental you will be charged for damages and the amount will be deducted from your deposit.

FRANKLIN WOODS NATURE CENTER PAVILION, Kayla's Playground, 3723 W. Puetz Road

**PLEASE PRINT**

Name of Group: \_\_\_\_\_

Person in Charge: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Number in Group:  1-49 (maximum) / \$75       Beer, wine & alcohol consumption only. Sale of same not permitted.

\$100 security deposit (refundable after Council approval)

Please Note: Larger groups will be required to request a special permit from the Franklin Park Commission

Date: \_\_\_\_\_ Time: \_\_\_\_\_ am to \_\_\_\_\_ pm (Pavilion is available from 9:00 a.m. to 9:00 p.m.)

Nature of Activity: \_\_\_\_\_

I have read, understand and agree that the area and facilities will be used in accordance with the ordinances, rules and regulations of the City of Franklin Common Council and the Park Commission. Please read rules and regulations on the reverse side before signing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

In case of emergency, or to report any problems on the day of your reservation, please call  
**City of Franklin Police Department (414-425-2522)**  
 and / or, Monday thru Friday from 7:00a.m. – 3:30p.m., City of Franklin Park Staff (414-425-2592)

\*\*\*\*\*  
 APPROVED       REJECTED      For Office Use Only  
 DATE: \_\_\_\_\_ Permit Fee: \$ \_\_\_\_\_  
 Plus Deposit: \$ 100.00  
 Check No. \_\_\_\_\_ TOTAL: \$ \_\_\_\_\_

Approved by: \_\_\_\_\_

White - Administration      Yellow - D.P.W.      Pink - Applicant      **Make Checks Payable to: CITY OF FRANKLIN**



## PERMIT RULES AND REGULATIONS FOR USE OF FRANKLIN PARKS

As residents, we share and enjoy over 150 acres of parks. We also share in a major responsibility to preserve and properly use our public facilities. Knowledge of, and adherence to, park rules and regulations will help create an awareness and appreciation of our valuable park and recreation investment.

1. Pavilion rental is available from 9:00 am to 9:00 pm. All decorating, set up and clean up must be done within your rental time.
2. Beer, wine and alcohol consumption is not allowed unless authorized and indicated on pavilion permit. Sale of same is not permitted.
3. No commercial sales, for profit, of any kind are allowed on park property. Solicitations, donations or contributions are not permitted, except where authorized by permit.
4. Live music is prohibited unless indicated on pavilion permit. Both canned and live music cannot exceed 55 decibels from point no greater than 150' from point of sound origin, including use of radios, stereos, karaoke and other audio devices per City Ordinance.
5. No telephone reservations are accepted.
6. A picnic permit is required to reserve picnic areas. Rides, games, tents and other equipment are not permitted on park property, unless indicated on pavilion permits. Mechanical rides, dunk tanks, inflatable's, etc. must obtain a separate entertainment and amusement license, which must be approved by the Common Council. Inspections will be made prior to event by the electrical, building and fire departments. Tents cannot be erected prior to contacting the City and shall be subject to inspection.
7. Fires may only be started in gas grills to be used for food preparation. Charcoal fires and ground fires are not allowed at anytime at Franklin Woods.
8. Limited parking is permitted in designated parking lot only. Cars and other vehicles are not permitted in park areas.
9. Litter and other waste must be deposited in proper City garbage receptacles. Failure to comply will result in future denial of pavilion permit requests and could result in a fine. Dumping of any waste matter, of any kind, is prohibited in any City Park or public property.
10. No refunds are granted unless requested in writing at least thirty (30) days prior to pavilion permit date.
11. Overnight camping is prohibited.
12. Motorized vehicles, including off-street and/or recreational vehicles, are not permitted, unless otherwise posted.
13. Animals in park areas must be leashed at all times, per City Code. Any animal waste must be removed or deposited in a proper receptacle.
14. Destruction, injury, defacement or removal of city property is prohibited per City Code.
15. Firing or discharge of any projectile in a park is prohibited, per City Code.
16. Games and/or amusements are to be conducted only in the designated area approved by the Park Commission and the Common Council.
17. In case of snow or icy conditions, the City parks trails will not be maintained. The City is not liable if injury occurs.
18. Any form of golf is not permitted in any City Park.

Violation of park / pavilion rules can result in a maximum forfeiture of up to \$200.00, and a violation of local and/or state laws can result in a fine, imprisonment or both. City of Franklin Park Staff (414-425-2592) and/or City of Franklin Police Department (414-425-2522) will implement enforcement of park rules and regulations.

***Promote Parks Positively!***

**Thank You for Your Participation and Cooperation**



# Kayla's Playground Scheduled Visit

Franklin Woods Nature Center  
3723 W. Puetz Road, Franklin, WI 53132

Kayla's Playground is open to all visitors and is not reservable. Therefore no permit is required for a group to visit the playground. In an effort not to overcrowd the playground or parking area any given day, groups wishing to use the playground are requested to schedule a date at the City of Franklin Clerks office. There will be no fee for a scheduled visit, but the playground, patio area and pavilion must be shared with other park visitors.

Please Note: You may request a Pavilion Permit at the City Clerks office. There is a fee for the Pavilion Permit but this would reserve the pavilion only for your group. The playground and patio area would still be shared with all park visitors.

PLEASE PRINT

Name of Group: \_\_\_\_\_

Person in Charge: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Number in Group: \_\_\_\_\_

Means of transport: (Bus or Car) \_\_\_\_\_

Visit Date: \_\_\_\_\_ Time: \_\_\_\_\_ am to \_\_\_\_\_ pm

I have read, understand and agree that the area and facilities will be used in accordance with the ordinances, rules and regulations of the City of Franklin Common Council and the Park Commission. Please read rules and regulations on the reverse side before signing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

In case of emergency, or to report any problems on the day of your reservation, please call  
**City of Franklin Police Department (414-425-2522)**  
and / or, Monday thru Friday from 7:00a.m. – 3:30p.m., City of Franklin Park Staff (414-425-2592)

\*\*\*\*\*  
 APPROVED       REJECTED      For Office Use Only  
DATE: \_\_\_\_\_

Approved by: \_\_\_\_\_

## PERMIT RULES AND REGULATIONS FOR USE OF FRANKLIN PARKS

As residents, we share and enjoy over 150 acres of parks. We also share in a major responsibility to preserve and properly use our public facilities. Knowledge of, and adherence to, park rules and regulations will help create an awareness and appreciation of our valuable park and recreation investment.

1. Park usage, without a permit, is available from dawn until dusk.
2. Pavilion rental is available from 9:00 am to 9:00 pm. All decorating, set up and clean up must be done within your rental time.
3. Beer, wine and alcohol consumption is not allowed unless authorized and indicated on pavilion permit. Sale of same is not permitted.
4. No commercial sales, for profit, of any kind are allowed on park property. Solicitations, donations or contributions are not permitted, except where authorized by permit.
5. Live music is prohibited unless indicated on pavilion permit. Both canned and live music cannot exceed 55 decibels from point no greater than 150' from point of sound origin, including use of radios, stereos, karaoke and other audio devices per City Ordinance.
6. No telephone reservations are accepted.
7. A picnic permit is required to reserve picnic areas. Rides, games, tents and other equipment are not permitted on park property, unless indicated on pavilion permits. Mechanical rides, dunk tanks, inflatable's, etc. must obtain a separate entertainment and amusement license, which must be approved by the Common Council. Inspections will be made prior to event by the electrical, building and fire departments. Tents cannot be erected prior to contacting the City and shall be subject to inspection.
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11. No refunds are granted unless requested in writing at least thirty (30) days prior to pavilion permit date.
12. Overnight camping is prohibited.
13. Motorized vehicles, including off-street and/or recreational vehicles, are not permitted, unless otherwise posted.
14. Animals in park areas must be leashed at all times, per City Code. Any animal waste must be removed or deposited in a proper receptacle.
15. Destruction, injury, defacement or removal of city property is prohibited per City Code.
16. Firing or discharge of any projectile in a park is prohibited, per City Code.
17. Games and/or amusements are to be conducted only in the designated area approved by the Park Commission and the Common Council.
18. In case of snow or icy conditions, the City parks trails will not be maintained. The City is not liable if injury occurs.
19. Any form of golf is not permitted in any City Park.

Violation of park / pavilion rules can result in a maximum forfeiture of up to \$200.00, and a violation of local and/or state laws can result in a fine, imprisonment or both. City of Franklin Park Staff (414-425-2592) and/or City of Franklin Police Department (414-425-2522) will implement enforcement of park rules and regulations.

***Promote Parks Positively!***

**Thank You for Your Participation and Cooperation**

## KAYLA'S PLAYGROUND SCHEDULED VISITS

Kayla's Playground is open to all visitors and is not reservable. Therefore no permit is required for a group to visit the playground. In an effort not to overcrowd the playground or parking area any given day, groups wishing to use the playground are requested to schedule a date at the City Clerks office. There will be no fee for a scheduled visit, but the playground, patio area and pavilion must be shared with other park visitors.

You may request a Pavilion Permit at the City Clerks office. There is a fee for the permit but this would reserve the pavilion only for your group. The playground and patio area would still be shared with all park visitors.

**Blank Page**

<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>05/03/2016</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>ADDITIONAL INFORMATION FOR PURCHASING SITE FURNISHINGS FOR KAYLA'S PLAYGROUND.</b>	<b>ITEM NUMBER</b>  <i>G.6.</i>

**BACKGROUND**

Item G5 from the April 19 Common Council Meeting was tabled. Primary questions for tabling the issue were the following:

1. Will Wausau Tile provide fewer tables (six) at the same unit price as originally quoted (twelve)?
2. Will the proposed 12 tables crowd the area?

**ANALYSIS**

Staff has contacted Julie at Wausau Tile and verified that they would provide six tables at the same unit price for the previously quoted twelve tables. Julie also verified that the regular tables and the ADA tables are the same price per table. The price included delivery. \$10,000 / 12 tables = \$833.33 / table. Therefore, reducing the order from twelve to six tables would reduce the quotation by (6 x \$833.33) \$5,000.00.

Attached to this CA is the original schematic of a proposed table layout. The schematic has 32 tables proposed and shows a dimensioned drawing of the patio area that will have the tables. Staff discussion with the Parks Commission decided that 32 would be too crowded and 12 should be provided enough eating areas without limiting play areas on the pavers. A schematic with 12 is also attached.

In summary, to answer the Common Council Questions from April 19, 2016

1. Will Wausau Tile provide fewer tables (six) at the same unit price as originally quoted (twelve)? **YES**
2. Will the proposed 12 tables crowd the area? **NO**

The picnic tables are needed because there has been an issue with patrons to the playground bringing food inside the playground. Given that there is ample space on the patio area and there is a known need, Staff recommends that twelve tables are purchased.

**OPTIONS**

- Proceed with requested motion from the 4/19/2016 Common Council Item G5 that includes purchasing twelve tables (six regular and six ADA tables); or
- Amend the twelve tables from the requested motion from the 4/19/2016 Common Council Item G5 to a total of six tables (three regular tables and three ADA tables).

**FISCAL NOTES**

Fiscal notes remain unchanged from the 4/19/2016 Council Item G5.

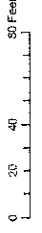
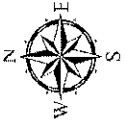
**RECOMMENDATION**

Motion to authorize the purchase of additional site furnishings (6 regular picnic tables, 6 ADA picnic tables, waste receptacles, and concrete bollards) for the patio adjacent to Kayla's Playground from Wausau Tile in the amount of \$11,593.00.

W. PUETZ RI



Franklin Woods  
Kayla Park Site  
4/23/2015



OPTION 1



P.O. BOX 1520 WAUSAU, WI 54402-1520  
 E-MAIL: SALES@MAUSAU.COM  
 WEB SITE: WWW.MAUSAU.COM

REVISIONS

NO.	DATE	NOTES
1		
2		
3		
4		
5		
6		
7		
8		

CONSUMER JURISDICTION AND OTHER INFORMATION AND OCCURRING ACCORDINGLY THEREAFTER. THE COMPANIES AND PROPRIETARY PROGRAMS IDENTIFIED HEREIN ARE THE PROPERTY OF MAUSAU TEL, INC. ANY ADDITIONAL USE SHALL REQUIRE THE WRITTEN PERMISSION OF MAUSAU TEL, INC. THE INFORMATION CONTAINED WITHIN THE DRAWINGS AND THE DOCUMENTS IS AND SHALL REMAIN THE SOLE PROPERTY OF MAUSAU TEL, INC.

# KAYLA'S PLAYGROUND

WISCONSIN

UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN INCHES FRACTIONS ± 1/8" TOLERANCE

DRAWN BY: JKS  
 DATE: 3/11/16  
 STORE NUMBER:  
 JOB NUMBER:  
 REVISION:  
 OPTION 1  
 SHEET NO.

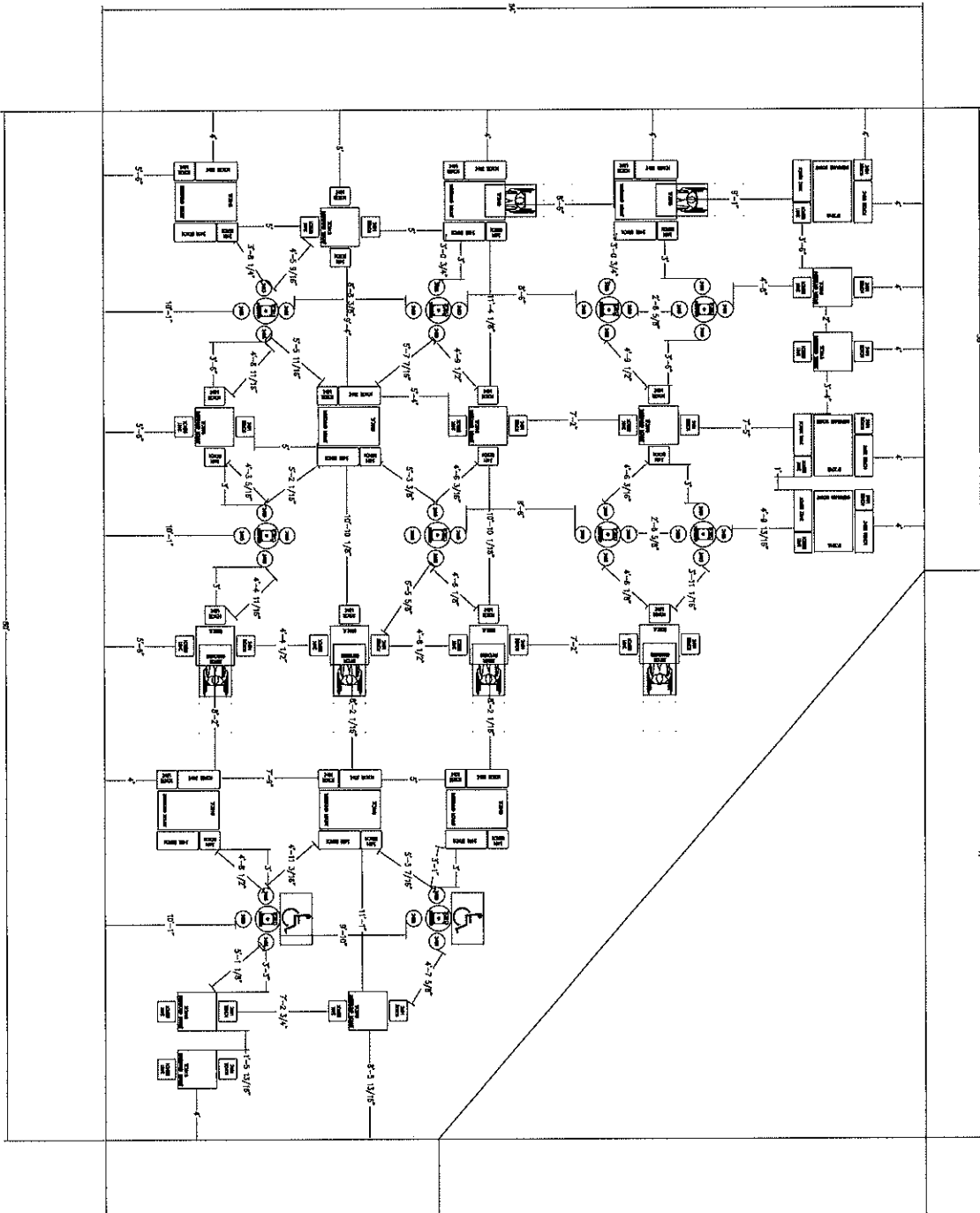
1 OF 1

NOTE:  
 ALL DIMENSIONS OF FINISH AREA NEED TO BE VERIFIED TO AVOID INSTALL AND JOINT ISSUES.  
 EXACT DIMENSIONS SHALL NOT OVERTAKE SPECIFICATIONS.  
 ALL DIMENSIONS SHALL BE WITHIN MANUFACTURING TOLERANCES AND SHALL BE KEPT AS SHOWN.  
 NO OTHER SCALE OF 2X IN ALL DIRECTIONS.

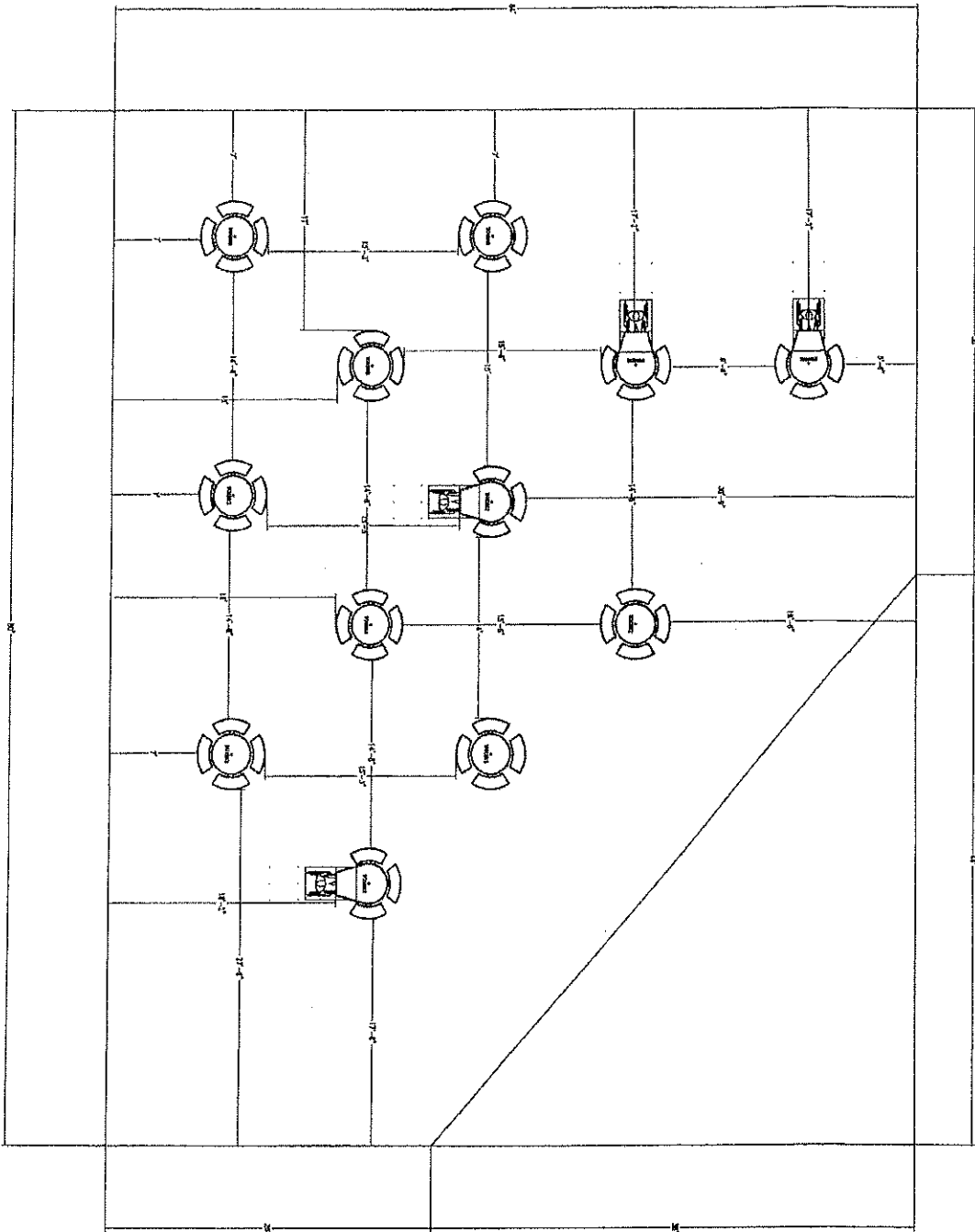
SEE BELOW IF DIMENSIONS ARE NOT SHOWN.  
 PLEASE VERIFY ALL DIMENSIONS PRIOR TO BEGINNING DRAWINGS.

APPROVED: \_\_\_\_\_  
 DATE: \_\_\_\_\_

(SIGNATURE ABOVE ILLUSTRATES ACCURACY OF DIMENSIONS SHOWN)







OPTION 2



P.O. BOX 1320 WAUSAU, WI 54982-1320  
 FAX: 715/838-0172  
 E-MAIL: WAUSAU@WAUSAU.COM  
 WEB SITE: WWW.WAUSAU.COM

REVISIONS		
NO.	DATE	REVISION
1		
2		
3		
4		
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7		
8		
9		

CONCRETE, STEELWORK, AND OTHER SPECIALTIES ARE TO BE SUBMITTED FOR APPROVAL BY THE OWNER AND PROPERTY REPRESENTATIVE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

# KAYLA'S PLAYGROUND

WISCONSIN

UNLESS OTHERWISE SPECIFIED  
 DIMENSIONS ARE IN FEET  
 FINISHES AS SHOWN

DATE: 3/11/16  
 SHEET NUMBER:  
 JOB NUMBER:  
 DRAWN BY: JAS  
 CHECKED BY:  
 APPROVED BY:  
 OPTION 2

SHEET NO.  
 1 OF 1

NOTES:  
 ALL DIMENSIONS OF THIS AREA ARE TO BE  
 SHOWN TO MATCH FINAL AND AS SHOWN  
 EXACT DIMENSIONS FROM THE OWNER  
 TO BE USED TO ACCURATELY  
 SCALE THIS TO FIT THE SITE  
 NO DIMENSIONS SHOWN TO THE LEFT OF THIS LINE  
 ARE TO BE USED FOR THIS PROJECT

FOR SETTING OF DIMENSIONS SEE  
 DRAWING NO. 100-100-100-100  
 PLEASE VERIFY ALL DIMENSIONS FROM TOOLS/SCHEMATIC DRAWINGS  
 APPROVED: \_\_\_\_\_  
 DATE: \_\_\_\_\_

(SHOWING WORK ILLUSTRATIONS ACCORDING TO DIMENSIONS SHOWN)

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slew</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">May 3, 2016</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>Request by the Indian Community School for permission to perform invasive species buckthorn removal from lands protected under a conservation easement with the City on the Indian Community School property</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G. 7.</i></p>

Indian Community School representatives have contacted elected officials and City staff with regard to its efforts to maintain and conserve its lands subject to a conservation easement with the City, specifically requesting permission to remove buckthorn. Staff's initial response was that buckthorn removal constituted an "enhancement" of the natural resources wetlands and woodlands on the property and that as such, a natural resources special exception approval would have to be obtained under the Unified Development Ordinance. Upon further review and consideration, including that buckthorn removal is a very very common practice worldwide in the realm of natural resources protection and preservation efforts, this subject matter request is presented to the Common Council for its consideration in lieu of the application process for a natural resources special exception, staff recalling legislative history regarding the creation of the special exception process and that "enhancement" was intended to be more three dimensional than the common practice of buckthorn removal. The Wisconsin Department of Natural Resources has "restricted" buckthorn in all counties state-wide. A brief portion of the Department information regarding buckthorn is set forth below from the WIDNR website at <http://dnr.wi.gov/topic/invasives/fact/commonbuckthorn.html>.

**Common buckthorn (*Rhamnus cathartica*)**

Tall understory shrub or small tree up to 20-25' tall, often with several stems arising from the base, and spreading crown. Gray to brown bark with prominent light-colored lenticels. (Caution: native plums and cherries have a similar bark). Plants are either male or female. Cut bark exposes yellow sapwood and orange heartwood. Twigs often end in stout thorns.

• **Overview**

Other names for this plant include:

- Common names: Carolina buckthorn, European buckthorn

Ecological threat:

- Invades oak forests, riparian woods, savannas, prairies, old fields, and roadsides. It thrives particularly on well-drained soils.
- Common buckthorn has a broad environmental tolerance. It leafs out very early and retains its leaves late into the growing season, giving them a longer growing season than native plants.
- Creates dense shade, eliminating regeneration of tree seedlings and understory species.
- Allelopathic; produces chemical compounds that inhibit the growth of other vegetation.

**Classification in Wisconsin: Restricted**

Species Assessment Groups (SAG) were assembled to recommend a legal classification for each species considered for NR 40. The recommendation for common buckthorn was based upon this [literature review](#) developed by the department.

Staff has considered the unique nature of the lands subject to the easement. A copy of the conservation easement between the City and the Indian Community School is attached. The easement provides in part in the last section on page 1:

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

3. Excavate, dredge, grade, mine or drill or change the topography of the Protected Property or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees...." [emphasis added]

**COUNCIL ACTION REQUESTED**

A motion to grant consent to the Indian Community School to remove buckthorn from the conservation easement Property, subject to DCD City staff supervision and reasonable conditions on the operation by staff.

6

Conservation Easement-  
Indian Community School  
of Milwaukee, Inc.

Document Number

Document Title



DOC.# 08979734

REGISTER'S OFFICE | SS  
Milwaukee County, WI

RECORDED 03/24/2005 12:02PM

JOHN LA FAVE  
REGISTER OF DEEDS

AMOUNT:21.00

Recording Area

Name and Return Address

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132  
Attn: Jodi

Parcel Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 69.43(2m). WRDA HB Rev. 1/8/2004

CONSERVATION EASEMENT

Indian Community School of Milwaukee, Inc., Franklin Campus Project

This Conservation Easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and the Indian Community School of Milwaukee, Inc., a Wisconsin Non Stock Not for Profit Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.41(2)(b) of the Wisconsin Statutes (the "Conservation Easement").

## WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property described in Exhibit A attached hereto and hereby made a part hereof (the "Site"); and

WHEREAS, the Site contains certain natural resource features identified as Conservation Area 1, (Wetland/Woodland); Conservation Area 2 (Wetland); Conservation Area 3 (Wetland); Conservation Area 4 (Wetland); Conservation Area 5 (Wetland/Woodland); Conservation Area 6 (Wetland/Woodland); Conservation Area 7 (Wetland); Conservation Area 8 (Woodland); and Conservation Area 9 (Woodland), and graphically depicted on Exhibit B attached thereto and made a part hereof (collectively the "Protected Property"); and

WHEREAS, the boundaries of the Protected Property graphically depicted on Exhibit B were taken directly from Grantor's Natural Resources Protection Plan dated March 31, 2004, and designated as SHEET NUMBER C103 (the "Plan"), which Plan was approved by the Franklin Plan Commission on April 8, 2004, and was re-approved by the Plan Commission in identical form on February 3, 2005; and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the Protected Property including, without limitation, wetlands and woodlands be preserved and maintained by the continuation of Protected Property use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

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

WHEREAS, the Grantor is willing to convey to Grantee a Conservation Easement limited to the Protected Property, but no other part of the Site; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of this Conservation Easement on, over, and across the Protected Property, desire to conserve the natural values thereof and prevent the use or development of the Protected Property for any purpose or in any manner inconsistent with the terms of this Conservation Easement; and

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

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee this Conservation Easement in perpetuity on, over, and across the Protected Property.

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

1. To view the Protected Property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
3. To enter the Protected Property at reasonable times upon reasonable prior written notice for the limited purpose of inspecting the Protected Property to determine if the Grantor is complying with the covenants and conditions of this grant. Notwithstanding the foregoing, Grantee shall conduct no more than one inspection per three month period.

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

1. Construct or place buildings or any structure;
2. Construct or make any material improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the Protected Property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill, or change the topography of the Protected Property or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;

4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the Protected Property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

To have and to hold this Conservation Easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the Protected Property, including, but not limited to, the right to use the Protected Property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the Protected Property pursuant to law as encumbered by this Conservation Easement. The Grantor shall not be required to maintain the Protected Property in the condition that it existed as of the date of this Conservation Easement. This Conservation Easement shall only apply to the Protected Property, and not the entire Site.

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

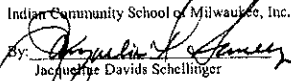
To Grantor:

Jacqueline D. Schellinger  
 Owner's Project Manager  
 c/o Attorney Bret Roge  
 Michael Best & Friedrich LLP  
 100 East Wisconsin Ave. Suite 3300  
 Milwaukee, WI 53202

To Grantee:

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

In witness whereof, the Grantor has set its hand on this date of March 1, 2005.

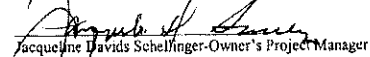
Indian Community School of Milwaukee, Inc.  
 By:   
 Jacqueline Davids Schellinger

STATE OF WISCONSIN

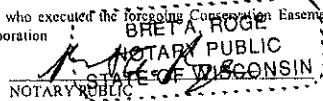
ss

COUNTY OF MILWAUKEE

Before me personally appeared on the 1st day of March, A.D. 2005.

  
 Jacqueline Davids Schellinger-Owner's Project Manager

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

  
 BRET A. ROGE  
 NOTARY PUBLIC  
 STATE OF WISCONSIN  
 NOTARY PUBLIC

My commission is permanent.



### EXHIBIT "A" PROJECT BOUNDARIES LEGAL DESCRIPTION

SE CORNER, NE 1/4  
SECTION 18-5-21  
CONCRETE MONUMENT  
WITH BRASS PLUG

PART OF THE SOUTHWEST 1/4 OF SECTION 17 AND PART OF  
THE SOUTHEAST 1/4 OF SECTION 18 TOWN 5 NORTH, RANGE 21  
EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

INDIAN COMMUNITY SCHOOL OF MILWAUKEE, INC.

ST. MARTINS ROAD  
C.C. T. H. (M.M.)

PARCEL # 841 9985 000  
ADDRESS 10405 ST MARTINS RD W  
CLASS AGRICULTURAL  
LEGAL DESCRIPTION COM NW COR SW 17 5  
21 TH E 1205 FT SELY 300 FT SWLY 390FT  
S 1331.5 FT E TO ONE EIGHTH LI S TO S LI  
OF SD SW17 W TO SW COR OF SD SW 17  
TH N ALG W LI TO BEG CONT 74.50 ACS  
TOTAL ACREAGE 74.50

PARCEL # 842 9993 001  
ADDRESS 10405 ST MARTINS RD W  
CLASS AGRICULTURAL  
LEGAL DESCRIPTION E 20 ACS OF SE 18 5  
21 & THAT PT OF NE 19 5 21 COM AT  
NECOR SD 1/4 SEC TH W ALG N LI 1323.58  
FT S 1023.34 FT E 5.45FT S 3.13 FT E TO  
E LI SD 1/4 SEC TH N TO BEG SUBJ TO  
OVER-LAPPING DEED DESC ON S  
TOTAL ACREAGE 50.63

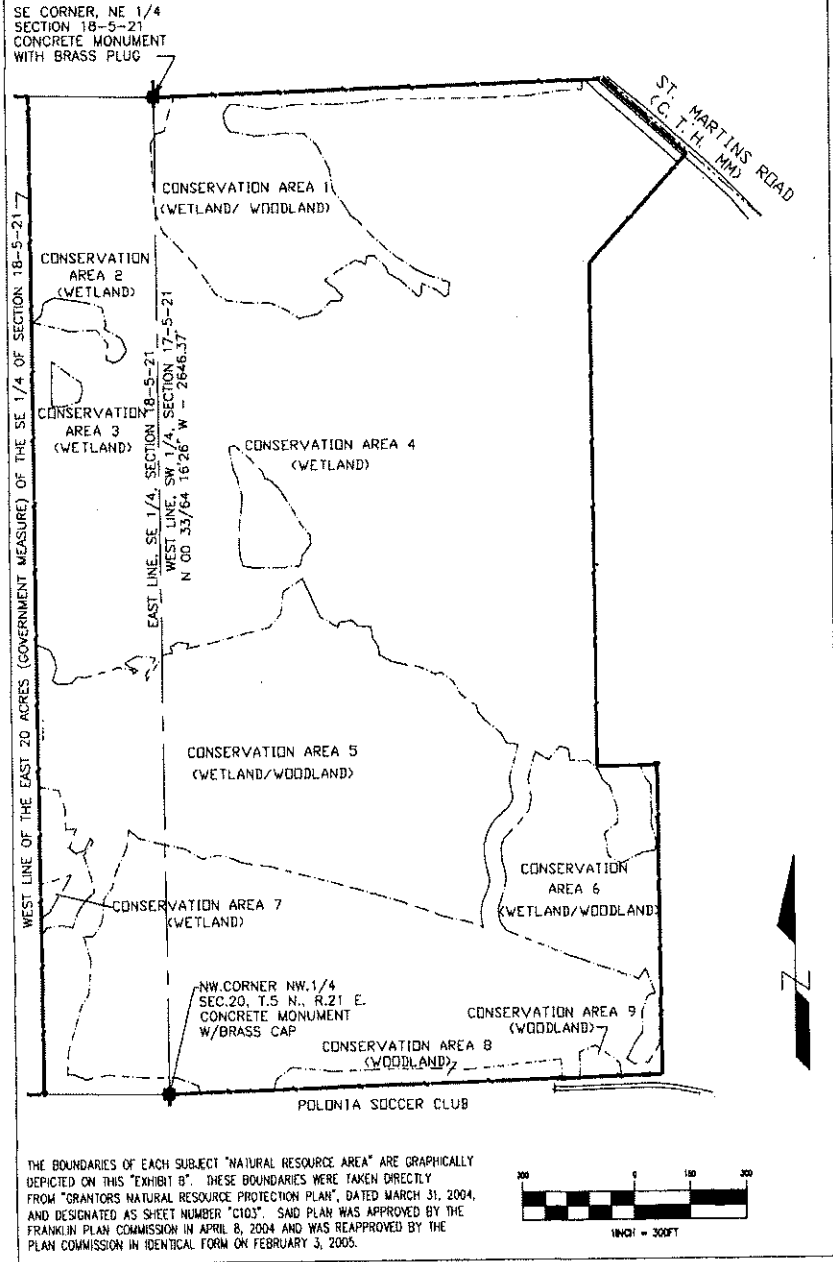
WEST LINE OF THE EAST 20 ACRES (GOVERNMENT MEASURE) OF THE SE 1/4 OF SECTION 18-5-21

EAST LINE, SE 1/4, SECTION 18-5-21  
WEST LINE, SW 1/4, SECTION 17-5-21  
N 00 53/84 16 26' W - 2646.37

NW CORNER NW 1/4  
SEC. 20, T.5 N., R.21 E.  
CONCRETE MONUMENT  
W/BRASS CAP



# EXHIBIT "B"





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<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>May 3, 2016</b></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>Resolution approving Supplemental Agreement No. 7 with HNTB Corporation in an amount not to exceed \$12,601.00 for final design services related to the streetscape elements for the South 27<sup>th</sup> Street corridor reconstruction</p>	<p><b>ITEM NUMBER</b></p> <p><i>G.8,</i></p>

BACKGROUND

HNTB has been previously retained to provide consulting services with respect to the Wisconsin Department of Transportation's (WisDOT) reconstruction of the South 27<sup>th</sup> Street Corridor. Part of these services was to assist the Cities in designing the streetscape elements for inclusion in construction.

WisDOT has advised the cities that some of the proposed streetscape elements were not approved by the Federal Highway Administration (FHWA) because there was no available crash test data for the design. City staff have reviewed the options available, including investigating the cost of having a crash test study done, and have determined that the most cost-effective approach is to have the streetscape elements slightly redesigned to incorporate structural elements that have been previously approved by FHWA on other projects.

The attached resolution approves an amendment to the existing contract we have with the HNTB to complete the redesign of the streetscape elements.

There is also an existing agreement with Oak Creek that the costs of the HNTB contracts are split 50-50 with Oak Creek reimbursing Franklin for it half of the expenditure upon request. There have been no issues with this arrangement, and Oak Creek staff have confirmed that this amendment would be covered by the existing agreement.

FINANCIAL ANALYSIS

The amount of this amendment has already been included in the amounts previously reviewed and approved in an MOU with Oak Creek concerning the total costs of the project approved by the Common Council at the March 18, 2014, meeting. The original cost for design in that agreement was \$84,930. Supplemental Agreement No. 6 (the agreement for the design work) was for \$59,164.00. Thus, this amendment leaves the project well within the project costs. Costs for the 27<sup>th</sup> Street corridor reconstruction are to be paid for through TID 3, and are included in TID 3 project costs.

**COUNCIL ACTION REQUESTED**

Motion to adopt Resolution No. 2016-\_\_\_\_\_, a Resolution approving Supplemental Agreement No. 7 with HNTB Corporation in an amount not to exceed \$12,601.00 for final design services related to the streetscape elements for the South 27<sup>th</sup> Street corridor reconstruction.

RESOLUTION NO. 2016-\_\_\_\_\_

RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT NO. 7  
WITH HNTB CORPORATION IN AN AMOUNT NOT TO EXCEED \$12,601.00  
FOR DESIGN SERVICES RELATED TO THE STREETScape ELEMENTS  
FOR THE SOUTH 27TH STREET CORRIDOR RECONSTRUCTION

---

WHEREAS, The City of Franklin has an existing contract with the HNTB Corporation (“HNTB”) for the design of the streetscape elements for the reconstruction of the South 27<sup>th</sup> Street Corridor (the “Design Contract”); and

WHEREAS, the existing contract with HNTB contemplated a future amendment to include the final design as such services were not included because the scope of the final design was dependent upon the type and amount of streetscape elements chosen by the communities; and

WHEREAS, the costs of the final design services were included within the Intergovernmental Memorandum of Understanding with the City of Oak Creek adopted by the Common Council by Resolution No. 2014-6974 on March 18, 2014; and

WHEREAS, the costs of the final design services are included in the project costs for TID 3 as part of the South 27<sup>th</sup> Street Corridor reconstruction project; and

WHEREAS, there is an existing agreement with the City of Oak Creek in which Oak Creek reimburses the City of Franklin 50% of the expenditures on the HNTB contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, that Supplemental Agreement No. 7 to the HNTB Design Contract be approved in an amount not to exceed \$12,601.00.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute Supplemental Agreement No. 7 with HNTB Corporation.

BE IT FURTHER RESOLVED that the City Finance Department and/or Administration Department are hereby authorized and directed to seek reimbursement from Oak Creek for 50% of all amounts paid by the City of Franklin under Supplemental Agreement No. 7.

Introduced by Ald. \_\_\_\_\_ at a regular meeting of the Common Council of the City of Franklin the 3<sup>rd</sup> day of May, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 3<sup>rd</sup> day of May, 2016.

APPROVED:

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

ATTEST:

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

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

## SUPPLEMENTAL AGREEMENT

This Supplemental Agreement, Number 7, to the AGREEMENT FOR PROFESSIONAL SERVICES, dated March 31, 2006 (the Agreement), between the City of Franklin (Owner) and HNTB Corporation (HNTB) is made effective as of April 25, 2016.

1. HNTB shall perform the following Services:

A scope of services for this agreement is provided in ATTACHMENT A.

2. In conjunction with the performance of the foregoing Services, HNTB shall provide the following submittals/deliverables (Documents) to Owner:

HNTB will provide continued services for the Final Design of the streetscape design development documents (the Project), in accordance with the Scope of Services included in ATTACHMENT A of this SUPPLEMENTAL AGREEMENT.

3. HNTB shall perform the Services and deliver the related Documents (if any) according to the following schedule:

The two (2) month project schedule will begin April 25, 2016 and conclude by August 1, 2016. A project schedule is included in ATTACHMENT B.

4. In return for the performance of the foregoing obligations, Owner shall pay to HNTB the cost-plus amount of \$12,601, payable based upon Direct Labor times a multiplier of 3.0, payable according to the terms in ATTACHMENT C of the SUPPLEMENTAL AGREEMENT. The foregoing amount includes Reimbursable Expenses as defined herein.

Except to the extent modified herein, all terms and conditions of the Agreement shall continue in full force and effect.

City of Franklin

HNTB Corporation

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: Steve Olson

Name: Mark Kaminski

Title: Mayor

Title: Vice President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTACHMENT A  
SCOPE OF SERVICES

**1.0 Sign Support Engineering**

HNTB will complete a redesign of the sign support structures (Wayfinding, Median Monument, Advance Notice) for the S. 27<sup>th</sup> Street Streetscape.

**1.1 Preliminary Design**

1. Evaluate sign support options that have a minimal effect of the overall signage aesthetics.
2. Design support systems to utilize the sign plates already in the Plan Specification and Estimate (PS&E) for WisDOT Project 2265-16-70.
3. Prepare preliminary calculations to demonstrate structures meet current FHWA standards.

**1.2 Special Provisions (Specifications)**

Describe materials, finish, strength and performance requirements for components of the sign support system.

**1.3 Structural Design**

HNTB will complete structural design for the following streetscape signs

1. Wayfinding
2. Gateway median monument
3. Advanced notice (street name - median location only)

**1.4 Design Revisions (Plans & Specifications)**

HNTB will make up to one round of final revisions to the Support System Plans and Special Provisions based on feedback from WisDOT and designated City Staff from Oak Creek and Franklin.

**1.5 Request for Information (RFI) and Design Questions**

HNTB will answer contractor and owners questions regarding the structural design and will provide written response to RFI's when or if they are required during construction. HNTB will respond to the questions up to the dollar amount identified in this task in Table 1 of this document. If more questions/RFI's occur that require a greater level effort indicated in Table 1, an amendment or further supplement would be required.

**2.0 Coordination, Meetings, Project Management**

HNTB will meet or coordinate with WisDOT or their Consultant. This contract does not include meetings for HNTB to participate with the Steering Committee or City Staff. Coordination meetings will consist of:

In lieu of meetings, HNTB may need to conduct additional coordination/communication that could take the place of meetings.

**2.1 Oak Creek and Franklin Meetings or Coordination**

Up to two (2) joint meetings with the cities of Oak Creek and Franklin

**2.2 WisDOT Meetings or Coordination**

Up to two meetings with WisDOT Project Manager and/or Sign Engineer

**2.3 Project Management**

HNTB Project Management – includes invoicing, communication and internal and external coordination with HNTB (City Staff, WisDOT and the Roadway Design Consultant).

### **3.0 Deliverables**

- 3.1 *Final Deliverables: Two PS&E sets, consisting of reduced plans (11" X 17"), special provisions, engineer's estimate and a PDF file of the complete PS&E package.*

#### **Assumptions**

- 1 Support system will be designed to utilize the sign plate design in Brown Deer, Wisconsin.
1. WisDOT will prepare any and all associated paperwork, permits, addendum and other forms necessary to obtain new bids on the sign support structures
2. PS&E PDF files will be provided to WisDOT, Bid documents will be developed by WisDOT and/or a WisDOT Consultant.

ATTACHMENT B  
SCHEDULE

The design process defined on the previous page will be completed within 60 days following the execution of this agreement.

DRAFT



ATTACHMENT C  
COMPENSATION  
(Cost – plus)

**Section 1 - Basis of Compensation**

- 1.1 The compensation to be paid for performance of the Services identified in ATTACHMENT A - Scope of Services is based upon direct labor times a multiplier of 3.0. Total compensation will not exceed \$12,601 unless mutually agreed to and authorized in writing by the City of Franklin.
- 1.2 The forgoing amount includes Reimbursable Expenses as defined herein.
- 1.3 Adjustment of the upper limit may be made should HNTB establish and the City of Franklin agree that there has been, or is to be, a material change in the: (a) scope, complexity or character of the Services or the Project; (b) conditions under which the Services are required to be performed; or (c) duration of the Services, if a change in the Schedule warrants such adjustment.
- 1.4 If needed, HNTB reserves the right to shift costs between labor, expenses, and tasks.

**Section 2 – Additional Services**

- 2.1 Any services rendered by HNTB beyond those described in ATTACHMENT A - Scope of Services shall be compensated on the same basis set forth in Section 1.
- 2.2 HNTB's estimate of the amount that will become payable for Additional Services is only an estimate. If it becomes apparent that this estimated compensation amount will be exceeded, the City of Franklin shall agree in writing to additional compensation exceeding said estimated amount.

**Section 3 - Other Payment Provisions**

- 3.1 **Timing of Services:** The total compensation is based on the Services being performed according to the approved schedule, and completion by August 1, 2016 with provisions/adjustments for overhead increases yearly. Should the time to complete the Services extend beyond this period, HNTB and the City of Franklin agree to negotiate an equitable change to the compensation maximum or to provide Additional Services on the basis set forth herein.
- 3.2 **Progress Payments:** The City of Franklin shall make monthly periodic progress payments for Services. The amounts due for Additional Services will also be invoiced monthly. Invoices shall be due and payable upon receipt.
- 3.3 **Reimbursable Expense Definition:** Reimbursable expenses include, but are not limited to, transportation, subsistence, reproduction of reports, drawings, specifications, and other Project documents, courier services, materials, supplies, equipment rental and other costs specific to the Project.

Table 1

**S. 27<sup>th</sup> Street  
Oak Creek and Franklin  
Sign Support Engineering**

4/18/2016

<b>Tasks</b>	<b>Hours</b>	<b>Costs</b>
<b>1 Design</b>		
1.1 Preliminary Design	15	\$2,133
1.2 Special Provisions	8	\$1,206
1.3 Structural Design	18	\$2,262
1.4 Design Revisions	9	\$1,341
1.5 RFI and Design Questions	7	\$1,101
<b>2 Coordination and Project Management</b>		
2.1 Meetings - Oak Creek and Franklin (2)	8	\$1,452
2.2 Meetings - WisDOT (2)	8	\$1,452
2.3 Project Management	12	\$1,314
<b>3 Deliverables</b>		
3.1 PS&E documents and electronic PDF file.	2	\$240
<b>Total Hours / Labor</b>	<b>87</b>	<b>\$12,501</b>
<b>Reimbursable Expenses</b>		<b>\$100</b>
<b>Design Fee Total</b>		<b>\$12,601</b>

Table 2

**S. 27<sup>th</sup> Street  
Oak Creek and Franklin  
Sign Support Engineering**

**4/18/2016**

Tasks	Staff Hourly Rate	Project Manager		Senior L.A.	Project Administrator	Senior Structural Engineer		Junior Engineer	Hours	Expense Amount	Task Cost	Expense Description	
		\$207	\$156			\$90	\$171						\$120
<b>1.0</b>	<b>Preliminary Streetscape Plans</b>												
1.1	Preliminary Design	1	4	0	2	8	15	\$0	\$2,133				
1.2	Special Provisions	0	4	0	2	2	8	\$0	\$1,206				
1.3	Structural Design	0	0	0	2	16	18	\$0	\$2,262				
1.4	Design Revisions	1	2	0	2	4	9	\$0	\$1,341				
1.5	RFI and Design Questions	1	2	0	2	2	7	\$0	\$1,101				
<b>2.0</b>	<b>Coordination meetings / Project Management</b>												
2.1	Oak Creek and Franklin Meetings (2)	4	4	0	0	0	8	\$25	\$1,452		Travel / Repro		
2.2	WisDOT Meetings (2)	4	4	0	0	0	8	\$25	\$1,452		Travel / Repro		
2.3	Project Management	2	0	10	0	0	12	\$10	\$1,314		Reprographics		
<b>3.0</b>	<b>Deliverables</b>												
3.1	Two hard copy PS&E sets and electronic PDF file	0	0	0	0	2	2	\$40	\$240			Reprographics	
	<b>Total Hours</b>	13	20	10	10	34	87	\$100	\$12,501			Total Expenses	
	<b>Labor Cost</b>	\$2,691	\$3,120	\$900	\$1,710	\$4,080							
											<b>Total Fee</b>		<b>\$12,601</b>