

| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE October 1, 2013 |
|--|---|---|
| REPORTS AND RECOMMENDATIONS | Pleasant View/Victory Creek Trail Development Project Status; A Resolution Awarding Bid to the Lowest Bidder for the Installation of Victory Creek Bituminous Trail Beginning at the Intersection of W. Victory Creek Drive and S. Bridge Street and Ending at The 4500 Block of W. Marquette Avenue (Bid Award subject matter also currently additionally scheduled for a Special Common Council meeting on October 7, 2013) | ITEM NUMBER <i>G.5.</i> |

The Common Council at its regular meeting on August 20, 2013 directed staff to let the trail construction project for public bid and to return the subject matter to the Council no later than October 1, 2013. The status of same is that bids have been returned, as described in the additional Council Action Sheet attached hereto on this item, which includes the above-mentioned draft resolution, which also describes the pending status of the other agency application reviews pending at the time of this writing. In addition, the City application for a special exception to natural resources provisions under the Unified Development Ordinance is also pending and remains the subject of a public hearing continued by the Plan Commission to its meeting on October 3, 2013. City staff has been in substantial contact with the other reviewing agencies involved and expects to be in a position by on October 7, 2013 to recommend deletion of probably all of the conditions set forth for contract execution currently in the attached draft resolution. Staff may also be able to provide such further information at this meeting. While the subject matter has been appropriately noticed for this meeting, staff recommends that action on the resolution awarding bid await the Common Council's review of same at a Special Common Council meeting currently scheduled for October 7, 2013 at 6 p.m.

COUNCIL ACTION REQUESTED

As the Common Council may deem appropriate.

| APPROVAL | REQUEST FOR COUNCIL ACTION | MTG. DATE |
|---------------------------|--|---------------------|
| Reports & Recommendations | SUBJECT: A resolution awarding bid to the lowest bidder for the installation of Victory Creek Bituminous Trail beginning at the intersection of W. Victory Creek Drive and S. Bridge Street and ending at the 4500 block of W. Marquette Avenue | 10/1/13 ITEM NO. |

BACKGROUND

Pursuant to the direction of the Common Council relative to obtaining bids for the construction of the Victory Creek Bituminous Trail, please be advised that the City received two bids for the construction of said trail. The Assistant City Engineer did a take-off final estimate prior to bidding and the low bid was \$6,000 less than the engineering estimate with a low bid of \$193,195.00.

ANALYSIS

Staff has reviewed the bids and recommends an award of bids to the low bidder, Western Contractors, for the amount of \$193,195.00. Without a contingency amount, the total cost of the trail including the bridge deck, structural review and other miscellaneous expenses is \$220,145.57. One reason the costs are higher than the grant application estimate is that using the selected alternate the length of the trail has increased by 29 percent (see attached worksheet). As an alternate, it would be possible to award only Section A” and “B.” (Note: “C” is the section of the trail to Pleasant View Park.) Staff does not recommend leaving out Section “C” as it will be necessary and more than likely would be a higher cost if completed at another time.

OPTIONS

Adopt resolution awarding bids

or

Table

FISCAL NOTE

Please note that a Council Action has been included on the agenda to cover the overage costs.

RECOMMENDATION

Motion to approve Resolution No. 2013- _____, a resolution awarding bid to the lowest bidder for the installation of Victory Creek Bituminous Trail beginning at the intersection of W. Victory Creek Drive and S. Bridge Street and ending at the 4500 block of W. Marquette Avenue .

JMB/sg

COST SUMMARYS AND COMPARISON
VICTORY CREEK BITUMINOUS TRAIL
CITY OF FRANKLIN
FALL, 2013

Grant Estimated Project Total: \$193,440
(Based on 3,400 LF of Trail)

Present Project Cost and Total:

| | Sections A & B <u>(3,954 LF)</u> | Sections A, B & C <u>(4,324 LF)</u> |
|--|-------------------------------------|--|
| • Trail as Bid | \$167,735 | \$193,195 |
| Modified for Archeological Find (add 65 LF) | 2,252 | 2,252 |
| • Advertisement | 400 | 400 |
| • Bridge Rehabilitation | | |
| Structural Evaluation | 7,250 | 7,250 |
| Decking/Rails | 14,990 | 14,990 |
| • DNR Fees | | |
| Permit | 500 | 500 |
| NOI | 140 | 140 |
| • Archeological Survey | <u>1,418.57</u> | <u>1,418.57</u> |
| Present Project Cost | \$194,685.57 | \$220,145.57 |
| Contingency (10%) | <u>19,464.43</u> | <u>22,014.43</u> |
| Project Total | \$214,150.00 | \$242,160.00 |

Comparison of Grant vs. Project Total Based on Trail Length

Present A, B & C 4,389 LF
Grant 3,400 LF = 1.29 (29% more length)

Then

$$1.29 \times \$193,440 = \$249,708$$

**VICTORY CREEK BITUMINOUS TRAIL
CITY OF FRANKLIN**

| ITEM NO. | BID QUANTITY | UNIT | UNIT DESCRIPTION AND UNIT PRICE WRITTEN | Engineer's Estimate | | | Western Contractors | | | BCF Construction | | |
|----------|--------------|----------|---|---------------------|---------------------|-------------------|---------------------|-------------------|---------------------|-------------------|-------------|----------------|
| | | | | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | AVG UNIT PRICE |
| 1 | 3,800 | LF | Silt Fence | <u>\$2.00</u> | <u>\$7,600.00</u> | <u>\$1.90</u> | <u>\$7,220.00</u> | <u>\$1.00</u> | <u>\$3,800.00</u> | <u>\$1.45</u> | | |
| 2 | 1 | Lump Sum | Clear and Grub | <u>\$2,000.00</u> | <u>\$2,000.00</u> | <u>\$7,000.00</u> | <u>\$7,000.00</u> | <u>\$1,100.00</u> | <u>\$1,100.00</u> | <u>\$4,050.00</u> | | |
| 3 | 1,220 | Cu. Yds | Strip and Stockpile Topsoil | <u>\$10.00</u> | <u>\$12,200.00</u> | <u>\$8.00</u> | <u>\$9,760.00</u> | <u>\$30.00</u> | <u>\$36,600.00</u> | <u>\$19.00</u> | | |
| 4 | 300 | Cu. Yds | Unclassified Excavation | <u>\$20.00</u> | <u>\$6,000.00</u> | <u>\$12.00</u> | <u>\$3,600.00</u> | <u>\$50.00</u> | <u>\$15,000.00</u> | <u>\$31.00</u> | | |
| 5 | 100 | Cu. Yds | Undercut/Replace Unsuitable Material | <u>\$35.00</u> | <u>\$3,500.00</u> | <u>\$27.00</u> | <u>\$2,700.00</u> | <u>\$25.00</u> | <u>\$2,500.00</u> | <u>\$26.00</u> | | |
| 6 | 2,340 | Tons | Granular Base Course | <u>\$25.00</u> | <u>\$58,500.00</u> | <u>\$18.50</u> | <u>\$43,290.00</u> | <u>\$16.00</u> | <u>\$37,440.00</u> | <u>\$17.25</u> | | |
| 7 | 38 | LF | 30" x 19" RCP | <u>\$75.00</u> | <u>\$2,850.00</u> | <u>\$100.00</u> | <u>\$3,800.00</u> | <u>\$105.00</u> | <u>\$3,990.00</u> | <u>\$102.50</u> | | |
| 8 | 40 | LF | 15" RCP | <u>\$65.00</u> | <u>\$2,600.00</u> | <u>\$80.00</u> | <u>\$3,200.00</u> | <u>\$75.00</u> | <u>\$3,000.00</u> | <u>\$77.50</u> | | |
| 9 | 275 | LF | 4" Pipe Underdrain Wrapped | <u>\$8.00</u> | <u>\$2,200.00</u> | <u>\$15.00</u> | <u>\$4,125.00</u> | <u>\$25.00</u> | <u>\$6,875.00</u> | <u>\$20.00</u> | | |
| 10 | 1 | Lump Sum | Concrete Ramp to Victory Creek Drive | <u>\$3,000.00</u> | <u>\$3,000.00</u> | <u>\$5,000.00</u> | <u>\$5,000.00</u> | <u>\$2,500.00</u> | <u>\$2,500.00</u> | <u>\$3,750.00</u> | | |
| 11 | 740 | Tons | 3" Bituminous Path | <u>\$85.00</u> | <u>\$62,900.00</u> | <u>\$86.00</u> | <u>\$63,640.00</u> | <u>\$100.00</u> | <u>\$74,000.00</u> | <u>\$93.00</u> | | |
| 12 | 4,800 | Sq. Yds | Restoration | <u>\$3.00</u> | <u>\$14,400.00</u> | <u>\$3.00</u> | <u>\$14,400.00</u> | <u>\$3.00</u> | <u>\$14,400.00</u> | <u>\$3.00</u> | | |
| | | | TOTAL BASE BID (Items 1-12) | | <u>\$177,750.00</u> | | <u>\$167,735.00</u> | | <u>\$201,205.00</u> | | | |
| 13 | 100 | LF | Silt Fence | <u>\$2.00</u> | <u>\$200.00</u> | <u>\$1.90</u> | <u>\$190.00</u> | <u>\$1.00</u> | <u>\$100.00</u> | <u>\$1.45</u> | | |
| 14 | 1 | Lump Sum | Clear and Grub | <u>\$500.00</u> | <u>\$500.00</u> | <u>\$4,800.00</u> | <u>\$4,800.00</u> | <u>\$500.00</u> | <u>\$500.00</u> | <u>\$2,650.00</u> | | |
| 15 | 200 | Cu. Yds | Strip and Stockpile Topsoil | <u>\$10.00</u> | <u>\$2,000.00</u> | <u>\$8.00</u> | <u>\$1,600.00</u> | <u>\$30.00</u> | <u>\$6,000.00</u> | <u>\$19.00</u> | | |

VICTORY CREEK BITUMINOUS TRAIL
CITY OF FRANKLIN

| ITEM NO. | BID QUANTITY | UNIT | UNIT DESCRIPTION AND UNIT PRICE WRITTEN | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | AVG UNIT PRICE |
|--|--------------|---------|---|----------------|---------------------|-----------------|---------------------|-----------------|---------------------|-----------------|
| 16 | 20 | Cu. Yds | Undercut/Replace Unsuitable Material | <u>\$35.00</u> | <u>\$700.00</u> | <u>\$27.00</u> | <u>\$540.00</u> | <u>\$50.00</u> | <u>\$1,000.00</u> | <u>\$38.50</u> |
| 17 | 300 | Tons | Granular Base Course | <u>\$25.00</u> | <u>\$7,500.00</u> | <u>\$18.50</u> | <u>\$5,550.00</u> | <u>\$16.00</u> | <u>\$4,800.00</u> | <u>\$17.25</u> |
| 18 | 44 | LF | 38" x 24" RCP | <u>\$80.00</u> | <u>\$3,520.00</u> | <u>\$120.00</u> | <u>\$5,280.00</u> | <u>\$120.00</u> | <u>\$5,280.00</u> | <u>\$120.00</u> |
| 19 | 75 | Tons | 3" Bituminous Path | <u>\$85.00</u> | <u>\$6,375.00</u> | <u>\$86.00</u> | <u>\$6,450.00</u> | <u>\$100.00</u> | <u>\$7,500.00</u> | <u>\$93.00</u> |
| 20 | 350 | Sq. Yds | Restoration | <u>\$3.00</u> | <u>\$1,050.00</u> | <u>\$3.00</u> | <u>\$1,050.00</u> | <u>\$3.00</u> | <u>\$1,050.00</u> | <u>\$3.00</u> |
| ALTERNATE TOTAL BASE BID (Items 1-20) | | | | | <u>\$199,595.00</u> | | <u>\$193,195.00</u> | | <u>\$227,435.00</u> | |

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2013 - _____

A RESOLUTION AWARDED BID TO THE LOWEST BIDDER FOR THE INSTALLATION OF VICTORY CREEK BITUMINOUS TRAIL BEGINNING AT THE INTERSECTION OF W. VICTORY CREEK DRIVE AND S. BRIDGE STREET AND ENDING AT THE 4500 BLOCK OF W. MARQUETTE AVENUE

WHEREAS, the City of Franklin has received a National Recreational Trails Grant and a State of Wisconsin Stewardship – Acquisition and Development of Local Park Grant for construction of the Victory Creek bicycle/pedestrian trail; and

WHEREAS, the City of Franklin advertised and solicited bids for the installation of a bicycle/pedestrian bituminous trail; and

WHEREAS, Western Contractors was the lower of two bids received with a bid of \$193,195.00; and

WHEREAS, Western Contractors is a qualified public works contractor that has previously completed similar trails in the southeastern portion of the state; and

WHEREAS, staff has applied for a Department of Natural Resources wetland permit, an Army Corp of Engineers wetland permit and an archeological investigation required by the grant requirement, which at the present time has not been received; and

WHEREAS, the applications for wetland disturbance are still in the approval process and the City has not received the final report from the archeologist on the required archeological study, staff recommends award of bids to the lower bidder, Western Contractors, subject to the received of said approvals and approved archeological study with the contract not being signed until such time the approvals are received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that Western Contractors be awarded the contract for the construction of the Victory Creek bituminous bicycle/pedestrian trail based on their bid for a cost of \$193,195.00 in accordance with bid specifications.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with Western Contractors on behalf of the City only after the City has received wetland approvals from the Wisconsin Department of Natural Resources and Army Corp of Engineers and has received an archeological survey that meets the standards of the funding grant.

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

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

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

| | | |
|------------------------------|--|--------------------------------|
| APPROVAL <i>SW</i> | REQUEST FOR COUNCIL ACTION | MTG. DATE 10/1/13 |
| Reports & Recommendations | SUBJECT: Provide direction to the Wisconsin Department of Transportation relative to the width of sidewalk and if the existing utilities are to be placed underground between W. College and W. Drexel Avenue | ITEM NO. <i>G.6.</i> |

BACKGROUND

Pursuant to the Council Action of 6/18/13 where the Common Council did not take action relative to the width of sidewalk and underground utilities on S. 27th Street, please be advised that the State Department of Transportation is in the final stages of completing the design for the reconstruction planned for 2015 and has asked a number of times for the City to make a decision so those facilities such that they can be shown on the final construction plans and any additional right-of-way acquired.

ANALYSIS

The S. 27th Street Steering Committee, which is a joint committee with the City of Oak Creek, has been meeting beginning in 2003 and has worked together to plan the streetscaping for S. 27th Street between W. College Avenue and W. South County Line Road with the major emphasis on the section between W. College Avenue and W. Drexel Avenue is planned for reconstruction in 2015.

The recommendations from this committee were to include a 10 foot wide sidewalk and place the utilities underground. The City of Oak Creek has chosen the width of the sidewalk to be 6 feet wide from W. College Avenue to W. Minnesota Avenue and the section from W. Minnesota Avenue to W. Drexel Avenue as 10 feet wide. Please note that in anticipation of the future streetscaping of S. 27th Street, the City of Franklin has constructed 8 foot wide sidewalks on W. Drexel Avenue from S. 27th Street to S. 31st Street and the City of Oak Creek has constructed a 10 foot wide sidewalk on W. Drexel Avenue from S. 27th Street to the freeway. It is common practice in the metropolitan Milwaukee area to have wider sidewalks in commercial areas as it is anticipated there will be more pedestrian traffic between commercial businesses. It is staff's recommendation that the City of Franklin request the same width that Oak Creek requested.

OPTIONS

Policy decision
or
Table

FISCAL NOTE

The costs of the underground utilities are as follows:

| <u>Facility</u> | <u>Rawson to Drexel</u> | <u>Rawson to College</u> | <u>College to Drexel</u> |
|-----------------|-------------------------|--------------------------|--------------------------|
| We Energies | \$400,000.00 | \$ 976,000.00 | \$1,376,000.00 |
| Time Warner | 67,791.00 | 123,361.00 | 191,152.00 |
| AT&T | 58,701.82 | 81,682.54 | 140,384.36 |
| Total | \$526,492.82 | \$1,181,043.54 | \$1,707,536.36 |

The total cost would be \$1,707,536.36 plus 6 business conversion to underground at \$5,000.00 each for a total cost of \$1,737,536.36 + a 20% contingency = \$2,085,043.63. The City of Franklin's share is 90%; therefore, Franklin's share is \$1,876,539.27, use 1.9 million for planning purposes.

For the cost of sidewalks, see attached Council Action Sheet.

It is staff's understanding that sufficient funds have been included in the revision to T.I.F. #3 to cover both the sidewalk construction and the total cost of the underground electric.

RECOMMENDATION

Motion to direct staff to inform the State Department of Transportation that the City requests that the sidewalk width be 6 feet wide from W. College Avenue to W. Minnesota Avenue and 10 feet wide from W. Minnesota Avenue to W. Drexel Avenue, the same width as requested by Oak Creek and the utilities be placed underground from W. College Avenue to W. Drexel Avenue.

or

A modification of the above as the Common Council desires.

| | | |
|---------------------------|---|-----------------------------|
| APPROVAL | REQUEST FOR COUNCIL ACTION | MTG. DATE 6/18/13 |
| Reports & Recommendations | SUBJECT: Provide direction to the Wisconsin Department of Transportation relative to the width of sidewalk and the placement of underground utilities on S. 27th Street between W. College Avenue and W. Drexel Avenue | ITEM NO. |

BACKGROUND

Pursuant to the proposed reconstruction of S. 27th Street from W. College Avenue to W. Drexel Avenue planned for 2015 by the Wisconsin Department of Transportation (DOT), please be advised that the DOT has requested that the Common Council provide them with an initial decision relative to the width of the sidewalks and the City's intent to have the utilities placed underground.

ANALYSIS

At the last meeting of the S. 27th Street Steering Committee the committee recommended that the sidewalks be constructed at a width of 10 feet wide and that the City pay 90 percent for placing the utilities underground with Oak Creek paying 10 percent. The City of Oak Creek has revised this recommendation for Oak Creek, a six foot wide walk north of W. Minnesota Avenue and a ten foot wide walk south of W. Minnesota Avenue. At this time the DOT needs to know the City's wishes for design purposes to acquire the necessary right-of-way. This decision would not be a financial commitment; which would come later with the approval of an intergovernmental program agreement.

OPTIONS

It is recommended that an initial decision be made at the time such that the DOT can proceed with acquiring the necessary right-of-way for the reconstruction.

FISCAL NOTE

Under a revised policy by the Federal Government a five foot wide sidewalk will be fully funded under the transportation funding and the community will only be required to pay for any width over five feet. The City's consultant (HNTB) has estimated that if a ten foot walk is installed for the full length the cost to the City of Franklin would be \$228,442. Adjusting these costs to reflect a six foot wide sidewalk north of W. Minnesota Avenue and a ten foot wide sidewalk to the south, the City's cost would be reduced based on the estimate of \$5.50 per square foot to \$34,375 north of W. Minnesota Avenue and \$118,525 south of W. Minnesota Avenue for a total cost of \$152,900. The consultant has estimated that the cost of the underground utilities would be two million with the City paying 90 percent or 1.8 million.

RECOMMENDATION

Provide direction to the Wisconsin Department of Transportation relative to the width of the sidewalk and the desire for underground utilities subject to obtaining the necessary financing through T.I.F.

JMB/db

27th Street Cost Allocations

| | Total | Oak Creek | Franklin | College to Rawson | Rawson to Drexel |
|---------------------------------|------------------|------------------|------------------|----------------------|------------------------------|
| 2015 Estimate: | | | | | |
| Sidewalk cost ** | 456,885 | 228,443 | 228,443 | - | 228,443 <<< Rawson to Drexel |
| Streetlight cost ** | 352,476 | 176,238 | 176,238 | - | 176,238 <<< Rawson to Drexel |
| All other costs | 631,645 | 315,822 | 315,822 | 157,911 | 157,911 |
| Phase 1 Cost elements | <u>1,441,006</u> | <u>720,503</u> | <u>720,503</u> | <u>157,911</u> | <u>562,592</u> |
| Cost to bury utilities | 2,164,864 | 216,486 | 1,948,378 | 974,189 | 974,189 |
| 15' easement cost - utilities * | - | - | - | - | - |
| State Design & Engineering | - | - | - | - | - |
| 15% Contingency | 244,534 | 122,267 | 122,267 | 61,134 | 61,134 |
| 15% Contingency- Utilities | 324,730 | 32,473 | 292,257 | 146,128 | 146,128 |
| DOT sponsored CSS | 4,175,134 | 1,091,729 | 3,083,405 | 1,339,362 | 1,744,043 |
| | <u>(450,000)</u> | <u>(225,000)</u> | <u>(225,000)</u> | <u>(112,500)</u> | <u>(112,500)</u> |
| | <u>3,725,134</u> | <u>866,729</u> | <u>2,858,405</u> | <u>1,226,862</u> | <u>1,631,543</u> |
| Assessments to property owners | | | 404,681 | - | 404,681 |
| Possible TIF Funding | | | 1,840,293 | 613,431 | 1,226,862 |
| Possible City Funding | | | 613,431 | 613,431 | 0 |

* Buying utilities is allocated 90% Franklin 10% Oak Creek all other allocations are 50% to each community
 ** Franklin sidewalk and streetlight cost allocated 100% to south of Rawson Ave as they are not replacements

Jack Bennett

From: Lacrosse, Lukas [lukas.lacrosse@twcable.com]
Sent: Wednesday, September 25, 2013 5:05 PM
To: Jack Bennett
Subject: FW: 27th St - Time Warner Cable Aerial vs UG relocation quote

Jack,

These estimates are made with all known information available as of the date of this e-mail. Any changes made after today could make these costs go up or down an unknown amount. That being said - based on what I can assume right now, I have come up with the following estimates:

27th St N of Rawson:

| | |
|--|-----------------|
| Underground costs (assumed JT route) | \$210,083 |
| <u>Aerial relocation costs (TWC Covered)</u> | <u>\$86,722</u> |
| Difference (Franklin Responsibility) | \$123,361 |

27th St ^SN of Rawson:

| | |
|--|-----------------|
| Underground costs (assumed JT route) | \$157,426 |
| <u>Aerial relocation costs (TWC Covered)</u> | <u>\$89,635</u> |
| Difference (Franklin Responsibility) | \$67,791 |

Total City of Franklin Responsibility: \$191,152

If the inquiry for this aerial to underground relocation is approved, I will need a written statement from the city to allow our engineering to begin. We will then need to have the WE Energies route finalized prior to our underground engineering. All of this additional work could potentially have implications to the project timelines as it requires additional engineering that was not part of the initial improvement project package engineering requirements. We will also need to coordinate with WisDOT to make sure that all utilities are given an ample amount of time to relocate as our build time will more than likely double with an underground build compared to an aerial build.

Thanks,



Lukas LaCrosse
Field Engineer | Time Warner Cable – SE Wisconsin
phone: 414-908-4766 | email: lukas.lacrosse@twcable.com
1320 N Dr. Martin Luther King Jr. Dr., Milwaukee, WI 53212

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| APPROVAL <i>slw</i> | REQUEST FOR COUNCIL ACTION | MTG. DATE 10/1/13 |
|---------------------------|---|--------------------------------|
| Reports & Recommendations | SUBJECT: A resolution authorizing officials to execute an Intergovernmental Jurisdictional Transfer Agreement between Milwaukee County and the City of Franklin for the transfer of S. North Cape Road (CTH J) from 870 feet north of W. High View Drive to W. Forest Home Avenue (CTH OO) and the transfer of S. 68 th Street (CTH A) from W. Ryan Road (STH 100) to 1,285 feet south of W. Puetz Road | ITEM NO. <i>6.7.</i> |

BACKGROUND

Milwaukee County is requesting a resolution from the Common Council expressing their interest to transfer jurisdiction of S. North Cape Road and S. 68th Street if the construction meets acceptance of the City. The acceptance is the understanding that the existing concrete pavement under the asphalt will be dealt with to provide a long lasting pavement. Also, the agreement provides that the City can have the County's consultant complete preliminary plans that can be presented to the public at an informational meeting to be held in Franklin that will show the impact of the design without sidewalks vs. the design with sidewalks. The initial cost of the preliminary design to be borne by Franklin but would be considered as the local share of the cost of S. North Cape Road reconstruction.

ANALYSIS

Staff recommends this approach as until preliminary plans are completed and cross-sections developed, it is not possible to determine the impact of the reconstruction (the amount of trees that would be involved).

OPTIONS

Approve

or

Table

FISCAL NOTE

If this agreement is approved and the jurisdiction is transferred to the City, the City then would be responsible for the operation and maintenance of both the County's portion of S. 68th Street and all of S. North Cape Road. See attached cost estimate developed by City staff (Engineering and Finance Departments).

RECOMMENDATION

Motion to adopt Resolution 2013-_____ a resolution authorizing officials to execute an Intergovernmental Jurisdictional Transfer Agreement between Milwaukee County and the City of Franklin for the transfer of S. North Cape Road (CTH J) from 870 feet north of W. High View Drive to W. Forest Home Avenue (CTH OO) and the transfer of S. 68th Street (CTH A) from W. Ryan Road (STH 100) to 1,285 feet south of W. Puetz Road.

JMB/sg

Encl.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2013- _____

A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL JURISDICTIONAL TRANSFER AGREEMENT BETWEEN MILWAUKEE COUNTY AND THE CITY OF FRANKLIN FOR THE TRANSFER OF S. NORTH CAPE ROAD (CTH J) FROM 870 FEET NORTH OF W. HIGH VIEW DRIVE TO W. FOREST HOME AVENUE (CTH OO) AND THE TRANSFER OF S. 68TH STREET (CTH A) FROM W. RYAN ROAD (STH 100) TO 1,285 FEET SOUTH OF W. PUETZ ROAD

WHEREAS, the use of S. North Cape Road has changed due to the construction of W. Forest Home Avenue with S. North Cape Road functioning as a local street; and

WHEREAS, Milwaukee County has requested the transfer as a condition to reconstruct S. North Cape Road; and

WHEREAS, the transfer agreement provides a clause whereby both the City and County must agree on a design that will provide a long lasting pavement; and

WHEREAS, Milwaukee County has agreed to allow the City to utilize Milwaukee County's consultant engineer to complete a preliminary engineer study to be utilized at an informational meeting prior to final design with the initial cost to be borne by the City, but a part of the City's portion of the reconstruction costs.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized to execute an Intergovernmental Jurisdictional Transfer Agreement between Milwaukee County and the City of Franklin for the transfer of S. North Cape Road (CTH J) from 870 feet north of W. High View Drive to W. Forest Home Avenue (CTH OO) and the transfer of S. 68th Street (CTH A) from W. Ryan Road (STH 100) to 1,285 feet south of W. Puetz Road.

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

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2013.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____
NOES _____
ABSENT _____

**JURISDICTIONAL TRANSFER AGREEMENT
BETWEEN
MILWAUKEE COUNTY
AND
CITY OF FRANKLIN**

This JURISDICTIONAL TRANSFER AGREEMENT (the "Agreement"), is made and entered into effective this _____ day of _____, 2013, by and between MILWAUKEE COUNTY (the "County") and the CITY OF FRANKLIN (the "City").

WITNESSETH:

WHEREAS, the authority to make changes to the County Trunk Highway System is granted to the County by Section 83.025 Wis. Stats.; and

WHEREAS, the County has jurisdiction over (i) CTH A (S. 68th St.) from STH 100 (W. Ryan Rd.) to 1285 feet south of W. Puetz Rd., (ii) CTH J (S. North Cape Rd.) from 870 feet north of Hi-View Dr. to CTH OO (W. Forest Home Ave.) for the full width of the right of way and (iii) CTH J (S. North Cape Rd.) from W. High-View Dr. to 870 feet north of Hi-View Dr. for the east half of the right of way; and

WHEREAS, the County has requested of the City a jurisdictional transfer of those portions of County Trunk Highway above-referenced and the County and the City agree that such transfer would be of benefit to the public; and

WHEREAS, These jurisdictional transfers conform to, are consistent with and serve to implement the recommendations contained within the Southeast Regional Transportation System Plan under the County Jurisdictional Highway System Plan; and

WHEREAS, the State Department of Transportation has reviewed the two jurisdictional transfers and has approved both by letters attached.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, it is agreed as follows:

PROVISIONS:

1. The County agrees, upon approval of this Agreement, and approval by the Milwaukee County Board of Supervisors of an appropriate resolution, to transfer jurisdiction of (i) CTH A (S. 68th St.) from STH 100 (W. Ryan Rd.) to 1285 feet south of W. Puetz Rd. and (ii) CTH J (S. North Cape Rd.) from 870 feet north of Hi-View Dr. to CTH OO (W. Forest Home Ave.) for the full width of the right of way and (iii) CTH J (S. North Cape Rd.) from W. High-View Dr. to 870 feet north of Hi-View Dr. for the east half of the right of way to the City.

2. The City agrees, upon approval of this Agreement, and approval by the City Common Council of an appropriate resolution, to accept transfer of jurisdiction of those portions of County Trunk Highway above-referenced.
3. The City agrees that upon acceptance it will assume all costs related to the maintenance of said roadways including, but not limited to, driving surface, shoulders, stormwater, snow and ice control, traffic engineering (signs, signals, pavement markings) and structures (bridges and culverts), if any.
4. The City agrees that upon acceptance it will assume responsibility for all permits for work within the roadway right-of-way including driveway and utilities.
5. The County agrees to indemnify and hold the City harmless from any and all claims that may arise out of the County's ownership, operation and maintenance of those portions of CTH A and CTH J above-referenced for the period of time prior to the transfer.
6. The County and the City understand, acknowledge and agree that as a condition of this Agreement the County will fund a project to improve those portions of CTH A and CTH J above-referenced as mutually agreed on by both the County and the City.
7. In furtherance of future project terms mutual agreement, the City and the County agree that the City shall enter into a professional engineering consulting agreement with the County's current consulting professional engineer for the subject roadway improvement project to provide the preliminary engineering thereof, that the City shall provide initial funding for such consulting agreement and that the County shall reimburse or credit the cost thereof to the City upon completion of the contemplated improvement project or as part of the cost allocation provisions thereof to be agreed upon."
8. The City agrees that upon completion of the improvements contemplated above, the City shall accept transfer of jurisdiction by resolution of its governing body.
9. The City agrees that as the recipient agency, it will notify the Southeastern Regional Planning Commission, the State Department of Transportation and the property owners along each roadway that a transfer of jurisdiction has occurred and informing the property owners which City officials or departments to contact for issues related to roadway maintenance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day, month and year first above written.

CITY OF FRANKLIN

MILWAUKEE COUNTY

By: _____ Date: _____
Name:

By: _____ Date: _____
Name:

Title:

Title:

By: _____ Date: _____

By: _____ Date: _____

Name:

Name:

Title:

Title:

By: _____ Date: _____

By: _____ Date: _____

Name:

Name:

Title:

Title:

Approved as to form and independent status

By: _____ Date: _____

By: _____ Date: _____

City Engineer

Corporation Counsel

By: _____ Date: _____

City Attorney



MEMORANDUM: FROM ENGINEERING

DATE: April 29, 2013

TO: City Engineer Bennett

FROM: Assistant City Engineer Romeis
Highway Superintendent Schaefer

SUBJECT: Study of Maintenance Costs (Over 20 Years) of S. North Cape Road (W. Forest Home Avenue to South Corporate Limits) and S. 68th Street from W. Ryan Road to 3,900 Lineal Feet North

A study has been performed by staff to determine the anticipated averaged annual cost to maintain both County Trunk Highways under consideration.

The following is a table of maintenance tasks and assumed task frequency. The frequency is based on the assumption that Milwaukee County will be reconstructing pavement, including remove/replace storm sewer in need, shoulder pavement, striping and updating signage of the entire length of roadway.

| MAINTENANCE TASK | TASK FREQUENCY | TWENTY YEAR COST | |
|-----------------------------------|----------------|---|------------------------------------|
| | | S. North Cape Road CTH J (2.0 miles) | S. 68 Street CTH A (0.75 miles) |
| - Plowing & Salting | Annual | \$88,000 | \$33,000 |
| - Sweeping | Annual | \$4,000 | \$800 |
| - Road Side Mowing | Annual | \$4,400 | \$2,000 |
| - Striping | @ 2 Years | \$30,500 | \$13,700 |
| - Crack Sealing | @ 3 Years | \$2,800 | \$1,400 |
| | @ 7 Years | \$5,600 | \$2,800 |
| - Tree Brushing | @ 7 Years | \$2,900 | 0 |
| - Random Ditching and Shouldering | 10 Years | \$11,300 | \$4,200 |
| - Signage Updates | 10 Years | \$19,100 | \$8,400 |
| - Mill & Overlay Surface | 20 Years | \$316,600 | \$116,800 |
| Twenty Year Total Cost | | \$485,200 | \$183,100 |
| Annual Total Cost | | \$24,260 | \$9,155 |

The first three tasks are common to all City roads on an annual basis. Centerline and edge striping is performed once every two years. The remaining tasks required at times to keep the public road right-of-way functioning in a safe and effective manner are based on an assumed frequency. In the twentieth year, it is assumed that the surface course will be milled off and repaved.

RJR/sg

M E M O R A N D U M

DATE: April 26, 2013
TO: Assistant City Engineer Romeis
FROM: Paul Rotzenberg, Deputy Finance Director 
RE: Department of Public Works road maintenance costs

The following joins recent discussions regarding costs to maintain city roads, in context of a transfer of roads from Milwaukee County to the city.

These 2.75 miles of roads would add approximately \$8,250 (2.75 mi x \$3,000/mi – see Engineering memo on this topic) in the initial years to DPW costs. As the roads age, the cost per year would rise.

A review of recent DPW financial results follows:

| | Actual 2009 | Actual 2010 | Actual 2011 | Actual 2012 | Budget 2013 |
|------------------|----------------|----------------|----------------|----------------|----------------|
| Labor & Benefits | 1,715,275 | 1,642,998 | 1,777,718 | 1,754,016 | 1,767,074 |
| Other Costs | <u>618,276</u> | <u>621,941</u> | <u>690,332</u> | <u>679,266</u> | <u>784,300</u> |
| Total Dept Costs | 2,333,551 | 2,264,939 | 2,468,050 | 2,433,282 | 2,551,374 |
| Miles of Roads | 166 | 166 | 166 | 166 | 166 |
| Cost per Mi | | | | | |
| Costs per mile | 14,058 | 13,644 | 14,868 | 14,658 | 15,370 |

Dept costs have a fixed and step value, which would not be significantly impacted by the addition of a few miles of roads. The above DPW information does include aid to other City activities (elections, celebrations, etc – which consume not more than 10% of the above costs). However, as road miles added approaches the size of a snow plowing route, cost can step up from current levels. The costs outlined above, do not reflect these step values. Recognizing the step costs, the amount of annual cost added to city resource requirements would be lower than the values outlined above, until such time as another snow plowing route became warranted. Please note that the above analysis does not include the cost of equipment (trucks, plows, etc) which also operates on a stop function.

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| APPROVAL | REQUEST FOR COUNCIL ACTION | MTG. DATE |
|---------------------------|--|--------------------------------|
| <i>slw</i> | | 10/1/13 |
| Reports & Recommendations | SUBJECT: A resolution authorizing officials to execute an Engineering Services Agreement with Himalayan Consultants, LLC for the preliminary engineering for the reconstruction of S. North Cape Road (CTH J) from 870 feet north of W. High View Drive to W. Forest Home Avenue (CTH OO) | ITEM NO. <i>6.8.</i> |

BACKGROUND

Pursuant to the direction of the Common Council, staff has requested an engineering services agreement with the consultant engineering firm that is designing the reconstruction of S. North Cape Road in the City of Franklin to prepare preliminary engineering plans and a cost estimate of a rural design without sidewalks vs. an urban design with an eight (8) foot walk on the east side.

ANALYSIS

With the development of preliminary plans, the elected officials and abutting property owners will know the impact of each design on the abutting properties. After the preliminary plans are completed, staff will work with Milwaukee County to hold an informational meeting in Franklin to allow the abutting property owners comment on the plans. This will allow an early look at the impact prior to commencing with the final design.

OPTIONS

Approve

or

Table

FISCAL NOTE

The initial cost of the preliminary engineering design is \$26,618.62, but that cost will be included in the City's share of the reconstruction of S. North Cape Road.

RECOMMENDATION

Motion to adopt Resolution 2013-_____ a resolution authorizing officials to execute an Engineering Services Agreement with Himalayan Consultants, LLC for the preliminary engineering for the reconstruction of S. North Cape Road (CTH J) from 870 feet north of W. High View Drive to W. Forest Home Avenue (CTH OO).

JMB/sg

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2013- _____

A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH HIMALAYAN CONSULTANTS, LLC FOR THE PRELIMINARY ENGINEERING FOR THE RECONSTRUCTION OF S. NORTH CAPE ROAD (CTH J) FROM 870 FEET NORTH OF W. HIGH VIEW DRIVE TO W. FOREST HOME AVENUE (CTH OO)

WHEREAS, the City has entered into an Intergovernmental Jurisdictional Transfer Agreement with Milwaukee County setting the conditions for the City to have preliminary plans developed for the reconstruction of S. North Cape Road; and

WHEREAS, the preliminary design will develop detailed cross-sections that can be utilized to determine the impact of a rural design without sidewalks to an urban design with a sidewalk on the east side; and

WHEREAS, the preliminary design will develop a detailed cost between the rural design without sidewalks vs. an urban design with an 8 foot sidewalk on the east side; and

WHEREAS, Himalayan Consultants, LLC has been selected by Milwaukee County to complete the design of S. North Cape Road; and

WHEREAS, Himalayan Consultants, LLC has submitted an agreement to complete preliminary engineering at a cost of \$26,618.62.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized to execute an agreement whereby Himalayan Consultants, LLC shall provide engineering services for the preliminary design of S. North Cape Road for a fee as established in the agreement. This agreement being subject to review and approval of the City Attorney.

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

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2013.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____

NOES _____

ABSENT _____



Himalayan Consultants, LLC

Engineers and Hydrogeologists

September 13, 2013

John Bennett, P.E.
Franklin City Engineer
9229 W. Loomis Road
Franklin, WI 53132

Subject: S. North Cape Road (CTH J) Reconditioning Project
Hi-View Drive to S. Carroll Circle
MCDOT Project ID: WH020151

John:

As we discussed, Himalayan will work directly with the City of Franklin on developing the City's preferred alternative (30' F-F urban section with an 8' multi-use path on the east side of the road) for S. North Cape Road. We will develop the preliminary design for this alternative and compare it with the County's main alternative (rural section: 11' lanes with 4' paved shoulders and no sidewalk or multi-use path). We will compare the following aspects of these alternatives:

- Construction cost estimate
- Utility conflicts
- Required removals (trees, landscaping, etc.)
- Easement and fee takings

The deliverables for this contract will be a report summarizing the alternative comparison in technical memorandum format with typical sections, cost estimates, and a roll plot of both alternatives with slope intercepts, removals, and right-of-way impacts depicted.

The proposal for this preliminary engineering is a lump sum of \$26,618.62 for the hours outlined in the Fee Computation attached.

We look forward to working with you on this very important project.

Sincerely,

Paul Jenswold, P.E.
Project Manager

Contract Direct Labor Detail

| Employee Name(a) | Classification(b) | Current Rate(c) | Weighted Average Hourly Rate(i) |
|------------------|-------------------|-----------------|---------------------------------|
| Gopal Adhikary | Principal | \$50.42 | \$50.42 |
| Paul Jenswold | Project Manager | \$40.00 | \$40.00 |
| Mark Babich | Project Engineer | \$38.00 | \$38.00 |
| Rob Seleen | Staff Engineer | \$30.00 | \$30.00 |
| Chis Gigot | Staff Engineer | \$30.00 | \$30.00 |

Contract Completion Date: _____ 12/8/2013

Summary of Staff Hours and Direct Labor Costs

PROJECT TOTAL

| Preliminary Design | | Principal | | Project Manager | | Project Engineer | | Staff Engineer | | Total Direct Labor | |
|--|---------------|-----------|----------|-----------------|------------|------------------|------------|----------------|------------|--------------------|-------------|
| Classification | | Hours | Dollars | Hours | Dollars | Hours | Dollars | Hours | Dollars | Hours | Dollars |
| Avg. Hourly Wage | Activity Code | | | | | | | | | | |
| | | 2 | \$100.84 | 6 | \$240.00 | 0 | \$0.00 | 0 | \$0.00 | 8 | \$340.84 |
| Project Management | 771 | | | | | | | | | | |
| Typical Sections | 741 | 0 | \$0.00 | 0 | \$0.00 | 2 | \$76.00 | 4 | \$120.00 | 6 | \$196.00 |
| Preliminary Design | 776 | 0 | \$0.00 | 16 | \$640.00 | 116 | \$4,408.00 | 32 | \$960.00 | 164 | \$6,008.00 |
| Removals | 776 | 0 | \$0.00 | 0 | \$0.00 | 4 | \$152.00 | 36 | \$1,080.00 | 40 | \$1,232.00 |
| Roll Plot Exhibit | 741 | 0 | \$0.00 | 2 | \$80.00 | 4 | \$152.00 | 16 | \$480.00 | 22 | \$712.00 |
| Locate Potential Storm Water Detention Facilities | 778 | 0 | \$0.00 | 2 | \$80.00 | 12 | \$456.00 | 8 | \$240.00 | 22 | \$776.00 |
| Preliminary Estimates | 794 | 0 | \$0.00 | 16 | \$640.00 | 0 | \$0.00 | 12 | \$360.00 | 28 | \$1,000.00 |
| Meetings | 771 | 0 | \$0.00 | 4 | \$160.00 | 0 | \$0.00 | 0 | \$0.00 | 4 | \$160.00 |
| TOTAL: | | 2 | \$100.84 | 46 | \$1,840.00 | 138 | \$5,244.00 | 108 | \$3,240.00 | 294 | \$10,424.84 |

Fee Computation Summary by Engineering Task

PROJECT TOTAL

| Preliminary Design | | | | | | |
|---|---------------|--------------------|-------------------------|-----------------|--------------------|--|
| Task | Activity Code | Direct Labor Costs | Overhead & Profit Costs | Direct Expenses | Total | |
| Project Management | 771 | \$340.84 | \$639.42 | \$0.00 | \$980.26 | |
| Typical Sections | 741 | \$196.00 | \$367.70 | \$0.00 | \$563.70 | |
| Preliminary Design | 776 | \$6,008.00 | \$11,271.01 | \$0.00 | \$17,279.01 | |
| Roll Plot Exhibit | 741 | \$712.00 | \$1,335.71 | \$180.00 | \$2,227.71 | |
| Locate Potential Storm Water Detention Facilities | 778 | \$776.00 | \$1,455.78 | \$0.00 | \$2,231.78 | |
| Preliminary Estimates | 794 | \$1,000.00 | \$1,876.00 | \$0.00 | \$2,876.00 | |
| Meetings | 771 | \$160.00 | \$300.16 | \$0.00 | \$460.16 | |
| TOTAL: | | \$9,192.84 | \$17,245.78 | \$180.00 | \$26,618.62 | |

Company Wide Overhead & Profit Rate: 1.876

City of Franklin Alternative
S. North Cape Road (CTH J)
Hi-View Dr. - Forest Home Ave.
Milwaukee County

Himalayan Consultants, LLC

Direct Expenses by Item

| Direct Expenses-Himalayan Consultants, LLC | | | | |
|--|-------------|-----------|---------|-----------------|
| Item | Unit Amount | Unit Type | Rate | Total Expenses |
| Mileage - Employee Vehicle | 0 | Miles | \$0.555 | \$0.00 |
| Copies (Black and White) - In House | 0 | Each | \$0.10 | \$0.00 |
| Copies (Color) - In House | 0 | Each | \$0.20 | \$0.00 |
| Roll Plot | 2 | Each | \$90.00 | \$180.00 |
| TOTAL | | | | \$180.00 |

Contract Total Fee Computation

| Project ID | Preliminary Engineering | Total for Contract |
|------------------------------|--------------------------------|---------------------------|
| Number of Staff Hours | 294 | 294 |
| Total Direct Labor | \$9,192.84 | \$9,192.84 |
| Total Overhead Costs | \$17,245.78 | \$17,245.78 |
| Direct Expenses | \$180.00 | \$180.00 |
| TOTAL COST | \$26,618.62 | \$26,618.62 |

Company Wide Overhead & Profit Rate: 187.60%

| APPROVAL <i>SW</i> | REQUEST FOR COUNCIL ACTION | MTG. DATE 10/1/13 |
|---------------------------|---|-------------------------|
| Reports & Recommendations | SUBJECT: Release of escrow deposit for the Berkshire Certified Survey Map located at the end of S. 50 th Street just south of W. Berkshire Drive | ITEM NO. <i>6.9.</i> |

BACKGROUND

Pursuant to the development of the Berkshire Certified Survey Map located at the end of S. 50th Street just south of W. Berkshire Drive, please be advised that the developer has completed all the public improvements contained in the development agreement and staff has reviewed the certified grading plan to ascertain that the grading has been completed as per approved grading plan.

ANALYSIS

Staff recommends the release of the escrow deposit.

OPTIONS

Approve

or

Table

FISCAL NOTE

None

RECOMMENDATION

Motion to release escrow deposit for the Berkshire Certified Survey Map by Rick J. Przybyla as recommended by the Engineering Department.

JMB/sg

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| | | |
|--|---|---|
| <p>APPROVAL</p> <p><i>slw</i></p> | <p>REQUEST FOR COUNCIL ACTION</p> | <p>MEETING DATE</p> <p>10/01/13</p> |
| <p>REPORTS & RECOMMENDATIONS</p> | <p>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A REPLACEMENT HOLDING TANK AGREEMENT WITH BTL HOLDINGS, LLC 3310 W. ELM ROAD TAX KEY NO 951-9996-015</p> | <p>ITEM NUMBER</p> <p><i>G, 10.</i></p> |

Attached is a resolution authorizing execution of an agreement for a Replacement Holding Tank with BTL Holdings, LLC, 3310 W. Elm Road, (Tax Key No. 951-9996-015).

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. 2013 _____ authorizing execution of an agreement for a Replacement Holding Tank with BTL Holdings, LLC, 3310 W. Elm Road, (Tax Key No. 951-9996-015).

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2013-_____

RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE
A REPLACEMENT HOLDING TANK AGREEMENT WITH BTL HOLDINGS, LLC
3310 W. ELM ROAD
TAX KEY NO. 951-9996-015

WHEREAS, the State of Wisconsin required BTL Holdings, LLC, 3310 W. Elm Road, (Tax Key No. 951-9996-015) to install a holding tank for sewage purposes on said property located in the City of Franklin, and

WHEREAS, it is in the best interests of the City of Franklin and the State of Wisconsin to guarantee that said holding tank be properly operated for the protection of the health and welfare of the citizens of the City of Franklin, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that a replacement holding tank agreement be executed by the Mayor and City Clerk with BTL Holdings, LLC, 3310 W. Elm Road, (Tax Key No. 951-9996-015) and that said agreement be kept on file.

BE IT FURTHER RESOLVED that the City Clerk is instructed to record said replacement holding tank agreement with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this 1st day of October, 2013 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 1st day of October, 2013.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



Industry Services Division
1400 E Washington Ave
P.O. Box 7162
Madison, WI 53707-7162

County Milwaukee
Sanitary Permit Number (to be filled in by Co.)

Sanitary Permit Application

In accordance with SPS 383.21(2), Wis. Adm. Code, submission of this form to the appropriate governmental unit is required prior to obtaining a sanitary permit. Note: Application forms for state-owned POWTS are submitted to the Department of Safety and Professional Services. Personal information you provide may be used for secondary purposes in accordance with the Privacy Law, s. 15.04(1)(m), Stats.

I. Application Information - Please Print All Information

Property Owner's Name BTL Holdings LLC Parcel # 2

Property Owner's Mailing Address 3310 Elm Road Property Location

City, State Franklin WI Zip Code 53132 Phone Number 414-801-0354 Govt. Lot SW 1/4, NW 1/4, Section 36
T 5 N; R 21 6 (circle one)

II. Type of Building (check all that apply)
 1 or 2 Family Dwelling - Number of Bedrooms _____
 Public/Commercial - Describe Use Office / warehouse 465 sqd
 State Owned - Describe Use _____
 Lot # _____
 Block # _____
 CSM Number _____
 Subdivision Name _____
 City of Franklin
 Village of _____
 Town of _____

III. Type of Permit: (Check only one box on line A. Complete line B if applicable)

A. New System Replacement System Treatment/Holding Tank Replacement Only Other Modification to Existing System (explain) _____
B. Permit Renewal Before Expiration Permit Revision Change of Plumber Permit Transfer to New Owner List Previous Permit Number and Date Issued _____

IV. Type of POWTS System/Component/Device: (Check all that apply)

Non-Pressurized In-Ground Pressurized In-Ground At-Grade Mound ≥ 24 in. of suitable soil Mound < 24 in. of suitable soil
 Holding Tank Other Dispersal Component (explain) _____ Pretreatment Device (explain) _____

V. Dispersal/Treatment Area Information:

Design Flow (gpd) 465 Design Soil Application Rate (gpd/sf) _____ Dispersal Area Required (sf) _____ Dispersal Area Proposed (sf) _____ System Elevation _____

| VI. Tank Info | Capacity in Gallons | | Total Gallons | # of Units | Manufacturer | Prefab Concrete | Site Constructed | Steel | Fiber Glass | Plastic |
|------------------------|---------------------|----------------|---------------|------------|--------------------------|-------------------------------------|------------------|-------|-------------|---------|
| | New Tanks | Existing Tanks | | | | | | | | |
| Septic or Holding Tank | <u>4000</u> | <u>—</u> | <u>4000</u> | <u>1</u> | <u>Lake Shore Burial</u> | <input checked="" type="checkbox"/> | | | | |
| Dosing Chamber | | | | | <u>Vault co</u> | | | | | |

VII. Responsibility Statement- I, the undersigned, assume responsibility for installation of the POWTS shown on the attached plans.

Plumber's Name (Print) Steve Johnson Plumber's Signature [Signature] MP/MPRS Number 227039 Business Phone Number 262 835 1006
 Plumber's Address (Street, City, State, Zip Code) 3840 N. Raynor Ave Union Grove, WI 53182

VIII. County/Department Use Only

Approved Disapproved Owner Given Reason for Denial _____ Permit Fee \$ _____ Date Issued _____ Issuing Agent Signature _____

IX. Conditions of Approval/Reasons for Disapproval

Attach to complete plans for the system and submit to the County only on paper not less than 8 1/2 x 11 inches in size

HOLDING TANK AGREEMENT

Document No. / Plan Identification No.

Agreement Date
9-25-13

This agreement is made between the governmental unit and holding tank owner(s)

This space reserved for recording data

County or Local Governmental Unit
City of Franklin
(called Municipality below)

Holding Tank Owner(s)
BTL Holdings, LLC

We acknowledge that application is being made for the installation of (a) holding tank(s) on the following property: (Provide legal land description)
See Attached

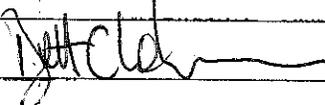
Return To **Brett Lehman**
3310 Elm Rd, Franklin WI
53132

or that continued use of the existing premises requires that a holding tank be installed on the property for the purpose of proper containment of sewage. Also, the property cannot now be served by a municipal sewer, or any other type of private sewage system as permitted under Ch. ILHR 83, Wis. Adm. Code, or Ch. 145, Stats.

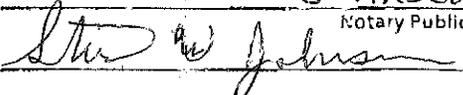
As an inducement to the ~~XXXXX~~ **City of Franklin** to issue a sanitary permit for the above described property, we agree to do the following:

- Owner agrees to conform to all applicable requirements of Ch. ILHR 83, Wis. Adm. Code relating to holding tanks. If the owner fails to have the holding tank properly serviced in response to orders issued by the municipality to prevent or abate a human health hazard as described in s. 254.59, Stats., the municipality may enter upon the property and service the tank or cause to have the tank to be serviced and charge the owner by placing the charges on the tax bill as a special assessment for current services rendered. The charges will be assessed as prescribed by s. 66.60, Stats.
- The owner agrees, pursuant to s. ILHR 83.18 (10), Wis. Adm. Code, to have installed in a new building or new structure a water meter approved by the County and State. The water meter shall be installed by a plumber authorized by the State to conduct such installations, with said installation complying with State regulations and manufacturer's specifications. The owner agrees to be financially responsible for the purchase, installation, maintenance, and repair of the water meter, and agrees to allow the municipality to enter the above described property on a regular basis to read and/or inspect the water meter.
- Owner agrees to pay all charges and cost incurred by the municipality for inspection, pumping, hauling, or otherwise servicing and maintaining the holding tank in such a manner as to prevent or abate any human health hazard caused by the holding tank. The municipality shall notify the owner of any costs which shall be paid by the owner within thirty (30) days from the date of notice. In the event the owner does not pay the costs within thirty (30) days, the owner specifically agrees that all the costs and charges may be placed on the tax roll as a special assessment for the abatement of a human health hazard, and the tax shall be collected as provided by law.
- The owner, except as provided by s. 146.20 (3) (d), Stats., agrees to contract with a person who is licensed under Ch. NR 113, Wis. Adm. Code, to have the holding tank serviced and to file a copy of the contract or the owner's registration with the municipality. The owner further agrees to file a copy of any changes to the service contract, or a copy of a new service contract, with the municipality within ten (10) business days from the date of change to the service contract.
- The owner agrees to contract with a person licensed under Ch. NR 113, Wis. Adm. Code, who shall submit to the municipality on a semiannual basis a report in accordance with s. ILHR 83.18 (4) (a) 2., Wis. Adm. Code, for the servicing of the holding tank. In the case of registration under s. 146.20 (3) (d), Stats., the owner shall submit the report to the municipality. The municipality may enter upon the property to investigate the condition of the holding tank when pumping reports and meter readings may indicate that the holding tank is not being properly maintained.
- This agreement will remain in effect only until the local governmental unit responsible for the regulation of private sewage systems certifies that the property is served by either a municipal sewer or a soil absorption system that complies with Ch. ILHR 83, Wis. Adm. Code. In addition, this agreement may be cancelled by executing and recording said certification with reference to this agreement in such manner which will permit the existence of the certification to be determined by reference to the property.
- This agreement shall be binding upon the owner, the heirs of the owner, and assignees of the owner. The owner shall submit the agreement to the register of deeds, and the agreement shall be recorded by the register of deeds in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

Owner(s) Name(s) - Print
BTL Holdings, LLC
Brett Lehman

Notarized Owner(s) Signature(s)


Subscribed and sworn to before me on this date:

Steven W Johnson
Notary Public


Municipal Official Name - Print

Municipal Official Title - Print

Municipal Official Signature

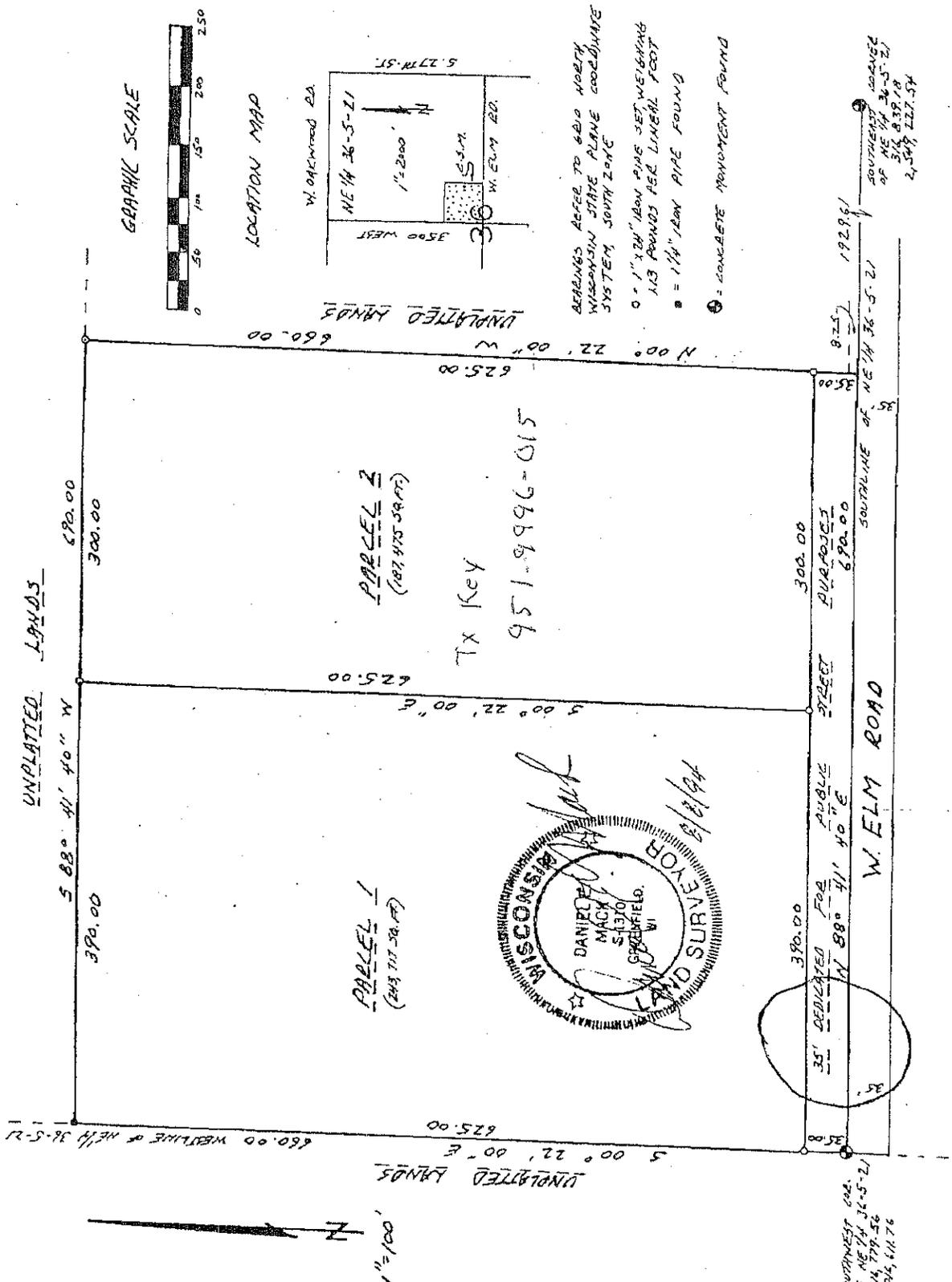
My commission expires:
March 27, 2016

Prokop

Parcel #2

CERTIFIED SURVEY MAP NO. 6038

BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



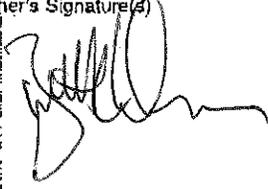
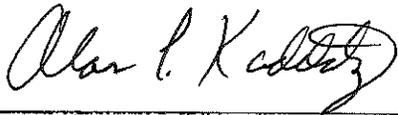
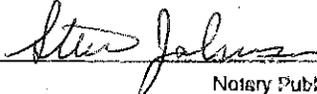
City of Franklin Holding Tank Servicing Contract

| | | | |
|---|-----------------------------------|---|--|
| Contract Date 9-25-13 | This contract is made between the | | |
| Holding Tank Owner(s) Name(s) BTL Holdings 3310 Elm Road Franklin, WI 53132 | and | Pumper's Name PATS SERVICES, INC. 38331 60th STREET BURLINGTON, WI 53105-7807 | |

We acknowledge the installation of a holding tank(s) on the following property: (Provide legal descriptions:)

See Attached

1. The owner agrees to file a copy of this contract with the local governmental unit hereinafter called the "City", which has signed the pumping agreement required in Ch. ILHR 83.18(4)(b), Wis. Adm. Code and with the City of Franklin.
2. The owner agrees to have the holding tank(s) serviced by the pumper and guarantees to permit the pumper to have access and to enter upon the property for the purpose of servicing the holding tank(s). The owner agrees to maintain the all-weather access road or drive so that the pumper can service the holding tank(s) with the pumping equipment. The owner further agrees to pay the pumper for all charges incurred in servicing the holding tank(s) as mutually agreed upon by the owner and pumper.
3. The pumper agrees to submit to the City which has signed the holding tank agreement required by S. ILHR 83.18(4)(b), Wis. Adm. Code, a report for the servicing of the holding tank(s) on a semiannual basis. The pumper further agrees to submit a report which shall include:
 - a. The name and address of the person responsible for servicing the holding tank.
 - b. The name of the owner of the holding tank.
 - c. The location of the property on which the holding tank is installed.
 - d. The sanitary permit number issued for the holding tank.
 - e. The dates on which the holding tank was serviced.
 - f. The volumes in gallons of the contents pumped from the holding tank for each servicing.
 - g. The disposal sites to which the contents from the holding were delivered.
4. This agreement will remain in effect until the owner or pumper terminates this contract. In the event of a change in this contract, the owner agrees to file a copy of any changes to this service contract or a copy of a new service contract with the City of Franklin within ten (10) business days from the date of change to this service contract.

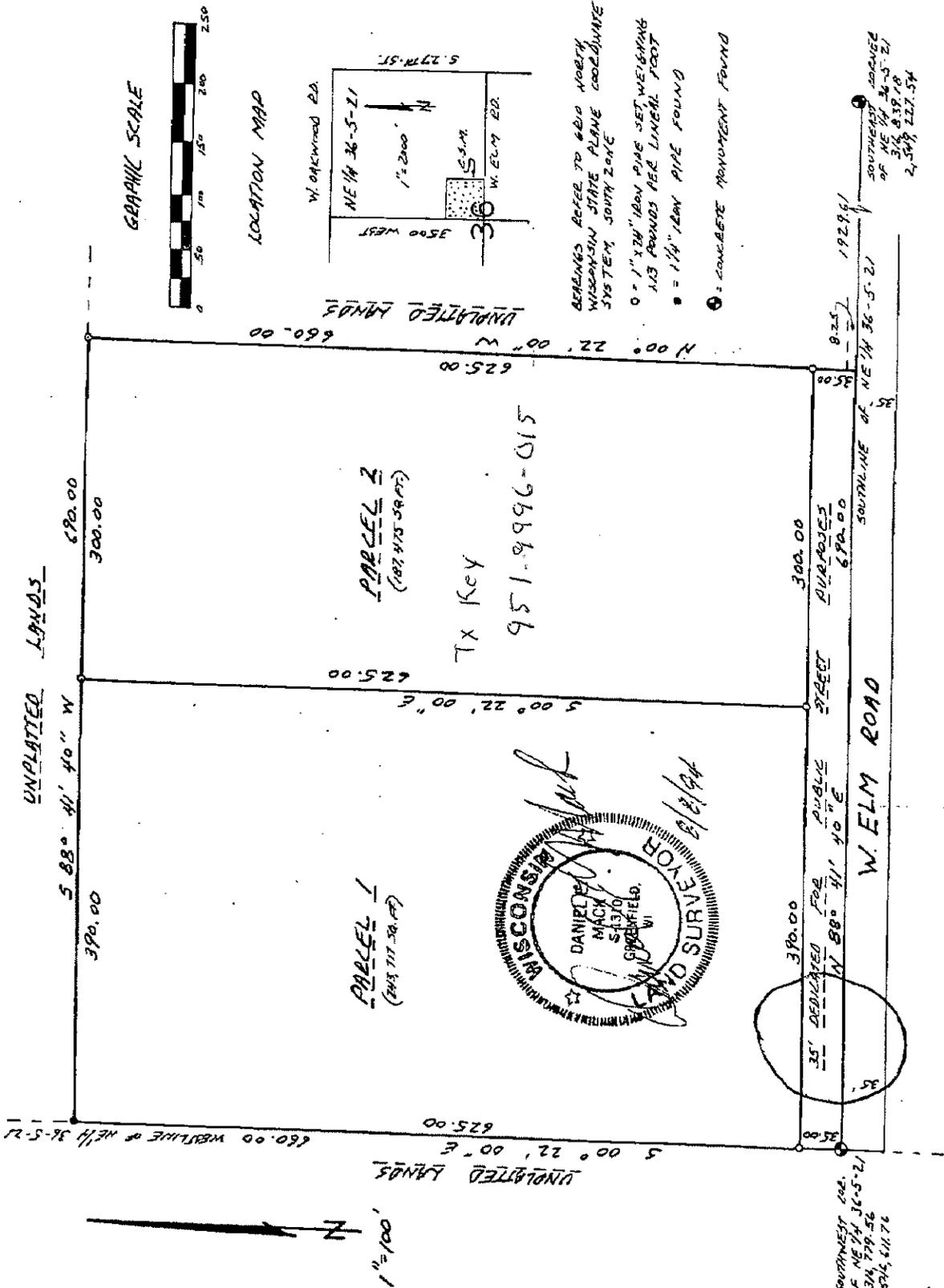
| | | |
|--|---|---|
| Owner(s) Name(s) (Print) Brett Lehman | Owner's Signature(s)  | Subscribed and sworn to me on this date: Sept 25, 2013 <small>Today's Date</small> |
| Pumper's Name (Print) ALAN KADOTZ PATS SERVICES, INC. 38331 60th STREET BURLINGTON, WI 53105-7807 | Pumper's Signature  |  <small>Notary Public Signature</small> |
| Pumper's Registration Number SY-16 | | March 27, 2016 <small>Commission Expiration</small> |

Prokop

Parcel # 2

CERTIFIED SURVEY MAP NO. 6038

BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



BEARINGS REFER TO 6210 NORTH WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE

○ = 1" 120" 120V PIPE SET, WEIGHING 123 POUNDS PER LINEAL FOOT

● = 1 1/4" 120V PIPE FOUND

⊙ = CONCRETE MONUMENT FOUND

SOUTHWEST CORNER OF NE 1/4 36-5-21
314,839.78
2,549,127.54

1929
8.25
SOUTHWEST CORNER OF NE 1/4 36-5-21

This instrument drafted by Daniel E. Mack, Land Surveyor.

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| <p style="text-align: center;">APPROVAL</p> <p><i>slw</i> <i>AK</i></p> | <p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p> | <p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">10/1/2013</p> |
| <p style="text-align: center;">REPORTS & RECOMMENDATIONS</p> | <p style="text-align: center;">Finance Committee Recommendation on Interest rates for Special Assessments</p> | <p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.11.</i></p> |

Background

At the August 20, 2013 Common Council meeting, the interest rate charged on special assessments was questioned by a citizen during the 76th Street sewer & water project public hearing. The presiding chair referred the question to the Finance Committee.

Interest is charged on special assessments that property owners chose to finance with the City over ten years. The rate is a fixed rate over the ten years property owners may spread the payments. The rate is fixed at the time the Special Assessment is adopted by the Council. This policy is prescribed in Ordinance 207-15 (5).

The rate proposed for the 76th Street project was six percent.

Recommendation

After discussion during the Sept 24, 2013 Finance Committee meeting, the Committee recommends to the Common Council to continue the current practice where the Finance Director and Treasurer reviews the interest rate environments and recommends a rate as projects are presented to the Common Council, independent of any City financing issues, and that the 6% is reasonable for this project at this time. Approved unanimously.

COUNCIL ACTION REQUESTED

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| <p style="text-align: center;">APPROVAL</p> <p><i>slw</i> <i>mm</i></p> | <p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p> | <p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">10/01/2013</p> |
| <p style="text-align: center;">REPORTS & RECOMMENDATIONS</p> | <p style="text-align: center;">An Ordinance to Amend Ordinance 2012-2096 (An Ordinance Adopting the 2013 Budgets and Tax Levy for the City of Franklin), as Amended, to Modify the Budget of the Capital Improvement Fund Amending the Project Line Items to Provide \$20,000 in Total Appropriations for the Franklin Historical Society Barn Project, to Provide an Increased Appropriation of \$48,720 for the Pleasant View/Victory Creek Trail Project Increasing the Total Appropriation to \$242,160, to Establish a \$104,777 Appropriation for the 51st Street Sidewalk Project, and to Establish a \$27,000 Appropriation for the North Cape Road Trail Project</p> | <p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.12.</i></p> |

Over the past few months the Common Council has taken various actions to move the above referenced projects forward. Those projects also require appropriations be established or sufficient appropriations be established to allow the projects to proceed if otherwise approved by the Common Council. As such a budget modification to the Capital Improvement Fund is required. The proposed budget modification addresses appropriations for the following issues.

1. Provide \$20,000 in total appropriations for the Franklin Historical Society Barn Project. At their August 6, 2013 meeting, the Common Council indicated conceptual support for this project by approving a motion directing the City Attorney to review the request of the Franklin Historical Society that \$20,000 funding from the City of Franklin for the Franklin Historical Society Barn project as proposed for the 2014 budget be granted in 2013. As such, a budget modification is necessary so that the Common Council may approve the agreement or memorandum of understanding, if they elect to do so, after it is prepared by the City Attorney. Funding effectively comes from the fund balance of the Capital Improvement Fund.
2. Provide an increase of \$48,720 in appropriations for the Pleasant View/Victory Creek Trail Project. At their July 9, 2013 meeting, the Common Council moved, in part, "to direct staff to perform all necessary steps to construct the trail..." As such a budget modification to the Capital Improvement Fund is required. The attached estimate from Engineering anticipates a total project cost, including appropriate contingency reserves, of \$242,160. Grant funding remains at \$193,440. The remainder will come from Park Impact Fees. Of that remainder, presuming adoption of the revised Park Impact Fee Ordinance, 59% will come from a direct use of the Park Impact Fees. The 41% share will be an in-kind land donation, which is then allowed to be cash-funded through a 2-to-1 use of the impact fee dollars.
3. Establish a \$104,777 appropriation for the 51st Street Sidewalk Project from Clare Meadows to W. Minnesota Avenue. This project was a 2012 Capital Improvement Fund appropriation. The project was not completed in 2012 pending receipt of the CDBG

contracts. When the project was then moved to 2013, the appropriation required being carried forward as well. This budget modification does so at this time. The project is funded with \$74,844 in CDBG funds with the remaining \$29,933 effectively coming from the fund balance of the Capital Improvement Fund, which is to where the funds fell at the end of 2012.

4. Establish an appropriation of \$27,000 for the North Cape Road Trail Project. At a prior meeting the Common Council directed staff to secure an agreement with the County relative to this project. Part of that agreement addresses funding of a preliminary engineering study, which is an item elsewhere on this agenda. In order to be able to enter into such an agreement, an appropriation is necessary. Funding comes largely from a transfer from the General Fund of \$23,372, with the remainder from existing Capital Improvement Fund resources. The General Fund transfer amount is the remaining amount available to offset prior transfers from the Capital Improvement Fund to the General Fund for work being performed by DPW various capital projects.

Attached is an updated listing of the 2013 Capital Improvement Fund projects, including the revenues and fund balance, that reflects the incorporation of the above proposed budget modifications. Note that the ending fund balance is subject to receipt of all projected revenues during the current year. The estimate provided on the attached sheet anticipates landfill siting revenues remain at approximately their current rate through the end of the year. If this revenue falls off, a negative fund balance could occur, requiring further support from the General Fund. Such a potential transfer is not likely to exceed \$40,000 as a worst-case scenario.

The Finance Committee, at their meeting of September 24, 2013, reviewed this matter and approved a motion recommending that the Common Council approve the following budget modifications to the 2013 Capital Improvement Fund. Please note that item 4 above was added to this issue after the Fund was reviewed by the Finance Committee; as such, their motion should not be assumed to include comment on this item.

COUNCIL ACTION REQUESTED

Motion to approve Ordinance No. 2013-____, An Ordinance to Amend Ordinance 2012-2096 (An Ordinance Adopting the 2013 Budgets and Tax Levy for the City of Franklin), as Amended, to Modify the Budget of the Capital Improvement Fund Amending the Project Line Items to Provide \$20,000 in Total Appropriations for the Franklin Historical Society Barn Project, to Provide an Increased Appropriation of \$48,720 for the Pleasant View/Victory Creek Trail Project Increasing the Total Appropriation to \$242,160, to Establish a \$104,777 Appropriation for the 51st Street Sidewalk Project, and to Establish a \$27,000 Appropriation for the North Cape Road Trail Project.

ORDINANCE NO. 2013-_____

AN ORDINANCE TO AMEND ORDINANCE 2012-2096 (AN ORDINANCE ADOPTING THE 2013 BUDGETS AND TAX LEVY FOR THE CITY OF FRANKLIN), AS AMENDED, TO MODIFY THE BUDGET OF THE CAPITAL IMPROVEMENT FUND AMENDING THE PROJECT LINE ITEMS TO PROVIDE \$20,000 IN TOTAL APPROPRIATIONS FOR THE FRANKLIN HISTORICAL SOCIETY BARN PROJECT, TO PROVIDE AN INCREASED APPROPRIATION OF \$48,720 FOR THE PLEASANT VIEW/VICTORY CREEK TRAIL PROJECT INCREASING THE TOTAL APPROPRIATION TO \$242,160, TO ESTABLISH A \$104,777 APPROPRIATION FOR THE 51ST STREET SIDEWALK PROJECT, AND TO ESTABLISH A \$27,000 APPROPRIATION FOR THE NORTH CAPE ROAD TRAIL PROJECT

WHEREAS, the Franklin Historical Society has requested that \$20,000 in funding from the City of Franklin for the Franklin Historical Society Barn project that is anticipated in the 2014 budget be provided in 2013; the Common Council indicated conceptual support for the project at their meeting of August 6, 2013; and executing such an action requires, in part, a \$20,000 appropriation in the 2013 Capital Improvement Fund; and

WHEREAS, to support the Common Council's directive from July 9, 2013 relative to the Pleasant View/Victory Creek Trail Project, a budget modification, increasing the appropriation by \$48,720 to a total of \$242,160 and with such increase funded through impact fees, is necessary to provide sufficient appropriation for the full cost of the project, with contingencies, so that the Common Council could award the project in accordance with the bids as received, if it so desired; and

WHEREAS, an appropriation of \$104,777 from the 2012 budget for the 51st Street Sidewalk Project from Clare Meadows to W. Minnesota Avenue, funded with \$74,844 in CDBG funds and \$29,933 from the fund balance of the Capital Improvement Fund, needs to be carried forward to support this CDBG project which was approved by the Common Council; and

WHEREAS, an appropriation of \$27,000 for the North Cape Road Trail Project, funded by a transfer from the General Fund of \$23,372 and from the fund balance of the Capital Improvement Fund, is necessary if the Common Council elects to pursue a preliminary engineering study as was indicated by the Common Council at a prior meeting; and

WHEREAS, the Finance Committee, at their meeting of September 24, 2013, approved a motion recommending that the Common Council approve the above mentioned 2013 Capital Improvement Fund budget modifications, except for the North Cape Road Trail Project which item was not available for their consideration.

NOW, THEREFORE, be it resolved by the Common Council that Ordinance 2012-2096 (an Ordinance adopting the 2013 budgets and tax levy for the City of Franklin), as amended, to modify the budget of the Capital Improvement Fund amending the project line items to provide \$20,000 in total appropriations for the Franklin Historical Society Barn project, to provide an increased appropriation of \$48,720 for the Pleasant View/Victory Creek Trail project increasing the total appropriation to \$242,160, to establish a \$104,777 appropriation for the 51st Street Sidewalk project, and to establish a \$27,000 appropriation for the North Cape Road Trail project.

Introduced at a regular meeting of the Common Council of the City of Franklin this 1st day of October, 2013.

Passed and adopted by the Common Council of the City of Franklin this 1st day of October, 2013.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, Director of Clerk Services

AYES ___ NOES ___ ABSENT ___

**City of Franklin, WI
Capital Improvement Fund
September 26, 2013**

| | <u>Adopted 2013 Budget</u> | <u>Amended 2013 Budget</u> | <u>2013 Estimate</u> | <u>Fav (Unf) Amended 2013 Budget</u> |
|--|--------------------------------|--------------------------------|--------------------------|--|
| Revenues | | | | |
| Grants - CDBG | | | 74,844 | 74,844 |
| Landfill Siting - Direct | 215,500 | 215,500 | 240,000 | 24,500 |
| Transfer from: Connection Fees - Sewer | 500,000 | 500,000 | 0 | (500,000) |
| Transfer from: Connection Fees - Water | 500,000 | 500,000 | 85,000 | (415,000) |
| Transfer from: Development Fund - Park Impact Fees | 273,360 | 273,360 | 145,440 | (127,920) |
| Transfer from: Grant Fund - other | 96,720 | 96,720 | 96,720 | - |
| Transfer from General Fund | | 62,610 | 85,982 | 23,372 |
| Investment Income | | | (3,000) | (3,000) |
| Total Resources | 1,585,580 | 1,648,190 | 724,986 | (923,204) |
| Approved Projects: | | | | |
| Police Mobile & Portable Radio Equipment | | 6,600 | 6,600 | 0 |
| 51st Sidewalks - MN to Rawson | 43,000 | 35,500 | 35,500 | 0 |
| Extension W Marquette - PVS to 49th | 80,000 | 91,500 | 91,500 | 0 |
| financial System software | 100,000 | 111,000 | 111,000 | 0 |
| Police Dept - Video System | 116,390 | 141,000 | 141,000 | 0 |
| 51 st - Clair Meadows - N to Minnesota - 2012 Budget | | | 104,777 | (104,777) |
| Roof Replacements - Fire Station # 1 | | 105,000 | 105,000 | 0 |
| Pleasant View/Victory Creek Trail | 193,440 | 193,440 | 242,160 | (48,720) |
| North Cape Road trail | | | 27,000 | (27,000) |
| Water Projects | 500,000 | 500,000 | 85,000 | 415,000 |
| Sewer Projects | 500,000 | 500,000 | 0 | 500,000 |
| Total Approved Projects | 1,532,830 | 1,684,040 | 949,537 | 734,503 |
| Projects Pending Approval: | | | | |
| Historical Society Barn - matching funds | | | 20,000 | (20,000) |
| Pleasant View Park - Evergreen Street extension | 225,000 | 225,000 | 0 | 225,000 |
| Roof Replacements - City Hall | 67,000 | 0 | 0 | 0 |
| Contingency | 20,000 | 5,000 | 0 | 5,000 |
| Total Projects Pending Approval | 312,000 | 230,000 | 20,000 | 210,000 |
| Total Expenditures | 1,844,830 | 1,914,040 | 969,537 | 944,503 |
| Net Change | (259,250) | (265,850) | (244,551) | 21,299 |
| Loan Proceeds | 200,000 | 200,000 | | (200,000) |
| Beginning Balance | 84,056 | 84,056 | 273,611 | 189,555 |
| Ending Balance | 24,806 | 18,206 | 29,060 | 10,854 |

Revised by DOA

COST SUMMARYS AND COMPARISON
VICTORY CREEK BITUMINOUS TRAIL
 CITY OF FRANKLIN
 FALL, 2013

Grant Estimated Project Total: \$193,440
 (Based on 3,400 LF of Trail)

Present Project Cost and Total:

| | Sections A & B (3,954 LF) | Sections A, B & C (4,324 LF) |
|--|------------------------------|---------------------------------|
| • Trail as Bid | \$167,735 | \$193,195 |
| Modified for Archeological Find (add 65 LF) | 2,252 | 2,252 |
| • Advertisement | 400 | 400 |
| • Bridge Rehabilitation | | |
| Structural Evaluation | 7,250 | 7,250 |
| Decking/Rails | 14,990 | 14,990 |
| • DNR Fees | | |
| Permit | 500 | 500 |
| NOI | 140 | 140 |
| • Archeological Survey | <u>1,418.57</u> | <u>1,418.57</u> |
| Present Project Cost | \$194,685.57 | \$220,145.57 |
| Contingency (10%) | <u>19,464.43</u> | <u>22,014.43</u> |
| Project Total | \$214,150.00 | \$242,160.00 |

Comparison of Grant vs. Project Total Based on Trail Length

| | |
|-------------------------------|-----------------------------------|
| Present A, B & C | 4,389 LF |
| Grant (estimated, unsurveyed) | 3,400 LF = 1.29 (29% more length) |

Then

$$1.29 \times \$193,440 = \$249,708$$

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| <p>APPROVAL</p> <p><i>slw</i> </p> | <p>REQUEST FOR COUNCIL ACTION</p> | <p>MEETING DATE</p> <p>10/1/2013</p> |
| <p>REPORTS & RECOMMENDATIONS</p> | <p>Flexible Spending Section 125 Plan Revisions establishing an effective date for the hours-of-work requirement.</p> | <p>ITEM NUMBER</p> <p>6.13.</p> |

This item was on the Common Council's meeting agenda of September 17, 2013 whereby the Common Council approved a motion to increase the maximum deduction allowed for unreimbursed medical costs of the Flexible Spending Program (Section 125 Plan) from \$2,000 to \$2,500 per year and further approved a motion to modify the participation requirement of the Flexible Spending Program (Section 125 Plan) to cover only employees that are scheduled to work twenty or more hours per week and to modify eligibility requirements so that employees become eligible the first of the month after 6 months of employment.

Staff has done additional investigation on the ability to effectively "grandfather" participation allowances. The provider indicates that it is allowable to establish an effective date for the "under-20-hours-per-week" provision based upon the employee's initial hiring date. Doing this would impose the new restriction on employees hired after the established date. Conversely, employees hired before the date and working less than twenty hours per week would remain eligible for participation.

In the instance under consideration the deadline that would be needed would be January 1, 2007. This would allow approximately 13 current employees to remain eligible for participation, only one of whom has historically participated. The risks to the City would be very low. As such, staff recommends adding a hiring-date criterion of January 1, 2007, to the eligibility requirement that an employee must work twenty or more hours per week for eligibility.

COUNCIL ACTION REQUESTED

Motion to modify the eligibility requirement of the Flexible Spending Program (Section 125 Plan) such that the requirement that the employees are regularly scheduled to work 20 or more hours per week applies to employees hired, for their current term of employment, after January 1, 2007.

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| APPROVAL | REQUEST FOR COUNCIL ACTION | MEETING DATE 10/01/13 |
| REPORTS & RECOMMENDATIONS | Committee of the Whole Recommendations | ITEM NUMBER G.14. |

The Council may act on recommendations from the Committee of the Whole meeting on September 30, 2013.

- A. Concept review for a proposed self storage mini warehousing development (6951 S. Lovers Lane Road) (Alex Simic, applicant)
- B. Review of Mayor's Recommended 2014 Budget (including all funds, departments, revenues, expenditures, and activities).
- C. An Ordinance to Amend the Municipal Code to Provide for Additional Aldermanic Positions for the Membership of the Forward Franklin Economic Development Committee (Mayor Taylor); (referred to this meeting at the September 3, 2013 Common Council meeting upon agenda item G.7.); this item is subject to a motion made and seconded, at the September 17, 2013 Common Council meeting upon agenda item G.3., to reconsider the referral of and therefore this item, with discussion and action upon the motion to occur at the October 1, 2013 Common Council meeting.

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| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE October 1, 2013 |
|--|---|---|
| REPORTS AND RECOMMENDATIONS | Potential claim of property owners related to the amount of compensation paid for the City's acquisition of a sanitary sewer easement for the Ryan Creek Interceptor on the following two (2) properties identified by Acquisition Map Parcel No., Tax Key Number and address, respectively, as follows: 1) 11, 934-9998-001 and 8032 West Oakwood Road; 2) 22, 893-9995-001 and 10233 West Ryan Road | ITEM NUMBER <i>6.15</i> |

The Common Council may enter closed session pursuant to §19.85(1)(g), Wis. Stats., to confer with the City Attorney's office, as legal counsel for the Common Council, who are rendering advice concerning strategy to be adopted by the Council with respect to litigation in which it is likely to become involved concerning the amount of compensation the City paid for the acquisition of a sanitary sewer easement over the above-referenced properties, including, but not limited to the consideration of an offer of settlement from the owners, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

COUNCIL ACTION REQUESTED

Motion to enter closed session pursuant to §19.85(1)(g), Wis. Stats., to confer with the City Attorney's office, as legal counsel for the Common Council, who are rendering advice concerning strategy to be adopted by the Council with respect to litigation in which it is likely to become involved concerning the amount of compensation the City paid for the acquisition of a sanitary sewer easement over the referenced properties, including, but not limited to the consideration of an offer of settlement from the owners, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

OR

Motion to authorize the City Attorney's office to settle the potential claims pursuant to the recommendation of City Attorney's office, City staff and the City's appraisal consult, and to authorize the Mayor and City Clerk to execute any necessary settlement agreements and releases to accomplish the same.

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| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 10/01/13 |
|---|---------------------------------------|--|
| LICENSES AND PERMITS | MISCELLANEOUS PERMITS | ITEM NUMBER H.1. |
| <p data-bbox="196 380 886 411">See attached list from meeting of October 1, 2013.</p> <p data-bbox="529 1539 1101 1570" style="text-align: center;">COUNCIL ACTION REQUESTED</p> | | |



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee

Agenda*

Alderman's Room

October 1, 2013 – 6:00 p.m.

| | | | | |
|--|--|------------------------|-------------|-------------|
| 1. | Call to Order & Roll Call | Time | | |
| 2. | Applicant Interviews & Decisions | | | |
| License Applications Reviewed | | Recommendations | | |
| Type/ Time | Applicant Information | Approve | Hold | Deny |
| Operator - New 2013-14 6:00 p.m. | Ormond, Mariah R 1608 1/2 East St Upper Racine, WI 53402 Walgreen – S 27 th St | | | |
| Operator - New 2013-14 | Bailey, Brett W 4636 S Racine Ave New Berlin, WI 53146 Rock Sports Complex | | | |
| Operator - New 2013-14 | Hein, Lindsay N 7337 Brunn Dr Franklin, WI 53132 Rock Sports Complex | | | |
| Operator - New 2013-14 | Maule, Kayla M 8448 Woodmere Sq Wind Lake, WI 53185 Walgreen – Loomis Rd | | | |
| Operator - New 2013-14 | Nersesian, Marna S 7845 S Scepter Dr, #15 Franklin, WI 53132 Rock Sports Complex | | | |
| Operator - New 2013-14 | Perszyk, John R 7624 S 74 th St Franklin, WI 53132 Rock Sports Complex | | | |
| Operator - New 2013-14 | Teigeiro, Alex G 8335 S River Terrace Dr Franklin, WI 53132 Walgreen – S 76 th St | | | |
| Operator - New 2013-14 | Williams, Samuel A 422 Lawrence Ave Grayslake, IL 60030 7-Eleven | | | |
| 3. | Adjournment | Time | | |

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

| | | |
|----------------------------------|---------------------------------------|---------------------------------------|
| APPROVAL <i>Dw slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 10/1/13 |
| Bills | Vouchers and Payroll Approval | ITEM NUMBER <i>I.1.</i> |

Attached is a list of vouchers dated October 1, 2013 Nos. 148724 through Nos. 148904 totaling \$1,351,829.90.

Early release of check #148738 in the amount of \$140.00 authorized July 9, 2013 for the Pleasantview Trail Project.

Included in this listing is \$17,609.87 in library vouchers and \$201,346.79 in payroll deductions and City matching payments on the September 20th payroll. The net general checking account city vouchers for October 1, 2013 are \$1,132,873.24.

There were no property tax payments.

The net payroll dated October 4, 2013 is \$ XXX,XXX.XX with payroll deductions of \$ XXX,XXX.XX.

COUNCIL ACTION REQUESTED

Motion approving net general checking account City vouchers in the range Nos. 148724 through Nos. 148904 in the amount of \$1,132,873.24 dated October 1, 2013.

Motion approving net payroll dated October 4, 2013 in the amount of \$ XXX,XXX.XX and payment of the various payroll deductions in the amount of \$ XXX,XXX.XX plus any City matching payments, where required.