

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, SEPTEMBER 20, 2016 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes:  
Regular Common Council Meeting of September 6, 2016.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Public Service Commission of Wisconsin case Docket No. 4310-CW-108:  
Application of Oak Creek Water and Sewer Utility, Milwaukee County, Wisconsin, to Construct Pumping and Water Storage Improvements and New Disinfection Facilities at the Water Treatment Plant.
  - 2. Reconsideration of action taken at the September 6, 2016 Common Council meeting to adopt A Resolution Approving the Project Plan and Establishing the Boundaries for and the Creation of Tax Incremental District No. 5, City of Franklin, Wisconsin (Aldерwoman S. Mayer).
  - 3. An Ordinance to Amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to Allow for the Installation of Signage on the Ballpark Fencing (Corner of South 76<sup>th</sup> Street and West Crystal Ridge Drive) (Bill Zimmerman, Vice President, MKE Sports & Entertainment, Applicant).
  - 4. A Resolution Conditionally Approving a Preliminary Plat for Evergreen Park Estates Subdivision (at Approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).
  - 5. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Portion of a Certain Parcel of Land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District (a Portion of the Property at 7501 South 49<sup>th</sup> Street) (Approximately 1.867 Acres)(Rick J. Przybyla, President of Creative Homes, Inc., Applicant).
  - 6. Presentation of the Mayor's 2017 Recommended Budget and Review of the Budget Preparation Timetable.
  - 7. Agreement with the Town of Waterford to Provide Advanced Life Support (ALS) Intercept Services to the Tichigan Volunteer Fire Company.

8. Recommendation from the Park Commission to Amend 183-48.A. of the Municipal Code "Regulations Governing Parks" to change park hours by replacing the words "Between the Hours of 9:00 a.m. and 9:00 p.m." with "From Dawn to Dusk".
  9. A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Granted by Section 207-15 of the Municipal Code and Section 66.0701, Wis. Stats., and establish a public hearing date for the cost of non-decorative street lighting on South 27<sup>th</sup> Street (USH 241) from West Rawson Avenue to West Villa Drive.
  10. A Resolution for Contract Amendment with John's Disposal Service, Inc. for Collection of Biohazard Containers.
  11. A Resolution to Authorize the Execution of a Contract with Healthcare Waste Management, Inc. for Collection of Biohazard Containers.
  12. An Ordinance to Establish Placement of Stop Signs on S. North Cape Road at its Intersection with West Rawson Avenue.
  13. Letter from Max Fonsing Appealing Noxious Weed Determination for Property Located at 7730 W. Terrace Drive.
  14. Request for Authorization for the Director of Health and Human Services to execute a Contract to administer the retail food and recreation programs for the Wisconsin Department of Agriculture, Trade, and Human Protection.
  15. Notice of Award of a Drug-Free Community Grant and An Ordinance to Amend Ordinance No. 2015-2198, an Ordinance Adopting the 2016 Annual Budgets for the Grant Fund for the City of Franklin for Fiscal Year 2016, to Provide Appropriations for a New Health Grant.
  16. Request for Approval of the Drug-Free Community Grant Coalition Coordinator job description and authorization to fill the position.
  17. Request for Authorization for the Director of Administration to execute a proposal with the lowest vendor for the two cabling projects described as the "Franklin City Hall Fiber Optic Backbone Cabling Project".
  - \*\*\* 18. City Purchase of Property for Sale (Tax Key Nos. ~~866-9985-000~~ 866-9985-000, 15.1 Acres and ~~885-9997-000~~, 10.09 Acres) in the Woodview Neighborhood, in the Vicinity of Planned Public Park Site PN3 in the Comprehensive Outdoor Recreation Plan, for Public Park Purposes. (The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Wis. Stats., to Consider City Purchase of Property for Sale (Tax Key Nos. ~~866-9985-000~~ 866-9985-000, 15.1 Acres and ~~885-9997-000~~, 10.09 Acres) in the Woodview Neighborhood, in the Vicinity of Planned Public Park Site PN3 in the Comprehensive Outdoor Recreation Plan, for Public Park Purposes).
- H. Licenses and Permits.  
Miscellaneous Licenses from License Committee Meeting of September 6, 2016.

Common Council Meeting Agenda

September 20, 2016

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I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

\*Notice is given that a majority of the Plan Commission and Parks Commission may attend this meeting to gather information about an agenda item over which the Plan Commission and Park Commission has decision-making responsibility. This may constitute a meeting of the Plan Commission and Park Commission, per State ex rel. Badke v. Greendale Village Board, even though the Plan Commission and 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:

September 22	Plan Commission Meeting	7:00 p.m.
October 3	Committee of the Whole	6:30 p.m.
October 4	Common Council Meeting	6:30 p.m.
October 6	Plan Commission Meeting	7:00 p.m.

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CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
SEPTEMBER 6, 2016  
MINUTES

ROLL CALL

A. The regular meeting of the Common Council was held on September 6, 2016 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin Public Library, 9151 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman D. Mayer, Alderwoman Kristen Wilhelm, Alderman Steve Taylor, Alderman Mike Barber and Alderwoman Susanne Mayer. Also present were Economic Development Director Aaron Hertzberg, Planning Manager Joel Dietl, Dir. of Finance & Treasurer Paul Rotzenberg, City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT PERIOD

B. Citizen Comment Period was opened at 6:32 p.m. and closed at 8:35 p.m.

CITIZEN COMMENT PERIOD

C.1. Alderman Taylor moved to approve the minutes of the regular Common Council meeting of August 16, 2016 as presented at this meeting. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

C.2. Alderman Taylor moved to approve the minutes of the Special Common Council Meeting of August 23, 2016 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.

DONATION

G.1 Alderman Taylor moved to accept the following donations:  
(a) Donation from Sandra Hay to the Fire Department in the amount of \$3,000.  
(b) Donation from Dean and Elaine Schultzbank to the Police Department in the amount of \$100.  
(c) Donation from Daniel and Sandra Hay to the Police Department in the amount of \$3,000.  
Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2016-7222  
PROJECT PLAN AND  
BOUNDARIES FOR AND  
CREATION OF TID 5

G.2. Alderman Taylor moved to adopt Resolution No. 2016-7222, A RESOLUTION APPROVING THE PROJECT PLAN AND ESTABLISHING THE BOUNDARIES FOR AND THE CREATION OF TAX INCREMENTAL DISTRICT NO. 5,

CITY OF FRANKLIN, WISCONSIN. Seconded by Alderman Dandrea.

Alderman D. Mayer moved to amend the main motion to provide that all non-taxable property in the District be the subject of the consideration and negotiation of a payment in lieu of taxes agreement with such subject matter to be noted in the Project Plan. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman D. Mayer moved to add \$100,000 for 5-years for water and air quality to be Overseen by the Franklin Health Department as needed or as requested. Seconded by Alderman Taylor. Alderman Taylor withdrew his second and Alderman D. Mayer withdrew his motion.

Alderman D. Mayer then moved to amend the main motion to provide that the Project Plan also include the provision of air and ground water quality monitoring to be administered by the Health Department. Seconded by Alderman Taylor. All voted Aye; motion carried.

On the vote for the main motion to adopt Resolution No. 2016- as amended, all voted Aye; motion carried.

Alderwoman Wilhelm left the meeting at 9:00 p.m.

BALLPARK COMMONS  
VALUE ENGINEERING  
STATUS

G.3. Alderman Taylor moved place on file the value engineering process status for the Ballpark Commons Project. Seconded by Alderman Dandrea. All voted Aye; motion carried.

UPDATE ON WAUKESHA  
WATER DIVERSION  
PROJECT

G.4. General Manager of the Waukesha Water Utility Dan Duchniak provided an update on the Waukesha Water Diversion Project.

Alderman Taylor vacated his seat at 9:02 p.m. and returned at 9:06 p.m.

Alderman D. Mayer vacated his seat at 9:06 p.m. and returned at 9:15 p.m.

Alderman Taylor moved to receive the update on the Waukesha Water Diversion Project and place on file. Seconded by Alderman Dandrea. Upon voice vote, Alderman Dandrea, Alderman Taylor, Alderman Barber and Alderwoman S. Mayer

voted Aye; Alderman D. Mayer voted No. Motion carried.

UPDATE ON EDC  
BUSINESS  
APPRECIATION EVENT

G.5. Alderman Barber moved to receive and place on file an update on a Business Appreciation Event organized by the Franklin Economic Development Commission. Seconded by Alderman Dandrea. All voted Aye; motion carried.

PRELIMIN. PLAT FOR  
EVERGREEN PARK  
ESTATES (RICK J.  
PRZYBYLA, PRES. OF  
CREATIVE HOMES, INC.,  
APPLICANT)

G.6. Alderman D. Mayer moved to table to the Common Council meeting of September 20, 2016, a Resolution Conditionally Approving a Preliminary Plat for Evergreen Park Estates Subdivision (At Approximately 7501 S. 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant). Seconded by Alderman Taylor. All voted Aye; motion carried.

AMEND UDO TO REZONE  
LAND AT 7501 S. 49TH ST.  
(RICK J. PRZYBYLA,  
CREATIVE HOMES)

G.7. Alderman D. Mayer moved to table to the Common Council meeting of September 20, 2016, an Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Portion of a Certain Parcel of Land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District (a portion of the property at 7501 S. 49th Street) (Approximately 1.867 acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant). Seconded by Alderman Dandrea. All voted Aye; motion carried.

HISTORICAL BARN  
RECONSTRUCTION BIDS  
(S. LEGEND DR. AND S.  
SCHLUETER PKY.)

G.8. Alderman Taylor moved to reject the construction bid received for the Historical Barn Reconstruction (South Legend Drive and South Schlueter Parkway) and instruct staff to rebid later in 2016. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2016-7223  
CONTRACT WITH RA  
SMITH NATL.-ROOT  
RIVER AT W. OAKWOOD  
RD.

G.9. Alderman Barber moved to adopt Resolution No. 2016-7223, A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH RA SMITH NATIONAL FOR STUDY OF ROOT RIVER AT W. OAKWOOD ROAD. Seconded by Alderman Dandrea. All voted Aye; motion carried. D Mayer no

AGREEMENT WITH  
VILLAGE OF  
GREENDALE (1994  
PIERCE SABER FIRE  
ENGINE)

G.10. Alderman Barber moved to approve and execute an Intergovernmental Agreement with the Village of Greendale for the purchase of half-share ownership in a 1994 Pierce Saber Fire Engine and for storage of and shared access to fire engine. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

- APPT. OF AUDITOR-  
FINANCIAL REPORTS  
FOR 2016-2020
- G.11. Alderman Barber moved to appoint Baker Tilley, LLC, as Auditor for the City of Franklin Financial Reports for 2016 through 2020, with a two-year option. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- JULY 2016 FINANCIAL  
REPORT
- G.12. Alderman Taylor moved to place the July 2016 Financial Report on file. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- TRICK OR TREAT-2016.
- G.13. Alderman Taylor moved to establish Sunday, October 30, 2016, from 4:00 p.m. to 7:00 p.m. as Trick or Treat Observance in the City. Seconded by Alderman Barber. All voted Aye; motion carried.
- CITY PURCHASE OF  
PROPERTY FOR SALE  
WOODVIEW  
NEIGHBORHOOD PARK
- G.14. Alderman Taylor moved to table to the September 20, 2016 Common Council meeting, a recommendation from the Park Commission to purchase two parcels (Tax Key Nos. 866-9985-000 and 885-9997-000, 10.09 Acres) in the vicinity of Woodview Neighborhood Park. Alderman D. Mayer. All voted Aye; motion carried.
- LICENSES & PERMITS
- H.1. Alderman Taylor moved to approve the following:  
Grant Extraordinary Entertainment and Amusement license for The Rock Sports Complex, Joe Zimmerman, The Hill Has Eyes on Sept. 30, Oct. 1-2, Oct. 6-9, Oct. 13-16, Oct. 20-23 and Oct. 27-30 following Police Department recommendations provided on Aug. 23, 2016;  
Grant Operators' licenses to Rajbir Bhullar, 3661 W. College Ave., Milwaukee; Theresa Enk, 1509 Walnut St. South Milwaukee; Candice Sibila, 4362 S. Nicholson Ave., St. Francis; Kaitlin Westrick, 1775 W. Timber Ridge Ln., Oak Creek; Tina Wood, 1221 Riva Ridge, Racine; Erin Zielinski, 3239 E. Morris Ave., Cudahy;  
Hold Operator's license application for Nicole Lessley, 6261 S. 6th St., Milwaukee, for appearance; and  
Approve PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant for Root River Church, Inc. for St. Martins Fair Food and Peddler Permit, Sept. 4-5, 2016.  
Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
- VOUCHERS AND  
PAYROLL
- I.1. Alderman D. Mayer moved to approve the following:  
City vouchers with an ending date of September 1, 2016 in the

amount of \$1,563,525.10; Payroll dated August 19, 2016 in the amount of \$387,203.41 and payments of the various payroll deductions in the amount of \$388,175.03 plus City matching payments; Payroll dated September 2, 2016 in the amount of \$367,400.53 and payments of the various payroll deductions in the amount of \$207,483.33 plus City matching payments; Estimated payroll dated September 16, 2016 in the amount of \$373,000.00 and payments of the various payroll deductions in the amount of \$227,000.00 plus City matching payments; and Property tax payments with an ending date of September 1, 2016 in the amount of \$248.93. Seconded by Alderman Taylor. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:33 p.m. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

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<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>9/20/2016</b>
<b>REPORTS AND RECOMMENDATIONS</b>	Public Service Commission of Wisconsin case Docket No. 4310-CW-108: Application of Oak Creek Water and Sewer Utility, Milwaukee County, Wisconsin, to Construct Pumping and Water Storage Improvements and New Disinfection Facilities at the Water Treatment Plant	<b>ITEM NUMBER</b>  <i>G.1.</i>

The above matter involving an approximately \$30,000,000 construction project, which Public Service Commission Public Utility Auditor-Advanced Staff testified would result in an estimated overall increase in water rates of 30 percent, was decided by the Public Service Commission at its meeting on September 15, 2016. The Franklin Municipal Water Utility had intervened in the matter on August 19, 2015.

The Public Service Commission adopted a motion to deny the application, together with a statement that Oak Creek may reapply in the future if and when significant progress has been made (an apparent reference with regard to the facts and matters discussed by the Commission at the meeting, including, but not limited to the potential water service to the City of Waukesha): 3 - 0.

A written Decision and Order from the Commission is anticipated within the next week or two.

City staff will be present at the Council meeting to provide further information on the matter.

All of the application documents, testimony, exhibits, legal briefs, memorandums, decisions and orders and public comments may be found on the PSC website. Go to [psc.wi.gov](http://psc.wi.gov). Click on "Case Management". Enter Case# 4310-CW-108. Click on "Search". Click on Docket ID "4310-CW-108". Click on "Documents".

**COUNCIL ACTION REQUESTED**

No action necessary.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/20/2016
REPORTS AND RECOMMENDATIONS	Reconsideration of action taken at the September 6, 2016 Common Council meeting to adopt A Resolution Approving the Project Plan and Establishing the Boundaries for and the Creation of Tax Incremental District No. 5, City of Franklin, Wisconsin (Alderman S. Mayer)	ITEM NUMBER <i>G.2.</i>

At their meeting of September 6, 2016, the Common Council took the following actions:

Alderman Taylor moved to adopt Resolution No. 2016-7222, A Resolution Approving the Project Plan and Establishing the Boundaries for and the Creation of Tax Incremental District No. 5, City of Franklin, Wisconsin. Seconded by Alderman Dandrea.

Alderman D. Mayer moved to amend the main motion to provide that all non-taxable property in the District be the subject of the consideration and negotiation of a payment in lieu of taxes agreement with such subject matter to be noted in the Project Plan. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman D. Mayer moved to add \$100,000 for 5-years for water and air quality to be Overseen by the Franklin Health Department as needed or as requested. Seconded by Alderman Taylor. Alderman Taylor withdrew his second and Alderman D. Mayer withdrew his motion.

Alderman D. Mayer then moved to amend the main motion to provide that the Project Plan also include the provision of air and ground water quality monitoring to be administered by the Health Department. Seconded by Alderman Taylor. All voted Aye; motion carried.

On the vote for the main motion to adopt Resolution No. 2016- as amended, all voted Aye; motion carried.

Subsequent to the September 6, 2016 meeting, Alderman Mayer has reviewed reports and correspondence pertaining to the project. Of concern are questions raised as to the statement in the engineering soil boring report obtained that "it is understood that the large indoor sports complex was eliminated from the development"; newspaper articles referring to the project planned indoor sports facility 265,000 square foot building and at least one identifying it as a 25,000 square foot building; statements in a Landfill Boundary Delineation report executive summary stating in part: "waste or debris was observed beyond the previously established northwestern and the south-central waste limit boundaries of the landfill" and "[t]he report must be read in its entirety"; and the stated removal from the development plan of the townhouses and the "former A-4 building" apartment building as set forth in the Marso Construction September 2, 2016 letter to the Economic Development Director. The Project Plan based upon the earlier general plans for the District includes an estimated value of \$10,200,000 for the Indoor Sports Venue and \$43,783,500 for the Garden Apartments. The primary concern is that the Project Plan may not be economically viable due to the aforesaid and any future changes occurring during the ongoing planning process.

Copies of the September 6, 2016 meeting agenda packet materials are annexed hereto, except for the Project Plan was amended by the Council actions. A copy of the Project Plan as amended is

annexed hereto.

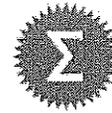
**COUNCIL ACTION REQUESTED**

A motion to reconsider action taken on September 6, 2016 to adopt Resolution No. 2016-7222, A Resolution Approving the Project Plan and Establishing the Boundaries for and the Creation of Tax Incremental District No. 5, City of Franklin, Wisconsin, as amended.

AND, (if a motion to reconsider passes)

A motion to adopt A Resolution Approving the Project Plan and Establishing the Boundaries for and the Creation of Tax Incremental District No. 5, City of Franklin, Wisconsin, as amended.

OR any amendment thereto or other action on the subject matter.



**EHLERS**  
LEADERS IN PUBLIC FINANCE

September 13, 2016

# Project Plan for the Creation of Tax Incremental District No. 5



Organizational Joint Review Board Meeting Held:	August 18, 2016
Public Hearing Held:	August 18, 2016
Adoption by CDA OR Plan Commission:	August 18, 2016
Consideration for Adoption by Common Council:	September 6, 2016
Approval by the Joint Review Board:	Scheduled for: September 21, 2016

# Tax Incremental District No. 5 Creation Project Plan

## City of Franklin Officials

### Common Council

Steve Olson

Mark A. Dandrea

Daniel M. Mayer

Kristen Wilhelm

Steve F. Taylor

Mike Barber

Susanne M. Mayer

Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

### City Staff

Sandra L. Wesolowski

Paul Rotzenberg

Mark Luberda

Aaron Hertzberg

Jesse Wesolowski

City Clerk

Director of Finance & Treasurer

Director of Administration

Economic Development Director

City Attorney

### Plan Commission

Mayor Steve Olson, Chair

Alderman Mark Dandrea

Kevin Haley

Dave Fowler

Patricia Hogan

Patrick Leon

Glen Morrow

### Joint Review Board

Aaron Hertzberg

James Tarantino

Mark J. Felsheim

James Milzer

J. Michael Bartels

City Representative

Milwaukee County

Milwaukee Area Technical College District

Franklin Public School District

Public Member

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## SECTION 1: Executive Summary

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### Description of District

#### Type of District, Size and Location

Tax Incremental District (“TID”) No. 5 (the “TID” or “District”) is proposed to be created by the City of Franklin (“City”) as a mixed-use district. A map of the proposed District boundaries is located in Section 3 of this plan.

#### Estimated Total Project Expenditures.

The City anticipates making total project expenditures of up to approximately \$22 million to undertake the projects listed in this Project Plan. The City anticipates completing the projects in six phases. The Expenditure Period of this District is 15 years from the date of adoption of the authorizing Resolution of the Common Council (the “Creation Resolution”). The projects to be undertaken pursuant to this Project Plan are expected to be financed with General Obligation bonds and Municipal Revenue (PAYGO) bonds issued by the City, however, the City may use other alternative financing methods which may provide overall lower costs of financing, preserve debt capacity, mitigate risk to the City, or provide other advantages as determined by the Common Council. A discussion and listing of other possible financing mechanisms, as well as a summary of total project financing, is located in Section 10 of this plan.

#### Economic Development

As a result of the creation of this District, the City projects that additional land and improvements value of approximately \$101 million will be created as a result of new development, redevelopment, and appreciation in the value of existing properties. This additional value will be a result of the improvements made and projects undertaken within the District. Payment of Lieu of Taxes (PILOT) payments may be negotiated for improvements on any tax exempt land to assist in supporting any project costs undertaken with the implementation of this plan. A table detailing assumptions as to the timing of new development and redevelopment and associated values is located in Section 10 of this Plan. In addition, creation of the District is expected to result in other economic benefits as detailed in the Summary of Findings hereafter.

#### Expected Termination of District

Based on the Economic Feasibility Study located in Section 10 of this plan, this District would be expected to generate sufficient tax increments to recover all project costs by the year 2034; 3 years earlier than the 20 year maximum life of this District.

### Summary of Findings

As required by Wisconsin Statutes Section 66.1105, and as documented in this Project Plan and the exhibits contained and referenced herein, the following findings are made:

1. **That “but for” the creation of this District, the development projected to occur as detailed in this Project Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the City.** In making this determination, the City has considered the following information:

- The City has conducted an independent review of the intended developer's sources and uses proforma for the initial proposed development project. This review has concluded that a public investment of approximately \$9.2 million is required to enable the development to occur in the manner desired by the City, while providing the developer a fair and reasonable return on their investment.
  - Some of the sites proposed for development have remained vacant for several years due to lack of adequate infrastructure, environmental contamination, obsolete platting and ownership by multiple parties. Given that the sites have not developed as would have been expected under normal market conditions, it is the judgment of the City that the use of Tax Incremental Financing ("TIF") will be required to provide the necessary infrastructure and inducements to encourage development on the sites consistent with that desired by the City.
  - In order to make the areas included within the District suitable for development, the City will need to make a substantial investment to pay for the costs of: right-of-way and easement acquisition, site preparation, installation of utilities; installation of streets and related streetscape items; development incentive payments, and other associated costs. Due to the extensive initial investment in public infrastructure and/or rehabilitation that is required in order to allow development to occur, the City has determined that development of the area will not occur solely as a result of private investment. Accordingly, the City finds that absent the use of TIF, development of the area is unlikely to occur.
  - GRAEF USA, Inc., who was engaged by the City in 2015, conducted a Planning and Engineering Analysis for a larger area encompassing 76<sup>th</sup> Street and Rawson. This larger area was referred to as Redevelopment Area A and included the property proposed within this District. The study and analysis performed by GRAEF recognizes the use of Tax Increment Financing as a tool for financing the costs necessary to prepare the area for development and/or redevelopment.
2. **The economic benefits of the Tax Incremental District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements.** In making this determination, the City has considered the following information:
- As demonstrated in the Economic Feasibility Section of this Project Plan, the tax increments projected to be collected are more than sufficient to pay for the proposed project costs. On this basis alone, the finding is supported.
  - The development expected to occur is likely to generate approximately 550 to 600 construction jobs paying \$15 to \$45 per hour during construction. When fully developed, the Ballpark Commons will provide approximately 150-175 full time permanent jobs and approximately 350-400 seasonal and part time employment opportunities (225-250 FTEs). Wages will vary widely from seasonal and part time hourly employees to highly compensated full time professionals. (source: Ballpark Commons Developer).
  - The development expected to occur within the District would create approximately 403 residential units, providing housing opportunities for workers.
3. **The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions.**

- If approved, the District's creation would become effective for valuation purposes as of January 1, 2016. As of this date, the values of all existing development would be frozen and the property taxes collected on this base value would continue to be distributed amongst the various taxing entities as they currently are now. Taxes levied on any additional value established within the District due to new construction, renovation, conversion from public to private ownership or appreciation of property values occurring after January 1, 2016 would be collected by the TID and used to repay the costs of TIF-eligible projects undertaken within the District.
  - Since the development expected to occur is unlikely to take place or in the same manner without the use of TIF (see Finding #1) and since the District will generate economic benefits that are more than sufficient to compensate for the cost of the improvements (see Finding #2), the City reasonably concludes that the overall benefits of the District outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. It is further concluded that since the "but for" test is satisfied, there would, in fact, be no foregone tax increments to be paid in the event the District is not created. As required by Section 66.1105(4)(i)4., a calculation of the share of projected tax increments estimated to be paid by the owners of property in the overlying taxing jurisdictions has been made and can be found in Exhibit A of this plan.
4. Not less than 50% by area of the real property within the District is suitable for a combination of commercial and residential uses, defined as "mixed-use development" within the meaning of Wisconsin Statutes Section 66.1105(2)(cm). Lands proposed for newly platted residential development comprise 20% by area of the real property within the District. Any project costs related to newly platted residential development are eligible expenditures based on the finding that the development has a residential housing density of at least 3 units per acre as defined in Wisconsin Statutes Section 66.1105(2)(f)3.a.
  5. Based upon the findings, as stated above, the District is declared to be a mixed-use District based on the identification and classification of the property included within the District.
  6. The project costs relate directly to promoting mixed-use development in the District consistent with the purpose for which the District is created.
  7. The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
  8. The equalized value of taxable property of the District, plus the value increment of all existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
  9. The City estimates that approximately 10-15% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Sections 66.1105(5)(b) and 66.1105(6)(am)1.
  10. The Project Plan for the District in the City is feasible, and is in conformity with the master plan of the City.

## SECTION 2: Type and General Description of District

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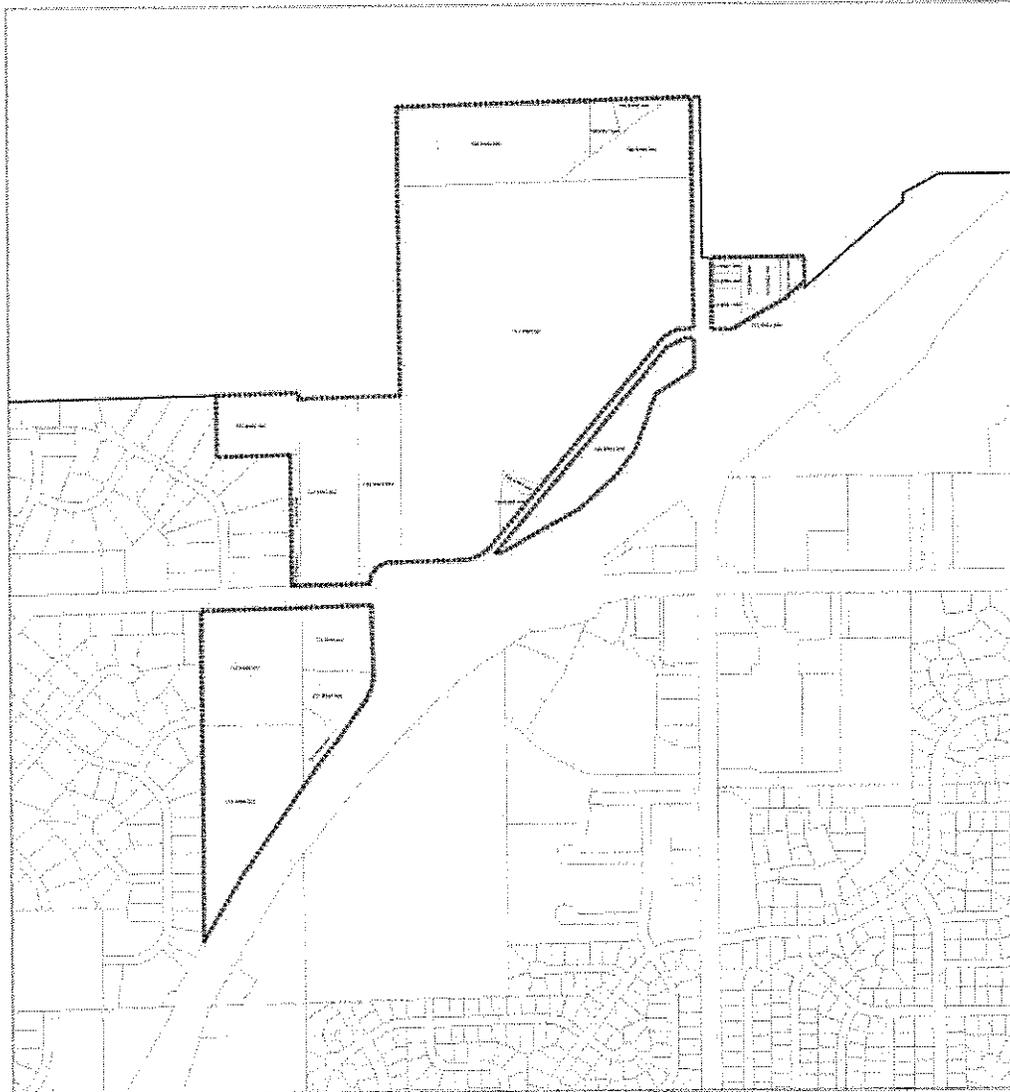
The District is being created by the City under the authority provided by Wisconsin Statutes Section 66.1105. The District is created as a "Mixed Use District" based upon a finding that at least 50%, by area, of the real property within the District is suitable for a combination of commercial and residential uses as defined within the meaning of Wisconsin Statutes Section 66.1105(2)(cm) (See Section 5 of this plan for a breakdown of District parcels by class and calculation of compliance with the 50% test). Lands proposed for newly platted residential development comprise 20% of the area of the District. To the extent that project costs will be incurred by the City for newly platted residential development, the residential development will have a density of at least 3 units per acre as defined in Wisconsin Statutes Section 66.1105(2)(f)3.a.

A map depicting the boundaries of the District is found in Section 3 of this Plan. A map depicting the proposed uses of the District is found in Section 8 of this plan. The City intends that TIF will be used to assure that a combination of private commercial and residential development occurs within the District consistent with the City's development objectives. This will be accomplished by installing public improvements and making necessary related expenditures to induce and promote development within the District. The goal is to increase the tax base and to provide for and preserve employment opportunities within the City. The project costs included in the Plan relate directly to promoting mixed-use development in the District consistent with the purpose for which the District is created.

Based upon the findings, as stated within this Plan, the District is declared to be a mixed-use District based on the identification and classification of the property included within the district.

# SECTION 3: Preliminary Map of Proposed District Boundary

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**Ball Park Commons TIF Map**



SECTION 4:  
Map Showing Existing Uses and Conditions

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**Ball Park Commons TIF Map**

  
City of Franklin  
GIS Department  
525 N. Lincoln Rd.  
Franklin, WI 53120  
www.franklin.gov



SECTION 5:  
Preliminary Parcel List and Analysis

City of Franklin, Wisconsin																			
Tax Increment District # 5																			
Base Property Information																			
Parcel Number	Street Address	Owner	Acreage	Announced Post 1/1/047 ...Indicate date	Part of Existing TID? ...Indicate TID #	Assessment Information				Equalized Value				District Classification					
						Land	Imp	PP	Total	Equalized Value Ratio	Land	Imp	PP	Total	Industrial (Zoned and Suitable)	Commercial/Business	Existing Residential	Newly Platted Residential	Suitable for Mixed Use
744 8380 000	7500 W CRYSTAL BRIDGE DR	MILWAUKEE COUNTY	80.41			0	0	0	0	92.74%	0	0	0	0					0.00
744 8385 001	OW RAWSON AVE	MILWAUKEE COUNTY	7.14			0	0	0	0	92.74%	0	0	0	0					7.14
744 8385 002	OW RAWSON AVE	MILWAUKEE COUNTY	10.76			0	0	0	0	92.74%	0	0	0	0					10.76
755 9995 002	8200 W OLD LOOMIS RD	FRF LLC	4.50			99,800	114,100		213,900	92.74%	107,610	123,090	0	230,638					4.50
755 9995 001	8240 W OLD LOOMIS RD	STANZER, FRANK JR & S	3.02			93,600	98,800		192,400	92.74%	100,324	106,531	0	207,456					3.02
728 8394 000		MILWAUKEE COUNTY	6.16			0	0	0	0	92.74%	0	0	0	0					6.16
745 0218 000		MILWAUKEE COUNTY	0.90			0	0	0	0	92.74%	0	0	0	0					0.90
744 8989 000	OW OLD LOOMIS RD	MILWAUKEE COUNTY	0.43			0	0	0	0	92.74%	0	0	0	0					0.43
755 9996 000	8316 W OLD LOOMIS RD	SAVAGE, BRADLEY	1.61			84,500	117,700		202,200	92.74%	91,112	126,910	0	218,023					1.61
754 9388 001	OW RAWSON AVE	ZIM-MAR PROPERTIES L	11.37			2,200	0		2,200	92.74%	2,372	0	0	2,372					11.37
754 9388 002	8490 W OLD LOOMIS RD	ZIM-MAR PROPERTIES L	13.42			85,300	418,700		504,000	92.74%	91,575	451,464	0	543,439					13.42
745 8989 004	OW RAWSON AVE	MILWAUKEE COUNTY	0.28			0	0	0	0	92.74%	0	0	0	0					0.28
746 8986 000		MILWAUKEE COUNTY	14.63			0	0	0	0	92.74%	0	0	0	0					14.63
745 8998 000	OW RAWSON AVE	MILWAUKEE COUNTY	5.00			0	0	0	0	92.74%	0	0	0	0					5.00
744 8388 000	OW OLD LOOMIS RD	MILWAUKEE COUNTY	0.83			0	0	0	0	92.74%	0	0	0	0					0.83
			0.00			0	0	0	0	92.74%	0	0	0	0					0.00
743 8965 000	6776 S 76TH ST	KAISHAN PETER J	0.45			63,700	66,100		129,800	92.74%	66,685	71,272	0	138,957					0.45
743 8966 000	05 76TH ST	KAISHAN PETER J	0.46			49,300	0		49,300	92.74%	53,158	0	0	53,158					0.46
743 8967 000	7520 W LOOMIS RD	KAISHAN PETER J	1.17			81,600	9,100		90,700	92.74%	87,585	9,812	0	97,797					1.17
743 8984 000	7438 W OLD LOOMIS RD	TRETOW, VERRIN A [J]	0.72			68,900	105,200		169,000	92.74%	74,184	108,041	0	182,225					0.72
743 8982 000	7432 W OLD LOOMIS RD	TRETOW, VERRIN A [J]	1.19			81,800	0		81,800	92.74%	88,201	0	0	88,201					1.19
743 8983 000	7430 W OLD LOOMIS RD	TRETOW INVESTMENTS	0.19			33,500	97,400		131,300	92.74%	36,553	105,622	0	141,575					0.19
743 8981 000	7412 W OLD LOOMIS RD	CATALANIELLO, MICHAEL	0.84			62,600	46,300		115,900	92.74%	75,046	49,923	0	124,969					0.84
708 8998 000	6669 S 76TH ST	STEVE'S #14 LLC	0.96			72,100	76,000		148,100	92.74%	77,742	81,947	0	159,689					0.96
708 8997 000	6669 S 76TH ST	STEVE'S #14 LLC	1.24			18,500	0		18,500	92.74%	19,548	0	0	19,548					1.24
No Tax Key Yet		WISDOT							799,300	92.74%	0	0	0	861,847					0.00
									799,300	92.74%	0	0	861,847	861,847					0.00
										92.74%	0	0	0	0					0.00
<b>Total Acreage</b>						<b>107.68</b>													
						<b>904,700</b>	<b>1,144,400</b>	<b>799,300</b>	<b>2,848,400</b>		<b>975,495</b>	<b>1,233,952</b>	<b>861,847</b>		<b>0</b>	<b>53.35</b>	<b>0</b>	<b>33.92</b>	<b>87.27</b>
														<b>0.00%</b>	<b>31.82%</b>	<b>0.00%</b>	<b>20.79%</b>	<b>52.05%</b>	
														<b>Estimated Base Value 3,071,294</b>					

## SECTION 6: Equalized Value Test

The following calculations demonstrate that the City is in compliance with Wisconsin Statutes Section.66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property in the proposed District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the City.

The equalized value of the increment of existing tax incremental districts within the City, plus the base value of the proposed District, totals \$130,175,494. This value is less than the maximum of \$437,902,308 in equalized value that is permitted for the City of Franklin. The City is therefore in compliance with the statutory equalized valuation test and may proceed with creation of this District.

City of Franklin, Wisconsin				
Tax Increment District # 5				
Valuation Test Compliance Calculation				
District Creation Date	9/6/2016			
	Valuation Data	Dollar	Percent	Valuation Data
	Currently Available	Charge	Change	Est. Creation Date
	2015			
Total EV (TID In)	3,649,185,900			3,649,185,900
12% Test	437,902,308			437,902,308
Increment of Existing TIDs				
TID #3	72,829,900			72,829,900
TID #4	54,274,300			54,274,300
				0
				0
				0
				0
Total Existing Increment	127,104,200			127,104,200
Projected Base of New or Amended District	3,071,294			3,071,294
Total Value Subject to 12% Test	130,175,494			130,175,494
Compliance	PASS			PASS

## SECTION 7:

# Statement of Kind, Number and Location of Proposed Public Works and Other Projects

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The following is a list of public works and other TIF-eligible projects that the City expects to implement in conjunction with this District. Any costs necessary or convenient to the creation of the District or directly or indirectly related to the public works and other projects are considered "Project Costs" and eligible to be paid with tax increment revenues of the District.

## Property, Right-of-Way and Easement Acquisition

### Property Acquisition for Development

In order to promote and facilitate development the City may acquire property within the District. The cost of property acquired, and any costs associated with the transaction, are eligible Project Costs. Following acquisition, other Project Costs within the categories detailed in this Section may be incurred in order to make the property suitable for development and/or redevelopment. Any revenue received by the City from the sale of property acquired pursuant to the execution of this Plan will be used to reduce the total project costs of the District. If total Project Costs incurred by the City to acquire property and make it suitable for development and/or redevelopment exceed the revenues or other consideration received from the sale or lease of that property, the net amount shall be considered "real property assembly costs" as defined in Wisconsin Statutes Section 66.1105(2)(f)1.c., and subject to recovery as an eligible Project Cost.

### Property Acquisition for Conservancy

In order to promote the objectives of this Plan, the City intends to acquire property within the District that it will designate for conservancy. These conservancy objectives include: preserving historic resources or sensitive natural features; protection of scenic and historic views; maintaining habitat for wildlife; maintaining adequate open space; reduction of erosion and sedimentation by preserving existing vegetation; and providing adequate areas for management of stormwater. The cost of property acquired for conservancy, and any costs associated with the transaction, are eligible Project Costs.

### Acquisition of Rights-of-Way

The City may need to acquire property to allow for installation of streets, driveways, sidewalks, the extension of the Oakleaf Trail system, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire rights-of-way are eligible Project Costs.

### Acquisition of Easements

The City may need to acquire temporary or permanent easements to allow for installation and maintenance of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire easement rights are eligible Project Costs.

### Relocation Costs

If relocation expenses are incurred in conjunction with the acquisition of property, those expenses are eligible Project Costs. These costs may include, but are not limited to: preparation of a relocation plan; allocations of staff time; legal fees; publication of notices; obtaining appraisals; and payment of relocation

benefits as required by Wisconsin Statutes Sections 32.19 and 32.195.

## Site Preparation Activities

### Environmental Audits and Remediation

Land owned by Milwaukee County north of Rawson Avenue is a former landfill that has undergone extensive environmental testing and monitoring. The County-owned land is considered a "closed" landfill by the Wisconsin Department of Natural Resources. There have been no known environmental studies performed on other parcels within the proposed District. If, however, it becomes necessary to evaluate any land or improvement within the District, any cost incurred by the City related to environmental audits, testing, ongoing monitoring of water and air quality and remediations are eligible Project Costs.

### Demolition

In order to make sites suitable for development, the City may incur costs related to demolition and removal of structures or other land improvements, to include abandonment of wells or other existing utility services.

### Site Grading

Land within the District may require grading to make it suitable for development and/or redevelopment, to provide access, and to control stormwater runoff. The City may need to remove and dispose of excess material, or bring in fill material to provide for proper site elevations. Expenses incurred by the City for site grading are eligible Project Costs.

### Relocation and improvement to Landfill Gas System

Land within the proposed District is a former landfill site and contains a landfill gas system. In order to make the site suitable for development, the City may incur costs related to the relocation and improvements to the methane gas system. Expenses incurred by the City for these costs are eligible Project Costs.

## Utilities

### Sanitary Sewer System Improvements

There are inadequate sanitary sewer facilities serving areas of the District. To allow development to occur, the City may need to construct, alter, rebuild or expand sanitary sewer infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: collection mains; manholes and cleanouts; service laterals; force mains; interceptor sewers; pumping stations; lift stations; and all related appurtenances. To the extent sanitary sewer projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand sanitary sewer infrastructure located outside of the District. That portion of the costs of sanitary sewer system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs. The improvements to the wastewater treatment facilities, although not within the ½ mile radius, is an eligible project cost under Section 66.1105(2)(f)1 k.

### Water System Improvements

There are inadequate water distribution facilities serving areas of the District. To allow development to occur, the City may need to construct, alter, rebuild or expand water system infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or

expansion of: distribution mains; manholes and valves; hydrants; service laterals; pumping stations; wells; storage tanks and reservoirs; and all related appurtenances. To the extent water system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand water system infrastructure located outside of the District. That portion of the costs of water system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

### **Stormwater Management System Improvements**

Development within the District will cause stormwater runoff and pollution. To manage this stormwater runoff, the City may need to construct, alter, rebuild or expand stormwater management infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: stormwater collection mains; inlets, manholes and valves; service laterals; ditches; culvert pipes; box culverts; and infiltration, filtration and detention Best Management Practices (BMP's). To the extent stormwater management system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand stormwater management infrastructure located outside of the District. That portion of the costs of stormwater management system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

### **Electric Service**

In order to create sites suitable for development, the City may incur costs to provide, relocate or upgrade electric services. Relocation may require abandonment and removal of existing poles or towers, installation of new poles or towers, or burying of overhead electric lines. Costs incurred by the City to undertake this work are eligible Project Costs.

### **Gas Service**

In order to create sites suitable for development, the City may incur costs to provide, relocate or upgrade gas mains and services. Costs incurred by the City to undertake this work are eligible Project Costs.

### **Methane Landfill Gas system**

In order to create sites suitable for development, the City may incur costs to relocate or upgrade the methane gas system. Costs incurred by the City to undertake this work are eligible Project Costs.

### **Communications Infrastructure**

In order to create sites suitable for development, the City may incur costs to provide, relocate or upgrade infrastructure required for voice and data communications, including, but not limited to: telephone lines, cable lines and fiber optic cable. Costs incurred by the City to undertake this work are eligible Project Costs.

### **Streets and Streetscape**

#### **Street Improvements**

There are inadequate street improvements serving areas of the District. To allow development to occur, the City may need to construct and/or reconstruct streets, highways, alleys, access drives and parking

areas. Eligible Project Costs include, but are not limited to: excavation; removal or placement of fill; construction of road base; asphalt or concrete paving or repaving; installation of curb and gutter; installation of sidewalks and bicycle lanes; installation of culverts, utility relocation, to include burying overhead utility lines; street lighting; installation of traffic control signage and traffic signals; pavement marking; right-of-way restoration; installation of retaining walls; and installation of fences, berms, and landscaping.

### **Streetscaping and Landscaping**

In order to attract development consistent with the objectives of this Plan, the City may install amenities to enhance development sites, rights-of-way and other public spaces. These amenities include, but are not limited to: landscaping; lighting of streets, sidewalks, parking areas and public areas; installation of planters, benches, clocks, tree rings, trash receptacles and similar items; and installation of brick or other decorative walks, terraces and street crossings. These and any other similar amenities installed by the City are eligible Project Costs.

### **CDA Type Activities**

#### **Contribution to Community Development**

As provided for in Wisconsin Statutes Sections 66.1105(2)(f)1.h and 66.1333(13), the City may provide funds to its CDA to be used for administration, planning operations, and capital costs, including but not limited to real property acquisition, related to the purposes for which it was established in furtherance of any redevelopment or urban renewal project. Funds provided to the CDA for this purpose are eligible Project Costs.

### **Miscellaneous**

#### **Cash Grants (Development Incentives)**

The City may enter into agreements with property owners, lessees, or developers of land located within the District for the purpose of sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover project costs. No cash grants will be provided until the City executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the City are eligible Project Costs.

#### **Projects Outside the Tax Increment District**

Pursuant to Wisconsin Statutes Section 66.1105(2)(f)1.n, the City may undertake projects within territory located within one-half mile of the boundary of the District provided that: 1) the project area is located within the City's corporate boundaries and 2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible project costs, and may include any project cost that would otherwise be eligible if undertaken within the District. The City intends to make the following project cost expenditures outside the District: Street improvements, streetscaping, trails landfill gas control systems.

#### **Professional Service and Organizational Costs**

The costs of professional services rendered, and other costs incurred, in relation to the creation, administration and termination of the District, and the undertaking of the projects contained within this Plan, are eligible Project Costs. Professional services include, but are not limited to: architectural; environmental, including water and air quality monitoring; planning; engineering; legal, audit; financial; and the costs of informing the public with respect to the creation of the District and the implementation of the Plan.

### **Administrative Costs**

The City may charge to the District as eligible Project Costs reasonable allocations of administrative costs, including, but not limited to, employee salaries. Costs allocated will bear a direct connection to the time spent by City employees in connection with the implementation of the Plan.

### **Financing Costs**

Interest expense, debt issuance expenses, redemption premiums, and any other fees and costs incurred in conjunction with obtaining financing for projects undertaken under this Plan are eligible Project Costs.

With all projects the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating City ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs.

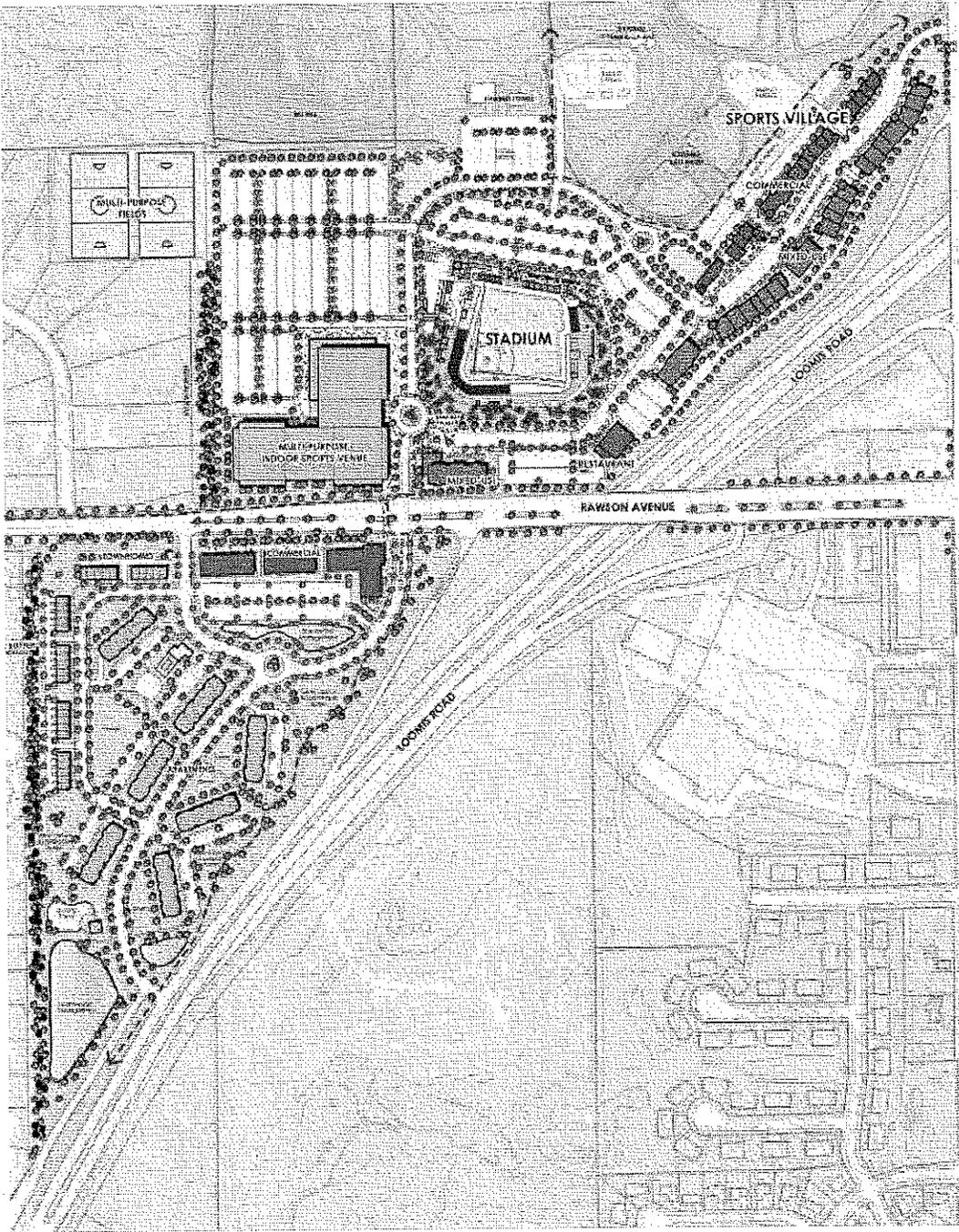
In the event any of the public works project expenditures are not reimbursable out of the special TIF fund under Wisconsin Statutes Section 66.1105, in the written opinion of counsel retained by the City for such purpose or a court of record so rules in a final order, then such project or projects shall be deleted herefrom and the remainder of the projects hereunder shall be deemed the entirety of the projects for purposes of this Project Plan.

**The City reserves the right to implement only those projects that remain viable as the Plan period proceeds.**

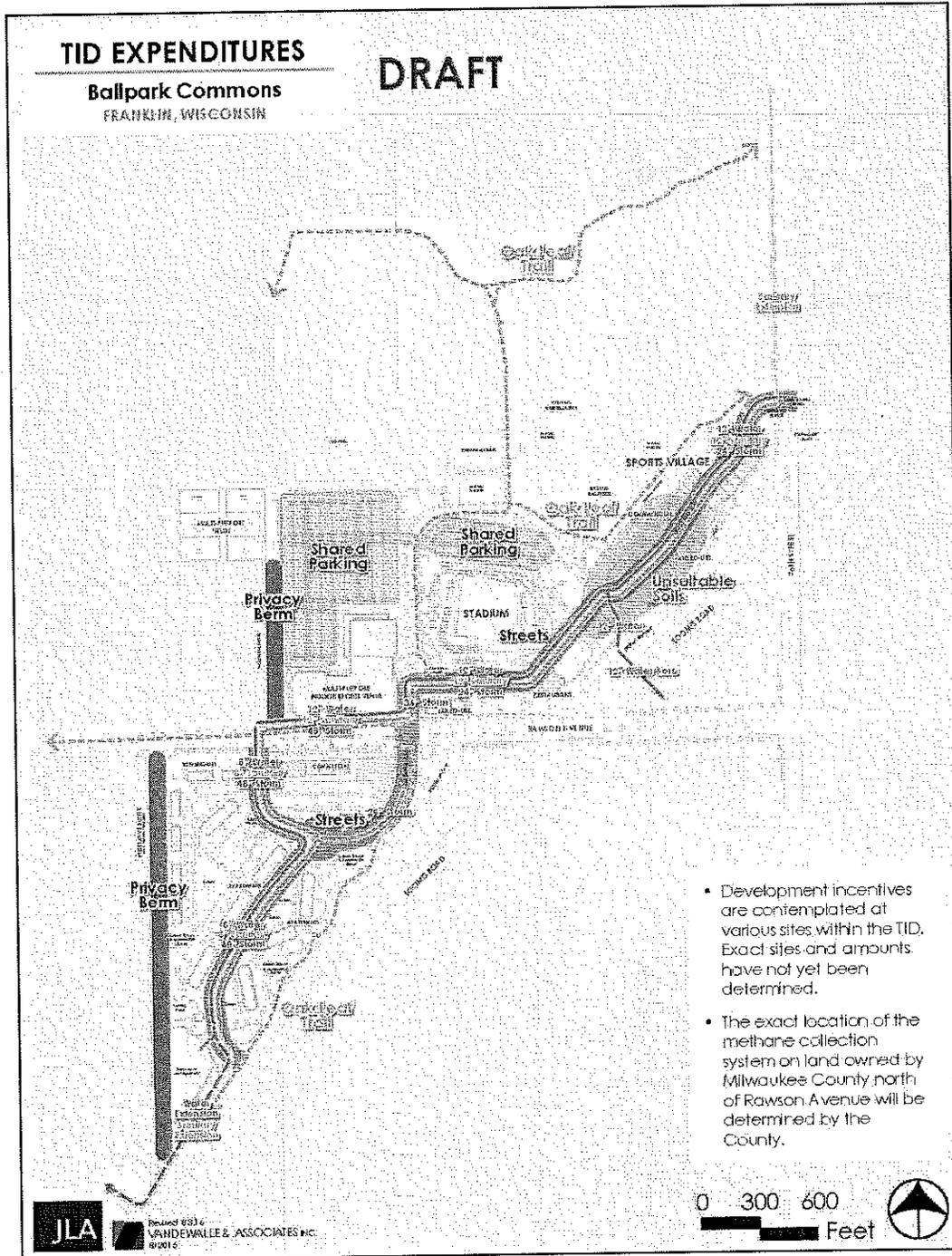
Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred, by the City and as outlined in this Plan. Project Costs will be diminished by any income, special assessments or other revenues, including user fees or charges. To the extent the costs benefit the municipality outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning is completed. Prorations of costs in the Plan are also estimates and subject to change based upon implementation, future assessment policies and user fee adjustments.

SECTION 8:  
Map Showing Proposed Uses

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# Map Showing Proposed Improvements



## SECTION 9: Detailed List of Project Costs

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All costs are based on 2016 prices and are preliminary estimates. The City reserves the right to increase these costs to reflect inflationary increases and other uncontrollable circumstances between 2016 and the time of construction. However, for increases in excess of 25% over the cost of inflation of total project costs, the City would pursue an amendment to the Plan in accordance with the amendment procedures specified in Wisconsin Statutes Section 66.1105(4)(h), which include review by the Joint Review Board. The City also reserves the right to increase certain project costs to the extent others are reduced or not implemented, without amending the Plan. The tax increment allocation is preliminary and is subject to adjustment based upon the implementation of the Plan.

**This Plan is not meant to be a budget nor an appropriation of funds for specific projects, but a framework within which to manage projects. All costs included in the Plan are estimates based on best information available. The City retains the right to delete projects or change the scope and/or timing of projects implemented as they are individually authorized by the Common Council, without amending the Plan.**

# Proposed TIF Project Cost Estimates

City of Franklin, Wisconsin								
Tax Increment District # 5								
Estimated Project List								
Project ID	Project Name/Type	Phase I 2017	Phase II 2017	Phase III 2017	Phase IV 2017	Phase V 2020	Phase VI 2031	Total (Note 1)
<b>North of Rawson</b>								
1	Sanitary Sewer (with 75% Special Assessed)	523,500 *	523,500 *					1,047,000 *
2	Storm Sewer	263,250	263,250					526,500
3	Water (with 75% Special Assessed)	609,250 *	609,250 *					1,218,500 *
4	Streets (with 75% Special Assessed)	900,000 *	900,000 *					1,800,000 *
5	Shared Parking	1,500,000	1,500,000					3,000,000
6	County Methane Collection System					1,530,000		1,530,000
7	Relocate Methane Gas Line	125,000	125,000					250,000
8	Excavate Unsuitable soils	1,225,000	1,225,000					2,450,000
9	Oak Leaf Trail		120,000					120,000
10	Privacy Berms			160,000				160,000
11	Contingency @ 15%	771,900	789,900	24,000			229,500	1,809,300
<b>South of Rawson</b>								
12	Sanitary Sewer (with 75% Special Assessed)	104,500 *	104,500 *					209,000 *
13	Storm Sewer	208,250	208,250					416,500
14	Water (with 75% Special Assessed)	147,500 *	147,500 *					295,000 *
15	Streets (with 75% Special Assessed)	875,000 *	875,000 *					1,750,000 *
16	Oak Leaf Trail		50,000					50,000
17	Privacy Berms			400,000				400,000
18	Contingency @ 15%	200,288	206,288	60,000				466,575
<b>Overall TIF Area</b>								
19	TIF Creation and Administration **	30,000						30,000
20	Developer Incentive for delivery of additional development				8,240,000	1,050,000		9,290,000
<b>Total Projects</b>		<b>7,483,438</b>	<b>7,641,438</b>	<b>644,000</b>	<b>8,240,000</b>	<b>1,050,000</b>	<b>1,759,500</b>	<b>26,818,375</b>

Notes:  
 Note 1  
 Project costs are estimates and are subject to modification  
 Infrastructure Costs Provided by Developer  
 \* 75% of Sewer, Water and Streets costs identified above are anticipated to be Special Assessed to the benefitting properties and would not be costs to the District (Estimated at \$4,739,625)  
 \*\* The City anticipates incurring ongoing administration expenses and the cost of water and air quality monitoring

## SECTION 10:

# Economic Feasibility Study, Financing Methods, and the Time When Costs or Monetary Obligations Related are to be Incurred

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The information and exhibits contained within this Section demonstrate that the proposed District is economically feasible insofar as:

- The City has available to it the means to secure the necessary financing required to accomplish the projects contained within this Plan. A listing of “Available Financing Methods” follows.
- The City expects to complete the projects in one or multiple phases, and can adjust the timing of implementation as needed to coincide with the pace of private development. A discussion of the phasing and projected timeline for project completion is discussed under “Plan Implementation” within this Section. A table identifying the financing method for each phase and the time at which that financing is expected to be incurred is included.
- The development anticipated to occur as a result of the implementation of this Plan will generate sufficient tax increments to pay for the cost of the projects. Within this Section are tables identifying: 1) the development expected to occur, 2) a projection of tax increments to be collected resulting from that development and other economic growth within the District, and 3) a cash flow model demonstrating that the projected tax increment collections and all other revenues available to the District will be sufficient to pay all Project Costs.

## Available Financing Methods

The following is a list of the types of obligations the City may choose to utilize.

### General Obligation (G.O.) Bonds or Notes

The City may issue G.O. Bonds or Notes to finance the cost of projects included within this Plan. The Wisconsin State Constitution limits the principal amount of G.O. debt that the community may have outstanding at any point in time to an amount not greater than five percent of its total equalized value (TID IN). As of the date of this plan, the City has a G.O. debt limit of \$182,459,295, of which \$146,547,019 is currently unused and could be made available to finance Project Costs.

### Bonds Issued to Developers (“Pay as You Go” Financing)

The City may issue a bond or other obligation to one or more developers who provide financing for projects included in this Plan. Repayment of the amounts due to the developer under the bonds or other obligations are limited to an agreed percentage of the available annual tax increments collected that result from the improvements made by the developer. To the extent the tax increments collected are insufficient to make annual payments, or to repay the entire obligation over the life of the District, the City’s obligation is limited to not more than the agreed percentage of the actual increments collected. Bonds or other obligations issued to developers in this fashion are not general obligations of the City and, therefore, do not count against the City’s statutory borrowing capacity.

### Tax Increment Revenue Bonds

The City has the authority to issue revenue bonds secured by the tax increments to be collected. These bonds may be issued directly by the City, or as a form of lease revenue bond by a Community Development Authority (CDA). Tax Increment Revenue Bonds and Lease Revenue Bonds are not general obligations of the City and therefore do not count against the City's statutory borrowing capacity. To the extent tax increments collected are insufficient to meet the annual debt service requirements of the revenue bonds, the City may be subject to either a permissive or mandatory requirement to appropriate on an annual basis a sum equal to the actual or projected shortfall.

### Utility Revenue Bonds

The City can issue revenue bonds to be repaid from revenues of the its various systems, including revenues paid by the City that represent service of the system to the City. There is neither a statutory nor constitutional limitation on the amount of revenue bonds that can be issued, however, water rates are controlled by the Wisconsin Public Service Commission and the City must demonstrate to bond purchasers its ability to repay revenue debt with the assigned rates. To the extent the City utilizes utility revenues other than tax increments to repay a portion of the bonds, the City must reduce the total eligible Project Costs in an equal amount.

### Special Assessment "B" Bonds

The City has the ability to levy special assessments against benefited properties to pay part of the costs for street, curb, gutter, sewer, water, storm sewers and other infrastructure. In the event the City determines that special assessments are appropriate, the City can issue Special Assessment B bonds pledging revenues from special assessment installments to the extent assessment payments are outstanding. These bonds are not counted against the City's statutory borrowing capacity. If special assessments are levied, the City must reduce the total eligible Project Costs under this Plan in an amount equal to the total collected.

## Plan Implementation

Projects identified will provide the necessary anticipated governmental services to the area. A reasonable and orderly sequence is outlined on the following page. However, public debt and expenditures should be made at the pace private development occurs to assure increment is sufficient to cover expenses.

It is anticipated developer agreements between the City and property owners will be in place prior to major public expenditures. These agreements can provide for development guarantees or a payment in lieu of development. To further assure contract enforcement, these agreements might include levying of special assessments against benefited properties.

The order in which public improvements are made should be adjusted in accordance with development and execution of developer agreements. The City reserves the right to alter the implementation of this Plan to accomplish this objective.

Interest rates projected are based on current market conditions. Municipal interest rates are subject to constantly changing market conditions. In addition, other factors such as the loss of tax-exempt status of municipal bonds or broadening the purpose of future tax-exempt bonds would affect market conditions. Actual interest expense will be determined once the methods of financing have been approved and securities or other obligations are issued.

**If financing as outlined in this Plan proves unworkable, the City reserves the right to use alternate financing solutions for the projects as they are implemented, including interfund advances.**

# Implementation and Financing Timeline

City of Franklin, Wisconsin					
Tax Increment District # 5					
Estimated Financing Plan					
	G.O. Bond 2017	Municipal Revenue Obligation (MRO) 2017	Municipal Revenue Obligation (MRO) 2020	TIF Revenue Note 2031	Totals
<b>Projects</b>					
Phase I	5,113,625				5,113,625
Phase II	5,271,625				5,271,625
Phase III	644,000				644,000
Phase IV		8,240,000			8,240,000
Phase V			1,050,000		1,050,000
Phase VI				1,759,500	1,759,500
<b>Total Project Funds</b>	<u>11,029,250</u>	<u>8,240,000</u>	<u>1,050,000</u>	<u>1,759,500</u>	<u>20,319,250</u>
<b>Estimated Finance Related Expenses</b>					
Municipal Advisor	32,900				
Bond Counsel	17,500				
Disclosure Counsel ( if engaged)	10,500				
Rating Agency Fee	18,000				
Paying Agent	675				
Underwriter Discount	12.50%	145,313	0.00%	0	0.00%
Debt Service Reserve					
Capitalized Interest	381,694				
Capitalized Carrying Costs		1,018,427			
<b>Total Financing Required</b>	<b>11,635,831</b>	<b>9,258,427</b>	<b>1,050,000</b>	<b>1,759,500</b>	
Estimated Interest	0.25%	(13,787)	0.00%	0	0.00%
Assumed spend down (months)	6	6	6	6	
Rounding	2,955	0	0	0	
<b>Net Issue Size</b>	<b>11,625,000</b>	<b>9,258,427</b>	<b>1,050,000</b>	<b>1,759,500</b>	<b>23,692,927</b>

Notes: Project costs proposed to be finance above are net of the amount anticipated to be special assessed to benefitting property

# Development Assumptions

City of Franklin, Wisconsin Tax Increment District #5 Development Assumptions		North of Rawson					South of Rawson					Total	Construction Year
		Actual	Stadium	Indoor Sports Venue	Sports Village	Commercial	Hotel	Garden Apartments					
1	2016											0	2016
2	2017			6,375,000	6,426,000							12,007,950	2017
3	2018			3,825,000	4,069,375	4,462,500						24,709,500	2018
4	2019				12,835,000				5,312,500			7,066,050	2019
5	2020				8,765,625				5,312,500			14,078,125	2020
6	2021											0	2021
7	2022											0	2022
8	2023											0	2023
9	2024											0	2024
10	2025											0	2025
11	2026											0	2026
12	2027											0	2027
13	2028											0	2028
14	2029											0	2029
15	2030											0	2030
16	2031											0	2031
17	2032											0	2032
18	2033											0	2033
19	2034											0	2034
20	2035											0	2035
<b>Totals</b>				<b>0</b>	<b>10,200,000</b>	<b>32,095,000</b>	<b>4,462,500</b>	<b>10,625,000</b>	<b>43,783,500</b>	<b>101,167,000</b>			

Notes: Development Values provided by Developer based upon 85% of construction costs  
 Indoor Sports Venue value reflected assumed to be taxable for this analysis, if tax exempt due to location on County owned land, a comparable PILOT will be necessary to meet the cash flow projections in this analysis  
 No taxable value has been identified for the Developer's improvements to the Stadium  
 Payment in Lieu of Taxes (PILOT) payments may be negotiated for all improvements on tax exempt property within the District.

# Increment Revenue Projections

City of Franklin, Wisconsin									
Tax Increment District # 5									
Tax Increment Projection Worksheet									
Type of District	Mixed Use		Base Value	3,071,294					
District Creation Date	September 6, 2016		Appreciation Factor	0.00%		Apply to Base Value			
Valuation Date	Jan 1,	2016	Base Tax Rate	\$23.76					
Max Life (Years)	20		Rate Adjustment Factor	-1.00%					
Expenditure Period/Termination	15	9/6/2031	Tax Exempt Discount Rate						
Revenue Periods/Final Year	20	2037	Taxable Discount Rate	1.50%					
Extension Eligibility/Years	Yes	3							
Recipient District	No								

Construction Year	Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment	Tax Exempt NPV Calculation	Taxable NPV Calculation
1	2016	0	0	2018	\$23.58	0	0	0
2	2017	24,808,950	0	2019	\$23.29	577,798	577,798	560,847
3	2018	37,066,375	0	2020	\$23.06	1,426,660	2,004,458	1,925,186
4	2019	25,213,550	0	2021	\$22.83	1,987,929	3,992,387	3,798,181
5	2020	14,078,125	0	2022	\$22.60	2,286,189	6,278,576	5,920,359
6	2021	0	101,167,000	2023	\$22.37	2,263,327	8,541,903	7,990,268
7	2022	0	101,167,000	2024	\$22.15	2,240,694	10,782,597	10,009,193
8	2023	0	101,167,000	2025	\$21.93	2,218,287	13,000,884	11,978,391
9	2024	0	101,167,000	2026	\$21.71	2,196,104	15,196,989	13,899,087
10	2025	0	101,167,000	2027	\$21.49	2,174,143	17,371,132	15,772,475
11	2026	0	101,167,000	2028	\$21.28	2,152,402	19,523,534	17,599,721
12	2027	0	101,167,000	2029	\$21.06	2,130,878	21,654,412	19,381,960
13	2028	0	101,167,000	2030	\$20.85	2,109,569	23,763,981	21,120,302
14	2029	0	101,167,000	2031	\$20.64	2,088,473	25,852,454	22,815,827
15	2030	0	101,167,000	2032	\$20.44	2,067,589	27,920,043	24,469,591
16	2031	0	101,167,000	2033	\$20.23	2,046,913	29,966,955	26,082,622
17	2032	0	101,167,000	2034	\$20.03	2,026,444	31,993,399	27,655,923
18	2033	0	101,167,000	2035	\$19.83	2,006,179	33,999,578	29,190,473
19	2034	0	101,167,000	2036	\$19.63	1,986,117	35,985,695	30,687,226
20	2035	0	101,167,000	2037	\$19.44	1,966,256	37,951,952	32,147,113
<b>Totals</b>		<b>101,167,000</b>	<b>0</b>		<b>Future Value of Increment</b>	<b>37,951,952</b>		

Notes:  
 Actual results will vary depending on development, inflation of overall tax rates.  
 NPV calculations represent estimated amount of funds that could be borrowed (including project cost, capitalized interest and issuance costs).

Cash Flow

City of Franklin, Wisconsin																
Tax Increment District # 5																
Cash Flow Projection																
Year	Tax Increments	Interest Earnings/ (Cost)	Capitalized Interest	PILOT *	Total Revenues	G.O. Bond 11,625,000			Municipal Revenue Obligation (MRO)	TIF Revenue Note	Admin. (Including Water & Air Quality Monitoring)	Total Expenditures	Debt Service			Year
						Dated Date:	Est. Rate	Interest					Annual	Cumulative	Principal Outstanding	
2016		0.25%			0						0	0	0		2016	
2017			381,694		381,694			127,231			127,231	254,463	254,463	20,119,607	2017	
2018	0	636			636		1.40%	254,463			254,463	(253,826)	636	20,628,820	2018	
2019	577,798	2			577,800		1.45%	254,463	254,607		544,069	33,730	34,367	20,883,427	2019	
2020	1,426,660	86			1,426,746	500,000	1.55%	250,588	656,463		1,442,051	(15,305)	19,061	21,283,427	2020	
2021	1,987,929	48			1,987,976	625,000	1.70%	241,400	1,041,338		1,942,738	45,238	64,299	20,108,427	2021	
2022	2,286,189	161			2,286,350	775,000	1.80%	229,113	1,235,401		2,274,513	11,837	76,136	18,558,427	2022	
2023	2,263,327	190			2,263,518	825,000	1.85%	214,506	1,173,963		2,248,470	15,048	91,194	16,983,427	2023	
2024	2,240,694	228			2,240,922	900,000	1.95%	198,100	1,113,901		2,242,001	(1,079)	90,105	15,358,427	2024	
2025	2,218,287	225			2,218,512	1,000,000	2.05%	179,075	1,006,588		2,215,663	2,849	92,954	13,708,427	2025	
2026	2,196,104	232			2,196,337	1,050,000	2.15%	157,538	952,026		2,189,563	6,773	99,727	12,033,427	2026	
2027	2,174,143	249			2,174,393	1,100,000	2.25%	133,875	918,288		2,182,163	(7,771)	91,956	10,313,427	2027	
2028	2,152,402	230			2,152,632	1,150,000	2.35%	107,988	797,301		2,085,288	67,343	159,299	8,638,427	2028	
2029	2,130,878	398			2,131,276	1,175,000	2.45%	80,081	759,338		2,044,420	86,856	246,156	6,953,427	2029	
2030	2,109,569	615			2,110,184	1,225,000	2.55%	50,069	727,063		2,032,132	78,052	324,208	5,228,427	2030	
2031	2,088,473	811			2,089,284	1,300,000	2.65%	17,225	605,063		1,952,288	136,995	461,203	3,528,427	2031	
2032	2,067,589	1,153			2,068,742		2.75%	0	1,895,938	400,000	2,325,938	(257,197)	204,006	1,778,427	2032	
2033	2,046,913	510			2,047,423		2.85%	0	1,827,334	400,000	2,247,334	(199,911)	4,095	(0)	2033	
2034	2,026,444	10			2,026,454		2.95%	0	0	959,500	979,500	1,046,954	1,051,049	(0)	2034	
2035	2,006,179	2,628			2,008,807		3.00%	0	0	0	0	2,008,807	3,059,856	(0)	2035	
2036	1,986,117	7,650			1,993,767		3.05%	0	0	0	0	1,993,767	5,053,623	(0)	2036	
2037	1,966,256	12,634			1,978,890	0	3.10%	0	0	0	0	1,978,890	7,032,513	(0)	2037	
<b>Total</b>	<b>37,951,952</b>	<b>28,696</b>	<b>381,694</b>	<b>0</b>	<b>38,362,341</b>	<b>11,625,000</b>		<b>2,495,713</b>	<b>14,964,616</b>	<b>1,759,500</b>	<b>485,000</b>	<b>31,329,828</b>			<b>Total</b>	

Notes: \* Payment in Lieu of Taxes (PILOT) payments may be negotiated for all Improvements located on tax exempt property located within the District.  
Interest estimates based upon June, 2016 Aa1 sale plus .60%  
MRO Includes carrying costs  
TIF Revenue Note for County Methane Collection System

## **SECTION 11: Annexed Property**

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There are no lands proposed for inclusion within the District that were annexed by the City on or after January 1, 2004.

## **SECTION 12: Estimate of Property to be Devoted to Retail Business**

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Pursuant to Wisconsin Statutes Sections 66.1105(5)(b) and 66.1105(6)(am)1, the City estimates that approximately 10-15% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period.

## **SECTION 13: Proposed Zoning Ordinance Changes**

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The City anticipates that a portion of the District will be rezoned prior to development.

## **SECTION 14: Proposed Changes in Master Plan, Map, Building Codes and City of Franklin Ordinances**

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It is expected that this Plan will be complementary to the City's Master Plan. The City does not anticipate changes to the Master Plan, map, building codes or other City ordinances for the implementation of this Plan.

## SECTION 15: Relocation

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It is not anticipated there will be a need to relocate persons or businesses in conjunction with this Plan. In the event relocation or the acquisition of property by eminent domain becomes necessary at some time during the implementation period, the City will follow applicable Wisconsin Statutes Section chapter 32.

## SECTION 16: Orderly Development of the City of Franklin

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The District contributes to the orderly development of the City by providing the opportunity for continued growth in tax base, job opportunities and general economic activity.

## SECTION 17: List of Estimated Non-Project Costs

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Non-Project costs are public works projects that only partly benefit the District or are not eligible to be paid with tax increments, or costs not eligible to be paid with TIF funds.

### Examples would include:

A public improvement made within the District that also benefits property outside the District. That portion of the total project costs allocable to properties outside of the District would be a non-project cost.

A public improvement made outside the District that only partially benefits property within the District. That portion of the total project costs allocable to properties outside of the District would be a non-project cost.

Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

The City expects to special assessment approximately 75% of the Streets, sewer and water costs necessary to prepare the area for Development. This is estimated to be approximately \$4.7 million and would be non-project costs in the implementation of this Project Plan.

SECTION 18:  
Opinion of Attorney for the City of Franklin Advising  
Whether the Plan is Complete and Complies with  
Wisconsin Statutes 66.1105

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LEGAL SECRETARY

August 21, 2016

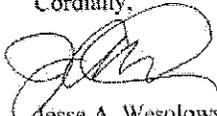
Mayor Stephen R. Olson  
City of Franklin  
9229 West Loomis Road  
Franklin, Wisconsin 53132

re: Tax Incremental District No. 5, City of Franklin, Wisconsin

Dear Mayor Olson:

I have reviewed the Project Plan for Tax Incremental District No. 5, City of Franklin, Wisconsin. It is my opinion that the Project Plan is complete and in compliance with Wis. Stat. § 66.1105. The Project Plan, additionally, was informed by the Tax Increment District #5 Feasibility Analysis prepared by Ehlers & Associates, Inc. and by the Market Feasibility Study prepared by Melaniphy & Associates, Inc. This opinion is provided as required pursuant to Wis. Stat. § 66.1105(4)(f).

Cordially,



Jesse A. Wesolowski  
City Attorney  
City of Franklin

Exhibit A:  
**Calculation of the Share of Projected Tax Increments  
 Estimated to be Paid by the Owners of Property in the  
 Overlying Taxing Jurisdictions**

Estimated portion of taxes that owners of taxable property in each taxing jurisdiction overlying district would pay by jurisdiction.							
Statement of Taxes Data Year:				2015	Percentage		
County				18,083,210			21.13%
Special District				6,145,125			7.18%
Municipality				23,529,350			27.49%
School District				33,404,871			39.03%
School District							0.00%
Technical College				4,428,322			5.17%
Total				<u>85,590,878</u>			

Revenue Year	County	Special District	Municipality	School District	Technical College	Total	Revenue Year
2018	0	0	0	0	0	0	2018
2019	122,074	41,484	158,840	225,506	29,894	577,798	2019
2020	301,417	102,429	392,196	556,804	73,813	1,426,660	2020
2021	420,000	142,726	546,491	775,860	102,852	1,987,929	2021
2022	483,015	164,140	628,485	892,266	118,283	2,286,189	2022
2023	478,184	162,499	622,200	883,344	117,101	2,263,327	2023
2024	473,403	160,874	615,978	874,510	115,930	2,240,694	2024
2025	468,669	159,265	609,818	865,765	114,770	2,218,287	2025
2026	463,982	157,673	603,720	857,107	113,623	2,196,104	2026
2027	459,342	156,096	597,683	848,536	112,486	2,174,143	2027
2028	454,749	154,535	591,706	840,051	111,362	2,152,402	2028
2029	450,201	152,990	585,789	831,651	110,248	2,130,878	2029
2030	445,699	151,460	579,931	823,334	109,145	2,109,569	2030
2031	441,242	149,945	574,132	815,101	108,054	2,088,473	2031
2032	436,830	148,446	568,390	806,950	106,973	2,067,589	2032
2033	432,461	146,961	562,706	798,880	105,904	2,046,913	2033
2034	428,137	145,492	557,079	790,891	104,845	2,026,444	2034
2035	423,855	144,037	551,508	782,982	103,796	2,006,179	2035
2036	419,617	142,596	545,993	775,153	102,758	1,986,117	2036
2037	415,421	141,170	540,533	767,401	101,731	1,966,256	2037
	<u>8,018,297</u>	<u>2,724,817</u>	<u>10,433,177</u>	<u>14,812,093</u>	<u>1,963,568</u>	<u>37,951,952</u>	

Notes:  
 The projection shown above is provided to meet the requirements of Wisconsin Statute 66.1105(4)(i)4.

Approval <i>slw</i>	Council Action Sheet	MEETING DATE <del>9/6/16</del>
REPORTS & RECOMMENDATIONS	A Resolution approving the project plan and establishing the boundaries for and the creation of Tax Incremental District No. 5	ITEM NUMBER <i>G.2.</i>

**Introduction:**

Enclosed is the project plan for proposed Tax Increment Finance (TIF) District #5, which includes the Ballpark Commons development proposal. For reference, an update on the status of the project has been provided by the Ballpark Commons development team. Ehlers & Associates will offer a presentation at the time of the council meeting to further explain and answer questions related to the project plan and TIF districts in general.

Following a public hearing, the Plan Commission recommended approval of the project plan at their August 18, 2016 meeting. The Joint Review Board (JRB), made up of the impacted taxing authorities, held an organizational meeting regarding the proposed district on August 18, 2016. If the Common Council approves the project plan, the JRB will consider the plan at 2 P.M. on September 21, 2016 at Franklin City Hall.

**Project Plan Summary:**

The project plan outlines the structure, project revenues and expenditures and terms of the proposed tax increment finance (TIF) district. The project plan creates the framework under which the TIF district can operate. The project plan was informed by the TIF District #5 Feasibility Analysis from Ehlers & Associates and an independent Market Study Review from Melaniphy & Associates which both suggested viability of the Ballpark Commons project. Those analyses were presented to the Common Council on June 28, 2016 and are available on the City's website at [www.franklinwi.gov/Home/Business/BallparkCommons.htm](http://www.franklinwi.gov/Home/Business/BallparkCommons.htm).

The project plan assumes creation of the district in 2016 and closing in 2034. The increment from the \$101M development (estimated assessed value post-construction) would support the \$26.8 in proposed expenditures. Expenditures include infrastructure costs, a developer incentive and the City's costs to create and oversee the district. \$4.7 M in infrastructure expenditures for sanitary sewer, water mains and streets are expected to be specially assessed to the benefiting property owners and are not eligible TIF district project costs.

The development is expected to create roughly \$2M a year in increment by 2021. During the life of the TIF district, the increment from the district would pay off \$11.6M in general obligation (GO) bonds plus approximately \$2.5M in interest. Development incentives of \$9,290,000 would be subordinate to the City's GO bonds and contingent on the availability of additional increment funds (Pay-as-You-Go). A \$1.8M Pay-as-you-go payment to Milwaukee County to repay methane remediation costs at the site would also be subordinate to the City's GO bonds. The two-tiered structure of using both GO bonds and Pay-As-You-Go helps reduce risk and borrowing costs for the upfront infrastructure of the development, while helping to fill a financial gap and incentivize the remaining phases of the project.

The proposed TIF district boundaries include the entire Ballpark Commons project area as well as nine smaller parcels between the development and the City boundary with Greendale to the north

and east of the project. Those nine parcels are slated for mixed-use and commercial development in the future land use plan.

**Background:**

In 2015, the City worked with GRAEF to complete plans that explored a larger TIF district area around 76<sup>th</sup> and Rawson, known as Area A. While interest remains in redeveloping the larger area, a TIF district more narrowly defined to the Ballpark Commons development is proposed. In consultation with the City's financial consultant, Ehlers, a concern exists that if the larger area was included and development on land east of West Loomis Road did not occur in the immediate future, it could negatively impact the limited life of the TIF district. Under the current proposal, the TIF district boundary could be amended to accommodate larger portions of Area A or a separate TIF district could be formed when specific development plans for the land east of West Loomis road are proposed. Furthermore, the more narrowly defined district more closely associates proposed TIF district expenditures with increment generated by the Ballpark Commons development.

As previously communicated to the Common Council, staff has worked to position the Council to take action on the TIF district prior to September 30, 2016. According to Wisconsin Law, if the Council approves the district prior to September 30th, current year assessments are used as the baseline (1/1/16). If the TIF district is created after September 30th, the following year assessments are used (1/1/17). In the case of the Ballpark Commons development, the former Wisconsin Department of Transportation land that has been acquired by the development team will go from having zero to some assessed value. This increase in increment along any increases from revaluation will be included in the TIF district, if created prior to September 30, 2016.

**Next Steps:**

As noted, the JRB will consider the project plan on September 21<sup>st</sup> if it is approved by the Council on September 6<sup>th</sup>. Staff is working with the City Attorney and the Ballpark Commons development team on a development agreement for the project. This is a required step for any TIF district which includes a development incentive and outlines the project phasing, developer and City obligations and financial arrangements, including any payments-in-lieu-of-taxes (PILOTs), of development.

**COUNCIL ACTION REQUESTED**

A motion to adopt a resolution approving the project plan and establishing the boundaries for and the creation of Tax Incremental District No. 5, City of Franklin, Wisconsin.

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

A RESOLUTION APPROVING THE PROJECT PLAN AND ESTABLISHING THE  
BOUNDARIES FOR AND THE CREATION OF  
TAX INCREMENTAL DISTRICT NO. 5,  
CITY OF FRANKLIN, WISCONSIN

---

WHEREAS, the City of Franklin (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 5 (the "District") is proposed to be created by the City as a mixed-use district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Milwaukee County, the Franklin Public School District, and the Milwaukee Area Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on August 18, 2016 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the District, adopted the Project Plan, and recommended to the Common Council that it create such District and approve the Project Plan and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, that:

1. The boundaries of the District that shall be named "Tax Incremental District No. 5, City of Franklin, Wisconsin", are hereby established as specified in Exhibit A of this Resolution.
2. The District is created effective as of January 1, 2016.
3. The Common Council finds and declares that:
  - (a) Not less than 50% by area of the real property within the District is suitable for a combination of commercial and residential uses, defined as "mixed-use development" within the meaning of Wisconsin Statutes Section 66.1105(2)(cm).
  - (b) Based upon the findings, as stated in 3.(a) above, the District is declared to be a mixed-use district based on the identification and classification of the property included within the District.
  - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
  - (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
  - (e) The City estimates that approximately 10 - 15% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).

(f) The project costs relate directly to promoting mixed-use development in the District consistent with the purpose for which the District is created.

(g) Lands proposed for newly platted residential development comprise no more than 35% of the real property area within the District.

(h) Costs related to newly platted residential development may be incurred based on the proposed development having a density of at least 3 units per acre as defined in Wisconsin Statutes Section 66.1105(2)(f)3.a.

4. The Project Plan for "Tax Incremental District No. 5, City of Franklin, Wisconsin" (attached as Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2016, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED, that pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

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 \_\_\_\_\_

**Exhibit A**

**LEGAL BOUNDARY MAP OF  
TAX INCREMENTAL DISTRICT NO. 5, CITY OF FRANKLIN, WISCONSIN**

*[see page 8 of the Project Plan]*

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**Exhibit B**  
**PROJECT PLAN**

*[to be handed out separately]*

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## Exhibit C

### CONSERVATION SUBDIVISION ORDINANCE OR TRADITIONAL NEIGHBORHOOD DEVELOPMENT DESIGNATION

**66.1027 Traditional neighborhood developments and conservation subdivisions.** (1) **DEFINITIONS.** In this section:

(a) "Conservation subdivision" means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

(b) "Extension" has the meaning given in s. 36.05 (7).

(c) "Traditional neighborhood development" means a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

### MAP OF HOUSING DENSITY

3. Notwithstanding subd. 1., project costs may include any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city for newly platted residential development only for any tax incremental district for which a project plan is approved before September 30, 1995, or for a mixed-use development tax incremental district to which one of the following applies:

a. The density of the residential housing is at least 3 units per acre.

b. The residential housing is located in a conservation subdivision, as defined in s. 66.1027 (1) (a).

c. The residential housing is located in a traditional neighborhood development, as defined in s. 66.1027 (1) (c).

*[to be handed out separately]*

WESOLOWSKI, REIDENBACH & SAJDAK, S.C.  
ATTORNEYS AT LAW  
11402 WEST CHURCH STREET  
FRANKLIN, WISCONSIN 53132

JESSE A. WESOLOWSKI  
FREDERICK E. REIDENBACH 1919-2002  
BRIAN C. SAJDAK  
CHRISTOPHER R. SMITH

TELEPHONE (414) 529-8900  
FACSIMILE (414) 529-2121

JANE C. KASSIS,  
LEGAL SECRETARY

August 21, 2016

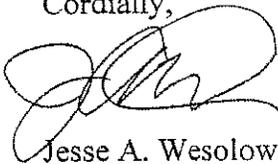
Mayor Stephen R. Olson  
City of Franklin  
9229 West Loomis Road  
Franklin, Wisconsin 53132

re: Tax Incremental District No. 5, City of Franklin, Wisconsin

Dear Mayor Olson:

I have reviewed the Project Plan for Tax Incremental District No. 5, City of Franklin, Wisconsin. It is my opinion that the Project Plan is complete and in compliance with Wis. Stat. § 66.1105. The Project Plan, additionally, was informed by the Tax Increment District #5 Feasibility Analysis prepared by Ehlers & Associates, Inc. and by the Market Feasibility Study prepared by Melaniphy & Associates, Inc. This opinion is provided as required pursuant to Wis. Stat. § 66.1105(4)(f).

Cordially,



Jesse A. Wesolowski  
City Attorney  
City of Franklin



9/02/2016

Update BPC:

Mr. Hertzberg, Please accept this summary of bullet points as an update on the Ball Park Commons Teams progress toward meeting the Conditions required, and Developing a successful project in Franklin.

Wetland delineation –Wisconsin DNR has confirmed the Developers wetland report. See attached correspondence. **Completed, Shared report with City**

Geotechnical Borings- **Completed, Shared report with City** We generated a Boring Plan for the initial Geotechnical investigation. We received approvals for plan from Milwaukee County and the DNR for the plan. The plan has been executed, along with a post Bore meeting with Milwaukee County and the DNR. Geotechnical reports are currently being put together. This report helps identify building and foundation types necessary for the project.

Topographic survey- **Completed** Crews have walked and shot the entire proposed development. Information on the land contours has been recorded and mapped.

Boundary Survey- **Completed** Crews surveyed, identified and marked the boundaries for the entire proposed development.

Waste Delineation- **Completed, Shared report with City.** We have developed a plan and process to determine the location of landfill waste with respect to the buildings, roads and features projected. This plan has been approved by the DNR and is pending Milwaukee County approval. This plan should be executed with in the next three weeks.

Milwaukee County- Milwaukee Cty and the Developer are continuing to work thru the concerns and issues that surround the proposed development. The Developer has engaged a Consultant with expertise in Environmental Engineering to help provide engineered solutions to any perceived challenges.

Traffic Impact and WIDOT- The Development Team, City Officials and Consultants met with the State DOT. A review of the plan was conducted. Developer has offered to collect additional information and Traffic Impact studies to support the plans intent.

Stadium Design- Conceptual Design has been forwarded to project Architects and Engineers for development of Design Development Documents, to be followed by Construction Documents.

Continued Master Site Planning – Master Planning has seen a lot of activity. As we continue to work with our neighbors in the Stonehenge development-

South of Rawson:

- The townhouses have been removed and we have a full 150' landscaping and green space buffer. In addition, only the B-1 building along Rawson touches that 150' line. The next closest building is B-3 which is 200' from the property line
- The former A-4 building was removed entirely
- Things likely to change going forward include the specifics of the road grid and solving for wetlands and other site engineering issues



Interviewing and Qualifying Design Consultants- The Development Team has narrowed down their search for Consultants Professional Services to Five (5) Architectural Firms and Three (3) Engineering Firms. The goal for the development is to have made the final choices by the end of September.

Neighbor Meetings- Continued meetings and discussions with the surrounding neighbors to design the project.

Tenant search- Strong responses to the development have continued by retailers.

Respectfully Submitted,

Jeff Marek

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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;">09/20/16</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>ORDINANCE TO AMEND §15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO ALLOW FOR THE INSTALLATION OF SIGNAGE ON THE BALLPARK FENCING (CORNER OF SOUTH 76<sup>TH</sup> STREET AND WEST CRYSTAL RIDGE DRIVE) (BILL ZIMMERMAN, VICE PRESIDENT, MKE SPORTS &amp; ENTERTAINMENT, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G. 3.</i></p>

At their meeting on September 8, 2016, the Plan Commission recommended denial of an ordinance to amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) pertaining to the request to allow for the installation of signage on the ballpark fencing at the corner of S. 76<sup>th</sup> Street and W. Crystal Ridge Drive, for the reasons stated on page 3 of the attached Department of City Development staff report.

If the Common Council should wish to approve a request for signage at The Rock Sports Complex, a draft Ordinance to that effect has been included. However, due to staff's concerns about the subject request (staff also recommends denial of the subject request), the draft ordinance includes additional conditions and restrictions to what the applicant has requested.

**COUNCIL ACTION REQUESTED**

A motion to approve Ordinance No. 2016-\_\_\_\_\_, an ordinance to amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) pertaining to the request to allow for the installation of signage on the ballpark fencing at the corner of S. 76<sup>th</sup> Street and W. Crystal Ridge Drive.

-or-

A motion to deny Ordinance No. 2016-\_\_\_\_\_, an ordinance to amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) pertaining to the request to allow for the installation of signage on the ballpark fencing at the corner of S. 76<sup>th</sup> Street and W. Crystal Ridge Drive.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-1-16 revised]*

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

AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO ALLOW FOR THE ~~INSTALLATION OF SIGNAGE ON THE BALLPARK FENCING~~ (CORNER OF SOUTH 76TH STREET AND WEST CRYSTAL RIDGE DRIVE) (BILL ZIMMERMAN, VICE PRESIDENT, MKE SPORTS & ENTERTAINMENT, APPLICANT)

WHEREAS, §15-3.0442 of the Unified Development Ordinance provides for and regulates Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), ), same having been created by Ordinance No. 2012-2089 and later amended by Ordinance No. 2013-2101 and 2016-2212, with such District primarily being located at 7900 West Crystal Ridge Drive, bearing Tax Key Nos. 708-8996-000, 708-8999-000, 744-8980-001, 744-8981-000, 744-8985-001, 744-8985-002, 744-8988-000, 744-8989-000, 745-0029-000, 745-8998-000, 745-8999-004, 754-9988-001, 754-9988-002, 755-9995-002, 755-9995-001 and 755-9996-000; and

WHEREAS, Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) includes those lands legally described as follows:

Part of the Southeast 1/4 of the Southwest 1/4; the Northeast 1/4, Northwest 1/4, Southeast 1/4, and Southwest 1/4 of the Southeast 1/4; and the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 4, Township 5 North, Range 21 East, and the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4; and the Northwest 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin;

Commencing at the Southwest corner of said Southeast 1/4 of Section 4; thence North 88°42'47" East along the South line of said Southeast 1/4 section, 1452.10 feet to Loomis Road (State Trunk Highway "36") reference line as shown in Wisconsin Department of Transportation Plat of Right of Way Project Number F064-I(5)/2240-02-22, dated July 3, 1956 and the point of beginning;

Thence South 49°44'47" West along said reference line, 907.00 feet to a point of curve; thence southwesterly 1280.00 feet along said reference line and along the arc of said curve to the left, whose radius is 3819.72 feet and whose chord bears South 40°08'47" West, 1274.02 feet to a point of tangency; thence South 30°32'47" West along said reference line, 913.06 feet; thence North 59°36'20" West, 148.15 feet to the southeast corner of Stone Hedge Subdivision Addition No. 1; thence North 00°10'59" West along the east line of said Stone Hedge Subdivision Addition, 1801.35 feet to the northeast corner of said Stone Hedge Subdivision Addition; thence North

00°03'31" East, 485.75 feet to the north right of way line of West Rawson Avenue; thence North 88°25'44" East along said north right of way line 598.14 feet to the southeast corner of Parcel 1 of Certified Survey Map No. 3107; thence North 00°17'04" West along the east line of said Parcel 1 and then along the east line of Lot 14, Lot 13, and Lot 12 of Block 1 of Whitnall View Subdivision Addition No. 1, 852.41 feet to the northeast corner of said Lot 12; thence South 88°37'08" West along the north line of said Lot 12 and then the north line of Lot 11 of said Whitnall View Subdivision Addition, 485.05 feet to the northwest corner of said Lot 11; thence North 00°24'53" West along the east line of Lot 10 and then along the east line of Lot 9 of said Whitnall View Subdivision, 399.30 feet to the northeast corner of said Lot 9; thence North 88°36'34" East, 545.17 feet to the East line of said Southwest 1/4 of Section 4; thence South 00°20'48" East along said east line of said Southwest 1/4 of Section 4, 38.94 feet; thence North 88°41'22" East, 661.95 feet; thence North 00°14'26" West, 1877.15 feet; thence North 88°31'03" East 1252.42, feet; thence South 00°19'01" East, 369.30 feet; thence North 54°01'00" East, 650.18 feet; thence North 88°32'16" East, 202.64 feet to the east line of said Northeast 1/4 of Section 4; thence South 00°19'12" East along said east line, 520.62 feet to the southeast corner of said Northeast 1/4 of Section 4; thence South 00°25'03" East along the east line of said Southeast 1/4 of Section 4, 1659.17 feet to said reference line; thence South 49°44'7" West along said reference line, 1561.91 feet to the point of beginning.

Containing in all 8,946,167 square feet (205.376 acres) of land, more or less; and

WHEREAS, Bill Zimmerman, Vice President, MKE Sports & Entertainment having petitioned for an amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), to allow for the installation of up to 1,200 square feet of signage on the outside of the approximately 160 foot by 20 foot baseball field fence near the corner of South 76th Street and 7900 West Crystal Ridge Drive; and

WHEREAS, the City of Franklin Plan Commission determined that the amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) was not a substantial change to the Plan, thus not requiring a public hearing upon the aforesaid petition, and the Plan Commission thereafter having determined that the proposed amendment would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment would promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to allow for the installation of up to 1,200 square feet of ~~signage on the outside of the approximately 160 foot by 20 foot~~ baseball field fence near the corner of South 76th Street and 7900 West Crystal Ridge Drive, pursuant to those plans City file-stamped August 26, 2016 and subject to the following conditions:

1. temporary signage on the large ballpark fence north of Crystal Ridge Drive and west of South 76th Street only;
2. limit of one sign/banner at any given time;
3. limit of 30 days for each sign;
4. limit of one time per year for each specific sign;
5. maximum sign/banner size of 30 square feet;
6. no off-premise signage;
7. no illuminated signage; and
8. that such signage be subject to review and approval by the Architectural Review Board, and issuance of a Sign Permit by the Inspection Department, pursuant to all other applicable regulations and standards.

SECTION 2: The proposed The Rock Sports Complex fencing signage installation project shall be completed within one year from the date of adoption of this Ordinance, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.

SECTION 3: Bill Zimmerman, Vice President, MKE Sports & Entertainment, successors and assigns, shall pay to the City of Franklin all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for The Rock Sports Complex fencing signage installation project. 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.

SECTION 4: The approval granted hereunder is conditional upon Bill Zimmerman, Vice President, MKE Sports & Entertainment and The Rock Sports Complex fencing signage installation project for the property located at 7900 West Crystal Ridge Drive: (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.

SECTION 5: All other applicable terms and provisions of §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to The Rock Sports Complex fencing signage installation project, and all terms and provisions of §15-3.0442 of Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 6: 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 7: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 8: 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 \_\_\_\_\_



# CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of September 8, 2016

### Planned Development District No. 37 Minor Amendment

**RECOMMENDATION:** Department of City Development recommends denial of the Minor Amendment of Planned Development District No. 37 for signage at The Rock Sports Complex.

However, if approved, staff recommends approval be subject to the conditions outlined in the attached draft Ordinance.

<b>Project Name:</b>	The Rock Sports Complex, Minor PDD Amendment (signage)
<b>Project Address:</b>	7900 West Crystal Ridge Drive
<b>Applicant:</b>	Bill Zimmerman, MKE Sports & Entertainment
<b>Property Owner:</b>	Milwaukee County
<b>Current Zoning:</b>	Planned Development District No. 37, FW Floodway District
<b>2025 Comprehensive Plan:</b>	Mixed Use and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Root River Parkway (Village of Greendale) to the north, single-family residential and vacant land zoned commercial to the east, Loomis Road (State Highway 36) to the south, and single-family residential to the west
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the proposed Planned Development District Minor Amendment

### Introduction:

On July 28, 2016, the applicant submitted a Planned Development District (PDD) Amendment application to amend PDD No. 37 to permanently allow signage (banners) to be displayed on a portion of the large (approximately 160 feet by 20 feet in size) ballpark fence (on the side facing S. 76<sup>th</sup> Street) which is located north of Crystal Ridge Drive and west of S. 76<sup>th</sup> Street.

According to the applicant, "This structure is unique in the fact that (it) is not a typical billboard structure or side of the building. Therefore, we are not requesting updating ordinance city wide, only for The Rock as it's one of its kind in the city."

Staff is recommending, with agreement from the applicant, that the Plan Commission classify the proposed amendment as a Minor PDD Amendment. Major PDD Amendment are typically reserved for changes to the exterior boundaries of a PDD, changes to use, and changes to street layouts.

## Description/Analysis

It can be noted that:

- Pursuant to Section 15-3.0803C. of the Unified Development Ordinance (Detailed Standards for Accessory Uses in Nonresidential Districts, Fences),
  - “No advertising or signs shall be permitted on any fence in any zoning district.”
- Pursuant to Section 15-3.0442E.e. of the Unified Development Ordinance (Planned Development District No. 37, Signs),
  - “All signs must be in accordance with the Municipal Code, as amended, approved by the Architectural Review Board and subject to issuance of a Sign Permit through the Inspection Department.”
- Pursuant to Section 210-9 of the Municipal Code (Master sign program),
  - “All MTCCs (Multi-Tenant Commercial Centers) and planned developments ... *must have a master sign program* [emphasis added] if, after January 1, 2007, more than one sign will be erected in conjunction with such building, development, or center, as defined in this chapter.”
- The current signage (banner) on the side of the subject fence facing S. 76<sup>th</sup> Street was placed there without any permits or approvals from the City, after staff previously informed representatives of The Rock Sports Complex that such signage was not allowed.
- Consistent with past practice at other sports facilities within the City, staff has made an administrative determination that signage on the inside (but not the outside) of any ballfield fence may be allowed.

In response, the applicant submitted the subject PDD amendment, to allow the current signage/banner to remain on the outside of the subject fence, and to allow other similar signage/banners at this location in the future.

The applicant’s initial request consisted of up to two signs/banners encompassing no more than 3,200 square feet on the subject fence. However, after staff’s initial review and comments, the applicant revised their request to only one sign/banner encompassing no more than 1,200 square feet (the size of the current banner). The applicant is also requesting:

- to permanently allow signage (banners) to be displayed on a portion of the subject large ballpark fence;
- that each sign will be associated with an annual contract that can be renewed annually, and
- that the sign be lit by one spot-light.

Although the applicant currently indicates that the request is for on-premise signage, staff have been previously informed that the signage could be advertising for any business and/or event located at The Rock Sports Complex, elsewhere within the City, or outside the City. It can also be noted that the current banner would be defined as off-premise signage.

### **Staff Recommendation/Conclusion**

Based upon the preceding information, Department of City Development staff recommends denial of the subject Minor Amendment to PDD No. 37, for the following reasons:

- The applicant's request for signage is not consistent with the City's current sign regulations, neither those contained within the Municipal Code, nor those contained within the current PDD No. 37 Ordinance, nor those contained within the City's Unified Development Ordinance. More specifically, staff believes that the subject request is a significant and excessive departure from the City's current sign related standards.
- Approval of any permanent and/or off-premise signage is not warranted at this time as The Rock Sports Complex is not materially different in such matters than other sports related venues within the City, such as the Milwaukee County Sports Complex, the Franklin High School sports fields, the little league fields on Milwaukee County lands located on 76<sup>th</sup> Street between Puetz and Ryan, or the Palonia Soccer Club, all of which must abide by the City's current sign regulations.
- The subject request would set an adverse precedent for The Rock Sports Complex and the larger Ballpark Commons project in regard to the amount, type, and quality of signage that may be expected within this area.

However, should the City be interested in approving some type of signage in this situation, and in keeping with many other communities' sign standards, staff would recommend:

- temporary signage on the large ballpark fence north of Crystal Ridge Drive and west of S. 76<sup>th</sup> Street only;
- limit of one sign/banner at any given time;
- limit of 30 days for each sign;
- limit of one time per year for each specific sign;
- maximum sign/banner size of 30 square feet;
- no off-premise signage;
- no illuminated signage; and
- that such signage be subject to review and approval by the Architectural Review Board, and issuance of a Sign Permit by the Inspection Department, pursuant to all other applicable regulations and standards.

In conclusion, while staff does not recommend approval of the subject request, staff would note that it supports review of this matter at such time as a comprehensive proposal for signage for the entire Ballpark Commons development can be provided by the applicants. At that time, consideration can be made of the unique mixed-use nature of the entire development, and of the signages' compatibility with the overall architecture, aesthetics, design standards, and uses to be associated with the Ballpark Commons project.

# *THE* **ROCK**

## PLANNED DEVELOPMENT DISTRICT AMENDMENT UPDATE

Bill Zimmerman, Vice President  
MKE Sports & Entertainment  
Updated: August 29, 2016



## The Rock Sports Complex- Franklin, WI



### PROJECT SUMMARY

#### WHAT

The purpose of this summary is to request the Council approve an Ordinance to amend the official zoning map to allow signs to be displayed permanently on the ballpark field wall of The Rock Sports Complex. Specifically, a portion of the field wall facing the corner of 76<sup>th</sup> Street and Crystal Ridge Dr behind Fenway Field. This structure is unique in the fact that it is not a typical billboard structure or side of the building. Therefore, we are not requesting updating ordinance city wide, only for The Rock as it's one of its kind in the city. Below are details pertaining to our request:

- This request is for one (1) on-premise sign that will be illuminated nightly by one (1) spot-light.
- The signage will be temporary as each sign will be associated with an annual contract that will be renewable annually.
- The dimensions of the field wall we are looking to get amended include a portion of the backside of Fenway Field's 'Monster Wall', specifically a 60'x20' (1,200 square feet) sign, which is less the allowable area permitted per the signage application.
  - o When reviewing at the sign permit application and using the property frontage method, Crystal Ridge Dr is the longer of two streets. Therefore, we used the calculation of 2,000' (Crystal Ridge Rd frontage) X .8 (allowable area) = 1,600 Sq Ft of gross sign area.
- Below are the items used to install the sign
  - o 150lb 14" UV Resistant Zip Ties (Top/Bottom)
  - o Stainless Steel 200lb Zip Ties (Corners)
  - o 12" Bungie Cords (Sides)
- Page three (3) provides the spec sheet on the material used for the sign.
- Page four (4) provides the plot layout of the signage on The Rock Sports Complex property

#### WHY

- Community Outreach:
  - o Growing our corporate partnerships through field signage, has allowed us to put more towards the complex in an effort to provide a destination for our local residents. Signs on the fences of our sports complex (or any sports complex) is intended to drive revenue for local business and the surrounding cities.
- Complex Size:
  - o The complex itself is a unique structure within the city, which the original ordinances did not support nor a stadium (as probably it didn't contemplate when originally approved). The Rock sits on 140 acres, which again separates itself from other businesses. In



addition, this will have an impact with Ballpark Commons shortly in development (a master signage plan will be submitted in conjunction with stadium development).

- Foot Traffic:
  - In 2016, The Rock will see over 150,000 visitors throughout the year. This is disproportionately higher than the majority of businesses within the community.

We believe that allowing our partnerships to gain access to assets like ballpark field wall signage will help grow the complex and allow us to give back to our community.

**Cooley Commercial Graphics**

TECHNICAL DATA SHEET  
**CoolMesh™ Max Lite 8.5 oz**

CoolMESH Max Lite is a high strength material with a unique surface quality that provides more ink coverage, but with enough airflow to prevent moisture build-up. CoolMESH Max Lite is printable on both sides with UV ink. CoolMESH Max Lite is suitable for large format advertising and supports both indoor and outdoor applications.

Description			
Coating Type		PVC	
Substr. Type		Polyester 1000 x 1000 Standard	
Material Properties		English	Metric
Total Weight (nominal)		8.5 oz/yd <sup>2</sup>	289 g/m <sup>2</sup>
Tensile Strength, 1" Strip	ASTM D751-B	215 x 130 lbs	956 x 578 N
Tear Strength, Torque	ASTM D751	50 x 60 lbs	227 x 267 N
Air Flow (nominal)	ASTM D737	210 cfm/m <sup>2</sup>	1.062 l/m <sup>2</sup> /sec
Light Transmittance	CIE 172:2006 (mcd)	36%	
Fungus Resistant	ASTM D21	Yes	
Weldable		Catekwick (RF) or Thermal	
Flareo Certifications		NFPA 701	

**APPLICATIONS**

Backlit	Banner	Billboard	Blockout	Blind Wrap	Displays	Truckside
	*			*		

**INK COMPATIBILITY**

Solvent	Eco Solvent	UV	Latex	Dye Transfer	Dye Direct	Enrichable
*	*	*	*			

*Note: All tests must be tested for compatibility.*

**ROLL WIDTHS**

English (in)	Metric (mm)
32.7	835

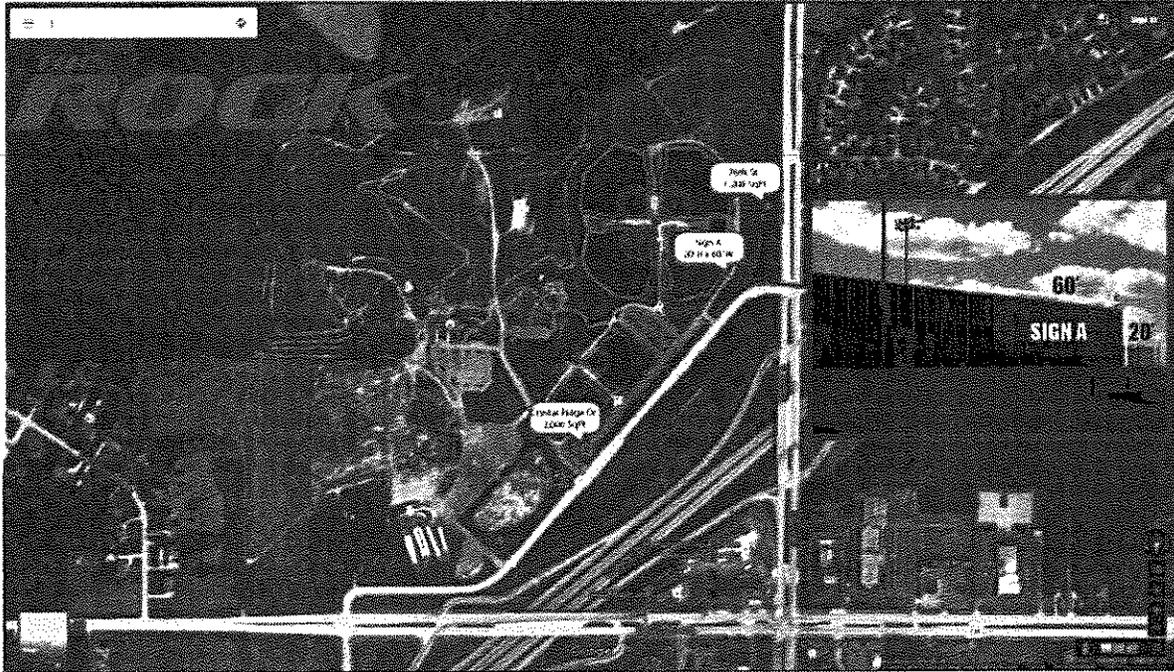
CoolMesh™ Max Lite is manufactured for use with Inkjet printers including, but not exclusive to, Vector™, HP/Scitex, and Durac serial equipment.

For further information please contact Cooley Commercial Graphics

401-724-9000 or [www.cooleycsg.com](http://www.cooleycsg.com)

The information contained herein or used is supplied by us, or on our behalf, is based upon data obtained through our own research and is considered accurate. However, no warranty is expressed or implied regarding the accuracy of this data, the results obtained from the use thereof, or that any such use will not infringe upon any patents. This information is furnished upon the condition that the person receiving it shall exercise its suitability for the specific application.





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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;">09/20/16</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION (AT APPROXIMATELY 7501 SOUTH 49TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.4.</i></p>

At its July 21, 2016 meeting the Plan Commission recommended approval of a resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

It should be noted that the Plan Commission expressed concerns related to the lack of detail within the submittal. The applicant indicated that additional information would be provided to the Common Council for review.

This item was previously tabled at the August 16<sup>th</sup> and September 6<sup>th</sup> Common Council meetings. The applicant is continuing to work with the Wisconsin Department of Natural Resources (WDNR); however, is still awaiting a navigability determination. The applicant is requesting that the item be tabled until the information necessary to finalize the Natural Resource Protection Plan is received from the WDNR.

**COUNCIL ACTION REQUESTED**

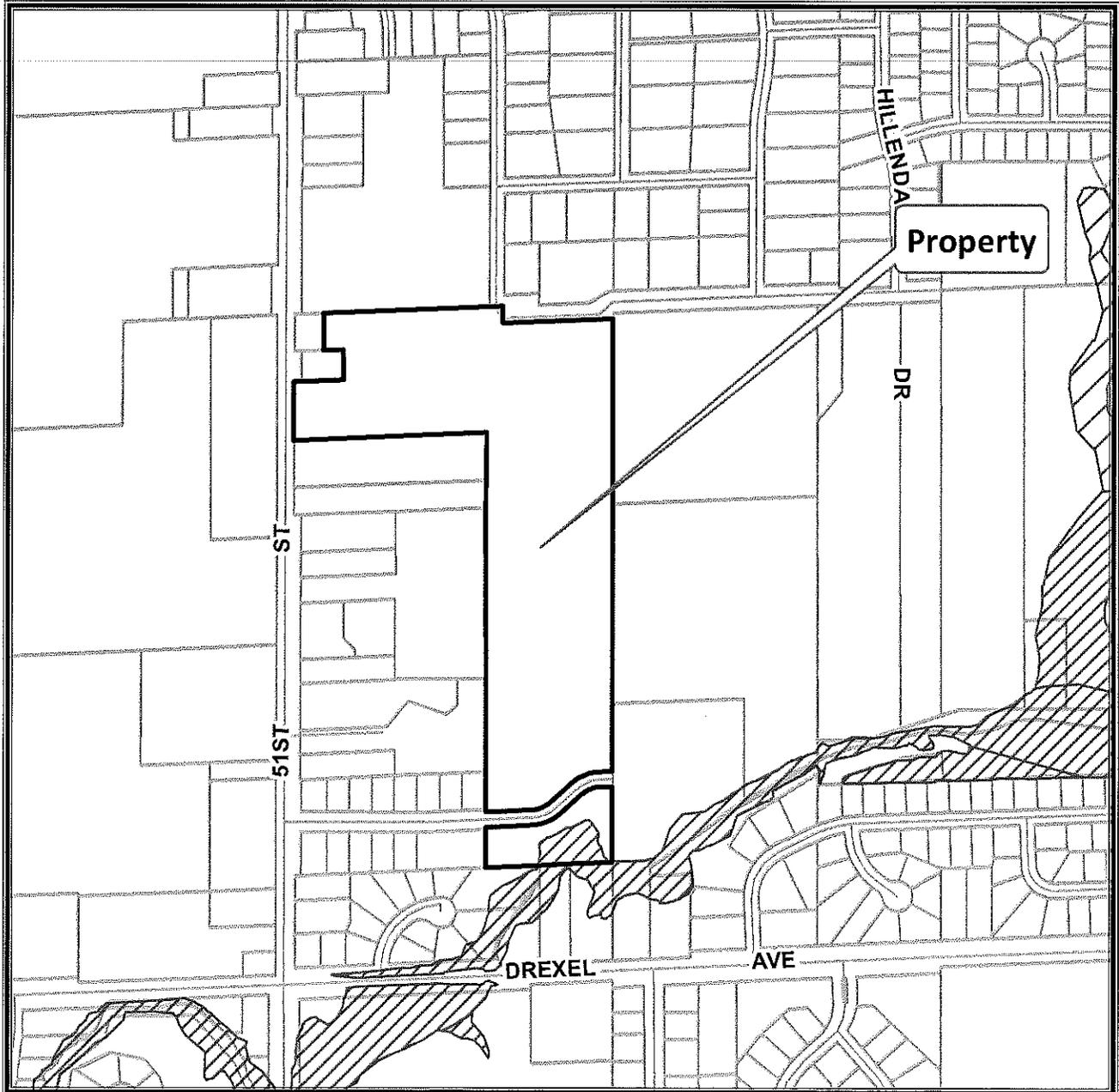
A motion to table.

or

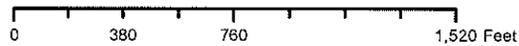
A motion as the Common Council deems appropriate.



7501 S. 49th Street  
TKN: 788 9981 001



Planning Department  
(414) 425-4024



2016 Aerial Photo

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

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

A RESOLUTION CONDITIONALLY APPROVING A  
PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION  
(AT APPROXIMATELY 7501 SOUTH 49TH STREET)  
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Evergreen Park Estates Subdivision [contingent upon rezoning approval for the property located at 7501 South 49th Street], such plat being a part of lands in the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7501 South 49th Street [The Preliminary Plat includes one lot south of West Evergreen Street (Lot 1), three lots north of West Evergreen Street (Lots 2, 3 and 4) and two lots east of South 51st Street (Lots 5 and 6), and five outlots, which are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features.], bearing Tax Key No. 788-9981-001, Rick J. Przybyla, President of Creative Homes, Inc., applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on July 21, 2016, pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Evergreen Park Estates Subdivision, as submitted by Rick J. Przybyla, President of Creative Homes, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

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

3. Franklin Oasis, LLC, successors and assigns and any developer of the Evergreen Park Estates 6 lot single-family residential subdivision development 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 Evergreen Park Estates 6 lot single-family residential subdivision development, 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.
4. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 6 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th Street [contingent upon rezoning approval for the property located at 7501 South 49th Street]: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Evergreen Park Estates 6 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. Any land disturbance and impervious surface within Lots 5 and 6 shall be made part of, and included in, the storm water calculations for any future phase of development upon the subject property.
7. The applicant shall submit a revised Preliminary Plat application for Department of City Development review and approval, prior to submittal of a Final Plat, which includes:
  - a. Delineation, on a revised preliminary plat, of all 30-foot wetland buffers, all protected woodlands, all floodplain and floodway, and the conservation easement boundary.
  - b. Site Intensity and Capacity worksheets.
  - c. A draft copy of the declaration of deed restrictions and protective covenants.
  - d. A Grading and Drainage Plan.
  - e. A draft Subdivision Development Agreement.

f. Storm water management calculations.

8. The applicant shall submit a revised project narrative or supplemental letter that lists all natural resource features that are located within the subject property that require protection pursuant to Table 15-4.0100 of the Unified Development Ordinance, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
9. The applicant shall submit a separate Natural Resource Protection Plan map exhibit that illustrates the entire site, and the delineations and areas (square footage) of all natural resource features onsite, pursuant to the requirements of Section 15-7.0201 of the Unified Development Ordinance, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
10. The applicant shall obtain a navigability determination from the Wisconsin Department of Natural Resources as part of a revised Preliminary Plat application. If determined to be navigable, the applicant shall revise the Preliminary Plat, Natural Resource Protection Plan, and Conservation Easement accordingly, including but not limited to, illustrating the 75-foot shore buffer.
11. The applicant shall clearly and accurately identify on the Preliminary Plat, the Natural Resource Protection Plan, and the Conservation Easement, all woodlands required for protection as defined by the Unified Development Ordinance, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
12. The applicant shall identify all significant mature or specimen trees and indicate the proposed method for preserving such trees, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
13. The applicant shall revise all building setback lines to be a minimum of six feet from the conservation easement when protected groves or woodlands are present, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
14. The applicant shall prepare a written conservation easement document for submittal as part of the Final Plat Application for Common Council review and approval.
15. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY  
PLAT  
RESOLUTION NO. 2016-\_\_\_\_\_  
Page 4

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 \_\_\_\_\_

<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;">09/20/16</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A PORTION OF A CERTAIN PARCEL OF LAND FROM C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE- FAMILY RESIDENCE DISTRICT (A PORTION OF THE PROPERTY AT 7501 SOUTH 49TH STREET) (APPROXIMATELY 1.867 ACRES) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.S.</i></p>

At their July 21, 2016 meeting, following a properly noticed public hearing, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District (a portion of the property at 7501 South 49<sup>th</sup> Street) (approximately 1.867 acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

This item was tabled at the August 16<sup>th</sup> and September 6<sup>th</sup> Common Council meetings, pending submittal of additional natural resource information related to the rezoning request as well as the Preliminary Plat Application. The applicant is continuing to work with the Wisconsin Department of Natural Resources; however, is still awaiting a navigability determination.

**COUNCIL ACTION REQUESTED**

A motion to table.

or

A motion as the Common Council deems appropriate.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

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

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE A PORTION OF A CERTAIN PARCEL  
OF LAND FROM C-1 CONSERVANCY DISTRICT TO  
R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT  
(A PORTION OF THE PROPERTY AT 7501 SOUTH 49TH STREET)  
(APPROXIMATELY 1.867 ACRES)  
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

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WHEREAS, Rick J. Przybyla, President of Creative Homes, Inc. having petitioned for the rezoning of a portion of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District, such land being located at 7501 South 49th Street; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 21st day of July, 2016, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from C-1 Conservancy District to R-6 Suburban Single-Family Residence District:

Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more particularly described as follows: Commencing at the southwest corner of said Southeast 1/4 of Section 11, thence N 1° 31' 23.74" E, 666.07' along the west line of said 1/4 Section, thence N 90° 00' 00" E, 805.92' to a point on the north right-of-way line of Evergreen Drive, thence N

88° 50' 50.04" E, 185.72' along said right-of-way, thence 12.80' along a curve on said right-of-way with a chord bearing of N 85° 58' 15.14" E and radius of 125.04', to the point of beginning of the lands to be described: N 1° 25' 31.05" W, 185.37' thence; N 23° 34' 09.50" W, 56.87' thence; N 48° 19' 21.01" W, 127.24' thence; N 1° 30' 31.15" W, 50.80' thence; N 24° 17' 36.81" E, 271.62' thence; N 8° 51' 54.18" E, 104.16' thence; N 3° 20' 22.82" E, 103.49' thence; N 12° 00' 34.31" E, 238.00' thence; N 20° 23' 56.45" E, 142.07' thence; N 38° 58' 43.10" E, 40.40' thence; S 63° 55', 22.59" E, 36.49' thence; S 3° 04' 08.17" W, 37.48' thence; S 19° 43' 53.47" W, 122.82' thence; S 12° 01' 21.00" W, 154.05' thence; S 0° 49' 08.88" W, 46.78' thence; S 18° 02' 00.44" W, 58.33' thence; S 8° 09' 00.75" W, 226.56' thence; S 20° 27' 25.27" W, 78.46' thence; S 30° 09' 57.90" W, 155.81' thence; S 3° 22' 09.03" E, 22.76' thence; S 49° 39' 30.33" E, 105.30' thence; S 21° 31' 02.24" E, 94.82' thence; S 1° 48' 18.19" W, 175.43' to a point on the north right-of-way of Evergreen Drive, thence; 48.77' along said right-of-way along a curve with a chord bearing of N 71° 51' 43.53" E and radius of 125.03' to the point of beginning. Said lands containing 1.867 acres more or less. Tax Key No. (a part of) 788-9981-001.

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: i) its passage and publication; and ii) Common Council approval of and the recording of a Preliminary Plat, the application for which is on file and pending upon the date of adoption of this Ordinance.

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.

ORDINANCE NO. 2016-\_\_\_\_  
Page 3

APPROVED:

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

ATTEST:

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

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

<p><b>APPROVAL</b></p> 	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>9/20/2016</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Presentation of the Mayor's 2017 Recommended Budget and Review of the Budget Preparation Timetable</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.6.</i></p>

The Mayor's 2017 Recommended Budget will be presented to the Common Council for it to forward to the Committee of the Whole in accordance with Section 13-2, "Preparation of Budget" of the City of Franklin Municipal Code.

The Director of Administration will present an "overview of [the] budget and major budget initiatives" as set forth in the 2017 Budget Preparation Timetable as adopted by the Common Council. The presentation will primarily consist of a PowerPoint presentation on the budget and review of the budget timetable.

Note that the budget timetable indicates that following the presentation, Aldermen will "determine or identify additional materials or information needed for 10/3 budget discussions." This will enable staff to prepare advance information as may be requested and also inform department heads as to who is expected to be in attendance. A copy of the budget timetable is attached for your convenience.

A copy of the Mayor's 2017 Recommended Budget document will be provided at the meeting.

### **COUNCIL ACTION REQUESTED**

Motion to forward consideration of the Mayor's 2017 Recommended Budget to the Committee of the Whole.

Provide other direction to staff, as appropriate, relative to additional materials or information needed for the October 3rd budget discussions.

Approved by CC on 2/16/2016

**City of Franklin  
2017 Annual Budget  
BUDGET PREPARATION TIMETABLE  
February 16, 2016**

**Schedule**

Tuesday, September 20	Common Council Meeting Agenda Item: Presentation on overview of budget and major budget initiatives. Aldermen determine or identify additional materials or information needed for 10/3 budget discussions.
Wednesday September 21 To Monday, October 3	Aldermen may contact department heads with budget questions.
Monday, October 3	Committee of the Whole Agenda Item: Review of Mayor's Recommended Budget.
Tuesday, October 4	Alternate day for additional Committee of the Whole meeting and budget discussion in conjunction with regular Common Council meeting.
Friday, October 14	Last regular work day for budget changes to be included in the Public Hearing notice.
Monday, October 17 To Thursday, October 20	Preparation and Submission of Public Hearing Notice.
Tuesday, October 18	Regular Common Council Meeting, available for discussion of any budget topic as may be needed.
Thursday, October 27	Publication of Preliminary Budget and Hearing Notice.
Monday, October 31 & Tuesday, November 1	Regular Committee of the Whole & Common Council meetings available for discussion of any budget topics as may be needed.
Tuesday, November 15	Regular Common Council Meeting: Public Hearing on the Proposed Annual Budget AND Adoption of Annual Budget [Note: The late date does not provide opportunity for delay].

**Note:** Subsequent actions that may affect the Common Council's regular meeting schedule may impact this calendar.

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <i>9/20/2016</i>
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Agreement with the Town of Waterford to provide Advanced Life Support (ALS) intercept services to the Tichigan Volunteer Fire Company.</b>	<b>ITEM NUMBER</b> <i>6.7.</i>
<p>The Franklin Fire Department occasionally receives requests for its paramedic units to “intercept” patients being transported through Franklin. Generally these are patients being transported to Milwaukee County hospitals by basic-level service providers from western Racine County. Either the patient’s condition has deteriorated to the point that the basic level service (EMTs) can no longer provide adequate care, or the patient has had a serious illness or injury that required the EMTs to “scoop and run” in order to get the patient to a hospital and/or higher level of care than they could provide on scene.</p> <p>The Tichigan Volunteer Fire Company (serving the Town of Waterford) expressed interest in establishing a formal intercept agreement. The agreement would allow Franklin to bill the other municipality for providing this higher level of care. The law allows only the transporting vehicle to bill the patient, unless there is a formal agreement in place. (During an intercept, in order to save time, our paramedics would jump into the back of the incoming ambulance, rather than offloading the patient, transferring to a different cot, and then loading them into the second rig).</p> <p>The Franklin Fire Department currently honors mutual aid and intercept requests from surrounding (based on unit availability and concurrent emergency calls at the time of the request). Having the agreement in place would allow for the creation of a more clearly defined process for the intercept; and would allow FFD to recoup the cost of the personnel equipment, and supplies from the town of Waterford.</p> <p>This agreement is not expected to impact or increase emergency run volume in any significant manner, and similar agreements are in place with other fire departments outside of Milwaukee County. Franklin’s location makes it the entry corridor from western Racine and southern Waukesha Counties and many of the fire departments/EMS providers serving those areas are not licensed at the ALS provider level.</p> <p>The Franklin Fire Department is committed to working with our partners in promoting and improving access to the highest quality pre-hospital emergency medical care on a regional basis. The Fire Chief recommends approval.</p>		
<p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>Request Council approval to establish an agreement to provide ALS intercept services to the Tichigan Volunteer Fire company and the Town of Waterford.</p>		

**AGREEMENT BETWEEN THE CITY OF FRANKLIN AND THE  
TICHIGAN VOLUNTEER FIRE COMPANY ALLOWING THE  
FRANKLIN FIRE DEPARTMENT TO PROVIDE PARAMEDIC  
INTERCEPT SERVICES TO THE TICHIGAN VOLUNTEER FIRE  
COMPANY**

This Agreement is made and entered into this \_\_\_\_\_ day of August, 2016 by the City of Franklin Fire Department and the Tichigan Volunteer Fire Company.

WITNESSETH

WHEREAS the City of Franklin Fire Department and the Tichigan Volunteer Fire Company desire to demonstrate their commitment to providing the best possible care to patients, by entering into an Advanced Life Support (ALS) Intercept Agreement, and;

WHEREAS this Agreement is by and between the City of Franklin , which operates the Franklin Fire Department, and the Town of Waterford, which contracts the Tichigan Volunteer Fire Company

WHEREAS the Franklin Fire Department, a State of Wisconsin Licensed Paramedic Service Provider, agrees to provide the Tichigan Volunteer Fire Company, a State of Wisconsin Licensed Basic Life Support Provider, with an Advanced Life Support (ALS) Intercept Service upon reasonable terms when such service is requested, and;

WHEREAS the Town of Waterford is located outside the City of Franklin limits and the Town of Waterford / Tichigan Volunteer Fire Company desires to have the Franklin Fire Department provide Paramedic (ALS) Intercept Services from the Franklin Fire Department and is willing to compensate the City of Franklin for such services.

NOW, THEREFORE, it is agreed between the parties as follows:

1. The Franklin Fire Department will furnish ALS Intercept Services to the Tichigan Volunteer Fire Company in accordance with, and subject to, the terms of this Agreement.
2. Subject to the availability of personnel and equipment due to then-existing conditions and call volume as determined by the Franklin Fire Department in its sole discretion, the Franklin Fire Department agrees to intercept the Tichigan Volunteer Fire Company ambulance en route to the hospital with one (1) or more paramedic(s) and an ambulance or support vehicle, and to render paramedic services. The Tichigan Volunteer Fire Company shall conduct the transport of the patient to the hospital. The Franklin Fire Department paramedic(s) will assist and

supplement the EMTs provided by the Tichigan Volunteer Fire Company.

3. The Town of Waterford / Tichigan Volunteer Fire Company recognize the continuing right and responsibility of the Franklin Fire Department to independently assess, upon receipt of each and every request for Paramedic Intercept Service from the Tichigan Volunteer Fire Company, whether it is able to dispatch its paramedic(s) as requested. This reservation notwithstanding, the Franklin Fire Department will make every effort to respond to each call for service from the Tichigan Volunteer Fire Company efficiently and effectively. In the event that the Franklin Fire Department is unable to dispatch a paramedic(s) as requested, the Franklin Fire Department will immediately attempt to convey its inability to respond to the Tichigan Volunteer Company's request.
4. The Tichigan Volunteer Fire Company agrees to pay the City of Franklin as follows:
  - a. To pay for all supplies provided by the Franklin Fire Department under this Agreement.
  - b. To pay for each patient treated under this Agreement by the Franklin Fire Department, at the rate established for "ALS intercept services" by the City of Franklin, as defined in the Franklin Fire Department EMS Service Rates Schedule, with notice of any fee changes provided in advance and in writing to the Town of Waterford and the Tichigan Volunteer Fire Company.
  - c. To pay all fees within 30 days of receipt of the monthly invoice from the Franklin Fire Department billing service or from the City of Franklin as applicable.
5. The Franklin Fire Department shall not charge a fee if a request for paramedic service is canceled or if treatment is not rendered by the Franklin Fire Department paramedic. It is understood that the Tichigan Volunteer Fire Company, the Town of Waterford, and/or its respective EMS billing vendor, may bill the patient for the purpose of recovering any costs incurred but that the Town of Waterford / Tichigan Volunteer Fire Company shall retain primary responsibility for payment of fees incurred under this Agreement.
6. The City of Franklin and the Town of Waterford / Tichigan Volunteer Fire Company each agree to be responsible for the acts, errors and omissions of their respective officers, employees, agents, and

volunteers while responding to, operating at or returning from an intercept incident. Each party hereby agrees to indemnify and hold the other party harmless for any claim for damages arising out of the acts, errors or omissions of the indemnifying parties' employees.

7. Risk Allocation

- a. Immunity. All parties (members) to this agreement are governmental entities entitled to governmental immunity under law, including § 893.80, Wis. Stats. Nothing contained herein shall be deemed to constitute a waiver of any of the rights and defenses to which each party may be entitled under law, including all of the immunities, limitations and defenses under § 893.80, Wis. Stats., as amended from time-to-time
- b. Members Responsible for Own Actions. Each party shall bear the risk of acts, errors, and/or omissions of its own officers, employees, agents and or volunteers, as it does with its day-to-day operations.
- c. Employee Claims. The officers, agents, employees and/or volunteers of each party shall be covered by his or her respective organization for purposes of worker's compensation, unemployment insurance, and benefits under Ch. 40, Wis. Stats., regardless of whether the party is the responding or requesting Member.
- d. Insurance. All parties shall, throughout the term of this Agreement, maintain an insurance policy or maintain a self insurance program that covers activities that it may undertake.
- e. Survival of Obligations. The obligations set forth in this Section (7) shall survive the termination or expiration of this Agreement.

8. This Agreement may be amended by written agreement approved by the City of Franklin and the Town of Waterford / Tichigan Volunteer Fire Company.

9. The term of this Agreement shall be on-going, except the Agreement:  
1) may be reviewed every three (3) years, or at such other time upon request by a party, and 2) may be terminated at any time with 120 days written notice by any of the parties that have entered into this Agreement by the City of Franklin and the Town of Waterford / Tichigan Volunteer Fire Company .

10. All notices, requests, demands, complaints and other communications provided for herein or made hereunder shall be in writing. These notices, requests, demands, complaints or other communications will be delivered by Certified Mail, return receipt requested, postage prepaid or by a recognized overnight carrier which provides proof of receipt and will be addressed to the address below. All notices shall also be provided in writing to the Chief of the Franklin Fire Department for the City of Franklin at 8901 W. Drexel Ave., Franklin WI 53132, and the Chief of the Tichigan Volunteer Fire Company for the Town of Waterford at 8205 Big Bend Rd., Waterford, WI 53185.

BY \_\_\_\_\_ Dated: \_\_\_\_\_  
Stephen R. Olson, Mayor

BY \_\_\_\_\_ Dated: \_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

BY \_\_\_\_\_ Dated: \_\_\_\_\_  
Paul Rotzenberg, Director of  
Finance and Treasurer

APPROVED AS TO FORM:

BY \_\_\_\_\_ Dated: \_\_\_\_\_  
Jesse A. Wesolowski, City  
Attorney

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