

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
MONDAY APRIL 1, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcements:
 - (a) Letter from State Senator David Craig Regarding Proposed Legislation Addressing Violation of Law Relating to Practice of Massage Therapy.
 - (b) Committee of the Whole Scheduled for 6:00 p.m. on Monday, April 15, 2019.
 - (c) City Staffing of Boards and Commissions.
 - (d) Effective April 16, 2019, Project Update for Ballpark Commons will be a Common Council Meeting Agenda Item.
- C. Approval of Minutes:
 - Regular Common Council Meeting of March 19, 2019.
- D. Hearings.
- E. Organizational – Mayoral Appointments:
 - 1. Kenneth Sweeney, 11221 W. St. Martins Rd., Ald. Dist. 6 – Fair Commission (3 year term expiring 4/30/22).
 - 2. David Lindner, 4007 W. Acre Ave., Ald. Dist. 5 – Fair Commission (3 year term expiring 4/30/22).
 - 3. John Trudeau, 11410 W. Mayers Dr., Ald. Dist. 6 – Fair Commission (3 year term expiring 4/30/22).
 - 4. Dennis Ciche, 8128 S. 43rd St., Ald. Dist. 5 – Finance Commission (1 year term expiring 4/30/20).
 - 5. Linda Witkowski, 7935 S. 67th St., Ald. Dist. 4 – Finance Commission (1 year term expiring 4/30/20).
 - 6. Robert Campbell, Jr., 5416 W. Behrendt St., Ald. Dist. 5 – Finance Commission (1 year term expiring 4/30/20).
 - 7. John Howard, 6658 W. Robinwood Ln., Ald. Dist. 5 – Finance Commission (1 year term expiring 4/30/20).
 - 8. Madelyn Kempen, 7855 S. Scepter Dr., Apt 13, Ald. Dist 2 – Library Board (3 year term expiring 6/30/22).
 - 9. Terrence Berres, 8203 S. 58th St., Ald. Dist. 5 – Library Board (3 year term expiring 6/30/22).
 - 10. Judith Williams-Killackey, 4901 W. Forest Hill Ave., Ald. Dist. 5 – Library Board (3 year term expiring 6/30/22).
 - 11. Andrew Ruffing, 4728 West Sharon Lane, Ald. Dist. 5 – Quarry Monitoring Committee (3 year term expiring 5/31/22).

12. Dr. Henry Wengelewski, 3643 W. Sharon Ln., Ald. Dist. 5 – Board of Health (2 year term expiring 4/30/21).
13. Jim Arneson, 5188 W. Harvard Dr., Ald. Dist. 5 – Architectural Review Board (3 year term expiring 4/30/22).
14. Mary Remington, 7600 S. Chapel Hill Dr., Ald. Dist. 2 – Parks Commission (3 year term expiring 4/30/22).
15. Gregory Strowig, 8128 S. 77th St., Ald. Dist. 1 – Technology Commission (3 year term expiring 4/30/22).
16. Dale Webler, 6846 W. Imperial Dr., Ald. Dist. 5 – Technology Commission (3 year term expiring 4/30/22).
17. Stephanie Flynn, 7473 Riverview Road, Ald. Dist. 5 – Environmental Commission (3 year term expiring 4/30/22).
18. Patricia Pomahac, 8111 S. Forest Hills Cir., Ald. Dist. 2 – Environmental Commission (3 year term expiring 4/30/22).
19. Robert Campbell, 5416 W. Behrendt St., Ald. Dist. 5 – Board of Zoning and Building Appeals (3 year term expiring 4/30/22).
20. Robert Montgomery, 8570 S. 116th St., Ald. Dist. 6 – Board of Zoning and Building Appeals (3 year term expiring 4/30/22).
21. Richard Budny, 9237 S. 48th St., Ald. Dist. 4 – Personnel Committee (3 year term expiring 4/30/22).
22. Frank Prusko, 8007 S. Steepleview, Ald. Dist. 2 – Personnel Committee (3 year term expiring 4/30/22).
23. Adam Burckhardt, 7541 S. 72nd St., Ald. Dist. 5 – Plan Commission (1 year term expiring 4/30/20).

F. Letters and Petitions: Letter From Rick Przybyla from Creative Homes Regarding Outlot in Pleasant View Estates Development.

G. Reports and Recommendations:

1. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Certain Parcel of Land From R-3 Suburban/Estate Single-Family Residence District to M-1 Limited Industrial District (Generally Located on the East Side of West Forest Home Avenue, Approximately 1,200 Feet North of the Intersection of West Forest Home Avenue and West Rawson Avenue (South of the Existing General Warehouse Building) (Approximately 4.35 Acres) (Ener-Con Companies Inc., c/o FHCC, LLC, Applicant).
2. A Resolution Conditionally Approving a Land Combination for Tax Key Nos. 748-9994-003, 748-9997-008 and 748-0067-000 (11301-11311 West Forest Home Avenue, 6858 South 112th Street and Generally the East Side of West Forest Home Avenue, Approximately 1,200 Feet North of the Intersection of West Forest Home Avenue and West Rawson Avenue (South of the Existing General Warehouse Building) (Ener-Con Companies Inc., c/o FHCC, LLC, Applicant).

3. A Resolution Authorizing Certain Officials to Accept a Conservation Easement For and as Part of the Review and Approval of a Special Use and Natural Resource Protection Plan for a Two-Family Residential Side by Side Ranch Townhome Use Upon Property Located at 10504 West Cortez Circle (Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., Applicant).
4. Financial Report on Tax Incremental District 4 for Calendar 2018.
5. Policy Direction Regarding Length and Information Contained in Planning Staff Reports.
6. Authorize a Plan for Supplemental Services for the Planning and Inspection Services Departments Using Their 2018 Revenues in Excess of Budgeted Revenues.
7. An Ordinance Amending Ordinance 2018-2345, an Ordinance Adopting the 2019 Annual Budget for the General Fund for the City of Franklin, to Appropriate \$48,464 Within the Planning Department and \$78,362 within the Inspection Services Department, Reflecting Amounts Equal to Each Department's 2018 Revenues in Excess of Budgeted Revenues, to Support Implementation of a Plan for Supplemental Services for Those Departments.
8. A Resolution Authorizing Approval of the Revisions to Appendix F Sample Subdivision Agreement of the City of Franklin Design Standards and Construction Specifications, July 2017.
9. Request to Place Stop Signs on S. Avian Way at the Intersection with W. Grey Hawk Court and W. Grey Hawk Lane.
10. A Resolution Awarding Contract to the Low Bidder, Stark Pavement Corporation, in the Amount of \$975,000.00 for the 2019 Local Street Improvement Program.
11. Temporary Street Closure Request in Conjunction with the June 14, 2019 Outdoor Movie.
12. A Resolution to Amend the Investment Policy Statement for the City of Franklin Post Employment Benefits Trust.
13. February 2019 Monthly Financial Report.
14. Authorize the Director of Administration to Proceed with Obtaining Pricing for a Wireless Microphone Strategy for the Replacement of the Common Council Chamber Sound System.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of April 1, 2019.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

*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.]

Common Council Meeting Agenda
April 1, 2019
Page 4

REMINDERS:

April 2	Spring Election	7:00 a.m.-8:00 p.m.
April 4	Plan Commission Meeting	7:00 p.m.
April 15	Committee of the Whole	6:00 p.m.
April 16	Common Council Meeting	6:30 p.m.
May 7	Common Council Meeting	6:30 p.m.
May 9	Plan Commission Meeting	7:00 p.m.
May 21	Common Council Meeting	6:30 p.m.
May 23	Plan Commission Meeting	7:00 p.m.



B.2.(a)

RECEIVED
CITY OF FRANKLIN

DAVID CRAIG

2019 MAR 25 AM 9:05

STATE SENATOR

March 19, 2019

The Honorable Steve Olson
Mayor
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132

RE: Legislation addressing violation of law relating to practice of massage therapy

Dear Mayor Olson,

I wanted to share with you a copy of the legislation that I am co-sponsoring (LRB-0761) regarding violations of the law relating to the practice of massage therapy or bodywork therapy. As you and other mayors - as well as law enforcement officials - have informed me, incidents of illicit activities including prostitution and human trafficking have been reported. It is my hope, along with the authors of this bill, that this legislation will allow for local communities to address this growing problem head on and stop unscrupulous businesses from engaging in unlawful conduct.

If you have any questions or would like additional information or assistance with this or any other matter relating to state government, please feel free to contact me at (608) 266-5400 or email me at Sen.Craig@legis.wi.gov.

Best Wishes,

David Craig
State Senator
28th Senate District

Cc: Honorable Members of the City of Franklin Common Council
Sandra Wesolowski, City Clerk



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0761/1
MES&MED:wlj

2019 BILL

- 1 **AN ACT** *to renumber* 460.17; *to amend* 460.15; and *to create* 460.14 (4) and
2 460.17 (2) of the statutes; **relating to:** violations of the law relating to the
3 practice of massage therapy or bodywork therapy and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume any title or designation that represents the person as a massage therapist or bodywork therapist unless the person is licensed as a massage therapist or bodywork therapist by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

This bill does all of the following with respect to the practice of massage therapy or bodywork therapy:

1. Specifically authorizes a city, village, or town (municipality) to enact and enforce an ordinance prohibiting a person from violating the prohibitions described above unless the person is licensed by the board. The bill authorizes municipalities to impose forfeitures of up to \$1,000 for ordinance violations.

2. Allows the board, in addition to or in lieu of professional discipline or certain other actions that may be taken by the board against a person who violates certain prohibitions relating to massage therapy or bodywork therapy, to assess a forfeiture of not more than \$1,000 for each separate offense.

3. Adjusts the penalty for violating provisions under state law relating to massage therapy and bodywork therapy, including practicing without the required

BILL

license, to a criminal fine of not more than \$1,000 for each violation or imprisonment for not more than 90 days, or both. Under current law, the penalty is a civil forfeiture of up to \$1,000.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 460.14 (4) of the statutes is created to read:

2 460.14 (4) The affiliated credentialing board may, in addition to or in lieu of a
3 reprimand or revocation, limitation, suspension, or denial of a license, assess against
4 a person who has done anything specified under sub. (2) (a) to (j) a forfeiture of not
5 more than \$1,000 for each separate offense. Each day of continued violation
6 constitutes a separate offense.

7 **SECTION 2.** 460.15 of the statutes is amended to read:

8 **460.15 Penalty.** Any person who violates this chapter or any rule promulgated
9 under this chapter ~~shall forfeit~~ may be fined not more than \$1,000 for each violation
10 or imprisoned for not more than 90 days, or both.

11 **SECTION 3.** 460.17 of the statutes is renumbered 460.17 (1).

12 **SECTION 4.** 460.17 (2) of the statutes is created to read:

13 460.17 (2) (a) A city, village, or town may enact and enforce an ordinance that
14 prohibits an individual from violating the prohibitions under s. 460.02 unless the
15 individual is licensed under this chapter as required under s. 460.02.

16 (b) Law enforcement personnel of a city, village, or town may issue citations for
17 violations of a local ordinance described in par. (a), and the city, village, or town may

BILL

1 impose forfeitures, not to exceed the amount specified in s. 460.14 (4), for violations
2 of such an ordinance.

3 **(END)**

B. 2.(c)

Sandi Wesolowski

From: Steve Olson [steve-olson@wi.rr.com]
Sent: Friday, March 29, 2019 9:33 AM
To: Sandi Wesolowski
Cc: Joel Dietl; Mark Luberd
Subject: Boards and Commissions Staffing

For support for Mayoral Announcements

Due to staffing shortages in the Planning Department I'm temporarily removing staff support for non-statutory boards and commissions until we have appropriate staffing in place in the department.

Board or Commission chairmen should be qualified to formulate their agendas. Gail will continue (for those she did) to produce the agenda's and packets for these boards and commissions until I formulate a different plan.

Commissions affected:

- Parks
- Quarry Monitoring

NOT AFFECTED due to ordinance and statute:

- Plan Commission
- Board of Zoning and Building Appeals

Steve Olson
Mayor
City of Franklin
9229 W. Loomis Rd.
Franklin, WI. 53132
O: 414-427-7529



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C.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
MARCH 19, 2019
MINUTES

- | | |
|--|--|
| ROLL CALL | A. The regular meeting of the Common Council was held on March 19, 2019 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski. |
| CITIZEN COMMENT | B.1. Citizen comment period was opened at 6:31 p.m. and closed at 7:11 p.m. |
| MAYORAL
ANNOUNCEMENT | B.2. Mayor Olson noted a letter from Milwaukee County Office of Emergency Management regarding Wireless Emergency Alert ("WEA") messages. |
| APPROVAL OF
MINUTES | C. Alderman Barber moved to approve the minutes of the regular Common Council Meeting of March 5, 2019 as presented at this meeting. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried. |
| MAYORAL
APPOINTMENTS | E. Alderman Mayer moved to confirm the following Mayoral Appointment: Steve Rekowski, 7565 S. Mission Dr., Ald. Dist. 2, 3-year unexpired term to the Board of Zoning and Building Appeals expiring 04/30/2020. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried. |
| BALLPARK COMMONS
UPDATE | G.1. No action was taken following a project update for Ballpark Commons presented by Mike Zimmerman. |
| RES. 2019-7473
SPECIAL USE
TOWNHOME
NISENBAUM HOMES &
REALTY, INC. | G.8. Alderman Nelson moved to adopt Resolution 2019-7473, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A TWO-FAMILY RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE (GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY, INC., APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried. |
| STATUS UPDATE FROM
QUARRY MONITORING
COMMITTEE AND
PDD NO. 23 AND 24 | G.3. Alderwoman Wilhelm moved to approve an amendment to the Quarry Monitoring Professional Services Agreement for 2019 to include the addition of a new survey of both north/south boundary along S. 51st Street and the east/west boundary along W. Drexel Avenue and that |

STANDARDS

the surveying funds come from the General Fund (Contingency), or as appropriate, at a cost not to exceed \$6,000 and further that the survey point would be from the current centerline of S. 51st Street. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderwoman Wilhelm moved to have staff address the existing complaint regarding the setback as it relates to the field of loose material beyond the blasting area, and the survey needs to address blasting areas and that a letter be sent to Payne and Dolan notifying them of the City's concerns and the request to fund an additional survey and the Stantec contract for this year, and to address any fine language within the letter. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderwoman Wilhelm moved to direct the City Attorney to provide an opinion on the ability of the City to revisit the Planned Development District No. 23 and 24 Standards pertaining to blasting levels allowed by the two PDDs with a date to return back to the Council no later than the last meeting in June 2019. Seconded by Alderman Barber. All voted Aye; motion carried.

REPLACEMENT OF FIRE ENGINE

G.5. Alderman Taylor motion to authorize the Mayor and Director of Clerk Services, and other staff as required, to execute a purchase contract, funded through the Equipment Replacement Fund, with Seagrave Fire Apparatus, LLC, for replacement of Engine #206, a 1999 Fire Engine, with a 2019 Seagrave Model TB50CA, Marauder Pumper for \$633,395. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2019-7474 CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR PARK CIRCLE CONDOMINIUMS (9733 S. 76TH ST.) (NEUMANN DEVELOPMENTS, INC., APPLICANT)

G.6. Alderman Nelson moved to adopt Resolution No. 2019-7474, A RESOLUTION TO AMEND RESOLUTION NO. 2017-7291, A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR PARK CIRCLE CONDOMINIUMS AT APPROXIMATELY 9733 SOUTH 76TH STREET (NEUMANN DEVELOPMENTS, INC., APPLICANT), TO INCLUDE AND DEPICT ALL PROPOSED 54 CONDOMINIUM UNITS UPON THE PLAT, INCLUDING IN THE WIS. STAT. §703.26 EXPANDING CONDOMINIUM AREAS; TO RATIFY AND APPROVE NUNC PRO TUNC THE RECORDING OF THE PLAT ON FEBRUARY 21, 2019 AS DOCUMENT #10849951; TO WAIVE ANY PRIOR REGULATORY TIME LIMITS FOR THE RECORDING OF THE PLAT; TO AUTHORIZE DEPARTMENT OF CITY DEVELOPMENT AND ENGINEERING DEPARTMENT STAFF TO REVIEW FOR APPROVAL ALL FORTHCOMING ADDENDUMS TO THE PLAT IN THE WIS. STAT §703.26 EXPANDING CONDOMINIUMS AREAS, AND TO RENAME

THE DEVELOPMENT THE GLEN AT PARK CIRCLE CONDOMINIUMS. Seconded by Alderman Taylor. All voted Aye; motion carried.

ORD. 2019-2361
AMEND UDO
INDUSTRIAL
CLASSIFICATION
TITLES

- G.7. Alderman Dandrea moved to adopt Ordinance No. 2019-2361, AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 AS PRESENTED IN THE PLAN COMMISSION PACKET DATED FEBRUARY 11, 2019, SUBJECT TO STANDARD INDUSTRIAL CLASSIFICATION TITLE NOS. 1742 "PLASTERING, DRYWALL, ACOUSTICAL, AND INSULATION WORK", 1743 "TERRAZZO, TILE, MARBLE, AND MOSAIC WORK" AND 5145 "CONFECTIONARY" BE ALLOWED AS A PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT TABLE 15-3.060. Seconded by Alderman Taylor. On roll call, Alderman Dandrea, Alderman Mayer, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderwoman Wilhelm voted No. Motion carried.

ORD. 2019-2362
RECLASSIFY
CONTINGENCY
APPROPRIATIONS FOR
A K9 PURCHASE

- G.9. Alderwoman Wilhelm moved to adopt Ordinance No. 2019-2362, AMENDING ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE GENERAL FUND AND DONATIONS FUNDS FOR THE CITY OF FRANKLIN, TO RECLASSIFY CONTINGENCY APPROPRIATIONS AND ESTABLISH APPROPRIATIONS FOR A K9 PURCHASE. Seconded by Alderman Taylor. All voted Aye; motion carried.

ORD. 2019-2363
AMEND BUDGET FOR
ODOR MANAGEMENT
IN THE RYAN CREEK
INTERCEPTOR SEWER

- G.10. Alderman Taylor moved to adopt Ordinance No. 2019-2363, AMENDING ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE SANITARY SEWER FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2019 TO ESTABLISH AN APPROPRIATION FOR ODOR MANAGEMENT IN THE RYAN CREEK INTERCEPTOR SEWER. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

RES. 2019-7475
AGREEMENT WITH
MMSD FOR RYAN
CREEK INTERCEPTOR
ODOR CONTROL

- G.11. Alderman Taylor moved to adopt Resolution No. 2019-7475, A RESOLUTION TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT FOR RYAN CREEK INTERCEPTOR ODOR CONTROL IMPROVEMENTS subject to changes thereto by the City Engineer and City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

COMPUTER
REPLACEMENT

- G.12. Alderman Taylor moved to authorize the Information Technology Director to order 55 HP desktop computers from Paragon

Development Systems (PDS) as recommended in the Council Action Sheet and in accordance with the adopted 2019 departmental budgets, with any overages being funded within the IT 2019 Capital Outlay budget. Seconded by Alderman Mayer. All voted Aye; motion carried.

AUTHORIZATION TO
PROCEED WITH CITY
HALL PHASE 2

- G.2. Alderman Barber moved to accept the Design Development Report from Quorum Architects, Inc. for the City Hall roof, HVAC and fascia wood replacement project and authorization to proceed to Phase 2 of the project, development of construction documents. Seconded by Alderman Nelson. Alderman Mayer, Alderwoman Wilhelm, Alderman Barber, and Alderman Nelson voted Aye; Alderman Dandrea and Alderman Taylor voted No. Motion carried.

TID 4 STATUS AND
CREATION OF TID
OVERLAY AND
SERVICES FOR W. ELM
RD. RIGHT OF WAY
APPRAISAL AND
ACQUISITION

- G.4. Alderman Taylor moved to direct staff to return to the Common Council with a recommendation of the creation of a Tax Incremental District overlay district along with the boundaries thereof and the cost estimates for professional services related to the creation of the overlay district, by the first Common Council meeting in May. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderman Taylor moved to direct and authorize staff to return to the Common Council with a contract for professional consultant services for the appraisal and acquisition of road right-of-way along West Elm Road consistent with the road layout proposed by and as previously submitted by staff to the Wisconsin Department of Transportation, by the first Common Council meeting in May 2019. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND
PERMITS

- H.1. Alderman Taylor moved to approve the following:
Grant Operator Licenses to Ellisa S.J. Reeder, 1575 S. 82nd St., West Allis; Angela M. Spingola, 4169 S. 5th Pl., Milwaukee; Mallory K. Villwock, 8026 S. 47th St., Franklin; Kristen L. Wieneke, 3422 E. Tesch Ave., St. Francis; and
Grant Class B Beer and Class C Wine, to Dhiman LLC, Deepak Dhiman, Agent, 7107 S. 76th St.
Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman Dandrea moved to approve the following:
City vouchers with an ending date of March 14, 2019 in the amount of \$1,064,146.67; and payroll dated March 15, 2019 in the amount of \$387,271.69 and payments of the various payroll deductions in the amount of \$223,385.32, plus City matching payments; and estimated payroll dated March 29, 2019 in the amount of \$400,000.00 and payments of the various payroll deductions in the amount of \$397,000.00, plus City matching payments; and Property Tax refunds

and investments with an ending date of March 14, 2019 in the amount of \$5,299.43; and the release of payment to miscellaneous vendors in the amount of \$35,086.52. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:25 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/01/19
ORGANIZATIONAL BUSINESS	Boards and Commissions Appointments	ITEM NUMBER <i>E.</i>
<p>The Mayor has made the following appointments for Council confirmation:</p> <ol style="list-style-type: none"> 1. Kenneth Sweeney, 11221 W. St. Martins Rd., Ald. Dist. 6 – Fair Commission (3 year term expiring 4/30/22). 2. David Lindner, 4007 W. Acre Ave., Ald. Dist. 5 – Fair Commission (3 year term expiring 4/30/22). 3. John Trudeau, 11410 W. Mayers Dr., Ald. Dist. 6 – Fair Commission (3 year term expiring 4/30/22). 4. Dennis Ciche, 8128 S. 43rd St., Ald. Dist. 5 – Finance Commission (1 year term expiring 4/30/20). 5. Linda Witkowski, 7935 S. 67th St., Ald. Dist. 4 – Finance Commission (1 year term expiring 4/30/20). 6. Robert Campbell, Jr., 5416 W. Behrendt St., Ald. Dist. 5 – Finance Commission (1 year term expiring 4/30/20). 7. John Howard, 6658 W. Robinwood Ln., Ald. Dist. 5 – Finance Commission (1 year term expiring 4/30/20). 8. Madelyn Kempen, 7855 S. Scepter Dr., Apt 13, Ald. Dist 2 – Library Board (3 year term expiring 6/30/22). 9. Terrence Berres, 8203 S. 58th St., Ald. Dist. 5 – Library Board (3 year term expiring 6/30/22). 10. Judith Williams-Killackey, 4901 W. Forest Hill Ave., Ald. Dist. 5 – Library Board (3 year term expiring 6/30/22). 11. Andrew Ruffing, 4728 West Sharon Lane, Ald. Dist. 5 – Quarry Monitoring Committee (3 year term expiring 5/31/22). 12. Dr. Henry Wengelewski, 3643 W. Sharon Ln., Ald. Dist. 5 – Board of Health (2 year term expiring 4/30/21). 13. Jim Arneson, 5188 W. Harvard Dr., Ald. Dist. 5 – Architectural Review Board (3 year term expiring 4/30/22). 14. Mary Remington, 7600 S. Chapel Hill Dr., Ald. Dist. 2 – Parks Commission (3 year term expiring 4/30/22). 15. Gregory Strowig, 8128 S. 77th St., Ald. Dist. 1 – Technology Commission (3 year term expiring 4/30/22). 16. Dale Webler, 6846 W. Imperial Dr., Ald. Dist. 5 – Technology Commission (3 year term expiring 4/30/22). 17. Stephanie Flynn, 7473 Riverview Road, Ald. Dist. 5 – Environmental Commission (3 year term expiring 4/30/22). 18. Patricia Pomahac, 8111 S. Forest Hills Cir., Ald. Dist. 2 – Environmental Commission (3 year term expiring 4/30/22). 19. Robert Campbell, 5416 W. Behrendt St., Ald. Dist. 5 – Board of Zoning and Building Appeals (3 year term expiring 4/30/22). 		

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COUNCIL ACTION REQUESTED

Motion to confirm the following Mayoral appointments:

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14. Mary Remington, 7600 S. Chapel Hill Dr., Ald. Dist. 2 – Parks Commission (3 year term expiring 4/30/22).
15. Gregory Strowig, 8128 S. 77th St., Ald. Dist. 1 – Technology Commission (3 year term expiring 4/30/22).
16. Dale Webler, 6846 W. Imperial Dr., Ald. Dist. 5 – Technology Commission (3 year term expiring 4/30/22).
17. Stephanie Flynn, 7473 Riverview Road, Ald. Dist. 5 – Environmental Commission (3 year term expiring 4/30/22).
18. Patricia Pomahac, 8111 S. Forest Hills Cir., Ald. Dist. 2 – Environmental Commission (3 year term expiring 4/30/22).

19. Robert Campbell, 5416 W. Behrendt St., Ald. Dist. 5 – Board of Zoning and Building Appeals (3 year term expiring 4/30/22).
20. Robert Montgomery, 8570 S. 116th St., Ald. Dist. 6 – Board of Zoning and Building Appeals (3 year term expiring 4/30/22).
21. Richard Budny, 9237 S. 48th St., Ald. Dist. 4 – Personnel Committee (3 year term expiring 4/30/22).
22. Frank Prusko, 8007 S. Steepleview, Ald. Dist. 2 – Personnel Committee (3 year term expiring 4/30/22).
23. Adam Burckhardt, 7541 S. 72nd St., Ald. Dist. 5 – Plan Commission (1 year term expiring 4/30/20).

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March 22, 2019

Steve Olson
Mayor
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

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CITY OF FRANKLIN
2019 MAR 22 PM 2:17

Steve,

It was great meeting with you last week regarding our Pleasant View Estates development. We look forward to continuing on this project.

One of the items discussed at that meeting, was the Outlot that is part of our preliminary plat, that we have received mixed feelings on, whether the City would be interested in pursuing this for future parkland and/or open space.

As you suggested, please accept this letter as notice that we would be willing to sell this Outlot to the city for their usage if they choose. However, we are at that stage that we really need to make a final decision on if the city is interested or not in purchasing this parcel. We have been approached by adjoining homeowners with possible interest to pursue the Outlot, but, would prefer to give the city the first option, again, because they expressed interest early on.

If you could please find some definitive answers from the city, we would appreciate it.

Thank you much.

Sincerely,

A handwritten signature in blue ink that reads "Rick Przybyla".

Rick Przybyla
President
Creative Homes, Inc.

"A Builder of Quality Homes & Developments"

9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>04/01/19</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO M-1 LIMITED INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF WEST FOREST HOME AVENUE, APPROXIMATELY 1,200 FEET NORTH OF THE INTERSECTION OF WEST FOREST HOME AVENUE AND WEST RAWSON AVENUE (SOUTH OF THE EXISTING GENERAL WAREHOUSE BUILDING) (APPROXIMATELY 4.35 ACRES) (ENER-CON COMPANIES INC., C/O FHCC, LLC, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>G.1.</i></p>

At their March 21, 2019 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 certain parcel of land from R-3 Suburban/Estate Single-Family Residence District to M-1 Limited Industrial District, such land being located generally on the east side of West Forest Home Avenue, approximately 1,200 feet north of the intersection of West Forest Home Avenue and West Rawson Avenue (south of the existing general warehouse building).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance 2018-_____, an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a certain parcel of land from R-3 Suburban/Estate Single-Family Residence District to M-1 Limited Industrial District, such land being located generally on the east side of West Forest Home Avenue, approximately 1,200 feet north of the intersection of West Forest Home Avenue and West Rawson Avenue (south of the existing general warehouse building) (Approximately 4.35 acres) (Ener-Con Companies, Inc., c/o FHCC, LLC, applicant).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2019-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL
OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY
RESIDENCE DISTRICT TO M-1 LIMITED INDUSTRIAL DISTRICT
(GENERALLY LOCATED ON THE EAST SIDE OF WEST FOREST HOME
AVENUE, APPROXIMATELY 1,200 FEET NORTH OF THE INTERSECTION
OF WEST FOREST HOME AVENUE AND WEST RAWSON AVENUE (SOUTH
OF THE EXISTING GENERAL WAREHOUSE BUILDING))
(APPROXIMATELY 4.35 ACRES)
(ENER-CON COMPANIES INC., C/O FHCC, LLC, APPLICANT)

WHEREAS, Ener-Con Companies Inc., c/o FHCC, LLC having petitioned for the rezoning of a certain parcel of land from R-3 Suburban/Estate Single-Family Residence District to M-1 Limited Industrial District, such land being located generally on the east side of West Forest Home Avenue, approximately 1,200 feet north of the intersection of West Forest Home Avenue and West Rawson Avenue (south of the existing general warehouse building); and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 21st day of March, 2019, 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 R-3 Suburban/Estate Single-Family Residence District to M-1 Limited Industrial District:

Outlot 2 of Certified Survey Map No. 6596 recorded in the office of the

Register of Deeds for Milwaukee County, Wisconsin, on November 13, 1998 in Reel 4436, of Certified Survey Maps, at Images 960-962, as Document No. 7633685, being part of the being a redivision of Parcels 1 and 2 of Certified Survey Map No. 5972, being a part of the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin. Tax Key No. 748-9997-008.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this 1st day of April, 2019, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 1st day of April, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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

Meeting of March 21, 2019

Site Plan Amendment, Rezoning and Land Combination

RECOMMENDATION: City Development staff recommends approval of the Site Plan Amendment, Rezoning and Land Combination for Industrial and Warehouse use upon property located at 11301 West Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

Project Name:	FHCC, LLC aka Repacorp, Inc. Site Plan Amendment, Rezoning and Land Combination
Project Address:	11301 West Forest Home Avenue
Applicants:	FHCC, LLC, Michael Dilworth and Ener-Con Companies Inc.
Owner (property):	FHCC, LLC
Current Zoning:	M-1 Limited Industrial District and R-3 Suburban/Estate Single-Family Residence District
2025 Comprehensive Master Plan	Industrial and Areas of Natural Resource Features
Use of Surrounding Properties:	Industrial uses to the north, industrial and vacant to the south, residential to the east, and commercial to the west.
Applicant Action Requested:	Recommendation of approval for the proposed Site Plan Amendment, Rezoning and Land Combination.

INTRODUCTION:

On January 11, 2019, FHCC, LLC submitted a Site Plan Amendment application requesting approval for removing two smaller existing buildings on the northeastern portion of the subject property, and to expand the existing building on the northern portion of the subject property.

The proposed building expansion is approximately 40,120 square feet and will be located on the east side of the existing building. Other proposed site changes include parking lot changes on the south side of the proposed building addition, an access drive along the northeast corner of the subject property, loading docks on the north side of the building addition, and a driveway connection to S. 112th St.

On February 5, 2019, the applicant filed a Rezoning Application requesting to rezone the R-3 zoned portion of property located at 11301 West Forest Home Avenue to M-1, Limited Industrial District. A subsequent application was filed for a Land Commination on February 5, 2019, to combine three separate parcels under common ownership into one property.

In 1998. the Common Council reviewed and approved a certified survey map with Resolution Number 98-4777, which established conditions of approval. Those conditions of approval included coming forth with a rezoning request and a land combination permit regarding the

property described south of 11301 West Forest Home Avenue, and having Tax Key No. 748-9997-008, a 4.35 acre property, to be rezoned from R-3 to M-1. In addition, said resolution required the aforementioned property to be combined with a Land Combination Permit with the property to the north and the request contains Tax Key Nos. 748-9994-003 and 748-0067-000, which are the two northernmost properties under common ownership. Each request analysis is outlined below.

SITE PLAN AMENDMENT PROJECT DESCRIPTION AND ANALYSIS:

The proposed building removals and proposed building expansion and parking surface area amendments results in Site Intensity calculations that are meeting City Code guidelines, per UDO Table 15-3.0505. The overall property area is 17.57 acres. They are proposing overall gross floor area, or area under roof, to be 5.06 acres, which is below the requirement of 7.38 acres permitted for the site. They are proposing overall landscape surface ratio of 0.51, which is exceeding the minimum for this lot, set at 0.40.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) was prepared for the property by Tina Myers, of raSmith consultants, of Brookfield, Wisconsin, dated January 11, 2019. Tina Meyers conducted a wetland delineation for the property on December 21, 2018. A full and complete wetland delineation report is on file with the Department of City Development. This report identifies four (4) wetlands totaling 4.02 acres. Three of these wetland pocket areas are smaller and identified on the site plan to be filled in, and are located north of and underneath the proposed building expansion site. The fourth wetland, totaling 3.94 acres, is located south of the existing structure and contains a 0.75-acre pond, which is visible in aerial photos. This larger wetland is proposed to remain undisturbed with the proposed building expansion and parking lot amendments.

The Wisconsin DNR established in a letter dated March 4, 2019 to FHCC, LLC, that the wetlands identified and described in the report completed by Tina Myers (above), are exempt from state wetland regulations.

With regards to the United States Army Corps of Engineers (USACE) wetland jurisdiction determinations, raSmith advised Staff on March 11, 2018, in a letter addressing site plan staff comments, that raSmith is working with USACE staff on a determination.

Because receipt of USACE is still on-going at the time of writing this report, staff will place a condition of approval of this site plan amendment that the owner of the property obtain a letter from the USACE establishing no wetland jurisdiction prior to any land disturbance on the property. If the USACE does claim jurisdiction of any of these wetlands, a Natural Resource Special Exception will be required prior to issuance of any Building Permits.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance defines requirements for off-street parking. The applicants supplied staff with parking information and calculations

that cover the land uses for warehouse and light industrial uses. With these numbers, they are accounting for 164 parking spaces. This meets the UDO requirements. Staff has a concern over existing uses on the property concurrently with the expanded facility. Staff understands other uses are in existence for the property, and the applicants will be expected to propose those to the City Development staff for recalculating of parking spaces.

The parking lot surface area and striping are in poor condition. Per the site plan, the applicant is proposing to fix these items upon completion of the project. Staff will place a condition of approval of this site plan amendment that the owner of the property submitting to staff a detailed parking analysis for review prior to issuance of a building permit and that they will fix the parking lot surface condition and restripe the stalls prior to building expansion occupancy.

Lighting:

Table 15-5.0401 of the city of Franklin UDO defines requirements for illumination maximums, measured at property lines. The applicants supplied staff with lighting information that show that the lighting will meet and exceed the UDO requirements, to account for residential uses to the east. The light fixtures proposed will meet UDO requirements, per the lighting plan, dated March 7, 2019 from KW Electric, Inc.

Landscaping:

The applicant is proposing landscaping in accordance with UDO Section 15-5.0302. As mentioned previously, the landscape surface ratio is met with this proposal.

With regards to plantings and the adjacent residential usage to the east, the supplied plans reflect this and are meeting the UDO requirements with the planting schedule and the provision for a six foot tall fence, as required by the UDO.

Snow Storage:

The applicants have supplied snow storage information, per UDO Section 15-5.0210 which meet the UDO requirements.

Fire Protection:

Per direction from comments from the City of Franklin Fire Department, current fire code standards will be observed for the structure involved in the expansion to meet City Fire Code provisions. One additional hydrant is proposed south of the proposed building expansion and the applicants noted they are able to add additional hydrants as deemed required by the City Fire Department.

REZONING ANALYSIS:

Staff has reviewed the rezoning application and has received all of the necessary items to process the request.

The rezoning request will serve to provide for M-1 zoning district designation for all of the subject properties.

LAND COBMINATION ANALYSIS:

Three separate properties are being requested to be combined with this application to form one lot. The three properties are generally referred to as Tax Key Nos. 748-9997-008, 748-9994-003 and 748-0067-000, and would result in one property totaling 17.57 acres comprise land owned by FHCC, LLC, which has multiple structures on the properties.

A desire to demolish two structures and expand a current structure is being reviewed by the Plan Commission and is currently under consideration.

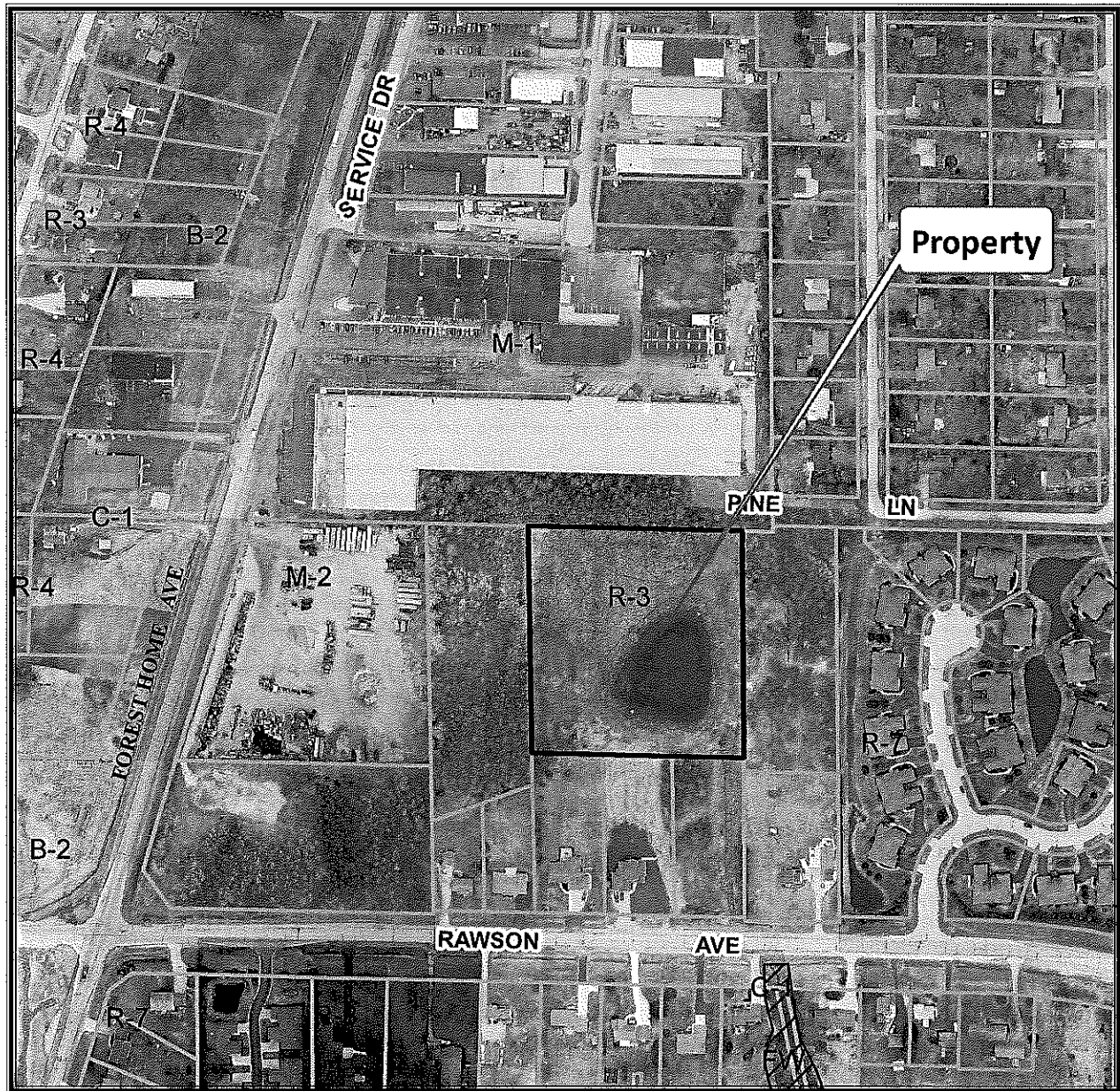
The resulting land combination of the three properties into one would result in one continuous parcel, which would have access onto both West Forest Home Avenue and South 112th Street.

STAFF RECOMMENDATION:

City Development staff recommends approval of the Site Plan Amendment , the rezoning, and the Land Combination, subject to the conditions of approval in the attached draft resolutions and draft ordinance.



TKN 748 9997 008



Planning Department
(414) 425-4024

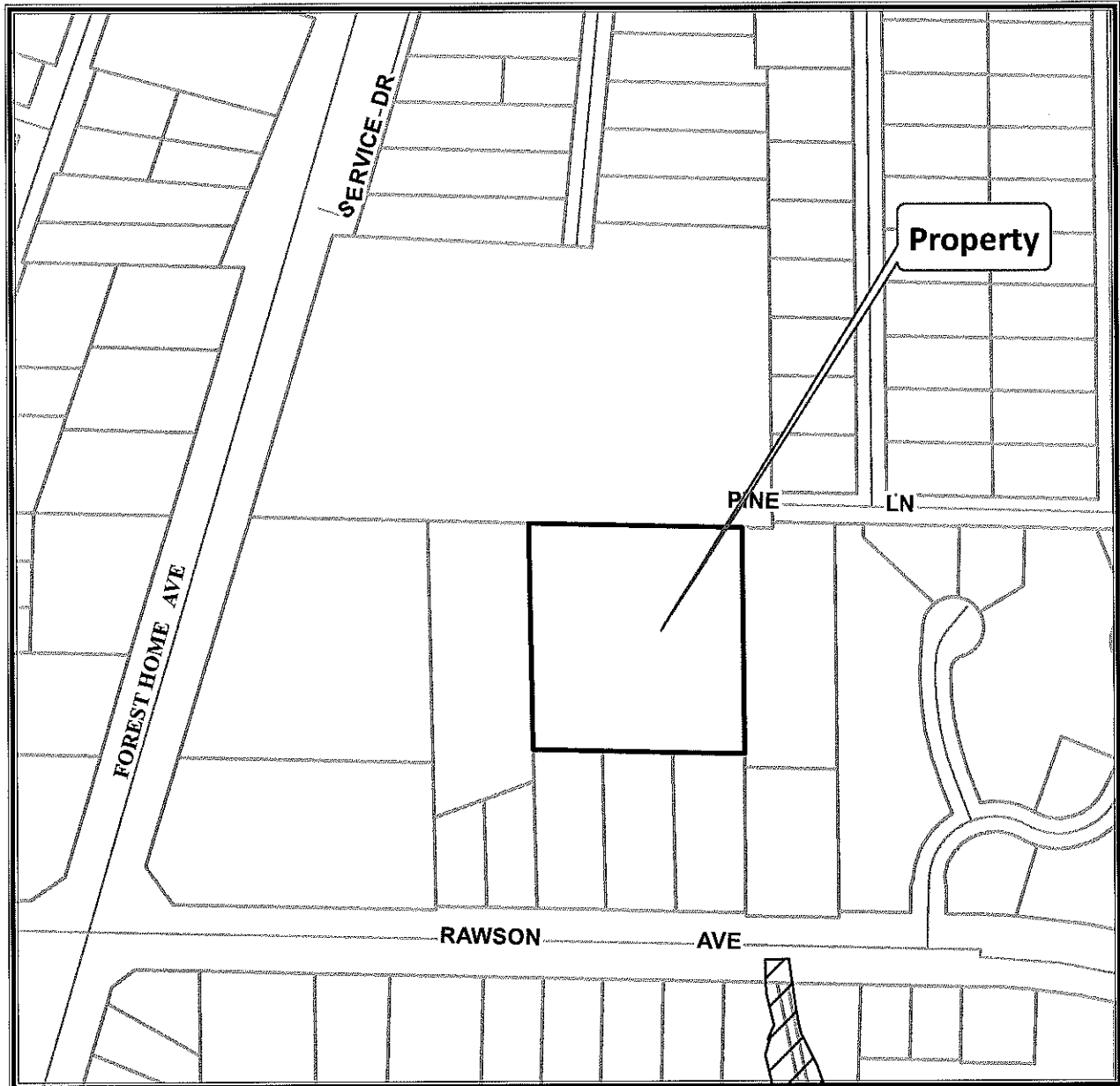
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This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying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





TKN 748 9997 008



Planning Department
(414) 425-4024

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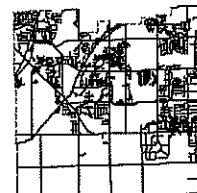


2017 Aerial Photo

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.

FHCC Project Summary – Rezoning

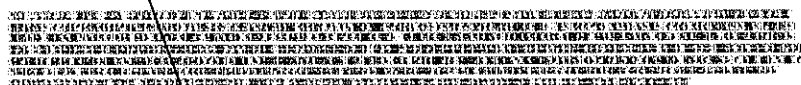
As part of a City Council resolution 98-4777 from a previous expansion project, Outlot 2 of CSM 6596 was to be rezoned from R-3 to M-1. As this process was never complete, we are applying for the rezone as part of this project. The current use is natural area for existing stormwater management. Most of this lot is unbuildable lowland. The City Resolution calls for this parcel to be M-1 which is inconsistent with the 2025 Comprehensive Plan. We are willing to rezone to either M-1 or Natural Resource Land depending on what City will require to comply with the resolution.



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三、本行在 2013 年 12 月 31 日及 2013 年 12 月 31 日以前，均无违反《公司法》、《证券法》、《上市公司治理准则》、《上市公司股权激励管理办法》等法律法规、规范性文件及《公司章程》、《股权激励管理办法》等内部制度的行为。



Parcel to be Rezoned



1997年12月12日 星期四



REAL ESTATE: DEVELOPERS ♦ BUILDERS ♦ PROPERTY MANAGEMENT ♦ SALES

8575 W. Forest Home Ave., Suite 160 Greenfield, WI 53228

Office (414) 425-4939

Fax: (414) 425-4946

www.ener-con.com

BSO Narrative

Repacorp Inc.- Warehouse Expansion

Application Reason: BSO Amendment to expand and add warehouse space for existing tenant due to their increasing business demand. This expansion will keep the tenant located in the City of Franklin.

Tax Key Numbers: 748-9994-003

Applicant Info: Ener-Con Companies Inc.
c/o FHCC, LLC
8575 W Forest Home Ave. Suite 160
Greenfield, WI 53228
Alicia Hurst Alexander
ahurst@ener-con.com
Phone: (414) 877-2203
Fax: (414) 425-4946

Owner: FHCC, LLC
A Wisconsin Corporation

Consulting Firms:

Paul Meier
Paul Meier Inc
414-255-7458

R.A. Smith
Jeff Yersin P.E.
262-317-3232
Matt Kocourek
(262)317-3354

Zoning District: M1, Industrial Zone

Parcel Area: 13.22 AC
Disturbed Area- 3.65 AC
Greenspace- 4.61 AC

Overview

Repacorp Inc. has been a key tenant of the ownership group located at the above referenced tax key in Franklin, WI since 2001. Since the lease commencement, they have expanded twice to utilize more square footage on the property and now have a need for even more. In order to avoid the tenant vacating the property and relocating outside the City of Franklin, due to a lack of space now required. FHCC, LLC proposes to demolish two existing buildings and expand Repacorp Inc.'s existing warehouse with a new addition to accommodate their growing business. As determined by assured wetland delineator, Tina Myers of raSmith, there are three small wetland pockets near the expansion location. Additionally, there is a wetland finger that runs along the eastern edge of the parcel. These wetlands will need to be disturbed as part of the construction process. We believe these wetlands were created as a result of the warehouse project constructed in 1998. As such, we are applying for an artificial wetland exemption from the DNR and Army Corps of Engineers. If the exemption is not granted, a wetland fill permit will be required and we will modify the NRPP as necessary.

A land combination will be necessary to allow the proposed drive to cross parcels to the 112th cul-de-sac. The three parcels to be included in the land combination are tax key numbers 748-9997-008, 748-9994-003, and 748-0067-000.

In order to finance the project, we will prepare a 2-3 unit condominium plat as part of a separate future submittal.

Additionally, as part of a City Council resolution from the 1998 project, Outlot 2 of CSM 6596 was to be rezoned from R-3 to M-1. As this process was never complete, we will apply for the rezone as part of this project.

Existing Zoning

M1-Industrial Use

Proposed Building

Warehouse Expansion
Building: 38,114 SF
Dimensions: 323' x 118'

The building is designed to add additional warehouse space, additional dock doors, and efficient trucking routes entering and exiting the premises. This will succeed in providing an increase in production for Repacorp Inc. & the other existing tenants.

Current Land Use

Forest Home Corporate Center is comprised of two industrial buildings and contains two smaller buildings currently used for storage. The two smaller buildings would be demolished to allow for this expansion.

Operational Plan

The additional warehouse will allow the long-term tenants to remain in the same building which they have had occupancy for almost twenty years and continue to effectively run their ever-growing business in the City of Franklin.

Material Safety Data Sheets (MSDS)

There will not be any hazardous materials that would exceed the Maximum Allowable Quantity (MAQ) of the International Fire Code (IFC).

Building Materials

See attached elevations. The new construction will be of a metal construct to match the existing Repacorp building.

Positive Impact of the Expansion

Currently Repacorp's Franklin site employs over fifty-five individuals. As their production increases due to the expansion, they will have the capacity to add at least twenty more individuals at that site. A growing business within the city is key for development.

With the expansion, there will be a more cohesive and effective truck route in and out of the parcel for both the tenants at the 11305 and the 11311 building to share that will benefit all the existing and future warehouse users.

Thank you,
Ener-Con Companies

Michael H. Dilworth, CEO

REPACORP, INC- FHCC, LLC

Legal Description

Outlot 2 of Certified Survey Map No. 6596, Outlot A of Block 1; Lot 9 and 10 of Block 2; and vacated 112th Street also Lot 8, Block 2 of the North Cape Industrial Park and Lands, being a part of the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Commencing at the Southeast corner of said 1/4 Section; thence North 88° 41' 23" West along the South line of said 1/4 Section a distance of 980.85 feet to a point; thence North 00° 23' 49" West 379.59 feet to the Northeast corner of Outlot 1 of Certified Survey Map No. 6596 and the point of beginning of lands to be described; thence North 88° 41' 23" West along the North line of said Outlot 419.09 feet to a point in the East line of Certified Survey Map No. 3594; thence North 01° 01' 18" West along said East line 449.25 feet to the Northeast corner of said Certified Survey Map No. 3594; thence North 88° 37' 29" West along the North line of said Certified Survey Map No. 3594 and its extension a distance of 550.86 feet to a point in the East line of West Forest Home Avenue; thence North 16° 36' 58" East along said East line 583.15 feet to a point in the extension of the South line of Lot 8, Block 1, in North Cape Industrial Park; thence South 87° 18' 22" East along the South line of said Lot 453.13 feet to a point in the West line of South 112th Street; thence South 88° 14' 03" East 60.15 feet to the Northwest corner of the South 1/2 of Lot 9, Block 2, in North Cape Industrial Park and the East line of South 112th Street; thence North 05° 46' 05" East along the East line of said South 112th Street 141.31 feet to the Southwest corner of Lot 7, Block 2, in North Cape Industrial Park; thence South 88° 28' 34" East along said South line 337.03 feet to in the West line of Block 8, in North Cape Industrial Park; thence South 00° 24' 13" East along said West line 692.16 feet to a point in the North line of Parcel 1 in Certified Survey Map No. 4319; thence North 88° 37' 29" West along said North line 60.92 feet to the Northwest corner of said Parcel 1; thence South 00° 23' 49" East along the West line of said Parcel 1 a distance of 448.60 feet to the point of beginning. Containing 809,553 square feet or 18.5848 acres.

PLAT OF SURVEY

Seven at 1121 NW of Ferry/Maple Avenue and 2252 South 12th Street, in the City of Franklin, Madison County, Wisconsin.

of 1000. A total of 1000 was used for each of the 1000 simulations. The results of the simulations are presented in Table 1. The results show that the proposed method is able to detect the true model with high probability. The results also show that the proposed method is able to detect the true model with high probability. The results also show that the proposed method is able to detect the true model with high probability.

[illegible][illegible][illegible][illegible]

including the following: 13,572 acres.
 December 21, 2018

PHC, LLC
 10000 West 10th Avenue
 Greenwood, CO 80045

Survey No. 1007772-2000
 Record No. 5-1446
 Resolution No. 24386

NOT:

Backdrops are based on the Schedule of the Stockcast (as of Stockcast 06-27), which is assumed to bear North \$74.123° W x 9.

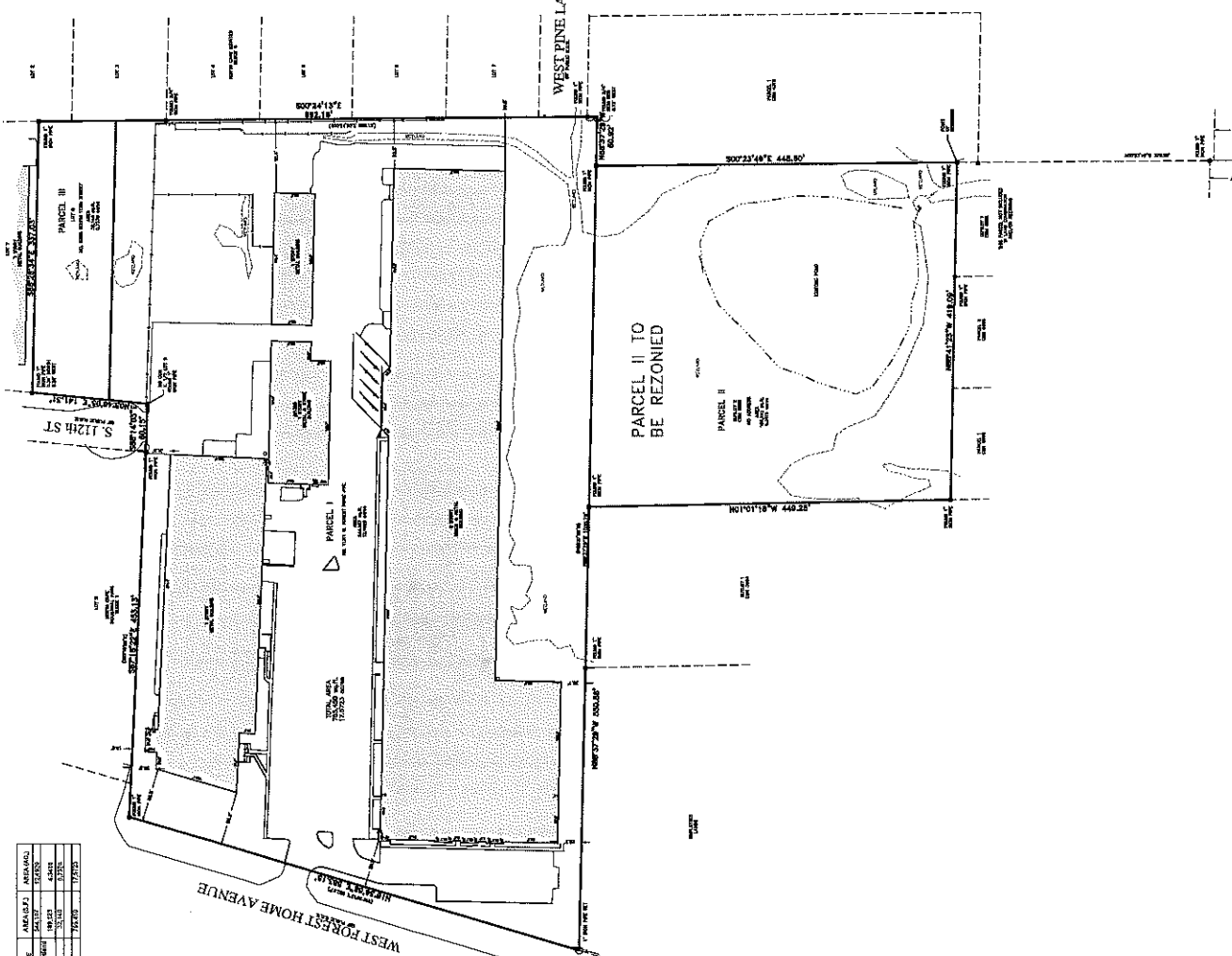
4. The Commission has been informed that the Government of the Republic of the Philippines has agreed to accept the findings of the Commission and to take the necessary steps to ensure that the same are implemented. The Commission has also been informed that the Government of the Republic of the Philippines has agreed to accept the findings of the Commission and to take the necessary steps to ensure that the same are implemented.

John P. Caracci
JOHN P. CARACCI
PROFESSIONAL INSURANCE LAND SURVEYOR S-2025

[illegible][illegible]

Ar. 2011.01.04.1113174, 1113175, 1113176, 1113177

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MODEL	ADDRESS	TRAINING	ACTIVE TASKS USED	EXISTING USE	PROCESS USE	AREA (A2)
Model 1	1311 West 12th Street	Model 1	Industrial	Manufacturing	Manufacturing	54,120
Model 2	New	Model 2	Area of Natural Resource	Manufacturing	Manufacturing	149,220
Model 3	1410 South 112th Street	Model 3	Industrial	Manufacturing	Manufacturing	22,140
					TOTAL AREA	175,480

PARCEL 11 TO
BE REZONED

C.T.H. "BB"
WEST RAWSON AVENUE

R. Smith
Executive Director, 427 Grand Industrial Village

25

[illegible]

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/01/19
REPORTS & RECOMMENDATIONS	A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 748-9994-003, 748-9997-008 AND 748-0067-000 (11301 – 11311 WEST FOREST HOME AVENUE, 6858 SOUTH 112TH STREET AND GENERALLY THE EAST SIDE OF WEST FOREST HOME AVENUE, APPROXIMATELY 1,200 FEET NORTH OF THE INTERSECTION OF WEST FOREST HOME AVENUE AND WEST RAWSON AVENUE (SOUTH OF THE EXISTING GENERAL WAREHOUSE BUILDING) (ENER- CON COMPANIES INC., C/O FHCC, LLC, APPLICANT)	ITEM NUMBER <i>G. 2.</i>
<p>At their March 21, 2019 meeting, the Plan Commission recommended approval of a resolution conditionally approving a Land Combination for Tax Key Nos. 748-9994-003, 748-9997-008 AND 748-0067-000 (11301-1131 West Forest Home Avenue, 6858 South 112th Street and generally the East side of West Forest Home Avenue, approximately 1,200 feet North of the intersection of West Forest Home Avenue and West Rawson Avenue) (Ener-Con Companies, Inc., c/o FHCC, LLC, Applicant).</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution No. 2019-_____, a resolution conditionally approving a Land Combination for Tax Key Nos. 748-9994-003, 748-9997-008 AND 748-0067-000 (11301-1131 West Forest Home Avenue, 6858 South 112th Street and generally the East side of West Forest Home Avenue, approximately 1,200 feet North of the intersection of West Forest Home Avenue and West Rawson Avenue) (Ener-Con Companies, Inc., c/o FHCC, LLC, Applicant).</p>		

Department of City Development: BDK

RESOLUTION NO. 2019-_____

A RESOLUTION CONDITIONALLY
APPROVING A LAND COMBINATION FOR
TAX KEY NOS. 748-9994-003, 748-9997-008 AND 748-0067-000
(11301 – 11311 WEST FOREST HOME AVENUE, 6858 SOUTH 112TH
STREET AND GENERALLY THE EAST SIDE OF WEST FOREST HOME
AVENUE, APPROXIMATELY 1,200 FEET NORTH OF THE INTERSECTION
OF WEST FOREST HOME AVENUE AND WEST RAWSON AVENUE (SOUTH
OF THE EXISTING GENERAL WAREHOUSE BUILDING)
(ENER-CON COMPANIES INC., C/O FHCC, LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a proposed land combination (to combine both the parcel to the north (6858 South 112th Street) and the parcel to the south (generally the east side of West Forest Home Avenue, approximately 1,200 feet north of the intersection of West Forest Home Avenue and West Rawson Avenue (south of the existing general warehouse building) with the main parcel (11301 – 11311 West Forest Home Avenue) as required by a previous City approval (Resolution No. 98-4777) and to allow a truck loading dock to cross a property boundary) for Ener-Con Companies Inc., c/o FHCC, LLC, to accommodate removal of two smaller existing buildings on the northeastern portion of the Repacorp, Inc. property, and to expand the existing building on the northern portion of the property [the proposed approximately 40,120 square foot building expansion will be located on the east side of the existing building, with proposed site changes including parking lot changes on the south side of the proposed building addition, an access drive along the northeast corner of the subject property, loading docks on the north side of the building addition, and a driveway connection to South 112th Street]; bearing Tax Key Nos. 748-9994-003, 748-9997-008 and 748-0067-000, more particularly described as follows:

Parcel I:

Property Address: 11311 West Forest Home Avenue

Tax Key No.: 748-9994-003

All of Outlot A of Block 1; all of Lot 9 and 10 of Block 2; and vacated 112th Street of the North Cape Industrial Park, and part of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, more fully described as follows: Beginning at the Northeast corner of Lot 9, Block 2 of the North Cape Industrial Park as platted; thence South 00 degrees 24'00" East, along the Easterly line of said North Cape Industrial Park and Westerly line of Block 8, North Cape Estate Addition and as extended, 598.15 feet to a point being on the North line of the Southerly 50 acres of said 1/4 Section; thence North 88 degrees 37'56" West, along said North line, 1035.79 feet to a point on the Easterly right of way line of West Forest Home Avenue; thence North 16

ENER-CON COMPANIES INC., C/O FHCC, LLC – LAND COMBINATION
RESOLUTION NO. 2019-_____

Page 2

degrees 39'13" East, along said Easterly right of way line, 582.97 feet to a point being at the Southwesterly corner of the North Cape Industrial Park as platted; thence South 87 degrees 19'58" East, along said Southerly plat line, 453.13 feet to a point being at the Northeast corner of Outlot A of said Block 1, said point being on the Westerly right of way line of South 112th Street; thence South 89 degrees 31'52" East, 60.15 feet to a point on the Easterly right of way line of South 112th Street, said point being at the Northwest corner of the South 1/2 of said Lot 9, Block 2; thence North 5 degrees 44' 29" East, along the Easterly right of way line of South 112th Street, 47.10 feet to the Northeast corner of Lot 9, Block 2, as platted; thence South 88 degrees 30'10" East, along the North line of said Lot 9, 346.90 feet to the place of beginning. Said land being in the City of Franklin, County of Franklin, State of Wisconsin.

Parcel II:

Property Address: generally the east side of West Forest Home Avenue, approximately 1,200 feet north of the intersection of West Forest Home Avenue and West Rawson Avenue (south of the existing general warehouse building)

Tax Key No.: 748-9997-008

Outlot 2 of Certified Survey Map No. 6596 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on November 13, 1998 in Reel 4436, of Certified Survey Maps, at Images 960-962, as Document No. 7633685, being part of the being a redivision of Parcels 1 and 2 of Certified Survey Map No. 5972, being a part of the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin.

Parcel III:

Property Address: 6858 South 112th Street

Tax Key No.: 748-0067-000

Lot 8, Block 2, North Cape Industrial Park, being a Subdivision of a part of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin.

WHEREAS, the Plan Commission having reviewed such application and recommended approval thereof and the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed land combination is appropriate for approval pursuant to law upon certain conditions, all pursuant to §15-9.0312 of the Unified Development Ordinance, Land Combination Permits.

ENER-CON COMPANIES INC., C/O FHCC, LLC – LAND COMBINATION
RESOLUTION NO. 2019-_____

Page 3

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the proposed land combination for Repacorp, Inc., as submitted by Ener-Con Companies Inc., c/o FHCC, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. Ener-Con Companies Inc., c/o FHCC, LLC, successors and assigns shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the Repacorp, Inc. land combination project, 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.
2. The approval granted hereunder is conditional upon Ener-Con Companies Inc., c/o FHCC, LLC and the Repacorp, Inc. land combination project for the property located at 11301 – 11311 West Forest Home Avenue, 6858 South 112th Street and generally the east side of West Forest Home Avenue, approximately 1,200 feet north of the intersection of West Forest Home Avenue and West Rawson Avenue (south of the existing general warehouse building): (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.

Introduced at a regular meeting of the Common Council of the City of Franklin this 1st day of April, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 1st day of April, 2019.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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

Meeting of March 21, 2019

Site Plan Amendment, Rezoning and Land Combination

RECOMMENDATION: City Development staff recommends approval of the Site Plan Amendment, Rezoning and Land Combination for Industrial and Warehouse use upon property located at 11301 West Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

Project Name:	FHCC, LLC aka Repacorp, Inc. Site Plan Amendment, Rezoning and Land Combination
Project Address:	11301 West Forest Home Avenue
Applicants:	FHCC, LLC, Michael Dilworth and Ener-Con Companies Inc.
Owner (property):	FHCC, LLC
Current Zoning:	M-1 Limited Industrial District and R-3 Suburban/Estate Single-Family Residence District
2025 Comprehensive Master Plan	Industrial and Areas of Natural Resource Features
Use of Surrounding Properties:	Industrial uses to the north, industrial and vacant to the south, residential to the east, and commercial to the west.
Applicant Action Requested:	Recommendation of approval for the proposed Site Plan Amendment, Rezoning and Land Combination.

INTRODUCTION:

On January 11, 2019, FHCC, LLC submitted a Site Plan Amendment application requesting approval for removing two smaller existing buildings on the northeastern portion of the subject property, and to expand the existing building on the northern portion of the subject property.

The proposed building expansion is approximately 40,120 square feet and will be located on the east side of the existing building. Other proposed site changes include parking lot changes on the south side of the proposed building addition, an access drive along the northeast corner of the subject property, loading docks on the north side of the building addition, and a driveway connection to S. 112th St.

On February 5, 2019, the applicant filed a Rezoning Application requesting to rezone the R-3 zoned portion of property located at 11301 West Forest Home Avenue to M-1, Limited Industrial District. A subsequent application was filed for a Land Commination on February 5, 2019, to combine three separate parcels under common ownership into one property.

In 1998, the Common Council reviewed and approved a certified survey map with Resolution Number 98-4777, which established conditions of approval. Those conditions of approval included coming forth with a rezoning request and a land combination permit regarding the

property described south of 11301 West Forest Home Avenue, and having Tax Key No. 748-9997-008, a 4.35 acre property, to be rezoned from R-3 to M-1. In addition, said resolution required the aforementioned property to be combined with a Land Combination Permit with the property to the north and the request contains Tax Key Nos. 748-9994-003 and 748-0067-000, which are the two northernmost properties under common ownership. Each request analysis is outlined below.

SITE PLAN AMENDMENT PROJECT DESCRIPTION AND ANALYSIS:

The proposed building removals and proposed building expansion and parking surface area amendments results in Site Intensity calculations that are meeting City Code guidelines, per UDO Table 15-3.0505. The overall property area is 17.57 acres. They are proposing overall gross floor area, or area under roof, to be 5.06 acres, which is below the requirement of 7.38 acres permitted for the site. They are proposing overall landscape surface ratio of 0.51, which is exceeding the minimum for this lot, set at 0.40.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) was prepared for the property by Tina Myers, of raSmith consultants, of Brookfield, Wisconsin, dated January 11, 2019. Tina Meyers conducted a wetland delineation for the property on December 21, 2018. A full and complete wetland delineation report is on file with the Department of City Development. This report identifies four (4) wetlands totaling 4.02 acres. Three of these wetland pocket areas are smaller and identified on the site plan to be filled in, and are located north of and underneath the proposed building expansion site. The fourth wetland, totaling 3.94 acres, is located south of the existing structure and contains a 0.75-acre pond, which is visible in aerial photos. This larger wetland is proposed to remain undisturbed with the proposed building expansion and parking lot amendments.

The Wisconsin DNR established in a letter dated March 4, 2019 to FHCC, LLC, that the wetlands identified and described in the report completed by Tina Myers (above), are exempt from state wetland regulations.

With regards to the United States Army Corps of Engineers (USACE) wetland jurisdiction determinations, raSmith advised Staff on March 11, 2018, in a letter addressing site plan staff comments, that raSmith is working with USACE staff on a determination.

Because receipt of USACE is still on-going at the time of writing this report, staff will place a condition of approval of this site plan amendment that the owner of the property obtain a letter from the USACE establishing no wetland jurisdiction prior to any land disturbance on the property. If the USACE does claim jurisdiction of any of these wetlands, a Natural Resource Special Exception will be required prior to issuance of any Building Permits.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance defines requirements for off-street parking. The applicants supplied staff with parking information and calculations

that cover the land uses for warehouse and light industrial uses. With these numbers, they are accounting for 164 parking spaces. This meets the UDO requirements. Staff has a concern over existing uses on the property concurrently with the expanded facility. Staff understands other uses are in existence for the property, and the applicants will be expected to propose those to the City Development staff for recalculating of parking spaces.

The parking lot surface area and striping are in poor condition. Per the site plan, the applicant is proposing to fix these items upon completion of the project. Staff will place a condition of approval of this site plan amendment that the owner of the property submitting to staff a detailed parking analysis for review prior to issuance of a building permit and that they will fix the parking lot surface condition and restripe the stalls prior to building expansion occupancy.

Lighting:

Table 15-5.0401 of the city of Franklin UDO defines requirements for illumination maximums, measured at property lines. The applicants supplied staff with lighting information that show that the lighting will meet and exceed the UDO requirements, to account for residential uses to the east. The light fixtures proposed will meet UDO requirements, per the lighting plan, dated March 7, 2019 from KW Electric, Inc.

Landscaping:

The applicant is proposing landscaping in accordance with UDO Section 15-5.0302. As mentioned previously, the landscape surface ratio is met with this proposal.

With regards to plantings and the adjacent residential usage to the east, the supplied plans reflect this and are meeting the UDO requirements with the planting schedule and the provision for a six foot tall fence, as required by the UDO.

Snow Storage:

The applicants have supplied snow storage information, per UDO Section 15-5.0210 which meet the UDO requirements.

Fire Protection:

Per direction from comments from the City of Franklin Fire Department, current fire code standards will be observed for the structure involved in the expansion to meet City Fire Code provisions. One additional hydrant is proposed south of the proposed building expansion and the applicants noted they are able to add additional hydrants as deemed required by the City Fire Department.

REZONING ANALYSIS:

Staff has reviewed the rezoning application and has received all of the necessary items to process the request.

The rezoning request will serve to provide for M-1 zoning district designation for all of the subject properties.

LAND COBMINATION ANALYSIS:

Three separate properties are being requested to be combined with this application to form one lot. The three properties are generally referred to as Tax Key Nos. 748-9997-008, 748-9994-003 and 748-0067-000, and would result in one property totaling 17.57 acres comprise land owned by FHCC, LLC, which has multiple structures on the properties.

A desire to demolish two structures and expand a current structure is being reviewed by the Plan Commission and is currently under consideration.

The resulting land combination of the three properties into one would result in one continuous parcel, which would have access onto both West Forest Home Avenue and South 112th Street.

STAFF RECOMMENDATION:

City Development staff recommends approval of the Site Plan Amendment , the rezoning, and the Land Combination, subject to the conditions of approval in the attached draft resolutions and draft ordinance.



11301 - 11311 W. Forest Home Ave

TKNs: 748 0067 000

748 9994 003

748 9997 008



Planning Department
(414) 425-4024

0 230 460 920 Feet

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





REAL ESTATE: DEVELOPERS ♦ BUILDERS ♦ PROPERTY MANAGEMENT ♦ SALES

8575 W. Forest Home Ave., Suite 160 Greenfield, WI 53228

Office (414) 425-4939

Fax: (414) 425-4946

www.ener-con.com

BSO Narrative

Repacorp Inc.- Warehouse Expansion

Application Reason: BSO Amendment to expand and add warehouse space for existing tenant due to their increasing business demand. This expansion will keep the tenant located in the City of Franklin.

Tax Key Numbers: 748-9994-003

Applicant Info: Ener-Con Companies Inc.
c/o FHCC, LLC
8575 W Forest Home Ave. Suite 160
Greenfield, WI 53228
Alicia Hurst Alexander
ahurst@ener-con.com
Phone: (414) 877-2203
Fax: (414) 425-4946

Owner: FHCC, LLC
A Wisconsin Corporation

Consulting Firms:

Paul Meier
Paul Meier Inc
414-255-7458

R.A. Smith
Jeff Yersin P.E.
262-317-3232
Matt Kocourek
(262)317-3354

Zoning District: M1, Industrial Zone

Parcel Area: 13.22 AC
Disturbed Area- 3.65 AC
Greenspace- 4.61 AC

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Existing Zoning

M1-Industrial Use

Proposed Building

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Building: 38,114 SF
Dimensions: 323' x 118'

The building is designed to add additional warehouse space, additional dock doors, and efficient trucking routes entering and exiting the premises. This will succeed in providing an increase in production for Repacorp Inc. & the other existing tenants.

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Building Materials

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Positive Impact of the Expansion

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With the expansion, there will be a more cohesive and effective truck route in and out of the parcel for both the tenants at the 11305 and the 11311 building to share that will benefit all the existing and future warehouse users.

Thank you,
Ener-Con Companies

Michael H. Dilworth, CEO

REPACORP, INC- FHCC, LLC

Legal Description

Outlot 2 of Certified Survey Map No. 6596, Outlot A of Block 1; Lot 9 and 10 of Block 2; and vacated 112th Street also Lot 8, Block 2 of the North Cape Industrial Park and Lands, being a part of the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Commencing at the Southeast corner of said 1/4 Section; thence North 88° 41' 23" West along the South line of said 1/4 Section a distance of 980.85 feet to a point; thence North 00° 23' 49" West 379.59 feet to the Northeast corner of Outlot 1 of Certified Survey Map No. 6596 and the point of beginning of lands to be described; thence North 88° 41' 23" West along the North line of said Outlot 419.09 feet to a point in the East line of Certified Survey Map No. 3594; thence North 01° 01' 18" West along said East line 449.25 feet to the Northeast corner of said Certified Survey Map No. 3594; thence North 88° 37' 29" West along the North line of said Certified Survey Map No. 3594 and its extension a distance of 550.86 feet to a point in the East line of West Forest Home Avenue; thence North 16° 36' 58" East along said East line 583.15 feet to a point in the extension of the South line of Lot 8, Block 1, in North Cape Industrial Park; thence South 87° 18' 22" East along the South line of said Lot 453.13 feet to a point in the West line of South 112th Street; thence South 88° 14' 03" East 60.15 feet to the Northwest corner of the South 1/2 of Lot 9, Block 2, in North Cape Industrial Park and the East line of South 112th Street; thence North 05° 46' 05" East along the East line of said South 112th Street 141.31 feet to the Southwest corner of Lot 7, Block 2, in North Cape Industrial Park; thence South 88° 28' 34" East along said South line 337.03 feet to in the West line of Block 8, in North Cape Industrial Park; thence South 00° 24' 13" East along said West line 692.16 feet to a point in the North line of Parcel 1 in Certified Survey Map No. 4319; thence North 88° 37' 29" West along said North line 60.92 feet to the Northwest corner of said Parcel 1; thence South 00° 23' 49" East along the West line of said Parcel 1 a distance of 448.60 feet to the point of beginning. Containing 809,553 square feet or 18.5848 acres.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/01/19
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND NATURAL RESOURCE PROTECTION PLAN FOR A TWO-FAMILY RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE (GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY, INC., APPLICANT)	ITEM NUMBER <i>G. 3.</i>

City Development staff recommends approval of a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Special Use and Natural Resource Protection Plan for a two-family residential side by side ranch townhome use with 1,371 square feet of living space and basement in each ranch unit and a proposed shared driveway entrance off of West Cortez Circle, upon property zoned R-8 Multiple-Family Residence District, located at 10504 West Cortez Circle, subject to technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2019-_____, authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Special Use and Natural Resource Protection Plan for a two-family residential side by side ranch townhome use with 1,371 square feet of living space and basement in each ranch unit and a proposed shared driveway entrance off of West Cortez Circle, upon property zoned R-8 Multiple-Family Residence District, located at 10504 West Cortez Circle, subject to technical corrections by the City Attorney.

Department of City Development: BDK

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2019-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND NATURAL RESOURCE
PROTECTION PLAN FOR A TWO-FAMILY RESIDENTIAL SIDE BY SIDE RANCH
TOWNHOME USE UPON PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE
(GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY,
INC., APPLICANT)

WHEREAS, the Plan Commission having approved a Special Use and Natural Resource Protection Plan upon the application on March 7, 2019, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the woodlands on the site; and

WHEREAS, §15-7.0103Q. and §15-7.0702Q. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Special Use review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Planned Development District Amendment; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Nisenbaum Homes, Inc., in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
NISENBAUM HOMES REALTY, INC.
RESOLUTION NO. 2019-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

The Cortez Townhome

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Nisenbaum Homes and Realty, Inc., a Wisconsin Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

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

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, mature woodlands, and refer to Natural Resource Investigation by NRPP by NRPP Consultant, Alison Kuhne, of Graef Engineering, dated January 4, 2019, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.40(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee a conservation easement in perpetuity on, over, and across the protected property.

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

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

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

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the protected property pursuant to law.

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

To Grantor:
Nisenbaum Homes & Realty, Inc.
Attn:
8103 S. Country Club Circle
Franklin, Wisconsin 53132

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

In witness whereof, the grantor has set its hand and seals this on this date of March 13, 2019.

Nisenbaum Homes & Realty, Inc.

By: Greg Nisenbaum, President
Name and Title

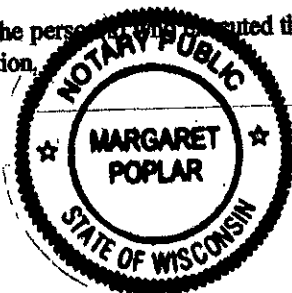
STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Greg Nisenbaum, President

This instrument was acknowledged before me on the 13 day of March, A.D. 2019 by

Greg Nisenbaum, President of Nisenbaum Homes & Realty, Inc.

To me known to be the person who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation.



Margaret Poplar
Notary Public
my commission expires 3/10/2023
(3)

My commission expires _____

Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by §236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D.20__.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this _____ day of _____, A.D. 20__, the above named Stephen R. Olson, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. _____, adopted by its Common Council on the _____ day of _____, 20__.

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Joel Dietl, Planning Manager
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

MORTGAGE HOLDER CONSENT

The undersigned, (name of mortgagee), a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on _____, 20____, as Document No. _____, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be signed by its duly authorized officers, and its corporate seal to be hereunto affixed, as of the day and year first above written.

Name of Mortgagee
a Wisconsin Banking Corporation

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

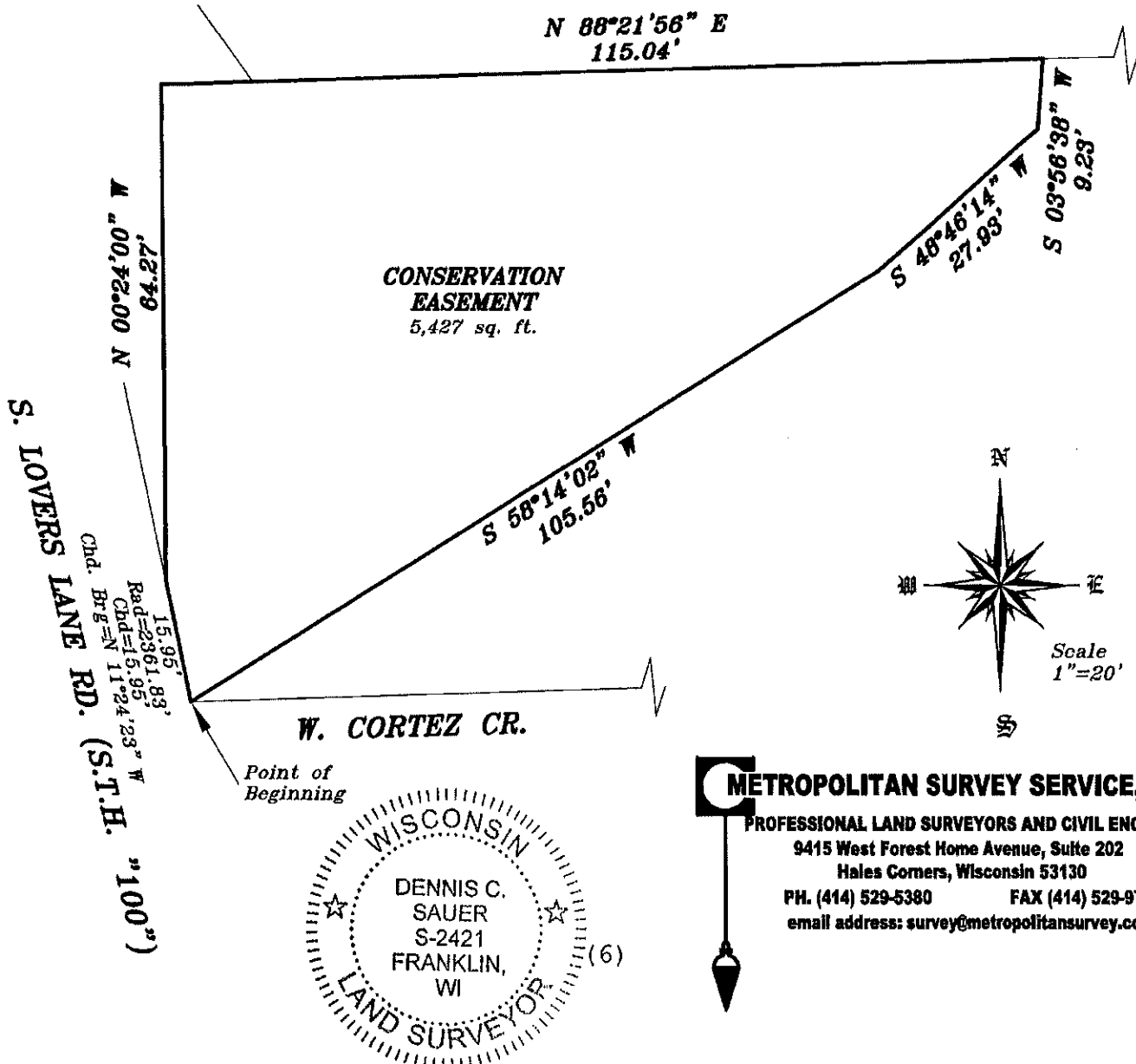
On this, the _____ day of _____, 20____, before me the undersigned, personally appeared name of officer of mortgagee, the (title of office, i.e.: VP) of _____ of mortgagee), a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Notary Public, State of Wisconsin

My commission expires _____

CONSERVATION EASEMENT

Commencing at a point of intersection of the East right-of-way line of South Lovers Lane Road with the North right-of-way line of West Cortez Circle, and the point of beginning of the lands to be described; thence Northwesterly 15.95 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 2361.83 feet and whose chord bears N 11°24'23" W, 15.95 feet; thence N 00°24'00" W, 64.27 feet; thence N 88°21'56" E, 115.04 feet; thence S 03°56'38" W, 9.23 feet; thence S 48°46'14" W, 27.93 feet; thence S 58°14'02" W, 105.56 feet to the point of beginning. Said land containing 5,427 square feet.



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APPROVAL <i>Slw</i> <i>HL</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE April 1, 2019
REPORTS & RECOMMENDATIONS	Financial Report on Tax Incremental District 4 for Calendar 2018	ITEM NUMBER <i>G. 4.</i>

Background

The Director of Finance & Treasurer's report on TID # 4 for calendar 2018 is attached. The Common Council has retained control of this TID.

The District has sufficient resources to complete projects in process (a 2018 engineering study for infrastructure planning). The project expenditure period expires under state law in June, 2020. Increment collection could continue until 2025 to provide resources for project costs should that time be needed.

The option of adopting a resolution to close TID #4 and gain tax relief for the 2019 budget year expires April 15, 2019. The WI Department of Revenue must be notified of the Council's intent with a Resolution directing the closure of the TID by April 15, 2019.

Analysis

The Finance Committee reviewed the report at its March 27, 2019 meeting and recommends the Common Council take no action at this time.

Options

The Council has the option of taking no action, leaving the TID to continue and providing maximum flexibility to respond to opportunities presenting themselves.

Or

The Council may wish to consider the attached DRAFT Resolution to terminate collection of increment with the January 1, 2018 equated values and directing staff to negotiate closure report filing dates with the Department of Revenue.

The Department of Revenue typically accepts the Resolution to terminate increment collection as an election to close the District and require a final District audit within 12 months.

However, State Statute 66.1105 (8) (c) states:

- After a city transmits to the department of revenue the notice required under par. (a), the city and the department **shall agree on a date** [emphasis added] by which the city shall send to the department, on a form prescribed by the department, all of the following information that relates to the terminated tax incremental district:

Adopting a Resolution that terminated collection of increment conditioned upon additional time for project costs would release the \$46 million in equated value in the District to the various taxing authorities, providing 2020 tax relief to Franklin taxpayers, but preserving the ability to use the remaining resources on project costs as directed at the March 19, 2019 Common Council meeting.

Recommendation

The Finance Committee considered these options and recommends the Common Council take no action related to Tax Increment District 4 at this time. This would result in no change to the status of TID4.

Fiscal Impact

Taking no action would retain the District's collection of increment for another year.

Adopting the proposed resolution would release \$46 million in the District equated value and provide tax relief to Franklin taxpayers in 2020.

The Director of Finance & Treasurer will be available to answer any questions.

COUNCIL ACTION REQUESTED

No action is requested.

Or

Motion to adopt Resolution 2019-_____ a Resolution terminating the collection of Increment as of the January 1, 2018 tax roll for Tax Increment District #4



City of Franklin

**Common Council
Community Development Authority**

**Tax Increment District #4
Cash Flow Model
December 31, 2018**

Issued Jan 3, 2019

Presented by:

Paul Rotzenberg, CPA

City of Franklin Director of Finance & Treasurer

MEMORANDUM

DATE: Jan 3, 2019
TO: Common Council & Community Development Authority
FROM: Paul Rotzenberg, Director of Finance & Treasurer
RE: Report and analysis of TID #4 Cash Flow Projections - Preliminary

Attached is a projection of tax increment revenue, expenditures, debt service payments and the net asset position for TID #4 based upon equalized values released by the Department of Revenue on August, 2018 and the taxes levied in December 2018. This Mixed Use District was formed in June, 2005 and is located in the far southeast corner of the City, from a point one half mile north of Oakwood Rd south to County Line Road, from 27th Street west to 42nd Street. The District has a maximum life of 20 years, with the latest project expenditures can be made is June, 2020. The last year of increment would be 2026, if needed.

Observations:

1. All Phase 1 projects have been completed. The completed costs were in line with the revised estimate for these projects and proceeds have been borrowed and repaid to fund the project costs.
2. The projection includes the potential costs of the Project Plan Phase 2 and Phase 3 projects. The estimated costs of the 27th Street reconstruction in this TIF District are not included as the current timing (to be determined) would occur after the limit for incurring project costs (2020).
3. The development assumptions (updated) are a major factor in the projected cash flow of the TIF District. The economic slowdown had resulted in delaying the projected years in which the various known projects were estimated to be constructed compared to earlier projections. Future economic activity will determine the actual years of development and any variance from the projections will impact the projection either positively or negatively.
4. 2018 had a \$1,162,200 decrement. The principal cause of the decrement was a change in State law that exempted a class of personal property. Approximately \$1 million of the decrement came from one tax payer. The total increment in this District is now \$46,431,200. This represents 26% of the projected development when the District was formed. Most of the increment has come from the Wheaton Franciscan (kna Ascension) complex and the residential development on the west side of the District.

- a. The District is expected to receive \$4,800 in new state aids to compensate for the lost personal property value.
5. In 2014, Wisconsin Act 145 changed the funding for Technical Colleges. MATC reduced their levy by 36% as a result, and the tax rate for this District declined by \$1.35 or 5.5%. Act 254 provides relief for those TID's which were adversely impacted by Act 145 by extending the life of the TID by an additional three years. This District would not qualify to use that extension provision.
6. The District has two additional project phases authorized. The Common Council authorized in June 2018 an Engineering project to design infrastructure improvements that would form the initial infrastructure for a business park south of W Oakwood Rd. By Dec 2018, only a small portion of that design work was complete.
7. The City has investigated additional infrastructure costs involving water and sanitary sewer lines. The Sanitary Sewer infrastructure may serve additional areas outside the City and then become eligible for assistance from MMSD. The other jurisdictions have not committed to participate in the project. The current assumptions include no expected participation by MMSD.
8. The projection includes infrastructure project costs beginning in 2019. Should those projects be approved, the District is projected to close in 2025.
9. The District has a \$3.2 million fund balance at December 31, 2018. There are encumbrances totaling \$1,012,514. 2019 will add \$1.1 million to the fund balance less any project costs approved. The District could close at this time. Notice of closure is due to the WI Department of Revenue by April 15, 2019 via a Resolution. State law permits half the equalized value of a closing TID for tax relief upon closure, (currently \$23,200,000 or 0.57% of the 2018 equalized Franklin tax base). There are no known projects that will modify that development picture. A new TID could be created once additional development proposals come forward.

The analysis is qualified to the following extent:

1. The stated assumptions determine the results of the projection.
2. The tax rate assumption is based on the actual equalized tax rate in effect in December 2018 less an assumed decline in tax rates of 1.0% per year. If the tax rate varies from the assumption it could have either a positive or negative impact on these projections.

City of Franklin
TIF #4 Phase I Projection
Projected Cash Flow
December 31, 2018

Year	Revenue					Expenditures				TIF Status				
	Tax Levy	Computer Aid	Misc Revenue	Interest Income 1.00%	Debt Issued	Total	Project Costs	Admin Expenses	Debt Service		Yearly Cash Activity	Net Cash	Outstanding Debt	Year End Fund Balance
									Interest	Principal				
2005	-	-	-	39,408	2,812,416	2,851,824	179,470	34,844	47,553	-	2,589,957	2,589,957	2,812,416	(222,459)
2006	-	-	-	117,860	116,353	234,213	659,840	35,237	129,485	-	(590,349)	1,999,608	2,928,769	(929,161)
2007	17,702	4,884	294,196	28,754	2,971,231	3,316,767	3,522,075	53,667	116,893	1,500,000	(1,875,868)	123,740	4,400,000	(4,276,260)
2008	236,803	6,862	34,337	9,354	3,700,000	3,987,356	388,006	51,827	187,046	3,100,000	260,477	384,217	5,000,000	(4,615,783)
2009	221,611	5,474	57,061	8,341	600,000	892,477	529,168	28,555	223,924	337,000	(226,170)	158,047	5,263,000	(5,104,953)
2010	1,268,430	3,254	78,217	5,120	-	1,355,021	51,227	9,625	198,646	1,000,000	95,523	253,570	4,263,000	(4,009,430)
2011	836,103	59,197	-	5,849	-	901,149	370,781	9,986	174,163	525,000	(178,781)	74,789	3,738,000	(3,663,211)
2012	909,841	57,003	-	748	3,038,000	4,005,592	-	13,687	144,248	3,738,000	109,657	184,446	3,038,000	(2,853,554)
2013	815,923	46,504	46,374	(3,255)	-	905,545	-	9,444	101,798	875,000	(80,697)	103,749	2,153,000	(2,059,251)
2014	954,727	24,620	18,001	906	-	998,254	46,243	46,728	59,904	925,000	(79,621)	24,128	1,238,000	(1,213,872)
2015	1,009,060	19,631	92,021	404	-	1,121,116	18,278	12,487	14,695	1,000,000	75,656	99,784	238,000	(138,216)
2016	1,289,709	18,043	91,206	(5,035)	-	1,393,923	-	12,505	920	238,000	1,142,498	1,242,282	-	1,242,282
2017	1,013,892	15,960	148,173	18,283	-	1,196,308	22,307	10,284	-	-	1,163,717	2,405,999	-	2,405,999
2018	1,059,411	16,195	132,872	42,998	-	1,251,476	401,231	11,343	-	-	838,902	3,244,901	-	3,244,901
2019	1,011,272	16,500	109,000	32,449	5,750,000	6,919,221	9,997,513	12,500	130,813	-	(3,221,605)	23,296	5,750,000	(5,726,704)
2020	1,015,444	15,675	109,000	233	-	1,140,352	-	12,500	245,700	700,000	182,152	205,448	5,050,000	(4,844,552)
2021	1,019,572	14,891	109,000	2,054	-	1,145,518	-	12,500	207,025	1,000,000	(74,007)	131,441	4,050,000	(3,918,559)
2022	1,023,659	14,147	109,000	1,314	-	1,148,120	-	12,500	163,800	900,000	71,820	203,261	3,150,000	(2,946,739)
2023	1,027,703	13,439	109,000	2,033	-	1,152,175	-	12,500	114,888	1,250,000	(225,213)	(21,952)	1,900,000	(1,921,952)
2024	1,031,705	12,767	109,000	(220)	-	1,153,252	-	12,500	62,563	1,050,000	28,190	6,238	850,000	(843,762)
2025	1,035,665	12,129	109,000	62	-	1,156,857	-	12,500	19,338	850,000	275,019	281,257	-	281,257
2026	-	-	-	-	-	-	-	-	-	-	-	281,257	-	281,257
2027	-	-	-	-	-	-	-	-	-	-	-	281,257	-	281,257
2028	-	-	-	-	-	-	-	-	-	-	-	281,257	-	281,257

Note: Phase 1 projected to be fully funded by 2016.

Project costs can not be initiated after June 21, 2020

TIF will continue until Phase 2 and Phase 3 projects are complete or fully funded. (Phase 2 - 5,548,000 & Phase 3 - 12,851,000). 27th St reconstruction may reduce the scope of later phases.

Per the Project Plan the TIF is anticipated to be completed during the year 2025.

City of Franklin
TIF #4 Projection
Projected Revenue
December 31, 2018

Const. Year	Incr. Year	Rev. Year	Full Value Beginning of Year	Total Increment	DOR Adjustment	Inflation & Additional Increment	Cumulative Equalized Increment Value	Tax Rate	Increment Revenue Collected
2005	2006	2007	-	712,021		198,179	910,200	19.45	17,702
2006	2007	2008	910,200	9,725,000		1,059,700	11,694,900	20.25	236,803
2007	2008	2009	11,694,900	19,758,000	(21,300,000)	653,000	10,805,900	20.51	221,611
2008	2009	2010	10,805,900	674,500	46,600,000	446,800	58,527,200	21.67	1,268,430
2009	2010	2011	58,527,200	4,500,000	(23,300,000)	(3,225,300)	36,501,900	22.91	836,103
2010	2011	2012	36,501,900	306,400	2,394,900	847,100	40,050,300	22.72	909,841
2011	2012	2013	40,050,300	710,500		(7,067,300)	33,693,500	24.22	815,923
2012	2013	2014	33,693,500	4,821,486		535,114	39,050,100	24.45	954,727
2013	2014	2015	39,050,100	4,625,800			43,675,900	22.99	1,009,060
2014	2015	2016	43,675,900	9,963,462		634,938	54,274,300	23.76	1,289,709
2015	2016	2017	54,274,300	(10,323,922)		740,922	44,691,300	21.44	1,013,892
2016	2017	2018	44,691,300	2,257,008		645,092	47,593,400	22.26	1,059,411
2017	2018	2019	47,593,400	(1,162,200)			46,431,200	21.78	1,011,272
2018	2019	2020	46,431,200	-		662,491	47,093,691	21.56	1,015,444
2019	2020	2021	47,093,691	-		669,116	47,762,807	21.35	1,019,572
2020	2021	2022	47,762,807	-		675,807	48,438,614	21.13	1,023,659
2021	2022	2023	48,438,614	-		682,565	49,121,179	20.92	1,027,703
2022	2023	2024	49,121,179	-		689,391	49,810,570	20.71	1,031,705
2023	2024	2025	49,810,570	-		696,285	50,506,855	20.51	1,035,665
2024	2025	2026	50,506,855	-		703,248	51,210,102	20.30	1,039,585
2025	2026	2027	51,210,102	-		710,280	51,920,382	20.10	1,043,464
2026	2027	2028	51,920,382	-		717,383	52,637,765	19.90	1,047,302
				46,568,055					

City of Franklin
TIF #4 Projection
Development Assumptions
December 31, 2018

Const. Year	Project Plan Estimate	Development						Total
		Developer Residential	Developer Commercial	Wheaton Franciscan	Oakwood South	Conway	Additional Lots	
		19,967,049	12,579,974	18,000,000	30,000,000	-	100,000,000	180,547,023
2005	-		712,021					712,021
2006	12,877,813	925,000		8,800,000				9,725,000
2007	33,423,756	4,806,300		13,924,000		1,027,700		19,758,000
2008	4,245,454	534,500		140,000				674,500
2009	-	-		4,500,000				4,500,000
2010	-	306,400						306,400
2011	-	710,500						710,500
2012	38,000,000	2,663,679						2,663,679
2013	8,000,000	4,050,000		575,800				4,625,800
2014	8,000,000	1,354,000	492,900				8,116,562	9,963,462
2015	8,000,000						634,938	634,938
2016	8,000,000			(10,100,000)			2,257,008	2,257,008
2017	7,500,000							(10,100,000)
2018	7,500,000							-
2019	7,500,000							-
2020	7,500,000							-
2021	7,500,000							-
2022	7,500,000							-
2023	7,500,000							-
2024	7,500,000							-
	180,547,023	15,350,379	1,204,921	17,839,800	-	1,027,700	11,008,508	46,431,308

54 lots @ 25 Acres X
\$350,000 \$1,600,000 per acre

City of Franklin
TIF #4 Projection
Projected Cost Breakdown
December 31, 2018

Project Costs

Year	Roundabout MLG/Cov Weaton Way 6917	Traffic Signals Median Recon Intersection 6922	OC Water & Intersection 6921	Construction Oakwood Road 6912	Right of way Oakwood 6911	Fitzsimmons Weeds/ Dev Incentive 6911	Developer Incentive 6911	Water & Sewer Costs Net 6911	Issuance Cost 6911	S 27th Street S&W 6911	Contingency Marketing Expenses 6911	Total
Project Plan Estimate	282,400	200,000	6921	1,860,000	200,000	375,000		1,190,000		177,000		4,284,400
2005				152,995	12,600				13,875			179,470
2006	32,947			242,356	384,537							659,840
2007	708,880	493,248	129,941	1,898,528	4,200			287,478				3,522,075
2008	14,877	12,897	16,896	43,689				124,974	13,130		161,543	388,006
2009	4,955		(41,000)	158,441						55,102	351,670	529,168
2010	2,064			105						3,950	45,108	51,227
2011										11,290	359,491	370,781
2012												-
2013										46,243		46,243
2014										18,278		18,278
2015												-
2016												-
2017										22,307		22,307
2018										401,231		401,231
2019										9,000,000		9,997,513
2020												-
2021												-
2022												-
2023												-
	763,523	506,145	105,837	2,496,114	401,337			412,452	27,005	231,885	10,167,500	16,186,138
		105,837										(16,938)
		(16,938)										(297,522)
		(297,522)										15,871,678
		297,522										
Revised Estimate	705,000	448,000	125,000	2,311,000	400,000	425,000		254,000	15,000	165,000	-	4,848,000
						Phase 1		Phase 2	Phase 3			Total
		Project Plan				4,284,400		5,548,000	12,851,000			22,683,400
						115%		115%	115%			115%
						4,927,060		6,380,200	14,778,650			26,085,910

City of Franklin
TIF #4 Projection
Projected Debt Service
December 31, 2018

Tax Exempt G.O. Bonds	\$ 3,000,000
Improvements Cost	\$ 2,715,000
Capitalized Interest	\$ 259,377
Est Issuance Cost	\$ 24,975
Rounding	\$ 648

Interfund Advance	\$ 3,500,000
Improvements Cost	\$ 3,500,000
Capitalized Interest	\$ -
Est Issuance Cost	\$ -
Rounding	\$ -

Total	\$ 6,500,000
	\$ 6,215,000
	\$ 259,377
	\$ 24,975
	\$ 648

Year	Debt Issues			Debt Service			All Debt Issues		
	Balance	Principal 3/1	Interest (3/1 & 9/1) avg = 4.55%	Balance	Principal 3/1	Interest (3/1 & 9/1) 4.55%	Balance	Principal	Total
2005	3,000,000	-	47,553				3,000,000	-	47,553
2006	3,000,000	-	129,485				3,000,000	-	129,485
2007	1,500,000	1,500,000	77,823	2,900,000	-	39,070	4,400,000	1,500,000	116,893
2008	5,000,000	-	121,405	-	3,100,000	65,641	5,000,000	3,100,000	187,046
2009	4,663,000	337,000	214,850	600,000	-	9,074	5,263,000	337,000	223,924
2010	4,263,000	400,000	197,117	-	600,000	1,529	4,263,000	1,000,000	198,646
2011	3,738,000	525,000	174,163	-	-	-	3,738,000	525,000	174,163
2012	-	3,738,000	28,363	3,038,000	-	115,885	3,038,000	3,738,000	144,248
2013	-	-	-	2,163,000	875,000	101,798	2,163,000	875,000	101,798
2014	-	-	-	1,238,000	925,000	59,904	1,238,000	925,000	59,904
2015	-	-	-	238,000	1,000,000	14,695	238,000	1,000,000	14,695
2016	-	-	-	-	238,000	920	-	238,000	920
2017	-	-	-	-	-	-	-	-	0
2018	-	-	-	-	-	-	-	-	0
2019	-	-	-	5,750,000	130,813	130,813	5,750,000	-	130,813
2020	-	-	-	5,050,000	700,000	245,700	5,050,000	700,000	245,700
2021	-	-	-	4,050,000	1,000,000	207,025	4,050,000	1,000,000	207,025
2022	-	-	-	3,150,000	900,000	163,800	3,150,000	900,000	163,800
2023	-	-	-	1,900,000	1,250,000	114,888	1,900,000	1,250,000	114,888
2024	-	-	-	850,000	1,050,000	62,563	850,000	1,050,000	62,563
2025	-	-	-	-	850,000	19,338	-	850,000	19,338
2026	-	-	-	-	-	-	-	-	0
				12,488,000	1,352,641	13,840,641	18,988,000	2,343,400	21,331,400

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2017-_____

A RESOLUTION TERMINATING THE COLLECTION OF INCREMENT AS OF
THE JANUARY 1, 2018 TAX ROLL FOR TAX INCREMENT DISTRICT #4

WHEREAS, the City of Franklin passed a creation resolution creating Tax Incremental District No. 4 and adopted a Project Plan both on June 21, 2005; and

WHEREAS, TIF District No. 4 phase I project was completed; and

WHEREAS, sufficient increment was collected as of the 2018 tax roll, payable in 2019, to cover TIF District No. 4 project costs; and

WHEREAS, the TID 4 expenditure period expires on June 21, 2020; and

WHEREAS, the City continues to explore project costs associated with the intended projects of TID 4; and

WHEREAS, State Statute 66.1105 (8) (c) requires the city and the Department of Revenue to agree on a date by which the city shall send to the department the final accounting.

NOW BE IT THEREFORE RESOLVED, that the City of Franklin concludes collection of Increment in Tax Increment District #4 with the January 1, 2018 tax roll conditioned upon the Department of Revenue agreeing to accept a final accounting no later than December 31, 2020.

BE IT FURTHER RESOLVED, that the City Clerk of the City of Franklin notify the Wisconsin Department of Revenue prior to the April 15, 2019 deadline that the district will cease collecting tax increment with the January 1, 2018 tax roll.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ____th day of _____, 2019.

APPROVED:

ATTEST:

Stephen R Olson, Mayor

Sandra L Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/01/19
REPORTS AND RECOMMENDATIONS	POLICY DIRECTION REGARDING LENGTH AND INFORMATION CONTAINED IN PLANNING STAFF REPORTS	ITEM NUMBER <i>G, 5.</i>

For a substantial number of years Planning Staff, under direction of the former mayor, the planning staff dramatically increased the length of staff reports on development proposals presented to the Plan Commission, Board of Zoning and Building Appeals and the Common Council. Items as "simple" as a certified survey map commonly contain a staff report of several pages.

Due to current work load and substantial staffing challenges, the mayor and planning staff request the Common Council accept a change in the current practice of lengthy staff reports and that the practice revert back to brief descriptions of the project, requirements, issues and staff recommendation.

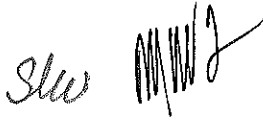
Historically, staff reports were very brief but supporting information was (and is) available in the project file in the Planning Department. Commissioners and aldermen and other staff needing additional information than provided in the staff report would either go to the planning department and look at the file or request the information be sent to them.

Current workload demands that operational changes be made within the department. Reducing the scope of staff reports will not only allow more work to be done but will potentially speed up the development process.

COUNCIL ACTION REQUESTED

Motion to authorize the planning staff to reduce the amount of background and "extra" information contained in staff reports while maintaining that background and extra information in the project files.

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 4/1/2019
REPORTS & RECOMMENDATIONS	Authorize a plan for supplemental services for the Planning and Inspection Services Departments using their 2018 revenues in excess of budgeted revenues	ITEM NUMBER G.6.

The City of Franklin is experiencing a surge in development activity which is not expected to lighten up in the near term. The proposals being considered by the Planning Department and trying to be accommodated by considerations within various TIDs are applying significant workloads within Planning. At the same time, Inspection Services is feeling the same pressure which will continue for many months beyond each project approval, given the length of the Building construction process. Both departments are under significant pressure to turn around reviews and inspections quickly to support our business environment. At the same time staffing levels remain limited, while newer staff continue on their learning curve which naturally limits efficiency and productivity in the shorter term.

These departments, however, generated significantly extra revenue in 2018 than budgeted. Neither department exceeded their expenditure appropriations for 2018, but the draft Annual Financial Report indicates the following pertaining to revenue.

Department	Budgeted Revenue	Actual Revenue	Net Revenue
Planning	\$53,500	\$101,964	\$48,464
Inspection Services	\$830,000	\$908,362	\$78,362

Additionally, it is important to recognize that the draft Annual Financial Report indicates a surplus in the General Fund for 2018 that exceeds \$700,000. Mayor and Staff, therefore, recommend that these net revenues from the departments for 2018 be reprogrammed and appropriated from the General Fund fund balance to ensure additional support services for the Departments. 2018 will still result in added General Fund surplus of over \$600,000.

Building Inspection: Building Inspection would hire limited-term temporary employees for the Director of Inspection Services to use and assign as needed. Essentially this means that the City would bring on to the payroll various, appropriately-licensed, commonly-retired individuals to supplement our response. The Director has access to individuals willing to do the work on such a part-time, on-call basis. This will give great flexibility to address peak demands and short-term absences (vacations and training). The City has historically used (and is currently using) such individuals on a very limited, informal contract basis, but it will be better to bring them on as employees. As employees, any workers compensation and liability issues are more clearly addressed. Since these individuals will typically be highly experienced individuals who may expect to be paid at or near the top of the range for such on call services, included in this recommended plan is the Common Council's authorization for the Mayor and Director of Administration to approve hourly rates that exceed the market rate (meaning within the top 35% of the approved pay range) for these individuals, where appropriate. Additionally, if approved as presented the Common Council should anticipate that the Director of Inspection Services, subject to oversight by the Director of Administration, may approve certain travel time, such as reporting to work or a work site, as hours of service. This is commonly expected for such short-term services, and will be considered on a case-by-case basis by the Director of Inspection Services.

Planning Department: The Planning Department strategy has two approaches. The first is contracted services. As was done in 2018, firms or individuals could be contracted with to address specific projects or tasks. The bulk of the additional appropriations, \$32,000, would go to this purpose. For speed and flexibility, it is recommended that the Mayor be authorized as a component of this plan to approve such contracts not to exceed \$10,000 individually and not to exceed the approved modified budget of the department. The expectation is that such authorization would not prohibit a single firm or individual from receiving multiple approvals during the course of the remainder of this year if their workload and performance warranted continued allocations of work.

The second approach is use of employees. Two employee strategies are addressed. First, the City previously used a college student as an intern. A graduate student, preferably, can provide a higher level of service while developing skills they can use later. They can provide assistance by addressing smaller tasks and entry-level analysis and counter/phone intake that helps free-up Planners time to remain focused on larger tasks. Graduate interns can also be relied upon for a two-year cycle where they are able to develop an increasing level of effectiveness. It is hopeful that the interns could work nearly full-time during the summer and around 10 hours per week during the school year, which would result in around 600 hours yet this year. At the going graduate-intern rate of \$16.00 per hour, approximately \$11,464, would be needed for the remainder of the year. If a graduate student is not available, a strong undergraduate candidate would be considered.

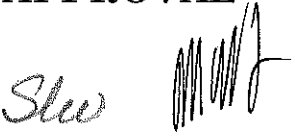
Additionally, an appropriation authority of \$5,000 would be put into the Personnel Services that would establish an initial appropriation that could be used if it turns out the City gets an opportunity to hire somebody as a limited-term employee instead of through a contracted service. This appropriation would be sufficient for the Mayor to hire the individual as an Emergency Employee (a classification per our handbook) for a few weeks while seeking Common Council authorization for anything longer term (at which point some of the funding from the contracted services could be moved to cover these personnel services). This strategy would allow us to react quickly to an opportunity while also having an appropriate way to hire an individual who may not have an LLC or be associated with a company, which is needed for liability reasons. As with the building inspectors discussed above, included in this recommended plan is the Common Council's authorization for the Mayor and Director of Administration to approve hourly rates that exceed the market rate (meaning within the top 35% of the approved pay range) for these individuals and to consider travel time as time worked, both where appropriate.

In the case of both departments, it is worth noting that appropriations for personnel services can also be used to support increased overtime costs for existing staff.

Approval of this supplemental services plan requires and is subject to approval of a budget modification that appropriates the 2018 revenues in excess of budgeted revenues for these two operational areas. The bottom line is that both departments are very busy. Every approval that results from the workflow coming out of the Planning Department will result in months of plan reviews and inspections by the Inspection Services Departments. These developers will expect us to provide timely services. The supplemental services plan set forth above is expected to help make that happen without drawing on any additional property tax dollars in 2019.

COUNCIL ACTION REQUESTED

Motion to authorize a plan for supplemental services for the Planning and Inspection Services Departments, as set forth above within this Council Action Sheet subject to and contingent upon separate adoption by the Common Council of a Resolution modifying the 2019 budget to appropriate an amount equal to the Department's 2018 revenues in excess of budgeted revenues.

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 4/1/2019
REPORTS & RECOMMENDATIONS	Ordinance 2019-_____ amending Ordinance 2018-2345, an ordinance adopting the 2019 annual budget for the General Fund for the City of Franklin, to appropriate \$48,464 within the Planning Department and \$78,362 within the Inspection Services Department, reflecting amounts equal to each Department's 2018 revenues in excess of budgeted revenues, to support implementation of a plan for supplemental services for those Departments	ITEM NUMBER G.7.

Elsewhere on the Common Council's agenda is a request to authorize a plan for supplemental services for the Planning and Inspection Services Departments, subject to and contingent upon separate adoption by the Common Council of a Resolution modifying the 2019 budget to appropriate an amount equal to the Department's 2018 revenues in excess of budgeted revenues.

These amounts are in consideration because these departments generated significantly extra revenue in 2018 than budgeted. While neither department exceeded their expenditure appropriations for 2018, the draft Annual Financial Report indicates the following pertaining to revenue.

Department	Budgeted Revenue	Actual Revenue	Net Revenue
Planning	\$53,500	\$101,964	\$48,464
Inspection Services	\$830,000	\$908,362	\$78,362

This action allows program revenues for these areas to directly support ongoing program demands for these areas without requiring use of additional property tax dollars or the initial fund balance when entering 2018. This is a reasonable consideration because the draft Annual Financial Report indicates a surplus in the General Fund for 2018 that exceeds \$700,000.

Mayor and Staff, therefore, recommend that these net revenues from the departments for 2018 be reprogrammed and appropriated from the General Fund fund balance to ensure additional support services for the Departments. 2018 will still result in added General Fund surplus of over \$600,000.

The attached budget modification achieves the requested purpose.

COUNCIL ACTION REQUESTED

Motion adopting Ordinance 2019-_____ amending Ordinance 2018-2345, an ordinance adopting the 2019 annual budget for the General Fund for the City of Franklin, to appropriate \$48,464 within the Planning Department and \$78,362 within the Inspection Services Department, reflecting amounts equal to each Department's 2018 revenues in excess of budgeted revenues, to support implementation of a plan for supplemental services for those Departments.

[NOTE: A ROLL CALL VOTE IS REQUIRED]

DOA-MWL

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGET FOR THE GENERAL FUND FOR THE CITY OF FRANKLIN, TO APPROPRIATE \$48,464 WITHIN THE PLANNING DEPARTMENT AND \$78,362 WITHIN THE INSPECTION SERVICES DEPARTMENT, REFLECTING AMOUNTS EQUAL TO EACH DEPARTMENT'S 2018 REVENUES IN EXCESS OF BUDGETED REVENUES, TO SUPPORT IMPLEMENTATION OF A PLAN FOR SUPPLEMENTAL SERVICES FOR THOSE DEPARTMENTS

WHEREAS, workloads in the Planning and Inspections Services Departments have increased based upon existing, planned, and anticipated development levels, with this activity evidenced by the revenues generated by the departments; and

WHEREAS, the amounts in consideration are available because these departments generated significantly extra revenue in 2018 than budgeted, which, according to the draft Annual Financial Report is \$48,464 in the Planning Department and \$78,362 in the Inspection Services Department; and

WHEREAS, the Common Council is considering separate action to adopt a plan for supplemental services for the Planning and Inspection Services Departments to help ensure the departments can support the anticipated level of development activity and provide the development community with timely services, which plan requires additional appropriations.

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

SECTION 1: That the 2019 Budget of the General Fund be adjusted as follows:

Restricted Contingency	Decrease		\$126,826
Planning Department	Personnel Services	Increase	\$16,464
Planning Department	Non-Personnel	Increase	\$32,000
Inspection Services	Personnel Services	Increase	\$78,362

SECTION 2: Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to publish a Class 1 notice of this budget amendment within ten days of adoption of this ordinance.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 1st day of April, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____