

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

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes of the Regular Common Council Meeting of July 16, 2019.
- D. Hearings:
  - Public Hearing – A proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property generally located at 11327 West Ryan Road (Outlot 2 of the approved Preliminary Plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)), from Business Park Use to Residential Use (Mills Hotel Wyoming, LLC, Applicant, Eugene and Marlene Magarich, property owners) [the Comprehensive Master Plan Amendment is contingent upon land transfer or Final Plat recording]. The property which is the subject of this application currently bears Tax Key No. 892-9993-001.
- E. Organizational Business:
  - The Mayor has made the following appointments for Council confirmation:
  - (a) Dave Fowler, 7549 S. Riverview Rd, Ald. Dist. 1 - Plan Commission (3-year term expiring 04/30/22).
  - (b) Ken Kritz, 12045 W. Steven Pl., Ald. Dist 6 - Environmental Commission (3-year unexpired term expiring 04/30/21).
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Consent Agenda:
    - (a) A Resolution to Authorize Acceptance of Storm Water Facilities Maintenance Agreements from Oakwood at Ryan Creek, LLC (Ryanwood Manor at S. 76th Street and W. Oakwood Road) and Aspen Woods, LLC (at S. 51st Street and W. Puetz Road).
    - (b) Accepting a Second Stormguarden® Unit from Milwaukee Metropolitan Sewerage District (MMSD) at Franklin City Hall 9229 W. Loomis Road.
    - (c) Adjust Approved Assistant Mechanic and Heavy Equipment Operator Positions at Department of Public Works.
    - (d) Update on Website Redesign to Latest Version of Northwoods Titan Content Management System (CMS).
    - (e) Trick or Treat Schedule for 2019.
    - (f) The Franklin Police Department received the following donations for deposit into their Respective Accounts:  
Crime Presentation - National Night Out; Ascension-Franklin - \$1,000; Crossroads Pizza & Subs - \$100; Gina Moretti (Tutor Doctor) - \$100; McAvoy Chiropractic - \$100; North Shore Bank - \$500; Northwestern Mutual - \$2,000; Parallel

Employment - \$100; Pyramax Bank - \$500; US Bank - \$2,000; Volition Franklin - \$100; WaterStone Bank - \$1,000.

Police Donations – General: Franklin Lioness Club - \$150

- (g) Donation from Franklin Lioness Club Foundation in the Amount of \$150 to the Fire Department to be Used Toward Funding Fire Prevention Activities and/or Equipment.
  - (h) Donation to Franklin Health Department from Franklin Lioness Club in the Amount of \$150 to be Deposited into the Health Department Donations Account.
2. An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for Property Generally Located at 11327 West Ryan Road (Outlot 2 of the Approved Preliminary Plat for “Ryan Meadows” Except the Northerly 30 Feet Also Known as Part of Tax Key No. 892-9993-001 (the Approximately 1.17 Acre Portion of Parcel 892-9993-001)) From Business Park Use to Residential Use, Pursuant to Wis. State § 66.1001(4)(b).
  3. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone Outlot 2 of the Approved Preliminary Plat for “Ryan Meadows,” Except the Northerly 30 Feet Also Known as Part of Tax Key No. 892-9993-001 (the Approximately 1.17 Acre Portion of Parcel 892-9993-001) From R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (Generally Located at 11327 West Ryan Road) (Approximately 1.1665 Acres) (Mills Hotel Wyoming, LLC Applicant, Eugene and Marlene Magarich, Property Owners).
  4. Update on the City Hall Roof, HVAC and Fascia Wood Replacement Project and Selection of Cladding Color.
  5. Project Updates for Ballpark Commons.
  6. A Resolution Authorizing Certain Officials to Accept a Berm Easement for and as Part of the Review and Approval of a Site Plan for Four, 3-Story, Approximately 53 Unit Apartment Buildings Development at Ballpark Commons (7125, 7165, 7195, and 7250 South Ballpark Drive, Formerly Approximately 7900 West Crystal Ridge Drive) (Ballpark Commons Apartments LLC, an Affiliate of Mandel Group, Inc., and in Partnership with Zim-Mar Properties, LLC, Applicant, Zim-Mar Properties, LLC, Property Owner).
  7. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Site Plan for Four, 3-Story, Approximately 53 Unit Apartment Buildings Development at Ballpark Commons (7125, 7165, 7195, and 7250 South Ballpark Drive, Formerly Approximately 7900 West Crystal Ridge Drive) (Ballpark Commons Apartments LLC, an Affiliate of Mandel Group, Inc., and in Partnership With Zim-Mar Properties, LLC, Applicant, Zim-Mar Properties, LLC, Property Owner).
  8. A Resolution Authorizing Certain Officials to Accept a Landscape Bufferyard Easement for and as Part of the Review and Approval of a Site Plan for Four, 3-Story, Approximately 53 Unit Apartment Buildings Development at Ballpark Commons (7125, 7165, 7195, and 7250 South Ballpark Drive, Formerly Approximately 7900 West Crystal Ridge Drive) (Ballpark Commons Apartments LLC, an Affiliate of Mandel Group, Inc., and in Partnership With Zim-Mar Properties, LLC, Applicant, Zim-Mar Properties, LLC, Property Owner).

9. Resolution for Acceptance of New Storm Drainage, Sanitary Sewer and Watermain Easements for Velo Village Apartments at Ballpark Commons 7125, 7165, 7195, and 7235 South Ballpark Drive - Tax Key Numbers 754-9001-000, 754-9002-000, and 754-9008-000.
10. A Resolution Authorizing Certain Officials to Execute a Termination of Proposed CSM Easements (Velo Village at Ballpark Commons Property) (Zim-Mar Properties, LLC, Owner).
11. Public School District Request for Exemption from Municipal Impact Fees.
12. Updated Plan to Address Road Repairs in the Rawson Homes Neighborhood Area.
13. An Ordinance to Amend Ordinance 2018-2345, an Ordinance Adopting the 2019 Annual Budgets for the Street Improvement Fund for Fiscal Year 2019 to Establish Appropriations for Rawson Homes Street Repairs.
14. A Resolution to Award Paving Contract for Stark Pavement Corporation to Construct 2019 Rawson Homes Pavement in the Amount of \$212,685.
15. A Resolution Conditionally Approving a Preliminary Plat for Oakes Estates Subdivision (at Approximately South 92<sup>nd</sup> Street and West Woelfel Road) (Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC, Applicant).
16. A Request to Amend Resolution No. 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).
17. A Request to Rescind Resolution No. 2019-7477, 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 and to Vacate, Waive and Release the Conservation Easement (Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., Applicant).
18. A Resolution Conditionally Approving a Final Plat for Faithway Reserve Subdivision (at 7711 South 76<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).
19. A Resolution Authorizing Certain Officials to Execute a Subdivision Development Agreement with the Developer of Faithway Reserve Subdivision.
20. A Resolution Authorizing Certain Officials to Approve a Request to Vacate a Sanitary Sewer Easement for Faithway Reserve Subdivision (S. 76th Street and W. Faith Drive).
21. Request from Creative Homes to Allow Construction and Temporary Occupancy for a Model Home on Lot 3 of Faithway Reserve (S. 76th Street and W. Faith Drive).
22. A Resolution Authorizing Certain Officials to Enter into a Time and Expense Professional Engineering Agreement with Concord Group for Services Related to the Preparation of a W. Puetz Road Surface Transportation Urban Program (STP) Grant Application for the Wisconsin Department of Transportation (WISDOT) 2020-2025 Program Cycle for an Estimated Amount of \$13,480.
23. An Ordinance to Amend Ordinance 2018-2345, An Ordinance Adopting the 2019 Annual Budgets for the Capital Outlay Fund to Reclass Contingency Appropriations to Proper Classifications.
24. June 2019 Monthly Financial Report.
25. Monitoring of Department of Public Works 2019 Budget.

- 26. A Resolution to Amend the Debt Policy Statement for the City of Franklin.
- 27. A Resolution Authorizing Certain Officials to Execute a Second Amendment to Tax Incremental District No. 5 Development Agreement Between the City of Franklin and BPC Master Developer, LLC (Developer), Ballpark Commons – Franklin, Wisconsin (Project). The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to deliberate upon a Second Amendment to Tax Incremental District No. 5 Development Agreement Between the City of Franklin and BPC Master Developer, LLC (Developer), the negotiation of the Amendment to Agreement terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Bills.  
Request for Approval of Vouchers and Payroll.

I. Licenses and Permits.  
Miscellaneous Licenses from License Committee Meeting of August 6, 2019.

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.]

REMINDERS:

August 8	Plan Commission Meeting	7:00 p.m.
August 20	Common Council Meeting	6:30 p.m.
August 22	Plan Commission Meeting	7:00 p.m.
September 2	Labor Day	City Hall Closed
September 3	Common Council Meeting	6:30 p.m.
September 5	Plan Commission Meeting	7:00 p.m.



RES. 2019-7516  
SUBDIVISION DEV.  
AGREEMENT FOR  
ASPEN WOODS PHASE II  
S. 47TH ST. AND W.  
PUETZ RD.

- G.3. Alderman Taylor moved to suspend the regular order of business to allow Matt Cudney to speak. Seconded by Alderman Barber. All voted Aye; motion carried. Alderman Taylor moved to return to the regular order of business. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderman Taylor moved to adopt Resolution No. 2019-7516, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF ASPEN WOODS SUBDIVISION PHASE II LOCATED ON S. 47TH STREET AND W. PUETZ ROAD, as amended and upon review and acceptance by the City Attorney. Seconded by Alderman Barber. All voted, Aye; motion carried.

QUARRY MONITORING  
COMMITTEE  
RECOMMENDATION

- G.4. Alderwoman Wilhelm will work with staff to come up with a solution to determine the Quarry north/south boundary along S. 51st Street and the east/west boundary along W. Drexel Avenue and stake them out. Seconded by Alderman Taylor. All voted Aye; motion carried.

No action was taken at this time regarding the status update to provide for a citizen-appointed member to the Committee.

PLEASANT VIEW PARK  
SITE PLAN FOR  
DEVELOPMENT

- G.5. Alderwoman Wilhelm moved to direct the Director of Administration, working with Alderwoman Wilhelm, to prepare a contract and scope of services for an update to the site plan for development of Pleasant View Park, including but not limited to landscape plan, lighting, and picnic tables. Seconded by Alderman Barber. All voted Aye; motion carried.

FRANKLIN SR. CITIZENS  
SEMI-ANNUAL UPDATE

- G.6. Alderman Taylor moved to receive and place on file a 2019 semi-annual update of the Franklin Senior Citizens, Inc. Seconded by Alderman Barber. All voted Aye; motion carried.

CDBG PROJECTS

- G.7. Alderman Taylor moved to authorize the Director of Administration to submit Letters of Support for the Eras Senior Network Neighborhood Outreach Program for \$5,000 and the Oak Creek Salvation Army, Homelessness program for \$3,000; to submit a project application for Senior Health-Related Educational Programming for \$5,000; and to submit a project application for a Franklin Home Repair Grant Program, that would be administered directly through Milwaukee County, for the remaining portion of the City's annual allocation; and further, should the Eras Senior Network not apply for CDBG funding, that the Letter of Support for the Oak Creek Salvation Army, Homelessness Program to be increased to

\$5,500 and the project application for the Senior Health-Related Education Program to be increased to \$7,500. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7517  
CONTRACT WITH  
GREELEY & HANSON  
FOR PHASE 2B  
INDUSTRIAL LIFT  
STATION

G.8. Alderman Taylor moved to adopt Resolution No. 2019-7517, A RESOLUTION TO AUTHORIZE THE REMAINDER OF A PROFESSIONAL SERVICES CONTRACT WITH GREELEY AND HANSEN FOR PHASE 2B OF THE DESIGN OF INDUSTRIAL PARK LIFT STATION ABANDONMENT AND SEWER EXTENSION FOR \$17,115. Seconded by Alderman Nelson. All voted Aye; motion carried.

ORD. 2019-2384  
AMEND §10-1. BD. OF  
PUBLIC WORKS  
MEETING DAY AND  
TIME

G.9. Alderman Taylor moved to adopt Ordinance No. 2019-2384, AN ORDINANCE TO AMEND §10-1. OF THE MUNICIPAL CODE TO REMOVE REFERENCE TO MEETING DAY AND TIME FOR THE BOARD OF PUBLIC WORKS, as amended. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Taylor vacated his seat at 7:45 p.m. and returned to his seat at 7:55 p.m.

2020 PRELIM. BUDGET

G.10. No action was taken following the presentation of preliminary 2020 budget development issues, including an update on landfill siting fees.

BUDGET  
APPROPRIATIONS FOR  
PLANNED SPENDING

G.11. Alderwoman Wilhelm moved to authorize Capital Outlay Fund expenditures using appropriations coming from "Planned Spending Pending Additional Consideration," and from reassigning \$9,800 in Information Services Capital Outlay savings for the following items: \$325 for a time stamp machine for the Clerk's Office; \$9,900 for a Ram Air Turnout Gear Dryer for the Fire Department; \$9,000 for a retaining wall replacement at the Police Department; \$14,000 for SQL Virtual Core Software for Information Services (City Hall) and Police Department; \$2,225 for Terminal Server Licenses for Information Services; \$17,900 for a small mower for DPW; \$1,500 for a laptop for Economic Development; and \$7,450 for 4 Taser X2 Units. Seconded by Alderman Taylor. All voted Aye; motion carried.

CLOSED SESSION  
TID 5 DEVELOPMENT  
AGREEMENT WITH BPC

G.12. Alderman Barber moved to enter closed session at 8:15 p.m. pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon a Second Amendment to Tax Incremental District No. 5 Development Agreement between the City of Franklin and BPC Master Developer, LLC (Developer), the negation of the Amendment to Agreement terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

The Common Council reentered open session at 9:05 p.m.

CLOSED SESSION TID 7  
DEVELOPMENT  
AGREEMENT  
WITH VELO VILLAGE  
APARTMENTS

- G.13. Alderman Barber moved to enter closed session at 9:06 p.m. pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon a Second Amendment to Tax Incremental District No. 7 Development Agreement between the City of Franklin and Velo Village Apartments LLC (Developer), the negotiation of Agreement terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

Upon reentering open session at 9:20 p.m., Alderman Barber moved to adopt A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TAX INCREMENTAL DISTRICT NO. 7 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FRANKLIN AND VELO VILLAGE APARTMENTS LLC, in such form and content as before the Common Council this evening at this meeting, provided that the Now, Therefore, Be It Resolved paragraph read as follows: "by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Tax Incremental District No. 7 Development Agreement Between the City of Franklin and Velo Village Apartments LLC, in such form and content as annexed hereto, subject to technical and/or minor changes which may be approved by the Economic Development Director, the Director of Finance and Treasurer, Special Counsel and the City Attorney, be and the same is hereby approved"; subject to and contingent upon approval of a Second Amendment to Tax Incremental District No. 5 Development Agreement Between the City of Franklin and BPC Master Developer, LLC. Seconded by Alderman Taylor. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderwoman Wilhelm vacated her seat at 9:23 p.m.

VOUCHERS AND  
PAYROLL

- H.1. Alderman Mayer moved to approve the following: City vouchers with an ending date of July 11, 2019 in the amount of \$1,660,311.63; and payroll dated July 5, 2019 in the amount of \$379,778.43 and payments of the various payroll deductions in the amount of \$204,900.98, plus City matching payments; and estimated payroll dated July 19, 2019 in the amount of \$417,000.00 and payments of the various payroll deductions in the amount of \$416,000.00; and estimated payroll dated August 2, 2019 in the amount of \$384,000.00 and payments of the various payroll deductions in the amount of

\$210,000.00 plus City matching payments; and release payments to miscellaneous vendors in the amount of \$534,113.94. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

LICENSES AND  
PERMITS

- I.1. Alderman Taylor moved to approve the following license recommendations from the License Committee meeting of July 16, 2019:
- Grant 2018-2019 and 2019-2020 Operator license Grant Operator license with warning letter from the City Clerk to Shannen K Conley, S76 W17745 Janesville Rd, Muskego;
- Hold Operator license applications for appearance for Aimee E Waraza, 2835 S. 130<sup>th</sup> St., New Berlin; Megan E Dauenhaer, 411 W. Swan Circle #2914, Oak Creek; Mandy L Mayrand, 28911 Fir Ln., Waterford;
- Grant 2019-2020 Operator licenses to Luis A Cazarin Quiroga, 3733 W. Jerelin Dr.; Diane M Holytz, 4204 S. Ridgewood Ln., Greenfield; Andrew Hushek, 5315 W. Arizona St., Milwaukee; Jennifer A Jenders, 1085 Tanglewood Ct., Brookfield; Justin D Kagerbauer, N63 W2331 Main St. #301, Sussex; Shannon P Miller, W124 S8236 North Cape Rd., Muskego; Kayla M Paul, 7850 S. Ridgewood Dr.; Laura R Stanislawski, 3801 W. Oklahoma Ave. #3, Milwaukee; Jeffrey F Terp, 26430 Grace Dr., Wind Lake; Pamela J Wolff, 7515 W. Drexel Ave. #108;
- Grant Extraordinary Entertainment & Special Event license pending Fire Department approval to Knights of Columbus Trinity #4580 (David Kunze) for Arts & Crafts Fair on September 1<sup>st</sup>, 2019, 7335 S. Lovers Lane Rd.; and
- Grant Temporary Class "B" Beer and Temporary Entertainment and Amusement to VFW Post #10394 Hales Corners-Franklin (Andrew Hushek) for St Martins Fair, September 1-2, 2019, 11300 W. Church St.
- Seconded by Alderman Nelson. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:27 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

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CITY OF FRANKLIN  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FRANKLIN will conduct a public hearing on Tuesday, August 6, 2019, at 6:30 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property generally located at 11327 West Ryan Road (Outlot 2 of the approved Preliminary Plat for "Ryan Meadows", except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)), from Business Park Use to Residential Use (Mills Hotel Wyoming, LLC, applicant, Eugene and Marlene Magarich, property owners) [*the Comprehensive Master Plan Amendment is contingent upon land transfer or Final Plat recording*]. The property which is the subject of this application currently bears Tax Key No. 892-9993-001, and is more particularly described as follows:

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 753.00 feet to the Point of Beginning; Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line, 220.00 feet to a north line of said Lot 3; thence South 89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 220.00 feet to the Point of Beginning. Said land containing 50,815 square feet (1.1665 Acres).

A map showing the property affected may be obtained from the City Council by way of request to the Department of City Development at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, telephone number (414) 425-4024, during normal business hours.

This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. The proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The proposed draft ordinance is also available and open for inspection by the public at the Franklin Public Library, 9151 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. In addition, the draft ordinance is available for review at [www.franklinwi.gov](http://www.franklinwi.gov). Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Joel Dietl, City of Franklin Planning Manager, at 414-425-4024.

Dated this 24th day of June, 2019.

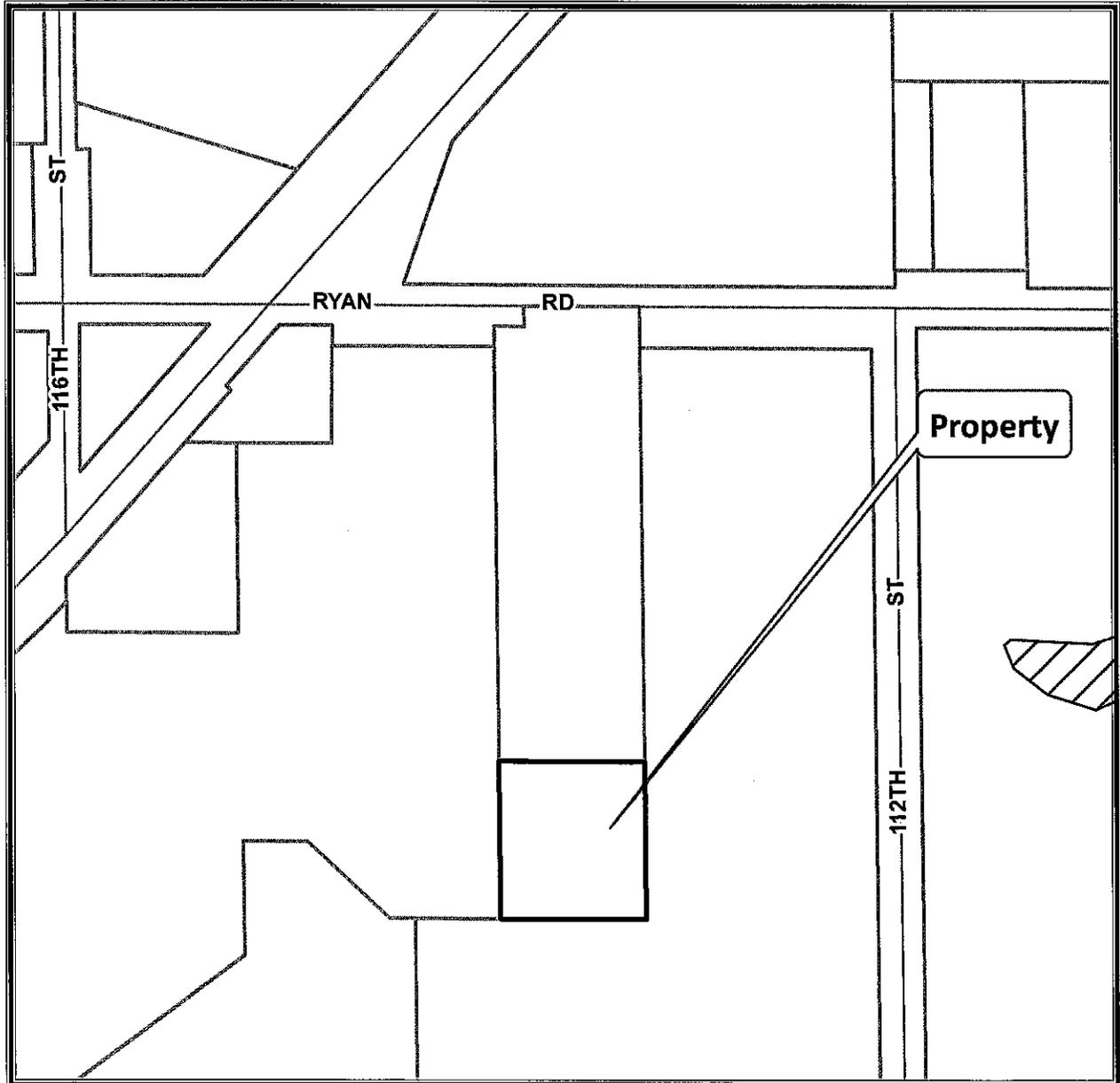
Sandra L. Wesolowski  
City Clerk

N.B. Class I

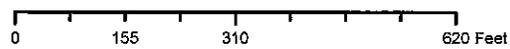
Publish July 3<sup>rd</sup>



TKN: 892 9993 001



Planning Department  
(414) 425-4024



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.*

<p style="text-align: center;"><b>APPROVAL</b> <i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> 08/06/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Mayoral Appointments</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b> E.</p>

The Mayor has made the following appointments for Council confirmation:

- (a) Dave Fowler, 7549 S. Riverview Rd, Ald. Dist. 1 - Plan Commission (3-year term expiring 04/30/22).
- (b) Ken Kritz, 12045 W. Steven Pl., Ald. Dist 6 - Environmental Commission (3-year unexpired term expiring 04/30/21).

### COUNCIL ACTION

Motion to confirm the following Mayoral appointments:

- (a) Dave Fowler, 7549 S. Riverview Rd, Ald. Dist. 1 - Plan Commission (3-year term expiring 04/30/19).
- (b) Ken Kritz, 12045 W. Steven Pl., Ald. Dist 6 - Environmental Commission (3-year unexpired term expiring 04/30/21).

## Shirley Roberts

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**From:** volunteerfactsheet@franklinwi.info  
**Sent:** Friday, August 2, 2019 10:22 AM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** Ken Hritz  
**PhoneNumber:** 661-342-6724  
**EmailAddress:** kenhritz@gmail.com  
**YearsasResident:** Less than one year  
**Alderman:**  
**ArchitecturalBoard:** 1  
**CivicCelebrations:** 0  
**CommunityDevelopmentAuthority:** 0  
**EconomicDevelopmentCommission:** 0  
**EnvironmentalCommission:** 1  
**FinanceCommittee:** 0  
**FairCommission:** 0  
**BoardofHealth:** 1  
**FirePoliceCommission:** 0  
**ParksCommission:** 0  
**LibraryBoard:** 0  
**PlanCommission:** 0  
**PersonnelCommittee:** 0  
**BoardofReview:** 0  
**BoardofPublicWorks:** 0  
**QuarryMonitoringCommittee:** 0  
**TechnologyCommission:** 0  
**TourismCommission:** 0  
**BoardofZoning:** 0  
**WasteFacilitiesMonitoringCommittee:** 0  
**BoardWaterCommissioners:** 0  
**CompanyNameJob1:** Harvest Church  
**TelephoneJob1:** 805-489-2037  
**StartDateandPositionJob1:** 9/5/2017 Associate Pastor  
**EndDateandPositionJob1:** 4/30/2019 Associate Pastor  
**CompanyNameJob2:** Mee Memorial Hospital  
**TelephoneJob2:** 831-385-6000  
**StartDateandPositionJob2:** 7/8/2013 Chief Clinical Officer  
**EndDateandPositionJob2:** 9/30/2016 Chief Operating Officer  
**CompanyNameJob3:** French Hospital Medical Center

**TelephoneJob3:** 805-543-5353  
**StartDateandPositionJob3:** 9/7/2007 Sr. Director Ancillary Services  
**EndDateandPositionJob3:** 11/30/12 Vice President, Ancillary Services  
**Signature:** Ken Hritz  
**Date:** 8/2/2019  
**Signature2:** Ken Hritz  
**Date2:** 8/2/2019  
**Address:** 12045 W STEVEN PL Franklin, WI 53132  
**PriorityListing:** Board of Health Architectural Review Board Environmental Commission  
**WhyInterested:** The majority of my career has been in healthcare operations, however along the way, I have come to realize that my greatest joy comes from improving anything and everything....health, the environment, reducing wasted resources, any area of a community that can be improved in any way. In my travels, I have experienced wonderful communities and would like to be very involved in my new wonderful community and home, Franklin, WI.  
**CompanyAddressJob1:** 124 W. Branch St. Arroyo Grande, CA 93420  
**DescriptionofDutiesJob1:** Worked as executive pastor with all staff reporting to me. Duties included budget preparation, human resources, finance, property acquisition, materials management, facilities management, counseling, teaching, and overseeing specific ministries such as the prayer ministry, missions, etc.  
**AddressJob2:** 300 Canal Street King City, CA 93930  
**DescriptionofDutiesJob2:** Operations administrator for a 117 bed acute care hospital. Provided strategy and overall management for hospital departments which included: pharmacy, laboratory, nursing, outpatient clinics, rehabilitation, radiology, skilled nursing facility, dietary, respiratory therapy, case management, social services, and medical staff.  
**AddressJob3:** 1911 Johnson Avenue San Luis Obispo, CA 93401  
**DescriptionofDutiesJob3:** Senior executive overseeing the departments of: laboratory, pharmacy, cardiac catheterization, cardiac rehabilitation, radiology, cancer center, quality improvement, respiratory therapy, medical staff, contracting, and case management.  
**AdditionalExperience:** Education Bachelor's Degree in Biology - Westmont College, Santa Barbara, CA 1979 Master's Degree in Business Administration, La Verne University, La Verne, CA 1992 Interests/Hobbies Hiking Running Traveling/Exploring Reading Efficiencies Church  
**ClientIP:** 70.92.165.87  
**SessionID:** one3y545rbzqiq0bjhsf0may3  
See Current Results

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<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> 08/06/2019
<b>Reports &amp; Recommendations</b>	<b>RESOLUTION TO AUTHORIZE ACCEPTANCE OF STORM WATER FACILITIES MAINTENANCE AGREEMENTS FROM OAKWOOD AT RYAN CREEK, LLC (RYANWOOD MANOR AT S. 76<sup>TH</sup> STREET AND W. OAKWOOD ROAD) AND ASPEN WOODS, LLC (AT S. 51<sup>ST</sup> STREET AND W. PUETZ ROAD)</b>	<b>ITEM NO.</b> <i>G.1. (a)</i>

**BACKGROUND**

The City of Franklin and Milwaukee Metropolitan Sewer District (MMSD) require that developments which add 0.5 acres or more of impervious surface install storm water management facilities for quantity control. In the City of Franklin these are typically wet ponds, biofiltration basins, and/or permeable pavers, although other best management practices (BMPs) are also available. As part of the City's MS4 (Municipal Separate Storm Sewer System) designation the Wisconsin Department of Natural Resources (DNR) requires the City to meet quality standards as found in NR216, and the facilities within private developments are involved in that credit. Therefore ongoing maintenance of private facilities is imperative.

It is the responsibility of the development owner or a subdivision homeowners association to maintain the storm water facilities in perpetuity per a prescribed Maintenance Agreement. The current agreements include the Oakwood at Ryan Creek, LLC residential development named Ryanwood Manor at S. 76<sup>th</sup> Street and W. Oakwood Road and the Aspen Woods, LLC residential development named Aspen Woods at S. 51<sup>st</sup> Street and W. Puetz Road.

**ANALYSIS**

The DNR offers standard Operation and Maintenance templates for a multitude of BMPs, and most engineers use those to develop site-specific maintenance agreements. The attached Agreements were prepared by the developers and their engineers using the DNR templates. The Agreements were reviewed by Staff and revised if necessary.

**OPTIONS**

- A. Sign Maintenance Agreements.

**FISCAL NOTE**

All costs associated with storm water facility maintenance are to be paid by the developer, owner, or homeowners association as stated in the individual agreement.

**RECOMMENDATION**

(Option A) Resolution 2019-\_\_\_\_, a resolution to authorize acceptance of Storm Water Facilities Maintenance Agreements from Oakwood at Ryan Creek, LLC and Aspen Woods, LLC.

Engineering Department: SAA

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2019 -

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF STORM WATER FACILITIES  
MAINTENANCE AGREEMENTS FOR RYANWOOD MANOR AND ASPEN WOODS

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WHEREAS, storm water facilities are required to meet quantity and quality standards;  
and

WHEREAS, a Maintenance Agreement is developed and executed to ensure effective  
maintenance and operation of private storm water facilities in perpetuity; and

WHEREAS, developers have executed and submitted to the City of Franklin Storm  
Water Facilities Maintenance Agreements for the following developments:

Ryanwood Manor by Oakwood at Ryan Creek, LLC  
(Vicinity of S. 76<sup>th</sup> Street and W. Oakwood Road)

Aspen Woods by Aspen Woods, LLC  
(Vicinity of S. 51<sup>st</sup> Street and W. Puetz Road)

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City  
of Franklin that it would be in the best interest of the City to accept such Storm Water Facilities  
Maintenance Agreements, and, therefore, the Mayor and City Clerk are hereby authorized and  
directed to execute them on behalf of the City.

Introduced at a regular meeting of the Common Council of the City of Franklin the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

ATTEST:

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

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

SAA

## STORM WATER FACILITIES MAINTENANCE AGREEMENT

This AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between OAKWOOD AT RYAN CREEK, LLC hereinafter called the "Owner", and the City of Franklin, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner of the following described lands situated in the City of Franklin, County of Milwaukee, State of Wisconsin, to-wit:

### Ryanwood Manor:

Being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more particularly described as follows: Commencing at the southeast corner of the Southeast 1/4 of said Section 28; thence South 88°25'24" West along the south line of said Southeast 1/4, 600.00 feet; thence North 01°25'36" West and then along the east line of Outlot 1 of Certified Survey Map No. 4110, 80.00 feet to a point on the north right of way line West Oakwood Road; thence North 88°25'24" East along said north right of way line, 90.000 feet to the point of beginning; Thence North 01°25'36" West, 211.61 feet; thence North 88°34'24" East, 150.00 feet; thence North 11°47'41" West, 234.63 feet; thence North 68°25'55" West, 221.14 feet; thence North 00°21'59" West, 465.00 feet; thence South 89°38'01" West, 700.00 feet to the west line of the East 1/2 of said Southeast 1/4; thence North 00°21'59" West along said west line, 898.44 feet; thence North 89°45'49" East, 779.37 feet; thence South 45°24'34" East, 468.11 feet; thence North 89°45'49" East, 150.00 feet to the west right of way line South 76th - County Trunk Highway "U"; thence South 00°14'11" East along said west right of way line, 343.47 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180.00 feet; thence North 89°45'49" East, 182.00 feet to the aforesaid west right of way line; thence South 00°14'11" East along said west right of way line, 20.00 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180.00 feet to the north line of Certified Survey Map No. 4108; thence South 89°45'49" West along said north line, 60.00 feet to northwest corner of said Certified Survey Map No. 4108; thence South 00°14'11" East along the west line of said Certified Survey Map No. 4180, 180.00 feet to the southwest corner of said Certified Survey Map No. 4108; thence South 89°45'49" West, 60.00 feet; thence South 00°01'32" West, 210.75 feet; thence North 88°33'42" East, 121.03 feet to the northwest corner of Certified Survey Map No. 1911; thence South 00°14'11" East along the west line of said Certified Survey Map No. 1911, 239.34 feet to the southwest corner of said Certified Survey Map No. 1911; thence North 88°33'42" East along the south line of said Certified Survey Map No. 1911, 182.00 feet to the aforesaid west right of way line; thence South 00°14'11" East along said west right of way line, 60.74 feet; thence South 08°16'54" West along said west right of way line, 101.50 feet to the north right of way line of Oakwood Road; thence South 88°25'24" West along said north right of way line, 125.00 feet; thence South 77°15'47" West along said north right of way line, 206.66 feet; thence South 88°25'24" West along said north right of way line, 109.79 feet to the point of beginning. Containing 1,268,627 square feet (29.1237 acres) of land.

### Ryanwood Manor Addition No. 1:

Being a part of the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more particularly described as follows: Commencing at the southeast corner of the Southeast 1/4 of said Section 28; thence South 88°25'24" West along the south line of said Southeast 1/4, 600.00 feet; thence North 01°25'36" West and then along the east line of Outlot 1 of Certified Survey Map No. 4110, 80.00 feet to a point on the north right of way line West Oakwood Road and the point of beginning; Thence continuing North 01°25'36" West along said east line, 223.35 feet to the northeast corner of said Certified Survey Map No. 4110; thence South 88°34'23" West along the north line of Outlot 1 of Certified Survey Map No. 4110, the north line of Outlot 1 of Certified Survey Map No. 4109, the north line of Parcel 1 of Certified Survey Map No. 2190 and the north line of Certified Survey Map No. 436, 711.57 feet to the northwest corner of Certified Survey Map No. 436; thence North 00°21'59" West, 783.70 feet to the southwest corner of Ryanwood Manor, a recorded subdivision; thence North 89°38'01" East along the south line of said Ryanwood Manor, 700.00 feet to the west line of said Ryanwood Manor; thence South 00°21'59" East along said west line, 465.00 feet; thence South 68°25'55" East along said west line, 221.14 feet; thence South 11°47'41" East along said west line, 234.63 feet; thence South 88°34'24" West along said west line, 150.00 feet; thence South 01°25'36" East along said west line, 211.61 feet to the north right of way line of

West Oakwood Road; thence South 88°25'24" West along said north right of way line, 90.00 feet to the point of beginning. Containing 624,557 square feet (14.3379 acres) of land.

Hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision (Site Plan, Special Use, P.D.D., CSM or Subdivision) known as RYANWOOD MANOR and RYANWOOD MANOR ADDITION NO. 1 hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the city, provides for on-site Storm Water Facilities within the confines of the Property; and

WHEREAS, the City and the Owner, its successors and assigns ("successors and assigns" meaning to include any homeowners association and all owners of the property or any portion thereof), including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Franklin, require that on-site Storm Water Facilities as defined in Section 5-8.0600 Unified Development Ordinance of the City of Franklin be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water facilities shall be constructed by Owner in accordance with the plans and specifications which are identified as part of the storm water system plan and erosion control plan approved by the City Engineer and submitted as part of the as-built drawings approved by the City Engineer.
2. The Owner, its successors and assigns, shall comply with the ordinances and regulations which require that the Storm Water Facilities shall be regularly inspected and maintained as often as conditions may require, but in any event, at least once each year. The Standard Operation and Maintenance Report attached to this agreement as Exhibit "A" and by this reference made a part hereof shall be used for the purpose of the regular inspections of the Storm Water Facilities. The Owners, its successors and assigns, shall keep the Operation and Maintenance Reports from past inspections, as well as a log of maintenance activity indicating the date and type of maintenance completed of the Storm Water Facilities. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all storm water facilities, including but not limited to berms, outlet structures, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report. The Reports and maintenance log shall be made available to the City for review.
3. The Owner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the Storm Water Facilities, whenever the City deems necessary. The purpose of inspection is to provide periodic review by City staff, to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
4. The Owner, its successors and assigns, shall adequately maintain the Storm Water Facilities, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the Storm Water Facilities in good working condition so that these storm water facilities are performing their design functions and are in accordance with the Storm Water Basin Maintenance Standards as detailed in Section 15.8.0600 of the City of Franklin Unified Development Ordinance, and Section 13.12 (2) of the Milwaukee Metropolitan Sewerage District (MMSD) rules, and by this reference made a part hereof.

5. If the Owner, its successors and assigns fail to maintain the Storm Water Facilities in good working condition acceptable to the City and does not perform the required corrective actions in a time as established by the City Engineer in written notice, the City may:
  - a) Issue a citation to the Owner, its successors and assigns. Such failure constitutes a violation of Section 15.8.0600 of the Unified Development Ordinance of the City of Franklin. The penalty for such violation of Section 15.8.0600 shall be not less than \$100 nor more than \$2500 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
  - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns, for the cost of such work. The cost of such work shall be specially charged against the Property pursuant to Wisconsin Statutes Section 66.0627. If the facilities are located on an outlot owned collectively by a homeowners association, the City may specially charge each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the Storm Water Facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices and in no event shall this Agreement be construed to impose any such obligation on the City.
6. In the event the City, pursuant to this Agreement and applicable easements performs work of an emergency nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.
7. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to indemnify and hold the City harmless from any liability in the event the Storm Water Facilities fail to operate properly.
8. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the Storm Water Facilities and shall be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interest, including any homeowners association and all owners of the property or any portion thereof. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the Storm Water Facilities.
9. The owner, its successors and assigns, is prohibited from building structures, installing play equipment, installing plants, changing grades or performing any function that inhibits care and maintenance of any Storm Water Facilities.
10. The owner, its successor and assigns shall maintain, at all times, an individual(s) who will serve as a contact person(s).

IN WITNESS WHEREOF, the City and Owner have set forth their hands and seals, effective the date first above written.

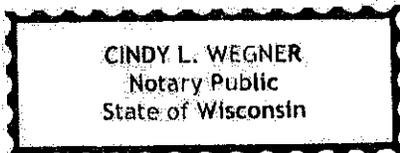
SEALED IN PRESENCE OF:

OAKWOOD AT RYAN CREEK, LLC Owner

By: [Signature]  
Name: Stan McQueen

STATE OF WISCONSIN)ss.  
Waushara COUNTY)

Personally came before me this 1<sup>st</sup> day of May, 2019, the above named Steve DeCleene, Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity indicated.



[Signature]  
Notary Public, Waushara County, WI  
My commission expires: 8/21/22

CITY OF FRANKLIN

By: \_\_\_\_\_ (Seal)  
Name: Stephen R. Olson  
Title: Mayor

COUNTERSIGNED:

By: \_\_\_\_\_ (Seal)  
Name: Sandra L. Wesolowski  
Title: City Clerk

STATE OF WISCONSIN)ss.  
MILWAUKEE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 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 had executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to the Resolution File No. \_\_\_\_\_, adopted by its Common Council on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, Milwaukee County, WI  
My commission expires: \_\_\_\_\_

This instrument was drafted by the City Engineer for the City of Franklin.  
Form approved:

\_\_\_\_\_  
Jesse A. Wesolowski, City Attorney

EXHIBIT "A"

**OPERATION AND MAINTENANCE INSPECTION REPORT  
STORM WATER MANAGEMENT PONDS  
City of Franklin**

Name of Development \_\_\_\_\_

Responsible Party Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_ E-mail \_\_\_\_\_

Inspector Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_ E-mail \_\_\_\_\_

Basin Location General Address \_\_\_\_\_ Section No. \_\_\_\_\_

Normal Pool  Yes  No

Items inspected (Pond components)	Checked (Yes/No/ NA)	Maintenance Needed (Yes/No/NA)	Remarks
1. Embankment and Emergency spillway			
1. Vegetation and ground cover adequate			
2. Embankment erosion			
3. Animal burrows			
4. Unauthorized plantings			
5. Cracking, bulging, or sliding of dam			
1. Upstream face			
2. Downstream face			
3. At or beyond toe			
Upstream			
Downstream			
4. Emergency spillway			
6. Pond, toe & chimney drains functioning			
7. Seeps/leaks on downstream face			
8. Slope protection or riprap failures			
9. Emergency spillway clear of debris			
10. Other (specify)			
2. Riser and principal spillway			
Type: Reinforced concrete _____			
Corrugated metal pipe _____			
PVC/HDPE _____			
Masonry _____			
1. Low flow orifice obstructed			
2. Primary outlet structure			
1. Debris removal necessary			
2. Corrosion control			
3. Trash rack maintenance			
1. Debris removal necessary			
2. Corrosion control			
3. Pond bottom			
Sediment or debris buildup in low flow			
Pilot channel or bottom (estimate depth)			

EXHIBIT "A-1"

**OPERATION AND MAINTENANCE PLAN  
STORM WATER MANAGEMENT  
City of Franklin**

This operation and maintenance plan prescribes the minimum maintenance requirements the Owner(s), its successors and assigns, must meet to remain compliant with this Agreement. The maintenance activities listed below are aimed to ensure the storm water best management practices continue serving their intended functions in perpetuity. The list of activities is not all inclusive, but rather indicates the minimum type of maintenance that can be expected for this particular site. Access to the storm water practices for maintenance vehicles shall be from the public road right of ways over the drainage easements to the top of berm and to the pond structures. Any failure of a storm water practice that is caused by a lack of maintenance will subject the Owner(s), its successors and assigns, to enforcement of the provisions listed in this Agreement by the City of Franklin.

***System Description:***

The wet detention ponds are designed to trap a minimum of 80% of sediment in runoff and maintain pre-development downstream peak flows. Storm pipes convey runoff. In addition to runoff conveyance, the grass swales also allow for infiltration and filtering of pollutants especially during smaller storm events. The wet ponds will trap the smaller and finer suspended solids. In order for the wet ponds to be effective, the pond size, water level and outlet structure must be maintained.

***Minimum Maintenance Requirements:***

To ensure the proper long-term function of the storm water best management practices, the following activities must be completed:

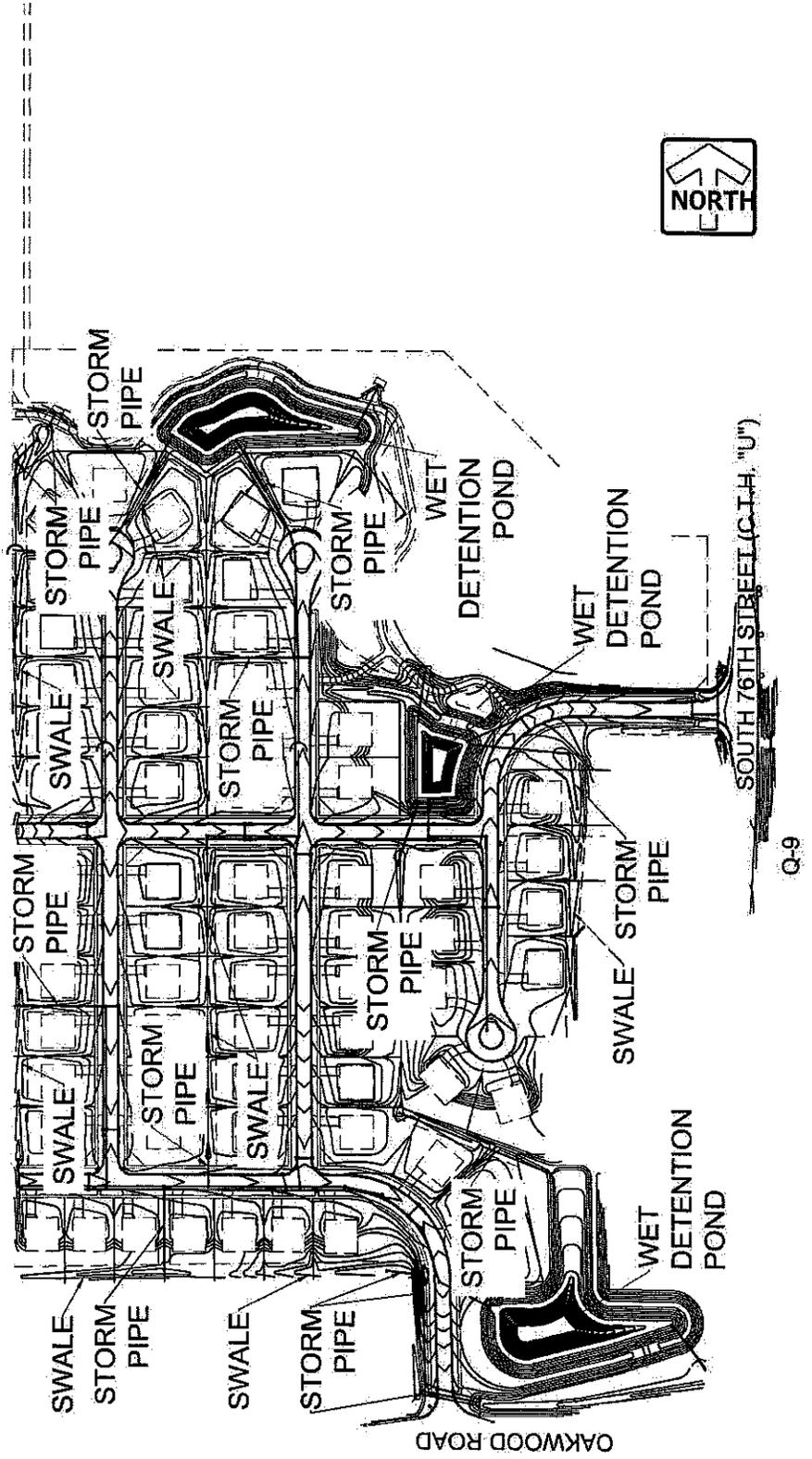
1. Inspect inlets, manholes, pipes, and end sections at least twice a year and after heavy rainfall. Repair any deterioration threatening structural integrity immediately, replace worn or cracked frames and lids, re-set any shifted frames, repair spalled or cracked mortar, repair or replace cracked rings, repair leaking joints, clean manholes, pipes and storm inlet inverts of deposited material, remove potential sources of contamination away from inlets and manholes. Remove any obstructions from end sections, reset end sections that have separated from storm pipe, repair scour areas immediately. Replace missing soil with clean fill and replace/install end treatment. Missing armoring will require additional stone, typically one class larger.
2. All pond inlet and outlet pipes must be checked semi-annually to ensure there is no blockage from floating debris or ice, especially in front of the dewatering holes and the trash rack on the risers. Any blockage must be removed immediately.
3. Grass swales and drainage easements shall be preserved to allow free flowing of surface runoff in accordance with approved grading plans. No buildings or other structures are allowed in these areas. No grading or filling is allowed that may interrupt flows in any way.
4. Grass swales, inlets and outlets must be checked after heavy rains (minimum of annually) for signs of erosion. Any eroding areas must be repaired immediately to prevent premature sediment build-up in the downstream ponds. Erosion matting is recommended for repairing grassed areas.
5. No trees are to be planted or allowed to grow on the earthen berms. Tree root systems can reduce soil compaction and cause berm failure. The berms must be inspected annually and any woody vegetation removed.
6. Invasive plant and animal species shall be managed in compliance with Wisconsin Administrative Code Chapter NR 40. This may require eradication of invasive species in some cases.
7. If the permanent pool falls below the safety shelf, a review shall be performed to determine whether the cause is liner leakage or an insufficient water budget. If the cause is leakage, the liner shall be repaired.

- Leakage due to muskrat burrows may require removal of the animals, repair of the liner with clay, and embedding wire mesh in the liner to deter further burrowing. If the permanent pool cannot be sustained at the design elevation, benching of the safety shelf may be necessary.
8. If floating algae or weed growth becomes a nuisance (decay odors, etc.), it must be removed from the ponds and deposited where it cannot drain back into the ponds. Removal of the vegetation from the water reduces regrowth the following season (by harvesting the nutrients). Wetland vegetation must be maintained along the waters edge for safety and pollutant removal purposes.
  9. If mosquitoes become a nuisance, the use of mosquito larvicide containing naturally-occurring Bti soil bacteria is recommended.
  10. When sediment in the pond has accumulated to an elevation of 3.5 feet below the outlet elevation, it must be removed. All wet portions of the ponds are six feet deep from the invert of the lowest dewatering hole. Measurements to check the depth of sediment can be completed by starting at the elevation of the lowest dewatering hole and measuring down to the sediment level within the ponds. It anticipated that sediment may need to be removed in approximate 20 year cycles. All sediment must be removed from the site or placed in an appropriate upland disposal site and stabilized (grass cover) to prevent sediment from washing back into the pond. Meet Wisconsin Administrative Code NR 500 for disposal requirements. A two foot clay liner has been installed in all of the ponds. When performing sediment removal, the contractors must review the approved construction plans for the site to determine the original shape of the pond and the original design depth of the pond so that the excavation does not disturb the clay liner. An engineer and/or surveyor with experience in storm water ponds can provide technical assistance in reviewing the plans and providing staking and elevation guidance during excavation. Excavation below the original design depth is prohibited unless a geotechnical analysis is completed per Wisconsin DNR Technical Standard No. 1001 and any changes in the design are reviewed and approved by the City of Franklin.
  11. No grading or filling of the ponds or berms other than for sediment removal is allowed, unless otherwise approved by the City of Franklin.
  12. Periodic mowing of the grass swales will encourage vigorous grass cover and allow better inspections for erosion. Waiting until after August 1 will avoid disturbing nesting wildlife. Mowing around the ponds may attract nuisance populations of geese to the property and is not necessary or recommended.
  13. Any other repair or maintenance needed to ensure the continued function of the storm water practices or as ordered by the City of Franklin under the provisions listed in this Agreement.
  14. Aerators/Fountains – If an aerator or fountain is desired for visual and other aesthetic effects (aerators designed to mix the contents of the pond are prohibited) they must meet all of the items below:
    - i. Use an aerator/fountain that does not have a depth of influence that extends into the sediment storage depth (i.e. more than three feet below the normal water surface).
    - ii. If the water surface drops due to drought or leakage, the aerator/ fountain may not be operated until the water rises enough for the depth of influence to be above the sediment storage layer. Therefore, if the depth of influence of the aerator / fountain is two feet, the water surface must be within one foot or less of the lowest pond outlet.
    - iii. Provide an automatic shut-off of the aerator/fountain as the pond starts to rise during a storm event. The aerator/fountain must remain off while the pond depth returns to the permanent pool elevation and, further, shall remain off for an additional 48 hours, as required for the design micron particle size to settle to below the draw depth of the pump.
    - iv. Configure the pump intake to draw water primarily from a horizontal plane so as to minimize the creation of a circulatory pattern from bottom to top throughout the pond.

**Exhibit "A-2"**  
**Location Map**  
**Storm Water Management Practices Covered by this Agreement**

The storm water management practices covered by this Agreement are depicted in the reduced copy of a portion of the construction plans, as shown below. The practices include three wet detention ponds, swales, storm sewer and all associated pipes, earthen berms and other components of these practices.

**Project Name: Ryanwood Manor**  
**Storm Water Practices: Wet detention ponds, swales, storm pipes**  
**Location of Practices: Drainage easements**



**STORM WATER FACILITIES  
MAINTENANCE AGREEMENT**

ASPEN WOODS SUBDIVISION

At Approximately W. Puetz Road & S. 51<sup>st</sup> Street  
Tax Key No. 853-995-010 (prior to land division)

This AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between VH Aspen Woods, LLC, hereinafter called the "Owner", and the City of Franklin, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner of the following described lands situated in the City of Franklin, County of Milwaukee, State of Wisconsin, to-wit:

The Plat of Aspen Woods, recorded in the Register of Deeds Office for Milwaukee County on October 16, 2018 as Document #10819982 being a part of the Northwest 1/4 of the Northeast 1/4 and the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Subdivision known as Aspen Woods hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the city, provides for on-site Storm Water Facilities within the confines of the Property as shown on the plan attached hereto as Exhibit "B" and more particularly described on Exhibit "A"; and

WHEREAS, the City and the Owner, its successors and assigns ("successors and assigns" meaning to include any homeowners' association and all owners of the property or any portion thereof), including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Franklin, require that on-site Storm Water Facilities as defined in Section 15-8.0600 Unified Development Ordinance of the City of Franklin be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water facilities shall be constructed by Owner in accordance with the plans and specifications which are identified as part of the storm water system plan and erosion control plan approved by the City Engineer and submitted as part of the as-built drawings approved by the City Engineer.
2. The Owner, its successors and assigns, shall comply with the ordinances and regulations which require that the Storm Water Facilities shall be regularly inspected and maintained as often as conditions may require, but in any event, at least once each year. The Standard Operation and Maintenance Report attached to this agreement as Exhibit "D" and by this reference made a part hereof shall be used for the purpose of the regular inspections of the Storm Water Facilities. The Owners, its successors and assigns, shall keep the Operation and Maintenance Reports from past inspections, as well as a log of maintenance activity indicating the date and type of maintenance completed of the Storm Water Facilities. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all storm water facilities, including but not limited to open swales (ditches), storm sewers, manholes, inlets, berms, outlet structures, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report. The Reports and maintenance log shall be made available to the City for review.
3. The Owner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the Storm Water Facilities, whenever the City deems necessary. The purpose of inspection is to provide periodic review by City staff, to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.

4. The Owner, its successors and assigns, shall adequately maintain the Storm Water Facilities, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the Storm Water Facilities in good working condition so that these storm water facilities are performing their design functions and are in accordance with the Stormwater Basin Maintenance Standards as detailed in Section 15.8.0600 of the City of Franklin Unified Development Ordinance, and Section 13.12 (2) of the Milwaukee Metropolitan Sewerage District (MMSD) rules, and by this reference made a part hereof.
5. If the Owner, its successors and assigns fails to maintain the Storm Water Facilities in good working condition acceptable to the City and does not perform the required corrective actions in a time as established by the City Engineer in written notice, the City may:
  - a) Issue a citation to the Owner, its successors and assigns. Such failure constitutes a violation of Section 15.8.0600 of the Unified Development Ordinance of the City of Franklin. The penalty for such violation of Section 15.8.0600 shall be not less than \$100 nor more than \$2500 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
  - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns, for the cost of such work. The cost of such work shall be specially charged against the Property pursuant to Wisconsin Statutes Section 66.0627. If the facilities are located on an outlot owned collectively by a homeowners association, the City may specially charge each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the Storm Water Facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices and in no event shall this Agreement be construed to impose any such obligation on the City.
6. In the event the City, pursuant to this Agreement and applicable easements performs work of an emergency nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.
7. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to indemnify and hold the City harmless from any liability in the event the Storm Water Facilities fail to operate properly.
8. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the Storm Water Facilities and shall be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interest, including any homeowners association and all owners of the property or any portion thereof. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the Storm Water Facilities.
9. The owner, its successors and assigns, is prohibited from building structures, installing play equipment, installing plants, changing grades or performing any function that inhibits care and maintenance of any Storm Water Facilities.
10. The owner, its successor and assigns shall maintain, at all times, an individual(s) who will serve as a contact person(s).

IN WITNESS WHEREOF, the City and Owner have set forth their hands and seals, effective the date first above written.

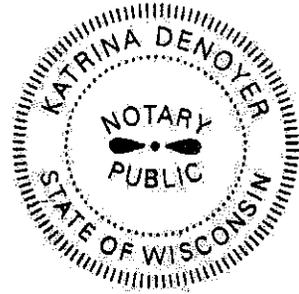
SEALED IN PRESENCE OF:

VH Aspen Woods LLC, owner  
By: [Signature]  
Name: David P. Simon

STATE OF WISCONSIN)ss.  
Dane COUNTY)

Personally came before me this 17 day of July, 2019 the above named David P. Simon, Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity indicated.

[Signature]  
Notary Public, Dane County, WI  
My commission expires: 12-31-22



CITY OF FRANKLIN

By: \_\_\_\_\_ (Seal)  
Name: Stephen R. Olson  
Title: Mayor

COUNTERSIGNED:

By: \_\_\_\_\_ (Seal)  
Name: Sandra L. Wesolowski  
Title: City Clerk

STATE OF WISCONSIN)ss.  
MILWAUKEE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 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 had executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to the Resolution File No. \_\_\_\_\_, adopted by its Common Council on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, Milwaukee County, WI  
My commission expires: \_\_\_\_\_

This instrument was drafted by the City Engineer for the City of Franklin.

Form approved:

\_\_\_\_\_  
Jesse A. Wesolowski, City Attorney

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

The Plat of Aspen Woods, recorded in the Register of Deeds Office for Milwaukee County on October 16, 2018 as Document #10819982 being a part of the Northwest 1/4 of the Northeast 1/4 and the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

EXHIBIT "B"

DEPICTION OF THE FACILITIES

The storm water management practices covered by this Agreement are depicted in the reduced copy of a portion of the construction plans, as shown below. The practices include two wet detention ponds, swales, storm sewer and all associated pipes, and other components of these practices.

Project Name: Aspen Woods Subdivision

Storm Water Practices: Wet detention ponds, swales, storm pipes

Location of Practices: Drainage easements

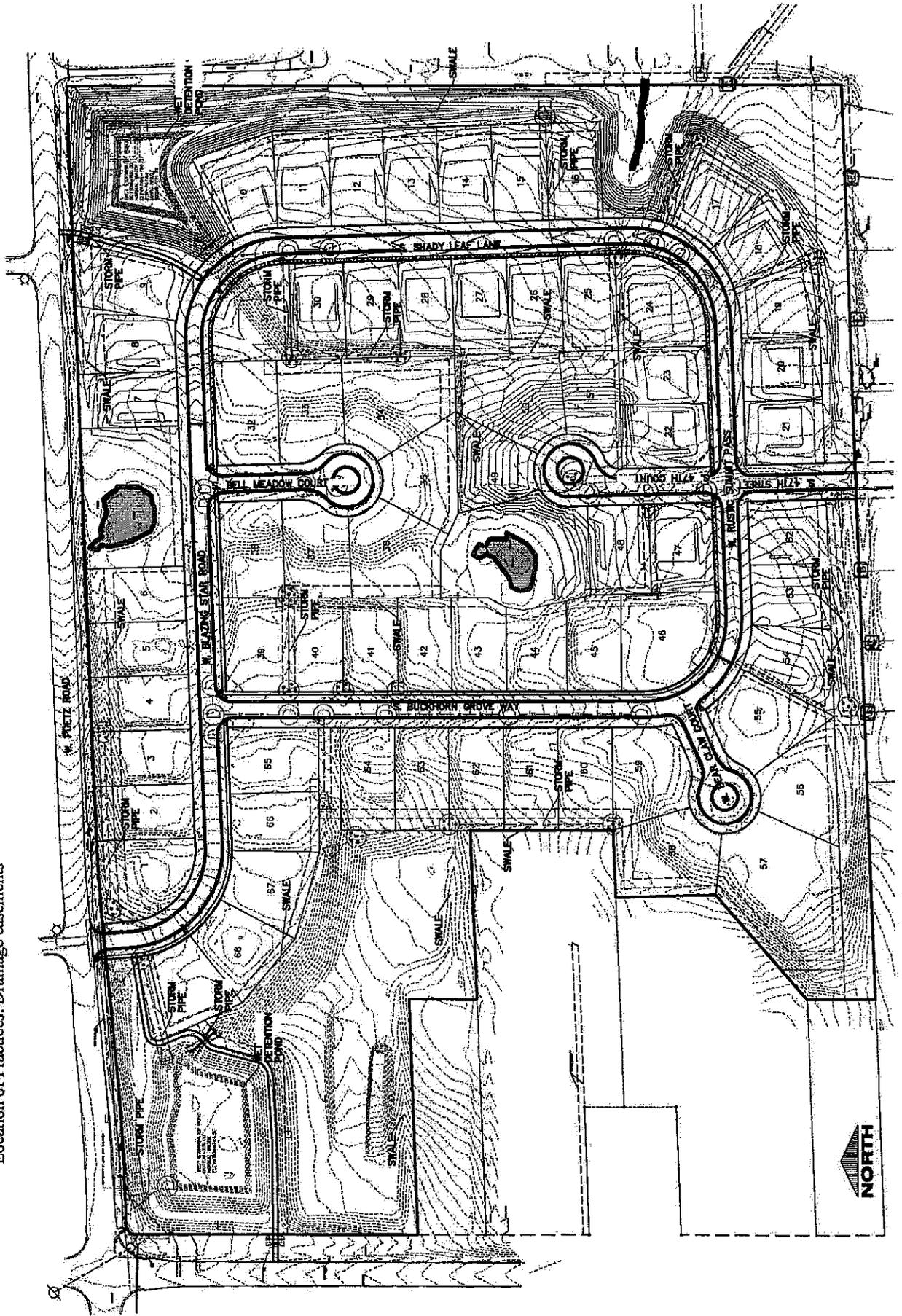


EXHIBIT "C"

OPERATION AND MAINTENANCE PLAN

<p>The owner of the property affected shall inspect and maintain the following stormwater management systems frequently, especially after heavy rainfalls, but at least on an annual basis unless otherwise specified.</p>	
STORMWATER FACILITY	TYPE OF ACTION
1. Lawn and Landscaped Areas	All lawn areas shall be kept clear of any materials that block the flow of stormwater. Rills and small gullies shall immediately be filled and seeded or have sod placed in them. The lawn shall be kept mowed, tree seedlings shall be removed, and litter shall be removed from landscaped areas.
2. Swales	All grassed swales showing signs of erosion, scour, or channelization shall be repaired, reinforced, and revegetated immediately. All swales shall be repaired to the original plan requirements. Mowing shall take place no less than twice per year at a height of no less than three inches. Grasses shall not be allowed to grow to a height that permits branching or bending. Mowing shall only take place when the ground is dry and able to support machinery.
3. Catch Basin/Curb Inlet Grates	The grate openings to these structures must be cleared of any clogging or the blocking of stormwater flow from getting into the stormwater conveyance system of any kind.
4. Retention Basins	Trash racks, standpipes, outlet structures, inlet and outlet pipes, shall be kept clear of debris. Non-structurally sound devices shall be replaced. Floating litter and algae shall be removed monthly. All grassed areas, embankments, and flow control devices showing signs of erosion shall be repaired, reinforced, and revegetated immediately to the original plan requirements. Every 5 years, beginning in the summer of 2019 for the west pond and the summer of 2020 for the east pond, the elevations of the pond bottom shall be surveyed to determine the permanent pool depth and sediment depth in the pond. When silt has accumulated three feet from the original design depth elevation of the pond, the pond shall be cleaned out and restored back to the original design depth of a minimum of 5' from the normal water elevation. Cleaning, removal, and deposit of silt from the detention pond shall be done by means and methods acceptable to the Wisconsin Department of Natural Resources.
5. Record of Maintenance	The operation and maintenance plan shall remain onsite and be available for inspection when requested by WDNR & City of Franklin. When requested, the owner shall make available for inspection all maintenance records to the department or agent for the life of the system.

EXHIBIT "D"

**OPERATION AND MAINTENANCE INSPECTION REPORT  
STORMWATER MANAGEMENT PONDS  
City of Franklin**

Name of Development Aspen Woods

Responsible Party Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_ E-mail \_\_\_\_\_

Inspector Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_ E-mail \_\_\_\_\_

Basin Location General Address \_\_\_\_\_ Section No. \_\_\_\_\_

Normal Pool  Yes  No

Items Inspected (Pond components)	Checked (Yes/No/NA)	Maintenance Needed (Yes/No/NA)	Remarks
1. Embankment and Emergency spillway			
1. Vegetation and ground cover adequate			
2. Embankment erosion			
3. Animal burrows			
4. Unauthorized plantings			
5. Cracking, bulging, or sliding of dam			
1. Upstream face			
2. Downstream face			
3. At or beyond toe			
Upstream			
Downstream			
4. Emergency spillway			
6. Pond, toe & chimney drains functioning			
7. Seeps/leaks on downstream face			
8. Slope protection or riprap failures			
9. Emergency spillway clear of debris			
10. Other (specify)			
2. Riser and principal spillway			
Type: Reinforced concrete _____			
Corrugated metal pipe _____			
PVC/HDPE _____			
Masonry _____			
1. Low flow orifice obstructed			
2. Primary outlet structure			
1. Debris removal necessary			
2. Corrosion control			
3. Trash rack maintenance			
1. Debris removal necessary			
2. Corrosion control			
3. Pond bottom			
Sediment or debris buildup in low flow			
Pilot channel or bottom (estimate depth)			

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<p style="text-align: center;"><b>APPROVAL</b> <i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> August 6, 2019</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>ACCEPTING A SECOND STORMGUARDEN® UNIT FROM MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) AT FRANKLIN CITY HALL 9229 W. LOOMIS ROAD</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b> G.1.(b)</p>

**BACKGROUND**

Milwaukee Metropolitan Sewerage District (MMSD) is encouraging green infrastructure in the member communities. MMSD will fund, at no cost to Franklin, the installation of a proprietary rain-garden product on City property for the purposes of illustrating the product to the public. On May 21, 2019, the Common Council authorized a Resolution to enter an Interlocal Cooperation Agreement with Milwaukee Metropolitan Sewerage District (MMSD) for installation of a StormGUARDen® at Franklin City Hall 9229 W. Loomis Road. In addition, Staff was directed to present the issue for the Environmental Commission.

At the Environmental Commission meeting, it was noted that some communities are not accepting a StormGUARDen® for their community and those unused units are being offered to the accepting communities in a lottery. The Environmental Commission voted to add Franklin to the lottery.

Staff was notified that Franklin was selected for a second StormGUARDen® unit.

Unless directed otherwise by Common Council, Staff will schedule the installation of the second unit at City Hall. There will be one unit on the back side of City Hall on the health wing end and the second unit will be on the back side between the two basement doors. Note that the Library and Police Department do not have downspout systems suitable for these units.

**ANALYSIS**

None

**OPTIONS**

- A. No action needed. Or
- B. Refer back to Staff with further direction.

**FISCAL NOTE**

There is no capital cost to the City. This product will require occasional maintenance and care by Staff but it may be done within existing operating budgets.

The City will not need to add appropriations for this project.

**COUNCIL ACTION REQUESTED**

(OPTION A) No action needed.

Engineering: GEM

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE August 6, 2019
Reports & Recommendations	ADJUST APPROVED ASSISTANT MECHANIC AND HEAVY EQUIPMENT OPERATOR POSITIONS AT DEPARTMENT OF PUBLIC WORKS	ITEM NO. G.I.(c)

**BACKGROUND**

The Franklin Department of Public Works (DPW) current full-time employment staffing is as follows:

DPW Position	Approved
Superintendent	1
Assistant Superintendent	1
Mechanic	1
Assistant Mechanic	2
Foreman	1
Heavy Equipment Operator (HEO)	5
Light Equipment Operator (LEO)	8
Arborist- City Forester	1
Administrative Assistant	1
<b>Total Full Time Employees</b>	<b>21</b>

On July 2, 2019, Common Council approved the reduction of one LEO in favor of adding a Foreman. And recently one assistant mechanic retired.

**ANALYSIS**

To facilitate workload, that now-retired assistant mechanic was functioning as a light equipment operator more than his duties as a mechanic. The DPW has seen an increase of responsibilities and although an assistant mechanic is highly desirable and the flexibility will be missed, Staff's opinion is that a HEO is the most needed.

**FISCAL NOTE**

Both the Assistant Mechanic and HEO positions are a Grade 5 so regardless of the replacement employee, there is no change to forecasted salaries.

**OPTIONS**

- A. Allow DPW to fill open Assistant Mechanic position with a Heavy Equipment Operator. Or
- B. Refer back to Staff with further direction.

**COUNCIL ACTION REQUESTED**

(Option A) motion to increase the heavy equipment operator staffing by one (to six positions) and decrease the assistant mechanic staffing by one (to one position).

Engineering: GEM

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>8/6/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Update on Website Redesign to Latest Version of Northwoods Titan Content Management System (CMS)</b>	<b>ITEM NUMBER</b> <i>G.1.(d)</i>

As you may recall, at the Common Council meeting of December 18, 2018, a motion was approved authorizing the Director of Administration to execute a proposal from Northwoods Software, at a cost of \$22,920 for an upgrade to the Titan CMS software driving the City's website and for an initial migration of website content and for the project to be funded by 2019 General Fund Contingency appropriations.

This Council Action is presented to provide an update for this project. Content has been moved over to the latest version of the Titan CMS platform with the Department of Administration and Director of Information Technology working on finishing the set up of the content/pages. This involves working with the layout of each page, checking to make sure all links are working correctly, and learning/incorporating several new CMS workstation applications that have evolved since the City incorporated its last website redevelopment in 2008.

Besides ensuring the software remains supported on modern hosting platforms and a fresh new look, a few of the changes between the current and new site include drop down menus for the top navigation bar, consolidation/clean up of content, and a filtering application that allows for easy searching/viewing of certain content such as agendas, minutes, maps, etc. The new software is also scalable, which allows for easier viewing of the website on handheld devices (phones and tablets) employing the current industry standards for such structures. A new assessment portal for property information will also be incorporated soon that leans on the City's mapping system and replaces the antiquated system that would require additional ongoing costs and a separate website to maintain in its current form.

The new website is approximately 85-90% complete. It is anticipated that the new website will more than likely go live within 2 weeks and before it is 100% complete with updates/tweaks continuing to be made thereafter. The process and significant investment in time by Lisa Huening has also highlighted that certain sections of the website could benefit from updating or refreshing the content. We will begin to work through that after going live with this new version employing the most recent content management system.

It is important to recognize that this project did not attempt a broader redesign and new theme creation. As discussed in the December Council Action Sheet, that would be a future phase the City could elect to undertake if so desired. The primary focus was simply updating the software (the backbone), which has been done. A full redesign was not undertaken, but "re-skinning" the view - changing the look and feel - can be done (if desired) more easily with the updated software.

**COUNCIL ACTION REQUESTED**

Informational item only - no action is being requested.

<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>08-06-19</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Trick or Treat Schedule for 2019</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>6.1.(e)</i></p>

Following are the dates and times established for Halloween Trick-or-Treat observance by the surveyed surrounding communities:

- Oak Creek – Sunday, October 27, 4-6 p.m.
- Hales Corners – Sunday, October 27, 4-7 p.m.
- Greenfield – Sunday, October 27, 4-7 p.m.
- Muskego – Thursday, October 31, 6-8 p.m.

(Last year Franklin established Sunday, October 28, 2018 from 4:00 p.m. to 7:00 p.m. as Trick-or-Treat observance. As an added note, the Green Bay Packers play on October 27, 2019 at 7:20 p.m.).

**COUNCIL ACTION REQUESTED**

Motion to establish Sunday, October 27, 2019 from 4:00 p.m. to 7:00 p.m. for the Halloween Trick-or-Treat observance in the City of Franklin.

<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>08/06/19</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>FRANKLIN POLICE DEPARTMENT DONATIONS</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>3.1.(A)</i></p>

The Franklin Police Department received the following donations:

**CRIME PREVENTION - NATIONAL NIGHT OUT**

Ascension-Franklin	\$1000.00
Crossroads Pizza & Subs	\$100.00
Gina Moretti (Tutor Doctor)	\$100.00
McAvoy Chiropractic	\$100.00
North Shore Bank	\$500.00
Northwestern Mutual	\$2000.00
Parallel Employment	\$100.00
Pyramax Bank	\$500.00
US Bank	\$2000.00
Volition Franklin	\$100.00
WaterStone Bank	\$1000.00

**POLICE DONATIONS - GENERAL**

Franklin Lioness Club	\$150.00
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**COUNCIL ACTION REQUESTED**

Respectfully request that these donations be approved for deposit into their respective Donation account.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><i>8-6-19</i></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>Donation from Franklin Lioness Club Foundation in the amount of \$150.00 to the Fire Department</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.I.(g)</i></p>

The Franklin Fire Department has received a donation from the Franklin Lioness Club in the amount of \$150.00. The Department relies in part on donations to fund fire and safety educational programs, as well as lifesaving medical equipment.

**COUNCIL ACTION REQUESTED**

Request approval to accept \$150.00 donation from the Franklin Lioness Club, to be used toward funding fire prevention activities and/or equipment.

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>August 6, 2019</b>
<b>Reports and Recommendations</b>	<b>Franklin Health Department Donation</b>	<b>ITEM NUMBER</b> <i>G.1.(h)</i>

The Franklin Health Department received the following donation:

- July 10, 2019 - Franklin Lioness Club - \$150

**COUNCIL ACTION REQUESTED**

The Director of Health and Human Services requests this donation be approved for deposit into the Health Department donations account.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">08/06/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY GENERALLY LOCATED AT 11327 WEST RYAN ROAD (OUTLOT 2 OF THE APPROVED PRELIMINARY PLAT FOR “RYAN MEADOWS” EXCEPT THE NORTHERLY 30 FEET ALSO KNOWN AS PART OF TAX KEY NO. 892-9993-001 (THE APPROXIMATELY 1.17 ACRE PORTION OF PARCEL 892-9993-001)) FROM BUSINESS PARK USE TO RESIDENTIAL USE, PURSUANT TO WIS. STAT. §66.1001(4)(B)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.2.</i></p>

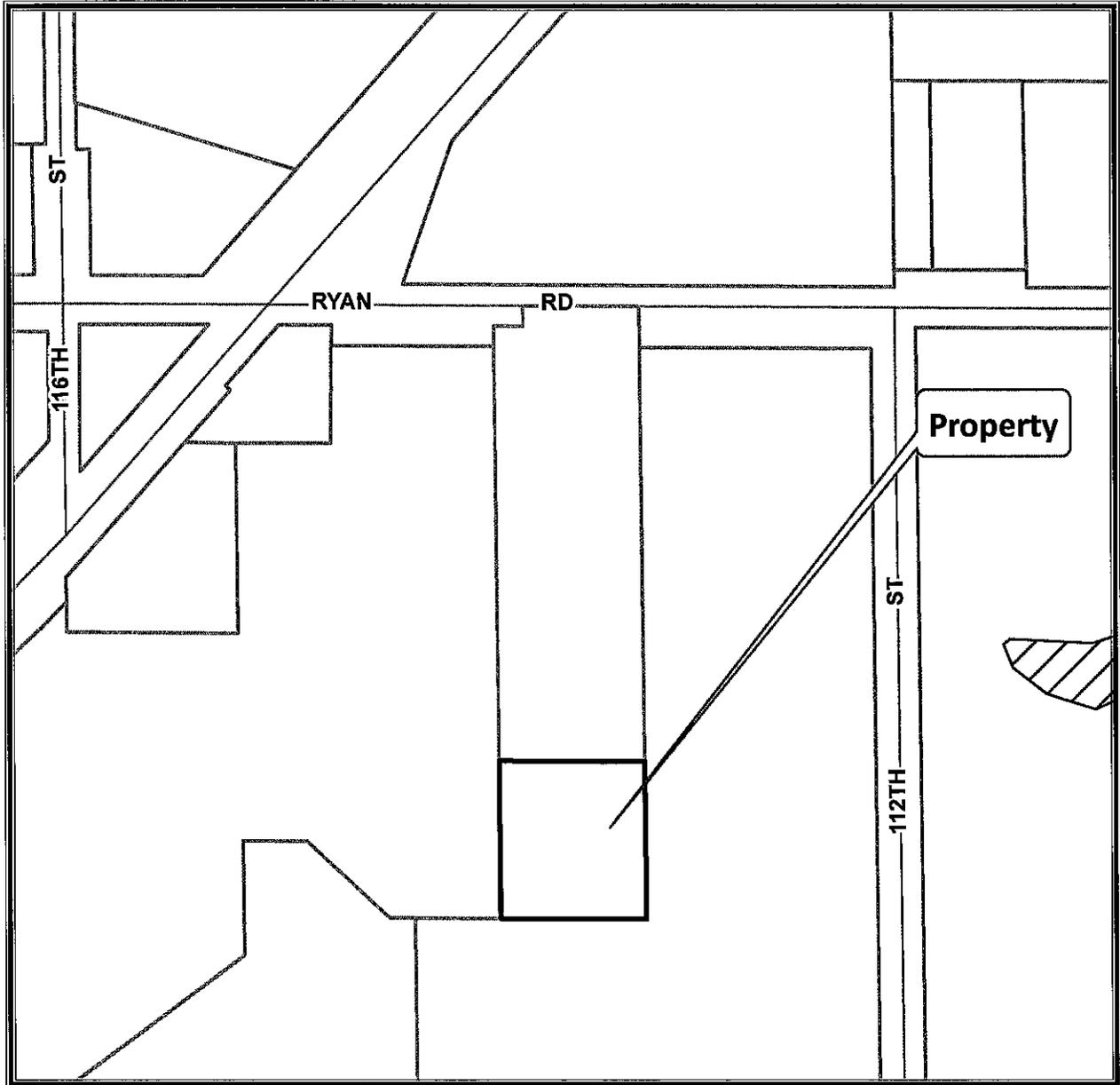
At their July 18, 2019 meeting, the Plan Commission recommended approval of an ordinance providing for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property generally located at 11327 West Oakwood Road (Outlot 2 of the approved Preliminary Plat for “Ryan Meadows” except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)) from Business Park Use to Residential Use pursuant to Wis. Stat. §66.1001(4)(b).

**COUNCIL ACTION REQUESTED**

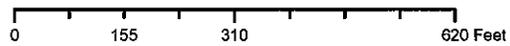
A motion to adopt Ordinance 2019-\_\_\_\_\_, an ordinance providing for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property generally located at 11327 West Oakwood Road (Outlot 2 of the approved Preliminary Plat for “Ryan Meadows” except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)) from Business Park Use to Residential Use pursuant to Wis. Stat. §66.1001(4)(b).



TKN: 892 9993 001



Planning Department  
(414) 425-4024



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



2017 Aerial Photo

## ORDINANCE NO. 2019-\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY GENERALLY LOCATED AT 11327  
WEST RYAN ROAD (OUTLOT 2 OF THE APPROVED PRELIMINARY PLAT FOR  
“RYAN MEADOWS”, EXCEPT THE NORTHERLY 30 FEET ALSO KNOWN AS PART  
OF TAX KEY NO. 892-9993-001 (THE APPROXIMATELY 1.17 ACRE PORTION OF  
PARCEL 892-9993-001)), FROM BUSINESS PARK USE TO RESIDENTIAL USE  
(APPROXIMATELY 1.1665 ACRES)  
(MILLS HOTEL WYOMING, LLC, APPLICANT, EUGENE  
AND MARLENE MAGARICH, PROPERTY OWNERS)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, Mills Hotel Wyoming, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property generally located at 11327 West Ryan Road (Outlot 2 of the approved Preliminary Plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)), from Business Park Use to Residential Use [*the Comprehensive Master Plan Amendment is contingent upon land transfer or Final Plat recording*]; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on July 18, 2019, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property generally located at 11327 West Ryan Road (Outlot 2 of the approved Preliminary Plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)), from Business Park Use to Residential Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on August 6, 2019; and

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

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for property generally located at 11327 West Ryan Road (Outlot 2 of the approved Preliminary Plat for "Ryan Meadows", except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)), from Business Park Use to Residential Use. Such property is more particularly described within Resolution No. 2019 \_\_\_\_\_ of even-date herewith.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

ATTEST:

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

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

## RESOLUTION NO. 2019-\_\_\_\_\_

A RESOLUTION RECOMMENDING THE ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY GENERALLY LOCATED AT 11327 WEST RYAN ROAD (OUTLOT 2 OF THE APPROVED PRELIMINARY PLAT FOR "RYAN MEADOWS", EXCEPT THE NORTHERLY 30 FEET ALSO KNOWN AS PART OF TAX KEY NO. 892-9993-001 (THE APPROXIMATELY 1.17 ACRE PORTION OF PARCEL 892-9993-001)), FROM BUSINESS PARK USE TO RESIDENTIAL USE, PURSUANT TO WIS. STAT. § 66.1001(4)(b)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, Mills Hotel Wyoming, LLC (Eugene and Marlene Magarich, property owners) having applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property generally located at 11327 West Ryan Road (Outlot 2 of the approved Preliminary Plat for "Ryan Meadows", except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)), from Business Park Use to Residential Use [*the Comprehensive Master Plan Amendment is contingent upon land transfer or Final Plat recording*], such property bearing Tax Key No. 892-9993-001, more particularly described as follows:

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 753.00 feet to the Point of Beginning; Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line, 220.00 feet to a north line of said Lot 3; thence South

89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 220.00 feet to the Point of Beginning. Said land containing 50,815 square feet (1.1665 Acres), and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on July 18, 2019, in conjunction with an application to rezone the subject property as is more particularly described within the ordinance draft presented to the Commission for such purpose, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property generally located at 11327 West Ryan Road (Outlot 2 of the approved Preliminary Plat for "Ryan Meadows", except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001)), from Business Park Use to Residential Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

ATTEST:

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

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



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

Meeting of July 18, 2019

**Comprehensive Master Plan Amendment and Rezoning**

**RECOMMENDATION:** City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment and Rezoning subject to the conditions in the draft resolutions.

<b>Project Name:</b>	Bear Development Comprehensive Master Plan Amendment and Rezoning
<b>Project Address:</b>	Generally located southwest of the the intersection of W. Ryan Road and S. 112 <sup>th</sup> Street (tax key no. 892-9993-001)
<b>Applicant:</b>	Bear Development, LLC
<b>Owners (property):</b>	Eugene and Marlene Magarich
<b>Current Zoning:</b>	R-2 Estate Single Family Residence District and C-1 Conservancy District
<b>2025 Future Land Use:</b>	Business Park
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, agricultural land to the south, east and west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Comprehensive Master Plan amendment and Rezoning.

**Introduction:**

On April 30, 2019, the applicant filed a Comprehensive Master Plan Amendment Application and Rezoning Application with the Department of City Development for the majority of the existing parcel bearing Tax Key No. 892-9993-001, to allow all but the northernmost 30' of the subject parcel to be added to Outlot 2 of the approved Preliminary Plat of Ryan Meadows to accommodate construction of a stormwater management pond.

Specifically, the applicant is proposing to:

- Amend the Comprehensive Master Plan for approximately 1.16 acres, to change the Future Land Use Map from Business Park use to Residential use.
- Rezone approximately 1.16 acres of land from R-2 Estate Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District.

**Project Description and Analysis:**

It should be noted that the proposed Outlot 2 of the Ryan Meadows Preliminary Plat already encompasses the subject property, which plat was approved with a condition that the applicant acquire the subject property and submit a recorded deed of conveyance together with the signed consent and acknowledgement of the current owner, prior to recording the Preliminary Plat.

The applicant was further informed that they would need to come back for an amendment of the Comprehensive Master Plan and a rezoning to reflect the proposed change to Outlot 2.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment and Rezoning subject to the conditions in the draft resolutions.



Date of Application: \_\_\_\_\_

**COMPREHENSIVE MASTER PLAN AMENDMENT (CMP) APPLICATION**

*Complete, accurate and specific information must be entered. Please Print.*

<b>Applicant (Full Legal Name[s]):</b> Name: <u>S.R. Mills</u> Company: <u>Bear Development, LLC</u> Mailing Address: <u>4011 80th Street</u> City / State: <u>Kenosha, WI</u> Zip: <u>53142</u> Phone: <u>(262) 842-0556</u> Email Address: <u>dan@beardevelopment.com</u>		<b>Applicant is Represented by: (contact person) (Full Legal Name[s])</b> Name: _____ Company: _____ Mailing Address: _____ City / State: _____ Zip: _____ Phone: _____ Email Address: _____	
<b>Project Property Information:</b> Property Address: <u>11327 W. Ryan Road (rear parcel)</u> Property Owner(s): <u>Eugene &amp; Marlene Magarich</u> Mailing Address: <u>11327 W. Ryan Road</u> City / State: <u>Franklin, WI</u> Zip: <u>53132</u> Email Address: _____		Tax Key Nos: <u>Part of 892-9993-001</u> Existing Zoning: <u>R2 and C1</u> Existing Use: <u>Vacant</u> Proposed Use: <u>Outlot/Open Space/Storm Water Management</u> CMP Land Use Identification: <u>Business Park</u>	
<p><i>*Property specific information may be inapplicable and not required if the requested amendment does not apply to specific property.</i></p> <p>*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <a href="http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm">http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm</a></p>			

**Comprehensive Master Plan Amendment submittals for review must include and be accompanied by the following:**

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$125.00
- Legal Description for the subject property (WORD.doc or compatible format) *if applicable*.
- Seven (7) complete **collated** sets of Application materials to include:
  - Seven (7) copies of a written Project Narrative, including a specific, detailed description of the proposed amendment, its intent, impacts, and consistency with the Comprehensive Master Plan.
  - Seven (7) folded copies of a Site Development Plan/Map, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in Adobe PDF (and AutoCAD compatible format (where applicable)).
- Additional Information as may be required.

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class I Public Hearing notice at least 30 days before the Common Council meeting.
- All Comprehensive Master Plan Amendment requests require Plan Commission review and recommendation and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s) knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed-applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature(s) below. If more than one, all of the owners of the property must sign this Application).*

Signature - Property Owner: S.R. Mills  
 Name & Title (PRINT): \_\_\_\_\_  
 Date: April 16<sup>th</sup> 2019  
 Signature - Property Owner: Eugene Magarich / Marlene Magarich  
 Name & Title (PRINT): \_\_\_\_\_  
 Date: \_\_\_\_\_

Signature - Applicant: \_\_\_\_\_  
 Name & Title (PRINT): \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Signature - Applicant's Representative: \_\_\_\_\_  
 Name & Title (PRINT): \_\_\_\_\_  
 Date: \_\_\_\_\_



**April 26, 2019**

Mr. Ben Kohout  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Bear/Magarich Comprehensive Plan Amendment**

Dear Mr. Kohout:

Please accept this letter and the enclosed submittal materials as an formal application for an amendment request to the City of Franklin Comprehensive Plan.

**Project Summary**

Mills Wyoming Hotel, LLC is the owner of record of approximately 130 acres of land in the City of Franklin. The land is located on the east side of STH 36 and lies south of Ryan Road. The property is included in the area commonly known as Planning Area G.

Mills Hotel Wyoming, LLC is the contract purchaser of approximately 1.16 acres of Tax Key 892-9993-001. The property is currently owned by Eugene and Marlene Magarich. Mills Hotel Wyoming, LLC intends to purchase the property and incorporate entirely within the proposed Preliminary Plat.

The property is within the overland drainage path for the overall development. The property will be included in Outlot 3 and be used for storm water management purposes.

**Current Plan Designation**

The subject property is designated as Business Park on the City Comprehensive Plan.

**Proposed Comprehensive Plan Amendment- South Side of Loomis Road**

The applicant is respectfully requesting a Comprehensive Plan Amendment for portions of the subject property to be changed from the designation "Business Park" to the "Residential" designation.

We feel the mix of land use shown on the Preliminary Plat offers an opportunity to create a development opportunity for Planning Area G that meets the goals of the Comprehensive Plan while providing a diverse land uses that will ensure a successful project.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Szczap". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

Daniel Szczap  
Bear Development, LLC



# Existing CMP Designation

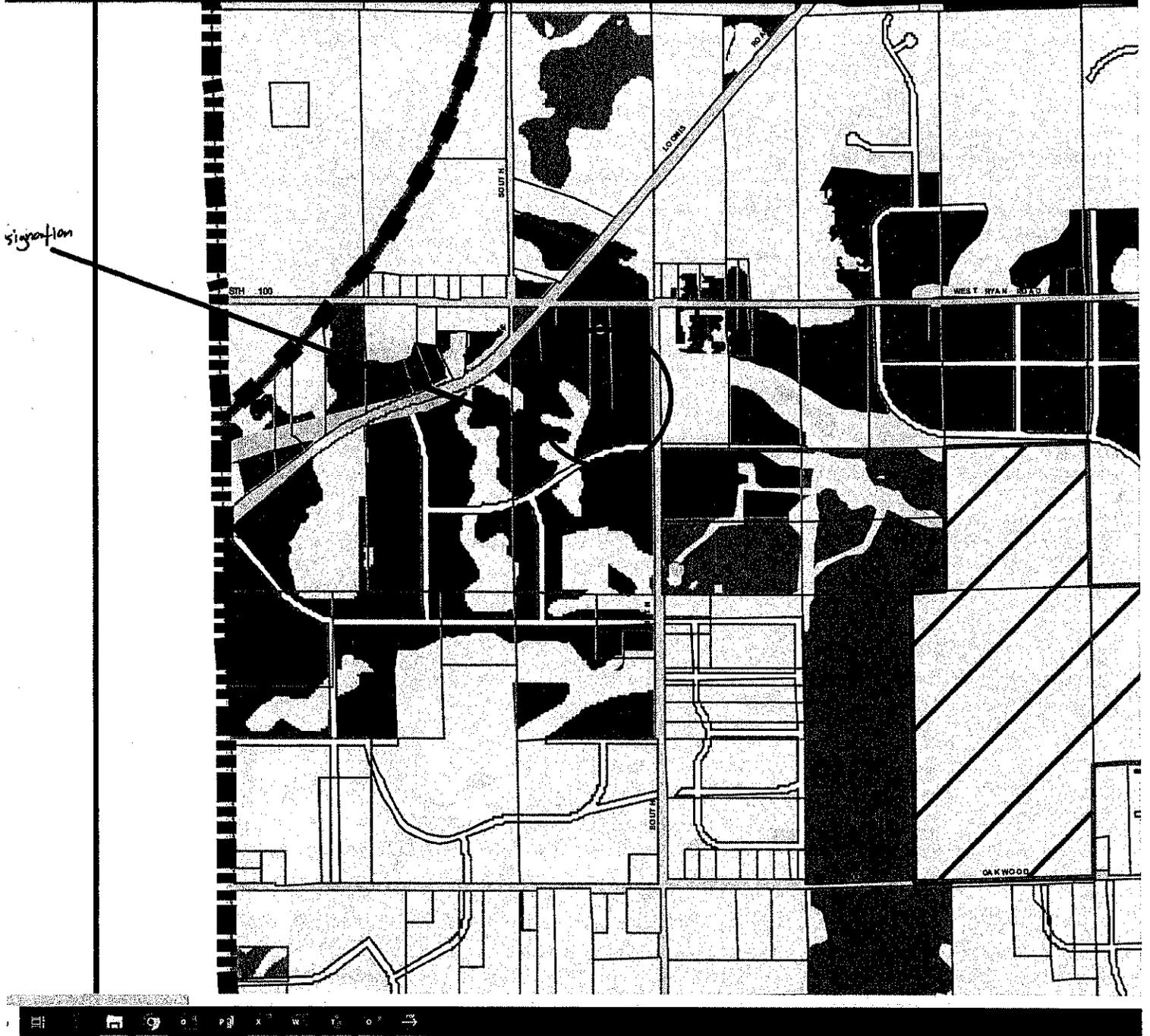
## Business Park

125 Future Land Use

iPile\User\ihwering\maps\Futura\_Land\_Use\_Map5.7\_2025.pdf

Dan's Projects - Sim... Home - Nielsen Ma... Kenosha County, W... Kenosha WI Real Es... MapQuest Maps ... Midwest Graphic Se... St. Francis, WI - Offi... Village of Bristol, WI Village of Paddock... Village of Pleas

1/1



Franklin

JUN 28 2019

City Development

**LEGAL DESCRIPTION OF PROPOSED TAX KEY NO. 892-993-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 753.00 feet to the Point of Beginning;

Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line, 220.00 feet to a north line of said Lot 3; thence South 89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 220.00 feet to the Point of Beginning. Said land containing 50,815 square feet (1.1665 Acres).

**LEGAL DESCRIPTION OF  
TAX KEY NO. 892-9994-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet to the Point of Beginning;

Thence continue South 89°44'26" East along said north line, 231.00 feet; thence South 00°34'43" East along a west line of Lot 3 of Certified Survey Map No. 9095, 723.00 feet; thence North 89°44'26" West, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 723.00 feet to the Point of Beginning. Said land containing 166,999 square feet (3.8338 Acres).

**LEGAL DESCRIPTION OF  
TAX KEY NO. 892-9993-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 723.00 feet to the Point of Beginning;

Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line 250.00 feet to a north line of said Lot 3; thence South 89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 250.00 feet to the Point of Beginning. Said land containing 57,745 square feet (1.3256 Acres).

**LEGAL DESCRIPTION OF LAND TO BE TRANSFERRED:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 723.00 feet to the Point of Beginning;

Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along the west line 30.00 feet; thence South 89°44'26" East, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 30.00 feet to the Point of Beginning. Said land containing 6,929 square feet (0.1591 Acres).

**LEGAL DESCRIPTION OF PROPOSED  
TAX KEY NO. 892-9994-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet to the Point of Beginning;

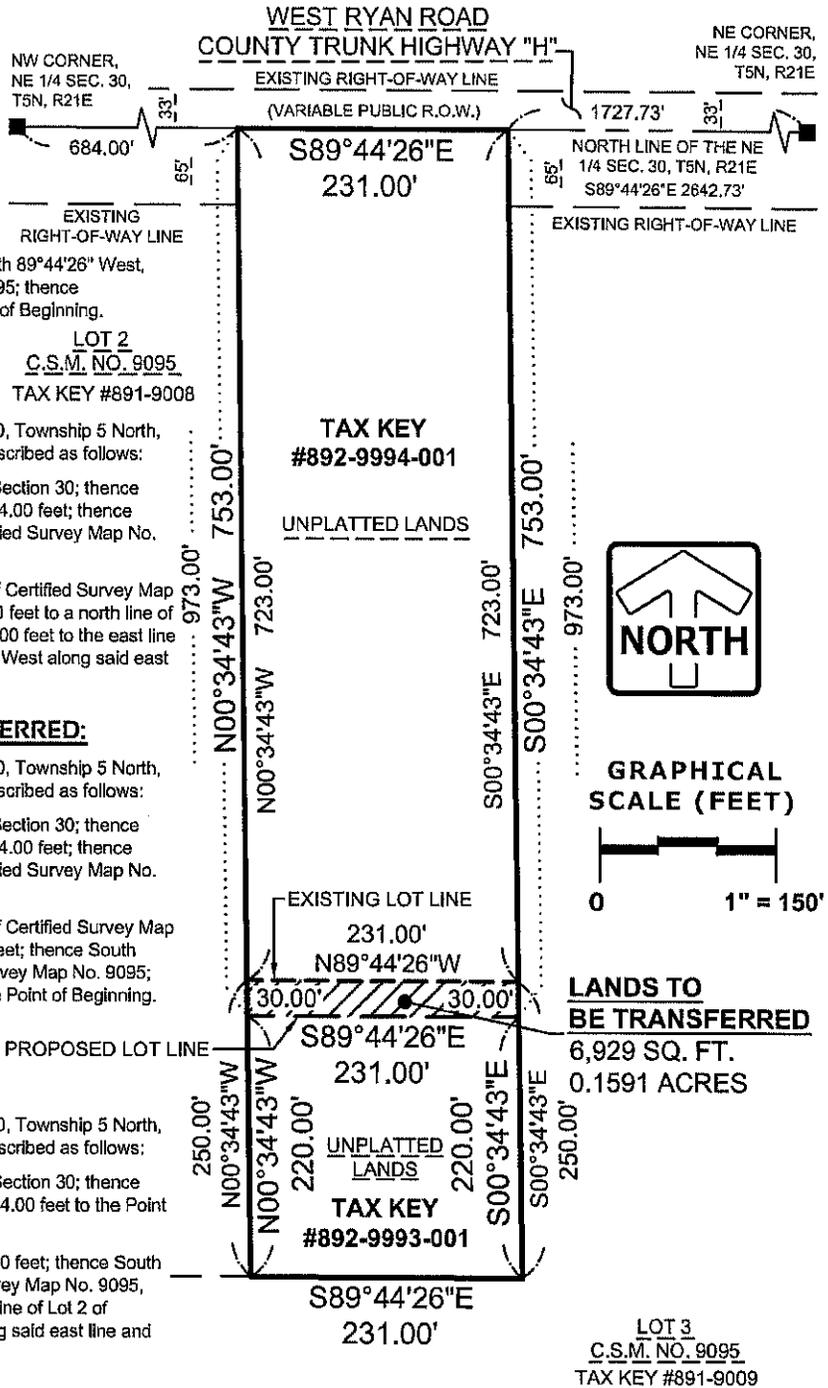
Thence continue South 89°44'26" East along said north line, 231.00 feet; thence South 00°34'43" East and then along a west line of Lot 3 of Certified Survey Map No. 9095, 753.00 feet; thence North 89°44'26" West, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line and then continuing, 753.00 feet to the Point of Beginning. Said land containing 173,929 square feet (3.9929 Acres).

**LEGAL DESCRIPTION OF PROPOSED TAX KEY NO. 892-993-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 753.00 feet to the Point of Beginning;

Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line, 220.00 feet to a north line of said Lot 3; thence South 89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 220.00 feet to the Point of Beginning. Said land containing 50,815 square feet (1.1665 Acres).



**LOT LINE ADJUSTMENT**

**PINNACLE ENGINEERING GROUP**

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005

WWW.PINNACLE-ENGR.COM

**PLAN | DESIGN | DELIVER**

PEG JOB#809.10

04/10/19



<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>08/06/19</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE OUTLOT 2 OF THE APPROVED PRELIMINARY PLAT FOR “RYAN MEADOWS”, EXCEPT THE NORTHERLY 30 FEET ALSO KNOWN AS PART OF TAX KEY NO. 892-9993-001 (THE APPROXIMATELY 1.17 ACRE PORTION OF PARCEL 892-9993-001) FROM R-2 ESTATE/SINGLE-FAMILY RESIDENCE DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (GENERALLY LOCATED AT 11327 WEST RYAN ROAD)(APPROXIMATELY 1.1665 ACRES)(MILLS HOTEL WYOMING, LLC APPLICANT, EUGENE AND MARLENE MAGARICH, PROPERTY OWNERS)</b>	<b>ITEM NUMBER</b>  <i>6.3.</i>

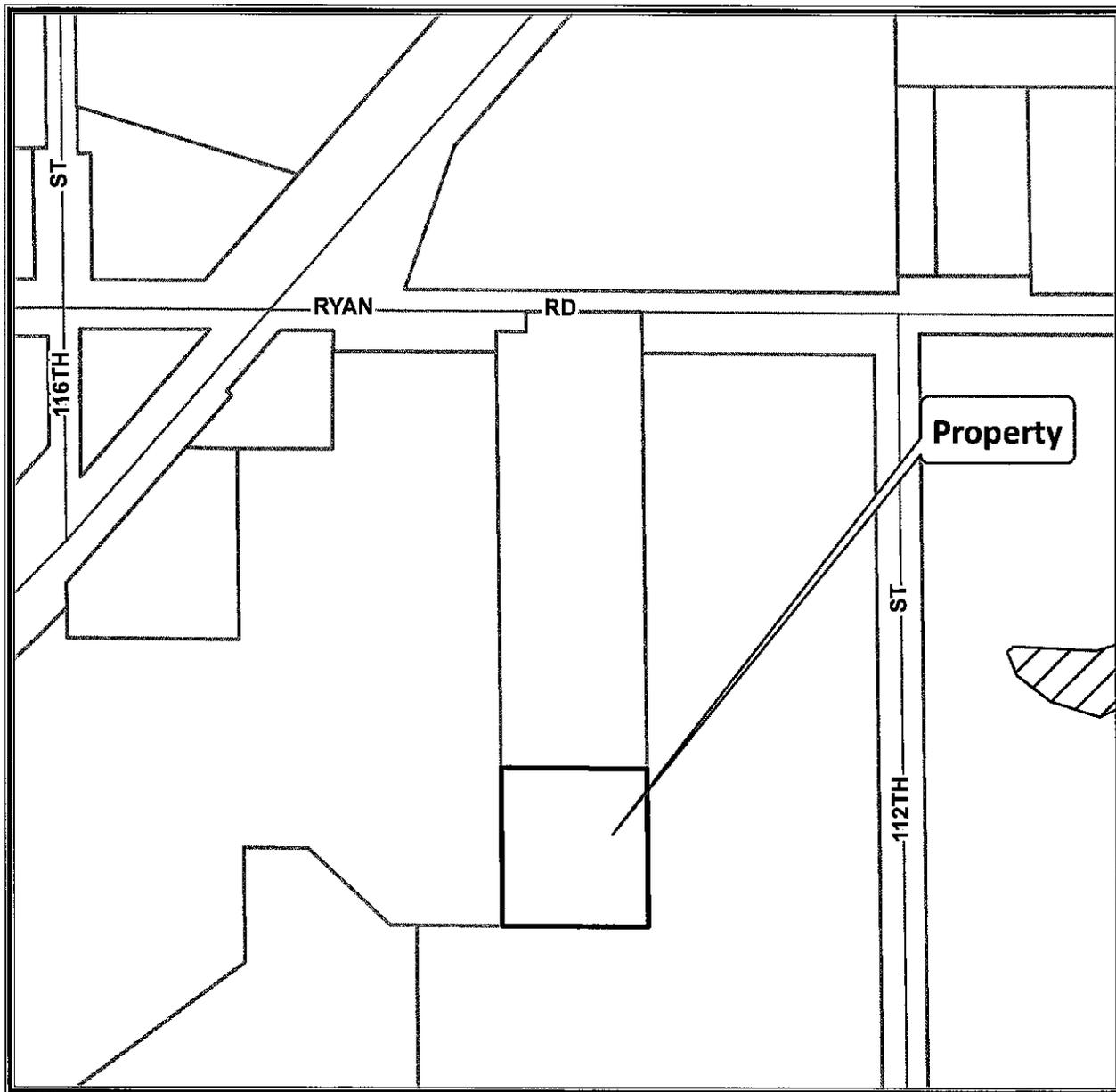
At their July 18, 2019 meeting, following a properly noticed public hearing, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone Outlot 2 of the approved Preliminary Plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001) from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (generally located at 11327 West Ryan Road, (approximately 1.1665 acres)(Mills Hotel Wyoming, LLC applicant, Eugene and Marlene Magarich, property owners).

**COUNCIL ACTION REQUESTED**

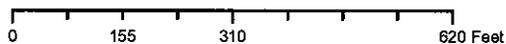
A motion to adopt Ordinance 2019-\_\_\_\_\_, an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone Outlot 2 of the approved Preliminary Plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001) from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (generally located at 11327 West Ryan Road, (approximately 1.1665 acres)(Mills Hotel Wyoming, LLC applicant, Eugene and Marlene Magarich, property owners).



TKN: 892 9993 001



Planning Department  
(414) 425-4024



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



2017 Aerial Photo

ORDINANCE NO. 2019-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE OUTLOT 2 OF THE APPROVED PRELIMINARY PLAT FOR “RYAN MEADOWS”, EXCEPT THE NORTHERLY 30 FEET ALSO KNOWN AS PART OF TAX KEY NO. 892-9993-001 (THE APPROXIMATELY 1.17 ACRE PORTION OF PARCEL 892-9993-001) FROM R-2 ESTATE/SINGLE-FAMILY RESIDENCE DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT  
 (GENERALLY LOCATED AT 11327 WEST RYAN ROAD)  
 (APPROXIMATELY 1.1665 ACRES)  
 (MILLS HOTEL WYOMING, LLC, APPLICANT, EUGENE AND MARLENE MAGARICH, PROPERTY OWNERS)

---

WHEREAS, Mills Hotel Wyoming, LLC having petitioned for the rezoning of Outlot 2 of the approved Preliminary Plat for “Ryan Meadows”, except the northerly 30 feet also known as part of Tax Key No. 892-9993-001 (the approximately 1.17 acre portion of parcel 892-9993-001) from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, such land being generally located at 11327 West Ryan Road [*the Rezoning is contingent upon land transfer or Final Plat recording*]; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 18th day of July, 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-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence

District:

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 753.00 feet to the Point of Beginning; Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line, 220.00 feet to a north line of said Lot 3; thence South 89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 220.00 feet to the Point of Beginning. Said land containing 50,815 square feet (1.1665 Acres). Tax Key No. 892-9993-001.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

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

APPROVED:

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

ORDINANCE NO. 2019-\_\_\_\_\_

Page 3

ATTEST:

---

Sandra L. Wesolowski, City Clerk

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



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of July 18, 2019

**Comprehensive Master Plan Amendment and Rezoning**


---

**RECOMMENDATION:** City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment and Rezoning subject to the conditions in the draft resolutions.

---

<b>Project Name:</b>	Bear Development Comprehensive Master Plan Amendment and Rezoning
<b>Project Address:</b>	Generally located southwest of the the intersection of W. Ryan Road and S. 112 <sup>th</sup> Street (tax key no. 892-9993-001)
<b>Applicant:</b>	Bear Development, LLC
<b>Owners (property):</b>	Eugene and Marlene Magarich
<b>Current Zoning:</b>	R-2 Estate Single Family Residence District and C-1 Conservancy District
<b>2025 Future Land Use:</b>	Business Park
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, agricultural land to the south, east and west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Comprehensive Master Plan amendment and Rezoning.

---

**Introduction:**

On April 30, 2019, the applicant filed a Comprehensive Master Plan Amendment Application and Rezoning Application with the Department of City Development for the majority of the existing parcel bearing Tax Key No. 892-9993-001, to allow all but the northernmost 30' of the subject parcel to be added to Outlot 2 of the approved Preliminary Plat of Ryan Meadows to accommodate construction of a stormwater management pond.

Specifically, the applicant is proposing to:

- Amend the Comprehensive Master Plan for approximately 1.16 acres, to change the Future Land Use Map from Business Park use to Residential use.
- Rezone approximately 1.16 acres of land from R-2 Estate Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District.

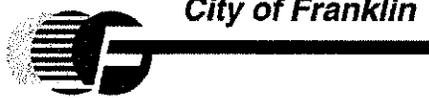
**Project Description and Analysis:**

It should be noted that the proposed Outlot 2 of the Ryan Meadows Preliminary Plat already encompasses the subject property, which plat was approved with a condition that the applicant acquire the subject property and submit a recorded deed of conveyance together with the signed consent and acknowledgement of the current owner, prior to recording the Preliminary Plat.

The applicant was further informed that they would need to come back for an amendment of the Comprehensive Master Plan and a rezoning to reflect the proposed change to Outlot 2.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment and Rezoning subject to the conditions in the draft resolutions.



Date of Application: 4/12/2019

## REZONING APPLICATION

*Complete, accurate and specific information must be entered. Please Print.*

<p><b>Applicant (Full Legal Name[s]):</b>          Name: <u>S.R. Mills</u>          Company: <u>Bear Development, LLC</u>          Mailing Address: <u>4011 80th Street</u>          City / State: <u>Kenosha, WI</u> Zip: <u>53142</u>          Phone: <u>(262) 842-0556</u>          Email Address: <u>dan@beardevelopment.com</u></p> <p><b>Project Property Information:</b>          Property Address: <u>11327 W. Ryan Road (rear parcel)</u>          Property Owner(s): <u>Eugene &amp; Marlene Magarich</u></p> <p>Mailing Address: <u>11327 W. Ryan Road (rear parcel)</u>          City / State: <u>Franklin, WI</u> Zip: <u>53132</u>          Email Address: <u>d</u></p>	<p><b>Applicant is Represented by: (contact person)(Full Legal Name[s])</b>          Name: _____          Company: _____          Mailing Address: _____          City / State: _____ Zip: _____          Phone: _____          Email Address: _____</p> <p>Tax Key Nos: <u>Part of 892-9993-001</u></p> <p>Existing Zoning: <u>R2 and C1</u>          Existing Use: <u>Vacant</u>          Proposed Use: <u>Outlot/Open Space/Storm Water Management</u>          CMP Land Use Identification: <u>Business Park</u></p>
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\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

**Rezoning submittals for review must include and be accompanied by the following:**

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$1,250  \$350 (One Parcel Residential)
- Legal Description for the subject property (WORD.doc or compatible format).
- Seven (7) complete **collated** sets of Application materials to include:
  - One (1) original and six (6) copies of a written Project Summary, including a general description of the proposed development of the property, proposal's intent, impacts, and consistency with the Comprehensive Master Plan.
  - Seven (7) **folded** copies of a Plot Plan, or Site Plan, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- Email (or CD ROM) with all plans/submittal materials.
- Additional Information as may be required.

- Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts.
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Rezoning requests require Plan Commission review and recommendation and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).*

<p>Signature - Property Owner    <u>S.R. Mills, President</u>          Name &amp; Title (PRINT)          Date: <u>April 16, 2019</u></p>	<p>Signature - Applicant          _____          Name &amp; Title (PRINT)          Date: _____</p>
<p>Signature - Property Owner    <u>Eugene &amp; Marlene Magarich</u>          Name &amp; Title (PRINT)          Date: _____</p>	<p>Signature - Applicant's Representative          _____          Name &amp; Title (PRINT)          Date: _____</p>



**April 26, 2019**

Mr. Ben Kohout  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Bear/Magarich Rezoning**

Dear Mr. Kohout:

Please accept this letter and the enclosed submittal materials as formal application for zoning reclassification for portions of the Bear Development project at Loomis and Ryan Roads in the City of Franklin. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

**Project Summary**

Mills Wyoming Hotel, LLC is the owner of record of approximately 130 acres of land in the City of Franklin. The land is located on the east side of STH 36 and lies south of Ryan Road. The property is included in the area commonly known as Planning Area G. Mills Hotel Wyoming is respectfully requesting zoning amendment to facilitate a mixed-use development.

Our firm is under contract with Eugene and Marlene Magarich for approximately 1.16 acres of land. The property abuts our larger project area and will be incorporated into the plat. The subject property will be included as part of an open space outlot and will be used for storm water management.

*This request is intended to create zoning consistency between the boundaries and uses shown on the Preliminary Plat.*

**Current Zoning-**

The subject property is currently zoned R2 Residential and C-1 Conservancy District.

**Proposed Zoning**

Mills Hotel Wyoming, LLC is respectfully requesting zoning reclassification to the R-6 Residential District to conform with the surrounding zoning. The area of proposed zoning follows the proposed property lines of the submitted Preliminary Plat.

**Proposed Land Use**

**Open Space Outlot for Storm Water Management**

We feel the mix of land use shown on the Preliminary Plat offers an opportunity to create a development opportunity for Planning Area G that meets the goals of the Comprehensive Plan while providing a diverse land uses that will ensure a successful project.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Szczap', written in a cursive style.

Daniel Szczap  
Bear Development, LLC



**LEGAL DESCRIPTION OF PROPOSED TAX KEY NO. 892-993-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 753.00 feet to the Point of Beginning;

Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line, 220.00 feet to a north line of said Lot 3; thence South 89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 220.00 feet to the Point of Beginning. Said land containing 50,815 square feet (1.1665 Acres).

**LEGAL DESCRIPTION OF  
TAX KEY NO. 892-9994-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet to the Point of Beginning;

Thence continue South 89°44'26" East along said north line, 231.00 feet; thence South 00°34'43" East along a west line of Lot 3 of Certified Survey Map No. 9095, 723.00 feet; thence North 89°44'26" West, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 723.00 feet to the Point of Beginning. Said land containing 166,999 square feet (3.8338 Acres).

**LEGAL DESCRIPTION OF  
TAX KEY NO. 892-9993-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 723.00 feet to the Point of Beginning;

Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line 250.00 feet to a north line of said Lot 3; thence South 89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 250.00 feet to the Point of Beginning. Said land containing 57,745 square feet (1.3256 Acres).

**LEGAL DESCRIPTION OF LAND TO BE TRANSFERRED:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 723.00 feet to the Point of Beginning;

Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along the west line 30.00 feet; thence South 89°44'26" East, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 30.00 feet to the Point of Beginning. Said land containing 6,929 square feet (0.1591 Acres).

**LEGAL DESCRIPTION OF PROPOSED  
TAX KEY NO. 892-9994-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet to the Point of Beginning;

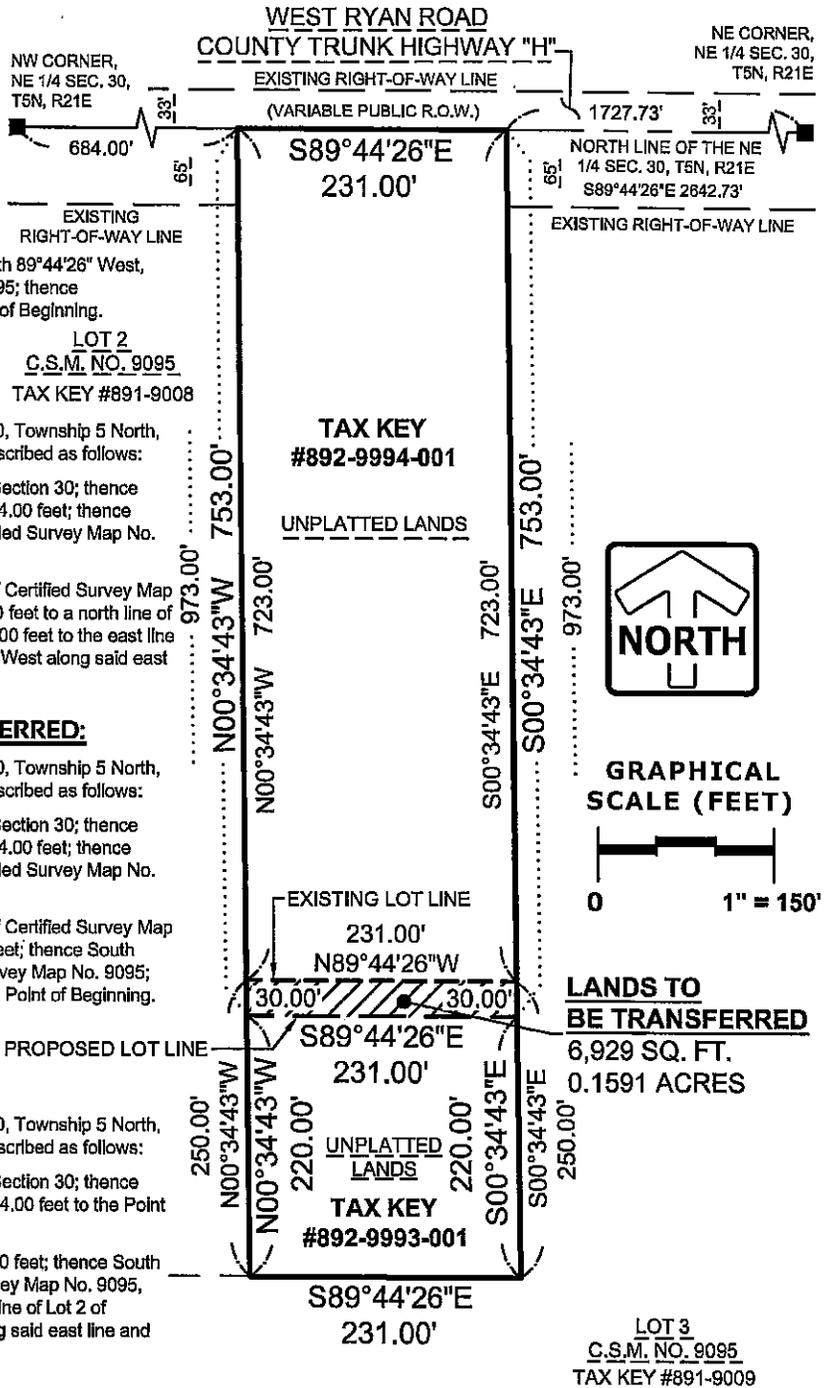
Thence continue South 89°44'26" East along said north line, 231.00 feet; thence South 00°34'43" East and then along a west line of Lot 3 of Certified Survey Map No. 9095, 753.00 feet; thence North 89°44'26" West, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line and then continuing, 753.00 feet to the Point of Beginning. Said land containing 173,929 square feet (3.9929 Acres).

**LEGAL DESCRIPTION OF PROPOSED TAX KEY NO. 892-993-001:**

Being a part of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 89°44'26" East along the north line of said Northeast 1/4, 684.00 feet; thence South 00°34'43" East and then along the east line of Lot 2 of Certified Survey Map No. 9095, 753.00 feet to the Point of Beginning;

Thence South 89°44'26" East, 231.00 feet to a west line of Lot 3 of Certified Survey Map No. 9095; thence South 00°34'43" East along said west line, 220.00 feet to a north line of said Lot 3; thence South 89°44'26" East along said north line, 231.00 feet to the east line of Lot 2 of Certified Survey Map No. 9095; thence North 00°34'43" West along said east line, 220.00 feet to the Point of Beginning. Said land containing 50,815 square feet (1.1665 Acres).





<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i> <i>M/M/2</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>8/6/2019</b></p>
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<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Update on the City Hall Roof, HVAC, and Fascia Wood Replacement Project and Selection of Cladding Color</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.H.</i></p>
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The initial work on the City Hall project has been underway and involves non-construction activities such as completion of shop drawings and final plans reflecting the awarded project components, materials ordering, and developing a construction schedule reflecting the overall logistics. This past week an initial plan was presented and reviewed which will be preliminarily finalized next week. ("Preliminarily finalized" is used because all such plans are subject to change as the project develops.)

Since this project affects the City Hall operations and facilities, the purpose of this Council Action Sheet is to provide a broad overview of the nature and general timeline of the expected impacts on operations, recognizing again that everything relayed herein is preliminary and subject to change. The second purpose is to receive a final selection of the color for the cladding, so that the materials can be ordered without delaying the project.

Overview of Project Timeline and Expected Impacts: The roofing portion of the project is expected to start as early as Monday, August 12, addressing the newer portion of City Hall generally comprising the Community Room and Inspection Services. The roofing portion of each project also includes the cladding demolition and installation. This will take approximately 6 weeks. The second roofing phase will roughly cover the area spanning the Health Department through the Finance Department and will start around October 8th lasting three weeks. The remaining center section would start at the end of October and last around two weeks. Roofing is a noisy project that can be disruptive to staff working below. It will also likely knock loose dust and debris from the ceiling and ceiling tiles. Although uncommon and not expected, the vibration has the potential to even shake a tile or light fixture from its track. Except for cleaning it, there is little that can be done relative to the dust and potential risks if City Hall is to remain open during the construction period. I have discussed this issue with and am working with the provider of the meal program who is determining what action they will take in their meal service.

Although the roofing project can create some nuisance and inconvenience, it is the interior project that has the greatest impact on operations. The primary work for the HVAC units being removed and the new units being installed occurs immediately over the main lobby and a portion of the Common Council Chambers. As such, this is the area the contractor must address first for the HVAC portion of the project. That project is expected to start Thursday, August 15th. It will impact the area of the lobby, Council Chambers, Hearing Room, Alderman's Room, and Administration and take about 4 weeks. During that period there will be no air circulation or cooling provided to the impacted area. As such, it will likely be necessary to relocate any meetings, including Council meetings, scheduled for these spaces between August 15 and around September 11. Of that period there are only a couple of days where each of the Administration area, Aldermen's Room, and Hearing Room would be unavailable. A temporary barrier will be set up allowing access to these rooms from the direction of the elevators (except for the couple of days they are working directly in those rooms). Again there will only be limited, natural air flow to these areas, so they will not be useful for meetings. It is expected that the Aldermen's Room can still be used for their mail boxes, but if this becomes problematic, temporary boxes can be set up elsewhere. The intent is to ensure the new Sound System is installed during this period as well.

Because of the impact to this central area, the contractor will be tackling the construction of the new main entrance at the same time. As such the main entrance will be closed during that 4-week period. A temporary

wall will be established that allows access to the lobby bathrooms and to the stairway during this period. A benefit of addressing the main entrance early in the project is that it can be completed early enough in the season for landscaping to be installed. While the main entrance is closed, public traffic will be routed to the Health Wing entrance and rear entrance. Employees and City vehicles will all be instructed to use the back half of the rear parking lot.

After the central area is completed and functioning, the remaining portions of City Hall will be tackled in sections each generally taking two weeks. Departments affected will generally be relocated to temporary offices in the Hearing Room for the two-week period. Employees will be given one or two library-type carts to load personal belongings and work materials they are likely to need during that period. Department Heads will be able to coordinate with the Facilities Supervisor, Bob Tesch, if access is needed to their office space during the period they have vacated it. The project or IT budget will initially cover the cost of some additional computer monitors, cables, and IP phones, but ultimately since each of these will become spares that cycle into long-term operational use, the Director of Administration may recommend these limited purchases be transferred to the Capital Outlay Fund contingency appropriation.

Following is the preliminary schedule (again, subject to change) for the main floor offices:

Health Department, copy room, supply room, old safe, and phone switch room, 9/12 to 9/23

Health Conference Room through Finance Department, 9/25 to 10/4

Treasurer, Assessor, lobby restrooms, 10/8 to 10/18

Clerk, HR, Mayor, 10/21 to 10/31

The Clerk's Office is scheduled last so that when it is relocated to the Hearing Room they will remain there longer and the tile remediation and carpeting project will be completed. The lower level logistics is still being worked on, but Planning is likely to occur simultaneously with the Clerk's Office with Engineering following that. Due to the Clerk's Office carpeting project, it is likely that the Health Conference Room will also be used for temporary offices for a two- to four-week period from late October to mid-November.

Selection of Cladding Color: The Architect has provided samples of the color options available under the contract based on the standard colors for the manufacturer materials specified. (The color renderings should be available prior to completion of the Common Council meeting packets; if not, they will be placed separately in the Aldermen's mailboxes and at the City Clerk's office for public inspection.) The Architect will also provide two or three color renderings reflecting their recommendations. The smooth profile previously presented in the color design renderings is anticipated. In order to not delay the project, the Common Council, at this meeting, needs to select a color or authorize the Director of Administration to do so.

## COUNCIL ACTION REQUESTED

Motion to select the Hardie Board siding color \_\_\_\_\_ for the Franklin City Hall exterior.

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> August 6, 2019
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Project Updates for Ballpark Commons</b>	<b>ITEM NUMBER</b> <i>6.5.</i>

A representative from Ballpark Commons will present an update on the development.

**COUNCIL ACTION REQUESTED**

No action requested. This presentation is only for providing updates on the Ballpark Commons project.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">08/06/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A BERM EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR FOUR, 3-STORY, APPROXIMATELY 53 UNIT APARTMENT BUILDINGS DEVELOPMENT AT BALLPARK COMMONS (7125, 7165, 7195, AND 7250 SOUTH BALLPARK DRIVE, FORMERLY APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC, APPLICANT, ZIM- MAR PROPERTIES, LLC, PROPERTY OWNER)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.6.</i></p>

Attached is a copy of the above Berm Easement for the Velo Village Apartments Development (formerly Ballpark Commons Apartment Development) property. The Easement was required by the Site Plan approval for the subject property in Plan Commission Resolution No. 2018-002, conditionally approving a Site Plan for Four, 3-Story, Approximately 53 Unit Apartment Buildings Development within the Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) development, in condition number 11, adopted on April 19, 2018. The Easement is also required by Section 15-3.0442D.A.6. of Planned Development District No. 37.

Staff would note that the Easement allows buildings and structures within the easement as such are shown on the approved Site Plan for the Apartment Development project.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2019-\_\_\_\_, authorizing Certain Officials to Accept a Berm Easement for and as Part of the Review and Approval of a Site Plan for Four, 3-Story, Approximately 53 Unit Apartment Buildings Development at Ballpark Commons (7125, 7165, 7195, and 7250 South Ballpark Drive, Formerly Approximately 7900 West Crystal Ridge Drive) (Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc., and in partnership with Zim-Mar Properties LLC, applicant, Zim-Mar Properties, LLC, property owner) subject to minor technical corrections by staff.

## RESOLUTION NO. 2019-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
ACCEPT A BERM EASEMENT FOR AND AS PART  
OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR FOUR, 3-STORY,  
APPROXIMATELY 53 UNIT APARTMENT BUILDINGS DEVELOPMENT AT  
BALLPARK COMMONS (7125, 7165, 7195, AND 7250 SOUTH BALLPARK DRIVE,  
FORMERLY APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK  
COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND  
IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC, APPLICANT, ZIM-MAR  
PROPERTIES, LLC, PROPERTY OWNER)

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WHEREAS, the Plan Commission having approved a Site Plan upon the application of Ballpark Commons, LLC, on April 19, 2018, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Berm Easement to provide a screen and buffer between the subject property and the single-family residential development to the west; and

WHEREAS, §15-3.0442D.A.6. of the Unified Development Ordinance (Planned Development District No. 37) requires an enhanced buffer consisting of a highly attractive and effective berm and landscaping along the entire western boundary of the Ballpark Commons development, the entirety of which shall be constructed prior to or along with the first phase of any development within the subject area, and which shall be maintained in perpetuity and which shall be the subject of an easement to be approved by the Common Council and recorded with the Milwaukee County Register of Deeds Office; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Berm 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 Berm Easement submitted by Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc., and in partnership with Zim-Mar Properties LLC, 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 Berm Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
TO ACCEPT A BERM EASEMENT  
BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP,  
INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 2

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.

APPROVED:

\_\_\_\_\_  
STEPHEN R. OLSON, Mayor

ATTEST:

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

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

**BERM EASEMENT**

(BALLPARK COMMONS APARTMENTS – FRANKLIN, WISCONSIN)

This BERM EASEMENT is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as “Grantee,” and ZIM-MAR PROPERTIES, LLC, a Wisconsin limited liability company hereinafter referred to as “Grantor,” and shall become effective upon the recording of this Grant of BERM 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 on Exhibit A attached hereto and made a part hereof (the “Property”); and

WHEREAS, as a condition to Grantee’s approval of proposed Site Plan for the Ballpark Commons Apartments within the Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) development use in accordance with Section 15-3.0442D.A.6 thereof, and as set forth in the Wetland and Buffer Restoration Plan and the BERM Planting Plan as such are referenced in the Standards, Findings, and Decision of the City of Franklin Common Council dated January 9, 2018, as each may be amended over time, which is located in the office of the Department of City Development, Grantor shall provide this BERM EASEMENT in favor of the City of Franklin, subject to City of Franklin approval and recording with the Milwaukee County Register of Deeds Office, to provide and maintain an enhanced buffer consisting of a highly attractive and effective berm and landscaping area in that certain portion of the Property as more particularly described and depicted on Exhibit B attached hereto and made a part hereof (the “Protected Property”); 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 this BERM EASEMENT on, over, and across the Protected Property, desire to reserve the Protected Property for the construction and maintenance of such berm and associated landscaping as set forth herein and prevent the use or development of the Protected Property for any purpose or in any manner inconsistent with the terms of this BERM EASEMENT; and

WHEREAS, the Grantee is willing to accept this BERM 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 herein, does hereby grant and convey unto the Grantee a non-exclusive BERM EASEMENT in perpetuity on, over, and across the Protected Property subject to the terms and conditions set forth herein.

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

1. To establish and ensure the continuance of an area reserved for the construction and maintenance of a vegetated planting of trees, shrubs, and other natural plantings for the private use by the Grantor, as the owner of the underlying fee simple interests in the Property, to the exclusion of all others, for the purpose of buffering the parcels adjoining the Property by requiring the Protected Property to be open space in perpetuity; the Protected Property shall consist of a vegetated berm, natural vegetation and approved landscaping of trees, shrubs, and other natural plantings; designed to provide a screen and buffer between the Property and the single-family residential development to the West.
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 upon reasonable advance notice to the Grantor 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 (which consent shall not be unreasonably withheld), shall not:

- A. Construct or place buildings or any structure, except those buildings, structures, utilities and improvements as identified on any engineering or construction plans approved by the City of Franklin including, without limitation, the civil engineering plans approved on April 19, 2019 as City of Franklin Plan Commission Resolution No. 2018-002, which are specifically permitted and allowed within the limits of the Protected Property in compliance with this Berm Easement;
- B. Construct or make any other improvements, unless and except, (i) notwithstanding Covenant 1 above, the improvement is specifically and previously approved by 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 buffer value of the Protected Property to occupants of land adjoining or neighboring the Protected Property and including, but not limited to fences, berms, sidewalks, trails, benches, monument signs, and the like, (ii) where any Stormwater Management Easement may co-exist with the subject Berm Easement, such maintenance of the stormwater management facilities of the Stormwater Management Easement as may be set forth in the subject Stormwater Management Easement document, and (iii) where any Conservation Easement may co-exist with the subject Berm Easement, such maintenance of the ecological and aesthetic values of the Conservation Easement as may be set forth in the subject Conservation Easement document.

Notwithstanding the foregoing, Grantor reserves the right to use and maintain within the Protected Property the proposed sidewalk, walking path, stormwater management facilities, landscaping, and certain mitigation areas as set forth in the Natural Resource Protection Plan, the Wetland and Buffer Restoration Plan, and the Berm Planting Plan as such are referenced in the Standards, Findings, and Decision of the City of Franklin Common Council dated January 9, 2018, and as may be amended over time.

To have and to hold this Berm 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:  
Zim-Mar Properties, LLC  
c/o ROC Ventures, LLC  
510 W. Kilbourn Ave., Second Floor  
Milwaukee, WI 53203  
Attn: Michael E. Zimmerman

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

*(Signatures follow on next pages)*

In witness whereof, the Grantor has set its hand and seals this on this date of \_\_\_\_\_, 2019.

GRANTOR:

Zim-Mar Properties, LLC

By: \_\_\_\_\_  
Michael E. Zimmerman, Manager

By: \_\_\_\_\_  
Greg Marso, Manager

STATE OF \_\_\_\_\_ ss  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Michael E. Zimmerman, the co-manager of Zim-Mar Properties, LLC to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said limited liability company.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ ss  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Greg Marso, the co-manager of Zim-Mar Properties, LLC to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said limited liability company.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

**Acceptance**

The undersigned does hereby consent to and accepts the Berm Easement granted and conveyed to it under and pursuant to the foregoing Grant of Berm Easement. In consideration of the making of such Grant of Berm 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 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. 2019.

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. 2019, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 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.

**MONONE**

Name of Mortgagee  
a Wisconsin Banking Corporation

By \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

STATE OF WISCONSIN )

COUNTY OF MILWAUKEE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, personally appeared name of officer of mortgagee, the (title of office, i.e.: VP) of (name 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.

Name: \_\_\_\_\_

Notary Public, State of Wisconsin

My commission expires \_\_\_\_\_

Exhibit A

Description of the Property

Lot 2 of Certified Survey Map No. 9042 recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on June 14, 2018, as Document No. 10785127, being a part of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  and Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Exhibit B

Description and Depiction of Protected Property

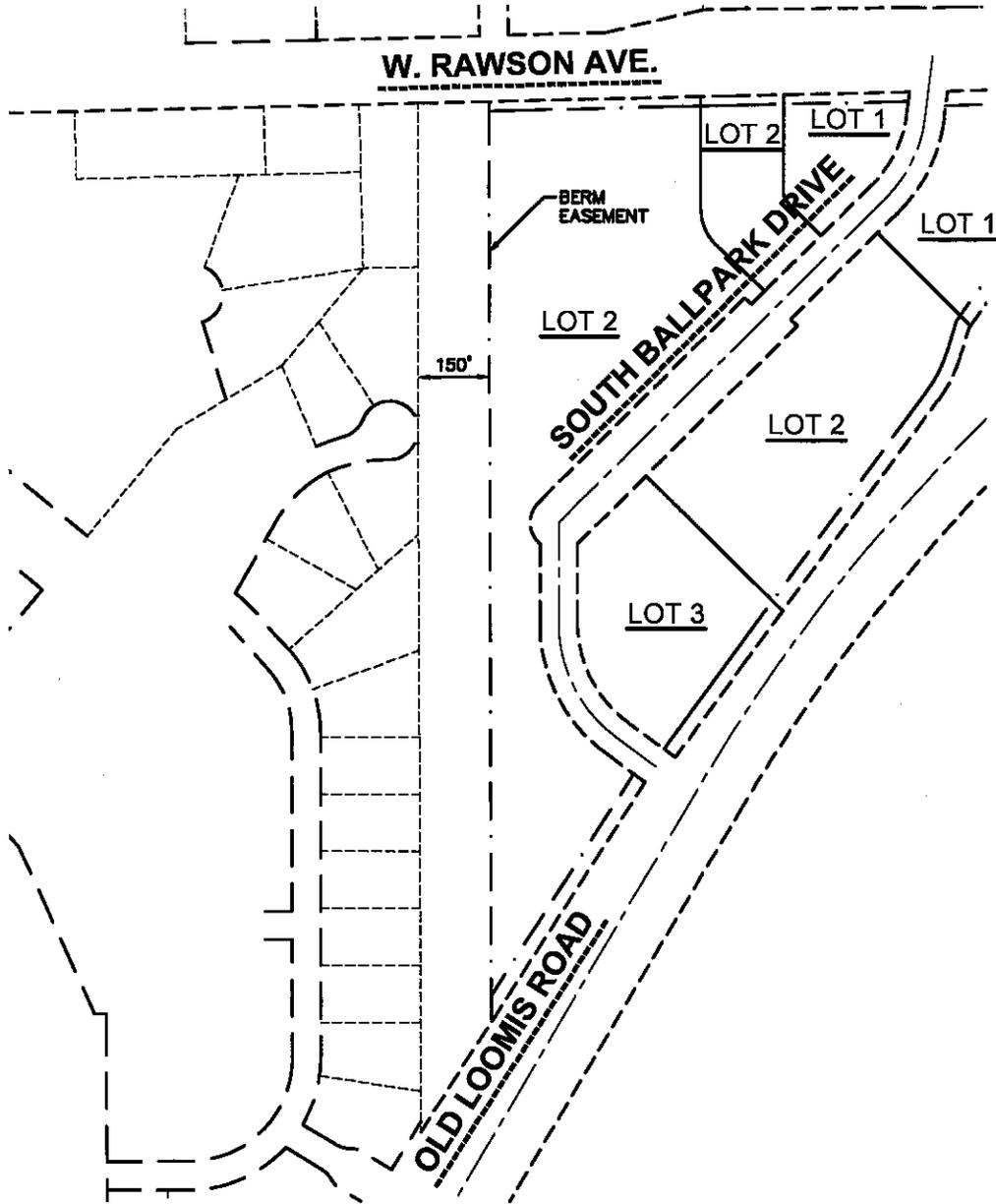
*(See Attached)*

# EASEMENT EXHIBIT

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9042, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

## EXHIBIT B

DESCRIPTION AND DEPICTION  
OF PROTECTED PROPERTY



File: R:\2014\406548 Ballpark Commons\dwg\146548 EXHIBIT EASEMENTS SOUTH REV 1.dwg Layout: BERM EASEMENT 1 User: dspanjer Plotted: Aug 01, 2019 - 1:09pm

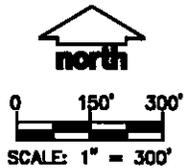
### EASEMENT EXHIBIT BERM EASEMENT

PREPARED BY:  
**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
1430 WEST BLAKE ROAD,  
SUITE 100  
MILWAUKEE, WISCONSIN 53202  
PHONE: 414-613-0888

PREPARED FOR:  
VELO VILLAGE APTS.  
MANDEL GROUP, INC  
330 E. KILBOURN AVE.  
MILWAUKEE, WI 53202

PROJECT NO: 14-6548  
FILE NO: B-0  
FIELDBOOK/PQ: -  
SHEET NO: 1 OF 2

SURVEYED BY: JSD  
DRAWN BY: DHS  
CHECKED BY: ANW  
APPROVED BY: JJJ



# EASEMENT EXHIBIT

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9042, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

## LEGAL DESCRIPTIONS

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9042, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, A 150 FOOT EASEMENT FOR A BERM, BOUNDED AND DESCRIBED AS FOLLOWS:

THE WEST 150 FEET OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9042.

LANDS CONTAINING 308,234 SQUARE FEET OR 7.0861 ACRES

File: R:\2014\146548 Ballpark Commons\dwg\146548 EXHIBIT EASEMENTS SOUTH REV 1.dwg Layout: BERM EASEMENT 2 User: dspanfor Plotted: Aug 01, 2019 - 1:09pm

PREPARED BY:

**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners

14230 WIS10 BLANK ROAD,  
SUITE 100  
MILWAUKEE, WISCONSIN 53186  
PHONE: 262-213-0000

SHEET NO: 2 OF 2

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">08/06/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR FOUR, 3-STORY, APPROXIMATELY 53 UNIT APARTMENT BUILDINGS DEVELOPMENT AT BALLPARK COMMONS (7125, 7165, 7195, AND 7250 SOUTH BALLPARK DRIVE, FORMERLY APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC, APPLICANT, ZIM- MAR PROPERTIES, LLC, PROPERTY OWNER)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.7.</i></p>

Attached is a copy of the above Conservation Easement for the Velo Village Apartments Development (formerly Ballpark Commons Apartment Development) property. The Easement was required by the Site Plan approval for the subject property in Plan Commission Resolution No. 2018-002, conditionally approving a Site Plan for Four, 3-Story, Approximately 53 Unit Apartment Buildings Development within the Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) development, in condition number 11, adopted on April 19, 2018.

Staff would note that the Easement allows buildings and structures within the easement as such are shown on the approved Site Plan for the Apartment Development project.

**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 Site Plan for Four, 3-Story, Approximately 53 Unit Apartment Buildings Development at Ballpark Commons (7125, 7165, 7195, and 7250 South Ballpark Drive, Formerly Approximately 7900 West Crystal Ridge Drive) (Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc., and in partnership with Zim-Mar Properties LLC, applicant, Zim-Mar Properties, LLC, property owner) subject to minor technical corrections by staff.

RESOLUTION NO. 2019-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR FOUR, 3-STORY, APPROXIMATELY 53 UNIT APARTMENT BUILDINGS DEVELOPMENT AT BALLPARK COMMONS (7125, 7165, 7195, AND 7250 SOUTH BALLPARK DRIVE, FORMERLY APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE) (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, PROPERTY OWNER)

---

WHEREAS, the Plan Commission having approved a Site Plan upon the application of Ballpark Commons, LLC, on April 19, 2018, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect certain portions of the wetlands, wetland buffers, and wetland setbacks on the site; and

WHEREAS, §15-7.0702Q. and §15-9.0309D. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Certified Survey Map 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 Certified Survey Map; 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 Ballpark Commons Apartments LLC, an affiliate of Mandel Group, Inc., and in partnership with Zim-Mar Properties LLC, 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.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
TO ACCEPT A CONSERVATION EASEMENT  
BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP,  
INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 2

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

APPROVED:

\_\_\_\_\_  
STEPHEN R. OLSON, Mayor

ATTEST:

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

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

## CONSERVATION EASEMENT

(BALLPARK COMMONS APARTMENTS – FRANKLIN, WISCONSIN)

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 ZIM-MAR PROPERTIES, LLC, a Wisconsin limited liability company 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 on Exhibit A attached hereto and made a part hereof (the “Property”); and

WHEREAS, as a condition to Grantee’s approval of proposed site plans for the multifamily development of the Property, Grantor shall provide a conservation easement in favor of the City of Franklin subject to City of Franklin approval and recording with the Milwaukee County Register of Deeds Office to provide and maintain a conservation area in those certain portions of the Property as more particularly described and depicted on Exhibit B attached hereto and made a part hereof (the “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, portions of certain wetlands, wetland buffers, wetland setbacks, and certain mitigation areas as set forth in the Natural Resource Protection Plan and the Wetland and Buffer Restoration Plan as such are referenced in the Standards, Findings, and Decision of the City of Franklin Common Council dated January 9, 2018, and as may be amended over time, 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 unreasonably interfere with or substantially disrupt the natural elements or the workings of natural systems on such Protected Property; 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 this Conservation Easement on, over, and across the Protected Property, desire to conserve the natural values thereof and prevent the use or development of the Protected Property for any purpose or in any manner inconsistent with the terms of this Conservation Easement; and

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

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained herein, does hereby grant and convey unto the Grantee a non-exclusive 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 as required and permitted by subclause A below;

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 upon reasonable advance notice to the Grantor 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 (which consent shall not be unreasonably withheld), shall not:

- A. Construct or place buildings or any structure, except those buildings and structures and improvements as identified on any engineering or construction plans approved by the City of Franklin including, without limitation, the civil engineering plans approved on April 19, 2019 as City of Franklin Plan Commission Resolution No. 2018-002, which are specifically permitted and allowed within the limits of the Protected Property in compliance with this Conservation Easement;
- B. Construct or make any other improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by 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 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;
- C. Excavate, dredge, grade, mine, drill, or change the topography of the Protected Property or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
- D. Conduct any filling, dumping, or depositing of any material whatsoever within the Protected Property, including, but not limited to soil, yard waste, or other landscape waste materials, ashes, garbage, or debris;
- E. Plant any vegetation not native to the Protected Property or not typical wetland vegetation;
- F. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

Notwithstanding the foregoing, Grantor reserves the right to use and maintain within the protected property the proposed sidewalk, walking path, stormwater management facilities, landscaping, and certain mitigation areas as set forth in the Natural Resource Protection Plan, the Wetland and Buffer Restoration Plan, and the Berm Planting Plan as such are referenced in the Standards, Findings, and Decision of the City of Franklin Common Council dated January 9, 2018, and as may be amended over time.

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:  
Zim-Mar Properties, LLC  
c/o ROC Ventures, LLC  
510 W. Kilbourn Ave., Second Floor  
Milwaukee, WI 53203  
Attn: Michael E. Zimmerman

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

*(Signatures follow on next pages)*

In witness whereof, the Grantor has set its hand and seals this on this date of \_\_\_\_\_, 2019.

GRANTOR:

Zim-Mar Properties, LLC

By: \_\_\_\_\_  
Michael E. Zimmerman, Manager

By: \_\_\_\_\_  
Greg Marso, Manager

STATE OF \_\_\_\_\_ ss  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Michael E. Zimmerman, the co-manager of Zim-Mar Properties, LLC to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said limited liability company.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ ss  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Greg Marso, the co-manager of Zim-Mar Properties, LLC to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said limited liability company.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_



**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.

**NO NONE**

Name of Mortgagee \_\_\_\_\_  
Wisconsin Banking Corporation

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WISCONSIN )

COUNTY OF MILWAUKEE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, personally appeared name of officer of mortgagee, the (title of office, i.e.: VP) of (name 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.

Name: \_\_\_\_\_

Notary Public, State of Wisconsin

My commission expires \_\_\_\_\_

Exhibit A

Description of the Property

Lot 3 of Certified Survey Map No. 9078, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on October 16, 2018, as Document No. 10820171, being a redivision of Lots 3 and 4 of Certified Survey Map 9042 and lands in the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  and Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 9, Town 5 North, Range 21 East. Said land being in the City of Franklin, Milwaukee County, State of Wisconsin.

Lot 2 of Certified Survey Map No. 9042 recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on June 14, 2018, as Document No. 10785127, being a part of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  and Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Exhibit B

Description and Depiction of Protected Property

*(See Attached)*

Exhibit B  
Conservation Easement

