

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
FRANKLIN CITY HALL – **COMMUNITY ROOM**  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY, AUGUST 20, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
  - 1. Citizen Comment Period.
  - 2. Mayoral Announcements:
    - (a) Staff Support for Boards and Commissions.
    - (b) Intergovernmental Cooperation Council Meeting, September 9, 2019 at South Milwaukee.
      - (i) Milwaukee County “Fair Deal” Initiative.
      - (ii) Democratic National Convention Service Costs.
- C. Approval of Minutes of the Regular Common Council Meeting of August 6, 2019.
- D. Hearings.
- E. Organizational Business - The Mayor has made the following appointment for Council confirmation: Mira Kresovic, 8810 S. 51<sup>st</sup> St. Dist. 4 – Civic Celebrations Commission (3-year unexpired term expiring 06/30/21).
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. List of Donations for June/July 2019 to Police, Parks and Civic Celebration.
  - 2. Review of Bids for the Police Department Firearms Range Project and Recommendation to Accept Bids from Selzer-Ornst Construction Company.
  - 3. Progress of the S. 51st Street and W. Drexel Avenue Intersection Project.
  - 4. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of Mills Hotel Wyoming, LLC, Applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
  - 5. Request for Council Action to Develop a Water Main Extension Project Along S. 50th Street and W. Minnesota Avenue and an Engineer’s Report for Special Assessment of 4932, 4939, 4951, 5003 and Vacant Lot on W. Minnesota Avenue (Tax Key Nos: 759-0023-000, 759-0038-000, 759-0039-000, 759-0034-000 and 759-0024-003).
  - 6. An Engineering Contract for the Design of a Cascade Trail (8300 S. 60th Street) Extension to the Root River Line of the Oak Leaf Trail.
  - 7. A Resolution to Issue a Change Order No. 1 for Pleasant View Park Pavilion (4901 W. Evergreen Street) for an Increase in the Amount of \$19,117.06.
  - 8. Consider the Renaming of the Sewer and Water Operations Center (5500 W. Airways Avenue) in Honor of Former City Engineer John M. Bennett.
  - 9. A Resolution Authorizing Certain Officials to Enter into a Private Property Infiltration and Inflow Reduction Agreement - Funding Agreement 08 with Milwaukee Metropolitan Sewerage District in the Amount of \$146,605.

# Common Council Meeting Agenda

August 20, 2019

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10. An Ordinance Amending Ordinance 2018-2345, an Ordinance Adopting the 2019 Annual Budget for the General Fund for the City of Franklin to Appropriate \$48,700 within the Planning Department Applying Position Vacancy Savings for Additional Contracted Professional Services.
11. Contract with Bayside Printing, LLC to Prepare and Mail Quarterly Water/Sewer Bills.
12. A Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing.
13. Population Estimate as of January 1, 2019.
14. Potential Commercial/Industrial/Manufacturing Development(s) and Proposal(s) and Potential Development(s) Agreement(s) in Relation thereto for the +/- 73 Acres Propert(ies) at the Southwest Corner of South 27th Street and West Oakwood Road. the Common Council May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(E), for Market Competition and Bargaining Reasons, to Deliberate and Consider Terms Relating to Potential Commercial/Industrial/Manufacturing Development(s) and Proposal(s) and the Investing of Public Funds and Governmental Actions in Relation thereto and to Effect Such Development(S), Including the Terms and Provisions of Potential Development Agreement(s) for the Development of +/- 73 Acres Propert(ies) at the Southwest Corner of South 27th Street and West Oakwood Road, 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 20, 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 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.
September 17	Common Council Meeting	6:30 p.m.
September 19	Plan Commission Meeting	7:00 p.m.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
AUGUST 6, 2019  
MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on August 6, 2019 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber, and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Lubberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

- B.1 Citizen comment period was opened at 6:31 p.m. and closed at 6:34 p.m.

MINUTES  
JULY 16, 2019

- C. Alderman Dandrea moved to approve the minutes of the regular Common Council Meeting of July 16, 2019 as presented at this meeting. Seconded by Alderman Taylor. All voted Aye; motion carried.

PUBLIC HEARING  
2025 COMP MASTER  
PLAN  
11327 W. RYAN RD.  
TKN: 892-9993-001

- D. A public hearing was called to order at 6:36 p.m. 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. 892-999-001 (the approximately 1.17 acre portion of parcel 892-9993-01)), 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. The public hearing was closed at 6:36 p.m.

MAYORAL  
APPOINTMENTS

- E. Alderman Dandrea, seconded by Alderman Mayer, moved to confirm the Mayoral appointments of David Fowler to the Plan Commission for a 3-year term expiring 4/30/2022 and Ken Hritz to the Environmental Commission for a 3-year unexpired term expiring 4/30/2021. Seconded by Alderman Mayer.

Alderman Dandrea withdrew his motion and Alderman Mayer withdrew his second.

It was then moved by Alderman Dandrea to confirm the Mayoral Appointments of David Fowler, 7549 S. Riverview Rd., Ald. Dist. 1, to the Plan Commission for a 3-year term expiring 4/30/2022. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

Alderman Nelson then moved to confirm the Mayoral appointment of Ken Hritz, 12045 W. Steven. Pl., Ald. Dist. 6, to the Environmental Commission for a 3-year unexpired term expiring 4/30/2021. Seconded by Alderman Barber. All voted, Aye; motion carried.

- CONSENT AGENDA
- G.1. Alderman Taylor moved to approve the following consent agenda items:
- RES. 2019-7518  
STORM WATER MAINT.  
(RYANWOOD MANOR)
- G.1.(a) Adopt Resolution No. 2019-7518, A RESOLUTION TO AUTHORIZE ACCEPTANCE OF STORM WATER FACILITIES MAINTENANCE AGREEMENTS FROM OAKWOOD AT RYAN CREEK, LLC AND ASPEN WOODS, LLC.
- SECOND  
STORMGUARDEN  
FROM MMSD
- G.1.(b) Accept a second Stormguarden® unit from Milwaukee Metropolitan Sewerage District (MMSD) at Franklin City Hall, 9229 W. Loomis Road.
- ADJUST APPROVED  
DPW POSITIONS
- G.1.(c) Approve increasing the heavy equipment operator staffing by one (to six positions) and decrease the assistant mechanic staffing by one (to one position) in the Department of Public Works.
- WEBSITE REDESIGN  
UPDATE (CMS)
- G.1.(d) No action required on an update on website redesign to latest version of Northwoods Titan Content Management System (CMS).
- TRICK OR TREAT
- G.1.(e) Establish Sunday, October 27, 2019 from 4:00 p.m. to 7:00 p.m. for the Halloween Trick-or-Treat observance.
- DONATIONS TO  
POLICE DEPT.
- G.1.(f) Accept the following donations for the Franklin Police Department 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 Donation, General; Franklin Lioness Club, \$150.

DONATION TO  
FIRE DEPT.

- G.1.(g) Accept 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.

DONATION TO  
HEALTH DEPT.

- G.1.(h) Accept donation to the Franklin Health Department from Franklin Lioness Club in the amount of \$150 to be deposited into the Health Department Account.

Approval of the Consent Agenda items was seconded by Alderman Nelson. All voted Aye; motion carried.

ORD. 2019-2385  
AMEND 2025 COMP  
MASTER PLAN  
RYAN MEADOWS  
11327 W. RYAN RD.

- G.2. Alderman Nelson moved to adopt Ordinance No. 2019-2385. 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). Seconded by Alderman Taylor. All voted Aye; motion carried.

ORD. 2019-2386  
AMEND UDO FOR RYAN  
MEADOWS  
11327 W. RYAN RD.  
(TKN: 892-9993-001)

- G.3. Alderman Nelson moved to adopt Ordinance No. 2019-2386, 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 1.1666 ACRES) (MILLS HOTEL WYOMING, LLC APPLICANT, EUGENE AND MARLENE MAGARICH, PROPERTY OWNERS). Seconded by Alderman Barber. All voted Aye; motion carried.

CITY HALL PROJECT  
UPDATE AND  
CLADDING COLOR  
SELECTION

- G.4. Alderman Nelson moved to select the Hardie panel colors of Monterey Taupe, Cobble Stone, an Evening Blue as shown in Option 2a of the Quorum Architects, Inc. Exterior Color Study for the Franklin City Hall exterior. Seconded by Alderman Nelson. On roll

call, Alderman Dandrea, Alderman Mayer, Alderwoman Wilhelm, Alderman Barber and Alderman Nelson voted Aye; Alderman Taylor voted No. Motion carried.

No action was taken regarding the update on the City Hall Roof, HVAC and Fascia Wood Replacement project.

**BALLPARK COMMONS  
PROJECT UPDATE**

G.5. No action was taken following a project update on Ballpark Commons presented by Ballpark Commons' representatives.

**RES. 2019-7519  
BERM EASEMENT FOR  
FOUR, 3-STORY 53 UNIT  
BALLPARK COMMONS  
APT. BLDS. (ZIM-MAR  
PROPERTIES, LLC)**

G.6. Alderman Taylor moved to adopt Resolution No. 2019-7519, 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 54 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. Seconded by Alderman Barber. All voted Aye; motion carried.

**RES. 2019-7520  
CONSERVATION  
EASEMENT BALLPARK  
COMMONS APT. BLDS.  
(ZIM-MAR PROPERTIES,  
LLC)**

G.7. Alderman Barber moved to adopt Resolution No. 2019-7520, 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 54 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. Seconded by Alderman Dandrea. All voted Aye; motion carried.

**RES. 2019-7521  
LANDSCAPE**

G.8. Alderman Taylor moved to adopt Resolution No. 2019-7521, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO

BUFFERYARD  
EASEMENT BALLPARK  
COMMONS APT. BLDS.  
(ZIM-MAR PROPERTIES,  
LLC)

ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR FOUR, 3-STORY, APPROXIMATELY 54 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. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7522  
EASEMENTS FOR VELO  
VILLAGE (TKN: 754-  
9001-000, 754-9002-000,  
AND 754-9008-000)

G.9. Alderman Dandrea moved to adopt Resolution No. 2019-7522, A RESOLUTION ACCEPTING A 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, 745-9002-000, AND 754-9008-000, subject to technical corrections, including, but not limited to verification that utilities were constructed where they were designed (receipt and attachments of as-builts). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2019-7523  
TERMINATION OF  
PROPOSED CSM  
EASEMENTS (ZIM-MAR  
PROPERTIES)

G.10. Alderman Taylor moved to adopt Resolution No. 2019-7523, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TERMINATION OF PROPOSED CSM EASEMENTS (VELO VILLAGE AT BALLPARK COMMONS PROPERTY) (ZIM-MAR PROPERTIES, LLC, OWNER). Seconded by Alderman Nelson. All voted Aye; motion carried.

FRANKLIN PUBLIC  
SCHOOLS REVISION OF  
§92-9. MUN. CODE  
IMPACT FEE

G.11. Alderwoman Wilhelm moved to direct staff to investigate and prepare an ordinance exempting Public School Districts from subject to City-imposed impact fees as set forth in §92-9. of the Municipal Code, authorizing continued deferral of payment of impact fees on the new Forest Park Middle School pending final resolution on the proposed ordinance with such deferral subject to issuance of only a conditional occupancy permit until such matter is resolved or such fees are paid, including preparing a public facility needs assessment and holding a public hearing. Seconded by Alderman Mayer. All voted Aye; motion carried.

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| RAWSON HOMES AREA<br>ROAD REPAIRS   | G.12. | No action was taken following the updated plan to address road repairs in the Rawson Homes Neighborhood area as presented by the City Engineer.  |
| ORD. 2019-2387<br>APPROPRIATIONS FOR<br>RAWSON HOMES<br>STREET REPAIRS  | G.13. | Alderman Wilhelm moved to adopt Ordinance No. 2019-2387, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE STREET IMPROVEMENT FUND FOR FISCAL YEAR 2019 TO ESTABLISH APPROPRIATIONS FOR RAWSON HOMES STREET REPAIRS. Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.   |
| RES. 2019-7524<br>AWARD RAWSON<br>HOMES PAVING<br>CONTRACT TO STARK<br>PAVEMENT CORP.                                       | G.14. | Alderman Wilhelm moved to adopt Resolution No. 2019-7524, A RESOLUTION TO AWARD PAVING CONTRACT FOR STARK PAVEMENT CORPORATION TO CONSTRUCT 2019 RAWSON HOMES PAVEMENT IN THE AMOUNT OF \$212,685.00. Seconded by Alderman Mayer. All voted Aye; motion carried.   |
| RES. 2019-7525<br>PRELIM. PLAT FOR<br>OAKES ESTATES AT S.<br>92 ST. AND W. WOELFEL<br>RD. (OAKES ESTATES<br>LLC, APPLICANT) | G.15. | Alderman Mayer moved to adopt Resolution No. 2019-7525, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR OAKES ESTATES SUBDIVISION (AT APPROXIMATELY SOUTH 92ND STREET AND WEST WOELFEL ROAD), (MAXWELL J. OAKES AND DANIEL D. OAKES-OAKES ESTATES LLC, APPLICANT). Seconded by Alderman Nelson. All voted Aye; motion carried.   |
| RES. 2019-7526<br>AMEND RES. 2019-7473<br>SPECIAL USE FOR TWO-<br>FAMILY SIDE BY SIDE<br>LOCATED AT 10504 W.<br>CORTEZ CIR. | G.16. | Alderman Nelson moved to adopt Resolution No. 2019-7526, 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) TO RESCIND AND DELETE CONDITIONS NUMBER 4 AND NUMBER 5, TO DELETE "OCCUPANCY PERMIT" AND IN PLACE THEREOF INSERT "BUILDING PERMIT" IN REGARD TO THE EXPIRATION OF THE SPECIAL USE APPROVAL, AND TO DELETE THE WOODLAND AREAS AS DEPICTED UPON THE PLAT OF SURVEY AND SITE PLAN WHICH ARE INCLUDED WITHIN EXHIBIT A OF RESOLUTION NO. 2019-7473. Seconded by Alderman Taylor. All voted Aye; motion carried. |



RES. 2019-7527  
CONSERVATION  
EASEMENT FOR 2-  
FAMILY SIDE BY SIDE  
TOWNHOME AT 10504  
W. CORTEZ CIR.

G.17. Alderman Nelson moved to adopt Resolution No. 2019-7527, 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). Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7528  
FINAL PLAT FOR  
FAITHWAY RESERVE  
7711 S. 76 ST.

G.18. Alderman Barber moved to approve Resolution No. 2019-7528, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR FAITHWAY RESERVE SUBDIVISION (AT 7711 SOUTH 76TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2019-7529  
SUBD. DEV.  
AGREEMENT  
FAITHWAY RESERVE  
SUBDIVISION

G.19. Alderman Mayer moved to adopt Resolution No. 2019-7529, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH DEVELOPER OF FAITHWAY RESERVE SUBDIVISION. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2019-7530  
VACATE SEWER  
EASEMENT FOR  
FAITHWAY RESERVE  
SUBD. (S. 76 ST. AND W.  
FAITH DR.)

G.20. Alderman Mayer moved to adopt Resolution No. 2019-7530, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO APPROVE A REQUEST TO VACATE A SANITARY SEWER EASEMENT FOR FAITHWAY RESERVE SUBDIVISION, subject to technical corrections by the City Engineer and City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

MODEL HOME CONSTR.  
AND TEMP.  
OCCUPANCY AT  
FAITHWAY RESERVE (S.  
76 ST. AND W. FAITH  
DR.) CREATIVE HOMES

G.21. Alderman Mayer moved to approve 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) conditional upon Staff's satisfaction that stormwater facilities are sufficient to protect downstream areas. Seconded by Alderman Barber. All voted Aye; motion carried.

At 7:14 p.m. Alderman Mayer vacated his seat and returned at 7:18 p.m.

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| RES. 2019-7531<br>AGREEMENT WITH<br>CONCORD GROUP FOR<br>W. PUETZ RD.<br>STP GRANT<br>APPLICATION | G.22. | Alderman Dandrea moved to adopt Resolution No. 2019-7531, 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 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. Seconded by Alderman Barber. All voted Aye; motion carried.   |
| ORD. 2019-2388<br>RECLASS<br>CONTINGENCY<br>APPROPRIATIONS  | G.23. | Alderman Taylor moved to adopt Ordinance No. 2019-2388, AN ORDINANCE TO AMEND ORDINANCE NO. 2018-2345, ADOPTING THE 2019 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY FUND TO RECLASS CONTINGENCY APPROPRIATIONS TO PROPER CLASSIFICATIONS. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.   |
| JUNE 2019 FINANCIAL<br>REPORT   | G.24. | Alderman Taylor moved to receive and place on file the June, 2019 Monthly Financial Report. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.   |
| DPW 2019 BUDGET<br>MONITORING   | G.25. | No action was taken reference the Department of Public Works 2019 Budget review.   |
| RES. 2019-7532<br>AMEND DEBT POLICY<br>STATEMENT  | G.26. | Alderman Dandrea moved to adopt Resolution No. 2019-7532, A RESOLUTION TO AMEND THE DEBT POLICY STATEMENT FOR THE CITY OF FRANKLIN. Seconded by Alderman Barber. All voted Aye; motion carried.  |
| VOUCHERS AND<br>PAYROLL   | H.1.  | Alderman Mayer moved to approve the following:<br>City vouchers with an ending date of August 1, 2019 in the amount of \$5,479,873.71; and payroll dated July 19, 2019 in the amount of \$405,646.19 and payments of the various payroll deductions in the amount of \$420,320.74, plus City matching payments; and payroll dated August 2, 2019 in the amount of \$377,885.15 and payments of the various payroll deductions in the amount of \$203,045.43; plus City matching payments and estimated payroll dated August 16, 2019 in the amount of \$384,000.00 and payments of the various payroll deductions in the amount of \$410,000.00 plus City matching payments; and Property Tax investments with an ending date of July 31, 2019 in the amount of \$9,000,000.00 and approval to release |

payment to Wrayburn Consulting in the amount of \$2,520.00. 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 August 6, 2019:

Grant 2018-2019 and 2019-2020 Operator license Aimee E Waraza, 2835 S 130th St, New Berlin, with a warning letter from the City Clerk; and 2019-2020 Operator licenses to Megan E Dauenhauer, 411 W Swan Circle #2914, Oak Creek with a warning letter from the City Clerk;

Grant Heather M Cullen, 4332 N 94th St, Apt. 204, Wauwatosa; Angela M Damask, 3260 S 7th St, Milwaukee; Rajab R Elsharef, 8906 S Pond View Dr, Oak Creek; Justice D Escamilla, 3163 W Briarwood Dr; Alan D Fay, 2855 N Herman St, Milwaukee; Madeline A Gernhauser, 1124 Sundance Lane, Racine; Gloria J Grabarczyk, 7467 S 69th St; Taylor I Klafka, 4785 S 82nd St, Greenfield; Tracy Kukla Lewis, 7640 S Mission Ct; Kim T Kuklinski, 7555 Parkview Rd #26, Greendale; Pamela J LeHouillier, 6456 W River Pointe Dr; David P Linder, 4007 W Acre Ave; Benjamin L Nelson, N51 W16426 Fair Oak Parkway, Menomonee Falls;

Hold a review of Class B Combination and Restaurant License for QT Pizza LLC, d/b/a Rounding Third Pizzeria, Agent Susan Toetz, 7119 S 76th St, pending appearance; and

Grant Temporary Class "B" Beer to Franklin Little League (Heather Herling), for their Picnic on 05/10/2019; Franklin Lions Club (David Lindner) for St. Martins Fair on 09/01/2019 to 09/02/2019; Franklin Lioness Club (Gloria Grabarczyk) for St. Martins Fair on 09/01/2019 to 09/02/2019. Seconded by Alderman Nelson. All voted Aye; motion carried.

CLOSED SESSION  
TID 5 DEV. AGREEMENT  
WITH BPC

RES. 2019-7533  
SECOND AMENDMENT  
TID 5

- G.27. Alderman Barber moved to enter closed session at 7:35 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 8:02 p.m.

Alderman Dandrea moved to adopt Resolution No. 2019-7533, 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) as included in the Common Council Meeting Agenda packet and with regard to the provisions of the "Now, therefore, be it resolved", the inclusion of the bracketed language "in such form and content as annexed hereto", and bracketed language "subject to technical and/or minor changes which may be approved by the Economic Development Director, the Director of Finance & Treasurer, Special Counsel, and the City Attorney." (Other bracketed language in the paragraph provision is to be struck.) On roll call, voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:04 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 08/06/19
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Mayoral Appointment</b>	<b>ITEM NUMBER</b> E.
<p>The Mayor has made the following appointment for Council confirmation:</p> <p>Mira Kresovic, 8810 S. 51<sup>st</sup> St. Dist. 4 – Civic Celebrations Commission (3-year unexpired term expiring 06/30/21).</p> <p style="text-align: center;"><b>COUNCIL ACTION</b></p> <p>Motion to confirm the following Mayoral appointments:</p> <p>Mira Kresovic, 8810 S. 51<sup>st</sup> St. Dist. 4 – Civic Celebrations Commission (3-year unexpired term expiring 06/30/21).</p>		

## Shirley Roberts

---

**From:** volunteerfactsheet@franklinwi.info  
**Sent:** Thursday, August 8, 2019 7:28 AM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** MIRA KRESOVIC  
**PhoneNumber:** 414-202-7192 (CELL)  
**EmailAddress:** MIRAKRES@GMAIL.COM  
**YearsasResident:** 48  
**Alderman:** S. TAYLOR  
**ArchitecturalBoard:** 0  
**CivicCelebrations:** 0  
**CommunityDevelopmentAuthority:** 0  
**EconomicDevelopmentCommission:** 0  
**EnvironmentalCommission:** 0  
**FinanceCommittee:** 0  
**FairCommission:** 0  
**BoardofHealth:** 0  
**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:** Marquette University High School  
**TelephoneJob1:** 414-933-7220  
**StartDateandPositionJob1:** August 1999 / Math Teacher  
**EndDateandPositionJob1:** present  
**CompanyNameJob2:** Mount Mary Univeristy  
**TelephoneJob2:** (414) 930-3000  
**StartDateandPositionJob2:** 2015 / Adjunt Instructor  
**EndDateandPositionJob2:** 2015 / Adjunt Instructor  
**CompanyNameJob3:** Alverno College

**TelephoneJob3:** 414-382-6262  
**StartDateandPositionJob3:** September 2008 / Adjunct Instructor  
**EndDateandPositionJob3:** May 2013 / Adjunct Instructor  
**Signature:** Mira Kresovic  
**Date:** August 8 2019  
**Signature2:** Mira Kresovic  
**Date2:** August 8 2019  
**Address:** 8810 S 51 ST  
**PriorityListing:** Up for discussion  
  
**WhyInterested:** Prompted by online (Facebook) communities and my observations. I believe that there are many people that have a wealth of knowledge and abilities in this city, however it seems that only a very few are actually doing the work. I'd like to help as long as it doesn't interfere with my primary position as teacher. Everyone has an opinion, but few pitch in a hand. Therefore I'm offering to "step up to the plate". I love this town/city, and would like to help in a manner that you and I agree are a good fit.  
  
**CompanyAddressJob1:** 3401 W Wisc Av Milwaukee WI 53208  
  
**DescriptionofDutiesJob1:** Math Teacher Currently teaching Geometry (2018-present) and Advanced Geometry (2000?- present). Prior courses taught include Accelerated Geometry/Algebra 2 (2016-2018), AP Statistics (about 5 years), Star\* Program tutor (2011-2012, 2015-2016), Advanced Pre-Calculus, Algebra 1, Computer Science (1999-2004?), & Computer Graphics and Media. Other responsibilities include Academic Advisor, Chaperone dances and athletic events including hockey, basketball, football, soccer. Prior extracurriculars: Forensic Coach and Sophomore/Junior Interview Coordinator Create and maintain media for courses: Moodle page (current), website (prior).  
  
**AddressJob2:** 2900 North Menomonee River Pkwy Milwaukee, WI 53222  
**DescriptionofDutiesJob2:** Taught 2 courses: Concepts of Geometry (MAT 203/343) & Modern Geometry (MAT 343)  
**AddressJob3:** 3400 S. 43rd Street PO Box 343922 Milwaukee, WI 53234-3922  
**DescriptionofDutiesJob3:** Taught 2 courses (sem 1 & 2): Math Methods for Elementary and Middle School Teachers. This is a two-semester survey course of number theory, algebra, geometry, and statistics with integrated theory.  
  
**AdditionalExperience:** When my parish had a festival (hosted by Root River Lanes), I was enjoyed being involved in the planning of it. Hobbies include gardening (flower and fruit/vegetable) and bird watching.  
  
**ClientIP:** 65.30.161.65  
**SessionID:** vp1s3r31iflwis453yrjqo45  
See Current Results

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APPROVAL <i>slw</i> <i>PA</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Aug 20, 2019
REPORTS & RECOMMENDATIONS	List of Donations for June/July 2019 to Police, Parks and Civic Celebration	ITEM NUMBER <i>G.1.</i>

**Background**

Various residents and business contribute to City activities to assist the Police, Parks and Civic Celebration. Attached is a list of donors who contributed during June & July 2019.

**COUNCIL ACTION REQUESTED**

Motion to acknowledge and accept donations received during June & July, 2019 to the Police, Parks and Civic Celebrations.

**GL ACTIVITY REPORT FOR CITY OF FRANKLIN**  
**Donations**  
**TRANSACTIONS FROM 05/01/2019 TO 07/31/2019**

Date	Description	Credits
<b>Fund 28 DONATIONS FUND</b>		
05/01/2019	<b>28-0000-4730.7088 DONATIONS-Cash</b>	
05/30/2019	FRANKLIN POLICE DEPT	110.00
05/23/2019	NOWAK FAMILY	50.00
06/30/2019	Recls CR 134076 fr Fd 20 to Fd 28	100.00
07/31/2019	28-0000-4730.7088 Total	260.00
05/01/2019	<b>28-0000-4735 DONATN-POLICE-CRIME PREVENTN/NNO-1039</b>	
07/23/2019	ASCENSION	1,000.00
07/19/2019	CITY OF FRANKLIN	100.00
06/12/2019	CROSSROADS PIZZA & SUBS II	100.00
06/25/2019	MCAVOY CHIROPRACTIC, LLC	100.00
07/09/2019	MORETTI, GINA	100.00
07/09/2019	NORTH SHORE BANK FSB	500.00
06/12/2019	NORTHWESTERN MUTUAL	2,000.00
07/19/2019	PARALLEL EMPLOYMENT GROUP	100.00
06/25/2019	PYRAMAX BANK	500.00
07/23/2019	US BANK	2,000.00
07/19/2019	WAUKESHA COUNTY COMMUNITY	1,000.00
07/31/2019	28-0000-4735 Total	7,500.00
05/01/2019	<b>28-0000-4738 DONATIONS-POLICE-CANINE-7075/1038</b>	
05/17/2019	FRANKLIN POLICE CITIZEN ACADEMY ALU	13,500.00
06/04/2019	KRESOVIC, MIRA	50.00
05/10/2019	MALLADI, SRILAXMI	25.00
06/12/2019	SPANG, ROSE	100.00
07/31/2019	28-0000-4738 Total	13,675.00
05/01/2019	<b>28-0000-4741 DONATIONS - OTHER POLICE-7040/1041</b>	
07/26/2019	FRANKLIN LIONESS CLUB	150.00
06/21/2019	JESTER, ROBERT	100.00
07/31/2019	28-0000-4741 Total	250.00
05/01/2019	<b>28-0521-4730.9821 Kayla Playgd Ambassador-DONATION-Cash</b>	
07/25/2019	FRANKLIN NOON LIONS CLUB	100.00
07/25/2019	MILINOVICH, DOUGLAS	100.00
07/31/2019	28-0521-4730.9821 Total	200.00
05/01/2019	<b>28-0551-4747.9820 DONATN-KAYLA PLAYGRD-1047-FrklinWoo</b>	
07/03/2019	DOCKTER, TAMMY	40.00
05/17/2019	MOLENDIA, ANTONIA	40.00
07/31/2019	28-0551-4747.9820 Total	80.00
<b>TOTAL FOR FUND 28 DONATIONS FUND</b>		<b>21,965.00</b>

**GL ACTIVITY REPORT FOR CITY OF FRANKLIN**  
**Donations**  
**TRANSACTIONS FROM 05/01/2019 TO 07/31/2019**

Date	Description	Credits
) CIVIC CELEBRATIONS FUND		
05/01/2019	<b>29-0000-4749 DONATIONS-CIVIC CELEBRATIONS</b>	
05/16/2019	BIG BANG, LLC	250.00
06/14/2019	BROTHER SISTER SUBS SYSTEM LLC	500.00
06/14/2019	DASH MEDICAL GLOVES INC	750.00
05/31/2019	ENTHUSIAST APPROVED LLC	100.00
07/29/2019	FF&E LLC	500.00
05/31/2019	FRANK MATH, LLC	100.00
06/06/2019	FRANKLIN MEATS	250.00
05/16/2019	FRANKLIN OVERHEAD DOOR, LLC	125.00
07/03/2019	HALES CORNERS - FRANKLIN POST #1039	100.00
06/21/2019	HAMPTON INN & SUITES	500.00
05/16/2019	HOLZ MOTORS	100.00
06/14/2019	IMAGE IT PHOTOGRAPHY	75.00
06/28/2019	INNOVATIVE HEALTH AND FITNESS	100.00
05/16/2019	KARWEIK PLUMBING CO	50.00
06/06/2019	KEN'S CUSTOM AUTO LLC	50.00
06/21/2019	KLIMETZ, FREDERICK	25.00
06/24/2019	KRONES INC	500.00
06/28/2019	MARSO COMPANIES LLC	500.00
05/16/2019	MATUS EYECARE, SC	100.00
06/21/2019	MAX A. SASS & SONS FUNERAL HOMES	500.00
06/06/2019	MISHKA LLC	500.00
06/06/2019	NORTH SHORE BANK FSB	1,100.00
06/14/2019	OLSON, STEPHEN	250.00
05/03/2019	ON THE BORDER	2,000.00
06/28/2019	PAYNE & DOLAN	5,000.00
06/28/2019	PEN & INC. OF MILWAUKEE INC.	300.00
05/06/2019	POLONIA SPORT CLUB INCORPORATED	50.00
05/16/2019	RAWSON PUB, INC.	50.00
07/03/2019	ROCK SPORTS COMPLEX LLC	5,000.00
06/14/2019	SENDIK'S FOOD MARKETS LLC	1,000.00
07/19/2019	SORCE SERVICES LLC	500.00
05/09/2019	TEWCO, INC	100.00
05/24/2019	THE ROCK SPORTS COMPLEX LLC	100.00
06/28/2019	THE STARR GROUP	500.00
06/14/2019	VICTORY CREEK ACCOUNTING LLC	500.00
05/16/2019	ZUERN BUILDING PRODUCTS	1,000.00
07/31/2019	29-0000-4749 - Total	23,125.00
TOTAL FOR FUND 29 CIVIC CELEBRATIONS FUND		23,125.00

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<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>8/20/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Review and approval of Bids for the Police Department Firearms Range Project</b>	<b>ITEM NUMBER</b>  <b>G. 2.</b>
<p>The police department has received 4 bids for the Firearms Range reconstruction project (Attached). The architect and police department recommend accepting the low bid from Selzer-Ornst Construction Company for a cost of \$1,242,300. In addition, it is recommended this same company's bid for the replacement of the existing Fire Detection and Notification System for a cost of \$75,000 be accepted. A \$66,000 construction contingency is also included in the cost estimate.</p> <p style="text-align: center;"><b>RECOMMEND ACTION:</b></p> <p>Move to approve the bid from Selzer-Ornst Construction Company to reconstruct the police department Firearms Range and replace the Fire Detection &amp; Notification System for a total cost of \$1,383,300 which includes a \$66,000 contingency fund.</p>		

# PROJECT MEMO

**TO: Mr. Kevin Magno, Assistant Police Chief**

**August 13<sup>th</sup>, 2019**

**COMPANY: City of Franklin**

**FROM: Brad Werginz, AIA - Project Architect**

**RE: Recommendation of Award of Construction Contract**

**PROJECT: Police Shooting Range Renovations**

---

## Introduction

The purpose of this memo is to summarize the results of the construction bids received for Franklin's Police Department Shooting Range Renovations, present analysis of the bid documents and supplemental information submitted by the apparent low bidder, and to make a recommendation for the award of a construction contract.

## Bid Summary

Bid documents were released by Angus Young & Associates on July 18<sup>th</sup>, 2019. A 21-day bidding period was provided. Site access was provided on July 26<sup>th</sup>, 2019 for contractors interested in touring the existing facility.

A total of four (4) properly submitted bids were received at the City Hall and were publicly read aloud on August 8<sup>th</sup>, 2019, immediately following the 11:00 am deadline for bid submittals.

Each bidder proposed costs for renovating the existing range facility and all associated site development as detailed in the bidding documents prepared by Angus Young, dated 07/18/2019.

One alternate bid was requested as part of the bid package for replacement of the existing facility fire alarm system, including control panels and system devices.

Bidders also submitted a change order percentage to indicate the contractor's mark-up on any changes resulting in additional costs during construction, as well as a construction duration period expressed in calendar days to completion.

Base bid amounts ranged from **\$1,242,300** to \$1,399,635 for all work. The two lowest bids were within \$61,460 (4.7%) of each other. The bid tabulation is enclosed. Low bid amounts are approximately 5% higher when compared to the estimated construction costs most recently considered by the City:

Pre-Bid <b>Estimated</b> Total:	\$1,179,600
Apparent <b>Low Bid</b> Amount:	\$1,242,300
Difference:	\$62,700 (5% +/-)

Only two bidders, including the low bidder, included construction duration times within the time allotted for construction. It was noted in the bid package that construction could commence on September 1<sup>st</sup>, 2019 with substantial completion by February 10<sup>th</sup>, 2020. This would allow up to 162 calendar days to reach substantial completion, with final completion by February 24<sup>th</sup>, 2020 (176 Days Total).

The lowest bidder was asked to submit supplemental information including unit prices for fire detection system components, a list of proposed subcontractors, and any substitution request forms. The requested information was submitted within the allotted time period and is included with this memo. In addition, post bid clarification regarding the contractor's change order percentage was requested.

# PROJECT MEMO

## Base Bid Information Analysis

**Low Bid – Selzer-Ornst Construction Company LLC (Wauwatosa, WI) - \$1,242,300**

<https://www.selzer-ornst.com/>

In reviewing the bid and supplemental information submitted by **Selzer-Ornst Construction Company LLC (Wauwatosa, WI)**, no irregularities were noted.

- A construction duration of 160 calendar days was included on their bid form.
- The submitted change order percentage of 20%, which is high for this scale of project.
  - A higher percentage mark-up can add cost to change order work during construction.
  - We would recommend a change order percentage to 15% during contract negotiations.

**Alternate No. 01 – Replace existing fire detection and notification system.**

- **Additive value of \$90,000** for replacement of the existing fire detection and notification system.
- **A (\$15,000) credit for re-use of the existing system wiring was offered post bid by the contractor, which the Police department is willing to consider to lower project cost.**

## Recommendation of Award

The low bidder presented in this memo is a highly qualified general contractor that has the expertise and experience necessary to renovate the existing shooting range for the Franklin Police Department. It is the recommendation of Angus Young for the City of Franklin to award the construction contract to Selzer-Ornst Construction Company, LLC (Wauwatosa, WI) for all base bid work, as they were the lowest qualified bid received.

Acceptance of alternate 01 is the police department's recommendation to replace the existing fire detection system. Re-use of the existing system wiring is also suggested, to reduce alternate cost to \$75,000.

It is also recommended that the City of Franklin include a 5% of construction cost contingency in the project budget for necessary change orders during the construction process. This amounts to approximately \$66,000.

**Proposed Contract Award Amount: \$1,242,300 (Base Bid) + \$75,000 (Alternate 01) = \$1,317,300**

**Proposed Construction Contingency: \$66,000**

**Construction Total: \$1,383,300**

Respectfully,

Brad Werginz, AIA, Project Architect

encl: Bid Tabulation, Sub-Contractor's List, Unit Price Form







August 12, 2019

Bradley Werginz  
Angus-Young Associates, Inc  
Madison, WI  
608-756-2326

RE: Franklin Police Shooting Range Renovations Post Bid Items

Mr Bradley Werginz:

We have completed our subcontractor list and unit price form as requested (see below). Please note that the list may or may not change based on review, final scope and price negotiations.

For clarification, the change order percentage is negotiable.

In regard to the fire alarm work, if keeping the existing wiring for the system and replacing only the panels and devices there would be a cost savings of +/- \$15,000.00.

If you have any further questions, please don't hesitate to contact me.

Thank you for your time

Regards,

Brett J Reynolds

A handwritten signature in black ink, appearing to read 'Brett J Reynolds', is written over the printed name.

CC: Kari Lilly  
Kevin Magno  
Attachments

**SECTION 00 43 36  
SUBCONTRACTORS LIST**

**GENERAL**

A list of subcontractors will not be required to be submitted with the bid; however, the successful bidder(s) shall submit in writing the names of prospective subcontractors and material suppliers for the owner's approval, as outlined in the Instructions to Bidders. The owner will review, approve or disapprove all subcontractors for prime contractors.

Use subcontractors who have adequate numbers of skilled workman that are thoroughly trained and experienced in the necessary crafts and who are completely familiar with the specified requirements and the methods needed for proper performance of the Work.

**SUBMITTAL**

Each Prime Contractor shall submit a complete listing of subcontractors and product suppliers to be used, for each item specified in each section indicated below. Enter the contract amount included in base bid.

<b>SUBCONTRACTOR / SUPPLIER</b>		
<b>SECTION</b>	<b>NAME &amp; CITY</b>	<b>BASE BID AMOUNT</b>
3 - CONCRETE WORK	<u>Titan Building New Berlin, WI</u>	<u>\$24,000 +\-</u>
3 - CONCRETE POLISHING	<u>Kevco Inc New Berlin, WI</u>	<u>\$25,000 +\-</u>
4 - CONCRETE MASONRY	<u>Surperior Masonry Butler, WI</u>	<u>\$33,000 +\-</u>
5 - METAL STUDS	<u>Selzer-Ornst Co Wauwatosa, WI</u>	<u>\$45,000 +\-</u>
5 - ALUMINUM FENCING	<u>Northway Fence Menomonee Falls, WI</u>	<u>\$17,000 +\-</u>
6 - FINISH CARPENTRY	<u>Selzer-Ornst Co Wauwatosa, WI</u>	<u>\$11,000 +\-</u>
7 - TRAFFIC COATINGS	<u>Zander Solutions Verona, WI</u>	<u>\$20,000 +\-</u>
8 - DOORS/HARDWARE	<u>Block Iron Supply New Berlin, WI</u>	<u>\$8,000 +\-</u>
9 - GYPSUM WALLBOARD	<u>Selzer-Ornst Co Wauwatosa, WI</u>	<u>\$4,000 +\-</u>
9 - PAINTING	<u>Craftmaster Franklin, WI</u>	<u>\$7,000 +\-</u>
13 -RANGE EQUIPMENT	<u>Meggitt Suwanee, GA</u>	<u>\$520,000 +\-</u>
23 -MECHANICAL	<u>Dillett Waukesha, WI</u>	<u>\$220,000 +\-</u>
26 -ELECTRICAL	<u>Lemberg Electric Brookfield, WI</u>	<u>\$42,000 +\-</u>

**END OF SECTION**

**SECTION 00 43 22**  
**UNIT PRICE FORM**

**Unit costs shall be submitted to the Architect / Engineer within 24 hours after notification of bid results.**

1. SECTION 28 31 00 – Addressable Fire Alarm : The cost per fixture or appliance.
- |    |                                      |               |
|----|--------------------------------------|---------------|
| A. | Horn/strobe - \$180 plus O&P         | \$230/fixture |
| B. | Strobe Only - \$180 plus O&P         | \$230/fixture |
| C. | Smoke detector - \$166 plus O&P      | \$215/fixture |
| D. | Heat detector - \$253 plus O&P       | \$325/fixture |
| E. | Manual Pull station - \$180 plus O&P | \$230/fixture |
| F. | Flow Sensor - \$318 plus O&P         | \$410/fixture |
| G. | Tamper Sensor - \$318 plus O&P       | \$410/fixture |
| H. | Dry system pressure - \$318 plus O&P | \$410/fixture |
| I. | Dry system trouble - \$318 plus O&P  | \$410/fixture |
| J. | Duct smoke detector - \$709 plus O&P | \$875/fixture |

**END OF SECTION**

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APPROVAL <i>slur</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2019
REPORTS AND RECOMMENDATIONS	PROGRESS OF THE SOUTH 51ST STREET AND WEST DREXEL AVENUE INTERSECTION PROJECT	ITEM NUMBER <b>G. 3.</b>

#### **BACKGROUND**

On May 21, 2019, Common Council awarded a contract to Zignego Company Inc. - Waukesha, WI for the construction of the S. 51st Street and W. Drexel Avenue Intersection Project. The project is a unit price construction project totaling \$1,459,174.55.

#### **ANALYSIS**

In spite of numerous private utility coordination issues, Zignego is on pace to have the intersection open to traffic by the first high school home football game on August 30, 2019. The entire project is expected to be ready for a punch list inspection one week later on September 6, 2019.

Staff has saved a significant amount of money by self-performing construction observation services. In addition, constant communication with the contractor has enabled Staff to make quick field directives needed to avoid project delays. Since this is a unit price contract (whereas, the contractor is only paid for the quantities of materials he installs) and the project is on a quick deadline, many small decisions were made without the need for an official change order. All changes will be incorporated in a final change order at the end as final quantities are measured. However, this Council Action is intended to keep the Common Council apprised of the project progress.

Below are the more significant changes (still minor) that will have an impact on the final change order:

\$1,459,174.55	Original unit price project as awarded to Zignego.
(\$ 175,000.00)	Estimated cost savings by eliminating tracking pad quantities. Also the engineering consulting firm made a few plan errors which were corrected out in the field. These included required pipe removal quantities, over-estimation of excavation below subgrade, and over -estimation to open grade stone quantities and geogrid quantities.
\$ 66,280.00	Estimated cost increase by adding sidewalk and drainage pipe extension on northeast corner to Stonebrook Court. This eliminated a deep drainage ditch for the property owner and makes it safer for pedestrians to travel to the east.
\$ 5,000.00	Estimated costs increase by extending a driveway approach for 7846 S. 51 <sup>st</sup> Street. This change allowed for a flatter slope on the driveway. As designed, the property owner would have had difficulty pulling his trailer into his driveway without scraping.
(\$ 175,000.00)	Estimated savings from measuring actual quantities to date.
\$1,355,454.55	Projected final project cost. Final costs will be calculated based on measured quantities.

It should be noted that Staff has provided the school posters of the roundabout and DOT exhibits on how to navigate a roundabout that they plan to post in the high school lobby. In addition, the School district is forwarding one of these exhibits to the students as part of the application for a parking permit.

Staff would like to thank the entire Franklin community for the patience as the detours for W. Drexel Avenue and S. 51<sup>st</sup> Street have disrupted everyone's commute this summer.

#### **OPTIONS**

N/A. For informational purposes only.

#### **FISCAL NOTE**

The current budget allocated to this project is \$1,650,000.

#### **COUNCIL ACTION REQUESTED**

None. For discussion purposes only.

Engineering: GEM

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<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>08/20/19</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF MILLS HOTEL WYOMING, LLC, APPLICANT, FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</b>	<b>ITEM NUMBER</b>  <i>G.4.</i>

At their meeting on July 24, 2019, the Environmental Commission recommended approval of the subject Special Exception to certain natural resource provisions of the Unified Development Ordinance with conditions as presented at their meeting and as set forth in the attached final draft City of Franklin Environmental Commission document dated July 24, 2019.

At the regular meeting of the Plan Commission on August 8, 2019, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Mills Hotel Wyoming LLC Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission, and Common Council consideration of the Environmental Commission recommendations with the revision of condition No. 4 as follows: the developer will work with city staff regarding off-site mitigation, primarily street trees.

The Plan Commission's recommended revision of condition number 4 has been reflected in the Decision section of the attached draft Standards, Findings, and Decision document.

#### **COUNCIL ACTION REQUESTED**

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Mills Hotel Wyoming LLC, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.

Department of City Development: JED

*Revised Draft 8/15/19*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of Mills Hotel  
Wyoming, LLC, applicant, for a Special Exception  
to Certain Natural Resource Provisions of the City of Franklin  
Unified Development Ordinance

Whereas, Mills Hotel Wyoming, LLC, applicant, having filed an application dated April 19, 2019, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated July 24, 2019 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated August 8, 2019 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the properties which are the subject of the application for a Special Exception are generally located Southwest of West Ryan Road and South 112th Street, zoned R-6 Suburban Single-Family Residence District (property 1) and R-2 Estate Single-Family Residence District and C-1 Conservancy District (property 2), and such properties are more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: "The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant."



Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated April 19, 2019, by Mills Hotel Wyoming, LLC, applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, The request for Natural Resource Exception is based on the fact that the areas of impact are either minimal or occur in areas of degraded woodland that are located on previously disturbed areas. Documentation of the situation is enclosed for review and reference.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: *The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. There is no reasonable alternative to impacting the woodlands as requested without being unreasonably burdensome to the overall project economics, including TID #6; or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *Applicant represents that the denial of the NRSE would be unreasonable and negatively impact the applicants proposed use of the property based on the fact that the impacts are minimal and occur in areas of degraded woodland that are located on previously disturbed areas. There are no reasonable alternatives for relocating public streets and underground utilities within the planned development.*

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The situation and conditions related to this project are unique as the affected property lies within an established TID District and Preliminary Plat which was evaluated and approved by the City of Franklin.*

*Further, the impacts are to natural resources that were evaluated by an arborist and classified as low-quality. Other properties seeking the same relief would need to meet similar standards; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *Applicant represents that the unique circumstances involved with this request is what the NRSE process was intended for; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature): The applicant understands and agrees to place Conservation Easements on other natural resource features within the site, including any areas of mitigation. Further, the project calls for significant installation and maintenance of municipal street trees.*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The proposed improvements which cause the need for the NRSE include public roadways, underground utilities and lot grading which have been evaluated through the Preliminary Plat process. The improvements will not negatively affect surrounding properties.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The exceptional, extraordinary or unusual circumstance is that the resource being impacted has been designated as low quality by a Certified Arborist, is located on lands that were previously disturbed, and the property has been included in a TID Project Plan whereby the resulting improvements are necessary to generate tax increment.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The future use of the property has been affirmed through recent zoning, Comprehensive Plan Amendment and Plat.*

4. Aesthetics: *There will be no negative impact to aesthetics. The resulting development will be a single-family neighborhood with required street trees of quantity and quality exceeding what is currently existing.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *Considering the that the area of impact was previously disturbed and nature and overall health of the trees, the NRSE is not over-reaching.*

6. Proximity to and character of surrounding property: *Applicant owns the adjacent properties.*

7. Zoning of the area in which property is located and neighboring area: *Residential.*

8. Any negative affect upon adjoining property: *There are no negative affects to the surrounding property. Rather, the proposed improvements will have a positive affect be improving the existing drainage situation. Currently, overland drainages crosses over 1121h Street. In the future condition stormwater will be detained, settled and released at a slower rate.*

9. Natural features of the property: *The woodland resources that will be impacted consists of low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Based on the species mix and general condition of the vegetation, the grove is indicative of a an overgrown driveway and barnyard rather than a naturally occurring, native woodland.*

10. Environmental impacts: *There are no other environmental impacts associated with the NRSE with exception to the reduction of approximately 1.00 acre of woodlands. As part of the project, a significant number of street trees will be required.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of July 24, 2019 is incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions:*

- 1) that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted prior to the issuance of any Occupancy Permits;*
- 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;*
- 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Mills Hotel Wyoming, LLC, applicant, and all other applicable provisions of the Unified Development Ordinance; and*
- 4) that the developer will work with city staff regarding off-site mitigation, primarily street trees.*

*The duration of this grant of Special Exception is permanent.*

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 \_\_\_\_\_



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of August 8, 2019

## Natural Resource Special Exception

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**RECOMMENDATION:** City Development staff recommends approval of the Natural Resource Special Exception subject to the conditions of approval in the attached draft Standards, Findings, and Decision.

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<b>Project Name:</b>	Bear Franklin Subdivision Natural Resource Special Exception (NRSE)
<b>Project Address:</b>	Generally located southwest of the intersection of Ryan Road and 112 <sup>th</sup> Street (Tax Key Numbers 891-9009-000 and 892-9993-001)
<b>Applicant:</b>	S.R. Mills, Mills Hotel Wyoming, LLC
<b>Property Owner:</b>	Mills Hotel Wyoming, LLC and Eugene & Marlene Magarich
<b>Current Zoning:</b>	R-6 Suburban Single-Family Residence District, R-2 Estate Single-Family Residence District, C-1 Conservancy District
<b>2025 Comprehensive Plan:</b>	Residential and Business Park
<b>Use of Surrounding Properties:</b>	Single family residential to the north, agricultural land to the east, west, and south
<b>Applicant's Action Requested:</b>	Recommendation to the Environmental Commission, Plan Commission, and Common Council for approval of the proposed Natural Resource Special Exception (NRSE).

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**INTRODUCTION:**

By application date stamped April 19, 2019, and by additional information submitted on June 25, 2019, Mr. Daniel Szczap of Bear Development LLC, on behalf of the subject property owner, is requesting approval of a Natural Resource Special Exception to impact mature woodlands in order to construct a proposed single-family residential subdivision on the subject lands.

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall also be provided to the Environmental Commission for its review and recommendation.

**NATURAL RESOURCE SPECIAL EXCEPTION (NRSE):**

More specifically, the applicant is proposing to:

- Construct a 87-lot single-family residential subdivision, and associated public streets, sidewalks, and stormwater management ponds.
- Clear, grade, fill and develop approximately 1.2 acre of protected natural resource features comprised of mature woodlands.

The applicant has provided the attached Natural Resource Special Exemption Application, Project Description, Natural Resource Special Exception Question and Answer Form, and associated information. Staff would note:

- The applicant has not proposed any mitigation in its submittal materials. But at the July 24, 2019 Environmental Commission meeting, the applicant had indicated that they were open to the concept of mitigation comprised of some type of management and/or enhancement of the large woodland in Oulot 3 located immediately southwest of the subdivision plat.
- The applicant has applied for, and received, an artificial wetland exemption determination from the Wisconsin Department of Natural Resources for the small wetland located within the northern portion of the woodlands. A letter from the U.S. Army Corps of Engineers, dated February 25, 2019, was also provided indicating a determination that the wetland is not a water of the United States. Therefore, the wetland (and associated setbacks and buffers) are also exempt from City regulation.
- The wetland delineation was prepared by an Assured Delineator.

#### **ENVIRONMENTAL COMMISSION:**

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation. Attached is a draft, unsigned document titled, "City of Franklin Environmental Commission" that the Environmental Commission must complete and must forward to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

The Environmental Commission, at its July 24, 2019 meeting, has recommended approval of the NRSE with the following conditions:

- Subject to approval of a Conservation Easement.
- Mitigation standards to be determined by the Plan Commission and Common Council.
- Inclusion of a woodland management plan for five years for the purpose of enhancing both woodland and wildlife succession.

#### **CONCLUSION:**

City Development staff recommends approval of the Natural Resource Special Exception for the Oak Ridge of Franklin subdivision plat subject to the conditions of approval in the attached draft Standards, Findings, and Decision.



# CITY OF FRANKLIN

## REPORT TO THE ENVIRONMENTAL COMMISSION

Meeting of July 24, 2019

### Natural Resource Special Exception

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<b>Project Name:</b>	Bear Franklin Subdivision Natural Resource Special Exception (NRSE)
<b>Project Address:</b>	Generally located southwest of the intersection of Ryan Road and 112 <sup>th</sup> Street (Tax Key Numbers 891-9009-000 and 892-9993-001)
<b>Applicant:</b>	S.R. Mills, Mills Hotel Wyoming, LLC
<b>Property Owner:</b>	Mills Hotel Wyoming, LLC and Eugene & Marlene Magarich
<b>Current Zoning:</b>	R-6 Suburban Single-Family Residence District, R-2 Estate Single-Family Residence District, C-1 Conservancy District
<b>2025 Comprehensive Plan:</b>	Residential and Business Park
<b>Use of Surrounding Properties:</b>	Single family residential to the north, agricultural land to the east, west, and south
<b>Applicant's Action Requested:</b>	Recommendation to the Environmental Commission, Plan Commission, and Common Council for approval of the proposed Natural Resource Special Exception (NRSE)

---

#### **INTRODUCTION:**

Mr. Daniel Szczap of Bear Development LLC, on behalf of the subject property owner, is requesting approval to impact mature woodlands in order to construct a proposed single-family residential subdivision on the subject lands.

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation.

#### **PROJECT DESCRIPTION:**

On April 19, 2019, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions to the Department of City Development.

More specifically, the applicant is proposing to:

- Construct a 87-lot single-family residential subdivision, and associated public streets, sidewalks, and stormwater management ponds.
- Clear, grade, fill and develop approximately 1.2 acre of protected natural resource features comprised of mature woodlands.

The applicant has provided the attached Natural Resource Special Exemption Application, Project Description, Natural Resource Special Exception Question and Answer Form, and associated information. Staff would note:

- The applicant is not proposing any mitigation.
- The applicant has applied for, and received, an artificial wetland exemption determination from the Wisconsin Department of Natural Resources for the small wetland located within the northern portion of the woodlands. A letter from the U.S. Army Corps of Engineers, dated February 25, 2019, was also provided indicating a determination that the wetland is not a water of the United States. Therefore, the wetland (and associated setbacks and buffers) are also exempt from City regulation.
- The wetland delineation was prepared by an Assured Delineator.

Staff is continuing to review the proposed NRSE. It is anticipated that staff's review will be completed in time for the Plan Commission's review and public hearing scheduled for August 8, 2019. However, at this time, it appears that staff may recommend approval with a number of conditions such as:

- Provision of woodland mitigation by the applicant;
- Preparation and approval of a Conservation Easement;

### **CONCLUSION:**

Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. *Also attached is a document titled, "City of Franklin Environmental Commission" that the Environmental Commission must complete and forward to the Common Council.* The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.



## City of Franklin Environmental Commission

TO: Common Council  
DATE: July 24, 2019  
RE: Special Exception application review and recommendation  
APPLICATION: Mills Hotel Wyoming, LLC, Applicant, dated: April 19, 2019  
(generally Southwest of West Ryan Road and South 112th Street)

### **I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:**

1. Unified Development Ordinance Section(s) from which Special Exception is requested:

*15-4.0101 and 15-4.0102*

2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

*According to the NRPP the entire site includes 6.99 acres of Mature Woodlands. The NRPP dated 4/23/2019 assumes 0.83 acres of total impact. However, the grading plan was not advanced to the level of detail it currently is. The total acreage of the wooded land located between 112th Street and the Magarich property is .96 acres. The grading plan contemplates that these trees must be removed to facilitate public streets, public utilities and grading/drainage. A certified arborist classified 57% of the trees to be in a dead or poor condition.*

*Lots 51 & 52*

*Approximately 2500 square feet of woodland on Lot 51 may be impacted by grading. Approximately 6229 square feet of woodland on Lot 52 may be impacted by grading*

*Lots 59, 50 & 61*

*This area is essentially a wooded fence line that is connected to the woodlot. Grading limits do not encroach upon the woodland located on Lot 59. A field inlet is proposed just inside*

the canopy line of Lot 60. While we do not believe the tree line will be impacted, a conservative approach would be 200 square feet of woodland impact. A proposed extension of public water main (for serving other properties) is shown to cross a wooded fence line and the impact is 15' x 60' or 900 square feet. The same water main easement has the same effect on Lot 61, 15' x 60' or 900 SF.

*Summary*

*Public Right of Way grading, utility installation and lot grading for Aster Street, Bergamont Drive and Lots 8-14, Lot 79 = .96 acres (41,817 SF)*

*Lot 51 = .05 acres (2500 SF)*

*Lot 52 .14 acres (6299 SF)*

*Lot 59 0*

*Lot 60 .025 acres (1100 SF) Lot 61 .020 acres (900 SF)*

3. Applicant's reason for request:

*As part of the mass grading, underground utility construction and public roadway construction, Mills Hotel Wyoming, LLC is requesting approval of a Natural Resource Special Exception to remove limited amounts of existing trees and underbrush to facilitate the development, in accordance with the approved Conceptual Plan, TIF Project Plan and Preliminary Plat.*

*Enclosed as part of this submittal, are detailed survey exhibits and grading plans showing the location of the trees/underbrush in relation to the proposed improvements of the project.*

4. Applicant's reason why request appropriate for Special Exception:

*The City of Franklin Plan Commission and City Council has approved a Conceptual Master Plan, TIF Project Plan and Preliminary Plat for this property. All of the submitted documents for these City of Franklin approvals have shown unavoidable impacts to woodlands in the area of request*

*Further, the largest area of impact is the area west of 112th Street and south of W. Ryan Road. According to historical aerial photos, the specific area was used for driveway access purposes to the adjacent property until the 1960's. At some point the driveway was abandoned and tree cover resumed. It is also within the general overland drainage path of the larger Mills Hotel Wyoming property. As such, the property has not been actively farmed, but previously disturbed*

*In general, the area exhibits a low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Only two (2) Oak trees were present on the site. Based on the species mix and general condition of the vegetation, the grove is indicative of an overgrown driveway and barnyard rather than a naturally occurring, native woodland*

**II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:**

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species:

*Please see enclosed Tree Survey.*

2. Storm and flood water storage:

*The property is not in a designated floodplain or floodway. The improvements contemplated in the Construction Plans will markedly improve the quantity, quality and rate of water draining from the site*

3. Hydrologic functions:

*The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided*

4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:

*The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The improvements contemplated in the Construction Plans will markedly improve the quantity, quality and rate of water draining from the site*

5. Shoreline protection against erosion:

*N/A*

6. Habitat for aquatic organisms:

*N/A*

7. Habitat for wildlife:

*Habitat loss of approximately 1 acre may occur. The impacts occur in an isolated group of dead and dying trees within very close proximity to an established farmstead and public roadway. While there may be a loss of habitat, the habitat should be classified as marginal at best*

8. Human use functional value:

*The proposed areas of impacts are not being used for any type of human use. The area consists of an overgrown abandoned driveway. The approved project includes significant open spaces which will be used for residents use and enjoyment*

9. Groundwater recharge/discharge protection:

*Groundwater discharge will be regulated by the storm sewer design which will incorporate any existing drain tiles into the storm sewer system*

10. Aesthetic appeal, recreation, education, and science value:

*The impacted area consists of a low-quality stand of trees, many of which are dead or dying. The planned street trees within the subdivision will provide aesthetic appeal. There is no educational or scientific function to the impacted areas*

11. State or Federal designated threatened or endangered species or species of special concern:

*Owners are not aware of any State or Federal designated threatened or endangered species on our site*

12. Existence within a Shoreland:

*N/A*

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time:

*The property in question does not include any land designated as Primary or Secondary Environmental Corridor as defined by SEWRPC*

**III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:**

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):

*The request for Natural Resource Exception is based on the fact that the areas of impact are either minimal or occur in areas of degraded woodland that are located on previously disturbed areas. Documentation of the situation is enclosed for review and reference*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

- a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:

*The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. There is no reasonable alternative to impacting the woodlands as requested without being unreasonably burdensome to the overall project economics, including TID #6 ; or*

- b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

*Applicant represents that the denial of the NRSE would be unreasonable and negatively impact the applicants' proposed use of the property based on the fact that the impacts are minimal and occur in areas of degraded woodland that are located on previously disturbed areas. There are no reasonable alternatives for relocating public streets and underground utilities within the planned development*

3. The Special Exception, including any conditions imposed under this Section will:

- a. be consistent with the existing character of the neighborhood:

*The proposed woodland impacts and resulting development will be consistent with the neighborhood and consistent with the existing zoning and Comprehensive Plan ; and*

- c. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:

*The situation and conditions related to this project are unique as the affected property lies within an established TID District and Preliminary Plat which was evaluated and approved by the City of Franklin. Further, the impacts are to natural resources that were evaluated by an arborist and classified as low-quality. Other properties seeking the same relief would need to meet similar standards ; and*

- d. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:

*Applicant represents that the unique circumstances involved with this request is what the NRSE process was intended for ; and*

- e. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

*The applicant understands and agrees to place Conservation Easements on other natural resource features within the site, including any areas of mitigation. Further, the project calls for significant installation and maintenance of municipal street trees*

#### **IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:**

- 1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:

*The proposed improvements which cause the need for the NRSE include public roadways, underground utilities and lot grading which have been evaluated through the Preliminary Plat process. The improvements will not negatively affect surrounding properties*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

*The exceptional, extraordinary or unusual circumstance is that the resource being impacted has been designated as low quality by a Certified Arborist, is located on lands that were previously disturbed, and the property has been included in a TID Project Plan whereby the resulting improvements are necessary to generate tax increment*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

- i. Aesthetics:

- a. *There will be no negative impact to aesthetics. The resulting development will be a single-family neighborhood with required street trees of quantity and quality exceeding what is currently existing*

- ii. Degree of noncompliance with the requirement allowed by the Special Exception:

- a. *Considering the that the area of impact was previously disturbed and nature and overall health of the trees, the NRSE is not over-reaching*

- iii. Proximity to and character of surrounding property:

- a. *Applicant owns the adjacent properties*

- iv. Zoning of the area in which property is located and neighboring area:

- a. *Zoning in the general area is generally Residential*

- v. Any negative affect upon adjoining property:

- a. *There are no negative affects to the surrounding property. Rather, the proposed improvements will have a positive affect be improving the existing drainage situation. Currently, overland drainages crosses over 1121h Street. In the future condition stormwater will be detained, settled and released at a slower rate*

- vi. Natural features of the property:

- a. *The woodland resources that will be impacted consists of low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Based on the species mix and general condition of the vegetation, the grove is indicative of a an overgrown driveway and barnyard rather than a naturally occurring, native woodland*

vii. Environmental impacts:

- a. *There are no other environmental impacts associated with the NRSE with exception to the reduction of approximately 1.00 acre of woodlands. As part of the project, a significant number of street trees will be required*

**V. Environmental Commission Recommendation:**

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth in Sections III. and IV. above are incorporated herein.
2. The Environmental Commission recommends [approval] of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commission recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a. Approval of a Conservation Easement.
  - b. Mitigation standards to be determined by the Plan Commission and the Common Council.
  - c. Inclusion of a woodland management plan for five years for the purpose of enhancing both woodland and wildlife succession.



The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 24th day of July, 2019.

Dated this 15<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Arthur Skowron, Chairman

Attest:

Wesley D. Cannon  
Wesley Cannon, Vice-Chairman



**July 11, 2019**

Mr. Joel Dietl  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Mills Hotel Wyoming – Natural Resource Special Exception**

Dear Mr. Dietl:

Bear Development is pleased to submit this letter and the enclosed submittal materials in preparation for the various Natural Resource Special Exception meetings. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

Enclosed under this cover letter, please find:

- Bear Development NRSE- Staff Comments Response
- NRSE Question & Answer Form
- Bear Development April 12, 2019 Submittal
- Tree Survey & Tree Tally, Wachtel Tree Science, Inc.
- Ryan Meadows Preliminary Plat
- Natural Resource Protection Plan, dated April 25, 2019
- Tree Survey Overlay, Preliminary Plat
- Tree Survey Overlay, Grading Plan
- Tree Survey, Dead & Dying Trees Identified.

We appreciate your time and consideration of this matter and respectfully request approval of the Natural Resource Exception to disturb the identified features on the project site. Please note that our project includes the permanent preservation of significant open space and the planting of public street trees. We feel that these features compensate for the disturbance necessary to facilitate our 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,

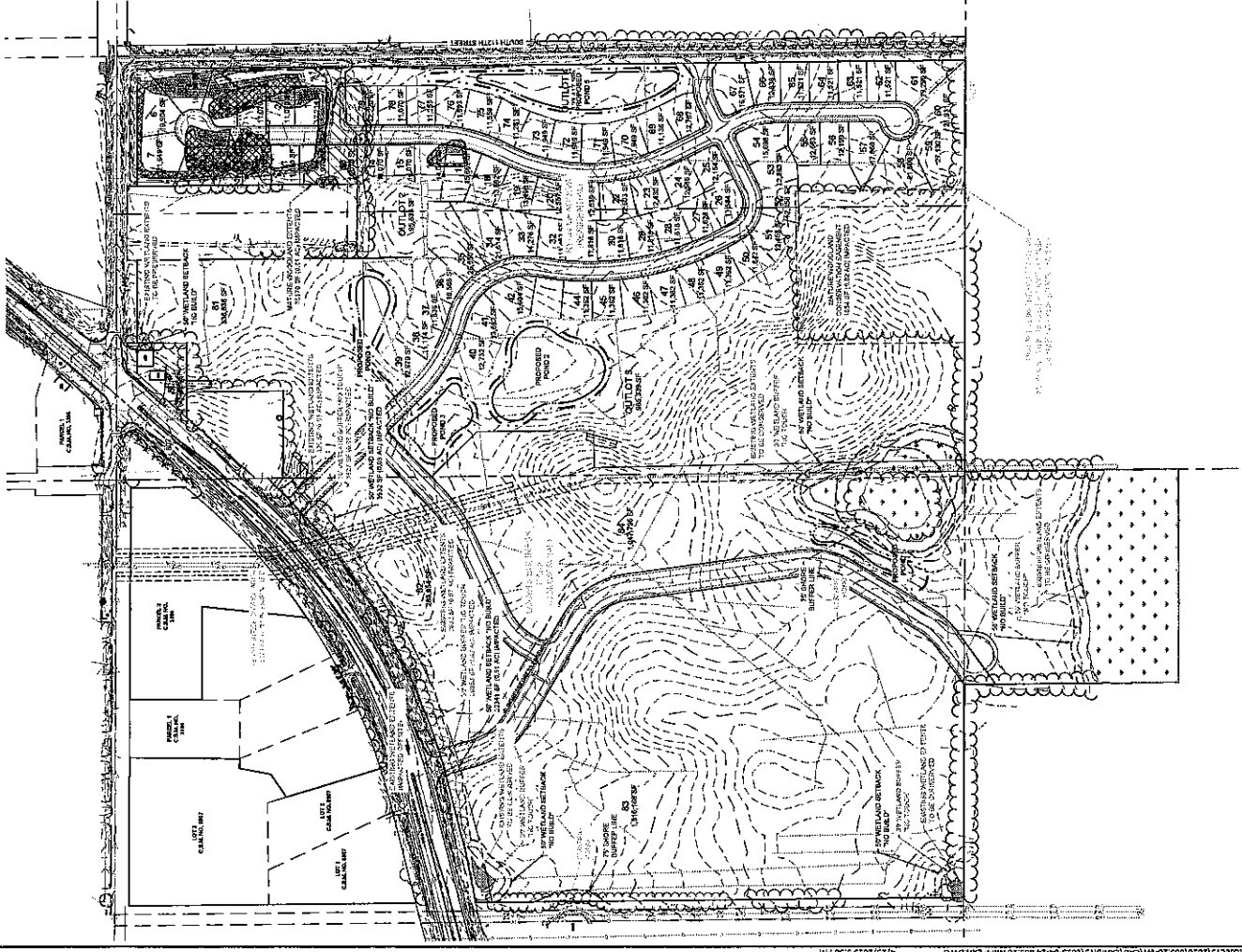


Daniel Szczap  
Bear Development, LLC

**Franklin**  
**JUL 31 2019**  
City Development



GRAPHICAL SCALE (FEET)  
0 100 400  
1" = 200'



## NATURAL RESOURCE FEATURE AREAS

RESOURCE TYPE	RYAN MEADOWS (RESIDENTIAL) LOTS 1-73, OUTLOTS 1 & 4 (27.97 AC)	LOOMIS BUSINESS PARK (COMMERCIAL) LOTS 80-94, OUTLOTS 2 & 3 (133.40 AC)	ENTIRE BASE SITE (161.37 AC)
STEEP SLOPES AREA • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	13,461 SF (0.31 AC)	13,461 SF (0.31 AC)
STEEP SLOPES AREA • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	N/A	N/A
STEEP SLOPES - MANMADE • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	N/A	N/A
STEEP SLOPES - MANMADE • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	N/A	N/A
PONDS • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	28,733 SF (0.66 AC)	28,733 SF (0.66 AC)
WETLANDS • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	251,003 SF (5.76 AC)	251,003 SF (5.76 AC)
WETLAND BUFFER "NO TOUCH" • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	104,124 SF (2.39 AC)	104,124 SF (2.39 AC)
WETLAND BUFFER "NO BUILD" • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	79,308 SF (1.82 AC)	79,308 SF (1.82 AC)
SHORE BUFFER • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	N/A	14,983 SF (0.34 AC)	14,983 SF (0.34 AC)
NATURE WOODLAND • PER FWS SURVEYED CONTIGUOUS • PER FWS SURVEYED CONTIGUOUS	38,224 SF (0.88 AC)	268,151 SF (6.16 AC)	306,375 SF (6.99 AC)

\* ADDITIONAL INFORMATION IS INCLUDED IN THE ATTACHED SITE INTENSITY CALCULATIONS  
\*\* FIELD DELINEATED BY RA SMITH NATIONAL ON 10-28-14 & 10-30-14 (SEE "WETLAND DELINEATION REPORT DATED 03-19-15")  
\*\*\* RE-DELINEATED ALONG LOOMIS BY HEARTLAND ECOLOGICAL GROUP ON 08-15-16, 08-16-16 & 08-22-16  
(SEE "WETLAND DELINEATION REPORT DATED 08-11-16")



**April 12, 2019**

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

**Re: Mills Hotel Wyoming – Natural Resource Special Exception**

Dear Mr. Kohout:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for a Natural Resource Special Exception. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

**Property Information**

Mills Wyoming Hotel, LLC is the owner of record of approximately 131.50 acres of vacant land in the City of Franklin. The land is located on the south sides of STH 36, south of West Ryan Road and west of 112<sup>th</sup> Street.

The property in question was previously approved for Conceptual Plan approval and zoning reclassification by the City Plan Commission and Common Council. Further, the property is included in the area commonly known as Planning Area G, included in Tax Increment District #6 and subject to a Development Agreement outlining specific development plans for the property. Included in our submittal is the Conceptual Plan that was approved by the City of Franklin.

The property subject to the Natural Resource Special Exception is part of Tax Key 891-9009 and is located south of West Ryan Road and west of 112<sup>th</sup> Street. The specific area includes a grove of trees with a canopy covering approximately 1.017 acres. The vegetated cover consists of a mix of trees and underbrush.

According to historical aerial photos, the specific area was used for driveway access purposes to the adjacent property until the 1960's. At some point the driveway was abandoned and tree cover resumed. It is also within the general overland drainage path of the larger Mills Hotel Wyoming property. As such, the property has not been actively farmed, but previously disturbed.

**Specific Request**

As part of the mass grading, underground utility construction and public roadway construction, Mills Hotel Wyoming, LLC is requesting approval of a Natural Resource Special Exception to remove

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the existing trees and underbrush to facilitate the development, in accordance with the approved Conceptual Plan.

Enclosed as part of this submittal, are detailed survey exhibits and grading plans showing the location of the trees/underbrush in relation to the proposed improvements of the project.

#### **Natural Resource Protection Plan**

Due to the timing of the project as set forth in the Development Agreement, this area was designated as Mature Woodlands on the NRPP without a detailed Tree Survey being completed. Mills Hotel Wyoming had the understanding that the City Staff, Plan Commission and Council were aware that this area had to be disturbed to facilitate the approved development plans.

Based on the Tree Survey, it is difficult to determine if these area would be classified as Mature or Young Woodland, or either based on the amount of dead trees and lack of continuous canopy.

#### **Tree Survey & Existing Conditions**

At the request of the City Planning Department, Bear Development completed a tree survey. The Tree Survey was completed by Wachtel Tree Science, Inc. under the direction of Nathan Schuettelpelz, ISA Certified Arborist, WI-0887 AM.

The trees survey was completed in February 2019. Existing trees greater than 8" DBH were identified, measured and evaluated based on overall condition. The tree survey inventory and exhibit are enclosed for your review and reference.

In general, the area exhibits a low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Only two (2) Oak trees were present on the site. Based on the species mix and general condition of the vegetation, the grove is indicative of a an overgrown driveway and barnyard rather than a naturally occurring, native woodland.

#### **Artificial Wetland**

Within the canopy of the identified trees, exists a man-made pond. The pond is identified as man-made on the Wetland Delineation and its surrounded by spoil castings and is fed by concrete pipe. The pond is approximately 20' in diameter and is assumed that the pond serves as an outlet for existing agricultural tiles drainage. The pond drainage eventually makes its way to the 112<sup>th</sup> Street ditch and culverts, before going to Ryan Creek.

While it was identified as a wetland, Bear requested review by the Wisconsin Department of Natural Resources, and it was subsequently deemed as an Artificial Wetland. Artificial wetlands are permissible to fill. As part of the Natural Resource Exception we are respectfully requesting the City acknowledge the artificial nature of the wetland, as it is also within the grading limits of the project.

#### **Proposed Use**

Enclosed for your reference is the proposed Grading Plan for the property in question, with the identified trees overlaid. You will find that the trees fall within the either public streets or grading limits for future home sites. The Grading Plan, Public Street layout and location of building sites is

in compliance with the approved Concept Plan. The public streets were specifically located to accommodate storm drainage.

We appreciate your time and consideration of this matter and respectfully request approval of the Natural Resource Exception to disturb the identified features on the project site. Please note that our project includes the permanent preservation of significant open space and the planting of public street trees. We feel that these features compensate for the disturbance necessary to facilitate our 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', with a long horizontal flourish extending to the right.

Daniel Szczap  
Bear Development, LLC

Tag #	Species-Common Name	DBH	Condition Class
668	Bur Oak	16	good
669	Silver Maple	29/12/8	poor
670	Boxelder	9	fair
671	Black Cherry	8	poor
672	Green Ash	15	poor
673	Black Cherry	10	poor
674	Green Ash	10	poor
675	Apple	8	poor
676	Bur Oak	10	good
677	Black Cherry	9	fair
678	Green Ash	9	poor
679	Green Ash	9	poor
680	Silver Maple	45	fair
681	Silver Maple	21/15/13	poor
682	Black Cherry	10	fair
683	Black Cherry	10	fair
684	Green Ash	11	poor
685	Bur Oak	9	good
686	Silver Maple	33	good
687	Silver Maple	21	poor
688	Silver Maple	39	fair
689	Common Hackberry	22	good
690	Silver Maple	27	fair
691	Black Cherry	12	dead
692	Silver Maple	24	poor
693	Black Cherry	8	fair
694	Green Ash	9	poor
695	Green Ash	9	poor
696	Boxelder	10/8	poor
697	Silver Maple	10	fair
698	Silver Maple	25	fair
699	Green Ash	11	poor
700	Silver Maple	10/9/7	good
701	Silver Maple	8/6/4	good
702	Silver Maple	10	good
703	Green Ash	12	poor
704	Green Ash	9	poor
705	Green Ash	8	poor
706	Silver Maple	9	good
707	Green Ash	15	dead
708	Silver Maple	26	good
709	Silver Maple	19	good
710	Silver Maple	16/14/13/8/8	fair
711	Silver Maple	13/13	poor
712	Green Ash	14	poor
713	Silver Maple	13	fair

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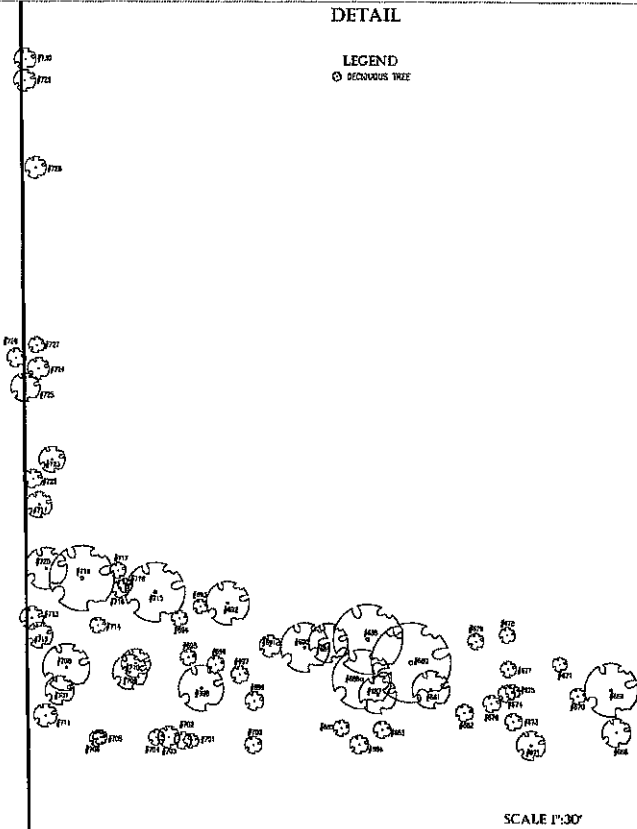
714	Green Ash	9	dead
715	Silver Maple	33	poor
716	Black Cherry	10	good
717	Green Ash	9	poor
718	Green Ash	8	poor
719	Silver Maple	36	poor
720	Silver Maple	23/17/10	fair
721	Green Ash	14/14/13/13	poor
722	Silver Maple	11/10/9	fair
723	Green Ash	14	poor
724	Silver Maple	12/8	fair
725	Apple	16	poor
726	Green Ash	11	poor
727	Green Ash	9	poor
728	American Elm	12	fair
729	Silver Maple	12/11/11/10/10	fair
730	Green Ash	12	dead
731	Green Ash	12	poor
732	Green Ash	8	dead
733	Green Ash	9	dead
734	Green Ash	8	dead
735	American Elm	27	fair
736	Green Ash	8	poor
737	Green Ash	11	poor



# CHAPITRE LAND SURVEYS

Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone) 4AD 27, in which the North line of the Northeast 1/4 of Section 30 bears S89°44'2" E.

⑤ DECIDUOUS TREE



SCALE 1"=30'

True Inventory per Wholesaler True Science			
Table #	Issued Customer Name	2014	Condition Class
650	Don Oak	21	Good
660	Silver Maple	24	Good
670	Black Cherry	20	Good
671	Black Cherry	8	Good
672	Green Ash	15	Good
673	Black Cherry	10	Good
674	Green Ash	10	Good
675	Green Ash	8	Good
676	Black Cherry	10	Good
677	Black Cherry	8	Good
678	Green Ash	8	Good
679	Green Ash	8	Good
680	Silver Maple	45	Fair
681	Green Maple	21	Good
682	Black Cherry	10	Good
683	Black Cherry	10	Good
684	Green Ash	11	Good
685	Green Ash	5	Good
686	Green Ash	11	Good
687	Silver Maple	21	Good
688	Silver Maple	39	Fair
689	Common Hackberry	21	Good
690	Silver Maple	27	Fair
691	Black Cherry	11	Good
692	Black Cherry	8	Fair
693	Green Ash	8	Good
694	Green Ash	9	Good
695	Black Maple	10/3	Good
697	Silver Maple	10	Fair
698	Silver Maple	25	Fair
699	Green Ash	11	Good
700	Silver Maple	12/17	Good
701	Silver Maple	8/14	Good
702	Silver Maple	10	Good
703	Green Ash	12	Good
704	Green Ash	8	Good
705	Green Ash	6	Good
706	Silver Maple	9	Good
707	Green Ash	11	Good
708	Silver Maple	29	Good
709	Green Ash	18	Fair
710	Black Maple	16/18/12/18	Fair
711	Silver Maple	13/13	Good
712	Green Ash	16	Good
713	Silver Maple	11	Fair
714	Black Maple	9	Good
715	Silver Maple	35	Good
716	Black Cherry	10	Good
717	Green Ash	9	Good
718	Black Maple	5	Good
719	Silver Maple	36	Good
720	Silver Maple	13/17/15	Fair
721	Green Ash	14/24/13/12	Good
722	Silver Maple	11/12/9	Fair
723	Green Ash	16	Good
724	Black Maple	12/8	Fair
725	Aspen	15	Good
726	Green Ash	11	Good
727	Black Maple	5	Good

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DATE OF MAP  
March 11, 2019

FIELD DATE  
March 3, 2019

**CHAPUT**  
LAND SURVEYS

DATE	REVISION DESCRIPTION

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE NATIONAL BUREAU OF STANDARDS. IT IS THE PROPERTY OF THE NATIONAL BUREAU OF STANDARDS AND IS LOANED TO YOUR ORGANIZATION; IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR ORGANIZATION.

DEPARTMENT OF COMMERCE, NATIONAL BUREAU OF STANDARDS, WASHINGTON, D. C. 20540

Natural Resource Special Exception Question and Answer Form

Section 1: Per Section 15-9.0110, Applications for a Special Exception to stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions, and for improvements or enhancements to a natural resource feature of this Ordinance shall include the following:

- A. Name and address of the applicant and all abutting and opposite property owners of records.  
*(Please attach supplemental documents as necessary)*

Applicant: Mills Hotel Wyoming, LLC  
4011 80<sup>th</sup> Street  
Kenosha, WI 53142

Abutting Property Owners:

Robert Diedrich  
11111W. Ryan Road  
Franklin, WI 53132

John Umke  
8320 Virginia Circle  
Wind Lake, WI 53185

Eugene & Marlen Magarich  
11327 W. Ryan Road  
Franklin, WI 53132

Sharon Kessman  
W2143 N54448  
Menomonee Falls, WI 53051

Ignasiak investment Company, LLC  
3132 Ravine Way  
Green Bay, WI 54301

Daniel Kaminski  
9880 S. 112th Street  
Franklin, WI 53132

Michael & Katherine Delemont  
9917 S. 112th Street  
Franklin, WI 53132

James Meisenheimer  
9951S 112th Street  
Franklin, WI 53132

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Ruth Grandlich  
11722 W Oakwood Rd  
Franklin,WI 53132

Daniel & Virginia Mathson  
19370 Killarney Way  
Brookfield,WI53045

Franklin One,LLC  
333 Bishops Way #160  
Brookfield,WI 53005

Mills Hotel Wyoming,LLC  
4011goth Street  
Kenosha,WI53142

Steve Vallee / Colleen Damack  
11808 W. Loomis Road  
Franklin,WI 53132

Chad Zolecki  
11736 W. Loomis Road  
Franklin,WI53132

A&E Realty,LLC  
11835 W.Ryan Road  
Franklin,WI 53132

Mary & Michael MacDonald  
11555 W. Loomis Road  
Franklin,WI 53132

- B. Plat of survey. Plat of survey prepared by a registered land surveyor showing all of the information required under §15-9.0102 of this Ordinance for a Zoning Compliance Permit.

Please see attached.

- C. Questions to be answered by the applicant. Items on the application to be provided in writing by the applicant shall include the following:

1. Indication of the section(s) of the UDO for which a Special Exception is requested.

15-4.0101

15-4.0102

2. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.

According to the NRPP the entire site includes 6.99 acres of Mature Woodlands. The NRPP dated 4/23/2019 assumes 0.83 acres of total impact. However, the grading plan was not advanced to the level of detail it currently is.

The total acreage of the wooded land located between 112<sup>th</sup> Street and the Magarich property is .96 acres. The grading plan contemplates that these trees must be removed to facilitate public streets, public utilities and grading/drainage. A certified arborist classified 57% of the trees to be in a dead or poor condition.

#### Lots 51 & 52

Approximately 2500 square feet of woodland on Lot 51 may be impacted by grading. Approximately 6229 square feet of woodland on Lot 52 may be impacted by grading

#### Lots 59, 50 & 61

This area is essentially a wooded fence line that is connected to the woodlot. Grading limits do not encroach upon the woodland located on Lot 59

A field inlet is proposed just inside the canopy line of Lot 60. While we do not believe the tree line will be impacted, a conservative approach would be 200 square feet of woodland impact.

A proposed extension of public water main (for serving other properties) is shown to cross a wooded fence line and the impact is 15' x 60' or 900 square feet. The same water main easement has the same effect on Lot 61, 15' x 60' or 900 SF.

#### Summary

Public Right of Way grading, utility installation and lot grading for Aster Street, Bergamont Drive and Lots 8-14, Lot 79 =	.96 acres (41,817 SF)
Lot 51 =	.05 acres (2500 SF)
Lot 52	.14 acres (6299 SF)
Lot 59	0
Lot 60	.025 acres (1100 SF)
Lot 61	.020 acres (900 SF)

3. Statement of the reason(s) for the request.

As part of the mass grading, underground utility construction and public roadway construction, Mills Hotel Wyoming, LLC is requesting approval of a Natural Resource Special Exception to remove limited amounts of existing trees and underbrush to facilitate the development, in accordance with the approved Conceptual Plan, TIF Project Plan and Preliminary Plat.

Enclosed as part of this submittal, are detailed survey exhibits and grading plans showing the location of the trees/underbrush in relation to the proposed improvements of the project.

4. Statement of the reasons why the request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

The City of Franklin Plan Commission and City Council has approved a Conceptual Master Plan, TIF Project Plan and Preliminary Plat for this property. All of the submitted documents for these City of Franklin approvals have shown unavoidable impacts to woodlands in the area of request.

Further, the largest area of impact is the area west of 112th Street and south of W. Ryan Road. According to historical aerial photos, the specific area was used for driveway access purposes to the adjacent property until the 1960's. At some point the driveway was abandoned and tree cover resumed. It is also within the general overland drainage path of the larger Mills Hotel Wyoming property. As such, the property has not been actively farmed, but previously disturbed.

In general, the area exhibits a low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Only two (2) Oak trees were present on the site. Based on the species mix and general condition of the vegetation, the grove is indicative of a an overgrown driveway and barnyard rather than a naturally occurring, native woodland.

a. Background and Purpose of the Project.

1. Describe the project and its purpose in detail. Include any pertinent construction plans.

The project is part of the recently approved Ryan Meadows Preliminary Plat. The Preliminary plat includes Single-Family Residential homes sites and Limited Industrial lots. The project was approved as a Concept Plan, TIF Project Plan and Preliminary Plat. Appropriate zoning amendments and Comprehensive Plan Amendments have been previously approved by the City Plan Commission and Common Council. Construction Plans are included.

- ii. State whether the project is an expansion of an existing work or new construction.

New Construction

111. State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The request is limited to woodland impacts associated with necessary grading. Exhibits which graphically show this are included for review and reference.

The layout of the project, including public right-of-ways, public utilities and lot grading occur in these particular areas and cannot be avoided based on best practices and professional engineering design.

b. Possible Alternatives.

1. State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The request is limited to woodland impacts associated with necessary grading. Exhibits which graphically show this are included for review and reference.

The project was designed to release stormwater at the location it currently drains, which is at the 112<sup>th</sup> Street ditch. The Aster Street entrance was located based on the distance from the intersection of 112<sup>th</sup> Street and W. Ryan Road and interior public utility design.

**It is necessary to impact the woodlands to install public utilities and public streets to accommodate the approved project.**

11. State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The request is limited to woodland impacts associated with necessary grading. Exhibits which graphically show this are included for review and reference.

**It is not possible to develop the property without impacting the woodlands as shown. It is necessary to extend utilities through this particular area, as it is the historic overland drainage path of a significant watershed. Further, to access the site from 112<sup>th</sup> Street public roadways must be constructed.**

111. State how the project may be made smaller while still meeting the project's needs.

The project cannot be reduced in size and meet the project needs. The home sites and roadways have been factored into the financial model on which TID #6 was based upon.

- iv. State what geographic areas were searched for alternative sites.

None

- v. State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.

As record owners of the property we did not seek or research other sites in the area. It is assumed that there are other areas in the City of Franklin that do not exhibit these unique conditions. However, this property has been included in TID #6 and planned for development by the City of Franklin.

- vi. State what will occur if the project does not proceed.

If the project does not proceed, the anticipated tax increment contemplated by TID #6 will not be generated.

c. Comparison of Alternatives.

1. State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

Possible alternatives were not considered as the City of Franklin has approved the Conceptual Plan, TID #6 Project Plan and Ryan Meadows Preliminary Plat in its current design. Over \$250,000.00 has been spent on design engineering, due diligence and surveying to produce construction plans for the approved Preliminary Plat. Costs of re-design and re-engineering would be significant.

11. State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

The entire 135 acres of the approved plan drains through the area of woodland impact. Because of this fact, the storm water management plan for the project follows the natural drainage pattern. Public utilities and roads were designed around this design constraint.

111. State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

Please see above.

- IV. State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

N/A

- d. Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The request is limited to woodland impacts associated with necessary grading. Exhibits which graphically show this are included for review and reference.

The project should proceed because it implements the best design practices and engineering to develop this unique site. Further, the design has been previously approved.

Further, the woodland resources that will be impacted consists of low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Based on the species mix and general condition of the vegetation, the grove is indicative of an overgrown driveway and barnyard rather than a naturally occurring, native woodland.

- e. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

Please see enclosed Tree Survey

- f. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

- i. Diversity of flora including State and/or Federal designated threatened and/or endangered species.

Please see enclosed Tree Survey.

- ii. Storm and flood water storage.



The property is not in a designated floodplain or floodway. The improvements contemplated in the Construction Plans will markedly improve the quantity, quality and rate of water draining from the site.

iii. Hydrologic functions.

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided.

iv. Water quality protection including filtration and storage of sediments, nutrients or toxic substances.

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. The improvements contemplated in the Construction Plans will markedly improve the quantity, quality and rate of water draining from the site.

v. Shoreline protection against erosion.

N/A

vi. Habitat for aquatic organisms.

N/A

vn. Habitat for wildlife.

Habitat loss of approximately 1 acre may occur. The impacts occur in an isolated group of dead and dying trees within very close proximity to an established farmstead and public roadway. While there may be a loss of habitat, the habitat should be classified as marginal at best.

vm. Human use functional value.

The proposed areas of impacts are not being used for any type of human use. The area consists of an overgrown abandoned driveway. The approved project includes significant open spaces which will be used for residents use and enjoyment.

ix. Groundwater recharge/discharge protection.

Groundwater discharge will be regulated by the storm sewer design which will incorporate any existing drain tiles into the storm sewer system.

x. Aesthetic appeal, recreation, education, and science value.

The impacted area consists of a low-quality stand of trees, many of which are dead or dying. The planned street trees within the

subdivision will provide aesthetic appeal. There is no educational or scientific function to the impacted areas.

- x1. Specify any State or Federal designated threatened or endangered species or species of special concern.

Owners are not aware of any State or Federal designated threatened or endangered species on our site.

- xu. Existence within a Shoreland.

N/A

- xm. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.

The property in question does not include any land designated as Primary or Secondary Environmental Corridor as defined by SEWRPC.

- g. Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.

The installation of professionally engineered/designed storm sewer through the area of impact will correct overland drainage issues currently occurring at 112<sup>th</sup> Street. Further, on-site storm water detention will improve the quality and rate of storm drainage leaving the site.

5. Date of any previous application or request for a Special Exception and the disposition of that previous application or request (if any).

N/A

- D. Copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit. *(Please attach accordingly)*

Section 2: Staff recommends providing statements to the following findings that will be considered by the Common Council in determining whether to grant or deny a Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature, per Section 15-10.0208B.2. of the Unified Development Ordinance.

- a. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):

The request for Natural Resource Exception is based on the fact that the areas of impact are either minimal or occur in areas of degraded woodland that are located

on previously disturbed areas. Documentation of the situation is enclosed for review and reference.

The condition is not self-imposed as a Master Conceptual Plan, TID Project Plan and Preliminary Plat have been approved by the Common Council. All documents indicated development occurring in the area of impact.

b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

- i. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:

The project does not impact streams, waterways, wetlands or navigable waterways. All wetlands on the property have been avoided. There is no reasonable alternative to impacting the woodlands as requested without being unreasonably burdensome to the overall project economics, including TID #6.

*; or*

- ii. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

Applicant represents that the denial of the NRSE would be unreasonable and negatively impact the applicants proposed use of the property based on the fact that the impacts are minimal and occur in areas of degraded woodland that are located on previously disturbed areas. There are no reasonable alternatives for relocating public streets and underground utilities within the planned development.

c. The Special Exception, including any conditions imposed under this Section will:

- i. be consistent with the existing character of the neighborhood:

The proposed woodland impacts and resulting development will be consistent with the neighborhood and consistent with the existing zoning and Comprehensive Plan.

*; and*

- n. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:

The situation and conditions related to this project are unique as the affected property lies within an established TID District and Preliminary Plat which was evaluated and approved by the City of Franklin. Further, the impacts are to natural resources that were evaluated by an arborist and classified as low-quality.

Other properties seeking the same relief would need to meet similar standards.

*; and*

- m. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:

Applicant represents that the unique circumstances involved with this request is what the NRSE process was intended for.

; and

- lv. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

The applicant understands and agrees to place Conservation Easements on other natural resource features within the site, including any areas of mitigation. Further, the project calls for significant installation and maintenance of municipal street trees.

- d. In making its determinations, the Common Council shall consider factors such as:

- 1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:

The proposed improvements which cause the need for the NRSE include public roadways, underground utilities and lot grading which have been evaluated through the Preliminary Plat process. The improvements will not negatively affect surrounding properties.

- n. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

The exceptional, extraordinary or unusual circumstance is that the resource being impacted has been designated as low quality by a Certified Arborist, is located on lands that were previously disturbed, and the property has been included in a TID Project Plan whereby the resulting improvements are necessary to generate tax increment.

- 111. Existing and future uses of property; useful life of improvements at 1ssue; disability of an occupant:

The future use of the property has been affirmed through recent zoning, Comprehensive Plan Amendment and Plat.

The future improvements will be permanent.

- lv. Aesthetics:

There will be no negative impact to aesthetics. The resulting development will be a single-family neighborhood with required street trees of quantity and quality exceeding what is currently existing.

- v. Degree of noncompliance with the requirement allowed by the Special Exception:

Considering the that the area of impact was previously disturbed and nature and overall health of the trees, the NRSE is not over-reaching.

- vi. Proximity to and character of surrounding property:

Applicant owns the adjacent properties.

- vn. Zoning of the area in which property is located and neighboring area:

Zoning in the general area is generally Residential.

- viii. Any negative affect upon adjoining property:

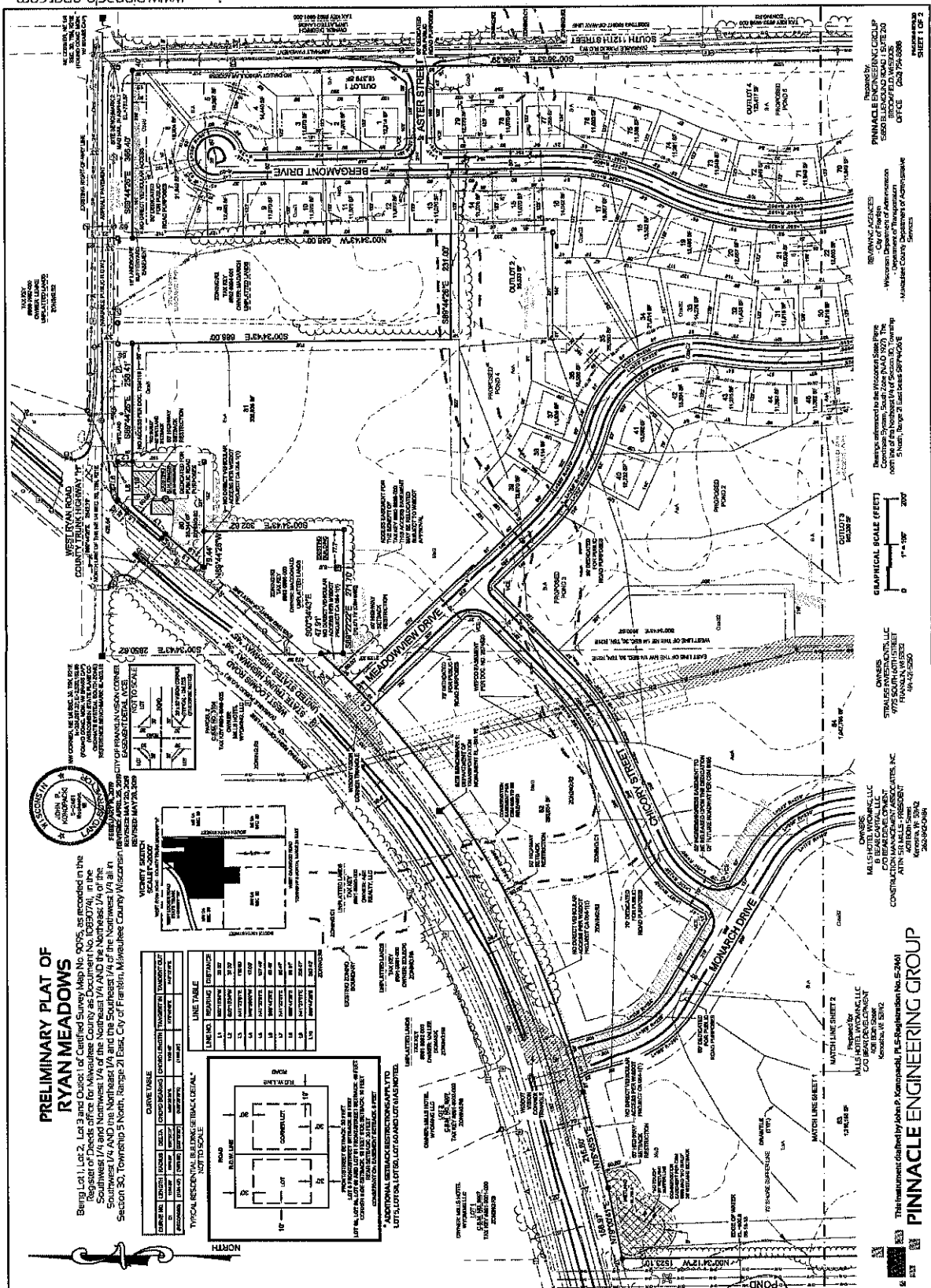
There are no negative affects to the surrounding property. Rather, the proposed improvements will have a positive affect be improving the existing drainage situation. Currently, overland drainages crosses over 112<sup>th</sup> Street. In the future condition stormwater will be detained, settled and released at a slower rate.

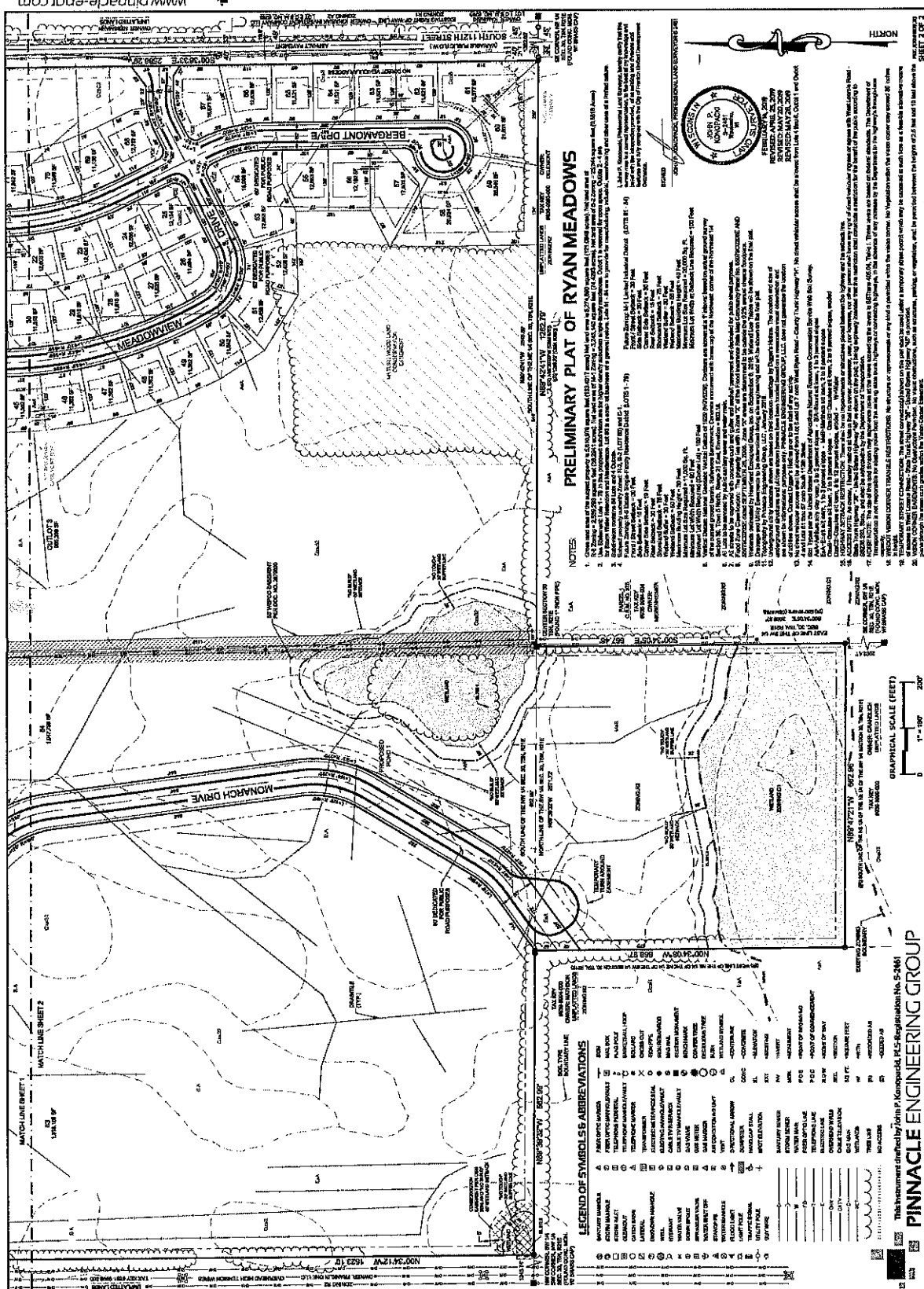
- 1x. Natural features of the property:

The woodland resources that will be impacted consists of low-quality tree cover, common to previously disturbed areas. The tree species present are primarily Green Ash, Silver Maple and Black Cherry. The survey documented a total of seventy (70) trees, of which forty (40) or 57% of the trees were classified as dead or in poor condition. The trees that were classified as being in "good" condition were primarily Silver Maple, which are typically multi-stemmed, weak trees which are susceptible to wind damage. Based on the species mix and general condition of the vegetation, the grove is indicative of a an overgrown driveway and barnyard rather than a naturally occurring, native woodland.

- x. Environmental impacts:

There are no other environmental impacts associated with the NRSE with exception to the reduction of approximately 1.00 acre of woodlands. As part of the project, a significant number of street trees will be required.

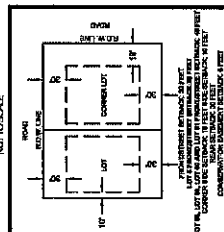




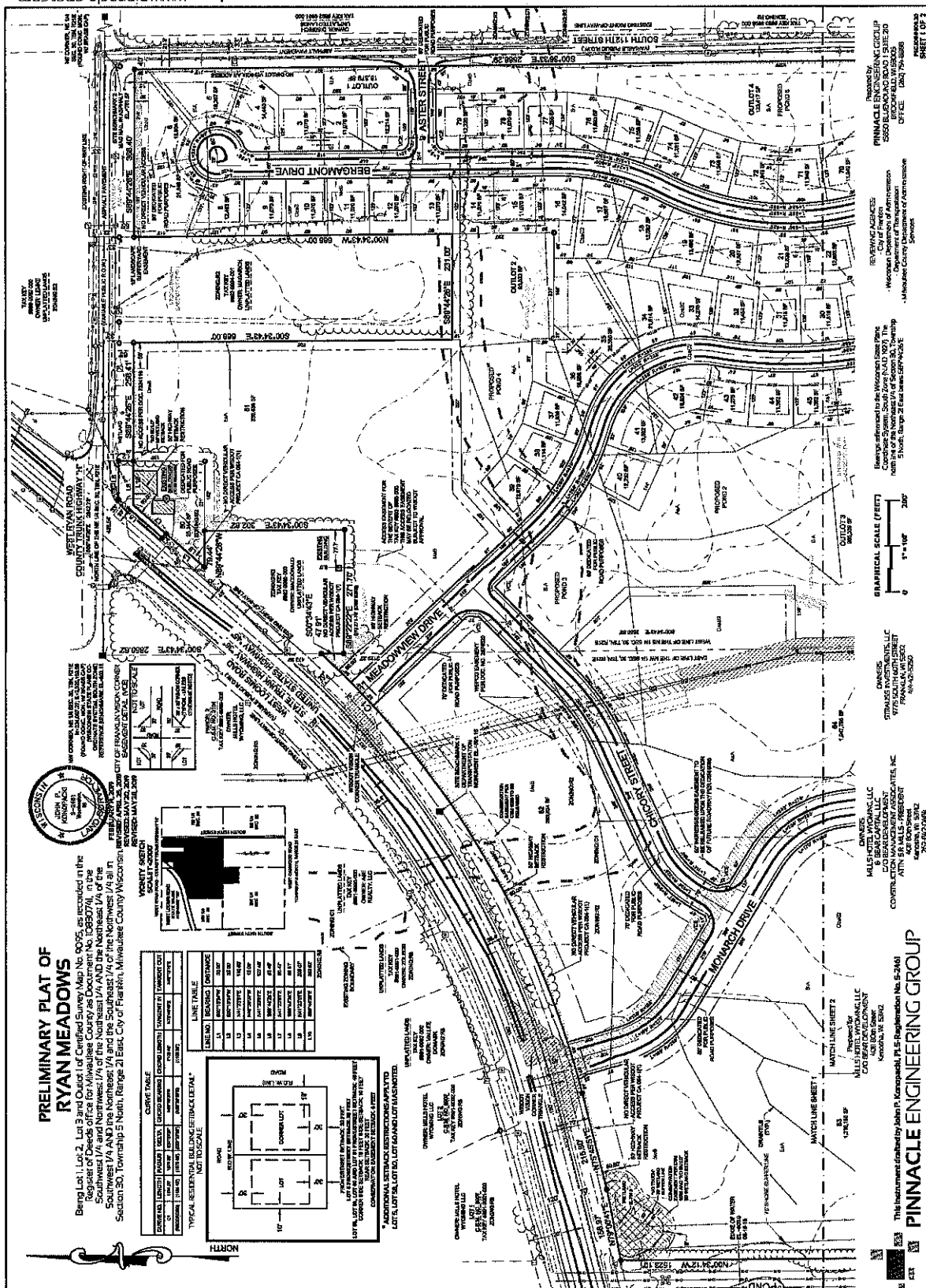
**RYAN MEADOWS**

**INTAIN MEADOWS**  
Being Lot 1, Lot 2, Lot 3 and Outlot of Certified Survey Map No. 9095, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10880741, in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in section 30, Township 5 North, Range 21 East, City of Easton, Milwaukee County Wisconsin.

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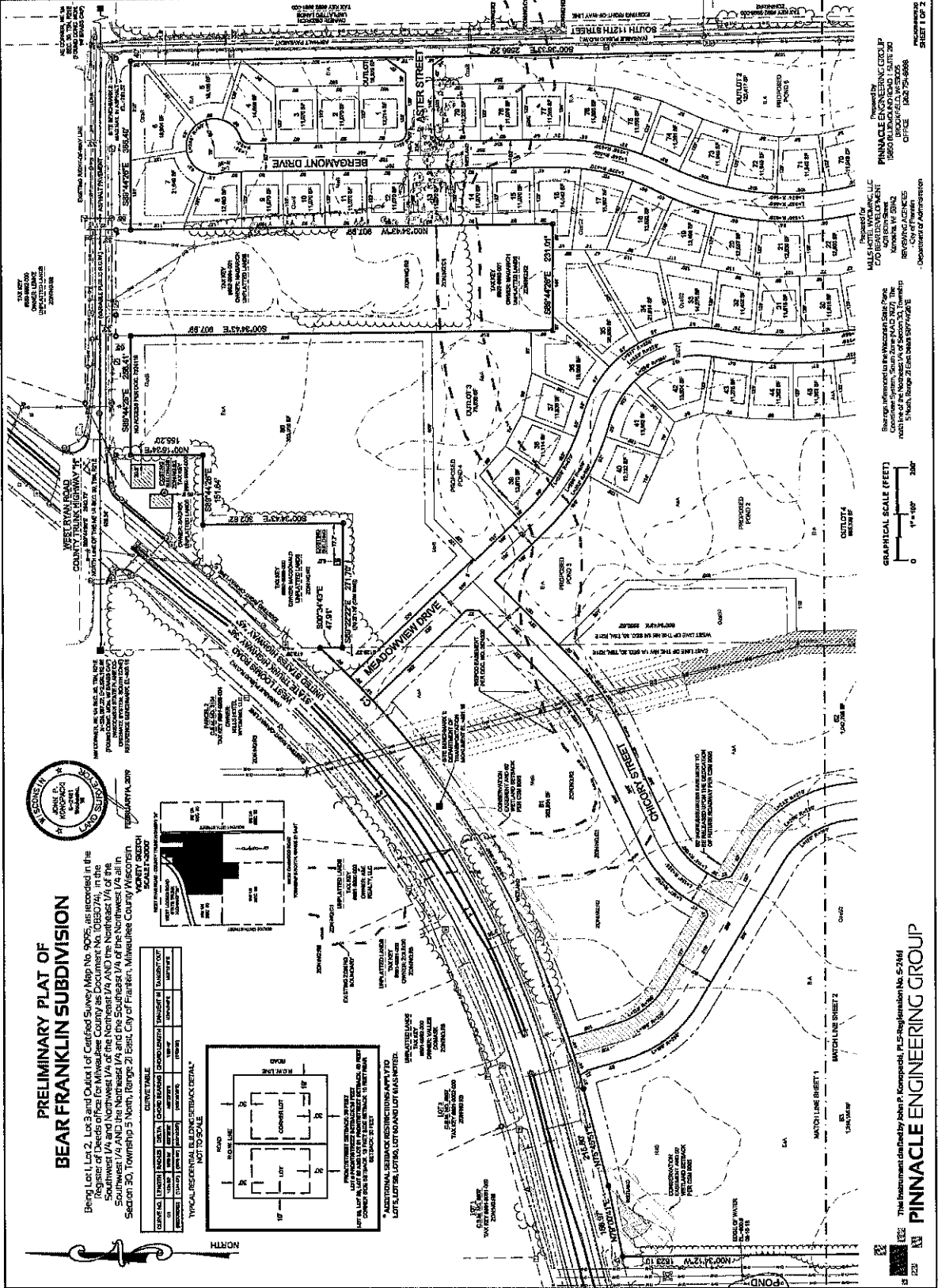
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**\* ADDITIONAL SETBACK RESTRICTIONS APPLY TO LOT 2, LOT 58, LOT 60 AND LOT 61 AS NOTED**

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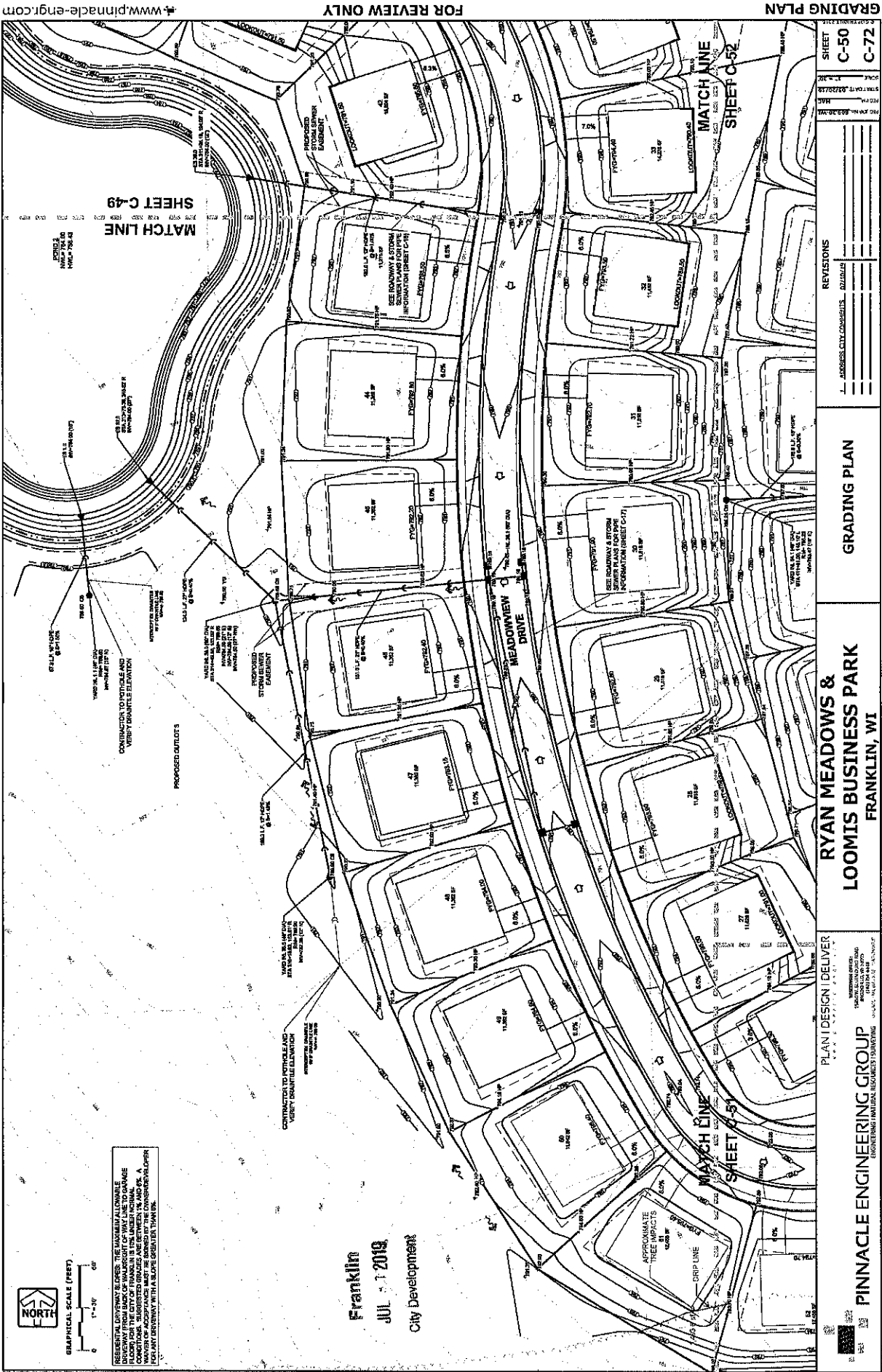


THE INSTRUMENT DRAFTED BY JOHN P. KOMPASCH, PLS REGISTRATION NO. 5-2144  
**PINNACLE ENGINEERING GROUP**

Prepared for:  
MILWAUKEE COUNTY  
ZONING DEPARTMENT  
300 N. MICHIGAN AVE.  
MILWAUKEE, WI 53202  
REVIEWING AGENCIES:  
City of Franklin  
Document # 2019-00000

SHEET 1 OF 2



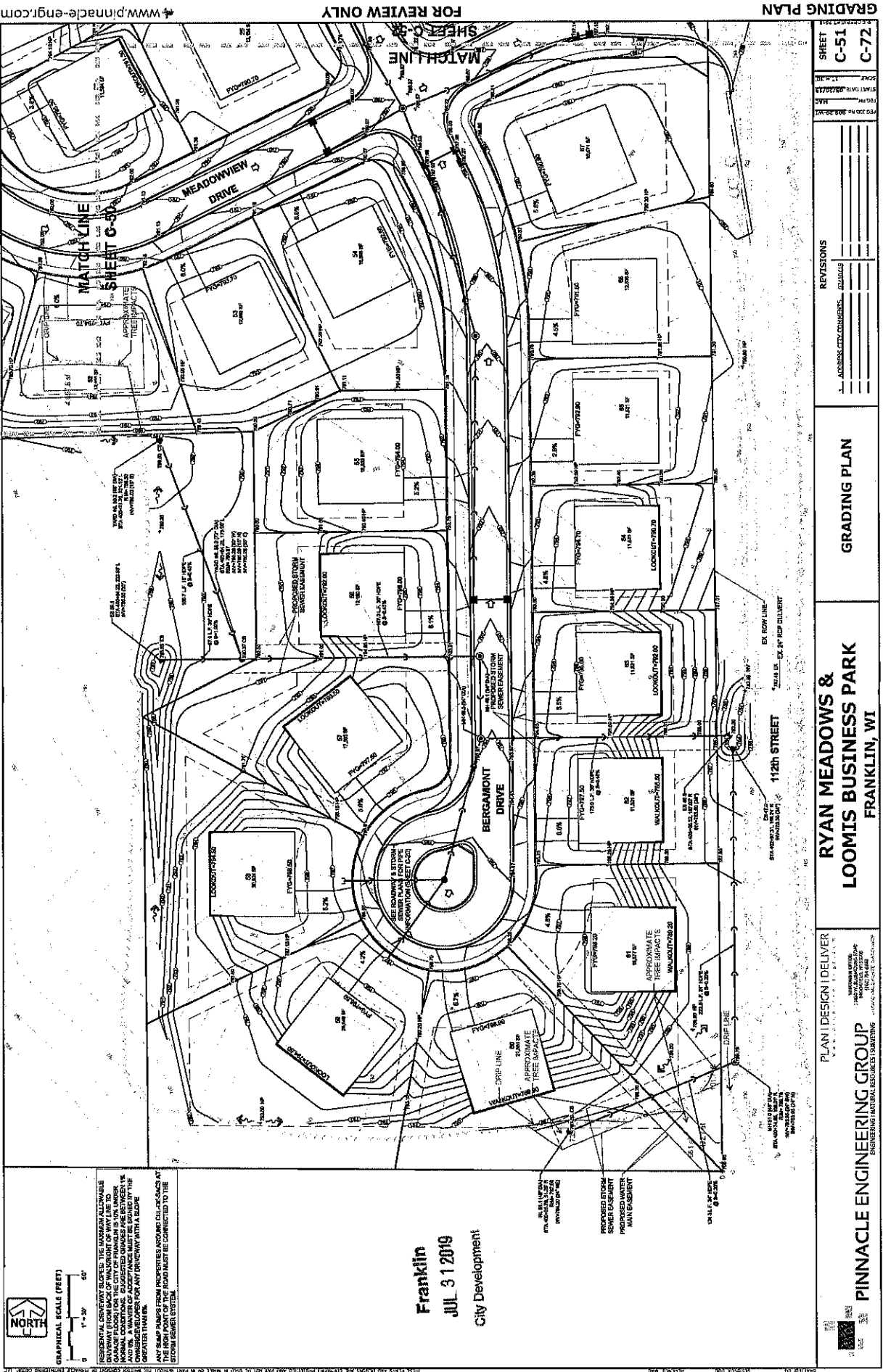


FOR REVIEW ONLY

GRADING PLAN

SHEET	C-50			
	C-72			
SCALE	1" = 20'			
	DATE: 07/01/19			
PROJECT	RYAN MEADOWS & LOOMIS BUSINESS PARK			
	FRANKLIN, WI			
REVISIONS	ADDRESS CITY COMMENTS			
	DATE			
PLAN DESIGN   DELIVER				
PINNACLE ENGINEERING GROUP				
CONSTRUCTION   MAINTENANCE   REMEDIATION				

2" PROTECTIVE BOARD TO BE USED SHEETED AS SHOWN GRADING PLAN



GRADING PLAN

SHEET	C-51	C-72
DATE	11/11/11	11/11/11
BY	ENG	ENG
CHECKED BY	ENG	ENG
APPROVED BY	ENG	ENG
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FOR REVIEW ONLY

www.pinnacle-engr.com

Franklin

JUL 31 2019

City Development

PLAN DESIGN | DELIVER

PINNACLE ENGINEERING GROUP

ENGINEERING | NATURAL RESOURCES | PLANNING

RYAN MEADOWS & LOOMIS BUSINESS PARK

FRANKLIN, WI

GRADING PLAN

REVISIONS

ADDRESS CITY COMMENTS

DATE

BY

CHECKED BY

APPROVED BY

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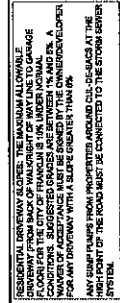
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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2019
REPORTS AND RECOMMENDATIONS	REQUEST FOR COUNCIL ACTION TO DEVELOP A WATER MAIN EXTENSION PROJECT ALONG S. 50TH STREET AND W. MINNESOTA AVENUE AND AN ENGINEER'S REPORT FOR SPECIAL ASSESSMENT OF 4932, 4939, 4951, 5003 AND EMPTY LOT ON W. MINNESOTA AVENUE (TAX KEY NOS: 759 0023 000, 759 0038 000, 759 0039 000, 759 0034 000, AND 759 0024 003)	ITEM NUMBER  <b>G.5.</b>

### **BACKGROUND**

On April 16, 2019, Common Council directed Staff to have an adjacent developer prepare cost estimates for design, permitting and construction of water main along S. 50th Street to W. Minnesota Avenue and to S. 51st Street and further to survey properties in the vicinity of S. 50th Street and W. Minnesota Avenue and S. 51st Street for interest in public water service.

Staff worked with the Alderwoman of the District on the attached survey to the residents.

The letter was sent out the following addresses.

*4932 W. Minnesota - Return Survey for/against new water main, subject to assessment  
4939 W. Minnesota - Return Survey for/against new water main, subject to assessment  
4951 W. Minnesota - Return Survey for/against new water main, subject to assessment  
5003 W. Minnesota - Return Survey for/against new water main, subject to assessment*

*5050 W. Minnesota - (Some confusion- they are a current water customer)  
5055 W. Minnesota - Survey not required, water available on 51<sup>st</sup>, no assessment*

*New Lot on W. Minnesota - Survey not required, must connect if extended, subject to assessment*

As directed, Staff discussed the project budget with the adjacent developer. The cost for design in 2019 would be below \$20,000 as Franklin would ask the developer of Oakridge to provide the design in conjunction with their project located northeast of Marquette Avenue and S. 51st Street. The cost for extension of the water main to be constructed in 2020 is estimated to be approximately \$120,000. Five property owners would be assessed in 2020 for an estimated \$86,000. Repayments over multiple years are likely.

### **ANALYSIS**

Note that although the survey was sent out to seven properties, only four responses were expected. The expected responses were as follows:

- 2 NOT interested in having water service from the City of Franklin
  - 4932 W. Minnesota Avenue
  - 4939 W. Minnesota Avenue
- 0 May be interested in having water service available, please provide more information
- 1 Definitely interested in having Franklin water service
  - 5003 W. Minnesota Avenue
- 1 No Response
  - 4951 W. Minnesota Avenue

Note that under a private agreement, there is a shared well at 5003 W. Minnesota that also serves 4939, 4951, and 5055 W. Minnesota. The property with the well that has to maintain the well should be given more weight in the survey. With the other construction activity in the neighborhood, including the reconstruction of S. 50<sup>th</sup> Street, this is an ideal time to extend the water to these homes and eliminate well system(s) for the area.

### **OPTIONS**

- A. Direct Staff to develop engineer's report and other processes to develop a water extension project and special assess affected properties.
- B. Decide not to proceed with a City-led water main project at this time.
- C. Refer back to Staff with further direction.

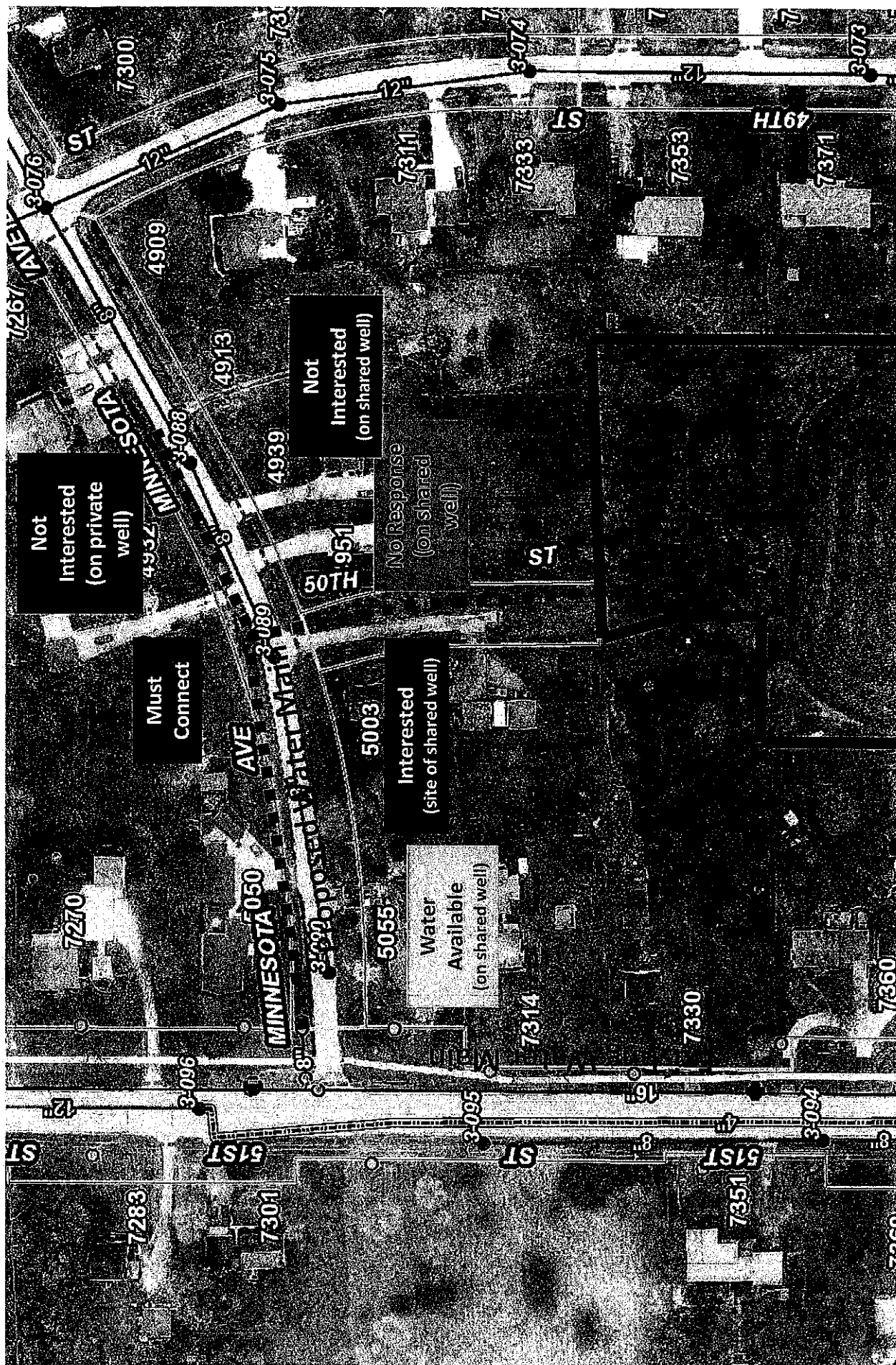
### **FISCAL NOTE**

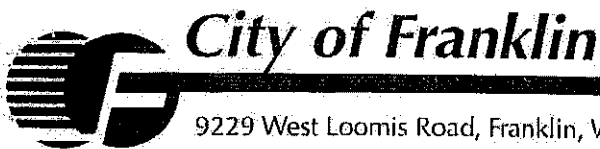
The Utility Development Fund has resources to fund a water main extension. The Capital Improvement fund has a \$500,000 appropriation for water main extensions.

### **COUNCIL ACTION REQUESTED**

(Option A) Direct Staff to develop a water main extension project along S. 50<sup>th</sup> Street and W. Minnesota Avenue and an Engineer's Report in accordance with Municipal Code Section 207-15 for special assessment of 4932, 4939, 4951, 5003 and empty lot on W. Minnesota Avenue (Tax Key Nos: 759 0023 000, 759 0038 000, 759 0039 000, 759 0034 000, and 759 0024 003).

Engineering: GEM





July 9, 2019

Re: Survey for Water Utility Service and Notice of Survey

Dear Property Owner:

The City of Franklin has received a request to extend water service in your neighborhood. A proposed southern extension of 50<sup>th</sup> Street, as part of the recently approved Oak Ridge subdivision, would open up the possibility to extend City water to homes that currently do not have access to City water.

To understand the surrounding property owners' interest in connecting to City water, we ask that the owners identified below complete and return the included survey. Once the surveys are collected and summarized, the item will come before the Common Council for their consideration.

You should know that the Common Council will consider the survey in their decision and even if you stated you did not want water, a water project past your property may occur. With the exception of the newly created lot on Minnesota that has an agreement to connect as soon as a water system is available, your connection to the water system is optional. However, you would be assessed for the project if it were constructed. In addition, the City does not participate in private well agreements or any outcome related to the extension of City water service.

Should the project move forward, payment options will be considered during the project discussion and decision making process. Should you decide to connect to City water, there would be a cost to connect from your home to the water main at the street and a cost by special assessment for the water main installation to the homes where a main is not already present and accessible. It should be noted that City water is available to the homes fronting 51<sup>st</sup> Street. Final costs would be determined based on design, location and project bids.

A summary of the surveyed properties are as follows:

*4932 W. Minnesota - Return Survey for/against new water main, subject to assessment*  
*4939 W. Minnesota - Return Survey for/against new water main, subject to assessment*  
*4951 W. Minnesota - Return Survey for/against new water main, subject to assessment*  
*5003 W. Minnesota - Return Survey for/against new water main, subject to assessment*

*5050 W. Minnesota - Survey not required, water available on 51<sup>st</sup>, no assessment*  
*5055 W. Minnesota - Survey not required, water available on 51<sup>st</sup>, no assessment*

*New Lot on W. Minnesota - Survey not required, must connect if extended, subject to assessment*

Should you require additional information, please contact City Engineering staff at 414-425-7510 or your Alderperson, Kristen Wilhelm at 414-427-7603.

Sincerely,

Glen E. Morrow, PE  
City Engineer

Please mark the appropriate box that most closely reflects your feelings and return by **August 12, 2019**. You may return to the engineering office at City Hall in person or via mail (9229 W. Loomis), via email ([dengineering@franklinwi.gov](mailto:dengineering@franklinwi.gov)), fax to 414-425-3106, attention Debbie, or telephone Debbie at (414) 425-7510 during normal business hours.

**SURVEY**

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

Address: \_\_\_\_\_

(please check all that apply):

**Water**

- ☐ I am NOT interested in having water service from the City of Franklin
- ☐ I may be interested in having water service available, please provide more information
- ☐ I am definitely interested in having Franklin water service

Comments:

Thank you for your input. We intend to share this information with Franklin Common Council at the August 20 meeting.

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2019
REPORTS AND RECOMMENDATIONS	ENGINEERING CONTRACT FOR THE DESIGN OF A CASCADE TRAIL (300 S 60TH STREET) EXTENSION TO THE ROOT RIVER LINE OF THE OAK LEAF TRAIL	ITEM NUMBER <i>6.6.</i>

### **BACKGROUND**

Alderman Barber asked Staff to explore a small trail extension from Cascade Park (8300 S. 60<sup>th</sup> Street) to the Root River line of the Oak Leaf Trail. With the Riverpark trail/bridge completed in 2018, this local trail connection would enable connection from Franklin High School on S. 51st Street to the Root River Trail. This project would be eligible for Park Impact Fees.

This project was presented to the July 8, 2019, Franklin Parks Commission and had positive responses.

### **ANALYSIS**

Such a project would spend park impact fee monies with minimal/no out-of-pocket costs from Franklin tax funds. This project would require design, permitting, and easement descriptions prepared by a consultant and would use DPW labor and materials (culverts and millings) as the match.

There would need to be an intergovernmental agreement with Milwaukee County. Staff has met with Milwaukee County Parks Staff and received positive comments. The details of the intergovernmental agreement would need to be negotiated and dependant on a final design.

To proceed with developing this project, Staff solicited a draft proposal from Trotter & Associates. The draft proposal is a three-phased approach that would first evaluate feasible alternatives based on feedback from the regulatory and jurisdictional agencies to develop a conceptual design. Phase 1 would determine if the project is worthwhile.

### **OPTIONS**

- A. Direct Staff to work with Trotter & Associates and return with a final agreement for Common Council consideration. Or
- B. Refer back to Staff with further direction.

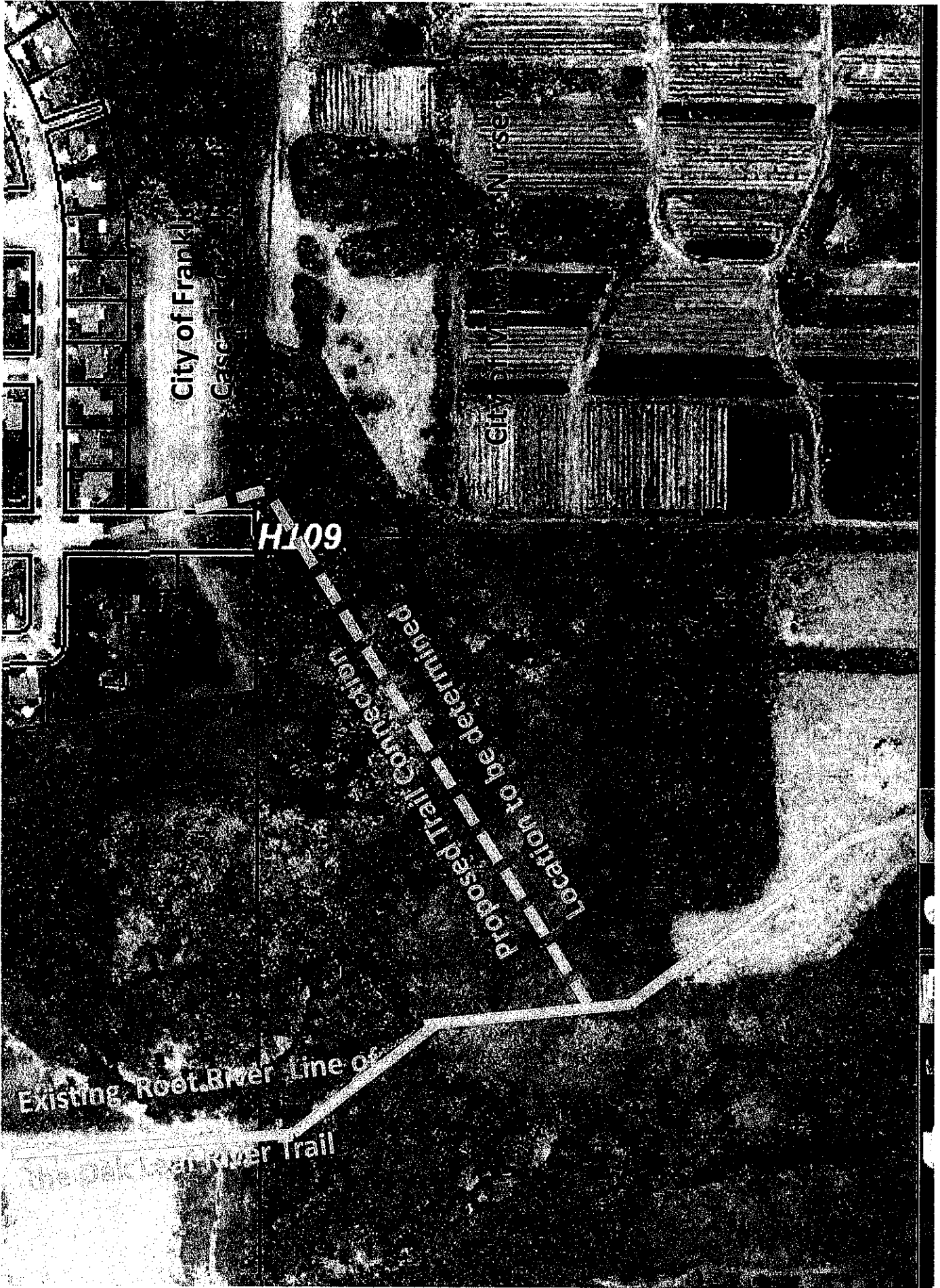
### **FISCAL NOTE**

There is no appropriation or funding available for this project. For Phase 1 only, the City would need to provide 29% of \$30,440 = \$8,816 and Common Council could transfer out of General Funds and to the Capital Improvement Fund. Likewise, if all three phases are approved, the estimated City funds are 29% of \$61,030 = \$17,700 and could be funded with a transfer in the same manner. For both scenarios, the Park Impact Fees would contribute 71% of the costs, or \$21,613 and \$43,330 respectively.

### **COUNCIL ACTION REQUESTED**

(Option A) Direct Staff to return to Common Council with a final engineering contract with Trotter & Associates for the design of a Cascade Trail extension to the Root Rover Line of the Oak Leaf Trail.

Engineering: GEM



City of Franklin

Cascadia

City of Milwaukie

H109

Proposed Trail Connection  
Location to be determined

Existing Root River Line of

Oak River Trail



APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2019
REPORTS AND RECOMMENDATIONS	RESOLUTION TO ISSUE A CHANGE ORDER 01 FOR PLEASANT VIEW PARK PAVILION (4901 W. EVERGREEN STREET) IN THE AMOUNT OF \$19,117.06	ITEM NUMBER  <b>G.7.</b>

#### **BACKGROUND**

On June 18, 2019, Common Council awarded a contract to Ray Stadler Construction Co. in the amount of \$544,000 for the construction of the Pleasant View Pavilion in Pleasant View Park- 4901 W. Evergreen Street. The project is a lump-sum construction project.

#### **ANALYSIS**

The project bid documents specified that the DPW would provide all concrete flatwork (sidewalk, stoops, etc.) surrounding the pavilion. As many are aware, the capacity of DPW this year is stretched well beyond the normal workload. DPW Staff would greatly appreciate if this workload could be reassigned to the contractor.

The contractor for the pavilion has offered to add the flatwork into his project as a change order. This area is approximately 1,044 square feet.

In addition, there was a request to place a doggie drinking fountain (aka bubbler) feature as this feature at Kayla's Playground has been very popular. Unlike the stand-alone model installed at Kayla's playground, this doggie drinking fountain would be placed on the side of the pavilion.

The attached change order directs the contractor to provide the additional flatwork (\$17,010.83) and install the doggie drinking fountain (\$2,106.23) for a total increase of \$19,117.06. The funding for this project uses 47% park impact fees and the match is provided from the Development fund.

The attached change order allows an additional 30 calendar days to the contract. Note that there was another delay caused by the state review backlog causing a delay in local permits (not the fault of the contractor). In addition, an extension of time to allow the contractor to complete the flatwork is likely an overall time savings to provide a functional facility since the DPW would have to schedule the work amongst other commitments.

#### **OPTIONS**

- A. Authorize the full amount for a change order to have the pavilion contractor install concrete flatwork and the doggie drinking fountain. or
- B. Authorize a change order for only concrete flatwork or doggie drinking fountain. or
- C. Refer to Staff with additional direction.

#### **FISCAL NOTE**

There are contingency appropriations available in the Capital Improvement Fund to award this program change.

#### **COUNCIL ACTION REQUESTED**

(Option A). Resolution 2019-\_\_\_\_\_ a resolution to issue a Change Order 01 for Pleasant View Park Pavilion (4901 W. Evergreen Street) in the amount of \$19,117.06.

Engineering: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

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

RESOLUTION TO ISSUE A CHANGE ORDER 01  
FOR PLEASANT VIEW PARK PAVILION (4901 W. EVERGREEN STREET)  
IN THE AMOUNT OF \$19,117.06

-----

WHEREAS, the Common Council awarded a lump sum contract on June 18, 2019, to Ray Stadler Construction Co. for the construction of the Pleasant View Pavilion in Pleasant View Park- 4901 W. Evergreen Street (Project 2019-3) in the amount of \$544,000; and

WHEREAS, the Common Council requested additional work be added to the project that included concrete flat work and a doggie water fountain.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized and directed to execute Change Order 01 to increase the total contract amount by \$19,117.06 to \$563,117.06.

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

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

APPROVED:

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

ATTEST:

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

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

CHANGE ORDER  
CITY OF FRANKLIN  
DEPARTMENT OF ENGINEERING

Change Order No: 01

Dated: August 20, 2019

---

PROJECT NAME Pleasant View Pavilion in Pleasant View Park

PROJECT LOCATION 4901 W. Evergreen Street

---

CONTRACTOR: Ray Stadler Construction Co.

Contract For \_\_\_\_\_

---

Nature of the Changes:

Additional concrete flatwork and addition of doggie drinking fountain.

---

These changes result in the following adjustment of Contract Price and Contract Time: (CITY CONTRACT ONLY)

Original Contract Price \$ 544,000

Contract price prior to this Change Order \$ 544,000

Net Increase resulting from this Change Order \$ +\$19,117.06

Current contract price including this Change Order \$ \$563,117.06

Net (Increase/Decrease) in time resulting from this Change Order Increase 30 calendar days

---

The above changes are Approved by:

Mayor

City Clerk

Contractor:

By: Stephen R. Olson

By: Sandra L. Wesolowski

By: \_\_\_\_\_

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

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

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

Director of Finance & Treasurer

City Attorney

By: Paul Rotzenberg

By: Jesse A. Wesolowski

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

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

# **Ray Stadler Construction Co., Inc.**

**Since 1928**

6202 West State Street  
Wauwatosa, WI 53213-2906

Phone (414) 774-8805  
Fax (414) 774-8807  
E-mail [john@raystadler.com](mailto:john@raystadler.com)

## **Cost Proposal # 02**

City of Franklin  
Pleasant View Park Pavilion  
4901 Evergreen Street  
Franklin, WI

August 13, 2019

Attention: Thomas Iglinski

### **RFCP #2 Price for Dog Water Fountain**

PSI Plumbing	\$1,800.00
O.H. and P x 15%	<u>\$270.00</u>
Sub Total	\$2,070.00
Bond x 1.75%	<u>\$36.23</u>
Total	\$ 2,106.23

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE August 20, 2019
Reports & Recommendations	CONSIDER THE RENAMING OF THE SEWER AND WATER OPERATIONS CENTER (5500 W. AIRWAYS AVENUE)	ITEM NO. <b>G. 8.</b>

### **BACKGROUND**

Resolution 2010-6634 is a resolution establishing a City buildings, parks and facilities naming policy. Among other requirements, the Common Council shall request the review and recommendation of the Board of Public Works for the naming of a public building.

### **ANALYSIS**

Staff recommends that it is appropriate to rename the Sewer and Water Operations Center (5500 W. Airways Avenue) in honor of former City Engineer, John M. Bennett, PE. The Sewer and Water Operations Center was issued a Certificate of Occupancy on December 29, 2015. Although Mr. Bennett retired on June 6, 2014, after almost 45 years of service, he was instrumental in the development of the utility facility, not to mention his involvement in the development of Franklin as we know it today.

The ordinance makes reference to the Board of Public Works. Staff recommends that it is appropriate for the Board of Water Commissioners to also consider the topic and make a recommendation to the Common Council.

### **FISCAL NOTE**

Staff will develop a budget for signage on the building and this will be discussed at a later date.

### **OPTIONS**

- A. Direct the Board of Public Works and the Board of Water Commissioners to consider the renaming of the Sewer and Water Operations Center. Or
- B. Refer back to Staff with further direction.

### **COUNCIL ACTION REQUESTED**

(Option A) Motion to direct the Board of Public Works and the Board of Water Commissioners to consider the renaming of the Sewer and Water Operations Center (5500 W. Airways Avenue) and return to Common Council with a recommendation.

Engineering: GEM

RESOLUTION NO. 2010- 6634A RESOLUTION ESTABLISHING A CITY BUILDINGS, PARKS AND FACILITIES  
NAMING POLICY

---

WHEREAS, the Common Council having considered the value of establishing a uniform policy to address the naming of City buildings, parks and facilities to assist in the consideration of requests received and proposals and considerations made from time to time to name City property; and

WHEREAS, the Parks Commission and the Board of Public Works having considered the terms of a naming policy for City property as directed by the Common Council and having reported their respective recommendations to the Common Council; and

WHEREAS, the Common Council having considered such recommendations in its deliberations and having determined a policy for the naming of City property which will promote the public welfare and best interests of the City.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the naming of City buildings, parks and facilities be conducted as follows:

## City of Franklin Public Buildings, Parks and Facilities Naming Policy

## I. Purpose

The purpose of this policy is to establish a uniform procedure for the naming of City buildings, parks and facilities throughout the City of Franklin.

## II. Authorization

The Common Council shall have the authority for the naming of all City buildings, parks and facilities by passing or rejecting a resolution at a regular or special Common Council meeting. The Common Council shall request the review and recommendation of the Parks Commission for the naming of any public park or park facility. The Common Council shall request the review and recommendation of the Board of Public Works for the naming of any public building. In the event the Common Council does not receive the requested recommendation from the Commission or the Board within 45 days of such request, respectively, the Common Council may take action without such recommendation(s).

## III. Objectives

- Provide name identification ☐

- Provide citizen/neighborhood input into the process ☐
- Insure control for naming policy

#### IV. Qualifying Name

- Geographic location to facility ☐
- Outstanding feature ☐
- Adjoining subdivision ☐
- Historical event, group, or individual; except that eligibility shall commence only after five years following the event or other basis establishing the historical significance ☐
- Exceptional service in the public interest that has had a major impact and benefit to the City by an individual who demonstrates dedication to service to the City and/or to individuals, families, groups, or community services, extraordinarily above and beyond the call of duty; except that in the event of a public employee or elected or appointed official, eligibility shall commence only after five years following the completion of their public service
- Exceptional service in the public building, park or facility's interest
- Contribution to acquisition/development of the public building, park or facility

#### V. Naming City Buildings, Parks and Facilities

The City's approval of a naming proposal is the conferral of a privilege, not a right, and at all times the City shall reserve the right to reject any naming proposal for any reason not prohibited by law. The following guidelines will be used when naming a public building, park or facility:

1. A name is intended to be permanent.
2. Duplication of other places or facility names in the City shall not be considered.
3. Any consideration of a proposal for a name must be commenced by a motion authorizing the same made by the Common Council.
4. Prominent geographic features or local reference points (i.e., hill, stream, lake, notable tree, street, community or neighborhood) shall be considered for a potential name.
5. After the Common Council preliminarily decides upon a name, public notice of the recommended name shall be published as a Class 2 notice, specifying a thirty (30) day public comment period in the City's official newspaper. Citizen comments and recommendations must be in writing to the City Clerk and must be postmarked within the thirty (30) day public comment period.
6. After the thirty (30) day public comment period, the Common Council will pass a resolution adopting or rejecting the name.
7. An existing name of a public building, park and/or facility, particularly one of local or national importance or outstanding feature, shall not be changed unless there are extraordinary circumstances of local or national interest.

#### VI. Renaming

- a. The renaming of public buildings, parks and facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical

examination so as not to diminish the original justification for the name or discount the value of the prior contributors.

b. City buildings, parks and facilities named after individuals shall never be changed unless it is found that the individual's personal character is or was such that the continued use of the name for a park or facility would not be in the best interest of the community.

c. In order for a City building, park or facility to be considered for renaming, the recommended name must qualify according to Sections IV. and V. of this Policy.

#### VII. Other Naming Alternatives

a. City buildings, parks and facilities that are donated to the City can be named by deed restriction by the donor. The naming and acceptance of land is subject to the guidelines set forth above and approval by the Common Council.

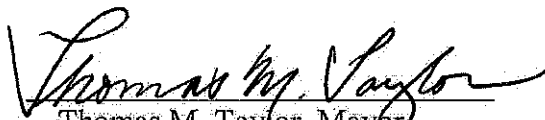
b. A facility within a park, i.e., playground, picnic shelter, etc., can be named separately from the park or facility location subject to this Policy.

c. This Policy does not apply to the naming of public streets.

Introduced at a regular meeting of the Common Council of the City of Franklin this 16th day of March, 2010.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 16th day of March, 2010.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0



APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE August 20, 2019
Reports & Recommendations	<b>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT- FUNDING AGREEMENT 08 WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT IN THE AMOUNT OF \$146,605</b>	ITEM NO. <b>G.9.</b>

### **BACKGROUND**

Milwaukee Metropolitan Sewerage District (MMSD) allocates funding for member communities to address excessive clear water that enters the sanitary sewer system from private property sources, known as private property inflow and infiltration (PPII). Recently, Franklin has utilized these funds to redirect sump pump and down spouts and repair defective sewer laterals in the Rawson Homes area (S. 36<sup>th</sup> Street, S. 37<sup>th</sup> Place, and W. Rawson Avenue vicinity). Later this funding source was used to address the redirected clear water that caused unpleasant conditions in the flat neighborhood ditches.

Franklin's PPII current balance (after the Rawson Homes project) is just over \$1 million. To avoid loss of these funds to other communities, Franklin needs to spend the monies to continue addressing private property projects. On July 2, 2019, Common Council directed Staff to notify MMSD of desire to finalize Task Order No. 17 with Brown and Caldwell for \$147,000 and incorporate in a private property inflow and infiltration funding agreement. MMSD has responded with a funding agreement to accomplish this work.

### **ANALYSIS**

This work will be in areas tributary to the St. Martins Lift Station since large peaking flows are troublesome for the lift station during wet weather events. This work will determine the extent of the private inflow and infiltration sources. The enclosed funding agreement (FR08) provided by MMSD will direct Brown and Caldwell to complete the needed investigations and evaluations (Task Order 17).

### **FISCAL NOTE**

Using the proposed method of using MMSD funding, there is no impact to City budgets nor need for budget allocations.

### **OPTIONS**

- A. Authorize the attached funding agreement with MMSD. Or
- B. Refer back to Staff with further direction.

### **COUNCIL ACTION REQUESTED**

(Option A) motion to adopt Resolution 2019-\_\_\_\_\_, a resolution authorizing certain officials to enter into a private property infiltration and inflow reduction agreement- funding agreement 08 with Milwaukee Metropolitan Sewerage District in the amount of \$146,605.

Engineering: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A  
PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT-  
FUNDING AGREEMENT 08 WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT  
IN THE AMOUNT OF \$146,605

-----  
WHEREAS, the Milwaukee Metropolitan Sewerage District (MMSD) has developed and funded a private property infiltration and inflow (PPII) program; and

WHEREAS, the City has a need to reduce PPII in areas tributary to the St. Martins Lift Station; and

WHEREAS, MMSD has contracted with Brown and Caldwell to investigate and evaluate PPII sources in the MMSD district areas; and

WHEREAS, MMSD provides a procedure of procurement of Brown and Caldwell's services for the City; and

WHEREAS, funds are available from the MMSD PPII Program to fund this program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Mayor and City Clerk are authorized and directed to execute funding agreement number 8 whereby MMSD will fund PPII investigative and evaluative efforts in the City of Franklin in the amount of \$146,605.

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

ATTEST:

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

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



RECEIVED

AUG 01 2019

City of Franklin  
Engineering Department  
July 29, 2019

Glen Morrow, P.E.  
City Engineer  
City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132

Subject: Funding Agreement FR08

Mr. Morrow,

Enclosed are two copies of Funding Agreement FR08 under the District Private Property Inflow and Infiltration Reduction Program. If acceptable, please complete City endorsements and return all copies. Completed originals will be returned for your files once all signatures are complete.

Please contact me at 414.225.2161 or [jflogel@mmsd.com](mailto:jflogel@mmsd.com) if you have any questions.

Sincerely,

Jerome Flogel, P.E.  
Senior Project Manager

Enclosure

JF

## **Funding Agreement FR08**

### **Private Property Infiltration and Inflow Reduction Agreement**

This Agreement is made between the Milwaukee Metropolitan Sewerage District (District) with its principal place of business at 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446 and the City of Franklin (Municipality) with its municipal offices at 9229 W. Loomis Road, Franklin, WI 53213.

WHEREAS, Wisconsin law, through Section 66.0301 Stats., authorizes any municipality to enter into an intergovernmental cooperation agreement with another municipality for the furnishing of services; and

WHEREAS, the District is responsible for collecting and treating wastewater from the Municipality's locally owned collection system; and

WHEREAS, the Municipality's sewers collect wastewater from lateral sewers located on private property and owned by private property owners; and

WHEREAS, during wet weather events stormwater enters lateral sewers through defective pipes and leaky joints and connections ("infiltration") and stormwater also enters lateral sewers from foundation drains, improper connections and other sources ("inflow"); and

WHEREAS, infiltration and inflow increases the amount of wastewater that the District must collect and treat; and

WHEREAS, during wet weather events infiltration and inflow ("I/I") into privately owned sewers contributes to the risk of sewer overflows; and

WHEREAS, the District selected Brown and Caldwell (Consultant) from numerous proposals received in response to a District RFP and entered into Contract M03063E02 with Consultant to perform consulting services on the District's behalf for the Private Property Infiltration and Inflow Reduction project; and

WHEREAS, the District wishes to fund measures to reduce I/I from private property.

Now, therefore, for the consideration of the mutual promises made by the parties to this Agreement, the parties agree as follows:

#### **1. Date of Agreement**

This Agreement becomes effective immediately upon signature by both parties and shall end when the Municipality receives final payment from the District or December 31, 2020 (whichever occurs first), or when this Agreement is otherwise terminated as set forth herein.

#### **2. District Funding**

The District shall reimburse the Municipality for \$146,605 in costs for the private property I/I control work described in Attachment A ("the Work"). The District funding shall be provided as a reimbursement upon submission of timely invoices. No reimbursement shall be made for expenses incurred prior to completion of this agreement. Beyond the financial support for the Work, the District shall have no involvement in ownership, construction, maintenance or operation of the Work. The Municipality shall identify the District as a funder in informational literature and signage.

### **3. Procedure for Payment**

The Work will be performed under the District's contract with Brown and Caldwell (the "Consultant") (Contract M10004E01), and the District will pay Brown & Caldwell's invoices directly, upon concurrence of the Municipality. The invoice amount(s) paid directly by the District shall be deducted from the remaining allocation balance of the Municipality.

Questions relating to expenses and invoicing shall be directed to:

Jerome Flogel, P.E.  
Senior Project Manager  
Milwaukee Metropolitan Sewerage District  
260 West Seeboth Street  
Milwaukee, WI 53204 – 1446

Final reimbursement will not be provided until the project is complete and the Deliverables (Attachment B) have been received.

### **4. Changes in Work and Modifications to the Agreement**

Any proposed changes to the Work must be submitted to the District, in writing, in advance. The District may not reimburse for work that is not included in Attachment A unless prior written approval has been requested from the District and approval has been obtained through the eBuilder change processes.

This Agreement may be modified only in writing signed by both parties or through the eBuilder change processes.

### **5. Ongoing Reporting Obligation**

For a period of five years following the completion of the Work, the Municipality agrees to report to the District any problems which may arise with the completed Work. This information may be used by the District in planning future I/I reduction efforts.

### **6. Permits, Certificates and Licenses**

The Municipality is solely responsible for ensuring compliance with all federal, state and local laws requiring permits, certificates and licenses required to implement the Work.

### **7. Public Bidding**

The selection of professional service providers must be performed in accordance with the Municipality's ordinances and policies. All non-professional service work (i.e. construction, sewer inspection, post-construction restoration) must be procured in accordance with State of Wisconsin statutes and regulations and in accordance with the Municipality's ordinances and policies. Whenever work valued over \$25,000 is procured without the use of a public sealed bidding process, the District may request and the Municipality must provide an opinion from a licensed attorney representing the Municipality stating that the procurement is in compliance with State of Wisconsin law and Municipal ordinances.

### **8. Responsibility for Work, Insurance and Indemnification**

The Municipality is solely responsible for planning, design, construction and maintenance of the Work, including the selection and payment of consultants, contractors, and materials. The Municipality is solely responsible for ensuring compliance with Wisconsin prevailing wage law.

The District shall not provide any insurance coverage of any kind for the Work or the Municipality.

The Municipality shall defend, indemnify and hold harmless the District and its Commissioners, employees, and agents against any and all damages, costs, liability and expense whatsoever (including attorneys fees and related disbursements) arising from or connected with the planning, design, construction, operation or maintenance of the Work.

#### **9. Terminating the Agreement**

The District may terminate this Agreement at any time prior to commencement of the Work. After the Work has commenced, the District may terminate the Agreement only for good cause, such as, but not limited to, breach of agreement by the Municipality. The Municipality may terminate the Agreement at any time, but will not receive any payment from the District if the Work is not completed.

#### **10. Exclusive Agreement**

This is the entire Agreement between the Municipality and the District regarding reimbursement for Work.

#### **11. Severability**

If any part of this Agreement is held unenforceable, the rest of the Agreement will continue in effect.

#### **12. Applicable Law**

This Agreement is governed by the laws of the State of Wisconsin.

#### **13. Resolving Disputes**

If a dispute arises under this Agreement, the parties agree to first try to resolve the dispute with the help of a mutually agreed-upon mediator in Milwaukee County. Any costs and fees other than attorney fees associated with the mediation shall be shared equally by the parties. If the dispute is not resolved within 30 days after it is referred to the mediator, either party may take the matter to court.

#### **14. Notices**

All notices and other communications in connection with this Agreement shall be in writing and shall be considered given as follows:

- when delivered personally to the recipient's address as stated on this Agreement; or
- three days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated on this Agreement.

#### **15. No Partnership**

This Agreement does not create a partnership relationship nor give the Municipality the apparent authority to make promises binding upon the District. The Municipality does not have authority to enter into contracts on the District's behalf.

#### **16. Assignment**

The Municipality may not assign any rights or obligations under this Agreement without the District's prior written approval.

### 17. Public Records

The Municipality agrees to cooperate and assist the District in the production of any records in the possession of the Municipality that are subject to disclosure by the District pursuant to the State of Wisconsin's Open Records Law, §§19.31-19.39, Wis. Stats. The Municipality agrees to indemnify the District against any and all claims, demands, and causes of action resulting from the Municipality's failure to comply with this requirement.

**MILWAUKEE METROPOLITAN SEWERAGE  
DISTRICT**

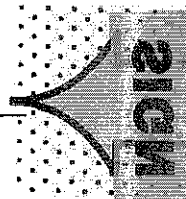
**CITY OF FRANKLIN**

By: \_\_\_\_\_  
Kevin L. Shafer, P.E.  
Executive Director

By: \_\_\_\_\_  
Steve Olson  
Mayor

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

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



Approved as to form:

Clerk:

\_\_\_\_\_  
Attorney for the District

\_\_\_\_\_  
Sandi Wesolowski

\_\_\_\_\_  
Paul Rotzenberg  
Director of Finance & Treasurer

## **M10004E01: Task Order 17 – Franklin PPI/I Work Plan**

**To:** Glen Morrow, City of Franklin  
Jerome Flogel, Milwaukee Metropolitan Sewerage District (District)

**From:** Julie McMullin, Brown and Caldwell (BC)

**Copy to:** Andy Lukas, BC  
Tim Reinbold, Oneida Total Integrated Enterprises (OTIE)  
Kevin Kimmes, Stantec

**Date:** July 15, 2019

**Re:** Task Order 17 – Franklin PPI/I Work Plan

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### **Background**

The City of Franklin (Franklin) is planning out the next phase of its Private Property Infiltration and Inflow (PPII) program. During wet weather, the St. Martin's pump station typically experiences large peaking factors. Under this task order, Franklin plans to complete some investigative monitoring to identify which tributary area to the pump station generates the largest peaking factors during wet weather and then will identify a plan of action to reduce flows within that area. Task Order 17 will include micro-monitoring and house investigations, and recommendations for implementation based on these efforts. Either an additional task order or an amendment to this task order will be needed for the implementation phase of the work, to include design and construction management activities.

### **Scope of Work**

#### **Task Order Development and Management**

Task Order Development includes developing the scope, budget, schedule, and staffing for the task order. Task Order Management includes reviewing the budget status, coordinating with staff, maintaining the schedule, and preparing monthly status reports to accompany the invoice package. This task order assumes up to 12 months of task order management of up to three subconsultants.

#### **Historical Data Review**

The Historical Data Review task includes reviewing the run-time data for the St. Martin's lift station and the flow, level, and velocity data for up to three flow meters that monitored portions of the area tributary to St.



Martin's lift station. The team will also review a PPI/I evaluation document that Ruekert and Mielke (R&M) prepared in 2011 and will review the data from up to three additional flow meters based on the conclusions from the R&M report. Franklin will provide the data for the consultant team to review.

Also included is one meeting to kick-off the task order and discuss available historical data to review, along with meeting preparation and follow-up time. Up to three people will attend the meeting, which is expected to last up to three hours (including travel time and expenses).

## Micro-Monitoring

The Micro-Monitoring task is to monitor the area tributary to the St. Martin's lift station and includes preparing and mobilizing the micro-monitoring equipment, conducting the micro-monitoring, processing the data from the micro-monitoring, and preparing a technical memorandum to summarize the process and results.

The figure in Attachment A identifies the proposed locations for micro-monitoring. Up to 36 micro-monitors will be installed over three phases, with 12 micro-monitor installations per phase. For each phase of micro-monitoring, the micro-monitors will be maintained for up to one month (or four weeks) to collect one to two storm events that produce a recorded infiltration and inflow (I/I) response at the micro-monitors; additional budget will be needed if there are no events during the monitoring period that generate enough I/I response. Additionally, a rain gauge will be installed and maintained within the study area for the duration of the micro-monitoring. There will be one interim download and review of data from micro-monitors after each storm with I/I response. All micro-monitors and the rain gauge will be removed following the anticipated micro-monitoring period of three months (or 12 weeks).

The consultant team will provide a brief letter report for each area to detail the locations and installation of the micro-monitors, the collected flow data, and conclusions of I/I response for each monitored area. Members of the consultant team will also meet with Franklin and District staff to discuss the results of the micro-monitoring.

Assumptions related to the micro-monitoring are as follows:

- Manholes designated for monitoring have been located and are accessible;

- Manholes designated for monitoring are generally situated in locations that do not require traffic control beyond what can be safely completed with a two-person field crew;

- If additional personnel are needed for safe traffic control, the District or Franklin will provide said personnel;

- Micro-monitors are designed for locations with 6-, 8-, 10-, or 12-inch pipes only;

- Additional micro-monitors will be \$1700 each, per phase;

- An extension of a monitoring phase beyond 12 weeks will need to be negotiated.

The budget also includes preparation, attendance, and follow-up for one meeting to discuss the results of the micro-monitoring; this assumes up to two people attend the meeting for up to three hours (including travel time and expenses).

## Public Outreach

The Public Outreach task will include drafting letters and right-of-entry forms and mailing the documents to up to 100 homeowners for permission to conduct house inspections. Also included is 15 minutes of coordination time by phone for up to 100 homeowners for scheduling the house inspections. This assumes that Franklin provides the phone numbers and addresses of the homeowners.

## House Inspections

The House Inspections task includes conducting interior and exterior inspections of up to 100 houses. Two-people teams will complete the inspections that are assumed to take up to one hour to complete.

## Recommendations

Following completion and evaluation of the results of the micro-monitoring and house inspections, the consultant team will provide recommendations on the type and location of future rehabilitation work. Up to four strategies will be considered for up to two focus areas. The consultant team will prepare a technical memorandum to summarize the inspection and evaluation process, findings, and recommendations, as well as also prepare up to two work plans to implement the next phase(s) of PPI/I investigation and/or rehabilitation. The work plans will include a written plan and cost estimate for the next phase of work. In the budget is a workshop to discuss the alternatives, preliminary recommendations, draft work plans, and technical memorandum with Franklin and District staff. The budget includes time to prepare, attend, and provide follow-up from the workshop, with up to three people attending the meeting for up to three hours (including travel time and expenses).

Also included is time for one member of the consultant team to present the recommendations to the Franklin City Council.

## Schedule

The work will start immediately after the Task Order Notice to Proceed (NTP), with micro-monitoring beginning one month later and lasting three months. Following micro-monitoring, there will be two months to assess the micro-monitoring results, identify the location for house inspections, send entry permission-forms from homeowners and coordinate with homeowners on house inspections. The house inspections are anticipated to take two months to complete. Final recommendations will be ready one month after completion of the house inspections. It is anticipated that the entire task order will take just over one year to complete.

Attachment B provides a sample schedule, with an assumed NTP date of August 1, 2019. Please note that with this assumed schedule, the house inspections are planned to occur between February and May 2020 and the ability to conduct inspections (especially exterior inspections) could be hampered by weather; therefore, the schedule may need to be adjusted depending on the actual NTP.

## Budget

Table 1 provides a summary of the budget by each major task that was identified in the scope of work; overall, the budget for Task Order 17 is \$166,605.

Task Number	Task Name	Total Hours	Expenses	Labor Cost	Total Cost
1	TOA and TO Mgmt	83	\$0	\$12,820	\$12,820
2	Historical Data Review	35	\$50	\$5,640	\$5,690
3	Micro-monitoring	395	\$23,209	\$49,145	\$72,354
4	Public Outreach	54	\$0	\$3,950	\$3,950
5	House Inspections	250	\$800	\$28,000	\$28,800
6	Recommendations	138	\$40	\$22,951	\$22,991
<b>TOTALS</b>		<b>955</b>	<b>\$24,099</b>	<b>\$122,506</b>	<b>\$146,605</b>

## Staffing

BC will provide oversight and review of the task order work products, with Stantec leading the micro-monitoring work and OTIE assisting with the house inspection work. Penne Wilson will provide editorial review of the technical memorandums.

As summarized in Table 2, the anticipated participation by small, women, and minority-based enterprises is about 14%.

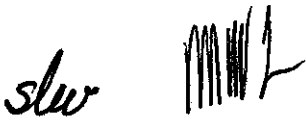
Table 2. Summary of S/W/MBE Participation			
Contractor	S/W/MBE Designation	Amount	Percentage of Total
OTIE	MBE	\$20,008.00	13.6%
LGD	SBE	\$0.00	0.0%
Stormwater Solutions	SBE	\$0.00	0.0%
John Kittelson	SBE	\$0.00	0.0%
Penne Wilson	WBE	\$285.00	0.2%
<b>TOTAL</b>		<b>\$20,292.00</b>	<b>13.8%</b>

## Attachment B

### **Deliverables:**

The City will provide the following to the District for expenses to be considered reimbursable for the completed Project:

1. Through the District SharePoint database, submission of participating parcels information including without limitation: property tax id., address, and column categories of work performed by property.
2. Samples of all public involvement/public education documents.
3. Accurate schedule of field activities updated on a weekly basis.
4. Notification of public and project meetings with inclusion of the District in participation thereof.
5. Progress reports on project activities and public involvement (PI) activities on a monthly basis or with pay reimbursement request, whichever occurs more frequently. (standard with Consultant invoicing)
6. Summary report upon completion of the project following the District template. (anticipated to be met with the completion of the TM)
7. The City will be responsible for providing pre-workflow data and reporting post-workflow monitoring data and or other data related to identified measures of success for at least 2 years post-work completion or as long as data is available, whichever period is longer, and reporting on any problems with the work for 5 years.

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>8/20/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>An Ordinance Amending Ordinance 2018-2345, An Ordinance Adopting the 2019 Annual Budget for the General Fund for the City of Franklin, to Appropriate \$48,700 within the Planning Department Applying Position Vacancy Savings for Additional Contracted Professional Services</b>	<b>ITEM NUMBER</b>  <b>G.10.</b>

The Common Council previously approved appropriating excess 2018 permit revenue for additional staff and consultant support in 2019 in the Planning Department. In conjunction with that approval, the Common Council requested updates, which Joel Dietl, Planning Manager, has been providing via email. As a summary of those updates and their current status, please note the following:

- Nick Fuch's company has been actively working and has very nearly exhausted his initial authorization of \$10,000.
- Vandewalle & Associates, Inc. and GRAEF both became engaged in July and began working around the start of August and are getting assignments along with the associated training to ensure their compliance with the expectations of our code and our processes. Their initial authorizations will likely be exhausted around the end of September.
- Regulo Martinez was hired and started as an Associate Planner August 5th and will be taking over a lot of the duties that Nick had.
- Marion Ecks was hired and started as an Assistant Planner, also August 5th, and will be taking over a lot of the duties that Orrin had done.

It is expected that Vandewalle & Associates and Graef will be able to accelerate their training and experience and handle more projects and more complex projects as they work their way through a learning curve for the first few months. This means that available appropriations will be used at a quicker rate as time moves forward. In order to ensure that the contractors can continue to help work toward clearing the backlog and help achieve prompt, thorough review, the Planning Manager requests authorization of additional appropriations prior to expiration of the existing approvals. To that end, the Director of Administration recommends re-appropriating excess Personnel Services appropriations within the existing Planning Department 2019 budget. These were appropriations intended for personnel which will remain unspent at the end of the year due to position vacancies that occurred earlier in the year. Use of these funds will not require use of contingency or other General Fund fund balance. In short, appropriations intended to process work with employees will be used to process work with the approved consultants.

Anticipating overtime usage for current employee's (the Planning Manager envisions that staff will be paid overtime rather than offered Comp Time for all night meetings and associated duties) and all of the other anticipated personnel costs, it is comfortably estimated that at least \$48,700 is available for transfer. There are a lot of variables in how quickly that allocation would be used, so staff can

continue to provide status reports, but it is estimated that this amount should be sufficient for the remainder of the year, even anticipating an accelerated rate of use. If the budget modification is approved, the appropriation will continue to be administered in accordance with the plan for supplemental planning services as previously authorized, unless otherwise directed by the Council. Each consultant is being reissued contracts in \$10,000 or smaller increments, which allows the Planning Manager greater flexibility in adjusting assignments between contractor to account for how they handle the learning curve, the nature of the individual review items, hourly rates, the in-flow of projects, etc.

Attached is a budget modification that provides for the re-appropriation of excess Personnel Services appropriations in the Planning Department 2019 budget for the purpose of additional contracted professional services. As a budget modification, four (4) approving votes are required for adoption. If approved, the Director of Finance and Treasury will allocate the reduction in Personnel Services appropriations to individual Personnel Services account codes as he determines is appropriate.

### **COUNCIL ACTION REQUESTED**

Motion to adopt Ordinance 2019-\_\_\_\_, An Ordinance Amending Ordinance 2018-2345, An Ordinance Adopting the 2019 Annual Budget for the General Fund for the City of Franklin, to Appropriate \$48,700 within the Planning Department Applying Position Vacancy Savings for Additional Contracted Professional Services.

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

AN ORDINANCE AMENDING ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGET FOR THE GENERAL FUND FOR THE CITY OF FRANKLIN, TO APPROPRIATE \$48,700 WITHIN THE PLANNING DEPARTMENT APPLYING POSITION VACANCY SAVINGS FOR ADDITIONAL CONTRACTED PROFESSIONAL SERVICES

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

WHEREAS, The Common Council previously approved appropriating excess 2018 permit revenue for additional staff and consultant support in 2019 in the Planning Department to help ensure the department can support the anticipated level of development activity and provide the development community with timely services; and

WHEREAS, due to working through the training and learning curve of new personnel and the consultants/contractors, these available appropriations will be used at a quicker rate. In order to ensure that the contractors can continue to help work toward clearing the backlog and help achieve prompt, thorough review, the Director of Administration recommends re-appropriating excess Personnel Services appropriations available within the existing Planning Department 2019 budget due to position vacancies earlier in the year.

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

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

Planning Department	Personnel Services	Decrease	\$48,700
Planning Department	Non-Personnel Services	Increase	\$48,700

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

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of August, 2019.

APPROVED:

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

ATTEST:

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

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

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APPROVAL <i>slw</i> <i>RA</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Aug 20, 2019
REPORTS & RECOMMENDATIONS	Contract with Bayside Printing, LLC to prepare and mail quarterly Water/Sewer Bills	ITEM NUMBER <i>G.11.</i>

### **Background**

The Water Utility and the Sanitary Sewer Utility have worked with the same supplier (nka OSG) for printing of Water & Sewer quarterly billings since prior to 2008. Within the last couple of years, the supplier has transitioned the printing work to a North Carolina plant.

The City provides an electronic file to the supplier who then prints the statements and mails them to the Water and/or Sanitary Sewer customers.

Utility customers should be un-aware of this change, as the same statement format will be used. Their experience will not change.

### **Analysis**

Bayside Printing, LLC has offered the City a three contract to print/mail the statements at a lower cost than has been charged by OSG. Bayside Printing, LLC is a Green Bay, WI based supplier.

Analysis has shown that the Utilities (which share the cost of printing/mailing) could save upwards of \$2,400 per year by accepting the Bayside Printing, LLC proposal. Annual costs for printing total approximately \$6,790 currently, plus postage.

Both suppliers take advantage of pre-sorted postage costs. No postage cost change is anticipated with this change in suppliers.

### **Fiscal Note**

Sufficient funds exist in the 2019 Budget to cover this agreement.

### **Recommendation**

Staff recommends accepting the three-year printing/mailing proposal from Bayside Printing, LLC for the quarterly billing ending Sept, 2019.

The Board of Water Commissioners will be considering this proposal at its meeting Aug 20, 2019.

### **COUNCIL ACTION REQUESTED**

Motion directing staff to execute the three-year Service Agreement with Primadata/Bayside Printing, LLC. For printing/mailing Sanitary Sewer/Water quarterly billings.

Contract start date: 9-30-2019

## **3 Year Service Agreement Primadata/Bayside Printing/City of Franklin**

**Project Name: Utility Bills**

**Primadata, LLC and Bayside Printing, LLC** (collectively, "Service Provider") will supply the **City of Franklin** ("Customer") will accept exclusively from Service Provider all of the Service Items listed in the text of this Agreement. Customer agrees to pay Service Provider for all services rendered on a net thirty (30) basis. Customer warrants that it is not subject to any existing Agreement for the processing services described within this Agreement. Service Provider guarantees that it will provide print and mail services based on services described within the contents of the Agreement.

Customer agrees and acknowledges the following as an Agreement to services rendered for the period of three (3) years with a one (1) year extension option. Sixty (60) day prior notice is required for forfeiture of one (1) year extension option. If Customer believes Service Provider has consistently failed to provide quality of goods and services as described within the Agreement, Customer may terminate this Agreement without penalty provided that Customer first gives Service Provider written notice detailing such service deficiencies and if Service Provider fails to resolve such deficiencies within sixty (60) days after notice. If Customer terminates the Agreement for reasons other than service deficiencies, the penalty is \$95.00/month for any remaining months left on the Agreement. Customer concerns shall be presumed resolved unless Customer gives Service Provider a second written notice detailing the continuing deficiencies within ten (10) days after the expiration of such sixty (60) day resolution period. Customer may then cancel this Agreement provided that all previous balances due to Service Provider are paid, for all services rendered

Service Provider assumes there will be one (1) mail stream, with no splits, multiple mail groups, or stock changes. The quoted statements would be a **quarterly** statement run and is requiring a three (3) year processing commitment between all Parties.

Service Provider will invoice this project on a **quarterly** basis. The full scope of work is laid out below and priced according to the previously received quote from Service Provider. In addition, the attached Implementation Plan (Schedule A) has additional job specs and details.

### **Scope of Work**

<b><u>Item</u></b>	<b><u>Description</u></b>
Acct #1900	
PROCESSING	SETUP/PRINT/FOLD/INSERT/METER/MAIL
Utility Bills	Print Black 1/1 from client supplied PDF on Service Provider
Quarterly	8.5x11 - 24# white stock w/ perf inserted with #9 envelope into Service Provider #10 double window envelopes (maximum 9 sheets of paper per envelope)

Delivery Service

First Class Presort Mail

Electronic submission of Paperwork & Deliver to Post Office

<b>Item</b>	<b>Price / Description</b>
Initial One Time Setup	Waived with a 3 year contract
Statement Page 1	\$0.1300 each – base on 10,500 records
Additional Images	\$0.04/image printed black
Flat	\$0.65 /each – Additional cost per piece of 9x12 (includes the cost of envelope)
Inserting - Service	\$0.02 /each – based on XXX records.
Inserting - Printing	To be quoted at time of production
Postage	Postage as incurred and invoiced separately, requires postage account to be setup and funded before mailing.

**Notes**

- 1) Optional Services are not included in the total cost.
- 2) As of July 1 1998, all addresses on any discount rate first class mail must have been exposed to NCOA updating or ancillary endorsement readings on the outer front read area of the mailing envelopes.
- 3) Any provided stock must be pre-authorized to meet equipment specifications.
- 4) Any developmental program work not listed in the specifications or the quote, but necessary for the job, will be billed accordingly. Programming services for calculation and lookup tables, custom reports multiple versions, author changes, non-standard data, etc. are charged at **\$125.00** per hour.
- 5) Postage prices are subject to change according to USPS.

**Production schedules**

Production schedules will be established and followed by both the Customer and Service Provider. In the event that production schedules are not adhered to by the Customer, delivery dates will be subject to renegotiations. There will be no liability or penalty for delivery due to state of war, riot, civil disorder, fire, strikes, accidents, action of government or civil authority, acts of God, or other causes beyond the control of the Service Provider. In such cases, schedules will be extended by an amount of time equal to delay incurred.

**Alterations/Corrections**

Customer alterations include all work performed in addition to the original specifications. All such work will be charged at the Service Provider's current rates.

**Customer Furnished Materials**

Materials furnished by Customer or their suppliers are verified by delivery tickets. The Service Provider bears no responsibility for discrepancies between delivery tickets and actual counts. Customer supplied paper must be delivered according to specifications furnished by the Service Provider. These specifications will include correct weight, thickness, pick resistance, and other technical requirements. Artwork, film, color separations, special dies, tapes, disks, or other materials furnished by the Customer must be usable by the Service Provider without alteration or repair. Items not meeting this requirement will be repaired by the Customer, or by the Service Provider at the Service Provider's current rates.

**Outside Purchases**

Unless otherwise agreed in writing, all outside purchases as requested or authorized by the Customer, are chargeable.

#### **Terms/Claims/Liens**

Payment is net thirty (30) calendar days from date of invoice. Claims for defects, damages or shortages must be made by the Customer in writing no later than ten (10) calendar days after services are rendered. If no such claim is made, the Service Provider and the Customer will understand that the job has been accepted. Postage invoices will be sent by Service Provider after each mailing. Payment terms for postage invoices is "due on receipt".

#### **Personal or Economic Rights**

The Customer also warrants that the work does not contain anything that is libelous or scandalous, or anything that threatens anyone's right to privacy or other personal or economic rights. The Customer will, at the Customer's sole expense, promptly and thoroughly defend the Service Provider in all legal actions on these grounds as long as the Service Provider:

- Promptly notifies the Customer of the legal action.
- Gives the Customer reasonable time to undertake and conduct a defense.

The Service Provider reserves the right to use his or her sole discretion in refusing to print anything he or she deems illegal, libelous, scandalous, improper or infringing upon copyright law.

#### **Storage/Warehousing**

The Service Provider will retain tangible paper materials until the related end product has been accepted by the Customer. The Service Provider is not liable for any loss or damage to stored material beyond what is recoverable by the Service Provider's fire and extended insurance coverage. Any unused tangible paper materials will be returned to Customer, at Customer's expense, or destroyed upon termination of the Agreement.

#### **Security**

Services included in this Agreement may or may not involve the transfer of nonpublic personal information between the Parties. This information is the property of Customer and will be used only for the purposes set forth in this Agreement. All information will be rendered with a high degree of care to protect the security, integrity and confidentiality of the information. All information will either be returned to Customer or destroyed (not retained) upon completion of the work or, in any event, upon termination of the Agreement.

Under some limited circumstances, the further transfer of information may be needed to accomplish the purposes for which Customer has contracted Service Provider. If a transfer of the information by Service Provider to a third party is required and permitted, Service Provider agrees that:

- a. Customer is not a party to the Agreement with the third party.
- b. Service Provider will use caution and prudence in the selection of responsible third parties as permitted under this term.
- c. Service Provider will obtain an Agreement from the third party it selects that the third party will use a high degree of care to protect the security, integrity and confidentiality of the information, use the information only for the purposes agreed upon, not transfer the information further, return or destroy the information to Service Provider upon either the completion of the work, or in any event, not later than the termination of the Agreement for services.

Any and all information disclosed by Customer shall be deemed to be confidential information. Service Provider shall not use Customer information for any purpose other than as reasonably necessary to fulfill the terms of this Agreement, and shall not disclose Customer information to

any third party person without the prior written consent of Customer. Service Provider shall not make Customer information available to any employees, contractors, or agents of Service Provider except those with a need to know. Service Provider shall implement appropriate measures to ensure the security and confidentiality of all Customer information in its possession from time to time, including protecting against any anticipated threats or hazards to the security or integrity of the Customer information. Upon written and reasonable notice from Customer to Service Provider, Service Provider will provide access to Service Provider premises during regular business hours to audit compliance with this section. Upon written request from Customer, Service Provider shall supply, from time to time, written certification of compliance with this section. Service Provider agrees to take appropriate action for all security breaches, including but not limited to, incidents of unauthorized access to or misuse of any Non-Public Personal Information (as these terms are defined in the Privacy Regulations issued pursuant to the Gramm-Leach-Bliley Act), and shall notify Customer of any such security breach immediately, not to exceed twenty four (24) hours from time of discovery. In addition, Service Provider agrees to observe applicable state and federal law in the use and retention of confidential information. The Parties agree that this is a material term of the Agreement.

### **Liability**

The Service Provider's liability will be limited to the replacement of, and postage for, any errors in printing, storing, sorting and mailing of statements or loss of inserts to the statements. The loss of Private Member Data due to a breach, whether internal or external, can cause severe reputation damage to both the Service Provider and the Customer. Service Provider will maintain Cyber Liability insurance coverage in the amount of at least \$1,000,000 to aid in rectifying and repairing member and Customer confidence. To help limit the effects of a breach, Service Provider will remove all Customer's data from their systems (including backup systems) within one hundred twenty (120) days of mailing of the statements. This includes data files and all files generated for each specific print job. Customer retains the right to audit Service Provider with twenty four (24) hour notice to determine compliance with this provision. Service Provider and Customer agree to notify each other in a timely manner should either become aware of a data breach.

### **Limitation of Liability with Respect to City**

Notwithstanding any other article herein to the contrary, this Agreement shall not be construed in any way so as to waive the City's immunity from liability and/or limitation of damages as set forth within any Federal, State, or local statute, ordinance, rule or regulation including, but not limited to, the limits of liability, and statute of limitations, as set forth within Section 893.80 through 893.82 of the Wisconsin State Statutes.

### **Indemnification**

The Customer agrees to indemnify and hold harmless Service Provider for all liability, damages, and attorney fees that may be incurred in any legal action connected with copyright infringement involving work produced from data provided by Customer. Service Provider must notify Customer of any such action within five (5) business days of knowledge of such action. Service Provider agrees to indemnify and hold harmless Customer for all liability, damages, and attorney fees that may be incurred in any legal action connected with copyright infringement involving software, processes and machinery used in the production of documents for Customer.

### **Dispute Resolution**

The Parties will attempt to resolve any dispute or claim arising from or in connection with this Agreement by appropriate internal means, including referral to each Parties senior management. Before either Party may bring any action or other proceeding, such Party will promptly notify the other Party in writing of the dispute or claim. No action will be brought until: (a) the respective

key personnel for each Party conduct a study of the dispute or claim; (b) a meeting between the Parties, including at least one representative of senior management, is held at a mutually convenient time and place as soon as practicable to try to resolve the dispute; and (c) if after such meeting takes place, one of the Parties sends a letter to the other stating it is unable to resolve the matter in dispute. Thereafter, the Parties may, by mutual consent, seek to resolve any disputes by the use of mediation and/or binding or non-binding arbitration. Unless the Parties agree otherwise in writing, neither Party waives its right to seek the remedies otherwise available to it under this Agreement by pursuing alternative dispute resolution such as mediation or arbitration.

**Recognition B: Parties of Adequacy of Terms of Agreement**

The Parties agree that their negotiations have led each Party to an understanding of the business needs and requirements of the other Party in connection with the services to be provided under this Agreement. Each of the Parties acknowledges that the terms of this Agreement adequately define and provide for its business needs and requirements in connection with the services to be provided under this Agreement.

**Relationship of the Parties**

No employment, partnership, or agency relationship or joint venture is created by reason of this Agreement. Neither Party is authorized to bind the other to any Agreement or contract with any third party.

**Assignment Agreement for Benefit of Parties Only**

This Agreement will be binding upon and will inure to the benefit of the Parties hereto and their successors and permitted assigns. Notwithstanding the above, neither Party may assign this Agreement without the prior written consent of the other Party. This Agreement and all of its provisions and conditions are for the sole and exclusive benefit of the Parties to this Agreement and their successors and permitted assigns.

**Entire Agreement: Amendment: Waiver**

Each of the Parties acknowledges that it has reviewed this Agreement and understands its terms and conditions. This Agreement (including the Attachments) represents the complete understanding of the Parties with respect to the matters set forth in this Agreement and supersedes any and all previous representations, statements, or promises, whether verbal or in writing. The Parties specifically affirm the limitations in respect of warranties and remedies set forth in this Agreement and agree that no other warranties or promises have been made except for such express warranties made. This Agreement may not be modified, altered, amended, or changed except by mutual agreement of the Parties in writing. No failure by either Party to insist upon strict performance of any term of this Agreement will act as a waiver of such Parties right to upon strict performance of such term at a later time or to insist upon strict performance of any other term of this Agreement.

**Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin as if it were negotiated, executed and performed entirely within the State of Wisconsin. The jurisdiction and venue for any dispute under this agreement shall be the circuit court for Brown County, State of Wisconsin.

**Entire Agreement: Amendment: Waiver**

Each of the Parties acknowledges that it has reviewed this Agreement and understands its terms and conditions. This Agreement (including the attached Schedules) represents the complete understanding of the Parties with respect to the matters set forth in this Agreement and supersedes

any and all previous representations, statements, or promises, whether verbal or in writing. The Parties specifically affirm the limitations in respect of warranties and remedies set forth in this Agreement and agree that no other warranties or promises have been made except for such express warranties made. This Agreement may not be modified, altered, amended, or changed except by mutual agreement of the Parties in writing. No failure by either Party to insist upon strict performance of any term of this Agreement will act as a waiver of such Parties right to insist upon strict performance of such term at a later time or to insist upon strict performance of any other term of this Agreement.

**Notices**

All notices and other communications required or permitted by this Agreement shall be in writing and will be effective when delivered to the addresses for the Parties set forth in the first paragraph of this Agreement by hand or by a nationally recognized overnight courier services (costs prepaid).

**Counterparts: Electronic Signatures**

This Agreement may be executed in any number of counterparts, and each shall be deemed an original with all such counterparts constituting one and the same instrument. A manual signature on this Agreement, an image of which shall have been transmitted electronically, will constitute an original signature for all purposes.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

**City of Franklin**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Primadata, LLC**

By: \_\_\_\_\_  
Print Name: Steve Hurning  
Title: CFO  
Date: 7-29-2019

**Bayside Printing LLC**

By: \_\_\_\_\_  
Print Name: Michelle Jossie  
Title: OWNER  
Date: 7-29-2019

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APPROVAL <i>slw</i> <i>RA</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Aug 20, 2019
REPORTS & RECOMMENDATIONS	Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing	ITEM NUMBER <i>6.12.</i>

### **Background**

The Capital Improvement program for 2019 anticipated a \$2.1 million Debt issue to provide resources for approved projects. The Common Council authorized an increase of that debt issue in May with Ordinance 2019-2371 when the S 51<sup>st</sup> and W Drexel round-about costs increased.

Some of the funding for the 2019 Capital Improvement program will come from the December 2017 debt issue, as the projects were delayed from 2018 to 2019. However, additional debt proceeds are required to complete the programs.

Financing needs to fund at this time:

- Debt resources are required for the 2019 Capital Improvement Program,
- to refund \$4 million of the 2018 NAN's (used to finance the TID5 project),
- fund the second mortgage for the Mandel Group as an element of the TID7 project plan and
- \$5.2 million for project costs in TID5 & 7 (commitments made with the Developer's Agreements in TID7 and Amended Developer's Agreement in TID5).

With the very low interest rate environment currently available in the market, locking interest costs on a portion of the 2018 NAN issued to fund the TID5 project plan is advisable. The 2018 NAN's have a call provision, permitting the refunding, which first becomes available on Dec 2, 2019 (90 days prior to the March 1, 2020 interest payment date).

The debt issuance plan combines all of the required debt offerings at the same time, with the Dec 2, 2019 settlement date for the refunding of the 2018 NAN's as the target. By combining the debt issues into one sale date, maximum efficiency of debt issuance costs will be realized. In Feb 2019 the City spent \$80,762 when it issued \$13.68 million of new debt. By comparison, the second issue at that same time raised \$6.3 million and cost \$43,462. There are fixed costs to issue debt, and by combining the issues into one larger issue, debt issuance cost savings can be realized.

### **Analysis**

The City Hall roofing, HVAC and Fascia Wood Replacement project was funded by a 2016 Transfer from the General Fund and Landfill Siting revenues. That project is not part of the planned 2019 Debt Issue.

Following are the projects to be funded within the City Capital Improvement Fund program. The following projects are to be funded with debt resources:

Pleasant View Park Pavilion – net of Impact Fees and 2017 Debt Proceeds:	\$108,650
Indoor Shooting Range at the Police building – net of 2017 Debt Issue	\$1,208,750
Round-About at S 51 <sup>st</sup> and Drexel Ave.- net of 2017 Debt Issue	\$952,500
S 68 <sup>th</sup> Street Repairs - net of 2017 Debt Is	\$13,154
<b>Total Debt Resources</b>	<b>\$2,283,052</b>

Prior to the Debt Sale, the plan would use available City cash reserves to finance activities. Because the City Financing will take advantage of tax-exempt provisions of the internal Revenue Code, the City must declare its intent to reimburse itself for projects costs incurred prior to the Debt sale and list the projects involved.

The debt components will require expenditures at different times, some before the debt proceeds will become available:

- City projects – some prior to debt sale
- Funding the TID5 project costs – potentially \$4.75 million prior to the debt sale with \$450,000 held for 2020 expenditure.
- \$4 million refunding – concurrent with the debt sale
- TID 7 mortgage – shortly after the debt sale.

Ehler's & Associates plans to attend the Sept 2, 2019 Common Council meeting to provide a Pre-Sale Report. A request for Debt Sale Authorization (as drafted by Bond Council – Quarles & Brady) will also be made at that time.

### **Recommendation**

The Finance Committee examined the sizing issue of the fall 2019 debt issue at its June 25, 2019 meeting and unanimously recommended a Borrowing Authorization of \$2,250,000 subject to, a revised total or elimination prior to Sale, based upon the status of major projects (shooting range, land purchase, station alerting system, barn project).

The Director of Finance & Treasurer recommends the Common Council adopts the proposed Resolution, declaring its intent to reimburse the City from proceeds for expenditures on the projects prior to the debt sale.

### **COUNCIL ACTION REQUESTED**

Motion adopting Resolution 2019-\_\_\_\_\_, A Resolution declaring official intent to reimburse expenditures from proceeds of borrowing.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

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

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM  
PROCEEDS OF BORROWING

-----  
WHEREAS, the City of Franklin, Milwaukee County, Wisconsin (the "Issuer") plans to undertake a Capital Improvement program for the City including Pleasant View Park Pavilion, an indoor shooting range at the Police Department, a round-about at the S 51<sup>st</sup> Street and W Drexel Avenue intersection, and S 68<sup>th</sup> Street road improvements (the "Projects"); and

WHEREAS, the City expects to finance the Project on a long-term basis by issuing tax-exempt notes or other tax-exempt obligation (collectively, the "Notes"); and

WHEREAS, because the Notes will not be issued prior to commencement of the Project, the Issuer must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Notes; and

WHEREAS, the Common Council of the Issuer deems it to be necessary, desirable, and in the best interests of the Issuer to advance moneys from its funds on and on an interim basis to pay the costs of the Projects until the Notes are issued.

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

Section 1. Expenditure of Funds. The Issuer shall make expenditures as needed from its funds on hand to pay the cost of the Project until proceeds of the Notes become available.

Section 2. Declaration of Official Intent. The Issuer hereby officially declares its intent under Treasury Regulation Section 1.150-2 to reimburse said expenditures with proceeds of the Notes, the principal amount of which is not expected to exceed \$2,250,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Notes are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. The Resolution shall be made available for public inspection at the office of the Issuer's Clerk within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Notes are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

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

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

APPROVED:

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

ATTEST:

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

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

**City of Franklin**  
**2019 Q4 City Requirement Debt Projects**  
**Capital Improvement Fund Projects**  
**November, 2019 Issue**

	CIP Programs		
	Debt Funding		
	<u>2018 Issue</u>	<u>2019 Issue</u>	<u>Total</u>
<b>Pleasant View Park Pavilion</b>	410,000	201,200	
less Impact Fees	192,700	92,552	
Net	217,300	108,648	325,948
<b>Neighborhood Park land Acq</b>	298,109		
Less Impact Fees	140,111		
Net	157,998	-	157,998
			-
<b>Indoor Shooting Range</b>	191,250	1,208,750	1,400,000
<b>Round-About 51 &amp; Drexel</b>	750,000	952,500	1,702,500
<b>68th St repairs</b>	25,746	13,154	38,900
			-
			-
Total Financing	1,342,294	2,283,052	3,625,346
			-
			-
			-
L:\41803 VOL1 Finance\Debt Service\2019C Issue\2019 Q4 City Issue P			-
			-
			-

**City of Franklin, WI**  
**Capital Funds**  
**2019**  
**Dept Request**

Activity	2019 Adopted	2019 Amended	2019 Projected
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**Revenues**

Grants	1,150,000	1,150,000	1,150,000
Landfill Siting	560,000	560,000	560,000
Transfer from Impact Fees - Park	384,511	384,511	322,000
Transfer from Util Dev	1,000,000	1,000,000	
Investment Income	20,000	20,000	55,000
<b>Total Revenue</b>	<b>3,114,511</b>	<b>3,114,511</b>	<b>2,087,000</b>

**Approved Projects:**

Roof repairs - City Hall Phase 1	Gen Govt		7,840	7,840
City Hall Roof, HVAC, and Fascia Wood Replacement	Gen Govt	1,775,000	1,775,100	1,775,100
Woodview Park - purchase 18.84 acres	Park			
Pleasant View Park Pavilion	Park	500,000	503,325	611,200
Pleasant View Park - Development	Park	20,000	20,000	20,000
Neighborhood Park land acquisition	Park	298,109	298,109	186,900
Indoor Shooting range @ Police Dept	Pub Safety	1,400,000	1,400,000	1,400,000
Emergency Vehicle preemption system	Pub Safety		38,281	38,900
Communication Center - NICE system	Pub Safety		42,696	42,500
Rawson Homse Storm Sewer	Pub Wks	1,150,000	1,152,673	1,150,000
Drexel & 51st intersection -	Pub Wks	1,000,000	1,704,550	1,702,500
S 68th Street reconstruction	Pub Wks	300,000	300,000	48,600
50th St - Marquette to Minnesota	Pub Wks	100,000	100,000	100,000
Elm Road engineering	Pub Wks		45,000	45,000
Historical Societ Barn - matching funds	Recreation	40,000	40,000	40,000
<b>Total Approved Projects</b>		<b>6,583,109</b>	<b>7,427,574</b>	<b>7,168,540</b>

**Projects Pending Approval:**

Ken Windl pavilion repairs	Park	25,000	25,000	25,000
Overflow parking at Kayla's playground	Park			
Station Specific alerting System	Pub Safety	265,000	265,000	265,000
Community Recreation Cener Building	Recreation			
Sewer Projects	Utility	500,000	500,000	
Water Projects	Utility	500,000	500,000	
Contingency		100,000	100,045	50,000

Total Projects Pending Approval	1,390,000	1,390,045	340,000
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Total Expenditures	7,973,109	8,817,619	7,508,540
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Net Revenues (Expenditures)	(4,858,598)	(5,703,108)	(5,421,540)
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<b>Proceeds from Borrowing</b>	<b>2,100,000</b>	<b>2,750,000</b>	<b>2,250,000</b>
Bond Issuance Costs	(75,000)	(75,000)	(75,000)
<b>Net Proceeds</b>	<b>2,025,000</b>	<b>2,675,000</b>	<b>2,175,000</b>
Beginning Fund Balance	3,795,493	3,795,493	3,323,376
<b>Ending Fund Balance</b>	<b>961,895</b>	<b>767,385</b>	<b>76,836</b>

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>08/20/19</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Population Estimate as of January 1, 2019</b>	<b>ITEM NUMBER</b>  <b>G.13.</b>

Franklin has received the preliminary population estimate of 35,996 as of January 1, 2019, which is an increase from 35,779 as of January 1, 2018. If the Council wishes to challenge this estimate, such challenge must be submitted before September 15, 2019.

For your review, Franklin's prior population was as follows:

1960	10,006	2002	30,749
1970	12,247	2003	31,467
1980	16,469	2004	31,804
1990	21,732	2005	32,548
1991	22,356	2006	33,000
1992	23,168	2007	33,380
1993	24,052	2008	33,550
1994	24,778	2009	33,700
1995	25,163	2010	33,900
1996	25,726	4/1/10 census	35,451
1997	26,591	2011	35,504
1998	27,186	2012	35,520
1999	27,780	2013	35,810
2000	28,804	2014	35,702
4/1/00 census	29,494	2015	35,655
2001	30,199	2016	35,741
2002	30,749	2017	36,046
2003	31,467	2018	35,779
2004	31,804	2019	35,996
2005	32,548		

### COUNCIL ACTION REQUESTED

Motion to place on file the Wis. Dept. of Administration January 1, 2019 population estimate of 35,996.

OR

Motion to direct Director of Clerk Services to submit challenge, based on information provided by staff, to State of Wisconsin 2019 population estimate no later than September 15, 2019.

## Sandi Wesolowski

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**From:** Barroilhet, Dan - DOA <Dan.Barroilhet@wisconsin.gov>  
**Sent:** Friday, August 9, 2019 10:57 AM  
**To:** Sandi Wesolowski  
**Subject:** Preliminary Population Estimate 2019

Dear Municipal Clerk:

Each year, Wisconsin's Department of Administration develops municipal population estimates. **The preliminary estimate of the January 1, 2019 population for the City of Franklin in Milwaukee County is 35,996.** This estimate indicates an increase of 545 people or approximately 1.5% since the 2010 Census.

If your municipality believes that the above estimate is not a reasonable approximation of its population, please see the challenge form at [https://doa.wi.gov/DIR/MUNI\\_challenge\\_Form\\_EY2019.pdf](https://doa.wi.gov/DIR/MUNI_challenge_Form_EY2019.pdf)

For calendar year 2018, the following housing stock changes were reported by the City of Franklin in Milwaukee County:

- 18 single-family homes added;
- 24 units added in two-unit structures;
- 180 units added in three-or-more-unit structures;
- 0 mobile homes added;

- 8 single-family homes deleted;
- 0 units deleted in two-unit structures;
- 0 units deleted in three-or-more-unit structures;
- 0 mobile homes deleted.

If this is incomplete or incorrect, please let us know. (Please do not respond to verify correct information.)

Presently our records indicate the following clerk contact information for the City of Franklin:

SANDRA WESOLOWSKI  
SWESOLOWSKI@FRANKLINWI.GOV  
9229 W LOOMIS RD  
FRANKLIN WI 53132-9630  
414-427-7503

If this contact information is incomplete or incorrect, please go to <http://mds.wi.gov/View/UpdateClerk?DOACode=41226&VCode=31245> to offer more complete or accurate information. If that does not work, please go to <http://mds.wi.gov/view/clerkupdate>, using DOA code [REDACTED] and verification code [REDACTED]

Approximately 28,593 of the estimated population for the City of Franklin are of voting age. This courtesy estimate helps you to comply with Wisconsin Statute 5.66, which requires municipal clerks to approximate the number of electors prior to elections. The voting age population was calculated by applying the census proportion of persons over 18 to the preliminary January 1 estimate, and then multiplying the result by a state-wide factor to account for the general aging of the population. Please note that, if you have an adult correctional facility in your municipality, its population is included in this voting-age estimate.

Dan Barroilhet  
Demographer, Research Analyst  
Division of Intergovernmental Relations  
WI Dept. of Administration  
(608) 266-1755  
<https://doa.wi.gov/demographics>



## MUNICIPAL POPULATION ESTIMATE CHALLENGE FORM

If your municipality believes that the estimate is not a reasonable approximation of your population, complete this form and submit it **with administrative data** that can be used to evaluate the challenge. Submit the challenge on or before **September 15, 2019**.

**Mail challenges to:**

**Dan Barroilhet, Demographer  
Demographic Services Center  
WI Department of Administration  
PO Box 8944  
Madison, WI 53708-8944  
(608) 266-1755**

The Council/Board of the

☐ Town

☐ City

☐ Village of: \_\_\_\_\_

in the County of: \_\_\_\_\_

has authorized me to submit a challenge to the correctness of the annual preliminary population estimate prepared for our municipality. The municipality contends the estimate is inaccurate because it is based upon inadequate information.

**Evidence based upon administrative records or other information is presented in support of this contention, as required by §16.96 of the Wisconsin Statutes.**

**The statutes do not permit the Department of Administration to accept the results of a population enumeration conducted by any group, agency or unit of government other than the U.S. Census Bureau.**

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DAYTIME TELEPHONE: (      ) \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>August 20, 2019</b>
<b>REPORTS AND RECOMMENDATIONS</b>	<p>Potential commercial/industrial/manufacturing development(s) and proposal(s) and potential development(s) agreement(s) in relation thereto for the +/- 73 acres propert(ies) at the Southwest corner of South 27th Street and West Oakwood Road. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s) for the development of +/- 73 acres propert(ies) at the Southwest corner of South 27th Street and West Oakwood Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</p>	<b>ITEM NUMBER</b>  <i>G.14.</i>

Department of City Development and Engineering, Administration, Finance and Legal Services departments staff will be present at the meeting.

### COUNCIL ACTION REQUESTED

A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s) for the development of +/- 73 acres propert(ies) at the Southwest corner of South 27th Street and West Oakwood Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

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<b>APPROVAL</b> <i>slw RA</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>8/20/19</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> <i>H.</i>

Attached are vouchers dated August 2, 2019 through August 15, 2019 Nos. 174925 through Nos. 175092 in the amount of \$ 1,519,768.40. Included in this listing are EFT's Nos. 4084 through Nos. 4091, Library vouchers totaling \$ 7,392.49, Tourism vouchers totaling \$ 7,260.00, Water Utility vouchers totaling \$ 761,781.97 and Property Tax Refunds totaling \$53.60. Voided checks in the amount of \$ (279.18) are separately listed.

Early release disbursements dated August 2, 2019 through August 14, 2019 in the amount of \$ 335,258.80 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated August 16, 2019 is \$ 387,645.15 previously estimated at \$ 384,000.00. Payroll deductions dated August 16, 2019 are \$ 245,443.93 previously estimated at \$ 410,000.00.

The estimated payroll for August 30, 2019 is \$ 396,000.00 with estimated deductions and matching payments of \$ 424,000.00.

Attached is a list of property tax settlements EFT Nos. 275 through EFT Nos. 278 dated August 2, 2019 through August 15, 2019 in the amount of \$3,224,771.25. An additional \$ 6,142,330.55 was transferred from the tax investment account directly to taxing authorities. These payments have been released as authorized under Resolution 2013-6920.

Approval to release the below vouchers once they have been approved for payment.

Dorner Inc.	Rawson Drainage Improvements	\$486,727.75
EMS Medical Billing	Ambulance Billing	\$6,861.04
Geographic Marketing	GIS Services	\$11,547.73
GovSpend	Purchasing Software	\$4,000.00
Metro Sound & Video	Council Chambers Sound System Parts	18,235.00
Milwaukee Co	Tax Payment	\$10,176.88
Milwaukee Milkmen	Sponsorship	\$14,080.00
Ray Stadler Construction	Pleasant View Pavilion	\$72,280.00
Stantec Consulting	Quarry Monitoring	\$9,390.00
Stantec Consulting	Quarry Monitoring	\$7,845.00
Stark Pavement Co	Curbs – Road Program	\$29,127.00
Zignego Co	Roundabout	<u>\$466,898.31</u>
<b>TOTAL</b>		<b>\$1,137,168.71</b>

***COUNCIL ACTION REQUESTED***

Motion approving the following:

- City vouchers with an ending date of August 15, 2019 in the amount of \$ 1,519,768.40 and
- Payroll dated August 16, 2019 in the amount of \$ 387,645.15 and payments of the various payroll deductions in the amount of \$ 245,443.93 plus City matching payments and
- Estimated payroll dated August 30, 2019 in the amount of \$ 396,000.00 and payments of the various payroll deductions in the amount of \$ 424,000.00, plus City matching payments and
- Property Tax investments with an ending date of August 15, 2019 in the amount of \$3,224,771.25 and
- Approval to release payments to miscellaneous vendors in the amount of \$ 1,137,168.71.

**ROLL CALL VOTE NEEDED**

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>08/20/19</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM NUMBER</b> <b>I.I.</b>
<p>See attached listing from meeting of August 20, 2019.</p> <p><b>COUNCIL ACTION REQUESTED</b></p>		



414-425-7500

**License Committee  
Agenda\*  
Aldermen's Room  
August 20, 2019 – 5:50 p.m.**

<b>1.</b>	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>
<b>2.</b>	<b>Applicant Interviews &amp; Decisions</b>	
<b>License Applications Reviewed</b>		<b>Recommendations</b>

<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
<b>Operator 2019-2020 New 5:55 p.m.</b>	<b>Mayrand, Mandy L</b> 2891 Fir Lane Waterford, WI 53185 Landmark/Swiss Street Pub & Grill			
<b>Extraordinary Entertainment &amp; Special Event 6:00 p.m.</b>	<b>Rock Sports Complex – The Hills Has Eyes</b> Person in Charge: Scot Johnson Location: 7900 Crystal Ridge Dr Date of Event: 9/27 through 10/31 & every Thursday, Friday, Saturday & Sunday in October 2019			
<b>Review of Class B Combination and Restaurant License 6:05 p.m.</b>	<b>QT Pizza LLC</b> dba Rounding Third Pizzeria 7119 S 76 <sup>th</sup> St Susan Toetz, Agent			
<b>Operator 2019-2020 New</b>	<b>Heller, Jacob S</b> 8145 S 35 <sup>th</sup> St Franklin, WI 53132 Pick 'n Save #6431			
<b>Operator 2019-2020 New</b>	<b>Laughery, Kimberlee B</b> 1333 S 115 <sup>th</sup> West Allis, WI 53214 Sendik's Food Market			
<b>Operator 2019-2020 New</b>	<b>Petroske, Troy A</b> N4586 Hickory Rd Hustisford, WI 53034 Swiss Street Pub & Grill			
<b>Operator 2019-2020 New</b>	<b>Schutte, Richard</b> 2954 W Briarwood Dr Franklin, WI 53132 Milwaukee Burger Company			
<b>Operator 2019-2020 New</b>	<b>Smith, Hollie C</b> 6873 S 35 <sup>th</sup> St Franklin, WI 53132 Walgreens #15020			
<b>Operator 2019-2020 New</b>	<b>Turks, Kathleen A</b> 8160 A S Forest Hills Circle Franklin, WI 53132 Pick 'n Save #6431			
<b>Class B Combination 2019-2020</b>	<b>Brinker Restaurant Corporation</b> Dba Chili's Bar & Grill 6439 S 27 <sup>th</sup> St Justin W Pischke, Agent			



Type/ Time	Applicant Information	Approve	Hold	Deny
Temporary Entertainment & Amusement	<b>American Legion Willey Herda Post 192 – Spin the Wheel Amusement Game</b> Person in Charge: Gretchen Davies Location: St Martin's Fair Date of Event: 9/1/2019			
<b>3.</b>	<b>Adjournment</b>			
		Time		

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