

APPROVAL <i>Slw</i>	REQUEST FOR COMMON COUNCIL	MEETING DATE 03/05/19
REPORTS & RECOMMENDATIONS	CONCEPT REVIEW FOR A PROPOSED HOTEL AT 3030 W. RAWSON AVENUE (R&P, LLC, OWNER) (ODYSSEY HOTELS, LLC, APPLICANT)	<i>G.4.</i>

Note

This request was originally scheduled for the February 19 Council meeting. At the request of the applicant, this item was tabled to March 5, 2019 Common Council meeting.

Introduction

On February 4, 2019, Odyssey Hotels, LLC filed a Concept Review Application with the Department of City Development for a proposed hotel to be located at 3030 W. Rawson Avenue, generally located on the northwest corner of Rawson Avenue and Riverwood Boulevard; containing approximately 2.21 acres. This property is within the B-4 South 27th Street Mixed Use Commercial District zoning district and the South 27th Street Design Overlay District. Hotels and Motels are not allowed in the B-4 district as a permitted or special use.

The properties north and east are currently zoned Planned Development District No. 10 (PDD No. 10). The property to the west is zoned PDD No. 10 District, FC Floodplain Conservancy District, and FW Floodway District. The properties to the south are zoned B-4 District.

In order for this project to proceed, a rezoning and/or a Unified Development Ordinance Text Amendment would be required. In this regard, the applicant is most interested in the rezoning option, specifically, a rezoning from B-4 to PDD No. 10. With this option, a major amendment of PDD No. 10 would also be needed, to allow the proposed hotel as a permitted or special use, and possibly to accommodate certain building, setback, parking, etc. requirements.

The applicant has met with representatives of the Indian Creek condominium development located immediately to the north, and is now requesting this Concept Review with the Common Council to obtain preliminary comment on this proposal.

The 2025 Future Land Use Map identifies the subject and some adjacent properties as Mixed Use. The parcel immediately to the north of this property is shown as Residential – Multi-Family. Currently, two separate single-family residential homes are located on the subject property.

On the conceptual plan, the developer is proposing the following:

- One four-story hotel building (18,940 square foot base area and 100 feet tall) with 80-90 rooms (three hotel chains each have different room counts, explained in project summary), with
- Building fronting onto Rawson Avenue,
- 92 spaces of parking, with four handicap stalls, with
- Parking situated on the West and East sides of the building, and
- One entrance provided off of Rawson Avenue, with a second potential access to Riverwood Boulevard.

The applicant has been advised to discuss the proposed entrance with Milwaukee County Department of Transportation offices regarding ingress/egress to and from Rawson Avenue (County Highway BB). The site plan currently shows one access point to Rawson Avenue.

The west end of the subject property contains protected natural resource features, including but not limited to, wetlands, wetland buffers, wetland setbacks and mature woodland.

Public sanitary sewer service is available from the sewer line located on the northeast corner of the properties along Riverwood Blvd. and along Rawson Ave. Public water service is available along Riverwood Blvd. and along Rawson Ave.

Initial Staff Comments

Staff would note that while it has no concerns about the proposed use, staff does have potential concerns about the proposed density of the project. In this regard, it can be noted that the City's two other hotels are both located on similarly sized parcels, with similarly sized building footprints (but slightly more rooms), as compared to the proposed hotel project. For these other two hotels, due to similar density and site constraints, parking reductions and shared parking with adjacent properties were required, various setback reductions were necessary, and space for stormwater management was not available. In addition, the Hampton Inn & Suites did not need to provide stormwater management (as it was a redevelopment site), but still needed to acquire additional land from the DOT to meet landscape and LSR requirements, and Staybridge needed a Natural Resource Special Exception to impact wetlands and buffers (and needed to provide some of its stormwater management underground).

Staff would also note that compliance with the South 27th Street Design Overlay District standards may be difficult, particularly those pertaining to parking locations, pedestrian amenities such as sidewalks, parking lot landscaping and screening quantities and locations, etc.

COMMON COUNCIL ACTION REQUESTED

Provide direction to the applicant regarding the proposed hotel development (approximately 2.21 acres generally located on the northwest corner of Rawson Avenue and Riverwood Boulevard) (Odyssey Hotels, LLC, Applicant).

Department of City Development: BDK

Planning Department
9229 West Loomis Road
Franklin, Wisconsin 53132
Email: generalplanning@franklinwi.gov



Phone: (414) 425-4024
Fax: (414) 427-7691
Web Site: www.franklinwi.gov

Date of Application: FEBRUARY 1, 2019

CONCEPT REVIEW APPLICATION

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

Applicant (Full Legal Name[s]):

Name: RACHIT DHINGRA
Company: ODYSSEY HOTELS, LLC
Mailing Address: 7003 N PORT WASHINGTON RD.
City / State: GLENDALE Zip: 53217
Phone: 1-312-752-7504
Email Address: RDHINGRA@ODYSSEYHOTELS.COM

Applicant is Represented by: (contact person)(Full Legal Name[s])

Name: JASON DAYE
Company: EXCEL ENGINEERING
Mailing Address: 100 CAMELOT DRIVE
City / State: FOND DU LAC, WI Zip: 54935
Phone: 920-926-9800
Email Address: jason.d@ExcelEngineer.com

Project Property Information:

Property Address: 3130 W RAWSON AVE., FRANKLIN, WI
Property Owner(s): R&P LLC
Mailing Address: 8575 W FOREST HOME AVENUE
City / State: GREENFIELD, WI Zip: 53228
Email Address:

Tax Key Nos: 638-999-1-001
Existing Zoning: B-4
Existing Use: RESIDENTIAL
Proposed Use: HOSPITALITY
CMP Land Use Identification:

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

Concept Review submittals for review must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☒ Application Filing Fee, payable to City of Franklin: ☒ \$250
- ☒ Three (3) complete **collated** sets of Application materials to include:
 - ☒ One (1) original and two (2) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.
 - ☒ Three (3) 8.5 x 11 inch or 11 x 17 inch copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.])
 - ☒ Three colored copies (11"x17") of the building elevations, if applicable.
- ☐ Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

• Upon receipt of a complete submittal, staff review will be conducted within five business days.

• Concept Review requests are reviewed by the Committee of the Whole. Meetings are held the first Monday of every month.

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

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

Signature - Property Owner

Name & Title (PRINT)

Date:

Signature - Property Owner

Name & Title (PRINT)

Date:

Signature - Applicant

Name & Title (PRINT)

Date:

Signature - Applicant's Representative

Name & Title (PRINT)

Date:



HOTEL OWNERSHIP & MANAGEMENT COMPANY



Thursday, January 31, 2019

Project Narrative/ Informational Statement

Project: Odyssey Hotels – New Limited Service Hotel Construction with one of the Potential brands: Marriott, Hilton, IHG, And Hyatt.
3130 W RAWSON AVE., FRANKLIN, WI

Summary of Odyssey Hotels:

Odyssey hotels is a Chicago based Hotel Owner and Management Company. Odyssey owns and operates in 7+ hotels in the Midwest and is an approved owner and operator for hospitality brands like Marriot, Carlson hotels, IHG, Hilton, Hyatt etc. The company has combined experience of over 25 years in operating full & limited service hotels. Odyssey Hotels primarily focuses on smaller full service and limited service hotels uniquely positioned in the secondary markets with emphasis on cash-flow.

Odyssey Builders a subsidiary of Odyssey Hotels has successfully completed several Commercial Real Estate Construction projects and specializes in Hotel Construction.

Narrative:

Odyssey Hotels (hereinafter referred to as "Odyssey") is proposing to build a limited service hotel at 3130 W RAWSON AVE., FRANKLIN, WI. The hotel brand/franchise will be one of the following hospitality companies:

1. Marriott: Marriott International, Inc. is a public traded leading global lodging company with more than 6,700 properties across 130 countries and territories, reporting revenues of more than \$22 billion in fiscal year 2017. Founded by J. Willard and Alice Marriott and guided by family leadership for more than 90 years, the company is headquartered outside of Washington, D.C. in Bethesda, Maryland. Marriott has operated 30 brands.
2. Hilton: Hilton is one of the world's fastest growing hospitality companies. Hilton operates 15 brands in 109 countries with 5,500+ properties worldwide.
3. IHG: IHG is one of the leading hotel companies worldwide. IHG operates 15 brands in 100 countries with 5,518 properties.
4. Hyatt: Hyatt Hotels Corporation, headquartered in Chicago, is a leading global hospitality company with a portfolio of 14 premier brands. As of June 30, 2018, the Company's portfolio included more than 750 properties in more than 55 countries across six continents.



Each brand has their own design & prototypes but in general for any of the proposed brands our hotel will be 4-stories, total approximately 67,857 sf, and the room count will be 80 to 90. The first floor will be approximately 18,947sf and the second, third and fourth floors are each approximately 21,000 sf. The hotel will be operational 24 hours / day, 7 days per week and continental breakfast will be offered. The number of employees will vary based on peak guest hours. The minimum number of employees is 1 and the maximum number of employees at the hotel at one time is 8. The majority of employees are housekeeping staff and will be at the hotel during non-peak guest hours. During peak guest hours (after 3 PM), the anticipated number of employees is 2-3. Between the hours of 10 PM and 6 AM, there is only one employee (night auditor). Illuminated building signage is proposed on the south, west and east elevations. The fire, safety and security provisions will be provided per the selected brand and NFPA modules.

Odyssey hotels has had several meetings with the city of Franklin about this project and has also met with the Indian Creek Condo (located adjacent to the site) board members. The meeting notes are attached (Attachment A)

To get conceptual review feedback from the city of Franklin Odyssey is presenting the site plan and rendering of a potential hotel – Residence Inn by Marriott and renderings of other possible brands for the city's review.

1. Residence Inn by Marriott (Attachment B)
 - a. Site Plan
 - b. Rendering
 - c. Elevations
2. Holiday Inn Express by IHG (Attachment C)
 - a. Rendering
3. Tru by Hilton (Attachment D)
 - a. Rendering

Storm Water Management

Odyssey will be utilizing the existing Regional pond for the Condo association for storm water management. For final plan approvals engineering calculations will be done and provided to the city for review and approvals.

Access

Odyssey is will also be utilizing the access from Rawson avenue for ingress and egress to the property.



PDD No. 10

Odyssey is looking to Joining the existing PDD No. 10 Paul Bouraxis Development, created by the Ordinance No. 95-1337, and looking for making the following Exemptions and amendments:

Building Height (determined by the hotel brand to be developed) and Building Stories (4 stories)

EASEMENTS

Odyssey Hotels is evaluating procure the easement or buy portion of the land from the PDD No. 10 Paul Bouraxis Development, in order to provide another entrance from the S Riverwood Boulevard.



HOTEL OWNERSHIP & MANAGEMENT COMPANY

ATTACHMENT A
INDIAN CREEK CONDO ASSOC. MEETING NOTES

Subject: NEW PROPOSED HOTEL AT 3130 W RAWSON AVE., FRANKLIN, WI
From: Angel Gonzalez (agonzalez@odysseyhotels.com)
To: billsiebrecht@att.net;
Cc: rdhingra@odysseyhotels.com; kwilhelm5@wi.rr.com; jason.d@excelengineer.com; jdietl@franklinwi.gov; pphillips@eccommercial.net;
Date: Tuesday, January 15, 2019 11:50 AM

Hi Mr. Siebrecht.

First of all we like to thank you and your team for attending us yesterday. It was a very productive meeting. Thank you so much for your support on the potential hotel project.

Please find below the summary of the items discussed :

ITEM NO. 1

Buffer of trees at the southbound of the Indian Creek Condo complex - Mr. Siebrecht informed us of the existing trees and bushes in the southbound of their property. He requested that these trees be protected and remain, since it helps as a buffer for sound impact to the complex from the traffic at Rawson Ave. We informed Mr. Siebrecht that it is our intent not to impact those trees, for our construction will be more to the south of their location.

ITEM NO. 2

Site Lighting Proposed - Mr. Siebrecht requested us that the new proposed site lighting be one that minimize the brightness towards their complex. We informed Mr. Siebrecht that we will request our designer to specify lighting fixtures for the site that minimize the brightness toward their complex.

ITEM NO. 3

Location of proposed hotel - Mr. Siebrecht suggested us to locate the new building as far to the south-west of the property as possible, to help buffer the sound impact to the complex by the traffic at Rawson Ave. We informed Mr. Siebrecht that we will request our designer to procure the location of the new building as south-west as possible.

ITEM NO. 4

Connection of the new hotel to existing large existing retaining pond on the Condo Complex land - We requested Mr. Siebrecht to allow us to connect to the existing storm water retention pond at their complex in order for us to be able to eliminate the proposed retention pond for the hotel at our property and allow us to locate the new building as south-west as possible as per requested Mr. Siebrecht informed us that there is a Pond association that is being run by the Condo Residents, and that we will have to join this association, with proportionate contribution for it's maintenance. We will have our designer corroborate the capacity of the pond in order to confirm the allowance to connect the new proposed building. We requested Mr. Siebrecht copy of the Storm Sewer Plan submitted for it's construction and requested more information in regards to the dredging of the pond that will be required soon. We will be getting back to the board members with a proposal to join the pond association for their approval.

ITEM NO. 5

Second driveway entrance at Sherwood Boulevard - We informed Mr. Siebrecht that we will be constructing a second entrance for the hotel at Shorewood Boulevard for guests access that drive from the airport. Mr. Siebrecht suggested to be as south as possible. We will consult with our designer in this regards, since the existing median could be an important factor for drivers safety purposes.

ITEM NO. 6

Easement/Purchase to the east of our property - We informed Mr. Siebrecht that we are interested in signing an easement for a strip of land to the east of our property. That way we will be able to relocate some parking stalls to the south and be able to locate the building as south-west as possible as requested, and also be able to construct the second driveway entrance. Odyssey Hotels will submit an offer in this regards to the easement and/or purchase of the land.

ITEM NO. 7

Rezoning of our property - We informed Mr. Siebrecht our intent to rezone our property and join the existing PDD zoning of their complex. This does not require any action from the Condo association board. Bill, Dan & Pat (board members of the Condo association) present in the meeting were excited about the new hotel opportunity and did not see any concerns with Odyssey hotels requesting joining and amending the PDD to allow 4 floor hotel construction.

Please let us know if we have missed any details that we discussed. We look forward to working with you.

Thanks.

Sincerely,

Angel González-Torres

Director of Construction
Odyssey Hotels
Cell 1-269-252-3834
Voice 1-312-867-7911



HOTEL OWNERSHIP & MANAGEMENT COMPANY

ATTACHMENT B
RESIDENCE INN HOTEL INFORMATION

3130 Rawson

Legend

- 3130 W Rawson Ave
- Any Lab Test Now
- F & F Tire World
- Feature 1
- Innovative Pain Care
- Toppers Pizza



3130 W Rawson Ave

Milwaukee W Rawson Ave

BB

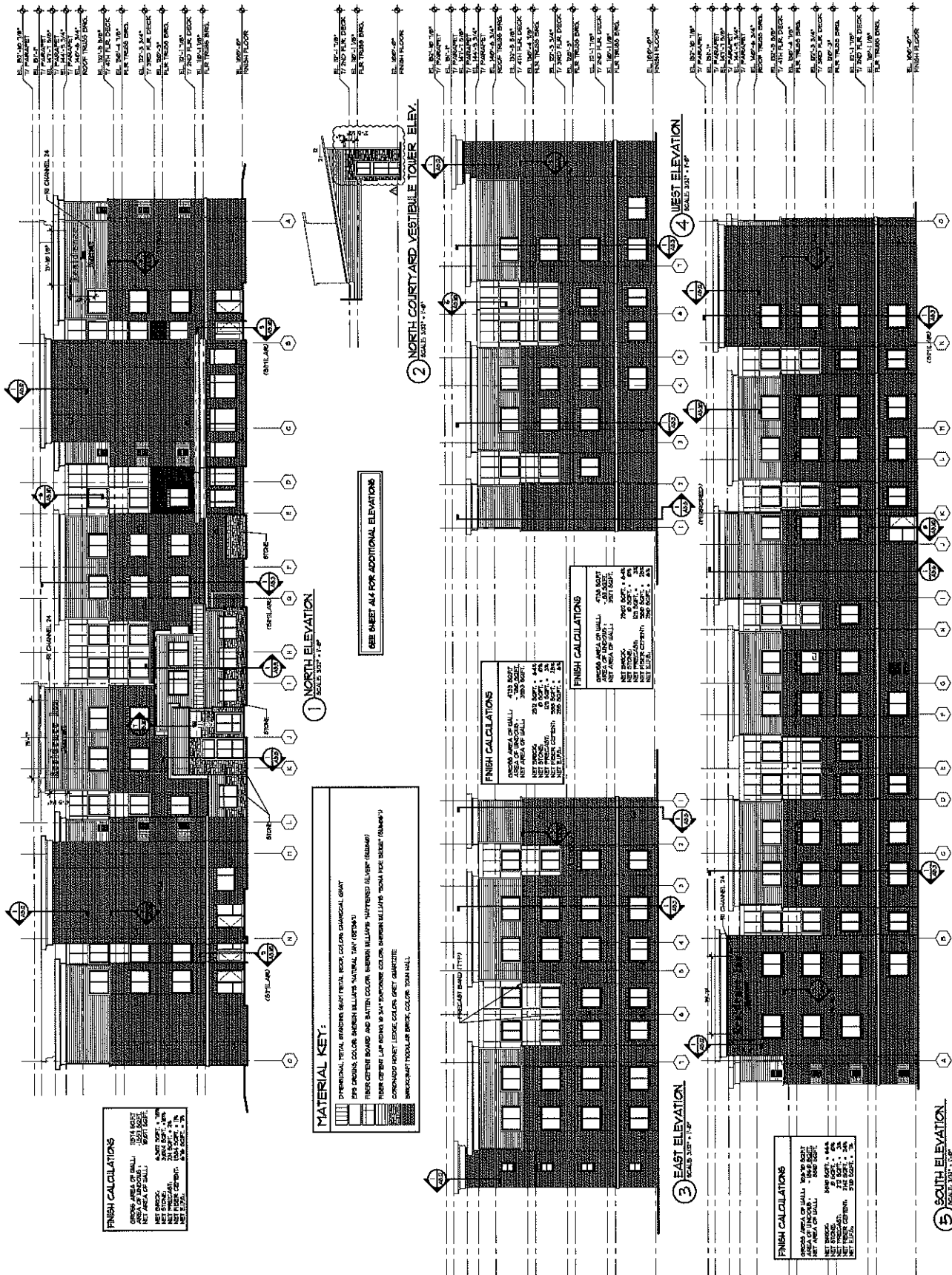
S Riverwood Blvd

400 ft

Google Earth

© 2013 Google

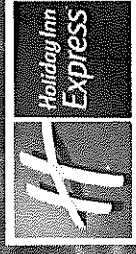
SITE PLAN





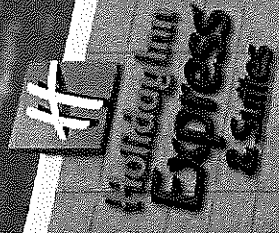
HOTEL OWNERSHIP & MANAGEMENT COMPANY

ATTACHMENT C
HOLIDAY INN EXPRESS HOTEL INFORMATION



Prototype Design Guide

January 2014, Version 1.0





HOTEL OWNERSHIP & MANAGEMENT COMPANY

ATTACHMENT D
TRU BY HILTON HOTEL INFORMATION



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APPROVAL <i>Slw</i>	REQUEST FOR COMMON COUNCIL	MEETING DATE 03/05/19
REPORTS & RECOMMENDATIONS	CONCEPT REVIEW FOR A PROPOSED MIXED USE DEVELOPMENT COMPRISED OF A THREE- STORY 10-UNIT COMMERCIAL LIVE/WORK BUILDING, TWO THREE-STORY NINE-UNIT TOWNHOUSE BUILDINGS, AND ONE THREE- STORY 11-UNIT TOWNHOUSE BUILDING AT 7220 W. RYAN ROAD (LEMKE PROPERTIES LLC, OWNER) (PASA (PAUL) ECE, APPLICANT)	<i>G.5.</i>

Introduction

On February 25, 2019, Mr. Paul Ece filed a Concept Review Application with the Department of City Development for a proposed mixed use development to be located at 7220 W. Ryan Road, which property is approximately 3.71 acres in size. The applicant is proposing:

- A three-story 10-unit commercial live/work building to be located on the south side of the property, closest to Ryan Road.
- Two three-story nine-unit townhouse buildings, one along the east side of the property and one along the west side of the property.
- And a three-story 11-unit townhouse building, to be located on the north side of the property.
- Both surface parking and some garage parking would be provided. The existing single-family home would be removed.

The subject property is currently:

- zoned R-8 Multiple-Family Residence District;
- planned for future commercial uses in the City's Comprehensive Master Plan; and
- developed with one single-family home, with possible wetlands located immediately adjacent to the property.

In regard to adjacent properties:

- The property to the east is owned by the Milwaukee County Sheriff's Department, but is currently zoned and used for agricultural purposes, and is planned for future business uses in the City's Comprehensive Master Plan.
- The property to the north, west and south is currently zoned for multi-family residential uses, is used for agricultural purposes, and is planned for future business uses in the City's Comprehensive Master Plan.

In order for this project to proceed, a rezoning and a Comprehensive Master Plan Amendment would be required. If significant wetlands exist, a Natural Resource Special Exception may also be required.

Both public sanitary sewer service and water service are available, from the Ryan Creek Interceptor Sewer and from a water main both located along the south side of Ryan Road.

Initial Staff Comments

Department of City Development staff may not have any objection to a change of the future land use from commercial to mixed use needed to accommodate this project. However, staff may have concerns about the density of the proposed development, including but not limited to the provision of adequate:

- parking;
- stormwater management facilities;
- landscaping;
- cross-access; and
- setbacks and buffers.

In particular, there will be a required 40-foot setback from the ultimate right-of-way of Ryan Road, which is not known at this time. Staff strongly suggests that the applicant contact the Wisconsin Department of Transportation as soon as possible to obtain this information.

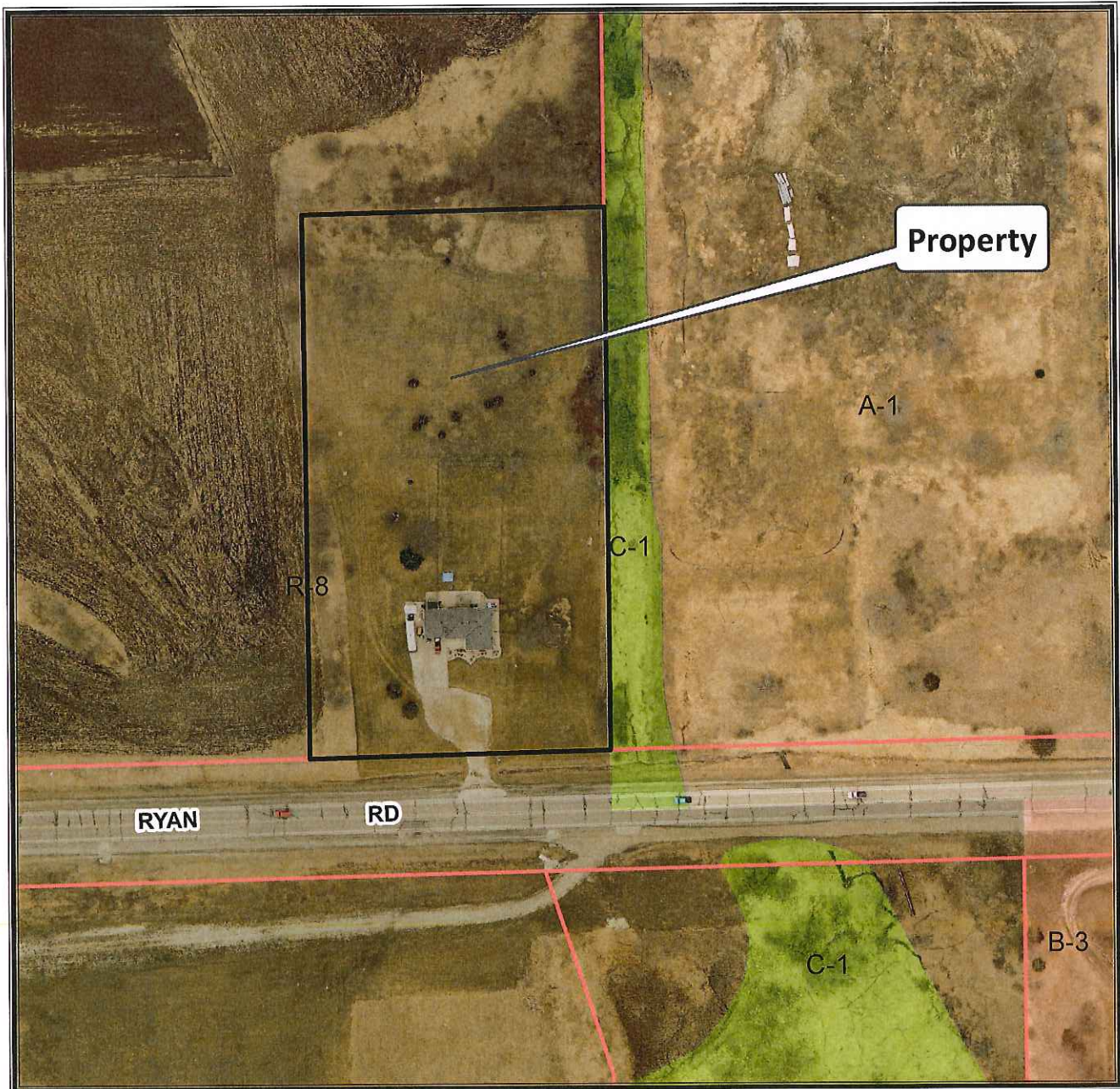
While rezoning to a Planned Development District may be an option for the proposed development, due to the proposed density and small size of the property, staff would also strongly suggest that the applicant contact the adjacent property owners and inquire about the possibility of obtaining additional property to add to the subject property.

COMMON COUNCIL ACTION REQUESTED

Provide direction to the applicant regarding the proposed mixed use development located at 7220 W. Ryan Road (Lemke Properties LLC, Owner) (Pasa (Paul) Ece, Applicant).



7220 W. Ryan Road
TKN: 884 9999 000



Planning Department
(414) 425-4024

0 95 190 380 Feet

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



2019 Aerial Photo

RYAN COMMONS

The Project is located at 7220 W. Ryan Road in the city of Franklin Wisconsin. It is on the north side of West Ryan Road and just east of South 76 Street. It is 300 feet Ryan Road frontage by 540 feet deep (3.72 acres). There is an existing single-family residence on the property that will be removed. The property is currently zoned R – 8 Multi-family Residence district

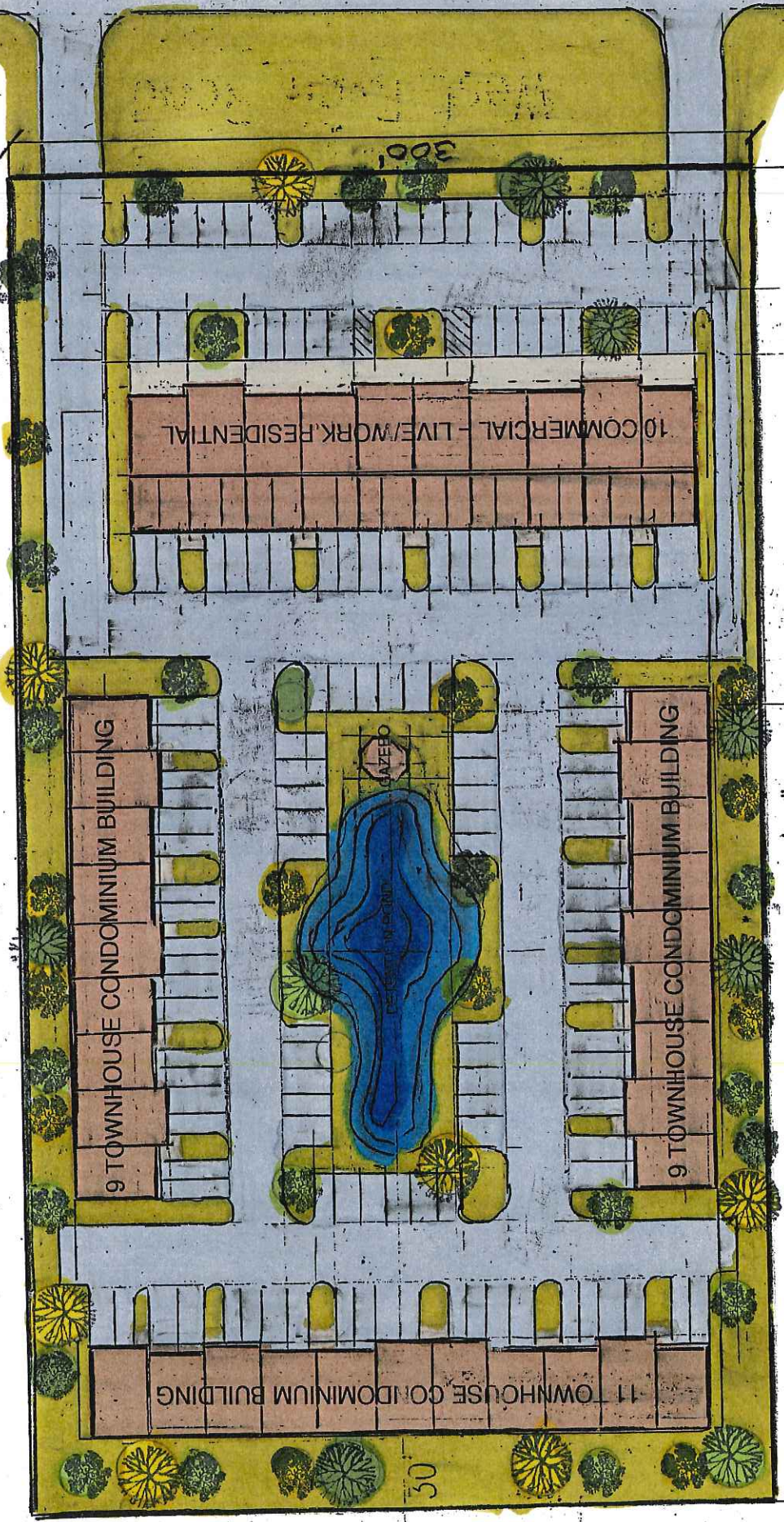
The developer proposes to develop a mixed use development that consists of a 10 unit, three-story commercial Live/ Work building facing Ryan Road. Additional residential townhouse condominiums would be behind the commercial building to the north and consists of two three-story 9 unit and one 11 unit townhouse dwelling units or the total of 39 units.

Development would provide for public parking for the commercial building and on-site parking for 2 cars per unit in enclosed garages and 2 surface parking spaces per unit plus additional guest surface parking.

On site detention ponds will be provided for storm water retention. Appropriate green space and landscaping including trees, plantings and other features.

Exterior facades will be contemporary in design and incorporate "industrial" type materials.

WEST RYAN ROAD



RYAN COMMONS

7220 W. RYAN ROAD
FRANKLIN, WISCONSIN

SITE PLAN 39 UNITS

539'-0"



12 JAN, 2019

DOUGLAS A. GALLUS
Architect
214 N. 7th Street
MILWAUKEE, WISCONSIN 53213-3532
(414) 259-9595



1



RYAN COMMONS

FRANKLIN WISCONSIN

DOUGLAS A. GALLUS
Architect
214 N. 76th Street
MILWAUKEE, WISCONSIN 53213-3532
(414) 259-9555



JOHN LEWIS

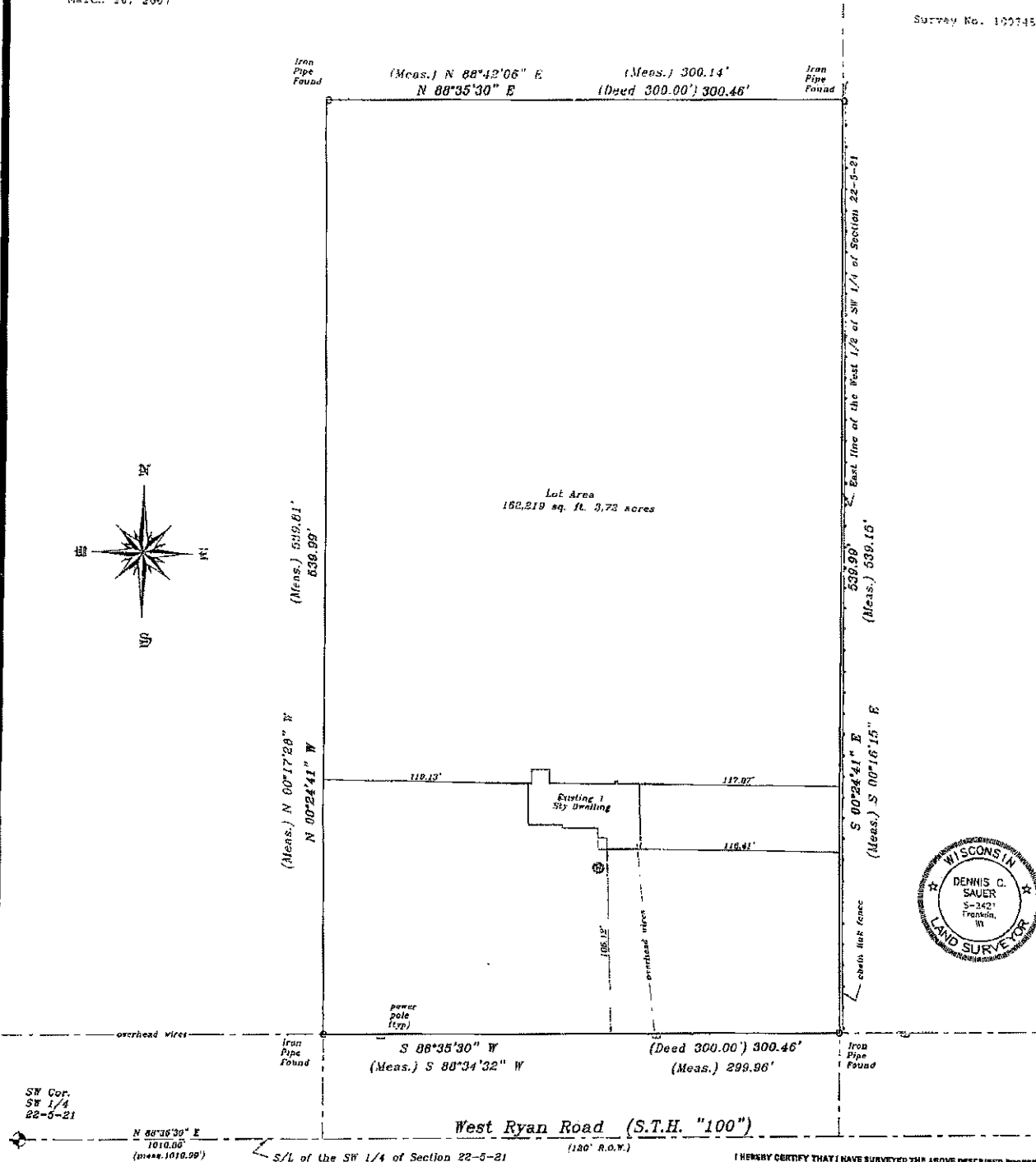
LOCATION: 7020 West Loomis Road, Franklin, Wisconsin

LEGAL DESCRIPTION:

That part of the West 1/2 of the Southwest 1/4 of Section 20, Town 1 North, Range 11 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said 1/4 Section; thence East along the South line of said 1/4 Section, 1010.96 feet to the place of beginning of lands to be deposited; thence Northerly parallel to the East line of the West 1/2 of said 1/4 Section, 600.00 feet to a point; thence East parallel to the North line of said 1/4 Section, 300.00 feet to a point in the South line of the West 1/2 of said 1/4 Section; thence Southerly along the East line of the West 1/2 of said 1/4 Section, 600.00 feet to a point in the South line of said 1/4 Section; thence West along the South line of said 1/4 Section, 600.00 feet to a point in the South line of said 1/4 Section; thence West along the South line of said 1/4 Section, 600.00 feet to the place of beginning.

March 26, 2007

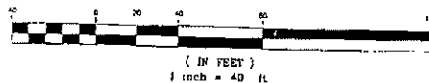
Survey No. 100745



METROPOLITAN SURVEY SERVICE, INC.

REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS
\$200 W. LOOMIS ROAD GREENDALE, WI 53129
PH. (414) 529-5300 FAX (414) 529-9787
email address survey@blwi.ir.com

GRAPHIC SCALE



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THEREIN WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

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Dennis C. Sauer
Registered Land Surveyor S-2421

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>03/05/19</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A PEDESTRIAN ACCESS EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR RYANWOOD MANOR PHASE 1 SUBDIVISION (AT APPROXIMATELY SOUTH 76TH STREET AND WEST OAKWOOD ROAD) (OAKWOOD AT RYAN CREEK, LLC, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>G. 6.</i></p>
<p>City Development staff recommends approval of a resolution authorizing certain officials to accept a Pedestrian Access and Bicycle Path Easement for and as part of the review and approval of a Final Plat for Ryanwood Manor Phase 1 Subdivision (at approximately South 76th Street and West Oakwood Road) (Oakwood at Ryan Creek, LLC, Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.</p> <p>COUNCIL ACTION REQUESTED</p> <p>A motion to approve Resolution 2019-_____, to accept a Pedestrian Access and Bicycle Path Easement for and as part of the review and approval of a Final Plat for Ryanwood Manor Phase 1 Subdivision (at approximately South 76th Street and West Oakwood Road) (Oakwood at Ryan Creek, LLC, Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.</p>		

Department of City Development: OPS

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2019-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A PEDESTRIAN ACCESS AND BICYCLE PATH EASEMENT FOR
AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT
FOR RYANWOOD MANOR PHASE 1 SUBDIVISION
(AT APPROXIMATELY SOUTH 76TH STREET AND WEST OAKWOOD ROAD)
(OAKWOOD AT RYAN CREEK, LLC, APPLICANT)

WHEREAS, Oakwood at Ryan Creek, LLC, having applied for Ryanwood Manor Phase 1 Subdivision, and having submitted a Pedestrian Access and Bicycle Path Easement to provide pedestrian access for the enjoyment of the surrounding Natural Resource Features within such lands as may be so divided and subjected to the Easement; and

WHEREAS, the City Engineering Department, City Planning Department and the Office of the City Attorney having reviewed the proposed Pedestrian Access and Bicycle Path Easement and having recommended approval to the Common Council, thereof subject to certain conditions, that any and all objections made and corrections required by the City of Franklin and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Pedestrian Access and Bicycle Path Easement submitted by Oakwood at Ryan Creek, LLC, for lands within the Ryanwood Manor Phase 1 Final Plat for which Oakwood at Ryan Creek, LLC, are also the applicant, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

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

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

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A PEDESTRIAN ACCESS AND BICYCLE PATH EASEMENT
OAKWOOD AT RYAN CREEK, LLC
RESOLUTION NO. 2019-_____

Page 2

APPROVED:

STEPHEN R. OLSON, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

PEDESTRIAN ACCESS AND BICYCLE PATH EASEMENT

RYANWOOD MANOR

THIS EASEMENT is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and OAKWOOD AT RYAN CREEK, LLC, hereinafter referred to as "Grantor" (including successors and assigns of the City as may become applicable and including the heirs, executors, administrators, successors and assigns of above Grantor as may be or may become applicable).

WITNESSETH

WHEREAS, Grantor is the owner and holder of record Title to certain real property particularly described on Exhibit "A" which is attached hereto and incorporated herein (the Property); and

WHEREAS, the City desires to acquire a perpetual easement with the right of entry in and across a portion of the property as the same is more particularly herein described only for the following use: A recreational path (sometimes herein referred to as the "Facilities") for the benefit of the public for walking, jogging, bicycling, and other non-motorized outdoor activities which do not unreasonably disturb the Grantor; and the City shall have the right to build and construct and operate, maintain, repair, reconstruct and inspect (but not to enlarge or relocate) said path. The cross section of the path is shown on Exhibit "B". The location and the legal description of the Pedestrian Access and Bicycle Path Easement area are shown on "Exhibit "C"; and

WHEREAS, the construction and installation of the Facilities shall be made by the Grantor at the Grantor's expense and the Facilities shall be the property of the City (recognizing that the property interest of the City is only that as arises under this easement), subject to the terms and conditions set forth below:

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described, and the payment of One Dollar (\$1.00) and other valuable consideration to the Grantor, the receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described, does hereby grant unto the City a perpetual easement on that part of the Northeast Quarter (NE 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 28, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit "C" attached hereto (the "Easement Area").

1. That said recreational path shall be maintained and kept in good order and condition by the City at the sole cost and expense of the City. In the event the Grantor believes that the path is not kept in suitable repair, it shall by written informal petition advise the City Council of same and request a reply or remediation within 60 days. In the event the City does not respond or the parties do not reach agreement on the necessity for repair, the Grantor may apply to the circuit court for relief, without the necessity of a Notice of Claim or Notice of Injury; provided, however, that either the City or the Grantor may, with respect to any disagreement, require that both parties submit to binding arbitration.
2. That in and during whatever construction, reconstruction or repair work is or becomes necessary in constructing or maintaining of said Facilities, so much of the surface or subsurface of the easement area or the Grantor's property adjacent to the easement area as may be disturbed will, at the expense of the City, be replaced in substantially the same condition as it was prior to such disturbance. The City shall indemnify and defend the Grantor and its officers, agents, employees and members from all liability, suits, actions, claims, costs, damages and expenses of every kind and description, including court costs and legal fees, for claims of any character arising out of construction, maintenance or use of the recreational path, including liability and expenses in connection with the loss of life, personal injury, or damage to property, or any of them, brought because of any injuries or damages received or sustained by any person, persons or property on account of or arising out of the use of the easement property; excepting where proximately caused by the intentional, wanton or willful act or omission of Grantor, its officers, agents, employees and/or members.
3. That no structure may be placed within the limits of the easement area by the City or the Grantor, except for the Facilities.
4. That no charges will be made against the property for the cost of maintenance or operation of said Facilities in the property.
5. The Facilities shall be accessible for maintenance by the City at all times. The Grantor shall submit plans for approval to the City for any underground installation within the easement area, which approval shall not unreasonably be withheld, conditioned or delayed. The Grantor

makes no representation or warranty with respect to any other easements which may exist at the time of the granting of this easement which may encroach upon or interfere with the use contemplated in this easement. In the event there is a conflict, this easement shall be subordinate to previously granted easements and the City shall hold the Grantor harmless of any conflict.

6. That the Grantor shall not alter the surface elevation within the limits of said Easement Area.
7. The City and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.
8. The Grantor, consistent with the intent of Item 7, can use the trail from time to time (seasonally) for limited maintenance access of light equipment.
9. The Grantor, consistent with the intent of Item 7, may be allowed to connect to the trail at potentially several locations upon specific future request(s) therefore by the Grantor, upon approval thereof by the City Common Council.
10. Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as paid of its costs, reasonable attorneys' fees.
11. This easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor or their respective successors and assigns.
12. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
13. If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
14. This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
15. In the event that the recreational path (the 'Facilities') is discontinued or abandoned by the City, the City shall, at its expense, remove all asphalt, concrete or other structural improvement related to the path and restore the property in conformity with adjacent landscaping and vacate this easement.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seals this _____ day of _____, 20__.

OAKWOOD AT RYAN CREEK, LLC

By: _____
STEVE DECLEENE - MANAGER

CITY OF FRANKLIN

By: _____
STEPHEN R. OLSON - MAYOR

By: _____
SANDRA L. WESOLOWSKI - CITY CLERK

STATE OF _____ ss
COUNTY OF _____

Before me personally appeared on the _____ day of _____, 20__, the above-named STEVE DECLEENE, MANAGER of OAKWOOD AT RYAN CREEK, LLC to me known to be the person who executed the foregoing EASEMENT and acknowledged the same as the voluntary act and deed of said limited liability company.

NOTARY PUBLIC

My commission expires _____

STATE OF WISCONSIN)
ss
COUNTY OF MILWAUKEE)

On this _____ day of _____, 20__, before me personally appeared Stephen R. Olson and Sandra L. Wesolowski, who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to Resolution File No. _____ adopted by its Common Council on _____, 20__.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:
Date: _____

City Engineer

Approved as to form only:
Date: _____

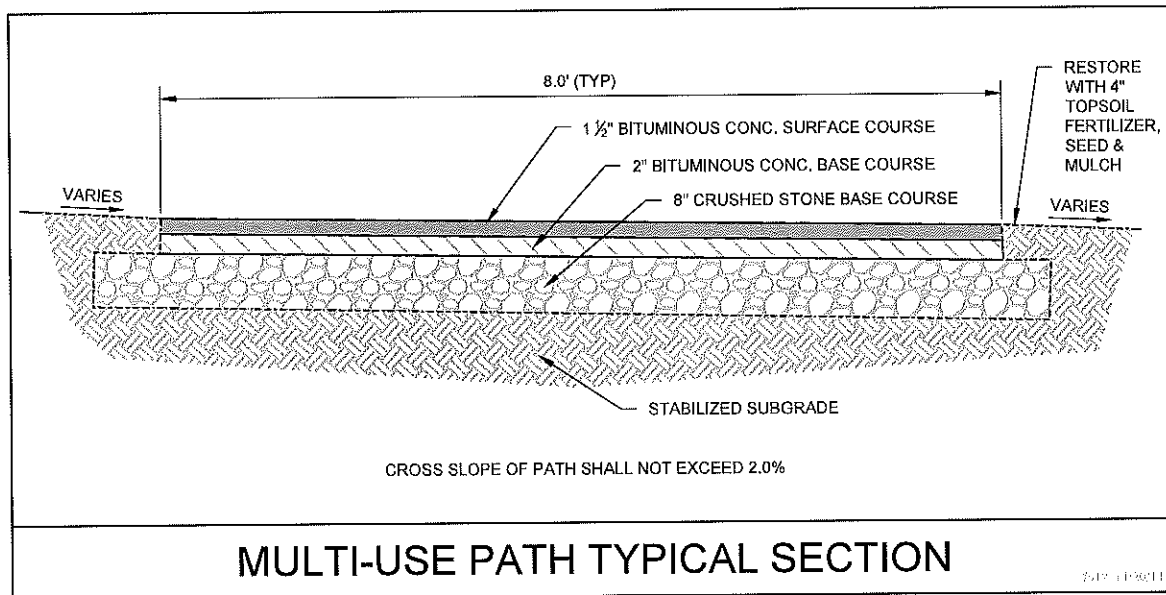
City Attorney

Exhibit A

(Description of the Property)

Ryanwood Manor, a subdivision recorded in the Register of Deeds Office for Milwaukee County as Document No. _____, being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

Exhibit B
(Path Cross Section)



(Depiction of the Easement Area and Legal Description of Easement Area)

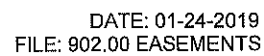


Exhibit C

(Depiction of the Easement Area and Legal Description of Easement Area)

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CH LENGTH
C1	42.22'	90.00'	26°52'47"	S76°55'36"E	41.84'
C2	32.88'	40.00'	47°05'59"	S87°02'12"E	31.96'
C3	76.70'	115.00'	38°12'58"	N50°18'20"E	75.29'
C4	90.79'	110.00'	47°17'18"	N54°50'30"E	88.23'
C5	30.78'	90.00'	19°35'32"	N68°41'23"E	30.63'
C6	79.92'	105.00'	43°36'33"	N80°41'54"E	78.00'
C7	65.95'	125.00'	30°13'39"	S62°23'01"E	65.18'
C8	30.96'	65.00'	27°17'13"	S60°54'48"E	30.66'
C9	25.36'	495.00'	2°56'05"	S76°01'27"E	25.35'
C10	62.04'	54.00'	65°49'47"	S44°34'36"E	58.69'
C11	82.72'	90.00'	52°39'48"	S14°40'11"W	79.84'
C12	57.74'	110.00'	30°04'39"	S25°57'45"W	57.08'
C13	82.93'	85.00'	55°54'00"	S17°01'34"E	79.68'
C14	39.53'	35.00'	64°42'47"	S77°19'58"E	37.46'
C15	55.84'	45.00'	71°05'58"	S74°08'22"E	52.33'
C16	20.01'	180.00'	6°22'10"	S51°24'37"W	20.00'
C17	31.02'	25.00'	71°05'58"	N74°08'22"W	29.07'
C18	62.12'	55.00'	64°42'47"	N77°19'58"W	58.87'
C19	7.10'	5.00'	81°21'36"	N85°39'22"W	6.52'
C20	69.06'	110.00'	35°58'12"	S71°38'55"W	67.93'
C21	56.50'	90.00'	35°58'12"	N71°38'55"E	55.58'
C22	7.17'	5.00'	82°09'45"	N12°34'57"E	6.57'
C23	72.25'	105.00'	39°25'21"	N08°47'15"W	70.83'
C24	68.24'	130.00'	30°04'39"	N25°57'45"E	67.46'
C25	64.34'	70.00'	52°39'48"	N14°40'11"E	62.10'
C26	39.06'	34.00'	65°49'47"	N44°34'36"W	36.95'
C27	26.38'	515.00'	2°56'05"	N76°01'27"W	26.38'
C28	40.48'	85.00'	27°17'13"	N60°54'48"W	40.10'
C29	55.39'	105.00'	30°13'39"	N62°23'01"W	54.75'
C30	64.70'	85.00'	43°36'33"	S80°41'54"W	63.15'
C31	37.61'	110.00'	19°35'32"	S68°41'23"W	37.43'
C32	74.28'	90.00'	47°17'18"	S54°50'30"W	72.19'
C33	90.04'	135.00'	38°12'58"	S50°18'20"W	88.38'
C34	49.32'	60.00'	47°05'59"	N87°02'12"W	47.95'
C35	32.84'	70.00'	26°52'47"	N76°55'36"W	32.54'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S00°21'59"E	106.99'
L2	N89°38'01"E	31.79'
L3	S63°29'12"E	78.74'
L4	N69°24'48"E	21.69'
L5	N58°53'37"E	18.67'
L6	S77°29'50"E	16.34'
L7	S74°33'24"E	54.38'
L8	S77°29'30"E	38.45'
L9	S11°39'43"E	154.22'
L10	S10°55'26"W	52.48'
L11	S44°58'35"E	68.65'
L12	N70°18'39"E	40.17'
L13	S38°35'23"E	57.79'
L14	N38°35'23"W	57.79'
L15	S70°18'39"W	40.17'
L16	N44°58'35"W	70.19'
L17	S53°39'50"W	44.23'
L18	S89°38'01"W	22.39'
L19	N00°21'59"W	20.00'
L20	N89°38'01"E	22.39'
L21	N53°39'50"E	44.24'
L22	N10°55'26"E	52.48'
L23	N11°39'43"W	154.22'
L24	N77°29'30"W	38.45'
L25	N74°33'24"W	54.38'
L26	N77°29'50"W	16.34'
L27	S58°53'37"W	18.67'
L28	S69°24'48"W	21.69'
L29	N63°29'12"W	78.74'
L30	S89°38'01"W	31.79'
L31	N00°21'59"W	20.00'

Exhibit C

(Depiction of the Easement Area and Legal Description of Easement Area)

Legal Description of the Pedestrian Access and Bicycle Path Easement:

All that part of Outlot 3 in Ryanwood Manor, being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the northwest corner of said Outlot 3; thence South 00°21'59" East along the west line of said Outlot 3, 106.99 feet to the place of beginning of the land hereinafter to be described; thence North 89°38'01" East, 31.79 feet; thence easterly, 42.22 feet along the arc of a curve, radius of 90.00 feet, center lies to the right, chord bears South 76°55'36" East, 41.84 feet; thence South 63°29'12" East, 78.74 feet; thence easterly, 32.88 feet along the arc of a curve, radius of 40.00 feet, center lies to the left, chord bears South 87°02'12" East, 31.96 feet; thence North 69°24'48" East, 21.69 feet; thence northeasterly, 76.70 feet along the arc of a curve, radius of 115.00 feet, center lies to the left, chord bears North 50°18'20" East, 75.29 feet; thence northeasterly, 90.79 feet along the arc of a curve, radius of 110.00 feet, center lies to the right, chord bears North 54°50'30" East, 88.23 feet; thence easterly, 30.78 feet along the arc of a curve, radius of 90.00 feet, center lies to the left, chord bears North 68°41'23" East, 30.63 feet; thence North 58°53'37" East, 18.67 feet; thence easterly, 79.92 feet along the arc of a curve, radius of 105.00 feet, center lies to the right, chord bears North 80°41'54" East, 78.00 feet; thence South 77°29'50" East, 16.34 feet; thence southeasterly, 65.95 feet along the arc of a curve, radius of 125.00 feet, center lies to the right, chord bears South 62°23'01" East, 65.18 feet; thence southeasterly, 30.96 feet along the arc of a curve, radius of 65.00 feet, center lies to the left, chord bears South 60°54'48" East, 30.66 feet; thence South 74°33'24" East, 54.38 feet; thence easterly, 25.36 feet along the arc of a curve, radius of 495.00 feet, center lies to the left, chord bears South 76°01'27" East, 25.35 feet; thence South 77°29'30" East, 38.45 feet; thence southeasterly, 62.04 feet along the arc of a curve, radius of 54.00 feet, center lies to the right, chord bears South 44°34'36" East, 58.69 feet; thence South 11°39'43" East, 154.22 feet; thence southerly, 82.72 feet along the arc of a curve, radius of 90.00 feet, center lies to the right, chord bears South 14°40'11" West, 79.84 feet; thence southerly, 57.74 feet along the arc of a curve, radius of 110.00 feet, center lies to the left, chord bears South 25°57'45" West, 57.08 feet; thence South 10°55'26" West, 52.48 feet; thence southerly, 82.93 feet along the arc of a curve, radius of 85.00 feet, center lies to the left, chord bears South 17°01'34" East, 79.68 feet; thence South 44°58'35" East, 68.65 feet; thence easterly, 39.53 feet along the arc of a curve, radius of 35.00 feet, center lies to the left, chord bears South 77°19'58" East, 37.46 feet; thence North 70°18'39" East, 40.17 feet; thence easterly, 55.84 feet along the arc of a curve, radius of 45.00 feet, center lies to the right, chord bears South 74°08'22" East, 52.33 feet; thence South 38°35'23" East, 57.79 feet to the west right-of-way line of South Creekview Court; thence southwesterly, 20.01 feet along said west right-of-way line and the arc of a curve, radius of 180.00 feet, center lies to the left, chord bears South 51°24'37" West, 20.00 feet; thence North 38°35'23" West, 57.79 feet; thence westerly, 31.02 feet along the arc of a curve, radius of 25.00 feet, center lies to the left, chord bears North 74°08'22" West, 29.07 feet; thence South 70°18'39" West, 40.17 feet; thence westerly, 62.12 feet along the arc of a curve, radius of 55.00 feet, center lies to the right, chord bears North 77°19'58" West, 58.87 feet; thence North 44°58'35" West, 70.19 feet; thence westerly, 7.10 feet along the arc of a curve, radius of 5.00 feet, center lies to the left, chord bears North 85°39'22" West, 6.52 feet; thence South 53°39'50" West, 44.23 feet; thence westerly, 69.06 feet along the arc of a curve, radius of 110.00 feet, center lies to the right, chord bears South 71°38'55" West, 67.93 feet; thence South 89°38'01" West, 22.39 feet to the east right-of-way line of South Woodside Court; thence North 00°21'59" West along said east right-of-way line, 20.00 feet; thence North 89°38'01" East, 22.39 feet; thence easterly, 56.50 feet along the arc of a curve, radius of 90.00 feet, center lies to the left, chord bears North 71°38'55" East, 55.58 feet; thence North 53°39'50" East, 44.24 feet; thence northerly, 7.17 feet along the arc of a curve, radius of 5.00 feet, center lies to the left, chord bears North 12°34'57" East, 6.57 feet; thence northerly, 72.25 feet along the arc of a curve, radius of 105.00 feet, center lies to the right, chord bears North 08°47'15" West, 70.83 feet; thence North 10°55'26" East, 52.48 feet; thence northeasterly, 68.24 feet along the arc of a curve, radius of 130.00 feet, center lies to the right, chord bears North 25°57'45"

East, 67.46 feet; thence northerly, 64.34 feet along the arc of a curve, radius of 70.00 feet, center lies to the left, chord bears North $14^{\circ}40'11''$ East, 62.10 feet; thence North $11^{\circ}39'43''$ West, 154.22 feet; thence northwesterly, 39.06 feet along the arc of a curve, radius of 34.00 feet, center lies to the left, chord bears North $44^{\circ}34'36''$ West, 36.95 feet; thence North $77^{\circ}29'30''$ West, 38.45 feet; thence westerly, 26.38 feet along the arc of a curve, radius of 515.00 feet, center lies to the right, chord bears North $76^{\circ}01'27''$ West, 26.38 feet; thence North $74^{\circ}33'24''$ West, 54.38 feet; thence northwesterly, 40.48 feet along the arc of a curve, radius of 85.00 feet, center lies to the right, chord bears North $60^{\circ}54'48''$ West, 40.10 feet; thence northwesterly, 55.39 feet along the arc of a curve, radius of 105.00 feet, center lies to the left, chord bears North $62^{\circ}23'01''$ West, 54.75 feet; thence North $77^{\circ}29'50''$ West, 16.34 feet; thence westerly, 64.70 feet along the arc of a curve, radius of 85.00 feet, center lies to the left, chord bears South $80^{\circ}41'54''$ West, 63.15 feet; thence South $58^{\circ}53'37''$ West, 18.67 feet; thence westerly, 37.61 feet along the arc of a curve, radius of 110.00 feet, center lies to the right, chord bears South $68^{\circ}41'23''$ West, 37.43 feet; thence southwesterly, 74.28 feet along the arc of a curve, radius of 90.00 feet, center lies to the left, chord bears South $54^{\circ}50'30''$ West, 72.19 feet; thence southwesterly, 90.04 feet along the arc of a curve, radius of 135.00 feet, center lies to the right, chord bears South $50^{\circ}18'20''$ West, 88.38 feet; thence South $69^{\circ}24'48''$ West, 21.69 feet; thence westerly, 49.32 feet along the arc of a curve, radius of 60.00 feet, center lies to the right, chord bears North $87^{\circ}02'12''$ West, 47.95 feet; thence North $63^{\circ}29'12''$ West, 78.74 feet; thence westerly, 32.84 feet along the arc of a curve, radius of 70.00 feet, center lies to the left, chord bears North $76^{\circ}55'36''$ West, 32.54 feet; thence South $89^{\circ}38'01''$ West, 31.79 feet to the west line of said Outlot 3; thence North $00^{\circ}21'59''$ West along said west line, 20.00 feet to the place of beginning.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 03/05/19
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR RYANWOOD MANOR PHASE 1 SUBDIVISION (AT APPROXIMATELY SOUTH 76TH STREET AND WEST OAKWOOD ROAD) (OAKWOOD AT RYAN CREEK, LLC, APPLICANT)	ITEM NUMBER <i>G. 7.</i>
<p>City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Final Plat for Ryanwood Manor Phase 1 Subdivision (at approximately South 76th Street and West Oakwood Road) (Oakwood at Ryan Creek, LLC, Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution No. 2019-_____, a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Final Plat for Ryanwood Manor Phase 1 Subdivision (at approximately South 76th Street and West Oakwood Road) (Oakwood at Ryan Creek, LLC, Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.</p>		

Department of City Development: OPS



S. 76th Street & W. Oakwood Road
TKN: 934 9992 010



Planning Department
(414) 425-4024

0 380 760 1,520 Feet

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



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2019-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR RYANWOOD MANOR
PHASE 1 SUBDIVISION (AT APPROXIMATELY SOUTH 76TH STREET AND WEST
OAKWOOD ROAD) (OAKWOOD AT RYAN CREEK, LLC, APPLICANT)

WHEREAS, the Plan Commission having approved a Final Plat upon the application of Oakwood at Ryan Creek, LLC, on February 7, 2019, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the stream, floodplain, floodway, shore buffer, wetlands, and wetland buffers on the site; and

WHEREAS, §15-7.0603B. of the Unified Development Ordinance requires the submission of a Conservation Easement and Natural Resource Protection Plan in the Final Plat review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Final Plat; and

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

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

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

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

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT

Oakwood at Ryan Creek, LLC

RESOLUTION NO. 2019-_____

Page 2

APPROVED:

STEPHEN R. OLSON, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

RYANWOOD MANOR

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

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, being part of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, stream, floodplains, shore buffers, wetland buffers and setbacks, wetlands and shoreland wetlands, and refer to Natural Resource Protection Plan (NRPP) Report by Wetland & Waterway Consulting, LLC, dated May 24, 2017, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

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

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

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

3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the grantor is complying with the covenants and conditions of this grant.

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

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

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

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

To Grantor:
OAKWOOD AT RYAN CREEK, LLC
N27 W24025 Paul Court, Suite 100
Pewaukee, WI 53072

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

In witness whereof, the grantor has set his hand and seals this on this date of _____
_____, 20__.

OAKWOOD AT RYAN CREEK, LLC

By: _____
STEVE DECLEENE - MANAGER

STATE OF _____

COUNTY OF _____
ss

Before me personally appeared on the _____ day of _____, 20__, the above
named STEVE DECLEENE, MANAGER of OAKWOOD AT RYAN CREEK, LLC to me known to
be the person who executed the foregoing Easement and acknowledged the same as the voluntary act
and deed of said limited liability company.

NOTARY PUBLIC

My commission expires _____

Acceptance

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

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

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
 SS
COUNTY OF MILWAUKEE)

On this _____ day of _____, 20__, before me personally appeared Stephen R. Olson and Sandra L. Wesolowski, who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to Resolution File No. _____ adopted by its Common Council of _____, 20__.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

_____, Principal Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

MORTGAGE HOLDER CONSENT

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

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

Name of Mortgagee
a Wisconsin Banking Corporation

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN

MILWAUKEE COUNTY

ss

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

Name: _____

Notary Public, State of Wisconsin

My commission expires _____

Exhibit A

Legal Description of Property:

Ryanwood Manor, a subdivision recorded in the Register of Deeds Office for Milwaukee County as Document No. _____, being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

Legal Description of Conservation Easement Area:

All that part of Outlot 3 in Ryanwood Manor, being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Beginning at the northwest corner of said Outlot 3; thence North 89°45'49" East along the north line of said Outlot 3, 779.37 feet; thence South 45°24'34" East along said north line, 468.11 feet; thence North 89°45'49" East along said north line, 145.00 feet to the west right-of-way line of South 76th Street (CTH U); thence South 00°14'11" East along said west right-of-way line, 283.47 feet to the north right-of-way line of South Creekview Court; thence South 89°45'49" West along said north right-of-way line, 243.00 feet; thence westerly, 87.89 feet along said north right-of-way line and the arc of a curve, radius of 180.00 feet, center lies to the left, chord bears South 75°46'33" West, 87.02 feet; thence North 63°26'03" West, 58.05 feet; thence South 47°27'19" West, 56.10 feet; thence North 73°23'06" West, 33.51 feet; thence North 21°49'10" West, 34.31 feet; thence North 71°52'26" West, 24.85 feet; thence North 49°20'10" West, 45.22 feet; thence North 71°32'53" West, 27.80 feet; thence South 28°54'18" West, 25.66 feet; thence North 78°36'49" West, 11.98 feet; thence North 60°30'14" West, 91.42 feet; thence North 37°33'38" West, 57.47 feet; thence North 00°37'26" East, 34.01 feet; thence North 13°36'53" East, 35.49 feet; thence North 39°52'47" East, 37.93 feet; thence North 49°18'07" East, 154.49 feet; thence North 32°14'33" East, 25.25 feet; thence North 04°34'18" East, 61.70 feet; thence North 23°04'23" West, 107.82 feet; thence North 75°53'55" West, 149.17 feet; thence North 68°48'53" West, 23.47 feet; thence North 51°12'40" West, 52.78 feet; thence North 77°29'50" West, 61.64 feet; thence South 79°49'02" West, 39.53 feet; thence South 60°03'26" West, 41.50 feet; thence South 70°59'27" West, 75.49 feet; thence South 36°17'34" West, 62.75 feet; thence South 50°53'52" West, 43.52 feet; thence South 69°44'04" West, 48.62 feet; thence North 82°59'13" West, 17.53 feet; thence North 55°15'28" West, 47.08 feet; thence North 04°32'59" East, 15.78 feet; thence North 66°32'04" West, 47.98 feet; thence South 89°38'01" West, 66.57 feet to the west line of said Outlot 3; thence North 00°21'59" West along said west line, 96.88 feet to the place of beginning.

EXHIBIT B

(Conservation Easement Area)

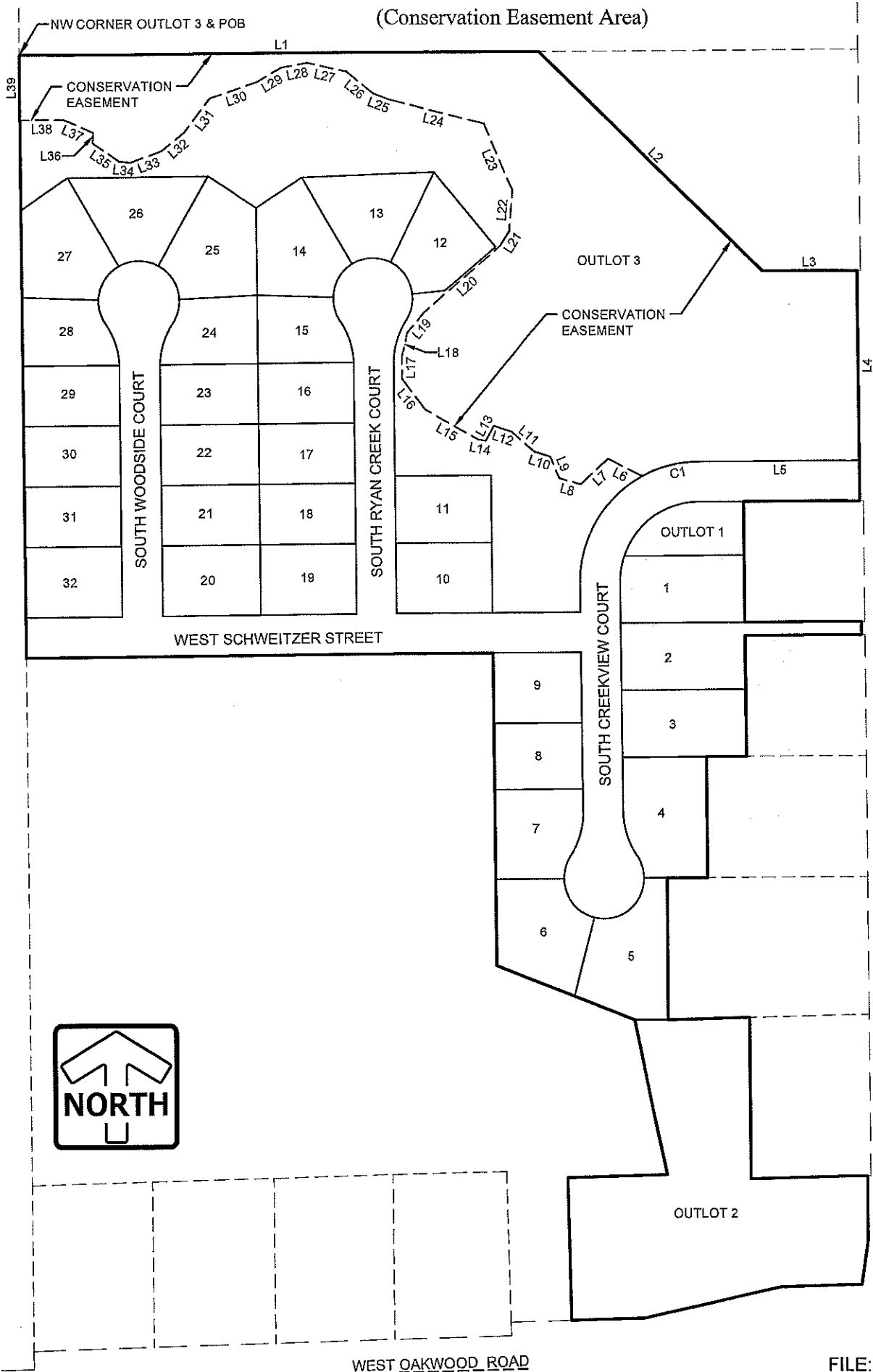


EXHIBIT B
(Conservation Easement Area)

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N89°45'49"E	779.37'
L2	S45°24'34"E	468.11'
L3	N89°45'49"E	145.00'
L4	S00°14'11"E	283.47'
L5	S89°45'49"W	243.00'
L6	N63°26'03"W	58.05'
L7	S47°27'19"W	56.10'
L8	N73°23'06"W	33.51'
L9	N21°49'10"W	34.31'
L10	N71°52'26"W	24.85'
L11	N49°20'10"W	45.22'
L12	N71°32'53"W	27.80'
L13	S28°54'18"W	25.66'
L14	N78°36'49"W	11.98'
L15	N60°30'14"W	91.42'
L16	N37°33'38"W	57.47'
L17	N00°37'26"E	34.01'
L18	N13°36'53"E	35.49'
L19	N39°52'47"E	37.93'
L20	N49°18'07"E	154.49'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L21	N32°14'33"E	25.25'
L22	N04°34'18"E	61.70'
L23	N23°04'23"W	107.82'
L24	N75°53'55"W	149.17'
L25	N68°48'53"W	23.47'
L26	N51°12'40"W	52.78'
L27	N77°29'50"W	61.64'
L28	S79°49'02"W	39.53'
L29	S60°03'26"W	41.50'
L30	S70°59'27"W	75.49'
L31	S36°17'34"W	62.75'
L32	S50°53'52"W	43.52'
L33	S69°44'04"W	48.62'
L34	N82°59'13"W	17.53'
L35	N55°15'28"W	47.08'
L36	N04°32'59"E	15.78'
L37	N66°32'04"W	47.98'
L38	S89°38'01"W	66.57'
L39	N00°21'59"W	96.88'

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CH LENGTH
C1	87.89'	180.00'	27°58'31"	S75°46'33"W	87.02'

Prepared November 14, 2018. Pinnacle Engineering Group job #902.00-WI
L:\ENGDOCS\2017 Design Standards\2017 Design Standards Appendix J Easement for conservation #8.doc

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE March 5, 2019
REPORTS & RECOMMENDATIONS	2019 Sanitary Sewer User Fee Review	ITEM NUMBER <i>G. 8.</i>

Background

The City adjusts its Sanitary Sewer rate annually to include the rate change MMSD makes Jan 1. At the same time, the sanitary sewer rate is adjusted for cost changes reflected in the annual budget. This local fee provides the resources to maintain the local sanitary sewer system. MMSD provides a Cost Manual which provides the information to determine the sewer charge for Franklin sewer customers. The MMSD charge has three components, a fixed connection fee, a fixed Hazardous Waste Disposal fee and a volumetric charge. All residents are charged a fixed rate, regardless of the water volume used. Commercial Customers are provided the fixed charge and then a charge based upon the water usage.

Analysis

Local Sanitary Sewer rates are recommended to increase \$4.89 (2.2%) per year for residential customers. The increase will fund both local and MMSD cost increases. Local costs are budgeted to rise 6.9% and represent approximately 30% of total operating costs. That increase in local costs requires additional resources to fund them. Labor costs, representing approximately half of the local operating costs, are increasing 11.0%. Much of this increase represents the increased cost of group health benefits. Local Non-personnel costs are rising 3.4%, with the largest increase in equipment maintenance costs for the St. Martin lift station pumps. Investment in new equipment will exceed the available resource for the third straight year.

The proposed local rate increase will generate approximately \$36,600 – which does not recover the \$69,000 local cost increase. The fund will continue to spend down fund balance.

Effective Jan 1, 2019, MMSD is raising its rates by 0.8%. The prior year the rate increase was over 11% related to a change in the operator management agreement.

The total proposed Franklin residential rate is:

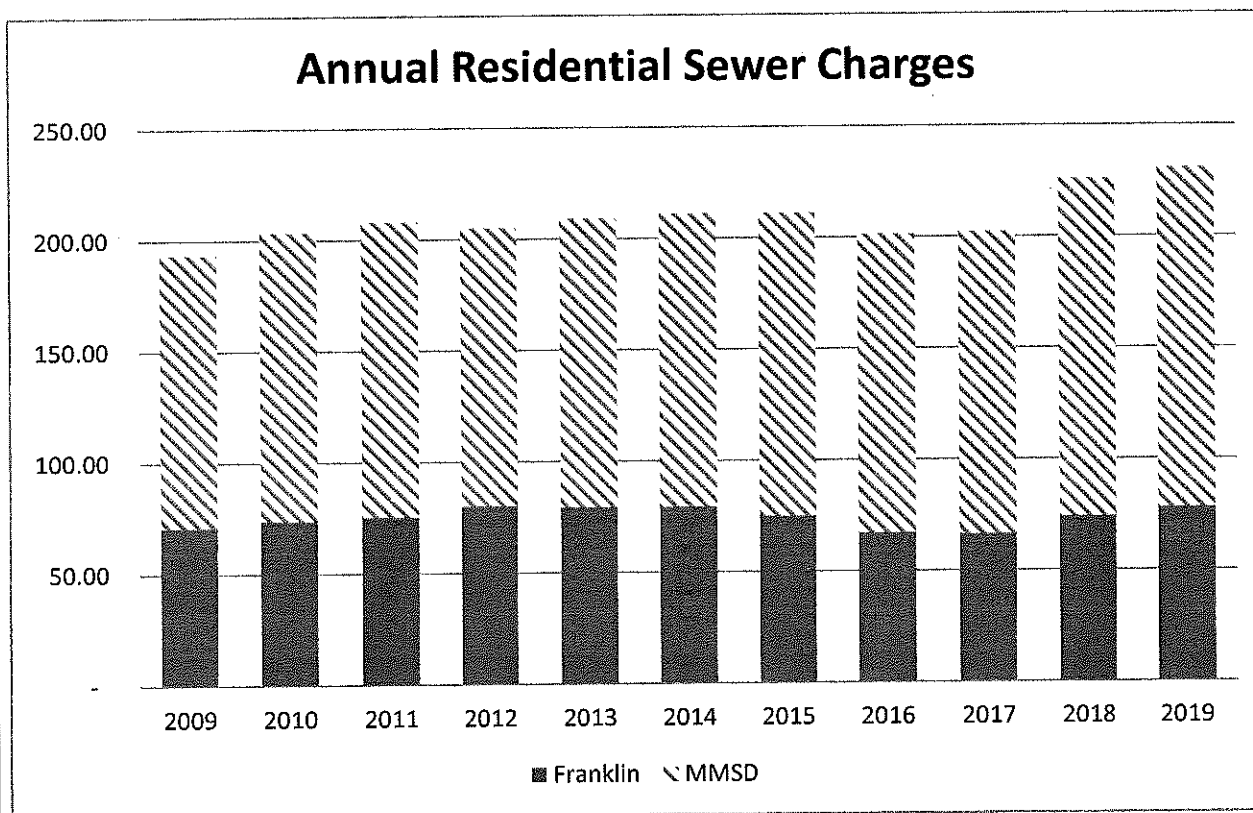
Residential Sewer Bill

	2019	2018	Inc (Dec)
Franklin Charge	77.91	74.25	\$3.66 - 4.9%
Volumetric Charge (Variable)	115.16	116.01	(0.7)%
Connection Charge (Fixed)	32.44	30.34	6.9%
Hazardous Waste Disposal	5.17	5.19	(0.4)%
Total MMSD charge	152.77	151.54	\$1.23 - 0.8%
Total Annual Charge	230.68	225.79	\$4.89 - 2.2%
Quarterly Residential Billing	57.67	56.45	\$1.22 – 2.2%

An average Commercial customer using 82,000 of water will see an increase of 3.9%.

There are currently 10,372 Sewer customers – 9,221 of those are single family or Multi-family residences. Note that Sanitary Sewer bills are combined with water charges (for properties utilizing both services). The Water Utility does not anticipate any rate increase in 2019. .

A history of the combined residential sewer charge is represented below.



Recommendation

The Finance Committee considered the rate change and recommended its approval at the February 26, 2019 meeting.

Fiscal Impact

The proposed 2019 residential rate increase approximates the anticipated budgeted 2% rate increase. The fund had over \$552,000 of capital outlays in 2018 and \$309,000 in 2017. The Sewer Fund rate policy needs to be re-examined in light of the pending investment in the Industrial Park project. As noted in the Sept 2018 sanitary sewer rate discussion, that investment will require a borrowing. The cash requirement of that borrowing may necessitate a change to the sanitary sewer rate setting policy. The Finance Committee will examine the issue and make a recommendation to Common Council later in 2019.

COUNCIL ACTION REQUESTED

Motion to adopt a quarterly 2019 Residential Sanitary Sewer charge of \$57.67 and a fixed Commercial Connection charge of \$12.25 plus a \$3.32439184 per thousand gallon charge effective January 1, 2019 as provided by Municipal Code 207-14 H (3)(b)

APPROVAL <i>Slw</i> <i>RL</i>	REQUEST FOR COMMON COUNCIL ACTION	MEETING DATE Mar 5, 2019
REPORTS & RECOMMENDATIONS	Request to Engage Ehlers & Associates to conduct an Arbitrage Review of the 2014A and 2017A Bond Issues	ITEM NUMBER <i>G.9.</i>

Background

In December 2014, the City issued \$5,320,000 of tax exempt General Obligation Notes to finance \$1,990,000 of Capital Improvement projects and \$3,330,000 of TID 3 capital projects (S 27th Street reconstruction).

In December, 2017, the City issued \$1,630,000 of tax exempt General Obligation Notes (2017B) to finance Capital Improvement projects in 2018. The Notes were issued in 2017 to preserve levy limit increases which State Statutes would have precluded new debt in 2018 (the Common Council did not adopt a 2018 levy which required compliance with this provision of the statutes).

Both issues were tax exempt issues requiring adherence to the arbitrage rules embodied in the Internal Revenue Code.

The arbitrage rules require payment to the IRS for excess investment earnings on exempt note proceeds. A broad outline of exceptions to the rules is attached. There are no other adverse consequences of violating the arbitrage rules.

Analysis

Note 2014A

The 2014A Notes were internally split into two parts, \$1,990,000 for 2014-15 City capital improvement projects. The other portion (\$3,330,000) was to be used to finance the S 27th Street project in TID3. The \$1,990,000 City portion was spent by Dec, 2015, within twelve months.

However, only \$2,643,392 (79%) of the \$3,330,000 proceeds were spent by Dec 2017. The Dept of Transportation which was supervising the project never billed the City for costs incurred. \$355,000 was billed in Nov, 2018 – nearly four years after the project was initiated and two years after it was completed. There are still approximately \$1 million of unbilled costs the City estimates it owes on the project. The TID note was completely repaid in March 2018. There are resources available in the TID to pay the estimated remaining project costs. Those resources have come from increment received since the debt was sold.

It is unlikely that excess investment earnings occurred as investment rates were exceeding low at that time. However, since the proceeds were never entirely spent on project costs, an arbitrage review is warranted. This review would demonstrate compliance with the rules or calculating and remitting any required payments.

Note 2017B

For Note 2017B, only 11% or \$173,938 of the proceeds has been spent 12 months after sale (see attached schedule). 2018 projects, carrying over to 2019 (Drexel & S 51st St intersection and the Police shooting range project) are expected to exhaust the remainder of the proceeds.

The Notes carry an interest cost of 2.25%, while current proceeds are earning 2.4%. Arbitrage is likely accruing. There are special arbitrage rules that apply to the 2017B note because of its smaller size. Having said that, due to the minimal amount of proceeds spent and the earnings now available, an arbitrage payment is likely due the IRS.

Please note an Ehler's arbitrage consultant's comments on these two issues attached.

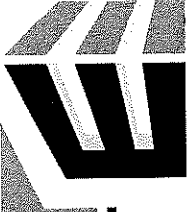
In compliance with Res 2014-7031 on Debt Issuance Compliance Policy adopted in November 2014, staff requests permission to engage arbitrage experts to review the City's position and recommend a course of action. Ehler's has estimated the cost of such a project not to exceed \$5,000 (\$2,500 per issue).

RECOMMENDATION

The Finance Committee reviewed this matter at their February 26, 2019 meeting and recommends completing the review by qualified external professionals.

FINANCE COMMITTEE ACTION REQUESTED

Motion to authorize staff to engage Ehlers & Associates to conduct an arbitrage review of the 2014A and 2017B debt issues for a fee not to exceed \$5,000.



Spend Down Rules

6-Month Exemption Schedule:

*100% of identified Gross Proceeds to be spent within 6 months

18-Month Exemption Schedule:

15% within 6 months

60% within 12 months

*+100% within 18 months

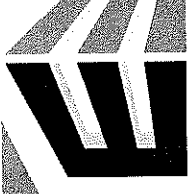
24-Month Exemption Schedule:

10% within 6 months

45% within 12 months

75% within 18 months

*+100% within 24 months



Spend Down Rules

* 5% Retention option extends the 6-Month exception to 12 months, 18-Months exception to 30 months, and 24-Month exception to 36 months.

+ De Minimis exempts the lesser of 3% of the issue price or \$250,000 as long as the issue exercises due diligence to complete the project.

The 18-Month and 24-Month exemptions cannot be used at the same time on the same issue even if that issue is bifurcated, however, the 6-Month exemption can be used with either the 18-Month or 24-Month exemption when bifurcated.

Paul Rotzenberg

From: Stephen Broden <SBroden@ehlers-inc.com>
Sent: Tuesday, February 19, 2019 6:13 PM
To: Paul Rotzenberg
Subject: Arbitrage Follow Up

Good afternoon Paul,

Thank you for spending time with me on the phone.

Notes from the Call:

1. Series 2017B has a hard date for yield restriction tracking as 12/21/20.
 - a. If you have an outstanding balance as of this date in excess of \$81,500.00 then yield restriction analysis is recommended; and
 - b. If the internal rate of return is higher than 2.21409% (2.08909% +0.125%) then you may need to set aside money for a yield reduction payment; and
 - c. If a payment is owed then it must be made by 12/21/22 (Should be made as soon as the remaining balance is less than \$81,500.00.
2. Series 2014A has a hard arbitrage rebate and yield restriction tracking date as 12/18/19.
 - a. Based on the split projects, location of the funds, and need for specifically tracing the expenditures an arbitrage analysis is recommended on or before 12/18/19.
 - i. The arbitrage yield is 1.8450607% for rebate purposes.
 - ii. The highest available restricted yield is 1.9700607% (1.8450607% +0.125%) for yield restriction purposes.
 - iii. Based on the repayment schedule the first date that might make sense for the arbitrage analysis completed following the 03/01/19 debt service payment.

I will make sure I have the time necessary to review your documentation on Thursday and can answer any other questions you may have at that time.

Please have a great evening,

Stephen

Stephen Broden
Arbitrage Managing Director
O: (303) 802-2307 | ehlers-inc.com



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APPROVAL <i>Slw</i> <i>pk</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE March 6, 2019
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2019 TO ESTABLISH A 2019 BUDGET FOR TID 6	ITEM NUMBER <i>G.10.</i>

Background

The City adopted 2019 Budgets for all funds on Nov 13, 2018. TID 6 was created on Oct 16, 2018 with Resolution 2018-7428. A Developers Agreement was not signed until Nov 29, 2018. The Adopted 2019 Budget did not include a budget for TID 6.

The City sold \$6.365 million of debt with issue 2019B on Feb 20, 2019 to provide resources for TID 6. That Debt Issue included debt issuance fees that were paid with the issue proceeds, however, there is no appropriation for those costs.

The TID project plan calls for the Developer to begin infrastructure construction in early summer 2019, which will require payments to the developer. The proposed TID 6 budget will establish appropriations for those payments.

Fiscal Impact

The TID has no 2019 budget appropriations. The attached Budget Amendment will establish 2019 appropriations.

Recommendation

The Finance Committee reviewed this Ordinance at the February 26, 2019 meeting and unanimously recommends adoption.

COUNCIL ACTION REQUESTED

Motion adopting Ordinance 2019-____ amending Ordinance 2018-2345, an Ordinance adopting the 2019 annual budgets for the City of Franklin for fiscal year 2019 to establish a 2019 budget for TID 6

Roll call vote needed

Finance Dept - Paul

City of Franklin
TID6 2019 Budget - Proposed

		Note		Total
Debt Service - Fund 34		2019B	2019D	
	Acct			
Transfers In	34.0000.4830			-
Bond Proceeds	34.0000.4911	556,000		556,000
Inv Interest	34.0000.4711	11,500		11,500
Total Revenues		567,500	-	567,500
Interest Expense	34.0000.5621.8022	116,563		116,563
Total Expenses		116,563	-	116,563
Net Rev (Expend)		450,937	-	450,937
Opening Fund Bal		-		-
Ending Fund Bal		\$ 450,937	\$ -	\$ 450,937
Capital Projects - Fund 44				
Tax Levy	44-0000-4011	-		-
Inv Interest	44-0000-4711	120,800	-	120,800
Bond Proceeds	44.0000.4911	5,973,700	3,100,000	9,073,700
Prem/Disc on Bond Issuance	44.0000.4913	207,682		207,682
Bond Issuance Costs	44.0000.5601	(43,462)	(35,000)	(78,462)
Total Rev		6,258,720	3,065,000	9,323,720
Transfers Out	44.0000.5589			-
Clerk Alloc pr	44.0141.5199	600		600
Admin Alloc pr	44.0144.5199	600		600
Finance Alloc pr	44.0151.5199	2,400		2,400
Bank fees	44.0151.5691	350		350
TID fee	44.0151.6453	150		150
legal fees	44.0161.5212	-		-
Engineering alloc pr	44.0321.5199	4,800		4,800
Other Eng Prof Serv	44.0321.5219	25,000		25,000
Street Construction	44.0331.5823	3,000,000	3,000,000	6,000,000
Storm Sewer	44.0331.5829	-		-
Traffic Signals	44.0331.5839	-		-
Water Mains	44.0755.5830	1,500,000		1,500,000
Sanitary Sewer Mains	44.0756.5826	1,500,000		1,500,000
Econ Dev Prof Serv	44.0641.5219	-		-
Total Expenditures		6,033,900	3,000,000	9,033,900
Net Rev (Expend)		224,820	65,000	289,820
Beginning Fund Bal		-		-
Ending Fund Bal		224,820	65,000	289,820

APPROVAL <i>Slw</i> <i>pd</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE March 5, 2019
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2017-2301, AN ORDINANCE ADOPTING THE 2018 ANNUAL BUDGETS FOR GENERAL, SOLID WASTE, ST MARTIN'S FAIR, CIVIC CELEBRATIONS, FIRE GRANTS, TID4 AND TID5 FUNDS FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2018 TO PROVIDE APPROPRIATIONS FOR ACTUAL PERFORMANCE TO AMENDED BUDGET FOR CALENDAR YEAR 2018	ITEM NUMBER <i>G.11.</i>

Background

As 2018 is wrapping up, several Funds/Departments have exceeded their budget authority, most overages are by nominal sums. A discussion of issues follows:

General Fund

Mayor – labor costs exceeded budget by \$6 related to higher workers compensation taxes.

Info Services – personnel costs are \$2,572 (2.1%) over spent. Part-time help was utilized in the transition of personnel related to City Hall telephone services. The non-personnel costs were underspent \$34,500.

Independent Audit – over plan by \$255 (<1%). 2018's audit had preliminary field work in Dec, 2018, but budgeted in 2019. 2019's budget will be underspent by a similar amount.

Fire personnel costs - \$127,701 (2.2%) over spent – position vacancies and long term leaves related to illness, injury, and FMLA required more overtime totaling \$369,400- while only \$190,500 was appropriated in the 2018 budget. This issue had been identified early in the year. Staff recommended waiting until year end to address the additional resource from contingency once the total overage was clear.

Fire non-personnel costs - \$8,324 (1.8%) over spent. The County began to charge for medical supplies in 2018 (these costs had reduced shared revenue in prior years). 2018 County EMS revenues are \$16,000 greater than 2017, however, the medical supplies expenditures of \$53,412 far exceeded the \$16,000 appropriation. Other expenditure reductions within the Fire Dept helped to contain the additional resource requirement.

Park's Labor – overspent by \$65,311 (59.9%). Highway personnel also staff the Parks Dept. The budget anticipates one full time equivalent for Parks purposes. With the increase in Park's acreage and hiking trails, the personnel requirement has grown. The Highway Department personnel budget was \$156,109 underspent. A transfer of Highway personnel appropriations would result in both departments being within budget appropriations.

Park's Non-personnel costs – \$89 over spent. Maintenance costs with the added parks acreage is the primary reason for the cost over-run.

Transfers Out – to St Martin's Fair fund to provide resources for the accumulated deficit in fund balance - \$60,000.

Unspent Contingency Appropriations of \$60,000 combined with an \$83,600 transfer from unspent Dispatch personnel costs will address the General Government and

Public Safety Budget issues.

Solid Waste fund – operating costs overspent by \$52,404 (3.3%). The CPI increase, which drives the hauler annual rate increase, was greater in 2018 than expected in July 2017 when the CPI adjustment was estimated. Revenues also exceeded budget by a smaller amount. There is sufficient fund balance to provide the necessary resource.

St Martin's Fair – Costs were \$1,074 (2.0%) greater than the original appropriation, primarily related to shared services with Public Safety and Public Works. The Fund has operated at a deficit for several years, with advances from the General Fund to provide required resources. The Finance Committee recommends a \$60,000 one-time transfer from the General Fund to the St Martin's Fair Fund to address these accumulated deficits. With the larger than expected surplus in the General Fund, this transfer will have no adverse impacts on General Fund fund balance.

Civic Celebrations – overspent by \$16,833 (17.4%). A longer celebration in 2018 resulted in more revenues and expenditures. The fund operated with a smaller surplus than budgeted.

Grant Funds – Only Health Operating costs and Capital Outlays were appropriated in 2018. Total expenditures (operating and capital) did not exceed the 2018 appropriations. Public Safety received some operating grants and then spent them creating the over spend.. A transfer from Capital Grant appropriations will keep both expenditures within appropriation levels.

TID4 –Expenditure authorizations were \$225,000 (19.9%) over budget. A \$980,000 capital appropriation was budgeted. The City then investigated a number of development opportunities by engaging a number of professionals to conduct studies for traffic flows and an engineer to estimate infrastructure costs for a proposed business park. Additional appropriations are needed to support those efforts which were approved based upon beginning fund balance.

TID5 – The 2018 budget was developed using the TID creation project plan. When the Developer's Agreement was finalized, Milwaukee County required an additional \$4 million in methane remediation costs that were not part of the original project plan. Many of the capital expenditure appropriations are for items which the City will not own upon completion. The payments for these items are reported as Developer Grant payments instead of capital expenditures as reported in the monthly financial report. Total 2018 expenditures are within the total appropriations because the project is ongoing, however, 2018 expenditure classification will not align with the appropriation detail. Please note that expenditures will be classified as noted above with appropriations remaining in the broader category "other" as originally noted in the budget.

Staff is recommending the following 2018 Budget Amendments

General Fund:

Mayor – personnel -	Increase	100
Info Services – personnel -	Increase	3,000
Independent Audit	Increase	500
Dispatch – personnel	Decrease	83,600
Fire personnel	Increase	130,000
Fire Non-personnel	Increase	10,000

Highway – personnel	Decrease	66,000
Parks – personnel	Increase	65,500
Parks – non-personnel	Increase	500
Contingency	Decrease	60,000
Transfers Out to St Martin's Fr	Increase	60,000
Solid Waste Fund		
Revenue - Public charges	Increase	17,000
Public Works – non-personnel	Increase	55,000
St Martin's Fair Fund		
Recreation – parks – non pers	Increase	2,000
Transfers In -	Increase	60,000
Civic Celebrations Fund		
Revenue – public charges	Increase	6,000
Civic Celebrations – non pers	Increase	20,000
Police Grants		
Police – non-personnel	Increase	10,000
Police – capital	Decrease	10,000
TID 4		
Revenues – taxes	Increase	17,000
Engineering – non-pers	Increase	17,000
Econ Dev – non-personnel	Increase	10,000
Capital – Sewer	Increase	225,000

Recommendation

The Finance Committee considered this amendment at its February 26, 2019 meeting and recommends its approval.

COUNCIL ACTION REQUESTED

Motion adopting an Ordinance to amend Ordinance 2017-2301, an ordinance adopting the 2018 annual budgets for General, Solid Waste, St Martin's Fair, Civic Celebrations, Fire Grants, TID4 and TID5 Funds for the City of Franklin for fiscal year 2018 to provide appropriations for actual performance to amended budget for calendar year 2018

Roll call vote required

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2019 _____

AN ORDINANCE TO AMEND ORDINANCE 2017-2301, ADOPTING THE 2018 ANNUAL BUDGETS FOR GENERAL, SOLID WASTE, ST MARTIN'S FAIR, CIVIC CELEBRATIONS, FIRE GRANTS, TID 4 AND TID 5 FUNDS FOR THE CITY OF FRANKLIN TO PROVIDE APPROPRIATIONS FOR ACTUAL PERFORMANCE TO AMENDED BUDGET FOR CALENDAR YEAR 2018

WHEREAS, the Common Council adopted the 2018 Budget for the City of Franklin providing resources and appropriations for 2018 in various funds; and

WHEREAS, the year comes to a close, certain General Fund Departments exceeded their appropriations by nominal amounts which are supportable by Contingency appropriations; and

WHEREAS, the Fire Department had greater than normal personnel vacancies related to longer term leaves, position vacancies requiring additional appropriations; and

WHEREAS, the Dispatch Department had numerous vacancies which appropriations support the additional Fire Department personnel requirements; and

WHEREAS, the Highway Department staffs Highway and Parks activities resulting in expected shifts of labor costs between the departments at year end; and

WHEREAS, the General Fund has been supporting the St Martin's Fair Fund with Advances for several years to provide resources for operating deficits; and

WHEREAS, the General Fund has a larger surplus in 2018 than expected such that a \$60,000 transfer from the General Fund to St. Martin's Fair Fund will remove the fund balance deficit; and

WHEREAS, the Solid Waste Fund hauler 2018 cost inflation factor was greater than appropriations would support; and

WHEREAS, the St Martin Fair Fund operating costs contained \$2,000 greater Public Safety and Public Works costs than appropriations supported; and

WHEREAS, Fire and Building Inspection grants were received but not anticipated that funded operating costs; and

WHEREAS, \$225,000 additional development investigative costs in TID4 that are supported by beginning fund balance were pursued; and

WHEREAS, certain capital in nature costs that were appropriated and spent but will not become City assets such that they are more properly classified as Developer's Grants; and

WHEREAS, the Common Council of the City of Franklin believes these expenditures provide for the well being of the Community.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

Section 1 That the 2018 Budget of the General Fund be adjusted as follows:

Mayor	Personnel Serv	Increase	100
Info Services	Personnel Serv	Increase	3,000
Independent Audit –	Non Pers Serv	Increase	500
Dispatch	Personnel Serv	Decrease	83,600
Fire	Personnel Serv	Increase	130,000
Fire	Non-Personnel Services	Increase	10,000
Contingency	Un-restricted	Decrease	60,000
Highway	Personnel Serv	Decrease	66,000
Parks	Personnel Serv	Increase	65,500
Parks	Non-Personnel Serv	Increase	500
Transfers Out to St Martin's Fair		Increase	60,000

Section 2 That the 2018 Solid Waste Fund Budget be adjusted as follows:

Revenue	Public Charges	Increase	17,000
Personnel Services		Increased	55,000

Section 3 That the 2018 St Martin's Fair Fund Budget be adjusted as follows:

Transfers In		Increase	60,000
Police	Personnel - Serv	Increased	2,000

Section 4 That the 2018 Civic Celebrations Budget be adjusted as follows:

Revenue	Public Charges	Increase	6,000
Civic Cel	Non-Pers	Increased	20,000

Section 5 That the 2018 Police Grants Budget be adjusted as follows:

Police	Non-Personnel	Increased	10,000
Police	Capital	Decreased	10,000

Section 6 That the 2018 TID4 Budget be adjusted as follows:

Revenues	Taxes	Increased	17,000
Engineering -	Non-personnel	Increased	17,000
Econ Dev	Non-personnel	Increased	10,000
Capital- Sewer		Increased	225,000

Section 7 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 ____ day of _____, 2019.

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

APPROVAL <i>Slw</i> <i>pdR</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE March 5, 2019
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE GENERAL FUND, DEVELOPMENT FUND, CIVIC CELEBRATIONS, CAPITAL OUTLAY FUND, EQUIPMENT REPLACEMENT FUND, CAPITAL IMPROVEMENT FUND, TID 3, TID 4, TID 5, TID 6 FUND, AND SANITARY SEWER FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2019 TO APPROVE BUDGET ENCUMBRANCES FROM THE 2018 BUDGET AS AMENDMENTS TO THE 2019 BUDGET	ITEM NUMBER <i>G.12.</i>

Background

Each year generally accepted accounting principles require a search for encumbrances. An encumbrance is a contract or written purchase order that was entered into or ordered during the 2018 fiscal year with the intent that the contract or purchase order would be completed in 2018 or the understanding that the project would take more than one fiscal year to complete. Projects meeting the definition of an encumbrance must have a portion of the fund balance reserved for the costs necessary to complete the project.

Analysis

For the year 2018 there are projects in General Fund, Development Fund, Civic Celebrations Fund, Capital Outlay Fund, Equipment Replacement, Capital Improvement, TID 3, TID 4, TID 5, TID 6 and Sanitary Sewer Funds which should be encumbered.

Fiscal Impact

The fiscal impact of encumbrances to each of the funds is a reduction of the respective fund balance. The 2018 year-end financial reports and the year-end fund balances will include the impact of the encumbrances. Revenue was provided in 2018 but was unused. These actions allow those resources to be used without impacting respective 2019 budgets or the projects in process.

Recommendation

The Finance Committee reviewed this Ordinance at the February 26, 2019 meeting and unanimously recommends adoption.

COUNCIL ACTION REQUESTED

Motion adopting an Ordinance to amend Ordinance 2018-2345, an Ordinance adopting the 2019 annual budgets for the General Fund, Development Fund, Civic Celebrations Fund, Capital Outlay Fund, Equipment Replacement Fund, Capital Improvement Fund, TID 3, TID 4, TID 5 TID 6, and Sanitary Sewer Funds for the City of Franklin for fiscal year 2019 to approve budget encumbrances from the 2018 budget as amendments to the 2019 budget

Roll call vote needed

Finance Dept - Paul

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2019 _____

AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE GENERAL FUND, DEVELOPMENT FUND, CIVIC CELEBRATIONS FUND, CAPITAL OUTLAY FUND, EQUIPMENT REPLACEMENT FUND, CAPITAL IMPROVEMENT FUND, TID 3, TID 4, TID 5, TID 6 FUNDS AND THE SANITARY SEWER FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2019 TO APPROVE BUDGET ENCUMBRANCES FROM THE 2018 BUDGET AS AMENDMENTS TO THE 2019 BUDGET

WHEREAS, the Common Council of the City of Franklin adopted the 2018 Annual Budgets for the General Fund, Development Fund, Civic Celebrations Fund, Capital Outlay Fund, Equipment Replacement Fund, Capital Improvement, TID 3, TID 4, TID 5, TID 6 Funds, and Sanitary Sewer Fund; and

WHEREAS, certain monies included in the 2018 Annual Budgets of the respective funds were intended to be expended in 2018 and were committed for expenditure prior to December 31, 2018; and

WHEREAS, these amounts will be expended in 2019, and as a result, the related appropriations should be made available and appropriated in the 2019 budget; and

WHEREAS, Common Council has determined that it would be in the best interest of the City to approve such encumbrance in the 2019 budgets of the respective funds; and

WHEREAS, the Budget Appropriation Units will be adjusted for the items listed below.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

Section 1 That certain encumbered funds of the 2018 budgeted amounts be transferred forward to the 2019 Annual Budget for the respective funds of the City of Franklin to pay for 2018 encumbrances as follows:

General Fund

Info Services	Non-Personnel	Increase	25,825.35
Finance	Non-Personnel	Increase	122.00
Muni Buildings	Non-Personnel	Increase	765.00
Police	Non-Personnel	Increase	19,472.71
Building Inspection	Non-Personnel	Increase	988.00
Highway	Non-Personnel	Increase	166,821.58
Planning	Non-Personnel	Increase	750.00
Economic Development	Non-Personnel	Increase	29,874.79

Development Fund

Professional Services	Increase	15,252.50
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Ordinance 2019-

Civic Celebrations				
Recreation	Non-Personnel	Increase	750.00	
Capital Outlay Fund				
Police	Capital	Increase	69,606.85	
Fire	Capital	Increase	3,590.00	
Bldg Inspec	Capital	Increase	13,942.50	
Highway	Capital	Increase	8,000.00	
Parks	Capital	Increase	2,866.32	
Equipment Replacement Fund				
Highway	Vehicles	Increase	20,431.00	
Capital Improvement Fund				
Muni Building	Capital	Increase	7,940.00	
Contingency	Capital	Increase	3,083.61	
Contingency	Capital	Increase	45,000.00	
Police	Capital	Increase	42,695.85	
Highway	Capital	Increase	92,464.88	
Parks	Capital	Increase	3,325.00	
TID 3	Highway	Capital	Increase	981,351.43
	Water	Capital	Increase	2,972.01
TID 4	Finance	Prof Serv	Increase	15,000.00
	Engineering	Prof Serv	Increase	107,224.41
	Highway	Capital	Increase	714,801.47
	Econ Dev	Prof Serv	Increase	10,000.00
TID 5	Finance	Prof Serv	Increase	4,950.00
	Legal	Prof Serv	Increase	7,500.00
	Engineering	Prof Serv	Increase	4,929.00
	Econ Dev	Prof Serv	Increase	26,900.00
TID 6	Econ Dev	Prof Serv	Increase	1,156.25
Sanitary Sewer				
Administrative	Non-Personnel	Increase	22,103.32	
Capital		Increase	125,180.18	

Ordinance 2019-

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.

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:

ATTEST:

Stephen R Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

PO #	Date	Vendor	Encumbrance	Fund	Dept	Acct	Project	Dept Tot
74059	12/20/2017	Geographic Marketing Adv LLC	25,825.35	01	144	5214		25,825.35
74225	12/28/2018	Printgraphix	122.00	01	151	5313		122.00
74060	12/21/2017	Otis Elevator Co	765.00	01	181	5557		765.00
74179	11/20/2018	EZ Stak Inc	150.00	01	211	5241		
74179	11/20/2018	EZ Stak Inc	553.14	01	211	5241		
74228	12/26/2018	General Fire Equipment Co Inc	100.00	01	211	5241		
74228	12/26/2018	General Fire Equipment Co Inc	1,500.00	01	211	5241		
74228	12/26/2018	General Fire Equipment Co Inc	1,000.00	01	211	5241		
74071	12/27/2017	Airbus DS Communications	3,000.00	01	211	5242		
74203	12/19/2018	Complete Office of WI	461.25	01	211	5242		
74217	12/20/2018	Redishred Acquisitions DBA	500.00	01	211	5299		
74189	12/12/2018	Stretchers	1,047.50	01	211	5328		
74180	12/12/2018	Stretchers	105.00	01	211	5328		
74180	12/12/2018	Stretchers	240.00	01	211	5329		
74187	12/12/2018	Advantage Police Supply	4.92	01	211	5333		
74194	12/19/2018	US Bank	132.12	01	211	5333		
74194	12/19/2018	US Bank	471.68	01	211	5333		
74230	12/26/2018	Eder Flag Mfg Co	153.10	01	211	5555		
74230	12/26/2018	Eder Flag Mfg Co	204.00	01	211	5555		
74224	12/26/2018	Bay Communications	3,750.00	01	211	5557		
74220	12/26/2018	STI Electric	1,500.00	01	211	5559		19,472.71
74223	12/26/2018	Bay Communications	4,500.00	01	211	5559		
74213	12/19/2018	Bay Communications	545.00	01	231	5329		
74213	12/19/2018	Bay Communications	330.00	01	231	5329		
74213	12/19/2018	Bay Communications	95.00	01	231	5329		
74213	12/19/2018	Bay Communications	18.00	01	231	5329		
74177	11/8/2018	Crowley Construction Corp	9,075.81	01	331	5236		988.00
74191	12/19/2018	Shenwin Williams Co	1,980.00	01	331	5236		
74227	12/27/2018	Crowley Construction Corp	4,500.00	01	331	5245		
74212	12/20/2018	Viking Communications	1,246.82	01	331	5299		
74190	12/19/2018	Traflet	1,180.00	01	331	5299		
74190	12/19/2018	Traflet	180.00	01	331	5299		
74221	12/26/2018	Badger Oil Equipment Co	1,000.00	01	331	5299		
74199	12/19/2018	Fisco Auto Body	1,035.50	01	331	5332		
74172	11/9/2018	Compass Minerals	130,112.00	01	331	5364		
74197	12/28/2018	SNI Solutions	8,550.00	01	331	5384		
74202	12/20/2018	County Materials Corp	665.00	01	331	5381		
74202	12/20/2018	County Materials Corp	1,496.25	01	331	5381		
74202	12/20/2018	County Materials Corp	2,600.00	01	331	5381		
74214	12/20/2018	B&H Supply	289.20	01	331	5381		
74214	12/20/2018	B&H Supply	346.55	01	331	5381		
74214	12/20/2018	B&H Supply	844.75	01	331	5381		
74218	12/26/2018	Wisconsin Steam Cleaner Inc	125.00	01	331	5559		
74218	12/26/2018	Wisconsin Steam Cleaner Inc	17.00	01	331	5559		
74218	12/26/2018	Wisconsin Steam Cleaner Inc	1,587.60	01	331	5559		
74146	5/24/2017	Southeastern WI Reg Plan Cor	750.00	01	621	5219		166,821.58
73995	4/4/2017	Ehlers & Associates	5,250.00	01	641	5219		750.00
74174	11/8/2018	Thiel Brand Design Inc	24,624.79	01	641	5440		29,674.79
Total General Fund			244,619.43					
73677	4/13/2015	Ruekert & Melke	3,320.50	27	0	5219		
74175	11/6/2018	Ruekert & Melke	11,932.00	27	147	5219		
Total Fund 27			15,252.50					
74141	4/30/2018	Milw Co House of Corrections	750.00	29	541	5313		
Total Fund 29			750.00					
74188	12/10/2018	General Fire Equipment Co	10,468.85	41	211	5811		
74023	9/6/2017	Bay Communications	33,138.00	41	211	5818		
73870	8/18/2016	Bay Communications	26,000.00	41	211	5819		
74222	12/28/2018	Prophenix Corp	500.00	41	221	5841		69,606.85
74237	12/28/2018	Verizon	3,090.00	41	221	5841		
73656	2/25/2015	MS Govern	13,942.50	41	231	5843		3,590.00
74216	12/20/2018	Myers Tier Supply	8,000.00	41	331	5815		13,942.50
74231	12/28/2018	Barco Products	2,866.32	41	551	5821		8,000.00
Total Fund 41			98,005.67					24,500.00

IMPACT FEE STUDY - PARK & WATER FEES
REVIEW/UPDATE IMPACT FEES & IMPACT STUDIES

Ticket Printing for 2018 Civic Celebration Event (60,000 \$1 tickets and 4,000 50 Cent Tickets)

FORD F-150 / INSTALL OF NEW EQUIPT
2 AUTOMATIC LICENSE PLATE READERS

TEXT 2-9-1-1
WDA App Server Licensing (Fire) -- to change over Phoenix to ipads
IPADS for Phoenix on ambulances
Govern Open Forms Starter Kit per Quote/Contract signed 12/28/2013
TIRE REPLACEMENT MACHINE
LINDEN RECEIPT/CLACKS
Elections Equipment

ROAD SALT 2018-19 SEASON, BID #51043, MUN #40226
BIOMELT AG64
RISERS
RISERS
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
SPRING REWIND WHEEL, HOSE STOPS, & FREIGHT
SPRING REWIND WHEEL, HOSE STOPS, & FREIGHT
SPRING REWIND WHEEL, HOSE STOPS, & FREIGHT
Projected #1 Jubilee Christian Family Church Site Plan Review - Contractual Services
FINANCIAL SVCS - PROPOSED DEVELOPMNT W OAKWOOD RD FOR INTERSTATE PARTNERS- TID 4
BRANDING & MARKETING SERVICES

GLASS BEADS 50# BAG
2018 PAVEMENT MARKING
KENWOOD MOBILE RADIO, ANTENNA, CABLE KIT, SETUP & PROGRAMMING
TRAINING & MEDIA GUIDES
WATER REMOVAL FROM AST - SERVICE
REPAIRS #723
ROAD SALT 2018-19 SEASON, BID #51043, MUN #40226
BIOMELT AG64
RISERS
RISERS
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
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SPRING REWIND WHEEL, HOSE STOPS, & FREIGHT
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Projected #1 Jubilee Christian Family Church Site Plan Review - Contractual Services
FINANCIAL SVCS - PROPOSED DEVELOPMNT W OAKWOOD RD FOR INTERSTATE PARTNERS- TID 4
BRANDING & MARKETING SERVICES

REPLACEMENT Remote Desktop/Installation/Travel Charge (2018 Encumbered)
REPLACEMENT Remote Desktop/Installation/Travel Charge (2018 Encumbered)
REPLACEMENT Remote Desktop/Installation/Travel Charge (2018 Encumbered)
2018 PAVEMENT MARKING
GLASS BEADS 50# BAG
2018 PAVEMENT MARKING
KENWOOD MOBILE RADIO, ANTENNA, CABLE KIT, SETUP & PROGRAMMING
TRAINING & MEDIA GUIDES
WATER REMOVAL FROM AST - SERVICE
REPAIRS #723
ROAD SALT 2018-19 SEASON, BID #51043, MUN #40226
BIOMELT AG64
RISERS
RISERS
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
SPRING REWIND WHEEL, HOSE STOPS, & FREIGHT
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Projected #1 Jubilee Christian Family Church Site Plan Review - Contractual Services
FINANCIAL SVCS - PROPOSED DEVELOPMNT W OAKWOOD RD FOR INTERSTATE PARTNERS- TID 4
BRANDING & MARKETING SERVICES

REPLACEMENT Remote Desktop/Installation/Travel Charge (2018 Encumbered)
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REPLACEMENT Remote Desktop/Installation/Travel Charge (2018 Encumbered)
2018 PAVEMENT MARKING
GLASS BEADS 50# BAG
2018 PAVEMENT MARKING
KENWOOD MOBILE RADIO, ANTENNA, CABLE KIT, SETUP & PROGRAMMING
TRAINING & MEDIA GUIDES
WATER REMOVAL FROM AST - SERVICE
REPAIRS #723
ROAD SALT 2018-19 SEASON, BID #51043, MUN #40226
BIOMELT AG64
RISERS
RISERS
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
NYLON SLINGS (8), CHAIN SLINGS (6), GRAB HOOKS (2) - RIGGING
SPRING REWIND WHEEL, HOSE STOPS, & FREIGHT
SPRING REWIND WHEEL, HOSE STOPS, & FREIGHT
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Projected #1 Jubilee Christian Family Church Site Plan Review - Contractual Services
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City of Franklin
2018 Budget Encumbrances and Carryovers to 2019

L:\1803 VOL1 Finance\Finance Committee\2019\2018 Encumbrances to 2019.xlsx Sheet1

PO #	Date	Vendor	Encumbrance	Fund	Dept	Amt	Project	Dept Tot	Description
74115	3/15/2018	Casper's Truck Equipment	20,431.00	42	331	5811			STAINLESS STEEL V-BOX SALT SPREADER (FOR TANDEM AXLE DUMP TRUCK)
Total Fund 42			20,431.00						
74104	2/20/2018	Ehler's & Assoc	4,950.00	43	151	5219		4,950.00	TID 5 - BALLPARK COMMONS
79858	6/29/2018	Ehler's & Assoc	7,500.00	43	161	5219		7,500.00	FEASIBILITY STUDY - TIF SERVICES FOR BALLPARK COMMONS
74034	1/18/2017	Graef	4,928.00	43	321	5219		4,928.00	BALLPARK COMMONS - TID 5 - ENGINEERING PROF SERVICES
74022	8/17/2017	Ehler's & Assoc	9,900.00	43	641	5219			REVIEW & FINANCIAL ANALYSIS OF CHANGES TO TID 5 - BALLPARK COMMONS
74185	12/6/2018	Ehler's & Assoc	17,000.00	43	641	5219		26,900.00	FINANCIAL ANALYSIS OF TID #5
Fund 42 Total			44,279.00						
74183	12/4/2018	Ehler's & Assoc	1,156.25	44	641	5219			Ehler's State Filing of TID 6 documents
Fund 44 Total			1,156.25						
74184	12/11/2018	AM Painting & Dyeing	100.00	46	181	5559	9656		2nd Shatwell Wallpaper Removal, Wall Repair & Painting (Part of City Hall Remodeling Project)
74163	10/5/2018	Liechty & Assoc Inc	7,840.00	46	181	5822	9656	7,940.00	Design of an HVAC System Replacement for City Hall (Central & Southern Portions)
74007	8/14/2017	Milw Co Dept of Transportation	3,083.61	46	199	5498		3,083.61	TRAFFIC SIGNAL LIGHTS (S76TH & W RAWSON AVE)
73881	7/25/2018	Motorola Solutions Inc	42,695.85	46	211	5819	7063	42,695.85	POLICE - RADIO SYSTEM - DISPATCH CONSOLES
74140	4/19/2018	RA Smith	52,489.93	46	331	5216	3305		DESIGN OF S. 51ST ST & DREXEL AVE ROUNDABOUT
74037	1/28/2017	RA Smith	2,063.31	46	331	5823	3051		EVALUATION OF W DREXEL AVE & 51ST STREET INTERSECTION
74157	8/1/2018	Lakeside Engineering	60.94	46	331	5823	3058		DESIGN OF S 68TH LOMIS-PUETZ - PHASE 1
74168	9/11/2018	Ruekert & Melke	2,673.00	46	331	5829	3529		DRAINAGE IMPROVEMENTS RAWSON HOMES - NORTH OF MADISON BLVD
73711	7/22/2015	WI Dept of Transportation	5,491.46	46	331	5839	7070		EMERGENCY VEHICLE PRE-EMPTION - S100TH-DREXEL /CHRUCH ST
73712	7/22/2015	WI Dept of Transportation	5,491.47	46	331	5839	7070		EMERGENCY VEHICLE PRE-EMPTION - STH 36 & DREXEL AVE
73718	12/21/2015	WI Dept of Transportation	1,813.68	46	331	5839	7070		EMERGENCY VEHICLE PRE-EMPTION - RYAN RD-SOUTH OF 76TH ST
73897	1/17/2016	WI Dept of Transportation	22,384.09	46	331	5839	7070	92,464.88	EVP - EQUIPMENT FOR STATE INTERSECTIONS
74113	3/12/2018	Reposa Design Architecture	3,325.00	46	551	5832	9806	3,325.00	DESIGN OF PLEASANT VIEW PARK PAVILLION
12/18/2018 Jacobs Engineering			45,000.00	46	199	5499		45,000.00	Design of 27th & Elm Rd Intersection
Fund 46 Total			194,509.34						
73727	2/22/2017	WI Dept of Transportation	181,712.00	48	331	5821	3027		S 27 ST- SIDEWALK/ST LIGHTS/STREETSCAPE
73727	2/22/2017	WI Dept of Transportation	488,771.91	48	331	5828	3027		S 27 ST- SIDEWALK/ST LIGHTS/STREETSCAPE
73727	2/22/2017	WI Dept of Transportation	10,000.00	48	331	5834	3027	981,351.43	S 27 ST- SIDEWALK/ST LIGHTS/STREETSCAPE
73698	5/21/2015	WI Dept of Transportation	320,867.52	48	331	5838	3027	2,972.01	S 27 ST- SIDEWALK/ST LIGHTS/STREETSCAPE
Fund 48 Total			984,323.44						RECONSTRUCTION OF S27TH ST (W COLLEGE-W DREXEL AVE)
73996	4/4/2017	Ehler's & Assoc	15,000.00	49	151	5219		15,000.00	ANALYSIS OF TAX INCREMENT FOR AREA D - OAKWOOD & S CO LINE RD / 27TH & 42ND ST
73993	4/4/2017	Ruekert & Melke	17,374.60	49	321	5216			AREA D - FLOODPLAIN ANALYSIS - TASK #3 - OAKWOOD & S CO LINE RD / 27TH & 42ND ST
73994	4/4/2017	Ruekert & Melke	18,307.20	49	321	5216			AREA D - STORMWATER & WETLAND ANALYSIS-TASK #4 - OAKWOOD & S CO LINE RD / 27TH & 42ND ST
74161	8/14/2018	Traffic Analysis & Design	14,573.40	49	321	5216			TRAFFIC SIGNAL DESIGN PLANS FOR S 27TH & W ELM ROAD - PROF'L SERVICES
74169	9/6/2018	Ruekert & Melke	56,969.21	49	321	5216		107,224.41	AREA D TREE IDENTIFICATION, LOCATION & MITIGATION - PROF'L SERVICES
74150	6/7/2018	Ruekert & Melke	714,801.47	49	331	5826		714,801.47	PROFESSIONAL ENGINEERING SERVICES FOR AREA D (OAKWOOD-S CO LINE RD & 27TH & 42ND ST)
74166	9/6/2018	Von Briesen & Roper SC	10,000.00	49	641	5219		10,000.00	LEGAL CONSULTATION FOR AREA D (MARK MARKVITZ)
Fund 49 Total			847,025.88						
74209	12/19/2018	Quality Flow Systems	20,915.00	61	731	5242			St. Martins Ltr Station Pump Repair
74173	11/19/2018	Badger Meter Inc	1,488.32	61	731	5814		22,103.32	Meter Reading Beacon AMA
74178	11/14/2018	IT Pipes	13,000.00	61	731	5814			SEWER/CAMERA/TELEVISION
74211	12/20/2018	Greely & Hansen	92,758.53	61	731	5814			DESIGN-INDUSTRIAL PARK LIFT STATION ABANDONMENT & SEWER EXTENSION-ADDTL
74143	6/12/2018	Southport Heating & Plumbing	6,375.00	61	731	5822			ADDITIONAL HVAC SYSTEM AT SAW FACILITY (5550 W AIRWAYS AVE)
74168	7/31/2018	Ruekert Melke	1,048.65	61	731	5829			RYAN CREEK INTERCEPTOR ODOR REDUCTION STUDY - AMENDMENT
74204	12/19/2018	Paragon Development Systems	7,838.00	61	731	5841			VMWare Server Upgrade for Water Dept
74205	12/26/2018	Ruekert Melke	2,162.00	61	731	5841		125,180.18	SCADA Conversion for VMWare Upgrade Project-Water Dept
Fund 51 Total			147,283.50						
74151	8/21/2018	Jeff Stone & Associates	15,000.00	65	758	5219			SERVICES FOR FUTURE WATER SERVICE SUPPLY & SUPPLIER
74165	10/25/2018	Kaempfer & Assoc	45,657.06	65	758	5219			WATER SYS STORAGE ALTERNATIVES EVAL
74173	11/19/2018	Badger Meter	14,788.71	65	771	5815			15 - 1" x 10 3/4" Meters
74206	12/26/2018	Badger Meter	3,806.25	65	771	5815			SCADA Conversion for VMWare Upgrade Project-Water Dept
74208	12/26/2018	Badger Meter	16,413.00	65	771	5815			ADDITIONAL HVAC SYSTEM AT SAW FACILITY (5550 W AIRWAYS AVE)
74143	6/12/2018	Southport Heating & Plumbing	8,375.00	65	771	5822			VMWare Server Upgrade for Water Dept
74204	12/19/2018	Paragon Development Systems	7,838.00	65	771	5843			SCADA Conversion for VMWare Upgrade Project-Water Dept
74205	12/26/2018	Ruekert Melke	2,162.00	65	771	5843			
Fund 55 Total			114,040.02						
Grand Total			2,711,676.03						

APPROVAL <i>Slw</i> <i>pol</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE March 6, 2019
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2019 TO CARRYOVER INCOMPLETE 2018 PROJECTS AS AN AMENDMENT TO THE 2019 BUDGET	ITEM NUMBER <i>G.13.</i>

Background

The 2018 Capital Outlay Budget included \$24,500 for new Electronic Elections Poll Book. That project was delayed by the State Elections Commission. The equipment will still be required and the City Clerk has requested that the project be carried over to 2019 from 2018.

On December 4, 2018, the Common Council directed the Director of Finance & Treasurer to bring a 2019 Budget Amendment for the \$19,373 Email Backbone Upgrade project forward to 2019.

On December 4, 2018, the Common Council directed the Director of Finance & Treasurer to prepare an amendment to the 2019 Capital Outlay Budget to carryforward the \$32,165 Common Council chambers sound system design project to 2019.

Fiscal Impact

The projects have no 2019 budget appropriations. The attached Budget Amendment will establish 2019 appropriations. The ending 2018 Capital Outlay Fund balance includes resources for these projects.

Recommendation

The Finance Committee reviewed this Ordinance at the February 26, 2019 meeting and unanimously recommends adoption.

COUNCIL ACTION REQUESTED

Motion adopting Ordinance 2019-____ amending Ordinance 2018-2345, an Ordinance adopting the 2019 annual budgets for the Capital Outlay Fund for the City of Franklin for fiscal year 2019 to carryover incomplete 2018 projects as an amendment to the 2019 Budget

Roll call vote needed

Finance Dept - Paul

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2019_____

AN ORDINANCE TO AMEND ORDINANCE 2018-2045, AN ORDINANCE ADOPTING
THE 2019 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY FUND FOR THE CITY OF
FRANKLIN FOR FISCAL YEAR 2019 TO CARRYOVER INCOMPLETE 2018 PROJECTS
AS AN AMENDMENT TO THE 2019 BUDGET

WHEREAS, the Common Council of the City of Franklin adopted the 2019 Annual Budgets for the Capital Improvement; and

WHEREAS, the on December 4, 2018 the Common Council directed the Director of Finance & Treasurer to prepare a 2019 Budget Amendment to carryover the \$19,373 Email Backbone Upgrade project; and

WHEREAS, on December 4, 2018, the Common Council directed the Director of Finance & Treasurer to carryover the Common Council Chambers sound system design project to 2019; and

WHEREAS; the 2018 Electronics Elections Poll book project was delayed by the State Elections Board but remains required such that the Clerk has requested that the project be carried over to 2019; and

WHEREAS, these amounts will be expended in 2019, and as a result, the related appropriations should be made available and appropriated in the 2019 budget; and

WHEREAS, Common Council has determined that it would be in the best interest of the City to approve such carryover in the 2019 Capital Outlay budgets; and

WHEREAS, the Budget Appropriation Units will be adjusted for the items listed below.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

Section 1 That certain encumbered funds of the 2018 budgeted amounts be transferred forward to the 2019 Annual Budget for the respective funds of the City of Franklin to pay for 2018 projects as follows:

Capital Outlay Fund			
Elections	Equipment	Increase	24,500
Info Systems	Software	Increase	19,373
Muni Bldgs	Equipment	Increase	32,165

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.

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:

ATTEST:

Stephen R Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

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APPROVAL <i>Slw PA</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Mar 5, 2019
REPORTS & RECOMMENDATIONS	Resolution to Amend the City of Franklin Investment Policy Statement – Reserve & Liquidity Investments	ITEM NUMBER <i>G.14.</i>

The City of Franklin Investment Policy requires a periodic review. The last time this policy was reviewed was in May, 2016. The policy provides the framework in which the Director of Finance & Treasurer invests City funds. Safety and liquidity are the primary principals enshrined in this policy and State Statutes surrounding investment of Public funds.

The Finance Committee reviews the policy and when changes are recommended, bring those changes forward to the Common Council for consideration.

The Finance Committee reviewed the changes recommended by the Director of Finance & Treasurer to this investment policy statement.

The updated policy will affect funds under management either with our fixed income investment manager or managed by the Finance Department.

Changes to the policy are highlighted in the attached draft of the policy. The changes include:

1. Removal of the temporary extended average life of the reserve portfolio (Clause 4 C)
2. The addition of a statement on allocation of cash balances to the liquidity and/or reserve portfolios.
3. The addition of a statement directing that investment earnings are allocated between funds based upon each fund's participation in the reserve or liquidity portfolios.
4. An extension of the period between policy reviews to a maximum of three years.

The monthly financial report to Common Council provides a summary of City Investment portfolios, including a maturity schedule for each portfolio. This provides some transparency on compliance with the Investment policy.

RECOMMENDATION

The Finance Committee is recommending approval of the changes to the investment policy.

COUNCIL ACTION REQUESTED

Motion to approve Resolution 2019 _____ amending the City of Franklin Investment Policy Statement – Reserve & Liquidity Investments.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2019-_____

A RESOLUTION TO AMEND THE CITY OF FRANKLIN
INVESTMENT POLICY STATEMENT – RESERVE & LIQUIDITY INVESTMENTS

WHEREAS, the City of Franklin has last updated an investment policy statement on May 3, 2016 for the reserve and liquidity investments; and

WHEREAS, the policy defines the periods between policy reviews which can be extended to three years given the stability of the policy in recent years; and

WHEREAS, it is desirable to modify parts of that investment policy related to the average maturity of the reserve portfolio; and

WHEREAS, it is desirable to include provisions on how investments are allocated between funds in both the liquidity and reserve portfolios; and

WHEREAS, it is desirable to provide provisions on how investment earnings are allocated to funds in both the liquidity and reserve portfolios; and

WHEREAS, no other changes are desirable to the policy previously adopted; and

WHEREAS, the Common Council has reviewed the Investment Policy Statement dated March 5, 2019 presented by the Director of Finance & Treasurer and reviewed by the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin that the Investment Policy Statement dated March 5, 2019 is approved.

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 INVESTMENT POLICY STATEMENT

All City of Franklin investible funds excluding those under management by Principal Financial Advisors for the DPW Pension program or the Principal Defined Contribution Plan and those OPEB Funds ~~managed by~~ held in a trust set up for that purpose are subject to this investment policy statement. The portfolio of investments for this policy are the reserve and liquidity investments except for those associated with fiduciary and water utility funds.

RESERVE INVESTMENTS

1. SCOPE

This investment policy applies to funds not needed during an annual operating cycle. The determination as to the funds applicable to this category will be made by the Director of Finance & Treasurer based upon the projected cash flow needs of the City of Franklin from time to time. The Director of Finance & Treasurer will authorize transfers between the various investment types. Investment decisions for funds under management will be made for the City by the Investment Manager under the terms of this policy on a non-discretionary basis. A non-discretionary basis allows the investment manager to make investment decisions on behalf of the City after specific investment approval in advance of each investment transaction. City input and approval on investment decisions will be through overall investment strategy and input and approval provided by the Director of Finance & Treasurer or the Deputy Treasurer. In the event they are not available the Accounting Supervisor may provide the investment decision.

2. INVESTMENT OBJECTIVE

The investment objective is to generate current income, consistent with safety and reasonable risk as defined under the "Prudent Person Rule". Because these funds represent operating reserves, quality of the issues, liquidity, and maturity structure of the portfolio are most important.

3. DIVERSIFICATION REQUIREMENTS

Total holdings of any one issuer may not exceed 10% of the market value of the portfolio under management. Total holdings of any one asset class may not exceed 50% of the market value of the portfolio under management at time of purchase. However not more than 30% of the market value of that asset class can have maturities of eighteen months or more to their stated maturities. Exception to the diversification requirements are made for:

- U.S. Government Treasury issues
- U.S. Government Agency issues (excluding mortgage backed securities)
- Issues that are rated AAA and have the full faith guarantee of the U.S. Government.

4. MATURITIES

Maturities of portfolio additions are to be selected consistent with the City's anticipated cash flow needs. For purposes of this Policy Statement, "maturity" is defined as final payment in the case of conventional debt securities, or "average life" in the case of securities that have periodic principal pay downs throughout the life of the security.

- A. The maximum cash reserve shall not exceed \$500,000 without specific approval of the Director of Finance & Treasurer.
- B. The portfolio, at all times, shall have a minimum of \$500,000 inclusive of cash reserves, maturities within 60 days and securities that can be sold at 99.5% of par.
- C. The average maturity of the portfolio shall not exceed 2 1/2 years with no individual issue maturity exceeding 5 years (7 years for treasury and agency issues) from date of purchase. ~~From 2013 to 2018, the average maturity of the portfolio can extend to six years.~~
- D. Floating rate securities, the coupons of which adjust to market interest rates with a minimum frequency of four times annually, shall not be subject to the maturity constraint outlined above.
- E. The portfolio shall strive to maintain a laddered maturity structure in line with the City's cash flow needs.

5. LIQUIDITY

Liquidity and marketability should be prime considerations in the selection of individual securities.

6. ACCEPTABLE INVESTMENTS (Subject to WI Statutes Sec 66.0603 and Diversification Requirements)

- A. Securities of the U.S. Government or agencies thereof.
- B. Fixed income securities that carry a minimum rating of AA by either Moody's or Standard & Poor's at date of purchase.
- C. Investments in commercial paper and variable rate demand notes are restricted to corporations rated A-I or P-I, or if unrated, restricted to those issuers whose long-term debt is rated AA or higher by one of the major rating agencies.
- D. Investments in Certificates of Deposit and Bankers Acceptances are restricted to Banks with a short-term debt rating of A-I or P-I and long-term debt ratings of AA or Aa by one of the major rating agencies.
- E. Government repurchase agreements with a minimum of 100% or more collateralization with respect to its estimated market value plus accrued interest in direct U.S. Government securities and guaranteed Small Business Administration securities (pools and loans).
- F. Money market funds adhering to the quality guidelines described above are acceptable.
- G. Mortgage backed and asset backed securities that carry a final maturity not more than seven (7) years

- H. Securities with a rating of AA+, AA or AA- (Aa1, Aa2, Aa3) are considered to have the same rating for purposes of this policy.

7. RESTRICTIONS

- A. No security restricted in WI Statutes Sec 66.0603 will be purchased. For any security that has a rating decline to A by both Moody's and Standard and Poor's the investment manager on a case by case basis must either sell the investment or recommend to the Finance Committee at their next meeting the rationale for retention of the investment.
1. Securities which fall to Baa or lower (by Moody's) shall be sold within 60 days of the downgrade.
- B. No derivative type investments such as collateralized mortgage obligations, strips, mortgage backed, asset backed, etc. that carry a final maturity greater than seven (7) years
- C. No foreign-denominated securities will be purchased.
- D. No Certificate of Deposits, Bankers Acceptances or other securities issued by corporations affiliated with the Investment Manager are to be purchased.
- E. No investment will be purchased outside of the range of 98% to 102% of par value without approval of the Director of Finance & Treasurer or the Deputy Treasurer.

8. POLICY AND PERFORMANCE REVIEW AND PERFORMANCE MEASUREMENT

This investment policy and the performance of the funds under management shall be reviewed each year during the first quarter. The management benchmark for comparing portfolio performance shall be the Merrill Lynch 1-5 year Government index with the understanding that priority will be given to matching portfolio maturities to anticipated cash flow needs.

LIQUIDITY INVESTMENTS

9. SCOPE

This investment policy applies to funds needed during an annual operating cycle and other funds invested on a short term basis. The determination as to the funds applicable to this category will be made by the Director of Finance & Treasurer based upon the projected cash flow needs of the City of Franklin. The Director of Finance & Treasurer will authorize any transfers between the reserve and liquidity investment types. Investment decisions for liquidity funds for the City will be made by the Director of Finance & Treasurer or the Deputy Treasurer.

10. INVESTMENT OBJECTIVE

The investment objective is to generate current income. Because these funds represent liquidity reserves, quality of the issues and liquidity of the portfolio are most important.

11. DIVERSIFICATION REQUIREMENTS

Investments with greater than daily availability are subject to a diversification requirement of not exceeding 10% per institution and 20% per investment type of the portfolio under management. Exception to the diversification requirements are made for:

- U.S. Government Treasury issues
- U.S. Government Agency issues (excluding mortgage backed securities)
- Issues that are rated AAA and have the full faith guarantee of the U.S. Government.

12. MATURITIES

Maturities of investments shall be selected to match the need for funding during the annual operating cycle. Maturities in the Reserve Investments within the current annual operating cycle can be considered part of the Liquidity investments.

13. LIQUIDITY

Liquidity and marketability should be prime considerations in the selection of individual securities.

14. ACCEPTABLE INVESTMENTS

- A. Money Market funds of authorized depositories
- B. Money Market funds from authorized depositories, not exceeding \$250,000 per institution, assembled by an agent of the City where the City provides the funds to the agent and the agent invests the funds in various money market funds on behalf of the City.
- C. Funds invested in the State of Wisconsin Local Government Investment Program
- D. Certificates of Deposit of local financial institutions that are authorized depositories with preference, when possible, to financial institutions located in the City of Franklin.
- E. Government repurchase agreements with a minimum of 100% or more collateralization with respect to its estimated market value plus accrued interest where the underlined securities are U.S. Government Treasury issues, U.S. Government Agency issues (excluding mortgage backed securities), and Issues that are rated AAA and have the full faith guarantee of the U.S. Government including guaranteed Small Business Administration security issues (pools and loans).

15. RESTRICTIONS

- A. No security restricted in WI Statutes Sec 66.0603 will be purchased.
- B. No securities other than money market, government repurchase agreements, certificates of deposit, savings accounts or checking accounts are acceptable.
- C. All investment maturities shall be in less than 365 days.

D. Investments that do not have either FDIC coverage or the full faith guarantee of the U.S. Government shall require a written credit analysis of the offering institution prior to making the investment.

16. POLICY AND PERFORMANCE REVIEW AND PERFORMANCE MEASUREMENT

~~This investment policy shall be reviewed each year during the first quarter. There is no management benchmark for comparing portfolio performance of these funds.~~

Allocation of Reserve Investments

16. The Reserve Investments shall be allocated to funds based upon the individual fund longer term cash requirements. Generally, the prior year fund balance can be considered for investment in the Reserve Investment Portfolio. Those funds with deficit operations the prior year of budgeted for the current year should have those deficit considered when allocating Reserve Investment balances to the fund.

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a. Investment earnings and unrealized gains or losses for any given month shall be allocated to funds based upon that fund's reserve investment balance as it relates to the entire reserve investment portfolio.

b. the Director of Finance & Treasurer shall review cash balances monthly for purposes of allocating balances to the reserve investment portfolio.

Allocation of Liquidity Investments

17. The Liquidity Investment portfolio shall be allocated to individual funds in \$25,000 blocks so as to retain positive cash balances.

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a. Investment earnings for any given month shall be allocated to funds based upon that fund's liquidity investment balance as it relates to the entire liquidity investment portfolio

b. the Director of Finance & Treasurer shall review cash balances monthly for purposes of allocating balances to the reserve investment portfolio.

168. POLICY AND PERFORMANCE REVIEW AND PERFORMANCE MEASUREMENT

~~This investment policy shall be reviewed each year during the first quarter at least every third year. There is no management benchmark for comparing portfolio performance of these funds.~~

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Policy Revised	March , 2019	Resolution 2019-
Policy Revised:	May 3, 2016	Resolution 2016-7196
Policy Revised:	May 6, 2014	Resolution 2014-6985
Policy Revised:	March 6, 2012	Resolution 2012-6789
Policy Revised	March 1, 2011	Resolution 2011-6697
Policy Revised:	February 2, 2010	Resolution 2010-6625

Policy Revised:	February 6, 2009	Resolution 2009-6520
Policy Revised:	September 9, 2008	Resolution 2008-6480
Policy Established:	September 9, 2003	Resolution 2003-5584

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 03-05-19
REPORTS & RECOMMENDATIONS	Committee of the Whole Recommendations	ITEM NUMBER <i>G.15.</i>

- (a) Professional Services Agreement in Regard to the Selection, Negotiation and Communication of Supplier of Public Water for the City of Franklin.
- (b) Concept Review for a Proposed 40-Unit Apartment Development Upon an Approximately 5.72 Acre Property Bearing Tax Key No. 795-9999-008 (122nd Street Land Company, Owner) (Bodner Property Management, LLC, Applicant).

COUNCIL ACTION REQUESTED

As directed

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 3/05/19
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.1.
<p>See attached listing from meeting of March 5, 2019.</p> <p>COUNCIL ACTION REQUESTED</p>		



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee

Agenda*

Aldermen's Room

March 5, 2019 – 6:00 pm

1.	Call to Order & Roll Call	Time:		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator	Jamie M Balistreri 7712 Dunkelow Rd Franksville, WI 53126 Hideaway Pub & Eatery			
Operator	Hannah G Barron 11114 233 Ave Trevor, WI 53179 Milwaukee Burger Company			
Operator	Mitchel R Dykstra 4293 W Southwood Dr Franklin, WI 53132 Walgreens, #05884			
Operator	Joseph W Heup 7606 W Norwood Ln Franklin, WI 53132 Kwik Trip #287			
Operator	Austin J Korth 8481 S 5 th Ave, Trl 4B Oak Creek, WI 53154 Walgreens, #05884			
Operator	Ellisa S J Reeder 1575 S 82 nd St West Allis, WI 53214 Chili's Grill & Bar			
Operator	Sarah A Stark 1465 S 84 th St West Allis, WI 53214 Walgreens #05884			
Temporary Class B Beer & Wine	St. Martin of Tours Church – Spring Auction Person in Charge: Michelle Kreuser Location: 7963 S 116 th St Date of the Event: 04/27/2019			
3.	Adjournment			
		Time		

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

APPROVAL <i>Slw PR</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 3/05/19
Bills	Vouchers and Payroll Approval	ITEM NUMBER I. 1

Attached are vouchers dated February 15, 2019 through March 1, 2019 Nos. 172707 through Nos. 172856 in the amount of \$ 4,223,236.58. Included in this listing are EFT's Nos. 3958 through Nos. 3971, Library vouchers totaling \$ 9,448.67, Property Tax Refunds totaling \$ 28,719.92 and Water Utility vouchers totaling \$ 27,943.08. Also included in listing is payment to Knight Barry and Bond Trust Services which were approved at the Council meeting dated February 19, 2019. The payment to Bond Trust Services was disbursed directly from the investment account. Voided checks in the amount of \$ (53.91) are separately listed.

Early release disbursements dated February 15, 2019 through February 28, 2019 in the amount of \$ 2,652,134.93 is provided on a separate listing and is also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated March 1, 2019 is \$ 404,541.27 previously estimated at \$ 395,000.00. Payroll deductions dated March 1, 2019 are \$ 227,472.34 previously estimated at \$ 222,000.00.

The estimated payroll for March 15, 2019 is \$ 395,000.00 with estimated deductions and matching payments of \$ 422,000.00.

***Property Tax refunds are being issued from the City bank account with Property Tax funding City periodically.*

Attached is a list of property tax refunds EFT's Nos. 251 through Nos. 257 dated February 15, 2019 through March 1, 2019 in the amount of \$ 6,808,682.42. \$ 6,767,175.10 of this represents the transfer from the tax investment account directly to taxing authorities and \$ 41,507.32 is reimbursement of tax refunds to General Fund. An additional \$14,092,203.40 was transferred from the tax investment account directly to other taxing authorities. These payments have been released as authorized under Resolution 2013-6920.

COUNCIL ACTION REQUESTED

Motion approving the following:

- City vouchers with an ending date of March 1, 2019 in the amount of \$ 4,223,236.58 and
- Payroll dated March 1, 2019 in the amount of \$ 404,541.27 and payments of the various payroll deductions in the amount of \$ 227,472.34 plus City matching payments and
- Estimated payroll dated March 15, 2019 in the amount of \$ 395,000.00 and payments of the various payroll deductions in the amount of \$ 422,000.00, plus City matching payments and
- Property Tax refunds and investments with an ending date of March 1, 2019 in the amount of \$ 6,808,682.42.

ROLL CALL VOTE NEEDED